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

Editorial

The 'march through the institutions' is a difficult and hazardous one. This is true for each grass-root initiative striving for recognition and realisation. The challenge is still more significant when one is linked to a system where formalism and coercion are core elements of its functioning. Mediators and other restorative justice (RJ) practitioners experience this on a daily basis. Many of the ambiguities are also felt in policy developments. On the one hand, legislation on mediation in several of our countries has been the foundation for a broader application of RJ and for more safeguards for all involved. On the other hand, there is the permanent danger of over-regulation, erosion and narrowing of the philosophy, the basic values and principles of RJ. At the moment, two initiatives at the international level are being confronted with the issue. They both demonstrate the enormous potential of a strategy to bring RJ higher on the political agenda, but also definitely show the difficulties and risks of the game.

The first initiative relates to the UN Draft Resolution on Basic principles on the use of restorative justice programmes in criminal matters, on which this newsletter reported several times already. In our last issue, an account was given of the work of an expert group in Ottawa last October. Although the preliminary draft resolution was not modified in a fundamental way by this group of mainly officials, some meaningful changes are to be noticed. One example of this is the re-formulation of art. 6: 'Restorative justice programmes may be used at any stage of the criminal justice system, subject to national law', whereas the former version read: '...should be generally available at all stages of the criminal justice process'. In the meantime, the UN Commission on Crime Prevention and Criminal Justice during its 11th session on 16-25 April 2002 in Vienna discussed this amended draft resolution. During the discussion, a number of countries raised concerns about the wording of the draft and it became clear that a formal adoption of the resolution, based on a detailed discussion by paragraph, would be impossible. One of the difficulties was that not all delegations were familiar with, or well informed about, RJ. There was sometimes 'more misunderstanding of the concept and policy of RJ than understanding'. Finally it was agreed that the Commission should endorse the basic principles by 'taking note' of them and by 'encouraging member states to draw on' them. The next step is that the resolution will be dealt with by the UN Economic and Social Council, probably still this summer.

The second example stems from the European scene. In the second half of last year, under its presidency of the EU, the Belgian government worked on a draft Council Decision to set up an official European structure for RJ, complementary to the European Forum. A meeting of representatives of some 10 European countries was convened in October to discuss the proposal. Afterwards, several amended versions were sent out and discussed. By the end of the year, there was an agreement with three ministers of Justice to officially introduce the Decision proposal. When the formal steps had to be made beginning of this year under the Spanish presidency, it became clear again that most governments are not ready to put the theme on the political agenda. Moreover, during the negotiations, the lack of familiarity and diverging opinions on the meaning of RJ appeared. But in June, the Belgian minister of Justice laid down the proposal - alone.

Observing the way these two initiatives are dealt with at the level of governmental and international bodies, one might think that the time is not ripe for legislation or a broad implementation of RJ and that it would be wiser to stay at the margins. Still this option should not be defended. We must recognise the necessity of co-operation at a policy level, both nationally and internationally. RJ did benefit already a lot of international policy oriented work, e.g. the Council of Europe Recommendation of 1999 on mediation in penal matters, the EU Council Framework Decision of 2001 on the standing of victims in criminal proceedings, and several Grotius and other projects granted by the European Commission and related to mediation or RJ in general. A last achievement was the approval, in May of this year, of a 4-year COST action for European research on RJ. These opportunities demonstrate that we can use (international) policy as a lever for innovative and participatory initiatives. One element seems to be a requisite, at least in this stage of development: the genuine involvement and necessary role to play by community based approaches and agencies. If policy makers don't succeed in keeping the civil society involved at all levels, RJ will very quickly become alienated from its promising sources and principles.

Ivo Aertsen, Chair

June 2002

Volume 3, Issue 2

Inside this issue:

Readers' Corner

- *The Spiritual Roots of Restorative Justice*, edited by M.L. Hadley (2001). This interdisciplinary study explores what major spiritual traditions say in text, tradition, and current practice about criminal justice in general and RJ in particular. It reflects the close collaboration of scholars and professionals engaged in multi-faith reflection on the theory and practice of criminal law. A variety of traditions are explored: Aboriginal spirituality, Buddhism, Chinese religions, Christianity, Hinduism, Islam, Judaism, and Sikhism. Drawing on a wide range of literature and experience in the field of RJ and recognising the ongoing interdisciplinary research into the complex relationships between religion and violence, the contributors clarify how faith-based principles of reconciliation, restoration, and healing might be implemented in pluralistic multicultural societies. Available from State University of New York Press, http://www.sunypress.edu, e-mail: info@sunypress.edu, Fax +1 518 472 5038.
- *A Cost-Benefit Analysis of Hollow Water's Community Holistic Circle Healing Process*, by Native Counselling Services of Alberta (2001). This report concludes that by investing in Hollow Water's healing programme for 10 years, the federal government and the Province of Manitoba have saved over 3 million dollars in justice costs, and have contributed to economic, cultural and social sustainability for the Hollow Water First Nation. In terms of recidivism, the healing process has shown to be more effective than incarceration. The report also shows that community-based healing programmes for sexual abuse victims and offenders can bring about real and lasting benefits in terms of greater social, cultural and economic health and well being for Aboriginal individuals and communities. The paper can be downloaded from http://www.sgc.gc.ca, or requested in writing to: Aboriginal Corrections Policy Unit, Solicitor General of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8, Canada.
- *The Mystic Heart of Justice. Restoring Wholeness in a Broken World*, by D. Breton and S. Lehman (2001). In this book the authors explore the traditional philosophical definitions of justice and show how reward and punishment systems dehumanise every aspect of our lives. The alternative they propose is to create a culture - as well as a justice system based on restorative justice - that affirms the soul, the uniqueness of each individual. Available from the Swedenborg Foundation, http://www.swedenborg.com.
- *Restorative Justice: The Old Civilization in the New Russia*, edited by the Public Centre for Legal and Judicial Reform in Moscow (2001). This booklet - written by a team of people from their personal experiences in this domain - gives insight in the way RJ programmes are being implemented in the various regions of Russia, after the start of a first project in Moscow in 1997. Reference is made to the particularities of a State system in transition, as well as to concrete provisions in the Russian Criminal Code and the Code of Criminal Procedure. The presentation of the programmes in the respective regions each time is followed by a short case study on mediation. Available from the editor, e-mail: center_SPR@mtu-net.ru, tel. +7 095 129 98 01.
- *La justice de proximité en Europe. Pratiques et enjeux*, edited by J. Faget and A. Wyvekens (2001). This book presents different examples of 'justice de proximité' in France, the UK, Switzerland, the Netherlands and Belgium. Such examples are 'justitie in de buurt', 'les maisons de justice', mediation and community justice. The author attempts to analyse whether these practices really represent a way of doing justice which is more humane, faster and better adapted to the local contexts. Or are they only a managerial way to remedy the shortcomings of the criminal justice system or strategies to extend penal control? Available from Edition Erès, http://www.edition-eres.com, e-mail: eres@edition-eres.com, Fax +33 5 61 73 52 89.
- *ERA-Forum I - 2002.* This issue of the ERA Forum (published by the Academy of European Law Trier) brings together a selection of papers presented at two ERA events which took place in October and November 2001. The October event was dedicated to RJ and the November event to 'Protecting Victims of Crime in the European Union'. The RJ papers deal with: 'Restorative Justice: International Approaches' (Willie McCarney), 'The Third Corner and the Second Pillar: The Community and Restorative Justice in Northern Ireland' (Brian Gormally), 'Restorative Justice: State-led or Community-led?' (Bill Lockhart), 'The Council of Europe Recommendation No. R(99) 19 concerning Mediation in Penal Matters' (Christa Pelikan), and 'Restorative Justice: Activities and Expectations at European Level' (Katrien Lauwaert and Ivo Aertsen). For ordering information: Ms Hammerle at +49 651 937 3763 or mhammerle@era.int.
- *Victims' experiences with, expectations and perceptions of restorative justice: A critical review of the literature*, by J.-A. Wemmers and M. Canuto (2002), with French translation. On the basis of programme evaluations, general survey information on victims' attitudes towards RJ and discussion papers addressing critical issues and developments in RJ, this report examines victims' expectations towards and experiences in restorative justice programmes (victims' satisfaction with outcome and process) and their perception of RJ more in general. Attention is given to special groups of victims and implications for future research and policy development. Available from the Policy Centre for Victims Issues, Department of Justice Canada, http://canada.justice.gc.ca/en/ps/voc/contact.html.

Restorative Justice in Schools

Restorative justice (RJ) brings an entirely new approach to offending behaviour and asks who has been harmed by this situation and what can all involved do to repair this harm. This is in stark contrast to traditional retributive justice that focuses on what has happened, who is to blame and what is the appropriate punishment. Because so much of the work in RJ is focussed on young offenders it is not surprising that many people have seen the potential of this approach in schools. At the very least school personnel need to know more about the principles of RJ so that if or when their own students break the law they can take an active role in a restorative conference. However, RJ has a much wider role to play in schools than this if one goes beyond thinking of it as simply a process. I prefer to think of it in three ways - as a set of processes that are underpinned by skills, which in turn are inspired by a set of principles and a philosophy.

Current experience would suggest that offering restorative processes to a school, in the event of bullying for example, or when a student is heading towards being excluded for his/her behaviour, can have very beneficial results for those involved. However the principles and the impact do not reach the rest of the school community. This can be an issue if the school community has a role to play in the reintegration and rehabilitation of all involved in an incident. There can also be a lack of congruence between the philosophy behind RJ and the schools' approach to behaviour management. Howard Zehr has described the difference between retributive justice and RJ in terms of a paradigm shift[1]. I would suggest that a similar paradigm shift is required in schools to take on board the philosophy of RJ and translate it into a whole school approach to relationships, teaching and learning. The model below is an early attempt to capture this and has had a positive response from some teachers. I would like to develop it further to use in my doctoral research on the potential of RJ in the school context.

Restorative Justice in Schools

Old paradigm: Retributive Justice	New paradigm: Restorative Justice
Misdemeanour defined as breaking the school rules	Misdemeanour defined as adversely affecting others
Focus on establishing blame or guilt, on the past (did he/she do it?)	Focus on problem-solving by expressing feelings and needs and how to meet them in the future
Adversarial relationship and process	Dialogue and negotiation - everyone involved in communicating and cooperating with each other
Imposition of pain or unpleasantness to punish and deter/prevent	Restitution as a means of restoring both/all parties, the goal being reconciliation
Attention to the right rules, and adherence to due process	Attention to the right relationships and achievement of the desired outcome
Conflict represented as impersonal and abstract: individual versus school	Misdemeanour recognised as interpersonal conflict with some value for learning
One social injury replaced by another	Focus on repair of social injury/damage
School community as spectators, represented by member of staff dealing with the situation	School community involved in facilitating restoration
People affected by misdemeanour not necessarily involved	Encouragement of all concerned to be involved - empowerment
Miscreant accountability defined in terms of receiving punishment	Miscreant accountability defined as understanding the impact of the action, seeing it as a consequence of choices and helping to decide how to put things right

The challenge is to find out what the potential for RJ could be, in a school, for the different members of the school community and then, if potential is recognised, to explore ways of developing a whole school approach that serves the whole school community. My own work, as a RJ facilitator and trainer, an educational consultant and a researcher, has led me to think of RJ in schools in terms not only of the skills and processes needed to repair harm but also in terms of those needed to build relationships in the first place- so there is something to repair if and when there is damage!

Restorative/Relational Justice in Schools

	RESTORING (Repairing harm done to relationships and community)	RELATING (Developing/nurturing relationships and creating community)
PROCESSES	**A) undisputed harm:** - Restorative Conferencing - Family Group Conferencing - Victim/Offender Mediation - Sentencing Circles **B) disputed harm, conflict, mutual recrimination:** - Mediation - Peer Mediation - Healing Circles - No-Blame Approach to Bullying	including: - Circle Time for Staff (for planning, review, support and team building) - Circle Time for Students - School Council - Circle of Friends - Peer Counselling and Mentoring - Whole School Development of Relationship Management Policy (cf Behaviour Management, which tends to be student-focused)
	RELATIONSHIPS	
SKILLS	skills include: - Non-Violent Communication - Active Non-Judgemental Listening - Conflict Transformation - Developing Empathy and Rapport - Having Difficult Conversations - Restorative Debriefing After Critical Incidents - Understanding and Managing Anger	skills include: - Emotional Literacy - Developing and Maintaining Self-Esteem - Valuing Others Explicitly - Assertiveness - Acknowledging and Appreciating Diversity - Constructively Challenging Oppression and Prejudice - Connecting Across Differences
	⇦ **Much Overlap** ⇨	

There are links between this work and other work in schools in the areas of citizenship and civic education, emotional literacy, peace education, and self-esteem - to name but a few. It will be important to link up, share our findings and develop best practice together.

I would like to suggest to the European Forum that we establish a working group comprised of people who are interested in the school context of RJ, either as practitioners or as researchers. It would be good to exchange views, experiences and research about this exciting area. I am happy to be the first contact for this until we establish a group. My work and research so far is explained on my website www.transformingconflict.org and I can be contacted on belinda@transformingconflict.org

Belinda Hopkins, UK

[1] Zehr, Howard, *Changing Lenses*, Scottdale, Herald Press, 1995.

Victim-Offender Mediation in Switzerland

In order to present the position of Switzerland concerning victim-offender mediation (VOM) we have chosen to highlight three successive stages. These characterise the albeit slow, but irreversible process of integration of this institution in our country.

1. The past: Switzerland at the margin of two stimulating trends

It is well-known that Switzerland has not been a pioneer in the field VOM. The federal organisation of this country, i.e. the division of jurisdiction between the federal government, in charge of material law and the 'Cantons', each with a procedural law of its own, is often invoked as an explanation for this low level of activity. From a strictly legal point of view this argument could, however, also be used in favour of a stimulation of the development of mediation in penal matters. Indeed, by playing on the hybrid character of VOM, initiatives could have been developed at both federal and Canton levels. The fact that VOM is so poorly regulated is in our view not a result of the specific political system of the country. It is rather due to the fact that the two trends stimulating VOM in other countries have played a clearly less important role in Switzerland than elsewhere.

Restorative justice, the first of those tendencies traditionally favourable to VOM, has strongly influenced European codification during the 70s and 80s, by encouraging the introduction of new possibilities for negotiation between offenders and victims of crime (without, however, the retributive and rehabilitative paradigms being abandoned). For historical reasons Switzerland has hardly participated in this debate. The current Swiss criminal code, which came into force on 1 January 1942, was promptly recognised at European level as a pioneer text in various respects (dualistic system, a progressive system for the execution of penalties). This avantgarde label has had, in certain respects, a paralysing effect. Indeed, during the following decades other countries had no other choice but to develop new codification and to organise lively debates leading to opening up important spaces for restorative justice. Switzerland, on the contrary, remained satisfied with its recent and functional legislation until the vast reform about to be completed. As a result explicit references to the idea of reparation in the criminal code remain exceptional and very formal as they often only consider the financial aspects of reparation.

The rapid growth of restorative justice has not been the only wind blowing in the sails of VOM. At a more managerial level this institution has undeniably been carried by the States' concern to reinforce their contested legitimacy by launching a 'politique de proximité' (policy of proximity) in the fields of justice, policing and social health. With regards to the functioning of the courts in particular, VOM has been perceived as a straightforward way of implementing the third pillar of a 'justice de proximité', this is *humane* proximity.

What about the 'justice de proximité' in Switzerland? There is very little to say indeed! While much effort has been put in this policy in France and Belgium - two countries plagued by an enormous backlog in the courts - quiet Switzerland was not confronted with the same needs. One has to remember that this country's crime rates are among the lowest in the world. Moreover, there is a very tight network of institutions, especially judicial institutions covering the whole territory. The population hence has a feeling of a kind of 'natural' proximity to its authorities. Finally the country lacks the centralised competence which could allow for such a policy. In short, even were Switzerland to have experienced the need to adopt such a policy, it would not have had the structures to do so.

2. The present: "peripheral" practices from Geneva

During the last decade, a certain "fashion" for mediation - and for VOM in particular - took place in Europe, and the Swiss could not continue to ignore it. As a result some recent initiatives took place, which we will briefly outline, since they give some indication of the present stage of evolution.

A first interest was shown in the mid-90s with the implementation of a certain number of innovative but somewhat "peripheral" practices. They found their legal basis in the framework of the few dispositions of the criminal code allowing for reparation. These practices were developed in three specific fields:

- The first concerns juvenile justice. Here, the legal basis was given by two provisions of the criminal code. The practices were created at the level of a few cantons and were usually due to a magistrate's personal initiative. In this respect, one must however regret the lack of scientific supervision and evaluation (which moreover was fatal to some of them). The projects currently in operation use widely differing referral procedures. In some projects, the judge for juveniles conducts the mediation process himself or herself. In other projects, in contrast, the cases are transferred to external social workers.
- The second legal framework allowing for VOM is art. 37 of the criminal code relating to the execution of prison sentence (médiation carcérale). The amendment to this article enshrines in Swiss law the adoption of a progressive prison regime. The adoption in 1991 of a Law providing for help

for victims of crime (Loi sur l'aide aux victimes d'infraction - LAVI) complemented this law by adding reparation of the damage experienced by the victim as an additional criterion in the execution of a prison sentence. In practice, two experiments with mediation in prison have become known for their reparative commitment: the project of Saxerriet penitentiary (St-Gall Canton) already implemented in the 80s, and the project TaWi initiated a few years ago only at the level of the prison authorities of Bern Canton.

- Lastly, VOM was also implemented in the framework of dispositions relating to the fight against racism. On September 25th 1994, the Swiss people approved the implementation of art. 261 bis of the criminal code prohibiting behaviour constituting such discrimination. However, the application of art. 261 bis of the criminal code soon showed limitations. These were linked both to the difficulty of establishing the facts and to a very restrictive jurisprudence. However, associations involved in the fight against racism have contributed through the use of mediation to a wider and more efficient application of this article. In particular, an association called ACOR (Association Romande contre le racisme) has offered to people the opportunity to embrace a more restorative approach, as an alternative to the retributive penal perspective linked to the judicial determination of facts and to the imposition of a penal sanction.

It is only recently that VOM was truly envisioned as an "official" measure, also for adults, and in relation to the protection of person and property provided by law, and to be implemented at the prosecution stage. The objectives of this implementation were to introduce more "official" practices and make them better known by the public, as well as to give the public prosecutor new competencies. The development of a specific legal provision was considered necessary to counter the confusion engendered by the vague legal framework surrounding the practices until then. Specifically, the Canton of Geneva - i.e. one of the Federal states and not the Confederation - was the instigator in the legislative process. It is worth mentioning that this canton's long tradition of "discontinuance of a case at the prosecutor's discretion" accelerated the exploration of a "third way".

It was a private association, the Groupement Pro Mediation (GPM) that gave the first impetus for the legislative process. The bill proposed by this association suggested the principle of referral to VOM (médiation pénale déléguée). This measure was assumed to be fully part of the Code of Criminal Procedure. The introduction of this measure has involved the revision of two legal texts: firstly, a series of provisions have been inserted in the law on administration of justice (loi d'organisation judiciaire), to regulate the accreditation of mediators, their duties, and their relationship with the public prosecutor service. Secondly, an article has been added to Geneva's Code of Criminal Procedure (Code de procédure pénale genevois) in order to describe - and explain step-by-step in 7 paragraphs - the procedure for referring a case to mediation. The law was adopted by the Grand Counseil genevois on February 16th 2001. It came into force on August 15th 2001. Eight independent mediators have been sworn in.

3. The future: current revisions of Swiss criminal law

For a while it appeared that VOM was winning Switzerland 'bottom-up', i.e. through the procedural jurisdiction of the federal entities. Indeed, a first codification of VOM was produced in the Canton of Geneva and similar projects can be noticed in other Cantons (particularly in Vaud and Zurich). This would however not take into account different penal reforms which are presently nearing completion. Some of them are so old we had almost forgotten about them! As they concern substantive as well as procedural law, and adults as well as juveniles, they are likely to radically modify the 'Helvetic penal landscape'. In four areas the draft legislation defends VOM or at least RJ.

- The revision of the *criminal code*, launched in the beginning of the 80s, is the oldest and the most extensive reform. Paradoxically it is also probably the one inspiring the least enthusiasm in the context of our topic. The draft law currently under discussion is limited to providing, in art. 53, that reparation will be a reason for exemption from a penalty (exemption de peine). Based on the Austrian and the German models, the provision confers upon the public prosecutor and the judge respectively the discretion not to prosecute and not to impose a penalty 'when the offender has repaired the damage or completed all the efforts one could reasonably expect from him to compensate the wrong caused'. Even if the perspective is reparative here, mediation is mentioned only very discretely, only in the explanatory memorandum of the Federal Council (le Conseil fédéral).
- A second reform with an important symbolic impact, and long awaited by practitioners, consists of the realisation of a *unification of criminal procedures* which were until now cantonal. In this context one of the most difficult and most contested operations has been to choose which of the different cantonal criminal procedures is to be applied to the whole Swiss territory in the future. Concerning VOM art. 347a of the draft code is of particular interest. In cases in which art. 53 criminal code applies, the public prosecutor is given a key position, to invite the parties from this stage of the procedure on to

participate in 'negotiations aimed at reparation'. The public prosecutor is also empowered to 'delegate this mission to a person authorized and qualified for such purposes'.

- The last two texts under consideration concern *juveniles*. The first one is a completely new substantive law consolidating in a separate text matters concerning juveniles, which were formerly integrated in the criminal code. The second text is also new, but for another reason. It achieves unification of the procedure regarding juveniles, which is - as mentioned above - also happening for adults. Both texts contain a provision (art. 7 of the substantive law and art. 28 of the procedural law) which establishes, in some detail, the possibility of clearly delegated VOM for those cases in which the main facts are established and the juvenile and his legal representatives consent to participate.

4. Conclusion

As shown above VOM is in Switzerland in full development, after a first period of stagnation. Different signs are very encouraging in this respect. The specific question as to the power of the impact of the federal texts under development remains, however, undecided. The pace of the reforms remains slow and numerous political obstacles need to be circumvented before any of this new legislation comes into force. It is therefore necessary to continue the presently existing cantonal practices, and even to legislate in the meantime at cantonal level on the basis of the Geneva model, in order to develop a volume of experience by the time the new federal provisions come into effect. More fundamentally, we have to keep a sharp eye on all the details of the new federal texts. In their current form the drafts contain indeed certain shortcomings. Systematic delegation of the VOM to a third party is, for example, not mandatory and the field of application of mediation is limited to very minor cases. In order to remedy this, the wisest attitude to adopt seems to invite the legislator to stick as closely as possible to Recommendation R(99)19 of the Council of Europe on Mediation in Criminal Matters, the quality of which is recognised unanimously.

Julien Knoepfler
julien.knoepfler@unine.ch
lawyer, researcher and consultant
University of Neuchâtel (Switzerland)
Invited researcher at the criminology departments of the Catholic University of Leuven and the Free University Brussels

Report on Effective Restorative Justice Conference

De Montfort University organised the Effective Restorative Justice Conference, held in Leicester (England) on 20 and 21 March 2002. The conference combined practical workshops with more theoretical imput, and those attending included restorative justice practitioners, academics, civil servants, representatives of NGOs, writers and a film director. Apart from the UK delegates, there were visitors from Canada, Russia, South Africa and the USA, which helped to ensure stimulating discussions.

Keynote speeches were given by Dr Mark Umbreit of the Center for Restorative Justice and Peacemaking at the University of Minnesota, independent trainer and consultant Marian Liebmann, and Prof. Sandra Walklate of Manchester Metropolitan University. Fifteen workshop sessions allowed participants to find out about innovative practices in different legal jurisdictions (including Northern Ireland). In addition to diversion, reparation, family group conferences and mediation, there were more specialised sessions covering issues such as RJ in prisons, minimum standards and staff/volunteer training, victim-offender dialogue in crimes of severe violence, human rights, restorative interventions with adolescent sexual offenders and the role of emotion in criminal justice. Several contributors brought leaflets, videos and training materials which were shared with the conference delegates.

Delegates were at different stages in terms of their experiences and understandings of RJ. Some had only recently taken up new posts (e.g. in multi-agency youth offending teams) while others, including many of the speakers, were able to offer a historical perspective and draw upon long experience. One common theme was the danger that RJ may become a victim of its own apparent success, with new practices being described as restorative without necessarily fitting in with RJ values and ethics. Another issue which came up repeatedly was the relatively low participation rate of victims in restorative interventions in England and Wales, and the possible reasons for this. A related issue was the question of whether the new legal arrangements for reparation in England and Wales offer an appropriate setting for genuine engagement with victims by official agencies. Several of the papers also touched upon issues of how to respect differing spiritual traditions without trying to co-opt customary law for political purposes.

The venue, a Masonic Hall, led to a number of surprise meetings on stairways and in corridors with men in aprons, but the most memorable aspect of the conference was the opportunity it provided to exchange ideas and make new contacts. Delegates' written evaluations were extremely positive, and one of the publishers represented at the event is exploring with the organisers the idea of a book based on the conference papers. Given this very constructive response, we are now considering making this an annual event.

Brian Williams, Community and Criminal Justice Studies Unit, De Montfort University, Leicester, UK

E-mail: bwilliam@dmu.ac.uk

Bulletin Board

- September 5-7, Toledo (Spain), second conference of the European Society of Criminology "European Criminology: Sharing Borders, Sharing a Discipline". Several of the workshops will deal with restorative justice. For more information see http://www.esc-eurocrim.org/index.html.
- October 20-25, Noordwijkerhout (The Netherlands), The International Corrections and Prison Association's 4th Annual General Meeting and Conference "Transitions: people, policies and practices". Restorative justice will be one of the themes of the conference. For more information see http://www.icpa.ca.
- October 10-12, Oostende (Belgium), second conference of the European Forum for Victim-Offender Mediation and Restorative Justice "Restorative Justice and its Relation to the Criminal Justice System". For more information see http://www.euforumrj.org.
- November 15, Edinburgh (UK), SACRO Annual Conference "Serious and violent offenders. Managing the risk". For more information see http://www.sacro.org.uk.
- July 13-18, 2003, Stellenbosch (South Africa), XIth International Symposium on Victimology "New Horizons for Victimology", organised by the Faculty of Public Safety and Criminal Justice of Technikon Southern Africa under the auspices of the World Society of Victimology. For information contact Dr. Rika Snyman at rsnyman@tsa.ac.za or phone +27 11 471 2255. A special symposium website will become available.

New thesis on crime trends in Europe

Comparing crime trends of different countries can be quite a tricky business for a non-specialist. Countries differ when it comes to defining specific crimes, how they are recorded in statistics and so on. But by analysing statistics and by a large literature survey, Swedish criminologist Lars Westfelt has made a comparison of crime trends over a longer time frame in nine different European countries. His thesis *Crime and Punishment in Sweden and Europe*[1] was presented at the University of Stockholm.

The most interesting finding, I think, is that crime trends are relatively similar across Western Europe. For example, all the nine countries have slowed their increase in crime rate in the late 80s. The slow-down enters simultaneously in the different countries, which indicates that there is a common explanation - which is not, however, an obvious one.

It is commonly suggested (in Sweden at least) that two factors that might be expected to lower the crime rate are an increase in the number of police and the delivery of harsh punishment. Westfelt finds no support for either of these expectations in his study. A number of European studies have shown that the number of police in relation to the population has no effect on the level of crime. Westfelt has also studied the use of imprisonment and states that the risk of being sentenced to prison varies between the countries, as does the length of the imprisonment. Since the second half of the 70s, countries have developed clear differences in this practice. England and France have sentenced an increasing number to imprisonment, whilst Austria and Finland have lowered their imprisonment rates - Finland by two thirds! In spite of this, crime rates continue to be very similar all over Europe. It is clear that the governments' different criminal policies have quite small an effect on the development of crime levels. As the author puts it himself: "The average number of people sitting in prison can be determined politically and reduced without running the risk of increased crime."

For those interested in restorative justice, I think these facts are an appeal to continue to strive for real justice for victims, offenders and society. We all know that we still have to work to prevent crime, to discuss how we deal with criminals and to discuss how we meet victims´ needs. Already in 1977, Norwegian criminologist Nils Christie stated that "…we have not been able to invent any cure for crime. (…) We might as well react to crime according to what closely involved parties find is just and in accordance with general values in society."[2] Twenty-five years later, these thoughts are still worth striving for.

Christina Nehlin, Uppsala, Sweden
medlingskonsult@zeta.telenordia.se

[1] Westfelt, Lars, *Brott och Straff i Sverige och Europa. En studie i komparativ kriminologi,* Kriminologiska inst., Stockholm, 2001.

[2] Christie, Nils, *Conflicts as Property*, British Journal of Criminology, Vol. 17, No. 1.

Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice v.z.w.
Hooverplein 10
3000 Leuven
Phone: +32 16 32 54 29
Fax: + 32 16 32 54 74
E-mail: jolien@euforumrj.org
URL: http://www.euforumrj.org

Newsflash

- The UK Restorative Justice Consortium has updated its "Standards for Restorative Justice". The work on the new "Statement of Restorative Justice Principles" was completed in March 2002. Based on this Statement, the Consortium will work on the application of these principles in different areas of practice, particularly in the justice system, in prisons, schools and the community. The new Statement can be found at http://www.restorativejustice.org.uk.
- During the meeting of the UN Commission on Crime Prevention and Criminal Justice, which gathered in Vienna in April 2002, the UN draft resolution on basic principles on the use of restorative justice programmes in criminal matters was only taken notice of, not adopted. Member States are nevertheless encouraged to draw on the basic principles as they develop and implement restorative justice programmes. The content of the basic principles has remained unchanged. For more information go to http://www.restorativejustice.org/rj3/UNBasicPrinciples/UN%20Crime%20Commission%20Endorses.htm.
- In May 2002 the COST authorities have approved COST action A21 on Restorative Justice developments in Europe. The proposal was introduced by Prof. Ivo Aertsen of the Department of Criminal Law and Criminology of the University of Leuven (Belgium). COST stands for European Co-operation in the field of Scientific and Technical Research. It is the oldest European Forum for collaboration in the field of science and technology. The action aims at starting up a network of researchers in restorative justice. With the financial help of COST, they will meet regularly in the coming years to exchange their research experience in the field of evaluative research on restorative justice practices, policy oriented research on restorative justice developments and theoretical research on restorative justice issues. If you are interested to participate in this network, contact ivo.aertsen@law.kuleuven.ac.be.
- The Mediation Unit of the Universit Institute K. Boesch, Sion, Switzerland, will be starting its fourth promotion of the *European Master in Mediation* in the beginning of 2003. The training programme, which is organised in partnership with 7 European universities, permits the participants to acquire additional knowledge in the area of mediation and conflict management at the start of or during their university or professional careers with the introduction of concepts, approaches, and experiences of the interveners and participants from all of Europe. The pedagogical structure is based on four weeks residential training (spread over one year), a practice in the field of mediation, participation at conferences or seminars and a thesis. It therefore is easily accessible to professionals. The programme is bilingual. Simultaneous translation French-English will be provided. For more information: www.iukb.ch - mediation@iukb.ch.

Responsible editor: Ivo Aertsen, European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium.

Submissions: The European Forum welcomes the submission of articles and information for publication. Please contact the co-ordinator.

Membership: For information concerning membership and on how to receive the newsletter, contact Jolien Willemsens, Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium,
Tel.: +32 16 32 54 29, Fax: +32 16 32 54 74, E-mail: jolien@euforumrj.org, or go to http://www.euforumrj.org.