

European Forum for Restorative Justice

Editorial

This final edition of the Newsletter for 2012 is probably our most diverse yet and indicates an increasing engagement with our membership. The first entry is a welcome address by our New Chair of the EFRJ, Michael Kilchling, who has also written a laudation for Martin Wright – the second individual to receive an ERJ award. I am sure that you will join me in congratulating Martin for his lifelong contribution to both the theory and practice of RJ. Next, we have an article written by Anke Loebel who shares her experience of the use of mediation in relation to child abduction cases. There was some debate amongst the Editorial Board about whether or not such practice falls within the confines of ‘restorative justice’ and we would be keen to hear your thoughts on this. Andrea Păroșanu and Ecaterina Balica then report on their preliminary findings of a survey conducted on VOM in Romania. Finally, Martin Wright talks

about ‘restoring trust’ in banks. I would like to thank contributors, both previous and current, for their insight into their programmes and broader practice within their countries. I would like to strongly encourage our readership to get in touch with either myself or Edit Törzs to share your experiences and ideas for future editions. We need you to help us to produce interesting and diverse editions throughout the year and we cannot do this without you. I have a very experienced editorial team who are able to assist with English language, layout and the development of your ideas, so please do not be afraid that your contribution – no matter how small – will not be of interest. We look forward to hearing from you.

Dr Kerry Clamp
Chair of the Editorial Board

Welcome address

Dear members, supporters, promoters, and friends of the European Forum for Restorative Justice, I would like to start by introducing myself as the new Chair of the Board of the EFRJ. For those of you who do not yet know me, I am a researcher at the Max Planck Institute in Freiburg, Germany and have been a member of the Board for the past 6 years. Annemieke Wolthuis who has taken up the post of Vice Chair, will work together with me and the entire Board to continue the Forum’s successes in promoting restorative justice and its development across Europe. The progress and good standing of the Forum would not have been possible without the commitment and dedication of my predecessor, Niall Kearny, during his two year term. The same is true for the current and previous members of the Executive Committee and all Board members.

Amongst many other initiatives, we all have undertaken great efforts to promote a substantive consideration and anchoring of RJ in the new EU Directive (which has been published and entered into force just a few days ago) establishing minimum standards on the rights, support and protection of victims of crime. Article 12 of the Directive provides for the first time, a solid legal basis for RJ at the EU level:

»[Member States] shall ensure that victims who chose to participate in restorative justice processes, have access to safe and competent restorative justice services [...]«

I am convinced that the Forum achieved great success with its lobbying efforts promoting a (civil) right of access to RJ services for everyone by (informed) choice. Of course we have not secured everything we had proposed, and the provisions as finally adopted by the Parliament have a number of weaknesses. In particular, our plea for a regulation that encourages Member States to allow RJ for the widest possible range of cases has not been followed. Nevertheless, I think the ground is now prepared for a further sustainable development of RJ and hopefully, this will have positive effects even beyond the EU.

The board will now develop a strategy as to how the new provisions can be promoted in the best way during the coming implementation period. There remains a lot to do here, and we will certainly need your active support in order to reach the best results in your home countries. Our recent lobbying work has had additional value since it also improved the visibility and standing of the Forum with European institutions, in particular the European Parliament. The continuation of these policy-oriented activities will be a key priority during my term. Besides our activities in the dissemination of information, training, and organizing of conferences, summer schools and other events, the political promotion of RJ has to be one of the prime tasks of the Forum as a European NGO.

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In addition, our engagement in broadening the scientific knowledge of RJ should not be forgotten. Research on various related aspects have been another prime competence of the Forum since its foundation. It is, therefore, my particular pleasure to inform you that three EU-funded research projects will begin in 2013 on: 'Accessibility and Initiation of RJ'; 'Desistance and RJ'; and 'Developing Judicial Training for RJ'. I would like to express my sincere thanks to my predecessor again, to all the research partners and Ivo Aertsen, our first Chair who continuously provides, despite no longer holding a formal position in the Forum, an incredible amount of support to the Board and the Secretariat; all of whom contributed a great deal to this success.

Last, but not least, I would like draw your attention to our new website which has been re-launched at this year's 'Re-

storative Justice Week'. Monique Anderson (our new Executive Officer); Karolien Mariën (her predecessor) and Edit Törzs, the Secretariat Co-ordinator, have done a lot to realise our ideas for an attractive information and exchange platform. We are facing exciting times. Please tell your colleagues, friends and families about what is going on in the field of RJ. Wherever relevant, encourage them to join the Forum as members, too. The more members we have, the stronger our position in the criminal policy arena. The membership fee is rather moderate – the gain is much higher.

My best wishes for the coming holiday season and for a successful 2013!

Michael Kilchling

Martin Wright: European Restorative Justice Award Winner 2012

The European Restorative Justice Award is dedicated to recognize and celebrate outstanding contributions by individuals, groups or organisations, in the development of restorative justice within Europe. In December 2011, the Board of the EFRJ unanimously decided to designate Martin Wright as the second honoree. He follows Ivo Aertsen, the first holder of the European Restorative Justice Award.

Martin has held a number of positions, including: Director of the Howard League for Penal Reform; Policy Officer of Victim Support; Librarian of the Cambridge Institute of Criminology; a volunteer mediator in the Lambeth Mediation Service in London; a Board Member of the RJC in the UK; and as a Visiting Research Fellow at the School of Legal Studies at University of Sussex. To date, he still holds the position of a Senior Research Fellow at the Faculty of Health and Life Sciences at De Montfort University, Leicester. He was a founding member of both Mediation UK and the European Forum for Restorative Justice and one of the key persons in the COST action on RJ, mainly in the working group on theory. Even after having stepped down from our Board a few years ago he continues to support the secretariat in many ways, not least as language editor of our Newsletter.

For the preparation of this laudation, I entered "Martin Wright" and "restorative justice" on Google which resulted in an excess of 20,000 hits, in conjunction with "mediation" there were some 150,000. This enormous presence in the RJ world and beyond has, of course, very good reasons. He is not only a commentator on the evolution of RJ in Europe but also one of the first scholars in Europe who had substantial influence on the development of RJ – and its subsequent proliferation. The list of publications, most of which have seen at least two editions, clearly indicates that Martin has posed questions long before they were discussed, if not even considered, by a greater audience. In one of the internet entries I found, he is characterized as an 'anarchist'. This reminds me of the concluding remark which Nils Christie made in one of yesterday's workshops: 'quite obviously, we are dangerous...'. A closer look into the list of titles gives proof on this:

- 'The Future Use of Prison' (1974), a moderately abolitionist piece;
- "'Nobody came": criminal justice and the needs of victims', this early recognition of the needs of victims was published in *The Howard Journal* in 1977, the same year (!) in which Nils Christie's "Conflicts as Property" appeared;
- 'Making good' (1982/2008) set him up as one of the true pioneers of RJ in Europe. As Vivien Stern has emphasized in the foreword to the second edition in 2008: it was nothing less than ground-breaking at that time;
- 'Conflict resolution in prisons through mediation' (1984) Martin was indeed one of the first authors who emphasized the use of RJ in this context – more than 25 years before it became an issue of greater attention.
- 'Justice for victims and offenders' (1991/1996) was widely considered, as the Bishop of Manchester has praised the work in the preface, to be thought-provoking.
- 'Restoring respect for justice' (1996/2008) again another book which pushed us to rethink our current approaches.

Besides writing books, he is a tireless author of notes, texts, articles and other contributions related to the topic of restorative justice, both in the UK and other parts of Europe with very different target groups and audiences. Although Martin has always been very passionate in bringing forward his beliefs, he is far away from being a dogmatic or rigid person. To the contrary, he has a great sense of humor. Nevertheless his significant experience as a practitioner in the field makes his arguments persuasive. His reflections often start from very practical circumstances and experiences, and he is highly skilled to give practical advice on how to practice and implement restorative justice processes and programs. Not surprisingly, he became an honorary fellow of the Institute of Conflict Resolution in Sofia and holds a diploma from the Polish Center for mediation.



Another personal characteristic is his international orientation. He is a keen traveler, even today. There are probably only very few Council of Europe member states that so far have escaped him. Ivo Aertsen told me about his impressions about Martin visiting cities, running through under-grounds and metros and parks and university buildings wherever European Forum's Board meetings and other conferences and meetings took place. He has the ability to talk to and to convince very different groups of people in very different countries and circumstances: social workers, public prosecutors, lawyers, prison governors, ministry of justice officials, university professors, and police officers to name a few.

Besides all this, another very impressive skill is his knowledge of – one can even say passion for – languages. Besides his native British he speaks German, French and Russian. In several other countries such as Poland, Spain or the Netherlands, he can easily communicate. Not enough, he has always been ready to start a lecture in the language of a visiting country. He must have collected opening sentences of his lectures in at least 25 languages. We are not sure of his knowledge of Mandarin Chinese or Finnish, but it wouldn't be a surprise that he has a beginning mastery of them as well.

Last but not least to be emphasized here is his attention to people, his friendship and, as particularly mentioned by female colleagues of all ages, his charming character. Christa Pelikan and others have spoken about a gradual behavioral change that has been witnessed over the years, which quite obviously is a result of his involvement in the RJ community. He has deviated from his pure British character in learning to like embracing and kissing.

Martin Wright clearly deserves to receive the European RJ Award. His active involvement in the European Forum and his presence at our annual general meetings are cherished. Two original quotes shall illustrate his attitude:

“The philosophy of RJ is based on the principle that there is a better way.”

“There may be no such thing as the perfect system, but the restorative philosophy offers a way of bringing justice closer to the ideal.”

Michael Kilchling
Chair of the Board of EFRJ
Helsinki, June 2012

Mediation of bi-national disputes over parents' and children's issues

Already in 2008 the European Parliament published numbers of bi-national marriages (350,000) and bi-national divorces (170,000). These numbers increased over the last few years. The legal context is rather complicated because it affects different legal systems. Separation does not always happen without conflicts and in many cases this goes as far as abduction of the child within the family. To protect children's rights The Hague Conference on Private International Law concluded the Convention on the Civil Aspects of International Child Abduction in 1980 (“1980 Hague Convention”), which as of January 2012 was signed by 87 States.

The legal framework for international child abduction cases

The objective of the 1980 Hague Convention is to secure the prompt return of children wrongfully removed to and retained in a contracting state and to ensure that rights of custody and/or access in one contracting state are effectively respected in the other contracting state. The convention's guiding principle is that the child's welfare is best protected by a rapid response to the parent who has resorted to a wrongful ‘self-help’ tactic and that abductions must be prevented in general. It aims to restore the previous conditions of custody in the state from which the child was abducted (“state of origin”) so that a judgment can be rendered on custody rights there. In order for such cases to be mediated, a number of criteria must be fulfilled:

- The 1980 Hague Convention must have been in force in both states at the time of the wrongful removal or retention and the convention must apply between the state

of abduction and the state of origin;

- The child must have had his or her habitual residence (defined as the effective center of the child's life) in a contracting state directly before the rights of custody or access were breached (Article 4(1)); and
- The child must be under the age of sixteen (Article 4(2)).

According to Article 3 the removal or retention is considered wrongful when it violates the rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the state in which the child had his or her habitual residence before the removal or retention. The rights of custody may be based on law, a judicial or administrative decision or an agreement. The child is considered wrongfully retained if he or she has not been released after the stay that is initially within the bounds of the law. That rights of custody must have been effectively exercised, either jointly or alone, at the time of the removal or retention.

The application for the return of an abducted child must be filed within one year at the appropriate court, which is usually the court in the country of retention. In the case of wrongful removal, this period begins on the day on which the abduction was carried out; in the case of wrongful retention, it begins when the child should have been returned to the other parent under the law, the judicial decision or the relevant agreement. If the application for the child's return is filed at the court after this period, the court is nonetheless bound to order the child's return, unless it is demonstrated that the child is now settled in his or her new environment (Article 12(2)).

Pursuant Article 16, after receiving notice of the wrongful abduction of a child within the meaning of Article 3, courts are prohibited from deciding on the merits of the rights of custody. Under Article 13, states are not bound to return the child if the rights of custody were not exercised at the time of removal or retention or if the person charged with the child's care consented to the child's removal or retention. The parent who abducted the child must prove that the parent filing the application gave his or her consent.

The court has to deal with the question whether the return of the child would expose him or her to a grave risk of physical or psychological harm or otherwise place the child in an intolerable situation (Article 13(b)). Allowing the child to stay with the abductor is justified only if a return would expose the child to unusually severe harm.

If the parent that previously took care of the child is the abductor and refuses to return to the state of origin together with the child, courts cannot order this parent to return to the state of origin, though they can set a time limit for a voluntary return. As the 1980 Hague Convention provides only for the return of the child and nothing else it is always recommended to advise the parents on the possibility of mediation in these cases.

The advantage of mediation is that parents can negotiate not only the habitual residence of the child but also custody rights, visiting rights, financial issues etc. Mediation is confidential and runs parallel to legal proceedings. It is a way to settle conflicts with the support of a neutral third person considering both parties interests and needs and to find a mutual solution while maintaining self-esteem, dignity and respect. The following case is illustrated of the positive role that mediation can play in assisting to settle such disputes.

Mediation of an international child abduction case: A case study

The parents were Nicole (31), German, team assistant and Matthew (50), American, running his own cleaning business. Their daughter Uma was 4 years old. They met in England and moved to Florida when Uma was 2 years old. Nicole is an intelligent young woman who had worked hard to support the family in England and Matthew is a self-confident man who had looked after Uma when they were living in England. His business in England was not very successful. In Florida Nicole did not find a job so that she helped Matthew with his business. Both parents shared the responsibility to look after Uma.

The mediators, who are specialists in cross border family conflicts, were a German female lawyer and an American male social worker, both from Munich. They are members of the non-profit organization MiKK (www.mikk-ev.de). According to the rules of MiKK they work as female and male co-mediators in a bi-professional and bi-cultural team speaking both languages of the parents. The mediation took place in Frankfurt in an impartial environment on a Friday afternoon from 1-8 p.m. The language of the mediation was English.

The mediation was characterized by five sequential phases:

1. introducing mediation including the agreement to mediate by MiKK two weeks before the mediation session
2. naming and agreeing upon topics and questions of both parents

3. dealing with the parents' conflicts by throwing light on the background and feelings, formulating needs, negotiating along the parents' interests and by creative thinking

4. developing possible solutions, negotiation and agreement over criteria for decision

5. concluding mediation by drafting an agreement and emailing it to the parents' lawyers for review and preparation for the court hearing

Nicole and Matthew were well advised by their lawyers. In this case it was very likely that the court would decide that Uma had to return to Florida. The topics which the parents wanted to discuss were the following:

- residence of Uma
- contact with both parents
- financial support for Uma
- issues of child custody
- holidays with Uma
- citizenship for Uma
- emergency issues

The mediators wrote on a flip chart the ideas of the father next to the ideas of the mother. It was obvious that except for the residence of Uma the parents had very similar ideas and that both parents wished a close contact of Uma to the other parent. The interests and needs of both parents were discussed in great detail so that the parents realized their responsibility for Uma' care and upbringing and got a better understanding of their joint parenting. Both parents confirmed that Uma was happy and well looked after when she was with the other parent. Both parents were afraid of losing Uma.

There was a change in the whole process when with the support of the mediators Nicole apologized for what she did to Matthew and Matthew could trust Nicole that she really meant it. Furthermore Nicole agreed that Matthew should see Uma on the weekend before the court hearing on Monday.

After a few hours of intensive mediation Nicole agreed that Uma could return with Matthew to Florida for the next two years. Nicole agreed to pay child maintenance. Both parents agreed to have joint custody and to apply for the German and the American Citizenship for Uma. Matthew agreed to arrange for long holidays of Uma in Germany over the next two years. Furthermore both parents agreed on emergency proceedings for Uma in case either parent cannot look after Uma properly.

As promised the lawyers were prepared to check the draft agreement on the weekend so that there was a contract which the parents could provide the court. The court dealt with the necessary steps that were needed to make it legally binding in both countries.

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Survey on victim-offender mediation in Romania

Background

Since 2006, the Law on Mediation and the Mediator's Profession (Law no. 192/2006) has provided a legal framework for mediation, allowing for the use of victim-offender mediation in so-called complainant's offences or in cases in which reconciliation of the parties removes criminal liability. Further amendments and modifications to the Law in 2009 (Law no. 370/2009) introduced the duty of judicial officials – judges, public prosecutors, arbitral officials as well as other authorities with jurisdiction – to inform the parties about the possibility of mediation and to work towards its use. In 2012, a further amendment to the Law on Mediation (Law no. 115/2012) made it mandatory that parties in a conflict have to participate in an information session on mediation, even after judicial proceedings have begun.

However, in practice victim-offender mediation has been implemented rather sporadically across the country. Only a few specialized NGOs are involved in the delivery of victim-offender mediation and there is still a lack of information among the public and legal professionals about this kind of dispute resolution. In 2010, a survey was conducted by the Institute of Sociology at the Romanian Academy, Bucharest, and the Department of Criminology at the University of Greifswald, Germany to investigate the attitudes of prosecutors and judges towards victim-offender mediation¹. The research focused on case referrals (before and after the amendment of the Law on Mediation in 2009), knowledge of the mediation procedure, facilities and the implementation of victim-offender mediation. A further aim was to examine attitudes to extending the use of victim-offender mediation to other offences. One thousand, five hundred and twenty questionnaires were completed by prosecutors, which represented at the time of the survey 67.5% of all prosecutors in Romania. In the following, some summary results of the survey on prosecutors are presented².

Results of the survey on prosecutors

Regarding the attitudes of prosecutors towards victim-offender mediation, the vast majority of prosecutors (73.3%) considered victim-offender mediation to be a “useful” or “very useful” procedure for conflict resolution in penal matters. Prosecutors were also asked whether they advised persons to engage with mediation, before and after the legal amendment introducing the duty to inform the parties about the possibility and the advantages of mediation. A small proportion (6.7%) of prosecutors stated that they had informed the parties involved in a criminal case about mediation before the amendment of the law. Almost three times more, about one fifth (19.2%) of the prosecutors reported that they had advised the parties to resort to mediation af-

¹ The project was partly funded by the German Research Foundation (DFG) within the programme “Initiation and Enhancement of bilateral Cooperation”.

² Further information about the results of the survey in Păroșanu A., Balica E. (eds), forthcoming.

ter the legal amendment. However, given the legally binding duty to inform the parties about mediation, the proportion of respondents who had informed the participants still remained rather low.

Prosecutors highlighted a range of reasons for refusal by their clients for engaging in mediation, which included: a lack of trust in mediation and mediators (lack of confidence in a newly established institution); a lack of financial resources (to reach the mediation facilities and lack of funds for mediator's fees); parties wanted to hold the offender accountable through criminal proceedings; a lack of information on mediation and so on.

The analysis of the research results revealed that prosecutors who had not advised the parties involved in criminal conflicts to resort to mediation had not been informed about national legislation on mediation or national and international experiences in the field of mediation; they had no information about organizations providing mediation services and the mediation procedure.

Regarding the level of knowledge on mediation procedures, only a few prosecutors (12.5%) stated they were well informed about the procedure of mediation. About one third (35%) of prosecutors were poorly informed. In terms of knowledge of national legislation relating to mediation in penal matters, about one fifth (22.5%) of the respondents indicated that they were well and about one third (35.8%) that they were poorly informed at the time of the survey. Only one fifth of the surveyed prosecutors were well or poorly informed about facilities delivering victim-offender mediation (19.3%). About a quarter of the respondents had knowledge about the practice of mediation at local or national level.

Asked their opinion on extending the legal framework and permitting the use of mediation for a wider range of offences, almost one third (29.7%) of prosecutors were in favour of extending it. Most respondents who agreed to extend mediation to other categories of offences were prosecutors who were well informed about the legislation and procedure of mediation. In addition, these prosecutors had provided information on mediation for some time. Many of them advised the parties to resolve the conflicts through victim-offender mediation. They even had cases resolved through mediation. Regarding the categories of offences, the majority opted for less serious offences (about two thirds), another part (about one third) for less serious and medium severity offences and just a small proportion (7.8%) favoured its use with serious offences.

Some concluding thoughts

The findings presented here suggest that there is a need to better inform legal professionals such as prosecutors about the procedure of victim-offender mediation, mediation facili-

ties and experiences. After the legal amendments, there has been evidence of an increased interest of prosecutors to resolve cases through victim-offender mediation.

However, the challenge which remains is the refusal of the parties to resort mediation as a way of conflict resolution. Consequently, there is also a further need to inform the public in large about the procedure and advantages of mediation. Discussions about the extension of the legal framework would be desirable, as a wider application to suitable offences would allow for the promotion of victim-offender

mediation in Romania.

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Restoring trust in banks

Crime has been falling overall, according to the police, but we are in the middle of a crime wave which affects thousands of people but does not get recorded in the crime statistics. It is hard to see how mis-selling payment protection insurance, for example, is anything other than obtaining pecuniary advantage by deception. Banks are paying billions of pounds in compensation to millions of customers, but are not being prosecuted, apparently because selling worthless insurance was within the letter of the law. Hardly had that scandal left the headlines, when Barclays Bank was fined \$451 million on 28 June 2012 for manipulating the LIBOR inter-bank lending rate; but the fines were imposed by the U.S. Commodity Futures Trading Commission, the U.S. Justice Department and the U.K. Financial Services Authority, and do not represent a criminal conviction.

Less than a week later (2 July) the British pharmaceutical manufacturer GlaxoSmithKline had to pay \$3 billion, the largest health care fraud settlement in U.S. history, for promoting popular antidepressants Paxil and Wellbutrin for unapproved uses. The company also will plead guilty to failing to report to the government for seven years some safety problems with diabetes drug Avandia, which was restricted in the U.S. and banned in Europe after it was found in 2007 to sharply increase the risks of heart attacks and congestive heart failure; and Paxil (Seroxat), an anti-depressant which has been linked to suicides. The settlement included \$1 billion criminal fine and forfeiture and \$2 billion to resolve civil claims, but there are no reports of individual executives being prosecuted.

As if that wasn't enough for one month, the huge HSBC bank was accused on 18 July of massive failure to prevent money laundering by drug traffickers and rogue regimes, for which fines of the order of \$1 billion are expected. All this on top of the long-running sagas of Shell polluting land in Nigeria, the Chevron Corporation trying to avoid paying \$8.6 billion in fines and clean-up costs for damage to the Amazonian rainforest in Ecuador (in addition to other cases involving a large oil spill off the coast of Brazil), and the even more long-lasting scandal of Bhopal, where the Dow

Chemical Company is still denying liability for the poisoning of thousands of people by its subsidiary Union Carbide Corporation in 1984. The shameful list goes on and on.

There are calls to prosecute and imprison individuals, rather than merely fine the companies, but putting them in the dock is expensive and they can often use legal technicalities to avoid it, and it does little for the victims over and above the compensation which the bank is paying anyway. So what can be done?

We can get a clue from Australia. Around 1990, a big insurance company mis-sold insurance to Aboriginal communities – sounds familiar? Instead of the companies being prosecuted and fined, their top management was persuaded to visit communities and meet the victims face-to-face. Some of the executives went back to the city deeply ashamed of what their company had done. Policy holders were compensated, and an Aboriginal Consumer Education Fund established. It was found that many others had been cheated, including members of a police union – some 300,000 victims, ending with a payout of A\$50 to 100 million. This benefited far more victims than prosecution would have done (Braithwaite 2002: 22-24). The Australian criminologist John Braithwaite maintains that there is a better chance of finding individuals among top management who would respond to meeting face-to-face with the human victims of their actions than of scaring them into compliance.

The idea is picked up in a report by Professor Richard Macrory of University College London, who recommends the use of restorative techniques in cases of regulatory non-compliance:

Victims will often be very raw and sensitive about the physical, emotional or financial harm that has been inflicted upon them. Offenders, on the other hand, will often be very nervous about facing those they have harmed. Furthermore, the result of an RJ event will be an agreed remedy for the harm that has been caused. The agreement could amount to a significant burden on the offender, for example financial compensation or a commitment to undertake unpaid work (2006: para. 4.40).



So instead of letting the senior management of delinquent companies hire expensive lawyers to minimize the harm they have caused, or possibly sending them to a (probably) low-security prison, how about arranging for them to meet a selected sample of their victims? (In some cases it might be difficult to identify individual victims, but representatives of those who had suffered from the ripple effects of the scandal could be found.) As for reparation, as senior executives have reportedly become very wealthy in the last few years, victims might ask them to make appropriate reparation by making substantial contributions to one of the charitable trusts which promote penal and social reform – in addition to what the company itself could contribute. They could reflect on the dictum of Andrew Carnegie, another man who made a fortune by sometimes unscrupulous means: 'The man who dies rich dies disgraced'. Reparation could

include attending a comprehensive course on business ethics. If community service were considered appropriate, they might also follow the example of John Profumo, a junior minister who committed the not-so-heinous crime of lying to Parliament: he resigned, and spent the rest of his life in the East End of London, using his abilities to help less fortunate people.

Martin Wright

References

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Newsflash: News from the new European Circle of Restorative Educators

As members of the European Forum will know those folk working in and with schools in the area of Restorative Practice decided this year to establish a separate non-governmental organisation (N.G.O.) to promote and support this work across Europe. So far we have established a lively LinkedIn Group where people share experiences, ask questions and find out about each others' practice. We plan to launch a website sometime in the New Year. We hope to have some shared pages in English but then also separate pages for each European country. If you would be interested in helping keep your own country's page full of interesting materials and links then get in touch with Belinda Hopkins (see end of article for contact details). Can anyone help with the design of this site? We need volunteers please as we have no funding yet.

We want to share many more resources from different countries. Belinda has an introductory film originally made in English but now also with Portuguese, Finnish and Romanian sub-titles and an introductory brochure about Restorative Classroom Practice for class teachers in English, French, Flemish and Rumanian. These resources have been created by Belinda but we need others to submit generic materials which everyone can share and translate. If anyone else would like to sub-title the film or translate the brochure so as to disseminate the ideas in their schools please contact Belinda. No one model of practice will fit everyone's needs or educational system so the more variety we have the better.

We would ask if the resulting resources can then be posted on our new website for anyone to download for free. We do not yet have funding for an administrator or for development costs. Belinda is happy to keep doing this pro bono for now until we are successful in getting our constitution sorted and a formal framework established if this important new N.G.O. She and Maija Gellin from

Finland met last week to discuss taking things forward and we are very happy and excited to be involved in this important work.

Maija adds:

"It is more and more obvious that the proactive work for preventing harmful behaviour; bullying and violence must be focused strongly during the next few years. European educators have a great opportunity to make an impact on the readiness of pupils to use their right for participation when managing their relationships and their conflicts in their schools and in their surrounding community. Participation should be seen as a fundamental right, and we educators can help our children to use this right by implementing restorative approaches in schools and kindergartens. In the complicated economical situation of Europe we should be building up social safety and active citizenship so that the welfare of our children can be ensured even in difficult period of times.

This is one of the basic reasons behind our drive to establish a new association for restorative educators in Europe and why some of us feel a sense of and the urgency. We have a lot of knowledge and understanding between us, we have good research results and a lot of experience and a commitment to best practice to share to all European countries - let's work for increasing restorative practices in our schools together!"

Belinda is writing an irregular newsletter sharing what is happening in different countries and she invites others to send her their news for inclusion in the next issue.

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Readers' Corner

• **Crime, punishment and restorative justice: from the margins to the mainstream** by R. London: Boulder CO and London: FirstForum Press, 2011. As the name implies, it's a serious attempt to make the case for a fully restorative justice system, including for serious offences. He thinks it's necessary to retain the idea of punishment (which some may be uneasy about) and has a go at some of the exaggerated claims of RJ advocates, so it deserves to be taken seriously.

• The AIM project and RJC hosted their European Conference on Restorative Justice and Sexually Harmful Behaviour (SHB) on June 26th 2012 in Manchester, a full report may be found at:

http://www.aimproject.org.uk/index.php/news/article/restorative_justice_and_shb_learning_from_practice_across_europe_the_confer/

Calendar

• **EFRJ Summer School - "Restorative Justice in intercultural settings: business as usual?"**
July 29 - 2 August 2013, Vienna, Austria

The EFRJ summer school in 2013, organised in cooperation with the Waage Institute and the IRKS, forms part of a major project on alternative ways of dealing with conflicts in intercultural settings (www.alternative-project.eu). It focuses on the challenges and opportunities of applying RJ in intercultural and diverse settings. Participants are expected to bring case studies and experiences of practice and research for discussion and study. The summer school is aimed at practitioners, volunteers, trainers and researchers with an interest in re-

storative justice practice and/or intercultural conflicts.

Learning Objectives:

- Raising awareness of the impact of cultural diversity in conflict situations
- Building and maintaining trust with individuals and communities in conflict
- Identifying further training needs
- Critiquing practice

ONLY 35 FULL PLACES AVAILABLE!!!

Bookings must be received by 31 May 2013 – More info on the Forum website (www.euforumrj.org).

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Submissions:

The European Forum welcomes the submission of articles and information for publication. Please contact the editor.

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