



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

Editorial

We hope that you all enjoyed your holidays ... a period that everybody needs in order to start the coming year with enthusiasm and energy!

This newsletter aims to inform you, as usual, about some of the events that will take place very soon and where we will be able to further discuss our experiences with RJ. It also emphasises some of the topics in discussion in the field of RJ.

In this respect, the article from Ida Hydle and Ingrid Kristine Hasund from Norway relates the results of their evaluation work ordered by the Norwegian government about the pilot experiment with mediation as supplement to punishment in cases of serious violence. Their evaluation was performed based on important materials (interviews, participant observation, documentary analysis) concerning RJ and the criminal justice system in general, and concerning the pilot project in particular. The authors highlight the discussion points between the various actors taking part in this project and emphasise some of the leading forces that can act towards/against the implementation of such a specific RJ programme. The results of such a research are certainly of great interest to people willing to develop or reflect on RJ in cases of serious violence.

At another level, Jacques Faget discusses RJ from a different point of view in showing the macro-sociological and political forces

Evaluating a Norwegian RJ project: mediation as supplement to punishment in cases of serious violence

Introduction

In Norway, restorative justice (RJ) started with the idea of redefining criminal offences as conflicts (Christie, 1977). This resulted in the 1991 Act of Parliament regulating the mediation and reconciliation service ('konfliktråd'), as a permanent institution of criminal law. In the Norwegian mediation service, the mediators must be laymen¹, the parties (litigants) will meet personally at the conference/mediation. Empowerment of communities and of the parties are central to the idea of the 'konfliktråd'.

leading to the implementation of RJ. These forces, according to him, are not always easily readable by 'believers' implementing RJ. Nevertheless, their recognition may help to better grasp the issue at stake in the development of RJ and to develop appropriate strategies.

RJ is still a sphere of innovation and implementation that needs to be highlighted and reflected on. Cornelia Codreanu and Belinda Hopkins rightly stress, in their contributions, the innovative potential of RJ. New countries are more and more involved in RJ projects and evaluation and new spheres of development have to be dealt with or consolidated. The European Forum is currently running an AGIS projects that actually wants to do just that in Central and Eastern European countries.

Finally, I wish to inform you that the Editorial Board will soon have its annual meeting. At this occasion, a new co-ordinator will be appointed. In this respect, feedback and suggestions from the readers are always welcome in order to ameliorate our publication policy.

I wish you a very nice late-summer time and I am looking forward to read or to meet you very soon!

For the Editorial Board,
Anne Lemonne,
Co-ordinator of the Newsletter

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practices of violent individuals (especially men). The project was supposed to convey new knowledge about mediation in such cases, and may possibly be distributed nationwide at a permanent basis. Hasund, a linguist, assisted in the evaluation by analysing texts (Hasund, 2001, 2003).

The evaluation project was above all realised through an anthropological approach (Hydle), with some strains of linguistic analysis (Hasund). The empirical material used in the analysis of the discourse *about* mediation consists of a variety of texts, linguistic as well as non-linguistic: written documents, participant observation, conversation, audio recording and transcription of conversations about RJ and criminal justice (CJ) in general and about the pilot project (including the parties) in particular.

Results

The material shows how both RJ and CJ appear as battlefields for pivotal societal discourses, and for the negotiation of existing notions of morality, truth and justice. This appears in the form of dichotomies, conflicts and disagreements at various levels. For instance, in recording of conversations with representatives from different parts of the criminal proceedings, we notice how RJ and CJ are presented at textual level as opposites by the use of antonymous adjectives: CJ is described as 'traditional' and 'old' and RJ as 'innovative' and 'new'. When seen in a historical perspective, this appears to be a discursively constructed dichotomy: the 'konfliktråd' as a local judicial institution was in use in Norway from the middle age until the court was centralised and professionalised during the sixteenth century (Imsen and Winge, 1999; Sandmo, 1999). In other words, the 'konfliktråd' is not as 'new' as is often claimed to be.

Furthermore, the recordings contain descriptions that indicate a dichotomy with respect to political position and gender. As regards the political position, there are indications that CJ is connected to conservatism, while RJ is seen as a left-wing construction. As regards gender, a distinction is made between the stereotypical masculine 'rigour' of CJ and the female 'softness' and 'goodness' of RJ. The stereotypes are referred to in the descriptions of both the positive and negative aspects of the two institutions.

The material also shows that dichotomies and conflicts exist not only between RJ and CJ as two different institutions, but also at other levels. For instance, the pilot project itself involves a number of conflicts, in the sense that there is disagreement about a number of aspects about the content and form of the project. In the initial phase of the pilot project, a central issue was whether mediation should be an *alternative* or a *supplement* to punishment. The persons responsible for the project decided that mediation is to be used as a *supplement*, although it was acknowledged that this may cause a motivation problem for the parties involved.

Another issue was *how* mediation is to be used as a

supplement to punishment. At what stage in the criminal court procedure should mediation be used: before, during or after investigation and confession, or before or after sentence? In discussing this issue, a conflict of interest appeared between various people involved in the project. There were also discussions concerning what kind of violence cases would be suitable for mediation. In these discussions particular emphasis was placed on the consideration for the victim, and one was reluctant to propose as suitable cases involving domestic violence, rape, women abuse and child abuse. But even here there was disagreement.

From a combined linguistic and anthropological perspective, it is interesting to notice how the discussion of these issues is often related to language, or more precisely, to the use or non-use of verbal interaction between the parties involved in the conflict. In connection with mediation, it is claimed that what is regarded as positive about this way of handling conflict is the fact that the two parties are given the opportunity to meet face-to-face to talk about the conflict. In a general sense, one can say that the main advantage of mediation - the fact that the parties are *allowed* to communicate face-to-face, is also its main disadvantage: the parties *have* to communicate face-to-face. A similar line of argument is used about the criminal court procedure: the fact that the parties *don't have* to communicate face-to-face may also be a disadvantage in that they are *not allowed* to communicate face-to-face. In connection with serious violence cases, the question of whether it is an advantage or a disadvantage for the parties to meet and interact face-to-face is particularly salient. There is a concern about the responsibility and possibility for the criminal court to protect the weaker party in cases where there is a marked asymmetry between the parties, such as between a rape victim and the perpetrator. Even though the criminal court procedure cannot do away with the physical asymmetry between the parties, at least it can contribute to diminishing the communicative asymmetry in that each party is given a representative who talks for him or her. These representatives are, in principle, equal professionals who can treat the conflict as a 'case'. In the recorded interviews, we noticed how the competitive aspect of criminal cases is frequently referred to: criminal cases are presented as discursive duels to be won or lost.

The pilot project lasted for three years and the costs in all were about 285 000 Euro. The unexpected and slowly emerging limitations of the project caused considerable concern among the members of the steering group and the responsible persons in the ministry. The aim of mediating in at least twenty cases had not been reached. There have been six cases (two rapes, one violent robbery, one case of serious bodily harm, one homicide, one menace with knife and one armed robbery) prepared for direct mediation, two of which were interrupted, and in four of which the parties have met each other in the meeting

room (the number of parties for a mediation was between 2 and 5) at the 'konfliktråd'. Two additional cases have been indirectly mediated, i.e. the head of the project had telephone conversations with the parties and they came to an agreement. Analysis shows that remorse and apology have come out of mediation in several severe cases of violence.

This makes it even more urgent to find out why the number of cases is so small. From the list provided by the prison authorities and additionally from the court, the project manager picked 79 cases that were considered suitable for mediation. All of the victims were contacted by a letter, carefully explaining the project and asking whether they wanted to participate in mediation. Seven victims answered positively to this request. What were the reasons why the vast majority of the victims responded negatively?

There are several problems with the pilot project, which can be grouped into the following three areas: the first concerns the time aspect of mediation, i.e. the time it takes to select, prepare and mediate cases of (violent) conflicts. The second concerns the place of mediation in the criminal court procedure, i.e. whether mediation should be performed before, during or after a criminal trial. The third problem concerns the use of the terms *serious* and *violence*, the definition of which may be too limited.

Time

Why has the case finding and preparatory work in the pilot project taken so much longer than anticipated? In her report, the head of the project wrote about the extensive time required to prepare cases for mediation. It took up to six months (in one case more than a year) to prepare potential participants for mediation. In addition, the mediation itself took a longer time than the ordinary conferences. The average time used per case is overall 4.2 months. The lack of knowledge of RJ among people in general as well as among the police and other judicial professionals may have contributed to this. Another explanation seems to be the lack of bureaucratic preparatory work from the ministry concerning the rules of professional secrecy with which to regulate the relationship between the prison authorities, the ministry² and the project.

Place

As regards the place of mediation in the criminal court procedure, one limitation which was openly discussed and acknowledged in the steering group and in the ministry, although controversial, was that mediation should be performed *after verdict and imprisonment*. Several persons who had a considerable political or professional influence on the project, opened up for mediation before or during a criminal trial, although always as a supplementary task, not as an alternative. This, however, was never tried out in the project, due to the influence of at least two different forces in the steering group. The first was exerted by the Director General of public prosecution, who himself or by way of his employees

clearly directed the project through a number of written and spoken statements. He did not want any mixing of CJ and RJ in serious violence cases, which he regarded as belonging to the domain of CJ. Another member of the steering group exerted his influence: the director of the regional prison. He saw, long before the project started, how a mediation approach might be added to other innovative management programmes for the inmates. Thus, he was eager to co-operate immediately with the head of the project in opening up the local prison in order for her to find suitable cases for mediation.

The terms 'serious' and 'violence'

A third problem with the pilot project concerned what *kind* of violence cases are suitable for mediation. At first, there was openness towards all kinds of violence, although murder, family violence and rape/sexual abuse were excluded. However, at the beginning of the project period, the Minister of Justice opened up for mediation in such serious cases as well. Nevertheless, due to a change of Government, there was a shift in the directive from the ministry during the project. The new vice minister had a background from the women's crisis centre movement and was fiercely against mediation in serious violence cases. In spite of this there has, in fact, been an indirect mediation in one homicide case and one rape/family violence case with positive effects for all the persons involved. When asked, people answered as if their definition of 'serious' did not correspond with the professional belief of what is 'serious'.

Thus it is worthwhile looking for more general clues when exposed to the Norwegian hybrid experiment of RJ (Hydle, 2003).

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- 1 They are appointed volunteers from the municipality and are symbolically paid.
- 2 The prisons and the 'konfliktråd' belong to different divisions within the ministry.

Christie, N. (1977), *Conflicts as property*, Stensilserie/Institutt for kriminologi og strafferett, Universitetet i Oslo, nr. 23.

Hasund, I.K. (2001), 'Markers of epistemic stance: a contrastive study of the pragmatic particles *like* in English and *liksom* in Norwegian', In Vater, H. and Letnes, O. (eds.), *Modalität und mehr. Modality and more*, Trier, Wissenschaftlicher Verlag Trier, 129-140.

Hasund, I.K. (2003), *The discourse markers like in English and liksom in Norwegian teenage language: a corpus-based, cross-linguistic study*, Dr.art thesis, Bergen, University of Bergen.

Hydle, I (2001), *Murder without motive? An anthropological study of a criminal case*, Dr.philos.thesis, Oslo, Uni. of Oslo.

Hydle, I. (2003), 'Anthropological Reflections on Restorative Justice in Norway', in Walgrave, L. (ed.), *Repositioning Restorative Justice*, London, Willan Publishing.

Imsen, S.R. and Winge, H. (1999), *Norsk Historisk Leksikon* (Norwegian Historical Encyclopedia, our translation), Oslo, Cappelen Akademisk Forlag.

Sandmo, E. (1999), *Voldssamfunnets undergang: om disiplineringen av Norge på 1600-tallet* (The decline of the violent society: on the disciplining of Norway in the 16th century, our translation), Oslo, Universitetsforlaget.

Readers' Corner

- *Just Schools. A Whole School Approach to Restorative Justice*, by Belinda Hopkins (2004). In this practical handbook the author presents a whole school approach to repairing harm using a variety of means including peer mediation, healing circles and conference circles. It provides clear, practical guidelines for group sessions and examines issues and ideas relating to practical skill development for facilitators. Available from Jessica Kingsley Publishers, <http://www.jkp.com>, e-mail: post@jkp.com.
- *Rethinking Sentencing*, edited by Peter Sedgwick (2004). Rethinking Sentencing argues that the Christian faith provides a viable alternative to the current criminal justice system through redemption and reconciliation rather than retribution and punishment, and calls for a fundamental reassessment of the sentencing process. Restorative justice is seen in the report as offering a new and additional approach compared with retributive justice based simply on punishment. Available from Church House Publishing, <http://www.chbookshop.co.uk>. E-mail: bookshop@c-of-e.org.uk.
- *A Suitable Amount of Crime*, by Nils Christie (2004). In this book Nils Christie argues that crime is a fluid and shallow concept - acts that could be construed as criminal are unlimited and crime is therefore in endless supply. It should not be forgotten that there are alternatives, both in the definition of crime, and in responses to it. *A Suitable Amount of Crime* looks at the great variations between countries over what are considered 'unwanted acts', how many are constructed as criminal and how many are punished. It explains the differences between Eastern and Western Europe, between the USA and the rest of the world. The author laments the size of prison populations in countries with large penal sectors, and asks whether the international community has a moral obligation to 'shame' states that are punitive in the extreme. Available from Routledge, <http://www.routledge.com/>
- *Evaluation of the "Let's Talk - Social mediation for refugee communities in Europe" project*, by Jari Salonen and Juhani Iivari (2004). The mentioned project aimed at promoting the idea of social mediation to mediate and solve problems between people representing different cultural backgrounds and to build capacities of refugee community organisations and to empower refugees themselves to enhance cross-cultural understanding and the settlement of crimes and disputes through social mediation. Available from the International Organization for Migration, Regional Office for the Baltic and Nordic States, <http://www.iom.fi>, or e-mail: mrfhelsinki@iom.int.

Newsflash

- The Secretariat of the European Forum has been reinforced with Borbala (Borcsa) Fellegi. She will mainly be active in the AGIS project on Central and Eastern Europe (see page 5), but will also help in the other tasks of the Forum. Borbala can be reached at borcsa@euforumrj.org.
- RJ City is a research and development project to design a model RJ system capable of handling all cases, all offenders and all victims. The project has three phases. The first is to design and put into writing a model restorative justice system. The second is to test that design for comprehensiveness and feasibility through the use of a computer simulation. Initially, the data used will be based on a profile created for RJ City. The third phase is to create two computer-based products: a public policy simulation and an educational simulation game. The project is now nearing completion of its first phase. For more information see <http://www.pficjr.org/programs/rjcity/>.
- In early June, the Society of Victimology of Catalonia was formed. The president is Jose Maria Tamarit, professor of Penal Law and Victimology. Marisa Hontoria has been elected as vice-president in charge of restorative justice.
- 'Another Way' is a project promoted by the NGO EDUKOS, from Dolny Kubin, Slovakia, under the framework of the EU initiative Grundtvig 1 on international co-operation. The main objective of this project is to prepare the conditions for safety in the European countries. The idea is to help to create a new service called Probation and Mediation Service that is closely connected with community sanctions. The countries which recently joined the EU are expected to create a system that is compatible with European standards.
- The Discussion Guide for the Eleventh UN Congress on Crime Prevention and Criminal Justice, to be held in Bangkok (Thailand) from 18 till 25 April 2005, can be found at http://www.unodc.org/pdf/crime/congress11/203_PM1_e.pdf. Workshop 2 is entitled 'Enhancing Criminal Justice Reform' and will, among other things, deal with restorative justice.

Bulletin Board

- September 10-12, 2004, Skövde (Sweden), biannual Nordic Conference on Mediation and Conflict Management, organised by the Nordic Forum for Mediation. The conference will cover conflict work in fields such as: family, school, work place, commercial, community, victim-offender mediation, civil court cases and international peace mediation. Some seminars will be run in English, informal translation will be provided in the others. For more information see <http://www.n-f-m.org>.
- September 16-17, 2004, Leicester (UK), 3rd International Effective Restorative Justice Conference, organised by De Montfort University. For more information see <http://www.dmu.ac.uk/restorativejustice> or e-mail dmccc@dmu.ac.uk.
- **October 14-16, 2004, Budapest, Hungary, Third bi-annual conference of the European Forum for Victim-Offender Mediation and Restorative Justice 'Restorative justice in Europe: Where are we heading?' For all information about the conference please visit <http://www.euforumrj.org> or e-mail info@euforumrj.org.**
- October 21-23, 2004, Lerida (Spain), 1st Congress of Victimology in Spain, organised by the Spanish Society of Victimology. For more information e-mail mlhontoria@yahoo.es.
- November 7-8, 2004, Philadelphia (USA), *Looking Back, Looking Forward, Transformative Mediation Ten Years After the Promise of Mediation*, First National Conference on Transformative Mediation. For more information see <http://www.transformativemediation.org> or e-mail Sheryl at transformconf@aol.com.
- December 2-5, 2004, Auckland (New Zealand), *New Frontiers in Restorative Justice: Advancing Theory and Practice*, an International Interdisciplinary Conference on Restorative Justice. For more information e-mail: newfrontiers@massey.ac.nz. See also <http://justpeace.massey.ac.nz>.
- February 23-25, 2005, Canberra (Australia), *Empirical Findings and Theory Developments in Restorative Justice: Where are We Now?*, organised by the International Network for Research on Restorative Justice and the Centre for Restorative Justice Research, School of Social Sciences, Australian National University. More information is available at <http://regnet.anu.edu.au/events/RJconf/program.htm>.
- March 3-5, 2005, Sydney (Australia), Building a Global Alliance for Restorative Practices and Family Empowerment - Part 3. For more information see <http://www.iirp.org>.
- August 7-12, 2005, Philadelphia (USA), *Preventing Crime and Promoting Justice: Voices for Change*, Fourteenth World Congress of Criminology, organised by the International Society of Criminology. See <http://www.worldcriminology2005.org> for more information.

Restorative justice in Central and Eastern Europe

What is the specific political, economical, cultural and legal background against which to see the implementation of RJ in Central and Eastern European countries (CEE)? How can the experience of the Western European countries support the implementation processes of RJ in this region? What can the West learn from the developments in criminal justice in CEE? What can be learnt from all this in terms of policy development at the level of the European Union?

These are some of the main issues of the AGIS project 'Meeting the challenges of introducing victim-offender mediation in Central and Eastern Europe'. The project, which started in December 2003, is being run by the European Forum and is co-funded by the European Commission. Besides the conceptual exploration of the challenges of implementing RJ in CEE, the project aims to prepare strategies for promoting the development of an integrated RJ policy in CEE as well as to support dynamic exchange and co-operation both among the CEE countries and between Western and Eastern countries.

Partners from Albania, Austria, Belgium, Bulgaria, the

Czech Republic, Estonia, Hungary, Moldova, Norway, Poland, Romania, Russia, Slovenia, the United Kingdom and Ukraine, are involved in this project. Moreover, the representatives have already indicated their willingness to try to involve other CEE countries as well.

During the project, which will run until November 2005, two expert meetings and two seminars will be organised. The first expert meeting, which already took place in June in Vienna, provided a good possibility to discuss the current status of RJ in each country, and to explore the main difficulties as well as the supportive factors in this region in relation to the implementation of RJ.

The next step is to organise three workshops during the Forum's Budapest conference. The first will focus on presenting and discussing the situation of RJ in some CEE countries. The second will highlight some crucial 'Eastern' issues, such as the 'Gulag mentality' and the tradition of the highly punitive society. The third workshop intends to elaborate the main issues in relation to the roles of the civil society, the legitimacy of NGOs and the difficulties of implementing and promoting RJ.

The second expert meeting (in March 2005) will look into what can concretely be done to give an impetus to the policy development around RJ in CEE. The second seminar will then present the results of the project and will be an opportunity to discuss how the conclusions and recommendations of the project can be used in a practical way.

Based on the experience of the first expert meeting, it can be concluded that - thanks to the enthusiastic

Mediation and politics

The emergence of restorative justice is not only, it seems to me, the result of the creativity of criminologists, anthropologists or enlightened campaigners but also a sign of a deeper political movement. Mediation, and particularly court-based mediation which is its most widely implemented mode, is an interesting indicator by which to analyse societies which, having reached a similar stage of evolution, are looking for a new way to govern cities and to build social cohesion. Its political dimension can be found at three different levels.

1. Mediation to assist political regulation

Mediation practices have emerged for various reasons, combining the transformation of the state, the decline of institutions and the crisis of civic bonds.

In broad terms, one can observe that the emergence of mediation practices coincides with the appearance of the first signs of the decline of the Welfare State and follows the political upheavals produced by the fall of the Berlin wall. It is as if, symbolically, the end of the worldwide equilibrium based on a binary logic gave the impetus for three-way models of regulation. The development of mediation practices has to be situated in the framework of the transition from the traditional state to the post-modern state in which the mode of government is less and less authoritarian and vertical, becoming more and more contract-based and consensual (governance).

Faced with the extreme bureaucratisation of institutions, people look for more flexible and efficient forms of regulation. The impact of the 'new public management' creates pressure to reduce the weight of public intervention and to transform management methods, copying those of the private sector. The integration of mediation in some institutions thus has powerful managerial motivations. However, it might be thought that the wish to humanise blind administrative mechanisms and to rediscover a 'forgotten' relationship with users constitutes a powerful force towards innovation. The particular context of intercultural confrontations generated by the explosion of migration also necessitates the search for new modes of settlement.

The traditional family, the workers' movement, the political parties, the unions, the churches gave a meaning to our collective life, transmitting behavioural norms and providing individuals with a framework to analyse reality. With their loss of influence, innumerable mechanisms for prevention and resolution of conflict

contribution of the representatives - there is a huge potential and professional knowledge in these countries. The fact that they now network might be highly beneficial for the implementation of RJ in the whole region.

Borbala Fellegi,

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have disappeared. Such a context of *anomie* would throw us into societies of more and more autonomous individuals (who are also more and more lonely and insecure) for whom the concept of general interest is reduced to a 'narcissistic' (self-regarding) and piecemeal conception of the public good.

2. Mediation in the service of public action

Mediation is increasingly conceived as a tool to serve public action. It can be integrated within global policies when for example a country creates mediation services nationwide. It can be integrated into sectoral policies and can be institutionalised, as is the case for many countries in the judicial system. Finally, mediation can be organised at a local level when political representatives introduce community mediation or neighbourhood mediation in order to handle social and community tensions.

Nevertheless, these mediation policies are not imposed vertically. In reality, they are the result of an interaction between a multiplicity of social actors, whose strategies and motivations are very varied. Besides the role of political representatives and institutional actors, it is worth underlining the role of interest groups. It can be the trade sector, such as large firms of lawyers in the United States, or lobbies of new professional mediators. These groups can both have activist motivations and defend a vision of the world, for example by denouncing a deficit of democratic participation in the public choices or institutions. Finally, the knowledgeable community of academics and practitioners - which diffuses its ideas in journals, seminars, training courses - exercises an influential role on the promotion and 'policing' of practices.

3. Mediation at the heart of the political debate

The principles of mediation are defended by those, mainly situated on the left of the political arena, who take note of the crisis of representative democracy and try to promote the idea of a participative democracy in which every individual takes a role as an 'actor' in public policy. However, this ideal is reminiscent of old self-management claims and connects with a liberal perspective, tending towards the right, which upholds notions such as involvement and contract. Right-wing parties emphasise the need to increase the responsibility of citizens who have become too dependent on professionals and institutions and bask in the soothing delights of the Welfare State.

On the other hand, other people see mediation as the ultimate trick of a triumphant liberalism wishing to suppress conflicts that are likely to question its foundations, by drowning them in consensus. The institutionalisation of mediation would thus be considered as a means to spread negotiation principles more widely. It could lead to a pernicious kind of normative deregulation, replacing relationships based on law with those based on power. This would risk making the situation of the most vulnerable people even more fragile. This risk is particularly denounced by some lawyers concerned to protect civil liberties and by social

movements as, for example, the feminist movement condemning the use of mediation in case of family violence.

This macro-social perspective on mediation aims to underline what 'believers' do not always notice. There is a need to reflect politically on mediation and also on restorative justice, because the implications of these concepts are far greater than the institutions which embrace them and the individual and collective ideals on which they are grounded.

Jacques Faget

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Centres for restorative justice in Romania

For the Romanian centres for restorative justice, January 2004 was a time to look back on the 16 months of D.F.I.D. (Department for International Development in the UK) funding, but also a time of careful examination meant to bring about improvement and even to do away with some malfunctions that partner institutions had encountered in their joint activities. This target was set for the nine additional months through a Phare Programme on Civil Society, 4th component: Social ACCESS.

More specifically, representatives of all partner institutions were invited to spend some time together on 20-25 January 2004, away from the daily office routine. The meeting was attended by project co-ordinators from the Centre for Legal resources, teams of the two pilot centres for restorative justice, trial court presidents, judges, prosecutors, a representative from the Directorate for Reintegration and Oversight (Probation) of the Ministry of Justice, heads of the Probation Services, representatives of the General Police Inspectorate and of the Craiova Police Inspectorate.

The most important topic on the agenda was a presentation by representatives of the two centres on the work they had been doing in their own centres for the past 16 months from the time of the opening. Presentations covered both in-house working methodologies and the underlying methodology of co-operation with partner institutions. The purpose of the presentations was to inform participants about the outcome of the project, about the specific procedures used in both cities, i.e. Craiova and Bucharest, about how diverse relationships with institutions were, and above all about the fact that shared solutions should be identified, approved unanimously and then used.

The opening day ended amicably with the staging of an actual mediation and nearly all of the participants took part in this role-play session.

Once that target had been reached, each partner institution presented (on the second day) the way in which they had co-operated with the centre for RJ, the shortcomings of their relationship, as well as the possible solutions that could be implemented to make things

work. Also there was a full range of proposals to expand the target group of the project (either by going below the age of 14, or by including the over-21s), to expand both the geographical coverage (to cover the entire Dolj county) and the range of offences (misappropriation of found property, misrepresentation, receiving stolen goods, blatant insults, theft or destruction of original documents, breaking of seals, theft of impounded property, disturbing public order and peace, brawls, etc.), and also to involve some other institutions (Placement Centres, Child Care Authority, etc.). The debate ended on the third day and participants agreed on a joint methodology for both centres and adopted solutions to optimise liaison between the institutions involved in this project.

Also on the third day of the meeting, participants talked about the future of RJ in Romania. Participants outlined legislative proposals, operational means and frameworks, status and methods of implementation. All of these were just outlined and in August 2004 a new, similar meeting will take place and will mainly focus on these issues. The topic was assigned as 'homework' that participants should think about over the next 7 months in order to find the optimum solution.

For the fourth and last day of the meeting, participants divided into different workshops and produced leaflets and a promotional poster for RJ. We will not make an issue of the naïve graphic 'art' of participants, as apart from that their ideas were quite ingenious and representative of what RJ is about and of the values that this kind of justice promotes.

After four days of debates and work, we are glad to say that objectives were accomplished, that guests participated actively and constructively and that the solutions the participants proposed and adopted would eliminate some of the problems that have been encountered so far.

On the fifth day, before returning to their jobs, participants visited the famous Dracula castle. No casualties were reported so RJ can continue to work in a first-rate way!!!!

Cornelia Codreanu, Psychologist

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Everyone benefits from schools using restorative approaches - including criminal justice practitioners!

I hope the case for developing restorative approaches in schools and residential care settings does not need to be made amongst readers of this newsletter. But the case for restorative approaches becoming one of the European Forum's areas of core business certainly does! For two years running now the annual conference has made little reference to the huge increase in interest in school-based restorative work, and there is thus no European forum (small f) for practitioners to meet and share the successes, challenges and research that can help us in our work.

Many schools in the UK tend to use more traditional approaches of managing conflict and inappropriate behaviour, which rely on one-sided judgments of who is to blame, and on school personnel opting for punitive responses to conflict and wrongdoing. Such approaches do not repair the harm caused between members of the school community and can breed resentment and alienation. I am imagining that the situation is similar elsewhere in Europe, although it would be good to learn of alternatives to this.

Surely those of you who work in the criminal justice field must agree that your work would be much easier if young people grew up in environments where they are encouraged to take responsibility for their choices, learn to respect the feelings and needs of those with whom they live and work, and grow up emotionally literate and thus able to engage in restorative processes as a matter of course. Not only should you have fewer

clients in the future (but probably never so few that you have no job!) but also the prevailing culture amongst young adults should grow to be one of accepting that restorative justice is the right way forward. We would not find ourselves having to fly in the face of public opinion quite so much.

I am writing to ask for responses to my appeal. Are there enough people reading this who agree with me that the Forum should take the restorative work in schools more seriously? If so, what is the next step?

Do we need some representatives from this sector on the Board?

Do we need a working group of European representatives who can speak for this area of work?

Do we need a regular opportunity for meeting and sharing experiences at the conferences?

Do those of us working in the field need to be more regular contributors to the newsletter to keep the profile of the work high?

Do we need another separate, but affiliated, Forum?

Do we need to let each other know about relevant conferences in our countries, like the one in London on September 29 dedicated to Restorative Approaches in schools and the Looked After sector? (www.transformingconflict.org for details and a Booking Form). Please send replies to Belinda@transformingconflict.org.

Belinda Hopkins

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

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