



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

Editorial

In the week after 11 September 2001 a general meeting of the European Forum was held in Leuven. It sent a message to the American organisation VOMA (Victim/Offender Mediation Association), offering sympathy to those injured and bereaved in the attack on the World Trade Center and other buildings, and urging a restorative response that would not cause further harm but would help peace to flourish.

Since then there has been a confused and confusing debate, much of which would serve as a textbook example of how *not* to respond restoratively. The legal basis was unclear: how much did Security Resolution 1441 authorise? Would a second resolution be valid if obtained by economic pressure on small countries? Could it be ignored if 'unreasonably' vetoed? Many question the legality and morality of the use of deadly force, but above all it adds to harm rather than repairing it.

Some of the best work on conflict resolution comes from the United States, notably Roger Fisher's *Beyond Machiavelli* (1996), but has not been heeded. Aims were not clarified (oil? To replace Saddam Hussein (with whom?)? To make him disarm (if he had not already done so)? To benefit the Iraqi people (at whose request? Did they agree to the method?)? Ways of achieving these without violence (or a minimum: the UN Charter only authorises *necessary* measures) were brushed aside. Above all, there was (in public at least) no dialogue. Talking to dictators and terrorists is controversial and might not work - but they can't be ignored.

Instead, ultimatums were issued: always a risky tactic, since one party loses face if it gives in, and the other if the ultimatum is not enforced. Conditions were laid down which were unlikely to be obeyed; as a result, the American administration has begun a war, supported by the United Kingdom and some governments, but opposed by others and huge numbers of ordinary citizens world-wide.

The task of restoring buildings in Iraq and stability in the region will be vastly increased. The lives of those killed, bereaved or maimed can of course never be restored. Meanwhile next-to-nothing is done to resolve the Israeli-Palestinian conflict.

John Braithwaite (*Restorative justice and responsive regulation*, 2002) and others have shown how restorative principles can be extended from criminal offences to civil and international conflict, and to schools. In the European Forum, 'old' and 'new' Europe can come together to show the way.

In this issue

The Portuguese victims aid organisation describes a multinational GROTIUS project to promote victims' rights. In addition, there is an article on the COST Action programme. This programme aims to coordinate research in the field of RJ in Europe and should last for four years.

Too often restorative methods are limited to relatively minor crimes; Norway is trying to extend it to more serious violent ones, as Gerd Fadnes reports. Serious juvenile offenders are also being targeted in a Belgian project, where a trainer from New Zealand introduced family group conferences; Inge Vanfraechem presents preliminary research findings.

Judith Leest provides a *tour d'horizon* of restorative initiatives in the Netherlands. The range is impressive. Her conclusion, however, is cautious: law-and-order politics have not yet accepted the potential of RJ to make a better society.

Newsletter news

We are glad to welcome new members to the Editorial Board of the Newsletter: Jacques Faget (France); Christina Nehlin (Sweden); Dobrinka Chankova (Bulgaria); Paul Schroeder (Luxembourg). This enlargement gives the opportunity to improve the contents, which will be representative of different parts of Europe (though not necessarily in every issue). The other members of the Editorial Board remain: Anne Lemonne (editor), Martin Wright, Katrien Lauwaert, Jaime Martin, Ivo Aertsen and Jolien Willemsens.

We should like to thank the team of native English speakers who are helping with the editing or translation of contributions from other countries.

As always, we invite the members of the European Forum to send spontaneously articles or topics for future issues of the Newsletter. Please contact Anne Lemonne: alemonne@ulb.ac.be.

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Inside this issue:

Readers' Corner	2
Bulletin Board	2
Restorative Justice in the Netherlands	3-4
COST Action "Restorative justice developments in Europe	5
Development of RJ within the field of serious crimes	5-6
Conferencing for juveniles committing serious offences in Belgium	6-7
DIKÉ project: European review of victims' rights	7
Newsflash	8

Readers' Corner

- *Restorative Justice & Criminal Justice. Competing or Reconcilable Paradigms?*, edited by von Hirsch, A., Roberts, J., Bottoms, A.E., Roach, K. and Schiff, M. (2003). This book, with contributions from 21 criminologists and legal scholars, analyses and explores the aims and limitations of RJ and its relation to more traditional criminal justice conceptions. In a chapter by John Braithwaite following description of RJ can be found: "[R]estorative justice is not simply a way of reforming the criminal justice system, it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world". Available from Hart Publishing, Oxford, <http://www.hartpub.co.uk>.
- *Restorative Justice. Theoretical foundations*, edited by Weitekamp, E. and Kerner, H. (2002). This book includes a selection of papers originally presented at the 4th International Conference on Restorative Justice for Juveniles held in 2000 at the University of Tübingen. Contributors provide a comprehensive and authoritative overview of the theoretical foundations of the RJ movement. An essential reading for people thinking about the future of criminal justice (systems). Available from Willan Publishing, <http://www.willanpublishing.co.uk>.
- *De la pyramide au réseau? Pour une théorie dialectique du droit*, by Ost, F. and van de Kerchove, M. (2002). This book discusses changes taking place in our western judicial systems. Authors investigate how the law is challenged today in its foundations by the implementation of procedures related to concepts such as "regulation" or "governance". Through an observation of concrete transformation in the field of positive law, authors analyse how the hierarchical and pyramidal paradigm is slowly replaced by a network paradigm. They conclude to a hybridisation of paradigms rather than to a real paradigmatic revolution. This book is of great interest for all people studying ethical and theoretical aspects of RJ. Available from Publication des Facultés Universitaires Saint-Louis, Brussels, Belgium, <http://www.fusl.ac.be/>.
- *Repair or Revenge. Victims and Restorative Justice*, by Strang, H. (2002). This book discusses the role and the experience of victims in RJ. The first chapters deal with the role and the needs of victims in criminal justice, the victim movement, and the theory and practice of RJ (also its shortcomings for victims). The empirical part of the book and further analysis are mainly based on the Canberra Reintegrative Shaming Experiments. Here, two different, randomly assigned processes were studied: going to court or to conferencing. The victims who participated in conferences usually found the experience a better one than did victims whose cases were dealt with in court. This was shown in terms of material and emotional restoration (a.o. fear of revictimisation and feelings of anger). Many other characteristics and effects were studied. It was, in a general way, found that conferences may be very satisfying for those victims who are highly emotionally engaged with the (violent) offence, but less or not at all satisfying for some other victims. RJ 'does indeed offer promise for victims in delivering the justice they seek', but 'we must be wary of claiming too much and raising expectations too far'. Available from Oxford University Press, <http://www.oup.com>.
- *La mediación penal juvenil en Cataluña, España*, by Dapena, J. and Jaime, M. (1998). In this study, the authors analyse the setting and the development, between the years 1990 and 1997, of the first programme of penal mediation in juvenile justice applied in Spain. It is an interesting document for those who want to know how the penal mediation programme became a fundamental piece of the juvenile justice system in Catalonia. The full text can be found online at <http://www.restorativejustice.org> (go to 'Resources' and then to 'Full text documents').
- *Victim-Offender Mediation*, by Chankova, D. (2002). This book in Bulgarian, which includes an English summary, examines VOM models in Austria, Norway, the UK and the USA and includes many proposals for the adoption of legislation to enable RJ practices in Bulgaria. Available from Feneya Press, e-mail: feneya@yahoo.com.

Bulletin Board

- June 1-4, 2003, Vancouver (Canada), 'Best Practices in Restorative Justice: An International Perspective', the 6th International Conference organised by the International Network for Research on Restorative Justice for Juveniles. For more information visit <http://www.sfu.ca/conferences/restorativejustice/overview.htm>.
- August 10-15, 2003, Rio de Janeiro (Brazil), the 13th World Congress of Criminology, 'Reducing Crime and Promoting Justice: challenges to science, policy and practice'. A session on "The Interrelationship between Restorative Justice and Victim Assistance" will be organised. The website of the congress is: http://perso.wanadoo.fr/societe.internationale.de.criminologie/index_ang.htm.
- August 28-30, 2003, Veldhoven (the Netherlands), 'Building a Global Alliance For Restorative Practices and Family Empowerment', the 4th International Conference on Conferencing, Circles and other Restorative Practices. For more information see <http://www.restorativepractices.org>.

Restorative justice in the Netherlands

In this article I would like to give a short overview of the current situation of restorative justice (RJ) in the Netherlands. Given the limited number of words, I cannot do justice to the separate projects and programmes. If anyone wants to receive more information about a specific programme, please send an e-mail and I will try to put you in contact with the people involved.

Victim-offender mediation for adults

Victim-offender mediation (VOM; in Dutch: 'restorative mediation' or 'herstelmiddeling') started as a project in 1997. Today, there are two projects, one in Den Haag and one in Den Bosch. The Ministry of Justice ordered the Probation Service and the Victim Support Organisation to develop a project for mediation between victims of crime and offenders. Moreover, the purpose was to provide immaterial, that is emotional or symbolic, reparation. In the last two years, in Den Haag, there have been 118 intakes, of which 43.2% with a successful follow up. 'Success' means that either there was a direct or an indirect mediation, or a positive outcome as the result of the contact with the mediation service. In 55% of the cases, either the project rejected the case (for various reasons), or the second party did not want a meeting, or the first party (who took the initiative) withdrew the request. In 11.8%, the case is not yet closed. The project in Den Bosch has comparable results.

Some specific elements of the Dutch VOM project may be interesting, as they differ from other European VOMs. One of its remarkable aspects is that mediations take place between victims and offenders of severe crimes, whereas RJ is usually used for less serious crimes. Far more than half of the offenders are convicted of homicide or caused serious injury in car crashes. More often than not, mediations are arranged after the prison sentence has ended. The project is, in other words, organised outside the justice system. Another remarkable fact is that most of the requests (about two thirds) come from the offenders.

At the end of 2002 the project ended. However, the Ministry of Justice decided to extend it for another year, as the final research report is not yet finished. In February or March the final research report will be published. The results of this report will be discussed in the parliament and the outcome will determine how the project will be continued after 2003.

Family group conference for young offenders

A few years ago, various programmes started using a form of RJ known as 'Real Justice' for juveniles in the Netherlands, inspired by the family group conferences. Today, there are about seven projects all over the Netherlands, running in institutions for youth protection, childcare, police offices and in organisations that provide community service for youngsters (HALT). In a few cases, the project is located at the office of the public prosecutor.

Although these Real Justice experiments are adjusted to the Dutch situation, they share with the New Zealand model the idea of involving the network ('community of care') of both the victim and the offender. After a crime has been committed, both victim and offender and their networks

are asked to join a conference. In most projects, cases are not accepted unless they are at least serious enough for the HALT-programme (a juvenile community service sanction). Overall, the crimes are less serious compared to, for example, the project described above.

The mediators tend to be independently trained persons, who do not have any functional role within the judiciary and are therefore seen as neutral. An exception is the police service, in which police officers do the mediation themselves. The method used is on most projects rather strict: the mediators follow a prescribed protocol, in which all the parties know in advance when they will be asked to speak. Moreover, the way in which questions are formulated is prescribed as well; this procedure is intended to ensure neutrality. Until now, 99 conferences have taken place and 155 are in the beginning phase. 56 conferences did not, for various reasons, take place.¹

Restorative justice within youth prison

Recently, a new development in the field of RJ has emerged. As a result of a traineeship by a student in the youth prison 'Eikenstein' in Zeist, three family group conferences took place within the prison. Moreover, the staff of the prison gave permission to a group of psychologists to start developing a programme for RJ within the prison. In mid January, about fifteen experts from both the Netherlands and Belgium met to discuss the various pitfalls and possibilities of such a pilot project.²

In short, the aim of this programme will be to explore the possibilities for more conferences, within the existing programme in which youngsters are working on various competences. An important element in the discussion seemed to be conditions under which an offender can join in a conference. To be more specific, the philosophy of RJ usually stresses the fact that offenders can take part only if they take full responsibility for their deeds.

However, the discussion in the prison made clear that, more often than not, offenders are in prison exactly because they had not learned to take responsibility. In other words, exactly those children did not learn in their childhood what is needed to participate in a conference. The result might be that RJ is only for the 'fortunate few'. One possible solution is to relate the RJ programme to an educational training programme in which youngsters learn to take responsibility for their acts step by step. Concluding, an important element of the introduction of RJ in prison will be to develop a way of dealing with this.

Community mediation

Apart from forms of RJ that appear after criminal offences, in the Netherlands it is applied as well to the prevention of conflicts that could result in criminal acts. Quantitatively, this form of RJ is much larger. After community mediation started in 1996, this pilot project developed into a nationwide network of mediation programmes. Today, there are 40 projects running, and 13 coming up. Each project is run by about 10 to 18 volunteers and a coordinator, which means that there are about 40 coordinators and 600 community mediators active in total. The Ministry of Justice helps to

finance these programmes on a national level; both local governments and housing corporations contribute to the cost.

The idea behind community mediation comes from the San Francisco Community Boards. In cases of quarrels between neighbours, volunteers from a neighbourhood team act as mediators. They try to bring the parties together, let them express both sides of the story and come to agreements about future attitude and behaviour. Especially with certain multicultural areas of big cities, such as Rotterdam, community mediation is very helpful in cases of cultural miscommunication. Many quarrels derive from different ideas about norms and values, life style and - more often than not - prejudices of cultural groups against other groups. Especially in these cases, community mediation helps to break through these biases and thereby prevents irritation from escalating.³

Since March 2000, the National Expertise Centre for Community Mediation provides information, advice and support to local groups and organisations that want to start community mediation. The centre organises trainings for mediators, develops handbooks, and takes care of a registration system; more than half of the clients find the way to community mediation via the police or housing companies. About 30% search the contact themselves. Until now, the method of community mediation turns out to be successful in more than 60% of all the cases.

Peer mediation

Another non-judicial form of RJ that is gaining in influence is peer mediation in schools. Since 1996 there has been an increase in projects in schools in Rotterdam, Zwolle, Groningen, Utrecht, Amsterdam and The Hague. In both primary and secondary schools, pupils are trained to mediate in conflicts between other pupils. A central element of these projects is to increase the feeling of self-esteem and empowerment of the students. All the schools have pupils from a variety of cultures; in some schools as many as 95% of the pupils have parents from a cultural background other than Dutch. In the chosen schools, there have been many problems with major conflicts among students.

Interestingly, after a few years, the schools notice that peer mediation has an effect that was not really expected. Although it turns out to be hard to obtain enough numbers of mediation for all the trained pupils, the broader school culture is obviously affected by the project. Teachers learn how to involve pupils more in the culture of the school and students participate more actively and receive more responsibilities. Moreover, the relationship with the neighbourhood changes as well, as students learn how to resolve their conflicts in an informal way and the school tries to involve the community (for instance the local police

Erratum

In the last issue of our newsletter editorial changes with which the author did not agree were made to the article on 'Victim-offender mediation in Italy'. The editorial board of this newsletter apologises for this. Three substantial changes were made: 1. In the first sentence of the 2nd paragraph of the article, the word 'court' was included between 'juvenile' and 'magistrates'. This was wrong since

officer) in the project. Peer mediation seems to be an adequate way of changing the school climate and the ways of communication within problematic schools.

Journal

Since January 2001 the *Tijdschrift voor Herstelrecht* (Journal for RJ)⁴ has provided a platform for various publications about RJ. The journal is a Dutch-Flemish co-production and is published four times a year. Articles are published in Dutch; however, translations of English or German publications are possible.

The first year was dedicated to a broad introduction of RJ, with central issues such as restoration, victims and offenders and harm. In the second volume the themes 'youth', 'neighbourhood mediation', 'school and peer mediation' and finally 'legislation' were discussed in various articles, interviews and book reviews. This year, the journal will focus on 'safety', 'restorative justice and community work', 'methods of restorative justice' and 'excuses and forgiveness within organisations'.

Although this summary may suggest differently, the development of RJ in the Netherlands has not yet gained a firm foothold. The current political situation, one of punitive law-and-order politics, does not provide a fertile ground for RJ to grow on. Moreover, the already existing range of both alternative sanctions and a specialised criminal youth system might be another cause of reservation with this newcomer. At the same time, however, practitioners keep exploring the possibilities for RJ, as the experiments in the youth prison illustrate.

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Special thanks to José Frijns (VOM), Stijn Hogenhuis (peer mediation), Don van Lin and Corrie Michielse (community mediation) for their information.

1 Ytje Minke Hokwerda is working on a research evaluating these projects. The final report will be finished by June 2003.

2 This took place on Monday the 20th of January. Among other things, the group made a tour through the prison and talked to some of the imprisoned young offenders, both boys and girls, about the idea of RJ. The psychologists of the prison organised the seminar. The prison's director made the final speech.

3 See Peper et al., *Bemiddelen bij conflicten tussen burens. Een sociaal-wetenschappelijke evaluatie van experimenten met buurtbemiddeling in Nederland*, Delft, Eburon, 1999.

4 The editorial board consists of: John Blad (chief editor), Bas van Stokkom (researcher Nijmegen), Annemieke Wolthuis (working at Defence for Children International Amsterdam), Marjon van der Leer (local authority council Utrecht), Bram Peper (researcher Rotterdam), Ivo Aertsen (professor Catholic University of Leuven), Lode Walgrave (professor Catholic University of Leuven), Mia Claes (Special Youth Care), Judith Leest (PhD-student Utrecht).

5 The author is a PhD-student at the University of Utrecht and is examining the ritual aspects of informal procedures of conflict resolution.

the group also included the public prosecutors; 2. In paragraph 3 it was wrong to say that the Department of Juvenile Justice published the book; they were the editor. The publisher is Franco Angeli; 3. In paragraph 6 it was wrong to say that almost the entire 'sample' returned the questionnaire. 'Sample' should have been 'universe' since it concerned all Italian mediators.

COST Action: “Restorative justice developments in Europe”

In the beginning of the year 2002, researchers from various countries (Austria, Belgium, Bulgaria, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Slovenia and the United Kingdom) have participated in the preparation of a COST Action “Restorative justice developments in Europe”. The COST Authorities have approved this Action on 13 May 2002 (see also our newsletter of June 2002).

COST (‘European Cooperation in the field of Scientific and Technological Research’) is an intergovernmental European framework for international cooperation between nationally funded research activities. COST is not financing research directly, but the exchange, analysis and coordination of research. COST comprises 34 member states throughout Europe, and institutes from non-COST countries can possibly participate. The COST Secretariat is based with the European Commission in Brussels, but is being transferred now to the European Science Foundation.

COST Action A21 aims at enhancing and deepening the knowledge on theoretical and practical aspects of RJ in Europe. In this respect, a network of researchers has agreed to work together during four years in order to exchange and discuss research needs, methods and results; coordinate research projects in the respective countries as far as possible and desirable; and stimulate and support further (common) research projects. More precisely, the action is focused on three domains:

- Evaluative research on RJ practices: the study of the process and the effects of VOM and conferencing, the study of national recording systems of data and the study of organisational features, job evaluation and satisfaction;
- Policy oriented research: the comparative study of national legislation in relation to VOM, the study of the relation between criminal justice and RJ practices and agencies, the study of training models and training of legal professionals in the RJ area, and the study of new RJ models and applications;

Development of RJ within the field of serious crimes. Reflections from a pilot project in Norway concerned with mediation in violent cases

The Department for Civil Affairs in the Norwegian Ministry of Justice has taken the initiative to launch a three-year project offering mediation to the parties in severely violent cases as a supplement to a punishment. It concerns a small-scale project, geographically delimited; it is localised at the Mediation Service in Bergen (and the county of Hordaland, Western Norway) and is supposed to utilise resources and further develop competence that already has been built up over time at the local Mediation and Conciliation Service.

To prepare the ground for the project, the Ministry of Justice set up a working group (1998) representing the prosecuting authority, professionals from the RJ community, professional experts on violence, among

- Theoretical research: the study of theoretical concepts, approaches and frameworks on RJ.

Today, 14 countries have already signed the “Memorandum of Understanding”, declaring their intention to participate in this project. A first meeting of the Management Committee has been held on 29 November 2002 at the European Commission in Brussels. During this meeting, representatives from the different signatory countries came together to agree on the internal rules of procedure for the Management Committee and to elaborate a work plan for the Action. During this meeting, Ivo Aertsen (Belgium) and Robert Mackay (UK), both well known by the members of the European Forum, were elected to the positions of chair and vice-chair respectively. In addition, working groups have been created for each of the above-mentioned domains of the scientific programme. Members of the working groups will meet twice a year, over the four years period. Besides, workshops can be organised, publications prepared and short term scientific missions organised (mainly for young researchers). A final report will be published and a conference will be organised to conclude this vast research coordination project. In the long run, this work should help supporting the implementation of RJ strategies in a scientifically sound way. The economic dimension of the activities has been estimated at 7.2 million Euros.

If you are interested in the activities of one of the three working groups, please contact for the first domain (evaluative research) Kieran O’Dwyer (odwyerk@iol.ie), for the second one (policy oriented research) Vania Patané (vpatane@lex.unict.it), and for the third one (theoretical research) Rob Mackay (mackay@amicalis.fsnet.co.uk) or Johan Deklerck (johan.deklerck@law.kuleuven.ac.be).

Countries can still join the Action until 13 May 2003. More information on COST and on COST Action A21 can be found at <http://cost.cordis.lu> or via <http://www.euforumrj.org>.

Anne Lemonne

others. The recommendations from the working group (1999) were not surprisingly, a compromise between different ideas: the mandate for the project is to offer mediation after the case is handled by the criminal court. As regards types of violence, we moved beyond the original recommendations (1999), which were relatively restrictive, by the time we started (2001). We are now asked to offer mediation in all types of violent cases, given that we find them suitable, except domestic violence. This last point is a politically motivated statement because of the complexity and controversial nature of this phenomenon. Altogether, this means that we can work with murder, manslaughter, serious assault, rape, robbery and other serious cases.

What characterises such cases is dramatic (or ongoing) events for those involved, with comprehensive and strong (traumatised) feelings. These reactions also very often include significant others of the involved parties and a wider network or community. It is important that the project and its mediators are able to cope with, identify, differentiate and respond to these reactions in adequate ways. In the following text, I will stress some empirical experiences and reflect on general challenges, given the inherent tensions and antagonisms in the field.

Referral of cases has turned out to be something to work on!

As compared to referrals in the ordinary mediation service in Norway - where the police are obliged to hand over suitable cases as defined by the law - the project is more to be seen as a satellite without any regulations or connections to established institutions. It can be characterised as open in a double sense. Firstly, mediation in this field has not been put into practice before; hence the public in general are more or less unfamiliar with the idea. Secondly, the project depends to a certain extent on positive public response and obviously on voluntary participation of parties involved in violent criminal cases, to be able to do an evaluation. As we are talking about a non-institutionalised service to a non-specific subgroup of the population, we can't expect them to come to us easily; we have to try to reach them. Records from the criminal court system give us information about offenders of violence but corresponding information about the victims is not there. So far we have sought potential cases to work on mostly through the prison system, the probation service and the courts. Thereafter, in the most serious cases, the case is extensively examined, to make sure that the preconditions (attitude of offender) for mediating are present before the crime victim is informed about the offer by a letter. In less serious cases of violence (and cases of conflicts and reciprocal violence) we have modified the procedure described above. The time needed by the parties from the time the offer is presented until they make their decision may be extensive.

The letter will, most frequently for victims, reactivate traumatic memories, and independently of ultimate responses (yes or no) most of them have a lot to tell, and they do: they obviously appreciate getting some attention. At present we have mediated in six cases, two of them indirectly mediated. Statements from participants range

from feeling that a troubled 'case' has been clarified to reaching great security and relief. Since space is limited, I will leave out descriptions about methods applied in the project.

Normative expectations and limitations in the field of RJ and VOM

RJ initiatives will always operate in a specific context. It can't be looked upon in isolation, but only in relation to the criminal justice system. I would like to state that the notion 'victim perspective' is by no means politically neutral, but is infused with different ideological perspectives. Criminological literature warns about the danger of victims being used 'in the service of severity', as well as a second danger of 'victims in the service of offenders'. It is opportune to add a third danger to this perspective, which is that of 'victims in the service of system efficiency' (Crawford and Goodey, 2000). Limited criteria ('smooth management', 'efficiency' and 'economy') can be used to evaluate what is success or failure within organisations and services of the criminal justice system and corresponding public services. The pilot project in question is, as mentioned above, a small-scale project and can't be expected to deliver high numbers of mediated cases. Working in a sensitive field, challenged to balance different and often contrasting demands, the importance of quality and competence ought to be a priority over quantitative considerations.

Preconceptions like the idea that resolution of conflicts and harms should ideally be located in and include a 'community', without questioning what we mean by 'community', are worth reflecting upon. A 'community of care' is something other than a geographically defined community. They can be, but are not necessarily, present simultaneously.

These deliberations on antagonisms in the field and possible pitfalls all end up with concerns about legitimacy. In practical work in the project we emphasise a victim perspective: given the mandate of our project (to supplement a penalty) both the victim and the offender obviously take part voluntarily; but that does not exclude the possibility of revictimization of the parties.

To continually ask questions like 'who restores what to whom and when' is essential guidance in our work. Hopefully I will be able to bring further details from our experience on a later occasion.

Gerd Fadnes, Head of the project

Conferencing for juveniles committing serious offences in Belgium

In November 2000, a pilot project was set up in Flanders, Belgium on conferencing for juvenile delinquents committing serious offences. The first youngster was referred in January 2001 and so far about 60 have been referred, leading to around 45 conferences. The project runs in five districts: Antwerp, Brussels, Hasselt, Leuven and Tongeren. It is funded by the Flemish government and evaluated by the Research Group on Juvenile Criminology at the Catholic University of Leuven. The mediation services ADAM, BAL, BAAL, BAS! and

Elegast participate in the project: some of their mediators were trained as facilitators by Allan MacRae, a facilitator from New Zealand, with the support of the King Baudouin Foundation.

The researcher observes all conferences. An impartial facilitator leads the conference, who guides the communication between the offenders and their supporters on the one hand, and the victims and their supporters on the other. A police officer attends to present the facts and to clarify the broader consequences of the crime. The

conferences usually take place at the mediation service and last about two hours. The outcome is presented to the youth judge, who can decide whether or not to accept the agreement; usually they do. The youth judges of the participating districts are supportive of the project.

A referral procedure is worked out with the help of youth judges, lawyers and public prosecutors, taking into account the existing legal safeguards. Parties themselves think their rights are protected. Half of the youth lawyers involved in conferences were interviewed; they support the youngsters in the conference, and consider that this leads to a better protection of the youngsters' rights.

In general, youngsters feel that they are well prepared for the conference, they can say what they want to say, understand and agree with what is decided and have a say in the agreement. Victims do not always feel well prepared, which is not because of lack of preparation by the facilitator, but because it is a new project. Victims participate because they consider it their duty to do so, to tell the youngsters how they feel about the offences, and to get the youngsters to take responsibility for their actions. The victims agree with what is decided and find the agreement fair. Parents all agree with what is decided,

DIKÊ project: European review of victims' rights

APAV, the Portuguese Association for Victim Support, is the promoter of the DIKÊ project - Protection and Promotion of Victims' Rights under the Framework Decision regarding the Standing of Victims within Criminal Proceedings. The project is co-financed by the European Commission under the GROTIUS II Programme (Directorate General for Justice and Home Affairs). This project aims to promote the development and strengthening of knowledge on specific measures concerning the protection of victims' rights, thus helping to put into practice the Council of the European Union Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings. This one-year project will include the following activities:

- collect and compile documentation concerning the protection and promotion of victims' rights, particularly about legal assistance to victims, VOM, and witness protection. This information will be compiled using two previously drafted questionnaires, both from the current 15 EU Member States and from the 10 accession states. The questionnaires seek to create an outline of the current state of the effective implementation of these three rights for victims included in the framework decision: specific assistance to the victim, right to protection and VOM in the course of criminal proceedings;
- organise visits to agencies which provide mediation, training and support to victims of crime in England, Austria and Germany;
- organise a data base from all the information collected;
- organise an international seminar on "Protection and Promotion of Victims' Rights in Europe", including

are satisfied with the agreement and most of them think their child was held responsible.

Points to note are that some victims think it is too much investment of their time and that they are not always able to invite support people. The preparation is important for them so they know what to expect. Some offenders cannot say what they want to say and find that some things are still unresolved after the conference. Only a small numbers of participants were interviewed (19 parents, 18 youngsters and 17 victims), which limits generalisation of these answers.

The youngsters' support network averages five people. Victims do not bring that many; usually none, sometimes their parents (when the victim is a juvenile) or their partner. Interviews show that victims do not feel outbalanced by the number of supporters, nor do they wish to have more support at the conference.

These are the general results of the research so far, but based on small numbers. Practical issues or details of the results have not been dealt with here. A report is available in Dutch; the author can supply more information.

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plenary sessions and four workshops. The workshops will focus on training of victim support volunteers and mediators (concepts, training practices and standards, procedure manuals), relation between RJ and the traditional criminal justice system, witness protection and legal assistance to victims;

- publish and disseminate the papers presented during the conference as well as the conclusions of the workshops (in Portuguese and English).

In the DIKÊ project, APAV is working with several national partners in Portugal - Direção Geral da Administração Extrajudicial, Centro de Estudos Judiciários, Instituto de Reinserção Social, Instituto Superior de Polícia Judiciária e Ciências Criminais and Centro Português de Estudos de Direito Penal e Financeiro Comunitário - and European partners - Féher Gyüru Közhasznú Egyesület (Hungary), Slachtofferhulp Nederland (the Netherlands), Direcció General de Mesures Penals Alternatives i de Justícia Juvenil do Department de Justícia da Generalitat de Catalunya (Spain), Servicebüro für Täter-Opfer-Ausgleich und Konfliktschlichtung (Germany), European Forum for Victim-Offender Mediation and Restorative Justice (Belgium), Suggnomè vzw (Belgium) and Asociación Beccaría para la prevención del delito y el tratamiento de la víctima y el delincuente (Spain).

The Portuguese and European partners of the DIKÊ project will exchange information and experience about promoting and protecting victims' rights, take part in the conference, where they will present a report, chair/participate in the workshops, evaluate the results of the DIKÊ project and disseminate the outcomes in their respective countries.

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Newsflash

- Since 1 July 2002, Sweden has a new law on mediation in penal matters. The government wants mediation to play a more protruding role in the future, but it is not yet decided what should be the place of mediation in the judicial system. So far it continues to be a complement to the normal justice procedure. The National Council for Crime Prevention has been given the task to stimulate the development of VOM for juveniles and has been provided with 18 million SEK (ca 2.1 million Euro) for grants to projects and for education along with other kinds of support. More information can be obtained from lars.alexandersson@bra.se or Christina Nehlin at nehlin@brevet.nu.
- On 7 March 2003, the European Forum has introduced two project proposals for funding under the European Commission's Agis programme. A first project, which was introduced with 7 partners, is called "Meeting the challenges of introducing victim-offender mediation in Eastern Europe" and intends to, over a period of two years, organise three seminars with experts from Eastern and Western Europe. The second proposal asks for funding to support the activities of the Forum for one year. This funding, if awarded, will allow the Forum to organise some activities in the area of training of mediators and training of legal practitioners. We will know if these proposals are accepted by the summer.
- From 22 to 25 April 2003, visits are being organised to different projects, centres and initiatives in the field of mainly mediation in criminal matters and restorative justice in Belgium. The main languages will be English and French. For more information contact Frederik Bullens at fbullens.hsb.ou@skynet.be.
- Johan Deklerck (University of Leuven) is looking for people who are interested in presenting a paper in a workshop on the role of RJ in environmental crime at the 13th World Conference of the International Society of Criminology (for more information, see Bulletin Board). Please contact johan.deklerck@law.kuleuven.ac.be, Tel. +32 16 32 54 67.
- 'Between victim and offender': a new video on mediation. The Mediation Service Leuven (Belgium) offers four VOM programmes: 1) VOM for young offenders (including a pilot on conferencing), 2) VOM at police level, 3) VOM in serious crimes that are being prosecuted ('mediation for redress'), and 4) post-sentence VOM (with inmates). The Mediation Service realised a video, initially in Dutch, but now also available in French and English. The video shows a mediation process between the offenders and the victims of an armed robbery. Also the cooperation between the different partner organisations involved in the Mediation Service is highlighted. The video is meant for a broad audience: judges, prosecutors, mediators, lawyers, counsellors, social workers, police, students, ... The duration is 32 minutes, the price 25 Euro (plus 5 Euro mailing costs). Contact details: Mediation Service Leuven, e-mail: bal@leuven.be or fax +32 16 21 19 28.
- The German Bundesverband Mediation now has a website: <http://www.bmev.de>.
- A new magazine "Media Res" will be launched soon. For more information e-mail: crisimed@tiscalinet.it.

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

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