

Editorial

Dear members of the European Forum for Restorative Justice,

In our June issue, we continue our co-editing series, this time through a Croatian-Swiss partnership of Branka Peurača and Claudia Christen-Schneider. We also continue our tour across the various fields and continents. It is exciting to see how restorative justice grows in so many and creative ways within and outside Europe and how the EFRJ supports projects even beyond continental borders.

Simone Grigoletto from Italy starts this issue by explaining why a philosopher is needed in a science park and how, in Italy, theory and social innovation are interconnected in the field of restorative justice. This, rather personal, insight is followed by another, equally personal, one from our interview with Christa Pelikan, a criminologist from Austria and one of EFRJ's founders, who shared with us in an interview her views on recent policy developments. She emphasised particularly the concept of 'the victim' and related developments in the field of restorative justice. Christa's thoughts were in part inspired by her participation at last year's TOA Forum in Berlin that brought together many German-speaking practitioners, policy-makers and academics. You will find more information about the event in the article written by Christoph Willms and Johanna Muhl.

For those of you who are interested in learning more about the issues related to radicalisation but were unable to attend the 'CONRAD — a constructive approach to radicalisation' seminar, Sophie Doorman outlines in her article the key points of the radicalisation concept and of the event, organised by KU Leuven in

February 2019 in Brussels. Most of us do not get the chance to learn about Belarus and its developments relating to juvenile and restorative justice. Thanks to Liudmila Bukato, we get an introduction to the main local actors and projects in the field.

Last but not least, an exciting insight into a work in progress in Africa: Silvia Randazzo describes a three-year project in Kenya, aiming 'to open new possibilities for children in conflict with the law, to disclose an alternative way to do justice for and with children' with the technical support of EFRJ. In the last section, we would like to inform you about some forthcoming events in the EFRJ calendar.

We hope you will enjoy reading this newsletter as much as we have enjoyed editing it. We wish you a happy and 'restorative' summer.

Yours truly,

With best regards and wishes,

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Restorative Justice, a Philosopher and a Science Park

Many of the jokes we tell our kids start with an improbable trio. Hopefully, this is not one of them. I am a philosophy post-doctoral student, working on restorative justice at [AREA Science Park](#) (a science park based in Trieste, Italy). I understand that this statement is unusual to the point that it might sound bizarre. And, I realise that some explanations are needed in order to turn its eccentricity into what we consider a fascinating and engaging research project on restorative justice.

First of all, why is a philosopher working on restorative justice? This research line springs from a well-established belief: practice without a strong theoretical background can be misguided; theory without a reference to practice is empty. In recent years, we have seen an increasing spread of restorative practices (and hopefully this will soon be the case in Italy as well), but how about the theoretical work that underpins and sustains these practices? I was one of the participants at the [EFRJ International Conference in Tirana](#) in June 2018, and I remember Jonathan Doak and his reflection on the relationship between RJ theory and practice. One of his claims has particularly struck me as I still remember it very well: ‘Restorative justice practices have outpaced theory.’ Theories of restorative justice, Doak claimed, have not moved fast enough so as to deepen our understanding of why and how restorative practice works.

At AREA Science Park, we believe that philosophy can come into play here, in order to become a useful ally in bridging the gap between practice and theory. Restorative justice practices deal with many theoretical concepts: restoration, forgiveness, responsibility, punishment and agency are all concepts that have been addressed by philosophy in the last two thousand years (and more). Surprisingly, the philosophy of restorative justice appears to be a quite unexplored area of theoretical knowledge. We suggest that bridging the gap between theory and practice means drawing from the philosophical tradition all the conceptual analysis that can support the existing practices of conflict resolution. For this reason, a year ago, we started this research line in a scientific collaboration with Prof. Giovanni Grandi of the University of Padova. Grandi, a moral philosopher who has been working on RJ for some years now, has inspired us with this idea of restorative justice as social innovation.

A second more general question then arises: how can restorative justice be linked to social innovation? To (briefly) answer this question I think we need to expand the scope of RJ outside the field of conflict management as intended by judicial systems. This is possible if we highlight how RJ practices are typically focused on the re-establishment of damaged relationships. However, this relational damage is not an exclusive of conflicts that have led to formal judgement and have been assigned a punishment by a code of law. A wide range of conflicts that produce a similar relational stress (even if often with a different degree) characterises our everyday working and domestic lives. Accordingly, all these cases would benefit from RJ practices and its guiding principles. Expanding the reach of restorative justice ultimately means expanding its possibilities to create social benefits at many different levels. This is the main issue that drives our work at AREA Science Park. This is why we take this sort of expansion of the restorative approach as social innovation.

This is the reason why our projects at AREA Science Park are not exclusively theoretical. My colleague at

AREA Science Park, Francesca Samogizio, is daily engaged in our applied programmes with different goals:

1. We are running different programmes (in collaboration and supported by our regional government) with teenagers in schools (at the high school level). The mediation typical of RJ is here intended as a useful tool to deal with all those conflicts that arise in the class among students (these go from minor quarrels to cyberbullying). The main goal is to provide tools to manage, detect and prevent conflicts in the school environment. Possibly these programmes will reduce formal punishment by the hosting institutes.
2. This experimental way of introducing restorative practices will lead to the development of a model that can be exported and tested in different environments. We strongly believe that the working environment could be a future context for interesting testing.
3. We are scouting our national territory in order to map existing RJ centres and practitioners. We believe that the institution of a network of active practitioners would greatly benefit the practice of restorative justice and the sharing of relevant information and related procedures.
4. We are always looking for new organisations that might be interested in being introduced to the restorative approach.

The importance of this engagement in RJ related practices relies on the fact that it will allow us to test theoretical models to the point that they need to be improved.

A further important question cannot be ignored: why are these topics to be addressed in a Science Park? Even if I understand that a proper answer to this question requires a much more structured work than these few lines, let me provide few insights to this topic. A Science Park is typically dedicated to innovation. This engagement, while it is usually focused on technological advancement and scientific knowledge, is not limited to it. Social innovation, broadly conceived as the enhancement of the well-being of a community through the improvement of its working and living places, services and educational processes, deserves similar attention. Restorative justice, by taking care of the *relational equilibrium* of related parties, appears to be a valuable tool that aims at the improvement of our living conditions. Again, if we want to consider RJ’s guiding principles as socially innovating, we need to expand the reach of RJ practices beyond the sphere of penal justice. Conflict management is a much wider field and we believe that RJ will provide us with the proper tools to dig into this unexplored ground.

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Interview with Christa Pelikan

In this issue, we have published an article about the [TOA forum 2018](#), in which you participated. From your point of view, and considering your background and experience, what did you find to be particularly thought-provoking and worthwhile to consider in retrospect?

I have participated in quite a few TOA-Forums, doing workshops and sometimes also plenary presentations. This way I could follow the developments of restorative justice in the German speaking countries, especially in Germany, for almost 20 years. Against this background the 2018 TOA Forum was of great interest from the outset. Altogether I was impressed by the spirit of innovation and of increasing diversity within the TOA (or RJ) movement. The workshop of Kim Magiera: ‘*Was hat der TOA mit Bildung zu tun?*’ (‘What has TOA to do with education?’) in which I participated proved really interesting, offering new insights even for an oldie like myself. But I admit that I was touched and ‘moved’ most strongly by the plenary presentation of Gerd Delattre, head of the TOA bureau for many years, who had recently taken his farewell.

At this point I have to say a few words about my special relationship with Gerd. We started to get involved in the TOA, or in my case the ATA (Out-of-Court Offence Compensation) in Austria, at about the same time, at the end of the 1980s. The connection between Germany and Austria was always close and important for both partners. On a personal level I had developed a very high regard for Gerd and his work. He was — and is — for me a representative of those ‘reflective practitioners’ I deem the ‘salt of the earth,’ the salt of the movement. The exchange with him, drawing on his experience and his reflections on this experience, were extremely valuable for my own empirical work and contributed to my theoretical thinking. With Gerd I could establish the kind of discourse between theory and practice that is at the core of an effective promotion of RJ as part of a new criminal policy. Therefore, when Gerd presented his assessment of the *status quo* within the TOA and TOA’s position within recent criminal policy developments, I listened very attentively.

Those who are familiar with you and your work know that you are willing to critically reflect on topics that are considered ‘carved in stone’ for others in relation to RJ and its foundational principles. What issues are important to you regarding victim orientation in RJ today?

There were indeed several critical and sceptical strands of observation and thought to be found in Gerd’s presentation. There was his apprehension, his scepticism regarding an increasing tendency towards the ‘therapeutisation’ of TOA interventions that had found its expression in striving for the requirement for

TOA-workers to show some kind of degree in one of the psychological or therapeutic disciplines.

The other — more sensitive and problematic — apprehensions that Gerd voiced were related to the victim orientation; there again he warned against concentrating too strongly or too exclusively on the victim, neglecting the core task of the RJ effort, namely to follow a balanced approach or, as I myself would have it, to focus on the interaction, on what has happened and what is to happen between the victim and the perpetrator.

At this point I have to go into some detail and I have to go back into the history of the TOA. When establishing the first pilot projects, we had to take care to emphasise the ‘third track-quality’ of RJ. We had to make clear — especially to the representatives of the criminal justice system — that this is not another measure or programme for a more effective and efficient rehabilitation of the offender, at least not in the first place. Paying attention to the plight and to the concerns of the victim was the most striking innovative feature of this policy. This was something new also to many of the TOA workers who — in Germany and in Austria — were recruited to a considerable degree from the ranks of probation workers.

I remember vividly the DIKÉ conference in Lisbon in 2003 ‘Protection and promotion of victims’ rights’ where Gerd Delattre did a presentation. In the course of it he made a strong argument for carefully listening to the concerns and to the wishes of the victim and for strictly abstaining from persuading, or even softly pressing, a victim to agree to participate in a TOA. ‘A “no” is a “no” and this has to be accepted!’ In the years to come I have often quoted this statement of his. I would therefore contend that the high importance of the victims’ interests in Gerd’s thinking and in TOA politics are beyond any doubt.

All through the 1990s and the first decades of the this century efforts were going on to come to a satisfying agreement between Victim Support and Restorative Justice. During work on a new European Victims’ Directive of the EU (European Parliament and Council, 2012), the EFRJ got involved in discussions that aimed at reconciling the perspectives of the two outlooks. According to the representatives of the EFRJ the first drafts had put exclusive and heavy emphasis on warning against an abuse of the victim by RJ practices and procedures; it was mainly concerned with introducing safeguards to prevent such abuse. Whereas on the side of the RJ group the necessity of safeguards was acknowledged, they fought for the inclusion of more positive statements regarding RJ, for stressing its benefits and

for providing victims with the necessary information and enabling access to RJ procedures. At the [10th conference of the EFRJ in Tirana](#) in June 2018 the last edition of this Victims Directive was presented and discussed. It is now regarded by the EFRJ protagonists as a partly satisfying version — with some apprehensions remaining.

At the same conference we heard from plenary speaker Claudia Mazzucato that, within her idea of ‘circling the straight lines of criminal law’ on the one hand and of ‘squaring the circles of restorative justice’ on the other hand, victim-orientation would find a well-balanced place, eschewing an exclusionary victim orientation.

But let’s turn again at the situation in Germany and the struggle to establish a victim’s perspective within the TOA and within criminal law. In the seminal book *Verbrechensopfer, Gesetz und Gerechtigkeit* (Victims of crime, law and justice) (Hassemer and Reemtsma, 2002), Hassemer, many years vice-president of Germany’s Supreme Constitutional Court, introduced the difference between the real and the virtual victim (*wirkliche und mögliche Opfer*). He sees the ‘use’ of the virtual victim as an instrument for retributive-minded lawyers and politicians, an instrument to induce fear and to support the call for harsh punishment. Rather than the virtual victim, the real victim and the urge to attend to her needs would call for different strategies; it would call for procedures for confirming the norm (*Normbestätigung*) complemented by a host of victim friendly procedures and victim services. RJ would decidedly figure as an important means of furthering the real victim’s interests.

It seems from what Stephan Barton said at the TOA-Forum that he has, sixteen years after Hassemer & Reemtsma’s book, introduced the virtual victim as looming over any victim-oriented strategy, forestalling adequate dealing with crime and conflict. And this is what he warns against. At this point I might add that in the cases I have researched more intensively, namely cases of partnership violence, we can see that becoming very real as concerns the incidence of violence as well as the life circumstances of the victim (as well as the offender’s). The RJ procedure opens the way for finding a solution — either through leaving a relationship or through working towards its transformation. Focusing on what somebody has done to another person and on what has been done to the other, the victim — the real sufferings, hurts and irritations — is the path to follow. This exactly is one of the great assets/achievements of the RJ procedure: becoming real, attending to the life-world instead of the prefabricated definition of the criminal law as well as any prefabricated, media-managed images of events and of the people involved in it as victims and as offenders.

Having said this, I still can understand Gerd De-lattre’s apprehensions concerning a too strong and too exclusionary victim orientation. It reflects my under-

standing of becoming ‘real’ and of working towards transformations. I understand Gerd as pleading for the TOA to preserve the quality as a third track strategy and not to become absorbed as one of a plethora of rehabilitative measures — whatever their merits might amount to. And Gerd had repeatedly in his speech insisted that he has a high regard for these rehabilitative measures and the professional knowledge and skill that goes with them. It is not the whole story of RJ though — and we should be aware of that and we should watch out.

In many countries, RJ is a recent phenomenon and people in this emerging field are yet to experience their first debates and dialogues on controversial issues. When you look back at the processes related to the development of RJ that you have experienced or observed, what issues and discussions do you feel were the most central to the emergence and development of RJ in Europe?

Looking at RJ developments in Europe I will now concentrate on some of the more recent developments, on promising examples and on those countries where any kind of reform strategy — not only in the legal field — appears threatened. I could of course talk about the Austrian experience but this is in fact long ago; the socio-political circumstances of the 1980s and 1990s are gone and I am afraid it is of little use to tell you how wonderful it was at a certain point in time to experience a great wave of interest within the judiciary and also in the general public to try out something new regarding reactions to crime and conflict. We were lucky indeed and I have in several places talked about the possible reasons for these developments.

At the moment I myself am struck on the one hand by the development taking place in Georgia, where a group of young and dedicated people (mostly women) together with representatives of the prosecution services and the judiciary is striving for the establishment of RJ procedures, as usual first of all for juveniles, but meanwhile also considering an extension to the general criminal law. They have succeeded in getting considerable financial support from the EU, they have established contact with the EFRJ and it seems that they might serve as an example and a model also for the neighbouring countries. Why did this happen, how did it happen and what will emerge in the future? I do not have the answer, but I share the hope the Georgian colleagues are carrying with them

On the other hand I want to draw your attention to Hungary, where the [Foresee Research Group](#) around Borbala Fellegi is still carrying on — under increasingly difficult social and political circumstances. In an interview for the TOA-Magazin (2018) (therefore it is available in German only), Borbala has attempted to describe and to explain. ‘I have learned to be

patient,' she said and moreover: 'I do not think that our work has become redundant and has lost any importance.' Borbala like many other people active in the movement received the inspiration for her work with RJ from her practice as a probation worker and — also in parallel with quite a few other RJ activists — had seen and felt the lack of a concern for the victim. She says that she was looking for the 'bridge' that would bring together the perpetrators, the victims and the community. This interest of hers brought her into contact with the European Forum. She had started to study criminology, and worked for the European Forum in Leuven. Back in Hungary and drawing on the contacts she had established while working on her thesis about RJ, she decided to found Foresee. In the following years they cooperated in several international (EU) projects but did also smaller local research projects; [ALTERNATIVE](#) was one of the big international projects.

Nowadays Foresee receives little financial support and its more general recognition in Hungary is threatened. The group has come to rely on small projects targeted at specific groups that seek out their expertise. Borbala stated that she can perceive advantages attached to such a marginal position. She says:

We are still there for those that seek us out
and as long as we are not prevented from
doing this, we will remain there.

She has also come to find understanding for people in a marginalised position and to understand their reluctance themselves to confront their opponents, to enter in a dialogue. Given this situation Foresee is starting to work more strongly on an individual level, doing biographical work and inducing a deep interest and concern for the situation of these people. This might then enable them to see commonalities with others and with former opponents and to enter into mutual exchange. One has to be aware though that this approach requires a lot of time and a lot of patience.

In your opinion, which other, possibly controversial, topics would be important to subject to critical reflection in the future?

'Becoming modest and becoming patient' I would

like to espouse as important challenges for RJ in Europe in the future. I do not see this as a purely negative perspective, or a reduction, an abandoning of former high-flying hopes. It implies also a return to the roots, or rather to the basics of RJ, to its interactive core. It is about qualities of relating to one another, of listening and of 'seeing' the other. Therefore, the video from Amnesty International Poland: 'Looking into each other's eyes' that was shown by Foresee at the [EFRJ conference in Tirana](#) in June 2018 has deeply moved me.

Yes, it is these 'basics' that we should attend to in the years to come — but at the same time not losing sight of the broader political challenges, forging alliances where- and whenever this is possible — and sometimes it is possible — as we can observe in Georgia.

And finally, also not losing sight of the essence of RJ, meeting the challenge evoked by people like Gerd Delattre that tells us to find a kind of inclusion and attention to victims' need that is truly restorative and not another brand of refined rehabilitation. I guess this issue will keep our attention for quite some time to come — and it is about 'the heart of the matter,' isn't it?

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The strength of the participants: self-determination instead of neediness

The [Servicebüro für Täter-Opfer-Ausgleich und Konfliktschlichtung im DBH e. V.](#) (Service Bureau for Victim-Offender Mediation and Conflict Settlement) arranged the 17th VOM-Forum with the conference topic [The strength of the participants: self-determination instead of neediness](#) at Werkstatt der Kulturen in Berlin from 7th to 9th November 2018. More than 260 participants were invited to think through and discuss findings, for example, from resilience, desistance and restorative justice research and practice, among others. In addition to specialist lectures, the participants heard inspiring stories from those affected and those responsible for a crime, which provided new impulses and made a change of perspective possible. In particu-

lar, the conference focused on the resources and framework conditions under which people can develop resilience and recover (attain) their capacity for self-determination.¹

At the opening plenary, Reverend Canon Mpho Tutu van Furth spoke about ‘Forgiveness: the healing gift that you give to yourself.’ Based on her own experiences as a person affected by crime, she made it clear that forgiveness means giving oneself peace and that it is an expression of strength, not of weakness. The act of forgiveness is an individual process at the end of which there is a decision to be taken, which requires time — it has nothing to do with forgetting. Every step within this forgiveness process offers possibilities for healing. Especially Restorative Justice (RJ) could be very helpful here, as it gives enough room for everyone to find a way to deal with their own history. RJ makes visible the social connections between people and thus gives the social network a voice. The visibility of the injury within a community also has a stronger and more lasting effect on those involved rather than feeling excluded and alone ‘in the dark.’

After considering attempting reconciliation or forgiveness, participants were invited to look at a subject area usually thought of in the context of those affected by crime. Dr Benjamin Rampp (sociologist and political scientist at the University of Trier) addressed in his lecture, ‘Resilience: on the ambivalent relationship between empowerment and accepting responsibility,’ to what extent this attribution is sufficient and what special features are associated with it. The concept of resilience contains clear potentials such as the perspective of the self-environment relationship (strengthening of the individual). However, this is also associated with challenges that can be traced back to neo-liberal thinking (responsibility of the individual). Accordingly, it is decisive with which attitude or which professional role model experts encounter their counterparts. The credo ‘respect and know yourself’ represents both the potential and the challenge of working with those who are affected by crime and those who are responsible for it. Accordingly, the concept of resilience harbours an ambivalence of strengthening and responsibility.

The second day of the event began with yet another very personal story. Dieter Gurkasch (author of the autobiographical book *Leben reloaded* (2013)) told in an interview what it means to experience empowering processes to desist from crime. According to Gurkasch, the separation from a lack of perspective, ideals and identification lies in self-observation and self-efficacy. Yoga helped him to find a way to do this. He made room for his emotions and dealt with them instead of suppressing or numbing them as before. It also became clear in the conversation that his personal relationships, awareness of control over his own decisions and assumption of responsibility positively influenced the change for him in his self-awareness. Gurkasch em-

phasised the individuality of his experience. However, on his self-proclaimed ‘mission’ to carry the message of peace into prisons, he also often realises how his experiences sometimes help and empower other criminals.

After a total of fourteen working groups in the afternoon, Gerd Delattre appeared as a pioneer of victim-offender mediation in Germany. In his lecture on ‘Seeing the same, thinking something different: the necessity of a structural reorientation,’ he addressed problems related to the implementation of VOM in Germany, such as stagnating case numbers, the marginality of the topic within the justice system as well as a lack of visibility within society, an increasing victim orientation, personal dependency, low self-reporting figures, unsteady financing, etc. At the end of his lecture, he referred to two basic necessities:

1. a renaissance of conflict as the centre of VOM and
2. self-determination instead of neediness.

In particular, politics and practice should (once again) focus more strongly on the distinctive features of RJ, and seek dialogue with those outside the field, cultivate a culture of self-reporting and promote the diversity of the sponsorship.

On the last day of the event, Prof. Dr Stephan Barton from the University of Bielefeld gave a lecture on ‘Criminal procedure and criminal policy under the banner of the “post-factual victim”’. He focused on dealing with crime victims — however, not so much against the background of real people, but rather on the idealising and sometimes unrealistic idea of society and/or the judicial system concerning crime victims. According to Barton, society has an idea of an ‘ideal victim’ (Christie, 1986). This constructed image of the victim is often used as a means of influencing criminal policy. The term ‘post-factual victim’ should, therefore, be understood as a discursively generated concept of a victim. The problem is that the concept of ‘victim’ generates attribution and labelling. More neutral terms from criminal proceedings such as a witness or joint plaintiff could counteract this. However, it is crucial that labelling is not only created by attribution, but also by the acceptance of it. Therefore, the strongest ‘antidote’ is self-efficacy. The predominant factors are de-emotionalised criminal proceedings and dissatisfaction with judgments. Self-effective ‘victims’ and VOM are needed in order to meet the needs of those involved in the crime.

The entire conference was accompanied by seven exhibits from the international travelling exhibition [The Forgiveness Project](#). The vision of the project is a future without violent conflicts and wars by healing the

¹This article is based on a translation of the German-language conference report (Muhl and Willms, 2019).

wounds of the past. Marina Cantacuzino (initiator) and Brian Moody (photographer) created exhibits with stories from different countries of the world in which people talk about their personal experiences in wrestling with the complex issue of forgiveness in order to strengthen hope, empathy and understanding.

In addition, the conference focus on ‘self-determination’ was adopted by the organisers for the strengthening of the ‘VOM-community’ in Germany. Within the framework of an Open Space, approaches for the further development of VOM were collected by asking questions such as:

- What must remain?
- What is to come?
- What can go away?

The VOM Service Bureau announced that it would review the results and, if possible, include them in the agenda. The idea was to create an action plan for the next few years under the label #Vision2025. In this context, the objectives were to establish VOM as an alternative way of dealing with punishable behaviour and to dissolve the stereotypes of ‘victims’ and ‘perpetrators.’ In this context, participation in a campaign was called for, which will run annually from 18th June (Day of Mediation) to the third week of November (International RJ Week).

The conference of the 17th TOA Forum achieved both a deepening of the thematic focus and professional exchange on other current topics relevant to the practice of VOM, justice, delinquents and victim assistance. The VOM-Service bureau experienced an interesting exchange, lively discussions and great encounters with an unprecedented variety of speakers and participants.

The more than 260 participants came from eleven nations, and represented the most diverse fields in the context of VOM and RJ: youth and adult social work (especially VOM practice, assistance to delinquents and victims), prosecution, police, prison, psychology, scientific teaching and research as well as politics and voluntary work. A colourful mixture to fill the ‘white spots’ with colour and to make RJ practice in Germany more diverse!

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Restorative Justice in Belarus: history and prospects

The moment of turning to the topic of Restorative Justice in Belarus can rightfully be considered to be November 11, 1999: on that day, the national research and training conference [Development Problems of Juvenile Justice](#) took place in the Belarusian capital, Minsk.

In subsequent years, with the support of international organisations, various events were conducted in the country that were aimed at adapting the idea and attempts were made to set up a fund for the redress of damage and harm and to implement an institution of mediation in criminal procedure by means of adopting a special law. However, that process was unsuccessful.

The requirement for the implementation by Belarus of its international obligations in the area of human rights based on recommendations for 2016–2019 addressed to the country by human rights treaty bodies

has brought about, *inter alia*, an increase in interest in this topic in recent years.

In 2018, the project [Advancing Best Practice in Juvenile Justice in Belarus](#) was implemented in the territory of Belarus with international support, and conferences, workshops and other events with international participation were held as well (for example, the international conference ‘Restorative justice in cases that involve crimes committed by minors’ ([Minsk, March 20th, 2018](#)), the international workshop ‘Social work with children in conflict with the law’ (Baranovich,

March 22nd, 2018)).

An active role in supporting positive change is played by the training and practice institution ‘The Center for Mediation and Law’ under the non-governmental organisation ‘The Belarusian National Union of Lawyers.’ In particular, mediators of the Center receive training in the area of restorative justice and implement relevant projects. Starting from 2015, the Center together with the Education Committee of the Minsk City Administration and the Minsk Institute for Education Development have implemented ‘School mediation’ — the social project on applying mediation and conflict resolution in educational establishments. Within the framework of that line of the Center’s activity, the social project ‘Learning to understand each other’ was launched in 2016. The aim of the project is to create a humane and safe environment for the healthy development and socialisation of children and youth, instilling values of constructive interaction with other people and acquiring skills in communication and behaviour in a conflict that are based on a peacemaking and mediation approach. A notable event within the framework of the project is the festival of school and university students [Mediation of the Future](#) that was first held on [April 25, 2018](#).

Starting from 2018, in the framework of implementing the project ‘Restorative mediation in the capacity of crime prevention,’ the Center’s mediators have been present at sessions of the commissions for minors’ affairs at district administrations of the city of Minsk. In the course of implementing this project with the support of the Embassy of the United Kingdom and Northern Ireland in the Republic of Belarus in 2018, Mrs Deirdre Leask, a certified practising mediator of the Restorative Justice Council in the United Kingdom and

manager of the Restorative Justice Team at Southwark Youth Offending Service of London, delivered the workshop on supervision for mediators. The participants received theoretical knowledge on the procedure for and peculiarities of conducting the supervision of difficult cases, studied the methodology of conducting supervision by a group of the mediators and applied the acquired knowledge in practice while performing in the course of the training the supervision of two cases that had occurred in the work of the mediators at the training and practice institution, The Center for Mediation and Law.

The practising mediators of the Center for Mediation and Law obtained the necessary knowledge and skills for the work and also joined the pan-European movement in the framework of the International Week of Restorative Justice (November 18–25, 2018).

In April 2019, the Center together with UNICEF began work on the joint project ‘Humane approach to every child in the interests of the future humane society.’ The project aim is to create the prerequisites for the development of programmes of restorative justice in the Republic of Belarus that would be based on the mediation approach and of organising restorative practices for minors.

Thus, the positive movement in the direction of adopting changes that aim to adapt the restorative paradigm continues in Belarus.

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CONRAD: The Radicalisation Machine: why ‘radicalisation’ is a problematic concept

Radicalisation is usually understood as a teleological or ideological process with an emphasis on individual, psychological and religious factors. This understanding neglects the role of the social environment and the responsibility of society and the state, and lacks clarity and empirical evidence. [CONRAD](#)² — a constructive approach to radicalisation — is a [BELSPO](#)-funded research project investigating the process of radicalisation, its causes, the public perception of it and reaction towards it. Interaction and dialogue with practitioners on the ground is fundamental in their research, which combines action research, collaborative research and participative research in order to combine the knowledge and experience of youth workers and other practitioners on the ground with academic knowledge.

²The CONRAD project is coordinated by the KU Leuven Institute of Criminology (KU LINC), bringing together six other partners including research institutes and youth centres.

On 27 February 2019 CONRAD organised in Brussels a one-day seminar of reflection and discussion around the theme [The Radicalisation Machine: why “radicalisation” is a problematic concept](#). This seminar was particularly interesting for the EFRJ, because here we need restorative values — such as respect for human dignity, truth, justice, solidarity and responsibility — to counteract the current discourses on radicalisation and connect people, instead of separating them.

The Radicalisation Machine

The term radicalisation was used for the first time in a policy document in 2004 (Kundnani, 2012). It became clear that the perpetrators in the Madrid bombings of that year were ‘home-grown terrorists’ — a new and shocking phenomenon. Immediately an enormous number of researchers and policy makers started investigating the process of radicalisation and worked on de-radicalisation programmes and policies, focusing on Muslim communities (Kundnani, 2012, p. 6).

The problem with the concept is that little empirical evidence exists for the process it describes, there is no consensus about what it actually means and, when the term is used in research, policy or media, there is a total lack of comparison with other or historical forms of extremism. There is a one-dimensional, teleological understanding of the process, which blurs away the role of the social environment and the responsibility of broader society and the state. De-radicalisation policies and programmes are launched within this problematic context without critical thought on the effects these policies and programmes have for the people they target. Researchers and local organisations are forced to work with the concept and to implement the recommended programmes.

‘The Radicalisation Machine’ is a metaphor for the idea that over recent years a mechanism evolved whereby counter-radicalisation practices stimulate polarisation, stigmatisation and therefore radicalisation processes. Different parties such as policy-makers, media, practitioners, researchers, civil society and local communities are involved in the machine. To understand this, the collaboration of the CONRAD research group with practitioners has been crucial, as this has shown them the effects such a superficial or misguided understanding of ‘radicalisation’ can have on local, often stigmatised and controlled communities. Research, policy and practice are all intertwined and this interaction creates a machine that can only be seen by looking at all the different actors involved.

The conference

The conference on ‘The Radicalisation Machine’ involved researchers, practitioners and policy-makers working on a daily basis with vulnerable groups. Key-note speakers were Martijn de Koning, anthropologist

at the university of Amsterdam and the Radboud university Nijmegen (The Netherlands), and Farhad Khosrokhavar, sociologist at the EHESS in Paris (France). Central in both their lectures was the importance of the fact that radicalisation is often perceived as an individual security problem while in reality it is a social problem.

The voice of the practitioner

The idea that radicalisation is not an individual security problem but a social problem was built upon during the conference, especially in the two panel discussions where practitioners, policy makers and researchers discussed different topics. Paul Van Tigchelt is the Director of [OCAD](#), the Belgium ‘organ against the coordination and analysis of threats,’ specifically against terrorism, with the aim of ‘decreasing the risk of future radicals.’ Van Tigchelt mentioned in the first panel that ‘social problems, mental health, housing, and in a later stage justice and police’ should be looked at in the prevention of radicalisation. But at what stage must justice and police come in, and who has the powerful position to decide about this?

To understand the complexity of this question Camille Claeys presented an illustrative case from her own experience as a criminologist working for the Prevention Service of Molenbeek, a lively and colourful municipality in Brussels, unfortunately internationally known as the base for the terrorists who carried out the attacks in France (2015) and Belgium (2016). A 15-year old boy called B. appeared to express rather radical thoughts like, ‘I won’t shake hands with women anymore,’ was not a good student and sometimes liked a good fight on the playground. This boy was quickly labelled as a ‘risk case.’ Claeys understood from a public persecutor that the risk-category is used to act in an early stage, as prevention, to maybe avoid a problem. But the risk-category B. is in stigmatises him, because he will be treated differently before he does anything wrong. Referring to a climate of fear and an obsessive search for security, Claeys wondered: ‘is it better to risk the beginning of something, rather than stigmatising?’

The tendency to construct risk profiles of young children before they commit a crime is stigmatising and should be questioned. We could for example question whether Muslim youth is easier defined as a ‘risk case’ than non-Muslim youth. In his keynote lecture, [Martijn de Koning](#) stated that

the racialisation of Muslims in policies and debates turns a diverse group of people into a problem based upon a generalising definition of their ascribed religion, culture, gender and ‘race.’ In the context of the war on terror and radicalisation, particular markers attributed to Muslim religiosity, are turned into signifiers of risk.

As a consequence, ‘Muslims always are risky or at risk’ and it becomes more difficult for them to find an internship or job, which further separates them from society. According to De Koning, ‘the radical’ turned from a political category into a security problem related to Muslim youth.

The quicker labelling as ‘risk cases’ of Muslim people, leads to the interference of justice and the police at an earlier stage than for non-Muslim people. Nina Henskens, youth worker at Uit De Marge in Brussels with youth in socially vulnerable situations, recognises this development. She explained that a lot changed after the terrorist attacks in Paris and Brussels. Security and control became more intense and discrimination of Muslim youth got stronger; they are often stopped at border controls, and they face more difficulties in finding jobs. What she sees is that a policy against radicalisation is harmful for Muslim youth and people who work with them. It leads to stigmatisation and social exclusion and stimulates more radicalisation.

The risk-category (used to describe boys like B.), the police and other state security actors are meant to protect our society against terror. But who is part of the society they are protecting? How come that in order to protect our society, other groups within our society are harmed?

To answer at what stage police and justice must come

in, without stigmatising and harming specific groups, I think we must listen to the experience and expertise of youth workers. We need their experience and expertise to find the balance between providing security and preventing social exclusion. And maybe sometimes, to accomplish this, we need to choose taking the ‘risk’ in order not to stigmatise.

As Erik Claes said at the end of the last panel, what a youth worker says is always ‘an opinion’ and never ‘science,’ while all knowledge lies with them and not with scientists. CONRAD is making steps in acknowledging this; through action research they give voice to local workers and transform their experience into widely spread and internationally relevant knowledge. We need dialogue — as in restorative justice — between science, policy and practice to be able to deal with radicalisation without feeding it.

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Exploring restorative/informal justice in Africa: new project for an EFRJ beyond borders

The EFRJ is happy to announce its involvement in a project that goes beyond the European borders and reaches out to Africa. It will offer its technical support and expertise and share its network with the Italian and Kenyan partners of the project ‘APRIRE.’ As ‘Aprire’ in Italian literally means ‘to open’, this three-year project funded by the Italian Agency for Development and Cooperation in Kenya aims to open new possibilities for children in conflict with the law, to disclose an alternative way to do justice for and with children, in other words to introduce elements of restorative justice for diversion in the child justice system in Kenya.

As the overall purpose of this initiative is to reduce the institutionalisation of children in conflict with the law and to protect the rights of this particularly vulnerable category of children, various interventions within the child justice system are being implemented throughout the project. They will go from capacity building of professionals working with children on child-friendly justice, RJ and diversion, to awareness raising among the local public about the key role and benefits of restorative practices for children and for the overall communities, service provision for children in conflict with the law and international exchange/dissemination of practices.

The initial activities that will see the EFRJ involved

with a role of technical support will be the drafting of training modules for Kenyan magistrates and child protection officers on the theme of restorative justice and diversion, and exploratory research on existing practices of RJ with children in the African continent. The objective of this research is twofold: on the one hand, it is to support the development of a diversionary system for children in Kenya that makes use of restorative measures, and to do that learning from other experiences from the continent. On the other hand, this research aims to collect good practices from as many African countries as possible, to start a mapping of RJ with children in Africa, to support the exchange of practices and to support the development of a plat-

form/network in the continent on RJ.

Doing justice through restoration is in fact anything but a new concept in the African continent, as well as in many parts of the world where a key role is still played by so-called traditional justice (or customary justice) that does have a lot in common with restorative justice. Traditional justice refers in fact to the whole variety of mechanisms that African peoples and communities have used — and keep using — in managing conflicts and disputes since time immemorial and that have passed on from one generation to the other. They are usually community level dispute resolution mechanisms with non-state origins, even if sometimes subsequently recognised and regulated by the state. They normally have long-standing cultural and historical foundations, frequently predate colonialism and are actually guided by principles of communitarianism and collective responsibility in strong opposition to the imported (or imposed) retributive colonial system that took justice away from the people it used to belong to. The dilemma between the ‘old’ and the ‘new’ has hence been not an easy one, especially if looking at the risks that informal justice practices bring along: violation of fair trial rights and the rule of law, as well as the potential use of violent practices and the limited role that children and women often have, due to the patriarchal nature of traditional communities and informal structures.

Informal justice, however, holds a great potential for enhancing access to justice among all; it is highly accessible, flexible, cost-effective and usually avoids the use of detention, as well as reduces the detrimental effects of a prolonged contact — especially for a child — with the formal justice system. In doing so, these informal processes and traditional justice have some common features with the RJ practices we observe in the ‘Western world’: they are based on a strong sense of belonging to a community, on cooperation and consensus-based decision making and they foster restoration of relationships, restorative outcomes and giving justice back to the actors directly involved.

Traditional justice practices find their guiding principles in reconciliation and restoration, aiming at the maintenance of harmony in the community. Compromise and consent to the outcome from all parties are highly valued, while individual responsibility and retribution are considered less important. Discovery of the truth is key, with the main view of repairing social ties as opposed to the ‘winner-loser’ ideology typically coming from the ‘received’ colonial justice systems.

These principles are brilliantly enclosed in the African concept of Ubuntu. Using the words of Desmond Tutu, South African Nobel Laureate Archbishop (1999):

Ubuntu is the essence of being human. It speaks of the fact that my humanity is caught up and is inextricably bound up in

yours. I am human because I belong. It speaks about wholeness, it speaks about compassion. A person with Ubuntu is welcoming, hospitable, warm and generous, willing to share. Such people are open and available to others, willing to be vulnerable, affirming of others, do not feel threatened that others are able and good, for they have a proper self-assurance that comes from knowing that they belong in a greater whole. They know that they are diminished when others are humiliated, diminished when others are oppressed, diminished when others are treated as if they were less than who they are. The quality of Ubuntu gives people resilience, enabling them to survive and emerge still human despite all efforts to dehumanise them.

The principle of Ubuntu has strongly informed the experiences of transitional justice and the Truth and Justice Commissions in South Africa and Rwanda, among others. A restorative approach has been used to face the situation of child soldiers in Sierra Leone, and restorative justice is explicitly more and more advocated for within a number of criminal justice systems in the African continent, whereas, for example, in South Africa the child justice system is strongly based on RJ principles and in Kenya family conferencing is used to reintegrate children in conflict with the law back into their communities.

These are just a few examples to show the great potential of RJ principles and practices in the African continent, even though they do not give the extent of their variety and diversity throughout the continent. That explains how this research aims at exploring this potential and at being the trigger for an international exchange of ideas and practices, and for a worldwide expansion of the debate and advocacy about RJ.

One of the core countries for this research is going to be South Africa that represents in fact the most researched and known good practice of RJ with children in Africa. This experience will work, with all the due adjustments, as a model for the introduction of RJ practices with children in Kenya, particularly as a diversionary measure. Another group of core-countries has been selected, where the research will go in depth and where professionals from the field will provide the knowledge about the experiences of RJ with children: Rwanda, Uganda, Ethiopia and Somalia. A National Report on Restorative Justice and Alternative Dispute Resolution (ADR) with Children in conflict with the law will be drafted for these countries and will feed the overall research.

In parallel, the project will reach out to child justice professionals in as many African countries as possible — based on the network available supported by the EFRJ too — to start the exploration and identify

experiences of justice based on RJ principles, even when not necessarily identified as ‘RJ practices’ and not necessarily using the same terminology. Finally, the findings of this research will be shared through two international conferences between 2019 and 2020, aimed at exchanging experiences and gathering African and European professionals together to share practices, ideas and lessons learned beyond national borders.

The EFRJ encourages not only its members to get in touch and share experiences, research, contacts and ideas to feed this exploratory and inspiring endeavour!

For more information about the project, to receive updates and/or to give your contribution, please contact the project researcher, Silvia Randazzo, directly.

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References

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Calendar

Criminal Justice Platform Europe *Criminal justice in a polarised society* 2–5 July 2019 Barcelona. More information from the [EFRJ](#).

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

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

European Society of Criminology *Convergent roads, bridges and new pathways in criminology* 18–21 September 2019 Ghent, Belgium More information from the [European Society of Criminology](#).

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

Call for submissions

Articles

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

Book reviews

We very much welcome reviews of books and articles from our membership. If you have published a book

and would like to submit it for review, please send it to the [Secretariat](#).

Events

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

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