

# European Forum for Restorative Justice

## Editorial: Special Issue Newsletter on Conferencing

As we are about to finish the project entitled 'Conferencing: a way forward for Restorative Justice in Europe' which has run for the past two years in Leuven (Belgium), this special issue of the newsletter dedicated to conferencing is timely and a perfect opportunity to look back at what happened and what we have achieved.

The project started in May 2009 and was run by the European Forum for Restorative justice and co-funded by the European Commission.<sup>1</sup> The main collaborators on the project were myself as coordinator and Ms Carmen Borg as researcher. A number of other people have also collaborated at various points and in various capacities such as Karolien Mariën, Jeanine Dams and Marlies Teunkens and Brunilda Pali in particular.

This research project consisted of an explanatory study of conferencing practices, for both adult and young offenders and for low and high level crimes, and their further applicability within Europe. We, with the support of a steering group composed of both academics and practitioners, focused our work on 3 main research questions:

1. To what extent has conferencing been developed internationally?

2. What are the processes used in and outcomes achieved by conferencing, and how do they compare to victim-offender mediation (VOM)?

3. How could conferencing practices be developed further in Europe?

As this is the first study on this specific topic in Europe, the information was gathered not only by conducting an extensive literature review but also by developing an international survey, conducting interviews with relevant stakeholders and doing a number of study visits. We participated in the organisation of the European Forum's international conference in Bilbao, Spain (June 2010) and organised an expert seminar in Leuven, Belgium (September 2010) which was attended by 60 persons.

Preliminary results of the project were presented at the expert seminar in Leuven and at the European Society of Criminology Conference both in September 2010. The results of this project are now being written up in a scientific report. We have also developed a practical guide on setting up conferencing programmes in Europe<sup>2</sup>. Finally, not directly related to the project but still of rel-

evance, a book<sup>3</sup> will be published with Oxford University Press, loosely based on contributions to the expert seminar and with conferencing as main theme.

This special issue newsletter, which is also a result of the project, is divided into parts. The first reflects on activities organised within the project: Gert Jan Slump offers us insights on some of the discussions which took place during the expert seminar on Conferencing. Inge Vanfraechem discusses some of the workshops which were dedicated to conferencing in the last international conference. The second part of the newsletter is dedicated to issues we were keen to emphasise. Torunn Bolstad writes in some detail about the very interesting and forward-looking national policy towards conferencing in Norway. Finally Kelvin Doherty presents the Youth Conferencing Service in Northern Ireland, which is one of the most striking examples of how conferencing can be included in a criminal justice system, with amazing results for victims, offenders and the community in general.

To conclude additional aspects emerged from our research project which are worth mentioning: for example that the boundaries between mediation and conferencing are blurred indeed, that there is much more conferencing going on than we ever believed before starting the project and that we strongly believe this programme will develop even more in the future since it is so malleable, adaptable, and successful at so many levels. We hope you will enjoy reading the newsletter and our report and become inspired to do lots of conferencing in the years to come!

**Dr. Estelle Zinsstag, Project Coordinator  
European Forum for Restorative Justice**

1. For more information see <http://www.euforumrj.org/projects/projects.conferencing.htm>

2. You will be informed by a newflash of the European Forum when the report and guide are available to the public.

3. Edited by Zinsstag, E. and Vanfraechem, I.

MAY 2011

Volume 12, issue 1

Inside this issue:

Editorial: Special Issue Newsletter on Conferencing	1
Conferencing: A way forward for RJ in Europe. Reflections and remarks	2
Events	3
Restorative Youth Conferencing in Northern Ireland	3-5
Newsflash	6
International conference in Bilbao (June 2010). Conferencing in Europe and beyond	6
Reader's corner	7
The present Norwegian policy on RJ and conferencing	7-8

## Conferencing: A way forward for Restorative Justice in Europe

### Reflections and remarks

From 14 to 16 September 2010 some 60 people from around the world gathered in Leuven for an expert seminar on 'Conferencing'. Following a request, I wrote down some reflections and remarks on a number of the topics discussed during the seminar.

#### **Divergence and convergence**

Much of the early discussions and debates focused on definitions and modalities. First of all, when conferencing and mediation are examined, there is always one premise: to let the parties themselves make the choice to participate in such a programme or not, on the basis of clear and transparent information. In addition when comparing conferencing and mediation, it appears that conferencing can be more effective despite higher costs and time consumption. In this respect, restoration is a heuristic notion: sometimes the feeling arises that we are only beginning to understand what it comprises and means. Maybe we should start without exactly knowing the meaning for the people involved and ask them what helped them by participating and thus come to grounded understanding. Let procedures fit the people and not the other way around.

'What's wrong with coercion?' is another topic I remember coming up in the seminar and which still puzzles me. Without any doubt, victims (and offenders) can and should only participate voluntarily. But what about the coercive environment of the penal law system? And what about the community? Will the community only profit from restorative justice (RJ) or is there a moral obligation to promote RJ as a way of empowering good citizenship and promote civil society? In this respect we need to develop normative theory and articulate underlying values, related to the question how RJ works and why it works. Theorizing thereby needs undoubtedly to be connected with practice. What can theory contribute to people in practice and the reverse?

All this demands minimum standards for RJ. We have to work on this collectively, on both a national and an international level and not forget to combine and interact among ourselves to strengthen developments internationally. From this viewpoint we can benefit from the European Council Framework, the Framework of the UN, and of course from developments within the human rights movement.

#### **Policy and politics**

A good example of the above is our host nation Belgium. RJ is heavily featured in legislation, but there are some problems with its implementation. One of the conclusions is that we need a good relationship with the judiciary, through constant debate and discussion. RJ transcends its experimental and scientific phase on the basis of good evidence.

But again, that is not enough. We need development that is

not only based on rationalizations. Emotions are predominant in discussions and practice around RJ and we need to be aware of the fact that this is 'part of the game'. We have to look at how and what the public think and feel. And we need to be aware of the fact that the political agenda is often based on the media and not on public opinion.

The current Framework decision of the European Union on the position of victims focuses solely on mediation and not on conferencing. We need to find out through practice and research whether different forms of RJ can cover the (different) needs of victims, offenders and communities. This is a big challenge at both a national and an international level.

I have already pointed towards the differences between contexts within countries and even within contexts. This emphasizes local and national attention on a policy level. On a European level concrete support for countries where the RJ 'movement' is only just beginning to explore practice may help and is indeed already helping.

#### **Victims and restorative justice**

RJ fits very well within the general concept of working with victim's rights. There is enough evidence (from both theory and practice) to underline this. In this respect we are looking forward to the new Directive of the EU in May 2011.

With regard to the victim an 'impact assessment' on both conferencing and mediation (and maybe in comparison also with more classical provisions for victims within the criminal justice system) might be a good idea. Victims want to be recognized and treated with respect; they want to be protected from the offender and secondary victimization. Support, accessibility of information, both general and on their case, compensation and restoration are important 'parameters' to be measured. Another issue is that of timing of the RJ process and flexibility in that regard for victims of crime (related to coping behaviour).

With regard to victims and conferencing (more than with mediation) there seem to be inherent elements that prevent conferencing from developing an offender-oriented tendency. However, because of the number of participants, the protection of the victim's perspective is of great importance. We need to clarify this in further development by giving proper recognition to the interests of both sides. Together with victim support organizations we all seem to agree that we owe it to victims to make their perspective prevalent. There is an urge to 'transform' together with victim support into the 21<sup>st</sup> century to understand better the need for proper recognition of both sides. In this respect the research project 'Victims and Restorative Justice' of the European Forum may offer us further insights.

**Gert Jan Slump, Restorative Justice Nederland**

## Events

- 15-17 June 2011, Halifax, Nova Scotia, Canada: *Institutionalizing restorative practices: Building alliances among practitioners, policy-makers and scholars*. The 14<sup>th</sup> World Conference of the International Institute of Restorative Practices featuring speakers such as John Braithwaite, Donald Clairmont and Jennifer Llewellyn. More information see [www.iirp.org](http://www.iirp.org).
- 5-9 August 2011, Kobe, Japan: *International Society for Criminology 16<sup>th</sup> World Congress*. Renowned peace builder, social scientist and RJ advocate John Braithwaite, along with a group of RJ advocates, is setting to get restorative peace building on the agenda of the World Congress of Criminology. Panels on RJ are being organised by the Asian Society of Criminology and the Asia Pacific Forum for Restorative Justice. It is hoped that at least one panel will be on RJ in Asia and one on restorative peace building. More information may be found at <http://wcon2011.com>.
- 16 September 2011, Durham, England: *Transitional Justice and Restorative Justice: Potential, Pitfalls and Future*. This one day conference will focus on issues of transitional justice, RJ and criminal justice in the broad context of post-conflict transitions. Streams will include: The role of RJ in transitional justice, the effectiveness of international and hybrid adjudication; and democratic reconstruction, criminal justice reform and human rights. More information may be found at [www.dur.ac.uk/cclcj/events](http://www.dur.ac.uk/cclcj/events).

## Restorative Youth Conferencing in Northern Ireland

The 10 April 1998 was a landmark date in the history of Northern Ireland. On this day the Belfast Agreement was signed by all the major political parties in the province and the British and Irish Governments. This agreement brought an end to over thirty years of civil conflict that disfigured the political and social landscape. The Belfast Agreement, or as it is commonly known, the Good Friday Agreement, enacted a wide ranging review of the criminal justice system in Northern Ireland. The Agreement also set out what the participants in the negotiations believed the aims of the criminal justice system should be. These included the delivery of a fair and impartial system of justice which, importantly, was responsive to the community's concerns, encouraged its involvement where appropriate, and had the confidence of all its members.

When the Agreement was signed there was a broad consensus for the need to reform the criminal justice system which included the youth justice system. The review of justice was carried out between June 1998 and March 2000 by the Criminal Justice Review Group; this included both civil servants and a majority element drawn from academia and the legal profession. The review group commissioned a programme of research into public attitudes in Northern Ireland to criminal justice and also into the experience of other jurisdictions on a range of key issues, including the application of restorative justice (RJ) principles within the justice system. The initial attitudinal research indicated that a significant minority of the population of Northern Ireland lacked confidence in the fairness of the existing criminal justice system. Although the majority of such concerned respondents were from the catholic/nationalist community (39%), this was not exclusive. Indeed, 23% of the protestant/unionist community also reported a similar lack of

confidence. In respect of the application of RJ in Northern Ireland, the research focussed on common law jurisdictions with experience of RJ initiatives such as New Zealand, England and Wales, and Australia.

The Criminal Justice Steering Group identified four options for the implementation of RJ reforms. The first option advocated the pursuit of reparative outcomes such as court ordered compensation for victims. Whilst this provides practical redress for victims, it would not repair any broken relationship between the victim, offender and community or offer anything to address the victim's mental/emotional needs. The second option was to promote RJ programmes outside of mainstream criminal justice but in a supplementary capacity. This is similar to Canadian based RJ schemes, in which the courts refer cases to voluntary organisations that are part state funded. These cases are then conferenced and, if the offender complies, are taken out of the criminal justice system. However, as is the case in Canada, under this proposal RJ would be on the margins of the criminal justice system and could be prone to cuts and marginalisation. The third option was one that would be partially integrated into criminal justice. This is the practice in England and Wales where courts can sentence young offenders to a referral order. A potential meeting will then be arranged between members of a 'panel' consisting of members of a local community and the offender and victim after the order is made in the youth court. The achievements of referral orders and other similar, partially integrated RJ programmes are still relatively modest in respect of victim and community participation with the former being only 13% in referral orders. The fourth proposal from the Review Group was for RJ to be fully integrated into the youth criminal justice system, which would offer all young people a RJ conference for all

offences, except murder and manslaughter. No other jurisdiction had accomplished this although New Zealand had come closest.

The fact that RJ approaches have been shown to be successful in New Zealand, Australia or South Africa does not guarantee transferability from one jurisdiction to another. In each of these countries the nature of restorative practices were influenced by both cultural and political factors. The social and political context of Northern Ireland has its own specific cultural, historical and national legacies that require recognition and accommodation. Any attempt to apply RJ to Northern Ireland needs to take account of such contextual factors.

Loosely based on the New Zealand model of family group conferencing, the Youth Conference Service was launched as a pilot in 2003 as part of the new Youth Justice Agency. Young people are referred by the courts or prosecution service after admitting guilt and giving consent to their involvement in a youth conference. The conferencing process involves a meeting with the young person who has offended, the victim and relevant others such as members of the community who may have been affected by the offence. The focus is on all parties resolving how the young person can make amends to the victim(s) and what can be done to prevent further offending by the young person. At the conference a plan is agreed involving all participants. The 2002 Justice Act allows the conference to agree to any or all of the following:

- apology
- make reparation to the victim, any person affected, or to the community
- make a payment to the victim not exceeding the cost of replacing or repairing any damage
- submit to the supervision of an adult
- perform unpaid work/service in/for the community
- participate in activities to address her/his offending
- submit to restrictions on conduct or whereabouts
- submit to treatment for a mental condition or for alcohol/drugs dependency

In keeping with the voluntarism of RJ, a young person cannot be coerced to agreeing any of the above. Once the plan has been agreed the conference coordinator constructs a formal report to explain to the youth court or prosecutor not only what was agreed but how and why the decisions were made.

In 2010 there were 40 full time youth conference coordinators (facilitators) employed who had facilitated 900 conferences since 2003. The experience accumulated through high numbers of conferences both in New Zealand and Northern Ireland have shown similarly that the most significant factors for a successful Youth Conference are pre conference preparation for victims and offenders and a trained

and competent Youth Conference facilitator. Therefore a significant amount of time is dedicated to the preparation of participants in the Northern Ireland model which includes:

- meeting the young person face-to-face and separately with their parent/responsible adult in their place of residence enabling preparation to participate in the conference to meet the victim
- facilitating the young person in managing their expectations and anxieties for participating in the Youth Conference
- meeting the victim in their place of residence or work to facilitate their preparation to participate in the Youth Conference and managing their expectations and anxieties for participating in the Youth Conference
- revisiting the parties to continue the preparation phase
- meeting and/or contacting other parties who are entitled to attend the Youth Conference, for example: other supervising persons i.e. probation officer or social worker, legal representative or other victim supporters and ensuring they are aware of their role and contribution in the Youth Conference
- identifying interventions for rehabilitation for the young person
- securing reparation opportunities
- securing community service opportunities with neighbourhoods, Councils businesses etc. for making amends and reintegration
- liaising with all parties for an agreed date and location for the Youth Conference and arranging the location and medium for the meeting which satisfies the victim, for example: face-to-face, phone conference, video link conference or two way mirror
- facilitating the Youth Conference

Recent narrative research (Maruna, 2008) conducted with young people who participated in a Youth Conference confirmed many of the propositions of theorists such as John Braithwaite especially the effectiveness of shame management/integrative shaming.

#### **Outcomes of restorative Youth Conferencing in Northern Ireland**

Both victims and young people have indicated high levels of satisfaction with the process, 92% and 93% respectively (Campbell et al., 2006), as do judges. Recent research into recidivism has also been promising with reoffending rates approximately 10% lower than with other community sentences. When measuring the effectiveness of the youth conferencing model in Northern Ireland with the traditional retributive system there is a tendency to focus solely on recidivism. However, this negates from the true value or role of RJ which views the victim as having equal standing. Indeed youth justice conferencing provides a route map for victims through an adversarial system. The success of the Youth Conference Service is, as suggested, due to the time

spent preparing young people and victims for the restorative encounter. Indeed, the rate of face-to-face victim participation is 70% higher than many other restorative programmes in Europe and higher than that of New Zealand. The involvement of victims in the restorative process is vital and we have placed importance on ensuring victims are given every opportunity to take part in the process. Staff resources are in place to allow time to work with victims to prepare them fully for the conference. Not all crimes have a direct victim. The definition of a 'victim' is based upon the U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power which defines a victim as 'persons who individually or collectively have suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal laws proscribing criminal abuse of power'. The term 'victim' also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist the victim in distress or to prevent victimization.

#### **What makes a good conference?**

- Robust preparation. Again perhaps the key lesson learned from New Zealand was preparation and more preparation! With more than 9000 facilitated conferences and one in ten subject to a random sample interview with participants, a common theme emanating from respondents' answers is the relationship between the coordinator and participants which enables the building of trust in the process.
- Safety for all participants.
- A range of options to engage victims. Not all victims want to meet face-to-face with the person who harmed them. By using a range of options, as already suggested, victims are given the choice of how they want to participate. This often results in them agreeing to meet face-to-face since they do not feel compelled to a single mode of participation, which can often result in them declining to participate in a restorative process.
- Facilitation not mediation. This is a key skill for coordinators to learn. Good facilitation avoids mediation which involves interpretative listening. By interpreting the words of others meaning and stories are often diluted leading to frustration by participants.
- Those affected by the crime are the owners of whether there is remorse from a young person. It is not the role of coordinators to act as gatekeepers of the truth/to judge if a young person is remorseful.
- Enabling of story telling or dialogue.
- Reparation is restorative; internal research has illustrated that young people are more likely to complete reparation if it is victim driven.

- No condemnation of young person by participants but condemnation of the behaviour that resulted in the harm to the victim.

#### **What are the challenges?**

- Justice expert tensions; in a society where professional qualifications lead to expert status it is difficult for social workers and probation officers who attend conferences to understand that their role is not to assess or direct but to provide information to the conference for other participants to make decisions.
- Outcomes from the conference must be proportionate to the offence; in a purist RJ model proportionality is not a significant feature but in a criminal justice setting proportionality must be sought.
- The conference involves devolved decision making to those *affected* by the crime.
- The perception of repeat youth conferences. If a young person has repeat conferences for new offences it is sometimes argued within the judiciary that conferencing does not or is not working for that particular individual. This ignores the simple fact that RJ is as much aimed at victims of crime and not only perpetrators. To view RJ as either a method for crime reduction and thereby potentially abusing victims or as a victim directed process is too simplistic. RJ is not parallel roads where one road has to be chosen.
- The conference reaches a consensus on the action plan content; not all conferences result in an agreement and cases will occasionally be brought back to court as a result of a lack of consensus.
- Maintaining the integrity of the RJ model and avoiding the 'McDonaldisation' of RJ whilst working with high volume. Restorative youth conferencing in Northern Ireland may not be perfect or without criticism but it is a bold step forward in taking RJ into mainstream criminal justice. In the Youth Conference Service, justice is transparent, meeting the needs of both the perpetrator and victim. All participants play an active role in resolving the harm caused by crime. For RJ to be successful and mainstreamed the experience in Northern Ireland would suggest it has to be part of the criminal justice system and not subordinate to it and therefore be subject to potential marginalisation. Restorative Youth Conferencing in Northern Ireland is now eight years old. Although still young, it clearly demonstrates both a break with the past and a signal to the future.

**Kelvin Doherty, Assistant Director - Youth Conferencing Service, Northern Ireland**

## Newsflash

- The British Ministry of Justice has published the *Green Paper: Breaking the cycle - Effective punishment, rehabilitation and sentencing of offenders* ([www.justice.gov.uk/consultations/breaking-cycle-071210.htm](http://www.justice.gov.uk/consultations/breaking-cycle-071210.htm)) which states that the government are committed to increasing the range and availability of RJ approaches. It is accompanied by an Evidence Report ([www.justice.gov.uk/consultations/docs/green-paper-evidence-a.pdf](http://www.justice.gov.uk/consultations/docs/green-paper-evidence-a.pdf)) which gives some useful data on the

English system. Para 5.48ff cover restorative methods, and the figure of 14% reductions in re-offending which the Ministry of Justice has at last grudgingly conceded (unfortunately the figure does not appear in the quoted source, Shapland's Fourth Report, but had to be calculated from her data). It also refers to sentencing policy, but does not address the contradiction between punishing and rehabilitation/repairation.

## International Conference in Bilbao (June 2010) Conferencing in Europe and beyond

In June 2010, the European Forum for Restorative Justice (EFRJ) held its 6<sup>th</sup> biennial conference: "Doing Restorative Justice in Europe. Established Practices and Innovative Programmes". About a third of the conference was dedicated to Conferencing, as an innovative practice in Europe, where RJ still seems to be predominantly focused on victim-offender mediation. A plenary session and six workshops dealt with the topic specifically. I will mention some interesting points which came up during the sessions and discussions.

One workshop focused on the role of the victim's community of care, conferencing in Australia and a comparison of different conferencing models. The victim's supporters may on the one hand attend a conference to support the victim, but may also, on the other hand, prove to be an obstacle for the victim to attend when they do not support the idea of them meeting the offender. From the other two presentations, we learn that although conferencing originated in New Zealand and Australia, these countries can learn from recent developments in Europe, for example with regard to cooperation between services and the importance of training.

Another workshop presented a comparison of the Belgian and the Northern Irish conferencing models. Although they both originated from the New Zealand model, major differences are apparent. The Northern Ireland model, for example, seems to go further than the Belgian one in the sense that all juveniles have to be referred to a conference - as is the case in New Zealand - while in Belgium it is up to the judge to decide whether or not to refer a youth. The workshop showed how one model is used as a starting point, but it is adapted to local customs, the legal framework, etc.

Joanna Shapland presented results from an evaluation conducted in the UK, which shows that in general participants in mediation and conferences are satisfied with their experience. In addition she suggested room should be made in the next conference of the EFRJ for participants in the conference, mainly mediators and facilitators, to describe their practices in detail and show videos of various procedures, in order to get a feel of concrete variations between

RJ practices. Estelle Zinsstag presented the project run by the EFRJ on Conferencing and pointed to some preliminary results from the survey that they have developed within the framework of that project.

Howard Zehr in his workshop on victims and RJ referred to the important role RJ practices may play for victims and at the same time stressed that different voices should be heard. A further workshop focused on professionalism and the training of those involved in conferencing. There was a discussion about voluntary vs. professional facilitators, the meaning, origin and role of such a position, going back to Christie's seminal 'conflict as property' and Habermas' 'life-world', understood in this context as representing the community. Community RJ as practised in Northern Ireland was also discussed during this workshop, debating the pros and cons of the involvement of the state and community in RJ.

Rob van Pagée in his workshop presented in real life, by making all participants move their chairs to form a circle to re-enact a conferencing session, the work he and his organisation carry out in the Netherlands, where their programme is mostly developed in the area of youth care. A last workshop focused on mediation and conferencing and their relationship with justice and society. On the one hand, the relationship between RJ practices and the criminal justice system is not always self-evident, and the justice system may be resistant towards incorporating those practices. On the other hand, studying practices in other fields may open the door towards the conception of a 'restorative society'.

These presentations make us wonder whether the differences between mediation and conferencing are as predominant as first thought when we started the Conferencing project. Consequently, the question arises whether we should not rather try and distinguish common grounds between the various practices, starting from the philosophy of RJ? The research results of the project and discussions which emanated from the expert seminar organised in September 2010 in Leuven may shed some further light on this debate.

**Inge Vanfraechem, Project Coordinator - EFRJ**

## Readers' Corner

- *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders*, by Joanna Shapland, Gwen Robinson and Angela Sorsby (2011) analyses the results of the implementation of 3 RJ schemes in England and Wales in the largest and most complete trial of RJ with adult offenders worldwide. It aims to bring out the practicalities of setting up and running RJ schemes in connection with criminal justice, the cost of doing so and the key professional and ethical issues involved. It situates these findings within the growing international academic and policy debates about RJ, addressing a number of key issues for criminal justice and penology, including: how far victim expectations of justice are and can be met by RJ; whether 'community' is involved and how this relates to social capital; how far RJ events relate to resettlement; what stages of criminal justice may be most suitable for RJ and how this relates to victim and offender needs; and the usefulness of conferencing and mediation as forms of RJ with adults. Published by Willan Publishing.
- *Social Work and Restorative Justice: Skills for Dialogue, Peacemaking, and Reconciliation*, by Elizabeth Beck, Nancy P. Kropf and Pamela Blume Leonard (2010) is the first book of its kind to examine the ways that social work and RJ intersect. Each chapter engages readers in an in-depth exploration of the history and contemporary realities of both disciplines, presenting case studies in practice areas such as school settings, communities, domestic violence, homicide, prisons, child welfare, and gerontology. Social workers and RJ practitioners collaborate on each chapter, outlining specific intervention approaches and practice principles that integrate the strengths of each approach in cases ranging from the commonplace contradiction of punishing school students for behavioural problems by depriving them of the opportunity to learn from their mistakes to the role that both social work and restorative processes have played in the rebuilding of Liberia. The authors also importantly highlight tensions between their values, skills, and interventions, such as the risks and benefits of employing RJ techniques in a prison setting. Innovative and forward thinking, the book presents a synergistic practice model that will improve the effectiveness of social workers and RJ practitioners who seek to bring about healing and recovery in families and communities. Published by Oxford University Press.
- *Re-engaging Disconnected Youth: Transformative Learning Through Restorative and Social Justice Education (Adolescent Cultures, School and Society)* by Amy Vatne Bintliff (2011) profiles one programme that succeeds in re-engaging secondary students with their schooling and communities, and should serve as a model for others. In a Midwestern alternative school, three teachers build a curriculum around hands-on learning, RJ Talking Circles, and multicultural education, in the hopes that it would re-engage and inspire youth. This book breaks down stereotypes about youth labeled at-risk and provides evidence that it is never too late to become passionate about learning. Published by Peter Lang Publishing

## The present Norwegian policy on restorative justice and conferencing

The majority of the political parties in Norway are clearly in favour of the use of restorative justice (RJ) and conferencing as part of the criminal justice system, especially when dealing with young offenders. Every year Parliament responds to the finance bill by underlining the importance of mediation and conferencing in the criminal justice system. Nevertheless, the number of cases referred to the mediation services is still limited and RJ still has no noticeable place in the larger criminal policy debate in Norway.

The Norwegian Minister of Justice, Mr Knut Storberget, gave the opening speech for all those working for the mediation services at their annual conference in 2010. He explained why he is a fervent supporter of conferencing: first of all, conferencing contributes to conflict<sup>1</sup> reduction. It is a

fact indeed that a conflict may escalate even further when handled solely by courts. Secondly, conferencing can contribute to restoration, which is needed since the Norwegian justice system has no clear tradition for restoration of non-material damage and victim satisfaction. Thirdly conferencing can ensure an appropriate focus, otherwise lacking, on the complete range of consequences of a wrong doing, which again may encourage empathy and understanding. In addition, conferencing includes a unique opportunity to focus on a new start for the offender. Sadly many of the traditional measures and efforts hamper a possible fresh start. The Minister emphasized further how conferencing can help to build trust between the affected parties, whereas the traditional criminal justice system may do the opposite. He also

pointed out that conferencing ensures participation from all those affected at individual levels. According to the Norwegian Minister of Justice conferencing appears to be the most ethical and morally correct way of responding to crime, and it is not a “soft option” as many tend to claim. His conclusion was that restorative justice and conferencing have a clear logic and several economic advantages.

Approximately 7.6 million EUR are allocated yearly to the National Mediation Service. The main objectives, set by the Minister of Justice, are among other things to guarantee good quality of service by the 22 local mediation services, to promote and increase the use of conferencing, to offer RJ processes in more serious cases and to ensure adequate information to affected parties, partners in the criminal justice system and the public. In addition the National Mediation Service is asked to continue the pilot project on RJ in cases of family violence and to implement Youth Conferencing Teams<sup>2</sup> at least in 5 of the 22 mediation services.

The Government has a clear goal: children should not be in prison. In order to reach that objective, the Government will present a bill during summer 2011 proposing a separate legal framework for dealing with very serious crime committed by young offenders. This new measure, proposed by a committee in 2008, is built on the positive outcomes and results from experiments with RJ and youth conferencing teams, both in Norway and in other countries.

Additionally, the Government has engaged a working group which is presently working under a specific mandate: to propose adequate legal amendments in order to increase

the use of RJ in the Norwegian criminal justice system. This working group’s tasks will include assessing the need for a total amendment of the Act on mediation from 1991 and the need for amendments to the Criminal Procedure Act, including a possible instruction to the prosecuting authority to refer to RJ whenever appropriate and when consent is given by all affected parties. The working group will hand over its report and proposals in July of this year. The Ministry of Justice will then ensure a public hearing, assess the proposals from the working group and the written submissions, and present a final proposal in a parliamentary bill.

To conclude, there is political will to increase the use of RJ in Norway. There is political will to allocate funds and to amend the necessary acts and regulations. However, those who work in the criminal justice system are still sceptical when considering referral to RJ in more serious cases and the public does not agree on “what works”. Hopefully there will be fruitful public debates when the proposals for giving RJ a more important role in the criminal justice system are presented.

**Torunn Bolstad, Deputy Director General, Department of Civil Affairs, the Norwegian Ministry of Justice**

1. In the Norwegian context we use the word ‘conflict’ rather than ‘crime’ because a conference, which takes place after a crime has been committed might also address many underlying conflicts, potentially reduced by RJ.

2. Youth Conferencing Teams offer conferencing including a close and long-term follow-up by a supporting team on the agreed youth plan.

## Not a member of the European Forum yet?

Please visit our website [www.euforumrj.org](http://www.euforumrj.org). Under the heading ‘Membership’ you will find all information concerning categories of membership and fees. You can also apply for membership online. The process only takes 5 minutes. You can also contact the Secretariat at [info@euforumrj.org](mailto:info@euforumrj.org) or at the above address.

### As a member you will receive:

- three newsletters a year
- regular electronic news with interesting information
- reduced conference fees and special book prices and more

#### Editorial board:

Co-ordinator: Kerry Clamp (UK), E-mail: [K.Clamp@shu.ac.uk](mailto:K.Clamp@shu.ac.uk)  
Editor: Jolien Willemsens (Belgium), E-mail: [jolien.willemsens@pandora.be](mailto:jolien.willemsens@pandora.be)  
Karolien Mariën (Belgium), E-mail: [karolien@euforumrj.org](mailto:karolien@euforumrj.org)  
Members: Martin Wright (UK), E-mail: [martinw@phoncoop.coop](mailto:martinw@phoncoop.coop);  
Borbala Fellegi (Hungary), E-mail: [borbala@fellegi.hu](mailto:borbala@fellegi.hu);  
Panagiota Papadopoulou (Greece), E-mail: [p.papadopoulou@sussex.ac.uk](mailto:p.papadopoulou@sussex.ac.uk);  
Robert Shaw (UK), E-mail: [robert.shaw16@ntlworld.com](mailto:robert.shaw16@ntlworld.com);

#### Responsible editor:

Ivo Aertsen, European Forum for Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium.

#### Submissions:

The European Forum welcomes the submission of articles and information for publication.

#### Secretariat of the European Forum for 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](mailto:info@euforumrj.org)  
URL: <http://www.euforumrj.org>