



Newsletter of the European Forum for Restorative Justice

Editorial

In this issue we look beyond Europe. 'Restorative justice has been the dominant model of criminal justice throughout most of human history, for all the world's peoples'. This sweeping statement by John Braithwaite is described as a 'myth' by Kathleen Daly¹. We can leave scholars to argue over that; what is certain is that it has been widely used for a very long time, although it cannot be denied that punishment has a long history too. It is encouraging to learn that similar principles were developed in China by Confucius (Kung Fu-tse, c. 550-480 B.C.E.), as Jianhong Liu describes in this Newsletter. There is not only *li*, the moral and customary principles for polite behaviour, but *ren*, loving others - and Braithwaite too is a criminologist who is not afraid to use words like love and grace. It is disappointing, though, that for a long period in Chinese history *li* was thought to be insufficient, and yielded to the system of formal law and punishments known as *fa*². How much informality can restorative justice preserve today?

The European Forum held a meeting of its project on central and eastern Europe in the Moldovan capital Chisinau in March 2005, and there is welcome news from Diana Popa that mediations have started there and a law is progressing through Parliament. This is a welcome update of the AGIS report³. The initiative began in a country which still had a communist government and a punitive mentality, but progress has been very methodical, as she reports, from training criminal justice personnel, to training volunteer mediators, establishing a pilot project in the capital, and extending it by degrees to other parts of the country. Meanwhile there is also progress in some parts of Western Europe. Inge Vanfraechem reports on a new youth law and a circular letter from the Minister of Justice in Belgium. Both prosecutors and judges can refer cases to restorative interventions, but here too tensions arise from trying

to combine restorative and conventional concepts of justice. As elsewhere, there is debate about what restorative justice is: does it include community service or should that be regarded as punishment? South Africa has been the object of much admiration since it pulled itself out of the violent *apartheid* regime without a violent revolution. A feature of that process was the Truth and Reconciliation Commission, which showed that by going without retribution, there is a better chance of getting at the truth, which is what many victims want, and in some cases this can lead to apology and reconciliation. South Africans have taken the principle further by using a restorative approach in the criminal justice system. The National Prosecuting Service is introducing a project for 18 months before deciding whether to implement it across the country⁴, and a restorative sentence has even been used in cases of homicide⁵, so it is fitting that an international conference on the politics of restorative justice was held there last year. Kris Vanspauwen reports on it below.

Martin Wright

Member of the Editorial Board

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2. Wright, M., *Justice for victims and offenders: a restorative response to crime*, Winchester: Waterside Press, 1996.
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4. *Restorative justice plan takes shape*, www.iol.co.za/index.php 23 February 2007
5. State vs. Maluleke and others, CC 83/04, 13/06/06

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Principles of restorative justice and Confucian philosophy in China

John Braithwaite once wrote “Confucius is the most important philosopher of restorative justice”¹. Scholars generally believe that there must be a strong consistency between the principles of modern restorative justice (RJ) and ancient Confucian philosophical ideas. However, few studies have analysed Confucius’ work and identified the specific ideas which encourage the values and practices of RJ. John Braithwaite also pointed out that it is “a pity that so few Western intellectuals are engaged with the possibilities for recovering, understanding and preserving the virtues of Chinese RJ while studying how to check its abuses with a liberalizing rule of law”². It is unfortunate that the Western RJ movement has not yet borrowed much theoretical insight from studying the valuable heritage of Confucius’ ideas, which are truly a profound source of wisdom of modern Western RJ reformers.

Confucius, an ancient Chinese sage, influenced Chinese thought and the cultures of many East Asian countries for over two thousand years. The core concepts of his philosophy and his legal cultural principles are in stark contrast with the modern Western criminal justice tradition, as well as the dominant contemporary Chinese system, which is in a developmental trend toward adopting more Western principles in its ongoing legal reform. Although many criticisms of Confucius’ ideas are good, the significance of his ideas has continued to be discovered. In this short essay, I briefly introduce the major Confucian philosophical ideas that reflect strong characteristics of RJ.

Ren and Li: the core concepts of Confucian philosophy

Confucianism is a broad system of thought, consisting of many concepts and ideas. However, the most fundamental concept, which is usually used as a starting point for understanding and summarizing Confucius’ system of thought, is the concept of *ren*. When asked what is *ren*, Confucius answered: “*Ren* means loving others”³. The concept reflects the fundamental idea of humanity and secularism in Confucianism. Humanity and the human world were the focus of Confucian philosophy. Confucius sought ideal harmonious human-society relationships and harmonious human-nature relationships. A king ruling his country based on the idea of *ren*, would be practicing *ren zheng* (benevolent rule); this is decisively important in achieving a harmonious society. In such a society, the social structure and social order are described by the concept of *li*, which reflects the Confucian theory of government and social control. *Li* is central to the Chinese traditional legal culture and legal system. *Li* has many meanings. Originally, *li* was developed in the Zhou dynasty (11th century B.C. to

256 B.C.) as a system of rites and codes of conduct to regulate stratified relationships among upper class members of clans. It ensured that their conduct conformed to social stratification, the expected roles and conduct in performing rituals relating to a variety of occasions. Confucius systematically developed this concept to emphasise *li* as moral code. *Li* embodies Confucius’ idea of social order and social relations in a harmonious and just society, which stresses that *li* is taught to people through moral education. Moral codes and legal codes are basic tools of social control in any society; the importance of *li* becomes particularly clear when we discuss Confucius’ principle that stresses the priority of moral codes in social control. *Li* has an intertwined relationship with *ren*. *Ren* is the inner spirit of *li*. When *ren* is forgotten, *li* becomes only a formality; it is broken from the inside. Confucius called this situation *li ben le huai* (meaning, the *li* and rituals are broken, the country is broken). The concept of *ren* and *li* describes an ideal harmonious society.

Li and Fa: the restorative emphasis in administration of law

In the Chinese legal tradition, the major early rival with Confucianism was legalism. Legalists advocated using *fa*, or formal law, as the main means of social control. Over the course of two thousand years of imperial history, China has developed many important legal codes. Although Confucius did not deny the utility of formal law and punishment, he stressed the superiority and effectiveness of the moral code *li* over *fa*. Confucius said: “Regulated by *fa* or law, the people will know only how to avoid punishment, but will have no sense of shame. Guided by virtues and *li*, the moral code, they will not only have a sense of shame but also learn to correct their wrongdoings of their own accord”⁴. From Confucius’ point of view, *fa*, or formal law, focuses on punishment, while *li*, or moral code, emphasises prevention.

When order and harmony are disrupted by disputes and crimes, for Confucius the ultimate objective is to restore order and harmony, to restore the social relationships to their original state. This is better achieved by applying *li* first; *fa* is applied as a supplement when *li* alone is not sufficient to correct the offender’s mistake. This principle is influentially expressed in various forms to guide the administration of law. One influential form of the expression is: *De Zhu Xin Fu*. The phrase means that *De* or education is the major approach in the administration of law, while *xin*, or punishment, is only a supplemental measure. Another form of this expression is *Chin Li Ru Xin* - only when *li* does not resolve the problems, punishment is used. Another influential form of this expression with the same essence is *Ming*

De Sheng Fa, that is, care and education must be clearly conveyed, the use of punishment must be very cautious. Punishment is only a tool, while moral teachings and internalization of ethics are the fundamental purpose. Only by restoring social relationships through *li*, the solution can have a long lasting effect.

Harmony and *wu song* (no lawsuit) is the goal of justice

Confucius said: “In applying *li*, seeking harmony is the most valuable aspect”⁵. In social interactions among human beings, seeking harmony and reconciliation was fundamental and most valuable. Derived from this principle, *wu song* (no lawsuit), was the highest purpose of the law. Confucius said: “The way I try a lawsuit is not different from others. But it would be better still if there were no lawsuits”⁶. In contrast to Western tradition, the upholding of the law was not the objective of the legal process. The ultimate objective of law was to achieve harmony and restore peace. *Wu song* (no lawsuit) as the ultimate goal of legal processes was morally correct. A moral person who resolved problems with others would avoid resorting to litigation. He or she was one who practiced *ren*, who was frank and open, who was considerate to others, who was compromising, who did not place personal interest above the harmony of communities. Suing someone in court was considered to be shameful and mean; it usually was not the deed of a noble person. Although corruption was one reason for people not to bring disputes to court, the most important reason for Chinese to dislike litigation was found in the fundamentals of Confucius’ ideas. When two parties went to court, the judge/administrator typically would repeatedly advise both parties to settle privately. With this Confucian tradition, mediation, or *tiao jie*, was most extensively developed. All villages were familiar with various types of mediation and the rules of arbitration. These rules included asking a respectable elderly person to intervene, to investigate, to discuss the matters among the parties, and the party at fault admitting his or her mistake and apologizing according to the traditional rules and format used in the village. Other solutions to disputes were making symbolic or substantial compensation, having respected locals ask for saving the face of the party at fault by accepting a symbolic solution, letting the party who has the larger fault arrange a banquet and have respected locals attend, and persuading the party at lesser fault to accept a subtle apology to end the matter.

***Tian li ren qing* (fair and consistency with human feelings) as a concept of justice**

In contrast with the conventional Western conception of justice, the paramount principle of justice in traditional China was that resolution must be fair and con-

sistent with human feelings (*tian li ren qing*). Fairness was based on finding truth. The methods or procedures used to find the truth do not matter. The rights of the suspect were rarely a concern, as long as the truth was found. The idea of due process was unknown in traditional China. The concept of rights was moral rather than legal.

Traditional Chinese were not very concerned with what legal codes stipulated. They were more comfortable applying the common sense rules from their tradition and accepting a decision that was consistent with their feelings. The courts might not follow the legal code if it was deemed to be in conflict with the general sense of what was morally right and fair. Legal rules typically yielded to “justice”, which was what was felt to be a reasonable solution for the consequences of an offence. Courts often applied rules beyond just the law to reach a solution. Law and legal codes were adopted according to human feelings and Confucian ethics. Again, the purpose of justice is to maintain and restore human relations and peace, not to uphold written law. Howard Zehr stressed that the conventional Western concept of justice is allocating blame and punishment. In contrast, in the view of RJ, it is “a process in which all the parties search for reparative, reconciling, and reassuring solutions”.⁷ Martin Wright emphasised that RJ is a process that “respected the feelings and humanity of both the victim and the offender”⁸. These ideas about justice moved beyond the conventional Western conception of justice that saw the government and the offenders as the sole parties involved. The principle of RJ emphasises that the ultimate goal of justice was not just to punish the offenders and protect their due process rights.

Although serious limitations and drawbacks existed with the Confucian philosophy, our discussion suggests that many of his ideas from two thousand years ago are consistent with modern restorative principles. Current RJ has yet to strengthen its theoretical development; Confucius’ ideas provide a good source of insight.

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2. *ibid.*
3. *The Analects of Confucius*, Beijing, Press of Research and Teaching of Foreign Languages
4. *Analects of Confucius*, book two, article three.
5. *Analects of Confucius*, book one, article twelve.
6. *Analects of Confucius*, book twelve, article thirteen.
7. Zehr, H., *Changing Lenses: A New Focus of Crime and Justice*, Scottsdale, PA: Herald Press, 1990.
8. Wright, M., *Justice for Victims and Offenders*, Milton Keynes and Philadelphia: Open University Press, 1991, p. 112.

Readers' Corner

- *Restorative Justice: How it works*, by Marian Liebmann (2007). This topical book provides an accessible introduction to the philosophy of restorative justice and its application in a wide range of settings, demonstrating how it can help to rehabilitate both victims and offenders when harm has been done. 'How Restorative Justice Works' will be a key read for magistrates, social workers, probation workers, police, teachers and health professionals. It is accessibly written and thus will also be of interest to the lay reader. More information: www.jkp.com.
- *The Little Book of Restorative Justice for People in Prison*, by Barb Toews (2006). 'The Little Book of Restorative Justice for People in Prison' is one of a series of short books designed to provide readers with easy to understand discussions of issues related to restorative justice and peacemaking. In this 91 page volume, Barb Toews discusses restorative justice from the point of view of someone working with incarcerated people. More information at: www.goodbks.com.
- *Restorative Justice: The Evidence* (2007). This is a study recently published in the UK which compared restorative justice with conventional justice in locations worldwide. The results showed substantial reductions in repeated offending for both violence and property crime when restorative justice was used, when compared with conventional justice. To access this study, please go to: www.realjustice.org/library/rjevidence.html.
- *La Justicia Restaurativa y la Mediación Penal*, by Luis F. Gordillo Santana (2007). This book provides a comprehensive overview of the different core aspects of the restorative justice paradigm. It brings all Spanish speakers closer to the theoretical foundations and origins, the instruments of restorative justice and to the comparative perspective of the implementation models in different countries. Available from the Spanish publisher Editorial Iustel: www.iustel.com/editorial/.

Newsflash

- The Judicial Commission of New South Wales (Australia), has just published a report on the severity of sanction, particularly with regard to the length of imprisonment, in different jurisdictions. See: www.judcom.nsw.gov.au/monograph29/mono29_complete.pdf.
- The European Forum for Restorative Justice has been awarded a project by the European Commission "Developing standards for assistance to victims of terrorism". More information can be found here: www.euforumrj.org/projects.terrorism.htm.

Calendar

- April 25, 2007, London (UK), Restorative Justice Consortium's Forum "Restorative Justice: How it works" by Marian Liebmann. For more information: www.restorativejustice.org.uk/?Events.
- May 9-11, 2007, "A multi-method needs-based approach to restorative dialogue", organised by 2007 International Restorative Justice Training Institute, Center for Restorative Justice and Peacemaking and Victim Offender Mediation, Conferencing & Circles. For more information: rjp.umn.edu/Training.html.
- **May 10-12, 2007, Lisbon (Portugal), "Restorative Justice in Europe: needs and possibilities", organised by the European Forum for Restorative Justice in the framework of the AGIS3 project. More information can be found on: www.euforumrj.org/meetings.htm/**
- June 4-6, 2007, Stockholm (Sweden), Stockholm Criminology Symposium, organised by the Swedish National Council for Crime Prevention and Stockholm University together with the Stockholm Prize in Criminology. More details can be found at: www.criminologysymposium.com.
- June 8-15, 2007, Miami (USA), "The second annual institute of evidence-based and best practices on offender treatment, victim services and restorative justice", co-sponsored by VOMA. For more information: www.advocateprogram.com.
- July 5-6, 2007, London (UK), the Crime and Society Foundation's Next Conference: "Criminal justice and social justice. New directions." See www.crimandsociety.org.uk/projects/cjsjconf2007.html for more information.
- September 10-13, 2007, Sheffield (UK), "Century of Probation International Conference", organised by the Hallam Centre for Community Justice. For more information, e-mail: conference21@shu.ac.uk.
- September 18-20, 2007, Gozo (Malta), a three days training with Dr Marshall Rosenberg, international peacemaker, author, educator and creator of *Non-violent Communication* (NVC). For more information, please e-mail: maria@mariaarpa.co.uk.

- September 26-29, 2007, Bologna (Italy), European Society of Criminology annual conference: "Crime, crime prevention and communities in Europe". For more information: www.eurocrim2007.org.
- November 5-11, 2007, Minnesota (USA), "Restorative dialogue and severe political and criminal violence: a journey toward healing and strength". For more information: rjp.umn.edu/Training.html.
- November 7-9, 2007, Budapest (Hungary), the 10th International Institute for Restorative Prac-

tices World Conference - "Restorative Practices: Improving Citizenship and Restoring Community". More information at: www.realjustice.org/Pages/events.html.

- **April 17-19, 2008, Rome (Italy), Biennial conference of the European Forum for Restorative Justice. More information will be communicated as soon as possible on the website: www.euforumrj.org.**

New youth law in Belgium incorporates restorative justice

In May 2006, a new youth law was passed in Belgium.

It still concentrates on the idea of youth protection, but also offers room for restorative justice practices.

This becomes clear from the title itself: "*Wet betreffende de jeugdbescherming, het ten laste nemen van minderjarigen die een als misdrijf omschreven feit hebben gepleegd en het herstel van de door dit feit veroorzaakte schade*" (Law concerning youth protection, charging youngsters that committed a crime and restoration of the harm caused by the facts).

A circular letter from the Minister of Justice states that restorative practices such as mediation and conferencing have been developed in the field and that they have now been incorporated in legislation. They will be put in practice as from April 1st 2007. The Minister also considers the "written project" and community service as restorative practices. In a written project, the youngster can develop a plan of what he will do after a crime. This plan is given to the youth judge, who can decide whether or not to endorse it. It is not clear yet who will help the youngster in drawing up such a plan (the youth lawyer?) nor who will provide follow-up of its execution. The question also arises what the difference will be between a plan that is drawn up in a conference and when a youth judge decides to suggest a conference or ask for a written project.

Community service is not always considered as a restorative practice and it can indeed have punitive characteristics. In Flanders, though, it has been considered first as a restorative and, more recently, as a "constructive" practice.¹ Discussion is ongoing as to whether mediation services should be set up, offering mediation for juveniles and adults, or whether services should be set up for young offenders and include "restorative and constructive practices", namely mediation, conferencing, community service and educational projects. Time will tell whether the actual practice of community service will change now that the Minister considers it to be a restorative practice.

Victim-offender mediation as a practice originated from a youth protection philosophy of making the

young offender realize what the consequences of his behaviour are for the victim. Over time, more attention has been given to the position of the victim to ensure the balance between the parties, although the concern is still raised that mediation for juveniles remains offender-oriented.

Family group conferencing is considered the "most restorative practice" since it involves the main stakeholders: victim, offender and community. As a result of the critique of mediation as well as the New Zealand experience with conferencing where in the beginning not enough attention was given to the victim, the victim became a central concern. Still, the fact that conferencing is implemented in a youth protection system makes it hard sometimes to keep the victim in the centre of attention.

Mediation can be offered at the prosecutor's level: he can offer it to the youngster, his parents and the victim. He has to explain why he has not offered the possibility unless the case has to be dealt with by the juvenile judge urgently. The prosecutor sends a copy of this offer to the mediator who has to repeat the offer to the parties if they have not reacted within eight days. The mediation can take place if the following conditions are fulfilled: serious indications of guilt; the youngster does not deny the facts; a victim has been identified; and the parties explicitly agree to take part in the mediation. If an agreement is reached, the prosecutor cannot refuse it unless it is contrary to public order. When the agreement is properly executed, the prosecutor has to take it into account in his decision-making.

At the level of the youth court, the youth judge can propose mediation in the preparatory phase. It is not clear whether he can also offer the possibility of conferencing although current practice is to regard conferencing as a preparation for the judge's decision.

The law states that the judge can offer mediation and conferencing in the decision phase, when the conditions are fulfilled. These conditions are the same as for mediation at the prosecutor's level. No reference

is made to the difference between mediation and conferencing; even the definitions in the law are very similar. Both are a communication process oriented towards restoration of the harm. The sole difference that is made is that conferencing may include “all relevant persons”. In practice, this could include the youth lawyer and police who have an important role to play. Furthermore, the law refers to an agreement that can be reached in mediation, and an agreement and declaration of intent with regard to conferencing. It is not clear what the difference is between the agreement (oriented towards restoration of the financial and relational harm) and the declaration of intent (restoration of the financial and relational harm, restoration of the harm towards society and prevention of recidivism).

The judge can only refuse the agreement when it is contradictory to public order. When the agreement is properly executed, he has to take it into account in his decision-making. When no agreement can be reached,

International conference “The politics of restorative justice in post-conflict South Africa and beyond”

A decade after the formal political transition in South Africa and the establishment of the Truth and Reconciliation Commission (TRC) it seemed appropriate to explore the form and content of “restorative justice (RJ)” principles and practices and to engage with the challenges confronting the institutionalization of this model. This two-day international conference - organised by the Institute for Criminology at the University of Cape Town (UCT), the Centre for the Study of Violence and Reconciliation (CSV), and the Institute of Law and Society of the Faculty of Law at the Catholic University of Leuven (K.U. Leuven) - took place on 21-22 September 2006 in Noordhoek (South Africa). It examined selected aspects of the model of RJ in post-apartheid South Africa. The objective of the conference was to critically examine the following three themes:

1. The role of civil society in the process of transitional justice beyond the TRC;
2. The challenges confronting RJ approaches for crime control and crime prevention in the high-crime context of contemporary South Africa and other African countries;
3. The consequences of a growing institutionalization of RJ practices in the formal (criminal) justice system.

On a theoretical level the conference succeeded in: (1) mapping the current RJ developments in South Africa and other parts of the worlds; and (2) critically analysing some of these developments with regards to the institutionalisation of RJ and with regards to pressing

this should not have a negative effect on the youngster.

On the one hand, it is a step forward that restorative practices are included in the youth law. This might enhance its development and offer a framework for practice. On the other hand, the mix of a youth protection philosophy and restorative justice leads to certain frictions, as to the principles of the communication processes (neutrality, confidentiality and voluntariness); the position of the victim; and the focus on the restoration of the harm and the way the youngster deals with problems. Ensuring a qualitative practice will be crucial to ensure that restorative principles are adhered to.

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1. Belgium is a federal country, which entails that the federal Minister of Justice is responsible for the legislation while the Flemish, French and German-speaking Community are responsible for implementing the legislation into practice.

issues like crime control and crime prevention (conceptual clarification of RJ, the further development of practices, and the development of an inclusive policy framework). As to the overall objective, the conference has strengthened existing networks and has built new networks between academics, practitioners, and policy makers. This has led to two very concrete proposals: (1) the establishment of a round table with government and civil society on the post-TRC reparation policy and (2) the proposal for the organisation of an annual conference to enhance the further development of a strategic framework on RJ in South Africa. The conference organised three thematic plenary sessions and a closing plenary session with 15 respected key note speakers from South Africa and the rest of the world. Every plenary session was followed by 3 round table sessions hosting more than 30 speakers from South Africa and the rest of the world. The conference has hosted some 120 participants from Australia, Belgium, Congo, Germany, Liberia, the Netherlands, Nigeria, Senegal, South Africa, the United Kingdom, and the United States.

Information on the conference, the conference report and the subsequent publications that are considered can be found at the conference website: <http://transitionaljustice.be/rjsa/>

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First expert group meeting of the AGIS 3 project

On January 25-27, the first expert group meeting of the AGIS Project “Restorative justice: an agenda for Europe,” also known as “Going South”, concerned with meeting the challenges of RJ in Southern Europe (SE)¹ took place in Bordeaux. Experts from Turkey, Portugal, Malta, Spain, Italy and Greece together with one expert from France and one from Belgium were able to meet in a very warm and welcoming environment that was offered by the hosting agency *Citoyens et Justice*².

The goals of this first stage of the project were to study the principal features that characterise the situation of RJ in Southern European countries and to identify the main needs which should be tackled to support a better implementation process.

The work during these three days was very intense amongst the experts who brought up important reflections about the underlying causes of the slower development of RJ in SE. Although there are several commonalities related to the legal tradition and the culture, the discussions led to a deeper understanding of the significant differences concerning the historical and cultural backgrounds of each country.

As a result, the group went beyond the discussion of the challenges and, inspired by the good atmosphere, produced very constructive ideas to deal with them. Based on the experiences of other countries and on the supportive factors of one’s own country, several possibilities were devised. Part of these proposals revealed the connection between the “Going South” part of the project and the other part which focuses on the research of what could be the potential role of the European Union in the further development of RJ.

We all left the land of Montesquieu and Montaigne with important findings and constructive ideas that will be developed and defined through the next stages

of the project.

The Lisbon seminar next May will enable the group to further analyse the preliminary findings reached in Bordeaux with judges, prosecutors, policy makers as well as RJ service providers, practitioners and academics. On the one hand this event aims to integrate the perspectives of legal professionals about the degree of applicability of RJ in their daily work and on the other hand the goal is to thoroughly check, with experts and RJ practitioners of other countries, the feasibility of possible strategies.

After this, the next stage will be the second expert meeting in Trier, Germany. At this point the group of experts will build on the findings and input provided at the seminar to further develop the possible strategies. So they will become feasible and applicable at the end of the process, which is planned to be in April 2008 within the Biennial Conference of the European Forum in Rome.

We hope we can count on as many of you as possible in Lisbon!

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1. As was announced in the last issue of the Newsletter, this project has two objectives: on the one hand to identify whether there is a need for further regulation about restorative justice at the level of the EU and, on the other hand to provide an effective support to the development of restorative justice in Southern Europe. More information about the AGIS Project “Restorative justice: an agenda for Europe” is available on <http://www.euforumrj.org/projects.AGIS3.htm> or by contacting the secretariat (info@euforumrj.org) or Clara (clara@euforumrj.org).
2. Although Greece could not join the meeting, the country was also present in the discussion through the materials provided by the expert.

The implementation of restorative justice in the Republic of Moldova

In the Republic of Moldova the implementation of restorative justice started in 2001, when a working group on alternatives evaluated the possibilities of implementing alternatives to detention, and mediation was a part of this complex objective. The organisation most involved in the implementation of restorative practices in criminal law in Moldova, was the Institute for Penal Reforms.

In 2003, training on mediation started. First of all a training programme for judges, prosecutors and police officers was prepared, with the goal of informing the judicial community about the new approach to

offending and particularly about restorative justice.

In 2004, training for mediators was organised. About 20 mediators were trained to lead victim-offender mediation. The biggest contributions to the training process came from Krzysztof Pawlowski from Poland and Roman Koval from Ukraine. Also some national experts were involved from the fields of law, social work and psychology (Vasile Rotaru, Marcela Dilion, Svetlana Rijicova). During training modules the participants were informed about the particularities of Moldovan law (Criminal Code and Criminal Procedure Code) and which cases

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can be referred to mediation. However, the focus of the training was to develop the skills, methods and techniques applied in the process of mediation. Each of them was practised during exercises and role plays.

In February 2005 the Mediation Centre started its activity. Some results of mediation activities are presented below.

Results of mediation

The period of reporting: 01.02.2005 - 01.10.2006

* >150 referrals

> 125 cases were selected to start the mediation process

* 79 cases were mediated (40 juveniles, 39 adults)

* 55 (70%) reconciliation agreement reached

At first, mediation was implemented only in juvenile cases, but later on, after about six months, it was extended to adult offenders.

Five mediators, with backgrounds in social work and psychology, are working in the Centre. As Chisinau City is split into five districts, each mediator is responsible for one district court and its prosecutor's and police office. Because mediation is a new institution in

Moldovan legislation, they have to spend time and effort in order to inform the people responsible for criminal prosecution and judgement about mediation, its importance and effects. This way of implementing mediation presents some difficulties, but accumulates and puts into practice experience that will be extended.

Starting from November 2006, the piloting of mediation will be extended to Ungheni District (north of the Republic of Moldova). In 2007 implementation will start in Cahul District (south of the Republic of Moldova) too.

On 25 May 2006, the draft law on mediation in criminal cases was approved in the first reading by the Parliament of the Republic of Moldova. The law regulates the procedure for referring cases to mediation, the principles of mediation, the administrative organisation of mediation and the rights and obligations of both the mediator and the parties.

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