



# Newsletter of the European Forum for Restorative Justice

## Editorial

The development of restorative justice (RJ) in Europe is like a colourful patch-work: various objectives, activities, stakeholders, processes, achievements and instruments can be seen in the different countries under the heading of RJ.

Similarly, this issue of the Newsletter also demonstrates this diversity. The articles do not only present the state of affairs of RJ in certain countries, but also give an insight about how different approaches can be taken while putting the restorative concept into practice.

An interesting grass-root process can be seen in *Serbia and Montenegro* where – as a result of a highly multidisciplinary working group – the juvenile justice system has been reformed and RJ has gained a significant role in it. The article by Dusica Vujačić-Ričer and Jasna Hrnčić shows a convincing approach by which multi-agency cooperation, national and international partnerships and complex pilot projects can be highly effective in putting the restorative approach into practice.

*Lithuania* is following a different route: currently the legislative background focuses on alternative dispute resolution, especially in civil cases. As Renata Mienkowska's article discusses, recent research on the attitudes of the judiciary and law students towards mediation shows that they are quite supportive towards this approach, recognising its beneficial impact on the parties.

We could call an 'ideal path' the way in

which RJ has become legally and institutionally implemented in *Finland*. Aarne Kinnunen's overview shows the organic process by which Finland has gradually developed its mediation system at grass-root level since 1983. After more than 20 years of conducting local project, as a result of long-term preparatory work, in 2005 mediation was recognised in national legislation. On the one hand, this reform provided a standardised protocol and institutional network for mediation in the whole country. On the other hand, it kept the original bottom-up character of the system by using volunteer mediators, and organising the services at local level (with the cooperation of state provincial offices and local municipalities). Another unique characteristic of the Finnish scheme is that it is organised under the Ministry of Social Affairs and Health and clearly shows the strong link between social work and the justice system. Read this article to learn more about how a country of 5.3 million inhabitants can envisage 10,000 mediation cases annually.

As you can see, this issue shows the richness and diversity of the various RJ approaches in different regions of the European continent. By reading about these developments we can acknowledge: '*varietas delectat*' is still very true ...

Enjoy reading it!

**Borbala Fellegi**  
Member of the Editorial Board

## RJ and VOM initiatives in Serbia and Montenegro

UNICEF global efforts in the area of juvenile justice are directed towards the reduced incarceration of juveniles and the development of policies and practices that encourage the use of alternatives to deprivation of liberty. Together with governmental and NGO counterparts, UNICEF in Serbia and Montenegro (S&M) promotes community

rehabilitation as a safer and more effective approach to reintegrating the child into society than the prevailing retributive approach. For these reasons, UNICEF strongly advocates restorative justice (RJ) approaches, diversion, and alternatives to custodial sentencing.

UNICEF in S&M has been supporting gov-

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ernmental efforts to reform the juvenile justice system since 2001, which led to the initiation of the juvenile justice reform project “Children’s Chance for Change” (CCC) in 2003. The project has been developed in partnership between the Serbian & Montenegrin governments, UNICEF and the Swedish International Development Agency (SIDA). The overall project objective is to promote comprehensive and multidisciplinary reform of the juvenile justice system in S&M aimed at improving the protection of the rights of children at risk and in conflict with the law.

Within the CCC project, UNICEF in Serbia lobbied for, and provided support for, the development and adoption of the new Juvenile Justice Law (JJ Law) which came into force in 2006. The Law provides a legal basis for RJ approaches and victim-offender mediation (VOM), as a means of diverting children aged 14-18 (14 is the age of criminal responsibility in Serbia) from entering the legal system.

In parallel with the support for the development of the JJ Law, the project introduced, for the first time ever in S&M, RJ and VOM for children in conflict with the law and at risk, using a strategy which combined:

- lobbying and advocacy efforts directed towards decision makers, juvenile justice experts, local communities, and University authorities;
- systematic capacity building of juvenile justice stakeholders;
- initiation of several pilot projects at strategically selected sites.

This strategy ensured that piloted diversion models adjusted to local conditions were already developed and ready for replication when the JJ Law was endorsed in 2006 introducing a legal basis for the diversion of children from entering into legal procedures.

### **Strategy and action**

Based on the findings of the thorough country-wide assessment of the Serbian juvenile justice system conducted in 2001, UNICEF recommended piloting a Diversion Scheme Project (DSP) and held round table discussions to present RJ concepts and possible models of diversion to the juvenile justice stakeholders. The pilot project was set up in Niš, the second largest city in Serbia. 39 participants from different sectors (judiciary, prosecution, police, social work, education, including children themselves) agreed to develop the model that was considered the best match for the local environment – VOM, and were trained by the prominent UK expert, Ms Marian Liebmann, in VOM basics (5 days) as well as in the application of VOM in culturally diverse settings (5 days). A memorandum of Understanding for DSP was signed by UNICEF, the City Council of Niš, the Niš Centre for Social Work and

four Serbian ministries (Justice, Education, Social Protection and Law Enforcement) spelling out each party’s respective roles in piloting the diversion of children in conflict with the law from legal proceedings.

DSP participants formed working groups, each with a specific aim to further elaborate critical aspects of the project (Community mobilisation, Youth justice, Monitoring and evaluation, etc.).

Multidisciplinary and participatory approaches to the development of the DSP, accompanied by continuous technical guidance provided by UNICEF, gave a chance to project stakeholders to shape up the project, develop a sense of ownership over the project from the beginning, improve their working relationships and develop greater understanding of their roles in bringing about change for children in their communities.

Based on the DSP experience and continuous capacity building of juvenile justice stakeholders provided by UNICEF, the demand for the dissemination of VOM practice throughout the country grew.

### **Testing the first conclusions**

The UNICEF-led initiative in RJ and VOM nowadays encompasses the following:

- Fully operational Mediation Centre in Niš, Serbia.
- Fully operational Mediation service in the Juvenile Correctional Institution in Kruševac/Serbia developed as an alternative to the disciplinary system in the institution and offering VOM as an effective method of conflict resolution among the inmates.
- Mediation Network encompassing community based VOM in the 14 municipalities in Serbia.
- Inclusion of VOM services in the Mediation Centre within the Belgrade Centre for Social Work (in 2006).
- Establishment of the Mediation Service in Bijelo Polje, Montenegro (in 2006).
- Inclusion of VOM into the curricula of the Faculty of Political Sciences Belgrade University/Serbia (since 2005).
- Establishment of the Serbian Association of Mediators (since 2006).
- Initiation of multilevel networking of the S&M RJ initiative with leading European RJ experts/organisations (since 2004).
- Revision of legislation of both S&M which provided a legal basis for the development of RJ and VOM (Law on Mediation, 2005; JJ Law, 2006).
- Support of the Serbian Ministry of Justice to set up the National/Republican Centre for Mediation (RCM) which includes VOM as one of five types of mediation available.
- A comprehensive RJ and VOM Manual (based on training materials developed within the CCC

project) endorsed by the Ministry of Justice as the official training manual for VOM.

- More than 200 well-networked mediators throughout the country trained to apply VOM, of whom 50 trained as VOM trainers.

Although still far from becoming an EU Member State, the governments of S&M entering into a partnership with UNICEF/SIDA to reform the juvenile justice system, demonstrated their firm commitment to:

- reforming the existing legislation and regulations.
- promoting the required shift from retributive to RJ.
- supporting the implementation of RJ and VOM.
- up-grading standards of practice in dealing with children at risk and in conflict with the law.

### **Challenges and future steps**

Consistent application of the new JJ Law and systemic effort in mainstreaming practices developed within the CCC project, represents a firm basis for further develop-

ment of children's rights based justice systems in S&M. However, there is still a long way to go to ensuring the prevalence of restorative over retributive justice. At the moment, a number of questions are open, such as how to include diversion schemes as a permanent service of the social protection system in S&M, accreditation and licensing, continuous education, systemic supervision, monitoring and quality control mechanisms, etc. Those challenges have been addressed in a systematic manner; publication of the RJ and VOM Manual jointly by the Ministry of Justice/RCM and UNICEF generates optimism regarding further mainstreaming and dissemination of the successfully piloted RJ initiatives, led and supported hitherto by UNICEF.

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## **A few thoughts on mediation in Lithuania**

### **Introduction**

In many countries the idea of restorative justice (RJ) was born in the society and then was overtaken by the legal system (see for example the United States). In Lithuania, the concept of RJ appeared as one of the alternatives to litigation, within the legal system first and then as an idea to be offered to society. One of the most effective means of implementing the idea of RJ is mediation.

Mediation in Lithuania is not well-known. It is not on the list of government-licensed categories of economic activities, which means it can be undertaken in an unlimited way by entrepreneurs, freelancers or NGOs. There is no law restricting its use; however, it would be an exaggeration to claim that there is a lot of support for mediation in the Lithuanian legal system.

### **Recent situation of mediation in civil matters**

Since 2003 various means of resolving conflict among a group of social partners (so called collective labour disputes) have been used, among them mediation as an alternative for conciliation and arbitration. Mediation is, however, applied in such disputes rather rarely.

As regards mediation in private matters, there has been a lot of progress in implementing ideas leading to its promotion in Lithuania, mainly by conferences and seminars; however there is still a lot to be done to extend access to information about mediation in this country. As has already been said, more has been done in the field of introducing mediation in the Lithuanian legal system. The Minister of Justice by his ordinance No 1R-138 established a working group to consider the major problems of putting the regulation of the Civil Code into practice. The group prepared draft regula-

tions on mediation in private matters. The project offers a great possibility to create suitable conditions for the development of mediation in Lithuania. This project will soon be considered by the government.

The project is based on a "soft" ideology of legal regulations, that is, it does not describe the process in a detailed way; it only sets the most important standards of mediation, leading to better quality, greater effectiveness and more common use. The project sets out a definition of mediation, its procedures, principles, range of use, recognition within the legal system and its relations with litigation, arbitration etc. The project also establishes standards for mediators' activities during the mediation process and their ethics.

Presently, in civil law it is possible to solve a dispute by concluding an agreement. This possibility is particularly important in the context of one of the most important purposes of the civil procedure, namely, restoration of peace between the parties to the dispute.<sup>1</sup>

Article 42 of the Civil Procedure Code enables parties to make an agreement.<sup>2</sup> Article 228 of the Code obliges the court to try to conclude such an agreement every time the parties seem to tend to conciliation or the regulations clearly point out conciliation as the preferred (best in the given conditions) means of dispute resolution.<sup>3</sup> It seems that there should be no objections if the dispute was solved as a result of mediation and then recognised by the court. However, the lack of knowledge about mediation among lawyers makes the above mentioned possibility rare.

### **Empirical research related to mediation**

Not much empirical research has been done in the field of mediation and RJ in Lithuania; however, there are



some visible tendencies among young social and law researchers to take these topics more and more into consideration when analysing the Lithuanian legal, social and even political system. One example is the research conducted by Renata Mienkowska at the end of 2005, giving an overview of the knowledge of judges and law students about mediation and the idea of RJ and their attitudes to them. The background of the research was a conviction that the situation of mediation and the idea of RJ in Lithuania are dependent not only on the social and legal regulations related to it but also on the attitude of lawyers, particularly judges, to this concept. The research was done among 46 judges and 39 law students (aged between 21 and 22). Participants in the research were asked to answer some multiple choice questions and some open questions. The most important results of the research are the following:

1. Lawyers are more “humanistically-oriented” (oriented towards satisfying participants in a dispute) than “legalistically-oriented” (oriented towards procedural justice).

2. A large majority of the lawyers surveyed think that both parties can be satisfied with the result of a civil procedure and only a few of them think that there are “winners” and “losers” in such a procedure.
3. There is a discrepancy between declared and real knowledge about mediation among judges and law students (the scale related to declared knowledge: 1 - very little, 2 - little, 3 - satisfactory, 4 - good, 5 - very good knowledge; the real knowledge was defined on the basis of answers to some questions given in the poll).
4. Judges and law students point out more psychosocial advantages of mediation (satisfaction of the parties, their greater responsibility for the agreement etc.) than institutional ones (less workload for judges, shorter procedure etc.).

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1. *Lithuanian Code of Civil Procedure*, article 2, Lietuvos Respublikos teisingumo ministerija Teisinės informacijos centras, Pirmas leidimas 2002 04 24, p. 19.
2. *Ibidem*, p. 35.
3. *Ibidem*, p. 117.

## Restorative justice and mediation in criminal cases in Finland

The first research and development project involving victim-offender mediation (VOM) in Finland began back in 1983 in the city of Vantaa, located next to the capital, Helsinki. The main reason for the rapid expansion was that Finnish criminal policy and social services, especially as regards children and young people, were perceived as lacking alternatives at that particular time. Various parties considered that mediation offered a new resource to solve problems experienced as difficult and involving young offenders.

In fact, one special feature of VOM in Finland is its success at grassroots level. Guidance and supervision by State authorities have been minimal. Furthermore, it is important to mention that volunteers do the practical work of mediating. They are trained to serve as mediators but do not get paid; instead they receive only nominal reimbursement for their expenses.

Unlike many other countries, mediation in Finland has strong ties to social work and youth work. One of the most valued results of the mediation process is that the offender and the victim discuss the conflict and discharge their emotions. Mediation offers the victims an opportunity to meet the offender and explain the outcome of the offence. At the same time the offender has an opportunity to learn to take responsibility for his/her actions, to apologise and to seek to make amends for the damage caused. Mediation also opens up prospects of guiding offenders who may be suffering from various problems towards social welfare and health care services. Thus, mediation procedures

are not viewed solely from a legalistic perspective as an alternative way of dealing with criminal cases; at least equally important is their function in seeking to socially reintegrate the offender and help the victim.

Before legislation on VOM came into force in 2006, local authorities arranged and financed mediation functions according to their own needs and financial considerations. Municipalities either arranged the services themselves or purchased them from a non-governmental expert organisation. In practice, mediation services were not arranged at all in nearly half of the municipalities in Finland. It was difficult to arrange such services especially in sparsely populated communities in rural areas. In fact, VOM started to face severe criticism based on the fact that only part of the population could participate in it, which was thought to contradict the principle of equality. There were also worries whether legal safeguards of the parties could be guaranteed within processes based on the work of volunteer mediators.

### The new legislation and State financing

The attempt to promote a more systematic organisation and legislation on mediation began in the 1990s. The work was done within several subsequent working groups under the Ministry of Social Affairs and Health. These working groups had representatives from different ministries, criminal justice authorities, the research field and service providers.

In Finland the Act on Mediation in Criminal and Certain Civil Cases (1015/2005) came into force on 1

January 2006. The aims of the legislation are to ensure adequate funding from the State budget for organising such services, to arrange governmental guidance and supervision, and to establish conditions for future development, education and observation. By the law mediation services became available across Finland on 1 June 2006 and in terms of equality and legal protection all citizens have equal opportunities to resort to mediation and to obtain good-quality mediation services regardless of their place of residence. Furthermore, by introducing new legislation the authorities are seeking to make mediation practice more uniform and to provide more effective guarantees for the legal rights of both the offender and the victim.

The Act contains provisions on the administrative organisation of mediation services, government compensation for operating expenses and the procedure for carrying out mediation. The Council of State had appointed earlier an Advisory Board on Mediation in Criminal Matters for national guidance, monitoring and development of mediation work. In the final phase of drafting the legislation the Advisory Board carried the main responsibility. Further provisions on the duties and composition of the Advisory Board on mediation in criminal cases and certain civil cases are laid down by Government decree (12.04.2006/267).

The objective of the VOM process is a written agreement in which the offender acknowledges the offence and agrees to make material amends or community service. Other acceptable outcomes include an apology or the offender's agreement as to his/her future behaviour. The outcome is reported to the prosecutor. Mediators are also responsible for the supervision of the agreement. Ultimately, the victim can enforce the agreement by law.

It is absolutely essential that the issue of participating in the mediation process and of withdrawal from it at any time remain matters to be decided by the parties concerned. In principle, any type of crime can be dealt with through mediation, regardless of the category of the crime. According to the Act, crimes are dealt with by mediation if they are deemed eligible, taking into account the nature and method of the offence, the relationship between the suspect and the victim, and other issues related to the crime as a whole. The decision is entrusted, on the one hand, to the police and prosecutor when deciding which crimes to refer to mediation, and on the other hand, to the mediation office when deciding which cases to mediate. VOM services in Finland focus predominantly on criminal cases and specifically offences committed by children and young people. The new legislation does not have any age limits for offenders or victims.

A crime must not be referred to mediation, however,

if the victim is underage and has a special need for protection on account of the nature of the crime or his/her age. For instance, sexual offences against children must be excluded from mediation. Assaults where the victim is very young should not be conciliated either.

### **The structure of victim-offender mediation**

The main responsibility for the nationwide development of mediation services, and for the general supervision, management and monitoring falls within the sphere of the Ministry of Social Affairs and Health.

Each State Provincial Office (five altogether) is responsible for arranging mediation services and ensuring that they are appropriately accessible in all parts of the province. The services are provided on the basis of commission agreements. A State Provincial Office makes an agreement with a municipality or some other public or private service provider.

At present, there are 25 mediation offices in Finland. These offices employ 90-100 mediation coordinators or advisors working as recruited staff members. The number of volunteer mediators is currently about 900. Within this new structure, about 10,000 cases are expected to be mediated annually.

According to the studies from 2003, most (95%) of the cases undergoing mediation were criminal cases, the majority of them subject to public prosecution. The mediation cases were principally cases of assault (45%), theft (1/10) and malicious damage (1/5). Other crimes referred to mediation included unauthorised use of a vehicle, defamation and fraud. Civil cases accounted for 5%. 15% of the offenders referred for mediation were children under the age of 15. Offenders under 21 accounted for 56%. Mediation was started in some 90% of all cases referred to mediation, and 96% of these ended in an agreement. More than 80% of the agreements were fulfilled.

Apart from criminal cases, mediation may also deal with civil cases in which at least one party is a private individual. Thus, litigation cases between two companies, for instance, are excluded from the VOM-service. Mediation offices assess whether dealing with a particular civil case through a mediation process is expedient or not.

Legislation in Finland does not prohibit domestic violence from mediation. However, there has been discussion (most importantly in the Legal Affairs Committee of the Parliament during the law drafting process), whether those cases can be mediated at all. Criticism is based on concerns about the skills of voluntary mediators to mediate domestic violence and on concerns that offenders might avoid legal actions if the case has been dealt with within mediation. The end result is that the Act on Mediation has certain limits for cases involving domestic violence.

## The goals of victim-offender mediation

In Finland mediation has been viewed as most rewarding among young offenders in view of its contribution to preventing re-offending. However, the Finnish experience has been that mediation can be used not only for offences committed by juveniles but also for those committed by adults, and even offences of moderate severity may be open to mediation.

It is part of the special character of Finnish mediation work that mediation has not been harnessed as a continuation or by-product of the criminal justice system. It still endeavours to remain a genuinely voluntary manner of settling human conflict. However, mediation currently has a relatively major impact on decisions of the police, public prosecutors and the courts, because since 1997 such settlements may constitute grounds for not pressing charges and not proceeding to trial. From the beginning of 2004 an out-of-court mediation is also viewed as grounds for mitigating punishment according to the general principles of the Finnish Penal Code. However, no formal conditions for non-prosecution and mitigating the sentence have been prescribed with respect to the results of the mediation process. It must be stressed that the prosecutor and the court do not have to take the mediation into account. The mediation process does not overrule the right of decision of the prosecutor or court. The mediation service can never make a “promise” to the offender that the case will be dismissed or the sentence will be mitigated if the mediation process is successful.

The legislators in Finland have decided not to “over regulate” mediation. For example, there are no definitions of which categories of crimes can be mediated. The Police Department of the Ministry of the Interior has issued guidelines for the police and the Office of the Prosecutor General has dealt with the issues that concern prosecutors in the Act on Mediation. Most importantly, in the Finnish legislation mediation is

seen as a “public service” where anybody can take their case to mediation even without the referral from the police or prosecutor. Cases of domestic violence pose an exception to this general rule. Only the police and the prosecutor have a right to submit cases of domestic violence to mediation.

In Finland the development of RJ has extended beyond the usual VOM. The notion of “social mediation” has been applied on a trial basis for preventing and resolving conflicts between ethnic groups and between ethnic minorities and the majority population. The results of this trial have been encouraging. Peer mediation work has also rapidly developed since the beginning of the century. This approach is currently used in more than one hundred schools throughout Finland, with active measures under way to expand use of the practice still further. The legislation on mediation of civil disputes and confirmation of settlements in the general courts of law came into force in 2006. Mediation is now an alternative to civil legal proceedings. Furthermore, the mediation procedure offered by the Finnish Bar Association may be used in civil disputes pertaining to business life and employment relationships. This takes the form of voluntary and confidential negotiation between the parties with a view to conciliation, which is assisted by an impartial third party.

In the Finnish point of view there are many undeniable advantages to RJ and mediation. Viable agreements are reached rather quickly and at low cost. The offenders have been motivated to compensate for damage and the rights of victims have been promoted. In most cases the parties have been satisfied with the process. All in all, it can be said that there has been a “social movement” for VOM in Finland, within which mediation has been viewed as a method of tackling crime problems and improving local social cohesion at the same time.

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## Readers' Corner

- *Families Shamed - The consequences of crime for relatives of serious offenders*, by Rachel Condry (2007). This book examines the experience of relatives of those accused or convicted of serious crimes such as murder, manslaughter, rape and sex offences. The book focuses on how relatives made sense of their experiences, individually and collectively: how they described the difficulties they faced; whether they were blamed and shamed and in what manner; how they ‘understood’ the offence and the circumstances which had brought it about; and how they dealt with the contradiction inherent

in supporting someone and yet not condoning his/her actions. For more info: [www.willanpublishing.co.uk/cgi-bin/indexer?product=184392207X](http://www.willanpublishing.co.uk/cgi-bin/indexer?product=184392207X).

- *Doing Justice Better. The Politics of Restorative Justice*, by David J. Cornwell (2007). An uncompromising appraisal of the unique penal crisis affecting Britain and other Western-style democracies. Escalating resort to prisons, longer sentences, overcrowded and ineffective regimes, high rates of re-offending and eclectic penal policy all combine to fuel this crisis, whilst failing to reduce offending. In this new book, David J. Cornwell argues that the



symptoms of this penal malaise are grounded in media sensationalism of crime and the need of politicians and contemporary penology based on restorative justice. The book challenges the status quo, asks 'different questions' and places victims of crime at the centre of the criminal justice process. For more information: [www.watersidepress.co.uk](http://www.watersidepress.co.uk).

- *Restorative Justice in Prisons - A Guide to Making it Happen*, by Kimmett Edgar and Tim Newell (2006), with a foreword by Erwin James. This book sets out to translate theory and words into mainstream practice. It will be of interest to a wide range of prison and RJ practitioners, judges, magistrates, police officers and probation officers. For more information: [www.watersidepress.co.uk](http://www.watersidepress.co.uk).
- *Images of Restorative Justice Theory*, by R. Mackay, M. Bošnjak, J. Deklerck, C. Pelikan, B.

van Stokkom and M. Wright (eds.) (2007). This is the first book in a series called "Contributions to sciences concerned with criminal justice". It results from COST Action A21 on "Restorative justice developments in Europe" and will deal with some of the major discussion points in restorative justice theory, concentrated around three fields of theoretical enquiry: restorative justice and society, restorative justice and the law, and the restorative justice process. The second book in this series, *Regulating Restorative Justice. A Comparative Study of Legislative Provision in European countries*, edited by David Miers and Ivo Aertsen, will look into European legislation on restorative justice in a comparative way. Both books will be published at the end of 2007 by Verlag für Polizeiwissenschaft: [www.polizeiwissenschaft.de](http://www.polizeiwissenschaft.de).

## Opening a door for victim-offender mediation in England

Yet another draft Bill on criminal justice is expected to be debated in Parliament early in 2008. The Criminal Justice and Immigration Bill (which contains only one clause about immigration) has been described as a collection of thoughts of Mr Tony Blair, on the day he resigned as prime minister. Although the Bill does not contain the words 'victims' or 'restorative', reparation is listed as the last of four objectives of sentencing.

A number of sentences will be combined into a 'youth rehabilitation order', which can include various 'requirements' (Schedule 1, para. 8). One of these is an 'activity' which 'may consist of or include an activity whose purpose is that of reparation, such as an activity involving contact between an offender and

persons affected by the offence'. This opens the door to restorative practices, at least for juveniles, although it remains to be seen whether the Youth Justice Board will provide funding.

Prosecutors will also be able to order young people to be given a 'youth conditional caution' (Schedule 11, para 3, 66A(3)), which *may* have the object of 'ensuring that the offender makes reparation for the offence'; but, again, there is no mention of funding. Conditional cautions for adults were introduced in the Criminal Justice Act 2003; they are beginning to be introduced, but there is little use of the restorative possibilities so far.

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## Newsflash

- A Working Group on Mediation was set up within the context of the Council of Europe. Its task is to enable a better implementation of the Recommendations of the Committee of Ministers concerning mediation (in family, civil and penal matters). In particular, the Working Group has provided for: assessing the impact in the States of the existing Recommendations concerning family mediation (Rec(98)1), mediation in penal matters (R(99)19), alternatives to litigation between administrative authorities and private parties (Rec(2001)9) and mediation in civil matters (Rec(2002)10); drafting guidelines and specific measures aimed to ensure an effective implementation of the existing Recommendations; suggesting areas in which it could be useful to draft new international legal instruments or amendments to existing ones, while taking into account the work of other institutions, and in particular the European Union. The Board

of the European Forum for Restorative Justice has addressed a letter to the Working Group, providing some comments on the work already performed concerning the Recommendation on mediation in penal matters, and offering support for the future.

- New changes and amendments to the Bulgarian Mediation act were introduced at the end of 2006. These raised requirements that mediators must meet regarding training and registration in the Unified Register of Mediators. It is envisaged that the Minister of Justice will approve the mediator training organisations with a ministerial order. The new rules have been detailed in Ordinance No 2 of 15 March 2007 on the conditions and procedures for approval of organisations providing training for mediators; on the training requirements for mediators; on the procedure for entry, removal and striking off mediators from the unified register of mediators; and on the procedural and ethical rules

for mediators, issued by the Ministry of Justice.

- The Ukrainian Centre for Common Ground in cooperation with the General Prosecutor's Office and the Academy of Prosecution of Ukraine launched the first permanent course on restorative justice at the Academy of Prosecution in September 2007. The course is designed for both prosecutors within ongoing training (20 hours) and graduate students of the Academy (40 hours).
- Heartspeak Productions creates multimedia presentations promoting restorative justice values and practices. Its documentary "A Healing River" has received good reviews. Clips from that documentary and other sources are now posted on YouTube. To view the clips go to: [www.restorativejustice.org/](http://www.restorativejustice.org/)

editions/2007/november07/youtube (Source: *Restorative Justice Online*).

- A recent UK survey of 1,085 victims of non-violent crime found that almost half (49%) placed punishment as the most important part of an offender's sentence, with reparation second most important (43%) and 'rehabilitation' third (36%). But while punishment comes top, a further survey of victims found that 81% would prefer an effective sentence rather than a harsh one with 63% disagreeing that prison is always the best way to punish someone. 58% of victims agreed that it would be harder for an offender to face up to their problems in the community than receiving a short-term prison sentence.

## Calendar

- 10-11 March 2008, Tilburg (Netherlands), "Developing standards for assistance to victims of terrorism". This is the final conference of the European Commission co-funded project promoted by the European Forum. Part of this conference will be devoted to the possible contribution of restorative justice principles in dealing with victims of terrorist attacks. See: [www.tilburguniversity.nl](http://www.tilburguniversity.nl).
- 10-12 April 2008, Belfast (Northern Ireland), "European Mediation Conference 2008: Building Relationships and Getting Results". This date will be the 10<sup>th</sup> anniversary of the signing of the internationally mediated Good Friday Agreement. For more information: [www.mediationconference.eu](http://www.mediationconference.eu).
- 17-19 April 2008, Verona (Italy), "Building restorative justice in Europe. Cooperation between the public, policy makers, practitioners and researchers", Fifth biennial conference of the European Forum for Restorative Justice. For more information, please visit: [www.euforumrj.org/Activities/conferences.htm](http://www.euforumrj.org/Activities/conferences.htm).
- 20-25 July 2008, Barcelona (Spain), "15<sup>th</sup> World Congress of the International Society of Criminology". One of the three main domains focuses on 'Victims and Restorative Justice'. You can find more information at: <http://perso.orange.fr/societe.internationale.de.criminologie>.

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**Newsletter of the European Forum for Restorative Justice v.z.w.**

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