

Editorial

Hello, dear EFRJ Members!

It is a great honour and pleasure for us to introduce the first issue of the EFRJ Newsletter in 2019! It is a huge responsibility to write this editorial after Kerry Clamp had inspired everyone for eight years with an introduction to current developments in the RJ world. A big team has worked on this issue including new members from different parts of Europe: Martin Wright (UK), Robert Shaw (UK), Branka Peurača (Croatia), Nicola Preston (UK), Diāna Ziedīņa (Latvia), Claudia Christen Schneider (Switzerland), Heidi Jokinen (Finland), Olga Kiseleva (Russia), Kim Magiera (Germany) and Silvia Randazzo (Italy); you can find out more about all of the members of the EFRJ Editorial Committee on the [EFRJ website](#). A renewed Newsletter family promises to do its best always to keep abreast of RJ trends, reforms and sensations and to share them with you — that is, frankly speaking, not an easy task.

The first three months of 2019 are already behind us and during this time the EFRJ has been actively represented at a variety of events — the conference in Brussels on Radicalisation as a Problematic Concept, the European Day of Victims of Crime, the seminar on Restorative Cities at the University of Como and many others that you can follow on the [EFRJ Facebook page](#). You are invited to have a look at the News from the EFRJ team (by Katerina Soulou, a new EFRJ Board member and Emanuela Biffi, EFRJ Communications & Events Officer) where you will find a call for members to join EFRJ committees and working groups as well as news about the new projects in which the EFRJ is involved. The EFRJ team hopes to see you soon at the upcoming events including the EFRJ Symposium on the CoE Recommendation on RJ in criminal matters in June, the annual EFRJ Summer School on child-friendly RJ in July and many more (check the Calendar on page 19).

We begin our first 2019 Newsletter with a philosophical essay by João Salm, Assistant Professor at Governors State University, Chicago, and Natalia Neves, Doctoral Student at the Federal University of Minas Gerais, Brazil, inviting you to explore the idea of rationalities of RJ in its principles and practices. Their reflections and comparisons are very important in explaining a higher risk of ‘derailing the idea of RJ’ and twisting the essence of its practices as implemented in existing formally regulated institutions.

Moving forward, this issue is a special one as far as it represents a wide RJ geography — researchers and practitioners from different continents share their

ideas and reflections. Bringing forward the international context of RJ has always been one of the EFRJ priorities. Our journey starts by launching a new series of articles on RJ country developments! In this Newsletter you will find out about RJ achievements and challenges in Bulgaria — from Elena Evstatieva, Chairperson of the Board, Bulgarian Society of Psychodrama and Group Therapy — and Kyrgyzstan — from Cholpon Omurkanova, human rights activist, mediator, Chairman of the Public Council, State Penitentiary Service of the Kyrgyz Republic and Director of the Public Foundation ‘Eagl.’ More countries are yet to come in future issues!

Our next destination is Brazil! An EFRJ Board member, Katerina Soulou (Greece), who has recently finished her Ph.D. research in Brazil, has interviewed Ms Isabel Cristina Oliveira, director of the Brazilian APAC (Association for the Protection and Assistance to Convicts) alternative prison close to the RJ model where inmates are called ‘recuperandos’ or ‘recovering people.’ If you are already intrigued, please read more on the APAC values and organisation in Katerina’s article.

Turning back to Europe, to Belgium, you are going to find out about the project ‘Victims of Road Traffic Offences’ where the extent to which road traffic victims in the European Member States can benefit from the 2012 EU Directive on minimum standards for victims of crime was examined. The authors, Joke Castelein, Coordinator at the [Rondpunt](#) centre of expertise for all involved in road traffic crashes, and Muriël Booms, Research assistant at KU Leuven, provide links to the

website where everyone can read more on the project results.

Finally, you can finish your journey by reading an article by Patrizia Patrizi, EFRJ Board member, and Emanuela Biffi, EFRJ Communications & Events Officer, on an inspiring topic 'RJ as a Living Reality' presenting different Restorative City Projects and the activity of the respective EFRJ Working Group. You are going to discover how this project explores new RJ potential and strengthens community relationships.

We hope that you will enjoy the first 2019 Newsletter! If you have any questions or comments on the Newsletter articles or want to make a contribution, please,

feel free to contact any one of us!

We want to thank all the authors as well as the whole Editorial Committee team! We hope to keep in touch and to see you soon! Don't forget to enjoy springtime!

With very warm wishes,

Diāna Ziedīņa

Guest Editor

Diana.Ziedina@vpd.gov.lv

Olga Kiseleva

Guest Editor

op.kiseleva@yandex.ru

News from the EFRJ Team

At the end of December you all received the [last issue of the Newsletter 2018](#), which included an extensive description of our activities for the year. Now a new year has started and we look ahead to our plan for 2019. Some initiatives have already been launched: keep reading to know more!

New composition of the Editorial Committee

New since 2018, members of the EFRJ committees or working groups have the opportunity to meet face-to-face to organise their yearly work. At the beginning of December 2018, the editorial committee of the EFRJ Newsletter met in Leuven, represented by some long-standing members who have been involved in working on the Newsletter for several years: Branka Peurača (Croatia), Claudia Christen Schneider (Switzerland), Martin Wright (UK) and Diana Ziedina (Latvia), accompanied by Nicola Preston (UK) and Robert Shaw (UK) in spirit, thanks to their contributions shared earlier via email.

The committee discussed several issues concerning the current format of the Newsletter and it was agreed that articles must be about news from the field, in terms of country developments, research, publications or projects, and must be short, catchy and interactive. A list of themes and authors was created as a working paper for constructing the next few issues of the Newsletter. It was decided to have rotating editors that take the responsibility for each issue. As usual, your opinion as a reader and member of the EFRJ is valuable; if you have ideas or you wish to contribute with an article, please [contact the editorial committee](#).

Some days after this meeting, which coincided with the formal approval by the Board of the candidates received, new members were welcomed to the editorial committee: Heidi Jokinen (Finland), Olga Kiseleva (Russia), Kim Magiera (Germany) and Silvia Randazzo (Italy). Their short biographies can be downloaded from the [EFRJ website](#). The experience of the long-

standing ones and the enthusiasm of the new ones will definitely give a boost to the EFRJ Newsletter.

The editorial committee is still coordinated by the Communication Officer, Emanuela Biffi, and a new board member representative has been appointed: Katerina Soulou (Greece), elected to the Board at the Annual General Meeting 2018 in Tirana. Also, once the new EFRJ website is launched (planned for the end of the year), articles will be published as webpages.

Committees, working groups, projects

In 2019, we will launch a call for our members to join our [committees and working groups](#) to engage our members more actively in different activities relevant for the further development of RJ in Europe and beyond, but also to identify gaps in the field which could be transformed into concrete projects and actions. In particular, we will re-establish the research committee, revive the training committee, transform [the working group on values and standards for RJ](#) into a permanent committee, start a working group on violent extremism, one on restorative cities and probably one on RJ in schools. A group of active members working on local Restorative City projects has already formed a [working group](#), as they have been in contact since the EFRJ conference in Tirana and recently organised a seminar on this topic in Como (see page 16).

Currently, the EFRJ is a partner on the project 'Preventing radicalisation through probation and release' (European Forum for Urban Security, 2017–2019) and the Erasmus+ project 'KINTSUGI – Exchange of European Good Practices on Restorative Justice'

(WELCOME, 2018–2020). These last months, two other projects ended: ‘[Victims of road traffic offences](#)’ (Rondpunt, 2016–2018), where we contributed to giving a European perspective on the potential of RJ in these cases, and ‘[Implementing restorative justice with child victims](#)’ (International Juvenile Justice Observatory, 2016–2018), for which we hired a senior researcher, Inge Vanfraechem, to work on behalf of the EFRJ. For those interested in these topics, the final deliverables of the projects are available online. These include practice manuals, short films, guidelines and much more. We are also waiting for the results of the project applications we submitted last Autumn, also as partners, on the topics of children’s active involvement in justice matters, the use of RJ in cases of hate crime and particularly violence against LGTB groups, judicial training on RJ and the establishment of national RJ forums in Southern Europe. To keep updated about our partnerships in projects visit the [EFRJ website](#); normally by May we will know what projects will be granted. In the meanwhile, more European calls have been launched; as usual, we invite you to [contact us](#) if you wish to include the EFRJ, or other European members, in your project proposal.

Upcoming events

The big news in recent weeks has been the announcement of the venue for our conference in 2020. The [11th international EFRJ conference](#) will take place on 25–27 June 2020 at the Conservatorio Luigi Canepa, the music conservatory at the University of Sassari in Italy. Save the date, plan your summer holidays 2020 in the beautiful island of Sardinia and follow the event on social media with [#efrj2020](#)! If you cannot wait until next year to meet the EFRJ community, we have created many more opportunities to bring you together and get you inspired.

A two day [EFRJ symposium](#) (Bilbao, 5–6 June) will focus on the newly adopted CoE Recommendation on RJ in criminal justice matters. We expect 200 participants to engage in different interactive sessions, plenaries, discussions, fringe meetings and much more. The highlight of the event will be the theatre play ‘La Mirada del Otro,’ an encounter between a dissident from ETA and a victim, which will be performed for the wider public in the beautiful cultural centre, Azkuna Zentroa, in Bilbao. Also, on 4 June the EFRJ membership will gather together at the Annual General Meeting; it is a must for those who want to discuss our membership reform plans, have a voice in the decision making within the EFRJ and get a detailed update on past and future EFRJ activities (do not forget to [renew your membership](#) by May, in time for the latest directory presented at the AGM).



If you prefer, you can also attend a course on RJ. We invite you to register at the [EFRJ Summer School](#) on child-friendly RJ (Gdansk, 22–26 July), a one-week course delivered by senior mediators and trainers Bie Vanseveren (Alba, Belgium) and Belinda Hopkins (Transforming Conflict, UK): only 10 places left! Another option is the 3rd edition of the [Criminal Justice Summer Course](#) that we organise together with members of the Criminal Justice Platform Europe, Europris and CEP (Barcelona, 2–5 July); as usual the main theme — this year: ‘Criminal justice in polarised societies’ — will be addressed from different viewpoints by expert trainers working in probation, prison and RJ.



For our French-speaking community interested in RJ in serious crime, we also have another [course](#) (Brussels, 28–29 March), but the limited places were filled within two weeks of opening registrations; please register on the waiting list to express your interest, so that we know if we should repeat the course this year, hopefully again with our popular trainer, Antonio Buonatesta, and colleagues from [Mediante](#).

As usual, you can meet our team at other events organised by our members and colleagues (check the

EFRJ calendar to know more): maybe it is worth highlighting our cooperation in the [regional RJ conference in Georgia](#) (Tbilisi, 15–16 April), where many of our board members are invited as speakers and/or trainers, and in the meeting of the project ‘[Strategies for change](#)’ (Dublin, 25–26 April), aiming at bringing together local steering groups composed of researchers and practitioners from some European member states to create activities to support the implementation of

the recent CoE Recommendation on RJ and to further develop the field in Europe.

Katerina Soulou

EFRJ Board Member

aikaterinasoulou@gmail.com

Emanuela Biffi

EFRJ Communications & Events Officer

emanuela.biffi@euforumrj.org

What rationality(ies)? An initial discussion on the rationality(ies) of Restorative Justice

Although a disputed concept, the premise of restorative justice could be understood as a set of principles and practices that provide a way to humanise the dehumanised. In other words, restorative justice enables people to interact with the world reclaiming a value-relational (substantive) way of thinking and doing justice that refers to its founding ideals, indigenous and spiritual roots. People involved in restorative justice practices, while attending to its principles, could then pursue a form of justice beyond the formal rationalisations and professionalisation of the law. However, a wide range of organisations, in implementing restorative justice, have resisted and aligned themselves with an instrumental-functional-legal way of thinking and doing restorative justice, compromising, limiting and constraining its scope. This unresolved paradox has led many organisations to focus solely on acts or laws, end-results, and to view restorative justice in a functional, calculative, predictable and effective way (Stout and Salm, 2011; Salm and Coelho, 2017).

In this work, we invite the reader to initiate and explore the idea of the rationalities of restorative justice, in principles and practices. We further question how organisations, such as schools, courts, prisons, religious and non-profit organisations — which still rely on instrumental, coercive and punitive kinds of rationalities — derail the idea of restorative justice.

With these concerns in mind, we first seek to recover, by referring to the Brazilian sociologist, Alberto G. Ramos,¹ the importance of adopting humanising values and relationships as foundational to restorative justice through the work of philosophers and sociologists before him.

We draw mainly from Ramos’ study of reason and organisations and relate it to the relevant literature of restorative justice, Elizabeth Elliott’s book *Security, with care* (2011). We then focus solely on Ramos’ discussion of rationality, based on Max Weber’s distinction between instrumental and substantive rationality (Ramos, 1981), to assess guiding principles and the rationalities of restorative justice.

We conclude that there must be a constant reflection

by professionals working with the implementation of restorative justice in criminal justice systems. This reflection may ignore the fact that these institutions lack the administrative theoretical and governance tools to support restorative justice to its full capacity as a transformative form of justice. We suggest a political form of education, a provocative form of social interaction, one which attends to the needs of the socially, economically, politically and spiritually oppressed, empowering communities and humanising organisations that host restorative justice. In the following paragraphs we present our understanding of restorative justice, its principles, restorative rationality(ies) and the counterpoints between types of rationalities.

Understanding Restorative Justice

Restorative justice, from a philosophical and theoretical standpoint, can be defined as a set of principles and practices which allow people to participate, engage, deliberate, act with the world, creating an ethical plan for human association and integration (Arendt,

¹Alberto Guerreiro Ramos was a ‘Nordestino’ (born in the northeastern region) from the Brazilian state of Bahia. He was ‘a self-described in-between and his work tended to be intellectual bridge-building. As a poor Afro-Brazilian educated in the European (especially French) intellectual tradition, he was attracted early on to the empiricism of the Chicago School of American sociology, and subsequently spent the last 15 years of his professional career in the United States, much of it at the University of Southern California. Guerreiro Ramos linked a wide range of both geographical and intellectual worlds that contemporary social science still struggles to integrate’ (Candler and Ventriss, 2006, p. 496). Ramos’ deep philosophical discussions on reason, ethics, freedom and the political pursuit of truth have informed important intellectuals, sociologists, philosophers, public administrators, and educators. An exemplar is Paulo Freire’s theoretical framework (Stout and Salm, 2011, p. 221). Ramos is the author of *Sociological Reduction* (1965) and *The new science of organizations: a reconceptualization of the Wealth of Nations* (1981).

1958). In addition, restorative justice is a collective pedagogical process by which human beings can collectively construct justice through responsibility and creativity (Salm and Stout, 2019). Restorative justice has a relational ontology, prioritising the political life. This means that the primary focus of this paradigm of justice is on relationships and the community rather than on an individualistic ontology (Stout and Salm, 2011).

Furthermore, restorative justice processes are based mainly on ethical reasoning with the other, as opposed to independent instrumental calculation. Consequently, restorative justice is a relational experience.

Restorative principles

Principles create a set of fundamental propositions that serve as foundations for a restorative justice system.

In this section we explore five principles which guide restorative justice:

1. humanising values,
2. relationships through humanising values,
3. shared/collective/holistic responsibility,
4. addressing harm, and
5. strengthening community.

Humanising values are one of the main pillars of restorative justice. In our everyday lives, human beings use their own intrinsic values as a reference to determine how to interact with other human beings and the environment. Restorative justice is sustained by values such as respect, honesty, truth, humility, sharing, empathy, courage, forgiveness and love (Pranis et al., 2003). These are values which we share and understand collectively, ‘not to judge others, but to guide one’s own actions’ (Elliott, 2011, p. 107). Furthermore, unlike the criminal justice system, which focuses on the violation of written laws and codes, restorative justice focuses on the violation of relationships (Zehr, 2002).

Relationships through humanising values are the second main pillar of restorative justice. The values shared above become relevant when in the pursuit of justice collectively. In this sense, as previously mentioned, relationships matter. The perception that an individual is a sum of her/his relations with past, present and future generations and nature, guided and driven by humanising values, is fundamental to understanding how through participation, engagement and deliberation one can construct justice collectively.

Thinking about restorative justice in a relational way subjects this possibility of justice to a different form of understanding responsibility, making it a more complex

and challenging exercise for those who tend, paradoxically, to individualise and instrumentalise justice.

Shared/collective/holistic responsibility is the third main pillar of restorative justice. One of the most common propositions of restorative justice is the idea that individuals, usually denominated or labelled as ‘offenders,’ need to be ready to take on ownership, accountability or responsibility for their behaviour. Although this principle is an important feature of many of the practices of restorative justice, such as peace circles, mediation and conferences, there is little debate over to what extent responsibility in restorative justice is an individual as well as a collective function.

From our point of view, restorative justice is a relational-participatory and deliberative kind of justice, inviting us not only to take individual but collective responsibility for past wrongdoings, while concomitantly pursuing a brighter future. Restorative justice inspires people to go beyond the correction of human behaviour through punitive and corrective measures. It allows for collective and shared responsibility in the process of co-creating justice, enabling ‘people to grasp their roles as active community members and citizens’ (Salm and Stout, 2019, p. 276).

Addressing harm is the fourth main pillar of restorative justice. Relational support plays a fundamental role in addressing the states of human vulnerability and complexity in the reduction of harm. Therefore, another reaction beyond punishment to decrease the hurt within a community needs to be considered.

As described by Elliott:

In restorative justice the response to harm is motivated not by the quest for punitive consequences for individual offenders but for healing of each individual affected by the harm as well as the collective healing of the community in which the harm occurred (2011, p. 171).

This is one reason for making human associated life, not the individual, the heart of restorative justice. Furthermore, restorative justice allows us to address the harm by telling our human stories, our truths, sharing our experienced sufferings, pains (physical and emotional) and indignities with the other. The impact of such action usually triggers our humanising values as it allows human beings to practice empathy, understanding and compassion.

Strengthening community is understood in the literature of restorative justice as relationships, as suggested by Boyes-Watson (2005) and Elliott (2011). In addition, for us, community is also based on the idea of embracing the other’s diversity, the different, the ‘outsider’ and the opportunity to tell our stories, share our

traumas and shame. We are in relationships with, and to, the other and the natural environment, when we acknowledge and recognise our complexities as human beings. It is through an exploratory endeavour of learning about our intricacies and multidimensional dimensions (economic, political, social, physical, emotional and spiritual) that we unravel our human experiences and bonds.

Counterpoints between types of rationalities

One important aspect about rationality, highlighted by Ramos, is Max Weber's distinction between formal/instrumental rationality and substantive, or value rationality. While the former is determined on the basis of the expectation of results, substantive or value rationality is independent of them (Ramos, 1981, p. 5).

The distinction between the two models of rationality, the substantive and the instrumental, reveals different grounds of reason, in the sense that one (functional rationality) departs itself from ethical precepts, being oriented by predetermined ends, with a utilitarian base, while the other (substantive) is based on ethics, responsibility and the autonomy of individuals (Mannheim, K, cited in Ramos (1981, p. 6)).

In the tension between functional rationality and substantive rationality, always succumbing to the first, because of the benefits one can receive, can lead to a reduction in the individual's autonomy and judgment, which is not healthy for a social domain.

Restorative justice's rationality(ies)

Once a counterpoint is established between types of rationalities, it is possible to point out that, although restorative justice carries attributes of formal/instrumental rationality, there are elements in the theoretical foundation of its principles and values which bring it closer to a substantive or value rationality rather than a functional one.

Restorative justice and its practices do point to an end-result process, which can be represented by an agreement built between the parties involved in the crime or misconduct. However, restorative justice's emphasis is not placed on this agreement, but rather on its process, the educational-value and transformation potential related to restorative practices.

Moreover, one cannot ignore the tension between the two types of rationalities, formal/instrumental rationality and value/substantive rationality in the institutions that currently implement restorative justice. These institutions are immersed in a rationality that is also instrumental and whose logic permeates the functioning, regulation and performance of their professionals.

For justice to be restorative, its practices should seek to strengthen relations that have been broken through particular events. This requires reciprocal dialogue based on respect and honesty which could shape the conduct of the parties involved in the conflict. The aim is to build together, through dialogue and consensus, possibilities of restoring damaged relations. However, this is not the kind of rationality typical of conventional judicial processes, especially criminal prosecutions. In such proceedings, parties are represented, the offender by the defence, and the victim, with negligible involvement in the process, often as a witness for the prosecution. Depending on the crime committed, society is represented by a popular jury.

Such a model of justice prioritises a logic that considers disputes through adversarial confrontations, in which some win and others lose; this does not allow for the assumption of responsibility of each party and the community to the conflict that caused the harm. From the moment the parties and community do not assume their responsibility, which is not only formal, but also subjective, one cannot speak of an experience that promotes justice. On the contrary, there is a risk of stirring up a sense of injustice in the victim, who may not feel considered within the outcome of the process or cared for in all human dimensions. On the part of the offender — who sometimes may have his/her sense of economic and social injustice aggravated — there is the possibility that he/she feels guilt and remorse, being stuck on these feelings, which does not make it possible to construct other perspectives and paths than to persevere in illegal conduct. On the part of the community, which may feel frustrated, despite the shared responsibility, that healing did not occur.

In this perspective, we observe an approximation of restorative justice with substantive rationality, since in restorative justice rationality is addressed as an attribute of individuals, and is based on their responsibility and autonomy, integrating their intersubjectivity and guiding their conduct.

Conclusion

In this essay we tried to draw attention to the approach of substantive rationality, developed by the work of Ramos, in counterpoint with instrumental rationality, as the basis of restorative justice. Although restorative justice embeds elements of formal/instrumental rationality, its practices place emphasis on principles and values that are closer to a substantive rationality, based on ethics, responsibility and autonomy of individuals (Ramos, 1981, p. 6).

In this sense, we observed that by inserting restorative justice and its practices within an arrangement of existing institutions and procedures, guided by a structured logic, it is necessary to maintain a constant debate and reflection in order to ensure that the principles and values, so important to restorative justice, are not

de-characterised and dissociated from its essence. If so, there is a high price for the very legitimacy and existence of this new paradigm of justice.

João Salm

Assistant Professor at Governors State University, Chicago

jsalm@govst.edu

Natália de Souza Neves

Doctoral Student at the Federal University of Minas Gerais, Brazil

nataliasneves@yahoo.com.br

References

- Arendt, H. (1958). *The human condition*. Charles R. Walgreen Foundation Lectures. Chicago: Chicago University Press.
- Boyes-Watson, C. (2005). Community is not a place but a relationship: lessons for organizational development. *Public Organization Review* 5(4):359–374.
- Candler, G.G. and Ventriss, C. (2006). Symposium — The destiny of theory: beyond The New Science of Organizations: introduction to the symposium: why Guerreiro? *Administrative Theory & Praxis* 28(4):495–500.
- Elliott, E.M. (2011). *Security, with care: restorative justice and healthy societies*. Halifax, NS: Fernwood Publishing.
- Pranis, K., Stewart, B. and Wedge, M. (2003). *Peace-making circles: from crime to community*. St Paul: Living Justice Press.
- Ramos, A.G. (1965). *A redução sociológica*. Rio de Janeiro: Instituto Superior de Estudos Brasileiros.
- Ramos, A.G. (1981). *The new science of organizations: a reconceptualization of the Wealth of Nations*. Toronto: Toronto University Press.
- Salm, J. and Coelho, A.M.S. (2017). Revisiting the governing paradoxes of restorative justice: a comparative critical discourse analysis of the Ibero-American and Belgian declarations on juvenile restorative justice. *Restorative Justice* 5(2):420–440.
- Salm, J. and Stout, M. (2019). Examining restorative justice principles and practices as integrative process. In: M. Stout (ed.) *The future of progressivism: applying Follettian thinking to contemporary issues*, pp. 240–282. Anoka, MN: Process Century Press.
- Stout, M. and Salm, J. (2011). What restorative justice might learn from administrative theory. *Contemporary Justice Review* 14(2):203–225.
- Zehr, H. (2002). *The little book of restorative justice*. New York: Skyhorse Publishing.

Restorative Justice in Bulgaria

This article presents a brief description of restorative practices in Bulgaria. Taking into account the lack of a still sustainable community and of a clear core where data could be gathered and in-depth research could be undertaken, this text must be perceived solely as a private opinion of the author based on their personal experience and practice, with all related constraints.

For many years in Bulgaria, Restorative Justice (RJ) has been of interest only to a few specialists² and organisations that work independently and in isolation from each other, keeping in touch mainly with colleagues working abroad (mainly in Europe and in the U.S.). One of the reasons for such remoteness refers to the fact that these teams — carriers of the RJ philosophy — work in different spheres; another is the peculiarities of the national context of the 1990s and thereafter. An aspiration to build and unify a community of practitioners and followers of the RJ philosophy at the national level has appeared only recently.

During this long period of accumulation of knowledge and professional skills, various projects have been implemented by different organisations. This didn't lead to significant changes in the legislation, but it increased the number of specialists 'affected' by the RJ philosophy.

Numerous attempts were undertaken to introduce a restorative spirit and reforms into the legislation, especially in the area of juvenile justice.³ Unfortunately, these attempts failed due to the fact that in different working groups and legislative commissions experts (researchers, lawyers, practitioners) with different level

² Among the Bulgarian RJ pioneers Prof. Dobrinka Chankova — researcher, author of various publications, university professor and the team of the [Prison Fellowship Bulgaria](#) working in the Sofia and Vratza prisons (2003–2016) on [A manual for implementation of best practice](#) must be mentioned.

³ [Social Activities and Practice Institute](#) played a big role in it — its team was evaluating a Family Group Conferences model in 2005–2006. Today, they are practising mediation involving child victims.

of knowledge and understanding of the RJ philosophy took part; so finding a compromise on how to shift a retributive way of thinking to a restorative one turned out to be impossible. However, this ‘failure’ should not necessarily be considered as a weakness, but rather as a healthy sign of the lack of an adequate level of expertise to convince society and lay people to build a solid foundation for RJ. Furthermore, the will to work on RJ promotion changes under every new political administration;⁴ so there is a lack of continuity and succession at the political level.

In 2005 the Mediation Act was adopted upon which Bulgarian society had rested high hopes. Now many lawyers assess them as unrealistic ones. The legislator failed to link mediation with the Code of Criminal Procedure.⁵ My personal opinion is that the adoption of this law was rather an unsuccessful attempt to introduce RJ through a controversial ‘quasi-restorative’ practice⁶ instead of establishing a ‘gateway’ for the RJ philosophy. According to the preliminary discussions the purpose of this law was to resolve the systemic problems of the judicial system, in other words, to reduce the court workload rather than to address the real issues and the needs of the citizens who wanted to take part in a mediation procedure.

The positive effect of the adoption of this law (besides creating the possibility of out-of-court dispute resolution) was the attraction of greater attention to RJ among some of the magistrates, lawyers and social scientists.⁷ Thanks to their help a visit by Nils Christie to Bulgaria was organised and his works were translated in Bulgarian.⁸ This apparently broadened the RJ movement in Bulgaria.

At the different stages of the development and popularisation of RJ (pioneering, conducting individual research projects and practising with subsequent professionalisation and dissemination of information), there is another segment that we often miss in describing the processes of RJ promotion but which is of utmost importance — the development of victim support organisations. The important result is that victims of

crime begin to come out of society’s ‘blind spot’ and we become capable of offering stronger support for them as well as finding more possibilities for advocating for their rights — as general and more comprehensive lines of institutional action in relation to victims of crimes.

There is also a multidimensional phenomenon that cannot yet be clearly explained: intuitive and fragmentary integration of rehabilitative practices by individual organisations and civil groups, without, however, identifying and attributing them to the field of RJ. For example, a movement for democratic education, where restorative circles⁹ give opportunities to everyone to be involved in decision-making within the education system and to organise the school management process on the basis of restorative leadership. Family Group Conferences (FGC) as a way to strengthen the family as a system¹⁰ became a part of different social and community services. Moreover, restorative circles are now popular in the various innovative schools. Achievements and good results could be demonstrated by various social sciences and concepts, depending on the professional background of the initiators, but without making any reference to RJ. The roots of this phenomenon can be found in the healthy and more adaptive defence mechanisms of a society that constantly seeks approaches to self-preservation and healing, and naturally sticks to ‘repairing harm’ as a natural way to support a healthy relationship — the restorative approach — but reproducing it without describing and theorising it in accordance with the inherent philosophy. Another precondition of this phenomenon is that it is developing from the bottom up and in this sense is more sustainable and better founded. These movements stemming from civic initiatives and groups demonstrate an emancipation of civil society and a change of attitudes to justice. Taking responsibility for the ongoing processes in the society and a restorative way of thinking together make a good combination.

The above-mentioned pioneers’ ‘failures’ and the enthusiasm of the later publication of literature in Bul-

⁴One of the clearest signs of a political will for change in this direction was the establishment of the RJ Council at the Ministry of Justice (2012–2015), which ceased to function when then Minister of Justice, Hristo Ivanov, resigned.

⁵Although the text of the Mediation Act states ‘Mediation is also carried out in cases prescribed by the Code of Criminal Procedure’.

⁶The definition of mediation included in the Mediation Act, the content of the training programmes for mediators and the lack of practice in criminal cases (mediation is mainly practised in civil, commercial and family matters) do not allow us to call the Bulgarian mediation model a restorative one.

⁷Judges M. Todorova, Attorney D. Dokowska, Dr Rumen Petrov belong to the group of supporters of the RJ promotion in Bulgaria.

⁸*Limits to pain* (1982) was published in Bulgarian in 2013, *A suitable amount of crime* (2004) in 2016 and *Crime control as industry* (2000) in 2017.

⁹The UK Foundation *Sociocracy* has an interesting experience in it.

¹⁰The Tulip Foundation (2012–2014) supported and piloted in a few municipalities, through various organisations a model of FGC for prevention and strengthening of parental capacity with the aim of deinstitutionalisation and subsequent criminalisation of children at risk.

¹¹In the end of 2016 a blog <https://restorativejusticebg.com/> was created. In 2018 *The little book of restorative justice* (Zehr, 2002) was published as the first one from the series of ‘The Little Books for Justice and Peacebuilding’. The Publisher La Conférence SARL plans to publish another two of them this year: *The little book of circle processes* (Pranis, 2015) and *The little book of family group conferences* (MacRae and Zehr, 2004).

¹²In 2015, Prison Fellowship Bulgaria celebrated its 20th anniversary by organising the National Conference on RJ. Consequently, in 2018 a small group of professionals including Prof. D. Chankova, R. Petrov and E. Evstatieva initiated a National Conference on RJ. The next such conference will take place in 2019.

garian,¹¹ helped and stimulated the aspirations for association and meeting between professionals.¹² The challenges that seem to be faced by this fragile community are still the same, but society seems far different from the beginning of this process:

1. Lack of national legislation as a normative framework for RJ practices.
2. The introduction of a new figure — a facilitator — raises the following questions:
 - is it the same actor as a mediator?
 - what are their tasks?
 - is that a question of interpretation of the existing provisions on mediators or is it a really new figure with a different role and functions?

Actually for quite a lot of practitioners in Bulgaria concepts of mediation and of RJ seemed identical. It is not clear how the legislature will deal with this issue. Will it take into account the latest recommendation of the Council of Europe on RJ in Criminal Matters and, if yes, how is it going to implement it?

3. Underdevelopment of the victim support infrastructure.
4. Poor knowledge of human rights philosophy among policymakers, which makes them susceptible to a general perception that RJ protects the offender and deprives them of strong arguments in favour of RJ. It makes them timid, in both promoting and introducing RJ.

The tasks of the RJ advocates seem to be mainly related to the continued popularisation of its philosophy and knowledge about it. The crucial events in this regard were the translation of the cornerstone works on RJ in Bulgarian language, the creation of texts by national specialists and practitioners, conducting research and teaching courses on RJ by academia.

Providing more opportunities for arranging meetings and building a dialogue between the different professional groups is another important step in collecting all the arguments for and against RJ that will help to understand the fears and reasons for existing resistance in the RJ promotion. Problematisation of RJ means that the interests of all those affected by crimes are

taken into account. Additionally, the interests of communities and of society as a whole should be considered, too. Everyone should have a voice in this discussion. Last but not least would be to assemble the pieces of the real RJ picture that includes: experience gained over the years and a database of trained professionals that will give a clearer picture of the state of RJ and of the hidden potentials and resources of knowledge.

The adoption of the Council of Europe Recommendation aimed at the application of RJ in criminal matters gives a new impetus and a good framework both for the natural processes that are taking place as a part of RJ development in Bulgarian society and for a positive change in the development of RJ policies by the government. It seems to me that this recommendation may become the ‘prince’ who will kiss the ‘sleeping beauty’ — the expertise and knowledge accumulated in the framework of the projects, research and training — and will ‘awaken’ new arguments and a clear framework provided for in the Recommendation.

Elena Evstatieva

Chairperson of the Board, Bulgarian Society of Psychodrama and Group Therapy
 Member of the Board, Prison Fellowship Bulgaria
 Executive Director, La Conference SARL
[Blogger](#)
restoration_bg@yahoo.com

References

- Christie, N. (1982). *Limits to pain*. Oxford: Robertson.
- Christie, N. (2000). *Crime control as industry: towards gulags, western style?* 3rd ed. London: Routledge.
- Christie, N. (2004). *A suitable amount of crime*. London: Routledge.
- MacRae, A. and Zehr, H. (2004). *The little book of family group conferences: New Zealand style: a hopeful approach when youth cause harm*. Intercourse, PA: Good Books.
- Pranis, K. (2015). *The little book of circle processes: a new/old approach to peacemaking*. Intercourse, PA: Good Books.
- Zehr, H. (2002). *The little book of restorative justice*. New York: Skyhorse Publishing.

Restorative Justice in the Kyrgyz Republic

The Kyrgyz Republic is currently in the process of gaining strength in the implementation and realisation of Restorative Justice (RJ) and mediation in the penal enforcement system. For the first time in the country, a series of individual projects under the title 'Restorative Justice in the Juvenile Correctional Colony for Boys No. 14' had been successfully implemented from 2003 to 2005. The initiative of the non-governmental organisation 'Eagl'¹³ was supported by the Soros Foundation-Kyrgyzstan and by the General Directorate for the Execution of Punishments of the Ministry of Justice of the Kyrgyz Republic. The Department for the Execution of Sentences not only showed its interest, but fully supported this project. During the project approval it was decided to involve offenders (boys serving a sentence at the juvenile correctional colony) and victims.

In order successfully to implement the project, preparatory work with the administration and staff of the colony had initially been carried out. A number of workshops on mediation and RJ, human and children's rights, conflict management, the importance of the restorative working methods and Juvenile Justice had been organised for them. Despite the apparent scepticism of some of the colony staff members, they nevertheless watched the project approval process with great interest and agreed to take part in it. During the first several meetings with the boys (aged 16–18 years) that took place in the colony, the goals and tasks of the pilot project as well as its expected results were presented. Actually, at the first stage, only boys who committed minor offences (for example, theft) should have taken part. However, four teenagers convicted of serious crimes had also expressed their readiness to join the programme. The strongest motivator for the boys to take part in the project was to be forgiven by the victims. Despite the fact that the victims could not come to the colony, however, they conveyed their forgiveness to the boys (the communication with the victims was carried out by the facilitators). It was a long-term one-year process conducted in adherence to all of the RJ principles and ethical norms. At the end of the RJ procedure, adolescents began actively to engage in the analysis of their mistakes, risks and ways of successful self-realisation in the future. These first results became a turning point that changed an approach to working with convicted children. Our activity continued in parallel with the introduction of Juvenile Justice and launching cornerstone reforms of the prison system and phasing out punitive approaches in favour of restorative and rehabilitative ones.¹⁴ The successful experience of applying RJ in working with convicted juveniles

has laid out a path for beginning RJ implementation with regard to adult offenders.

From 2006 to 2013 in order further to implement RJ and mediation in the prison system¹⁵ this work had been continued in both practical and educational directions: restorative programmes between victim and offender, offender and his/her family, offender and offender, offender and prison administration officers had been carried out as well as the annual training and professional development programme for employees of different departments of the Prison Service of Kyrgyzstan through its Training Centre. Among those who showed a particular interest in these initiatives were the staff of the penal correctional inspectorate (future probation), social workers and psychologists working in prisons. According to the staff of the penal enforcement system, 'applying RJ in working with offenders is one of the safest measures that at the same time is able effectively to correct the behaviour of the offender.' Thus, for these practices to be successful and effective, it is necessary to train specialists in mediation and restorative justice.

Humanisation of the criminal legislation in 2007 opened up new opportunities for the use of RJ in the process of re-socialising offenders. Taking into account that dissemination of information about RJ among both professionals and citizens is a very important part of the strategy for implementing RJ and mediation, our small team also organised meetings involving a wide range of participants — from students to government officials.

However, two revolutions in the Republic that overthrew the corrupt power of the two Presidents in 2005 and 2010 had a negative impact on progress in introducing RJ to the prison system. Working inside prisons

¹³Public Foundation 'Eagl' is a non-governmental, non-commercial, human rights organisation registered on the 25th of December 2002 at the Ministry of Justice of the Kyrgyz Republic. The main mission of this organisation is human and children's rights protection.

¹⁴Under restorative approach we understand restoration of the broken connections within a family, between friends and communities where an offender has an opportunity to ask the victim for forgiveness. In a situation when forgiving an offender turns out to be impossible, a restorative approach helps to minimise the devastating effects of a crime. Rehabilitative work, in our opinion, is a set of psychological, educational, medical measures aimed at both an offender and a victim.

¹⁵In the first years we had worked only with child offenders, but later several individual projects involving adult offenders serving a sentence in prison hostels were launched.

became unsafe. Nevertheless, the work was continued, but went on not as intensively as it did before.

Adoption of the Resolution of the Government of the Kyrgyz Republic ‘On Approval of the National Development Strategy of the Penal Enforcement (Penitentiary) System of the Kyrgyz Republic for 2012-2016’ of the 15th of May 2012 became the first nationwide Strategy aimed at reforming the country’s prison system where all representatives of the prison system as well as other state bodies, civil society and international organisations were involved. Moreover, the results of our work on RJ were included into Section 5 of the National Strategy ‘Correctional Measures and Social Rehabilitation,’ that sets out provisions about the introduction of reconciliation practices in the framework of RJ development in the Kyrgyz Republic and about the training of specialists as a precondition for their effective application. The new [Strategy of development for criminal and executive \(penitentiary\) system of the Kyrgyz Republic for 2018-2023](#) also contains provisions for the implementation and development of RJ and mediation in the prison system, as one of the important elements in the rehabilitation of offenders.

In addition to our work on the further promotion of RJ and mediation in prisons, our colleagues from civil society have also actively promoted the application of mediation all around the country since 2010. In 2012 the National Center for Mediation (NCM) was opened. This organisation brings together about 40 mediators. The mission of the NCM is the development of mediation by providing training for mediators and carrying out mediation procedures in civil cases. Every month basic courses available for various professional groups, students and staff of state and municipal bodies are held.

Since 2012 NCM together with the Public Foundation ‘Eagl’ have focused their joint efforts on working with children in conflict with the law. As a part of the mediation and RJ campaign, individual projects with the participation of adolescents as well as meetings with parents and relatives have been conducted.

The objectives of these activities were:

restoration of a relationship of trust between adolescents and their parents/legal representatives that contributes to a more effective communication between them. Achievement of this goal meets the basic needs of the child — recognition, respect, security. At the same time it minimises the risk of internal conflicts that could trigger the external ones. Thus, we can hope that a teenager who has a relationship of trust with people whom he loves after his release from prison (for example) will be accepted into the family that will help him/her to re-socialise.

shaping a child’s worldview of personal responsibility

for his life, of a necessity to plan it and to reach the set goals himself.

To achieve these goals, the following tasks have been accomplished:

- rehabilitation and reintegration of adolescents while serving a sentence in the colony and after their release;
- promotion of livelihood planning skills;
- restoration of the communication bonds with relatives of a child.

The following approach has been used:

- obtaining information about a family of an adolescent, about his relationships with parents, with other children, about his plans for life and dreams;
- working with adolescents individually in order to build a relationship of trust taking into account also information received from parents;
- identification of a teenager’s wish to restore relationships with his parents/legal representatives;
- establishing communication with parents/legal representatives;
- analysis of the relationship between an adolescent and his parents/legal representatives;
- individual conversations with parents/legal representatives, if necessary;
- providing for direct communication between an adolescent and his parents.

Practice has been evolving in parallel with the legislative developments. The main achievement of the Kyrgyz Republic in this regard was the adoption of the Law on the 28th July of 2017 ‘On Mediation.’ This Law was designed to create a legal framework for the application of mediation to resolve disputes, to assist in protecting the rights, freedoms and legitimate interests of citizens and to develop partnership business relations as well as to strengthen business ethics and to harmonise relations in society. It is important that this Law applies to disputes arising from relationships regulated by Criminal law in cases explicitly provided for by the law.

Article 26 of the Law¹⁶ presents the following model of mediation in criminal matters:

1. Parties to mediation are a victim and a person suspected of committing an offence or crime.
2. To participate in mediation, the parties must agree on the circumstances of the case.

¹⁶Besides the newly adopted Law a mediation procedure is regulated also by the Criminal Code, the Code on Offences, the Criminal Procedure Code as well as the Penal Enforcement Code of the Kyrgyz Republic.

3. The fact of participation in mediation, in the case of a failure to reach an agreement on the dispute, cannot be considered as a refusal of the prosecution or as an admission of guilt.
4. An authorised official of an inquiry body, an investigator, a prosecutor, a judge, a lawyer representing one of the parties may not act as a mediator.

The scope of these provisions extends to both juvenile and adult offenders. Mediation procedures are carried out on the basis of RJ principles.

Adoption of the Law gave in impulse to intensify the efforts in mediation and RJ promotion. For example, a Republican Association of Mediators of the Kyrgyz Republic was established; as a result, the first Republican Conference of the Association of Mediators took place where its Board was elected. Moreover, Regulations on the Republican Register of Mediators as well as the Charter of Association of Mediators and the Code of Professional Ethics of a Mediator were adopted. It is important that a procedure for mediators' certification was approved. In order to exchange the

experience on mediation we organized the First International Scientific and Practical Conference of the Republican Association of Mediators on the topic 'Modern Challenges and Perspectives on Mediation Development: Institutional Decisions and Practices.' The conference brought together participants from Latvia, Finland, Russia, Germany, Kazakhstan, Uzbekistan, Tajikistan, the UK and Belarus. A Resolution was adopted in the end of the Conference.

In the light of recent trends in RJ and mediation developments in the Kyrgyz Republic, the current legislation on mediation, especially the Law 'On Mediation' requires additional refinement and improvement. Another important legislative document that also indicated the need for mediation and RJ application is the Law 'On Probation' adopted on the 24th of February 2017.

Cholpon Omurkanova

Human Rights Activist, Mediator
Chairman of the Public Council, State Penitentiary Service of the Kyrgyz Republic
Director, Public Foundation 'Eagl'
askerovna@gmail.com

A visit to the alternative APAC prison of Porto Alegre, Brazil

During my PhD research, I became aware of the APAC (Associação de Proteção e Assistência ao Condenado¹⁷) prison model. Its reputation of a promising, alternative prison — one that appeared closer to restorative ideology — fed my curiosity. Visiting it became a 'must' when I started my study period in Porto Alegre, Brazil.¹⁸

The inauguration of the first [APAC prison in Porto Alegre](#) took place on the 18th December 2018. Not only was it the first prison of this type in the State of Rio Grande do Sul, it was also the first APAC prison in a capital city. The prison building is a state-owned property next to the ordinary prisons.



The day of its inauguration, I had the honour and

pleasure of meeting Ms Isabel Cristina Oliveira, director of the prison, and, on the 8th February 2019, I had the opportunity to visit the prison, where she welcomed me, showed me around and explained the prison's function. I was able to interview her and have a brief discussion with three inmates.

30 more inmates were expected in the next few weeks with further expansion planned, increasing the prison's total capacity to 180 inmates — the upper limit for any APAC prison.

A few words about APAC's history

The concept of APAC — to provide prisoners with moral support and to address common spirituality issues inside prisons — was born in 1972 in São Jose dos Campos (State of São Paulo, Brazil). Its 'father' was the lawyer and journalist Mário Ottoboni, who started it with the help of Catholic volunteers. APAC as a legal non-profit association was founded in 1974,

¹⁷Association for the Protection and Assistance to Convicts

¹⁸Special thanks for facilitating the research and this article to Ms Isabel Cristina Oliveira, to Professor Daniel Achutti and to Konstantin Karouzakis-Heckendorf.

with the aim of dealing with difficulties inside prisons and assisting with the organisation of activities. Nowadays, APAC is an alternative prison model, focusing on inmates' reintegration through a specific methodology. This is supervised by the FBAC ([Fraternidade Brasileira de Assistência aos Condenados](#)¹⁹), a non-profit organisation whose mission is to

- supervise, unify and maintain APAC's purpose,
- advise and offer special training for staff, volunteers and inmates, and
- expand APAC prisons in Brazil and elsewhere.

Today, there are more than 40 APAC prisons in Brazil, supported by the Minas Gerais Government in Brazil, the [European Commission](#), the AVSI Foundation and other institutions.

Recuperandos

One of the most important things that makes APAC prisons different is that inmates are called 'recuperandos' — 'people in the process of rehabilitation, or 'recovering people.' Recuperandos have 'identity cards' with their real names; so nobody calls them anything else (nicknames, numbers etc.). By using a different vocabulary and addressing inmates by their real names, APAC prisons provide a basis for respect, human self-worth and the re-building of self-esteem. In addition, the use of a different vocabulary helps recuperandos to develop a feeling of belonging and motivates them to work for a common purpose: to re-build the lost trust and to 'recover.'



The transfer of a person from an ordinary prison to an APAC prison starts with the aspiring recuperando's official written request for a transfer. After the approval of the public prosecutor's office and an opinion from the state prison agency, a judge decides on this request.

The FBAC sets the main criteria for a recuperando's selection, among which are:

- no aggression/danger in his behaviour,

- no attachment to any criminal organisation,
- a sentence reduction due to good behaviour, etc.

The social and emotional bonds of the prospective recuperando with the city where the prison is located are also taken in consideration, in order to allow family participation in the process of rehabilitation. Remand prisoners and those appealing their sentence are not eligible for transfer. Once a prison receives a recuperando, it is responsible for carrying out the sentence until the last step towards freedom. Contravening APAC rules leads to the recuperando's transfer back to an ordinary prison.

What does an APAC prison look like?

There is little in common with an ordinary prison; the most important difference is the relative lack of security — no weapons, no security procedures, barely any locked doors. Nevertheless, the APAC prison's exterior door is locked and there are some unarmed security staff. As Ms Oliveira explained, there is no necessity to arm prison staff, because confidence and trust are *sine qua non* conditions and respect for those conditions is an indispensable rule in every APAC prison. Confidence is also manifested through the spiritual messages, most inspired by religion, written on the walls of APAC prisons. The one which impressed me most was on the wall of the yard: '*do amor ninguém foge*' which translates 'from love nobody escapes' — a message that has become a slogan for all APAC prisons. It comes from an ex-inmate who was escaping regularly from ordinary prisons during the 1990s until he entered an APAC prison and did not escape again. 'From love nobody escapes' was his answer when a judge asked him why he did not try to escape from the APAC prison.

All communal facilities as well as recuperandos' rooms were clean; everything was tidy, all the spaces were light and airy and comparatively spacious; Christian religious symbols were omnipresent and the kitchen was well-equipped thanks to donations from the federal justice, the Medical Association of Rio Grande do Sul, universities and the local community. Cleaning and food preparation are the responsibility of the recuperandos. Besides the communal spaces, there is a 'private' space, called the 'family room,' in which, on application, recuperandos can enjoy some privacy with their wives. When granted, wives can spend 12 hours with their husbands, from 6 pm to 6 am, once every two weeks. The prison also has an education room with a small library, in which various subjects are taught by a publicly funded teacher (expected to start in March in Porto Alegre). Finally, there is a room where recuperandos can see a psychologist, a psychiatrist or a general practitioner who work in the prison as volunteers. For emergency health care, SUSEPE (Super-

¹⁹Brazilian Federation of Assistance to Convicts

²⁰Superintendent of Prison Services

intendência dos Serviços Penitenciários²⁰), the system that ordinary prisons use, is used.

APAC values, philosophy and legal framework

APAC's purpose is the humanisation of the sentence by providing favourable and dignified conditions for carrying it out and helping the offender to recover and reintegrate in society. According to APAC advocates, while ordinary prisons' conditions often 'kill the man and the criminal inside him', [APAC prisons' philosophy](#) is to 'kill the criminal and save the man.' Re-socialisation and rehabilitation are approached through Christian values and education, which are central to recuperandos' daily life: praying, bible-study and religious discussion are programmed daily activities. The [APAC methodology](#) sees human beings as biopsychosocial and spiritual beings, whose faith in God and believing in a greater force are considered as means of understanding the mistaken behaviour, re-building empathy and getting ready to re-enter society. APAC's methodology and philosophy are based on and supported by the Brazilian legal framework ([art. 24 of Law n° 7.210 of July 11, 1984](#)) regarding religious activities inside prisons.

In addition, contact with family and community is of vital importance. Since conflicting and dysfunctional family contexts are factors that lead to crime, the presence of family members during the recuperando's recovery, as well as the re-establishment of family bonds are key elements.²¹ Ms Oliveira informed me that, where contact between a recuperando and his/her family has reduced, APAC prison staff take the initiative of finding and contacting family members and inviting them to visit the prison. One of the recuperandos in the prison had not seen his mother for years and APAC staff managed to bring them back into contact.

Importance is also given to the presence of the local community in APAC prisons. Their successful functioning depends a lot on the voluntary involvement of civil society. Doctors, teachers, religious people, lawyers, etc. offer their services after a special course provided by APAC. Important criteria for volunteering in an APAC prison are:

- belief in family values, spiritual ties and values,
- having some experience on how local prisons function, etc.

APAC's methodology promotes localisation and contact between civil society and the prison as an institution and the inmates as human beings.

²¹As mentioned above, family members' residence in the city or region of the APAC prison's location is considered an important condition for an inmate's transfer from an ordinary prison to an APAC one.

²²[Justice Réparatrice en ligne](#)

²³[Santos: Um breve estudo, Filho: Projeto de arquitetura, Junior: Os bons executores da lei](#)

²⁴According to [World Prison Brief](#)

The APAC prison model and Restorative Justice (RJ)

As the name, the methodology and the main philosophy suggest, the model is mainly focused around the rehabilitation of offenders. Nevertheless, APAC has also been associated with the RJ movement.²² So how do APAC prisons address restorative principles and values? Undoubtedly, the offender's self-esteem, identity re-building, personal recovery and contact with the family and the local community are values that the RJ movement also promotes. Participation and inclusion are also restorative values that APAC prisons promote. As Ms Oliveira confirmed, internal conflicts between recuperandos or civil society members are solved through circles and discussions inside prison.

Victims and their needs are not a primary focus in APAC prisons. Victims' suffering is approached through religious and spiritual work. In addition, victims do not seem to have a say in, or to be informed about, the transfer of a convicted offender to an APAC prison. Nevertheless, in rare cases, victim-offender mediation can take place after appropriate preparation as contact with victims is seen as a step towards the recovery of the recuperando. In Porto Alegre, victim matters have not been raised yet, but Ms Oliveira is optimistic that this could be the case in the future.

Conclusions

APAC is a reality, both as an institution and as a subject of research. There are several studies and reports in Portuguese,²³ mostly from the [State of Minas Gerais](#) according to which the reconviction rate of recuperandos varies from 15 to 20% and in some cities does not even reach 5%, while the national reconviction rate is above 80%. The magistrates of the Criminal Courts of Minas Gerais are unanimous in declaring that compliance with Brazilian criminal law is solely found at the APAC prisons, according to Ms Oliveira. It appears that this is also a general feeling among academics and professionals in the field of penal justice.

Despite the enthusiasm for APAC and its impact on the humanisation of part of the penal system in Brazil, what is the real impact of APAC prisons on the humanisation of the highly punitive Brazilian criminal justice system? Although the APAC prison model has existed for 46 years in Brazil, the prison population in Brazil has more than tripled in the last 20 years,²⁴ showing that the problem is not only the inmates' treatment, but also the use of incarceration as a means to achieve justice and to appease feelings of injustice — in other words, the importance we give to punitiveness in our justice systems. Another question surrounds the strict

religious aspect of the APAC system and how far it is in harmony with the secular values of the Republic of Brazil and the religious and dogmatic pluralism of its population.

In summary, in spite of the above-mentioned critical points, I think that the existence and the expansion of APAC prisons is a positive and encouraging phenomenon that should motivate us to work harder and with more zeal to achieve more humane judicial responses to offending. The APAC system is unquestionably rehabilitative, but hardly restorative, as APAC prisons do not put the harm and the victims' suffering at the centre of their work, but the offender as a person

and his rehabilitation. Nevertheless, APAC prisons' structure could offer an excellent basis for restorative developments in prisons, especially preparing inmates for restorative encounters. RJ implementation in prisons is a current question for RJ scholars and policy makers, and in that way, APAC as an institution could be an inspiration.

Katerina Soulou PhD candidate Aix-Marseille University
Board member of EFRJ
aikaterinasoulou@gmail.com

Victims of road traffic offences

The project '[Victims of road traffic offences](#)' was funded by the European Commission DJ Justice Programme and carried out by [Rondpunt](#) (a Flemish centre of expertise for all involved in road traffic crashes), [Moderator](#) (the Flemish restorative justice and mediation service) and the [Leuven Institute of Criminology](#) of the University of Leuven. The associate partners of the project were the [European Forum for Restorative Justice](#), the [European Federation for Road Traffic Victims](#) (FEVR) and [Victim Support Europe](#).

The project's background

The project, which started in March 2017, was inspired by previous research by FEVR (Herbert et al., 2015) that examined the extent to which road traffic victims in European Member States can benefit from the 2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime. This particular Directive grants rights on, amongst others, receiving information and access to victim and other support services and participation in criminal proceedings. In order to benefit from these provisions, the specific acts people are victimised by should be criminalised and prosecutable under national law.

An important finding of the FEVR study relates to the way road traffic offences, such as drink driving, hit-and-run or speeding, and injuries arising from accidents are dealt with in the different Member States. Although most Member States consider road traffic offences as criminal offences — and thus, victims of these offences as 'victims of crime' who can benefit from the EU Directive rights — others set specific conditions in order for a road traffic offence to be a criminal offence while, in a third group, road traffic offences are never dealt with through criminal proceedings. As a result, road traffic victims do not have the same rights in the different EU Member States since road traffic offences are not handled in identical ways.

The FEVR study also reveals that, even if road traffic victims are considered as victims of crime, both they themselves and professionals do not always recognise

them as such. This leads road to traffic victims not being aware of their rights and the support they are entitled to by the EU Victims Directive. Besides this, the study revealed a number of other problems which exist in different EU Member States, specifically, a lack of:

- interdisciplinary cooperation,
- access or referral to restorative justice services,
- clear information and communication about the road victims' rights and the availability of victim support,
- awareness about the impact of a crash on the lives of victims and offenders leading to a high level of secondary victimisation.

Within the project we aimed to tackle these problems and offer a small part of the solution.

The project's activities

The project focused on three major themes: information and support, interdisciplinary cooperation and restorative justice. In the first part of the project we did research on each theme and information was gathered on the special needs of road traffic victims and best practices. We then examined how interdisciplinary cooperation can be facilitated in order to guarantee better victim support and prevent secondary victimisation. Good practices were shared at a policy level in different

EU Member States and a blueprint on interdisciplinary cooperation was developed for professionals and victim associations. We continued working on our objective of capacity building and mutual learning through organising courses and workshops in different EU Member States and through developing and disseminating information tools and a manual on restorative justice.

The project's results

Our project activities resulted in different outputs which can be accessed on the [project website](#):

- research outputs: for example, a summary of existing knowledge, a blueprint on interdisciplinary cooperation and a report on restorative justice in road traffic offences in Europe;
- practical tools for road victims: for example, a rights leaflet, a booklet *What after a crash abroad*, participatory videos and contact cards;
- practical tools for professionals and self-help groups: for example, a brochure on influencing policy, a blueprint for a practical guide and a manual on restorative justice in road traffic offences.

Especially, we want to highlight our outputs regarding restorative justice:

- [Report on restorative practices in road traffic offences in Europe](#) discusses the motivations and possible outcomes for victims and offenders after participating in RJ practices like victim-offender mediation after a serious crash. In addition, four good practices within Europe (Belgium, The Netherlands, Hungary and Ireland) are described.
- *Manual on Restorative Justice in road traffic offences* gives information on restorative justice and road traffic offences and defines keys to success. The manual was developed for those who come into contact with victims of road traffic offences and are not familiar with restorative justice. It offers them helpful tips and tricks for when discussing the possibility of restorative justice with victims or bereaved families. Some testimonies of victims and offenders are included.

- Digital Stories on restorative justice; *Annick* and *Martijn*, are two short videos to be used in courses, workshops or on social media. In these digital stories both describe their experiences in an RJ process after a serious crash.

The impact of the project

As a result of great cooperation between the project and associate partners, the project achieved its intended goals. In our practical tools, we developed clear information for road victims about their rights and the available support. The practical tools have been spread in Belgium, but also adapted and used in countries such as Bulgaria, Ireland, Slovenia and Portugal. We also raised awareness about the needs of road victims by disseminating the participatory videos and digital stories online and in our workshops throughout Europe. In particular, growing awareness about support for road victims has been realised in Estonia and Serbia. In the workshops, we discussed and convinced victim associations and professionals about the importance of restorative justice in road traffic cases and the need for interdisciplinary cooperation. The latter has also been discussed at policy level in Spain, Portugal and Germany, and in meetings with Members of the European Parliament. It has led to more contact between professionals and victim associations in Spain and plans for a working group in Germany.

Joke Castelein

Rondpunt

joke.castelein@rondpunt.be

Ingrid Marit

Moderator

Ingrid.marit@moderator.be

References

Herbert, F., Kinable, H., Aeron-Thomas, A. and Westland, G. (2015). *Survey of the transposition and the implementation of the European Directive 2012/29/EU on the rights, support and protection of victims of crime in different Member States of the EU from the point of view of road victim associations*. Berchem: Rondpunt. https://rondpunt.be/medialibrary/FEVR%20report%20EU-directive_345.pdf?download=true.

Restorative justice as a living reality: new EFRJ Working Group on Restorative Cities

The EFRJ has been included in the development of different Restorative City projects since June 2018, when a group of practitioners and researchers gathered together in a workshop

session which took place during our 10th international conference in Tirana. Since then, there has been a clear need to bring together all these local Restorative City initiatives and create space for connecting, reflecting, and dreaming.

At the beginning of 2019, the EFRJ co-organised the seminar ‘Building Restorative Cities’ (Como, 10–12 January 2019) and formally established the Working Group on Restorative Cities, composed of EFRJ members involved in the Restorative Cities of Bristol, Como, Leuven, Mentana, Palermo and Tempio Pausania. Representatives of other Restorative Cities also cooperate with this EFRJ Working Group (for example, Brighton, Utrecht, Leeds). The group is chaired by Grazia Mannozi (in 2019) and Gian Luigi Lepri (in 2020); on behalf of the EFRJ team, Patrizia Patrizi (Board) and Emanuela Biffi (Secretariat) contribute and participate to its activities.

Although the EFRJ’s main focus is on criminal justice matters, in the past we have been involved in several projects aiming at strengthening relationships, at encouraging active citizenship and at looking at conflict as an opportunity for change, rather than a threat. The Restorative City projects confirm that RJ has potential in different settings, such as social development, family support, education and organisational development. In 2018, the EFRJ Working Group on Values and Standards for RJ proposed a [revised definition of RJ](#):

Restorative Justice is an approach of addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved.

The RJ community will definitely benefit from the Restorative City movement, as it raises awareness about RJ practices, increases cooperation between different local agencies and, finally and most importantly, cre-

ates a cultural change with citizens who are empowered in their conflict resolution skills and decision making. Still, there is also a big risk in the way the term ‘restorative’ may be used. There’s a tendency to call restorative all initiatives we like, from local participatory projects to respectful dialogue between people to being attentive to vulnerable groups in society. There are specific values we relate to when we use the term ‘restorative’ (inclusion, participation, respect for human dignity, responsibility, solidarity, truth seeking) and in RJ we look at conflicts as an opportunity for change.

What we find interesting about the Restorative City projects is that they bring together different people, different cultures and different locations but they still have much more in common than what actually makes them different from each other:

- all Restorative Cities developed from local needs and conditions;
- they all focused on basic principles of respect, participation, inclusion;
- they all aimed at bringing together people instead of separating them.

We are proud to be involved from the start in the reflections and actual implementation of this courageous idea of making our communities more inclusive, participatory, engaged and restorative in the way conflicts are dealt with.

Below, we share with you a small description of the different Restorative City projects in which the members of this Working Group are involved. If you know other cities or initiatives working in the same directions, please help the EFRJ to make links!

Bristol (UK)

Restorative Bristol builds connections and networks between organisations and individuals who work across the spectrum of restorative justice, restorative interventions and restorative philosophies. It recognises and values the diversity of work on this issue and also recognises the common principles which underpin restorative work. The vision is for all of Bristol’s many and varied communities to have advocates and champions who are well informed of the availability and the benefits of engaging with restorative interventions and that they will encourage and support others within their community to have the confidence to request a restorative intervention to a local issue.

For more info visit the [website](#) or contact [Mark Parry](#)



Bristol Clifton Suspension Bridge

from the Bristol City Council or EFRJ member [Marian Liebmann](#).

Como (Italy)

Progetto COnTatto is a welfare project of community and social innovation funded by 'Fondazione Cariplo' between 2017–2020 in Como. It aims at improving a restorative and relational community in which conflicts (even those ones originating from or expressed through a crime) are managed in a restorative way, with the support of facilitators and members of the community. It includes several activities:

- restorative actions and training in schools;
- restorative oriented groups, targeting offenders, victims and citizens;
- training in RJ for justice and social workers;
- intermediate bodies of citizens;
- restorative actions in neighbourhoods;
- communication and fundraising;
- evaluation.



For more information visit the [website](#) (email: contatto2017.2020@gmail.com) or contact the project co-ordinator [Patrizia de Filippi](#) or EFRJ member [Bruna Dighera](#), or the EFRJ organisational member CES-GREM, represented by [Claudio Fontana](#) and [Grazia Mannozi](#).

Leuven (Belgium)

Leuven Restorative City started in Spring 2017 as an action-research project in a partnership between the university, city council, mediation and other restorative justice programmes and educational and social services. The general aim of the project is to build support for restorative approaches in society and to develop dialogue oriented attitudes and skills in dealing with conflict and tension at the interpersonal, organisational and societal level. Collaboration has been set up with schools, neighbourhoods, work places (both private and public) and sports and youth organisations, as well as on the topic of racism and discrimination. Next to public sensitisation and cooperation between sectors, 'ex-

perimental gardens' are being laid out in specific social environments.



For more info contact [Lies Van Cleynenbreugel](#). The website is under construction.

Mentana (Italy)

Mentana is a town located near Rome and has a population of 23,000. The process of building the Mentana Restorative City project started in 2014 and is still under construction. In partnership with the social private sector, the local team started working on two fronts: responding to emergencies and activating inclusion paths. All the work was based on the concept of 'doing with' for which each project was designed to orient the community to a restorative model focused on relationships. In the past few years the team has obtained significant results starting from conferences, conflict prevention and a renewed collaboration between public and private social and voluntary associations. The restorative approach has helped this community to 'get back on its feet.'



For more information visit the [Mentana website](#) and the [COOP CEAS website](#) or contact the [municipality in Mentana](#) or the EFRJ organisational member C.E.A.S., represented by [Mauro Giardini](#).

Palermo (Italy)

The idea of Palermo as Restorative City came from an emergent ‘restorative’ network that involves local government, institutions, non-profit actors and inhabitants in the building of a perspective of change within their community. The project ‘Kintsugi: between damage and integrity’ is part of this plan.²⁵

The project is on the way to creating a restorative community, spreading the culture of alternative dispute resolution and promoting any initiative which might reduce and dissolve prejudice, raise awareness in the population, develop and spread new models of crime prevention and foster a higher sense of security and wellness all over the population — a community that gives feedback to the ‘people’ who live on the territory thanks to a process of recognition of the other and of the re-construction of relationships.



For more info visit the [Associazione Spondé website](#) or contact the EFRJ organisational member [Associazione Spondé](#), represented by [Maria Pia Giuffrida](#) and [Anna Robino](#).

Tempio Pausania (Italy)

[Tempio Pausania Città Riparativa](#) is an action research project aimed to verifying how restorative practices are able to involve the whole community: schools, families, police, courts, municipalities and associations to solve conflict in peaceful and relational ways. The aim is to build a community based on social cohesion, as recommended by the [Europe 2020 Strategy](#) and in the [UN Agenda 2030](#). The project starting point was the social conflict that the opening of the new Penitentiary of Tempio Pausania-Nuchis generated in 2013. The project’s main objective is to raise awareness and engagement towards restorative practices. Restorative conferences build the opportunity to connect the world inside to the world outside, to share strong emotions and not to think any more about the prison as an isolated island.



For more info visit the [website](#) (email: tempioriparativa@gmail.com) or contact EFRJ members [Patrizia Patrizi](#), [Gian Luigi Lepri](#) or [Ernesto Lodi](#).

Patrizia Patrizi

EFRJ Board
patrizi@uniss.it

Emanuela Biffi

EFRJ Secretariat
emanuela.biffi@euforumrj.org

Calendar

Public Center for Legal and Judicial Reform *Spring School* 13–14 April 2019 Moscow. You can download the [programme](#) in English; more information from the [EFRJ](#).

KU Leuven Institute of Criminology *RJ responses to environmental harm and ecocide* 26 April 2019 KU Leuven, Leuven, Belgium.

IIRP Europe Conference *Community Wellbeing and Resilience* 15–17 May 2019 Buda Island, Kortrijk, Belgium More information from the [IIRP Europe](#).

World Society of Victimology *Victim Assistance and Criminal Justice* May 2019 Inter-University Centre, Dubrovnik, Croatia More information from the [World Society of Victimology](#).

²⁵Please note that this is not the Erasmus+ project “KINTSUGI – Exchange of European Good Practices on Restorative Justice,” coordinated by WELCOME, Italy, where the EFRJ and Associazione Spondé are partners. More info on the [EFRJ website](#).

EFRJ AGM and Symposium AGM 4 June 2019, *From penal mediation to restorative justice: policies and practices in transition* 5–6 June 2019 Bilbao, Spain. The [call for proposals](#) expires on 12 April 2019. More information from the [EFRJ](#). See also [registration](#).

Central European University *Mediation theory and skills* 15–19 July 2019 Budapest. More information from the [Central European University](#).

EFRJ Summer School 2019 *Child-friendly RJ* 22–26 July 2019 Gdansk, Poland. More information from the [EFRJ](#).

Criminal Justice Platform Europe *Criminal Justice in a Polarised Society* 2–5 July 2019 Centre for Legal Studies and Specialised Training Barcelona, Spain. More information from the [EFRJ](#).

EFRJ Conference 25–27 June 2020 Conservatorio Luigi Canepa Sassari, Sassari, Sardinia, Italy. More information from [EFRJ](#).

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 [our website](#). (If

you are a member but have not yet renewed for 2017, you can use the same link.) The process only takes five minutes. You can also email the [Secretariat](#) or use 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 . . .

Editorial Committee:

Publisher: EFRJ [Coordinator: Emanuela Biffi (Belgium), E-mail: emanuela.biffi@euforumrj.org]

Guest Editors: Diăna Ziedina and Olga Kiseleva, E-mail: newsletter@euforumrj.org

Members: Claudia Christen-Schneider, Heidi Jokinen, Olga Kiseleva, Kim Magiera, Branka Peurača, Nicola Preston, Silvia Randazzo, Martin Wright, Diăna Ziedina, Robert Shaw

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

Secretariat of the European Forum for Restorative Justice Hooverplein 10 • 3000 Leuven • Belgium • T +32 16 32 54 29 www.euforumrj.org

With the financial support of the European Commission.

