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Editorial: restorative justice responses in dark times – transforming division into dialogue

As we near the close of a very difficult 2024, the Editorial Committee of the EFRJ has chosen to dedicate this final newsletter to the theme Just Times: Restorative Justice Responses in Dark Times, inspired by the EFRJ 12th International Conference held in Tallinn this past May.

The conference — and now this newsletter — reflects on the critical role restorative justice can play in addressing not only interpersonal conflicts, but also the far-reaching impacts of large-scale violence, systemic oppression, polarisation and war. These 'dark times' test the very foundations of peace, justice and democracy, threatening to erode the social fabric of communities worldwide.

While restorative justice is often associated with transforming criminal justice systems, it also has the potential to reshape societies by addressing the structural and systemic dynamics that perpetuate violence and injustice. Of course, it is also important to highlight that restorative justice is deeply contextual and its success depends on the unique social dynamics and relationships within each community. The articles in this edition demonstrate indeed the power of restorative justice in diverse, often challenging, contexts and offer lessons on how empathy, dialogue, and reconciliation can illuminate a path forward — even when hope feels distant.

Stories of restorative justice in action

In this issue, you will find a rich collection of testimonies and practices from experts, activists and practitioners who are working to bring about peace and justice in some of the most difficult conditions. These stories illustrate how restorative justice can foster resilience and transformation across different contexts, cultures and conflicts.

Where possible, we have included translations into other languages to make these important reflections and practices more accessible to a wider audience.

- *An Interview with Camilo Eduardo Umaña Hernández*, former Vice Minister of Justice in Colombia (also available in Spanish), highlights the Colombian peace process and the importance of restorative justice in addressing the legacy of armed conflict and building a more inclusive society.

Contents

- '*The Power of Our Pain: Lessons from the Parents Circle*' by Shiri Ourian, Executive Director of the American Friends of the Parents Circle Families Forum, which was previously featured in the recent Restorative Justice Week magazine 'The Promise of Restorative Justice in a Polarising World,' delves into how bereaved families from Israel and Palestine have chosen reconciliation over revenge, offering a powerful example of empathy in the face of profound loss.
- *Rondine Cittadella della Pace* (also available in Italian) introduces us to an innovative peace

initiative based in Tuscany, Italy. The organisation works with young people from conflict zones, helping them to transform their perception of the 'enemy' through daily life in the World House, a unique project that fosters dialogue, mutual understanding and leadership for peace.

- '*Systemic Violence: Large-Scale Conflict Hiding in Plain Sight*' by James Belt, founder of the Haywood Burns Institute (English), examines the often overlooked systemic violence embedded within institutions and communities in the United States, offering insights into how restorative practices can address these hidden forms of conflict.

A common thread: transforming division into dialogue

What unites these diverse stories is the recognition that even in the darkest of times, restorative justice provides a way to transform division into dialogue, pain into action and despair into hope. From Colombia to Israel-Palestine, from Italy to the United States, each contribution underscores the universal potential of restorative justice to rebuild fractured communities and cultivate a culture of peace. We hope that these stories will inspire you to keep exploring how restorative justice can be a force for change — not only within our justice systems but in our societies as a whole.

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Entrevista con Camilo Eduardo Umaña Hernández, Octubre 2024

Preguntas hechas por: Claudia Christen-Schneider

Camilo Eduardo Umaña Hernández fue viceministro de Justicia en Colombia durante dos años, hasta octubre de 2024. Actualmente reside en Boston, Massachusetts, donde ha comenzado un fellowship en el Kennedy School de Harvard, enfocado en investigar temas relacionados con violaciones de derechos humanos. A partir de la primavera de 2025, también será profesor en la Universidad de Brown, en el Centro de Estudios Latinoamericanos. Durante el próximo año, dividirá su tiempo entre Boston y Providence, combinando su trabajo de investigación con la docencia.

¿Cuáles consideras que han sido tus principales logros a lo largo de tu carrera profesional, especialmente en el ámbito de los derechos humanos y la política pública?

He tenido la oportunidad de trabajar en varios ámbitos que me han permitido combinar mi formación en derechos humanos con la política pública. Inicié mi carrera como abogado en la administración pública en el distrito de Bogotá y como defensor de derechos humanos en diversas organizaciones no gubernamentales en Colombia, donde me enfoqué en litigios relacionados con desapariciones forzadas, ejecuciones extrajudiciales y derechos de asociación sindical. Esta experiencia me llevó a estudiar temas más allá del derecho, como la sociología, para comprender mejor la interacción humana en estos contextos.

Decidí entonces hacer un máster en Sociología Jurídica en el Instituto Internacional de Sociología Jurídica en Oñati y más tarde, un doctorado en la Universidad del País Vasco. También tuve la oportunidad de realizar un doctorado en Criminología en la Universidad de Ottawa. Estas experiencias me permitieron sumar conocimientos de las ciencias sociales a mi formación jurídica.

Al regresar a Colombia, trabajé con el equipo de Naciones Unidas en el alistamiento de las entidades del Acuerdo de Paz, ayudando a la instalación de la Unidad de Búsqueda de Personas Desaparecidas y de la Comisión de la Verdad, además de brindar asis-

tencia técnica a la Jurisdicción Especial para la Paz. Luego, me integré a la Comisión de la Verdad como investigador, liderando un equipo que se enfocó en investigar violaciones de derechos humanos de agentes del Estado y en acceso a la justicia en el conflicto armado. Esta labor culminó con mi contribución al informe final de la Comisión.

En los últimos años, he sido profesor en la Universidad Externado donde dirigí la Maestría en Derechos Humanos. Más recientemente, fui Viceministro de Política Criminal y Justicia Restaurativa en el Ministerio de Justicia de Colombia, liderando políticas complejas en temas de drogas, justicia transicional y política criminal y penitenciaria. Ahora, me encuentro investigando en Harvard y en primavera seré profesor en la Universidad Brown.

¿Podrías contarnos sobre tu primera experiencia personal y profesional con la justicia restaurativa? ¿Cómo impactó esta perspectiva en tu enfoque hacia la defensa de derechos humanos?

Claro, mi primera experiencia con la justicia restaurativa se dio de manera indirecta a través de mi trabajo en la defensa de derechos humanos. Desde el principio, en mi labor con las víctimas, ya aplicaba metodologías que, sin saberlo, se alineaban con los principios de la justicia restaurativa. Fue más tarde, durante mi doctorado, cuando tuve un contacto más cercano con la teoría de la justicia restaurativa, especialmente en Canadá. Este acercamiento me permitió reflexionar retrospectivamente sobre mi trabajo, identificar ciertos elementos restaurativos y explorar otros nuevos que desconocía.

Entonces, mi primera experiencia fue más un abordaje teórico y reflexivo de lo que era la justicia restaurativa, que luego me resultó muy provechoso para cuando comencé a desarrollar metodologías de trabajo en la Comisión de la Verdad y en la Oficina de Derechos Humanos de Naciones Unidas. Y, obviamente, en el cargo de viceministro fue una mezcla entre mi bagaje y lo que había podido desarrollar en Colombia, y ahora ya llevarlo a un siguiente nivel, que fue convertirlo en temas de política pública. Así que primero me permitió conocerla desde un punto de vista teórico y académico, y luego verla en la práctica social y en la defensa de los derechos humanos para después llevarla a la política pública.

¿Qué influencia tuvo la muerte de tu padre en tu visión sobre la justicia restaurativa y tu decisión de participar en los diálogos de La Habana?

La experiencia del asesinato de mi padre tuvo un impacto profundo en mi vida y en mi concepción de la justicia. Cuando mataron a mi papá, yo era un niño de 12 o 13 años. En ese entonces la cuestión era mucho más radical que sencillamente sentarse a reflexionar, se trataba de sobrevivir. Junto con mi madre tuvimos que exiliarnos, y eso marcó un punto de partida para mi interés por entender y buscar la justicia. A medida que fui creciendo, eligiendo qué estudiar, siempre tuve un fuerte interés en reflexionar sobre estos temas, en gran parte porque mi padre fue un defensor de derechos humanos, dedicado a procurar justicia para muchas personas. Esto también implicó ver de cerca las carencias de la justicia y la insatisfacción que generaban ciertos tipos de mecanismos legales. Como abogado penalista, él trabajaba en contextos de mucha violencia y defendía a personas perseguidas, y eso me permitió observar cómo, a veces, la justicia podía incluso dañar a las personas en lugar de ayudarlas.

La experiencia del asesinato de mi padre tuvo un impacto profundo en mi vida y en mi concepción de la justicia.

Esa experiencia personal despertó en mí una convicción de que la búsqueda de justicia debía cualificarse de formas diferentes. Frente a violaciones de derechos humanos no era suficiente con encontrar a alguien y darle un castigo; debía pensarse en un marco mucho más amplio que trascendiera el hecho concreto. En ese sentido, mi objetivo ha sido, en parte, evitar que otros niños y familias tengan que pasar por lo mismo que yo viví.

Para mí, era fundamental pensar en un marco de justicia mucho más amplio que trascendiera el hecho concreto del asesinato de mi padre. Llevo casi 20 años intentando que el caso avance en la justicia penal, enfrentando muchas dificultades e incluso amenazas. Sin embargo, mi objetivo siempre ha sido ir más allá de ese único proceso penal. Por eso, mi participación en los movimientos sociales y de víctimas ha sido crucial, ya que me ha permitido estar en diversos escenarios para reflexionar sobre la justicia y hacer algo al respecto.

Una de estas experiencias importantes fue mi participación en los diálogos de La Habana con las FARC, donde fui convocado como parte de una de las cinco delegaciones de víctimas que participaron en diferentes momentos de la negociación. Cada delegación estaba compuesta por unas 10 personas, y el objetivo era que estas 50 víctimas pudieran hablar directamente con las partes en negociación para exponer no solo sus reclamos, sino también los contextos de lo que habían vivido. Mi delegación, me gustaría creer, impactó bastante a los negociadores, y esto nos per-

mitió intercambiar ideas y perspectivas sobre lo que significaba la justicia para nosotros.

Mi preocupación era que esta lucha contra la impunidad no se interpretara como un llamado a aplicar los castigos más severos a todos los involucrados.

En ese momento, yo estaba haciendo mi doctorado tanto en el País Vasco como en Ottawa, y mi tesis giraba en torno a la impunidad. Un aspecto central de los acuerdos de paz, y algo en lo que siempre insistí, era la necesidad de vencer la impunidad sin abrir una agenda punitivista. Mi preocupación era que esta lucha contra la impunidad no se interpretara como un llamado a aplicar los castigos más severos a todos los involucrados. Esa visión extrema me parecía contraproducente, ya que podía bloquear las soluciones reales a los problemas. Mi concepto de impunidad busca trascender el punitivismo y centrarse en la responsabilidad, para construir una sociedad más consciente y capaz de restablecer la armonía social.

Salir del proceso transicional con una sociedad más responsable implica ser más conscientes del impacto que tiene el sistema penal sobre quienes infringen la ley y, además, remover los poderes que operan por encima de la ley. Resumir todo a la cárcel como único objetivo es un déficit para la sociedad. Por eso, mi enfoque ha sido proponer un marco de justicia que incluya la verdad, la búsqueda de los desaparecidos y mecanismos que disminuyan las posibilidades de repetir los errores del pasado. Estas fueron las ideas que expuse y que han guiado mi manera de entender y abordar los conflictos.

Después de años trabajando en justicia restaurativa, especialmente en contextos de conflictos a gran escala, ¿cuáles son las lecciones más importantes que has aprendido?

La justicia restaurativa no es una panacea; tiene un gran potencial para atender los vínculos sociales, pero en sociedades donde se han cometido atrocidades graves, esos vínculos deben reconstruirse de manera escalonada.

Después de años trabajando en justicia restaurativa, he aprendido que no es una solución universal. La justicia restaurativa no es una panacea; tiene un gran potencial para atender los vínculos sociales, pero en sociedades donde se han cometido atrocidades graves, esos vínculos deben reconstruirse de manera escalonada. No se puede pretender que las personas vuelvan a convivir desde cero, sino que deben hacerlo a partir de lo ocurrido. En estos contextos, el impacto de lo restaurativo puede ser significativo, especialmente a nivel intergeneracional, aunque su impacto podría ser un poco menos marcado en las generaciones más cercanas al conflicto.

Además, he comprobado que la justicia restaurativa es altamente contextual. Depende del estado social de una comunidad y de sus vínculos, lo que implica que no se puede aplicar como una receta única que se aplique de una misma forma para todos los contextos, ni siquiera dentro de un mismo país. En un mismo contexto histórico, se puede aplicar de la misma forma en diferentes niveles de conflictos. Lo que funciona en un lugar o para ciertos sectores sociales puede no ser aplicable en otros. Por eso, es crucial evaluar y estudiar los efectos, tanto positivos como adversos, para adaptarla según cada situación.

Un error común es confundir la justicia restaurativa con una "justicia en especie", es decir, con soluciones materiales como devolver dinero o construir monumentos. La clave de la justicia restaurativa radica en el proceso social que se lleva a cabo, más que en los resultados finales. Cuando nos obsesionamos con los resultados, perdemos de vista el poder restaurador que tiene el proceso en las relaciones sociales.

La justicia restaurativa requiere tiempo y acuerdos sociales, muchas veces sostenidos por normas y políticas públicas que garanticen su continuidad y aplicación efectiva.

Aunque habitualmente se rescata la importancia de las prácticas restaurativas y de cómo éstas informan la teoría, también se necesitan marcos normativos y políticas públicas claras que apoyen estas iniciativas. Sin ellos, los programas se vuelven esporádicos y dependen de esfuerzos aislados. La justicia restaurativa requiere tiempo y acuerdos sociales, muchas veces sostenidos por normas y políticas públicas que garanticen su continuidad y aplicación efectiva.

Es fundamental no ver la justicia restaurativa como una competencia con la justicia retributiva. Esa dicotomía entre lo restaurativo y lo retributivo no abarca la complejidad de los conflictos sociales. Por ejemplo, los movimientos sociales a menudo promueven una justicia transformadora que no se alinea estrictamente con ninguna de estas categorías, sino que demanda otras agendas y enfoques.

En definitiva, la justicia restaurativa no busca ser la solución a todos los problemas sociales, sino ampliar las formas de entender y abordar los conflictos. Debemos ser conscientes de sus limitaciones y potencialidades, y evitar invisibilizar otras formas de justicia necesarias para transformar las sociedades. Estas son algunas de las lecciones clave que he extraído de mi experiencia.

Como viceministro de justicia, ¿cuáles han sido los mayores desafíos que enfrentaste al implementar políticas de justicia restaurativa en Colombia? ¿Cómo abordaste esos desafíos?

Como viceministro de justicia, uno de los mayores desafíos que enfrenté fue la falta de claridad y conocimiento sobre lo que realmente implica la justicia restaurativa. Aunque parezca paradójico, incluso entre quienes desarrollaban prácticas que se autodenominaban restaurativas, existe muchas veces una gran ambigüedad en cuanto a su definición y objetivos. Esta falta de claridad hacía difícil traducir la justicia restaurativa en políticas públicas efectivas, ya que para ejecutar una política pública es fundamental ser claro y contar con indicadores concretos que permitan evaluar el avance.

Muchas veces, la justicia restaurativa se concibe de una forma muy abstracta, basada solo en valores, lo que complica su aterrizaje en indicadores medibles. Por ejemplo, si desarrollamos un programa de justicia restaurativa, es necesario preguntarse cómo saber si realmente estamos avanzando. Debemos medir el impacto a través de factores como el número de personas involucradas, la cantidad de expertos capacitados, la disminución de la conflictividad o la creación de alternativas al encarcelamiento. Sin estas mediciones, es difícil evaluar y mejorar las políticas implementadas.

Otro reto importante es la falta de recursos humanos adecuadamente capacitados. No todas las personas que desarrollan estos programas tienen una formación específica en justicia restaurativa. Además, el lenguaje de la justicia restaurativa tiende a ser amplio y a menudo se confunde con prácticas como la conciliación, la mediación o incluso enfoques religiosos centrados en el perdón. Esta amplitud dificulta delimitar el campo de acción de la justicia restaurativa y establecer qué se busca lograr y cómo se medirá.

En un contexto como el colombiano, donde las realidades sociales son muy cambiantes, desarrollar políticas públicas implica mantener una constante capacidad de adaptación. Lo que parece pertinente en un momento puede rápidamente desactualizarse, lo que exige mecanismos de monitoreo continuo para ajustar las políticas a tiempo. Aquí, la aplicación de las ciencias sociales y el manejo de datos se vuelven fundamentales, ya que permiten saber qué está ocurriendo en tiempo real.

Por eso, es necesario contar con estudios y observatorios que generen datos sólidos y nos brinden análisis claros. Durante mi gestión, me enfoqué en generar conocimiento a partir de estos datos y tomar decisiones informadas basadas en evidencia. Sin embargo, lograr esto sigue siendo un gran desafío para la justicia restaurativa, ya que a menudo se ha desapegado del manejo riguroso de datos y de la ciencia aplicada.

¿Cuáles son tus deseos para el futuro de Colombia, particularmente en cuanto al impacto de la justicia restaurativa en el sistema penal y la sociedad en general?

Mis deseos para el futuro de Colombia, especialmente en términos de justicia restaurativa, parten de un programa que ya comenzamos a implementar, el cual busca ser una alternativa al encarcelamiento para mujeres cabezas de hogar que han cometido ciertos delitos en condiciones de marginalidad. Si este programa se aplica a su máxima extensión, podría permitir que alrededor de la mitad de las mujeres en prisión regresen a sus hogares y cumplan un servicio comunitario, en lugar de enfrentar una pena de cárcel. Esto cambiaría la percepción de la prisión no solo para las mujeres, sino para el sistema en general, y abriría la posibilidad de ampliar esta política a otras poblaciones, generando una visión más constructiva de la sanción penal.

Es fundamental que las acciones restaurativas sean comprensibles y auténticamente vinculadas a las comunidades afectadas, para que puedan tener una verdadera incidencia.

Otro aspecto crucial son las medidas de justicia adoptadas por la Jurisdicción Especial para la Paz (JEP). Anhelo que la jurisdicción sea capaz de crear un vínculo claro y efectivo entre estas medidas y los daños ocasionados durante el conflicto. Es fundamental que las acciones restaurativas sean comprensibles y auténticamente vinculadas a las comunidades afectadas, para que puedan tener una verdadera incidencia. De lo contrario, se corre el riesgo de que la justicia restaurativa se perciba como algo extraño y pierda su capacidad de transformarse en una herramienta significativa.

También hay experiencias muy prometedoras en la justicia juvenil, donde se ha demostrado que los

programas de justicia restaurativa ayudan a que los jóvenes mejoren su educación, refuercen sus lazos familiares y se alejen de conductas delictivas. Sin embargo, estos programas aún son limitados a unas pocas ciudades en el país. Mi esperanza es que puedan expandirse y alcanzar a más jóvenes con problemáticas similares.

En general, considero que la justicia restaurativa debe ir más allá del ámbito del derecho penal y de las sanciones formales. Mi deseo es que se convierta en una forma de abordar conflictos sociales de manera inteligente, a nivel de las comunidades, las escuelas y los barrios. Esto permitiría atender no solo el delito, sino también otras problemáticas sociales, algo que actualmente se lleva a cabo de manera aislada y principalmente a través de iniciativas comunitarias.

Finalmente, sería ideal que estos esfuerzos se consolidaran en una política pública amplia y coherente que impulse programas de justicia restaurativa en todo el país. Este enfoque integral permitiría construir una sociedad más justa y reconciliada, y es el camino que me gustaría ver para Colombia.

Para quienes enfrentan conflictos sistémicos y de gran escala, ¿qué reflexión final te gustaría compartir acerca del papel de la justicia restaurativa en estos contextos?

En contextos de conflictos sistémicos y de gran escala, la justicia restaurativa debe centrarse en la experiencia de las víctimas, pero no solo en su dolor, sino también en la capacidad de elaborar y atender ese sufrimiento. Es importante que estas iniciativas no dividan a la sociedad en categorías rígidas entre quienes generaron la violencia y quienes la sufrieron, porque hay muchos sectores que no encajan de manera binaria en estas categorías. Las personas pueden haber participado en el conflicto con sus discursos, prácticas o ideas, o pueden haber sido afectadas de diversas maneras por las acciones de otros. Por lo tanto, es necesario trascender esta visión simplista y crear esquemas de diálogo social que permitan abordar el daño de manera integral.

Otro aspecto crucial es entender que la justicia restaurativa requiere tiempo. Las sociedades que han atravesado situaciones extremas, como la guerra, a menudo sienten que el tiempo es corto debido a la urgencia de sobrevivir. Cuando la supervivencia se convierte en la prioridad, las estrategias de justicia pasan a segundo plano. Por ello, es fundamental que las sociedades generen condiciones donde lo más urgente no sea simplemente sobrevivir, para así poder enfocar sus esfuerzos en los procesos de justicia.

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La justicia restaurativa no solo mira al pasado, sino también se proyecta hacia el futuro. Cuando una sociedad se centra únicamente en lo que ocurrió y no reflexiona sobre lo que quiere construir, surge un problema grave en la aplicación de los mecanismos de justicia. Hay que preocuparse por el futuro. En estos procesos, las nuevas generaciones tienen un papel fundamental, ya que la asimilación de la guerra y la implementación de los mecanismos de paz llevan tiempo y requieren de un compromiso intergeneracional.

Finalmente, es crucial cuestionar quiénes lideran en momentos de guerra y qué tipo de liderazgo buscan. La justicia ordinaria, representada muchas veces por la figura del juez con su mazo, no siempre es el símbolo de liderazgo que permite superar los conflictos. Si el liderazgo recae en las armas, el resultado será siempre el mismo: más violencia. Pero si el liderazgo lo ejercen actores sociales que han vivido y sufrido los conflictos, se abren mejores posibilidades para reconstruir los vínculos sociales.

En definitiva, la justicia restaurativa debe concebirse como clave para abordar los conflictos, pues el verdadero avance de una sociedad radica en la fuerza de sus vínculos sociales y su capacidad de liderazgo transformador.

Camilo Eduardo Umaña Hernández Exviceministro, profesor universitario, abogado defensor de derechos humanos
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Interview with Camilo Eduardo Umaña Hernández, October 2024:

Questions asked by: Claudia Christen-Schneider

Camilo Eduardo Umaña Hernández served as Vice Minister of Justice in Colombia for two years, until October 2024. He currently resides in Boston, Massachusetts, where he has begun a fellowship at Harvard's Kennedy School to research issues related to human rights violations. Starting in spring 2025, he will also be a professor at the Centre for Latin American Studies at Brown University. For the next year, he will split his time between Boston and Providence, combining research with teaching.

What do you consider to be your most significant achievements throughout your career, particularly in the field of human rights and public policy?

I have had the opportunity to work in different areas that have allowed me to combine my training in human rights with public policy. I began my career as a lawyer in the public administration of the Bogotá district and as a human rights defender in various non-governmental organisations in Colombia, where I focused on litigation related to enforced disappearances, extrajudicial executions and trade union rights. This experience led me to study subjects beyond law, such as sociology, to better understand human interaction in these contexts.

I then decided to do a Master's degree in the sociology of law at the International Institute for the Sociology of Law in Oñati and later a PhD at the University of the Basque Country. I also had the opportunity to do a PhD in criminology at the University of Ottawa. These experiences allowed me to complement my legal training with social science knowledge.

Upon my return to Colombia, I worked with the United Nations team in the preparation of the institutions of the Peace Accords, helping to set up the Unit for the Search for Disappeared Persons and the Truth Commission and providing technical assistance to the Special Jurisdiction for Peace. I then joined the Truth Commission as an investigator, leading a team focused on investigating human rights violations by state agents and access to justice in the armed conflict. This work culminated in my contribution to the Commission's final report.

In recent years, I have been a professor at the Externado University, where I directed the Masters in Human Rights. Most recently, I was Vice-Minister of Criminal Policy and Restorative Justice at the Colombian Ministry of Justice, leading complex policies on drugs, transitional justice and criminal and penitentiary policy. Now I am a researcher at Harvard and will be a professor at Brown University in the spring.

Could you tell us about your first personal and professional experience with restorative justice and how this perspective impacted your approach to human rights advocacy?

Of course, my first experience of restorative justice came indirectly through my work in human rights advocacy. From the very beginning, I used methods in my work with victims that, without knowing it, were in line with the principles of restorative justice. Later, during my PhD, I came into closer contact with restorative justice theory, especially in Canada. This approach allowed me to reflect on my work, to identify certain restorative elements and to explore new ones that I was not aware of.

Camilo Eduardo Umaña Hernández

So my first experience was more of a theoretical and reflective approach to restorative justice, which was very useful when I started to develop working methods in the Truth Commission and the UN Human Rights Office. And, of course, in the position of Vice-Minister, it was a mixture of my background

and what I had been able to develop in Colombia, and could now take to the next level, which was to turn it into public policy issues. So it allowed me to learn about it first from a theoretical and academic point of view and then to see it in social practice and in the defence of human rights and then to take it into public policy.

What influence did the murder of your father have on your vision of restorative justice and your decision to participate in the Havana dialogues?

The experience of my father's murder has had a profound impact on my life and my understanding of justice.

The experience of my father's murder has had a profound impact on my life and my understanding of justice. I was a boy of 12 or 13 when my father was killed. At that time, the question was much more radical than just a question of reflection; it was a question of survival. We had to go into exile with my mother, and that was the starting point of my interest in understanding and seeking justice. When I was growing up and choosing what to study, I always had a strong interest in thinking about these issues, especially because my father was a human rights defender who was committed to seeking justice for many people. This also meant that he saw first-hand the shortcomings of the justice system and the dissatisfaction with certain types of legal mechanisms. As a criminal lawyer, he worked in very violent contexts, defending persecuted people, and this allowed me to see how justice could sometimes actually harm people rather than help them.

This personal experience awakened in me the conviction that the search for justice had to be qualified in different ways. In the face of human rights violations, it was not enough to find and punish someone; it had to be thought of in a much broader framework that went beyond the specific act. In this sense, my goal was partly to prevent other children and families from going through what I had gone through.

For me, it was essential to think about a much broader framework of justice that went beyond the concrete fact of my father's murder. For almost 20 years, I have tried to move the case forward in the criminal justice system, facing many difficulties and even threats. However, my aim has always been to go beyond this single criminal case. That is why my involvement in social and victims' movements has been crucial, because it has allowed me to think about justice in different arenas and to do something about it.

One of these important experiences was my participation in the Havana talks with the FARC, where I was invited to be part of one of the five delegations of victims that participated at different points in the negotiations. Each delegation was made up of about 10 people, and the aim was for these 50 victims to speak directly to the negotiating parties to present not only their claims, but also the context of what they had experienced. My delegation, I would like to think, had quite an impact on the negotiators and this allowed us to exchange ideas and perspectives on what justice meant to us.

My concern was that this fight against impunity should not be interpreted as a call for the most severe punishments for all those involved.

At the time, I was doing my doctorate both in the Basque Country and in Ottawa, and my thesis was on impunity. A central aspect of the Peace Accords, and something I always insisted on, was the need to overcome impunity without opening up a punitive agenda. My concern was that this fight against impunity should not be interpreted as a call for the most severe punishments for all those involved. This extreme vision seemed counterproductive to me, as it could block real solutions to the problems. My concept of impunity seeks to transcend punitiveness and focus on accountability in order to build a more conscious society capable of restoring social harmony.

Emerging from the transitional process with a more responsible society means being more aware of the impact of the penal system on those who break the law, and also removing the powers that operate above the law. Reducing everything to prison as the sole objective is a deficit for society. That is why my approach has been to propose a framework of justice that includes truth, the search for the disappeared and mechanisms that reduce the chances of repeating the mistakes of the past. These are the ideas that I have put forward and that have guided my understanding and approach to the conflict.

After years of working in restorative justice, especially in large-scale conflict contexts, what are the most important lessons you have learned?

After years of working in the field of restorative justice, I have learned that it is not a universal solution. Restorative justice is not a panacea; it has great potential to address social bonds, but in societies

where serious atrocities have been committed, those bonds need to be rebuilt step by step. People cannot be expected to live together again from scratch, but must do so on the basis of what has happened. In these contexts, the impact of restorative healing can be significant, especially at the intergenerational level, although its impact on the generations closest to the conflict may be less pronounced.

Restorative justice is not a panacea; it has great potential to address social bonds, but in societies where serious atrocities have been committed, those bonds need to be rebuilt step by step.

I have also found that restorative justice is highly contextual. It depends on the social state of a community and its relationships, which means that it cannot be applied as a one-size-fits-all prescription for all contexts, even within a country. Within the same historical context, it can be applied in the same way to different levels of conflict. What works in one place or for certain social sectors may not be applicable in others. It is therefore crucial to assess and study the effects, both positive and negative, in order to adapt it to each situation.

A common mistake is to confuse restorative justice with 'justice in kind', that is, material solutions such as returning money or building monuments. The key to restorative justice lies in the social process that takes place rather than in the end result. When we become obsessed with outcomes, we lose sight of the restorative power that the process has on social relations.

Restorative justice requires time and social agreements, often supported by norms and public policies that ensure continuity and effective implementation.

While the importance of restorative practices and theory is often emphasised, there is also a need for clear normative frameworks and public policies to support these initiatives. Without these, programmes become sporadic and rely on isolated efforts. Restorative justice requires time and social agreements, often supported by norms and public policies that ensure continuity and effective implementation.

It is crucial not to see restorative justice as competing with retributive justice. Such a dichotomy between restorative and retributive does not capture the complexity of social conflicts. For example, social movements often promote transformative justice, which does not fit strictly into one of these categories, but requires different agendas and approaches.

Ultimately, restorative justice does not seek to be the solution to all social problems, but rather to broaden the ways in which conflicts are understood and addressed. We need to be aware of its limitations and potential, and avoid making invisible other forms of justice that are needed to transform societies. These are some of the key lessons I have drawn from my experience.

As Vice-Minister of Justice, what have been the biggest challenges you have faced in implementing restorative justice policies in Colombia? How did you address those challenges?

As Vice-Minister of Justice, one of the biggest challenges I faced was the lack of clarity and knowledge about what restorative justice actually entailed. Paradoxically, even among those who were developing practices that called themselves restorative, there was often great ambiguity about its definition and objectives. This lack of clarity has made it difficult to translate restorative justice into effective public policy, since the implementation of public policy requires clarity and concrete indicators to evaluate progress.

Often restorative justice is conceived in a very abstract way, based only on values, which makes it difficult to translate into measurable indicators. For example, if we are developing a restorative justice programme, we need to ask ourselves how we will know if we are really making progress. We need to measure impact by factors such as the number of people involved, the number of professionals trained, the reduction in conflict or the creation of alternatives to incarceration. Without such measurements, it is difficult to evaluate and improve the policies implemented.

Another major challenge is the lack of adequately trained human resources. Not all people developing these programmes have specific training in restorative justice. In addition, the language of restorative justice tends to be broad and is often confused with practices such as arbitration, mediation or even religious approaches that focus on forgiveness. This broadness makes it difficult to define the scope of restorative justice, what it seeks to achieve and how it is measured.

In a context such as Colombia's, where social realities are highly variable, the development of public policies requires a constant capacity to adapt. What seems relevant at one point in time can quickly

become outdated, requiring continuous monitoring mechanisms to adjust policies in time. This is where the application of social sciences and data management becomes fundamental, as they allow us to know what is happening in real time.

It is therefore necessary to have studies and investigations that generate solid data and provide us with clear analyses. During my tenure, I have focused on generating knowledge from this data and making informed, evidence-based decisions. However, achieving this remains a major challenge for restorative justice, which has often been divorced from rigorous data management and applied science.

What are your hopes for the future of Colombia, particularly in terms of the impact of restorative justice on the penal system and society in general?

My hopes for the future of Colombia, particularly in terms of restorative justice, stem from a programme we have already begun to implement, which aims to be an alternative to prison for women heads of households who have committed certain crimes in marginalised conditions. If this programme is fully implemented, it could allow about half of the women in prison to return home and do community service rather than face imprisonment. This would change the perception of prison not only for women, but for the system as a whole, and open up the possibility of extending this policy to other populations, creating a more constructive view of criminal punishment.

It is essential that restorative justice measures are understandable and genuinely connected to the affected communities if they are to have a real impact.

Another crucial aspect is the judicial measures adopted by the Special Jurisdiction for Peace (JEP). I hope that the jurisdiction will be able to establish a clear and effective link between these measures and the harm caused during the conflict. It is essential that restorative justice measures are understandable and genuinely connected to the affected communities if they are to have a real impact. Otherwise, there is a risk that restorative justice will be perceived as something alien and lose its capacity to become a meaningful tool.

There are also promising experiences in the field of juvenile justice, where restorative justice programmes have been shown to help young people improve their education, strengthen their family ties and desist from delinquent behaviour. However, these programmes are still limited to a few cities in the country. I hope they can be expanded to reach more young people with similar problems.

In general, I believe that restorative justice should go beyond the realm of criminal law and formal sanctions. My wish is that it becomes a way of dealing intelligently with social conflicts at the level of communities, schools and neighbourhoods. This would make it possible to address not only crime but also other social issues that are currently dealt with in isolation and mainly through community initiatives.

Finally, it would be ideal if these efforts could be consolidated into a broad and coherent public policy that promotes restorative justice programmes throughout the country. This comprehensive approach would build a more just and reconciled society, and is the path I would like to see Colombia take.

For those facing large-scale and systemic conflicts, what final reflection would you like to share about the role of restorative justice in these contexts?

In the context of large-scale and systemic conflict, restorative justice must focus on the experience of victims, not only on their pain, but also on their capacity to process and address that suffering. It is important that these initiatives do not divide society into rigid categories of those who have caused the violence and those who have suffered from it, as there are many sectors that do not fit neatly into these categories. People may have participated in the conflict through their discourses, practices or ideas, or they may have been affected in different ways by the actions of others. There is therefore a need to move beyond this simplistic view and to develop social dialogue systems that allow for a holistic approach to addressing harm.

It is … essential that societies create conditions in which survival is not the most pressing issue, so that they can focus their efforts on justice processes.

Another crucial aspect is to understand that restorative justice takes time. Societies that have experienced extreme situations, such as war, often feel that time is short because of the urgency of survival. When survival becomes paramount, strategies for achieving justice tend to fade. It is, therefore, essential that societies create conditions in which survival is not the most pressing issue, so that they can focus their efforts on justice processes.

Restorative justice looks not only to the past but also to the future. If a society focuses only on what has happened and not on what it wants to build, there

is a serious problem in applying justice mechanisms. We need to think about the future. In these processes, the new generations have a fundamental role to play, because coming to terms with the war and implementing peace mechanisms take time and require intergenerational commitment.

Finally, it is crucial to examine who leads in times of war and what kind of leadership they seek. Ordinary justice, often represented by the figure of the judge with his gavel, is not always the symbol of leadership that allows conflicts to be overcome. If leadership relies on weapons, the result will always be the same: more violence. But if leadership is exercised by social actors who have lived through and suffered the conflicts, it opens up better possibilities for rebuilding social ties.

Ultimately, restorative justice must be seen as a key to dealing with conflict, because the real progress of a society lies in the strength of its social bonds and its capacity for transformative leadership.

Camilo Eduardo Umaña Hernández Former deputy minister, university professor, human rights lawyer
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The power of our pain: lessons from the Parents Circle

In the face of deep-seated conflict, particularly one as long-standing and bitter as the Israeli-Palestinian conflict, many would assume that reconciliation is a distant hope, if not entirely impossible. But there exists a beacon of hope in the form of the Parents Circle — Families Forum (PCFF), an organisation made up of over 750 bereaved families, both Israeli and Palestinian, who have lost loved ones to the conflict. These families have made the extraordinary choice to pursue reconciliation instead of revenge. Their work offers a powerful example of how principles of restorative justice and reconciliation can be employed in conflict settings.

Established in 1995, the Parents Circle was born out of the shared pain of bereavement — a collective experience that transcends ethnic, religious or national identities. In fact, the first Palestinian members of the Parents Circle were originally from Gaza.

At the heart of their work is the belief that dialogue and understanding can serve as antidotes to hatred and polarisation.

At the heart of their work is the belief that dialogue and understanding can serve as antidotes to hatred and polarisation. They bring together bereaved Israelis and Palestinians to share their personal stories of loss with the general public, not to compete over whose suffering is greater, but to foster a sense of shared humanity. In these meetings, participants listen to the other's pain, gradually building a foundation of empathy and mutual understanding. This act of storytelling — telling the truth of one's experience and hearing the truth of another — lies at the core of restorative justice.

Shiri Ourian

Personal stories: Robi Damelin, Bassam Aramin, Layla Alshekh, and Yonatan Zeigen

The strength of the Parents Circle lies in the powerful personal stories of its members, many of whom have faced unimaginable loss and found ways to reconnect through dialogue. Four remarkable examples are Robi Damelin, Bassam Aramin, Layla Alshekh and Yonatan Zeigen — whose stories are a testament to the power of restorative justice.

Robi Damelin lost her son, David, an Israeli soldier, to a Palestinian sniper in 2002. David was passionate about peace and had opposed his deployment to the occupied territories. In the wake of his death, Robi could have chosen to live in anger and bitterness. Instead, she chose to channel her pain into building understanding between Israelis and Palestinians. She became a leading voice in the Parents Circle, advocating for a reconciliation process to be a precursor and an integral part of any political agreement between both sides. Robi has reached out to her son's killer, seeking not revenge, but a path to reconciliation. She says that she understands that the sniper saw his uncle violently killed when he was young and so he went on a path of revenge. She has also supported the release of the sniper from prison in exchange for a hostage release.

Similarly, *Bassam Aramin*, a bereaved Palestinian father, lost his 10-year-old daughter, Abir, who was killed by an Israeli border police officer in 2007. Bassam, however, is no stranger to the complexities of the conflict. As a young man, he was imprisoned for planning an attack against Israeli soldiers. While in prison, Bassam began to study the history of the Holocaust, which radically altered his perspective on violence and revenge. After his release, he became a peace activist and, following his daughter's death, he turned his grief into a commitment to working for peace alongside bereaved Israeli families. He says that if the soldier who killed his daughter should come to ask him for forgiveness, he would grant him forgiveness, for himself, not for the soldier. His ability to work with those on the opposite side of the conflict is a profound testament to the capacity for empathy and understanding, even in the most difficult circumstances.

Layla Alshekh's story is a heartbreaking testament to the cost of this conflict. Layla, a Palestinian mother from Batir, lost her 6-month-old son, Qusay, during an Israeli military operation in 2001 during which he inhaled tear gas and was prevented from getting medical attention in a timely manner. The tragic loss of her infant son was a devastating turning point in her life, one that left her shattered and consumed by grief. After 16 years, despite her pain, Layla chose to join the Parents Circle, seeking to transform her sorrow into a call for peace and dialogue. She believes that no mother should ever have to endure such loss, and her commitment to reconciliation reflects a deep desire for a different future — one where all children can grow up in safety. Layla's journey is a powerful example of the courage it takes to choose peace in the face of unimaginable tragedy.

Yonatan Zeigen adds another layer to the tragedy and commitment to reconciliation. Yonatan is newly bereaved, having lost his mother, Vivian Silver, a prominent peace activist, on October 7, 2023. Vivian Silver was dedicated to fostering connections between Israelis and Palestinians and was a vocal advocate for feminism and peacebuilding throughout her life. In the wake of her death, Yonatan has joined the Parents Circle, continuing the legacy of his mother. In a recent interview, Yonatan referred to the remains of his mother's burned home saying:

> Another person could come here and say this is the reason to kill Palestinians … I stand here and say this is the reason to fight for peace. So this won't happen again …

If the very militants who destroyed this kibbutz came to him now saying they were ready to negotiate for peace … he would listen openly. 'Come', he said. 'Even if you killed my mother before.'

Our tears are the same colour

This process of sharing and listening allows people to break down the psychological walls that have been erected by years of fear, hatred and propaganda.

For many, especially those who have suffered personal loss, engaging in dialogue with 'the enemy' seems counterintuitive. This process of sharing and listening allows people to break down the psychological walls that have been erected by years of fear, hatred and propaganda. It helps them see 'the other' as a human being rather than an abstract enemy.

The recent events of 7 October 2023 and its aftermath have intensified these challenges. The scale of violence, the heightened fear and the renewed sense of vulnerability have made it even harder for individuals to open themselves to humanising the other side.

Many are experiencing a raw and immediate grief that makes the idea of reconciliation feel distant, if not impossible. Yet, it is precisely during such times of heightened trauma that the Parents Circle's work becomes both more difficult and more necessary.

This process can be deeply transformative. Many participants have described how, before attending a dialogue session with the Parents Circle, they had no interest in speaking with people from the other side. But after hearing their stories, they began to realise that, despite their differences, they shared a common goal: a desire for peace and an end to the cycle of violence. Empathy is awakened and actively nurtured through these dialogues.

Building relationships in the midst of conflict

Building relationships in conflict settings is never easy. The Israeli-Palestinian conflict, with its deep historical roots, asymmetrical nature and ongoing violence, presents a particularly challenging environment for fostering relationships across divided lines. Palestinians, living under occupation, face distinct and severe hardships that further complicate dialogue. Yet, the Parents Circle's work demonstrates that, even in the midst of such inequality and conflict, it is possible to create and sustain relationships built on trust, empathy and a shared commitment to peace.

The relationships formed through the Parents Circle are not based on agreement about political solutions or historical narratives. Instead, they are based on a shared humanity — the recognition that both Israelis and Palestinians experience profound grief, and that this shared grief can be a starting point for dialogue and reconciliation. Through repeated interactions, participants develop a sense of trust and solidarity that can withstand the pressures of the surrounding conflict.

Listening from the Heart

The Listening from the Heart peace education programme, developed by American Friends of the Parents Circle — Families Forum, serves as a powerful extension of the organisation's commitment to reconciliation and restorative justice. This peace education initiative brings bereaved Israelis and Palestinians into communities that are divided or polarised around the Israeli-Palestinian conflict, fostering empathy and dialogue in spaces where these values are often absent. By creating a platform where personal stories of loss are shared directly with participants *Listening from the Heart* provides a structured opportunity for communities to engage with restorative justice practices.

Central to this work is the idea that true healing comes not from isolation or retaliation, but from engaging directly with those whom one might perceive as an enemy.

The programme emphasises the human impact of conflict, encouraging participants to listen deeply, confront their own biases, and recognise the shared pain experienced on both sides of the divide. Central to this work is the idea that true healing comes not from isolation or retaliation, but from engaging directly with those whom one might perceive as an enemy. This initiative provides a replicable model for communities facing an importation of the conflict.

If they can choose peace, surely anyone can too …

The Parents Circle's work is not only about healing individuals; it is about cultivating a culture of peace. Restorative justice is not just a process that happens between individuals — it is a way of thinking and being that can transform entire societies. By promoting dialogue, empathy and reconciliation, the Parents Circle is helping to lay the groundwork for a future in which Israelis and Palestinians can live together in peace. Their efforts are a reminder that peace is not simply the absence of violence — it is the presence of justice, empathy, and mutual respect.

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Shiri raises crucial support for the PCFF's peace education programmes, which aim to build reconciliation between Israelis and Palestinians based on shared values of compassion and mutual respect. Moreover, she led the development of a new peace education programme which fosters empathy, humanisation and understanding around the Israeli-Palestinian conflict.

When enemies make peace: visiting Rondine, a unique peace-building and education programme in Italy

Introduction

The EFRJ invited two young activists to its 2024 conference in Tallinn, Adelina Tërshani and Elina Khachatryan, to be a part of a plenary discussion together with other young people engaged in peace-building initiatives. Adelina is from Kosovo and Elina is from Armenia, two countries affected by war. They both represented Rondine Cittadella della Pace, an Italian organisation, which involves university students from opposite sides of conflict-zones to live and study together in a two-year programme. As we, at the Secretariat, got to know more and more about Rondine during the preparations for the conference, met virtually the coordinator of the their World House programme, Valentina Pierucci, and finally listened to the powerful testimonies of Adelina and Elina in Tallinn, we grew more and more intrigued by the work of the organisation. When the opportunity of paying a visit to Rondine emerged, we were all enthusiastic. On a cloudy October day, the EFRJ staff alongside a couple of Board members were delighted to be hosted and guided through the scenic dwelling of Rondine by Adelina, Elina, Valentina and other members of this peace-building community.

This article presents Rondine based on what we learned from them before and during the conference, as well as through meeting them at the home of their initiative.

> … she felt alone with her wonders about the experiences of the people on the other side of the conflict and whether they also suffered from what was going on.

In her opening remarks at the conference in Tallinn, Elina explained her traumatic experience of the conflict between Armenia and Azerbaijan, and especially of the war in 2020, in which her brother was enlisted in the army causing their family incessant anxiety about what may happen to him. She recalled how she felt alone with her wonders about the experiences of the people on the other side of the conflict and whether they also suffered from what was going on. According to her, 'it takes a lot of courage to turn off the phone, the television, to distance oneself from the news and from hatred.' She remarked that she had a million questions. These stayed with her, even after the 44 days long war ended, until she met someone from the other side of the conflict for the first time. This happened in Rondine, after her enrolment into the programme. In the moment of meeting her fellow student from Azerbaijan, she said she forgot all her questions, because 'he was just a person,' and she realised they were 'on the same page, […] gone through hell together'. Her story is one of several others' who came to Rondine to encounter, share time and space with someone representing the other side of a violent conflict between their communities.

Our visit to Rondine

On the day of our team's visit, we arrived in Rondine with a delay due to complications with the car rental process. We knew the locals were waiting for us with lunch and that they had tried to make sure we had as many experiences as possible fitting in the tight schedule available for our visit. So time was precious. When we finally arrived and parked our cars outside the village, we saw their reception delegation a couple of hundred meters from us waiting patiently for our arrival. They greeted us with smiles. It was heart-warming to be welcomed by Adelina and Elina as friends from Tallinn, to meet Valentina in person, and other members of the community who hosted us on the tour. Adelina and Elina took the lead in showing us around.

The visit allowed us to both get a feel for the practical aspects of everyday life there and to hear about the principles behind the Rondine method. The houses of an originally medieval hamlet in Tuscany make up Rondine today. Similar to other small settlements in the region, its population left gradually in the decades that followed the Second World War. The association was set up in the deserted hamlet later, and it adopted its original name, which means swallow in Italian, completing it with '*citadella della pace*,'

which means ‘town of peace’ or ‘citadel of peace.’ Its yellow stone and brick houses host the infrastructure of the organisation, the housing of the students, community spaces, the dining hall, the offices. The distinct location gives a retreat-style character to the place. Yet, as the name World House implies, it is an open and inclusive environment, and participants regularly commute to the campuses of the neighbouring cities (Siena, Florence), where they are enrolled thanks to the opportunity that Rondine creates for them.

Enemies

During our tour we stopped at a terrace, and looked down into the valley of the Arno river at the foot of the village. Elina explained about her first experience of spending time with her ‘enemy.’ Curiously, both the students and also the coordinators consistently kept referring to the fellow students representing the opposite side of their conflicts as ‘enemies,’ even when they expressed affection, respect, or referred to the recognition of their shared humanity. Even the official website of Rondine uses the term: World House of Rondine. The application of this word in such a way expresses the difficult complexity of realities they are part of. Even if they develop a respectful and peaceful relation during their years in Rondine, the reality of their original context is animosity, which keeps assigning them the role of being each other’s adversaries. Until the conflict or its memory is alive, special efforts are necessary to leave this role and to overwrite the relation it confers on them. If they grow friendship that is despite their background, and not thanks to it.

> … their gentle and playful use of the term, often mentioned in a possessive form, like ‘my enemy’, turns the concept into a more relatable association …

It also occurred to me that their gentle and playful use of the term, often mentioned in a possessive form, like ‘my enemy,’ turns the concept into a more relatable association between humans, something that can be addressed, accepted and dealt with in the realm of non-violent normality.

As Valentina explained, sometimes, students arrive in Rondine having never met their enemies before, similar to the experience of Elina. They can be afraid, and perhaps have prejudice about their fellow students. They may find it difficult to talk at the start. But through attending Rondine’s training programme, and through the cohabitation they can find out that the other person who is considered as their enemy, and who could mean a danger for them or at least cause them difficulties in other circumstances, may be actually similar to them.

The origins

Rondine’s World House programme and the association was born in the aftermath of a specific war, the first war between Russia and Chechnya (1994–1996). After being involved in several peace initiatives, Rondine’s founder Franco Vaccari was part of a delegation that aimed to achieve a ceasefire during the war. This experience and their acquaintance led the rector of the University of Grozny (in Chechnya) to contact Vaccari again after the war. The rector asked him support two young Chechen students in continuing their studies in Italy, as their own university and town was in ruins. The invitation started Rondine’s path. Vaccari responded positively to the request on the condition that the students could come if they accept to live together with counterparts, other fellow students from Russia. Since then Rondine has run its programme for international students coming from conflict zones.

A single washing machine and the four pillars

Students enrol on Rondinde’s intense, two years long, programme which has four key pillars. One of these is daily life, which refers to the experience of sharing the physical space over an extended period of time, working together on household chores, attending training together and being in each other’s company even during free time activities.

On another stop of our visit we paused at the laundry room of the community, and Adelina shared the story of the washing machine from the early years of the programme. Some students back then who otherwise embraced the principles of the programme, allegedly refused to wash their underwear in the same (the only) washing machine that was provided for them, and demanded a second machine. Vaccari refused to fulfil their request and told them that it is an important element of the programme to be on board with sharing even the use of the washing machine. This led some of the concerned students to leave. Yet, the principle remained the same, and many other participants overcame this and other challenges the cohabitation confronts them with.

A second pillar of the programme is the training organised in Rondine, which contributes to creating a reflective awareness of the programme's principles, and develops skills supporting participants' emotional intelligence, ability to work with conflicts and communication and leadership competencies.

Viewing conflicts in a new light, and working with conflicts on different levels are crucial in the eyes of Rondine's coordinators.

Viewing conflicts in a new light, and working with conflicts on different levels are crucial in the eyes of Rondine's coordinators. They stimulate students to address inner conflicts of a person, interpersonal conflicts, and only after these focus on international conflicts. They never suggest conflicts need to be solved, because that would imply conflicts are negative. Conflict is a neutral word in their eyes. One can always find conflicts in their life, in themselves, with their partner, with the people they live with. If one starts to manage these kinds of conflicts, then s/he may become ready to deal with larger conflicts.

Participants' civic engagement is the third pillar of the programme. Rondine asks its students to share their experiences through testimonies, talking to the press and training other trainers. They become ambassadors of the association, and its mission, peace. This is how Adelina and Elina came to Tallinn on behalf of Rondine.

In the second year of the programme participants design a social impact project that they can implement when they leave Rondine. The most favourable is if they can do it in their country of origin; yet this is not always possible. In any case they should bring something back to the community where they come from and adapt the Rondine method to their community. Former students also have their independent association, the Rondine Autonomous Peace Lab, through which they can engage in collaborative projects together, such as advocacy campaigns for example.

Rondine's team most importantly does not regard their enrolled participants primarily as people seeking protection and asylum, rather as visitors in the programme who will hopefully later become leaders.

Finally, the programme's fourth pillar is participants' engagement in formal education. Students choose a Masters programme matching their engagement at Rondine offered by one of the universities in the area. This is considered a key element that supports their future path in working for social change.

In addition to its core activity, Rondine also offers another programme for Italian secondary school students to complete the fourth year of their studies (*Quarto Anno*) in Rondine's school and to learn alongside the international community of the World House programme. In the last part of our visit we entered into the recently renovated school building and joined a shared workshop of the secondary schools students and the participants of the World House programme. We were spontaneously asked to present ourselves and the mission of the European Forum for Restorative Justice. Without much preparation, the meeting quickly turned into a vivid exchange about restorative justice, its potential and challenges, as well as how it relates to the values and principles that Rondine stands for.

The Rondine approach and restorative justice

The above shows that there are several important similarities between restorative justice and the principles that guide Rondine's work. From the transformative approach to conflicts that aims to build on their potential instead of suppressing them, through the idea of stimulating ownership, initiative-taking and responsibility-taking, to the idea of connecting people involved in different sides of a conflict and enabling them to engage in dialogue with each other, there are many elements in it that restorative justice professionals will also identify with.

Yet, there are a couple of significant differences as well.

First of all, Rondine does not work with offenders, or people directly responsible for harm. Participants are victims of the wars and conflicts affecting their communities.

Secondly, as an educational initiative, in contrast with restorative justice, it is not-oriented towards a specific meeting, and participants are typically not focusing on one specific incident that was caused by them; rather it invites participants affected by conflict to spend time together and discover each other's humanities.

Finally, while restorative justice is often a confidential process and participants often do not share publicly their experiences (and they are not required to), in Rondine participants are stimulated to engage in public activities using their personal experiences in the programme to advocate for peace.

Concluding remarks

It is a space where abstract ideals of dialogue and peace, gain an exciting and very tangible form.

Our visit to Rondine left us with strong memories that we returned to from time-to-time. It is a space where abstract ideals of dialogue and peace gain an exciting and very tangible form. Rondine's unique approach to peace-building through education and cohabitation of affected people offers a clear and powerful model for addressing the sharp divisions that exist in conflict-affected societies. By bringing together young people from opposite sides of conflicts, Rondine creates an environment where former 'enemies' can encounter each other as humans, the pains they share, and work on establishing a common path that brings them forward, towards peace. The power of the World House programme lies not only in its ability to transform the attitudes of individual participants but also in its potential to generate ripple effects in the communities its ambassadors go to.

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Quando i nemici fanno pace: visitando Rondine, un programma di educazione e costruzione della pace unico in Italia

Introduzione

L'EFRJ ha invitato due giovani attivisti alla sua conferenza del 2024 a Tallinn, Adelina Tërshani ed Elina Khachatryan, per partecipare a una discussione plenaria insieme ad altri giovani impegnati in iniziative di costruzione della pace. Adelina proviene dal Kosovo ed Elina dall'Armenia, due paesi colpiti dalla guerra. Entrambe hanno rappresentato Rondine Cittadella della Pace, un'organizzazione italiana che coinvolge studenti universitari da parti opposte di zone di conflitto per vivere e studiare insieme in un programma biennale. Durante i preparativi per la conferenza, conoscendo meglio Rondine, incontrando virtualmente la coordinatrice del programma *World House* ('casa del mondo'), Valentina Pierucci, e infine ascoltando le potenti testimonianze di Adelina ed Elina a Tallinn, l'interesse del Segretariato per il lavoro dell'organizzazione è cresciuto. Quando è emersa l'opportunità di visitare Rondine, tutti noi eravamo entusiasti. In un giorno nuvoloso di ottobre, lo staff dell'EFRJ e alcuni membri del consiglio sono stati calorosamente accolti e guidati attraverso l'incantevole villaggio di Rondine da Adelina, Elina, Valentina e altri membri di questa comunità impegnata nella costruzione della pace.

Questo articolo presenta Rondine basandosi su ciò che abbiamo appreso prima e durante la conferenza, nonché sull'esperienza diretta vissuta nella loro residenza.

... si sentisse sola con i suoi interrogativi sulle esperienze delle persone dall'altra parte del conflitto e se anche loro soffrissero per ciò che stava accadendo.

Durante il discorso introduttivo alla conferenza di Tallinn, Elina ha raccontato la sua traumatica esperienza del conflitto tra Armenia e Azerbaigian, in particolare della guerra del 2020, durante la quale suo fratello è stato arruolato nell'esercito, causando una costante ansia alla loro famiglia. Ha ricordato come si sentisse sola con i suoi interrogativi sulle esperienze delle persone dall'altra parte del conflitto e se anche loro soffrissero per ciò che stava accadendo. Secondo lei, «serve molto coraggio per spegnere il telefono, la televisione, per allontanarsi dalle notizie e dall'odio». Aveva un milione di domande che l'hanno accompagnata anche dopo la fine dei 44 giorni di guerra, finché non ha incontrato per la prima volta qualcuno dall'altra parte del conflitto. Questo è successo a Rondine, dopo la sua iscrizione

al programma. Nel momento in cui ha incontrato il suo compagno di studi proveniente dall'Azerbaigian, ha detto di aver dimenticato tutte le sue domande, perché «lui era semplicemente una persona», e ha realizzato che «erano sulla stessa barca, [...] avevano attraversato l'inferno insieme». La sua storia è una delle tante di chi arriva a Rondine per incontrare, condividere tempo e spazio con qualcuno che rappresenta l'altra parte di un conflitto violento tra le loro comunità.

La nostra visita a Rondine

Nel giorno della visita del nostro team, siamo arrivati a Rondine in ritardo a causa di complicazioni con il noleggio dell'auto. Sapevamo che ci stavano aspettando per pranzo e che avevano cercato di assicurarci il maggior numero di esperienze possibile nonostante il programma serrato della visita. Il tempo era quindi prezioso. Quando finalmente siamo arrivati e abbiamo parcheggiato le auto all'entrata del borgo, abbiamo visto la delegazione di accoglienza aspettarci pazientemente a qualche centinaio di metri di distanza. Ci hanno accolto con sorrisi calorosi. È stato emozionante essere accolti come amici da Adelina ed Elina dopo la conferenza di Tallinn, incontrare Valentina di persona e altri membri della comunità che ci hanno guidato nella visita. Adelina ed Elina hanno preso l'iniziativa di mostrarci i dintorni.

La visita ci ha permesso di avere un'idea sia degli aspetti pratici della vita quotidiana sia dei principi alla base del metodo Rondine Le case di un borgo toscano di origine medievale costituiscono oggi Rondine. Come in altri piccoli insediamenti della regione, la sua popolazione è diminuita gradualmente nei decenni successivi alla Seconda Guerra Mondiale. L'associazione è stata fondata in questo borgo abbandonato, completando il suo nome originale 'Rondine'con 'Cittadella della Pace'. Le case in pietra e mattoni gialli ospitano l'infrastruttura dell'organizzazione: le abitazioni degli studenti, gli spazi comuni, la sala da pranzo, gli uffici. La posizione unica conferisce al luogo un carattere di ritiro. Tuttavia, come suggerisce il nome *World House*, è un ambiente aperto e inclusivo, e i partecipanti viaggiano regolarmente verso i campus delle città vicine (Siena, Firenze), dove sono iscritti grazie alle opportunità create da Rondine.

Nemici

Durante il nostro tour ci siamo fermati su una terrazza e abbiamo guardato la valle del fiume Arno ai piedi del borgo. Elina ci ha raccontato della sua prima esperienza trascorsa con il suo 'nemico'. Curiosamente, sia gli studenti che i coordinatori si riferiscono costantemente agli altri studenti rappresentanti il lato opposto dei loro conflitti come 'nemici', anche quando esprimono affetto, rispetto o riconoscono la comune umanità. Anche il sito ufficiale di Rondine (sito in inglese) utilizza questo termine: World House of Rondine. L'uso di questa parola in tal modo esprime la difficile complessità delle realtà di cui fanno parte. Anche se sviluppano una relazione rispettosa e pacifica durante gli anni passati a Rondine, la realtà del loro contesto di origine è di animosità, la quale continua ad assegnare loro il ruolo di avversari reciproci. Finché il conflitto o il suo ricordo sono vivi, sono necessari sforzi speciali per abbandonare questo ruolo e riscrivere la relazione che il termine conferisce loro. Se nascono amicizie, è nonostante il loro background e non grazie ad esso.

... il loro uso gentile e giocoso del termine, spesso menzionato in forma possessiva, come 'il mio nemico', trasforma il concetto in un'associazione più relazionabile ...

Mi è anche venuto in mente che il loro uso gentile e giocoso del termine, spesso menzionato in forma possessiva, come 'il mio nemico', trasforma il concetto in un'associazione più relazionabile tra esseri umani, qualcosa che può essere affrontato, accettato e gestito nel regno della normalità non violenta.

Come ci ha spiegato Valentina, a volte gli studenti arrivano a Rondine senza aver mai incontrato i loro nemici prima, come nel caso di Elina. Possono avere paura e forse dei pregiudizi sui loro compagni di studi. All'inizio possono trovare difficile comunicare. Ma attraverso la partecipazione al programma di formazione di Rondine e attraverso la convivenza, possono scoprire che l'altra persona, considerata il loro nemico, e che potrebbe rappresentare un pericolo per loro o almeno causare difficoltà in altre circostanze, può essere in realtà simile a loro.

Le origini

Il programma World House di Rondine e l'associazione sono nati nel contesto di una guerra specifica, la prima guerra tra Russia e Cecenia (1994–1996). Dopo essere stato coinvolto in diverse iniziative di pace, il fondatore di Rondine, Franco Vaccari, fece parte di una delegazione che mirava a ottenere un cessate il fuoco durante il conflitto. Questa esperienza e

il loro incontro portarono il rettore dell'Università di Grozny (in Cecenia) a contattare nuovamente Vaccari dopo la guerra. Il rettore gli chiese di supportare due giovani studenti ceceni nel proseguire i loro studi in Italia, poiché la loro università e città erano in rovina. L'invito diede inizio al percorso di Rondine. Vaccari rispose positivamente alla richiesta con la condizione che gli studenti potessero venire solo se avessero accettato di vivere insieme a controparti, altri studenti provenienti dalla Russia. Da allora, Rondine gestisce il suo programma per studenti internazionali provenienti da zone di conflitto.

Una sola lavatrice e i quattro pilastri

Gli studenti si iscrivono al programma intensivo di Rondine, che ha una durata di due anni e si fonda su quattro pilastri chiave. Uno di questi è la vita quotidiana, che si riferisce all'esperienza di condividere uno spazio fisico per un lungo periodo di tempo, lavorando insieme nelle faccende domestiche, partecipando a formazioni comuni e trascorrendo il tempo libero insieme.

Durante un'altra tappa della nostra visita ci siamo fermati nella lavanderia della comunità, e Adelina ha raccontato la storia della lavatrice dei primi anni del programma. Alcuni studenti di allora, che altrimenti abbracciavano i principi del programma, si rifiutavano di lavare la biancheria intima nella stessa (l'unica) lavatrice messa a disposizione, e chiedevano di avere una seconda lavatrice. Vaccari si rifiutò di esaudire la loro richiesta, spiegando loro che era un elemento importante del programma condividere anche l'uso della lavatrice. Questo portò all'abbandono di alcuni degli studenti coinvolti. Tuttavia, il principio rimase lo stesso, e molti altri partecipanti superarono questa e altre difficoltà che la convivenza porta con sé.

Il secondo pilastro del programma è la formazione organizzata a Rondine, che contribuisce a creare una consapevolezza riflessiva dei principi del programma e sviluppa competenze che supportano l'intelligenza emotiva dei partecipanti, la capacità di lavorare con i conflitti e le competenze comunicative e di leadership.

> Vedere i conflitti sotto una nuova luce e lavorare con i conflitti a diversi livelli è fondamentale per i coordinatori di Rondine.

Vedere i conflitti sotto una nuova luce e lavorare con i conflitti a diversi livelli è fondamentale per i coordinatori di Rondine. Stimolano gli studenti ad affrontare i conflitti interiori di una persona, i conflitti interpersonali, e solo successivamente quelli internazionali. Non suggeriscono mai che i conflitti debbano essere risolti, perché ciò implicherebbe che i conflitti siano negativi. Il conflitto, agli occhi loro, è una parola neutra. Si possono sempre trovare conflitti nella propria vita, dentro di sé, con il proprio partner, con le persone con cui si vive. Se si inizia a gestire questi tipi di conflitti, si può essere pronti ad affrontare conflitti più grandi.

Il coinvolgimento civico dei partecipanti è il terzo pilastro del programma. Rondine chiede ai suoi studenti di condividere le loro esperienze tramite testimonianze, parlando con la stampa e formando altri formatori. Diventano ambasciatori dell'associazione e della sua missione: la pace. È così che Adelina ed Elina sono arrivate a Tallinn a nome di Rondine.

Nel secondo anno del programma, i partecipanti progettano un progetto di impatto sociale che potranno realizzare quando lasceranno Rondine. L'ideale sarebbe se potessero farlo nel loro paese di origine, ma questo non è sempre possibile. In ogni caso, devono portare qualcosa alla comunità di provenienza e adattare il metodo Rondine alla loro realtà. Anche gli ex studenti hanno una loro associazione indipendente, il Rondine Autonomous Peace Lab, attraverso la quale possono partecipare a progetti collaborativi, come campagne di sensibilizzazione, ad esempio.

Il team di Rondine non considera i partecipanti principalmente come persone che cercano protezione o asilo, ma piuttosto come visitatori del programma che sperano diventeranno leader in futuro.

Infine, il quarto pilastro del programma è l'impegno dei partecipanti nell'educazione formale. Gli studenti scelgono un programma di Master che si allinei con il loro impegno a Rondine, offerto da una delle università della zona. Questo è considerato un elemento chiave per sostenere il loro percorso futuro nel lavorare per il cambiamento sociale.

Oltre alla sua attività principale, Rondine offre anche un altro programma per gli studenti delle scuole secondarie italiane per completare il quarto anno dei loro studi nella scuola di Rondine, imparando insieme alla comunità internazionale del programma *World House*. Nell'ultima parte della nostra visita siamo entrati nell'edificio scolastico recentemente ristrutturato e abbiamo partecipato a un laboratorio condiviso tra gli studenti delle scuole secondarie e i partecipanti al programma *World House*. Ci è stato chiesto spontaneamente di presentarci e di parlare della missione del European Forum for Restorative Justice ('Forum Europeo per la Giustizia Riparativa'). Senza molta preparazione, l'incontro si è rapidamen-

te trasformato in uno scambio vivace sulla giustizia riparativa, il suo potenziale e le sfide, nonché su come essa si relaziona ai valori e ai principi per cui Rondine si impegna.

L'approccio di Rondine e la giustizia riparativa

Quanto esposto sopra evidenzia numerose analogie significative tra la giustizia riparativa e i principi che orientano il lavoro di Rondine. Dall'approccio trasformativo ai conflitti, che si concentra sul valorizzare il loro potenziale piuttosto che reprimerli, all'idea di stimolare il senso di responsabilità e di iniziativa, fino alla volontà di mettere in contatto persone provenienti da diverse fazioni di un conflitto e permettere loro di entrare in un dialogo reciproco; ci sono molti aspetti con cui i professionisti della giustizia riparativa possono identificarsi.

Tuttavia, ci sono anche alcune differenze significative.

Prima di tutto, Rondine non lavora con i trasgressori, o con le persone direttamente responsabili del danno. I partecipanti sono vittime delle guerre e dei conflitti che colpiscono le loro comunità.

In secondo luogo, essendo un'iniziativa educativa, a differenza della giustizia riparativa, non è orientata verso un incontro specifico, e i partecipanti di solito non si concentrano su un singolo incidente che è stato causato da loro; piuttosto, invita i partecipanti colpiti dal conflitto a trascorrere del tempo insieme e scoprire la propria umanità reciproca.

Infine, mentre la giustizia riparativa è spesso un processo riservato e i partecipanti spesso non condividono pubblicamente le proprie esperienze (e non sono obbligati a farlo), in Rondine i partecipanti sono stimolati a impegnarsi in attività pubbliche usando le loro esperienze personali nel programma per fare advocacy a favore della pace.

Osservazioni conclusive

È uno spazio in cui ideali astratti di dialogo e pace prendono una forma entusiastica e molto tangibile.

La nostra visita a Rondine ci ha lasciato ricordi forti che ci siamo ritrovati a ripensare di tanto in tanto. È uno spazio in cui ideali astratti di dialogo e pace prendono una forma entusiastica e molto tangibile. L'approccio unico di Rondine nella costruzione della pace attraverso l'educazione e la convivenza di persone colpite dai conflitti offre un modello chiaro e potente per affrontare le divisioni nette che esistono nelle società colpite dalla guerra. Riunendo giovani provenienti da lati opposti di conflitti, Rondine crea un ambiente in cui i 'nemici'di un tempo possono incontrarsi come esseri umani, condividere i dolori comuni e lavorare per stabilire un percorso comune che li porti avanti, verso la pace. La forza del programma *World House* risiede non solo nella sua capacità di trasformare gli atteggiamenti dei singoli partecipanti, ma anche nel suo potenziale di generare effetti a catena nelle comunità verso le quali i suoi ambasciatori si dirigono.

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Systemic violence: large-scale conflict hiding in plain sight

In August 2019, twenty-three-year-old Elijah McClain was walking to his home in Aurora, Colorado, when three police officers approached him and told him to stop. They grabbed him, explaining they had a right to do so because he was 'suspicious.'

'I am an introvert,' McClain said in response. 'I'm going home.'

McClain, a chronic asthma sufferer, became distressed when the officers put him in a carotid restraint, which restricts breathing and blood flow to the brain. He vomited several times and told the police, 'I'm sorry, I wasn't trying to do that; I can't breathe correctly.' Paramedics gave McClain a dose of the sedative Ketamine and he suffered a heart attack in the ambulance. He died in the hospital a few

days later.

By all accounts, McClain was a gentle young man. Friends say he used to visit an animal shelter on breaks from his job as a massage therapist. He was said to play his violin for cats in the shelter because he believed it made them feel less lonely.

'I'm just different. That's all,' were among his last words to the officers that night. 'I'm so sorry. I have no gun. I don't do that stuff. I don't do any fighting. Why are you attacking me? I don't even kill flies!'

On the other hand, the officers on the scene claimed that although Elijah was only one-hundred-and-forty pounds, he had 'incredible, crazy strength,' and worse yet later took selfies laughing and joking as they mimicked putting Elijah in a chokehold.

The community that Elijah came from did not believe his treatment was a joke and, with pressure, the police chief terminated officers involved, expressing that he was 'disgusted to his core.' What happened to Elijah McClain is only one of hundreds of examples of state-sanctioned large-scale violence borne of conflict with communities of colour and poor people in the United States. The lethal results of essential day-to-day encounters with law enforcement reflect deep historical and cultural roots of racialised social control.

James Bell

Social justice advocates are working tirelessly to change these norms so that the responses to non-white communities are treated with understanding, de-escalation techniques, social advocacy and counselling.

What the data tells us

Data overwhelmingly evidence that the courts and prisons are over-represented with folks who live in communities of colour in numbers that cannot be accounted for by criminal activity (Rodriguez and Rogler, 1980). These communities reflect all the social problems associated with deliberate disinvestment and dislocation: violence, deportation, failing schools, few healthy food options and poor transportation options. People in these challenged neighbourhoods, which are structurally 'othered,' are usually poor and subject to state violence with minimal accountability.

These significant disinvestments reflect local priorities. There is an expression that says, 'You invest in what you care about.' It is no secret that, too often, communities of colour are not a priority for investment in well-being. Instead, local officials have decided it is better to invest in policing these neighbourhoods rather than supporting them. The decision to promote surveillance and containment, too often resulting in brutality and inhumanity, is perceived as 'necessary and proper,' and yet would never be tolerated in communities of the elites.

> Custody, control and suppression as a structural civic strategy is not cheap.

Custody, control and suppression as a structural civic strategy is not cheap. Analyses of various local expenditures reveal that some places use as much as 60 percent of their entire budget on the administration of justice, leaving unconscionably smaller amounts of money for senior services, health, parks and children's services. Using the lion's share of local total dollars, the safety apparatus withdraws human and social capital without concern for making equivalent deposits. The arrangement agreed to by the broader body politic is that it is worth this tremendous expense to support police and use the justice apparatus to control communities of colour socially.

Analyses of the price paid for this arrangement reveal the exorbitant costs of custody and control. Consider the price tag for the most essential aspects of this approach, such as the cost of police cars, the salaries of law enforcement personnel and the extensive overtime pay. Also, consider the other expenses, such as meals in the local jail, uniforms, courtroom furniture and utilities, handcuffs, basic hygiene needs and health care.

Developing just and humane approaches

Equity and fairness in applying justice are vital cornerstones of democratic institutions. At the Haywood Burns Institute (BI) we work with local governments to develop and encourage just and humane approaches for lawbreakers which use restorative positive services and consequences to provide safety for us all.

Our organisation is dedicated to demonstrating that reducing racial disparities and mass incarceration while keeping us safe is an achievable goal. We believe local governments could make great strides toward transforming their daily operations in the interest of equity by acknowledging that transformation cannot be achieved without a willingness to examine attitudes and change beliefs, procedures, practices and policies.

Since we began, we have worked in over 200 localities. We have pursued this mission in small, medium and major metropolitan areas. We have worked in rural places with more veterinarians than physicians and large cities with jails bigger than some smaller towns.

If we have the societal will, we can be kept secure without invoking the racism that impacts all aspects of American life …

Approximately 25 years of experience have informed our analysis of re-imagining justice. Our new justice agenda reimagines a different approach to keeping us safe, fairly and equitably. If we have the societal will, we can be kept secure without invoking the racism that impacts all aspects of American life and the justice administration that has supported it since our country's founding. This result should not be considered impractical or impossible; it should be regarded as vitally necessary.

Punishment and incarceration

Throughout history, voices have risen to intercede against and mitigate the forces of retribution. Before now, the alchemy of punishment and incarceration has been too potent to overcome. Today, the 'tough on crime' mantra and its related legislative agenda have led to unprecedented levels of mass incarceration in the US. It is no coincidence this retributive approach has resulted in direct disinvestment in communities of colour by using those dollars to fund the punishment industry. Local governments have increased their spending by a whopping 521% more dollars on incarceration since 1977 (Horowitz et al., 2021).

Ironically, those increases were authorised while criminal activity was in decline. No wonder communities of colour feel aggrieved. With crime at historic lows, the justice apparatus looted their communities and transferred those piles of cash to strengthen the instruments of mass incarceration.

As monies were taken from these communities, practitioners in the justice sector noticed an increase in people with more severe behavioural health issues, substance abuse and lack of housing. While legislators at all levels lavished billions of dollars on incarceration, they simultaneously gutted other well-being approaches. Reports issued by the National Sheriffs Association and the Treatment Advocacy Center documented more mentally ill people in jails and prisons than in hospitals. (The National Sheriffs' Association (NSA) and the U.S. Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS Office) hosted a Mental Health Roundtable in 2017.)

Indeed, this reimagining of justice provides an aspirational and forward-looking vision of public safety. It is a public safety system that responds to behavioural transgressions in restorative and equitable ways and increases public well-being. It is also a system that is mindful that some folks' lives are so damaged that they must be separated from society.

Justice reimagined fully understands our current forms of incarceration, at their core, are steeped in the philosophy of structural violence. We will no longer use and accept structural violence as a foundational component of safety. Its usage is ultimately harmful to civil society.

Reimagining justice

Reimagining justice begins by reframing the punishment paradigm to one in which non-punitive responses address behaviours requiring specific intervention types. This approach necessitates investing in an infrastructure that currently does not exist. We begin with new investments in community-based resources.

The new well-being infrastructure replaces the current punitive model by creating a series of practices and facilities, including Family and Community Centers, Community Hubs and Safe and Secure Healing Centers.

An essential foundation is that workers have skills and values directed towards well-being, not punishment and retribution.

These newly created entities will provide various services such as accessible community clinics, secure housing, education programs and viable transportation. An essential foundation is that workers have skills and values directed towards well-being, not punishment and retribution.

Reimagining justice from punishment and retribution toward well-being involves a vision that includes new ideas that have not been tried in the US and some emerging approaches that are being tried in real-time. In this reimagined approach in the US, some ideas are new and need to be created while others are beginning to be tried.

To adopt structural well-being through a reimagined justice apparatus, there must be a foundation of common themes before implementation. The BI's work engaging communities nationwide on better ways to achieve safety revealed common themes. Investments should be made in two types of resources designed by and operated with assistance from the communities: Family and Community Centers (Centers) and Community Hubs (Hubs). Family and community centres are easily accessed, providing 24-hour primary health care, counselling, temporary housing and recreational services.

Local Centers would provide rich preventive services by offering classes in various culturally and linguistically appropriate subjects for residents. They would be staffed by neighbourhood-based workers intimately familiar with the community. They know the community's most isolated parts, popular gathering places, natural community leaders and crisis-hit families. As such, they can provide strategic preventive services accordingly.

In addition to the Centers discussed above, we would establish a network of Hubs. Certain places created and utilised hubs as a resource during the COVID-19 pandemic to address the educational needs of poor and disinvested families. They provided wireless internet for distance learning, meals and recreation.

In a reimagined justice sector, Hubs would address specific needs that, by their very nature, require more attention. Issues such as intimate partner or family violence would be directed here, as would other law violations involving non-violent behaviours like theft, transportation violations, vandalism, some behavioural health and a variety of nuisance activities. Using Hubs to address these issues provides an alternative for approximately 50% of the cases administered by our justice sector today. They will engage in the law violations that most people experience with minimal participation from the machinery of justice.

These resources are essential to mitigate entry and penetration into the machinery of justice and engage those harmed in meaningful ways. Research reveals multiple traumatic impacts of mass incarceration on people of colour. They include lower educational attainment, infant mortality, increased stress and mental health diagnoses — all attributed to trauma resulting from mass incarceration. These community options are geared to specifically acknowledge and address the trauma associated with the experience of mass incarceration by providing structural well-being. Neighbourhood-based caring services will be more cost effective and have better safety outcomes than our current punitive approach.

Better and cost-effective services are possible because they are less duplicative and involve a restorative approach. The Centers and Hubs are contained within a central administrative structure that monitors interventions' effectiveness to ensure positive behaviour change and which improves safety because accountability for behaviours is immediately addressed. Each locality must design a robust accountability structure focusing more on life outcomes and those harmed rather than process compliance.

These elements of structural well-being are to be adopted and implemented instead of the *status quo* use of law enforcement for almost every misbehaviour. Three hundred years of structurally racist social control will not be eliminated overnight. We are beginning a journey to co-design a new justice north star that will deliver justice for all Americans. It is possible, and like all changes in social justice in the US, it is time to make good trouble.

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References

Horowitz, J., Velázquez, T. and Clark-Moorman, K. (2021). Local spending on jails tops $25 Billion in latest nationwide data. Online. The Pew Charitable Trusts.

Rodriguez, O. and Rogler, L.H. (1980). Minorities and criminal justice — research and conceptual issues. *Office of Justice Programs Research Bulletin* 3(4):1–8.

Calendar

Restorative justice and systemic violence 13 January 2025 16:00–17:30 (CET) Webinar with the members of the EFRJ Working Group on Hate, Polarisation and Violent Extremism. Further details from the EFRJ.

Restorative Stories: REstART 2025 15 January 2025 at 10:00–13:00 (CET) Online 3-hour workshop with Hannah Moore (UK), traditional storyteller and restorative justice practitioner. Further details from the EFRJ.

Restorative justice in juvenile criminal matters 22 January 2025 at 11:30–13:00 (CET) Webinar with the authors of the national report on juvenile restorative justice from the Italian childhood and adolescence guarantor authority. Further details from the EFRJ.

3rd Winter Academy 2025 3–7 February 2025 KU Leuven, Belgium The event creates an international learning opportunity for those interested in restorative justice and its high-quality applications in different contexts. Further details from the EFRJ.

Crossing Borders — Building Futures: Restorative Justice for Children and Young People on the Move 16–17 May 2025 Athens, Greece 13th international seminar of the EFRJ. Further details from the EFRJ.

2nd Restorative Trainers' Retreat 17–20 May 2025, Greece Further details available nearer the time.

10th EFRJ Summer School on Restorative justice responses to harm in institutional settings 16–20 June 2025, San Sebastian (Basque Country), Spain. Further details available nearer the time.

Restorative Evaluation 18 September, 2, 16, 30 October & 13 November 2025. Online course. Further details available nearer the time.

Events

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

EFRJ Member Events

EFRJ members organise many more events at the local level. If you wish to keep posted, subscribe to our bi-monthly Newsflash, which includes news on upcoming events, new publications, policy initiatives, call for projects and much more. The archive of past newsflashes is available on the EFRJ website.

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