

# European Forum for Restorative Justice

## Editorial

This edition illustrates the breadth of issues that RJ practitioners face. Christa Pelikan reports on a seminar at which delegations from Finland and Austria shared their experiences of a quarter century of victim-offender mediation. Though there are broad similarities between the groups receiving mediation, when we look at the detail, the proportions that do, the ways they enter the process, whether they receive mediation from volunteers or paid staff, the agencies who support the mediators and the legal frameworks within which these agencies operate are very different.

Maija Gellin shares the results of surveys into a peer mediation project among school children showing that properly supported mediation can bring positive results for young people.

Inge Vanfraechem and Lode Walgrave argue that such work should not be the primary concern of the Forum. Rather it should focus on RJ in criminal justice contexts, giving a sharper focus to debates and developments in this sector. Spreading the Forum's coverage too far risks losing sight of the really important issues in particular areas of RJ. In response Belinda Hopkins and Martin Wright argue that practice in some countries already crosses the boundaries between civil and criminal law and that the Forum should reflect this.

In the UK we have examples of different results of diffusion in the British Psychological Society and the British Association of Social Workers.

The BPS has sections for different types of psychologists - clinical, educational, forensic and so on - but psychologists often do not know what is happening in areas of psychology outside their own specialism. BASW has eliminated all the old distinctions between child care, medical and psychiatric social work with the result that social work has become a broad discipline with little depth and very few opportunities to develop expertise.

Neither of these models is attractive in the long run; if the Forum were to develop into separate disciplines with little exchange of ideas between the disciplines, the Forum would become just an umbrella organisation rather than an engine for change or source of support. If it would lose focus, its usefulness in developing ideas and supporting change would disappear.

Christa Pelikan's article illustrates part of the difficulty; different countries approach the same type of work very differently for all sorts of reasons and international organisations have to accommodate those differences if they are to find sufficient common factors between members in different countries. But expanding organisations always risk losing their sense of identity if they do not clarify the focus and direction of their work. Everyone needs to participate in this debate not just for the sake of the Forum but for those it seeks to serve.

**Robert Shaw**

**Member of the Editorial Board**

## In favour of a restricted European Forum for Restorative Justice

The past few decades have seen the rise of inclusive deliberation models aimed at constructive problem-solution. Their application ranges from alternative dispute resolution in business regulation through conflict settlements in families, workplaces and neighbourhoods, disciplinary conferences in schools and welfare to RJ processes in criminalizable matters, and in peace-making initiatives after gross violations of human rights. RJ in criminalizable matters is probably the most suc-

cessful of these applications. From a barely known phrase, it now embraces a wide range of innovative practices and empirical research and has become a central issue in theoretical, legal and social ethical debates and a ubiquitous theme in juvenile justice and criminal justice reforms worldwide. There has been a tendency to extend the notion of RJ to all deliberative practices in resolving conflicts and injustices, or even to see it as a way to transform social life through an all-embracing

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'restorative life style'. While these strategies indeed share fundamental beliefs and working principles, we defend a more restricted vision on RJ. One of us defined RJ as "*an option for doing justice after the occurrence of an offence that is primarily oriented towards repairing the individual, relational and social harm caused by that offence.*" (Walgrave 2008: 21). It focuses on the way the aftermath of a criminal act is dealt with, and does not include the other deliberative practices. We have four reasons for that.

1) They deal with different matters, in different contexts, with different actors and sometimes even with different purposes. Compared to crimes, school problems, for example, do have a lesser public dimension; the roles of 'victim' and 'perpetrator' are less pre-established (though RJ processes may reveal that both roles are blurred in reality); the actors in school problems do live in a closer local community; the school context and its interventions are more pedagogical. Consequently, practice is not identical and guided by a comparable but partly different theory.

2) Only in criminal justice are social interests considered to be threatened to the extent that they may be defended by force. Good democracies use coercion very parsimoniously, strictly limited to what is necessary to preserve social life. Whereas RJ itself tries to avoid coercion if at all possible, it operates in a field where the eventuality of coercion is at hand. To mark the boundaries of the field clearly, it helps to use distinguishing labels.

3) An extended concept of RJ loses meaning. Paradoxically, the notion has been so filled up with meanings, that it risks becoming empty of significance. It then becomes vulnerable to misconceptions and misuse, and loses credibility. If you add too much water to coffee, its taste and strength will get lost. The density of an espresso, on the contrary, strongly reveals the taste of the coffee and really makes a difference. Likewise, to keep RJ a strong concept which can make a difference, an 'espresso-definition' is necessary.

4) Clarity about RJ is also necessary for research. Blurred concepts lead to inaccurate research designs, sloppy variables and impressionist results.

Both RJ and the other restorative practices are guided and

inspired by almost identical values. They mostly refer to a participatory conception of social life and democracy, which is the *basso continuo* in the pursuit of more RJ (Walgrave, 2008). But that does not mean that all their associations and conferences should unite in one. They are confronted with specific problems. More than other models of deliberative solution seeking, RJ has to deal with nuances of voluntariness, pressure, coercion and force, to cope with formal and punitive criminal justice systems, to find relationships with the police and the judiciary, to respond to problems of criminalisation, to work with serious offenders, to take account of the public dimension of a crime, to monitor the execution of outcomes, etc. Such problems are in need of a particular forum for debate and reflection. The European Forum for Restorative Justice does offer such a precious forum.

Widening the scope of the Forum would be a threat to clarity in conceptualisation. The Forum would have to change its name (because it would cover more than just restorative justice - in its restricted sense). The organisation would become larger and more cumbersome. More importantly, the content of the debates would become more complicated. Probably a subsection for discussing RJ in criminalizable matters would emerge, which would risk being overlooked if too much attention was focused on broader restorative practices.

Colleagues and friends operating in other areas would be very welcome to join our debates. Their work in inclusive deliberative solution seeking could offer important experiences for RJ in its restricted sense (and they could learn a lot from us). But the Forum should keep its focus clearly on dealing restoratively with criminalizable matters.

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Walgrave, L. (2008), *Restorative Justice, Self-interest and Responsible Citizenship*, Cullompton: Willan Publishing.

## Newsflash

- Portuguese developments: Over the past year mediation in general and RJ in particular have gained a legislative standing that has expanded their scope and future possibilities. Since the coming into force of the Law 20/2007 that regulates the use of penal mediation within the criminal procedures, the Government has prepared draft legislation on domestic violence that is currently under discussion in the national parliament.

It specifically mentions the possibility of having a restorative meeting during both the suspension of the procedure and the post-sentencing stage in domestic violence cases. In addition, there is also a proposal for a new Code of prison rules that emphasise victims' needs and provide the possibility of enforcing 'restorative justice programmes' during the post-sentencing period.

# Restorative practices: should the European Forum take a broad or a narrow view?

## Introduction

We would like to make the case for the Forum taking a wider view of Restorative Justice, welcoming and supporting those practitioners working restoratively in many agencies and settings. There is no clear borderline between civil and criminal acts, and in some countries, such as Norway and the United Kingdom, there are mediation/restorative justice services which handle both. In 1977, when mediation was beginning to grow, Nils Christie's influential article 'Conflicts as property' argued that it would be both an alternative to the penal system and a civil forum for conflict resolution. Professionals such as lawyers had 'stolen' conflicts from their owners, and he recommended a more lay-oriented, community-based process.

In cases such as insults, threats, and minor violence resulting from disputes, where the two parties know each other, the situation can be dealt with as a dispute rather than as a crime. Later the idea of 'conferencing' was introduced, involving a wider group of people who are affected. The skills needed to facilitate mediations and conferences are similar - active listening, neutral summarizing and so on, although extra training is needed to handle specific contexts such as schools or the criminal justice system.

## Inter-agency working

In the UK it is now being recognised that all agencies working with children and families need to be working in partnership, with a common ethos and philosophy and a shared approach. Across social services there is increasing recognition that families must be able to make decisions affecting their own lives, and family group conferencing services are working to empower families to do so.

Police and youth justice professionals are working closely with local communities to give more and more people access to restorative solutions. Using skills that those of us working in schools, youth services and residential homes have been developing for years, they help adult workers in these settings to respond to low-level disruption and conflict.

An increasing number of municipalities and counties are setting up multi-agency steering groups to look at extending restorative approaches through the community - and are recognising the shared values and principles shared by those involved in community cohesion, conflict resolution, mediation and restorative conferencing.

## Youth settings

Challenging the traditional punitive approach to discipline in schools and residential settings requires essentially the same rhetoric used by restorative practitioners in criminal justice settings. Indeed, we have used and adapted much for the early restorative justice literature in our case to

educators and residential social workers<sup>1</sup>.

Restorative responses in education are seen as increasingly important. Those of us working in youth settings are building essential civil support across the whole community for an alternative to punishment and thereby supporting the European Forum in its quest to present the restorative case. Underlying all this is a belief in a society where as much as possible people handle their own conflicts, with the help of facilitators if necessary, motivated by the prospect of an outcome that is fair to both sides, repairing the harm and agreeing on future plans.

The Restorative Justice Consortium in the UK supports restorative work across civil society. May we make a strong case for a European Forum that also recognises and supports restorative practitioners from whatever field they come? We share the same values, use the same skills, and raise the same questions about traditional adherence to sanctions and disciplinary procedures.

## Resolution

With this in mind, a proposal was made to the General Meeting of the European Forum (Verona, April 2008) that the theory and practice of restorative justice include the strengthening of civil society by responding restoratively to all forms of harmful or criminal behaviour in communities, schools, commercial organisations and other contexts. It facilitates dialogue between those affected, with a view to repairing the harm and promoting mutual understanding in society. It was suggested that there should be a debate among members and this note is a contribution to that debate. The Chair agreed to put the question on the agenda of the AGM in June 2009.

To narrow the Forum's focus at this stage in its development and exclude so many committed restorative practitioners is surely not the way to make progress. In a Europe where we need, more than ever, alternative responses to violence, civil unrest, terrorism, alienation, racism and other hate crimes, we need a concerted effort to take what we have to offer from restorative justice to as many different people as possible and to be pro-active in building safer, more respectful communities. Please let us work together.

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<sup>1</sup> I. Hopkins, B. 2004 *Just Schools* (London; Jessica Kingsley Publishing); Hopkins, B. 2008 *Highlight 242: Restorative Approaches in Residential Settings* (London; NCB); Hopkins, B. in press *Just Care* (London; Jessica Kingsley Publishing).

## Readers' Corner

- *Restorative Justice. Ideals and Realities*, by Margarita Zernova (2007). This book provides a critical perspective on the aspirations of advocates of RJ and the direction in which RJ is developing and offers an empirically researched contribution to theoretical debates. Drawing on qualitative research, the book examines the significant gaps that exist between the ideas of proponents of RJ and the objectives being pursued in practice. The work examines ways forward for and the development of practice by the RJ movement within a coherent set of RJ ideals. More information is available here: <http://www.ashgate.com>.
- *A Reappraisal of the Criminal Justice System: Restorative Justice A Way Forward*, by Silvio Meli (2008). Crime necessarily attracts a multi-dimensional response that naturally draws on a whole range of diverse disciplines, some of which are even apparently conflicting. However, if society's reaction to this phenomenon is to be both relevant and to the benefit of all concerned, a proper philosophical orientation to punishment is essential. It is only in this way that all these varied responses may be reconciled and be focused upon in ways which give them due recognition. It is therefore deemed essential that before ascertaining what collective response civil society is to adopt in the face of this phenomenon, one has to determine what the true focus behind the penal system should really be i.e. whether it should myopically and simplistically focus only on the offender or include and cater for other protagonists that may be involved. To read the full text, please go to: [http://www.restorativejustice.org/resources/docs/meli-silvio.-2008.-a-reappraisal-of-the-criminal-justice-system-restorative-justice-a-way-forward/at\\_download/file](http://www.restorativejustice.org/resources/docs/meli-silvio.-2008.-a-reappraisal-of-the-criminal-justice-system-restorative-justice-a-way-forward/at_download/file).
- *Public Opinion and Criminal Justice*, edited by Jane Wood and Theresa Gannon (2008). Public opinion is vital to the functioning of the criminal justice system but it is not at all clear how best to establish what this is, and what views people have on different aspects of criminal justice and the criminal justice system. Politicians and the media often assume that the public wants harsher, tougher and longer sentences, and policies may be shaped accordingly. Detailed research and more specific polling often tells a different story. This book is concerned to shed further light on the nature of public views on criminal justice, paying particular attention to public opinion towards specific types of offenders, such as sex offenders and mentally disordered offenders. In doing so it challenges many enduring assumptions regarding people's view on justice, and confronts the myths that infect our understanding of what people think about the criminal justice system. More information is available at [www.willanpublishing.co.uk](http://www.willanpublishing.co.uk).
- *Crime prevention*, by Nick Tilley (2009). This book provides a concise and up-to-date account of crime prevention theory, practice and research in a form designed to be accessible and interesting to both students and practitioners. Readers will be equipped to think in an informed and critical way about what has been and might be done in practice to prevent crime at local and national levels. What is distinctive in the approach is the emphasis on crime reduction mechanisms, how they may be activated and the intended and unintended patterns of outcome produced. Each of chapters two to five takes this as its organising principle. The key aim is to convey ideas, arguments and evidence as clearly and simply as possible whilst doing justice to the material available. See [www.willanpublishing.co.uk](http://www.willanpublishing.co.uk).

## Listening to each other, wondering about each other, learning from each other: The Vienna Seminar on VOM

This report is an account of a seminar that took place in Vienna, 3-6 November 2008. The seminar provided an opportunity for intensive exchange of experiences between Finnish and Austrian policy makers and practitioners of victim-offender mediation (VOM). The seminar was experienced as highly useful for all participants. We hope that this report will serve as a stimulant to other VOM-services to engage in similar efforts.

### How it came about

A request from Aarne Kinnunen addressed to the Austrian VOM-organisation 'Neustart' to receive a Finnish delegation for a study visit had been quickly transformed into the proposal for a seminar that would allow intensive discussion between participants of both countries.

The design was largely responsible for the success of the whole endeavour. We used only one room at the premises



of Neustart 'headquarters' in Vienna. In the room stood six tables - each for six to seven people. The place of each participant was fixed from the beginning making sure that both Finnish and Austrian participants were seated at each table. The tables were to become a 'home-base' for shaping relationships and for ongoing communication. Each topic was introduced by short presentations from both the Finnish and the Austrian sides followed by a short "Question and Answer" session. After that more intensive discussion at the tables took place. These discussions were reported back to the 'plenary' in an open and informal way.

A highly differentiated picture of differences and similarities in 'doing restorative justice' in two different countries with different criminal justice systems, different social policy traditions and different mentalities emerged from this intensive exchange. Beyond, or maybe underneath, these differences quite similar social tensions, struggles and challenges became visible as well as a shared concern about preserving the unique spirit of restorative justice and the quality of VOM services. There was a great willingness to listen, to understand and to receive mutual stimulation for further work in this field.

We started with questions regarding the *legal and organisational framework of VOM* in Finland and Austria respectively. Wolfgang Bogensberger, the head of the Austrian directorate of penal legislation, and Christoph Koss of Neustart providing relevant information on Austria: Aarne Kinnunen of the Finnish Ministry of Justice and Kalevi Juntunen of the State Provincial Office of Western Finland spoke about the situation in Finland.

By this time the decisive differences and similarities had become apparent. The way VOM emerged as a nationwide programme can serve to illustrate this. Finland only issued a law on VOM at the beginning of 2006 - albeit having experimented locally as early as 1983. The Austrian pilot project started in 1984. It was initiated from the outset by cooperation between the Association for Probation and Social Work (now Neustart), prosecutors, the courts and the Institute for the Sociology of Law and Criminology (responsible for the accompanying research). A close relationship between these public agencies (albeit Neustart's legal status is that of a private non-profit organisation) had developed. In contrast with the Austrian model, Finland's early initiatives were 'grass-roots' and community-driven. This model lasted a long time until the law on VOM came into force. The elaboration of this legal basis for nationwide VOM services went along with a strong effort from the state, in particular the Ministry for Social Affairs and Health, to promote and guarantee the quality of nationwide provision of services. For example, an Advisory Board on Mediation in Criminal Cases appointed by the government is one of the instruments for implementing this goal. Notwithstanding this close relationship with the criminal

justice system and the fact that 90% of cases are referred to VOM by the police and by prosecutors, Aarne Kinnunen stressed that mediation services are acting independently of the criminal justice system and are organised by municipalities and various NGOs.

In Austria, on the other hand, VOM services are provided throughout the country by Neustart only. This organisation is responsible for all kinds of services in the field of criminal justice, with offender related rehabilitative measures constituting its core task. The other fields Christoph Koss mentioned were 'Restorative Justice' including VOM and community service, victim services on a smaller scale and prevention. It has from its foundation in 1957 worked with specially trained social workers and maintained its own carefully developed professional standards. This point touched on the pivotal difference between Austria's and Finland's VOM services: the use of professional rather than volunteer mediators. The implications of this difference were evident throughout the seminar, impacting on all the topics discussed.

One short remark as to the *number of cases* dealt with in Austria and Finland; the annual number in Austria was about 8,400 in 2007 (involving more than 15,000 persons), whereas this was about 9,500 in Finland. Expressed as a ratio of the population we have 179 cases per 100,000 inhabitants (5.3 million) in Finland, versus 101 cases per 100,000 inhabitants (8.3 million) in Austria.

*Referrals* in Austria come predominantly from the prosecutors (with only 3-5% from judges). When assessing the role of the prosecutors as the gatekeepers and the overall importance of these referrals one has to consider a core feature of the Austrian criminal justice system, namely the fact that there are almost no complainant offences and that the principle of legality is very pronounced, leaving almost no margin of discretion for the police once they have been informed about or have noticed an offence as defined within the Penal Code.

In Finland complainant offences (including petty assaults, frauds, and other minor offences with no public interest at stake) play a considerable role and the police exercise wide discretion, including as a referral agency for VOM. As a result we see the majority of the Finnish referrals coming from the police and the prosecutors, the rest being self-referrals. These would be complainant offences that go straight to the mediation service - with the prosecutor only afterwards being asked to exercise discretion as to the continuation or discharge of the case. Both the offender and the victim, as well as other persons affected by the incident can bring 'their' case to mediation. The same holds for cases coming from the police, while those referred by the judge and dealt with successfully at the mediation service can (but do not automatically) bring about a reduced sentence.

In Austria the 'usual' reaction of the prosecutor who has

## Calendar

- **3 June 2009, Leuven (Belgium), Annual General Meeting of the European Forum for Restorative Justice.** The AGM will be preceded by a seminar dealing with “Restorative justice or restorative practice?” in the morning. More information on <http://www.euforumrj.org>.
- **3-5 June 2009, Leuven (Belgium), Seminar “Building Social Support for Restorative Justice”.** More information: <http://www.euforumrj.org/Activities/seminars.htm>.
- **14-18 June 2009, Oslo (Norway), 11th European Conference on Traumatic Stress (ECOTS) “Trauma in Lives and Communities - Victims, Violators, Prevention and Recovery”**, organised by the European Society for Traumatic Stress Studies. See <http://www.ecots2009.com> for more information.
- **22-24 June 2009, Stockholm (Sweden), Stockholm Criminology Symposium “Recognizing Knowledge to Reduce Crime and Injustice”.** For more information <http://www.criminologysymposium.com>.
- **22-26 June 2009, National University of Ireland, Maynooth (Ireland), Training Programme “Justice Sector Reform: Applying Human Rights Based Approaches”.** For application form (deadline 1 May 2009), scholarship form and more information, see <http://www.ihrnetwork.org/2007-08-programmes.htm>.
- **23-28 August 2009, Tokiwa University (Japan), 13th International Symposium on Victimology**, organised by the World Society of Victimology (WSV), <http://www.isv2009.com>.

selected the case for referral to the mediation service of Neustart consists in dropping the indictment after having received a report that an agreement has been reached and the victim is not interested in a court procedure. It could well be that these differences - in relation to the use of volunteers on the one hand and of professionals on the other hand - make for different public perceptions of VOM and restorative justice. And it might well be that the difference in terms expresses these differences in a significant way: it is clients in Austria and it is customers in Finland.

Interestingly, in both countries offences of violence constitute the biggest group referred to VOM, albeit the respective percentages are about 50% in Finland and about 75% in Austria. The category of ‘situational’ (spontaneous) violence appears dominant in both countries: ‘domestic’ (or partnership) violence comprising a larger proportion (25%) in Austria than in Finland (8%). While in Austria 80% of all VOM cases involve adult offenders, this is somewhat different in Finland where 65% of the offenders are adults. One of the most debated topics in the seminar was *domestic or partnership violence*. There is considerable experience with this type of cases in Austria - also some empirical evidence stemming from qualitative research done in 1999 by Christa Pelikan and Bernard Hoenisch. Christa reported the results of this study as well as some preliminary data from ongoing quantitative research. She described in some detail her analysis of the arguments for and against the use of VOM in cases of domestic violence. It is obvious from the fierceness of the ongoing debate and the considerable opposition to this practice of VOM, that the situation in Finland and in Austria does not differ. Leena Metsäpelto and Pia Slögs provided information as to the way this opposition becomes manifest in Finland. The Finnish Law on Mediation

in Criminal Cases has paid attention to the specific problem of this type of case by stating that domestic violence referrals can only come from the police and the prosecutors (thus no self-referrals!). The extent to which prosecutors refer these cases to mediation differs widely throughout the provinces and the municipalities in Finland.

We have already mentioned that the core difference, between *the use of volunteers on the one hand and of professionals on the other hand*, and the concomitant difference regarding the recruitment and training of mediators received a lot of attention in this seminar and was the subject of many discussions at the tables. The respective inputs came from Martina Mössmer from Neustart and Terttu Mehtonen from the mediation service in Vantaa in Finland. The Finnish delegation highlighted the extremely important role and responsibility of professional staff in training, supporting and monitoring volunteer mediators. The colleagues from Finland also pointed to the fact that in their view *training* in Austria contains elements of social work, of counselling, even therapy - which to some extent coincides with the definition Martina Mössmer had given in her presentation. On the other hand, the high priority that learning by doing receives in both countries also became evident. Finnish colleagues could acknowledge that the highly diversified repository of ‘methods’ and arrangements developed for the handling of different types of cases might prove useful and would be worth considering for the work of the Finnish mediation services whereas the strong commitment of mediators in Finland to support the parties to arrive at an agreement and a solution ‘of their own’ remained as something to remember for the Austrian colleagues.

The questions of *standards* and of *criteria for good quality* are closely related to this topic where the differences in

the overall orientation to the work once more became evident. Helena Pohjanvirta, for example, stated that *“using volunteer mediators should guarantee that regarding the process and the outcome of mediation the power remains with the parties involved”*. But when Helena refers to the values of restorative justice as the basis of the work within VOM we can recognise this same tendency, namely to emphasise the values and principles of restorative justice, in Austria as well. In the contribution of Hans-Jörg Schlechter these principles - expressed as the ‘process quality’ of VOM - were also visible. In addition, Sirkka-Liisa Mäkelä outlined in her presentation the most relevant factors in developing quality criteria for VOM. Finally, the topic of resorting to the values inherent in restorative justice was also addressed by Christoph Koss, when he presented this ‘idea’ as one that might be able to bridge the tension between working with offenders attempting their ‘rehabilitation’ on the one hand and taking care of the needs of victims on the other hand. On the last day we made a short - mental - visit to Finland’s and Austria’s *rural areas*, the mountains of the Tyrol and the snowy plains of Lapland and we used the opportunity to discuss the obstacles VOM meets within these areas, but

also the favourable conditions that might promote the use of mediation processes. Kristin Henning from Neustart and Johanna Alajoutsijärvi with Kari Hyötylä provided input.

The conclusions drawn by Aarna Kinnunen focused strongly on challenges ahead of VOM - and there again we might see more commonalities than differences. He mentioned the *“need for more professionalism both regarding the work of the mediators and the PR work of all related agencies, including the two ministries”*. But *“mediation should not lose its grass-roots level approach ...”*.

We have already summarised what we gained from this experience: a better understanding of the practice and the routines developed in both countries: by looking more closely at the ‘different other’ we are becoming aware of and can reflect on our own characteristics and peculiarities. We are challenged to recognise the other; and since recognition is a main element, a working principle of the mediation process, its exercise is highly recommended for all mediators and all those supporting them in different countries.

**Christa Pelikan, Christoph Koss and Aarne Kinnunen**

## The results of peer mediation surveys in Finland

The peer mediation project in Finland started in 2001 with the support of the Ministry of Education and of Finland’s Slot Machine Association. Locally many foundations and companies have given financial support to the schools. The courses and development work were provided by the Finnish Forum for Mediation. For the development work we have done systematic surveys to find out how the method is working in schools. The surveys were based on internal follow-up with the goal of following the introduction of the new activity in the schools. The results have given answers to questions often asked by teachers and pupils during the courses. The results from Finnish schools have complemented some of the information gained through foreign research.

From the second survey we obtained responses from the 19 schools where the peer mediation method had been used from spring 2001 to autumn 2004 and altogether 649 cases were mediated by peers. Of these 616 cases, or 95%, resulted in lasting agreement. 85% involved physical or mental disputes. The other cases (15%) involved isolation, blackmail or property violations. During the spring of 2006, the third phase of the surveys where we wanted to look at the mediations as experienced by the parties to the disputes was carried out. Responses to the third survey were received from two primary schools, one secondary school and two co-educational schools, all together from 105 pupils. 77% of these pupils were on grades 1.-6. and 19% on grades 7.-9. A few did not provide information about their grade.

Among results of the latest survey we found that 92% of the pupils agreed either completely or almost with the statement that peer mediation resolves disputes between pupils. 77% of the pupils experienced the mediators as completely or almost impartial. 85% of the pupils agreed completely or almost with the statement that there are no punishments given in peer mediation. 85% felt that peer mediation indeed is confidential.

One part of the survey concerned the discussion of the conflict in the mediation situation and we hoped they would give us information on how the parties had been able to talk about the incident. 91% felt that they had had the chance to explain what they felt had happened in the dispute. Getting one’s voice heard was a feeling often felt in the mediation situations as 81% agreed completely or almost with the statement *“I was listened to in peer mediation”*. Many Finnish surveys on bullying in schools have alarmingly shown that the bullied often don’t talk about their experience with grown-ups. The remarkable thing about peer support situations is that pupils finally have the feeling that they are being heard.

It is important in mediation that the final resolution of the dispute, the agreement, comes from the parties themselves. According to the results of our survey this works quite well in peer mediation as 70-80% pupils say that the solution came from the parties. 84% of the pupils felt that an agreement was reached at the end of the mediation situation. 77% considered the agreement good or almost good. When

asked about keeping the agreement, 88% said that they had kept the promises they had made and only 3% said that they had not been able to keep their promises. 87% of the pupils agreed either almost or completely with the statement “it is good that pupils can solve their own conflicts without the adults”. Only 3% disagreed completely.

According to our results, peer mediation has succeeded in intervening in short term situations in such a way that the parties had the opportunity to change their behaviour. In our peer mediation courses, we use the term bullying in the widest sense to signify all incidents that are experienced as hurtful. The message we have received from the pupils is that early intervention is very important.

Peer mediation is a tool for the whole school community including pupils, teachers, other staff members and parents. Therefore the courses for the staff team, the pupils and the parents are very important when starting the method. In these courses we always discuss how to recognise the situations early enough. According to our experience the situations resolved by mediation have come mostly from teachers but also from parents and pupils themselves.

When developing the Finnish model for peer mediation, it was decided that a group of about 20 pupils in a school would be trained as mediators. The size of a group is related to both the number of pupils and the number of cases mediated in the school. Mediators work in pairs so that two mediators are chosen for each assignment. This group is

supported by a group of staff members who have received training in the handling of mediation. *An important benefit of this model is that grown-ups’ support is optimal.*

The results of the survey were encouraging, as both the mediators and the parties described their experiences in a positive way. The basis for developing peer mediation has been to enhance participation and democracy and this is in fact what peer mediation is doing. It is important that a child or a youngster can participate in the planning and implementation of what goes on in the community. When a child feels that he is being heard, he no longer remains a passive observer of life. He learns through positive interaction to weigh his own values and opinions and by the support of the surrounding adults he gets feedback on what is right and wrong. He is able to form an image of himself as a valuable and developing member of the community. The more adults, curriculum planners, researchers, journalists and policy makers are interested in hearing children’s views on life and behaviour, the more varied become the options for developing interaction for the common good and the greater becomes the trust in everyone’s ability to make a difference to the community’s atmosphere.

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