

European Forum for Restorative Justice

Editorial

Imagine a world in which victims are heard. Imagine a world in which victims have a say in how their cases are managed and resolved. Imagine that victims and offenders can talk about the consequences of the harm, and the victim can feel that his or her suffering can be, somehow, restored by the person who caused it.

The research project "Victims and Restorative Justice", co-ordinated by the European Forum for Restorative Justice, was inspired by an increasing concern among scholars and practitioners, that restorative justice may not be meeting the needs of victims of crime successfully. While some empirical findings have documented how victims are not always properly informed and prepared for participating in restorative justice encounters, academics and practitioners have highlighted possible risks involved in victim participation (i.e. power imbalances and secondary victimisation). In addition, the increasing implementation of restorative justice within (or in close relation to) the criminal procedure has raised the concern that restorative justice practices could become influenced by the logic of the criminal justice system, relegating victims, once more, to a "forgotten" position.

The study aims to address some of these concerns. It seeks to gain empirical insight into the needs, experiences and position of victims when participating in restorative justice programmes. There are two main research questions that this research project intends to answer: a) what are the experiences of victims when participating in victim-offender mediation; and b) how are restorative justice programmes organised and run with regard to the inclusion of victims.

In order to answer these questions, gaining insight into the experiences of victims in different types of programmes was crucial. As such, this study sought to produce empirical data in a comparative way by administering a single instrument across three programmes (countries) that differed in terms of how restorative justice originated (e.g. victim support, social care or probation). Researchers and restorative justice organisations from Finland, Austria and the Netherlands were involved as partners in our research project:

Austria, as a representative of a model of victim-offender mediation created from probation (partners: Institute for the Sociology of Law and Criminology and Neustart); Finland, as a representative of a neutral-based mediation programme (partner organisations: National Research Institute of Legal Policy and the

National Institute for Health and Welfare and University of Helsinki); and the Netherlands, as an example of practice created from victim support (partners: International Victimology Institute Tilburg and Victim in Focus -Slachtoffer in Beeld, Utrecht). In addition, other organisations were involved either as partner or support organisations, such as the Leuven Institute of Criminology (LINC, Belgium), the National Institute of Criminal Sciences and Criminology (NICC, Belgium) and Victim Support Europe.

To make our assessments comparable, we distributed a single questionnaire that contained items related to the offer of mediation, the communication process, the results of the meeting, and victims' perceptions of the general judicial context in which mediation took place. We also tried to diversify victims' experiences by including not only participants of (successful) direct and indirect mediation, but also victims who had either interrupted their processes or refused to take part in mediation.

In this special edition, we are glad to share some of our outcomes through three stimulating articles. Christa Pelikan contextualises the Austrian practice and reflects on the experiences of three different groups of victims. Antony Pemberton explains the development of RJ in The Netherlands and discusses some of their key findings. Finally, Päivi Honkatuki contrasts some known concerns about RJ with the victims' perception of the mediation programme in Finland. In addition, we also count on Eric Wiersma's impressions on the biannual conference of the Forum that took place this year in the beautiful city of Helsinki.

After two years of intense work this research project is coming to an end. We have learned that conducting research in the field of victims and restorative justice is not easy. While our sample sizes were smaller than hoped, we are confident that the information obtained can offer valuable insights about how close (or far?) we are from the world we imagine.

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Inside this issue:

Mediation and victims: the case of Austria 2-3

Impression of the 7th Conference of the European Forum for Restorative Justice 3

Double Dutch? Contextualising victim-offender encounters in the Netherlands 4-5

Readers' Corner 5

Mediation and the Criminal Justice system in Finland – Victims' views 6-7

Newsflash: Restorative Justice Opened up in England and Wales 7

Events 7

In Memoriam of Tony Peters 8



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Mediation and victims: the case of Austria

The background: VOM as a radical alternative

Austria has a longstanding history of VOM, beginning in 1985 with a pilot project in juvenile justice. Nowadays it is a nationwide practice for both adults and young offenders. The legal provisions are part of the diversion package within Criminal Procedural Law (in force since January 1, 2000). The majority of referrals are cases involving adults, for example in 2010, there were 6,181 referrals of adult offenders and only 1,286 referrals for juveniles. Due to its strict diversionary character, VOM in Austria functions as an alternative to the criminal procedure, with the public prosecutor (or judge) dropping the charge once an agreement has been reached between the victim and offender. This implies that within a certain range of offences restoration replaces punishment.

The type of offences that qualify for VOM is ultimately determined by public prosecutors. Around 80 percent of referrals involve offences against the person (violence) and around 20 percent are property offences. Predominantly minor assaults resulting in injuries such as bruises, cuts, contusions and fractures as consequences of the offence appear in the files that are sent to the VOM services.

The organisation 'Neustart' is a national service provider that is responsible for receiving referrals and conducting mediation between victims and offenders. This is a private association; however, they are heavily subsidized by the Ministry of Justice. The work of Neustart has been influenced not only by research conducted at the Institute for the Sociology of Law and Criminology (IRKS but also by the ideas of Nils Christie, a close friend to the former director of the institute, Heinz Steinert). Research conducted by IRKS has also contributed to emphasizing the importance of the relationship between victims and offenders when applying VOM. Mediators have further developed specific methods and settings to take care of different types of 'relational distance': from people that have not known each other previously, to loose acquaintances, colleagues or school mates, to neighbours and friends, and finally, very close family and partner relationships.

Most of the offences referred for VOM happen between persons that have not known each other previously, or they stem from single encounters between friends, acquaintances or colleagues, i.e. from brawls or fights; sometimes with tensions having gone on for some time. A substantial percentage of cases (33 percent in the adult group) are occurrences of partnership violence and of violence within families. There remains a smaller group of cases to be mentioned – offences that happened between neighbours, i.e. persons with middle-range relational distance, but often with the background of a longstanding history of conflict and mutual grievances.

Finally, as a result of Austria's longstanding practice we find nowadays a good and fruitful cooperation with Victim Support Agencies, most important the 'Intervention Centres' or 'Centres for Protection from (domestic) Violence'. Paths of cooperation have been established that predominantly run smoothly and work to the benefit of the victims - first and foremost at the level of the individual case.

The research: Victims' experiences – the instrumental and the expressive use of VOM

Altogether 67 victims were interviewed; 42 of them completed mediation with an agreement being drawn up. There

are 9 cases where no agreement was reached and 16 cases where the victims declined the invitation to participate. The majority of interviews were telephone interviews. In a few cases, the victims requested a face-to-face interview which was conducted at a location of the interviewee's choice: in the institute, the house of the victim, and once in a prison, where the victim was serving a sentence for an unrelated offence.

We will in this place focus on the results of the qualitative analysis only, i.e. the answers to the 'open questions'. The questionnaire contained both closed and open questions, grouped according to the temporary sequence of victims' experiences, beginning with the criminal incident, reporting the offence to the police, the offer of mediation, the VOM procedure and its outcome, the assessment of the situation after mediation, including a statements pertaining to traumatisation, and finally a reflection of the VOM experience.

The most striking finding is a stark distinction in victims' experiences according to the type of victim-offender-relationship, outlined above. These differences pertain to the experience of the offence itself, the expectations regarding VOM and of the way the VOM procedure was conducted and perceived and evaluated by the victims. Briefly, they can be characterised in the following way:

1. Single incidents of violence of minor or middle-range severity between strangers, acquaintances, colleagues or friends (32 cases)

These incidents stem from either a chance encounter with a stranger, a brawl or fight starting in a public place, on the streets or in pub or disco. Sometimes these occurrences happen between friends or colleagues – but are perceived as exceptional, sometimes tensions have already existed previously. Alcohol is often involved and quite a number of cases happen between youngsters.

The physical damage consists of bruises, haemorrhages, cuts, a concussion of the brain. Victims often show a very sober attitude and 'instrumental expectations' towards the RJ procedure. They want either a less bureaucratic and faster procedure to deal with their victimisation and its consequences, or they want financial compensation/reparation. Quite often they achieve these aims.

2. Partnership and family violence cases (23 cases)

The experiences of victims of partnership violence are on the surface quite disparate: damage of property on the one end, and years of repeated psychological and physical violence on the other. Expectations vis-à-vis VOM also vary – but in most cases the victim wants the partner to understand the pain and suffering that is being inflicted. These cases are usually handled by two mediators, one male and the other female, and there we find the sophisticated and highly effective device of the 'mirror of stories' applied regularly. This way, the victims of partnership violence go - not always but often - through a process of empowerment, a working-through of the relationship, albeit in a condensed way. In a considerable number of cases they arrive at a new quality of this relationship or at a new life for themselves outside the relationship. Victims have described the painful process of going through this process of transformation that is instigated by VOM. Within this group there are also a number of cases where VOM allows stakeholders to reach a settlement out-of-court



and this appears sufficiently satisfactory to the victim. Where a real transformation of the relationship has taken place, we find expressions of high satisfaction, and even enthusiasm regarding the VOM experience.

3. *Neighbourhood conflicts (12 cases)*

They constitute the smallest group in our research (as well as in the overall case-load of VOM). They are regarded as the most difficult cases, given the long-term nature of the conflict and the significant impact they have on stakeholders. Circles of mutual reinforcement might contribute to an ever-increasing sense of being wronged and injured. This experience pertains to the whole life situation, affecting the victim's and his/her family's psychological and physical health. Here we find the highest percentage of negative results - and of victims who refuse to participate in VOM at all. But where VOM - and especially the face-to-face confrontation - contributes to clarifying misunderstandings or misconception of the other, it becomes a very rewarding experience for the victim: "one of the best things that ever happened to me", was expressed by one respondent.

The conclusion to be drawn from the qualitative part of the empirical research is that VOM has become useful and effective for victims in very different ways. We might talk about an

instrumental versus an expressive use made of the RJ-procedure. The instrumental use made predominantly in cases of singular isolated incidents of violence appears of rather limited scope at the surface: it could even be regarded as nothing more than a second-rate criminal procedure. But in addition, the offer of VOM often also provides them with a set of - agreed - rules and orientations that will help them to manage future situations without becoming either victimised again or resorting themselves to violence. It thus owns the potential of a transformation of future situations.

Transformation might be more dramatic in cases of partnership violence. The expectations of these victims can be called as 'expressive'; they want to voice the grievances, the fears and the hurts they have experienced in their partnerships and very often this expression is responded to in the course of VOM - first of all by the mediators. There VOM can help to change life perspectives and an important part of one's reality. It can contribute to arriving at a new quality of a relationship or at a new life for the victim outside the relationship.

Christa Pelikan

Impression of the 7th Conference of the European Forum for Restorative Justice

'Connecting People: Victims, Offenders and Communities in Restorative Practices' Helsinki: 14-16 June 2012

On Wednesday evening, we were warmly welcomed at the opening ceremony at the University of Helsinki, amidst the paintings of former famous Finnish scientists. The participants of the conference - from 34 countries, all over the world - were blessed with beautiful sunny weather, a blue, cloudless sky - a perfect atmosphere to meet and network with peers and colleagues.

One of the highlights was the plenary speech given by Nils Christie, a well-known Norwegian criminologist, in which he raised the question of whether restoration is possible after atrocities, illustrated by the Norwegian tragedy that took place on 22nd July 2011 (the killing of 77 people by Anders Breivik). What is left to be restored after a massive killing like this? He began by saying that he is better at raising questions than answering them. Nevertheless, he made some observations worth mentioning. The response to the terrible event was truly restorative: the prime minister emphasized that as a nation Norway should take care of its social system and ideas. Further, the fact that the victims did not cry out for revenge, raises a symbol of hope rather than hatred. He ended his illuminative speech by raising a moral question on the right punishment after such an atrocity: what is the suitable amount of pain that should be inflicted on this offender and how can a society react more restoratively?

It is also worth mentioning that the vice president of the European Commission addressed the conference by video speech in which she acknowledged the importance and potential of restorative justice approaches for victims and offenders.

Another plenary worth mentioning was an elaboration on the position of the victim in victim-offender mediation based on European research in four countries: Belgium, Austria, Finland and the Netherlands. One of the interesting findings was that victims are more likely to view recognition by the offender as important instead of apologies by the offender. And - contrary to the common notion that victims are essentially punitive - most victims seemed to have no punitive expectations about the victim-offender mediation. An additional highlight was the presentation of the Restorative Justice Award to Martin Wright, for his groundbreaking work on Restorative Justice during his career and his great efforts to encourage the use of restorative justice practices. He accepted the Award with his typical British sense of humor by starting his speech in the Finnish language - he speaks more than seven languages - saying he was complaining about the weather (as British people normally do). And at the same time, he felt very grateful and viewed the award as an encouragement to move on.

Finally, I would like to highlight one of the interesting workshops I attended: creating communities of care in a school context. It was practiced in the group by bringing in experiences, expectations and making connections with each other for the rest of the conference. Key lesson: If prepared, children are perfectly able to resolve conflicts in a restorative way. Last but not least: the conference dinner and musical event afterwards turned out to be a perfect environment to connect with each other by means of talking and dancing!

Eric Wiersma

Double Dutch?

Contextualising victim-offender encounters in the Netherlands

Even a cursory glance at the comparative restorative justice literature, will lead to the conclusion that the Netherlands is not in the vanguard (see Vanfraechem et al., 2011). While neighbours Germany and Belgium are often heralded as prime examples of practice and policy, restorative justice advocates – particularly of Dutch origin – display a profound lack of enthusiasm for Dutch developments. From a historical point of view this is surprising, as Dutchmen like Hulsman and Bianchi were leading the abolition movement, which continues to influence restorative justice today (Van Swaaningen, 1997). However, the Netherlands did not follow their lead, instead it went from being the country with the lowest incarceration rate in the world to one with – in comparison with other similar European countries – relatively high rate, mimicking the penological development of the Anglo-Saxon world (Garland, 2001).

Explaining the development of restorative justice in the Netherlands

This punitive turn in Dutch penal policy is regularly proffered as an explanation of the development of restorative justice. As a rule restorative justice is seen as antithetical to increased emphasis on punishment and retribution (Johnstone, 2002). However on closer inspection there is no contradiction in practice between higher incarceration rates and the flourishing of restorative justice practices. This is particularly visible in Australia where the development of large scale RJ-programmes has coincided with a dramatic increase in incarceration (Cavadino and Dignan, 2006). A different explanation suggests that it is precisely the ideological nature of early restorative justice advocates in the Netherlands that has had a counterproductive effect. Hulsman (1986) famously considered criminal justice to be on a par with war and famine as one of the worst scourges of mankind, which is a far too extreme position to convince a wider group of potential supporters. However, the contrast between the revolution that Hulsman had foreseen and actual developments may well be a better explanation of the aforementioned disappointment felt by many restorative justice advocates, than of the development of restorative justice practices itself.

Instead the prism through which the Dutch developments is best viewed is Weitekamp's (2002) observation that countries with strong victim support organisations had relatively poorly developed restorative justice procedures and vice versa. In his analysis the drive towards restorative justice processes and victim support services stem from common roots: an earnest attempt to improve the lot of victims of crime and the extent to which their harm may be repaired. Where victim support organisations already existed before or developed in lockstep with the emergence of the plight of victims of crime as an important societal concern, they were capable of absorbing this impetus. In countries without this existing or emerging organisational framework, other initiatives could capitalize on these sentiments.

Here the development of restorative justice processes is in part contingent on societal need, what some have called the 'external coherence of justice reactions' (see Pemberton et al., 2012). The societal ecology in part determines to which

extent and in what way justice processes develop (Fletcher and Weinstein, 2002).

The point is then that in the Netherlands many restorative justice outcomes (in the sense employed by Lode Walgrave (2008)) are already achieved by other means than restorative justice processes. This not only applies to the needs of victims of crime, but to the position of the offender as well for instance the large-scale HALT-scheme (Shapland, 2003). Dutch Victim Support serves the needs of 150,000 victims annually, and is well integrated in the criminal justice and mental health systems, but its strong position of victim support is just one feature of a well-developed set of victim policies (Pemberton and Groenhuijsen, 2012). 15.000 victims receive compensation and payment of compensation measures is guaranteed by the state. Information to victims is widely available (Van Dijk et al., 2007). And finally, following the successful introduction of the victim impact statements scheme in 2005 (Lens et al, 2010), a slew of initiatives relating to improving services and securing implementation of rights has emerged (Letschert and Groenhuijsen 2011).

Characterizing victim-offender encounters in the Netherlands

The point is here that from a victimological point of view, many key advantages of restorative justice processes for victims of crime, like increased possibilities for compensation, information and emotional redress (Johnstone, 2002) are already served by other means. The perception that in terms of restorative justice, the Netherlands is lagging behind, is based upon a more narrow perception of restorative justice as restorative justice processes. If the Walgravian definition is used, the picture is considerably different.

Moreover the strong political position of Dutch Victim Support (DVS) in the Netherlands allowed the organisation to ensure that any risks involved in victim participation in restorative justice could be reduced. In line with the position of Victim Support Europe, DVS considered that particularly for their own target group – victims of relatively severe forms of victimisation (Pemberton, 2010) – close integration with the criminal justice system might increase the risk of secondary victimisation, the use of the victim to further offender-oriented or criminal justice goals. In addition, on the basis of the available evidence the organisation viewed benefits of restorative justice encounters for victims to be a consequence of the meeting itself, rather than of its result (Pemberton et al., 2007) and acknowledged the co-occurrence of retributive and restorative needs (Robinson and Darley, 2007).

As a result DVS preferred implementation of victim-offender encounters, as a complementary measure to the criminal justice system, to victim-offender mediation, and maintained a strong link with the organisation –Victim in Focus - entrusted with the implementation of the victim-offender encounters scheme, to the extent that the organisations share the same director. Further evidence of the victim-orientation of the programme, is its residence under victim policy –the legal base is the victim title of the code of criminal procedure- and the right for victims to initiate encounters.



Lessons learned and future developments

Since 2007 the programme has achieved nationwide coverage, and currently receives 1200 referrals annually. The experience with and research concerning the programme allows the following observations.

Victim-orientation? A large majority of referrals (90%) is initiated by offenders. Only 1 in a 1000 of DVS cases is referred to Victim in Focus, which is noteworthy considering the strong organisational ties. Overcoming the differences in time-frame (DVS activities are concentrated in the immediate aftermath of victimisation) and - to an extent- target group, has proven to be a challenge, which has yet to be resolved.

Secondary victimisation? The self-selection involved in voluntary participation has proven to successfully neutralize any risk of secondary victimisation. The research suggests that – as a rule- participating victims were not heavily afflicted by their victimisation: victim participation in the scheme is a function of low emotional impact. This in itself reduces the chances of any real negative impact of the encounter, while the self-selection also provides a match between victim needs and the encounter experience.

Complementary nature. The results of the research into the impact of victim-offender encounters closely mimic positive results found elsewhere (Sherman and Strang, 2007; Daly, 2003), which suggests that the ‘working element’ of victim offender mediation lies in the encounter itself, rather than its mediation status. Moreover participating victims preferred the combination of the encounter with the criminal justice system, which confirms the co-occurrence of retributive and restorative needs, but also should be viewed as an instance of the phenomenon that people like what they get, particularly if they have chosen this option.

Taken together these observations show that it is of value to have victim offender meetings as a complement to criminal justice: victim offender encounters are clearly in the interest of those who choose to participate. However, the lack of evidence confirming the risk of secondary victimisation opens up additional avenues to explore tighter integration with the criminal justice process as well. This is the subject of current pilot-projects in the Netherlands, and it is likely that the Netherlands will adopt a two-tiered approach of victim-offender encounters and mediation in the foreseeable future.

Antony Pemberton

Readers' Corner

- **Restorative Justice. A Comparative Analysis,** by Dobrinka Chankova (2011)

is written in Bulgarian, with an English summary. The study represents a contemporary analysis of the globalized penal crisis and the deficits of the functioning of criminal justice systems worldwide, with a focus on Central and Eastern Europe and Japan. A critical analysis of putting restorative justice into practice is developed, including concerns and sceptical counterarguments about the “bright” restorative horizons. Special attention is paid to the latest developments in Bulgaria, related to the problems of implementation due to the unknown potential of restorative justice and the existing “vested interests” in delivering justice. Proposals for using restorative justice in criminal law and criminal procedure, in juvenile delinquency, as a service in favor of victims, in prisons and probation services and by

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the police, are developed. The book is available from:

<http://icr-bg.org> e-mail: icr@icr-bg.org

- **Waves of Healing: Using Restorative Justice with Street Group Violence,**

by Theo Gavrielides (2012)

is part of the larger project ‘Restoring Communities: Using Restorative Justice with Riots’ carried out through a partnership between IARS and the Centre for Restorative Justice (Simon Fraser University). The book uses the case study method to investigate examples in India, Greece, Canada and England, where restorative justice is considered within the context of street group violence. Key issues are identified and recommendations are posited. Purchasing from:

http://www.iars.org.uk/content/RJ_Riots_book2012

Mediation and the Criminal Justice system in Finland

Victims' views

Mediation of criminal offences has been legally regulated activity in Finland since 2006. It is a procedure that can be either parallel or complementary to court proceedings. The aim is to provide the parties with an opportunity to meet each other confidentially and to discuss in the presence of a non-partial mediator how to compensate the harm caused to the victim. Mediation has been developed in relation to both welfare and criminal justice. In the following I will reflect on the findings of 48 interviews with victims who have taken part in mediation or who have been offered it, paying particular attention to how they understand the role of mediation vis-à-vis the criminal justice system.

Between social welfare and criminal justice

From the very beginning mediation has been closely related to social work and the prevention of social exclusion. Currently the main responsibility for the national development of mediation services is with the Ministry of Social Affairs and Health. At the local level, mediation is most commonly organized and managed by municipal social welfare offices, but sometimes also by non-governmental organisations. The procedure is facilitated by voluntary but trained mediators.

Where mediation is offered outside of the criminal justice system, cases are most often referred by the police and the prosecutor. The outcomes of mediation often have an impact on criminal proceedings. Mediation may be the basis for restricting the preliminary investigation, waiving charges, not imposing a sentence, mitigating punishment, or changing the type of punishment. An agreement does not guarantee this but prosecutors be influenced by the outcome of mediation.

After the passing of the mediation act in 2006 the number of cases has increased so that nowadays over 10 000 cases are mediated yearly, and the amount is increasing. The mediation process starts in about 70 percent of the referred cases, and most often the processes end up in an agreement (90 percent in 2011). Agreements are most often on financial compensation or agreements on conduct, apologies or waiving of claims (Mediation in Criminal and civil cases 2010).

The role of mediation between social welfare and criminal justice is somewhat vague. At an institutional level, at least three possible "models" are presented on the role of mediation vis-à-vis the criminal justice system (Iivari 2010). Firstly, we can ask whether mediation serves as a "trash bin" for the criminal justice system to which petty offences are diverted to. Secondly, mediation can be regarded as a real alternative and a substitute to the criminal process, at least to the trial. Thirdly, mediation may be regarded as supplement; then it offers a possibility to deal with some aspects of the offence outside of the criminal justice system. Next I will examine more closely whether and to which extent these three roles were visible in the Finnish victims' accounts.

1. Mediation as a trash bin

From the victims' perspective mediation can hardly be seen as a trash bin for petty offences. Only two respondents were on the opinion that the offence they had experienced was not serious at all, and 71 percent regarded it at least quite serious. Also seen from the outside the offences cannot be deemed "petty": 42 percent had visited a doctor or nurse because of the offence, 17 percent had consulted a legal aid counsel and 15 percent had received psychological help in order to cope with strong negative emotions. It can therefore be concluded that severe offences are also dealt with through mediation.

On the other hand, the question of severity of the offence turned out to be tricky for many. They often reflected the issue both from a societal and individual perspective: as a personal experience it was often seen as a serious infringement of integrity, or a severe disappointment in the offender. At the same time many were aware of the "overloaded" authorities and the fact that there are issues which need more attention at a societal level.

2. Mediation as an alternative

Mediation as an alternative was a strong narrative among the interviewed victims. It was seen as a handy, easy-going, non-bureaucratic procedure to deal quickly with an unpleasant issue. Some regarded the offence as a private matter, and were therefore not willing to engage in the process. Others preferred mediation since they wanted "fairness" and an acknowledgment that they had been wronged, not "official justice". And yet some admitted they had wanted mediation because they were afraid of the court process. The anxiety stemmed from either ignorance of the practices of the legal system, or fear of the offender – that the court would worsen the complex situation further.

Moreover, the possibility for an emotional encounter with the offender was appreciated, along with the opportunity to let the offender know about the victim's feelings and consequences of the offence. Receiving an apology was important for many, even if not all victims are interested in the emotional aspects of mediation.

A significant reason for accepting mediation was that it was seen appropriate from the offender's point of view. Many interviewees were reluctant to punish the offender or cause more harm than necessary. Instead, some were inclined to help in referring them to support systems. The informants who had been victims of offences committed by young people, in particular, often agreed to the mediation procedure since they regarded it to be good for these young people. Thus, they shared a view promoted in the Finnish mediation ideology according to which mediation offers a significant opportunity for young offenders to develop a sense of responsibility, to prevent recidivism and to break the cycle of crime in its early stages (Eskelinen 2005).



3. Mediation as a supplement

Mediation was also given a supplementary function in relation to the criminal justice system in the interviewees' accounts. Some knew from the beginning that a trial was possible in their case. If the mediation process had been successful, the trial was seen as a final closure, a chance to meet the offender once again. However, there were also those who regarded the trial as way to have the wrong done to them acknowledged or be protected from the offender – both issues which they missed in their mediation process. Most vulnerable in this sense were those whose mediation process had been interrupted and who thereafter received a letter of non-prosecution. They were left with feelings of being hurt and helpless.

Informing practices should be developed

Even if the majority of respondents felt that they had got enough information of the meaning of mediation, surprisingly many did not know what had happened to the case after mediation. This was sometimes a source of anxiety and uncertainty. Moreover, despite being in many ways active and capable, some interviewees described serious difficulties in receiving any information from the authorities about their cases.

As based on the interviews it can be concluded that the victims need more information on the reasoning of the

authorities' decisions. It is important for them to know about the meaning of mediation in their case, how has it affected to the prosecutors' decision or to the evaluation of the case in court. For example, if the prosecutor considers waiving the charges after an unsuccessful and interrupted mediation process, it would be appropriate to discuss this with the victim and explain the juridical reasons for this decision. This practice would considerably alleviate these victims' feelings of unjust treatment and as such possibly prevent their experiences of secondary victimization.

Päivi Honkatukia

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Newsflash: Restorative Justice Opened up in England and Wales

The Ministry of Justice for England and Wales has opened up restorative justice to all groups, in its response to the consultation *Getting it right for victims and witnesses*, it says, 'We will not define or prescribe which cases are appropriate for restorative justice' (p. 30). Previously, there had been resistance from some groups and from the Home Office to extending RJ to victims of domestic violence. This does not mean that RJ will be available to

all groups; agencies, victims, offenders and commissioners of services will be free to decide on their priorities. But it does mean that none of these groups will be hindered from offering or participating in RJ by Government policy.

Ministry of Justice (2012). *Getting it right for victims and witnesses: the Government response*. Cm 8397. Norwich: The Stationery Office.

Events

- **Victims and contemporary social context: theory, practice, and activism**, 22-23 November 2012, Belgrade, Serbia.

The conference aims to bring together experts, researchers and activists from different disciplines to consider the problems of realising victims' rights in the contemporary social context. More information can be obtained from:

<http://www.vds.org.rs/indexe.html>.

For additional information, please contact VDS on infovds@eunet.rs.

- 12-16 November 2012, one week training on **'Restorative Approaches in Schools'** near Reading, Berkshire, UK will be organized by Transforming Conflict. The course is for all those wanting to develop restorative approaches in educational and youth settings, including those working in and with schools and specialist support units. Senior managers especially encouraged to attend. Visit their website and go to the Courses page where you will find more details and an application form: <http://www.transformingconflict.org>

In Memoriam of Tony Peters

On 20th March 2012, Professor Tony Peters passed away after a period of chronic illness. With him, we lose a founding father of the European Forum for Restorative Justice. It might be unknown for many that Tony initiated a European project that resulted in the creation of the European Forum in 2000. He was an inspirational figure not only for us in Leuven and Belgium but also for many abroad. His role was seldom commented or applauded loudly – there was no need.

Tony began his academic career at KU Leuven researching prisons, with later work investigating types of violence and community sanctions. In the 1980s, he was the first to conduct empirical research on victims of crime in Belgium. Against this background in penology and victimology, Tony became interested in the emerging field of restorative justice. He was particularly interested in the reforming potential of restorative justice vis-à-vis the criminal justice system. In 1993, he devised an action-research study to develop a model of victim-offender mediation for more serious types of crime. A central research question was: what does it mean for the criminal justice system to be confronted with the direct involvement of the victim and the offender, who were able to bring in their personal life-world and their own solutions for what happened? For Tony, restorative justice was about 're-thinking crime and punishment'.

Other research projects followed, including action-research on the possible role of restorative justice in prisons. On the basis of theoretical insights, new practices were tested in a

close co-operation with agencies in the field of justice, victim support and probation. The active involvement of practitioners in all of his research has only served to strengthen its social relevance and efficacy thereby contributing to making restorative justice influential at a policy level in Belgium. Ongoing cooperation between different professional groups and with civil society is therefore one of the founding principles of the European Forum, as is written down in its Constitution, a legacy which Tony created.

For many, Tony's social attitude became visible in the way he interacted at a personal level. As an academic, he showed strong integrity, deeply concerned about how his colleagues, researchers, and other collaborators 'were doing'. He offered a personal and extremely warm contact: the type of contact and atmosphere you cannot bring into words, which gives you a sense of belonging, a feeling of being accepted as you are, and the awareness that you as a person are the final criterion.

His influence went far beyond the professional world. If his ideas had such a strong impact, then it was because he was able to underpin his work with fundamental human values, such as respect for the other and tolerance. He has shown us how knowledge and expertise, innovative thinking and courage, and human qualities are the basis for restorative justice.

Ivo Aertsen

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