



European Forum for Restorative Justice Comments on the EU Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on Improving Environmental Protection through Criminal Law

3 May 2021

The European Forum for Restorative Justice¹ would like to draw the attention of the European Commission to the importance of a restorative approach to all matters that involve Environmental Protection and hereinafter presents its comments.

1. What is restorative justice?

‘Any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.’ (Art. 2, EU Victims’ Rights Directive, Directive 2012/29/EU)

Restorative Justice is an evolving approach oriented towards repairing, as far as possible, the harm caused by crime or other transgressions. Active participation by the victim, the offender and possibly other parties (the community) is a core element of restorative justice, with voluntary participation based on informed consent. Restorative justice practices such as victim-offender mediation, conferencing and circles are used in Europe and beyond to bring together people who experience harm in society, the justice system, organisations, schools or families. Involved parties engage in a respectful, facilitated dialogue over specific questions, mostly about the harm, responsibility and restoration.

In 2002, the United Nations adopted the Basic Principles on the use of restorative justice programmes in

¹ [The European Forum for Restorative Justice \(EFRJ\)](#) is the leading European network for supporting the development of restorative justice in Europe. Founded in 2000 at the KU Leuven Institute of Criminology, the EFRJ is a membership organisation that currently comprises around 500 members (either individual or organisational), from Europe and beyond. The EFRJ brings together researchers, practitioners and policy makers interested in restorative justice, with the aim of helping to establish and develop victim-offender mediation and other restorative justice practices throughout Europe. The EFRJ focuses mainly on the application of restorative justice to criminal matters, but pays attention to other areas, such as environmental responses to correct existing harmful practices and prevent future environmental damage. Following its aim of promoting research, policy and practice of *environmental* restorative justice, the organisation has launched several publications and key notes about the topic and has also created a working group focusing on the subject. The [EFRJ working group ‘Environmental Restorative Justice’](#) counts on experts in the field coming from Europe and beyond (Japan, Australia, South Africa, Brazil, etc.) and is currently collaborating with other International networks, such as *The Environmental Restorative Justice Network (ERJNet)* and *The Global Alliance for the Rights of Nature*.



criminal matters (ECOSOC Resolution 2002/12) and in 2006 the Handbook on Restorative Justice Programmes was published. Since then, the field of restorative justice has gone through a significant development to enhance the rule of law and access to justice. In the last few years, in fact, significant progress has been made in the provision of restorative justice by international and European instruments.

– The [EU Victims' Rights Directive 2012/29/EU](#) has provided restorative justice in Europe with a more solid position and a clear victim orientation. More recently (June 2020), the European Commission adopted its first-ever [EU Strategy on victims' rights \(2020 - 2025\)](#) that recognises the role of restorative justice to achieve the first objective of the Strategy itself, namely empowering victims of crime.

– The [Council of Europe Recommendation CM/Rec\(2018\)8](#) concerning restorative justice in criminal matters, adopted on 3 October 2018, reflects new developments and a broader concept of restorative justice approaches. Importantly, it states that *'restorative justice should be a generally available service. The type, seriousness or geographical location of the offence should not, in themselves, and in the absence of other considerations, preclude restorative justice from being offered to victims and offenders'* (rule 18). As asserted also by the Council of Europe (CoE) Recommendation, no offences are considered unsuitable. The key criterion is the willingness of the perpetrator and victim to meet or communicate in some other way and the obligation of the professionals to ensure that the process is safe for all parties.

– In May 2020, the United Nations Office on Drugs and Crime (UNODC) released the [Second Edition of the Handbook on Restorative Justice Programmes](#). It integrates the developments in the field and in particular the potentials of restorative justice in dealing with serious crimes, while also strongly emphasising and encouraging the use of restorative justice with child victims.

Research on restorative justice shows considerable evidence about its effectiveness for victims, offenders and communities (European Forum for Restorative Justice, 2017). Research findings tell us that victims and offenders have a much more satisfactory experience of justice than with the formal, traditional process. Restorative justice processes empower victims and offenders by engaging their participation. Studies consistently state that restorative processes improve closure and healing for victims and achieve at least 85% satisfaction among victims, reducing their fear of further harm and reducing post-traumatic stress symptoms. Research furthermore confirms that restorative justice stimulates desistance from offending, decreases recidivism of offenders and increases offender compliance with restitution when compared to other traditional criminal justice processes.

Restorative justice approaches are developed taking into consideration the specific needs and capabilities of the parties involved. During the preparation phase, well-trained facilitators identify needs,



risks and expectations and support the parties in deciding how they would like to participate or not to participate in a restorative justice process.

2. The potential of restorative justice in cases of environmental crime

2.1. Responding to environmental crime

As mentioned above, restorative justice can be applied to a wide range of crimes and for different levels of complexity. Restorative justice processes, such as victim-offender mediation, group conferences or peacemaking circles, can operate within a criminal justice process, alongside such a process or completely independent. For more serious crimes, however, there will always be a relationship with the criminal justice process. Restorative justice processes can function as an alternative to prosecution and sentencing, but can also take a complementary role, even in the phase of the execution of the (prison) sentence. While its relationship with the criminal justice system and its actors is important, also the relationship of restorative justice with society at large matters. In fact, restorative justice tries to bridge the 'justice needs' of citizens and communities with the objectives of a criminal justice system that wishes to become more responsive to society's needs, including the needs and interest of victims of crime and the need to make offenders feel responsible for the harm that was caused. Restorative justice aims at contributing to a restoration of the harm as primary function of a criminal justice process. Therefore, 'understanding' the extent and nature of the harm is crucial. This can only be reached by involving the stakeholders personally: those who have suffered from the crime and those who should be kept accountable. As many crimes with a large impact entail a societal interest, also the community dimension has to be addressed in restorative justice processes in a concrete, not just in an abstract, way. Central in restorative justice processes is the element of 'encounter' or 'dialogue', and it is a particular strength of restorative justice to make difficult dialogues possible by creating a safe and respectful space for all involved.

Environmental *crime* usually refers to the illegal taking or trading of non-human species (flora and fauna), pollution offences, and the transportation of banned or toxic substances (radioactive or hazardous material). Environmental *harm* can be vast and apply to natural resources (private or public propriety, communal propriety such as air, water and forests, and unowned propriety such as light), public infrastructure, heritage, and environmental meaning (sense and use of the environment by a community) and impact on future generations. Environmental crime or harm can be hard to 'grasp' or to 'tackle' because of its often long-lasting or delayed effects in time and unclear causal relationships, its diffuse victimisation (a variety of types of harm from the micro-personal level, over the meso-institutional level to the macro-societal level), the (corporate) agents' accountability which often cannot easily be identified or personalised, the often cross-border character of the harm and responsibilities,



and the structural and cultural issues related to the environment and its use and meaning.

Because of its devastating impact, the concept of the crime of ‘ecocide’ has been launched, to be included in the Rome Statute as a 5th crime against peace, and, according to the initiators, to be approached from a restorative justice perspective: *‘The extensive destruction, damage to or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished’* (Higgins et al., 2013). One of the challenges in dealing with environmental crime – given its consequences on humans and on other-than-human beings – is the need to move away from a merely anthropocentric mindset and to integrate a more ecocentric perspective (White, 2014). Indeed, what the consequences are in such cases should not be defined merely in terms of human or economic needs (‘what is finally the harm for human beings or human communities?’), but also from the perspective of natural resources and their value on its own, thus also from the perspective of ‘the rights of nature’. Therefore, we must recognise the value of the environment on itself, *and* as context in which individuals and communities develop relationships that deserve to be protected.

Responding to environmental crime, conceived in this way, should be put in a larger framework of understanding its impact and needs for ‘ecological justice’, which also contains aspects of ‘social justice’. Indeed, in the case of corporate environmental crime, for instance, we are facing a world of systemic injustices, extreme power imbalances and high victim vulnerability. It goes without saying that such complex forms of harmful behaviour with its multi-layered consequences are never to be solved or responded to by one type of intervention, hence also not by a criminal justice intervention. What we might expect, however, is that criminal law and a criminal law procedure are conceptualised and operationalised as part of a more encompassing approach that allows for a multidimensional societal response where different levels of sanctioning can take place. Types of sanctioning can be situated within the context of criminal law, but also within civil law and through administrative regulations. Justice mechanisms do not only take place within an institutional (justice) setting, but also within different contexts in society (local communities, families, civil society organisations, companies, trade unions, schools, ...). There is both formal justice and informal justice, and these two types of justice continuously interact with each other. This is also true in the case of environmental crime, that seldom leaves people in their natural and social environment unaffected or unconcerned. Thus what is needed is a more encompassing ‘regulatory framework’ in which levels and types of sanctioning can be contextualised (see for example the ‘regulatory pyramid’ as proposed by Braithwaite, 2002). Such conceptual model clarifies how deliberations within the community can inspire and feed formal justice responses and how the latter at their turn can be integrated in the thinking of citizens. Thus, regulatory systems should not be isolated from each other, and certainly not from the ‘life world’ of people and communities. And here it is that restorative justice comes in, offering a space for citizens’ deliberations and bridging to the



formal justice world.

2.2. Making use of restorative justice

How can restorative justice from this theoretical perspective be realised in cases of environmental crime? Well, it can start with the use of classic forms of alternative dispute resolution, such as 'environmental mediation': 'a process in which representatives of environmental groups, business groups and governmental agencies sit down together with a neutral mediator to negotiate a binding solution to a particular environmental dispute' (Amy, 1983). But it is clear that for a wide application of restorative justice to the complexity of environmental crime as sketched above, the use of restorative justice values, principles and methods requires a re-thinking of our notions of 'offenders', 'victims', 'community involvement', 'participation' and 'restoration' as all these elements have a particular meaning in the case of environmental crime.

In the case of corporate environmental crime, for instance, there might be many 'victims': persons internally to the company (employees and their families, shareholders and investors) and externally (harmed people with no relationship to the company, but also other corporations, institutions, and governmental or public bodies), but also non-human victims have to be included. The latter forms a challenge as it not always concerns easily identifiable victims or tangible harms, and as mentioned above, the long latency period might form a complicating factor. The unclear causal relationship between criminal behaviour (or the crime of omission) and harm makes it often hard or impossible to collect evidence, and judicial action can be completely impeded because of legal prescription. As a principle, all categories of victims should be able to receive recognition for the harm suffered, information on the causes, circumstances and responsibilities around the harmful events, and financial compensation or restitution in natura for material and non-material harm. A central need for victims is to be heard and to tell their story. Sometimes a personal approach is required, sometimes a group approach, sometimes an ecosystem approach. For victimless crimes or other-than-human victimisation, delegates of environmental groups, public bodies or community representatives can be involved to represent the victim dimension.

The 'offender' involvement requires the creation of a space for open, non-defensive communication so that the disconnection between harmer and harmed is lifted, and the corporation's representatives can begin considering their responsibilities as a corporation. Why should a company come to the table to listen and to talk with victims and community representatives? Would that not legally imply an admission of guilt? The latter can be avoided by special legislation – as exists for more common forms of restorative justice – ensuring that participation in a restorative process does not imply guilt in a legal sense, and thus offering legal protection to the offending entity. However, often some social, political or judicial pressure



will be needed to engage the offending entity into a process of dialogue. But also self-interest plays a role, in two ways: (1) obtaining a financial deal with (groups of) victims through a process of negotiation, mediation or arbitration is often more beneficial for a company in terms of financial costs and time; (2) a most important incentive for a company seems to be the will to avoid a process of being labelled as enemy of the environment, hence it is a matter of reputation and public image. Probably a mixture of extrinsic and intrinsic motivations is at play, as nowadays also a certain degree of socio-ethical responsibility can be expected from profit making companies. Also in this regard, the role of shame and shaming processes as effective deterrent has been investigated in research (Braithwaite, 1989, 2002; Barnard, 1999; Gabbay, 2007): the active involvement of peers can evoke a powerful process of 'constructive' (not: stigmatising) shame to the offending entity and as a result facilitate reacceptance in society.

The 'community' in responses to environmental crime is often embodied by representatives of communities or interest groups, by surrogate victims or governmental representatives and independent experts explaining the community impact in a given case. 'Sentencing circles' and 'community impact panels' have been described as potential practical tools for active community participation (Boyd, 2008). Possible risks have been pointed out as well, however, such as power imbalances in a community group, an insufficient or incomplete assessment of the environmental impact by individual community members, or a lack of uniformity in sentencing and the risk of double jeopardy. The active involvement of the community in restorative justice processes can support the justice process by highlighting and concretising the impact of environmental crime, but it also offers a particular benefit for society as such: it can be seen as a way for a community to develop its social capital, its social networks and civic interconnectedness. This all offers opportunities for social participation, norm clarification and democratic, political debate (Dodge, 2009; Dzur, 2011), and for citizens to explore and to challenge 'the morality of commerce, or socioeconomic inequity, or the temptations of great wealth, or the responsibilities of the powerful, or what 'represents the law of the land', in a purposeful and meaningful way' (Chiste, 2008).

How can the restorative justice principle of 'participation' be effectuated more concretely in cases of environmental crime, given its plurality of stakeholders? Depending on the specific situation and the needs, a 'forum' will have to be created where multiple participation can take place in a structured and safe way. Models of large-group dialogue and 'community processing' can offer guidance in this respect. Inspiration can also be found in the model of Truth and Reconciliation Commissions (Boyd, 2008). Strengths of the latter are its innovative public character, transparency of the process, possibility to exercise censure and public condemnation (and shaming), ability to deal with large numbers of victims and offenders and to include peers and members of the community, and the possibility to provide different types of restoration depending on the needs (for example, social housing or educational



services). Elements of story-telling and truth-telling are usually seen as a pre-condition for reconciliation and healing: truth not only to be considered in its legal and factual sense, but also in its narrative, relational and dialogical dimension. Dealing with complex cases of environmental harm where input from the various stakeholders is made possible in this way, can offer new opportunities for a qualitatively more complete justice process.

Finally, the element of 'restoration'. Victims of crime in general give priority to forms of reparation or restitution that are realised directly by the offender, and, if possible, on a voluntary basis or at least as the result of a process of awareness raising and persuasion towards a duty to repair. This acknowledgement – accepting responsibility in view of reparation – is on the side of the offender not a question of yes or no, but is often growing during the consecutive phases of a restorative justice process. In various jurisdictions, proposals have been made to include reparation as alternative to, or as purpose of, the sentencing process in cases of environmental crime. In Scotland, for example, one has argued for the involvement of 'appropriate community and environmental groups along with enforcers and prosecutors', where the outcomes of such restorative justice processes may be that firms breaching health and safety regulations are asked to conduct research into safety issues as well as improving safety procedures (Croall, 2017). A Community Environmental Justice Forum has been presented in Canada (BC) for some crimes under certain conditions, consisting of a 2,5 hours circle process led by an impartial facilitator with voluntary participation by the company, the community and the enforcement agency (Wijdekop, 2019).

Where reparation might not be possible or realistic on a voluntary basis, a more coercive form of reparation will have to be used on the basis of criminal, civil or administrative legal procedures. A model of 'reparative justice' focusing on restorative sanctions imposed by the court has been proposed (White, 2017). This takes shape, for example, in the form of problem-solving jurisprudence by the New South Wales Land and Environment Court (Australia), where sanctions and orders are issued to corporations creatively on an *ad hoc* basis, combining punitive and reparative elements. Orders may include: the obligation for the offending company to publicise the offence and its consequences, to carry out specified projects for restoration or the enhancement of the environment, to pay a specified amount to the Environmental Trust, or to organise a training course for its employees.

'Enforceable Undertakings' offer another relevant model. These are a negotiated agreement between environmental regulator and offender whereby the offender agrees to undertake specified actions in relation to a contravention of environmental legislation. These actions are often negotiated by the parties and may include measures such as remediating environmental harm, instigating an environmental or health audit, financing a local environmental project and communicating with industry and community about changes instituted and lessons learned. Where an undertaking is accepted by the regulator, the



person/company cannot be convicted of the offence to which the undertaking relates, but non-compliance with the measures set out in the undertakings constitutes an offence that can be enforced in court. Enforceable Undertakings are used by environmental regulators in a variety of jurisdictions in Australia, England and Wales and Scotland (see for example within Environment Protection Authority Victoria, Australia - <https://www.epa.vic.gov.au/about-epa/what-we-do/compliance-and-enforcement/1970-act/enforceable-undertakings>). Recent research on Enforceable Undertakings in other industries point to the relative effectiveness of Enforceable Undertakings as instruments of deterrence (Nehme et al., 2018). Deterrence is not the only objective that an enforceable Undertaking can help to achieve, however, as they may also be strategic, responsive, preventative and restorative instruments, and very often can combine all these objectives. The preventative dimension of Enforceable Undertakings is particularly important for environmental regulation in the current climate of a move away by many environmental regulators from reactive regulation, such as that associated with the introduction of general environmental duties to avoid harm.

We conclude this section by referring to the late Polly Higgins (2010), who came up with the idea of using restorative justice as part of the sentencing process for ecocide convictions (see above). In 2011, her draft Ecocide Act was tested in the UK Supreme Court in a mock trial, where a few mediators were involved (see Kershen, 2019; Rivers, 2012).

2.3. A model of restorative justice conferences for environmental crime

On top of the restorative justice approaches referred to above, the model of 'restorative justice conferences' as applied to environmental crime in New Zealand has to be discussed separately (Hamilton, 2019, 2021; Pain et al., 2016; Preston, 2011). On the basis of Section 8(j) and Section 24A of the New Zealand Sentencing Act (2002), community conferences can be organised that offer 'the opportunity to the offender to directly apologise to victims, understand how his or her actions have affected the lives and livelihoods of the victims, and commit to targeted actions to redress this harm'. The court must take into account any outcomes of restorative justice processes. Until the end of 2018, restorative justice conferences were done in 42 cases of environmental offending, this was in about 4% of environmental offending prosecutions in that period (Hamilton, 2019: 205-206). The New Zealand model (as many practices in Australia) attaches special importance to the life world of Indigenous people, as they 'may suffer harm when the environment, sacred places and sacred objects are destroyed or damaged' (Hamilton, 2021: 81). Restorative justice conferencing refers to a facilitated face-to-face dialogue involving victims, offenders, and 'pertinent stakeholders'. Hamilton (2019, 2021) analyses the practice of conferencing in this context on the basis of case law and compares it with environmental justice jurisprudence in New South Wales, Australia, where also a restorative justice orientation applies and a restorative justice unit operates in the Land and Environmental Court (as mentioned above),



however without a clear legal basis for conferencing processes. The latter seems to hinder a real breakthrough of conferencing in practice. Even with a modest number of cases so far, the New Zealand legislative framework seems to have the potential of developing a model of responding to environmental harm based on generally recognised restorative justice standards where harmful effects on humans (including future generations), the environment (in its divers facets), communities and profit making companies are acknowledged and where participation of all parties is encouraged.

The following is an excerpt of Hamilton's article (2021: 88-89) illustrating the nature of the conferencing process and outcomes on the basis of researched cases in New Zealand.

"In *Williams*, a constructive dialogue was established. The representatives of the Land Council 'were able to share information about the Aboriginal objects and the Aboriginal place and their significance to the Aboriginal people of the area'. While not offered as an excuse for the offending, Williams 'was able to share information about Pinnacle Mines' operations and the business issues confronting ... [him]' (*Williams*, [61]). In *Clarence Valley Council*, the communication at the conference was described as: respectful, at times emotional, deeply personal and was undertaken such that all participants had time to talk through their understanding of what happened, the impact it had on all present as Aboriginal and non-Aboriginal people, and the impact it has had on Aboriginal communities more broadly ([17]).

The restorative justice conferencing in both matters led to a variety of outcomes to repair the harm occasioned by the offending and put things right. In *Williams*, the conference outcomes included the seeking of solutions to prevent the occurrence of similar offences; the facilitation of a site visit and tour of Pinnacle Mines for the land council; Mr Williams paying for Ms O'Donnell's expenses to travel from Broken Hill to Sydney so that she could be present at the sentencing hearing; ongoing interaction between the land council and Pinnacle Mines (this was to strengthen the relationship between the offender and victims and give the latter a greater say in future operations that may impact Pinnacle Mines); upon agreement between Pinnacle Mines and the land council to form a voluntary conservation agreement in the future, Mr Williams' agreement to provide the land council with a vehicle to visit Pinnacle Mines and Mr Williams' agreement to teach eligible Aboriginal people the skills necessary to work at Pinnacle Mines (*Williams*, [62]). Subsequently, Mr Williams established the Wilykali Pinnacles Heritage Trust to which he donated \$32,200 (AUD) worth of equipment in the form of a vehicle, trailer, quad bike and fuel card (*Williams*, [63]). The benefits of these outcomes should be considered in light of the fact that the maximum penalty per each of the three offences committed by Mr Williams was \$5,500 (AUD) and/or six months' imprisonment (NP&W Act, s. 90, as it was then). In *Clarence Valley Council*, the outcomes reached at the restorative justice conference included supporting the council's staff (including senior managers and planners) to engage more effectively with Aboriginal people; increasing positive recognition of Aboriginal people in the Clarence Valley Council community; improving consultation with local Aboriginal people via the Clarence Valley Aboriginal Advisory Committee; creating employment opportunities and youth



initiatives for Aboriginal people in the Clarence Valley Council area and establishing the *Scar Tree Restoration and Interpretation Project* to address the site destruction and the use of the remaining timber from the scar tree (*Clarence Valley Council*, [19]).

The offenders in each of the cases paid the facilitator costs. In *Williams*, those costs were \$11,000 (AUD) ([53]; [113]) and at the date of judgment in *Clarence Valley Council*, these were \$13,000 (AUD), with some further expense expected in the follow up to the conference ([85]). Preston CJ made it clear that it was his task to sentence the offender but the '[t]he facts of and the results of the restorative justice conference can be taken into account in this sentencing process' (*Williams*, [64]; *Clarence Valley Council*, [23])."

3. Conclusions and recommendations

More restorative justice examples and explorations can be found in the European Forum booklet 'Environmental Restorative Justice: Restoring the Future' (Biffi & Pali, 2019) and in a recently published Special Issue of *The International Journal of Restorative Justice* (2021.1) with contributions from Da Silva (Brasil), Hubschle et al. (South Africa), Kershner (UK), Komatsubara (Japan) and Recorda Cos (France), amongst other, more theoretical articles in the same issue. Programmatic approaches on the relevance of restorative justice for environmental harm are discussed in Pali and Aertsen (2021) and Forsyth et al. (2021).

The European Forum for Restorative Justice endorses the feedback as formulated by Prof. Aertsen in the framework of the public consultation by the European Commission preparing a revision of Directive 2008/99/EC. Through the feedback and the additional comments in this paper we hope to contribute to 'the design of potential regulatory and non-regulatory measures to help improve the effectiveness of a revised Directive'.

We wish to conclude our comments as follows:

1. Restorative justice theory, principles and practices as empirically evaluated offer convincing arguments to bring these ideas into practice in complex contexts such as environmental crime and harms, be it that adjustments of existing restorative justice processes will be needed. That the application of restorative justice to cases of environmental crime is not utopian, is convincingly demonstrated in innovative practices of restorative justice within or alongside criminal justice processes in various countries. Restorative justice can adopt different formats, from inclusive, voluntary participation by all stakeholders including the community, to sentencing models where reparation is imposed on the offending party in a multilateral way.



2. Criminal law provisions related to environmental crime should not operate in an isolated way, but must be conceptually integrated in a more encompassing regulatory and sanctioning framework entailing a broader range of formal and informal justice mechanisms. Restorative justice has to be situated at the bridge between different types of justice mechanisms.
3. Constructing a legal basis for the use of restorative justice in processes dealing with environmental crime is essential. Legislation should primarily facilitate (not restrict) the use of restorative justice in these cases by providing a safe space (legally, socially, psychologically) where genuine dialogue is encouraged and supported and effective reparation can take place.
4. Community involvement is key, as a criminal justice system alone will never be able to deal with the complexity of environmental harm. Likewise, environmental crime, because of its intrusive character at societal level, offers unique opportunities to capacitate civil society in becoming more familiar with justice mechanisms and to acquire more civic competences in this respect.
5. Still, more *ad hoc* expertise has to be built. We strongly recommend setting up pilot or test cases where restorative justice practices can be applied for a variety of environmental criminal cases in a way that fits into a European legal, social, economic and cultural context. Proper evaluation and further research is crucial, as well as advanced training for facilitators, legal actors, corporate representatives, environmental groups and other stakeholders.
6. The European institutions can and should play a more proactive role in promoting restorative justice also for cases of environmental crime. The European Forum has developed a strong expertise in the implementation of restorative justice, including cooperation with, and training of, legal professionals and other groups through European projects. Notwithstanding its potential as supported by scientific evidence and the adoption of a legal basis in many countries, restorative justice remains strongly underused. Elaborating a EU Directive on Restorative Justice should be considered.

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