

Connecting People

Victims, Offenders, and Communities in Restorative Justice
The 7th International Conference of the European Forum for Restorative Justice

Helsinki 14 15 16 June 2012

Conference Booklet

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Conference B o o k l e t

Welcome,

to the participants of the 7th conference of the European Forum for Restorative Justice 'Connecting people – Victims, Offenders and Communities in Restorative Justice'

As restorative justice becomes more understood and accepted by the general public we want to focus on the connections that underpin the three pillars of restorative justice: victims, offenders and the larger community.

Connecting people – describes the potential of restorative justice to build bridges and repair conflicts between people. But victims and offenders are not the only ones affected by crime. Frequently members of the community are greatly disturbed by violence, abuse and other crimes, but they rarely get to voice those concerns. Restorative justice is about letting those who do not usually get a voice, have an opportunity to share their stories, horrors, hopes and needs and to explore their ideas for the future. And we give a voice also to communities that need to be heard.

Looking through the list of workshops one notices other themes describing different areas in the community that are working with the principles of restorative justice, for example schools. This is an area that has developed considerably over the last few years.

The format of the workshops is participatory. After the presentation the participants are invited into the discussions with questions and viewpoints.

To conclude the European Forum for Restorative Justice wishes to thank the University of Helsinki and the Ministry of Justice for their generous support in making this conference a possibility. We would also like to thank Aarne Kinnunen, Pia Raassina-Terho, Prof. Raimo Lahti and Saija Sambou in particular for their local support and organisation.

We hope you will have an interesting and rewarding conference and will enjoy the beautiful city of Helsinki!

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Conference Programme

Thursday 14 June

08.00 – 09.00	Registration
09.00 – 09.30	Opening of the conference by Anna-Maja Henriksson (Minister of Justice), Maria Guzenina-Richardson (Minister of Health and Social Services) and Niall Kearney, Chair of the Board of EFRJ
09.30 – 10.30 Chair: N. Kearney	Plenary One Restoration after atrocities – is it possible? <i>by Nils Christie (Norway)</i>
10.30 – 11.00	Coffee Break
11.00 - 13.00	Workshop Session One
<u>Workshop One</u> RJ and community 1 Chair: Rob Van Pageé	Community thinking in/and restorative justice practices <i>by Lieve Bradt & Erik Claes (Belgium)</i> 'Mediation only' or a wide range at hand? <i>by Clara Coronas & Monica Albertí (Spain)</i> Potentials and risks of community involvement in restorative justice practices. Some considerations from a legal-philosophical perspective <i>by Federico Reggio (Italy)</i>
<u>Workshop Two</u> RJ in schools 1 Chair: Martin Wright	Creating communities of care <i>by Belinda Hopkins (UK)</i> Restorative justice measures in the school context: a way forward to change mentalities <i>by Teresa Lancry Robalo (Macau, China)</i> The co-operation of schools and local victim-offender mediation services <i>by Maija Gellin, Eeva Saarinen and Harri Väisänen (Finland)</i>
<u>Workshop Three</u> RJ in specific countries 1 Chair: Brian Steels	Moving towards restorative justice practices in strengthening business ethics <i>by Razwana Begum (Singapore)</i> A 'shadowy existence'? Victim-offender mediation programmes in Turkey <i>by Öznur Sevdiren (Turkey)</i>

<p><u>Workshop Four</u> RJ in specific countries 2</p> <p>Chair: Dot Goulding</p>	<p>JARP: Community based programme in disadvantaged communities <i>by George Lai Thom (South Africa)</i></p> <p>An explorative and descriptive investigation into the restorative justice service involving black victims of child sexual abuse: a victimological perspective <i>by Velani Mtshali (South Africa)</i></p> <p>South African youth needs to be in schools not prisons: the role of restorative justice services in achieving this goal <i>by Moitsadi Zitha (South Africa)</i></p>
<p><u>Workshop Five</u> Evaluating and improving RJ</p> <p>Chair: Vicky De Souter</p>	<p>Promoting and improving restorative justice arrangements in probation <i>by Koen Goei (the Netherlands)</i></p> <p>Are you doing restorative justice wrong? Evaluation and its implications <i>by Simon Green, Gerry Johnstone & Heather Martin (UK)</i></p>
13.00 – 14.30	Lunch
14.30-16.30	Workshop Session Two
<p><u>Workshop One</u> RJ and victims 1</p> <p>Chair: Sonja Leferink</p>	<p>Victim in Focus: Dutch practice and future opportunities <i>by Manon Elbersen & Henriëtte van der Klok (the Netherlands)</i></p> <p>The different images of victims of crime and their connection to restorative justice <i>by Antony Pemberton (the Netherlands)</i></p>
<p><u>Workshop Two</u> RJ and community 2</p> <p>Chair: Lieve Bradt</p>	<p>Conferences in neighborhood conflicts <i>by Rob Van Pagée & Hedda van Lieshout (the Netherlands)</i></p> <p>Restorative justice and the blurring between victims and community members <i>by Fernanda Fonseca Rosenblatt (UK)</i></p>
<p><u>Workshop Three</u> RJ in specific countries 3</p> <p>Chair: Eric Wiersma</p>	<p>Sentencing outcomes after the application of restorative justice <i>by Jelena Popovic (Australia)</i></p> <p>Has New Zealand lost its way with restorative justice having had the belief in the 1990's that it led the world? <i>by Philip Recordon (New Zealand)</i></p> <p>Restorative justice in the Asia Pacific Region: Philosophy, policy and practice <i>by Dot Goulding & Brian Steels (Australia)</i></p>

<p><u>Workshop Four</u> RJ and juveniles</p> <p>Chair: Annemieke Wolthuis</p>	<p>Restorative practices with juveniles and recidivism <i>by Marta Ferrer (Spain)</i></p> <p>Which instruments to rehabilitate youth offenders in Italy and in other European countries? <i>by Joseph Moyersoen (Italy)</i></p> <p>Restorative approaches in youth care: Challenges for a sustainable implementation of mediation/conferencing in residential units <i>by Riet Ysebaert (Belgium)</i></p>
<p><u>Workshop Five</u> Chair: Borbála Fellegi</p>	<p>Presentation of the Alternative project <i>by Inge Vanfraechem (Belgium)</i></p>
16.30 – 17.00	Coffee Break
17.00 – 18.00	Film ‘Concrete, Steel and Paint’
17.00- 18.00	Fringe meetings
18.00	End of day one

Friday 15 June

09.00-09.15	Video-speech by Viviane Reding, Vice president of the European Commission
09.15 – 10.15 Chair: Daniela Bolivar	Plenary Two The position of the victim in victim-offender mediation: a European perspective <i>by Daniela Bolivar (Belgium), Christa Pelikan (Austria); Päivi Honkatukia (Finland) & Antony Pemberton (the Netherlands)</i>
10.15 – 10.45	Coffee break
10.45-12.45	Workshop Session Three
<u>Workshop One</u> RJ and victims 2 Chair: Daniela Bolivar	Views and experiences of victims of crime: an empirical study <i>by Christa Pelikan (Austria), Päivi Honkatukia (Finland) & Antony Pemberton (the Netherlands)</i>
<u>Workshop Two</u> RJ in schools 2 Chair: Belinda Hopkins	Between 2 different cultures in conflict management in schools <i>by Ulla Sara-aho & Anu Virta (Finland)</i> Improving school climate through restorative practices <i>by Ted Wachtel (USA)</i>
<u>Workshop Three</u> RJ in specific countries 4 Chair: Kjersti Liloe Olsen	From local project to national legislation 2006 - 2011 <i>by Anne Brita Normann (Norway)</i> Victim-offender mediation services in the Basque Country. Development since 2010 and extension to related fields <i>by Ramón Palomino Garcia (Basque Country)</i>
<u>Workshop Four</u> Methods of RJ Chair: Siri Kemény	- Stories, narratives and discourse: How facilitating restorative conferences enable people to tell their stories to each other <i>by Tim Chapman (Northern Ireland)</i> - Circles of support and accountability: restorative responses to young people who cause serious harm <i>by Tim Chapman (Northern Ireland)</i> - Peacemaking circles in Europe? Presentation of a pilot project <i>by Ivo Aertsen (Belgium)</i>
<u>Workshop Five</u> RJ and intimate relationship violence Chair: Ida Hydle	Challenges and advantages of mediation in intimate relationship violence in Finland. VOM, an opportunity for change? <i>by Aune Flinck, Saija Sambou and Erika Uotila (Finland)</i> RJ and intimate relationship violence. Looking at some legal aspects <i>by Katinka Lünemann and Annemieke Wolthuis (the Netherlands)</i> The power of outreaching service for domestic violence abusers. A path to RJ in Chinese communities <i>by Louis Mok Wai Yin (China)</i>

<p><u>Workshop Six</u> RJ: Theoretic discussions</p> <p>Chair: Anneke Van Hoek</p>	<p>Rituals in the process of restorative justice <i>by Jaanus Kangur (Estonia)</i></p> <p>‘Seeds’ of a restorative approach to justice. A (law and literature) itinerary through images taken from the western cultural tradition <i>by Federico Reggio (Italy)</i></p> <p>Remorse and mitigation in sentencing <i>by Bas van Stokkom (the Netherlands)</i></p>
12.45 – 14.15	Lunch
14.15 - 16.15	Workshop Session Four
<p><u>Workshop One</u> RJ and victims 3</p> <p>Chair: Antony Pemberton</p>	<p>The role of victim-offender mediation in victims’ processes of restoration <i>by Daniela Bolivar (Belgium)</i></p> <p>Mediation in serious crimes: How to meet the victims’ needs? <i>by Antonio Buonatesta (Belgium)</i></p> <p>Victims in Finnish victim-offender mediation – Preliminary results and reflections from my thesis <i>by Jussi Vesikansa (Finland)</i></p>
<p><u>Workshop Two</u> RJ in specific types of crime</p> <p>Chair: Christa Pelikan</p>	<p>Restorative justice in crimes of terrorism. How can we enlist the support of victims and community? <i>by Virginia Domingo de la Fuente (Spain)</i></p> <p>Controversial issues in the ‘Guided Dialogue’. Face-to-face meetings between victims of date rape and their offenders <i>by Oddfrid Skorpe Tennfjord (Norway)</i></p>
<p><u>Workshop Three</u> RJ and offenders</p> <p>Chair: Simon Green</p>	<p>Talking with political prisoners about their victims and desistance <i>by Tim Chapman (Northern Ireland)</i></p> <p>Exploring prisoners’ perceptions on restorative justice in Belgian prisons <i>by Nikolaos Stamatakis (Belgium)</i></p>
<p><u>Workshop Four</u> RJ in specific countries 5</p> <p>Chair: Michael Kilchling</p>	<p>Restorative Justice Communities in Russia <i>by Rustem Maksudov (Russia)</i></p> <p>Analysis of the programmes: basic principles of restorative justice and implementation practices <i>by Liudmila Karnozova (Russia)</i></p> <p>School mediation services in Russia <i>by Anton Konovalov (Russia)</i></p> <p>Ways of support of reconciliation services <i>by Andrey Pentin (Russia)</i></p> <p>Programmes of restorative justice in the socio-psychological centers and interaction with the juvenile criminal court <i>by Anna Balaeva (Russia)</i></p>

Workshop Five Teaching RJ Chair: Ivo Aertsen	Teaching restorative justice: follow-up <i>by Ivo Aertsen (Belgium)</i>
16.15 – 16.45	Coffee Break
16.45 – 17.45 Chair: Bruno Caldeira	Plenary Three The dawning of a new era in social reaction to crime, conflict and dispute. Promise, potential and limitations of restorative justice <i>by Ezzat Fattah (Canada)</i>
17.45 - 18.15	Restorative Justice Award
18.15	End of day two
20.00	Conference Dinner

Saturday 16 June

09.00 – 10.20 Chair: Katrien Lauwaert	Plenary Four The relation between probation and restorative justice: facts, problems and challenges <i>by Pavel Štern (Czech republic)</i> The mediation and reparation programme in Catalan prisons <i>by Albert Rodríguez (Spain)</i>
10.20-11.50	Workshop Session Five
<u>Workshop One</u> RJ in specific countries 6 Chair: F. Fonseca Rosenblatt	Traditional and customary rituals of peacemaking/reconciliation in the isles of the Western Pacific <i>by Pat Wolff (USA)</i> Past, present and future of restorative justice and restorative practices in the Netherlands <i>by Gert Jan Slump and Anneke Van Hoek (the Netherlands)</i>
<u>Workshop Two</u> RJ in specific countries 7 Chair: Inger Lise Sevaldsen	Restorative approach to the criminal justice system in the Republic of Macedonia: past, present and future <i>by Mirceva Stojanka & Vesna Stojkowska (Macedonia)</i> Mediation prospects and barriers: the voice of Polish magistrates <i>by Beata Czarnecka-Dzialuk (Poland)</i>
<u>Workshop Three</u> Limits vs opportunities of RJ Chair: Pieter Verbeeck	Limits vs opportunities of restorative justice for victims, offenders and community <i>by Lut Dauw, Nancy Van Eynde, Petra Sampers & Pieter Verbeeck (Belgium)</i>
<u>Workshop Four</u> Family mediation Chair: Karin Sten Madsen	Assisting families in conflict: dialogue oriented and other methods working with troubled families <i>by Ida Hydle (Norway)</i> Family mediation in the context of restorative justice <i>by Maria Tapola-Haapala, Vaula Haavisto and Marina Bergman Pyykkönen (Finland)</i>
11.50 – 12.20	Coffee Break
12.20 – 13.20 Chair: Aarne Kinnunen	Plenary Five Victims, offenders and community – that doesn't have anything to do with us! <i>by Frauke Petzold (Germany)</i>
13.20	End of the Conference

Abstracts

Thursday 14 June

Plenary One 09.30 – 10.30

Restoration after atrocities – is it possible?

by Nils Christie (Norway)

No abstract available.

Nils Christie is a world-renowned criminologist whose work has been published in a great number of languages. His PhD thesis from 1960 questioned the way in which society differentiates between what is criminal and what is not, which has remained a central theme throughout his career.

He has written several groundbreaking books, among others his famous study about the different functions of the school, books about drug problems, about the functions and justifications of punishment and the relationship between crime and society's development.

11.00 – 13.00

WORKSHOP SESSION ONE

Workshop One – Restorative Justice & Community 1

Community thinking in/and restorative justice practices

by Lieve Bradt & Erik Claes (Belgium)

This workshop departs from the observation that even though the ‘community’ is attributed a central place within restorative justice practices (Pavlich, 2004), defining its exact role remains ‘*one of the greatest challenges facing restorative justice*’ (McCold, 2004, p. 155). Within restorative justice literature, community is referred to as the micro-community (relevant others or supporters of offenders and victims), the macro-community (represented for example by a volunteer mediator or a police officer), an area where restorative justice practices are used, the neighborhood in which a crime took place, a subsidizer of restorative justice practices, etc.

In each of these interpretations, community involvement is almost automatically assumed to be in the best interest of all the parties involved. Some scholars, however, have also pointed to possible risks of community involvement insofar as ‘community’ is approached as something fixed with homogeneity in values and standards (Dzur & Olson, 2004) or insofar as it is part of a community responsabilisation strategy (Garland, 1996) aimed at increasing informal social control.

In our workshop we will focus on two mediation practices in Flanders, i.e. a local project with volunteer mediators in juvenile mediation and a community mediation practice. In dialogue with volunteers and professional mediators working in these projects, we will explore different conceptualizations of ‘community’ underpinning these practices. We will confront these, often implicit, notions of ‘community’ with new, emerging ideas in social theory, in order to map the potentials as well as the possible pitfalls in realizing community involvement within restorative justice practices.

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.

Erik CLAES is lecturer at the HUBrussels, School of Social Work, and researcher at the Centre Pragodi (HUBrussels). His doctoral research concerned the foundations of the Criminal Law. His current research revolves around restorative justice, volunteers and active citizenship.

‘Mediation only’ or a wide range of practices at hand?

by Clara Coronas & Monica Albertí (Spain)

What do Catalan mediators think of resorting to conferencing-type practices for a better handling of victim-offender cases?

Do mediators see conferencing as an opportunity for strengthening the role of the community in a restorative process? Are practitioners spontaneously modifying the basic mediation methodology in order to include victim and offender supporters in the decision-making process? Would the implementation of conferencing help to meet some of the challenges mediators face in their daily work?

These are some of the questions dealt with by the research project *Is conferencing a useful practice for the schemes of mediation in criminal matters run in Catalonia by the Justice Department?*, funded by the Centre for Legal Studies and Specialised Training. The project, conducted by five researchers, includes a theoretical as well as an empirical analysis about *conferencing* and its degree of applicability in Catalonia. The empirical study is based on a questionnaire and focus-groups addressed to the mediators working with juveniles and adults in the Catalan Justice Department.

This presentation will focus on the difficulties identified by mediators which may be associated with the scarce involvement of the community in a standard mediation process, such as the lack of a defined policy within the programmes concerning the standing of the community, the methods learned, and the very mediation procedure, as well as the needs to be met in order to broaden the restorative practices at hand.

Mònica ALBERTÍ I CORTÉS is a PhD-student at the FPCEE Blanquerna, Universitat Ramon Llull, Barcelona. She has been working as a mediator in the victim-offender mediation programme of the Catalan Justice Department for the last four years. She has also extensive experience implementing peer-mediation programmes in schools as well as providing mediation training for teachers. Her main research field at present focuses on how to introduce restorative justice values and practices in Catalan schools.

Clara CASADO CORONAS has been practicing mediation in community based services since 2003 and from 2005 she works as a mediator with victims and adult offenders in the Catalan Justice Department scheme. She acts as a trainer and has participated in several research projects in the field of restorative justice.

Potentials and risks of community involvement in restorative justice practices. Some considerations from a legal-philosophical perspective

by Federico Reggio (Italy)

This workshop will take into account, from a legal-philosophical point of view, the notion of 'community' and its argumentative role in the context of the debate on restorative justice, with the aim of offering a few conceptual references for reflecting on the risks and potentials of community involvement in restorative justice programmes.

The specific attention that the restorative approach pays to the relational implications of crime tends to rediscover the role of interpersonal relationships directly or indirectly involved with crime, its genesis or its effects. Such peculiar perspective is consistent with recent criminological studies which emphasize the influence that social and inter-personal relationships have in acting as both preventive or criminalizing factors. More specifically, proponents of restorative justice generally tend to suggest that important instruments of crime prevention can be provided by mean of a stronger community involvement in various forms of social practices, including the reaction to crime. Here, nevertheless, the rather vague notion of community may include a wide range of interpretations, some of which should be carefully evaluated. Some of those interpretations, in facts, may introduce instruments of informal social control which appear to be potentially or actually dangerous and, in any case, able to 'subvert' the restorative approach itself, by introducing goals or methods that do not seem to be consistent with it.

Federico REGGIO has a PhD in Philosophy of Law, currently Senior Research Fellow at the University of Padua. He has been writing and lecturing on Restorative Justice issues for a few years and has co-founded, in Verona, an association for assisting crime victims (ASAV). He is Scientific Director at Omologhia s.r.l., a Company, officially recognised by the Italian Ministry of Justice, which trains civil mediators.

Workshop Two – RJ in schools 1

Creating communities of care

by Belinda Hopkins (UK)

The stronger the social bonds within a community and the stronger the social capital in that community the fewer offenders there will be, and therefore the fewer victims. The phrase ‘pro-active restorative interventions’ may sound like a contradiction in terms but in the UK there is a huge interest in creating truly ‘restorative communities’ where the values, principles and practices that originate in restorative justice are being applied to daily working practice in services across agencies working with families and children.

One of the most important communities where this work is spreading is in schools. In this ‘learning community’ every young person is learning how to behave in a pro-social way. They jostle for power or acceptance, they crave belonging and inclusion, they fall in and out of friendship – and they make many mistakes along the way. These mistakes can cause others harm – and the educational response ought to be the same as that teachers use when they make academic mistakes. Good teachers respond with understanding when a young person makes an academic mistake. They offer support and a chance to put things right and teach the young person strategies for doing things better next time. However so often behavioural mistakes are not treated in this way – instead sanctions and threats of sanctions are used instead – and the opportunity for turning their mistake into an educational experience is lost.

The workshop will explore how restorative approaches contribute to creating self-regulating developing communities of care in schools.

Dr Belinda HOPKINS is the Founding Director of Transforming Conflict and the National Centre for Restorative Approaches in Youth Settings. Belinda has been pioneering restorative approaches in youth settings for over 18 years. She is a trainer and an accredited practitioner, who is passionate about how a restorative approach can transform relationships and strengthen social justice. She loves writing about restorative practice and has published books, articles, training materials and resources.

Restorative justice measures in the school context: a way forward to change mentalities

by Teresa Lancry Robalo (Macau, China)

The aim of this presentation is to point out the existence of an important connection between the restorative justice measures performed in a scholar context and the circles and conferences that may be used when dealing with a crime committed by a youngster or an adult.

It is clear that, in such legal systems as the Macanese one where the restorative justice could be implemented as much as possible due to cultural reasons - but it isn't, in fact -, it is necessary to find out a way to show its advantages to the legislator and, on another hand, to change mentalities. In Macau it is possible to find only one important demonstration of restorative justice, in one of the measures that may be applied to a youngster who committed a 'crime', which description is very close to the Family Group Conferences.

We will reach the conclusion that, since today's children are the adults of tomorrow, if we are able to implement, in the schools and from a very young age, such measures where the community is a part of the solution of small problems, these children will accept, from an earlier stage of their growth, that it is a normal way of solving their problems. Taking into consideration that these conferences/circles shall have, at the end, an important moment of reconciliation not only with the victim, but also with the(ir) community, it means that the child/youngster/offender will be reaccepted by his/her community, what is really important to struggle against recidivism.

Teresa L. A. S. ROBALO attended the Faculty of Law (Lisbon, Portugal) and is a Lecturer of the Faculty of Law, University of Macau (Macau, China), since 2004, where she teaches Criminal Law. She has a LL.M on Restorative Justice and is a Phd candidate. She is a member of the European Forum for Restorative Justice.

The co-operation of schools and local victim-offender mediation services

by Maija Gellin, Eeva Saarinen & Harri Väisänen (Finland)

This presentation is going to share some latest experiences of restorative approach in mediation especially when working with youngsters, in co-operation with schools and VOM-offices. Mediation can be a turning point to a young victim or offender, because the restorative mediation increases understanding and learning. The research results of mediation and restorative practices in schools indicate that restorative practices are not only giving youngster the skills of conflict management but also various social skills, ability to understand the affects of their behavior and to take responsibility. Trough working together, listening and resolving problems with peers and adults, both victim and offender have received real skills of active citizenship, leading to the sense of empowerment. And this happens

not only in schools with restorative approach but also when working with local VOM-mediators. How do schools and VOM-services work together in Finland? In this presentation we open the steps of this cooperation with a case study. At school, it is valuable to understand how to be connected with the local VOM-office to get free official mediation service of VOM-mediators when needed.

Mrs. Maija GELLIN (MA education, BA youth work), Director & main method developer of School Mediation project, voluntary mediator specialized in youngsters and families, trainer of VOM-mediators, board member of Finnish Forum for Mediation. Maija is preparing her PhD research (University of Lapland) and actively taking part in international co-operation.

Mrs. Eeva SAARINEN (MSc administration, BA youth work), Training Manager, senior trainer & one of the method developers of School Mediation project, voluntary mediator specialized in cases of youngsters and families, recently developed and dramatized mediation trainings for kindergartens, including puppet theatre. She is also taking part in international co-operation.

Mr. Harri VÄISÄNEN is the Contact Manager, senior trainer & one of the method developers of School Mediation project, he is also a voluntary mediator. He is actively taking part in the international co-operation on the field of mediation at schools.

Workshop Three – RJ in specific countries 1: Singapore and Turkey

Moving towards restorative justice practices in strengthening business ethics

by Razwana Begum (Singapore)

The financial meltdown in 2008/2009 created an impetus to re-examine corporate governance and ethical business practices of organisations. The downfall of large organisations such as Enron and WorldCom revealed management failures, not lack of rules or regulations. The underlying factor was mainly non-compliance of top management to ethical business practices. This non-compliant behaviour is similar to offending in the criminal justice system. To address the offending behaviour, the criminal justice system has shifted its focus to restorative justice in certain jurisdiction such as New Zealand and Canada. Restorative justice was noted to effective especially in the management of young offenders. In Singapore, the concept is promoted in the Juvenile Court and practiced by some schools. Restorative justice advances community involvement by including all affected stakeholders in resolving a problem caused by some unlawful act. The core value of restorative justice encourages accountability and this is a critical attribute in commercial organisations as well. Braithwaite (2009) highlighted the need for bankers to be regulated through negative licensing at the onset of the financial crisis. With that understanding, an empirical research was carried out with 5 organisations in Singapore. The interviews with the leaders revealed certain business practices in ensuring compliance which were similar to the restorative justice practices. The survey outcome from 49 employees indicated correlation to compliance and organisational values. The findings are significant in generating a framework in strengthening business ethics by adapting restorative justice practices to the area of corporate governance.

Razwana BEGUM is a doctorate student with Monash University, Australia. She graduated with a LLB from University of Wolverhampton and a LLM (Criminology) from University of London. Her employment as a probation officer and her exposure to teaching legal subjects fuelled her interest to conduct a research on restorative justice.

A ‘shadowy existence’? Victim-offender mediation programmes in Turkey

by Öznur Sevdiren (Turkey)

In 2005, the penal reform in Turkey widely incorporated the notion of restorative justice into Turkish law, in particular, through the enactment of victim-offender mediation. The enactment of the provision on the victim offender mediation has been justified with a need for greater reintegration of offenders into the law-abiding community, prevention of recidivism, and reducing the workload of courts and the associated costs. Despite such ambitious goals in fact, victim-offender mediation appears to have lagged far behind in translating these legislative intentions into practice. Indeed, there is a considerable ambiguity surrounding the interpretation and implementation of the respective provisions. Hence, not surprisingly, the number of cases which were dealt with by means of victim-offender mediation seems to be considerably low. In a number of provinces, pilot programmes have been launched, but so far these programmes appear to have been rarely portrayed as representing credible alternatives to the traditional mechanisms of the criminal justice process. A number of grounds can be given to explain this state of affairs. This includes the lacking infrastructure and personnel, misconception of the notion of restorative justice, the traditionally strict reliance on the legality principle, child welfare and due process considerations and the opposition from lawyers and feminist groups. In this study, first, the legal framework of the victim-offender mediation programmes in Turkey will be analysed. Next, the issues, challenges and the critics of and about these programmes will be highlighted. And finally the ways in which victim-offender mediation programmes would be better conceived and implemented in Turkish legal system will be discussed.

Asst. Prof. Dr. Öznur SEVDIREN received her LL.B at the University of Istanbul, MA at the University of Sheffield and PhD at the University of Cologne. She worked as a research assistant at the International and Comparative Law Institute/University of Cologne. Currently, she teaches criminal, criminal procedure and international criminal law at Uludağ and Bosphorus Universities in Bursa and Istanbul.

Workshop Four – RJ in specific countries 2: South Africa

JARP: Community based programme in disadvantaged communities

by George Lai Thom (South Africa)

This paper looks at restorative justice practice in “formally” disadvantaged areas of South Africa, and principally in six disadvantaged black areas of KZN, South Africa. It describes the writer’s experience in conceptualizing and implementing a community based restorative justice diversion from prosecution programme: Khulisa’s Justice and Restoration Programme (JARP); and the use of a multi method approach, which involves modifying and combining current restorative justice and community mediation processes to respond to local cultural and social needs, in a context of a society dealing with the legacy of apartheid rule. This legacy involves: an inefficient, faulty and under-resourced criminal justice system, seen as unresponsive to the needs of poor and marginalized communities; high crime rates; high levels of unemployment; dysfunctional families; and an endemic culture of violence.

A native South African, George LAI THOM holds a conflict resolution certificate from the Justice institute in B.C. Canada, and has been practicing RJ in South Africa for the past 12 years. He is in charge of Khulisa Social Solutions’ (A national NGO) Department for RJ, CR and Peacemaking. His duties include: Training & Education, Advocacy, Program Development, Research and Consultancy.

An explorative and descriptive investigation into the restorative justice service involving black victims of child sexual abuse: a victimological perspective

by Velani Mtshali (South Africa)

Introduction

Restorative justice, from a South African perspective, may be briefly described as a framework for addressing the hurts and needs of both victims and offenders in such a way that both parties , as well as the communities which they are a part of, are healed (Batley 2005:21).

Objective

The aim is to explore incestuous victims’ views on restorative justice in Tshwane, Gauteng Province, South Africa.

Argument

Thom (2003:1) looked at restorative justice in Soweto and described his experience with modifying and combining current restorative justice and conflict resolution processes to respond to local cultural and social needs in a context in transition from apartheid rule to democracy and human rights culture.

In South Africa, Naude and Nation (2007:1) wrote an article focusing on the development of restorative justice in South Africa. They found that (1) South Africa appears to use restorative justice mostly for cases where the victim and offender know each other well in line with traditional African customs; (2) most offenders were male and the majority of victims were female; (3) in regard to the restorative justice process it was found that of mediated cases where agreement was reached, the majority, 67.34% were successful, all in line with international practices.

Conclusion

It was found that only a limited number of cases, mostly against incestuous victims and violent crimes were referred to restorative justice independently or by courts in the Tshwane Metropolitan area.

Mr V Z MTSHALI is a full time lecturer in the Department of Criminology and Security Science. He specialises in child abuse. He holds a B A Honour's degree in Criminology (UNISA) and is currently (2011-12) registered for an M A degree in Criminology (UNISA). The title of his dissertation is: "Incestuous child sexual abuse: a victimological perspective." His experiences include: (i) Unisa-teaching Introduction to Criminology module level 1; Reaction to crime: alternative dispute resolution module level 2; Child and youth misbehaviour module level 2; and Research methodology module level 3 (ii) Grade 12 Bethsaida Adult Basic Education Centre, Soshanguve, teaching the following subjects: Introduction to Criminology; Introduction to Ethnology; and South African Criminal law (iii) a training officer for "Aspis" a project campaigning against child abuse, based at Unisa (1996-1998).

South African youth needs to be in schools, not prisons: the role of restorative justice services in achieving this goal

by Moitsadi Zitha (South Africa)

Crime has increased rapidly over the years in South Africa particularly violent crimes and has seen growth in the number of children and young people arrested and convicted over the past few years.

According to Burton (2007: 102) South African youth are growing up in a society where they are exposed and socialised in an environment which is crime oriented, for example they are exposed to community violence, poverty stricken communities, access to alcohol and drugs, and all these factors are contributory factors towards young people's deviant behaviour and the most challenging is the lack of employment for the South African youth, which often leads to anti-social behaviour.

"Restorative justice is one of the most major developments in criminal justice practice and criminological thinking to emerge over the past two decades" (Crawford, 2001:1). Currently restorative justice system is globally viewed as the panacea process in the criminal justice approach with regard to youth in conflict with the law.

The aim of this presentation is to explore restorative justice practices within child justice and investigate the role that restorative justice programmes play in curbing recidivism amongst young offenders.

South Africa's criminal justice system has made rapid progress towards mainstreaming restorative justice by providing relevant restorative justice services, but, do these programmes curb recidivism amongst the youth in conflict with the law?

Moitsadi ZITHA is a lecturer at the University of South Africa, in the Department of Criminology and responsible for criminology first year modules.

She is very passionate about issues surrounding young people, particularly young people in conflict with the law. She is also involved in projects that assist young offenders.

Workshop Five – Evaluating and improving RJ

Promoting and improving restorative justice arrangements in probation

by Koen Goei (the Netherlands)

In 2011 four professional member organisations working on a European level in the criminal justice sector, i.e. the European Forum for Restorative Justice, (EFRJ) Victim Support Europe (VSE), EuroPris (for the prison sector) and the European Organisation for Probation (CEP), agreed that there was a clear benefit in cooperating on a regular basis. In one of the meetings between these organizations it became apparent that there is no good overview of the different restorative justice and victim support practices that are in place in the different probation systems in Europe. Therefore, in February 2012, CEP started, in collaboration with EFRJ and VSE, a mapping exercise that consists of an expert meeting and desk research. This exercise will lead to the formulation of recommendations on how victim support and restorative justice can be improved in probation settings in Europe.

The outcomes of the mapping exercise will be presented in the conference workshop. The recommendations will be discussed with the audience, while other recommendations may be identified during the discussions.

Koen GOEI (Netherlands; 1968) works with CEP since 2007, where he started as Communications Officer. Currently he holds the position of Liaison Officer, in which he develops the contacts of CEP with European Institutions and other European organizations. He holds a Masters degree in European Studies (Amsterdam & Strasbourg).

Are you doing restorative justice wrong? Evaluation and its implications

by Simon Green, Gerry Johnstone & Heather Martin (UK)

This paper will first introduce the “Restorative Service Development Tool” before explaining how it differs from more conventional approaches to evaluating restorative justice. In 2007 the city of Hull in the North-East of England set itself the ambitious task of becoming the world’s first restorative city. Hull has experienced a rise in the popularity of restorative approaches and as programme numbers have flourished, so too has the expectation to evaluate these practices. This trend is not of course confined to Hull, at present restorative approaches in the United Kingdom are enjoying a period of political support and buy-in at a senior governmental level. This interest has brought about a new and often challenging set of questions for restorative programmes, which necessitates the ability to demonstrate cost-effectiveness, tangible outcomes and impact. In an attempt to address this need in a manner compatible with the ethos of restorative justice, a Knowledge Transfer Partnership has been established with the mission of developing a restorative service enhancement tool

which will enable practitioners and providers to assess the degree to which *their* service is restorative and make appropriate improvements. The main discussion focuses on how the “Restorative Service Development Tool” can contribute to the development of restorative justice and the way in which it strives to walk the line between responding to the logic of public and fiscal accountability and the values and aspirations of the restorative movement.

Professor Gerry JOHNSTONE works in the Law School at the University of Hull. He is the author of Restorative Justice: Ideas, Values, Debates (2nd edition published by Routledge, 2011) and co-editor (with Daniel Van Ness) of The Handbook of Restorative Justice (Willan, 2007). His books have been translated into Japanese and Chinese. He is the founding director of the University of Hull’s unique MA in Restorative Justice, which is studied online and currently has students based in the UK, Africa, North America, Asia, Latin America and Scandinavia. Johnstone is the Academic Lead of an ESRC funded Knowledge Transfer Partnership between the University of Hull and Hull City Council, which is developing a research tool that can be used to assess the ‘restorativeness’ of a practice or service. He is also co-authored with Tony Ward of Law and Crime (Sage, 2010).

Dr Simon GREEN works in the Department of Social Sciences at the University of Hull and is co-Director for the Centre for Criminology and Criminal Justice (CCCJ) where he teaches and researches in the areas of restorative justice, victimology, criminological theory and community punishment. He is currently working on a book called Crime, Community and Morality (Routledge forthcoming) and is the University Supervisor for an ESRC funded Knowledge Transfer Partnership Project with Hull City Council to devise a restorative service development tool. He is co-editor (with S. Feasey and E. Lancaster) of Addressing Offending Behaviour (Willan 2008) which explores strategies for reducing reoffending through working with offenders.

Heather MARTIN BA (Hons), MSc is project manager of an ESRC funded Knowledge Transfer Partnership project between Hull City Council and the University of Hull. The project is developing a research tool that can be used to assess the “restorativeness” of a practice or service. She is currently working on her PhD at the Centre for Criminology & Criminal Justice, University of Hull.

14.30 – 16.30

WORKSHOP SESSION TWO

Workshop One – RJ and victims 1

Victim in Focus: Dutch practice and future opportunities

by Manon Elbersen & Henriëtte van der Klok (the Netherlands)

Victim in Focus (ViF) is the Dutch organisation tasked with offering victim offender encounters by the Dutch department of Safety and Justice. In 2011 ViF received 1200 referrals. Mediations take place under three important preconditions: voluntariness, confidentiality and impartiality of the mediator who upholds the interests of all participating parties. How can the number of referrals increase?

After five years, ViF is expanding her services. For example, experimenting with the use of mediation in the context of criminal justice. ViF is therefore cooperating with criminal courts and the public prosecution. How do these mediations differ from the mediations outside the justice system? What is the consequence for the voluntariness and the effect on the mediation itself? ViF pleads that not the mediation has to change but that that legal professionals have to learn to take the victim interest as a starting point and to let his wishes prevail.

Victim in Focus is closely linked to the Dutch Victim Support. The head quarters are in the same building, and the CEO of Dutch Victim Support is the director of Victim in Focus. Nevertheless most referrals come from offender-oriented organisations. Why do victim support organisations have difficulties in referring victims to restorative justice organisations? Is there an explanation that victims don't take the initiative and is this a problem? When offenders take the initiative, 54% of the victims is willing to participate. ViF argues that all initiatives are in the interest of the victims and help to process the criminal event. The explanation for the lack of initiative lies in the obscurity of victim-offender mediation and the detached attitude by victim support contributors.

Henriette VAN DER KLOK Current: manager Victim in Focus. Member Supervisory Board of Van der HoevenKliniek (Dutch Clinic for offenders with Indefinite Detention Order), several Rehabilitation, Probation and After-Care Organisations.

Manon ELBERSEN works as a policy officer at Victim in Focus in The Netherlands.

As a policy officer, her main focus is always on quality, content and meaning. She also is an instructor in the internal education that is offered to the mediators.

In the past she worked for the Dutch probation service as a probation officer, mentor, behavioural trainer and instructor/tutor.

The different images of victims of crime and their connection to restorative justice

by Antony Pemberton (the Netherlands)

The position of victims of crime has shown marked improvement over the past 30 years. At the same time we see no improvement in the cooperation between victim support organisations and restorative justice. How come and what can restorative justice do to alter this situation?

The rise of the victim has been associated with the growth of a unified 'victim movement': a social movement that strives to improve the position of victims of crime. However it is questionable whether the victim movement should be viewed as a unitary phenomenon. Instead of one movement, there appear to be a number of victim movements. There are differences between the victim advocates in the United States, Victim Support in Europe, the violence against women movement and proponents of restorative justice. In this workshop the reasons for these differences are sought in victim-endogenous factors: differences in victims' characteristics and the ideal types employed by the different movements are an important explanation for the divergent development in organisations representing victims' interests, which in turn influences their policy preferences. Herein lies part of the difficulty in the relationship between victim support organisations and restorative justice. It is argued that advocates of restorative justice would benefit from understanding both the reality and the distortion involved in the ideal types, including their own. This would allow proponents of restorative justice to adapt their practices in a manner that is both suitable and convincing to the representative and target group of the different victim movements. An upshot of this would be improved cooperation between victim support and restorative justice.

Antony PEMBERTON - Associate professor, social scientist, senior researcher and research coordinator at INTERVICT (University of Tilburg). Specialities: victim rights, the social psychology of victimization, restorative justice and victims in a political context.

Workshop Two – RJ and community 2

Conferences in neighborhood conflicts

by Rob Van Pagée & Hedda van Lieshout (the Netherlands)

Eigen Kracht-conferentie (EK-c) is the Dutch name for Family Group Conference (FGC) which originated in New Zealand. In this workshop we will focus especially on conferencing in neighborhood conflicts. Responsibility belongs where it should in the circle of the involved people.

EK-c is all about mutual self reliance and the right of citizens to remain in control of their own lives, even in times of trouble when official institutions are playing an important part. Engaging families including, friends, neighbours, colleagues, school mates and other supporters produce good outcomes if they are asked for a plan.

The 'discovery' of this activating citizenship approach made it clear that it is not about the kind of conflict or problem, but all about how a group of direct involved people can address what has happened and use their joint capacity to come up with a solution and a restorative plan.

In this workshop we will focus on the mind shift that is necessary to recognize that the own circle of people not only owns the problem but the solution as well. This mind shift has consequences for the role of professionals: Widen the circle needs an independent fellow citizen to facilitate a conference. Independence meaning no interest in the outcome of the plan and no interfere with the content of the issue. The key is that the family group is in control: handing over control allows citizens to take responsibility for their situation.

Rob VAN PAGÉE, is governing board member of the Eigen Kracht Centrale in the Netherlands. Introduced to FGC in 1996 he recognized its potential and started the introduction by creating in 2001 the 'Eigen Kracht Centrale', a Center for Restorative Practices. More than 6000 conferences and extensive research proves the important role of FGC in building a society based on participation and mutual self reliance of citizens.

Hedda VAN LIESHOUT is a staff member of the Eigen Kracht Centrale (Netherlands). Part of her job is to train citizens in becoming Eigen Kracht-coordinators, also for conferences in neighborhood conflicts and to train professionals in changing their attitude and making the mind shift. The Eigen Kracht Centrale helps organizations, governments and movements to work with the principles of restorative practices.

Restorative justice and the blurring between victims and community members

by Fernanda Fonseca Rosenblatt (UK)

In earlier experiments with restorative justice (e.g., victim-offender mediations), community participation was often limited to lay people serving as mediators. Today, restorative practices increasingly involve community members and their tasks often go beyond facilitating the meeting, to helping to shape and monitor restoration plans. This increasing appeal to community involvement, however, has not been accompanied by increased clarity about what role should be played by community members in restorative practices (more generally), and about the possible tensions between community involvement and victim participation (more specifically). Community representatives are often assigned the task of introducing a 'victim perspective' as they play the role of surrogate victims in restorative encounters. Whereas this might appear to be beneficial to victims, attention must be drawn to the risk of substantial community involvement co-existing alongside limited victim involvement, or of community participation being used as an excuse for victim non-attendance. Drawing on preliminary empirical findings from an on-going PhD study, this workshop presentation will critically examine the role of community in youth offender panels in England and Wales, as a means of presenting the dangers to victims of the blurring, in the rhetoric of restorative justice, between victim and community.

Fernanda FONSECA ROSENBLATT has been awarded a scholarship from CAPES Foundation, an agency under the Brazilian Ministry of Education, to pursue her doctorate degree at the Oxford University Centre for Criminology. She obtained her BA in Law in 2003 at the Universidade Católica de Pernambuco, Brazil. In 2005 she completed her MSc in Criminology, with distinction, at the Katholieke Universiteit Leuven, Belgium.

Workshop Three – RJ in specific countries 3: Australia and New Zealand

Sentencing outcomes after the application of restorative justice

by Jelena Popovic (Australia)

Victorian Magistrates' Courts have engaged in several innovative approaches which incorporate restorative justice elements, such as:

- **Group conferencing in the Children's Court.**
Conferencing endeavours to strengthen the young offender's family and community supports and identifies ways of restoring the harm associated with the offending behaviour. Victims are invited to participate. Specialist conference convenors are trained to conduct the Group conferencing and a report, with a recommendation, is prepared for the Court.
- **Criminal Justice Diversion Program.**
A pre-sentence program which ensures that restitution and an apology are made to the victim, reduces the likelihood of re-offending, assists the offender to avoid a criminal record, assists in the provision of rehabilitation services to the offender and assists local community projects with voluntary work and donations. On successful completion, charges are no longer before the Court
- **Neighbourhood Justice Centre (NJC)**
The principles of restorative justice are the touchstone of the NJC. The NJC has an integrated, holistic approach to all justice related issues in the community within which it is located.
- **Koori (Aboriginal) Court.**
A culturally appropriate court process aimed at reducing aboriginal incarceration and recidivism rates and improving rehabilitation opportunities for Aboriginal offenders.

Victorian Courts aim to incorporate restorative and therapeutic principles as foundations within the mainstream operations of the Court.

This workshop aims to demonstrate how these programs operate, and to facilitate discussion about how to incorporate the Restorative Justice principles and approaches in sentencing outcomes.

Jelena POPOVIC has been a Victorian Magistrate for 22 years. Jelena's work in the Magistrates' Court has focussed on how factors such as aboriginality, drugs, alcohol, disability, mental impairment and homelessness impact on offenders; and how to address those issues in order to reduce recidivism and potential harm to the community.

Has New Zealand lost it way with restorative justice having had the belief in the 1990's that it led the world?

by Philip Recordon (New Zealand)

The Children and Young Persons legislation of the early 1990's introduced the concept of the family Group Conference - for young offenders and their victims - and for those in need of care and protection. These conferences laid the foundation for extension to adult offending where similar conferences to those with Youth were held the purpose being to restore as best as possible the positions of offender and victim prior to the offending - with some sort of understanding and recompense to the victim.

The ideal format was twisted and turned around by various entities and groups - until we are unsure now what our model is - if there is such a thing.

Rather than spend time lamenting the loss of what we had I will attempt to point the way forward based on the positives learned over the past 2 decades - with emphasise on the indigenous Maori and the Pacific Island population [Auckland is the largest pacific Island City in the Pacific].

Focus also on developments with Family [domestic] violence RJ - is this truly RJ or should it have another description?

What we have found too often is that RJ's existence and promotion depends far too much on individuals for its use and success - on Judges referring, on a co ordinator who can ensure conferences are held - and on facilitators to be professionally trained and active to ensure best practice is maintained.

We were hung up unduly in New Zealand on what we thought was and what we considered to be pure RJ - where victims were always present and where conferences were necessarily victim focussed. The concept has proved limiting and impossible to maintain - and unnecessarily restrictive having regard to the variations in people criminal activity race and personality. There is money available right now for RJ and this comes from focus by the Government on the victims of crime. How does that sit with increased flexibility? Too early to see for certain but signs good so far.

Therapeutic Courts are becoming acceptable and even "popular" with the Government of the time - Drugs and Alcohol, Mental Health - in addition to Family Violence Courts which have existed for more than 10 years. Therapeutic methods - restorative objectives. But can RJ stand alone or does it require Government bureaucratic backing - financial and other?

Philip RECORDON has been Judge of the District Court for 8 years. Prior to that he ran his own general Legal practice in the suburbs of Auckland with concentration on Civil Rights Family and mental health law. He has also held the position of District Inspector for Mental health for 20 years and is a Trustee with a restorative justice provider Group.

He held position of Chair and President of Auckland Council for Civil Liberties for around 20 years. He founded and was first president of the New Zealand lawyers For Nuclear disarmament.

Restorative justice in the Asia Pacific Region: Philosophy, policy and practice

by Dot Goulding & Brian Steels (Australia)

In this workshop the authors discuss a variety of local and community restorative justice alternatives to retributive justice, particularly within an Asia Pacific regional context. Dr Steels and Dr Goulding have recently established the Asia Pacific Forum for Restorative Justice, a not for profit organization that seeks to share knowledge of restorative justice philosophy, policy and practice throughout the region. The presenters have also recently spent time in Taiwan; Macau; Hong Kong and Japan exploring local restorative initiatives. In this instance they will open discussions into the relevance of RJ to Confucianism, Ji-dan and various other belief systems throughout Asia. Restorative justice is practiced in many forms throughout the region, from youth offending teams, juvenile justice panels, adult diversionary panels, through to family and community group conferences, healing and sentencing circles, restorative prisons and international truth and reconciliation councils.

Dr Dot GOULDING is Director of the Asia Pacific Forum for Restorative Justice and coordinator of the Institute for Restorative Justice & Penal Reform in Australia. She is a Senior Research Fellow at the Centre for Aboriginal Studies, Curtin University and a Visiting Lecturer at the Law School, Murdoch University. She is also an international facilitator, trainer, and researcher with a focus that includes RJ Practices, policies and philosophies within the criminal justice system.

*Dr Goulding has a special interest in Indigenous peoples throughout the region including Australia, Japan, Taiwan, China and India. Within Australia her experience in sentencing circles, family conferencing and healing ceremonies is well recognised among local people and peers. Her work for penal reform as a critical criminologist and justice activist sets her apart from many of her peers. Her book *Recapturing Freedom* (Hawkins Press) looks at issues related to the release of long-term prisoners into the community. It demonstrates her experience and academic rigour, providing an insight into the penal estate that is often ignored and censored by media and government departments alike.*

Dr Brian STEELS is Director of the Asia Pacific Forum for Restorative Justice and coordinates the Institute for Restorative Justice & Penal Reform in Australia.

He is a Visiting Lecturer at the Crime Research Centre, UWA, lecturing in Restorative Justice to Masters of Criminal Justice, as well as a Lecturer and Honorary Fellow at the Law School, Murdoch. He is the International Representative for Justicia Restaurativa Y Mediacion Penal, Espanola.

He is an International Facilitator, Trainer, and researcher with a focus that includes RJ Practices, policies and philosophies within and outside of the criminal justice system, as well as prisons.

Dr Steels is a Researcher at Curtin University at the Centre for Aboriginal Studies and his work among Aboriginal Communities as a researcher and counselor is well known. Brian is a Board member of a regional Aboriginal Art Group, where his social justice connections are well used and documented. He has a special interest in Indigenous peoples throughout the region including Japan, Taiwan, China and India. Within Australia his experience in sentencing circles, family conferencing and healing ceremonies is well recognised among local people and his peers.

His work for Penal Reform as a Critical Criminologist as well as an activist sets him apart from many of his peers as he sits among the world's foremost Convict Criminologists. His book 'Declared Guilty: The Never Ending Story' shows his talent, experience and academic rigour that provides an insight into the penal estate that is often censored by media and departments alike.

Workshop Four – RJ and juveniles

Restorative practices with juveniles and recidivism

by Marta Ferrer (Spain)

The Centre for Legal Studies and Specialized Training (CEJFE) is a public body depending on the Department of Justice of Catalonia (Spain). One of its main activities is to produce research focused on the field of penal interventions with youngsters and adults offenders: prisons, community sanctions, RJ, etc.

In Catalonia the Mediation and Reparation Programme (MRP) with juveniles has a long tradition (since 1990) and is pretty often used by prosecutors to avoid the penal process (2187 young offenders followed this programme in 2011 among a total of 6.888 juveniles that were involved in the juvenile justice system). One year ago the mediation team asked us to update the recidivism data (we did a previous study in 2004) and to analyse the profiles of the juveniles and victims involved. They wanted to know the effect of the MRP in terms of recidivism and to confirm some key hypothesis in order to see if some improvements have to be done in their practice.

The communication will be focused on the results of this research. We took a sample of 2022 juveniles (all the juveniles that finished a MRP in 2008). The research describes their profiles (gender, age, nationality, offence committed, etc.), the profile of the victim, and the kind of restorative process followed. After 3,5 of follow up, we analyzed the link between different variables (of the offender, the victim and the process) and recidivism. Some interesting results raised: 26,1% of juveniles that had followed a MRP were recidivist but there are a lot of differences depending on gender, nationality and other variables; the level of studies has a great influence in recidivism; also the kind of restorative process followed or the participation or not participation of the victim; etc. Some recommendations to improve practice can be considered.

Marta FERRER began her work experience as educator in a detention centre for young offenders in 1983. She worked for 17 years in connection with the juvenile justice field, always in the Department of Justice of the public administration of Catalonia (Spain).

At present she is Head of the Department of Social and Criminological Research and Training in the Centre for Legal Studies and Specialized Training. Currently she organizes initial and further training for staff working in prisons, community sanctions, mediation, and in the juvenile justice system. She participates in projects and research in these fields.

Which instruments to rehabilitate youth offenders in Italy and in other European countries?

by Joseph Moyersoén (Italy)

The presentation will be focused on juvenile justice answers to juvenile delinquency in the European “civil law” systems, as emerged in the XVIII World Congress of the IAYFJM¹ (Tunis, 21st – 24th April 2010; www.aimjf.org) and in the XXX National Congress of the AIMMF² (Catania, 24th – 26th November 2011; www.minoriefamiglia.it).

The presentation analyses the answers provided by governments of European Countries in terms of law and policy reforms finalised not only to fight juvenile delinquency but in particular to reduce recidivism, to reintegrate youth offenders and pay more attention to the victim.

The presentation, according to international standard rules concerning juvenile justice, will compare some national juvenile justice systems highlighting the specificities of the Italian one, focusing on:

- specialization of the professionals (judges, prosecutors, lawyers, social operators, police officers, etc.);
- civil, adoption, penal proceedings dealing with the same Court;
- multidisciplinary approach with the presence of lay judges in the Youth Courts’ decisions;
- penal proceedings finalized to rehabilitation of the youth offender;
- diversion and restorative justice measures.

Finally, the probation instrument will be analysed among the alternative measures. In Italy, with a rate of success over 80%, is applied during the process and not, as in other countries, in the execution of the judgment, it is characterised by concrete flexibility in relation to duration and contents, it is applicable to all crimes including murder and sexual violence, allows the involvement of the victim.

Joseph MOYERSON graduated in law at the State University of Milan and has specialized in human rights and children rights. He served as Lay Prosecutor (Public Ministry in the Hearing) at the Court of Milan and acts as Lay Judge at the Juvenile Court of Milan from February 2002 to date. From 1995 to 2002 he collaborated with the International Movement Terre des hommes where he managed and monitored development cooperation projects in the less developed countries addressed to children, in particular juvenile justice, and was head of Children's Rights Department. From 2002 to 2008 he worked as consulting with the Istituto degli Innocenti, in particular by coordinating the Secretariat of the European Network of National Observatories on

¹ International Association of Youth and Family Judges and Magistrates

² Italian Association of Youth and Family Judges and Magistrates

Childhood (ChildONEurope, www.childoneurope.org). He currently works as an external expert with the General Direction of Development Cooperation of the Ministry of Foreign Affairs and with NGOs, for monitoring and evaluation of development cooperation projects on juvenile justice; teaches in several Masters I and II level and specialization courses on various issues including juvenile justice, trafficking and sexual exploitation of children, unaccompanied foreign children. Since November 2007 is member of the Council and from April 2010 is President of the International Association of Youth and Family Judges and Magistrates (IAYFJM, www.aimjf.org).

Restorative approaches in youth care: challenges for a sustainable implementation of mediation/conferencing in residential units

by Riet Ysebaert (Belgium)

Conflict resolution approaches are becoming increasingly important in working with youngsters. In a residential unit (youth care), where youngsters live together, relationships between residents and between residents and staff can be complex (vulnerable residents with a difficult background, ...) and this can cause conflicts. Here, these restorative approaches can have a beneficial impact on both staff and residents, since they look at conflicts, crime and anti-social behaviour within their social context.

In the last couple of years the mediation service of Brussels (Bemiddelingsburo vzw Alba) received demands to organize victim-offender mediations within residential units, where a serious conflict had occurred. In 2011 we started a one year pilot project, introducing an alternative for a punitive approach of conflicts in residential units. The project consisted of three parts: 1) offering a training for youth workers 2) setting up an intervision-group and 3) organizing mediation/conferencing.

In our presentation, we will focus on the challenge how to implement restorative approaches in residential units in a sustainable way. How to exceed the individual level of a conflict to a more general level, to a broader policy? And how to adapt the principles and methods of restorative criminal justice (victim-offender mediation and family group conferencing) to the particular situations within and the types of relationships in a pedagogical context?

Riet YSEBAERT obtained a bachelor in social work and a master in anthropology. Since 2006, she works in the Mediation Service of Brussels, which is part of vzw ALBA. She organized plenty of victim-offender mediations and family group conferences for juvenile delinquents. Recently, she became head of the mediation service.

Workshop Five – Alternative

Presentation of the Alternative-project

by Inge Vanfraechem (Belgium)

The ALTERNATIVE project which started on 1st February 2012 is a four year research project funded under the EU 7th Framework Programme, dealing with the topic of conflicts in intercultural settings and restorative justice. KU Leuven as a promoter of the project in partnership with EFRJ and five other organisations from Norway, Northern Ireland, Austria, Hungary and Serbia will combine theoretical and action research methods involving communities with people from different cultural backgrounds within the partner countries. The overall objective of this project is to provide an alternative and deepened understanding based on empirical evidence of how to handle conflicts within intercultural contexts in democratic societies in order to set up security solutions for citizens and communities. For more information on the project visit: www.alternativeproject.eu

In this workshop representatives of the project partners will present an overview of the project and will invite participants to share their experiences working with restorative justice methods in conflicts in intercultural settings, or in conflicts where cultural differences are involved.

The discussion will focus on several key questions:

What kind of experiences exist in using restorative justice methods in conflicts in intercultural settings?

Can restorative justice be a channel through which marginalised people from different cultural backgrounds can become re-engaged in the wider civil society?

Is restorative justice as practiced in Western Europe an inclusionary model for people with different cultural backgrounds?

Should restorative justice practitioners be proactive in the security debate about solving conflicts in intercultural communities?

Inge VANFRAECHEM is a researcher at the KU Leuven Institute of Criminology in Belgium, where she is project manager of the FP7 ALTERNATIVE project. Before that, she coordinated a project for the European Forum for Restorative Justice funded by the European Commission on 'Victims and restorative justice' (2010-2011). Her research and publications include restorative justice, conferencing for youth delinquents and studies on victims of crime. Dr. Vanfraechem has been the vice-chair of the European Forum for Restorative Justice in 2006-2011. She is an active member of the board of the Flemish-Dutch Journal on Restorative Justice.

Film ‘Concrete, steel and paint’ 17.00 – 18.00

By Cindy Burstein & Tony Heriza

When men in a U.S. prison ask to paint a mural for the outside community about “healing from crime,” the idea at first seems impossible. Then, involving victims of crime and a neighborhood group, the project starts to take shape – but the process quickly turns contentious. The participants clash as they try to agree on the content of the mural. Their struggle reflects their very different views about victimization, punishment, remorse and forgiveness. This complex story raises important questions about crime, justice and reconciliation—and dramatically illustrates how art can facilitate dialogue about difficult issues and help to overcome what, at times, seems to be an unbridgeable divide.

“An extraordinary film...”

– *The Huffington Post*

"Portrays the core values of restorative justice—respect, responsibility and relationships—expressed through art ... a great discussion tool for college classes and community groups."

– *Dr. Howard Zehr, Professor of Restorative Justice*

Honors: Best Documentary Short, Peace on Earth Film Festival; Social Justice Award, Big Muddy Film Festival; Cultural Spirit Award, New Hope Film Festival

For more information and to view a trailer: www.concretefilm.org

Formerly a community organizer, Cindy BURSTEIN now makes documentary films as tools for social change, dialogue and civic engagement and works with other independent filmmakers to develop public engagement strategies for documentary films. Tony HERIZA has been making social issue documentaries since the 1970s. He now creates educational media for an international Quaker organization – the American Friends Service Committee. Both Cindy and Tony are members of the New Day Films cooperative, the premiere distributor of social issue documentaries in the U.S.

Abstracts

Friday 15 June

Plenary Two 09.15 – 10.15

The position of the victim in victim-offender mediation: a European perspective

by Daniela Bolivar (Belgium), Christa Pelikan (Austria), Päivi Honkatukia (Finland) & Antony Pemberton (the Netherlands)

The research project “victims and restorative justice” from the European Forum for Restorative Justice involves two sub-studies. One of them focuses on the position of the victim in restorative justice at the macro level, that is, how the victim has been taken into account in the legislative, organisational and institutional framework of restorative justice practices. Relevant topics in this regard are, among other things, the origins and initial goals of the restorative justice programmes, the institutional framework in which they have been set up and the degree of cooperation with other organisations - such as victim support.

The main objective of this panel is to share the preliminary findings of this sub-study. This will be done by, first, offering a general overview of the issue and then, sharing reflections from a regional perspective on specific topics. In concrete, this panel will consist of four presentations. In the first one, information about the position of the victim and the implementation of restorative justice at the European level will be offered (Daniela Bolívar). In the next three presentations, the following topics will be addressed: the relationship between restorative justice and victim support in The Netherlands (Antony Pemberton), the role of the principle of legality in the work with victims of crime in the Austrian practice of victim-offender mediation (Christa Pelikan) and the relationship between the criminal justice system and mediation in Finland (Päivi Honkatukia).

Daniela BOLIVAR is the coordinator of the research project on victims and restorative justice of the European Forum for Restorative Justice. Her PhD (Universiteit Leuven) focused on the role of mediation in victims' processes of restoration. Daniela holds degrees in Psychology and Community-Psychology from the Catholic University of Chile. Antony PEMBERTON - Associate professor, social scientist, senior researcher and research coordinator at INTERVICT (University of Tilburg). Specialities: victim rights, the social psychology of victimization, restorative justice and victims in a political context.

Päivi HONKATUKIA, PhD, Docent in Sociology, works as a senior researcher at the National Research Institute of Legal Policy. She has done criminological research e.g. on young people's experiences and perceptions of violence, immigrants' victimisation to violence and on the position of crime victims in Finland in general. Dr. 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 and is a founding member of the European Forum for RJ.

10.45 – 12.45

WORKSHOP SESSION THREE

Workshop One – RJ and victims 2

Views and experiences of victims of crime: an empirical study

by Päivi Honkatukia (Finland), Christa Pelikan (Austria) & Antony Pemberton (the Netherlands)

The research project “victims and restorative justice” from the European Forum for Restorative Justice involves two sub-studies. While the first one focuses on the position of the victim in restorative justice at the macro level (see panel “The position of the victim in victim-offender mediation: a European perspective”), the second one focuses on the needs and experiences of the victim regarding victim-offender mediation. This sub-study was thought to contribute to the gaps that current literature presents in terms of the lack of in-depth knowledge about victims in restorative justice. Our research questions were related to issues such as the offer of mediation, the communication process, the outcomes of mediation and the judicial context. In terms of methodology, a common questionnaire was created and administrated in three countries: The Netherlands, Finland and Austria.

This workshop aims to share the findings of the second focus, obtained after 10 months of fieldwork. This workshop will consist of three presentations. In the first presentation, the researcher from The Netherlands, Antony Pemberton, will present the findings of his country and discuss them in the light of the theory of moral psychology. In the second presentation, Päivi Honkatukia will present the main results obtained in Finland. She will focus on victims' experiences of the effects of the closeness of their relationship to the perpetrator on mediation process. Finally, Christa Pelikan will discuss the Austrian findings, focusing on the specificities that present two different “types” of victims: victims of violence in longer lasting relationships versus victims of violence in short encounters.

Antony PEMBERTON - Associate professor, social scientist, senior researcher and research coordinator at INTERVICT (University of Tilburg). Specialities: victim rights, the social psychology of victimization, restorative justice and victims in a political context.

Päivi HONKATUKIA, PhD, Docent in Sociology, works as a senior researcher at the National Research Institute of Legal Policy. She has done criminological research e.g. on young people's experiences and perceptions of violence, immigrants' victimisation to violence and on the position of crime victims in Finland in general.

Dr. 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 and is a founding member of the European Forum for Restorative Justice.

Workshop Two – Restorative justice in schools 2

Between 2 different cultures in conflict management in schools

by Ulla Sara-aho & Anu Virta (Finland)

Kirkonkulma Primary school has been using peer mediation since 2008. Since 2010 our staff has been joined in Restorative School –training, given by the Finnish Forum for Mediation / School Mediation – programme.

Early prevention and proactive work are key issues when learning how to take care of own active role in conflict situations. In our experience we have noticed that when using the restorative approach the focus is in relationships and restoring them. The stigmatisation of victims or offenders does not build up the future. Instead, skills of communication, sense of empathy and participation are the most important values we can teach our children. In our school we emphasize that we adults are modelling what we teach. We think that every opinion is valuable – both teachers' and pupils' – and we want to learn to work together.

After trainings there has been an inevitable restorative culture change going on: we have realised the value of pupils' expertise of their own community and conflicts, as a resource when increasing well being in our school society.

In this presentation we are going to concentrate on our school's culture change in conflict management. Using drama as a method, we are going to compare traditional way and restorative mediation, as methods of problem solving. If a conflict is seen as a learning possibility, the mediation can be a starting point of learning.

Mrs. Ulla SARA-AHO is the principal of Kirkonkulma Primary School in Hämeenlinna City and she is one of the supportive adults to peer mediation in her school. She is working also as a school mediation trainer, and as a communication skills trainer for teacher students. At the moment she is studying workplace counselling in the University of Applied Sciences of Tampere.

Mrs. Anu VIRTÄ is a class teacher in Kirkonkulma Primary School. She has actively implemented restorative methods and practises in her class, and with the parents and school staff. She has been a creative professional observing the effects of children's participation and restorative pedagogy.

Improving school climate through restorative practices

by Ted Wachtel (USA)

Restorative practices have the potential to improve school climate by reducing crime, violence and misbehavior. Since 1999 the International Institute for Restorative Practices (IIRP Graduate School) has been providing restorative practices training and consulting in schools (and other settings) around the world. The presentation includes research outcomes from schools in three countries: Canada, the U.K. and the U.S. The results, available in a report entitled "Improving School Climate," provide the justification for a future randomized control trial.

The presenter will share the results from a dozen years of IIRP's experience in schools. The most recent refinement in the IIRP's implementation strategy is *Safer Saner Schools™ Whole School Change*, a two-year implementation program, based on the "11 Essential Elements" necessary to achieve a fully restorative school, facilitated by the use of "Professional Learning Groups (PLG)."

A short video, *The Transformation of West Philadelphia High School: A Story of Hope*, highlights the positive perceptions of restorative practices of administrators, teachers and students in a challenging urban high school that was on the U.S. government list of "persistently dangerous schools."

The consistent reductions across a variety of measures, from student suspensions and expulsions to various types of infractions in schools where restorative practices have been introduced, suggest that restorative practices constitute a viable strategy to improve the environment in schools.

Ted WACHTEL is president and founder of the International Institute for Restorative Practices (IIRP) Graduate School and CSF Buxmont schools for delinquent and at-risk youth. He is author and co-author of numerous articles and books including Toughlove, Restorative Justice Conferencing, Restorative Practices Handbook, Restorative Circles in Schools and Family Power.

Workshop Three – RJ in specific countries 4: Norway and the Basque Country

From local project to national legislation 2006 - 2011

by Anne Brita Normann (Norway)

Restorative justice lays the basis for a new penal sanction targeting young offenders between 15 and 18 years of age committing serious crimes. The law was approved by Parliament last year, and will probably come into force next summer.

Developing the new penal sanction, the Government has chosen to focus on restorative justice based processes. This is why the court sentence will be implemented by the local mediations services. The physical control of prison will be replaced by social control via close follow-up. The sanction will be characterised by strong involvement of the offender, the offender's private network, the various elements of the justice system and other public bodies, who shall contribute to individually adapted follow-up. Victims will preferably be involved, but at their own request. The consent from the offender is a mandatory condition.

The government's goal is that prison should only be a last resort, when all other alternatives have been considered. Practical experience, through several especially designed projects, shows that the most important work for juvenile delinquents is establishing individually tailored, sustainable efforts around each juvenile in co-operation between local authorities and services. Developing a system securing equal rights for everyone everywhere in the country is a challenge that needs to be met and claims considerable efforts.

The object is to give the juvenile an understanding of what consequences their criminal act has had for everyone affected, offer an opportunity to accept responsibility for his/her illegal behaviour, as well as granting necessary assistance. The key factor is to strengthen the young person's resources and will to confront and deal with his own criminal behaviour. The sanction is demanding and presupposes that the juvenile reflects upon his/her own life situation.

Anne Brita NORMANN is senior adviser in the Ministry of Justice, Police department since 2002.

Born 1947, Graduated as a social worker 1972, Completed 3 years clinical training in child psychiatry in 1980, Graduated as a lawyer 1992.

Previous positions: Oslo childcare welfare, Oslo child psychiatry, section manager at the County governor of Oslo, Deputy Ombudsman for children.

Victim-offender mediation services in the Basque Country. Development since 2010 and extension to related fields

by Ramón Palomino García (Basque Country)

The VOM Services in the Basque Country started five years ago as a pilot scheme for Criminal Courts in Bilbao, Donostia-San Sebastian, Vitoria-Gasteiz and Barakaldo, and has spread in the past two years in territory and working areas since the last conference of the European Forum for Restorative Justice (Bilbao, 2010).

Basque Government's VOM Services, as public service, are able to attend the total population of the Basque Country (2.1M people) and all criminal and family courts.

Since 2010 pilot schemes has been made in labor and commerce matters. But the most advanced program lays in Family Courts, with cases involving minors and conflict not solved friendly out of court. Many cases end in criminal courts because of the legal regulation of some behaviors and conducts (unpaid maintenance pensions, disturbances in visits, ...). Attending those cases in an early stage is a priority for our VOM Services: can and must be solved from a criminal point of view but mainly as family problems with unbalanced situations among members, going to the heart of the conflict. And increasing and disturbing number of "Domestic Violence" cases arose, from descendants to parents and among other family members, just the tip of the iceberg of unsolved family problems. (Note Spanish Legislation forbids mediation in "Gender Violence Cases").

Basque Government promotes public services and programs for filio-parental violence treatment, has established victim support services and coordinated Spanish rehabilitation programs for gender violence case offenders. Our presence in Helsinki might be relevant to show our working pattern and experience, and to enrich the general knowledge for all members.

Ramón PALOMINO GARCÍA (Sept.29th 1973 – Bilbao)

Advisor of the Ministry of Justice of the Basque Country

Former Judicial Secretary, Public Prosecutor and Attorney at Law.

Law Practice School (Biscay's Bar Association, 1998)

Law Degree (Deusto University – Bilbao, 1996)

Workshop Four – Methods of restorative justice

Stories, narratives and discourse: How facilitating restorative conferences enable people to tell their stories to each other

by Tim Chapman (Northern Ireland)

Youth Conferences in Northern Ireland do not use the ‘script’ approach, preferring a more open process of storytelling and dialogue. This workshop will outline the theoretical underpinning of this approach using concepts borrowed from Christie, Habermas, Shriver and narrative therapy (White). It will explain some of the techniques which can be used to enhance the participation of all the parties and to enable them to achieve their outcomes.

The presentation will be supported by practical demonstrations of these techniques and skills in relation to the engagement and satisfaction of victims.

Tim CHAPMAN is a lecturer in restorative practices at the University of Ulster. He and his colleagues developed the Northern Irish model of youth conferences, trained youth justice workers, police officers, prison officers, teachers, social workers, community activists and prisoners in restorative practices and are researching community restorative justice in Ireland.

Circles of support and accountability: restorative responses to young people who cause serious harm

by Tim Chapman (Northern Ireland)

Restorative Youth Conferences have proved very effective in Northern Ireland in satisfying victims of harm and reducing the offending of young people responsible for harm. However, there is a small group of young people who are persistently involved in harmful behaviour or who have committed acts of serious harm. They pose a serious challenge to a system which has restorative justice at its centre.

This paper will include an analysis of the challenges this small group of young people pose to their communities and to the youth justice system. In partnership with the University of Ulster the Youth Justice Agency designed a Circle of Support and Accountability project to respond to these challenges. The paper explains the research and theoretical base for this approach.

Donna Murray conducted a study into the effectiveness of this approach by interviewing 20 young people who had participated in it. Tim Chapman will report on the results of this research and their implications for

restorative practices with some of the most challenging and vulnerable young people in society.

Tim CHAPMAN is a lecturer in restorative practices at the University of Ulster. He and his colleagues developed the Northern Irish model of youth conferences, trained youth justice workers, police officers, prison officers, teachers, social workers, community activists and prisoners in restorative practices and are researching community restorative justice in Ireland.

Peacemaking circles in Europe? Presentation of a pilot project

by Ivo Aertsen (Belgium)

The EU co-funded 'Peacemaking circles' project runs from 1 September 2011 to 31 August 2013 in a partnership of the Institute of Criminology of the University of Tuebingen (promoter) with the KU Leuven Institute of Criminology (Belgium), the Foresee Research Group (Hungary), the National Institute of Criminology (OKRI) (Hungary) and the European Forum for Restorative Justice. The central objective of the project is to elaborate a concept of Peacemaking circles for a European legal and cultural context, and to apply this in the form of an action-research simultaneously in a limited number of cases in Belgium, Germany and Hungary. Evaluation must show how such a European model(s) can be conceived and according to which circle methodology this new practice can be developed. The project will be presented briefly, and some first results will be discussed. Furthermore, we propose to focus the discussion on the following questions:

- Which are the underlying philosophy and the final goals of Peacemaking circles?
- To what extent Peacemaking circles differ from victim-offender mediation and the conferencing model?
- How can the broader 'community' be involved in the practice of Peacemaking circles?
- Have judicial authorities a role to play in Peacemaking circles?
- How is the ritual of Peacemaking circles to be understood?
- How should we evaluate the practice of Peacemaking circles?

Ivo AERTSEN is Professor of Criminology at the KU Leuven (Belgium). He holds degrees of psychology and law from the same university. His main fields of research and teaching are Victimology, Penology and Restorative Justice. Within the Leuven Institute of Criminology, he co-ordinates the Research Line on 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. He is Editorial Board member of several journals and is involved in various practice and policy oriented partnerships, both at the national and international level.

Workshop Five – Restorative Justice and intimate relationship violence

Challenges and advantages of mediation in intimate relationship violence in Finland. Victim-offender mediation, an opportunity for change?

by Aune Flinck, Saija Sambou & Erika Uotila (Finland)

Victim offender mediation of intimate relationship violence (IRV) started in Finland already in the 1980's. Since the beginning critical questions were raised particularly in regard to the protection of the victim. The debate whether intimate relationship violence cases should be mediated at all has prevailed both nationally and internationally.

This research project evaluates the implications and challenges of IRV mediation in Finland and aims to find answers to the concerns presented by the Committee on the Elimination of Discrimination against Women (CEDAW). Committee has expressed their concern that mediation procedure may lead to the re-victimization of women who have suffered violence and to perpetrators escaping prosecution. The study thus focuses on human rights such as those documented by the Council of Europe. The study uses both qualitative and quantitative data.

When examining mediation of IRV two prevailing theoretical approaches on intimate relationship violence are taken into account: either that it involves deliberate mutual combat or that it predominantly involves male violence against women (feminist perspective).

Preliminary results suggest that substance abuse and particularly alcohol plays a role in majority of the IRV cases referred to mediation. Violence had also often been repetitive contrary to the guidelines. However, mediators seem to be well-oriented and aware of the possible risks of mediation. Separate meetings where voluntary participation is confirmed and victim's needs are acknowledged were arranged prior to the joint meeting. The preliminary results also give support to the hypothesis that violence is not only directed at women and deliberate mutual combat is not a rarity.

Aune FLINCK works as a development manager in the National Institute for Health and Welfare Finland and has a PhD degree in Nursing Sciences. Her professional interest is on developing victim offender mediation in Finland.

Saija SAMBOU works as a senior planning officer in the Ministry of Justice Finland and has a licentiate degree in political science. Her main focus is on restorative justice.

Erika UOTILA works as an executive manager for an organisation called KRIS. She has a master's degree in social sciences and her main focus lies in recidivism.

Restorative justice and intimate relationship violence. Looking at some legal aspects

by Katinka Lünemann & Annemieke Wolthuis (the Netherlands)

A restorative approach in cases of domestic violence (DV) is not the same as RJ in most cases of public violence or public crimes because the context differs. Five aspects are important: 1. a crime in public is an incident but domestic violence a continuing process between two people who are emotionally, socially and economically dependent of each other; 2. the main object in public crime is apology and reparation, but in case of DV the priority is safety; 3. therefore an agreement is the outcome of RJ in public crime, while monitoring to guarantee safety the most important outcome is in cases of DV; 4. historically, for cases of public crime diversion was a reaction on criminal procedures while in case of DV women needed legal protection because the informal network didn't bring solution; 5. RJ in cases of public crime people have more equal positions than in cases of DV. Power imbalances between partners can be dangerous and lead to escalation. Therefore RJ in cases of DV is not self-evident. At the same time it is practiced in many European countries with often positive results. That is why it is needed to look into good practices and common criteria. For this workshop we will focus mainly on the legal aspects.

Annemieke WOLTHUIS is a senior researcher at the Verwey-Jonker Institute in the Netherlands. She defended her PhD on Restorative Justice, a Children's Right in March 2012 at the Open University. Her book has been published by Boom Lemma Publishers. For ten years she worked with Defence for Children in Amsterdam as a staff member and coordinator of the section youth law. Her law degree is from Maastricht University, followed by an LLM in international law and human rights from the Raoul Wallenberg Institute in Lund, Sweden. She is currently also a board member of the European Forum for Restorative Justice, has a seat in the editorial board of the Dutch/Flamish Journal on RJ and is active in the working group on youth law and health law of the Dutch Committee of Jurists for Human Rights. Annemieke Wolthuis publishes and lectures on several areas dealing with children's rights, youth law and restorative justice.

Katinka LÜNNEMANN is a senior researcher at the Verwey-Jonker Institute in the Netherlands and coordinator of the law and domestic violence research programme. She does mostly qualitative research in the field on regulation of domestic violence by criminal law, issues of domestic violence in civil law, mediation and restorative justice.

The power of outreaching service for domestic violence abusers. A path to restorative justice in Chinese communities

by Louis W.Y. Mok (China)

Restorative justice is found to share similar virtues with the traditional Chinese values and it is spreading widely across different Chinese communities. Recently, the idea of using restorative justice for domestic violence is being raised and lots of debates were carried out by academics and restorative justice practitioners. The presentation provides analysis and discussion on the use of outreaching service for abusers and its linkage to the proper use of the restorative approach with Chinese cultural values. The current outreaching service has been implemented in ChiaYi (Taiwan) for 2 years and the presentation first describes the services for the abusers. Second, it examines its significances in changing the attitude of abusers and deliberates its relationship for further establishing restorative practices for the family. In particular, in-depth interviews with social workers and service users and content analysis of 5 cases have been conducted in the study. Key findings indicated that the outreaching services for abusers could let the social worker to build up rapport and establish trustful and respectful environment with the abusers. Such practices provided essential pathways for easing their minds to make changes and repair the harm done. In some cases, mini-scaled conferences with restorative elements were conducted and the result showed positive effects in correcting the abusive behaviors and restoring the relationships for couples. In the last part of the presentation, the compatibility of the outreaching programme including the conferences with Chinese cultural values will also be discussed.

Louis W.Y MOK is a 3rd year PhD Candidate in Criminology in the Department of Applied Social Studies at City University of Hong Kong under the supervision of Dr. Dennis WONG S.W. His research areas include crime, restorative justice and domestic violence. He participated actively in both local and overseas research in Chinese communities regarding to the use of restorative approach in domestic violence. Recently, he has published an article on restorative justice development in Hong Kong and Macau with his supervisor in the book 'Crime and Criminal Justice in Asia'.

Workshop Six – RJ: Theoretic discussions

Rituals in the process of restorative justice

by Jaanus Kangur (Estonia)

The workshop concentrates on ritualistic elements of reconciliation process. The aim is not to give historical or anthropological overview of the ritual, neither does the workshop focus on any particular theory of ritual, rather carries the workshop practical goal to initiate to find those elements of ritual, that can make RJ process work more effectively.

The main subtopics of the workshop are:

- The ritual nature of the RJ (examples of the reconciliation rituals of Bougainville Island, Uganda etc)
- Rituals as instruments for adaption with social and biological changes
- The nature of communication of ritual, which can help to make communication easier in complex situations, such as conflict
- Modern rituals, which are used in the RJ process (examples from Australia, New Zealand, England etc)
- How to find ritual, which is proper for current social context

Jaanus KANGUR has a diploma in Restorative Justice from Queens University, Canada. He has worked in several prisons and initiated RJ program called "The Way", which is still running in Estonian Prisons. He has made study visits to several RJ practicing countries, such as Australia, Canada, England, New Zealand and South Africa. And has written several articles on the topic of RJ. He also is coauthor for three books about RJ. He has been involved in the project "Improving Knowledge and Practice of Restorative Justice" with Kiel University and Thames Valley Partnership and has carried out workshops in the conferences in Kiel, Tallinn and Oxford.

‘Seeds’ of a restorative approach to justice? A (law and literature) itinerary through images taken from the western cultural tradition

by Federico Reggio (Italy)

In promoting a participatory and reparative paradigm of justice – careful about victims, offender and the community – restorative justice deeply challenges the way criminal justice (and, more generally, law) is usually conceived and practiced, especially in the western world. This presentation seeks to show that other notions of legal order and of the problem of conflict resolution have been conceived within the western culture, some of which appear to disclose, at least potentially, issues that also the

restorative approach has most recently underlined and put forward. This will be argued (within a 'law & literature' approach) by presenting a brief itinerary through images taken from the ancient Greek Literature (epic, tragedy), from the Biblical source (whose influence in designing the restorative paradigm has been underlined, e.g., by H. Zehr), and from some 'modern myths' about the origin of society and law (e.g., from T. Hobbes' *Leviathan* and G.B. Vico's *New Science*). Such images do not have the ambition of representing a 'complete' picture, but simply some cultural references which may help sustain a restorative approach to justice by drawing from important roots of western humanism.

Federico REGGIO has a PhD in Philosophy of Law, currently Senior Research Fellow at the University of Padua. He has been writing and lecturing on Restorative Justice issues for a few years and has co-founded, in Verona, an association for assisting crime victims (ASAV). He is Scientific Director at Omologhia s.r.l., a Company, officially recognised by the Italian Ministry of Justice, which trains civil mediators.

Remorse and mitigation in sentencing

by Bas van Stokkom (the Netherlands)

Often proponents of restorative justice claim that a willingness of the offender to engage in a restorative scheme or to repair the harm done, would imply a sentencing discount. Some argue that the expression of remorse constitutes an important instrument for restoring trust in an offender and therefore would operate to reduce the demand of punishment. Now it is a widely accepted and well-settled legal principle that remorse should be treated as a mitigating factor in sentencing. But there is comparatively little sustained explanation for its rationale.

I will try to offer more coherent reasons to legitimate mitigation, be it a discount or a (non-custodial) reparative sanction-track.

Bas VAN STOKKOM is philosopher and sociologist. He is currently assistant professor at the Criminological Institute, Radboud University, and lecturer at the Faculty of Social Sciences, Free University Amsterdam. His research concentrates on the fields of freedom of speech, deliberative democracy, restorative justice, and punishment ethics.

14.15 – 16.15

WORKSHOP SESSION FOUR

Workshop One – RJ and victims 3

The role of victim-offender mediation in victims' processes of restoration

by Daniela Bolivar (Belgium)

Despite findings indicating degrees of “satisfaction” among victims of crime who have participated in restorative justice (RJ) processes, doubts about the extent that restorative justice can, effectively, “restore” the harm caused by the offence still remain. It has been argued, for example, that positive results in RJ evaluations could be explained by the characteristics of the victims who choose to participate in RJ -and not by the practice *itself* (called effect of the self-selection of the sample; see Latimer et al., 2005). It has also been argued that RJ seems to offer more “satisfaction” than “restoration” to victims of crime (Daly, 2008). The study “Victim-offender mediation and victim’s restoration: a victimological study in the context of restorative justice” aims to answer some of these doubts. This presentation focuses on the final results of a mixed-method study with predominance of qualitative research carried out in Spain and Belgium. The sample consisted of 50 (qualitative study) and 74 (quantitative study) respondents and included participants of direct and indirect mediation as well as victim who refused to take part in the process (qualitative study). The study involved a pre-post design. Findings were analyzed and discussed from a psycho-social perspective, in particular, from an ecological approach. Results suggest that mediation seems to play a role in the meaning-construction process that the victim goes through. However, some aspects of “restoration” would be better addressed when mediation takes place under certain individual and contextual conditions (e.g. characteristics of the victim’s community of care).

Daniela BOLIVAR is the coordinator of the research project on victims and restorative justice of European Forum for Restorative Justice. Her PhD (Universiteit Leuven) focused on the role of mediation in victims' processes of restoration. Daniela holds degrees in Psychology and Community-Psychology from the Catholic University of Chile.

Mediation in serious crimes: How to meet the victims' needs?

by Antonio Buonatesta (Belgium)

In 1998, a Belgian pilot project was set up to assess the relevance and the feasibility of mediation in serious crimes. This resulted in establishing the basic principles for a legal framework enacted in 2005. This provides an equal availability to mediation for both parties at any stage of the criminal justice procedure and for any type of crime.

So far, a great number of mediations have been done in very serious crimes (murder, violent assaults, sexual abuse...) with an effective satisfaction among the victims.

From this point of view, it is quite disappointing to observe an ongoing hesitation and suspiciousness from victim-support practitioners or agencies with regard to the real benefits victims can get from a restorative justice process in such cases. The risk of further victimization or manipulation by the offender is often pointed.

It is also remarkable that despite a growing number of projects aiming at applying mediation in serious crime or in prison settings most of them face difficulties in reaching significant and sustainable implementation, sometimes out of fear of similar risks. On the basis of our experience with this type of mediation, we will address two connected issues through a reflection at two levels:

- How can we explain this state of mistrust and standstill of mediation in serious crimes?
- What could be the basic requirements allowing mediation to meet the needs of the victims involved in such processes and to ensure they can take advantage of it regardless the potential manipulating profile of the offender?

Since 1998, Antonio BUONATESTA has been running "MEDIANTE", an agency recognized by the Belgian Ministry of justice to carry out a victim-offender mediation program for adult offenders in each French-speaking judicial district.

Previously, since 1984, he has been heading "GACEP", an agency in charge of carrying out restorative programs for juvenile offenders in the judicial district of Charleroi (B).

Victims in Finnish victim-offender mediation Preliminary results and reflections from my thesis

by Jussi Vesikansa (Finland)

Finnish mediation has a unique history. First mediation practices, influenced by Nils Christie's thinking, started in early 1980's as locally funded projects. Many of these programs operated under local social service organisations and parallel interests aroused. Mediation was seen useful from both criminal justice and social work perspectives. Finnish mediators are voluntary workers from all walks of life and mediation practices have a strong voluntary work substance.

After the legal reform in 2006, victim-offender mediation services now cover the whole country. Number of cases has been growing ever since: 12 313 crime and civil cases were referred to mediation in year 2011.

However, there are also critical voices. Some advocates want to end mediation in intimate relationship crimes; yet all the parties agree, that we don't have enough information about victims' experiences of mediation. Victim-offender mediation has been, perhaps rightly, criticized for being too offender-centric. I started to wonder, could victim-offender mediation – with its' recognized social aim – function also as a help service for victims? To assess this, we need to know more about victims' experiences.

In this workshop, I present preliminary results and research reflections from my thesis titled Crime Victims in Mediation. I use practical examples from my data to demonstrate and describe local VOM practises. My research approach is ethnographic and it is based on mixed methods research design. Main research question is to uncover the kinds of meanings mediation has for crime victims. My research data consists of observations of mediations (N=10), post-mediation victim-interviews (N=7) and quantitative data including referred cases to a local mediation office (N=1733).

Jussi VESIKANSA studies social work in University of Helsinki's Faculty of Social Sciences. He has been working for years in social work field in different positions. In recent years he has worked as a mediation advisor.

Workshop Two – RJ in specific types of crime

Restorative justice in crimes of terrorism. How can we enlist the support of victims and community?

by Virginia Domingo de la Fuente (Spain)

Terrorism has always been a main problem and a great concern of citizens, especially because terrorists do not usually regret the damage, relying on a so-called political conflict. The objective of this presentation is to reap the benefits that RJ can have on victims as well as criticizing the secrecy and poor news on this subject, I will also reinforce the importance of media to avoid misconceptions of this justice that can generate social alarm.

I will establish some recommendations so as these restorative processes can be effective and for that I will take into account the current context of Spain with regard to RJ (no regulation about this, some legal practitioners that think that RJ can be useful only for less serious crimes and a total assimilation of Restorative Justice with victim-offender mediation) and the principles and values of RJ especially, the return of the prominence of the victim in all the process (finally they will be recognized, heard and respected). At least in my Spain if we want society engagement with restorative justice we have to focus on victims and show the public that it is not about being soft with offenders, this can be basic but in my country it is essential.

Virginia DOMINGO DE LA FUENTE has been substitute judge. Expert in RJ. She has a blog and she is a member of the editorial board of the digital newspaper Criminology and Justice. Coordinator of the Victim-Offender mediation service in her Autonomous Community and President of the Scientific Society of Restorative Justice. She has published and done several researches and articles about RJ and now she has participated in a book on this subject with several writers from Argentina.

Controversial issues in the ‘Guided Dialogue’. Face-to-face meetings between victims of date rape and their offenders

by Oddfrid Skorpe Tennfjord (Norway)

This workshop will present and discuss controversial issues related to an upcoming mediation project in Trondheim Norway, named Guided Dialogue (in Norwegian: Tilrettelagt dialog). Guided Dialogue is planned to start in September 2012 and will offer victims of date rape an opportunity to meet their offender in a face-to-face-dialogue. The project builds on the theory and method of Restorative Justice and a similar project administered by Karin Sten Madsen in Copenhagen. During the development of the project the administration group has identified issues that lead to several discussions. It is some of these issues that will be presented at the workshop. The controversies will be discussed in

reference to international research and literature. The following controversies will be examined:

- 1) Do victims of rape have an interest in meeting their offender?
- 2) Does offering mediation to victims of rape contribute to a minimizing of the rape?
- 3) Is it safe to offer mediation to victims of rape? What about the risk of sanctions from the offender?
- 4) Can mediation enhance or decrease the risk of retraumatisation of victims?
- 5) Can mediation improve the participants' health?

The workshop makes some conclusions in order to ensure that the participants will benefit from participating in the project.

Oddfrid SKORPE TENNFJORD (f. 1973) works as a Senior advisor at the Centre on violence, traumatic stress and suicide prevention in Trondheim, Norway. She has a phd in Psychology from Norwegian University of Science and Technology. She is the administrative leader of the upcoming project "Guided dialogue".

Workshop Three – RJ and offenders

Talking with political prisoners about their victims and desistance

by Tim Chapman (Northern Ireland)

This workshop describes a Restorative Justice course that the University of Ulster delivered to a group of politically motivated prisoners in a high security prison in Northern Ireland. They were serving long sentences for violent offences including murder and were resisting the offending programmes offered by the prison.

The course was an accredited Foundation module for a Certificate in restorative Practices. Content and delivery was informed by Shadd Maruna's research into desistance (Making Good) and restorative justice principles and values.

The workshop will describe the course design and delivery and how the participants were successfully engaged in speaking openly about their actions and motivations and how they have affected their victims. This has led to serious plans to desist from violence in the future.

Tim CHAPMAN is a lecturer in restorative practices at the University of Ulster. He and his colleagues developed the Northern Irish model of youth conferences, trained youth justice workers, police officers, prison officers, teachers, social workers, community activists and prisoners in restorative practices and are researching community restorative justice in Ireland.

Exploring prisoners' perceptions on restorative justice in Belgian prisons

by Nikolaos Stamatakis (Belgium)

Most of the advocates of restorative justice focus on its potential and capacity to improve the satisfaction levels of victims and local communities that come into contact with offending and the criminal process. The debate about restorative opportunities in prisons is central in seeking to establish restorative justice as anything other than an interesting alternative for the less serious offenders and offences. However, could restorative justice also play an active role at the 'back-end' of the system with persons already serving prison sentences?

Although, there is as yet no comprehensive literature on Restorative Justice in prisons, the present study is focused on Belgium seeking to explore the applicability of restorative justice in custodial settings, acknowledging its (positive) contribution in the reduction of re-offending; and hence, on the prison population. Given that prisoners' voices have rarely been heard, an empirical study using quantitative data was

developed. These data derived from questionnaires that were distributed to inmates held in seven prisons across Belgium (Ghent, Oudenaarde, Brugges in Flanders; Lantin, Namur, Jamioulx in Wallonia; and Saint Gilles in Brussels).

The final results of the statistical analysis are presented here seeking to meet the main goals of the empirical study, such as 1) to *investigate* prisoners' perceptions of the impact of their crimes on their victims (including the wider community) and to measure their intention to take responsibility for their unlawful actions; 2) to *gather* prisoners' perspectives on their relationship to the community outside the prison and/or with those they have harmed, and to undertake (direct or indirect) reparative activities; 3) to *identify* the degree to which prisoner would be 'sympathetic' to engaging in mediation and their motivations for doing so; and 4) to *measure* the role and (possible) contribution of religion in introducing and developing in-prison restorative justice programmes.

Nikolaos STAMATAKIS is a researcher in Law at Ghent University – Institute for International Research on Criminal Policy (IRCP) & at the University of Liège – School of Criminology.

Workshop Four – RJ in specific countries 5: Russia

Restorative justice communities in Russia

by Rustem Maksudov (Russia)

Despite the lack of support at the federal level, 14-year-old social work of our center specialists and its partners in Russian regions has led to some achievements: mediation associations network, which organizes the distribution of reconciliation and restorative justice services, has been established, the concept of restorative mediation has been developed, a monitoring and quality analysis of restorative justice programs has been held, the number of school reconciliation services is expanding, seminars on Russian traditions of reconciliation have been held.

Currently, teams of mediators are established and restorative justice programs are conducted in cooperation with the courts and the Commissions on juvenile affairs and their rights protection, as well as the reconciliation programs in the schools, in 15 Russian regions.

After graduating the Kazan State University in 1982 for 5 years Rustem MAKUDOV was studying criminal gangs of young people. A member of the methodological movement in Russia. From 1994 to 1996 he participated in the events of department on judicial reform and judicial proceedings of the State Legal Department of the Presidential Administration of Russia, related to the promotion of judicial reform in Russia. In 1997 he initiated the promotion of ideas and techniques of restorative justice in Russia. Studied the experience of restorative justice and juvenile justice in the UK, Canada, France, New Zealand, Poland and the Czech Republic. A practicing mediator in the programs of reconciliation of the victim and the offender. Trainer in training programs leading reconciliation of the conflicting parties of the victim and offender, rehabilitation through mediation. The modeler of restorative juvenile justice system in Russia. Author of 2 books and over 90 articles in the field of restorative justice, juvenile justice, criminology and judicial reform.

Analysis of the programmes: basis principles of restorative justice and implementation practices

by Liudmila Karnozova (Russia)

Restorative Justice in Russia is being formed during the last 14 years of work with juvenile delinquency and conflict situations at school. The practice of implementation of restorative approach is being spread; massification often leads to erosion of the initial targets - healing of a victim, responsibility of an offender, actualization of a positive potential of the communities. On the other hand, as the implementation of new opportunities are being opened, they are not grasped by existing theoretical concepts and methodological tools. Therefore, not only

quantitative but also qualitative monitoring of rehabilitation programs practice are needed. It is important to identify how values and targets of restorative justice are embodied in particular programs, also what are new opportunities in the implementation of the restorative approach. Our analysis is aimed to highlight the areas of inconsistency of practice provisions of the rehabilitation programs of restorative conceptual approach as well as to detect findings, identify new opportunities for the implementation of restorative approaches in dealing with juveniles, and to identify areas for improvement of procedures and conditions for the implementation of the programs. The report will show the analytical forms, which are designed to collect information, but also highlight some of the phenomena that are revealed by analysis of the programs conducted by various agencies of reconciliation of the Russian regions over the past 2 years.

Liudmila KARNZOVA, member of THE PUBLIC CENTER FOR LEGAL AND JUDICIAL REFORM, leading researcher of the Institute of State and Law of the Russian Academy of Sciences, researcher and professor of the Moscow City Psychological-Pedagogical University. Since 1998 she has been working in the field of Restorative Justice: she is a mediator and mediator's trainer, an author and an editor of books, articles and manuals on Restorative Justice in Russian, as well as an editor of translations of foreign books into Russian.

School mediation in Russia

by Anton Konovalov (Russia)

The situation surrounding the reconciliation services: the order about establishing the school mediation services at the state level and the fear of formalisation as a result, the rejection of the ideas of juvenile justice on the part of the Orthodox community in many cities of Russia, attempts of monopolization and commercialization of the mediators by some organizations.

The structure of the school mediation service and its support by the socio-psychological centers and associations of mediators, the statistics of reconciliation in Russia, Circles of reconciliation held in schools to support the victims and school society.

Anton KONOVALOV, member of THE PUBLIC CENTER FOR LEGAL AND JUDICIAL REFORM, leading specialist of "School reconciliation services" direction, researcher in Laboratory of juvenile technologies in Moscow State Psychology University, head of the Moscow Mediation Association.

Ways of support of reconciliation services

by Andrey Pentin (Russia)

Rites of passage as a metaphor for the description of establishment and development of sustainability school mediation services.

Description of the strategic model of establishment and development of the school mediation services, composed on the basis of a 5-year experience of "Methodical support of SMS" department of center "Na Snejnoj" under the direction of N.A. Yoshpa to implement restorative culture in schools of Moscow and of the successes, mistakes and failures, depending on various factors and unique features. In addition to reducing strategic modeling approach was used extensively close in spirit narrative approach, which supports the metaphor of rites of passage. This model predicts the greater stability and authenticity of such "institution" as the school mediation service.

Andrey PENTIN, specialist of the School Mediation Service and its methodical support department of the socio-psychological center «Na Snejnoj», mediator, trainer.

Programmes of restorative justice in the socio-psychological centers and interaction with the juvenile criminal court

by Anna Balaeva (Russia)

The report will show how the work of the Centre and the services use restorative justice programs in conjunction with other helping services, as well as specific programs to demonstrate how restorative justice have been realized in the context of the Russian penal system.

Anna BALAEVA, head direction, working with juvenile delinquency in the Center of social and psychological adaptation and development of adolescents, "Perekryostok". Mediator, psychologist.

Workshop Five – Teaching RJ

Teaching restorative justice: Follow-up

by Ivo Aertsen (Belgium)

During the 2010 Forum conference in Bilbao a workshop was organised where restorative justice teaching programmes from various universities and higher educational institutions were presented. A first exchange took place on the basis of a common template, by which the main elements of the teaching programmes (courses) were described. In the Helsinki workshop, this exchange will be continued. We first will remind the main findings from the Bilbao workshop and then invite participants to present their (not yet included) programmes. We also will discuss whether and how we can form an informal group which can keep in touch with each other and whether we could post basic information about our respective RJ courses or (master) programmes on the Forum's website in order to facilitate access internationally. Interested participants are invited to contact the presenter of this workshop in advance, if they would like to present their programme.

Ivo AERTSEN (ivo.aertsen@law.kuleuven.be) is Professor of Criminology at the KU Leuven (Belgium). He holds degrees of psychology and law from the same university. His main fields of research and teaching are Victimology, Penology and Restorative Justice. Within the Leuven Institute of Criminology, he co-ordinates the Research Line on 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. He is Editorial Board member of several journals and is involved in various practice and policy oriented partnerships, both at the national and international level.

Plenary Three 16.45 – 17.45

The dawning of a new era in social reaction to crime, conflict and dispute. Promise, potential and limitations of restorative justice

by Ezzat Fattah (Canada)

Despite dramatic social changes and unprecedented technological innovations penal philosophy has undergone little change. Retribution continues to be the key principle in sentencing and judges continue their hopeless struggle to make the punishment fit the crime. It is truly baffling that the CJS has remained archaic in its philosophy, its outlook and its tools and has remained insulated from whatever changes and advances that had taken place in modern society? For as yet unexplained reasons the system has resisted every attempt to modernize and change? This is probably why it is that despite the manifest advantages and benefits of R.J. over a punitive, retributive system, whose sole aim is to inflict pain and suffering on the wrong-doer, there is still reluctance to do away with the ideas of expiation and penitence in favor of reconciliation and compensation. The strong support for victims of crime, coupled with the undeniable fact that victims are the main losers in a punitive system of justice, have not yet succeeded in convincing politicians, lawmakers or the general public of the need to replace the medieval practice of punishment by a more constructive, more peaceful and less harmful means of dealing with crime and conflict. And yet, the destructive and detrimental effects of punishment are too evident to ignore. All this suggests that the time is right for a paradigm shift in society's response to crime. There is a desperate need to move from philosophical abstraction to restorative action, from senseless retribution to meaningful restitution, from just deserts to restorative justice. But there is also a need for realism. R.J. is not a panacea. Although superior in every respect to retribution R.J. does have certain limitations and there are certain dangers to be avoided when moving towards the full implementation of a restorative justice system.

Ezzat FATTAH is the founder of and Professor emeritus at the School of Criminology, Simon Fraser University. Fattah's long practical experience in criminal justice in Egypt and his criminological research turned him into a fierce opponent of the destructive and ineffective institution of punishment. In the 1970s in Canada he relentlessly fought for an end to the death penalty until its de jure abolition was achieved. In the years that followed he became one of the strongest critics of punitive justice drawing attention to the futility and wastefulness of imprisonment. He published several papers praising Restorative Justice and offering it as a viable alternative to incarceration.

Abstracts

Saturday 16 June

Plenary Four 09.00 – 10.20

The relation between probation and restorative justice: facts, problems and challenges

by Pavel Štern (Czech Republic)

This presentation will be concerned on experience of the Czech Probation and mediation service with the practice reflecting relation between probation activities and elements of restorative justice.

The presentation will provide description of concrete practical activities connecting “traditional” probation practice and restorative justice principles including figures, positive impacts, and experience of probation staff, clients and professional public. The presentation will also reflect our current experience with restorative practice in the frame of probation in the context of next development of Probation and Mediation service in the Czech Republic.

Pavel ŠTERN, was born 9th June 1966 in Prague. He studied Social Work on Charles University. He used to work as probation officer, 1996 – 1999 in the frame of district court. Since 2001, he is the Director of the new established Czech Probation and Mediation Service.

Member of International Jury for awarding of international prizes in activities in probation, mediation and social work in Justice in the frame of international conference “Probation 2004; Project leader (Czech side) in the frame of two professional twinning projects, Phare 2002 and Transition Facility 2004; Short time expert in the frame of EU twinning projects in Croatia realized by UK-NOMS 2007 and short time expert in EU twinning project in Turkey, UK-NOMS 2008. Project leader,(Czech side, junior partner) - in the frame of the twinning project, (IPA program), in Croatia. Partnership with UK-senior partner: “Development of Croatia Probation Service”, still.

Shorter study stays in the frame of cooperation with National Probation Service for England and Wales, Probation and social Service of Canton Zurich, Department Justice of Canada and “Austrian Probation and Mediation Service” - Neustart; Member of expert group held by UNODC in frame of preparation and review of Handbook on Restorative Justice Programs, published by UN 2006. Since 2008, he is elected member of working group - Council for Penological Co-operation (PC-CP), Council of Europe, 2008-still.

The mediation and reparation programme in Catalan prisons

by Albert Rodríguez (Spain)

The Programa de Mediació i Reparació Penal (Mediation and Reparation Programme) is a public service available to all of the citizens who either as victim or offender, wish to take part in a communication process in order to address the consequences deriving from the offence, and when existing, also the conflict that might have led to it.

The mediation process can be started at any stage of the criminal process, also when the offender is in prison, however, the Programme's experience in the prison setting is mostly based on cases in which the offender is held in custody on remand awaiting trial rather than serving the sentence. Generally, the referrals come from the Treatment Team of the prison centre, although there is also a smaller share of cases started at the request of the offender or the defence attorney.

This presentation focuses on the insights of a team of mediators concerning the aspects that, according to their daily practice, it has been helpful to take into account when conducting a mediation process in the prison setting. Questions related to the referral, the relationship building with victim and offender, the role of the lawyer, the setting of the meetings and the timing amongst others, will be shared for further discussion.

Albert RODRÍGUEZ has been working for 6 years as a mediator at the Mediation and Reparation Programme, which belongs to the Justice Department of the Generalitat de Catalunya and is currently being run by Fundació AGI. He completed the European Master of Mediation by the Institut Universitaire Kurt Bosch in Switzerland as well as the Postgrado en Gestión y Resolución de Conflictos: Mediación by Les Heures-Universitat de Barcelona. He holds a degree in Political Sciences from the Universidad Complutense de Madrid.

10.20 – 11.50

WORKSHOP SESSION FIVE

Workshop One – RJ in specific countries 6: USA and the Netherlands

Traditional and customary rituals of peacemaking/reconciliation in the isles of the Western Pacific

by Pat Wolff (USA)

Micronesia (means “tiny islands”) covers a vast area of the western Pacific Ocean and includes such island chains as the Marianas (includes Guam and Saipan), the Carolines (includes Yap, Kosrae, Pohnpei and Chuuk) and the nations of Palau and the Marshalls. This presentation will provide a small taste of conflict resolution in these islands.

Sparse populations on these isolated islands means that islanders’ lives are so interwoven that unresolved conflicts soon damage the community. Face-to-face interaction is inevitable. Victim and offender may well be related by blood or marriage as well as close kin/clan friendships. Because in this setting peacemaking is paramount, I will describe how Micronesian islanders have developed responses to such conflict that focus less on individual rights or punitive justice, but instead upon restoring peace in that community.

Case scenarios, especially manslaughter offenses, will be shared to illustrate these traditional rituals of reconciliation. Wolff will argue that these patterns can be viewed as indigenous mechanisms of restorative justice. The focus of Wolff’s analysis will be upon the vital role of communities in the processes.

Patrick WOLFF earned B.A., M.S., and M.A. degrees at University of Pennsylvania (Philadelphia) and law degree from Temple University before moving to Guam in 1976. He founded/directed a 29-year old NGO to the full range of ADR services. This published author has done research on peacemaking in Micronesia.

Past, present and future of restorative justice and restorative practices in the Netherlands

by Gert Jan Slump & Anneke Van Hoek (the Netherlands)

For 10 years the Dutch Forum for Restorative Justice has been in charge to map restorative justice and practices in The Netherlands. Since November 2010 The Restorative Justice Nederland Foundation is its successor. The foundation is working together with many organizations and professionals already at work or willing to work in the field of restorative justice and restorative practices.

In this workshop we will share history and achievements of RJ in the Netherlands of the last 20 years and are also eager to share with you our

common vision and ambitions. How do we innovate practice and what is necessary to develop a context that is restorative?

Base for the presentation forms three reports (an inventory of RJ in NL since the eighties, a vision paper and a policy advice) that RJN has produced for the Dutch Ministry of Safety and Crime.

We end with some conclusions for a restorative justice based policy, legal basis and possible or necessary preconditions for a solid implementation of restorative justice.

Gert Jan SLUMP (1962) and Anneke van Hoek (1962) are both independent professional, criminologist and co-founders and managers of the Restorative Justice Nederland Foundation. Anneke VAN HOEK is also co-founder and former manager of an NGO (Radio La Benevolencija) that develops projects in Rwanda, Burundi and D.R. Congo aimed at the prevention of ethnocentric violence and the healing of trauma. Gert Jan Slump is also co-initiator of the Zin in Jeugdzorg Foundation aiming at innovation of Youth Care from a cliënt and workers visionary perspective.

Workshop Two – RJ in specific countries 7: Macedonia and Poland

Restorative approach to the criminal justice system in the Republic of Macedonia: past, present and future

by Mirceva Stojanka & Vesna Stojkovska (Macedonia)

Penal (criminal) and legal scientific thoughts and practice in the Republic of Macedonia, in an attempt to identify efficient solutions in response to crime, have returned back to the early stages of penalty reactions when much greater role was attributed to the victim, the perpetrator and their communities. Namely, dissatisfaction with long lasting and inefficient court proceedings on one side, and disappointment with the repressive policies of states on the other, have raised considerations towards change in the approach to the settlement of criminal disputes and attainment of more adequate solutions in terms of removed consequences of the crime. It is actually the introduction of restorative justice, i.e. restorative measures and programs which have been rightfully recognized first and foremost in juvenile (penal) criminal law.

For the above reasons, the work elaborates the new restorative solutions in the system of juvenile justice and the basis for their development. While trying to make recommendations for the further development of the system of mediation in the Republic of Macedonia as integral part of the criminal legal system, we have to recall the reconciliation councils which, as autonomous (self-governing) courts in the former Yugoslav socialist structure, used to hold the role of some of the present restoration models which function efficiently in the modern world. They are brilliant examples and basis for recognition of good past practices of socialization of the judge function which is increasingly advocated nowadays.

Stojanka MIRCEVA is a professor at the Faculty of security, Skopje (subjects: police law, police and human rights, nondiscrimination and vulnerable groups). She is also researches at the Institute of sociological, political and legal research. Her fields of interest include police law, victims, restorative justice, nondiscrimination, family violence.

Vesna STEFANOVSKA is a professor at the Faculty of security, Skopje (subjects: criminology and crime prevention). She is also secretary of the National council for prevention of juvenile delinquency under Ministry of justice from 2010. Vesna's primary research interests include restorative justice, crime prevention, evidence based policy and applied criminology.

Mediation prospects and barriers: the voice of Polish magistrates

by Beata Czarnecka-Dzialuk (Poland)

The attitude towards mediation of those who decide on referring cases is crucial for making restorative justice happened in this way. Therefore it is important to find out what public prosecutors and judges think about mediation goals, benefits, possibilities, limitations and legal framework.

For that purpose focus research with 4 discussion groups of penal judges and 4 groups of public prosecutors has been recently conducted (about 50 persons). The presentation focuses on main findings of this research, as well as of another one of last year, surveying family judges and family probation officers on, i.a., similar problems (respectively 131 and 1063 people). Thus the comparison of both research methods would be shown, with their gains and weak points, with the conclusion to use both complementarily, if possible.

Both researches show the importance of having own experience in referring cases to mediation for its deeper acceptance and for the will to promote it among others, as well as the need of making mediation and the idea of restorative justice better known by magistrates and society. Magistrate's opinions on how to increase the use of mediation would be examined. Majority of those questioned have pointed out accessibility of mediation and only 5% the necessity of amending legal provisions; those who were discussing during focus research often pointed out mentality, professional ethics in opposition to demands of statistics to close cases quickly. On the other hand, results of questionnaire prove the existence of certain routine among family judges with longer carriers that could be one of barriers resulting in very low number of mediation in juvenile cases. Another issues to be discussed - cooperation with mediators, elaborating efficient system of referring cases, simplifying procedure, understanding of success in mediation, fulfillment of mediation agreements, opinions on mandatory mediation proposals in certain cases.

Beata CZARNECKA-DZIALUK is associate professor at the Institute of Law Studies of the Polish Academy of Sciences and Institute of Justice by the Ministry of Justic. She is a member of the Advisory Social Board on Alternative Disputes Resolution by the Minister of Justice– since 2009 and a founding member of the Initiative Group for Introducing Mediation in Poland (now – Polish Centre of Mediation) since 1994 She also is a board member of the European Forum for Restorative Justice since June 2010. She is co-author of the experimental program of victim-offender mediation in juvenile offender's cases and of the research project on evaluation of this program

Workshop Three – Limits vs opportunities of RJ

Limits vs opportunities of restorative justice for victims, offenders and community

by Lut Dauw, Nancy Van Eynde, Petra Sampers & Pieter Verbeeck (Belgium)

Mediation can take place on different levels and in different periods in people's lives and can focus on very varying things: on the facts, on the harm that has been caused, on the future-perspective "how to give a place what happened",

Although there is a clear framework, a law arranging victim-offender mediation (Belgium), standards and good practices, an international network... there still are a lot of questions that remain unanswered!

"Who can ask to mediate (only the direct to the crime linked persons)?", "Which ability do you need to mediate?", "At what time in the procedure is mediation possible? (Also after the judicial procedure is finished? Should it always be in the context of a judicial procedure? Can we mediate after the offender has finished his time in jail?)", "Who is the mediator?", "What do we do when minors want to mediate but their parents/context don't allow them to?", "Can we mediate with mentally ill people?", "Can we mediate in all sorts of crimes?" "Where does mediation become social work?"

The objective of this workshop is to debate and interact with the audience on specific themes concerning the limits and opportunities of Restorative Justice: the mediators of Sugnomè try to find a balance in their work between loyalty to the mediation-principles and the regulatory framework in which they work.

Lut DAUW (57) is a social worker and therapist and worked as a penal mediator for several years.

Nancy VAN EYNDE (43) is a criminologist, trainer and Gestalt therapist.

Petra SAMPERS (42) is a criminologist and used to work with victims of crime in a judicial context.

Pieter VERBEECK (34) is a criminologist; he works as staff member for Sugnomè.

They all have several years of experience as victim-offender mediators in serious crimes with adult offenders and their victims (Sugnomè vzw).

Workshop Four – Family mediation

Assisting families in conflict: dialogue oriented and other methods working with troubled families

by Ida Hydle (Norway)

In different European countries there has been a growing consciousness and concern related to single stories of children and young people, girls and young women in particular, being forced by their parents' or brothers' harsh violence into arranged marriages. There have been two court cases of murder in such cases in the Nordic countries - of young women opposing to their family's marriage decision, the Danish Pakistani Ghazala Khan and the Swedish Kurd Fadime Sahindal, and one court case of extreme violence in a Pakistani family in Norway. All cases lead to feverish media coverage, hot debates on Muslim immigration to the Nordic countries and long prison sentences of family members of the victims. Such cases are mostly seen among immigrant families from the Middle East or North Africa. There are considerable efforts now to assist families by *dialogue* oriented methods in order to prevent such violations of the Human Rights and national legislations. Other institutions work with the assistance to families in the majority population in serious and violent conflicts, as in cases of partner battering, child abuse and neglect. Professionals from the police, social workers from child welfare services, family therapists, mediation services as well as volunteers from NGO's working within the field, e.g. the Red Cross, seem to an increasing degree to investigate the use of *dialogue* as a method in this work, delineating possibilities as well as restrictions. This implies indirect or direct meetings between the involved persons, e.g. parents, siblings, other relatives, local community members etc. There is a need for critical research and evaluation of such efforts, and also comparisons with similar experiences in other countries. This workshop invites presentations from research focusing on dialogue oriented assistance to families in these kinds of situations in majority and minority communities.

Ida HYDLE is a senior researcher at the 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 studies and teaching are Restorative Justice, Youth studies, Peace studies. Dr. Hydle chaired of one the research groups in the Cost Action A 21 and is a partner in the FP7 research project ALTERNATIVE.

Family mediation in the context of restorative justice

by Maria Tapola-Haapala, Vaula Haavisto & Marina Bergman Pyykkönen (Finland)

The paper analyzes family mediation in relation to restorative justice. We draw on our research project FASPER in which family mediation is studied as an assisting process for divorcing parents to agree on care and custody and the best of children in a divorce and after divorce situation. In this case, restorative activity aims in renewing and restoring the continuity of parenthood.

The difference between family mediation and restorative justice concerns the position of *a victim and an offender*, which is not treated in family mediation. Restorative justice and family mediation offer both *empowering experiences* and possibilities to *learn*. In family mediation an agreement on children's matters is however considered as the main issue. Both restorative justice and family mediation emphasize the significance of *civic society* – the principle that it is up to people themselves to sort out their own affairs in mutual interaction. The possible role of the official system and authorities is, however, not refused. Family mediation can be regarded as more future oriented than restorative justice as the divorce in itself is not condemned as a bad act. Also why questions typical for restorative justice are avoided in family mediation. However, *the time scale* here is like a paradox as the idea of family mediation is based on an assumption of a conflict in a family and thus it is closer to restorative justice than the restorative practices that are aiming at prevention.

Vaula HAAVISTO has studied promoting settlements in courts and clients' views on settlements. Maria TAPOLA-HAAPALA has studied the postgraduate education of experienced social workers working with children and the youth. Marina BERGMAN-PYYKKÖNEN has familiarized herself also to Family Group Conferencing.

Plenary Five 12.20-13.20

Victims, Offenders and community – that doesn't have anything to do with us!

by Frauke Petzold (Germany)

Working with different perceptions of victims, offenders and communities – connecting subjective perceptions and helping people to find a constructive and consensual solution – this should be the aim of every mediator. Mediators should do their work with the necessary distance to the objectives of their clients.

Because their conflicts have nothing to do with us!

We are living in another “world” – in a well-regulated world. Are we....?

What are your feelings, your needs, if....

....you have been a victim? Or you feel as a victim?

....you have been an offender? Or you feel like an offender?

What do you think about connecting people like victims and offenders?

In the closing part of the conference, Frauke Petzold will try to present in a nutshell some of her subjective and very personal impressions of these 3 days of examination with victims, offenders and community. But she also will share some thoughts on what all this has to do with us? What about our own concernment? What does that mean for practitioners working with their clients, for researchers working with practitioners etc.....

From 1986 to 1995 Frauke PETZOLD worked for the criminological research institute of Lower Saxony and was involved in different projects like research on one of the first VOM programmes in Germany for juvenile offenders and a research on victims of criminal offences. In 1990 Frauke Petzold founded the Waage Hannover e.V., a non profit organisation for victim offender mediation for adult offenders and their victims, together with her colleague, Dr. Lutz Netzig. Both are still working in this organisation as mediators and trainers. In Waage-Institute for conflict consulting, mediation, training and research, which Frauke Petzold is running together with Dr. Lutz Netzig, they are providing training in conflict consulting and mediation for (i.e.) Ministry of Justice, Lower Saxony, schools (teachers and pupils), health organisations, companies, adult high schools and private organisations as well as for volunteer mediators in victim offender mediation. From 2002 to 2008 Frauke was a Board member of the European Forum for Restorative Justice.

Practical Information

Helsinki

Helsinki is the capital and largest city in Finland and the northernmost capital of an EU member state. Helsinki is in the region of Uusimaa, located in southern Finland, on the shore of the Gulf of Finland, an arm of the Baltic Sea. The population of the city of Helsinki is 596 000 making it by far the most populous municipality in Finland. The Helsinki metropolitan area including cities of Espoo and Vantaa is the world's northernmost urban area. Altogether 1.1 million people, approximately one in five Finns, live in the Helsinki Metropolitan Area.

Helsinki was declared the capital of Finland 1812. The bicentenary year in 2012 is an opportunity to celebrate the city's 200-year-long history as a capital. Helsinki has been appointed the World Design Capital for 2012.

See <http://www.hel.fi/hki/Helsinki/en/etusivu>
<http://www.helsinki200.fi/en>
<http://wdchelsinki2012.fi/en/wdc-helsinki-2012>

University of Helsinki

University of Helsinki is the oldest and largest university in Finland with the widest range of disciplines available. The University was founded in the city of Turku in 1640 as The Royal Academy of Turku, at that time part of the Swedish Empire. After the Great Fire of Turku in 1827, Tsar Nicholas I ordered the Royal Academy be moved to the new capital city of the Grand Duchy of Finland, Helsinki, where the Imperial Alexander University of Finland began to operate the next year.

In the University of Helsinki around 35,000 students are currently enrolled in the degree programmes that spread across 11 faculties and 11 research institutes. The university, with almost 4,000 researchers and teachers, operates on four campuses in Helsinki and at 17 other locations.

See <http://www.helsinki.fi/university/index.html>

Main Building and City Centre Campus

The City Centre Campus, extending around the historical centre of Helsinki, Senate Square, and Kruununuhaka city district, is the administrative heart of the University of Helsinki and has the largest concentration of faculties. German architect Carl Ludwig Engel was given the assignment of designing an Empire-style Main Building facing the Imperial Senate. The building was finalised 1832.

See http://www.helsinki.fi/inbrief/City_Centre_Campus.html

Getting there

From Helsinki-Vantaa airport the city centre of Helsinki can be reached easily by bus or taxi. The public transportation operator serves the route Airport – Helsinki City Centre with bus number 615. The bus departs from the International Flights Terminal bay 21. The journey takes about 35 minutes and costs 4.50 € (regional ticket). Single tickets can be purchased from the driver or from ticket machines. The terminus is Helsinki Central

Railway Station. Helsinki-Vantaa Airport is also served by Finnair City buses with connections to the centre of Helsinki every 20 minutes. The bus departs from the International Flights Terminal bay 10. The journey takes about 30 minutes and costs 6 €. Taxis are always available at the airport. The fare to the city will vary depending on time of day, number of passengers and distance, but the minimum price to the city centre is 30-40 €. It is also possible to order special Airport Taxis (yellow minibuses), which are shared by several passengers and are therefore considerably cheaper than regular taxis. Taxis can be ordered at the company's service point at the airport.

Conference Venue and Registration

The conference venue is the Main Building of the University of Helsinki, situated at the west side of the Senate Square. The entrance to the Main Building is Unioninkatu 34.

Registration for the conference takes place on Wednesday 13th of June from 4:00 pm until 5:00 pm and from 7.30 pm until 8.30 pm and on Thursday 14th of June from 8:00 am until 09:00 am. The conference will start on Thursday 14th of June at 09:00 am.

Dinner on Friday 15th of June

The conference dinner will take place on Friday 15th of June in the Restaurant Katsomo. The address is Kasarmikatu 46-48. Please take with you the invitation card for presenting at the entrance.

See <http://www.ravintolakatsomo.fi/en/front>

Social event to Fortress Suomenlinna

In the afternoon of Saturday 16th June a trip will be organised to the Island Suomenlinna Fortress. At the island lunch and a guided tour will be offered. The lunch and the guided tour will be free of charge. The boat trip will have to be paid (around 5 euro for a return ticket). The participants will leave all together to the island with a ferry leaving from the Market Square. More information will be given during the conference.

Suomenlinna was built during the Swedish era as a maritime fortress and a base for the Archipelago Fleet. Work on the fortress was begun in the mid-18th century. Today, it is a UNESCO World Heritage Site and one of Finland's most popular tourist attractions. Suomenlinna is also a district of the city of Helsinki, with a permanent population of more than 800.

See <http://www.suomenlinna.fi/en/>

Further information

If you have any questions concerning practical issues, please, do not hesitate to contact us:

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