

Editorial

Dear readers,

It is with great pleasure that I take this opportunity to introduce this issue of the EFRJ Newsletter to you whilst our Editor Kerry Clamp is on maternity leave. I'm sure you will all wish to join me in sending our congratulations to Kerry who has now given birth to her second child. Kerry has still been active however and has recently published a book with Craig Paterson of Sheffield Hallam University on [Restorative Policing: Concepts, Theory and Practice](#). A timely piece of work which we will review in a future Newsletter.

This issue builds on the July issue with further feedback and thoughts from the very successful EFRJ Conference in Leiden in June. Annemieke Wolthuis, Vice Chair of the EFRJ, takes a personal look back at the people, presentations, workshops and events that made the conference such a huge success and resulted in very positive feedback from those who attended. As a UK citizen, the Leiden conference will have a special memory for me as the place that I was when the Brexit decision was announced. The circle initiated at the start of the day was a powerful demonstration of the sense of community felt within the EFRJ and was greatly appreciated by the many delegates from the UK. Lydia Read also gives her impressions of the conference as someone new to restorative justice as well as this being the first EFRJ conference she had attended. Good to see that she is very keen to come to the next one and is telling all her colleagues about it! This issue also gives you a little more personal information about our three newly elected Board members who are now keenly involved supporting projects and developments in the EFRJ. Please do contact Board members if you have ideas to support the development of the work of the EFRJ.

The first article is a very personal account from Brunilda Pali about her meetings with Nils Christie and the inspiration that he gave her as well as the impact he has had on the world. The stories give a wonderful insight into the man and the characteristics that he shared so willingly and which have had such a lasting impact not only on the world of restorative justice but on all those who were lucky to have had the opportunity to meet and work with him or who have been influenced by his writings.

The next article builds on a discussion Brunilda mentions around Nils' 'struggle' with definitions. Ted

Wachtel, Founder of the International Institute for Restorative Practices and former President, challenges the restorative community to look beyond specific definitions towards restorative practices as a shift in governance and authority. He argues that this provides the common thread through all restorative practices which he believes has the potential to unite a social movement towards a more democratic and participatory society.

In the final article, Rokas Uscila, Deputy Director of the Law Institute of Lithuania, outlines the mediation model that was introduced into five probation services in Lithuania in 2015. The model is backed by research and researchers and Rokas outlines the findings to date and the plans for the continuation of the service in the Lithuanian probation service.

This issue ends with a summary of the events coming up during International Restorative Justice Week which runs from 20–27 November 2016. The theme this year is 'Inspiring Innovation' and the EFRJ will focus on the potentials for storytelling. See page 11 for more details of the exciting programme of events planned and get the dates into your diary! Please also see details for submitting articles, sharing events in the EFRJ calendar and becoming a member of the EFRJ.

Editorial Committee

The Editorial Committee of the EFRJ Newsletter always welcome your feedback on articles as well as any ideas you might have to improve this publication. But you can also have a more direct impact on the work of the Editorial Committee by joining it. The EFRJ Board is looking to appoint further members to the Editorial Committee at its meeting in November. We welcome people with a wide range of interests in restorative justice, in particular those acquainted with restorative justice in the Scandinavian, French speaking and

Spanish speaking countries but in practice anyone with an interest in furthering the work of the EFRJ in sharing restorative practices across Europe and beyond.

Appointments are for two years and are renewable. Please contact our Coordinator, [Emanuela Biffi](#), with your comments and expressions of interest in joining the Editorial Committee.

Very best wishes

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Looking back at the Leiden experience

Dear all,

The 9th International Conference of the EFRJ took place on 22–24 June in Leiden (The Netherlands). We enjoyed both rainy and sunny days along the canals in the city with its academic and human rights roots, as explained in a vivid way by the dean of the Leiden law faculty, Rick Lawson.

The Conference was opened by the Dutch Minister of Security and Justice. Ard van der Steur, who at the same time also represented the presidency of the EU. He welcomed very much the work on restorative justice and has played an important role himself in developing work in the Netherlands, such as new laws and the pilots in the Dutch courts (giving public prosecutors and judges the possibility of referring cases for mediation) that we hope will soon develop into a formal structure. He emphasised the positive effect restorative justice interventions can have on victims.

Michael Kilchling, the Chair of the Board, and I further welcomed all participants, or about 220 people coming from 36 countries from Europe and beyond. Human rights and personal realities were the main themes. The plenary sessions showed this in different ways, by addressing different aspects of human rights in relation to criminal justice, from legal safeguards to human rights aspects in current global topics as radicalisation.

The first plenary, shared by [Bas van Stokkom](#) and [Antony Pemberton](#), gave insights in Dutch developments in restorative justice. Bas van Stokkom explained the context of Dutch pragmatism and populism that paved the way for victims' rights and penal mediation. He argued that Dutch pragmatism, in the sense of a belief in harm reduction, allows autonomous decision making in the criminal justice system which may stimulate restorative justice. Antony Pemberton focused more on the victim policy in the country and on factors that can create a radical victimology. He warned of the danger that victim policy may become a handmaiden to proposals restricting the rights of suspects and even our freedoms in general. [Simon Green](#) shared ideas about how to realise restorative potential by talking about language, politics and ritual. In a lively presentation, he pointed to the potential of restorative justice to bring people together and transform

relationships, which can also be used in current world-wide problems such as radicalisation, exclusion and extremism.

The plenary on human rights was opened and chaired by Ton Liefwaard, Professor of Children's Rights at Leiden Law School. He referred to the importance of restorative justice in relation to the Convention on the Rights of the Child and mentioned the UN study on [violence and restorative justice](#) by Marta Santos Pais, special rapporteur. [Hendrik Kaptein](#), also of the Leiden Law School, took us back to philosophers like Beccaria, Kant and Judith Shklar and tried to give us a different view of harm and redressing harm. He challenged us to look at the concept of creating a situation as if the conflict had never happened. [George Pavlich](#), University of Alberta, Canada looked at the human rights of the accused and explored the question that comes up more often whether, in cases of restorative justice, procedural safeguards should differentiate it from criminal justice. Things are here less absolute and that is why Pavlich was pleading for understanding human rights in this area in a more political way, also using rituals — certainly food for thought. As the last one in this group, mediator Janny Dierx took us with many slides and images to different forms of Dutch developments with restorative justice and made some critical remarks on where things can go wrong.

At the plenary on restorative justice in prison settings [Dan van Ness](#), one of our well respected experts and initiator of the Sycamore Tree project in the US, shared their work with prisoners on restorative justice concepts through encounter, repair and transformation. Dutch workers in the prison system explained about projects and courses they do that have restorative elements. They did that under the guidance of [Anneke van Hoek](#) and [Gert Jan Slump](#) who initiated the House of Restoration where different organisations and practitioners get together to share the ways they work and

make the prison system more restorative. The most emotional talk of the conference came from Reynaldo Adames, an ex offender and ex-prisoner who is currently an advocate for restorative justice and trying to prevent young people from taking the wrong turns. His rap and the way he talked from the heart was felt by all of us and showed us the importance of narrative and storytelling.

On the last day current human rights challenges were covered. It showed again the importance of broadening our work to new areas of crime. The possibilities of using restorative justice in situations of radicalisation was addressed by [Gema Varona](#) who referred to ETA in the Basque Country. She started by sharing important concepts in complex political conflicts such as the right to memory and a restorative memory, that can be seen as a form of justice. She is convinced that, among the necessary conditions for perpetrators, good narratives are indispensable. [Patrizia Patrizi](#) (University of Sassari) concluded this session by emphasising the importance of community building, social inclusion and how to restore relationships. She described restorative justice as a way of understanding the social dynamics between people and systems and she presented local restorative projects taking place in Sardinia and in Rome with local communities, students and prisoners.

The workshops are often places where people can get much more in-depth information and discussion on certain topics. I will just mention a few that I attended and that were very good and also gave me new insights. For example, the one on restorative justice and mental health organised by [Michiel van der Wolf](#) and [John Blad](#) with input from different experiences and countries showed that also those suffering from a mental illness or disability can, with the right assistance, have the benefits of restorative interventions. Special programmes are set up by hospitals and other clinics. Karin Sten Madsen and Vince Mercier presented in a very interactive workshop the use of mediation in sexual violence cases. People were divided into groups and engaged in lively discussions on the basis of statements. I was involved myself in a workshop on the use of restorative justice in cases of domestic violence which explained results of a two year European project that resulted in a set of minimum standards. Experiences from Austria and Finland were shared here too that showed that it is possible and often wanted by victims and perpetrators but that additional safeguards should be in place and that a solid preparation phase and working with co-mediation are crucial. Another workshop by Vidia Negrea presented the use of restorative circles in a closed facility for refugees in Belgium which showed how this can help to lower tensions, clarify misunderstandings between staff and refugees and bring people closer to each other. [Ian Marder](#) did an interesting presentation on the representation of restorative justice in visual materials — participants could watch and discuss how restorative

justice is explained or interpreted in different media, including real case studies, commercials, talk shows and promotional materials, mostly from the UK. [Alexandra Ivanovitch](#) presented her personal project to use virtual realities to prepare victims and offenders before a real encounter takes place; it was interesting to engage in the discussion on the opportunities and challenges that virtual realities can have in restorative practice. The [EFRJ staff](#) presented the recently finished [ALTERNATIVE](#) project (on restorative justice in intercultural settings) and the use of films in its dissemination. Also some EFRJ board members actively engaged in different workshops; for example, [Tim Chapman presented together with Maja Gellin](#) the recently finished project on a European restorative justice model for minors; Roberto Moreno and [Tim Chapman](#), together with the [Italian team from Sassari University](#), organised a panel on the use of restorative justice with politically motivated prisoners (ETA and Northern Irish paramilitaries) and Mafia prisoners; [Beata Czarnecka-Dzialuk](#), former board member, presented on the current situation in Poland in terms of restorative provisions.

On the last day we heard the bad news on the UK Brexit, which affected many of us. Daria initiated a circle session in the plenary where people were able to share thoughts and clap together which was a powerful moment of the conference and shows again the strength of restorative practices.



Presentation of the RJ Award to John Blad

During the closing session the new [EFRJ Restorative Justice Award](#) winner John Blad spoke some words. We celebrated his award at the opening ceremony at the City Hall where we were warmly welcomed by



Figure 1: Welcome to Leiden University

a representative of the mayor of Leiden. John Blad tries to stay optimistic in a time of many challenges and negative forms of communication and thought we should work towards a situation where restorative justice should be the normal reaction to crime. He also called for a restorative justice database and emphasised the importance of getting more lawyers involved. Last year's award winner Christa Pelikan added among other things that it is a simple idea that should prevail: criminal justice should be the ultimate remedy. Michael Kilchling took leave of the participants by reminding them again of the EFRJ's general vision: our political strategy aims to ensure that every person in Europe shall have the right to self-determined access to restorative justice services at any time and in any case.

Besides the usual conference dinner, which this year was offered to all participants, and the party that followed, some additional social events, such as a visit to the Children's Rights House and a walk along the poem walls in Leiden took place on Friday afternoon. Again, interesting and good sessions that we ended with a glass of wine on a terrace in the summer sun!

We got excellent feedback from participants who felt

the conference had been a really useful and enjoyable learning and networking experience. We do want to hear about the less good things too, because we can still improve. There is always a lot of work behind such big events and I want to thank here once more the EFRJ staff based in Leuven, the conference bureau in Leiden, Hendrik Kaptein who made it possible for us to hold the event at the well-equipped law faculty and the students and volunteers who assisted in many logistical and practical aspects. Then, of course, there were the plenary speakers, the workshop presenters and all of you who participated or contributed. I want the next conference to have that same spirit! As you know, organisational members of the EFRJ have been asked to come up with proposals to host the EFRJ conference 2018 (find more information on the [EFRJ website](#): the deadline for proposals is 6 November!). The Board will then decide about the location and inform you promptly.

Sunny wishes,

Annemieke Wolthuis

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My first EFRJ Conference: impressions from a Leiden conference participant

The European Forum Conference in Leiden was amazing! It was my first experience of both a restorative justice conference and the European Forum for Restorative Justice, and I must admit that I was a little anxious and totally out of my comfort zone!

I am an Independent Consultant Social Worker, working with families, staff and children in several primary schools across Milton Keynes in the UK. They are all at different stages in developing restorative practices. Having worked with my colleague, Nicola Preston, for over a year in one of these schools, I could truly see how restorative practices could support my day-to-day work with families in this setting. The conference reaffirmed my beliefs about how this approach does work and how it can change lives. There were many great presenters from all over the world, sharing their knowledge, however Reynaldo Adames told his own personal story and had a real impact on me. His experience demonstrated the value of restorative practices and how it can and did work in practice for him. Reynaldo talked about the choices he made, that took him on a journey through the criminal justice system. Reynaldo through his experiences is now changing the lives of others. I was blown away by his story, it was so powerful and added value and meaning as to why we were all there.



Lydia Read and Nicola Preston

Another high point for me was one of the workshops that was run by Belinda Hopkins on restorative classroom practice. Belinda shared research and great ideas that could be used in practice. The circle planning sheet and the needs cards are very good tools which I have used since attending the conference, with parents and children.

Everyone was friendly and made me feel very welcome; it felt like a real community. I made lots of new connections and my initial anxieties were totally unfounded. I am looking forward to attending the next conference; it was a truly inspiring experience. I have not stopped sharing this with my colleagues and hope to encourage others to attend the next one!

Lydia Read

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Update from the Board

The EFRJ Board has to share some less good news during these late summer days. Our new director, Daria Nashat, who was warmly introduced to you during the EFRJ conference in Leiden, has decided to leave us. It is good to know that she did enjoy the eight months with us and was able to contribute to re-organising the EFRJ and we are happy to stay in contact with her. Thank you Daria for your good work.

The good news is that during the coming period Edit Törzs, who has been the deputy director since Daria's arrival, will take her place as acting director while we set up a procedure to find a suitable new director. She will be assisted by the current staff and individual assistants on a project by project basis.

We will keep you informed via the website and newsflashes about the new vacancy that we expect to advertise in December after our next Board meeting.

Meanwhile, here are photos of two of our new Board members. You can see Brunilda Pali's photograph below and read more about them in the [List of candidates](#).



Bart Claes



Lars Otto Justad

A world with Nils

I first met Nils in 2005 in Tirana. I was working in the Foundation for Conflict Resolution, which was at the time organising a conference on mediation where Nils would give a plenary speech. The head of the organisation, Rasim Gjoka, tried to convey how special this visit would be, but until I saw Nils myself I had absolutely no idea.

The day he arrived, it was a beautiful sunny day in Tirana. I had the absolute pleasure to take Nils around, and show him my favourite places in town, where he followed humble and curious. The way he looked, the way he listened, the way he spoke were so primordial, so out of time, and yet so eternal, I was inebriated. I still remember this day with a thickness of details, of smells and sounds, the way we remember only moments that leave a deep trace. We spoke little of restorative justice in the sense of the term, but we spoke about the gift and vocation of our mediators deep in the northern mountains who are able to stop blood feud, we spoke about our little countries, so similar and yet so different. I remember I talked to him about the way prisoners were perceived in Albania, and suddenly he told me I must travel the world and bring the Albanian prisoners home. At the time, it sounded abstract and absurd, but nevertheless imperative, like some path I must undertake in a way or another. And that for me was the path of restorative justice.



Brunilda Pali

I left Albania for good myself, and in 2008 I started working in the EFRJ. I visited Nils again in 2009, in his office, where he showed me proudly his books translated in all languages, Russian, Chinese among others. We spoke of my newborn son and my new family, he was worried I would settle in and give up my struggles. We spoke of a struggle he was having with somebody regarding definitions, he was getting ready to defend himself like a chevalier, and all of us against the danger of definitions. He told me he had written a little book on words, which is not translated into English. We spoke of Ivan Illich, we continued to tell stories, into his home, until night in a little restaurant in his neighbourhood. He loved his neighbourhood, poor but lively, he said, seemingly poor but rich he said. Seeing Oslo today, I really know what he means, and Oslo rich but poor in many ways. I always insisted in seeing him every time I could and treasured our encounters as one

treasures some rare form of beauty, something that is in danger of extinction, something so deeply human, and yet divine.



Gro Jorgensen, Karen Paus, Per Andersen and Brunilda Pali with Nils Christie in 2009

I met Nils again in Liege during the European Society of Criminology conference in 2010 when he received the [European Criminology Award](#). The speech was so provocative, so true, that it made on me again a huge impression, it was almost an anti-criminologist or anti-criminology manifesto. I laughed again at this wise man, at the power of his simple words at touching people, creating in some anger, in some power, in some amazement, but leaving none untouched, because he spoke truth and nothing else but truth, and we know truth can take any form, from a rainbow to a deadly storm. Again as I stood there listening to his words, I prayed and hoped to always remember them, as if I knew there was a danger to forget them, all around me, in the world without Nils.

This is the way I have felt when Nils died, that now there was a world without Nils. Difficult to acknowledge, difficult to accept, difficult to bear. And yet, none has been able to leave more traces in the world than him, with his actions, which his words, with his personality, with his life. Now that I look back at all the times I met him, I wrote to him, I spoke to him, or I read him, I try to understand what was it that touched me so deeply, beyond trying to fall into sentimentalism, or adoration, for somebody that was truly so great that simple words fail to describe. But another imperative from Nils was the use of simple words, so I have to try. For me, I think he has stood for all things I have treasured in life since childhood until today, not life itself, but life lived in truth, courage, and kindness.

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Governance and the use of authority: encompassing diverse definitions of 'Restorative'

Diverse definitions

'It has become commonplace to say that restorative justice cannot be defined' (Daly, 2016, 9). This article employs the wide-angle lens of participatory governance to encompass the diverse definitions proposed by various 'restorativists' (Marder, 2016).

As a criminologist, Kathleen Daly would prefer to define restorative justice (RJ) narrowly as a 'justice mechanism.' She is an American who came to Australia in the early 1990s to evaluate RJ programs and stayed. 'The popularity of the idea has *affected a broad range of humanities and social sciences* ... Thus, analysis of definitions, practices, and effects takes different forms, depending on an analyst's disciplinary field and research interest' (Daly, 2016, 11). Daly concludes that the popularity and diversity of restorative justice has made it difficult to aggregate the definitions, interfering with empirical and theoretical study. 'As a concept, RJ has become too capacious and imprecise' (2016, 22).

On the other hand, University of Illinois clinical psychologist Elaine Shpun (2011) likes to think broadly of a 'restorative revolution ... in the way we approach justice, transgression, punishment, crime and every day conflict among ordinary people ... a transformational, society-wide, lens-shifting, all-affecting revolution the scale of the 1960's civil rights and women's rights movements, a revolution in how we think about who we are and how we live, work, and love together.'

The European Forum for Restorative Justice (EFRJ) itself has debated a more expansive definitional framework for restorative justice at various intervals in its history. For example, the EFRJ dropped the explicit practice of 'victim-offender mediation' from its name, but has since resisted the idea of changing its name to 'restorative practices.' Nonetheless, the EFRJ provides an expansive forum at its biennial conference — including educators and others whose interests lie beyond criminal justice. At its general membership meeting preceding its [recent conference in Leiden](#), EFRJ board member Tim Chapman (2016) presented a paper which made the case for 'enhancing the scope of restorative justice' to include not only justice but 'security, peace-building, education, social development, family support, children's rights and well-being, and organisational life.' The definitional language, if adopted, would also open the door to the EFRJ's involvement with proactive restorative processes by not just 'addressing harm' but also 'the risk of harm.'

The International Institute for Restorative Practices (IIRP) has long defined restorative justice as a subset of restorative practices (RP), thereby distinguishing between the two. We found schools and social care agencies more receptive to the word 'practices' than

'justice.' We delineated restorative justice as a response to crime and other wrongdoing after it occurs (Wachtel, 2013a). For the purposes of criminology research, our definition is consistent with Daly's definition of *restorative justice* as a 'mechanism' that '*is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people ... at all phases of the criminal process — prearrest, diversion from court, presentence, and postsentence — as well as for offending or conflicts not reported to the police*' (Daly, 2016, 21). However, IIRP contends that *restorative practices* have a larger purview, including both formal and informal strategies that proactively build relationships and a sense of community that prevent conflict and wrongdoing in all sorts of settings (Wachtel, 2013b).

Unifying fundamental hypothesis

The IIRP has identified a fundamental hypothesis that unifies the wide potential of RP and suggests outcomes worthy of evaluation. '[H]uman beings are happier, more cooperative and productive, and more likely to make positive changes in their behaviour when those in positions of authority do things *with* them, rather than *to* them or *for* them' (Wachtel, 2013a, 3). The way that 'things' and 'with' manifest themselves will differ, depending on the setting, but *the common denominator for all restorative practices is a paradigm shift in the nature of governance and how those in charge use their authority*.

Australian criminologist John Braithwaite has noted that 'the lived experience of modern democracy is alienation. The feeling is that elites run things, that we do not have a say in any meaningful sense' (Braithwaite and Parker, 1999). In contrast, restorative practices serve as a 'crucial vehicle of empowerment where spaces are created for active responsibility in civil society to displace predominately passive statist responsibility' (Braithwaite, 1999). Engaging stakeholders in making critical decisions, rather than relying solely on experts or authorities — doing things *with* people rather than *to* them or *for* them — builds social capital and strengthens social bonds (Fatic, 1995; Habermas, 1996).

Rob van Pagée described how the family group conference (FGC) has been used extensively in the Netherlands. By giving people more voice and more choice, these restorative approaches foster a new kind of welfare state 'in which the government is retreating and citizens are exerting their responsibility and power to resolve issues that previously presupposed government intervention' (Van Pagée, 2014, 7). Evaluation of FGCs indicates that when families are meaningfully engaged in decision-making, government's cost per case

decreases and plans are more effective (Eigen Kracht Centrale, 2011, 2).

Judge Barry Stuart, formerly of the Yukon Territorial Court, recognised the limits of his authority and expertise and saw the critical need to directly involve family and community. He removed his judicial robes and stepped down from the bench to convene a ‘sentencing circle’ with the family and neighbours of the accused, a young aboriginal man in a remote community (Leonardy, 1998). Most Canadian judges would have sent the young man to a federal penitentiary but, after engaging with the community in the circle, Stuart gave him a two-year suspended sentence and returned him to his home with a plan for support from others in the circle (Duhaime, 2010).

A sentencing circle is, Stuart pointed out, a community choosing to ‘roll up its sleeves’ in the grandest traditions of civil society to solve its own problems. ‘We’re living now in this la-la land where nobody really participates,’ he wrote. ‘It’s all done by professionals ... we’ve outsourced everything’ (Libin, 2009). Stuart echoes the sentiments of Norwegian sociologist Nils Christie whose landmark paper, ‘Conflicts as property,’ criticised our modern court systems for allowing criminal justice professionals to steal people’s conflicts from them (Christie, 1977).

Collapse of family and community

Israeli historian Yuval Noah Harari, in his internationally best-selling book, *Sapiens: a brief history of humankind*, provides historic evidence of the sweeping professionalisation of most tasks and decisions previously handled by families and their communities of care.

Yet all of these upheavals are dwarfed by the most momentous social revolution that ever befell humankind: the collapse of the family and the local community and their replacement by the state and the market. As best we can tell, from the earliest times, more than a million years ago, humans lived in small, intimate communities, most of whose members were kin. They glued together families and communities to create tribes, cities, kingdoms and empires, but families and communities remained the basic building blocks of all human societies. The Industrial Revolution, on the other hand, managed within little more than two centuries to break these building blocks into atoms (Harari, 2015).

Harari’s historical account supports German sociologist Jürgen Habermas’ long standing assertion that the modern ‘system’ of government and business has pushed aside the ‘lifeworld’ of family, friends and community. Habermas juxtaposes the two words to rep-

resent two competing but related explanations of how society operates (Habermas, 1987). The system is modern society with administration, laws, politics, economy, organisations and paid professionals, while the lifeworld is the network of relationships among family and friends who, unlike those in the system, look out for each other not because they are paid, but because they care. Restorative practices bring the lifeworld into the system and help restore the balance between the two (Wachtel, 2015).

Restoring community through participation

In 2006, the Pennsylvania Department of Education authorised the International Institute for Restorative Practices as a specialised master’s degree-granting institution dedicated to a single discipline — based largely on the argument made in a 22 page submission entitled ‘Case for a new academic discipline.’ The IIRP successfully established that, ‘*Restorative practices is the science of restoring and developing social capital, social discipline, emotional well-being and civic participation through participatory learning and decision-making*’ (International Institute for Restorative Practices, 2005).

As an emerging social science RP provides an evidence base for an emerging global social movement dedicated to ‘restoring community.’ In *Dreaming of a new reality* (Wachtel, 2013b) I identified positive anecdotal and quantitative results, from schools, businesses, criminal justice, treatment programs, special education, social care and other settings, that affirm the IIRP’s fundamental hypothesis. The most significant implication of these findings to date is a possible ‘theory of everyone’ — that all social entities, whether families, classrooms, organisations, workplaces or whole countries, would function better if authorities in each setting gave stakeholders more voice and more choice in exchange for stakeholders taking greater responsibility (Wachtel, 2015).

For example, Anke Siegers and Gert Jan Slump, at the 2016 EFRJ conference in Leiden, shared how ‘*Samenlevingsproces*’ or ‘Community processing’ was used to deal with the bitterly contested closing of a community hospital in the Netherlands. Siegers convened 22 interest groups (including hospital administration, insurance companies, unions, government, patients, community) in a 14-hour marathon negotiation. Technology made it possible for each group to watch the negotiation by video at off-site locations, which were nearby so that the 22 representatives in the negotiation sessions could visit with their respective groups to caucus and then return to the meeting. Critical to its success was the fact that the group process was *not advisory* but had the authority to conclude a legal agreement on behalf of all interest groups. The negotiation produced a detailed plan, signed by all parties, that reopened the hospital (Siegers and Slump, 2016).

Peter Block, an American organisational development consultant, has dedicated A Small Group to ‘restoring and reconciling’ Cincinnati, Ohio. Rather than use circles, his approach convenes small groups of three, as part of a larger meeting, to join in the Six Conversations he designed to ‘engage the disengaged’ (A Small Group, 2016).

David Van Reybrouck, a Belgian contemporary historian and author of *Against elections: the case for democracy* (Van Reybrouck, 2016), initiated the G1000 Citizens’ Summit in Brussels. One thousand citizens, more than half of whom were randomly selected, came together in 2012 to ‘discuss topics related to a better democracy in Belgium.’ The summit used social media to engage others outside the meeting. Another G1000 summit was held in 2014 in Amsfoort in the Netherlands to address more local topics. Van Reybrouck explains that ‘The basic idea behind democracy is that of delegation. Each citizen has power for only one minute, once every four years. You give your vote and you outsource your power. Today that is no longer necessary’ (Synthetron, 2016).

Conclusion

Restorative justice can be narrowly or broadly defined, depending on the context and purpose. However, by explicitly recognising a beneficial shift in the nature of governance and authority as the common thread in all *restorative practices*, we may unify a social movement that might otherwise fragment. Doing things *with* people rather than *to* them or *for* them characterises the ‘revolution’ that Elaine Shpungin foresees. When all is said and done, the allure of a more just, democratic and participatory society is the ‘sizzle’ that makes ‘restorative’ exciting.

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Mediation in the Lithuanian probation system

Since 2015 Lithuania has introduced a methodologically and practically based mediation model into probation system. During 2015–2016 fourteen specially trained mediators started their work in five probation services in Lithuania.¹

A progressive (two step theoretical courses, simulation, modelling and supervision) mediators training system was applied. The training was conducted by practising mediators and university researchers. Probation officers were given the opportunity to lead the mediation whether providing it independently or co-mediating with a mediator. But it was not basic practice. Mediators are not officers; they work under separate contracts with the probation service, while their basic education is a social area (psychologists, lawyers, social work, etc.).

Over twelve months (February 2015 to February 2016) 1771 cases were referred for mediation; mediation was used in 871 cases (49%).

Victim-offender mediation in Lithuania is provided free of charge for people in their place of residence in the five regions. This government-guaranteed service was used by 1791 persons (over 12 months). In 51% of cases mediation was not taken because some cases did not meet the rules of mediation and eligibility criteria while some parties refused to participate in the mediation. Usually crime victims refused mediation due to:

- fear,
- distrust of a new and unknown ‘procedure,’
- referring the case to bailiffs,
- their lawyers not accepting the transfer of the case to mediation, etc.

whereas offenders refused mediation due to:

- manipulation,

- lack of motivation to participate in mediation and problem-solving,
- recognising guilt,
- lacking the skills to take an independent decision, and so on.

However, of the 871 cases where mediation was used, 788 (90.4%) of cases ended with the specific arrangements (protocols signed/liabilities accepted).

Lithuanian mediation practice in the probation system showed that the mediation process is more successful when combined with other probation measures. It had a positive impact if the offender was sent to the mediation after attending motivation programmes as well as when he had completed behaviour change programmes or drug rehabilitation programmes.

A specific aspect of the practice was the application of mediation in cases of violent crime. The analysis of mediation practice showed that a third of the cases examined by the mediators in the probation service have conflicts of interest arising from domestic violence. There is no unanimous opinion because the application of mediation in cases of violent crimes increases the risk of a secondary victimisation or even repeated victimisation. Without denying the potential risks to the victim, in those cases a special form of conducting mediation and tactics are required with additional security measures. Mediators apply the full set of security measures, which are aimed at the victim’s physical protection, including indirect mediation, or ‘shuttle mediation,’ in which tactical mediation meetings are held separately with each party in turn, providing confidentiality.

¹In January, 2014 ‘The Implementation of Mediation in Probation Services’ project began, being one of the six projects funded by the Norwegian Financial Mechanism. Mediation is an effective way of solving conflicts arising from criminal offences as it allows people to arrive at a decision which meets the needs of the two conflicting parties, provides opportunities to diminish the number of people who fall into formal procedures and acts as a preventive measure to reduce the risk of recidivism. On 30th April 2016 the project reached its conclusion. Over nineteen months of hard work, 14 mediators and 68 probation officers had been prepared to implement mediation; they had handled 1011 mediation cases (892 of them were successful) involving 2084 clients.

Moreover the [European Crime Prevention Network](#) recommendations are being invoked in the procedures of mediation. Recommendations emphasise that mediation in violent crimes is possible, but requires special mediators' training, specialising in working with violent cases. In such cases it is necessary to evaluate the situation and potential risks in advance (before mediation). For this purpose the mediator uses specific questionnaires for victims and offenders that provide additional information and ensures victims' informed consent to participate in the mediation, as well as the right to withdraw from the process. In addition, it is stressed that mediation in domestic violence cases gives more positive results when the violence is psychological or economic and when the victim does not suffer more serious health disturbances. Mediation in domestic violence cases is not oriented to conciliation between parties, but seeks adequate, rational decision making for both parties in conflict.

In order to analyse mediation practice it is necessary to assess the feedback of the parties participating in the mediation process. Thus information was collected

from parties to the conflict after the continuation of the mediation process in order to allow the assessment of the current model and predict the direction of improvement. Overall, 75% of mediation parties named mediation as a 'useful' and 'very useful,' while 24% who evaluated this process negatively. In addition, 78% of victims and 87% of offenders were satisfied with the agreement adopted and rated it as 'good' or 'very good.'

Another important indicator of mediation is the motivation of the mediation parties to use mediation services in the future. 59% of offenders and 60% of victims believed that if needed again they will take advantage of mediation services, which points out the need for services and the need to develop a built-in model.

Currently decisions have been taken to continue the mediation application in the probation system. It is planned to improve the legislation to allow the application of the mediation more broadly.

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RJ Week 2016

The International Restorative Justice Week will take place on 20–27 November 2016. As in the previous years, the theme is 'Inspiring innovation.'

EFRJ Week 2016: the potentials of storytelling

On the occasion of this year's RJ Week, the aim of the EFRJ is to experience and create (restorative) stories that can inspire others to learn more about restorative approaches to dealing with crime and conflicts in our societies with a focus on the potential of storytelling for restorative justice using different art forms, such as films, comics and theatre, which create the space for telling, sharing, listening to and understanding different stories.

The use of arts for storytelling expands the experience of restorative justice not only in the criminal justice system but also in other fields, for example, social issues, community conflicts, working with young people or migration, where there is a need for stories to be shared and for different stories to be listened to.

EFRJ Events

In Belgium, the EFRJ will organise a series of activities not only for passively experiencing and 'consuming' stories, but also for sharing and creating them, such as:

- [a master-class on social theatre](#)
- [a cartoon workshop](#)
- [a digital storytelling workshop](#).

More information about these events can be found on the [EFRJ website](#).

Your own stories

We have been inspired by the many stories coming from the field in Europe (and beyond) and we would like to collect them during the RJ Week 2016! So, we invite you to share your own story with us!! Your story can be about your relationship with restorative justice, about a specific case, a personal experience or reflection on restorative justice, an idea or a belief or a feeling. These stories can be shared in different forms: written texts or poetry (also in your native language), photographic shots, drawings, paintings, songs or videos. Any creative idea is welcomed, as far as it relates to restorative justice and it can be shared with the EFRJ and its followers!

To participate, find more information on the the [EFRJ website](#).

Your own events

In addition to sharing your own stories, we invite you to organise a public or private event related to restorative justice and/or to attend an event organised in your area. These events will be disseminated via the EFRJ website, as we did in the previous years. Please find more information on the [EFRJ website](#) if you wish to give these events visibility on the EFRJ website and social media.

Calendar

CEP Conference *Alternatives to Detention* 6–7 October 2016, Bucharest, Romania. information from [CEP](#).

2016 RJIJ Annual Lecture EFRJ and the Asia Pacific Forum for Restorative Justice: Prof. John Braithwaite *Restorative justice along the Silk Road: Comparative lessons from Europe to Asia on reconciliation, forgiveness and peace* 12 October 2016 at the Università Cattolica del Sacro Cuore, Milan. Further information from the [EFRJ](#).

European Forum for Restorative Justice Restorative Justice Week 2016 *Inspiring innovation* 20–27 November 2016 See page 11.

Criminal Justice Platform Europe Expert meeting on the *Victims Directive* 7–8 December 2016, Brussels, Belgium. Further information from the [EFRJ](#) nearer the time.

Institut Français pour la justice restaurative in partnership with [INAVEM](#) (the French federation of victim support services) and the EFRJ: *Restorative justice in action(s): French practices and innovations: an international comparative perspective* 18–19 January 2016, UNESCO, Paris. Further information from the [IFRJ](#).

Call for submissions

Articles

Each edition we will feature a review of the field of restorative justice, reflections on policy developments and research findings/project outcomes. Please consider sharing your perspective with colleagues.

Book reviews

We very much welcome reviews of books and articles from our membership. If you have published a book and would like to submit it for review, please send it to the Secretariat.

Events

Please let us know about upcoming restorative justice related conferences and events. We are happy to share this information via the Newsletter or Newsflash.

Not an EFRJ member yet?

Join forces with other RJ professionals throughout Europe and beyond and sign up via our website: www.euforumrj.org. The process only takes 5 minutes. You can also contact the Secretariat at info@euforumrj.org or at the address below.

As a member you will receive:

- three electronic newsletters a year
- regular electronic news with interesting information
- reduced conference fees and special book prices
- the opportunity to publicise your book in the monthly *Newsflash* — contact [Emanuela Biffi](#) with details of your book
- opportunities to learn from, meet and work with RJ colleagues
- reduced subscription fee to *Restorative Justice: An international journal*
- and much, much more ...

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The views presented in this Newsletter are the views of the authors and do not necessarily represent the views of the EFRJ.

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