



Newsletter of the European Forum for Victim-Offender Mediation and Restorative Justice

Editorial

It is a great pleasure to present to you the very first issue of the newsletter of the European Forum for Victim-Offender Mediation and Restorative Justice. We are glad that we could fulfil our promise to have it ready in June 2000. For most of you it is also the first time that you see the logo that was designed for the European Forum. We hope that it appeals to you and that it will succeed in providing the European Forum with a recognisable image.

The initiative to create the European Forum was taken by a small group of people with a strong commitment to mediation and restorative justice. In 1998 they obtained a non-recurrent funding from the European Commission, granted by the Grotius programme. Since then, a co-ordinating group with representatives of 8 European countries has been working together with a secretariat in order to prepare the launching of the European Forum.

With this newsletter, the European Forum seeks to contribute to the achievement of one of its most important goals: to promote the international exchange of information and mutual help. It should become a tool to provide people all over Europe - and beyond - with information of a certain international relevance that is usually not readily available in their own country. This includes information on innovative projects or practice related matters, and new developments in policy, implementation and legislation in European countries; on developments on a European/international level; on activities (training, conferences, etc.); and, on literature and research. With this we hope to reach a broad group of people.

This year the newsletter will appear twice (next issue in November). At this moment it is limited

to 4 pages. However, the newsletter is 'a work in progress' and things will probably change in the future. We hope that by next year we will have an editorial board and that we will be able to rely on a network of people from different countries. That is why we would strongly encourage you to provide us with feedback. Also, proposals for contributions are very welcome. Finally, if you know of other people who are interested in receiving a copy of the newsletter, please notify the secretariat.

Although the main purpose of the newsletter is not to promote the activities of the European Forum itself, each time an update will be given. At this moment it should be mentioned that we just finished a broad consultation on the draft constitution of our organisation. On June 22 and 23 a group of about 20 people from 11 countries will meet in Leuven in order to discuss the draft constitution on the basis of the feedback that we received. This should result in a final draft, which will be presented for adoption at the first general assembly of the European Forum, planned for the end of this year. We are also glad to announce that the book, which resulted from our conference last year, is now available. Information on how to order it is included in the Readers' Corner on page 3.

Together with this newsletter we send out a questionnaire. Please take a look at it for more information (including information on how to get the next issue of the newsletter).

We hope that the newsletter will be helpful for restorative justice work in Europe.

Jolien Willemsens

Victim-offender mediation in Sweden: a nation-wide pilot scheme

Victim-offender mediation (VOM) has been discussed with interest in different settings over the last 20 years in Sweden, but merely at a theoretical level. Individual politicians have made demands in the Swedish parliament for a government-run pilot scheme at least on five occasions over the last few years. In the meantime, practitioners have grasped the idea and put it into practice. Today the focus has moved from mediation as an odd but interesting phenomenon to something that creates a need for clearer regulations in the ordinary legal system. In the mid-90s only 4 to 5 projects were running. Today, a few years later, I estimate the number to be 50

and there is still a growing interest for starting new projects. Much of the recent development is due to a governmental trial with VOM. The one-year pilot scheme is finished, and the National Council for Crime Prevention (the authority that led and evaluated the project under the Department of Justice) presented the final report to the government on the 1st of March, 2000.

The Swedish trial with mediation for young offenders

On April 16, 1998, the Swedish government gave the National Council for Crime Prevention (BRÅ) the task of introducing, supporting and

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evaluating an experimental mediation scheme for young offenders. It made available 6,5 million SEK (about 774,800 Euro) for projects to apply from. The aim of the one-year pilot scheme was to provide a basis for further decisions concerning mediation. At the same occasion, a special commissioner was given the task to investigate the role of mediation in the legal system and to make proposals for legal adjustment if necessary. The final report of the commission is due on October 1st, 2000.

The trial activities began in the autumn of 1998. Thirty-two projects all over the country were included in the pilot-scheme. About 10 of them were already active. The rest applied for funding to start a project. The 32 projects all had their own conditions concerning, for instance, whether to run part or full-time, mediation methods used and initial knowledge. The majority of the projects were organised by the municipal social services, either as separate projects or in parallel with regular activities. One project was operated by the police and two by a voluntary organisation. These last two projects had difficulty in securing access to cases, usually because of the provisions of confidentiality. Projects organised in parallel with ordinary social work were often compelled to refrain from the task of mediation because priority had to be given to more pressing activities. On average, the projects spent 6 months from the launching of the idea to entering a working organisation.

The projects have been run in close contact with the police. In Sweden it is not uncommon to have good collaboration between local police and social workers, especially concerning young offenders. Some projects, however, found it difficult in the beginning to start a functional collaboration. This difficulty seems to have diminished during the year of the trial. The police referred most cases for mediation (70%), followed by social services (12%). As few as 3 cases were referred by prosecutors. The prosecutors have not perceived existing provisions, for example in the legislation on young offenders, as sufficiently binding. Some prosecutors were resistant to the idea of mediation before the end of the formal judicial procedure. The projects were also run in collaboration with victim support organisations, the courts and religious bodies.

During the trial year, 590 mediation records were sent in to the evaluator. 414 of them concerned direct mediation. In the rest of the cases other measures might have been used, like indirect mediation and/or forms of victim support, etc. About half of the cases concerned minor offences such as shoplifting and vandalism. This shows that the projects are in the early stages of development. 10% concerned violent offences. One third of the mediations were carried out with offenders under 15, the age of criminal responsibility.

Two - limited - qualitative studies of participating victims and offenders have been carried out during the trial period. These studies showed inter alia that, when the offender met a private person as a victim, the chances were good for the offender to achieve an emotionally grounded knowledge of the consequences of the offence. This creates insight, which is often expected to lead to a reduction of recidivism. Victims had experienced a sense of relief and a termination of feelings associated with the crime. They also thought it was positive that the offender was no longer anonymous but had been "given a face".

The evaluation of these studies shows tendencies to use two approaches in Swedish mediation work. One was based on the idea of putting an early stop to criminal activity and was used primarily with property crime and younger perpetrators, often under the age of criminal responsibility. The mediation was frequently of short duration and the content was mainly informative, chiefly emphasising the material consequences of

the offence. The other approach was focused more on conflict resolution and what emerged in the dialogue between the parties. These mediations were mainly used with offences against private persons and often with somewhat older perpetrators. They took a longer time to carry out and were often preceded by a prior meeting with the victim.

Conclusions of the Swedish National Council for Crime Prevention

The Council foresees that the development of mediation projects will continue and recommends that the municipal social services be the body that undertakes the activity, operated independently from ordinary social work. The Council also concludes that clearer legal provisions would give mediation enhanced legitimacy and vigour. The aims of mediation that should be emphasised in legislation are those of reducing relapse into crime and reducing the sense of suffering by victims. The Council also recommends that if the main purpose is to prevent relapse into crime, mediation in shoplifting-cases is not strategic as a general measure - most shoplifters do not relapse anyway. Mediation as a crime-preventing measure should therefore mainly be directed towards crime that more normally leads to further criminality, such as vehicle theft, robbery and theft.

Evaluation shows tendencies to use two approaches in Swedish mediation work: a crime prevention approach and a conflict resolution approach.

As a general conclusion, the Council states that VOM in Sweden is still in its early stages and is in process of further development. With any future expansion of VOM there will be a general need to improve both knowledge and training, especially concerning victims' needs.

Closing remarks

The pilot scheme was a good initiative and has given some new knowledge, but the experimental period of one year was much too short, especially when considering that the starting period was about 6 months for the new projects. Of course, this period could be shortened by common standards and/or legislation. However, the answer to questions like: "Is mediation useful?", "Is it good?" is still more of a political issue. The minister of Justice has shown great interest in mediation and I hope further decisions will continue to support the development of mediation. It should be seen for what its is: a powerful opportunity for victims and offenders to deal with the implications of a crime. And my opinion is that if they reach an agreement and by that way can end further legal proceedings, that is even better.

Christina Nehlin

Christina Nehlin is a social worker and initiated one of the first mediation projects in Sweden in 1994. She is an experienced mediator and the author of a book on mediation. From 1998 she was the co-ordinator in the government's pilot scheme, and co-author of the final report. She is an appointed expert in the Commission on Mediation with Juvenile Offenders. Christina can be contacted at: medlingskonsult.nehlin@zeta.telenordia.se. She is especially interested in exchanging ideas on how to secure qualitative standards in VOM.

The report of the Swedish pilot scheme, which contains an English summary, can be found and/or ordered at the National Council for Crime Prevention's home page: www.bra.se (BRÅ-report 2000:8, ISSN 1100-6676, ISBN 91-38-31618-8).

Readers' Corner

Restoring youth justice: New directions in domestic and international law and practice, a report from JUSTICE (1999), with summaries of, and comments on, the current position in England and Wales, Scotland, New Zealand, New South Wales and Austria. Available from: admin@justice.org.uk.

Restoring Respect for Justice: A Symposium, by Martin Wright (1999). A range of (fictitious) presenters (a judge, a psychologist, a mediator ...) each discuss crime, its effects and existing assumptions. The book provides extensive arguments (and supporting data) in favour of effective, inclusionary - and above all 'restorative' - community-based responses to crime, crime reduction and the interests of victims and potential victims. Available from: watersidepress@compuserve.com.

Victim-Offender Mediation in Europe. Making Restorative Justice Work, European Forum for Victim-Offender Mediation and Restorative Justice (ed.) (2000). This book results from the first conference of the European Forum which was held in October 1999. The first part of the book contains 6 chapters in which VOM and restorative justice are being considered from a more theoretical point of view. The second part consists of extensive overviews of the state of affairs of victim-offender mediation in eight European countries. Available from Leuven University Press: www.kuleuven.ac.be/upers or e-mail university.press@upers.kuleuven.ac.be.

Special issue on restorative justice of the *International Review of Victimology*, vol. 6, No 4 (1999), with contributions on restorative justice in the USA, Canada, Nigeria and Papua New Guinea.

Special issue on restorative justice ('La justice réparatrice') of *Criminologie*, vol. 32, No 1 (1999), with contributions on mediation and restorative justice in Quebec, indigenous communities and Germany.

Handbook on Justice for Victims of the UN Office for Drug Control and Crime Prevention and the Centre for Crime Prevention, which includes a chapter on victim involvement in mediation and restorative justice. Available from the Centre for International Crime Prevention, fax +43 1 260 605 898.

Group Conferencing: Restorative Justice in Practice, Ann Warner Roberts and Guy Masters (eds.) (1999), with an introduction to group conferencing and a practice-based presentation and analysis of seven projects in the UK and three in the USA. Available from Mediation UK, e-mail: mediationuk@mediationuk.org.uk.

Jahrbuch für Rechts- und Kriminalsoziologie '99. Mediationsverfahren. Horizonte, Grenzen, Innensichten, Christa Pelikan (ed.) (1999), with in-depth contributions on the characteristics of mediation, starting from different fields of application. Available from Nomos Verlagsgesellschaft, Baden-Baden, Germany.

Juvenile Offender/Victim Mediation, Beata Czarnecka-Dzialuk and Dobrochna Wójcik (eds.) (1999). Descriptions from Austria, Belgium, Germany, Poland and the UK, with comments on research. Available from Oficyna Naukowa, Warsaw, fax +48 22 622 0242.

Bulletin Board

September 12-16, 2000, Minnesota (USA), VOMA 2000, 17th Annual VOMA Training Institute and Conference, 'Innovative Practices in Restorative Justice and Victim Offender Processes'. For more information see www.voma.org or e-mail voma@voma.org.

September 27-October 1, 2000, Sardinia (Italy), Third World Mediation Forum Conference, 'Expansion of the Culture and Practice of Mediation in All Corners of the World' (mediation in general). For more information see

www.geocities.com~suares/forum, or e-mail savpinna@freemail.it.

October 1-4, 2000, Tübingen (Germany), Fourth International Conference on Restorative Justice for Juveniles, 'Restorative Justice as a Challenge for the New Millennium'. For more information see www.ifk.jura.uni-tuebingen.de/restjust/, or e-mail restorative.justice@uni-tuebingen.de.

VOMA Connections

Since 1983 VOMA, the Victim Offender Mediation Association, has been serving the field of restorative justice, particularly aimed at practitioners. In addition to one-on-one mediation, other forms of dialogue between parties are represented, such as group conferencing and circles.

VOMA is a national organisation (USA) governed by a volunteer board of directors, and is building international affiliations. They have currently been awarded 3 years of funding from the Hewlett Foundation to develop and implement a strategic plan in order to expand membership (including international links), increase diversity and offer more and better services.

VOMA's mission is to provide inspiration, leadership and information-sharing in the development and support of various models of justice which create opportunities between victims, offenders and their communities for the purpose of healing and restoration.

For more information on VOMA, visit their web-site: www.voma.org.

The VOMA Connections newsletter proposal

The VOMA board of directors offers you a chance to receive 4 issues of the VOMA Connections newsletter for free, starting with the summer issue of 2000. If you are interested in this proposal, please contact:

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The United Nations acts to advance restorative justice

From 10-17 April 2000 Vienna hosted the 10th UN Congress on Crime Prevention and Treatment of Offenders, attended by nearly 200 government representatives. It was immediately followed by a short meeting of the UN's Commission on Crime Prevention and Criminal Justice, the UN body that initiates criminal justice activities. One of the four agenda topics of the Crime Congress was "Offenders and Victims: Fairness and Accountability in the Criminal Justice System". The discussions under this topic were mainly on restorative justice.

During the course of the Congress, a number of NGOs sponsored ancillary meetings on various topics related to restorative justice. The Working Party on Restorative Justice, established 5 years ago by the Alliance of NGOs on Crime Prevention and Criminal Justice (New York) to prepare for the Congress, organised a series of these sessions into a kind of mini-conference on restorative justice. These sessions were well attended and well received, with even Ministers and heads of delegations attending some.

At the conclusion of the Congress the delegates approved a summary resolution, known as the Vienna Declaration. This resolution included recognition of the growth of restorative justice programmes, and called on governments to increase their use of restorative justice interventions.

There was considerable discussion as well of the proposal of Canada to introduce a resolution entitled 'Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters' at the Commission meetings. Basic principles are one way the UN offers guidance to member states. Near the end of the Congress, the Canadians announced that they and the Italian government would be introducing this resolution which calls on the UN to distribute a draft set of Basic Principles prepared by the Working Party on Restorative Justice, to solicit comments from governments and others, and to convene an expert group to review those comments and suggestions and propose modifications or alternatives to the Commission.

On the first morning that the Commission met, 20 countries (Albania, Australia, Austria, Bolivia, Bulgaria, Cameroon, Costa Rica, Croatia, Czech Republic, Germany, Malta, Namibia, Netherlands, Portugal, Sierra Leone, South Africa, Spain, Sudan, Swaziland and Zambia) signed as co-sponsors to the Canadian-Italian resolution. After lengthy discussion on wording of the resolution, the Commission adopted the resolution and provided that the expert group should report back at the 2002 Commission meeting.

The next step is that the resolution will go to the Economic and Social Council (ECOSOC) for adoption. ECOSOC will meet in July, and adoption is anticipated that month. At that time the Secretariat of ECOSOC will distribute the "Preliminary Elements of a Draft Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters" to governments, UN institutes and NGOs along with a questionnaire. This questionnaire will solicit comments on the distributed documents, the value of UN adoption of basic principles, alternatives that might be considered, etc.

It will be very important for a significant number of governments to respond. If fewer than 35 governments respond, the Commission may conclude that there is insufficient interest to proceed with the resolution. Ideally at least 50 governments should respond. It will be important for interested individuals and NGOs to encourage their governments to prepare a response.

At that time the Secretariat of ECOSOC and the Canadian government (and other governments assisting with funding) will organise the expert group to review the responses and recommend any further action to the Commission.

The above information is taken from following web-site, where you can also download the Vienna Declaration and the Draft Resolution of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters: www.restorativejustice.org.