



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

Editorial

European restorative justice activities are undoubtedly expanding these days. In a period where more and more practitioners and researchers are interested in the topic, governments also progressively implement new legislation allowing for the use of restorative justice programmes in Europe.

In this issue, the article of Hartmann and Kerner gives a description of the progressive institutionalisation and activities of victim-offender mediation (VOM) in Germany. In this country, whose legislation provides for its use since the 1990s, the number of cases dealt with by VOM has grown from approximately 2000 till 9000 in a few years only (1989-1995). In order to lead to good practices, the authors however emphasise the need to evaluate programmes in the long run and to support the training of practitioners and criminal justice system officials.

The recent results of the AGIS project, awarded to the European Forum by the European Commission, concerning the training of mediators and of prosecutors and judges can clearly give some impetus to those interested in this matter. Regina Delattre, in her contribution, briefly reports on the fruitful results of this project. European seminars allowed to exchange information on training models for mediators and to develop basic recommendations on the training of mediators. Training modules for prosecutors and judges were created as well.

In her article, Georgiana Iorgulescu, Programme Co-ordinator of "The Legal Resource Center" in Romania, informs us about the establishment of a pilot experiment with VOM in her country. On her side, Yolanda Munoz provides information about the outcomes of a seminar held last January

in the Basque Country. The purpose of this conference was to create a meeting space between various professionals interested in the possible implementation of a programme of VOM in this region.

The exchange in the European research field is also fruitful: Anna Mestitz, Christa Pelikan and Inge Vanfraechem write about the results of a Grotius project financed by the European Commission on VOM for juvenile offenders in Europe. The project presents a good overview of the state of affairs in Europe with regard to VOM in the field of young offenders. The forthcoming publication of the results will certainly allow a better understanding of these programmes. In the near future, many events (conferences, seminars, etc.) relating to restorative justice will be organised in Europe, including the third conference of the European Forum that will be held next October in Budapest. We hope that many researchers and practitioners active in the field of restorative justice will meet there to exchange experiences and thoughts. Reflection and mobilisation are still important. Despite the success of the progressive institutionalisation of restorative justice, Hartmann and Kerner warn us that governmental financial restrictions currently threaten the development of some restorative justice programmes. This tendency should be taken seriously. The analysis of this phenomenon and the finding of adequate strategies to react to it, in the light of a better knowledge of restorative justice practices and contexts in Europe, is certainly one of the current challenges for researchers and practitioners working in this field.

Anne Lemonne
Co-ordinator of the Newsletter

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Third bi-annual conference of the European Forum for Victim-Offender Mediation and Restorative Justice

Restorative justice in Europe: Where are we heading?
14-16 October 2004, CEU Center Budapest, Hungary.

Please e-mail info@euforumrj.org for the programme or view it at the
website: <http://www.euforumrj.org/html/about.activities.asp>

Victim-offender mediation in Germany

Development and framework

The practical implementation of victim-offender mediation (VOM) in Germany commenced in the year 1985 with a few experimental projects concentrating on juveniles and/or adolescents.¹ During the first period Germany experienced a rapid rise in the number of new VOM-projects.² However, the majority of them had only a small caseload. In 1989 only 3 projects worked with 100 or more offenders, and in 1995 this number increased to 23 out of 216 projects.³ The total amount of cases dealt with in VOM-projects increased from 2,100 in 1989 to 9,100 in 1995. We do not have exact figures about the recent situation. Estimates indicated that there would probably be 20,000 VOM cases a year by now; most of them still stem from a relatively small number of well-run projects.

More or less parallel with the development of VOM in practice, a legal framework for VOM has also been created. In 1990 VOM explicitly became part of the special criminal law on juvenile and adolescent defendants. Since then juvenile court judges and public prosecutors⁴ are entitled to divert officially any suitable case to a VOM-project, and eventually to discontinue the formal criminal procedure completely after a successful mediation has taken place. As far as adult offenders are concerned, the main regulations (sections 153 and 153a of the Code of Criminal Procedure (StPO)) are similar to those of juveniles. The most significant difference is that adult offenders can only benefit from diversionary measures if misdemeanour offences are involved (cases where the penalty ranges from 1 month to 5 years' imprisonment and/or a fine). Offenders dealt with under the juvenile court law, on the other hand, may also get their felony offences diverted.

There is a variety of institutions that offer VOM. Some are private non-profit organisations; others are public agencies like the Juvenile Court Assistance and the Court Assistance for adults. Welfare organisations run by the Christian churches also offer VOM. A growing number of projects have specialised in VOM, whereas others still use it only as a supplement to their main services. To support the projects and to initiate and coordinate activities, a "Victim-Offender Mediation and Conflict Resolution Service Bureau" has been founded in Cologne by the DBH (German Association for Social Work, Criminal Law and Crime Policy) with the support of the Federal Ministry of Justice and some other public authorities.⁵

The selection of VOM-cases is done for the most part by public prosecutors (70% of all VOM cases⁶). In 4% of all cases in 2002 the initiative came from victims, offenders, social workers, schools, etc. Judges have still no sizable share in the selection of VOM-cases (about 2% in 2002).

Results of the VOM-Statistics

The following results are taken from the VOM-Statistics, which process data from the years 1993 to 1999. All German VOM-projects were invited to take part. However, the participation is voluntary, and since many institutions still refrain from taking part, the VOM-Statistics can not be considered representative for all VOM-projects in Germany. In the years 1993 until 1999 the number of projects involved varied between 43 and 72.

Types of offences

The following evaluations are made on the basis of the offenders' data sub-set of the VOM-Statistics. For each offender involved in a case, up to 5 offences can be recorded in the questionnaire⁷. According to these data, almost two thirds of all VOM-cases included in the statistics are bodily injuries. Violent crimes in general amount to more than 70%. Theft, fraud and damage to property yield together about another 25%. The remainder comprises a wide range of crimes. According to an assessment made by the mediators, approximately 40% of the injuries are in the area of minor harm, and just as many are medium-serious injuries. The cases with serious injuries amounts to slightly more than 10%. Injuries with long-lasting consequences (like impairment) reach only 1.4% of the VOM-cases.

Another important selection-criterion in all forms of diversion is the number of previous convictions. The statistics show that the proportion of first-time offenders is approximately 70% of all VOM cases.

Acceptance of VOM among victims and offenders

Participation in VOM is voluntary. Therefore, the acceptance of the measure is crucial. The acceptance of VOM among the victims varies between 60 and 70 %. The evaluation shows that people becoming victims of adult offenders are ready to accept VOM in the same proportion as the victims of juvenile and adolescent offenders. The acceptance of VOM among the offenders is above 90% by juveniles and about 80% by adult offenders.

VOM meetings

An essential point of VOM is that victims meet face-to-face with their offenders in the presence of a mediator. This ideal joint-meeting cannot be always put into practice, and therefore, the calculation of the share of cases in which a joint-meeting took place can only be based on those cases in which both the offender and the victim have agreed to enter into a VOM procedure. The share of VOMs with a joint-meeting was exactly 60% in the year 2003. In the years 1994 and 1995 this share sank to approximately 50%, but it increased again and has returned to the initial value (in the year 1999) of 60%.

Outcome of VOM-attempts

The most important criterion to judge the success of a VOM is the eventual agreement between the victim and the offender. A distinction can be made between cases in which victims and offenders came to a complete agreement, or to a partial agreement with some reservations of one of the parties, or no agreement at all. The evaluation clearly reveals that nearly all those victims and offenders who actually undertake VOM reach a complete (85-90%) or partial (2.5-4.6%) agreement.

Content of VOM-agreements

In the following evaluation all stated contents are taken into account even if several items were combined. So the sum of percentage rates can be more than 100%. Apologies are especially often combined with other items, but they are partly viewed as obvious and were not included in the questionnaire.

Content of VOM-agreements	1993		1994		1995		1996		1997		1998		1999	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
No restitution	58	6.7	144	10.7	88	5.9	130	5.4	143	5.2	161	5.2	249	9.9
Apology	509	59.1	788	58.7	1071	72.0	1617	66.7	2043	74.5	2254	72.2	2772	83.5
Gift for the victim	48	5.6	40	3.0	99	6.7	85	3.5	121	4.4	154	4.9	214	8.8
Return of stolen goods	10	1.2	54	4.0	31	2.1	73	3.0	86	3.1	102	3.3	86	3.6
Compensation for personal suffering	174	20.2	293	21.8	314	21.1	490	20.2	522	19.0	497	15.9	563	21.8
Work for the victim	54	6.3	77	5.7	97	6.5	149	6.1	109	4.0	218	7.0	225	9.1
Joint activities of victim and offender	43	5.0	77	5.7	123	8.3	131	5.4	149	5.4	146	4.7	146	6.0
Compensation for damage	325	37.7	408	30.4	404	27.2	822	33.9	754	27.5	857	27.4	933	34.6
Other	132	15.3	217	16.2	194	13.0	257	10.6	311	11.3	348	11.1	460	18.0

The evaluation shows the wide spectrum of reparation in VOM-agreements. Despite the numerous categories, every year over 10% of the VOM-agreements are in the category “other”, which means that participants found their own creative ways of dealing with their conflict and with each other.

Conclusion

This evaluation has clearly shown that VOM in Germany does work especially for medium-serious injury and violent offences, that the willingness to take part in VOM is quite high and that the parties usually find an agreement and settle the conflict in a suitable manner.

It leads us to the hope that the acceptance of VOM will widen, in spite of the general economic situation, which has led to a cut in funding of many VOM-projects.

Arthur Hartmann and Hans-Jürgen Kerner

¹ See the reports of Kuhn, “Tat-Sachen” als Konflikt, Bonn 1989; Schreckling, Täter-Opfer-Ausgleich nach Jugendstraftaten in Köln, Bonn 1990; Hartmann, Schlichten oder Richten, München 1995.

² Kerner, H.-J., Marks, E., Schreckling, J.: Implementation and Acceptance of Victim-Offender-Mediation Programs in the Federal Republic of Germany; A Survey of Criminal Justice on Trial. In: Messner, H., Otto, H.-U. (Eds.): Pitfalls and Potentials of Victim-Offender-Mediation - International Research Perspectives. Dordrecht u.a.: Kluwer, S. 41.

³ Wandrey/Weitekamp, ‘Die organisatorische Umsetzung des Täter-Opfer-Ausgleichs in der Bundesrepublik Deutschland - eine vorläufige Einschätzung der Entwicklung im Zeitraum von 1989 bis 1995. In: Dölling, D. u.a. (Hrsg.), Täter-Opfer-Ausgleich in Deutschland. herausgegeben vom BMJ, Bonn 1998, 133.

⁴ According to German Criminal Law a case cannot be diverted from criminal procedure by the police but only by prosecutors and judges.

⁵ Servicebüro für Täter-Opfer-Ausgleich und Konfliktschlichtung, Aachener Str. 1064, 50858 Köln/Cologne, <http://www.toa-servicebuero.de>

⁶ VOM-Statistics from 1993 till 2002.

⁷ The percentages shown here refer to the totality of offenders with whom a VOM was attempted by the project operators. Since several offences could be declared per offender, the sum of the percent-values can yield more than 100 %.

Training for mediators and a training course for prosecutors and judges. The results of an AGIS project.

The December issue of this newsletter reported that the European Forum was awarded an AGIS project (co-financing by the European Commission). The project was to support the development of restorative practices on a practical level in two important fields - the training of practitioners and the involvement of legal practitioners. The project consisted in organising two seminars to exchange information about training models for mediators and two seminars on the creation of training modules for prosecutors and judges, with the overall aim of providing experts with the opportunity

to come together and exchange experiences. These meetings were meant to lead to very practical results which are ready to be used. With this in mind, four seminars were organised within only four months. Eleven experienced mediators and trainers from Austria, Belgium, the Czech Republic, England & Wales, Finland, France, Germany, Norway, Poland, Scotland and Spain met twice in Leuven, Belgium, in December 2003 and February 2004. They described how training is organised in their countries. Secondly, 10 prosecutors, judges and mediators from Austria,

Poland, Germany, England, the Netherlands, Slovenia, Norway and Sweden met twice at the Academy of European Law in Trier, Germany, in December 2003 and January 2004 in order to work on some kind of training for prosecutors and judges.

The exchange of training models

1) The process

Participants were asked to introduce the way in which training is organised in their countries, following a certain structure in their presentation to enable comparison afterwards. The main focus was on:

- the organisation of the training (provider, trainers, trainees),
- the structure of the training (frequency of training sessions, provider of training, funding, accreditation),
- the contents of the training,
- methods.

It was clear from the start of the seminars that organisation and structure vary quite a lot (e.g. training is provided by NGOs or statutory agencies; trainers are trained or just draw on their experience as mediators; a precondition for training is an academic degree or just common sense and experience in life), but the main contents of the training and the principles which underlie best practice in training are reassuringly similar. Quite striking was the fact that countries working with volunteers as mediators prefer training on the job while countries which have a tradition of professional mediators more frequently use training in so-called external packages. Participants also broadly agreed on several problems which occur during training, e.g. doubts about a trainee's suitability, lack of self-management awareness, how to train trainers, lack of follow-up or further training.

2) The result

In view of the multicoloured picture of the situation of training in Europe, the group decided to formulate a set of recommendations which reflects all the variety of the countries present. It was agreed to divide it into three parts: general statements, detailed explanations on these statements and an overview of training in the countries present.

Some general issues are:

- transparency about mediation and training programmes,
- qualities and skills which should be addressed during training,
- considerations about the main themes (a minimum knowledge of certain topics),
- the responsibilities of trainers and employing organisations,
- some basic facts about how training should be structured to be efficient,
- requirements for trainers,
- considerations about the organisation of follow-up

events and further training.

The group pointed out that the field of mediation is very complex and that every training model should reflect this complexity. They also agreed to recommend exchange of experiences and best practice in order to learn from each other and get some momentum into the ongoing process of improvement and development.

Training course for prosecutors and judges

1) The process

Although the task for these seminars was clearly formulated, i.e. to develop some kind of training modules for prosecutors and judges, participants seemed reluctant to jump in and preferred to learn more about the situation of mediation in each country represented before starting work on a common proposal. Soon it became clear that there are big differences concerning the legal framework, the implementation of mediation, its organisation, and the attitudes of legal professionals in the different countries. How might it be possible to work on a common proposal concerning training of legal practitioners? The group found out that despite these differences there are some common issues in all the countries:

- how to convince legal professionals of the advantages of restorative justice practices,
- how to organise co-operation between prosecutors and mediation services in order to increase selection and referral of cases,
- how to get to know each other and understand each other's 'language'.

United in the effort to achieve some practical results out of this recognition, the group itself already presented a future scenario: mediators and legal practitioners working together in a very effective and creative way.

2) The result

The achievement of those efforts was a practical proposal as to what a training course for prosecutors and judges could look like. The general purpose should be to promote victim-offender mediation with the judiciary by providing them with knowledge and the opportunity to change their attitude. The contents could be summarised as:

- definition of terms
- theoretical basis of restorative justice
- benefits for all people involved and the judiciary
- practical presentations of how mediation works (case presentation, video, etc)
- information about training of mediators
- practical case studies and case exercises.

Recommendations were also made on:

- the structure of the course (length, location, number of participants)
- target groups, trainers and speakers
- methods and tools for learning
- working and information material

The whole course was prepared in detail and is ready for

application. It consists of 10 modules with suggestions concerning length, suitable method, learning objectives and appropriate material. A syllabus gives detailed explanations on purposes, contents, structure and every module separately. In the preamble, the experts pointed out that while this course is meant to be a proposal on how to improve the development of victim-offender mediation, it should be included into a whole range of training measures. It should not be a stand-alone event,

but should be seen as part of a strategy.

The recommendations about the training of mediators are available on the website of the European Forum (<http://www.euforumrj.org>). The website also contains information about how to obtain the course for prosecutors and judges. Both results of this AGIS project will also be presented and discussed at the October-conference of the European Forum in Budapest.

Regina Delattre, TOA-Servicebüro, Germany

Newsflash

- In Luxemburg, offences related to domestic violence have been excluded from victim-offender mediation since 1 November 2003 (Loi du 8 septembre 2003 sur la violence domestique, Mémorial A, N° 148, 3 octobre 2003, p. 2985). The Parliament considered that mediation presupposes the presence of two persons of equal power, which is not the case in cases of domestic violence, where the offender occupies a dominant position from his past behaviour and from the fears he inflicts on the victim. The Council of State and the judicial authorities did not share this opinion and objected that a systematic exclusion from mediation in such cases would be a too hard-and-fast rule and that such a tough penal approach would not necessarily help the victim. Despite these objections, the Parliament decided to prohibit VOM in cases where the offender cohabits with the victim.
- The Croatian Criminal Procedure Act of 1997 (English translation in the "Croatian Annual of Criminal Law and Practice", vol. 6, suppl. to no.1) contains a single article on a possible victim-offender mediation before commencement of summary proceedings. It states as follows:
"Article 444
Within territories where reconciliation panels are established, the court may direct the parties to these panels for the purpose of an attempt at reconciliation, provided that both parties have a domicile within the territory of a reconciliation panel. The court shall determine the term within which reconciliation shall be attempted, and after this term expires or if reconciliation fails, proceedings shall continue".
This article has almost never been used in Croatian criminal proceedings due to bad experiences with the so-called 'conciliation boards' during the

- former socialist regime. For more information see: Krapac, D., 'The Position of the Victim in Criminal Justice: A Restrained Central and Eastern European Perspective on the Victim-Offender Mediation', *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 3, issue 3, 1995, 230-240.
- In June 2003, the Moldavian Penal Procedure Code was changed and victim-offender mediation was included in the new code as a possible and legal way for dealing with cases of "not so serious crimes". On 24-25 September 2003 the Institute of Penal Reform (IRP), one of the most important NGOs in the Moldavian Republic, organised a seminar on the topic of "Mediation - an alternative to imprisonment", for which foreign speakers and many judges, prosecutors, lawyers and representatives of other Moldavian NGOs were invited. These events show that restorative justice is beginning to be accepted in this part of Europe as well. It is expected that the first victim-offender mediation pilot project will be implemented in Moldavia in spring 2004.
- In July 2003, a media and public awareness campaign was launched to enhance general knowledge in Romania about alternative methods for conflict resolution. Representatives from the governmental and funding agencies, Parliament, the criminal justice system, mediation centres, and the national press were present at the launch. This opening media event featured a new video promotional clip on mediation. Based upon a Romanian folk tale about shepherds and their flocks, the video illustrates the need for and advantages of mediation. In the future, the video will be presented on five national and local television channels. At least two million people will be reached. You can view the promotional clip at <http://www.voma.org/Romania/>.

Do you have information for the newsflash, calendar or readers' corner, or do you want to contribute an article on a certain topic or country? Please do not hesitate to contact the newsletter co-ordinator at alemonne@ulb.ac.be. The deadline for contributions for the next issue is 1 July 2004.

Are you going to a conference or seminar at which it could be useful to provide sample copies of this Newsletter, please contact the Secretariat at info@euforumrj.org.

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Calendar

- June 7-9, 2004, Moscow, Russia, "Restorative justice in Russia: experience and perspectives for Century XXI". For more information: <http://www.sprc.ru/english.html>.
- June 12-14, 2004, Barcelona, Spain. Over the course of 141 days (from 9 May until 26 September) Barcelona hosts Forum 2004, a huge event to discuss the major cultural and social challenges facing the world of the 21st Century. As part of the Forum 2004 there is a "Dialogue" of three days on the subject of "Conflicts in everyday life" which will deal with mediation in different fields and contexts. For more information see <http://www.barcelona2004.org/eng/eventos/dialogos/ficha.cfm?IdEvento=159>.
- August 5-7, 2004, Vancouver, B.C. (Canada), "Building a Global Alliance for Restorative Practices and Family Empowerment. Part 2", organised by the International Institute for Restorative Practices. Pre-conference workshops will be organised on 2-4 August. For all information please visit <http://www.restorativepractices.org/bc04>.
- August 25-28, 2004, Amsterdam, The Netherlands, Fourth annual conference of the European Society of Criminology "Global similarities, local differences". Special workshop sessions on restorative justice will be organised. For all information see <http://www.eurocrim2004.com>.
- September 16-17, 2004, Leicester, UK, Third international conference on Effective Restorative Justice, organised by De Montfort University. Plenary speakers include Christa Pelikan, Carolyn Hoyle and Alice Chapman. Details can be obtained from Lucy Norman (Lnorman@dmu.ac.uk). To discuss possible workshop/seminar sessions, please contact Brian Williams (bwilliam@dmu.ac.uk).
- **October 14-16, 2004, Budapest, Hungary, Third bi-annual conference of the European Forum for Victim-Offender Mediation and Restorative Justice "Restorative justice in Europe: Where are we heading?". For all information about the conference please visit <http://www.euforumrj.org> or e-mail info@euforumrj.org.**
- December 2-5, 2004, Albany, Auckland (New Zealand), International restorative justice conference "New Frontiers in Restorative Justice: Advancing Theory and Practice". Keynote speakers for the event include: Howard Zehr (USA), Aniceto Guterres, Berma Bushie (Canada), Chris Marshall, Sir Charles Pollard (UK), Judge Joe Williams (New Zealand), Anita Jowitt. Information about the call for papers, plus registration and other details about the conference is available at <http://justpeace.massey.ac.nz>

Readers' Corner

- *Justice réparatrice et médiation pénale: Convergences ou divergences?*, by M. Jaccoud (ed.) (2003). This book is the result of the first international French-speaking seminar on restorative justice and mediation, organised by the International Centre of Compared Criminology of the University of Montreal. It gathers contributions of J.P. Bonafé-Schmitt, R. Cario, S. Charbonneau, J. Faget, L. Walgrave and other experts in the field. The aim of the seminar was to better understand how the restorative justice movement is perceived in the French-speaking countries. The authors examine the place of the victim in restorative justice practices and question themselves about the necessity of the institutionalisation and professionalisation of those practices. Thus, the analyses of the convergence and the divergences existing between VOM (at a pre-trial stage) and restorative justice offers the opportunity to tackle the question of the transformative scope of these movements. Available from L'Harmattan: <http://www.editions-harmattan.fr>.
- *Crime, Victims and Justice: Essays on Principles and Practice*, by H. Kaptein and M. Malsch (eds.) (2004). Lode Walgrave wrote the following about this book: "The great merit of this book is that it does not just collect papers by restorative justice believers. It also offers well-thought and very critical approaches to restorative justice. It helps to focus and to further the theoretical debate on how to grasp the essentials of restorative justice; in how far restorative justice really improves the position of all victims, in comparison to criminal justice; how restoration relates to punishment and how restorative justice relates to the criminal justice system". Available from Ashgate Publishing, <http://www.ashgate.com>.
- *Restorative justice: the way ahead*, by Shari Tickell and Kate Akester (2004). This book examines and evaluates restorative justice programmes around the world, before looking at schemes in the UK. Building on the lessons learned, it makes recommendations as to how restorative elements can best be integrated into the criminal justice system in England and Wales. The book also contains chapters on human rights and on accountability. Available from Justice, <http://www.justice.org.uk>
- *Special issue of the Utah Law Review on restorative justice*, Utah Law Review, no. 1, Volume 2003. This issue contains over 500 pages of articles on the practice of restorative justice, the theory and jurisprudence of restorative justice, and

interdisciplinary perspectives on restorative justice. Available from Utah Law Review, <http://www.law.utah.edu/programs/journals/utahlawreview/>

- *Restorative Justice. The empowerment model*, by Charles Barton (2004). The aim of this book is to provide the reader a thorough understanding of restorative justice philosophy, theory and good practice. It also presents the powerful challenge to the criminal justice system. The author uses a unifying and overarching principle of empowerment to provide a distinct conceptual framework for restorative justice theory and practice. Available

from Willan Publishing, <http://www.willanpublishing.co.uk>.

- *Special issue of the Contemporary Justice Review on restorative justice*, Contemporary Justice Review, Vol. 7, No. 1, March 2004. This issue collects a number of papers that are written in response to a paper by Paul McCold: "Paradigm Muddle: the Threat to Restorative Justice Posed by Its Merger with Community Justice". Together they form an interesting theoretical exercise. The Contemporary Justice Review is available online from Taylor and Francis, <http://journalonline.tandf.co.uk>.

Victim-offender mediation in the Basque Country

In January 2004 a conference on VOM took place in Basque Country, sponsored by the Basque Autonomous Government, the Department of Human Rights and Co-operation with Law, and in collaboration with the Gernika Gogoratuz Peace Research Centre.

The purpose of this conference was to create a meeting space "between various professionals interested in the possible implementation of a programme of victim-offender mediation in the Basque Country, through reflection, discussion, and defining what would be the model of victim-offender mediation most adequate for our judicial and social framework", as stated by Mr. Txema Urkijo, Director of Department of Human Rights and Co-operation with Law of the Basque Government.

With the objective of basing these reflections in a theoretical framework and in field experiences, we invited various professionals with expertise, such as: Pilar Sánchez, Support Association (Madrid); Christa Pelikan, Institute for Law and Criminology (Vienna); Johan Deklerck, Catholic University of Leuven, Department of Criminal Law and Criminology (Leuven); Joan Sendra and Pius Fransoy, Victim-offender mediation Service, Department of Justice and the Department of the Interior of the Government of Catalonia.

There were three seminars from which the participants provided feedback on the following topics:

1. Cases that are suitable for mediation: objective and subjective determinants
2. The role of mediator and the model of mediation
3. The impact of the process of mediation on the legal process as well as legal and civil responsibility.

Broadly speaking, from the seminars we arrived at the following conclusions:

- Initially, it may be considered appropriate to use mediation in virtually any instance of crime. Nevertheless, there are situations where it is advisable to examine its appropriateness more closely.
- The approach to mediation should contain three dimensions: participation, reparation and the social

dimension. In the various seminars, this social dimension was given a huge amount of relevance.

- A discussion took place on whether or not this service should be within the courts or external to them. Nevertheless, the criminal aspect and its relation to the social dimension should not be forgotten.

The Gernika Gogoratuz Peace Research Centre has spent 17 years working on conflict transformation as a direct tool for peace-building. Ghandi said that our biggest error is to believe that there is no connection between the means and the ends. He said, "Between the means and the ends there exists a relation like that between the tree and the seed. You reap exactly what you sow". In other words, when we choose how to approach conflict, which will inevitably occur within various communities and human groups, we choose certain "fruit" over others. Accordingly, the Gernika Gogoratuz centre prefers to follow the path of meetings and dialogues. This path will restore dignity to each and every one of the parties involved as an element in social transformation. It does this even in situations where a society is producing or has produced social exclusion and profound structural inequality in the sense discussed by Galtung.

With this as our guiding philosophy, Gernika Gogoratuz has spent three years working on a programme for conflict transformation in the Basque prison system. Through this programme, we have helped to strengthen the development of abilities for analysing and dealing with conflicts, dialogue, listening, respect for others, and for values, diversity, negotiation, and mediation. The results of the programme are truly promising. They tell us that the work in this field has resulted in a greater mobilisation for social change and a greater social awareness of this approach as compared to others that are exclusively punitive.

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“Victim-offender mediation: organisation and practice in the juvenile justice systems”. European Commission Grotius-project

National reports have been written on victim-offender mediation (VOM) in 15 EU countries, as part of the Grotius-project on VOM for juvenile offenders in Europe (November 2002-January 2004). The countries were Austria, Belgium, England and Wales, Finland, France, Germany, Hungary, Ireland, Italy, Luxemburg, the Netherlands, Norway, Poland, Spain and Sweden. This project was promoted and co-ordinated by Anna Mestitz (Italy), in co-operation with Christa Pelikan (Austria) and Inge Vanfraechem (Belgium).

We began by drafting detailed guidelines at the beginning of the project, so that all reports would provide similar information on the following topics: a general overview of VOM (historical account; the extent of its use; and institutional framework); legislation and legal provisions; organisational structure of VOM-centres; categories and profile of juvenile offenders; models, approaches and theoretical framework of VOM; and the professional characteristics and job evaluation of the mediators. National reports indicated that the situation in every country differed, and not all the requested information was available in every country.

These reports were reviewed and re-worked. All participants of the final seminar (Bologna, September 19-20, 2003) read the reports on beforehand, which enhanced the discussion at the seminar. We pointed out three main areas for discussion: VOM practices and features; public criminal policies with respect to juvenile offenders and VOM; and research and methodology.

These overarching themes were split up into different questions, as they arose from the national reports.

We identified some crucial themes and notions, which formed the basis for the discussion.

1. VOM practices and features: VOM as a general or restricted practice? Need for a central agency or leave it to local institutions? Can we involve volunteers? What about training? What are the criteria for referring cases to VOM? What is the position of the victim?
2. Public criminal policies: Should VOM be inside or outside the criminal justice system? Can legislation enhance the practice of VOM? At what stages of the procedure should VOM be made available?
3. Research: all topics addressed in the seminar should be further studied. Research is only relative, since it can never provide final answers. Different research methods can be used, but have to be developed within the framework of restorative justice.

Overall, the project presents a good overview of the state of affairs in Europe with regard to VOM for juveniles, for which we would like to thank all authors and participants in the final seminar! The results of the project will be published in the near future, so that they can be made available to practitioners, criminal justice personnel and researchers.

**Anna Mestitz, Christa Pelikan
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