



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

## Editorial

The practical implementation of restorative justice (RJ) is not an easy task as it requires good communication and collaboration between practitioners, researchers, lawyers, civil servants and politicians. In the last editorial of our Newsletter, Ivo Aertsen commented on the current debates arising from two recent international initiatives in the area of RJ: the UN Draft Resolution on Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters and the Draft Council Decision initiated by the Belgian government whose aim is to set up an official European structure for RJ. In this framework, he mentioned that one of the difficulties in building international instruments was that not all countries' delegations were familiar with RJ, or had the same opinion about its meaning. He underlined well how this situation leads to difficulties in policy development. Any initiative leading to a clarification and promotion of the concept of RJ should therefore clearly be encouraged.

Yet, the concept of RJ is still not commonly used in various countries. For example, in Germany, Norway, Denmark, Finland, Sweden, France, Poland, the terms "victim-offender mediation", "penal mediation", "mediation of crimes and disputes" or simply "mediation" are preferred instead, to describe the emergence of a new philosophy in the criminal justice system. This situation is sometimes due to a difficulty in finding an appropriate translation of the RJ concept. For instance, in Norway, "gjenoppsettende rettleie" is probably the best attempt to translate it. The problem is that the word "gjenoppsette" (meaning 'restore') might lead to confusion as it has a close association with the concept of retaliation. This is obviously a problem, especially when mediation is implemented in the framework of the judicial system by lawyers who have no tradition of thinking about alternatives to punishment.

Sometimes, the choice of a name stems also from a more political standpoint. Indeed, the term "RJ" does not always convey perfectly the specific meanings that the proponents of mediation practices would like to promote. "Restorative" implies putting things back as they were, but that may not be possible, or the status quo ante may not have been satisfactory.

This discussion around the concept of RJ is of first importance since words deeply influence the way in which we build realities. Terms

with clearly understood meanings will help setting guidelines when the idea is implemented in practice. There is therefore an obvious interest in actively and critically discussing the term "RJ", as this discussion will help to specify as much as possible the principles/values of this philosophy and its potential for policy development. These debates are regularly taking place during meetings welcoming those interested in the development of a RJ philosophy.

In the meantime, even though the concept of RJ is still problematic, and despite this semantic issue, there are good arguments for promoting it anyway. Firstly, because even more than victim-offender mediation, RJ is a holistic concept capable of redirecting the entire philosophy and associated instruments of the criminal justice system. As Jacques Faget shows in his article on the development of RJ in France, in the present issue of the Newsletter, when programmes are not implemented in the framework of a larger RJ philosophy, they are clearly at risk of being developed according to other rationales. This is particularly true when RJ initiatives (as mediation) are implemented in a criminal justice system that still reflects formalism and coercion. These trends are still high in the political agenda of various governments. Secondly, it will always be difficult to express complex meanings in short concepts. Concepts are not universal. Their meaning and translation will always need to be situated in specific social and cultural contexts and RJ policy and practices will always be implemented according to every country's culture. In our opinion, therefore, our duty from now on is to use the term "RJ" (in English, if needed) together with a broad explanation of what this concept means to different people, at a particular moment, in different countries and to show the kind of internal conflict and social consequences these institutions entail.

It is only through these efforts of analysis, explanation and exchange of information concerning various RJ practices, that it will be possible for actors (practitioners, researchers, lawyers, civil servants, and politicians) to reflect about "how to think and act differently". Only such a reflexive approach can increase the capacity for "self-determination", and lead to an effective RJ policy.

Anne Lemonne  
Editor of the Newsletter

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## Victim-offender mediation in Italy

In Italy Victim-Offender Mediation (VOM) services spontaneously arose in the first half of the 90s within the juvenile criminal justice system. As in other countries, the system is functionally connected with, and somewhat dependent on, a complex network of agencies, such as the national and local social services, the judicial police for juveniles, voluntary work associations, and rehabilitation communities, where the juvenile offenders may be placed to carry out the sentence (probation, rehabilitation, etc.). Magistrates (i.e., both professional judges and prosecutors) hold a leading role: RJ and VOM could not be developed in Italy without their active contribution.

The promotion of RJ was encouraged by a small group of juvenile court magistrates of Turin, an important North-western city. Among others, an article published in the official journal of the juvenile and family magistrates association was the manifesto, the formal declaration of intent for the application of RJ and VOM. Exceptionally, the authors' names were replaced by the following premise: "We present a document prepared by the magistrates of the juvenile court and prosecution office of Turin. It proposes a new path for the juvenile criminal process through the so-called victim-offender mediation and the reparation of damage caused by the crime".

On these premises, it comes as no surprise that the first VOM service was founded in Turin (1995) and located within the juvenile prosecution office. Then, VOM was gradually and spontaneously adopted elsewhere: VOM services were created in Trento, Catanzaro, Bari, Rome (1996), Milan (1998), Sassari (1999), Cagliari and Foggia (2000). In 1998, the Juvenile Justice Department of the Ministry of justice organised the first seminar on VOM, resulting in the publication of a book published by the Department itself. Moreover the Department encourages the experimental application of VOM via its web-site.

Although no specific norm providing for VOM exists, the juvenile criminal procedure code (DPR 448/88) includes two norms currently used by magistrates to apply VOM and RJ: articles 28 (probation) and 9 (personality assessment). According to art. 28, the judge (frequently the judge of the preliminary hearing) may refer the case to the social service and/or to the VOM service with the aims of "conciliation", "reparation" or "mediation." When the outcome of the mediation is positive, the judge proceeds with dismissing the case or giving judicial pardon.

Our research conducted in the juvenile court of Bari, a South-Eastern city, had shown that in the period 1991-96 RJ strategies were part of the probation projects for the large majority of cases (81.1%). The two main restorative practices adopted were: a) symbolic financial compensation to charity and welfare institutions, including churches (51.3%), b) different forms of reconciliation with the victim (49%). Among the latter writing letters of apology to the victim was the most used strategy (35.7%).

I am currently working on a new research project aimed at exploring the VOM services so far established in Italy. Data were collected with two different questionnaires,

one to be filled out by 9 coordinators, and one by 56 mediators. Almost the entire sample returned the questionnaires, with the exception of only 6 mediators. Due to space limits, I can only summarise some of the results.

**a) Territorial distribution.** At present 8 VOM services for juvenile offenders are operative: 3 in the North (Turin, Milan, Trento), 3 in the South (Foggia and Bari in the region Puglia; Catanzaro in the region Calabria), and 2 on the island of Sardinia (Cagliari, Sassari). The service in Rome (an experimental initiative born within the Department of Psychology of the University "La Sapienza" which closed in 1999) was also considered.

**b) Organisation.** Whereas VOM was at first carried out by court social services, VOM services are now autonomous. The service in Catanzaro is the only exception, being closely connected to the court social services. Most of the VOM services are public services depending on (or funded by) one or more of the following: the Ministry of Justice, the city, the province and/or the region in which they are located. The services generally stem from the collaboration of judicial authorities, local institutions and social services.

Organisational models and the funding of the VOM services are different but two common elements exist: i) the active role of magistrates and lay judges in their foundation; ii) the collaboration and the agreement of the court social workers. One exception was the service in Rome, which can be considered a "deviant" model of independence. The service operated between 1997 and 1999 and received only 20 referrals. According to some members of the Rome group, the service was boycotted by court social workers. This seems to confirm the unwritten rule that a strong agreement with juvenile magistrates, as well as with court social workers, is needed - at least in the phase of implementation - to ensure the functioning of VOM services.

**c) Personnel.** Mediators may be employees of a variety of institutions or administrations (Ministry of Justice, municipality, province or region), placed at the disposal of the VOM services (68%). Specifically, 21 are social workers (11 employed by the court social services and 10 by the local social services), and 11 are professionals; finally one is a consultant for the Ministry of Justice. Only one mediator is hired directly by the mediation service. Volunteer mediators are a minority (16 out of 50, 32%). Juvenile lay judges and social workers, who often participated in the creation of mediation groups, may be themselves volunteer mediators.

**d) Funding sources.** Both Trento and Sassari services rely on funding from the provincial administration. The Cagliari service is jointly funded by the city and the province. The Catanzaro and Foggia services receive funds from the regions in which they are located. The Turin service receives funds from the Ministry of Justice, the city, and the region of Piedmont. The Milan service is funded by the region of Lombardy and the Ministry of Justice. No

information is available about Bari. Finally, Rome did not receive any funding.

**e) Theoretical model.** The most common theoretical model adopted is that of Jeanne Morineau (France). Her training was followed by mediators of all VOM services currently active. The American model by Umbreit was followed in Rome. Interestingly, Trento mediators define their model as “a-theoretical”. The Bari group reports of having further elaborated the French model, now redefined as the “Mediterranean model”. This model has also been adopted in Foggia, Cagliari and Sassari, because they received training from members of the Bari group. Mediators report that VOM is mainly aimed at: establishing communication between victim and offender (66%), facilitating the sharing of feelings/emotions (36%), responsabilising the offender (34%), and providing support to the victim (26%).

**f) Number of cases dealt with** (Table 1). VOM was attempted in a very low percentage of cases at the beginning. However, in 1999 this percentage increased to about 7%. The lack of official judicial statistics in 2000 and 2001 does not permit to establish whether the VOM practice is still increasing. As can be inferred from Table 1, the attempt to practice mediation failed for a sizeable minority of cases (on average 34.9%). There is, however, a remarkable variability in this percentage among different VOM services. Whereas mediation was successfully conducted for about 90% in Cagliari and Catanzaro services, this was true for about 50% of the cases in Turin. The reasons for these differences are unclear. One possible explanation could lie in differences in the way victims and offenders are approached and selected. Different styles may result in different agreement rates of victims and offenders to participate in mediation. It is also possible

that the differences in agreement rates across services does not reflect a characteristic of the service per se, but a characteristic of the territory in which the service is placed (e.g. geographical differences in crime, trust in institutions, etc.). This should be ascertained in future research, which should also investigate the relationship between type of crime and the success of VOM. It is plausible, for example, that when the perpetrated crimes are more severe, it may be more difficult to gain the victim's agreement to meet the perpetrator.

Table 1 - Cases of VOM dealt with from 1995 to 2001.

VOM services	Years	Juveniles referred to VOM services	Successful VOM or currently in process		Unsuccessful VOM (failed or no agreement)	
			N	%	N	%
Turin	1995-2001	318	162	50.9	156	49.1
Catanzaro	1995-2001	174	155	89.1	19	10.9
Bari	1996-2001	222	134	60.4	88	39.6
Rome	1997-1999	20	17	85.0	3	15.0
Milan	1998-2000	120	75	62.5	45	37.5
Trento	1999-2001	40	31	77.5	9	22.5
Cagliari	2000-2001	50	45	90.0	5	10.0
Foggia	2000-2001	13	8	61.5	5	38.5
<b>Totals</b>	<b>1995-2001</b>	<b>957</b>	<b>627</b>	<b>65.1</b>	<b>330</b>	<b>34.9</b>

In conclusion in Italy VOM is slowly developing but evaluative research efforts are needed. Further, the coordination of new initiatives and projects (at the national and international level) for collecting homogenous quantitative and qualitative data would be instrumental for diffusing VOM standardized procedures.

**Anna Mestitz, Research Director at IRSIG-CNR (Research Institute on Judicial Systems - National Research Council), Bologna, Italy**  
mestitz@irsig.bo.cnr.it

## Bulletin Board

- February 7, 2003, Ottawa (Canada), Twelfth Annual Symposium on Conflict Resolution. For more information contact Patrice Jacobson, Tel. +1 613 520 2600, Fax +1 613 520 4467, e-mail: Patrice\_Jacobson@carleton.ca.
- February 25, 2003, London (UK), ‘Researching and Measuring Restorative Justice’, organized by the British Society of Criminology in association with the Restorative Justice Consortium. For more information contact Paul Kiff, Tel. +44 208 223 2902, Fax +44 1621 868 219, e-mail: crimsoc@aol.com, <http://www.britisoccrim.org>.
- April 8-9, 2003, Leicester (UK), ‘Effective Restorative Justice Conference 2003’, organized by De Montfort University. For more information contact Helen Douds, Tel. +44 116 257 7777, e-mail: hdouds@dmu.ac.uk.
- June 1-4, 2003, Vancouver (Canada), ‘Best Practices in Restorative Justice: An International Perspective’, the 6th International Conference organized by the International Network for Research on Restorative Justice for Juveniles. For more information contact Meredith

Egan, Tel +1 604 291 3644, e-mail: mlegan@sfu.ca, <http://www.sfu.ca/cfrj>.

- August 28-30, 2003, Veldhoven (The Netherlands), ‘Building a Global Alliance For Restorative Practices and Family Empowerment’, the Fourth International Conference on Conferencing, Circles and other Restorative Practices, with pre-conference workshops from the 25th till the 27th. For more information see <http://www.restorativepractices.org>.
- October 15-17, 2003, Bordeaux (France), ‘Mediation and Politics’, International Symposium organised by the CERVL - Pouvoir, Action publique, Territoire, UMR 5116 du CNRS, Institut d’Etudes Politiques de Bordeaux. A call for papers is currently running. More information can be found on the web-site of the CERVL: <http://www.cervl.u-bordeaux.fr>.
- March 23-26, 2004, Winchester (UK), ‘Restorative Justice Approaches - From Inspiration to Results’, 2nd Winchester International RJ Conference. For more information visit <http://www.law.soton.ac.uk/bsln/rj2004/>.

## Readers' Corner

- *Restorative Justice and the Law*, edited by Lode Walgrave (2002). The purpose of this book is to explore the several dimensions of the crucial issue of finding an adequate combination of RJ, based essentially on informal deliberation, with the law, needing a minimum of formalism. It searches for the socio-ethical foundations of RJ, tries to position it in its relation to both rehabilitation and punishment, and examines the possibilities to insert RJ as the mainstream response to crime in the principles of a constitutional democracy. Available from Willan Publishing, Tel. +44 1884 840 337, Fax +44 1884 840 251, e-mail: sales@willanpublishing.co.uk, <http://www.willanpublishing.co.uk>.
- *The Little Book of Restorative Justice*, by Howard Zehr (2002). In this small book Zehr describes in an easy-to-read way what RJ is, focusing on its principles or philosophy. It provides a good introduction to RJ for whomever is not yet known with the concept and is thus ideal for use in classrooms, but also as background material in the training of mediators. Nevertheless, it is also useful for those who are more familiar with RJ, as it can help those - as Zehr writes - who are getting confused about what it is and is not. Available from Good Books, Tel. +1 717 768 7171, <http://www.goodbooks.com>.
- *Restorative Justice and Family Violence*, edited by Heather Strang and John Braithwaite (2002). This book addresses one of the most controversial topics in RJ, namely its potential for dealing with conflicts within families. In 12 contributions, the authors try to - carefully - answer the most burning questions in this respect, with a strong focus on feminist and Indigenous concerns. This mind-challenging book is certainly an addition to the vast list of RJ literature. Available from Cambridge University Press, e-mail: [information@cambridge.org](mailto:information@cambridge.org), <http://www.cambridge.org>.
- *Practice, Performance and Prospects for Restorative Justice*, special issue of the British Journal of Criminology, Vol. 42, Number 3, Summer 2002. The contributors discuss many of the core issues emerging from recent writing on RJ (due process and proportionality versus RJ, RJ and community justice, RJ and violent political conflict, RJ and state bureaucracy, etc). The articles mirror the diversity of the field in presenting debates about programmes and policy, but also proposals, theoretical reflections, critiques, analyses and case studies. Available from Oxford University Press, Fax +44 1865 353 485, e-mail: [jnls.cust.serv@oup.co.uk](mailto:jnls.cust.serv@oup.co.uk). The articles can also be viewed on following web page: <http://www.oup.co.uk/crimin>.

## Youth conferencing in Northern Ireland

The Justice (Northern Ireland) Act, which became law in July 2002, provides for a system of conferencing for young people guilty of offences. Youth conferencing based on restorative principles and which is fully integrated into the formal criminal justice system was recommended by the Review of the Criminal Justice System in Northern Ireland (report published in March 2000).

A youth conference is a meeting to consider how a child should be dealt with for an offence. If a conference goes well it should result in a plan of action for dealing with the offence and the offender in accordance with principles which include reparation, rehabilitation and the repairing of relationships.

Youth conferencing will be available for young people under the age of 18 at the time the offence was committed. Two types of conference are possible: a) conferences that are diversionary, asked for by the prosecutor where otherwise there would be a court prosecution and where the offender has admitted guilt; and b) conferences that are ordered by a court following a finding of guilt. Courts will be required to refer most offenders for conferencing. The main exceptions will be terrorist offenders (where courts will have discretion not to refer) and murderers. Conferencing requires the consent of the offender which may be withdrawn at any time. If this happens the conference will stop, and the matter will either go back to court or to the prosecutor.

Co-ordinators are being appointed to organise and run conferences. Their role is to ensure that all those attending, including the offender, engage in devising a plan which deals with the offence and offender in a constructive way. Plans may include a wide variety of elements, for example, apologies, reparation, and participation in activities to address offending behaviour.

Plans arising from diversionary conferences will need to be approved by the prosecutor. Plans from court-ordered conferences will be referred back to the court which may accept the plan as the sentence or which may impose additional penalties, for example custody in the case of a serious offence. Offenders who fail to carry out plans will also be referred back either to the prosecutor or to the court.

In addition to the co-ordinator, those attending conferences must include the offender, the offender's parents (or an appropriate adult) and the police. The victim will be encouraged to attend, supported if necessary. Others who can make a contribution may also attend, for example, social workers, probation officers, teachers and so on. The offender may be legally represented.

It is intended to pilot youth conferencing in a number of localities in Northern Ireland. Subject to evaluation it will then be rolled out to the rest of Northern Ireland.

**Brian White, Head of Criminal Justice Policy Division**  
[Brian.White@nio.x.gsi.gov.uk](mailto:Brian.White@nio.x.gsi.gov.uk)

## Newsflash

- Restorative Justice Online has an interesting new feature: RJ City. The purpose of this project is to design a model restorative system capable of handling all cases, all offenders and all victims, and then to test its viability by using it to construct a computer simulation. The project will be conducted in three phases: 1. Design a written model of a restorative system, 2. Create a computer simulation of the model and adapt the model as required, and 3. Adapt the simulation so that it can accept actual data from particular locations to test its feasibility. Three discussion groups were created: one which considers restorative practices, one which considers a range of tough issues, and a last that considers issues related to the project itself. Please visit [http://www.restorativejustice.org/rj3/rjcity\\_default.htm](http://www.restorativejustice.org/rj3/rjcity_default.htm) to find out more about this project or to participate actively.
- The International Centre for Justice and Reconciliation (ICJR) launched a new restorative justice award. The recipient of the award will receive a cash award of \$5,000 (US). The award will be presented every two years to a person or organization substantially responsible for significantly advancing the implementation of restorative justice. Nominations for the 2003 Award can be made until January 31, 2003. More information can be found at <http://www.restorativejustice.org/rj3/Feature/October02/ICJR-Award.htm>.
- Next year the CEP (Conférence Permanente Européenne de la Probation) will be organising a workshop on "Justice and Balance: Victim, Offender and Community Perspective" in collaboration with the Czech Association for the Development of Social Work in Criminal Justice (SPJ) and Bedfordshire Probation Area. This workshop, which will be held in Prague (probably in May), will seek to explore ways of developing a paradigm for probation involvement with balanced victims, offenders and community perspectives. The workshop will include keynote addresses, open sessions with the Czech Probation and Mediation Service, small groups and opportunities for exchanging ideas, best practice and proposals for future developments, and will focus on theory, practice, organisation and community. Before attending, each representative will be asked to participate in a survey which will be collated, analysed and presented as a reference document. Each country is asked to identify up to 3 representatives who are: Strategic Managers/Directors, Practice/Project Development Leaders, Trainers/Educators/Researchers. For more information please contact: CEP Secretariat, St. Jacobsstraat 135, 3511 BP Utrecht, The Netherlands, Tel. +31 30 23 222 49 00, e-mail: CEP@srn.minjus.nl.

## Report on the 2nd conference of the European Forum

This conference in Ostend (10-12 October 2002) was one of the best conferences I have ever attended! The programme was well planned, the venue was convenient, the speakers were excellent and the other delegates were very friendly.

The format of the conference was superb. There were four different types of session:

First, the usual plenary with very good speakers explaining their work and the situation in their own countries. There were people from over thirty countries present, so the range of experience was varied and fascinating. I loved the presentations from people from Eastern Europe who are so very energetic, brave and motivated.

Following the plenaries were the "café conferences" which picked up the themes of the plenary speakers and allowed people to choose between five different groups - police, state prosecutors, mediators, judges and prisons. It was a privilege to act as facilitator for the prisons group. I met such a wide range of people all of whom clearly enjoy their work very much indeed.

Based on Christa Pelikan's knowledge of the Viennese coffee houses where the intelligentsia meet and discuss the important matters of the day, we sat around small tables, with endless cups of coffee and delicious cakes. We could then talk for a luxurious one and a half hours about the topics that most interest and motivate us. No one could say that "there was not enough time for discussion"! This ensured that we could talk and talk and talk. I shall

certainly use this format for my next staff conference.

Then we had workshops, a familiar way of telling others about our own work and answering questions about it. These used the same five groups as the café conferences. By this time, we were getting to know each other!

And finally, on Saturday morning, there was a "fish pool debate" or maybe it is "fish pond" or even "fish tank"? Eight of the people who had acted as facilitators for the café conferences sat on the platform in a semi-circle and started off with a discussion on a topic which interested one of them. The first topic was whether mediators should be volunteers or paid professionals and a lot of very strong opinions were expressed! People joined the group when they wanted to contribute to the discussion, which meant that another person had to leave, so there were never more than eight people in the conversation. It worked very well indeed with a great many people taking part. It was entirely uncompetitive and co-operative, with people moving in and out of the "fish pool" as appropriate.

The conference party was held in the race course pavilion, a very interesting building on the edge of Ostend. What a great evening we all had!

I learned so much about the work of people in other countries. Thank you all for your friendship and for sharing so much of your knowledge. I look forward very much to the next conference.

**Margaret Carey**  
Chair, Restorative Justice Consortium UK

# Restorative justice in France

In France, the concept of restorative justice (RJ) has a poor visibility among academics, researchers and practitioners. Although some programmes can be seen as being inspired by the concept of RJ (as for example the *travail d'intérêt général* - equivalent to the English community service order, now re-named 'community punishment order' - or some reparation duties for young and adult offenders), only mediation in penal matters can be considered as making reference to this new justice concept. The other measures still do no more than provide a reparative slant to retributive principles mainly favoured by the system.

Historically, mediation in penal matters developed in opposition to the judicial system. The objective of the campaigners, social workers, academics and magistrates who have developed it, was to transform a judicial logic defined as degrading for offenders, ignoring victims, focused on the past, and paying less attention to human situations at stake than to management issues. However, the quantitative success of mediation in penal matters (today, about 30.000 cases per year), used at a pre-sentencing level and for adult offenders (18 years old and over), cannot be related to a clear option for these objectives. The success should be explained by the increasing criminal caseload and by the public prosecutor's need to create diversion measures in order to meet the public demand for penal intervention. Mediation was perceived as a method to deal more appropriately with sensitive cases (as for instance family or neighbourhood conflicts) for which punitive responses were felt to be inappropriate, and with situations in which previously the public prosecutor would have invoked the opportunity principle (i.e. used his or her discretion) to close the case.

So, mediation in penal matters did not need any RJ concept to become established in France. One can question, however, whether mediation in penal matters is not more vulnerable to a punitive rationale without this conceptual basis. In other words, does mediation in penal matters contribute to the creation of a new justice model or is it only a disguise ("*faux nez*") for the repressive system? Because the power of the judicial ideology is considerable. When magistrates encounter less professionalised, less structured and less prestigious agencies, the relationship is often one of domination, and all institutionalised social practices performed in the framework of the judicial apparatus encompass the risk of becoming largely instrumentalised and of losing their soul.

Our research performed in 24 French courts (quantitative enquiry on 1200 files and qualitative enquiry through observations and interviews) reveals the existence of two models of practice.

The first model, called the judicial model, predominates (2/3 of the programmes analysed). In this model, the practices are often implemented in law courts or in "*maisons de justice et du droit*" (decentralised "justice and law centres" where in large cities public prosecutors deal with petty delinquency cases, social services receive offend-

ers sentenced to community sanctions, and free judicial information is provided for the population of the neighbourhood). Mediation is organised by lawyers who have received no specific mediation training. The period for the handling of the case is short and the success rate (meaning, for the judiciary, the number of agreements signed) is spectacular. Judicial attitudes are strongly represented; for example, 'offenders' and 'victims' are the preferred terms to talk about the parties. This model of practice constitutes a way of handling the court caseload quickly. The second model (1/3 of the services created) supports the hypothesis of the emergence of RJ. It is implemented in the framework of a network of associations, by trained mediators. The judicial rationale is almost not present and the criminal character of the case is not taken into account. The terms offenders and victims are replaced by the more objective ones used in the pre-conviction phase of the procedure, namely *plaignants* (complainants) and *mis en cause* (accused). The periods necessary to handle a case are longer than in the previous model, multiple meetings are possible, and the success rates are lower. It appears that the success rate is in inverse proportion to the level of competency of the actors (this being calculated on the basis of a series of objective indicators). The observation of the practice enables us to explain this paradoxical situation. The process used by non-trained people is often more directive if not authoritative than the one used by trained actors. The level of training often increases the level of respect of the ethical principles of a mediation process (consensus, confidentiality, impartiality, independence, absence of decision-making power for the third party, ...).

	Judicial Model	Restorative Model
<b>Place</b>	Law courts or Maison de Justice et du Droit	Organisations
<b>Mediators</b>	Individuals or organisations Men Temporary Law training No specific training No supervision	Within organisations Mediators of both sexes Professionals or volunteers Social work training Specific mediation training Reflective attitude about practices
<b>Process</b>	Offender/Victim Short term One meeting High agreement rate	Complainants/accused Medium or long term One or several meetings Medium agreement rate

In conclusion, mediation in penal matters represents a valuable indicator of the cultural conflict facing the advocates of two conflicting conceptions of justice. Today, the spread of RJ ideas, carried out by some mediators and, less often, by researchers and/or academics, come up against cultural resistances from lawyers. They also clash with centralised and bureaucratic institutional requirements. However, the legitimacy crisis which today characterises both the youth justice system and the prison administration, creates the conditions to search for a new theoretical justice model and for the development of new practices.

Jacques Faget, Institut d'études politiques de Bordeaux

# General Meeting of the European Forum

This took place on the evening of the first day of the conference in Ostend and was chaired by Ivo Aertsen. It was well attended, with a good proportion of delegates staying for the whole meeting. The meeting was in three parts:

## 1. Formal issues

This started with the report of the Board, which meets twice a year - this year in April at Barcelona, and then at the conference. The meeting approved the report of the previous General Meeting (20 September 2001), a list of new members, the annual report for 2001, and the annual accounts and budget. There was discussion about active promotion of membership and the need to waive fees for many people from east European countries. An amendment to the internal regulations on board membership was passed. Three new members were elected to the Board to replace people whose time had expired: the Portuguese Association of Victim Support (represented by João Lázaro), the Directorat-General of Alternative Penal Measures and Juvenile Justice of the Department of Justice of the Generalidad of Catalonia (represented by Jaime Martin), and Frauke Petzold from Germany. The Selection Committee told the meeting of their attempts to balance the Board by including people from all parts of Europe, organisations, individuals, women, etc.

Jolien Willemsens gave a detailed report of the Secretariat, which consists of just her services part-time. We marvelled at the amount she had been able to accomplish: website design and updating, all the practical arrangements for the conference, some editorial work and the production of the newsletter, the annual report, the membership directory, feedback to funders, book-keeping and accounts, legal obligations ... and not least, handling enquiries and linking people to further their work.

## 2. Reports from the Committees

There are six committees: Research, Information, Practice and training, Finance, Communication and Selection. In addition there is also the Newsletter Editorial Board.

Not all of them had much to report, as some of them had been unable to meet.

The Information Committee reported on their plans to produce a summary of each country, based on David Miers' template for the report he completed for the Home Office in the UK. This would need updating and extending to more countries. A new chair was found for this committee, Frederico Marques from Portugal. When completed, the report will go on the website.

The Practice and Training Committee was to meet the next day. It is trying to find out what is going on in different countries. Ken Webster is the new chair.

The Research Committee spoke about the COST initiative and other possible pieces of research, and how they might be funded. Inge Vanfraechem continues as chair.

The Newsletter had appeared three times during the year. The Editorial Board had tried to balance topics and countries. Katrien Lauwaert had edited the Newsletter for the past two years, and now this responsibility was being taken on by Anne Lemonne.

There was some discussion about why people were not using the discussion facilities on the website: the answer seemed to be unrelated to the nature of the website but due to the overwhelming amount of information there is to keep up with everywhere now.

## 3. Discussion of policy priorities

By this stage of the meeting, energy and people seemed to drain away rather. But we managed to discuss the following: the need for everyone to promote membership; funding; improving links with some countries (such as France) where there is little contact; support for East European countries; affiliation to international organisations.

The next conference was invited to Hungary. There was some debate about the possibility of moving to an annual conference but most members said they would find this too much. So the next conference will be in 2004.

Marian Liebmann

# Report on francophone seminar on RJ and mediation

The first francophone seminar on RJ and mediation, which took place last May, was jointly organised by the Regroupement des Organismes de Justice Alternative du Québec and the International Center for Comparative Criminology of the University of Montreal. Noting the lack of francophone representatives on various international RJ forums, the organisers convened various researchers and practitioners to discuss points of convergence and divergence of RJ movements and mediation movements. For three days, some one hundred participants gathered in the Laurentians Region, north of Montreal, to discuss on the following themes: 1. Mediation and RJ, Divergence and Convergence; 2. The Conditions and the Foundations of the Transformation of Social Control Modes; 3. Victims faced with the Issues of RJ and Mediation; and finally, 4. Institutionalisation and Professionalisation of RJ and Mediation.

sation of RJ and Mediation.

The seminar uncovered differences between the mediation and the RJ movements and brought out the resistance of some in identifying themselves with the RJ movement. Besides the theories put forward to explain this situation, the participants agreed upon the need for further reflection. For more information, contact Mylène Jaccoud ([mylene.jaccoud@UMontreal.ca](mailto:mylene.jaccoud@UMontreal.ca)) or Serge Charbonneau ([scharbonneau@rojaq.qc.ca](mailto:scharbonneau@rojaq.qc.ca)).

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Secretariat of the European Forum for Victim-  
Offender Mediation and Restorative Justice v.z.w.  
Hooverplein 10  
3000 Leuven  
Phone: +32 16 32 54 29  
Fax: + 32 16 32 54 74  
E-mail: [jolien@euforumrj.org](mailto:jolien@euforumrj.org)  
URL: <http://www.euforumrj.org>

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## Report on 3rd International IIRP Conference

The Third International IIRP Conference on Conferencing, Circles and Other Restorative Practices, Minneapolis, August 2002, was organised by the International Institute for Restorative Practices, and entailed different workshops with various topics.

On the first day, Vidia Negrea as keynote speaker talked about her experience in working together with the IIRP when she stayed in Bethlehem, USA for a year. She is using her experience to start up a school for troubled youth in Hungary. On the second day, judge Heino Lilles shared his experience with Circle Sentencing (CS) in Canada. He stated that CS is not a panacea and should only be used for motivated offenders who have support in the community. It is not to replace conferencing or VOM, but it is another method in the RJ continuum. The idea behind it is that the community can better address social, economic and political causes of the crime. Elizabeth Quinnett described the Family Unity Meeting Program, set up for child protection cases in San Diego. Families are thus involved and treated with respect by the social worker dealing with their case. On the last day, Tim Newell discussed restorative practices in prison: how can it be done and what problems occur. Different organisational obstacles hinder the implementation of restorative elements, but these barriers can be overcome. David Piperato and Joe Roy talked about transforming schools so they can create a collaborative culture thus trying to be restorative. Besides these keynote speakers, several practitioners and researchers presented papers on various topics.

The conference was very practice-oriented, but at the same time leaving space for the participation of researchers. The keynote speakers were all practitioners and presented different projects, set up in different countries. This gave an interesting perspective and opened a view on how various terms and concepts are being used differently. Speaking for myself, I went to the conference thinking I would learn a lot about conferencing for offenders, but this was only a small part of the presentations. Conferencing is being used in various settings (schools, work places, youth protection, etc.). Although I was aware of this fact, it was still surprising to learn about the different possible applications. Another term I heard a lot was 'community': a lot of projects were 'community based' or 'involved the community'. For Europeans this is not such a self-evident matter!

For me, the conference was interesting. It was clear that various people are developing practices in order to form a constructive answer to problems, moving away from punishment. It will be interesting to see what the conference will be like when held in Europe next year (Veldhoven, the Netherlands, August 28-30, 2003). Probably different emphases will appear, especially since conferencing as a restorative practice is not yet developed as extensively in Europe, neither is circle sentencing. I invite you to visit [www.restorativepractices.org](http://www.restorativepractices.org), where you can download the presentations of the keynote speakers, as well as some other papers presented in the workshops.

Inge Vanfraechem, Catholic University of Leuven, Belgium

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### Editorial board:

**Co-ordinator:** Anne Lemonne (Belgium), E-mail: [anne.lemonne@jur.ku.dk](mailto:anne.lemonne@jur.ku.dk)

**Members:** Ivo Aertsen (Belgium), E-mail: [ivo.aertsen@law.kuleuven.ac.be](mailto:ivo.aertsen@law.kuleuven.ac.be); Martin Wright (UK), E-mail: [m-w@dircon.co.uk](mailto:m-w@dircon.co.uk); Katrien Lauwaert (Belgium), E-mail: [katrien.lauwaert@strafr.unimaas.nl](mailto:katrien.lauwaert@strafr.unimaas.nl); Jaime Martin (Spain), E-mail: [wmartinj@correu.gencat.es](mailto:wmartinj@correu.gencat.es); Marzena Kruk (Poland), E-mail: [mkruk@ms.gov.pl](mailto:mkruk@ms.gov.pl); Jolien Willemsens (Belgium), E-mail: [jolien@euforumrj.org](mailto:jolien@euforumrj.org)

**Responsible editor:** Ivo Aertsen, European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium.

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