



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

Editorial

We are pleased to present you the last issue of this year's newsletter. It is a special issue, mainly devoted to our AGIS project on "Introducing Victim-Offender Mediation and Restorative Justice in Central and Eastern Europe". This project benefits from a grant by the European Commission, which allows us to bring together representatives and key persons from these countries and to have an exchange with the Western part of Europe. The project aims at supporting dynamic and participatory approaches in dealing with crime and conflict within Central and Eastern European countries. The cancellation of a restorative justice conference last month in Kiev reminds us very concretely that this endeavour requires a necessary integration of particular political and economic features of states in transition.

Dynamic – but less tumultuous – evolutions are to be noted also within the European Forum. In our organisation, the election of four new Board members and a new chair went rather smoothly. Margaret Carey (UK), Siri Kemény (Norway), Vidia Negrea (Hungary) and Vira Zemlyanska (Ukraine) were elected during the Annual General Meeting in Budapest to support the Forum and the other Board members, still including Ivo Aertsen

(Belgium), João Lázaro (Portugal), Jaime Martin (Spain), Frauke Petzold (Germany) and Martin Wrigh (UK). Very many thanks for their ongoing efforts and hard work go to the four resigning Board members: Torunn Bolstad (Norway), Rob Mackay (UK), Andrei Pascu (Romania) and Christa Pelikan (Austria). Amongst its members the Board appointed a new chair: Siri Kemény. We are very confident that during next years Siri will guide and orient the European Forum in a decisive and clear way.

Those of you who participated in the Forum's conference last October in Budapest, and many other committed practitioners, policy makers, researchers and legal professionals are aware of the important challenges we are meeting right now in the Forum. The challenges are related to our funding as organisation, to prioritising actions within the Forum, to involving more active members in our work, to training and to developing policies at a supranational European level. Please don't stay at the side line, but bring in your ideas and actions for the development of an effective restorative justice system.

Ivo Aertsen, Vice-Chair
ivo.aertsen@law.kuleuven.ac.be

Introducing Victim-Offender Mediation in Central and Eastern Europe – Halftime reflections on the current AGIS project of the European Forum

Background

As reported in the last issue of this Newsletter, the European Forum has started an AGIS project focusing on "Meeting the Challenges of Introducing Victim-Offender Mediation in Central and Eastern Europe (CEE)" with the financial support of the European Commission. This project primarily intends to help the *exchange* and *networking* between professionals working in the field of restorative justice in Eastern and Western countries of Europe in order to provide effective support to the development of VOM and RJ in Central and Eastern Europe. We intend to study the specific political, economic, cultural and legal background of the targeted societies and to investigate at the conceptual and practical level the opportunities for implementing VOM and RJ. We hope that this will be beneficial for all the actors of the project: not only CEE countries can use the experience of the West to try to find solutions to specific problems in implementing VOM and RJ but also Western European countries can learn a lot from the developments of the criminal justice systems

experienced in the Central and Eastern European countries. The stimulation of these networking activities is also intended to be beneficial for the European Union since the participants aim to define more detailed *policy recommendations* by the end of the programme which could be considered in relation to further developments of VOM at the level of the European Union.

Within the framework of the AGIS project two smaller ("expert") meetings and two larger seminars are organised for the participants by the end of 2005, so that they can take part in focused discussions on the main issues that are necessary for further successful implementation. We have already held one expert meeting and one seminar. In the following, let us give you a brief overview about the main activities and findings of this project so far.

In general

Both events provided two and a half days for the participants to discuss the preliminary scheduled

December 2005

Volume 5, Issue 3

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With financial support from
the AGIS Programme

European Commission
Directorate General
Justice and Home Affairs



The European Forum wishes
you Merry Christmas and
Happy New Year!!!

issues. As one of the main purposes of the projects, emphasis has been placed on involving representatives from as many countries, sectors and professions as possible. Accordingly, 17 participants attended the first expert meeting representing 14 countries and 58 experts from 20 countries took part in the first seminar. Countries represented were Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Germany Hungary, Latvia, Moldova, Norway Poland, Romania, Russia, Serbia and Montenegro, Slovenia, Ukraine and the United Kingdom. Through the participating mediators, researchers and legal professionals the project could involve representatives of NGOs, as well as academic, governmental and international institutions. As previously indicated, one of the main purposes of the project is not only to help experts from the partner countries to be personally involved in the information exchange about recent developments in restorative justice, but also to stimulate their *networking* opportunities and activities.

Meetings and Findings

The **First Expert Meeting** was held on 24-26th June in Vienna with the help of Dr. Christa Pelikan as local organiser on behalf of the Institute for the Sociology of Law and Criminology. 17 participants attended this meeting from 14 different countries from the Eastern, Southern, Baltic, Central, Western and Scandinavian parts of Europe. The represented countries were the following: Albania, Austria, Belgium, Bulgaria, Czech Republic, Estonia, Hungary, Moldova, Norway, Poland, Romania, Slovenia, UK and Ukraine.

The meeting started with the participants' presentations about the current situation of restorative justice in their countries. They thus gained a deeper knowledge of the legal, institutional and practical aspects of restorative justice in each other's countries. The structured discussions after the presentations focused on the following issues:

- which factors make the implementation of restorative justice *difficult* in general;
- which of these factors are *typical* for Central and Eastern European countries;
- how could the developments in the CEE countries be compared and what are the reasons for the differences;
- what should be the main focus and the overall purposes of the current AGIS project;
- what shall be the concrete steps to make this project as useful as possible and how to disseminate the results of the project.

According to the participants, the main *difficulties* concerning the implementation of restorative justice in Central and Eastern European countries occur at least in two dimensions: on the *cultural* and on the *institutional/practical* level. The main *cultural* difficulties include:

- the highly punitive attitude of the public and of the policy-makers towards sentencing;
- the high incarceration rates experienced in the criminal justice systems which can be a consequence of the tradition of 'gulag mentality' of post-communist societies;
- the paternalist attitude of the state by which state organisations monopolise and formalise the majority of the institutional responses to crime;
- the passive civil society and the numerous obstacles that make its strengthening difficult;
- lack of trust in NGOs, as well as in the professionals working in these organisations;

- centralised criminal justice system;
- the strong resistance of police, prosecutors and judges;
- the recently dramatically increased number of crimes, and the extent of fear of crime as well as insecurity;
- as a result of the previous points the public's willingness to request still tougher punishing policies;
- lack of RJ/VOM pilot projects and experiments, making it difficult for the public to imagine how responses other than tough punishment could be effective;
- the dominance of competitive attitude, the lack of tradition of cooperation, team working, dialogues within and among sectors and professions;
- low economic position resulting in high level of insecurity among the public;
- punitive attitude of the media;
- weakened legitimacy of the state and its institutions in the public in relation to dealing with social problems;
- absence of trust in a better future;
- nepotism, corruption, patronising attitudes within the criminal justice system.

Concerning the *institutional* difficulties, the followings could be highlighted:

- lack of information about RJ;
- lack of translated materials;
- too centralised institutional systems dealing with crime and social problems;
- because quantitative evaluations have the dominant (or almost exclusive) role in proving the efficiency of agencies to the funding bodies and there is a high demand towards the service-providers to constantly produce statistical data on their activities, there is less emphasis placed on the quality of services;
- the importance of dealing with social exclusion in general as a factor associated with the phenomenon of crime has often not been recognised; need for more cooperation between the different sectors dealing with social exclusion (e.g. education, social welfare system, criminal justice system);
- the ongoing "commercialisation" of the NGO sector; services tend to focus on profit-making and their societal "mission" tends to be a secondary factor in their activities;
- the risk that VOM/RJ services will be monopolised by limited numbers of agencies;
- the lack of evaluation (internal, external), monitoring, professional standards;
- sometimes bad reputation of NGOs (associations, foundations) among the public: they tend to be labelled by the public as organisations mainly focusing on profit-making and as organisations which only "officially" operate as non-profit institutions;
- the governments do not have consistent policy for co-operating with NGOs;
- bottom-up services, which in Western countries had developed from the grass-roots would need to be supported and stimulated top-down in the CEE countries.

Despite all these difficulties, the experts of this meeting were able to highlight several aspects that already do, or might be able to significantly help the implementation process in these countries. Concerning the most important *supportive* factors it was difficult for the participants to distinguish between those points that already exist and those ones which are necessary for the effective institutionalisation but do not exist yet in the

countries represented. In other words, some of the expressed supportive factors indicated the *needs* of these countries for more developments in the implementation process, rather than drew a picture about the supportive aspects of the current situation. Nevertheless, the main findings pointed out that *legislation* on VOM/RJ is crucial before taking any other steps at the level of national implementation. However, there have to be pilot projects to show what really works before starting any legal reforms. It is essential for any consistent legislative reforms firstly to examine the current legal and institutional systems of the countries, secondly to conduct pilot projects and finally, based on the results of these small-scale experiments, to integrate new elements into the legislation. Furthermore, the importance of networking as well as the necessary links between research and practice were also emphasised.

Concerning the *international dimensions*, the significance – and also the difficulties – of the harmonisation of national institutional systems to the international documents and recommendations were pointed out by several experts. Legal instruments of the European Union and the Council of Europe, such as the Framework Decision on victims, as well as communications and recommendations are essential to provide standards for practices. Networking can and should be also used to stimulate *exchanges* and partnerships between *experts* operating in both civil and penal mediation, especially in designing and evaluating pilot projects. The introduction of peaceful conflict resolution in general *education* as well as academic teaching on mediation is also important. However, *translated publications* and high quality *trainings* are essential for the effective promotion of restorative justice and victim-offender mediation.

Generally it can be concluded, that despite the challenges mentioned above, the countries represented have all managed to:

- start pilot projects;
- translate and write publications in their languages;
- integrate the philosophy and the practice of restorative justice into the general and higher education system to some extent;
- start trainings for professionals;
- find possibilities to widen their networks;
- be involved in international projects;
- benefit from belonging to international organisations and start to adapt their recommendations.

Some of these countries could already achieve the inclusion of specific articles on the use of restorative justice and victim-offender mediation in their national legislation.

The **First Seminar** coincided with the *third international conference* of the European Forum which took place in Budapest, Hungary, from 14 till 16 October 2004. Within the framework of this Seminar, a plenary presentation, three workshops and three smaller focus-group discussions – so called “café conferences” – were organised under the title “Introducing Restorative Justice in Central and Eastern Europe”.¹

During the Seminar participants intended to elaborate the experiences that already exist in the European countries they represented. Besides the detailed descriptions of the state of affairs in relation to restorative justice in the different regions of Europe, the main purpose of the event was to *bring East and West* together.

The third international conference of the European Forum therefore provided an excellent opportunity for the participants to exchange their experiences and to *comment* on the conclusions of the First Expert meeting, especially in relation

to the identification of the main *supportive factors* and the most significant *challenges* that Central and Eastern European countries primarily have to face while implementing restorative justice into their institutional systems.

The *plenary presentation* by Dr. Maria Herczog (Hungary) was an ideal starting point for the Seminar, giving an overview of restorative justice developments in Central and Eastern Europe and focusing on comparative aspects, achievements and challenges. The main argument developed here was that the Central and Eastern regions of Europe have never been homogeneous, because of the history not only of previous centuries but also of the last fifty years. This overview provided a thought-provoking introduction for the Seminar by highlighting the importance of mapping the main differences, challenges and the similarities of the Central and Eastern European countries not only in relation to the future possibilities for the use of restorative justice, but also broadly about the main issues of conflicts and the responses to them in societies in transition.

The *three workshops* were given a preliminary structure and included two or three presentations each, followed by discussions. The overall purpose of the workshops was to provide information about the AGIS project and draw a picture about the situation of restorative justice in several Central and Eastern European countries, highlighting their already existing partnerships with Western European countries, organisations and experts. Unlike the workshop sessions, the detailed topics of the *café conferences* were not defined beforehand. These meetings intended to stimulate spontaneous discussions among eight to fifteen participants in each session. These small group exchanges intended to provide an informal atmosphere that is sometimes more beneficial for stimulating discussions and for letting the participants express their personal comments.

As an introduction to the Central and Eastern European context, the first workshop outlined the structure and the main objectives of the current *AGIS* project, while the second one focused on a typical phenomenon of these countries, namely the “*Gulag mentality*” that may result in a strong punitive attitude of the mainstream sentencing ideologies in the post-communist era’s legal systems. This session summarised several underlying challenges in CEE countries but also detailed the promising processes concerning their implementation of restorative justice.

The presentation of the *Czech* justice system and the role of restorative practices in it showed a unique model of restorative justice based on the activity of the probation and mediation service which has become the main provider of restorative-based case-handlings in the modern legal system of the Czech Republic. The participants received information about the way RJ has been introduced and developed in such a big country as *Russia* and about the representatives’ experiences and achievements, as well as the main issues and problems of implementation. This provided a good example how *Russia* and the United Kingdom have been able to cooperate and could exchange and learn from each other’s experiences.

Albania’s presentation showed one more example for successful cooperation between the East and the West in implementing restorative justice, since both the Norwegian and the Danish Governments support the Foundation “Conflict Resolution and Reconciliation of Disputes” which runs mediation projects in *Albania*. This country’s case also illustrates the way a post-communist country has recently been able to reform its legislative system, so that it is now able to

provide a legal base for the use of victim-offender mediation. Introducing restorative justice for juveniles in *Bosnia and Herzegovina* showed how, after a recent war, a country can try to build restorative justice-based services and how the presence of international institutions – such as the Council of Europe was – beneficial in this process.

Romania shared its experience in piloting restorative justice for juveniles in probation agencies. One of the key elements of its success was the effective partnership of the Romanian authorities with the British Government.

The implementation of restorative justice in *Ukraine* illustrated the way an NGO is able to initiate the restorative justice movement in a country. The presentation also detailed the strategy that needs to be designed in order to successfully implement victim-offender mediation into the legal system of the Ukraine.

During one of the café conferences participants attempted to distinguish between the so-called “organic” implementation processes and the more *artificially adapted models* of restorative justice. While the former can be considered as a result of long-term cultural, historical and policy developments based on a coherent ideological background, the latter rather bases its initiatives on already existing models and tends to adapt projects as “packages” without putting significant emphasis on local developments. The experts elaborated the possible differences, advantages and disadvantages of these models in more depth in the European context.

During the second café conference participants highlighted six main areas concerning the main needs of the CEE countries for implementing restorative justice. The legislative, structural, information, training, research and promotional aspects were stressed as essential areas in which specific needs can be outlined in order to help the process of institutionalisation.

In relation to the role of the *media*, both its beneficial influences and its dangers were discussed at the third café conference. The media’s potential to largely influence public opinion about the roles and expectations towards the justice system and its function as primary information source about ongoing concepts and projects both underline its significance. Participants had a thorough discussion about the potential dangers of the media and the possible solutions for them.

The Universal Forum of Cultures of Barcelona, 13th and 14th June 2004

The Universal Forum of Cultures of Barcelona 2004 was a well organised and funded happening designed to promote reflection around three main subjects: cultural diversity, sustainable development and conditions for peace. There were two day-sessions during which we were able to discuss and promote restorative justice in Spain. Preparing for these two days took us more than a month. The Dialogue “Conflicts in Everyday Life” belongs mainly to the last of these subjects and had been set up so that we could enjoy, during the two days, lectures (31) by distinguished thinkers and professionals in the mediation field and pacific conflict management.

The structure of the Dialogue allowed us the assistance of conversations about the past and future aspects of restorative justice in which experts, people acting as “mirrors”, and the general public could all participate.

“Ponts de Mediació,” an international association located in Barcelona, with a membership of over a hundred professionals

Future steps

There will be two more meetings during 2005. For the *Second Expert Meeting* (17-19 March in Chisinau, Moldova) our aim is to look into what can concretely be done to give an impetus to the policy development around restorative justice in Central and Eastern Europe. The final meeting of the project, the *Second AGIS Seminar* (29-30 September - 1 October in Sofia, Bulgaria) intends to present the results of the project and to discuss how the conclusions and recommendations of the project can be used in a practical way to the further development of victim - offender mediation in Central and Eastern Europe.

Both the *internal* and the *external communication* will be continuously highlighted as a focus of the project. In other words, besides stimulating the exchange between the project participants, it is also important that representatives have as many opportunities as possible to inform the professional and general public in their countries about the structure and content of this project. This exchange can not only stimulate the internal communication and cooperation among professionals focusing on similar goals within a country, but also can provide more diverse feed-backs for us from numerous other experts, in order to draw the final conclusions in the most representative way.

In the future stages of the project we also intend to involve new Central and Eastern European countries into this networking process so that more and more experts, organisations and societies could benefit from this programme.

Let us inform you that summaries of the presentations will be soon available on the European Forum’s website. If you are interested in the full reports of the meetings – including all the country reports as well – or you would like to have more details about the project, please do not hesitate to contact us.

Borbala Fellegi

European Forum (Belgium), borcsa@euforumrj.org

¹ This report could not have been written without the notes of the participants of the Seminar. Thank you for the valuable contribution of (in alphabetical order): Dr. Szilvia Gyurkó, Ms. Gergana Marinova, Mr. Sorin Hanganu, Dr. Jasna Hrcic, Mr. Aare Kruuser, Ms. Zuzana Slezakova and Ms. Vira Zemlyanska.

and fifty institutions, was in charge of the organisation of the Dialogue – 31 meetings – plus the parallel activity on “Police acting in the frame of conflicts resulting out of a civil coexistence”. Being a member of the Scientific Committee of Ponts de Mediació, I was able to recommend the invitation of Mark Umbreit to give some lectures on 13th and 14th of June and of Sir Charles Pollard and Mirjam Parre to present on 14th of June at the Police Conference. On 13th June, in his first intervention, Mark Umbreit talked to us about “The Impact of Restorative Justice Conferencing: a Review of 63 Empirical Studies in 5 Countries. The “mirrors” were Jose Maria Tamarit, professor of Penal Law and Criminology at Lerida’s University, Roberto Gimeno, historian and also mediator of the Juvenile Justice Program of Catalonia’s Department of Justice, and myself. On the same day, we had two more lectures regarding RJ given by T. Peters and M. Umbreit which have been also described by Ansel Guillamat and Anna Vall.

The attendance of the public was very low all day. It was a sunny Sunday, an elections day and we had not been allowed to invite people due to the excess of free invitations made by the organisation for other lectures of the Dialogue.

On 14th June, the Police Conference was a big success. They were able to give away 300 free invitations and we had more than 400 people attending. The Conference was opened by a very restorative speech made by the Catalan Home Office Minister, Ms. Montserrat Tura. Her “motto” was “Responsibility” and “Accountability”.

Sir Charles Pollard started the first of the Meetings explaining his “Thames Valley Police Experiences.” All the Catalan’s Home Office bosses were there and taking notes. Charles Pollard’s “mirrors” were: Angel Garcia Fontanet, Magistrate and Chairman of the Contentious-Administrative Chamber of the Superior Court of Justice of Catalonia; Xavier Vilario, Chief Constable and Coordinator of the Barcelona’s Local Police; David Pique, Chief of the General Directorate of Civil Security of Catalonia’s Government; Carlos Rubio, Commissariat Inspector of Services of the National Police of Spain. Marisa Hontoria, lawyer and trainer of trainers of Restorative Justice (BARJJ Program, USA) acted as Chairwoman/Coordinator of this session. Each of the “mirrors” put two questions to Sir Charles Pollard with regard to his forceful presentation.

Restorative Justice Grows in Ukraine

The aim of the Ukrainian Centre for Common Ground (UCCG) and its sister organisations is nothing less than “to transform the way the world deals with conflict, away from adversarial approaches, towards co-operative solutions”. A major part of its activity is the introduction of restorative justice into the Ukrainian justice system. It has developed strategic partnerships with the Supreme Court, the general Prosecution academy within the Prosecutor’s office, and other key agencies, and in November 2004 it planned a conference to be addressed by senior judges and by Roman Koval, the director of UCCG.

As outside speakers Ivo Aertsen and myself were invited, and I arrived a few days early in order to see something of the ancient city of Kiev. Then on 21st November the second round of the presidential election took place, and on Monday the streets began to fill with the protesters who have been seen on the world’s television screens until the time of writing (1 December). UCCG felt it had no choice but to postpone the conference. In accordance with its aims, it issued a statement calling for all concerned to listen to each other and work towards a solution through dialogue, and placed additional information about conflict resolution on its website (www.commonground.org.ua). It has to be said that the huge demonstration was in any case remarkably good-humoured, and the speakers in Independence Square helped to keep it that way. I took the opportunity to ask for an account of how the Centre works. It has an agreement with two district courts in Kiev, and has built up a relationship with their criminal departments by which its co-ordinator goes to the court

At the end, conclusions produced by a Judge and a Lawyer (Garcia Fontanet and Hontoria) were read and presented to the plenary Conference.

In the following session Mirjam Parre (Holland) made an extensive and brilliant presentation about the Police’s training on restorative justice in her country. Mr. Casey (Australia) gave a talk on “Consultation”. They had three relevant “mirrors” and a lot of questioning by the public.

In the final session about Models and Experiences of Police and Restorative Justice the experts were Tony Peters and Mark Umbreit. They had four “mirrors”, some of them being highly qualified police professionals and they put very interesting questions about domestic violence, schools/truancy, immigration, police integration, neighbourhood problems, etc. That session alone would require another article!

It was the first time that we were able to explain restorative justice to such a large number of top professional people and also the first time they were listening to it. We know that it is only a start but we will get inspiration and strength from the example of the European Forum which has been working for so many years in that direction.

Marisa Hontoria
Lawyer (Spain), mlhontoria@yahoo.es

about every ten days to ask for new cases. She selects those that fit the criteria (offender accepts guilt and is not in prison, offence not seriously violent, contact information available, among others). The cases are then registered, and UCCG volunteers invited to come and take them on. The volunteers arrange pre-mediation meetings with the offender and the victim, to explain the process. They have ten to fifteen days in which to try to arrange a meeting or at least secure an agreement. There are 11 volunteers, and the number of cases processed is quite low so far, but efforts are being made to increase the flow. A second source of cases is the State Juvenile Service, but this has the disadvantage that it has no information on the victim, unless he or she is known to the offender. Thirdly, victims and offenders are beginning to self-refer, as a result of advertising of the service in the courts. It was pointed out that under Ukrainian law, once a case has been registered it must go before a judge, but there is nothing to stop it going to mediation first. Only ‘private accusation’ cases can be stopped. There is no incentive to police to try to divert cases before they are registered, because police efficiency is measured by the number of cases they send to the prosecutors. The legal soil is not as fertile as Ukraine’s wheat fields, but UCCG is confident that it can persuade judges – and participants – of the advantages of mediation, and that the re-scheduled conference will help towards that end.

Martin Wright
Mediation UK (United Kingdom), m-w@dircon.co.uk

Readers' Corner

- *Rebuilding Community Connections – Mediation And Restorative Justice*, written by Ivo Aertsen, Robert Mackay, Christa Pelikan, Jolien Willemsens and Martin Wright (2004). Rebuilding community connections is a new publication of the Council of Europe in the field of restorative justice. The book outlines the main features of restorative justice, including different models and research findings, and proposes guidelines for setting up programmes. It also identifies problems and ways of dealing with them. This guide provides essential information for those planning to introduce restorative justice in countries in Central and Eastern Europe. For countries that have already done so, it offers an opportunity to review practice in the light of experience and research elsewhere. The book can be directly ordered from the Council of Europe Publishing, <http://book.coe.int>, e-mail: publishing@coe.int, ISBN: 92-871-5450-3.
- *Mapping Restorative Justice: Developments in 25 European Countries*, edited by David Miers and Jolien Willemsens for the European Forum for Victim-Offender Mediation and Restorative Justice (2004). This up to date publication in the field of restorative justice gives a very good overview of what really is happening in practice, legislation and policy, as well as what does research show on the evaluation of restorative justice programmes in Europe. Facts and figures on these and other topics are presented in a comparative way in this comprehensive review, which covers the developments in no less than 25 European countries. The book can be ordered directly from the Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice, <http://www.euforumrj.org>, e-mail: info@euforumrj.org, ISBN 90-901-8752-9.
- *After Evil: Responding to Wrongdoing*, written by Geoffrey Scarre from the University of Durham, United Kingdom (2004). Evils, both large and small, are a constant feature of human life. This book is about responding to them and in particular about responding to moral evils, that is, those produced by the deliberate acts of human beings. Scarre explains that prominent in our repertoire of responses to moral evil are forgiveness and punishment, and these, with the numerous conceptual and moral problems they raise are at the heart of the study in this book. For more information on this book please visit the Ashgate Publishing website: <http://www.ashgate.com>, ISBN 0-7546-3846-4.
- *Restorative Justice*, by Ruth Ann Strickland (2004). This book examines how restorative justice works – promoting healing by emphasising the restoration of victims' emotional and material losses, creating forums for negotiations, problem solving, and dialogue between affected parties, and empowering communities and victims by inviting their participation. It discusses the methods' beneficial and detrimental effects on, and implications for, defendants, victims, the courtroom workgroup, corrections and the community. For more information go to Peter Lang Publishing website: www.peterlangusa.com, ISBN 0-8204-5758-2.

Newsflash

- On 14 November 2004 the Executive Officer of the Secretariat of the European Forum, Jolien Willemsens, became a MOM!!! Jolien's bundle of joy is called CASPER, a beautiful and healthy baby boy. CONGRATULATIONS JOLIEN! Jolien will be on maternity leave until April 2005 and her replacement at the Secretariat is Jana Arsovska from Macedonia who is currently a PhD student at the Katholieke Universiteit Leuven in Belgium. Jana will be mainly responsible for membership administration, financial and organisational matters concerning the Forum. Please feel free to contact Jana at info@euforumrj.org for any relevant questions you might have. Also, as you already know, since the summer 2004 the Forum has been reinforced with Borbala Fellegi (Borcsa) from Hungary who is mainly responsible for the developments in the AGIS project on Central and Eastern Europe. Yet you should not hesitate to contact Borcsa at borcsa@euforumrj.org in case you have any other questions concerning the Forum or the AGIS project. These two girls from the Secretariat promise to keep you informed in timely manner on all developments taking place in the Forum and let Jolien enjoy her newborn son, Casper!
- On behalf of the Board and the Secretariat of the European Forum, we are delighted to inform you that the third conference of the European Forum for Victim-Offender Mediation and Restorative Justice: "*Restorative Justice in Europe: Where are we heading?*" was successfully held in Budapest on 14-16 October 2004. There were 220 participants (legal practitioners, mediators, policy makers, academics, researchers, etc.) from more than 35 countries from Europe, the USA and Australia. The conference's primary goal was to stimulate interactions among the representatives of the different professions and countries. We are very pleased to notice that according to your reactions and evaluations, the Budapest conference indeed achieved its goals by being a provider of knowledge and valuable contacts as well as bridge of opportunities between the West and the East. Proceedings of the Conference will be published at the Forum's website.
- At the beginning of November (7-9) this year, Ministers and senior officials from the 46 member states of the Council of Europe met in Oslo, Norway, in order to discuss how to tackle the problem of violence in everyday life. In the framework of the Norwegian presidency, the Norwegian Minister of Justice hosted this ad hoc conference. During the conference a draft resolution on the prevention of everyday violence in Europe was presented, where one of the principles for an integrated policy response to violence was developing the use of mediation (*appendix g: mediation as a consensual and restorative means of preventing and solving conflicts should be promoted while its scope of application, methods and ethics should be clarified*). The meeting marked the culmination of three years' work within the framework of a special project (*Responses to violence in everyday life in a democratic society*), set up by the Council, to look at all aspects of the problem. *Confronting Everyday Violence In Europe: An Integrated Approach* is a report presenting the conclusions and results of the Integrated Project carried out in 2002-2004. This comprehensive report sets out a European agenda for reducing violence. The final report is available at the Council of Europe website: http://www.coe.int/T/E/Integrated_Projects/violence/.
- Towards the end of April 2004, the Commission of the European Communities presented a Green Paper on the approximation, mutual recognition and enforcement of

criminal sanctions in the European Union. The Commission considered that it is worth analysing whether national differences regarding criminal penalties are an obstacle to attaining the objective of the European Union, which is offering its citizens a high level of protection in an area of freedom, security and justice. The Green Paper also devoted a section on alternative sanctions putting forward challenging questions. Replies to the questions were available until end of July this year. The comments are published on the Commission website: http://europa.eu.int/comm/justice_home/

Bulletin Board

- February 23-25, 2005, Canberra, Australia, “*Empirical Findings and Theory Developments in Restorative Justice: Where Are We Now?*”. Conference by The International Network for Research on Restorative Justice and the Centre for Restorative Justice, Research School of Social Sciences, Australian National University. More info on <http://regnet.anu.edu.au/events/RJconf/program.htm>.
- March 3-5, 2005, Sydney, Australia, the International Institute for Restorative Practices (IIRP) is hosting its six international conference with the theme “*Building a Global Alliance for Restorative Justice Practices and Family Empowerment*”. The conference will include a broad range of participants. If you register by 21st January, you will receive the reduced conference rate. For more information please go to: <http://www.iirp.org/sydney05>. To download the conference brochure, please go to http://fp.enter.net/restorativepractices/iirp_syd05brochure.pdf.
- April 18-25, 2005, Bangkok (hosted by the Government of Thailand), The Eleventh United Nations Congress on Crime

General Meeting of the European Forum

The annual general meeting in 2004 took place on the evening of the first day of the Forum’s conference in Budapest and was chaired by Ivo Aertsen. Although the intensity of the first day of the conference was demanding for all of us, around fifty members participated in the meeting and some of them contributed a lot to the discussion with their valuable comments. Starting with formal issues, the meeting approved the report of the previous General Meeting held in Lisbon in 2003, a list of new members, the accounts for 2003 and the budget for 2004-2005. As a second step, the Board, the Committees and the Secretariat informed the members about their main activities. Besides the regular activities, such as the coordination of the work of the committees and the promotion of the Forum in countries which have not been well represented so far, the Forum could also influence the policy directions of the European Union and the Council of Europe – amongst others – by preparing the book “*Rebuilding community connections: mediation and restorative justice in Europe*”, written by four members of the Board and Jolien Willemsens (published by the Council of Europe). Besides the representation of the Forum at several national and international conferences this year’s conference in Budapest was also a good possibility to promote the activities of the Forum and stimulate further co-operations among the members. It was stressed, that all the activities by the Board members have been done on a voluntary basis.

Four members of the Board were resigning (Torunn Bolstad, Rob Mackay, Andrei Pascu and Christa Pelikan), whose work was thanked by the Chair. After their short presentations, four new members were elected to the Board by the General Meeting: Margaret Carey (UK), Siri Kemèny (Norway), Vidia

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- On 24-25 September 2004, a jubilee seminar entitled “The Application of Restorative Justice in Resolving Local and Cross-Border Conflicts” took place at the Council Chamber in Wroclaw. The seminar resulted in publication of a report consisting of number of articles by different experts in the field of restorative justice that were presented and discussed during the seminar. For more information on this report please contact Zbigniew Czwartosz at zbych@ez.pl or Elzbieta Czwartosz at czwartos@engram.psych.uw.edu.pl.

Prevention and Criminal Justice, “*Synergies And Responses: Strategic Alliances In Crime Prevention And Criminal Justice*”. This UN Congress will have a workshop on enhancing criminal justice reforms, with particular emphasis on restorative justice. For more information on the discussion guide please go to http://www.unodc.org/unodc/en/crime_congress_11.html.

- September 9-11, 2005, Crans-Montana, Switzerland, “*Mediation a New Culture of Change*”. The 5th World Mediation Conference is organised by the Institut Universitaire Kurt Bosch (IUKB). For more information go to <http://mediation.qualilearning.org>
- November 14-18, 2005 Philadelphia, PA, USA, Conference of the Victim Offender Mediation Association. The VOMA conference coordinator requests your input on this conference, and invites your proposals for workshops and trainings at <http://voma.org/conf05.shtml>. You can also sign up on this page for email notice of changes to the page as plans progress. Deadline for proposals is: 10th January 2005.

Negrea (Hungary) and Vira Zemlyanska (Ukraine). Concerning the Secretariat, it was mentioned that Jolien Willemsens is on maternity leave and she is temporarily replaced by Jana Arsovska (Macedonia), a PhD student at the Department of Criminology at the Catholic University of Leuven. The other member of the Secretariat is Borbala Fellegi (Hungary) who is also a PhD student and is primarily involved into the current AGIS project on the implementation of restorative justice in Central and Eastern Europe. The Committees also gave detailed report of their activities and future plans. As new Chairs, Christa Pelikan (Austria) agreed to co-ordinate the work of the Communication Committee and Niall Kearney (UK) will chair the Practice and Training Committee. The committees’ main achievements from the last year were their involvement in the first AGIS project of the Forum on training models for prosecutors, judges and mediation practitioners and the publication of the book (coordinated by the Information Committee, chaired by Frederico Marques), “*Mapping restorative justice: developments in 25 European countries*”, edited by David Miers and Jolien Willemsens. Concerning the future policies of the Forum, some strategic priorities were identified based on a “SWOT” analyses that the Board members had prepared before the meeting. These priorities include the necessity to focus on firstly, the funding issues; secondly, on the promotion of RJ in the public sphere; thirdly, on clarifying, supporting and promoting best practice and fourthly, on the participation and communication within the Forum. The meeting provided not only an effective but also a pleasant time to discuss both the activities and the strategic priorities in more depths. If you are interested in the full report of the meeting, please contact the Secretariat.

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: info@euforumrj.org
URL: <http://www.euforumrj.org>

Conference on Restorative Justice in Europe – Impressions of a participant

The Budapest conference on restorative justice in Europe, which was held from 14 - 16 October 2004, was devoted to a central question: “Where are we heading?”. Of course, I did not go away with a clear answer to that question. Developments are far too diverse to suggest identical directions. But I must say I was impressed by what I had learned about developments in central European countries and hopeful about the perspectives for RJ in these countries. From the closing session of the conference I understood that it had been the intention of the organisers to focus on the development of RJ in Central Europe and I think it would have been wise if this intention had been made much more clear at the beginning.

Of course there was a stress on restorative justice in Central Europe in the opening session, with a well composed and balanced overview given by Maria Herczog. She showed that there are important initiatives in many countries, sometimes officially supported. Interesting were also the cultural impressions that she gave about the mixed feelings of people in these years of transition towards democratic societies with capitalist modes of production and consumption. The problem, I suppose, is not about democracy but about several negative implications of capitalism. I remember that I hoped that the culture of RJ would be able to assist in avoiding the hyper-individualised and over-competitive aspects of capitalism and help to create socially responsive, more communitarian societies.

But after the introductory plenary there was no clear focus on Central European countries anymore and there were so many interesting plenary lectures, workshops and “café

conferences” that it was perhaps too easy to satisfy my own, very diverse, interests. I liked Gerd Delattre’s plenary speech, pleading for more dialogue with the general public and wish to repeat it here: it is from the general public that we will have to win the political and ultimately legislative support. I joined a very interesting and exciting workshop on the role of police in RJ and in the penal system, amongst other things, dealing with differences between RJ and community justice.

I had to present a paper in a workshop myself – about the scope of restorative justice – and did a café conference that I turned into a “Socratic conversation” about the supposed differences between RJ and criminal justice. Not unhappy about how these went, one disadvantage was that I could not join some workshops that I would have liked to attend.

In general, I would have preferred a bit less workshops and a closure of each day with a short plenary exchange of impressions, evaluations and discussions. But apart from that, I thought the conference was very well organised and the hospitality and the facilities were great. It was my first visit to Hungary and I spent the weekend after the conference visiting some museums in Budapest. I had some fine dinners and for my next small vacation I guess I know where I am heading.

John Blad

**Associate Professor, Erasmus University Rotterdam
(The Netherlands), blad@frg.eur.nl**

Editorial board:

Ivo Aertsen (Belgium), E-mail: ivo.aertsen@law.kuleuven.ac.be; Martin Wright (UK), E-mail: m-w@dircon.co.uk;
Katrien Lauwaert (Belgium), E-mail: katrien.lauwaert@straftr.unimaas.nl; Dobrinka Chankova (Bulgaria), E-mail: chankova@techno-link.com;
Jaime Martin (Spain), E-mail: wmartinj@gencat.net; Paul Schroeder (Luxembourg), E-mail: paul.schroeder@mediation.lu; Jacques Faget (France),
E-mail: faget@iep.u-bordeaux.fr; Jolien Willemsens (Belgium), E-mail: jolien@euforumrj.org

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

Submissions: The European Forum welcomes the submission of articles and information for publication. Please contact the Secretariat of the European Forum. Submissions may be edited for language and length.

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Tel.: +32 16 32 54 29, Fax: +32 16 32 54 74, E-mail: info@euforumrj.org, or go to <http://www.euforumrj.org>.