

Conference Booklet

Welcome,

to the participants of the 6th conference and the 10th anniversary of the European Forum for Restorative Justice to the city of Bilbao for a conference on restorative justice (RJ), on its current practices and future developments. We have this year the opportunity to enjoy this unique city, thanks to the generous hospitality of the Basque Government.

After 10 exciting and fruitful years of RJ in Europe, many countries have now services of Victim Offender Mediation. Others are starting to work with RJ principles. The European Forum for Restorative Justice (EFRJ) has been instrumental for these developments through the implementations of several projects, publications and conferences. In the 6th biennial conference we celebrate 10 years of the European Forum and we launch for the first time a European Restorative Justice Award. This award is presented to a person or an organisation as recognition for their contribution to the development of RJ in Europe.

In the light of important suggestions from our members we focus during this conference on themes involving the practitioners and the methods used in RJ. We would like to show the width and breadth of methods used throughout the continent. Several countries are presenting their way of doing RJ for the participants to become familiar with these different methods and to understand the reasons of their development.

Over the years positive developments like Conferencing have taken place in the field of RJ. The EFRJ is currently implementing a research project that looks at the development and use of Conferencing in Europe and beyond. The conference will dedicate one plenary and many workshops to this topic.

RJ practitioners know that one of the main reasons for successful practice is fostering good cooperation with different partners like the police, public prosecutors, judges, social services, civil servants and political representatives. The conference has organised a series of workshops and a plenary around this theme.

Finally we also present other workshops that mirror the development of RJ, not only in Europe but also world-wide. Furthermore, the format of the workshops is highly participatory.

We hope you will have an interesting and rewarding conference and we also hope you will enjoy the beautiful host city of Bilbao!

Eleonore Lind, Christa Pelikan, and the other members of the Conference Committee of the European Forum for Restorative Justice

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Conference Programme

Thursday 17 June

08.00 – 09.00	Registration
09.00 – 09.15	Opening of the conference by Basque Government Country's Justice Authority and Niall Kearney, Chair of the Board of EFRJ
09.15 – 10.00	Plenary One The development of the practice of restorative justice, by Howard Zehr (USA) Chair: Niall Kearney
10.00 – 10.30	Coffee Break
10.30-12.30	Workshops Session One
Workshop One	Doing RJ in Spain and Norway: a juvenile case Team coordinators: Clara Casado Coronas (Spain), Kjersti Lilloe Olsen and Tone Skåre (Norway)
Workshop Two	RJ, victims and their supporters: some reflections on the victim's community of care by Daniela Bolivar (Belgium) Progressing RJ: Strategies to turn silos into a community of concern by Michaela Wengert (Australia) A civil law twist on common law models: Comparisons between the Belgian, New Zealand and English approaches to Youth Justice Restorative Conferencing by Katherine Doolin (UK) Chair: Brunilda Pali
Workshop Three	Early intervention as prevention - An innovative approach to restorative practices within a Scottish authority by Shiona McArthur and Ellie Moses (UK) Perspectives for the use of Alternative Dispute Resolution Techniques in cases of discrimination in Serbia by Olivera Vucic (Serbia) Mediation and a need of verbal capacities? by Alice Delvigne (Belgium) Chair: Stojanka Mirceva

Workshop Four	<p>The Portuguese public system of mediation in penal matters: the advantages and disadvantages by Cátia Marques Cebola (Portugal)</p> <p>Government or society, what's the way to start? A comparison based on the Portuguese Penal Mediation System by Bruno Caldeira and Pedro Morais Martins (Portugal)</p> <p>RJ programmes in Brazil: practical and theoretical analysis by Daniel Achutti and Raffaella Pallamolla (Brazil)</p> <p>Chair: Vicky De Souter</p>
Workshop Five	<p>RJ for juvenile offenders in Greece: Does it give effective responses to a rapidly changing social and penal landscape? by Constantina Sampani (Greece)</p> <p>VOM practice in Turkey by Özlem Ayata Özyigit (Turkey)</p> <p>Chair: Peju Solarin</p>
Workshop Six	<p>La mediación en la hoja de ruta de la modernización de la Justicia en España by Margarita Uria and Celima Callego (Spain)</p> <p>Chair: Marta Higuera</p>
Workshop Seven	<p>Los Servicios de Mediación Penal de Euskadi. Estudio de caso by Gerardo Villar, Idoia Igartua and Carlos Romera (Spain)</p> <p>Chair: Roberto Moreno</p>
12.30 – 14.00	Lunch
14.00-16.00	Workshops Session Two
Workshop One	<p>Doing RJ in Spain and Norway: an adult case Team coordinators: Lourdes Fernandez Manzano (Spain), Tale Storvik and Espen Andreas Eldoy (Norway)</p>
Workshop Two	<p>The Flemish practice in conferencing by Bie Vanseveren and Koen Nys (Belgium)</p> <p>How can RJ prevent crime and repair harm with serious and persistent young offenders? by Tim Chapman (UK)</p> <p>Doing RJ – The practice of the Nenagh Community Reparation Project by Carolle Gleeson and Alice Brislane (Ireland)</p> <p>Chair: Inge Vanfraechem</p>

Worshop Three	<p>Working with volunteers in a VOM-service: presentation of a local Belgian training programme by Erik Claes and Kris Mullens (Belgium)</p> <p>VOM for juvenile and adult offenders in Flanders: the same thing? by Lieve Bradt and Bart Sanders (Belgium)</p> <p>Chair: Eirik Lereim</p>
Workshop Four	<p>RJ and crime prevention: a theoretical, empirical and policy perspective by Anniek Gielen (Belgium), Isabella Mastropasqua and Vanja Stenius (Italy)</p> <p>Building social support for RJ: where to go from here? by Brunilda Pali (Belgium)</p> <p>Chair: Bas Van Stokkom</p>
Workshop Five	<p>Multicultural challenges for RJ: Mediators' experiences from Norway and Finland by Berit Albrecht (Norway)</p> <p>Iran and the West: Restorative practices as a supplement to diplomatic efforts? by Adepeju O. Solarin (USA)</p> <p>Chair: Eric Wiersma</p>
Workshop Six	<p>10 years for School Mediation in Finland – What we have learned! by Maija Gellin and Harri Väisänen (Finland)</p> <p>From RJ to restorative approaches and practices. How practitioners and trainers in the field of education and residential care have evolved their practice in the last 15 years and where it may be going by Belinda Hopkins (UK)</p> <p>Restorative practices in Melbourne Catholic School Communities by John Connors and Anthony Levett (Australia)</p> <p>Chair: Martin Wright</p>
Workshop Seven	<p>Mediación penal juvenil en la Comunidad Autónoma del País Vasco by Patxi López Cabello and Serafín Martín (Spain)</p> <p>Chair: Ansel Guillamat</p>
16.00 – 16.30	Coffee Break

16.30 – 17.30	Plenary Two Conferencing in the world: state of affairs by Joanna Shapland (UK) and Estelle Zinsstag (Belgium) Chair: Ivo Aertsen
17.30- 17.50	Launching of RJ Award
17.50	End of conference day one
18.15	Annual General Meeting

Friday 18 June

08.00-09.00	Fringe Meetings
09.00 – 10.00	Plenary Three Performance of a case of partnership violence by Austrian VOM-team Narrator: Christa Pelikan
10.00 – 10.30	Coffee break
10.30-12.30	Workshops Session Three
Workshop One	Doing RJ in Albania and Italy Team coordinators: Rasim Gjoka (Albania) and Ilaria de Vanna (Italy) Chair: Clara Casado Coronas
Workshop Two	Doing RJ in Austria and Scotland Team coordinators: Christa Pelikan (Austria) and Shelagh Farquharson (UK)
Workshop Three	Alperton College: a restorative vision becomes reality by Shahed Chowdhury and Michael Kearns (UK) Resolving conflicts in the medical sector: a new step forward in VOM and conferencing by Grazia Mannozi (Italy) Chair: Joanna Shapland
Workshop Four	Applying mediation and RJ in the prison settings: overview of the MEREPS project by Borbala Fellegi (Hungary) The background and the first results of an empirical research in 2 prisons by Szandra Windt (Hungary) The possibility of RJ in prison settings (The first issues of the MEREPS project in 2 Hungarian prisons) by Andrea Tünde Barabás (Hungary) A Belgian mediation story by Els Goossens (Belgium) Chair: Borbala Fellegi
Workshop Five	The promise and challenge of RJ for victims by Howard Zehr (USA) Chair: Eleonore Lind

Workshop Six	<p>La colaboración de Jueces, Fiscales y Secretarios Judiciales en el desarrollo de la mediación by Cristina De Vicente (Juez), Natividad Esquiú (Fiscal) and Alicia Olazabal Barrios (Secretaria Judicial) (Spain) Chair: Xabier Etxebarria</p>
Workshop Seven	<p>Mediación penal y Penitenciaria. Experiencias de diálogo en el sistema penal español by Carlos Pyñeroa (Asociación ¿Hablamos?, Zaragoza) and Francisca Lozano (Coordinator of Mediation Service at prison of Madrid III, Valdemoro) (Spain) Chair: Marta Ferrer</p>
12.30 – 14.00	Lunch
14.00-16.00	Workshops Session Four
Workshop One	<p>Doing RJ in Finland and Germany – A case of domestic violence Team coordinators: Pia Slögs (Finland) and Frauke Petzold (Germany)</p>
Workshop Two	<p>Professionalism and conferencing by Tim Chapman (UK)</p> <p>Training police for RJ by Michaela Wengert (Australia)</p> <p>Chair: Rob Van Pagée</p>
Workshop Three	<p>Steering groups – a way of local policy making on RJ? Steering groups – a way of involving legal practitioners? by Natalie Van Paesschen and Pieter Verbeeck (Belgium)</p> <p>Cooperation between legal practitioners through the implementation of a European project by Pilar Lasheras (Spain) and Véronique Dandonneau (France)</p> <p>Chair: Stein Frøysang</p>
Workshop Four	<p>“The more serious the offence, the more powerful the effect?”: An evaluation of VOM in a prison setting by Steve Tong and Jo O’Mahoney (UK)</p> <p>Forgiveness and hope after prison. Family group decision making/Family group conferencing in prison setting by Vidia Negrea (Hungary)</p> <p>Chair: Borbala Fellegi</p>

Workshop Five	<p>Mediation on domestic violence in a critical point in Finland by Aune Flinck (Finland)</p> <p>Evaluation of the efficiency of VOM in Zagreb professional service for VOM by Anja Mirosavljevic (Croatia)</p> <p>Chair: Stana Ridiona</p>
Workshop Six	<p>What is it about domestic violence? by Guro Angell Gimse and Eirik Lereim (Norway)</p> <p>RJ in domestic violence cases – Experiences in the Netherlands and points to share by Katinka Lünemann and Annemieke Wolthuis (the Netherlands)</p> <p>Chair: Lieve Bradt</p>
Workshop Seven	<p>Mediadores y Abogados: cómo trabajar juntos by Olatz Sagarduy, Cristina Merino y Nerea Laucirica (Spain)</p> <p>Chair: Ramon Alzate</p>
16.00 – 16.30	Coffee Break
16.30 – 17.30	<p>Plenary Four</p> <p>Panel on cooperation with legal practitioners by Ana Carrascosa, Eirik Lereim, Virginia Domingo de la Fuente, Guro Angell Gimse, Rob Perriëns and Federico Reggio</p> <p>Chair: Siri Kemény</p>
17.30-18.45	Workshops Session Five
Workshop One	<p>Families at risk by Rob Van Pagée (the Netherlands)</p> <p>The strength of Annemarie and her people by Rob Van Pagée (the Netherlands)</p> <p>Chair: Frauke Petzold</p>
Workshop Two	<p>‘The never-ending’ struggle: RJ and domestic violence – new evidence and new (old) positions by Christa Pelikan (Austria)</p>
Workshop Three	<p>Who takes ownership of a RJ programme? The C4RJ Partnership experience in Massachusetts by Ken Webster (USA)</p> <p>From RJ to restorative action: towards a new social order by Martin Wright (UK)</p> <p>Chair: Keith Simpson</p>

Workshop Four	<p>Experience of restorative justice in Russia by Rustem Maksudov (Russia)</p> <p>The work of restorative mediation in the legal system of Russia by Luidmila Karnozova (Russia)</p> <p>The work of school reconciliation services in the educational system of Russia by Anton Konovalov (Russia)</p> <p>Chair: Felicitas Hardy</p>
Workshop Five	<p>Límites y realidades de la mediación dentro del proceso penal. El encaje jurídico penal de la mediación en el sistema penal español. Propuestas de posibles modificaciones legales by Eduardo Santos and Lourdes Etxebarria (Spain) Chair: Montserrat Martinez</p>
17.30 – 18.45	Meeting the Board
18.45	End of conference day two
20.00	Conference Dinner

Saturday 19 June

09.00 – 10.00	<p>Plenary Five</p> <p>Research findings on VOM in the Basque country: Some results from external evaluations of the penal mediation services by Gema Varona (Spain)</p> <p>The historical difference between restorative and vindicatory justice in the European past and elsewhere by Ignasi Terradas (Spain)</p> <p>Chair: Aarne Kinnunen</p>
10.00-11.30	<p>Workshops Session Six</p>
Workshop One	<p>Mediation & Conferencing: Towards a participatory and reparative model of justice? Legal resistances and philosophical considerations by Federico Reggio (Italy)</p> <p>Conferencing and VOM as tools on a way to a restorative society? by Otmar Hagemann (Germany)</p> <p>Chair: Kelvin Doherty</p>
Workshop Two	<p>Victim-offender meetings in the Netherlands: Practices initiated from a victim orientation by Sven Zebel (the Netherlands)</p> <p>Identifying the victim in RJ: reflections on ‘the ideal victim of RJ’ by Vicky De Mesmaecker (Belgium)</p> <p>Chair: Michael Kilchling</p>
Workshop Three	<p>Victim Support and involvement in practice of Czech Probation and Mediation Service in a frame of multi-agency cooperation by Ondrej Stantejsky and Marketa Knillova Praskova (Czech Republic)</p> <p>Towards a real implementation of RJ and VOM in Spain: from a practical perspective and especially in adults by Virginia Domingo de la Fuente (Spain)</p> <p>Chair: Beata Czarnecka Dzialuk</p>
Workshop Four	<p>Teaching RJ: An exchange of programmes at universities and in higher education by Ivo Aertsen (Belgium), Ida Hydle (Norway) and contributions from other presenters Chair: Annemieke Wolthuis</p>

Workshop Five	Hull: Heading for a Restorative City by Mark Finnis and Estelle Macdonald (UK) Chair: Koen Nys
Workshop Six	The Restorative Juvenile Justice Project in Peru by Olga Eliana Escudero Piñeiro (Peru) How restorative is the VOM in Sweden? by Linda Marklund (Sweden) Chair: Blerina Nika
Workshop Seven	How is the position of the victim perceived on one hand in RJ and criminal proceedings on the other?: The example of Bosnia and Herzegovina by Hajrija Sijercic-Colic (Bosnia and Herzegovina) Juvenile penal mediation: what do the parties think? by Nuria Mora (Spain) Chair: Marian Liebmann
11.30 – 12.00	Coffee Break
12.00 – 13.00	Plenary Six The 10 year journey of the European Forum: looking back and walking into the future by Ivo Aertsen (Belgium) Chair: Niall Kearney
13.00	End of the Conference
15.00	Start Boat trip

Abstracts

Thursday 17 June

Plenary One 09.15 – 10.00

The development of the practice of RJ

by Howard Zehr (USA)

Where did restorative justice come from and how was it developed in the last three decades? In this talk Dr. Zehr will share some “founding stories” and describe some of the tributaries feeding into the restorative justice stream. He will also trace some of the directions the field has taken and some of the challenges it faces, both in theory and in practice. Although this will focus somewhat more on the United States context, Dr. Zehr has traveled widely and will seek to incorporate other experiences as well.

Widely known as “the grandfather of restorative justice,” Howard ZEHR began as a practitioner and theorist in restorative justice in the late 1970s at the foundational stage of the field. Zehr continues in this third decade to deepen the principles of restorative justice and grow its practice worldwide. He has led hundreds of events in some 25 countries and 35 states, including trainings and consultations on restorative justice, victim-offender conferencing, judicial reform, and other criminal justice matters. His impact has been especially significant in the United States, Brazil, Japan, Jamaica, Northern Ireland, Britain, the Ukraine, and New Zealand, a country that has restructured its juvenile justice system into a family-focused, restorative approach, causing a dramatic drop in youth crime. A prolific writer and editor, speaker, educator, and photojournalist, Zehr actively mentors other leaders in the field. More than 1,000 people have taken Zehr-taught courses and intensive workshops in restorative justice, many of whom lead their own restorative justice-focused organizations, such as the Council for Restorative Justice at Georgia State University, the Youth Justice Initiative in Iowa, and Mediation Northern Ireland (a major contributor to peace in Northern Ireland). Zehr was an early advocate of making the needs of victims central to the practice of restorative justice. A core theme in his work is respect for the dignity of all peoples.

10.30 – 12.30

WORKSHOPS SESSION ONE

Workshop One - Practices and methods

Doing restorative justice in Spain and Norway: a juvenile case

Team coordinators: Clara Casado Coronas (Spain), Kjersti Lilloe Olsen and Tone Skåre (Norway)

In the workshops dedicated to 'Practices and methods' the participants will get an opportunity to watch RJ-procedures live. The teams from Spain and Norway, will perform 'real' cases, or rather significant parts of the RJ-procedure. You will be able to observe the communication that takes place between mediators/facilitators and the 'clients', between victims and perpetrators, you watch obstacles and difficulties encountered and solutions attempted. The performances of similar cases by two different countries within one workshop will allow for a comparative discussion and analysis of the practices and methods used by different programmes.

Clara CASADO CORONAS works as a mediator with victims and adult offenders in the Catalonian Justice Department programme since 2005. In the period 2007-2008 she joined the European Forum as project officer of the AGIS project 'Restorative justice: an agenda for Europe – Going South'. She has been practicing mediation since 2003 in community based services and has given training in restorative justice and conflict resolution.

Kjersti LILLOE-OLSEN is an adviser at the National Mediation Service (NMS), Oslo and Akershus County, a mediator since 1992, a national instructor in training of mediators, and also a facilitator and trainer in conferencing. Her main responsibility is the cooperation between the police and the NMS. Since the 1st of January 2010 she is manager for a project on domestic violence.

Tone SKÅRE graduated in Economics in 1994 and has in addition a Masters Degree in Management. She has been an adviser in the Ministry of Environment and the Ministry of Trade and Industry. She is now Head of Office in the National Mediation Service, Oslo and Akershus. She has been a mediator since 2002 and trainer for mediators since 2006. She is also a facilitator and trainer in conferencing.

Workshop Two - Conferencing

RJ, victims and their supporters: reflections on the victim's community of care

by Daniela Bolivar (Belgium)

According to Shapland *et al.* (2006), the British experience indicates that victim supporters tend to attend family group conferencing in a lesser proportion than offender supporters do. Moreover, an important number of victims do not count on supporters at all. A first question arises: what does this information illustrate?

Even when there has been some theoretical debates on the role of what has been called *community of care* (Wachtel, 2000) in restorative justice - which includes those emotionally linked to offender and victim - there has not been much research on or analysis of the implications of the role of the *significant others* in the practice of restorative justice. Focusing on the victim, this presentation attempts to discuss the challenges, risks and opportunities that the victim's social environment may imply for the practice of mediation and conferencing. To do so, some theoretical concepts regarding social support and trauma will be discussed and some preliminary results of the qualitative study "Victim-offender mediation and victims' restoration" will be commented.

Daniela BOLIVAR is a PHD-researcher at the Leuven Institute of Criminology. She holds degrees in Psychology and Community-Psychology. She has worked on the topic of victimology from both the professional and the academic field. Currently, she is doing research on the role of mediation in victims' recovery.

Progressing RJ: Strategies to turn silos into a community of concern

by Michaela Wengert (Australia)

Restorative Justice is an evolving and dynamic field, with theoretical refinements and current research informing policy and practice, and practice, in turn, identifying emerging issues and providing data sets to support new research topics. In moving beyond the fringe of the justice system and engendering the informed support of politicians and the community, it is important that stakeholders (particularly but not exclusively practitioners) share a common language and an understanding of the broader RJ model as well as their specific place in it.

In New South Wales, Australia, conferencing or circles, based on restorative justice principles, are available in the criminal justice system through four key processes:

- Youth Justice Conferences – eligible juvenile offenders
- Forum Sentencing – certain adult offenders
- Restorative Justice Unit – post-sentence adult offenders
- Circle Sentencing – certain Indigenous offenders

All of the above schemes have moved beyond the pilot stage; in the case of Youth Justice Conferencing, this has been a legislated legal process since 1998 and over 20,000 matters have been referred to conference.

The schemes are administered and managed by three separate government agencies. There are currently around 400 active practitioners across NSW. The schemes have been subject to extensive evaluation and research, including by the NSW Bureau of Crime Statistics and Research, but also under the auspices of various universities and agencies. The government has stated a continuing commitment to the promotion and expansion of restorative justice.

Yet there have been few formal or informal mechanisms to facilitate the exchange of information, ideas and experience between key stakeholders – criminologists, researchers, policy makers and practitioners.

This workshop will outline the work of the presenter, in consultation with stakeholders and with the support of the Sydney Institute of Criminology, to develop a range of strategies to address this need. It will report on strategies already implemented and outline on-going and future proposals.

Michaela WENGERT has worked in the adult and juvenile criminal justice systems for over eighteen years, after many years working with offenders in community settings. For the past twelve years she has been regional manager of a legislated scheme based on restorative justice principles. She is committed to incorporating emergent research into practice, through policy development and the delivery of training to practitioners and stakeholders.

A civil law twist on common law models: Comparisons between the Belgian, New Zealand and English approaches to Youth Justice Restorative Conferencing

by Katherine Doolin (UK)

The paper presents findings from a research project which compared the Belgian (Flemish) model of conferencing used with juvenile delinquents with the model on which it is based - the New Zealand youth justice family group conference – and English restorative conferencing approaches. Part of the research (funded by the British Academy) was carried out while a visiting scholar at KU Leuven in the summer of 2008. The paper assesses the degree to which restorative values are promoted and achieved in each system, and the extent to which a strong legislative status is necessary to

this. In so doing, the paper compares the benefits and challenges of applying restorative values in continental and common law contexts.

The paper contends that, while many of the characteristics of the New Zealand model are evident in the Flemish adaptation, the civil law system of Belgium has led to some significant differences in application, particularly in relation to the role of the police officer and youth advocate, and the decision-making capacity of the victim in conferences. Further, in comparison with England and Wales where restorative conferencing is not provided for in legislation and occurs on an *ad hoc* basis, the paper contends that the Belgian system with the introduction of the Youth Act 2006 has a stronger legislative basis. Nevertheless, the paper concludes that legislative status is no guarantee to the successful implementation of restorative justice. There are other factors that can hinder the application of restorative processes, including the socio-legal context, ethos of practitioners, referral procedures, and the role and attitudes of police, prosecutors and the judiciary.

Dr Katherine DOOLIN is a Law Lecturer and Director, Institute of Judicial Administration, University of Birmingham, UK. She has published in the area of restorative justice and recently was awarded British Academy funding to undertake research into the use of restorative justice with juveniles in Belgium (Flanders) during which time she was a visiting scholar at the Catholic University of Leuven. She has also been a researcher on government funded evaluations of restorative justice schemes in England and Wales.

Workshop Three – Wider application of RJ

Early intervention as prevention – An innovative approach to restorative practices within a Scottish society

by Shiona McArthur and Ellie Moses (UK)

Researchers have suggested ways to introduce a restorative ethos into both education and the youth justice services. Earlier research charted the development of a pilot restorative intervention initiative within a Scottish authority; recently the same council has introduced an innovative ‘whole local authority approach’. Previous debates within both the restorative community and locally, about how restorative justice could or should be, integrated within the criminal justice system have now been superseded by the question of *when* to introduce a restorative ethos. The principle informing this development is “early intervention as prevention” and is informed by various Scottish national education and youth justice policies. Since 2005, the authority in question has utilised a range of restorative interventions within its youth justice partnership (Scottish Children’s Hearing Service; police; prosecutors; youth services team (social work) and young offender’s institutions). In order to expand this approach and make optimum use of dwindling resources, a shift in focus has taken place; the authority has issued a policy directive to introduce restorative practices into all of its 89 schools. This is a ‘whole authority’ strategy that is being attempted - the rest of Scotland looks on with interest.

Issues identified: budgetary constraints; multi agency partnership working; evaluation; the practical implementation of training trainers; and quality control mechanisms have emerged from the data.

Themes: the potential for restorative approaches to transform the education and thus, youth justice systems; Scottish cultural tendency toward a restorative ethos; the ability of multi agency partners to work effectively together

Key Words: early intervention; school exclusion/ crime correlation; ‘whole authority approach’; pragmatic solutions given limited resources

Shiona MCARTHUR is a Lecturer in Sociology, Perth College, University of the Highlands and Islands. She is currently running two research projects into restorative practices and is also engaged in developing a restorative practices post graduate programme.

Elinor MOSES is a researcher employed by Perth College, University of the Highlands and Islands. She is currently working as researcher with Shiona McArthur and is enrolled as a student on MSc Applied Social Research, Stirling University.

Perspectives for the use of Alternative Dispute Resolution Techniques in cases of discrimination in Serbia

by Olivera Vucic (Serbia)

The presentation focuses on one of the outcomes of the Project: “Support to the Implementation of Anti-Discrimination Legislation and Mediation in Serbia”, implemented by UNDP and the Ministry of Labor and Social Policy of Serbia, with the support of the EU.

The Alternative Dispute Resolution (ADR) Task Force was established, undertaking a survey on the use of ADR mechanisms in cases of discrimination in Serbia. The purpose was to demonstrate how the use of ADR mechanisms can support and complement the implementation of the Anti-Discrimination Act, adopted in March 2009. The survey report identifies ADR techniques that are the most efficient in preventing, managing and resolving conflicts resulting from the existence of discrimination. The Ministry has been able to use the results of this survey in developing mechanisms for successful prevention and suppression of discrimination.

The findings of the report have been used to intensify the efficiency of CSOs in the area of promoting equality, especially in aspects relevant to strengthening their capacities, awareness, and training. The findings of the report include:

- Identification of ADR techniques which can best avail the prevention, management and resolution of disputes based on acts of discrimination;
- Recommendations for training models intended to strengthen the efficiency of organizations;
- Identification of the advantages and obstacles to using ADR mechanisms in this area in Serbia;
- Recommendations for the establishment of the Pilot Project Fund and a sustainable system for use of ADR mechanisms in cases of discrimination. Consequently, 15 pilot projects at local level in Serbia have been implemented, testing the findings and recommendations of the report.

Olivera VUCIC is the ADR Task Force Manager, and one of the authors of the report. She is a graduated economist, with an MA in Human Resources Management, and 11 years experience in combating discrimination and managing projects in this area. She is a certified mediator by the Center for Mediation of Serbia.

Mediation and a need of verbal capacities?

by Alice Delvigne (Belgium)

First, I will briefly situate mediation in Belgium. What kinds or forms of mediation exist, what is Suggnome and what does it do exactly? Then I will focus on the practice of mediation: what are our principles, what are the methods we use, etc. But most importantly, I will focus on certain cases which make mediation pretty difficult but not impossible. One might say that mediation is typically for middle class, well spoken and intelligent people, who are used of expressing things with words. Sometimes we hear arguments that certain people are not capable of mediating because of their lack of moral insight (e.g. psychopaths, psychotic people, mentally ill people, sexual delinquents, ...) or because of their lack of verbal capacities (children, mentally weak or disabled persons, ...).

I will give examples of our practice that show that mediation is also possible with 'those kind of' people. I will give some real examples of mediations where there was a (language) barrier which made the mediation not easy, but I will also show how being aware of the way you express things as a mediator can make mediation possible and can make a difference. I will also show that a 'good mediation' doesn't always include the cliché of forgiveness and happy endings, but that having said some messages or having showed some expressions, can be enough for getting along with your life, as a victim and as an offender. And that's what is possible with all kind of persons and all kind of crimes.

Alice DELVIGNE, since July 2004 has been active as a victim-offender mediator for Suggnome, forum for restorative justice and mediation in Belgium. She has experience in working as a mediator in cases before and after trial. Alice studied moral philosophy in Ghent University and criminology in Leuven University and afterwards went volunteering in Bulgaria in an institution for juveniles who committed crimes.

Workshop Four – RJ in Portugal and Brazil

The Portuguese public system of mediation in penal matters: advantages and disadvantages

by Cátia Marques Cebalo (Portugal)

Portugal conform the Council Framework Decision of 15 March 2001, on the standing of victims in criminal proceedings, created a public mediation system in penal matters by the Law 21/2007, of 12 June 2007. This means that the Portuguese State, by the Ministry of Justice, maintains participation in the mediation process by appointing a mediator. Thus, there is a separation of functions in the proceedings of penal mediation between mediator and prosecutor. The mediator, chosen by the Ministry of Justice, is an independent professional, with specific training and without a judicial position, who conducts the mediation sessions and assists victim and offender on getting a reparation agreement. On the other hand, it is the prosecutor who decides to refer a criminal case to mediation and assesses the outcome of a mediation procedure. This system has the advantage of ensuring the mediator's independence, since he has to be impartial and neutral in order to conquer the parties' confidence. However, in strongly judicialized legal systems, like the Portuguese one, there could be some resistance of the prosecutor to refer a case to the mediation, and this could be a disadvantage. And how to appeal a prosecutor's decision of not referring a case to mediation?

There are other important issues raised by the Portuguese system like the limitations to the submission of a criminal case to mediation. Indeed it must be asked if mediation should be applied to all crimes. And what should be the enforcement of mediation agreements if the offender failed to comply with the agreement? Moreover the law established the confidentiality duty, but it did not present a way to control the compliance with this obligation. So what to do when the mediator infringes this duty? In the proposed work we seek to assess and analyse these important questions.

Cátia MARQUES CEBOLA is an Assistant Professor, teaching Civil Law and Alternative Dispute Resolution, at the Polytechnic Institute of Leiria, Portugal. She has a Bachelor and a Master degree in Civil Law by the University of Coimbra, Portugal. She is Doctoral candidate in the Faculty of Law of the University of Salamanca, Spain preparing a PhD thesis on "Mediation – a complementary way to the Administration of Justice". She has conducted several research studies about Alternative Dispute Resolution such as The pre-court mediation in Portugal: analysis of the new law; Environmental Conflict Resolution (ECR): a new reality in Portugal; The transposition into Portuguese law of the Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, on certain aspects of mediation in civil and commercial matters; The Portuguese public systems of mediation: comparative analysis with the Spanish experience.

Government or society, what's the way to start? A comparison based on the Portuguese Penal Mediation System

by Bruno Caldeira and Pedro Morais Martins (Portugal)

In Portugal the introduction of a Penal mediation Service has been done by government initiative. This has been the first time a government has made the first step to introduce a system like this and that created great expectations in people involved with restorative justice but... The objective of this presentation is to discuss, critically, the advantages and disadvantages of introducing restorative justice in this way, compared to experiences implemented in other countries.

We will try to demonstrate that different starting points will affect the quality of the service, the way judiciary community and civil society interact with the system and the availability for the general public. Another point we will discuss is the impact of these differences in the practitioners, involvement and motivation, as well as the way training is defined and evaluated.

The results of the Portuguese system show to us that a lot has to be done and that the implementation of a system like this has to be a dynamic interaction between all those involved and that demands a flexibility from policy makers sometimes difficult to achieve. We expect that this discussion can help us define ground rules so that the majority of everyone's needs could be attended.

Bruno CALDEIRA is the Chairman of the board of Associação de Mediadores de Conflitos, a trainer in mediation, and also a mediator in penal, family and civil systems.

Pedro MORAIS MARTINS is the Chairman of the board of IMAP (Portuguese Institute of Mediation and Arbitration), a trainer in mediation and Restorative Justice, a supervisor of mediation internships, and also Former Coordinator of Mediation Services for the Lisbon Justice of the Peace.

RJ programmes in Brazil: practical and theoretical analysis

by Daniel Achutti and Raffaella Pallamolla (Brazil)

Restorative justice comes out as an answer to the little attention given to victims in the penal proceedings and also due to the failure of the penalty of deprivation of liberty. The investigation reveals that the restorative model encompasses principles that are different from the ones adopted by criminal justice and supports, among other things, the victim's participation in the solution of conflicts, damage repair and the responsibility of the offender that is neither stigmatizing nor excluding. It

aims at reducing penalty imposition (mostly deprivation of liberty) by including non-violent ways of solving conflicts that emphasize the use of dialogue between the parts involved in the crime.

However, due to the variety of restorative experiences found and the different forms this model can be articulated with the criminal justice system, there is criticism to restorative justice concerning the growth of penalty control network it can foster and the preservation of guarantees of the accused that must be analyzed. By carrying out these findings, the proposal of the present study is to verify the ways it is implemented (and institutionalized) in Brazil, analyzing three Restorative Justice Programs in different cities: Porto Alegre (Rio Grande do Sul), São Caetano do Sul (São Paulo) and Joinville (Santa Catarina). It intends to indicate their similarities and differences and, then, to check the status of their development. Finally, the main obstacles and challenges will be appointed for a greater use of restorative justice within the Brazilian criminal justice system.

Daniel ACHUTTI has a Master's degree and is a PhD Student in Criminal Sciences at Pontifícia Universidade Católica do Rio Grande do Sul (Brasil). He is Assistant Professor of Penal Law and Criminology at Faculdade Cenecista de Osório (Brasil), a counselor of the Instituto de Criminologia e Alteridade, and also a criminal lawyer.

Raffaella PALLAMOLLA has a Master's degree in Criminal Sciences at Pontifícia Universidade Católica do Rio Grande do Sul (Brasil). She has a Master's degree and is a PhD Student in Public Law at Universitat Autònoma de Barcelona (Spain). Raffaella is an Assistant Professor of Penal Law and Criminology at Faculdade Cenecista Nossa Senhora dos Anjos (Brasil), a counselor of the Instituto de Criminologia e Alteridade, and also a criminal Lawyer.

Workshop Five – RJ developments in Southeastern Europe

RJ for juvenile offenders in Greece: Does it give effective responses to a rapidly changing social and penal landscape?

by Constantina Sampani (Greece)

Greece is the focus of this presentation. In the past two decades Greek society has been subject to accelerating change owing to a combination of political, economic and social trends. Although one can observe a tendency for the formal justice system to be more liberal and less punitive, in practice the weaknesses of the material and technical infrastructure do not promote alternative avenues of facilitating the communication between the offender and the victim.

Dramatic changes in the demography of the country coupled with the improved economy of the last two decades and the consequent change in the values of the indigenous population, has led to quantitative and qualitative changes in crime. The increased crime rates were associated with serious and often organised criminal activities which were previously unknown in Greece, resulting in the involvement of more people in the criminal justice system which does not seem to give effective responses to the continuously increasing numbers of offending and re-offending.

In this presentation I will attempt to explore:

(a) whether and how young offenders and victims in the new landscape of the Greek society who see the criminal law and its enforcement agencies as hostile, irrelevant or even contrary to customs, religious beliefs, economic needs and traditional values can benefit from the practices of mediation and conferencing with the involvement of their own members of community and make justice more effective.

(b) whether a duality between the formal legal system and the impact of cultural traditions on compliance with the law in certain areas of the country has been persisted in Greece and if this is a reason why respect for the formal legal system is not sufficiently well established? If the above is the case could this obstacle be overcome by encouraging the communication between the victim and the young offender rather than relying on the results of the formal justice system?

(c) whether the historical and economic factors can explain why it is that, while the observation of traditional and religious values and customs has declined, respect for the formal legal code and its just enforcement has not proportionately increased? Is this why Greek society seems particularly vulnerable to cultural changes brought about by urbanisation, tourism and immigration and the ensuing relative prosperity but could the effect of shaming of the previously active social control of a rural society be replaced by the equivalent practices of mediation and conferencing?

In conclusion I will explore the role and propose methods of how a trained facilitator can help the young offender (considering the cultural

background, kind of crime committed) through conferencing to use productively the shame caused by the social disapproval, re-establish a strong bond with the moral legitimacy of the law, learn to conform to society's norms even if those are different to the ones of his country of origin and make a connection with the local community and conventional institutions.

Constantina SAMPANI studied law at the University of Athens. She also obtained an LLM in International and Commercial Law by the University of Kent at Canterbury and a PhD in Criminology and Criminal Justice by the University of London, Queen Mary College. She worked as a lawyer for six years at a law firm in the City of London and is now running her own law practice in Athens. She lectures at the BCA College and actively continues her research on different subjects of criminology and criminal justice.

VOM practice in Turkey

by Özlem Ayata Özyigit (Turkey)

The aim of this study was to evaluate the implementation of victim-offender mediation in Turkey, as one of the models of restorative justice. Victim-offender mediation came into law in Turkey as part of a Penal Code and Criminal Procedure Code adopted in 2005, in a form of a “reconciliation” process. It is used as a diversion mechanism for mostly minor offences. Judges and prosecutors are those who make an offer of participation in the process to the parties, and the law even allows them to mediate directly. Lawyers also can act as mediators (non-lawyers cannot). However, none of these actors are required to obtain any training before they start acting as mediators. The study, thus, focused on evaluating whether a system set up in such an ad-hoc fashion can deliver any restorative justice outcomes. With that in mind, in-depth interviews with prosecutors, judges and mediators (lawyers) were conducted, as well as with victims and offenders who participated in the process. Judges and prosecutors interviewed were asked to explain how they went about making an offer of mediation and how they felt about the process in general. Interviews with mediators were used to learn more about how they conduct the process, given their limited knowledge and training. Victims and offenders were interviewed about how they felt throughout the process, what they felt it did for them, and how satisfied they were with the experience. Further, they were asked about their understanding of the process and their reasons for accepting the mediation offer.

Özlem AYATA ÖZYIGIT is an independent lawyer in areas of labor, human rights and women's rights law. She has worked with legal aid service of the Istanbul Bar Association. She has supported VOM projects in Turkey, and helped translation of UNODC Handbook on Restorative Justice Programmes into Turkish. Her LLM thesis focused on evaluation of VOM implementation in Turkey in the light of the restorative justice principles. Her PhD studies will commence this fall.

14.00 – 16.00

WORKSHOPS SESSION TWO

Workshop One – Practices and Methods

Doing RJ in Spain and Norway: an adult case

Team coordinators: Lourdes Fernandez Manzano (Spain),

Tale Storvik and Espen Andreas Eldoy (Norway)

In the workshops dedicated to 'Practices and methods' the participants will get an opportunity to watch RJ-procedures live. The teams from Spain and Norway will perform 'real' cases, or rather significant parts of the RJ-procedure. You will be able to observe the communication that takes place between mediators/facilitators and the 'clients', between victims and perpetrators, you watch obstacles and difficulties encountered and solutions attempted. The performances of similar cases by two different countries within one workshop will allow for a comparative discussion and analysis of the practices and methods used by different programmes.

Lourdes FERNANDEZ MANZANO is a Certified Mediator by the University of Houston Law Center. Blakely Advocacy Institute. A.A. White Dispute Resolution Center (Texas, USA). She is certified in Family Mediation by the UPV-EHU (Spain). Lourdes is an attorney at law, and mediator in the Criminal Mediation Service of the Government of the Basque Country in Donostia.

Tale STORVIK is an adviser at the National Mediation Service, Oslo and Akershus County, a mediator since 1999, a national instructor in training of mediators, and also a facilitator and trainer in conferencing. Her main responsibility is administrating proceedings in the cases received from police or public, guiding mediators and working towards making mediation possible and accessible in prisons.

Espen ANDREAS ELDOY is an adviser at the National Mediation Service in Norway, Oslo and Akershus County. He has been a mediator since early 2009, as well as a facilitator in the conferencing model. Espen has a master's degree in law from the University of Bergen, with a specialization in alternative dispute resolution completed at Bond University, Australia. His main responsibility is to administrate the proceedings in the criminal- and the civilian cases, received by the mediation service.

Workshop Two – Conferencing

The Flemish practice in conferencing

by Bie Vanseveren and Koen Nys (Belgium)

In 2000, Prof. Lode Walgrave (University of Louvain) started a 3 year study to implement Conferencing in Flanders for minor offenders and their victims. He picked up the idea of Conferencing in New Zealand where Family Group Conferencing has a central position in the response on juvenile delinquency.

Five mediation services in Flanders, who deal with minor offenders, agree to experiment with Conferencing: ADAM and Elegast in Antwerp, Bemiddelingsburo in Brussels, BAAL in Limburg and BAL in Louvain. The choice is made to preserve Conferencing for major offences: acts of serious violence and crimes against property with aggravating circumstances.

After 3 years of experimenting, Conferencing is continued in 3 regions: Brussels, Antwerp and to a lesser degree in Louvain. In 2006, mediation and Conferencing became part of the Youth Law in Belgium. Currently Conferencing is implemented in all regions in Flanders. This implementation turns out not to be very easy. In 2009, only 4 regions (Brussels, Louvain, Antwerp and Turnhout) showed a rather regular practice. The other regions have (nearly) no practice.

In the workshop we will present how Conferencing is working today in Brussels and Louvain: the procedures, the collaboration with the judges and the prosecutors, with the lawyers and the police, with the social workers of the youth tribunal. We will explain the process of the Conference and we will give numbers of the practice in Flanders.

Bie VANSEVEREN (Bemiddelingsburo Brussels) and Koen NYS (Bemiddelingsdienst Arrondissement Leuven), work both for Alba vzw.

How can RJ prevent crime and repair harm with serious and persistent young offenders?

by Tim Chapman (UK)

The workshop will outline a pilot in Northern Ireland by the Youth Conferences Service, Youth Justice Agency, which is an effective restorative justice model for persistent youth offenders. Northern Ireland has delivered over 8000 restorative Youth Conferences for young people who have committed medium and serious offences. Most of our work comes from referrals from the Youth Court. Our victim attendance rate continues to be around 66-70% and our reoffending rate compares favourably to other disposals from the court. We are mindful those more challenging young offenders who continue to offend require enhanced interventions to prevent offending.

The N.I. Youth Conference Service, Youth Justice Agency, commenced a pilot in 2009, to expand the youth conference model to develop a Circles of Support and Accountability model, which blends intensive supervision with the Youth Conference and maintains a restorative ethos.

The process of transition will be described on moving from a court referred youth conference to statutory supervision with a youth conference plan agreed by the victims and the young offender. It will describe an intensive model of Circle of Support and Accountability for the delivery of the supervision through restorative principles.

The presentation will describe the outcomes for the project and the learning for success. Specifically, it will address success to reduce harm to potential victims, reintegrate young people into resources in their community through restorative reparation and rehabilitation to desist from offending. The COSA model is described as a balance of meeting the needs of victims, community safety and the needs of young people to prevent crime.

Tim CHAPMAN is a lecturer on the Masters in Restorative Practices at the University of Ulster. He has been involved in the practice and training of restorative justice and mediation for the past ten years. Prior to that, he worked in the Probation Service in Northern Ireland for 25 years. He has published widely in the fields of the supervision of offenders and youth justice including Time to Grow (2000 Russell House). With Hugh Campbell he wrote the Practice Manual for restorative youth conferences for the Youth Justice Agency in Northern Ireland. He has also developed restorative approaches within schools and children's homes.

Doing RJ: The practice of the Nenagh Community Reparation Project by Carole Gleeson and Alice Brislane (UK)

“One size fits all” !!! “Fine in theory – but will it work in practice?” In every path of life we find ourselves all too frequently expressing such doubts. Intuitively we grasp the gap between theory and practice (and are impatient with the endless discussions they entails).

In this workshop we will be dealing with PRACTICE – the doing of Restorative Justice in a specific cultural context. “Practice” is an acquired/skilled sensitivity to local issues. For example in our own Nenagh practice we have to find creative ways of dealing with a sometimes sceptical Judiciary, with the Gardai, and with community volunteers and with offenders who are often in denial and fail to appreciate the seriousness of their offence, etc.

Nenagh, for instance, is a conservative rural community – its customs and linguistic usages are well-honed accomplishments of the local community, in dealing with offenders therefore one has to be very mindful of the

expectations of community and norms of acceptability, the Do's and Don'ts which place limits on what can be achieved. Thus, we are at pains to emphasize that the path from theory to practice is not always straightforward.

Initially we propose to give a brief outline of our process:

- We then hope to engage the workshop participants in a ROLEPLAY demonstrating the Panel process whereby a Contract of Reparation is agreed for approval by the Courts.
- This process is both challenging and sensitive to the needs of Victim and offender and the aim is to encourage the offender to acknowledge the hurt done to the Victim (community is also seen to be the Victim) and recognise the issues which may have contributed to the offence.
- The actual contract will include measures to address issues such as addiction or anger control also "reparation to the Victim/community using their personal skills rather than payment.
- We will also include statistics indicating the risk levels of our participants using established Probation tools, following completion of the Reparation Process.

This is a practical exercise which is both simple and effective in practice. Finally, in a bid to secure and confirm the rehabilitation of those offenders who are truly contrite and have made enormous efforts to make reparation, we would like to propose for discussion the importance of some form of public recognition of their efforts.

This Project (in its 10th year of operation) is operated through the Criminal Justice System and Probation Service, in close co-operation with both the Gardai, (Police) voluntary and statutory agencies and Community Volunteers. Offenders referred by the Courts are given the opportunity to show remorse for their actions, make reparation to their victims and community and address the issues which may have contributed to their offending behaviour.

Carolle GLEESON is a Probation Officer and also Co-ordinator of the Nenagh Community Reparation Project. She has worked in Probation both in the U.K. and Ireland and has been involved with The Restorative Justice Project since August 2003. Her responsibilities include the training of Project volunteers and reporting to the various Oireachtas Committees, the latest being the Joint Commission on Restorative Justice.

Alice BRISLANE is the Cathaoirleach of the Nenagh Community Reparation Project and has been involved as a volunteer in the Nenagh Community Reparation Project since its commencement in 1999. She is a Housing Officer for the North Tipperary County Council and is also active in her own community as Chairperson of the local school Board of Management.

Workshop Three – RJ models in Belgium

Working with volunteers in a VOM-service: presentation of a local Belgian training programme

by Erik Claes and Kris Mullens (Belgium)

Since 2005 the Leuven mediation service (Belgium) worked out a training and coaching project/ programme for volunteers. The underlying idea is to engage volunteering citizens in the mediation process in the capacity of experienced and skilled mediators. The project is unique in the Belgian context which is characterized by a strong professionalisation of restorative justice practices involving both juvenile and adult offenders.

In this workshop the experiences of this local programme will be taken as a starting point to reflect on and discuss some burning issues related to working with volunteers in a victim-offender mediation service. A professional mediator, two volunteers and a researcher of the Belgian training programme will count their stories against the background of a set of general questions that surpass their local experience.

1. What are the grounding values and purposes steering such volunteering programmes? To what extent do such programmes contribute to realising restorative justice values?
2. What does the facilitating presence of volunteers mean to the parties in conflict, to the volunteers themselves as well as to the professional mediators. How to understand these experiences of meaningfulness and relate it to the ambitions of the restorative justice movement?
3. How to organise the distribution of roles between volunteering and professional mediators in a way that guarantees high standard mediation practices?
4. Is there a limit upon engaging volunteering mediators in restorative justice practices. (e.g. not in murder cases or sex crimes)?
5. What other roles (than that of a mediator) could be designed for volunteering citizens in order to promote the ideas and values of restorative justice?
6. What are the strengths, weakness, opportunities and threats of the existing volunteering programmes.

The general aim of the workshop is to facilitate exchange of ideas, information and practices between existing volunteering programmes throughout Europe in order to further promote a well-considered implementation of volunteerism in restorative justice practices.

Kris MULLENS is a bachelor in social work and a master in criminology. For more than 10 years he has experience as a full-time professional mediator. He is the coordinator of the volunteers- project at the Leuven mediation service, BAL (Bemiddelingsdienst Arrondissement Leuven). He also gives training sessions (methodology of mediation) in a post-graduate programme of the KHLeuven.

Erik CLAES obtained a PhD in Law and a Masters in Philosophy. He lectures philosophy, professional ethics and social policy at the HUB (Hogeschool Universiteit Brussel). He is co-editor with Tony Peters and René Foqué of book on Punishment, Restorative Justice and the Morality of Law, Intersentia, 2005, 201. He is coordinator of a research project, financed by the HUB, on volunteerim and victim-offender mediation. The Project will start off in September 2010.

VOM for juvenile and adult offenders in Flanders: the same thing?

by Lieve Bradt and Bart Sanders (Belgium)

This workshop is based on the idea that it is not only interesting to compare mediation practices between countries, but also within one country, or even in one part of a country (in our case the Flemish part of Belgium). In this workshop we will focus on the comparison between juvenile and adult mediation in Flanders. Research on the comparison between victim-offender mediation for juvenile and adult offenders in Flanders reveals that concepts central to restorative justice, such as ‘responsibility’ and ‘restoration’ are interpreted differently within both mediation practices.

Whereas juvenile mediation is mainly focused on the responsabilisation of juvenile offenders (cf. result driven), adult mediation is mainly concerned with the communication between the parties involved (cf. process driven). Moreover, it appears that the different conceptualisation of victim-offender mediation results in differences between juvenile and adult mediation processes concerning (1) the reach – mainly property offences in juvenile mediation versus mainly personal offences in adult mediation – and (2) the settlement of mediation processes – more mediation processes are started up and completed with agreements in the context of juvenile mediation than adult mediation). These findings raise questions about the influence of policy and organizational aspects on the role and the work of mediators.

Lieve BRADT is postdoctoral researcher at the department of Social Welfare Studies at Ghent University (Belgium). Her doctoral research concerned a comparison between victim-offender mediation for young and adult offenders in Flanders from a social work perspective.

Bart SANDERS is a mediator in the service for juvenile offenders in Bruges for about ten years (Belgium).

Workshop Four – Reports from EFRJ projects

RJ and crime prevention: A theoretical, empirical and policy perspective

by Anniek Gielen (Belgium), Isabella Mastropasqua and Vanja Stenius (Italy)

The "Restorative Justice and Crime Prevention" project was developed by the Italian Ministry Justice (Department of Juvenile Justice) in order to examine the relationship between Restorative Justice and Crime Prevention. Of course, there are several dimensions and levels on which the preventive potential of restorative justice processes and outcomes can be studied. Therefore, in partnership with the European Forum for Restorative Justice and the Psychoanalytic Institute for Social Research, and in cooperation with the University of Leeds and the Catholic University of Leuven, the topic was examined at length. The points of connection (and departure) between restorative justice theory and crime prevention models were explored; followed by a broad analysis of methodological issues (that seem relevant when combining restorative justice and crime prevention in differing aspects) and empirical findings (with regard to offenders, victims and community/society). Attention was also given to the legal and policy level, and more specific, on the extent to which restorative justice is inscribed in crime prevention or other policies. Within the project set-up a European Survey was administered to gather information about practices, perceptions, and dominant beliefs and cultures across Europe in regards to current practice and the potential that restorative justice programmes and practices may play in crime prevention efforts. The workshop offers a short overview of the main results coming from the project, especially of the survey on the views of the experts.

Social policy discussion and academic debates increasingly speak about the relationship between crime prevention and restorative justice. A survey, conducted as part of the Restorative Justice and Crime Prevention project, turned to restorative justice experts in all EU member states in order to assess the extent to which crime prevention is an explicit and/or implicit goal of restorative justice policies, gain an understanding of the perceived relationship of the two concepts in each country, and better understand both the obstacles to implementation and means for overcoming them. Responses were received from 18 countries, covering a total of 65 programmes. Findings suggest that crime prevention is a common aim of RJ programmes and policies, but that relatively little is known either about RJ within the country as a whole or about its actual crime prevention potential. Efforts to increase or promote RJ are thought to encounter three primary challenges: the presence of a punitive culture, a weak knowledge base, and fragmentary advocacy. As such, the survey findings point to the need to: present a clear case with RJ's strategies and objectives; quantify and qualify potential RJ outcomes while being realistic about its capacity to achieve specific goals; develop an ongoing dialogue between stakeholders; and create a national body to facilitate the operation of local programmes.

Anniek GIELEN is a project officer at the European Forum for Restorative Justice and Leuven Institute of Criminology. She has been working on the project 'Restorative Justice and Crime Prevention', the results of which will be presented in the workshop. She obtained a bachelor in Orthopedagogy (specialized educator (2006)), an Euregional Certificate Social Work (2006) and a master in Criminology (2008).

Isabella MASTROPASQUA is the Senior Executive at the Study and Research Board of the Department for Juvenile Justice and Director of the European Studies Centre of Nisida. She is a member of the National Council of Social Workers and chair of the Study, Research and Innovation Committee. She has worked extensively in the field of juvenile justice and taught at the Social Service University of Messina and Palermo and the Law Faculty of the University of Genoa. She currently teaches at the University of Rome "Romatre".

Vanja STENIUS is a Senior Researcher at the Psychoanalytic Institute for Social Research in Rome. Her research experience has focused on areas including: juvenile justice, immigration, the use of imprisonment, mental health and substance abuse issues in the criminal justice system, and women and violence. She has an MA and PhD in criminal justice from the Rutgers University School of Criminal Justice and a BA in psychology and economics from Stanford University.

Building social support for RJ: where to go from here?

by Brunilda Pali (Belgium)

This workshop will present the outcomes of the project "Building Social Support for Restorative Justice", implemented recently by the European Forum for Restorative Justice and several partners. The project started based on the concern that restorative justice movement has neglected public opinion and attitudes with regard to this paradigm, despite the importance of social support and participation in restorative justice. As a result the concept of restorative justice remains unfamiliar for many people.

Translating these concerns more concretely, the project elaborated several ideas on how to think about this issue in a constructive way and identified three fields of cooperation which would improve public awareness, support and participation in relation to restorative justice. The fields of cooperation deemed as more relevant to the theme of reaching social support were cooperation with the media, cooperation with civil society organizations, and cooperation with citizens in the field of restorative justice.

During the project a general scientific report, a media toolkit, and a manual on working with civil society and citizens were produced. The media Toolkit and the Manual on how to work with civil society

organisations and citizens in the field of restorative justice engage thoroughly with concrete examples, tools and strategies. They are rich with examples and strategies collected in Europe and beyond, and offer many practical recommendations on how to move forward in this area. The report, on the other hand, is mainly theoretical (but not only), and its main objective is to open up further spaces for debate and thinking along these lines, and to engage more systematically with the questions of public information about, education on and participation in restorative justice.

The main points of these documents will be briefly presented in this workshop. Participants will be then asked to think over these outcomes and translate them into concrete future ideas for projects in their own working environments and country contexts.

Brunilda PALI is a PhD researcher in the Leuven Institute of Criminology, K.U.Leuven, working on ethics and restorative justice. She worked recently in the European Forum for Restorative Justice on building social support for restorative justice, by investigating ways to work with the media, civil society and citizens in the area of restorative justice. Brunilda has studied Psychology in the University of Bosphorus in Istanbul, Gender Studies in the Central European University in Budapest and Cultural Studies in Bilgi University in Istanbul. Her main research interests are feminism, restorative justice, psychoanalysis, social justice, and critical theory.

Workshop Five – RJ approaches to cultural and political conflicts

Multicultural challenges for RJ: Mediator's experiences from Norway and Finland

by Berit Albrecht (Norway)

Since today's civil society in Europe is multi-ethnic, participants and mediators in restorative justice procedures often have diverse cultural backgrounds. This can lead to miscommunication, misunderstandings, and at worst re-victimisation of the victim. This presentation aims to stipulate discussion about the applicability of restorative justice theory and practices in cross-culture mediation with a focus on migrant minorities such as immigrants and refugees. On the basis of case studies and interviews with mediators, administrative mediation staff and project leaders in Finland and Norway relevant issues as communication processes, prejudices and stereotypes, the role of the mediator and mediation models are discussed.

The presentation explains advantages of restorative justice for minorities as well as the need of safeguards. It demonstrates that restorative justice theory is a concept of conflict resolution that is easier accessible for minorities from certain ethnic groups than from others. Finally, the value of restorative justice for the social integration of minorities is critically discussed. Because of the complexity of this field in terms of number of ethnic groups and acculturation processes, the purpose of this presentation is not to provide "handbook-solutions", but to draw attention to problems of restorative justice for ethnic migrant minorities.

Berit ALBRECHT is a PhD student at the University of Tromsø, Norway and mediator at the Norwegian Mediation Service (Konfliktrådet). She has been working as a research assistant on a research project about cross-cultural mediation and published an article with the same title at Journal of Scandinavian Studies in Criminology and Crime Prevention.

Iran and the West: Restorative practices as a supplement to diplomatic efforts?

by Adepeju O. Solarin (USA)

For over 30 years relations between Western nations—mainly U.S. and Europe—and Iran have continued to deteriorate. Tensions run high and each side continues to demonize the other. Advocates of non-violence question if all avenues have been explored.

This essay explores the potential and power of restorative practices, particularly peacemaking circles, to bring about understanding and clarity to a conflict riddled with misunderstanding and wrong steps. It asks if

circles can inform U.S.-based ideologies of diplomacy through an approach that examines the nature and needs of the conflict; and the elements of equality, respect and understanding.

Recognizing that restorative justice cannot be directly applied to state-to-state conflicts, the argument of how best to approach diplomatic reform on this issue is explored. Examination of illustrative evidence on peacemaking circles is done to establish the suitability of this approach to the conflict. Finally, a model on how to address de-escalation of conflict is proffered.

Adepeju O. SOLARIN's research encompasses restorative justice and international relations especially in areas of conflict resolution and human rights. She is a member of the International Association for Restorative Justice and Dialogue. She is currently involved in efforts to establish a culturally-centric justice network for Blacks.

Workshop Six – RJ in school and residential childcare

Ten years for School Mediation in Finland: What we have learned!

by Maija Gellin and Harri Väisänen (Finland)

This year is the 10th Anniversary of the Peer Mediation project in Finland. In our workshop session we would like to present the recent research results concerning school conflict resolution, and reflect on them interactively with participants' ideas of school mediation. We will also combine the research results with our grass roots experiences as long term school mediation trainers. Especially the learning experiences of young mediators are worth observing and discussing.

In our latest survey 2009 we have gathered huge amount of opinions and thoughts from the peer mediation pupils and mediation supervising teachers in Finnish schools. At the same time the researcher Tomi Kiilakoski has done an evaluation of the mediation method in Finnish schools. Both the surveys and the evaluation have given us new knowledge about the role of a mediator, the work of a mediator and the learning process in school mediation. In our workshop session we would like to highlight some of these results, and then ask the participants to join discussion of the role of mediators at schools as well as of the challenges we have found out.

Maija GELLIN is Project Manager of the Peer Mediation project in Finland. She has been the main method developer and one of the training planners for 10 years. She has also done regularly the surveys of the mediation in schools and now she is preparing her master thesis in school mediation. Maija Gellin is working also as a voluntary mediator in the Victim Offender Mediation Office of Espoo city. Maija Gellin is a member of the board of Finnish Forum for Mediation and she is actively taking part in the international co-operation on the field of mediation at schools.

Harri VÄISÄNEN works as a Trainer and Contact Manager in School Mediation project of Finnish Forum for Mediation. He is a senior trainer and developer, with experience of various school mediation trainings, both on basic and intensive levels: trained staff and pupils in almost 100 schools in Finland. He has also experience of mediating teacher-pupils cases and various conflicts at schools.

From RJ to restorative approaches and practices. How practitioners and trainers in the field of education and residential care have evolved their practice in the last 15 years and where it may be going

by Belinda Hopkins (UK)

The early years of adapting Restorative Justice for educational and residential settings took pioneers in these fields down some interesting blind alleys. Early justice initiatives were aimed at reducing youth offending. Projects in schools and residential care settings therefore tended to focus on ‘sharp-end ‘ interventions using the formal restorative conference process- to reduce exclusions (in schools) and unnecessary criminalization of young people (in schools and care settings). However there was a lack of consistency between the rationale of the restoration, and the day-to-day behaviour and relationship management policies of so many schools and care homes.

In the early to mid ‘Noughties’ (2000 - 2009) therefore, training providers began to offer support for more of these informal conversations and meetings and began to describe these as a restorative approaches and practices , different from, but related to, the values and principles of Restorative Justice.

In recent years there has been greater interest in developing the social and emotional literacy of young people, combined with concern about lack of community cohesion and rising threats of bullying and violence both within schools and their neighbourhoods. Restorative approaches using the principles of circle process provide novel ways to build relationships, develop a greater sense of responsibility and accountability amongst young people and prepare them for citizenship. This pro-active strand of restorative approach has become even more important for schools and care settings in the last few years.

Dr. Belinda HOPKINS - Director of Transforming Conflict, National Centre for Restorative Approaches in Youth Settings. She has been a practitioner, trainer, course developer, consultant and writer in this field for 15 years. She is board member of the UK’s Restorative Justice Consortium and Chair of European Forum’s Education Group. Her recent publications are: Just Schools (2004); Peer Mediation and Mentoring Training Manual (2006); Just Care (2009). Her doctoral research focused on implementing restorative approaches in schools.

Restorative practices in Melbourne Catholic School Communities

by John Connors and Anthony Levett (Australia)

The Catholic Education Office Melbourne (CEOM) has been supporting schools in the area of Restorative Practices for over five years. Over 100 school communities are now being supported. Two Primary School Principals will tell of their journey to introduce, implement and sustain strategies across the school. St. Anne’s Primary School, Kew East and St. Dominic’s Primary School, Camberwell East are situated in the eastern suburbs of Melbourne, a city of 4 million people. They will also discuss the CEOM framework for supporting schools and their accreditation process.

John Connors will discuss his action research project for his Masters in Student Wellbeing from the University of Melbourne. The action research project was about introducing Restorative Practices to his school community.

The Principals will also examine the Audit Tools for Restorative Practices, which have been developed by the Student Wellbeing Team of the Catholic Education Office for use by the Core Leadership Team and staff in their schools. The purpose of the tools is to provide the school and the CEOM with both quantitative and qualitative data regarding the implementation of Restorative Practices strategies at the school level. The Audit Tools are also designed to provide information to the CEOM, which may be used to inform and guide the Restorative Practices in Catholic School Communities Project.

John CONNORS - Principal of St. Anne's Primary School, Kew East. St. Anne's has a student population of 200. John recently completed his Masters in Student Wellbeing from the University of Melbourne. John is a highly respected educator who received the 'John Laing Professional Development Award' 2009 for services to principal professional learning.

Anthony LEVETT – Principal of St. Dominic's Primary School, Camberwell East. St. Dominic's has a student population of 300. This is Anthony's 30th year in Catholic Education in Australia and his 13th year in principalship in the Archdiocese of Melbourne. St. Dominic's was the first school in the Archdiocese of Melbourne to receive accreditation in the Restorative Practices in Catholic School Communities Project.

Plenary Two 16.30 – 17.30

Conferencing in the world: state of affairs

by Joanna Shapland (UK) and Estelle Zinsstag (Belgium)

This presentation will start by introducing briefly a research project run by the European Forum for Restorative Justice and financed by the European Commission, which is the reason for the biannual conference to have a special focus on conferencing this year.

The project is examining the development of conferencing as a restorative justice mechanism internationally, what has been achieved with this mechanism and what are the major hurdles that it encounters. It also proposes some comparative notes with another restorative justice mechanism, which is more current at the moment, victim-offender mediation. The project looks finally into possibilities to develop conferencing more systematically within Europe by offering some insights concerning best practices and needs of individual countries.

The research project includes an extensive literature review but also ideas gathered during study visits, interviews with stakeholders and this conference. The researchers have also constructed a survey allowing a comprehensive comparison of mediation and conferencing practices, which first results will also be presented here.

Restorative justice has been described as an umbrella term, under which shelters several different procedures for undertaking restorative justice, each underpinned by different theoretical approaches. Conferencing, which implies attendance at a face-to-face restorative justice event by more participants than just the victim(s), offender(s) and facilitator, has been distinguished from mediation, where direct mediation involves a face-to-face meeting with the latter parties. It is unclear, however, whether it is attendance and participation which are the key differentiating elements, or whether conferencing and mediation processes also differ in the kinds of topics typically discussed, the aims of the events and types of outcomes. Comparison is also made more difficult, though enriched, by the fact that the name ‘conferencing’ has been applied to processes which have tended to arise in the common law world, whilst ‘mediation’ is perhaps more characteristic of mainland European and some US approaches.

The presentation will explore, using the results of evaluations from the UK and other countries, to what extent ‘conferencing’ and ‘mediation’ seem to differ in processes, participation and outcomes. The results will be linked to the different theoretical ideas and aims behind these processes and hence to what may be important, depending upon whether one’s aim in using restorative justice may be to problem solve, to help victims, to promote desistance from crime (reduce reoffending) or to reintegrate into a ‘community’.

Joanna SHAPLAND is Professor of Criminal Justice and Head of the School of Law at the University of Sheffield, UK. She has researched widely in victimology, criminal justice and restorative justice and is the Executive Editor of the International Review of Victimology. Most recently, she has published the edited volume, Justice, Community and Civil Society (2008, Willan), which looks at how countries have reached out to their publics in terms of restorative justice, court reform, etc., as well as the national evaluation of three restorative justice schemes for adult offenders (Ministry of Justice/Home Office 2003; 2004; 2006; 2007).

Estelle ZINSSTAG holds degrees from the universities of Montpellier (France), Edinburgh (UK) and most recently a PhD in law from Queen's University Belfast (UK), which was on sexual violence against women in armed conflicts and transitional justice. She is currently a project officer for the European Forum for Restorative Justice to lead a 2 year research project on 'Conferencing: a Way Forward for Restorative Justice in Europe'.

Abstracts
Friday 18 June

Plenary Three 09.00 – 10.00

Performance of a case of partnership violence

by Austrian VOM-team

Narrator: Christa Pelikan

In the plenary a domestic violence case will be performed. Christa Pelikan will act as a 'narrator' giving the background of the story and then four people from the Austrian VOM team will play certain sequences out of a concrete case.

Christa PELIKAN is a researcher at the Institute for the Sociology of Law and Criminology in Vienna. She has been working in the field of criminal law, especially victim-offender mediation and in the field of family law. She has been active in various committees of the Council of Europe. She is a founding member of the European Forum for Restorative Justice.

10.30 – 12.30

WORKSHOPS SESSION THREE

Workshop One – Practices and methods

Doing RJ in Albania and Italy

Team coordinators: Rasim Gjoka (Albania) and Ilaria de Vanna (Italy)

In the workshops dedicated to 'Practices and methods' the participants will get an opportunity to watch RJ-procedures live. The teams from Albania and Italy will perform 'real' cases (videotaped performances), or rather significant parts of the RJ-procedure. You will be able to observe the communication that takes place between mediators/facilitators and the 'clients', between victims and perpetrators, you watch obstacles and difficulties encountered and solutions attempted. The performances of similar cases by two different countries within one workshop will allow for a comparative discussion and analysis of the practices and methods used by different programmes.

Rasim GJOKA is one of the founders of the Albanian Foundation for “Conflict Resolution and Reconciliation of Disputes”, established in December 1995, and at the same time he is the executive director of this Foundation. He has completed several qualification courses in the field of conflict management, mediation, restorative justice in Austria, USA, Norway, Denmark, and has participated and contributed in several international conferences and meetings in conflict management, application of the mediation alternative, peace education and tolerance, and restorative justice. He is author and co-author of several sociological studies, evaluations, magazine articles, surveys, and training manuals (mainly in the area of conflict management, restorative justice and mediation, reconciliation, education for peace, etc). Currently he is also Chair of the Southeast Europe Mediation Forum.

Ilaria DE VANNA is a psychologist, a mediator in the Mediation Office in Bari since 1996, a mediation trainer. Ilaria is Member of the Committee of MediaRes, the first Italian magazine on mediation. She also cooperates with schools for several school mediation projects.

Workshop Two – Practices and methods

Doing RJ in Austria and Scotland

Team coordinators: Christa Pelikan (Austria) and Shelagh Farquharson (UK)

In the workshops dedicated to 'Practices and methods' the participants will get an opportunity to watch RJ-procedures live. The teams from Austria and Scotland will perform 'real' cases, or rather significant parts of the RJ-procedure. You will be able to observe the communication that takes place between mediators/facilitators and the 'clients', between victims and perpetrators, you watch obstacles and difficulties encountered and solutions attempted. The performances of similar cases by two different countries within one workshop will allow for a comparative discussion and analysis of the practices and methods used by different programmes.

Christa PELIKAN is a researcher at the Institute for the Sociology of Law and Criminology in Vienna. She has been working in the field of criminal law, especially victim-offender mediation and in the field of family law. She has been active in various committees of the Council of Europe. She is a founding member of the European Forum for Restorative Justice.

Shelagh FARQUHARSON joined Sacro in 2003, following nine years with the Scottish Prison Service. Since joining Sacro, Shelagh has worked in a range of Sacro services and developed her practice across the Community Justice Continuum. Shelagh initially trained as a mediator before joining Sacro's Adult Restorative Service as a Practitioner in December 2006.

Workshop Three – Conferencing

Alperton College: A restorative vision becomes reality

by Shahed Chowdhury and Michael Kearns (UK)

Alperton College is a new higher education establishment in London, born from a passion to share and exchange ideas on restorative justice and practice that developed from over ten years of working as a practitioner in the field of child welfare and criminal justice. The founder formed a partnership with an equally passionate practitioner with sound experience in implementing state delivery of RJ through the police and youth justice system in England.

By pooling ideas and studying the application of conferencing and mediation in the contexts of criminal justice, social justice and education they seek to break down barriers arising in law, culture, customs and political settings. As the college is at the foundation stage it has presented a unique opportunity to use restorative practice in daily interaction and relationship building between student and teacher to create realistic expectations that this will transfer to future workplaces in law, local government, social care and policing. The strategies used to educate and train in the college are underpinned by ten principles aligned with restorative practice.

The presentation will demonstrate that a sound education base is the ideal platform to promote change and foster strong and healthy relationships and partnership working in one of the world's largest cities. Case studies will be used to show that inclusive learning communities can be developed to work and learn together to promote common goals for good practice in cross discipline applications of conferencing.

Shahed CHOWDHURY is both an academic and practitioner in the field of restorative justice. He has written his PhD Thesis in RJ and facilitated numerous Welfare FGCs and Restorative Justice Conferences in the UK. Shahed is the Principle of Alperton College (London), which runs on the principles of restorative justice.

Michael KEARNS is Dean of studies at Alperton College and a former London police officer who developed restorative approaches in youth justice and education while working with young offenders. He is an experienced restorative practice facilitator in the contexts of education, youth justice and social care and lectures at university/college level.

Resolving conflicts in the medical sector: a new step forward in VOM and conferencing

by Grazia Mannozi (Italy)

Our presentation will focus on the possibility of introducing *mediation*, *conferencing* and *restitution* or *compensation programs* in dealing with conflicts which arise in the field of medical activity. We will discuss possibilities and limits of the restorative justice approach in three different situational contexts, respectively concerning: (1) medical malpractice; (2) high risk therapies or surgical intervention decision-making; (3) life and death decision-making.

- (1) As for medical malpractice, we will analyse, moving from the results of an Italian pilot study, the possibility of approaching conflicts between physician and patient, deriving from illicit conducts due to negligence or incapacity, through *restorative justice programs* and *mediation*. We will also explore the possibility that mediation and conferencing playing a contributing role in discovering if the organisation of medical services concurred to cause the medical error e in reducing the so called “defensive medicine practice”.
- (2) As regards to the high risk therapies or surgical interventions decision-making, we will try to evaluate if *conferencing* may help, and in which way.
- (3) Finally, as to life and death decision-making we will evaluate the possible role of *conferencing*. We will also refer to a recent high profile Italian case of suspension of nutrition and hydration to a person in irreversible clinical conditions, which was prosecuted as a form of euthanasia before the criminal court.

(4)

The above mentioned sectors of intervention through mediation and conferencing will be examined in a way so as to join both the juridical and the medical point of view.

Grazia MANNOZZI is Full Professor at University of Insubria, Como (Italy). She teaches “Criminal law” and “Restorative justice and victim-offender mediation”. She was Visiting Professor at Lapland University, Rovaniemi (Finland) and Schlesinger Fellow at the Hastings College of the Law, University of California - San Francisco (U.S.A.) and has worked as honorary judge at the Milan Court for the Enforcement of Sentences. She published several books and papers on mediation, sanction system and corruption.

Workshop Four – Mediation and RJ in prison settings

Applying mediation and RJ in the prison settings: overview of the MEREPS project

by Borbala Fellegi (Hungary)

“Mediation and Restorative Justice in the Prison Settings” (MEREPS – www.mereps.foresee.hu) is an international project between 2009 and 2012 funded by the European Commission’s Criminal Justice Programme. The Consortium in partnership with the European Forum for RJ involves partner organisations from the UK, Germany and led by Hungarian Foresee Research Group together with the Hungarian National Institute of Criminology.

The project involves researchers, practitioners, criminal justice professionals and policy makers from the countries involved, enabling them to participate in an interdisciplinary, intersectoral and international collaborative process. The project combines theoretical (desk research) and action research (conducting and evaluating a pilot project as ‘action research’, including training seminars) elements, together with fieldwork (interview-based survey).

This presentation, on the one hand, will provide an overview of the project’s main objectives, structure, activities and results so far. On the other hand, it will intend to create the basis for a fruitful discussion between the other presenters and participants to discuss the main practical and methodological issues concerning the applicability of RJ in prisons. If you are working in this area or are interested in the recent results of this emerging field, join us for this workshop!

Borbala FELLEGI (PhD, MA, MPhil) is a researcher in criminology and social policy, founder and executive director of the Foresee Research Group. Previously she coordinated an AGIS project on behalf of the European Forum for Restorative Justice. She has been working as consultant for the Council of Europe, the UNODC, the National Crime Prevention Board and the Office of Justice in Hungary. She regularly gives lectures and trainings on restorative justice at various universities. On behalf of the Foresee Research Group she is in charge of Hungarian and EU programmes researching the potential application of mediation in community conflicts and in the prison settings. Her publications and activities are available in detail on www.fellegi.hu and on www.foresee.hu.

The background and the first results of an empirical research in 2 prisons

by Szandra Windt (Hungary)

In the frame of the MEREPS project (which is founded by the EU) the National Institute of Criminology has a great opportunity to research the attitudes of juveniles, adult inmates, correctional staff, policy makers, legislators and other key stakeholders towards RJ. Main motivations, concerns and needs will be explored through the interview-based research in order to tailor future policy developments to the specific needs and attitudes of the key stake holders.

The research will be conducted in two different types of prisons: in a jail for adults and in another one for juveniles. It means that we have some problems with the questionnaire and the whole preparation of our survey: how to select the inmates (mostly those who committed serious crimes), how to ask them about their victims, offences and feelings in connections with them. In the frame of the quantitative research we will fill 200 questionnaires with the inmates and beside this we will make about 50 in-depth interview with *inmates* (on how they solve their conflicts, and on the attitudes towards the RJ) as well. We will ask *jailers, psychologists, teachers* (about 50 staff members) who work in the researched prisons: about their feelings in connection with the RJ, how they solve the problems in the jails (problems among the inmates, conflicts with them etc.).

While both the quantitative and qualitative research will have been finished until June: in the presentation you will hear some pre-results and our experiences of a survey in connection with the attitudes of RJ in prison.

Dr. Szandra WINDT, has studied sociology at the Pázmány Péter University, and has got a PhD thesis in Criminology. She is a researcher at the National Institute of Criminology since 2002. She is a sociologist of settlement. She is dealing with situational crime prevention, postponement of the accusation and the possibilities of mediation.

The possibility of RJ in prison settings (The first issues of the MEREPS project in two Hungarian prisons)

by Andrea Tünde Barabás (Hungary)

In Hungarian criminal law it is not the aim of the penal system to foster reconciliation between parties and nor is it suitable for it to do so. Mediation as part of the penal process became available in 2007. There are, however, legal limits to the use of mediation, e.g. it can only be used in crimes punishable by imprisonment of up to five years, in other words it

cannot be used in the case of serious crimes. The last stage at which victim-offender conflict-resolution can be carried out is the court of first instance; later, including during the execution of sentence, it cannot be applied. Victims of serious crimes and imprisoned offenders do rarely have the possibility to participate in any restorative programme and gain from its benefits. Nevertheless, its importance is unquestionable, since serious crimes do have the most significant impact on victims and offenders. Moreover, as several research showed, the positive effect of RJ can be the most visible in cases of more serious crimes.

In 2009 Hungarian criminologists and their international partners have obtained support from the European Union Criminal Justice Programme for empirical research in the field of the mediation and RJ in prison settings (MEREPS Project) in international cooperation. The National Institute of Criminology (OKRI) in Hungary is the professional leader of the project. This year OKRI is carrying out quantitative and qualitative empirical research concerning the attitudes of inmates and prison staff towards restorative justice. The presentation deals with the first results of this survey.

Dr. Andrea TÜNDE BARABÁS studied law at Eötvös Lorand University Budapest. She received a Scholarship for Hungarian Academy of Sciences in 1989-92. In 1992-93 she followed postgraduate studies at the University of Fribourg, Switzerland. Her Ph.D. thesis was a comparative study on alternatives to sanctions and on mediation. Since 1998 she is Head of Division of the National Institute of Criminology.

A Belgian mediation story

by Els Goossens (Belgium)

In this workshop you will get a small introduction into the Belgian way of mediating. In Belgium (Flanders) the mediating service handles both minor and serious crimes. You will get information about the Belgian mediation history, the different forms of mediation and the law.

But most of the time will be dedicated to a story of a mediation in a murdercase. The presentation will outline a mediation between the mother of a victim and the offender. Both before and after the trial the mother of the victim and the offender had a face-to-face meeting in a Belgian prison. Through this story you will get information about:

- the methodology of mediation: various stages of mediation, written agreements, face-to-face meetings, etc.
- the principals of mediation: voluntary, confidence and neutrality
- the possibilities and limitations of mediation in prison settings: the cooperation with the prison, how to accompany a victim to visit a prison, how to assure the aftercare of the offender, etc.
- the role of aid figures for victim and offender

The focus will be on best practices, also other examples will be discussed. Critical reservations are always interesting for a good dialogue.

Els GOOSSENS studied social work in Leuven. For 4 years she worked with youth who live in an institution because they've committed crimes or because of their problems at home. Since January 2001 Els Goossens works as a victim-offender mediator for adults in Dendermonde for Suggnomè (Forum for Restorative Justice and Mediation Belgium).

Workshop Five – The promise and challenge of RJ for victims

The promise and challenge of RJ for victims

by Howard Zehr (USA)

Restorative justice promises to give a central role to victims and their needs. But are we living up to this promise? What are some of the challenges in doing so? How can we better live up the promise?

This workshop will include a presentation on victims and their "justice needs," the ways that restorative justice seeks to meet these needs, and some of the challenges to doing so in practice. An interactive format will allow participants to interact with the ideas presented, to test applicability of these ideas in their own contexts, and to develop strategies for improving our practice.

Dr. Zehr will be drawing upon his experience working with victims, including his role as a member of the Victim Advisory Group of the United States Sentencing Commission. His presentation will include stories and photos from his book, "Transcending: Reflections of Crimes."

Widely known as "the grandfather of restorative justice," Howard ZEHR began as a practitioner and theorist in restorative justice in the late 1970s at the foundational stage of the field. Zehr continues in this third decade to deepen the principles of restorative justice and grow its practice worldwide. He has led hundreds of events in some 25 countries and 35 states, including trainings and consultations on restorative justice, victim-offender conferencing, judicial reform, and other criminal justice matters. His impact has been especially significant in the United States, Brazil, Japan, Jamaica, Northern Ireland, Britain, the Ukraine, and New Zealand, a country that has restructured its juvenile justice system into a family-focused, restorative approach, causing a dramatic drop in youth crime. A prolific writer and editor, speaker, educator, and photojournalist, Zehr actively mentors other leaders in the field. More than 1,000 people have taken Zehr-taught courses and intensive workshops in restorative justice, many of whom lead their own restorative justice-focused organizations, such as the Council for Restorative Justice at Georgia State University, the Youth Justice Initiative in Iowa, and Mediation Northern Ireland (a major contributor to peace in Northern Ireland). Zehr was an early advocate of making the needs of victims central to the practice of restorative justice. A core theme in his work is respect for the dignity of all peoples

14.00 – 16.00

WORKSHOPS SESSION FOUR

Workshop One – Practices and methods

Doing RJ in Finland and Germany – A case of domestic violence

Team coordinators: Pia Slögs (Finland) and Frauke Petzold (Germany)

In the workshops dedicated to 'Practices and methods' the participants will get an opportunity to watch RJ-procedures live. The teams from Germany and Finland will perform 'real' cases, or rather significant parts of the RJ-procedure. You will be able to observe the communication that takes place between mediators/facilitators and the 'clients', between victims and perpetrators, you watch obstacles and difficulties encountered and solutions attempted. The performances of similar cases by two different countries within one workshop will allow for a comparative discussion and analysis of the practices and methods used by different programmes.

Pia SLÖGS is Head of the Mediation Office in western Uusimaa and the secretary of the Advisory board on conciliation in criminal cases

Frauke PETZOLD is a mediator, trainer, conflict consultant and supervisor in different social and economical areas. She is co-founder of the Waage Hannover e.V. (www.waage-institut.de), a non-profit organisation for victim offender mediation for adult offenders and their victims, together with her colleague, Dr. Lutz Netzig. Together they also founded the Waage-Institut GbR – Institut for Conflict consulting, mediation, training and research, in which they provide training in conflict consulting and mediation for different areas. Frauke is author of many publications. From 2002-2008 Frauke has been a board member of the European Forum for Restorative Justice.

Workshop Two – Conferencing

Professionalism and conferencing

by Tim Chapman (UK)

Nils Christie conceived of conflicts as property, which has been stolen by the state from its citizens. The state employs professionals to manage these conflicts formally. Restorative conferencing is designed to restore ownership of the resolution of harmful conflicts to those citizens most affected by them.

In Northern Ireland there has been a rapid development of conferencing by both the community and the state. While this has generally been very successful, it has raised interesting questions about professionalism in restorative practices. The University of Ulster has delivered certificated training to both state and voluntary workers. Is this level of training appropriate for what should be an informal process? Does it create an elite group of workers, thus excluding others?

The state has intervened to regulate the community sector in relation to standards of practice, referrals and formal inspections. Building on Habermas's theory of the 'system' and the 'lifeworld', does this represent the 'colonisation' of the community by the state? Is the system attempting to transform volunteers into professionals and to maintain its monopoly in managing offending?

Is professionalization necessary if restorative conferencing is to become the mainstream means of addressing offending in a state? To avoid control by professionals, should conferencing remain on the margins of the system? Are there other ways of imagining the restorative professional?

The workshop will engage participants to consider these questions, to apply them to their own jurisdictions and to explore other definitions of what it means to be professional.

*Tim CHAPMAN is a lecturer on the Masters in Restorative Practices at the University of Ulster. He has been involved in the practice and training of restorative justice and mediation for the past ten years. Prior to that, he worked in the Probation Service in Northern Ireland for 25 years. He has published widely in the fields of the supervision of offenders and youth justice including *Time to Grow* (2000 Russell House). With Hugh Campbell he wrote the *Practice Manual for restorative youth conferences for the Youth Justice Agency in Northern Ireland*. He has also developed restorative approaches within schools and children's homes.*

Training police for RJ

by Michaela Wengert (Australia)

The *Young Offenders Act 1997* (NSW), which came into effect in April 1998, provides a legislated basis for the processing of young offenders outside the formal criminal justice system. It provides a framework for delivery of police cautions and establishes Youth Justice Conferencing (YJC) as a 'community-based negotiated response to offender by young people'.

Referrals to YJC are made either by the police or by the courts. In the case of police referrals, the decision is subject to review by the Conference Administrator who may either accept the referral or return it to the police for either a police caution or to commence criminal proceedings.

Under the *Young Offenders Act*, only police appointed as a Specialist Youth Officer by the Commissioner of Police can make determinations to refer to YJC or commence proceedings.

This workshop outlines the training provided to SYOs for appointment to the role, and demonstrates some of the experiential learning activities incorporated into the training. The training is co-delivered by a Juvenile Justice Conference Administrator and a Police Youth Liaison Officer, demonstrating the collaborative partnership between juvenile justice and NSW police in administration of the *Young Offenders Act*.

The SYO Course is a dynamic and interactive training program, based on principles of adult learning and competency-based assessment. It supposes that a commitment to restorative justice cannot be taught or imposed, but will often be engendered in an informed and reflective participant through a combination of knowledge, experience and attitude.

Michaela WENGERT has worked in the adult and juvenile criminal justice systems for over eighteen years, after many years working with offenders in community settings. For the past twelve years she has been regional manager of a legislated scheme based on restorative justice principles. She is committed to incorporating emergent research into practice, often through the development and delivery of training to practitioners and stakeholders. In 1999, Michaela developed the three day training package which subsequently became the Specialist Youth Officer course and the Cautioning workshop.

Workshop Three –Cooperation with legal practitioners

Steering groups: A way of local policy making on RJ - Steering groups: A way of involving legal practitioners

by Natalie Van Paesschen and Pieter Verbeeck (Belgium)

In Flanders (the Flemish speaking part of Belgium), the concept of steering groups was introduced in 1996. It was introduced as a structure that could help find a balance between the variety of rationalities that was involved in the restorative justice initiatives that occurred. The steering group was at the beginning seen as a way to develop and sustain the growing practice of mediation by the different partners. We have chosen well-considered for this kind of co-operation with different organizations from various sectors in society (justice, non-governmental organizations, university, welfare organizations, etc). We have not chosen to give the mediation projects a place within existed structures. The steering group created the opportunity to give the mediation projects an independent position, and though with enough involvement of al the important sectors surrounded and needed! Within the start of the first mediation projects we noticed that in a good climate of co-operation it is possible to question ‘each other rationalities and acts’. The steering group (who hold a meeting every two months) evaluate, orient, stimulate and co-ordinate restorative justice initiatives and developments. After 10 years good practice the plan was that the structure would grow to become a local policymaking structure for restorative justice where the need to ‘co-speak’ and ‘collaborate’ was expressed by all the partners. But did it? Is this a way to cooperate with legal practitioners, to extend the involvement of prosecutors and judges?

In this workshop we would like to give a SWOT overview of such a structure, combined with some experiences (video interviews) from the steering group members of Leuven.

* Members of the steering group Leuven (Belgium): the public prosecutor, the bar association of layers, the house of justice, Centre of welfare, Alba vzw, Suggnomè vzw, local police of Leuven, the university of Leuven, the city of Leuven, prison of Leuven, the court.

Pieter VERBEECK is a staff member of Suggnomè (mediation service (adults) and forum for RJ and mediation)

Natalie VAN PAESSCHEN is the Coördinator/Mediator (minors) in the mediation service of Leuven BAL (vzw Alba)

Cooperation between legal practitioners through the implementation of a European project

by Pilar Lasheras (Spain) and Véronique Dandonneau (France)

In 2008, The European Commission, within the framework of a call for proposal regarding Restorative Justice, accepted the project of the French Federation Citoyens et Justice, entitled “*Action-research about the availability of VOM or a VOM implementation at the post sentence stage*”.

The objective of this project is to implement VOM at the post sentence stage in 4 European countries (Spain- La Rioja, Italy, Bulgaria and France), and to analyze and evaluate the results.

The final objective will be to study the usefulness of the VOM at the post sentence stage and to use the results of the action to propose various legislation modifications.

Beyond this experimentation, the interest of this type of project is to rally the classical leading VOM actors (prosecutors, mediators...) and to allow other judicial actors (judges....) to join them on a common work about a new conception of the VOM.

France and Spain will present the impact of this project in their countries and the consequences on the VOM implementation. The two countries will also present the benefits of a close collaboration and the various perspectives raised from this work.

Pilar LASHERAS is a Lawyer and she teaches law courses in the faculty of Law at the University of La Rioja (Spain). She is also a professor organizing a Restorative Justice on-line post-graduate course in this University which was the first in Spain to propose one on-line Restorative Justice post-graduate initiated for Spanish speaking.

Véronique DANDONNEAU - Legal expert, she's managing European projects in Citoyens et Justice, (Federation unifying the associations doing mediation in penal matters in France). She used to be mediator in penal matters in victim's support association for several years. She is also member of the Citoyens et Justice Federation team trainers.

Pilar Lasheras and Véronique Dandonneau met during the AGIS Project (experts of the core group “Going South”) and they are continuing to work together in order to put into practice this VOM project at the post sentence stage, which will be presented in the workshop.

Workshop Four – Mediation and RJ in prison settings

“The more serious the offence, the more powerful the effect?”: An evaluation of VOM in a prison setting

by Steve Tong and Jo O’Mahoney (UK)

Victim-Offender Mediation was recently introduced to the Sheppey Cluster of Prisons in Kent (UK) with the aim of promoting healing for the victim, improving offender empathy and remorse, and enabling offenders to reintegrate back into society more effectively. A longer term aim is to promote a reduction in re-offending. At present there has been little research evidence regarding the potential and limitations of victim-offender mediation and restorative conferencing in a prison context within the UK.

This paper presents interim results of independent evaluation research conducted by a multi-disciplinary team at The Department of Law and Criminal Justice Studies at Canterbury Christ Church University from July 2008. Working closely with practitioners, this ongoing evaluation involves collecting observational data from restorative justice awareness training for prison officers and qualitative interviews with those involved in the mediation process. In particular, it has focused upon the perceptions of victims, offenders and other key stakeholders (mediators, offender managers and prison supervisors) and their experiences of the mediation process. Quantitative data collected as part of this evaluation will be included in the next stage of the research.

Dr Steve TONG is a Principal Lecturer at Canterbury Christ Church University (UK). Dr Tong’s research interests include restorative justice, policing and police training, performance measurement and qualitative research methods. He is currently Project Leader of a multidisciplinary team evaluating the use of Victim-Offender Mediation for adult prisoners. Email: steve.tong@canterbury.ac.uk

Dr Jo O’MAHONEY is Programme Director and Senior Lecturer at Canterbury Christ Church University (UK). Dr O’Mahoney’s research interests include restorative justice, young people and crime and criminal justice policy and practice. She is currently working on the Prisons project with Dr Tong and involved in the Departmental Mediation Clinic. Email: jo.omahoney@canterbury.ac.uk

Forgiveness and hope after prison. Family group decision making and family group conferencing in prison setting

by Vidia Negrea (Hungary)

The idea of using Family Group Decision Making (FGDM) processes with adult offenders, especially when the crime is combined with drug addiction, was put into practice through a project initiated in Hungary by probation officers and supported by the National Crime Prevention Board. The Hungarian IIRP affiliate, Community Service Foundation, assisted this project by offering training, consulting and on-site assistance to 80 probation officers all over the country. The aim was to help those who are about to be released from jail or prison, or ex-prisoners to reintegrate into society and support them to start a new life with the support of their immediate social network. However, the experiment showed that more complex support is available, not just for them, but for the offender's victimized families. The session offers a brief overview of the methodology and the process of FGDM, presents some of the findings and discusses issues related to the attitudes of professionals as facilitators or participants.

Vidia NEGREA is a clinical psychologist with experience in juvenile delinquency and restorative practices. After spending a year learning about restorative practices while working at CSF (PA.,USA), she founded CSF of Hungary pioneering restorative practices in fields related to troubled youths. She is a trainer and consultant for the International Institute for Restorative Practices (IIRP) in Europe and teaches restorative courses in higher education in Hungary.

Workshop Five – Evaluating RJ programmes

Mediation on domestic violence in critical point in Finland

by Aune Flinck (Finland)

The two-stage evaluation study, *Justice in the Shadow of Justice, An Evaluation Study of the Implementation of the Act on Mediation in Criminal Cases* (Iivari 2010) explores mediation in criminal cases in Finland and presents the results of interviews with key police and prosecuting officials and mediation offices. At the second stage of the study, a questionnaire was drawn up based on the results of the interviews, and sent to mediation clients, that is, injured parties of criminal acts, suspected offenders, and their family and support persons (N=952).

The main conclusion from the interviews with police and prosecuting officials is that referral to mediation in cases of domestic violence should be expanded to allow heads of mediation offices and municipal social workers more discretion to decide which cases are referred.

According to the results of the questionnaire, the key objectives of mediation—expertise, objectivity, confidentiality and justice—were met in the majority of cases. In several of the questions, clients who had been involved in mediation of domestic violence stood out more than any other clients: they had the most positive experiences of the objectivity, confidentiality and voluntary nature of mediation. They also felt positive about how their case had been understood correctly and how they had been given an opportunity to influence the outcome of the mediation. The questionnaire revealed that complainants had often had a more positive experience of mediation than crime suspects. On the other hand, for most clients in domestic violence mediation, mediation had not furthered the treatment in understanding the adverse party or made life after mediation easier. Based on the questionnaire, this applied to 20–36 percent of those clients who had been involved in domestic violence mediation. The results seem to suggest that, as a criminal offence, domestic violence involves great challenges. From mediators, it requires careful preparation to be able to confront the parties.

Altogether 95 percent of domestic violence mediation concluded an agreement and five percent did not. These rates of success are better than in other types of mediated crime cases.

The Act on Mediation in Criminal Criminal and Certain Civil Cases came into operation in 2006. The main responsibility for the national development of mediation services, and for the general supervision, management and monitoring of mediation services has fallen within the responsibilities of the Ministry of Social Affairs and Health. The referral process is entrusted on the one hand to the police and prosecutor when deciding which crimes they wish to refer to mediation and on the other

hand to the mediation office when deciding which cases to mediate. Domestic violence mediation is allowed only in cases referred by the police and the prosecutor. Cases involving domestic violence must not be referred to mediation if the violence in the relationship is recurring or if the parties have already been through mediation dealing with domestic violence. Neither are such cases eligible for mediation if the offender's attitude to the offence or the relationship between the offender and the victim otherwise indicates that the offender regards use of violence as an acceptable way of dealing with controversy in the relationship.

At present in Finland there is an ongoing debate for and against mediation in domestic violence. The National Institute of Health and Welfare, which is at the moment responsible for coordinating and developing mediation in criminal cases, has responded to the debate e.g. by implementing advanced special studies (2008–2010) to layperson mediators. Almost 200 layperson mediators have taken the degree.

Little by little the police and prosecuting officials have begun to refer domestic violence cases to be mediated, but however, there are three camps among prosecutors to take mediation in DV a) brave prosecutors who refer the cases without hesitation b) critics who take mediation very restrained and c) through thinking prosecutors, who refer the cases with discussion: this is the biggest group of prosecutors.

The debate is even going on in organization-political and political level, but we are happy to see that expertise institutions (e.g. National Institute of health and Welfare) have started to found on research and the field of mediation services is somewhat unanimous in taking mediations in domestic violence.

Mrs. Aune FLINCK is a PhD and development manager in the National Institute of Health and Welfare, Finland. Her special topics of expertise are intimate partner violence, child abuse and mediation in domestic violence. In 2002–2004 she conducted an evaluation research in a project called Mediation in Domestic Violence (Flinck & Iivari 2004). She has also acted as a trainer in nationwide training programme (2008–2010) of layperson domestic violence mediators. Previously she has worked e.g. as a senior lecturer and researcher at the University of Tampere, Department of Nursing Science.

Evaluation of the efficiency of VOM in Zagreb professional service for VOM

by Anja Mirosavljevic (Croatia)

The main goal of this paper is to evaluate the efficiency of restorative justice model- victim-offender mediation (VOM) aimed for juvenile in conflict with the law (out-of court settlement) in Zagreb professional service for VOM. The sample consisted of 209 juvenile and young offenders who participated in victim-offender mediation during the period

form July 2006 until the end of 2009. Efficiency was evaluated using data on criteria for implementation of VOM, the characteristics of both offenders and victims, type of offence, starting stages of VOM procedure, the efficacy of the process itself, the decisions of the state attorney and the recidivism of the offender. Data was collected using questionnaire and documentation analysis. Frequencies of variables were calculated for descriptive analysis purpose. The results show efficacy of VOM considering all the above mentioned criteria. Therefore, results support the efforts of professionals for juvenile delinquency to advocate for, develop, and participate in VOM programs.

Anja MIROSAVLJEVIC has finished Faculty of Education and Rehabilitation Sciences at University of Zagreb. In 2005 she graduated with the topic "Adequacy of treatment differentiation in Rijeka based on Youth Level of Service/Case Management Inventory". After 4 years of work in practice (in centre for social care and elementary school) , in June 2009 she started working as research assistant on Faculty of Education and Rehabilitation Sciences in Zagreb- social pedagogy department, Dept. of Diagnostic and treatment of youth at risk.

Workshop Six – RJ and domestic violence

What is it about domestic violence?

by Guro Angell Gimse and Eirik Lereim (Norway)

The use of Restorative Justice in cases which concern domestic violence is controversial. Lack of powerbalance and hidden communications are things to be aware of. We still believe that RJ processes are also important in these categories of crimes. If the victim is being involved on a volunteer basis and the expectation to the process is to find a way to relate, rather than forgiveness, we believe RJ is a great tool.

Together with the police in Trondheim, the district prosecutor and Trondheim community, the mediation office in Trondheim is running a project where families who have experienced violence are being followed up through the philosophy of RJ. Most cases come from the police or the legal system and are alternative punishments or conditions to a suspended sentence. We know that 75 % of the filed reports are being dropped. Sending the cases to mediation gives the legal system an assurance that the case is being followed up. Most of the families have children and thus have to relate in one way or the other.

We have developed a model for handling domestic violence in mediation. The model contains 4 faces: individual meetings, mediation meetings, agreement meetings and evaluation meetings. We implement a process continuing over time and try to involve private and public networks.

The Justice department in Norway is the owner of the project, which has been running since 2008. An evaluation study is being implemented in 2010.

Guro ANGELL GIMSE-Project manager - She has worked in various police departments in Norway. She has been practising policing on the streets, as an investigator and as a coordinator of domestic violence for Sor-Trondelag police district. The last two years she has managed the project Family- violence, reconciliation and prevention from the mediation office in Trondheim.

Eirik LEREIM District prosecutor - Before he was appointed a district prosecutor, Lereim has been working as a Police Prosecutor in Trondheim, specialised in cases regarding violence and sexual crime. He has been working as a judge in a district court and as a lawyer. Lereim has a special responsibility for the District Prosecutors relation to the project Family- violence, reconciliation and prevention.

RJ in domestic violence cases – Experiences in the Netherlands and points to share

by Katinka Lünemann and Annemieke Wolthuis (Netherlands)

We will make a first overview of developments in the area of the use of restorative justice in the field of domestic violence in the Netherlands. Experiences within the probation service, within the women care system and with the Real Justice model will be addressed.

Making use of mediation of restorative justice in case of domestic violence is highly controversial. Arguments against using mediation are for example: domestic violence asks for a strong public statement about unacceptability and mediation could be understood as denying the victim the conformation of her/his essential right to physical integrity. Or mediation will further aggravate the power imbalances. When we look at the (criminal) law of European countries, some countries have possibilities to do victim-offender mediation in case of domestic violence, while others forbid victim-offender mediation in case of domestic violence. The same counts for stalking.

We feel the need to research the different approaches in different (European) countries. But also the different approaches within a country, for example in the criminal setting (victim-offender mediation), mediation in family cases in court, or mediation / family conferencing within a community approach. For this presentation we will look at some projects in Europe, with an emphasis on the Netherlands. And we will raise some of the critical issues involved in violence problems in a relational setting.

Annemieke WOLTHUIS is a researcher at the Open University of the Netherlands, where she works on a PhD on restorative justice for youngsters from an international and comparative law perspective. She is also a member of the editorial board of the Dutch/Flemish journal on Restorative justice and affiliated with the Verwey-Jonker Institute in Utrecht.

Katinka LÜNNEMANN is senior researcher at the Verwey-Jonker Institute in Utrecht. She conducted mostly qualitative research in this field on regulation of domestic violence by criminal law and issues of domestic violence in civil law. Recently she started research on restorative justice.

Plenary Four 16.30 – 17.30

Panel on cooperation with legal practitioners

by Anna Carrascosa, Eirik Lereim, Virginia Domingo de la Fuente, Guro Angell Gimse, Robert Perriëns, and Federico Reggio

The panel discussion will be dedicated to two topics;

1. How do you perceive the role of the (police) prosecutor or judge in connection with RJ?

There are two possibilities:

a. She/he is the main instigator and discretion rests with her/him as to the course the RJ procedure takes, or:

b. She/he is only at the fringes or even outside the RJ procedure - opening the path to this alternative procedure, enabling it, but not having a real part in it.

Or still another one?

2. In which way have you structured your cooperation, the division of responsibilities and of decision-making, your ways of communication?

Eirik LEREIM is a District prosecutor - Before he was appointed a district prosecutor, Lereim has been working as a Police Prosecutor in Trondheim, specialised in cases regarding violence and sexual crime. He has been working as a judge in a district court and as a lawyer. Lereim has a special responsibility for the District Prosecutors relation to the project Family- violence, reconciliation and prevention.

Virginia DOMINGO DE LA FUENTE has made several researches about Victim-offender Mediation and Restorative Justice. She is the coordinator of the victim-offender mediation service in Burgos since 2006. She works in collaboration with the Prosecution's office to spread the concept, benefits and possibilities of Restorative Justice. She has worked as a substitute judge in Burgos.

Guro ANGELL GIMSE is a Project manager - She has worked in various police departments in Norway. She has been practising policing on the streets, as an investigator and as a coordinator of domestic violence for Sor-Trondelag police district. The last two years she has managed the project Family- violence, reconciliation and prevention from the mediation office in Trondheim.

Federico REGGIO has a PhD in Philosophy of Law, currently working under a research contract at Padua University's Department of History and Philosophy of Law. He has been studying, writing and lecturing on Restorative Justice issues for a few years. In his just published book (Giustizia Dialogica. Luci e Ombre della Restorative Justice) he philosophically explored RJ's conceptual framework and theoretical grounds. Member of the European Forum, he is co-founder, in Verona, of an association for victims' assistance (ASAV).

Ana María CARRASCOSA is member of the judicial career since 1989, holding her job basically in family and criminal courts in Valladolid, the town where she lives and work. When she was chairing the Family Court she set up the first Family meeting point in Spain with the private association Aprome and now is carrying out a project of Criminal Mediation in her Court.

Robert PERRIËNS has studied law and criminology at the University of Louvain. He started his professional career in 1983 as a lawyer at the bar of Antwerp. In 1994 he was nominated as judge in the District Court of Antwerp, where his main occupation has been criminal law and jurisdiction concerning the execution of custodial sentences, such as conditional release of long-term sentenced prisoners.

17.30 – 18.45

WORKSHOPS SESSION FIVE

Workshop One – Conferencing

Families at risk

by Rob Van Pagée (Netherlands)

In The Netherlands, a Family Group Conference is called an Eigen Kracht-conference (EK-c). This translation emphasizes the essence of this working method: using the own strength and resources of people to make a plan. In this way they keep the directorship of their lives in their own hands. EK-c is an activating decision-making process, which gives a voice to big and small citizens. It is not a social care method, but a decision-making process which promotes citizenship. From this point of view, EK-c is a multi-faceted means for citizens to recognize and shoulder responsibility for the public matter.

When people find themselves in trouble, it sometimes proves hard to ask for advice or support from the own circle. People live their own private lives, feel ashamed when things go less than well and retreat. Nobody wants to be dependent on others. At the same time, people need other people, for no-one lives a life all by himself. EK-c helps citizens to realize their citizenship where this does not go without saying. This means that they can remain responsible for the situation in which they find themselves. They remain responsible for the solution as well, with help and support from people who are close, and in whom trust is placed. Service of professionals is available, but the plan of action is made by the people themselves.

This approach is used with a broad groups of citizens. The main criteria is: 'do we need a decision, a strategy. It is used in child protection, with senior citizens, in health care, physically or mentally challenged people, domestic violence situations, people in debt and at risk of being evicted, in and out of jail and also in communities in trouble. People get to voice their feelings and opinions in a safe context, after which the possibility is created to make agreements. It is not so much the situation it is the process that counts.

The strength of Annemarie and her people

by Rob Van Pagée (Netherlands)

Annemarie and her family was in NL named a 'multi problem family' (MPG). This is a horrible stigma for a family. Yes they had quite some problems, housing, finance, labor, education, child rearing, (mental) health. But on the other side they also had a group of people around them that could be mobilized. Not by Annemarie and her children, they felt ashamed in incapable. But by a family member introduced them to a Family Group Conference in NL called an Eigen Kracht-conference (EK-c).

In this approach people get to voice their feelings and opinions in a safe context, after which the possibility is created to make a plan. Key is the independent facilitator and time for preparation. Professionals do not organize an EK-c because they are at risk of a double role. Even when this in practice is not manifested, it threatens the confidence of citizens in the conference process. Therefore an infrastructure of independent facilitators is created that covers the whole of the Netherlands. Lay people of all background can become a FGC facilitator. In the light of citizenship, the added value of Eigen Kracht becomes increasingly clear: for the citizens themselves, for social care workers, and for society. People make safe plans to which their network contributes ideas and services, they remain involved. A great advantage is that more hands, heads and hearts become available.

In this 50 minute film we follow almost a year the family of Annemarie after their EK-c. The people that are close to Annemarie made a plan. They also made the plan work. After the film time for discussion.

Rob VAN PAGÉE, is director of the Eigen Kracht Centrale in the Netherlands. This nationwide organization strives to optimize the control of citizens over their own lives and stimulates organizations and governments to achieve this. The Centrale is active in the field of individual care, restorative practices, the well-being in neighborhoods and education. He was one of the founders of the European Network for FGC and instrumental in the introduction of FGC to a number of European countries.

Workshop Two – RJ and domestic violence

The ‘never-ending struggle’: RJ and domestic violence – new evidence and new (old) positions

by Christa Pelikan (Austria)

The reason for resuming the debate on this topic is the issuing of a prohibition of mediation both before and during proceedings in any case of violence against women as stated as a recommendation within the 'UN Handbook for Legislation against violence against women'. How to react to such a prohibition, how to engage in debate with the protagonists of such a prohibition, which strategies to deploy, which arguments to use?

I would like to bring together both practitioners using RJ procedures for cases of partnership violence and people responsible for RJ programmes considering the introduction, or the continuation of Rj in this type of cases. And I hope to engage representatives of countries that have decided against the application of RJ in this type of cases (e.g. Sweden, Norway) or explicitly have a prohibition as required in the Handbook (Spain!) or those that do have such a practice (Austria, Germany, Finland).

The format of the workshop will be marked by only short ‘presentations’ of the participants from various countries and programmes, ordered according the themes:

- actual practice,
- empirical evidence’,
- strategic situation in several countries
- toward a general strategy

The potential to be derived from the workshop could be to acquire a broader picture of what really happens, a more comprehensive knowledge of the empirical evidence available, an overview and an understanding of the apprehensions and the critique expressed as well as the arguments that can be put forward in defence of RJ.

Christa PELIKAN is a researcher at the Institute for the Sociology of Law and Criminology in Vienna. She has been working in the field of criminal law, especially victim-offender mediation and in the field of family law. She has been active in various committees of the Council of Europe. She is a founding member of the European Forum for Restorative Justice.

Workshop Three – RJ in the community and wider society

Who takes ownership of a RJ programme? The C4RJ Partnership experience in Massachusetts, USA

by Ken Webster (USA)

Restorative justice initiatives in various forms are now widespread throughout the world and levels of satisfaction are universally very high amongst those who have been involved in or affected by offending behaviour. Many initiatives have been created to try to deal more effectively with offending behaviour and improve service to those affected. The efforts have been undertaken primarily by various statutory agencies for communities or those affected by crime. Whilst this approach may be commendable, is it really what our communities want? Is this approach merely an extension of existing “top down” statutory responses?

Much of the frustration engendered by previous and existing responses to crime and offending behaviour is now being expressed. Many communities have a sense of being disempowered and marginalized because they lack ownership both in the management and delivery of the schemes which are being perceived by some as by those statutory agencies for the benefit of those in authority. Is there, therefore, another ownership approach to restorative justice initiatives and what might we learn from a ‘partnership’ that is jointly owned by both statutory and community representatives? Could lessons be learned from a highly acclaimed and effective initiative being practiced in Massachusetts?

Those who have been involved in the development of C4RJ will share the experiences of the project, examine the challenges faced to ensure that the initiative is owned and operated by the community in partnership with the police and other statutory agencies to encourage others to consider the development of similar initiatives in their jurisdictions.

Ken WEBSTER has over 10 years’ experience as an independent provider of consultancy and training in restorative processes. He and his co-trainers provide high quality training throughout the UK to Youth Offending Teams, Secure Training Centres, police services, educationalists and others developing restorative processes. He has also trained in Boston and Concord, both in Massachusetts, and San Antonio, Texas, USA.

From RJ to restorative action: towards a new social order

by Martin Wright (UK)

Originally, the application of restorative justice was limited: it was a reaction to criminal wrongdoing. Now it has broadened into the wider concept of restorative practices, which also operate in a preventive way. Where these are widely practised, we may hope to see the development of restorative communities, where people will routinely have the opportunity to agree together. The essence of it is a different way of relating to each other, especially in a situation where traditionally one party exercises power over the other: schools, families, workplaces and so on. Everyone should have access to restorative practices and restorative justice. Restorative practices have the potential to build social capital, strengthen relationships and communities, especially when they are put into practice by NGOs and volunteer mediators: In Norway, for example, the law requires that mediators be volunteers. These principles are underpinned by a need for respect, consideration, co-operation, support and belonging which Marshall Rosenberg (1999), who has developed the principles of non-violent communication, would identify as the key to universal human values. It has been suggested that it should include community-building and feed-back on crime prevention to social policy-makers.

Martin WRIGHT has been director of the Howard League for Penal Reform, policy officer for Victim Support, vice-chair of the Restorative Justice Consortium and a board member of the European Forum for Restorative Justice. Publications include Making good: prisons, punishment and beyond (1982), and Restoring respect for justice (1999).

Workshop Four – RJ in Russia

Experience of restorative justice in Russia

by Rustem Maksudov (Russia)

Performance at conference will be devoted the analysis of advancement of regenerative justice in Russia. The basic results of work and an obstacle in activity of commands advancing regenerative justice will be allocated. Also strategic reference points The Centre for Judicial and Legal Reform in the field of support of regenerative justice in Russia will be allocated.

Rustem MAKSUDOV in 1997 together with colleagues on public organisation The Centre for Judicial and Legal Reform initiated idea and technology advancement restorative justice in Russia. Now president The Centre for Judicial and Legal Reform the chairman of the All-Russia Association restorative mediation. He studied experience restorative justice and juvenal justice in Great Britain, Canada, France, New Zealand, Poland and Czechia. Practising mediation in programs of reconciliation of a victim and the offender. The trainer in the field of preparation of leading programs of reconciliation of conflicting parties of a victim and the offender with the help restorative mediation. The leading developer of model restorative juvenal justice in Russia, models of school services of reconciliation and the concept restorative mediation the Author of 4 books and more than 90 articles in area restorative justice, juvenal justice, criminology and judicial reform.

The work of restorative mediation in the legal system of Russia

by Luidmila Karnozova (Russia)

Performance at conference will be devoted use restorative mediation in the Russian criminal trial. In Russia there is special law either about mediation in criminal trial and or about independent system juvenal no justice. It creates some obstacle for use mediation in this area. Nevertheless restorative justice in Russia develops throughout 12 years. In performance it will be shown, what norms of the operating Russian legislation all the same allow to use mediation in criminal trial; as the model of inclusion regenerative mediation in criminal trial on affairs in the relation of minors is built; what legal consequences of use restorative mediation; what quantity of programs is spent to 2009; as judges concern these programs; what prospects of use restorative mediation in the Russian criminal justice, as on affairs of adults, and minors.

Lyudmila KARNOZOVA, member of Board The Centre for Judicial and Legal Reform, the leading scientific employee of Institute of the state and the right of the Russian Academy of Sciences, a member of the All-Russia association restorative mediation, the candidate of psychological sciences. In a problematics restorative justice is engaged since 1998 At first as the editor who has prepared for the edition a translation into

Russian of the book of H.Zera "Changing Lenses". 2000 on 2004 - The coordinator on interaction The Centre for Judicial and Legal Reform and vessels concerning regenerative ювенальной justices. Mediator and the trainer on preparation mediation. The author of books and articles and the editor of the Russian grants on restorative justice and juvenal justices.

The school service of reconciliation in the educational system of Russia – How does it work?

by Anton Konovalov (Russia)

Development of school mediation in Russia from the first projects to mass practice, the school's mediation in Russia at the moment, the main ideas and trends in the development of school mediation in Russia, the connection with restorative justice and education.

Anton KONOVALOV, Head of the School Service of Reconciliation "Interregional social center" of the Judicial and Legal Reform. Researcher Laboratory juvenile technologies and lecturer on restorative justice Moscow City Psychological-Pedagogical University. Social pedagogue, psychologist, a mediator, mediation trainer for the school, the author of articles on school mediation. Chairman of the Association of mediators and facilitators of reconciliation services in Moscow.

Abstracts
Saturday 19 June

Plenary Five 09.00 – 10.00

Research findings on VOM in the Basque Country: Some results from external evaluations of the penal mediation services

by Gema Varona (Spain)

Through this abstract, first, the objectives, subjects and methodology of our external evaluation in the field of institutionalised restorative justice for adults in the Basque Country are highlighted. Second, concrete challenges for the immediate future are underlined.

As explained in an earlier work on preliminary findings¹, our reflections are based on two external evaluations. The first external evaluation focused on the Penal Mediation Service of Barakaldo, the first of this kind for adults that started running in 2007 with the financial support and coordination of the Basque Government. Later, we worked on a more ambitious project²: the evaluation of the four Penal Mediation Services (PMS) existing today in the main cities of the Basque Country (in Barakaldo, Bilbao, Donostia-San Sebastián and Vitoria-Gasteiz). This second external evaluation was finished by the end of 2009.

Our external evaluations were centred not only on mediators' actions by analysing their own internal evaluations or statistical reports –asking mediators for details and crossing of variables-, but mainly on the citizens' satisfaction on the exercise of their rights, duties and legitimate expectations regarding the administration of justice and particularly the mediators' role. Our methodology included observation³, case studies and questionnaires. Besides we interviewed policy makers, judges, prosecutors, judicial secretaries, lawyers, mediators and personnel of social services supporting victims and offenders. All questionnaires were designed to contain qualitative data, most analysed statistically through SPSS software. The background of the evaluation followed international standards.

General results were in line with many studies, developed in other parts of Spain and other countries, supporting the benefits of restorative justice, without forgetting some risks. Finished our study, we can offer some variables to explain why, in some occasions, the same mediation process can be valued so differently by the myriad of protagonists, in a broad sense, involved in it: victims, offenders, victims/offenders, mediators, judges, prosecutors, judicial staff, lawyers, relatives, social workers...

¹ Gema Varona. 2010. The inextricability of research and practice. Research on the Penal Mediation Services of the Basque Country (2007-2009): Some reflections to foster debate on general findings and mysteries, *Eguzkilore. Cuadernos del Instituto Vasco de Criminología* 23.

² For Barakaldo we could only interviewed 25 people, victims and offenders. For the second evaluation we interviewed 618 persons. In addition, in the case of Barakaldo, we have recontacted those 25 people interviewed in 2007 to value the long term effects of mediation.

³ Of the offices for mediation as well as of mediation encounters.

We are in front of a promising and challenging institutionalised restorative justice programme for adults, fruit of years of private and public effort and support. A penal policy fostering restorative justice in our context, taken into account the international arena where an incipient juridical status of restorative justice already exists, should care for realistic objectives within the current Spanish reform of the administration of penal justice. Innovation does not mean to forget what we had and have, but to understand and be aware of complexities in order to minimize risks and avoid setting mistaken objectives.

To foster debate, respecting their work and recognising their relevant role, we would like to highlight parts of responsibility of different stakeholders in making real innovative and sustainable restorative justice in our context. These stakeholders are:

*Spanish Government. Again, juridical basis should be provided. Considering relevant and recent empirical data and research, as well as international standards on the matter, an adequate legal framework for restorative justice for adults is being requested by all stakeholders. In the end, a right to access to restorative justice should be discussed.

*Basque Government. In a time of economic crisis and limited resources, emphasis on social capital, prevention, improvement of the justice administration and its public perception –influencing human behaviour-, requires political consensus and cooperation among different institutions in the medium and long run.

*Judges, prosecutors, judicial staff, lawyers, mediators and public agencies supporting victims and offenders. Most of them hold an interest on restorative justice. There is certain lack of common understanding of the value of a system where guarantees for victims and offenders are inseparable and of a better coordination among private and public entities, as requested by society. This implies enough resources, but also clear regulations of functions and rights as well as duties and responsibilities, including training and external controls.

*Private sectors and civil society. We miss critical information offered by the media and responsible public participation to contribute to a penal policy free of prejudices and populism.

*Researchers, evaluators. We are in need of interdisciplinary, interregional and international researches, carried out by independent, critical, rotating and responsible social scientists, worried to share theoretical and practical knowledge that can be used and tested in our context.

Gema VARONA is a researcher and reader in Criminology and Victimology at the Basque Institute of Criminology (Spain). Doctor of Law, graduate in Criminology and holder of a Masters Degree in Sociology of Law, she is the author of books on human rights, immigration, legal cultures and juries, terrorism and restorative justice.

The historical difference between restorative and vindicatory justice in the European past and elsewhere

by Ignasi Terradas (Spain)

Restorative justice has many points in common with historical and ethnographic accounts of Vindicatory justice. To this effect, the focus on the victim's experience and satisfaction, the social reintegration of the offender and the several dialogues established between the parts and the social agents are very relevant. But it has to be kept in mind that the proceedings of Restorative justice cannot produce totally perfect outcomes due to a basic form of life present in our society and culture. Individualism and its resulting individualistic empowerment stand quite apart from the social solidarities of the societies we know through ethnographic and historical accounts. We think that a sustained and profound knowledge of the basic forms of life present in our society, especially its well rooted individualism (in legal contracts, in market dealings, in religious consciousness, in psychological awareness, in aesthetic pleasure...) should keep us aware of the limits for a successful restorative justice. I think this is what has to be revealed to those involved in restorative justice proceedings, instead of trying to develop a perfect procedure which never can be independent of the constraints of our basic social order.

Ignasi TERRADAS is a Professor of Social Anthropology at the University of Barcelona, degree in Psychology (University of Barcelona). Ph.D. in Sociology (University of Manchester). Research in Historical and Legal Anthropology; invited professor at L'École des Hautes Études en Sciences Sociales (Paris) and El Colegio de Michoacán (Mexico). Author of "Justicia Vindicatoria", "Requiem Toda", "Mal natural, mal social", "Eliza Kendall", among other books and articles.

10.00 – 11.30

WORKSHOPS SESSION SIX

Workshop One – Conferencing

Mediation and conferencing: Towards a participatory and reparative model of justice? Legal resistances, philosophical considerations by Federico Reggio (Italy)

It is widely recognised that one of *Restorative Justice's* most important and innovative features lays in proposing a participatory, relational and reparative paradigm of justice as a reaction to the modern and contemporary understanding, which tended instead to 'construct' a hierarchical, technical and non-reparative model. The latter conceptual frame was grounded in very specific anthropological and philosophical premises, which can be generally connected to the so-called 'modern' view of the world. Such premises still tend to persist and inform western legal systems notwithstanding the state of crisis that now – in the 'post-modern' era – characterises them. Therefore, in facing the chance of shifting to a different paradigm of justice, *Restorative Justice* still finds cultural and conceptual resistances and difficulties: the first ones mainly depend on the 'conservative' structure of legal systems (whose tendency to change is naturally slower than what happens to conceptual paradigms), while difficulties emerge from the weakness and poor systematic orderliness of the post-modern approach.

In my presentation I am planning to briefly explore the main conceptual 'resistances' that legal systems might oppose to a restorative shift (with main reference to the Italian system) and to explore, on the opposite, philosophical argumentations which instead help showing that a participatory, relational and reparative paradigm of justice can be provided with a rigorous theoretical justification.

Federico REGGIO has a PhD in Philosophy of Law, currently working under a research contract at Padua University's Department of History and Philosophy of Law. He has been studying, writing and lecturing on Restorative Justice issues for a few years. In his just published book (Giustizia Dialogica. Luci e Ombre della Restorative Justice) he philosophically explored RJ's conceptual framework and theoretical grounds. Member of the European Forum, he is co-founder, in Verona, of an association for victims' assistance (ASAV).

Conferencing and VOM as a tool on a way to a restorative society? by Otmar Hagemann (Germany)

My proposed presentation will use an assessment of the status of restorative justice in Schleswig-Holstein - the most northern province of Germany - as a starting point for a brief description of the first German

conferencing project in criminal matters (Hagemann 2009) and some more theoretical considerations about the development of RJ in that region.

Using a recent effort to fill out a questionnaire by Carmen Borg which provides a perfect structure to assess a given reality and make comparisons with law in books I would like to share reflections on gaps, problems and our terminology related both to everyday life and the criminal justice system. However, using the classification of McCold / Wachtel (2000) Borg's approach is limited to the fully restorative forms of conferencing and circles and the mostly restorative form of VOM. I wonder whether the inclusion of only partly restorative programs may help us to identify additional actors in related fields with whom we might co-operate to promote RJ in general as a new paradigm? I would like to bridge the gap to mediation in civil law and social work with "problematic" families or communities. This aims at establishing a link to a broader discourse which Jonathan Bolton (2007) from Victoria University in New Zealand tries to cover by the term of a "restorative society".

Otmar HAGEMANN is professor of sociology and social pedagogy at Kiel University of Applied Sciences. As a proponent of restorative justice he carries out research, publishes and lectures about this topic. Together with others he has invented the first German conferencing project in criminal matters in Elmshorn where he is also involved as a practitioner (facilitator).

Workshop Two – RJ and victims

Victim-offender meetings in the Netherlands: Practices initiated from a victim orientation

by Sven Zebel (Netherlands)

Three years ago victim-offender meetings were implemented nationally in the Netherlands, intended firstly as a standard offer to victims of crime, and secondly to juvenile offenders as well.

This presentation will first start with a short outline of the set up and organisation of the Dutch victim-offender meetings at the national foundation Victim in Focus. Its close association with the Dutch victim support agency will be highlighted.

We will then present three case studies (including audiovisual material where possible) that are representative of the three forms of meetings that are organised at Victim in Focus: face-to-face conversations, ‘shuttle mediations’ and letter exchanges. These case studies will form the main part of the presentation, illustrating in much detail as possible the process that ended in contact between the parties.

We will also present some of the literal (but anonymous) dialogue that took place between parties in each of the contact forms. These case studies will highlight the work of the mediators, indicating their approach and their issues of concern during the process.

In the final part of the presentation, preliminary findings from a field study examining the psychological impact of the Dutch victim-offender meetings will be presented. For the purpose of this study participating victims and offenders were interviewed, once during the preparation phase in the process, and once after contact had taken place (or when contact did not take place). Special attention will be given to potential differences in the psychological impact of the three contact forms and their policy implications for Victim in Focus.

Sven ZEBEL (PhD in psychology) conducted postdoctoral research at the University of Amsterdam (2004-2009), examining how victims and offenders experience hurtful and criminal behavior. From 2008 onwards, Sven has been working as a parttime policy researcher at Victim in Focus, and as of June 2009, he combines this work with a parttime policy research position at the Dutch victim support agency.

Identifying the victim in RJ: reflections on ‘the ideal victim of RJ’

by Vicky De Mesmaecker (Belgium)

Though the crime victim’s central position in restorative programmes is undisputed, restorative justice’s use of the victim concept is unclear. Restorative academics and practitioners have been charged with lacking engagement as to defining who victims are and how they come to be classified as such. Restorative justice as a movement seems to have reflected little on its understanding of the concept of victim, which is considered problematic because restorative programmes *are* based on a number of *assumptions* about victims. Van Dijk (2006) and Pemberton *et al.* (2007) in this respect wrote about ‘the ideal victim of restorative justice’: restorative justice presupposes that victims are willing to accept apologies and forgive the offender, are not concerned with punishment but with compensation, are not frightened about meeting the offender and are sufficiently empowered to deal with the consequences of the crime and to participate in the case.

But does this ‘ideal victim of restorative justice’ represent all victims? This is an important question because if it does not, restorative justice risks excluding some victims from its programmes. In this workshop, findings from a Belgian study on victims’ and offenders’ experience with the criminal justice system and a victim-offender mediation project will be presented with a view to determine the extent to which the *victims* involved in this study indeed meet these assumptions and thus meet restorative justice’s ideal victim image.

Vicky DE MESMAECKER is a PhD-researcher at the Leuven Institute of Criminology (LINC) at the Catholic University of Leuven, Belgium. She works on a study titled “Sentencing and judicial decision making from a restorative justice perspective: the perception of justice in court trials”, investigating the relationship between restorative justice and procedural justice.

Workshop Three –Cooperation with legal practitioners

Victim Support and involvement in practice of Czech Probation and Mediation Service in a frame of multi-agency cooperation

by Ondrej Stantejsky and Marketa Knillova Praskova (Czech Republic)

This workshop will introduce developments from the mediation field in the Czech Republic, the specific position this unique organisation has in CR and will also talk about the integration of the principles of the restorative justice in the Czech system of justice. Then they will specify the cooperation with the legal practitioners focused on victims. There are still few organisations in the CR that work with victims of crimes – from this perspective, contribution of PMS is important and to some extent unique in the Czech environment. Nevertheless, PMS gradually tries to involve many other institutions, especially the legal practitioners.

Presenters will give some examples on how to involve victims in the process. PMS works with the victims not only in post - trial stage, but also in the pre-trial stage. PMS gives victims the chance to talk about the impact of the crime on their lives, the opportunity to meet the offender face to face or even to partially influence the punishment the offenders get.

Presenters will also introduce the two new projects targeting the victims – one focused on complex advisory service for victims (that also involves a specific cooperation with legal practitioners, especially the police) and the second focused on establishing institution of Parole Committee (that works with the needs of victims in cases when the offender is to be released from prison - legal practitioners are key members of the committees).

Marketa KNILLOVA PRASKOVA graduated in Cultural Anthropology from Charles University in Prague. Currently she works for the Probation and mediation service in the Czech Republic and is the head of the PMS unit in Nachod. She works especially with adult offenders and is also specialized on victim - offender mediation.

Ondrej STANTEJSKY graduated in Law from West Bohemian University in Pilsen. After a gap year in Ireland he is currently working at Probation and Mediation Service HQ dealing with a legal and international agenda. He feels that three years in his position are both challenging and highly rewarding.

Towards a real implementation of RJ and VOM in Spain: from a practical perspective and especially in adults

by Virginia Domingo de la Fuente (Spain)

- Problems in the development and implementation of victim-offender mediation in Spain

The first problem that arises in our country is that there is no specific regulation on the subject; however this is supplemented by using certain articles of the penal code that talk about repairing the damage.

Another problem is that our adult criminal system is based on the principle of mandatory prosecution and not on the principle of opportunity; this generates resistance in certain legal professionals considering that this is somehow an illegal act.

- Arguments to promote and enhance cooperation between legal operators.

The first argument is the victim; the Restorative Justice seeks to give the role to the victim, above all things.

The second argument is to strengthen and promote further collaboration of judges, prosecutors and other legal operators is the recognition and accountability of the offenders for the crime committed.

Another argument but not the main one is that Restorative Justice and victim-offender mediation make a quicker justice reducing waiting times and getting sometimes the causes filed will lead to a decongestion of justice.

- Conclusion

The legislator is afraid of regulating victim-offender mediation, believing that this will generate widespread discontent in society. However, if we present simple arguments on the benefits of Restorative Justice Programs, citizens will not oppose this system and legal operators should cooperate more actively and must realize that restorative justice is indirectly rooted in our Constitution, legislation and doctrine.

Virginia DOMINGO DE LA FUENTE has made several researches about Victim-offender Mediation and Restorative Justice. She is the coordinator of the victim-offender mediation service in Burgos since 2006. She works in collaboration with the Prosecution's office to spread the concept, benefits and possibilities of Restorative Justice. She has worked as a substitute judge in Burgos.

Workshop Four – Teaching RJ

Teaching RJ: An exchange of programmes at universities and in higher education

by Ivo Aertsen (Belgium), Ida Hydle (Norway) and contributions from other presenters

In many European countries, restorative justice has become a topic of importance in university curricula and programmes of higher education. Within departments and institutes of criminology, social sciences and peace studies amongst others, specific courses on restorative justice have been developed at bachelor or master level. In a few instances, a full master programme on restorative justice, restorative practices or (victim-offender) mediation is offered. Some universities use distance learning as well. The workshop aims at exchanging information and experiences with existing programmes, be it separate courses on restorative justice or full master programmes. Therefore, participants are invited to present ‘their’ programme and to discuss with other workshop members. We will try to present the programmes in a comparative way. If useful, this information can be made available afterwards and updated at the website of the European Forum. Of course, also more ‘passive’ participation is possible (without presenting a programme).

Ivo AERTSEN is a professor at the Catholic University of Leuven Institute of Criminology. He holds degrees of psychology and of law from the same university. His main fields of research and teaching are Victimology, Penology and Restorative Justice. Dr. Aertsen has been chair of the European Forum for Restorative Justice from 2000-2004, and has coordinated COST Action A21 on Restorative Justice research in Europe from 2002-2006.

Ida HYDLE is a senior researcher at Norwegian Social Research – NOVA, and adjunct professor at the University of Tromsø, Department of Sociology, Social Policy and Community Planning. She holds degrees of medicine and social anthropology from the University of Oslo. Her current fields of research and teaching are Restorative Justice, Youth studies, Peace studies. Dr. Hydle chaired one of the research groups in the COST Action A21.

Workshop Five – Expanding RJ: Invading the CJS

Hull Heading for a Restorative city

by Mark Finnis and Estelle MacDonald (UK)

The workshop will explore Hull's vision of becoming a restorative City. The intention in Hull, UK is that all professionals who work with children, young people and their families do so in a restorative way. The Hull Centre for Restorative Practices was set up to train 27,000 professionals across all agencies working with children, young people and their families in restorative practices. Hull Centre for Restorative Practices works in collaboration with the International Institute for Restorative practices.

This workshop will explain how working within an explicit framework for all professionals has impacted positively on outcomes for children, young people and families. It explains the challenges, successes and implementation models used to achieve this goal. The workshop will address the following key areas

1. Why restorative practices in Hull?
2. How restorative practices fits in with the overall vision of the City
3. Successes to date including evidence and data
4. Training and implementation models
5. Evidence and impact of collaborative working across agencies
6. Restorative leadership
7. The future plan

This workshop is suitable for anyone interested using restorative practices to improve outcomes.

Estelle MACDONALD is a very successful inner city Headteacher who transformed her current school from special measures (failing school) to outstanding in under two years. Her school has a national reputation for the quality of its provision, particularly the impact of Restorative Practices. Estelle played a leading role in establishing Hull City's Restorative Community Plan and is now working to support organizational change in schools and other organizations. She is the head of Hull Centre for Restorative Practices and is chair of the management group of Sutton Place – a restorative alternative to custody programme for young offenders.

Mark FINNIS is an experienced Restorative Practices trainer and practitioner. He was an original member of the Sefton Centre for Restorative Practices, where he gained extensive experience in training, development and implementation of restorative practices across the authority. Mark then worked as Assistant Director for the International Institute of Restorative Practice, UK, where he led training and development at both local and national levels. In 2008 Mark joined the Hull Centre for Restorative Practices, acting as a consultant and lead trainer for the City.

Workshop Six – RJ in Peru and Sweden

The Restorative Juvenile Justice Project in Peru

by Olga Eliana Escudero Piñeiro (Peru)

In 2003, Terre des Hommes started an investigation about the juvenile justice system in Peru. The results showed the system had a lot of deficiencies such as arbitrary detention and mistreatment, excessive imprisonment, inadequate attention paid to the victim and excessive lawsuits among other things, all of those practices pertaining to the retributionist paternalistic model.

Although Peru's legal frame related to adolescent offenders is ample and solid within adequate parameters regarding for the rights of children, legal operators such judges, district attorney and defense lawyer have different practices that not respond to restorative juvenile model of justice. The project initiated in 2005, started gradually and jointly with a lot of public institutions such as the Judiciary, the Attorney General's office, the Ministry of the Interior, The Ministry of Justice, among others. It started in 2 localities with a lot of violence and economical problems like El Agustino in Lima and Jose Leonardo Ortiz in Chiclayo, in the northern of coast of Peru.

The purpose of the project is to validate a restorative juvenile justice model in which victims needs and adolescent in conflict with the criminal law needs are important, seeking for mechanism from compensating the victim and restore social peace through a mediation process, among with promoting the handling of cases out of the Family Court and alternative measures of imprisonment are applied like community service or the diversion.

After five years, now in 2010, we have attended more than one thousand adolescent; the rate of violence and backslider offenses has diminished tremendously in both places. About six hundred victims have been attended, derivate and listened, also there have been about four mediation processes this year so far, and between 2005 and 2009, there were 17 mediation processes completed.

*From the article: RESTORATIVE JUVENILE JUSTICE PROJECT IN PERU: AN ACCOUNT OF AN INNOVATIVE EXPERIENCE by Jean Schmitz

Olga ELIANA ESCUDERO PIÑEIRO is a lawyer, from the Faculty of Law and Political Science - Universidad Nacional Mayor de San Marcos. She has a Master in Law with Mention in Constitutional law - Catholic Pontific University of Per. She also has a specialization in Criminal and Procedural Penal Law, and also 4 years of experience in execution of social projects with attention to vulnerable population and in risk. Olga is member of Immediate Attention Team of the Restorative Juvenile Justice Project from 2008.

How restorative is the VOM in Sweden?

by Linda Marklund (Sweden)

Victim offender mediation is the primarily restorative practice that is in use in Sweden. The presentation will build on the results from my thesis where I have explored the victim offender mediation process that exists in Sweden and at the conflicts that can arise between the mediation process and the retributive legal process for young offenders. In order to analyze how restorative the practiced mediation process really is I've used the models of Wright and Van Ness to analyze the Swedish mediation service and legal system.

The Swedish mediation services legal base is the law on victim offender mediation, the Mediation Act from 2002. The Mediation Act provides a framework for victim offender mediation organized by the state or municipalities. The mediation act excludes no age group from mediation, but the practice is primarily focused on young offenders. The act was complemented with an obligation in the Social Services Act 5:1c, for the municipalities to offer all young offenders up till the age of 21, mediation if they admitted (or partly admitted) the crime in question. The goal of mediation act is to increase the offender's level of insight into the consequences of the offence, at the same time as the victim is provided with the opportunity to work through his or her experiences. The Mediation Act provides general criteria for victim-offender mediation, but does not regulate mediation in detail.

Linda MARKLUND is a PhD student at the faculty of law at Uppsala University and a teacher in law and mediation at Luleå University of Technology. She's a board member of the Nordic Forum for mediation and conflict management as well as the local branch of the victim offender support group.

Workshop Seven – RJ as perceived by the parties

How is the position of the victim perceived: on one hand in RJ and criminal proceeding on the other: The example of Bosnia and Herzegovina

by Hajrija Sijercic-Colic (Bosnia and Herzegovina)

At the heart of criminal proceedings and restorative justice is protection of rights of the victim and the offender. And so is the protection of society. In that sense, criminal proceedings and restorative justice provoke various evaluations both at universal or regional level and with national legal system. This presentation analyzes the position of a victim how it is perceived: on one hand in restorative justice and criminal proceedings on the other, in Bosnia and Herzegovina. Also, this presentation highlights recent developments in law and practice in criminal justice system and restorative justice in Bosnia and Herzegovina, demonstrating the national and international documents about the position of the victim and the offender. Bosnia and Herzegovina has reformed its criminal proceedings and has ratified a set of Council of Europe documents about criminal proceedings and restorative justice, and has adopted it as legally binding and, consequently, has included in its national legislation a set of acts, rules and regulations which apply to the victim and the offender.

Mrs. Hajrija SIJERCIC COLIC, LL. D., is the Full Professor at the course study Criminal Procedure Law at the Law Faculty of the University of Sarajevo. She is the author of numerous scientific and research papers falling within the area of criminal procedure law, international law on human rights, international criminal law, juvenile criminal law and penology. One of the more important papers: Dictionary of Criminology and Criminal Justice = Worterbuch der Kriminologie und Strafrechtsleher (2001); Commentary on Criminal Procedure Codes in Bosnia and Herzegovina (2005); Criminal Procedure Law, vol. I and II (2005. and 2008); Safeguarding human rights in Europe: The rights of suspects and defendants in criminal proceedings in South East Europe (2007). She was the participant of scientific conferences in the country and abroad. She is also participating in legal projects as drafter of laws or expert consultant in Bosnia and Herzegovina.

Juvenile penal mediation: what do the parties think?

by Nuria Mora (Spain)

The practical community of juvenile penal mediation 2008-09, under the “Compartim” programme framework of the Knowledge Management of the Justice Department and in the CEJFE of the Generalitat de Catalunya, has carried out a research. A sample of 209 participants of the mediation and reparation program (victims and offenders) has been surveyed about how they felt experience and justice.

The following dimensions have been explored:

- Judicial data of the reports
- Victims and offenders sociodemographical data
- Previous knowledge of the mediation programme
- Motivations to take part in the mediation
- Emotions and feelings aroused in the mediation
- Participants' perceptions of the mediator
- Responsibility attributions of the criminal fact
- Valuation and satisfaction degree of the mediation programme and of the justice interventions
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The methodology has been a quantitative survey conducted by telephone. The population sample were victims and infractors who participated in mediation process finished the first quatrimester of 2008. The polled sample was 95 victims and 114 infractors. Statistical analyses were descriptive, comparative and of characterization. These analyses were carried out to the whole polled sample and afterwards separately to infractors and victims. In addition, a multivariant analyses was done according to the following variables:

- Victim/offender,
- Knowledge degree between victim and offender
- Type of mediation process
- Qualification of the criminal fact.
-

Results have provided us models of reflection and analyses for our daily task helping us to improve service performance.

The study was carried out by a team of mediation practitioners. All of them have long experience and knowledge of the juvenile mediation programme, with a mean of seven years experience and multidisciplinary background. On behalf of the team the speaker¹ will present the communication.

Nuria MORA will present the study in representation of the group. She has a lot of experience in mediation and penal mediation and is the programme's moderator since 2009.

Plenary Six 12.00-13.00

The 10 year journey of the European Forum: looking back and walking into the future

by Ivo Aertsen (Belgium)

Ten years ago, the European Forum was launched officially. The initiative, however, did not come out of the blue. There was an existing context and a history of people, programmes and penal policies in European countries and elsewhere behind it. The initial ideas and endeavours which formed the basis for the European Forum will be discussed. Then, the decision was made to start a formal European organisation; the main options and principles that were adopted at that moment will be presented. Reflection will be developed on whether and how we have been able to put the main principles into practice and on the realisation of the official aims and objectives of the Forum until today. Therefore, it is important, amongst other developments, to have a look at the (evolving) role of the main bodies of the European Forum: the Board, the Committees, the Secretariat in Leuven, but also at the involvement of the membership. Project work has been an important part of the achievements of the European Forum, and therefore a short overview will be made on the European (Union funded) projects that have been implemented over the years, why these topics have been chosen and what the meaning and impact of these projects might have been. This sketch will also demonstrate the limits and weaknesses of the European Forum, and where realistically spoken substantial improvements can and should be made in the near future.

Ivo AERTSEN is a professor at the Catholic University of Leuven Institute of Criminology. His main fields of research and teaching are Victimology, Penology and Restorative Justice. Ivo Aertsen has been chair of the European Forum for Restorative Justice from 2000-2004, and has co-ordinated COST Action A21 on Restorative Justice research in Europe from 2002-2006.

Fringe Meetings Programme

Meeting One – Thinking about doing an MA in Restorative Justice? By distance e-learning?

by Karin Sten Madsen, Denmark

If you are, here's an opportunity to get to know about the Master Degree in Restorative Justice at Hull University, England – from a student. The MA in Restorative Justice is a distance learning programme that can be studied off-campus – wherever and whenever. All you need is internet access, time and strong motivation. But how much time? How much previous knowledge is required? And what if English is not your first language? At the fringe meeting, I – an enthusiastic second year student - will share my enthusiasm, provide information and answer questions about the study and about studying in cyberspace.

Meeting Two – Sharing experiences on restorative approaches in educational or residential child care settings

by Belinda Hopkins (UK)

This is a chance for all those implementing restorative approaches in educational or residential child care settings to meet others in the same field, and share experiences and best practice. We can also discuss how best to take this important work forward on the European stage through our connections with the European forum.

Practical Information

Bilbao

Bilbao (Also Bilbo in Basque) is the largest city in the Basque Country and the capital of the province of Biscay (Basque: Bizkaia). The city has 353,168 inhabitants (2007) and is the most financially and industrially active part of Greater Bilbao, the zone in which almost half of the Basque Country's population lives. Greater Bilbao's 953,152 inhabitants are spread along the length of the Nervión River, whose banks are home also to numerous businesses and factories, which during the industrial revolution brought heightened prosperity to the region. A major seaport and industrial centre, the city is located on the Estuary of Bilbao, the city's suburbs extending to the Bay of Biscay.

Bilbao was founded as a village by Don Diego Lopez de Haro V, Lord of Biscay, on 15 June 1300 on the opposite river bank of an existing fishing settlement (now known as Bilbao la Vieja or Bilbo Zaharra, "Old Bilbao"). Prior to formal establishment as a township, a village and port called "Bilbao" (the name designated in the founding village charter of 1300) is believed to have been located near an ancient wall (circa XII century) recently discovered by the "San Anton" Bridge.

The city has recently undergone major urban renewal, in order to move away from the region's industrial history and instead focus on tourism and services. The developments are centered around the new metro system by Sir Norman Foster (see Metro Bilbao) and, most of all, the Guggenheim Bilbao Museum by Frank Gehry.

How to get from the airport to the centre?

To get from the airport to the centre, take Bizkaibus from the arrivals sidewalk: there is no arrivals hall. The bus leaves every half hour at :15 and :45 past the hour. The last stop of the bus is Termibus (central bus station) which is 5 minutes away from Euskalduna Palace, tram station and subway station. It will take you about 15 minutes to get from the airport to the centre. The reverse journey is at :25 and :55 past the hour from the bus terminal to the airport, stopping at Plaza Moyua on the way. A single ticket costs less than €2. Taxis to downtown Bilbao from the airport cost about €25-30.

Palacio de congresos y de la música

The conference will take place in the "Palacio de congresos y de la musica" ("Euskalduna Conference and Music Centre"). The Euskalduna Palace is one of the symbols of the new Bilbao. It was inaugurated in 1999, the work of Federico Soriano and Dolores Palacio, and is considered one of the most important contemporary works by Spanish architects. The building is located in the centre of the city and represents the last vessel built at the old Euskalduna shipyard.

This major multifunctional complex has a floor area of 53,000 square metres and hosts a range of cultural activities (opera, concerts, ballet, music recitals...), as well as congresses, large conventions and business meetings. The Euskalduna Palace won the prestigious International Association of Congress Centres World's Best Congress Centre award in 2003.

How to access the Euskalduna Palace?

The Euskalduna Palace is located on the zone of Abandoibarra, near the Guggenheim Museum. The concert hall is connected to the rest of the city by tram EuskoTran's Line A, Bilbao Metro Lines 1 and 2 (subway) and Cercanías Bilbao lines C1 and C2 (train). The easiest way to get to Euskalduna Palace, from everywhere in Bilbao, is by tram (just one line from Termibus to Old town following the bank of the river), hop off at "Euskalduna" .

When getting from the city to the Euskalduna Palace you have to access the building from the *leveled* area of Euskalduna Palace. In front of the palace there are some open air stairs to go down level and there you will find the main entrance with the big hall on the left where the registration will be.

Language

The plenary sessions will be in English, with translation into Spanish. The workshops will be in English as well, but without simultaneous translation. Some workshops however will be in Spanish (indicated in the programme). During these workshops there will be no translation into English.

Lunches/Coffee-breaks:

Lunches on Thursday and Friday are included in the conference registration fee, as well as the coffee-breaks on Thursday, Friday and Saturday. The lunches and coffee-breaks will be served in the Hall inside Euskalduna Palace. This is the main entrance to the Palace and will be the place for registration too.

Documentation corner and materials:

We will provide tables for you to share information with the other conference participants.

Please note that:

- We will not take copies for you during the conference.
- There will not be anyone to supervise the materials on this table. If you leave materials there that are not supposed to be taken away, please make sure that this is clear by preparing a note 'Display copy only'.

Use of computer/internet facilities:

There will be 1 computer with internet available to the participants in the conference.

Conference dinner:

On Friday the 18th at 20:00 a conference dinner is organised in “Kafe Antzokia” (a Basque Coffee Theatre, website: www.kafeantzokia.com). Kafe Antzokia opened on december 15, 1995 in downtown Bilbao, in the place formerly known as San Vicente cinema. It is near Jardines de Albia (Albia Gardens) in the New Town of Bilbao.

Today, Kafe Antzokia is a lively place known by music lovers worldwide for its varied schedule and a Basque language related project where cultural activities in Basque take place.

How to get there: The restaurant is located in the city centre so it will only take you about 10 minutes on foot to get there. Further instructions will be given during the conference.

By subway: Bilbao Metro Lines 1 and 2 “Abando” station and “Berastegi” exit.

By tram: Hop off at “Uribitarte” station.

Boat Trip:

The boat will leave at 3pm. The boat will take you from Bilbao’s Sea Museum terrace (Leveled area of Euskalduna Palace) to Bilbao’s estuary and will return around 2 hours later to the same place.

Public Transports:

The best way to move in Bilbao is by public transports (taxis are very expensive and there are lot of traffic jams. You can buy tickets which are valid for almost all of them (subway, buses, tram, some trains –Euskotren ones-) called CREDITRANS (5 €, 10€, 20€). These can be bought at the Tobacconists and at every tram and subway station ticket machines. Is the easiest and cheapest way to move in Bilbao (valid too for airport bus).

Further information

If you have questions during the conference, don’t hesitate to ask the staff.

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