



EUROPEAN  
FORUM FOR  
RESTORATIVE  
JUSTICE

# Restorative Justice Policy News

AUTUMN  
2022 (1-2)

*The EFRJ Policy News reports on the latest national and international policy developments and relevant research findings in the field of restorative justice.*

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## THE BIRTH OF THE RESTORATIVE JUSTICE POLICY NEWS

From the adoption in 2012 of the European Union Victims' Rights Directive (Directive 2012/13/EU – VD) and in 2018 of the Council of Europe landmark Recommendation on restorative justice (CM/Rec(2018)8), the field of restorative justice saw a number of new [international legal instruments](#) and guidelines that demonstrate a growing consensus of the international community for a wider applicability of restorative justice in criminal matters and beyond.

Since its foundation in 2000, the European Forum for Restorative Justice (EFRJ) has played an important and increasingly recognised role in the making of these international legal and policy instruments. Being more and more aware of the impact that such documents and policy decisions have on the development of restorative justice, in recent years, the EFRJ decided to invest even more in [policy related work](#). Specific mid- and long-term policy goals and strategies have been identified targeting the main policy institutions, namely the European Union, the Council of Europe and the United Nations. The final scope is to support with our policy work the development of restorative justice at the national level in Europe and beyond.

In order to pursue our ambitious policy goals it is essential to involve the incredibly rich expertise of our membership and to work closely with other organisations working in the field of criminal justice and victims' rights (and human rights more in general). Moreover, it is essential to work more closely

with national policy makers and this is why we set up in 2018 the [European Restorative Justice Policy Network](#) that brings together representatives of the national Ministries that deal with restorative justice or related matters.

Promoting international information exchange is key to stimulate dialogue between practitioners, policy-makers and also researchers. With this in mind, the EFRJ Policy News aims at making accessible the latest national and international policy developments and relevant research findings in the field of restorative justice. By communicating on new developments at the national level, readers can benefit from a knowledge exchange and inspire policy in their home countries. The Policy News will closely follow the activity and contribution of the EFRJ at all policy levels. Moreover, it will also serve as an opportunity to promote the talks and contributions coming from our members engaged in policy related work, from national policy makers related to the European Restorative Justice Policy Network and other experts. Two editions are foreseen per year.

Please share this Policy News in your network. If you wish to write us about policy updates [developments] from your country or for any other information you can contact our policy officer, Laura Hein [laura.hein@euforumrj.org](mailto:laura.hein@euforumrj.org)



## ENABLING ACCESS TO RESTORATIVE JUSTICE IN EUROPE

**“I think that we are at the beginning of a new era in the history of the idea of justice”,** said the Italian Minister of Justice, Marta Cartabia, during her [eloquent speech](#) at the Opening Session of the EFRJ’s 11th International Conference in Sassari (23 June 2022). “After two years of pandemic, in the middle of a war, and in the aftermath of decades dominated by an extreme individualistic culture, **restorative justice offers all of us the response that we are looking for**, fit for the relational character of the human experience, where the other is not bound to be an enemy, a rival or a ghost, but is part and parcel of the experience of the self”.

“I think that we are at the beginning of a new era in the history of the idea of justice”

ITALIAN MINISTER OF JUSTICE MARTA CARTABIA

During her speech, Minister Cartabia, recalled [the Venice Declaration](#), a very important document recently adopted by the Council of Europe and for which the Italian Minister was the first promoter.

## **The Venice Declaration on the Role of Restorative Justice in Criminal Matters**

Italy assumed the Presidency of the Committee of Ministers of the Council of Europe on 17 November 2021. The Italian Presidency named restorative justice as one of its top priorities and promoted the debate on the use of restorative justice in criminal matters within the Council of Europe during their Presidency semester.

On 13-14 December 2021, the Council of Europe hosted the summit of the Ministers of Justice in Venice, Italy. The Italian Presidency fully dedicated their first Conference of Ministers to restorative justice and initiated the adoption of the “Venice Declaration on the role of restorative justice in criminal matters” (hereafter “Venice Declaration”). On 14 December 2021, 40 delegations from across Europe unanimously adopted the Venice Declaration.

The Venice Declaration encourages member states (and others) to consider granting the right of access to restorative justice and to actively raise awareness of restorative justice nationwide.

The Venice Declaration encourages the widespread implementation of the Council of Europe’s Recommendation CM/Rec(2018)8 on restorative justice in criminal matters. It further encourages member states (and others) to consider granting the right of access to restorative justice and to actively raise awareness of restorative justice nationwide. Very importantly, it calls upon member states to develop national action plans or policies for the implementation of the Council of Europe Recommendation on restorative justice. The Venice Declaration also calls upon the Council of Europe to carry out additional studies, elaborate on the principles of restorative justice and propose measures to member states to apply these principles in practice.

The EFRJ welcomes the Venice Declaration. The organisation remains open



to continued collaboration with the Council of Europe through the European Committee on Crime Problems where it has held observer status since 2021 (see below more information). We are also keen to offer support to member states in their efforts to act in the spirit of this declaration and to comply with its recommendations.

The EFRJ demonstrated this support at the December 2021 summit with several members addressing the high-level audience. Current and former members of the EFRJ also participated in the Italian Presidency's preparatory meeting in Como, Italy from 12-13 October 2021.



## Further readings

- A video with an excerpts of Minister Cartabis's speech during Opening Session of the EFRJ's 11th International Conference in Sassari (23 June 2022) as well as the full text can be found in the [EFRJ website](#).
- More information on the [Venice Declaration](#).
- EFRJ members Dr Ian D Marder & Dr Petra Masopust Šachová wrote an article on "[How the Venice Declaration Contributes to the International Restorative Justice Framework](#)".



## RESTORATIVE JUSTICE AND VICTIMS' RIGHTS

In the recent years there is an increasing attention, in research and practice, on the role of RJ in addressing victims' rights and needs. Indeed, the research on restorative justice shows considerable evidence about its effectiveness for victims. This trend is reflected also in the policy field. Since the adoption of the [Victims' Rights Directive](#), which has certainly provided restorative justice with a more solid position and a clear victim orientation in Europe, further relevant international policy and legal instruments are recognising the restorative justice benefits for victims.

Restorative justice services provide victims with a safe environment to make their voice heard and support their healing process.

(EU STRATEGY ON VICTIMS' RIGHTS)

For instance, in June 2020, the European Commission adopted the [EU Strategy on Victims' Rights \(2020 –2025\)](#) that recognises the role of restorative justice to achieve its first objective: empowering victims of crime, for them to participate in criminal proceedings and to recover. It also states "restorative justice services provide victims with a safe environment to make their voice



heard and support their healing process". It considers that "the potential benefits of such services depend on the availability, accessibility and quality of restorative justice services in the Member States".

The EFRJ advocates for restorative justice becoming available and accessible for all victims that freely want to access these services. Furthermore, we stress the need to establish and guarantee provisions related to safeguards and [high standards of practice for restorative justice](#) services.

## **The EFRJ Recommendations to the European Union on the EU Victims' Rights Directive**

In 2021–2022, the European Commission revisited the Victims' Rights Directive (Directive 2012/29/EU), first with an evaluation of its implementation and then by working on a proposal for a revision.

Most recently, the European Commission opened a public consultation period to solicit possible policy options and ways in which the existing rights of victims could be further strengthened in the Victims' Rights Directive. With the contributions of its members, the EFRJ contributed with the Position [paper with several concrete recommendations for a better inclusion of restorative justice in the revised Directive](#).

In order to build (external) support to the EFRJ positions concerning the revision of the Victims' Rights Directive we engaged in conversations with relevant stakeholders, such as Victim Support Europe and its members, the European Commission promoted Victims' Rights Platform and the European Commission Coordinator on Victims' Rights.

One primary goal of the Victims' Rights Directive as it relates to restorative justice should be the guarantee of equal access to effective restorative justice services to all victims of crime who freely wish to participate. Our position paper offers two policy options that would satisfy this aim:

The first is establishing a right to access restorative justice services within the directive.

The second, following the Council of Europe's Recommendations on restorative justice in criminal matters, would be integrating within the directive a rule that restorative justice should be a generally available service at all stages of the criminal justice process and for all types of crime.

Although the former policy would be enforceable, the latter would still provide the framework to make restorative justice services generally available to victims and promote necessary quality standards within these services. Concrete recommendations for each of the two policy options are presented in the EFRJ policy paper. We advocate for the restorative justice definition and rules to be included in the revised Victims' Rights Directive. The arguments we present are evidence-based and supported by relevant international (legal and policy) documents from the Council of Europe, the European Union and United Nations.

One primary goal of the Victims' Rights Directive as it relates to restorative justice should be the guarantee of equal access to effective restorative justice services to all victims of crime.

In the position paper we also present further recommendations to the European Union that go beyond the revision of the Victims' Rights Directive. Indeed, we believe that further initiatives promoted by the European Union are needed to increase the accessibility and availability of restorative justice services and to ensure a balanced approach between all parties involved. The need for a balanced and broad, social approach is one of the reasons why the EFRJ will continue to advocate for an European Union binding act on restorative justice (such as a stand-alone Directive) to provide a systematic and comprehensive right to access restorative justice services for all victims and offenders, and others affected by or involved in harmful events.

## **The EFRJ inputs on the evaluation of the Victims' Rights Directive**

This public consultation phase concerning the revision of the Victims' Rights Directive followed the European Commission's initial evaluation process of the Directive during the second half of 2021. This preliminary exploration aimed "to assess to what extent [the Victims' Rights Directive] has achieved its objectives in terms of its implementation and practical application in EU countries." The EFRJ took several steps to support their efforts, including undertaking original research and submitting a position paper to the European Commission detailing our findings. To determine the strengths and weaknesses of the Victims' Rights Directive as implemented at a national and regional level throughout Europe, The EFRJ designed and distributed a survey to selected EFRJ members and affiliated networks. The EFRJ received responses from contacts in the following 18 countries: Albania, Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Ireland, Italy, Germany, Latvia, Luxembourg, Norway, Poland, Portugal, Scotland, Spain and the Netherlands.



With the changes the EFRJ outlined in the consultation and evaluation periods, the European Commission is invited to improve the Victims' Right Directive even more.

Our respondents identified the following obstacles to the implementation of the directive,:

- 1 Lack of awareness of restorative justice among referring bodies and other actors and institutions coming into contact with victims (e.g. police, judicial authorities, victim support services)
- 2 Lack of cooperation among restorative justice services, victim support services, and criminal justice organisations
- 3 Lack of or low-quality information on restorative justice for victims
- 4 Lack of clear standards or minimum rules on safeguards for victims in restorative justice processes
- 5 Lack of access to and availability of high-quality restorative justice services in all EU Member States
- 6 Lack of complaint mechanisms for victims regarding experiences with or access to restorative justice processes
- 7 National legal frameworks that limit victims' access to restorative justice (e.g., excluding self-referrals, setting conditions on participation based on the crime or offender characteristics, leaving room for wide discretion among referring bodies based on "appropriateness")

The Victims' Rights Directive is one of the most relevant international documents in the field of restorative justice and has been instrumental in the development of legal frameworks for restorative justice in European Union Member States. With the changes the EFRJ outlined in the consultation and

evaluation periods, the European Commission is invited to improve the Victims' Rights Directive even more. The European Commission plans to adopt a draft revised VRD by the end of 2022. The revised document will then be discussed by the European Parliament and the Council of the European Union.

## **Victims' Rights and the Council of Europe**

Victims' rights is also currently under the attention of the Council of Europe. By underlining the importance of further examining the issue of victims' rights and protection, the European Committee on Crime Problems is working on a new Recommendation on Assistance to Crime Victims and decided (June 2021) to set up a specific Working Group on the Rights of Victims for this purpose.

We are following this work with great attention and are very pleased that several EFRJ members are involved in the drafting of this new Recommendation as well as in the dedicated Working Group.

## **Further readings**

- To read the full text of EFRJ position paper on the evaluation of the implementation of the restorative justice provisions in the Victims' Rights Directive, [please click here](#).
- To read the full text of EFRJ position paper on the revision of the Victims' Rights Directive, [please click here](#).
- To read the European Commission evaluation report of the Victims' Rights Directive, [please click here](#).
- To read the EU Strategy on Victims' Rights (2020 –2025), [please click here](#).
- To read more on the Council of Europe Working Group on Victims' Rights and to download a draft version of the new Recommendation, [please click here](#).



## RESTORATIVE JUSTICE FOR PARTICULARLY VULNERABLE GROUPS

Attention is increasingly given, by the European Union as well as by the Council of European, to the development of provisions that address the specific needs of vulnerable groups, such as women, children, LGBTQIA+ and other victims of discrimination, victims of terrorism etc. As an important development, the European Union Strategy on Victims' Rights (2020 –2025) includes in the list of vulnerable groups inmate victims of violence in prisons.

To respond to the specific needs of vulnerable groups, these institutions are recently working on policy as well as legally binding acts. The EFRJ advocates for the inclusion of restorative justice in these documents.

### **Recommendations on the EU Proposed Directive on Violence against Women and Domestic Violence**

In 2021–2022, the European Commission sought feedback regarding a proposed Directive on Combating Violence against Women and Domestic Violence. The Proposed Directive responds to the prevalence and severity of domestic violence and violence against women in the European Union and aims to provide uniform standards for preventing harm, supporting victims, and holding offenders accountable.



The EFRJ welcomed the work of the European Commission in this domain, however felt that the Directive had yet not sufficiently addressed some important aspects of victims' needs, namely their empowerment and healing through personal agency. Therefore, the EFRJ advocates for the inclusion of restorative justice in the proposed Violence Against Women Directive by recommending the establishment of provisions related to safeguards and high standards of practice for restorative justice services dealing with cases of violence against women.

## The EFRJ advocates for the inclusion of restorative justice in the proposed Violence Against Women Directive by recommending the establishment of provisions related to safeguards and high standards of practice

The [EFRJ Working Group on Restorative Justice and Gender-Based Violence](#) addressed these issues by submitting a position paper to the European Commission. Drawing upon practical experience, current research findings and relevant international legal and policy documents, the paper offers the following concrete amendments to several articles of the Proposed Directive:

- 1 **Defining** restorative justice services within the context of violence against women, specifying the importance of elevating victims' voices, delivering the process in a balanced manner, and protecting the decision to participate based on free and informed consent (Recitals).
- 2 Individually **assessing** each case with input from a specially trained restorative justice professional who can determine the risk of repeated and secondary victimisation (Article 18).

- 3 Providing **guidelines** on the use of restorative justice in these cases and training the competent authorities on verifying victims' full and free consent to enter non-compulsory alternative proceedings and restorative justice processes (Article 23)
- 4 Expanding **compensation** opportunities as an outcome of restorative justice procedures in which a mediator protects the balance of power between victims and offenders (Article 26)
- 5 Including independent restorative justice service providers as specialist supports if a victim of sexual harassment at work chooses to participate in early conciliation (Article 30)
- 6 Supporting the availability of evidence-based restorative justice programmes to reduce the risk of **recidivism** among offenders (Article 38)
- 7 Promoting **cooperation** among relevant authorities, agencies, and service providers so that victims can access restorative justice information and services at any stage in the criminal justice process (Article 40)



The EFRJ recommendations stem from both our members' experiences with victims of gender based violence and emerging best practices from research and policy. Several new international (European Union, Council of Europe, and United Nations) legal instruments and guidelines also demonstrate a growing consensus among the global community in favour of a wider applicability of restorative justice in criminal matters and beyond.

The EFRJ recommendations stem from both our members' experiences with victims of gender based violence and emerging best practices from research and policy.

Despite the benefits, some (i.e. women and victim organisations, policy makers etc.) remain hesitant about restorative justice in cases of violence against women and domestic violence. To address these concerns, the EFRJ advocated for especially high standards of practice and supported our position with an extensive appendix, which reviews recent research findings related to restorative justice and victims (especially victims of violence against women), restorative justice and desistance from crime, and the primary European Union and international policy documents concerning restorative justice and victims' rights.

## **Restorative Justice and the Istanbul Convention**

Our advocacy work toward the European Commission on the topic of restorative justice and gender-based violence started already last year when we submitted (May 2021) to the European Commission our initial reflections concerning in particular the Istanbul Convention and the potential role of restorative justice in cases of violence against women. Article 48 of the Istanbul Convention prohibits mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the Convention. Although restorative justice processes are not

banned explicitly, the Explanatory Report warns against mediation because of the high vulnerability of gender-based violence victims and the risk of re-privatising gender-based violence outside of court proceedings.

The EFRJ commented on both concerns, noting first and foremost that Gre-vio's reports permit the use of restorative justice when State parties make a careful check of the victim's informed, voluntary and free consent. Further, we stressed the importance of keeping violence against women a public matter and recommended that restorative justice processes involve a highly trained third party (mediator/facilitator) at the request of a judicial authority and pending criminal proceedings. Moreover, we suggested that mediation can represent a third way between silence and trials, giving victims the chance to share their experiences even if they are not ready to file a formal complaint. In this way, restorative justice is not a way to escape justice, but rather a way to counteract the low complaint rate of gender-based violence and end the silence surrounding abuse.

Thanks to the EFRJ Working Group on Gender Based Violence, we hope that the [EFRJ's recommendations](#) will shape the final Directive on violence against women, that will be discussed in the coming month by the European Parliament and by the Council of the European Union.

## **Working for Child-Friendly Justice throughout Europe**

On 23 February 2022, the Committee of Ministers of the Council of Europe adopted the new Strategy for the Rights of the Child (2022–2027), "Children's Rights in Action: from continuous implementation to joint innovation" In paragraph 39, under section 2.4 "Child-friendly justice for all children," the Strategy reads,

*"Being in contact with the justice system can be a traumatic experience for children. General Comment No. 24 of the CRC has recognised that exposure to the criminal justice system causes harm to children, limiting their chances of becoming responsible adults."*

*States resort to criminal justice too frequently, while restorative justice should be given priority in line with Council of Europe standards."*

The launch of this Strategy followed the European Commission's adoption of the first comprehensive European Union Strategy on the Rights of the Child (2021–2024) on 24 March 2021. To satisfy one of their four thematic areas of practice – child-friendly justice – the European Commission invites Member States to “develop robust alternatives to judicial action: from alternatives to detention, to the use of restorative justice and mediation in the context of civil justice.”

“States resort to criminal justice too frequently, while restorative justice should be given priority in line with Council of Europe standards”

CoE STRATEGY FOR THE RIGHTS OF THE CHILD.



After advocating for its inclusion, we were pleased to see recommendations for restorative justice in both strategies. In partnership with Terres des hommes (an international children's rights charitable humanitarian umbrella organisation), the EFRJ submitted to the European Commission its recommendations on the inclusion of restorative justice in the strategy through two joint position papers (August and November 2020).

The papers present restorative, child-friendly justice as an approach with tailor-made, creative and flexible communication processes for both child victims and child offenders. When every intervention designed for children considers their individual characteristics, needs and strengths, justice processes are poised to protect vulnerable children, empower them to identify and manage emotions to prevent (and/or respond to) conflict and violence and give them a safe space when dealing with matters relevant to them.

The EFRJ advocates for restorative, child-friendly justice as an approach with tailor-made, creative and flexible communication processes for both child victims and child offenders.

However, to realise the benefits of restorative, child-friendly justice, policy-makers must also promote restorative culture, especially in schools. With these ideas in mind, and based upon research findings and international and European provisions, we proposed the following six recommendations:

- 1 Implement a statutory basis and national legislation that secures a well-resourced, sustainable framework for child-friendly restorative justice
- 2 Make restorative justice for children available and accessible at all stages of criminal justice proceedings, including diversion and after care



- 3 Guarantee safe and high-quality restorative justice practices for children by complying with procedural safeguards, developing child-centred assessment tools, collecting data, and documenting promising practices
- 4 Ensure meaningful, equal and inclusive participation of children and empower adults to see conflict as opportunities for learning
- 5 Provide continuous, specialised training programmes and establish multi-disciplinary teams in support of restorative justice professionals working with children
- 6 Promote a restorative culture in all settings where conflict may arise around children and raise awareness of restorative justice within communities

By implementing these recommendations, we can help children build relationships based on mutual trust and empathy and to become citizens who value connectedness, solidarity, responsibility, and inclusion. As a result, they'll be able to resolve existing conflicts and prevent violence at school, in their homes and in our broader communities.

## Further reading

- [Read the full text of our joint position paper](#) on restorative justice in the European Union Strategy on the rights of the child (2021-2024) In the [EFRJ dedicated webpage](#), you can find more material on the topic of restorative justice and child justice, information on our initiatives, projects, interviews and a useful resource kit.
- Read more about the [Council of Europe Strategy for the Rights of the Child](#) (2022-2027) the [version from \(2021-2024\)](#).
- The EFRJ was involved as a partner in two European Union funded projects on restorative justice and child victims: the [i-Restore project – Protecting Child Victims through RJ](#) and [Implementing RJ with Child Victims](#).

## Hate speech & hate crime included in the list of European Union crimes

In December 2022, the European Commission invited the Council of the European Union to include hate speech and hate crime into the list of European Union crimes. Following the adoption of a Council decision in this regard, the European Commission will be empowered to propose legislation to criminalise hate speech and hate crime at European Union level.

The EFRJ, together with the European Social Research Unit of the Universitat de Barcelona and the Applied Social Sciences Research Group of the University of Girona, supported the inclusion of hate speech and hate crime within the realm of “other areas of crime” of the European Union. This is a crucial step in the efforts to formulate appropriate, more just responses to violations against one’s identity. As was noted by the European Commission, this inclusion will lead to the establishment of minimum rules on definitions and consequently on a more robust criminal law response.

To fight hate speech and hate crimes, a combination of punitive measures and restorative justice processes should be applied.

Nevertheless, in [our feedback to the European Commission](#) we underlined that more justice approaches are needed that consider remedying the harm rather than solely providing for retributive solutions. While it is true that laws criminalising and denouncing hate speech and hate crime are necessary to send a message to society regarding the impropriety of such acts, these laws are not always sufficient in addressing the harm caused to victims, nor any behavioural or ideological changes in the offender. For this reason we advocate for a combination of punitive measures and restorative justice processes.

With this vision in mind, the EFRJ engaged in the [LetsGoByTalking project](#), an initiative that aims to improve justice experiences for victims of anti-LGBT hate crime through the promotion of restorative justice.



### Further readings

- Read the [EFRJ feedback to the European Commission](#) concerning the inclusion of hate speech and hate crime in the European Union list of crimes
- Know more about the [LetsGoByTalking](#) project.
- Download the [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL](#). A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime.



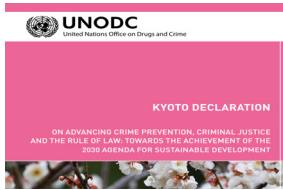
## OFFENDER REHABILITATION AND RESTORATIVE JUSTICE

Recent international policy instruments re-affirm the importance of restorative justice in offender rehabilitation and reintegration into society.

Member States should “facilitate... restorative justice processes at relevant stages in criminal proceedings in order to assist the recovery of victims and the reintegration of offenders, as well as to prevent crime and recidivism, and assess their usefulness in this regard.”

KYOTO DECLARATION

The 14th United Nations Congress on Crime Prevention and Criminal Justice, hosted from 7-12 March 2021 in Kyoto, adopted the [Kyoto Declaration](#) on Advancing Crime Prevention, Criminal Justice and the Rule of Law. Under the heading “Reducing reoffending through rehabilitation and reintegration,” the Kyoto Declaration advises Member States to “facilitate... restorative justice processes at relevant stages in criminal proceedings in order to



assist the recovery of victims and the reintegration of offenders, as well as to prevent crime and recidivism, and assess their usefulness in this regard” (paragraph 42).

The Council of Europe affirmed this position when it adopted the Venice Declaration on the Role of Restorative Justice in Criminal Matters on 14 December 2021.

The Venice Declaration notes “the positive impact of restorative justice on reducing recidivism and... the ample empirical evidence which proves that restorative justice is effective [in this regard]” (Recital 11). The Council of Europe recommends that Member States implement restorative justice to encourage “desistance from crime, offenders’ reintegration and victims’ recovery” (Recital 15(iii)).

The EFRJ has participated in several efforts to support this trend. Most recently, we drafted research and policy briefs on restorative justice and criminal desistance. To best promote long-term desistance, reduce recidivism, and follow emerging international guidelines, we recommend the implementation of comprehensive, evidence-based restorative justice programmes that assess the risk of reoffending and incorporate targeted rehabilitative interventions for high-risk offenders. Additionally, we reinforce the importance of highly trained restorative justice mediators who are nonjudgmental, affirming, trustworthy, and able to make room for meaningful engagement between offenders and their victims, especially as it relates to apologising, expressing guilt and shame, answering questions, and seeking forgiveness.

In October 2021 the [Council of Europe adopted the Recommendation CM/Rec\(2021\)6 of the Committee of Ministers to member States regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence](#). Mainly inspired by the Council of Europe Recommendation on restorative justice, we drew the attention of the Council for Penological Cooperation (PC-CP) on the applicability of restorative justice

to the reintegration of sexual offenders and to the recovery of their victims, and communities. The Council recognised this in Rule 33 of this Recommendation when it recommends the use of restorative justice where available and appropriate.

## **Work with UNODC on reducing reoffending**

Following up on the Kyoto Declaration, the UNODC started to develop model strategies on reducing reoffending that can serve as useful tools for Member States, taking into consideration relevant provisions in the existing United Nations standards and norms in crime prevention and criminal justice, current developments, research and tools and written contributions from Member States and experts. The Executive Director of the EFRJ was invited to take part in an online expert group meeting held from 6 to 8 April 2022 on the subject.

The EFRJ promotes restorative justice not only as a diversion tool, but as a practice that could be used at various stages and in various forms to support reintegration and to reduce reoffending.

As a next step, following the invitation of the UNODC, in July 2022 the EFRJ submitted a written contribution as a summary of information on relevant promising practices in reducing reoffending, with the focus on restorative justice. The EFRJ promotes restorative justice not only as a diversion tool, but as a practice that could be used at various stages and in various forms to support reintegration and to reduce reoffending.

## **Further readings**

- Read the [Council of Europe Recommendation](#) on the integration of sexual offenders and its Explanatory Memorandum.
- Read the [United Nations Kyoto Declaration](#).
- Read more about the [UNODC crime prevention and criminal justice reform](#).





## RESTORATIVE RESPONSES TO HARM IN SOCIETY

Restorative justice practices are primarily delivered within the criminal justice system and “represents an important tool for addressing conflicts arising from criminal acts and for fostering social cohesion by solving such conflicts” (Venice Declaration). Moreover, thanks to its creative and reparative actions, restorative justice can address situations of mass victimisations, harmful practices committed within institutions, within harmed communities, between harmed communities and corporations, between state and activists, and possibly also between humans and other-than humans.

The EFRJ strives for the application of restorative justice, practices and principles beyond its use within the criminal justice system.

Furthermore, restorative justice [values and principles](#) can be applied in settings other than criminal justice and can be used to build healthy relationships amongst all members of a community (for example in schools and restorative cities) and repair these relationships when they are damaged by challenging behaviours, conflict or crime.

Therefore, the EFRJ strives for the application of restorative justice, practices and principles beyond its use within the criminal justice system.

## **Restorative Justice responding to the Covid-19 crisis and the UN 2030 Agenda for Sustainable Development**

In July 2022, the High-Level ministerial meeting convened in New York under the 2022 United Nations Economic and Social Council theme of “Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development”. This High-Level meeting provided space for the Economic and Social Council to discuss, at the ministerial level, how to best develop forward-looking policy approaches to building back better and put the world back on track to implement the 2030 Agenda for Sustainable Development while advancing a more inclusive and networked multilateralism. It aimed to discuss how to balance short-term crisis relief with long-term analysis, planning and thinking. The report of the meeting will be made available soon.

Since the beginning of the Covid-19 crisis, restorative practices have been used to provide support for citizens and professionals, and to respond to new conflicts in an innovative way.

Thanks to the recently granted Economic and Social Council consultative status (see below for more information), the EFRJ submitted a written statement on the topic to the United Nations Secretary-General.

Building on the [important initiatives](#) carried out by EFRJ members during the Covid-19 crisis we present some reflections and conclusions. Since the beginning of the Covid-19 crisis, restorative practices have been used to provide support for citizens and professionals, and to respond to new conflicts in an innovative way. They have been used to reflect on the purpose of

the regulations with persons that breach them, to deliver restorative circles for health workers, victims of Covid-19, and survivors, and to keep and promote contact for many people with the outside world during the lockdown period, among others.

In this context, restorative justice professionals focused on healing the aftermath of Covid-19, helping people to respond to traumas and grief. In this regard, discussions around truth and reconciliation have fostered restorative initiatives to address the complexity of the needs of Covid-19 survivors, families, and communities. These initiatives argued that people needed spaces to tell their stories and to feel heard, where accountability was not precluded by legal procedure and criminal sanctions, and where collective decision-making about how to prevent such harms from reoccurring as far as possible was allowed.

Taking into account the above mentioned, as also stated in the Venice Declaration, we firmly believe that restorative justice also falls within the scope of the United Nations Agenda 2030, especially related to UN-SDG 16 (Peace, justice and strong institutions), UN-SDG 3 (Good health and well-being) and UN-SDG 13/14/15 (see the work related to Environmental Restorative Justice).

Therefore, we believe that governments and United Nations institutions can and should play a more proactive role in promoting restorative justice as a reaction not only to crime, but also to crisis situations.

## Further readings

- Read the [full text of the EFRJ written statement](#) (page 149).
- Read more on the [Economic and Social Council High-Level ministerial meeting](#).

## **EFRJ commentary on the EU Directive on Environmental Protection through Criminal Law**

In May 2021, [the EFRJ's Working Group on Environmental Restorative Justice](#) submitted comments to the European Commission regarding the revision of European Union Directive 2008/99/EC on Environmental Protection through Criminal Law. The commentary focused on the potential of restorative justice to respond to the complexity and specificity of various forms of environmental harm and ecocide as well as the ways in which existing restorative justice processes could be adapted to make truly restorative responses possible. Our feedback built upon EFRJ previous work, included innovative examples from around the world and concluded with the following actionable recommendations:

- 1** Consider adapting existing restorative justice processes in ways that emphasise inclusive, voluntary participation of all stakeholders (including the community) and comprehensive reparations to the environment
- 2** Integrate criminal law provisions into a broader regulatory framework that includes formal and informal justice mechanisms
- 3** Construct a legal basis for dealing with environmental crime that facilitates (not restricts) the use of restorative justice and provides a safe space for genuine dialogue, authentic accountability and effective reparations
- 4** Identify ways of including the broader community and encouraging greater civic engagement following instances of environmental harm
- 5** Prioritise growing expertise by setting up pilot or test cases on restorative justice in environmental criminal cases, engaging in research, collecting data, evaluating outcomes, and training facilitators, legal actors, corporate representatives, environmental groups and other stakeholders
- 6** Encourage European and international institutions to promote the use of restorative justice in cases of environmental crime

The EFRJ commentary focused on the potential of restorative justice to respond to the complexity and specificity of various forms of environmental harm and ecocide

In December 2021 the European Commission adopted a proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC. We will continue to advocate for recognizing the potential of restorative justice to respond to environmental harms and ecocide.

### Further readings

- The full text of [our commentary is available online](#).
- In the EFRJ [dedicated webpage](#) , you can find more material on the topic of Restorative Environmental Justice, information on our initiatives, projects, interviews and a useful resource kit.
- Read the [proposed Directive](#) on the protection of the environment through criminal law and replacing Directive 2008/99/EC.



## NEWS FROM THE EFRJ

### **Publications and EFRJ events discussing why is policy work on restorative justice important.**

Recently, we were invited in different settings to reflect on why it is important to work at the policy level to develop restorative justice in Europe and beyond.

During the EFRJ's 11th International Conference in Sassari (June 2022) two sessions have been dedicated to discuss this together with the participants. Our Policy Officer Laura Hein, together with our executive director Edit Törzs, Minister Eduardo Santos (Navarra), Petra Masopust Šachova and Tereza Rehakova organised a workshop aimed to explore the connections and mutual support between policy work carried out to enhance restorative justice at the national/regional level and the policy work done addressing the European Union, Council of Europe and other international institutions. How can we ensure more cross-fertilisation between these different (policy) levels? In the first part we discussed the role of the EFRJ and its membership in relevant policy work. During the second part of the session, the experience of Navarra as well as the project Restorative Justice Strategies for Change (RJS4C), the idea behind the project and the work methodology in the Czech Republic have been presented.



A second policy dialogue was dedicated to give visibility to recent restorative justice legal and policy developments in Europe as well as to the EFRJ policy work in supporting the making and implementation of such documents. How to put into practice these relevant documents at the national and local level? What is missing? Why does it matter to work at the policy level? Beside the Venice Declaration, and how to put it in practice, we discussed the current revision of the European Union Victims' Rights Directive, the possibility to advocate for a European Union binding act on restorative justice and the role of national policy makers. This dialogue was organised by Laura Hein together with relevant respondents that contributed to the shaping of the above mentioned documents: Maia Chochua, Ivo Aertsen, Aarne Kinnunen and Ian Marder.

Moreover, two articles written by our policy officer have been dedicated to the matter. One article (in German) on "Cross-fertilisation between European and national policy work for the development of restorative justice" is published in the [TOA – Magazine](#). A second article will be published soon in the context of the [Project Madiarej](#). The aim of this paper is to give some insights on why it is important to work at the policy level to support the development of restorative justice as well as to give an overview of the main European and international documents related to restorative justice and their impact at the national level.

## **Development of a framework for restorative justice standards & values**

The development of a framework for Restorative Justice Standards & Values is a key aim of the EFRJ. In 2018 we published a [Practice Guide on Values and Standards](#) for restorative justice practices. We look at this document as a starting point for further discussions with the field on how a good quality restorative justice practice should look like. We would like to support the field in Europe by offering this reference point for high quality restorative justice practices and to help the implementation of the Victims' Rights Directive and the European Union strategy on victims' rights, which call for safeguards to ensure secure participation of victims in restorative justice processes.

## The development of a framework for restorative justice standards & values is a key aim of the EFRJ

The EFRJ Committee on Values and Standards takes the lead in these developments. In 2021, the Committee launched a new “Manual on Restorative Justice Values and Standards for Practice”. The Committee also works on a [Quality Review Toolkit](#) that would offer tools for practitioners, managers of restorative justice services and for policy makers to assess the quality of their practice and identify areas where development is needed. In 2021, a questionnaire for participants of restorative justice processes and an assessment tool for practice organisations based on the above manual were developed by .... Members of the EFRJ are working on translations of the Manual and these additional language versions will be published on the EFRJ website in the future.

### **Restorative justice training for judges and prosecutors – RE-Justice project**

The Victim’s Directive 2012/29/EU (Art. 12, par. 2), provides that EU Member States must facilitate the referral of cases as appropriate to restorative justice services, including the establishment of procedures and guidelines for such referrals. In addition, the Victim’s Directive explicitly requires “that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims” (Art. 25, par. 2). Legal professionals should be enabled “to recognise victims in their daily work and deal with them in an impartial, non-discriminatory, respectful and professional manner” (Art. 25, par. 1).

The development of new training programmes has been since then encouraged and called upon at European level, as of “paramount importance for the harmonisation and standardisation of procedures across the Member States and for ensuring equal treatment for European citizens” – European

Parliament Resolution of 30 May 2018 on the implementation of Directive 2012/29/EU. In particular, this resolution stresses the need to provide “training programmes and guidelines for all professionals involved in dealing with the victims of crime”, including public prosecutors and judges, in order to “prevent the further victimisation or secondary victimisation experienced by the victims of crime” and “to provide victims with information about their rights and the services which they can access”.

## Available training manual to support training on restorative justice to judges and public prosecutor

More recently, the Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters, highlights again the role of judicial authorities in applying restorative justice and explains into detail the role of restorative justice in criminal justice systems: “Judicial authorities and criminal justice agencies should create the conditions, procedures and infrastructure necessary to refer cases to restorative justice services whenever possible” (Rule 28). In the Commentary to the Recommendation it is recognised that “Many victims and offenders are being excluded from the well-evidenced benefits of restorative justice. This situation is partly caused by professional gatekeepers who are unaware or unsupportive of restorative justice. In many countries, judicial authorities and criminal justice agencies are not obliged to inform victims and offenders about their ability to request restorative justice, nor to refer potentially suitable cases to restorative justice services.” As a result, this Recommendation states in Rule 42 that “Criminal justice professionals who refer cases for restorative justice should also be trained accordingly” and Rule 57 stresses the importance of awareness raising amongst judicial authorities with respect to the principles of restorative justice, “so that they understand these principles and are able to apply them in the course of their day-to-day work”.

As a matter of fact, even where the possibility to apply restorative justice practices formally exists in the country's legislation, the effective implementation of such practices remains significantly underused in a quantitative way (Dünkel et al., 2015).

With the above considerations, the EFRJ was partner in the EU funded RE-Justice project that developed a training Manual including a training package with handouts, video materials and additional resources, meant to support training on restorative justice to judges and public prosecutors. More information on this project and the Manual and the training package is available on our website: <https://www.euforumrj.org/en/re-justice-2019-2021>

## **EFRJ involvement in international policy platforms**

In September 2020, the European Commission invited the EFRJ to become a member of the Victims' Right Platform, an initiative the Commission set up in response to the European Union Strategy on Victims' Rights for 2020–2025. To ensure a more horizontal approach to victims' rights, the Platform brings together the main European actors involved in victims' rights. The EFRJ participates at the plenary meeting (planned once per year) and joins several ad hoc meetings on topics including the role of European non-governmental organisations, victimisation in prisons, and gender-based violence.

In June 2021, the Council of Europe granted to the EFRJ the observer status on the Council for Penological Cooperation, the Council of Europe working group that works on the standards and principles in the field of execution of custodial and non-custodial penal sanctions and measures. This status gives us the chance to attend Council for Penological Cooperation plenary and working group meetings, engage in discussions and strengthen our relationships with key stakeholders.

In October 2021 the EFRJ was granted the non-governmental organisation consultative status at the United Nations Economic and Social Council. This status enables us to contribute more actively to the work of certain UN bodies, including the Commission on Crime prevention and Criminal Justice.

# GET INVOLVED

## Learn more about restorative justice

The EFRJ offers practice-based training courses with the most seasoned international trainers for different learning levels from introductory to specialised areas of restorative justice. Join our courses to raise your awareness of restorative justice or to get a hands-on experience about its specialised areas. Upcoming courses:

- Basic Restorative Justice Skills – online course with Dr Borbala Fellegi and Dr Susanna Z Papp (25, 26, 28 October & 2 November 2022)
- Winter Academy featuring 3 live skill courses (30 January – 3 February 2023, Leuven, Belgium).

More information [on our website](#).

## Restorative Justice Week — 20–26 November 2022

Every year, on the 3rd week of November it is Restorative Justice Week! A week full of events and campaigns around restorative justice. As the key theme for 2022 the EFRJ highlights the significance of '**ACCESS TO RESTORATIVE JUSTICE**'. Today hundreds of thousands people affected by harm cannot access the benefits of restorative justice for a number of reasons, and we think this should change.

We invite everyone committed to use this week for celebration and for raising awareness of restorative justice with events and campaigns linked to this topic. As every year, the EFRJ will gather and give visibility to its members' contributions and other ongoing celebrations of the week. More information [on our website](#).



EUROPEAN  
**FORUM** FOR  
RESTORATIVE  
JUSTICE

## COLOFON

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(EFRJ)

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### PUBLICATION DATE

October 12, 2022

Funded by the European Union.

