

International Seminar
“Building Social Support for Restorative Justice”
Outline

This outline has been compiled mainly for the people who couldn't join the seminar “Building Social Support for Restorative Justice” organised in Leuven on the 03 04 05 June 2009, and demanded a written version of these presentations and discussions. The outline has been put together (based on the Power Points presentations of the presenters and notes of the chairs) by Brunilda Pali, who thanks the presenters for trusting their words to her, and also the chairing friends who spent time and energy into preparing the notes of the discussions and workshops. This little document is not intended for publication, but will remain on the website as a point of reference for the future debate on the topic. The outline will be organised by topic (media, civil society, and citizens). The biographical data of the presenters (except for their present position) will not be included, but you can find that in the programme booklet of the seminar in the website (www.euforumrj.org). Thank you for your interest and attention towards our events and restorative justice, and enjoy the following presentations.

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Opening

Siri Kemény, EFRJ, Belgium
Brunilda Pali, EFRJ, Belgium

The Chair of the Board of the European Forum for Restorative Justice, Siri Kemény and Brunilda Pali, researcher on the project “Building Social Support for Restorative Justice” welcomed everyone in Leuven, introduced the project and situated the seminar within the project, underlining the reasons that led towards such an initiative, and emphasising the objectives, the methodology and the outcomes of the project.

The EFRJ has been awarded by the European Commission the project 'Building social support for restorative justice', which started on 01 December 2007 and will end on 30 March 2010. The European Forum for Restorative Justice as the promoter of this project is collaborating with several partners with extensive experience in the field like the School for Mass Communication Research, and the Institute of Criminology from the Katholieke Universiteit Leuven (Belgium), Institute for the Sociology of Law and Criminology (Austria), Restorative Justice Consortium (UK), National Mediation Service (Norway), Albanian Foundation for Conflict Resolution (Albania), and Radio La Benevolencija (the Netherlands).

The literature on restorative justice has neglected public opinion and attitudes with regard to this paradigm, despite the importance of social support and participation in restorative justice. The concept of restorative justice remains still unfamiliar for many people. Research reveals that when people know about it, they strongly support the idea and the practice. If we want restorative justice to belong to the people, we must start building on tendencies for more democratic participation within societies and working together with the media, civil society organisations and citizens.

The project “Building Social Support for Restorative Justice” started precisely due to the above concerns. Throughout the project, the European Forum tries to investigate possible ways that can lead restorative justice to reach more active support in society. For the purpose of this project the concept of social support will be translated into three main categories, reflected in the following questions:

1. how can interaction and cooperation with the media be set up in order to inform and educate the public about restorative justice?
2. how can cooperation be developed with civil society organisations in order to inform and educate the public and to create broad support for restorative justice?
3. how can we increase the involvement of individual citizens in the functioning of local restorative justice programmes?

The methodology of the project consists in analyzing the above questions against a theoretical background, identifying good practices and promising examples which have as an objective building

social support for restorative justice through several study visits, and in the end formulating practical recommendations in the form of a toolkit and a scientific report.

Christa Pelikan, a distinguished senior researcher in the Institute for the Sociology of Law and Criminology, Vienna, and partner of our project, is working on the sociological basis for the project, which consists of outlining background sociological theories and theses that are of relevance for the theme of developing social support. Several workshops have already been organised in the framework of the 2008 conference of the European Forum for Restorative Justice in Verona. The workshops dealt with issues of how to cooperate with the media, with community, schools, sport organisations, etc. in restorative justice. Study visits to gather best practices have been conducted in Lisbon, London, Oslo, and Amsterdam at several key organisations in the field and about 5-6 more will still be organised.

A steering group, consisting of representatives of the partner organisations (composed by Christa Pelikan, Siri Kemény, Ivo Aertsen, Gro Jørgensen, Steven Eggermont, Anneke van Hoek, Rasim Gjoka, and Michael Kilchling) supports and evaluates the work of the staff members, and will meet four times during the whole project. The first steering group meeting took place in Leuven, on 18-20 June 2008. This meeting paved the way for the rest of the project because it helped the experts to discuss on the working definitions, on the rest of the project activities and on new ideas. The second steering group meeting took place in Leuven on 12-13 November 2008, and the third meeting took place in Tirana on 26-28 March 2009. In the end of the project (March, 2010), a toolkit or a guideline on how to work with the media and civil society will be created and will be used by the European restorative justice services. Furthermore the whole scientific report on the project will also be on the website of the European Forum by the end of March, 2010. If you are interested in knowing more about the whole project please visit the link on projects in our website www.euforumrj.org.

PART ONE: Media and restorative justice:

3-4 June 2009

Plenary one: Restorative justice and media: Friends or foes?

Charles Pollard, Restorative Solutions Community Interest Company, UK
Lucie Russell, Young Minds, UK

Charles Pollard, Chairman of Restorative Solutions Community Interest Company, a not-for-profit organisation providing the police, criminal justice agencies and community based organisations with support on implementing Restorative Justice, and Lucie Russell, who is currently Director of Campaigns, Policy and Participation at Young Minds, the UK's leading charity committed to improving the mental health, made a joint presentation, where Charles pointed out the restorative justice elements that are helpful or obstacles in working with the media, and Lucie pointed out the media elements that could be used or the ones that are not useful for restorative justice.

According to Charles, building social support for restorative justice is crucial if RJ is to become mainstreamed in the criminal justice systems of the EU countries. This requires collating the evidence that RJ works and promoting it to the government, politicians, policy-makers, criminal justice professionals and opinion-makers. But it also means getting public understanding of RJ and public support, mostly achieved through the media.

But, there are difficulties in communicating RJ through the media, which are mainly due to the public's pre-conceived ideas and the 'normal' ways to tackle crime. RJ is also on one hand counter-intuitive. RJ is also difficult to communicate because it involves the feelings and emotions of victims and offenders, which are not suitable for sound-bites, and can be easily manipulated by unscrupulous journalists and newspapers who like to 'hang on soft on crime' stories on RJ despite the overwhelming evidence to the contrary. RJ is also often too complex to be reduced to mere facts or sound-bites. The other reason why it is difficult to communicate RJ through the media is because vengeance is 'sexy' and attractive for the media and the public, therefore RJ stories where vengeance is not part of the scenario at all are not attractive enough.

But despite these difficulties we come across while trying to communicate RJ to the media, Charles identified several strengths that RJ has with regards to the media. First of all, all our stories are crime stories and that's by definition interesting. Secondly, RJ offers a human interest angle to the media which they appreciate. Thirdly, for most of the people RJ is unusual, and media like that in a story. Fourthly, RJ is able to offer very good evidence showing that it works. RJ also is common sense (despite being counter-intuitive) and therefore easily to be accepted by the people.

While identifying the strength of the face-to-face meeting in restorative justice, Charles emphasised several points. One is that this meeting is easy to describe, and it resonates with the public. Another very important strength these meetings have is that they give victims their place in the criminal justice systems. They also enforce the personal accountability of the offender, and the fact that they pay for the harm caused. Finally, Charles said that the success of RJ is highly evidenced.

With regards to presenting RJ, Charles listed according to their importance several paths we could follow. The first one is making possible for someone to observe face-to-face RJ, as that is naturally the most powerful and effective thing to do. The second is to hear it from the participants in such a meeting, as Charles has made possible for the audience of this seminar to do, by bringing over an ex-victim and ex-offender to tell about their stories and their mediation process. The third most effective way, would in turn to see a film of an RJ conference, and that's also one of the methods which will be illustrated in this seminar. A very fruitful way according to Charles would also be to participate in role-play. Among the two last effective ways would be to hear about RJ from RJ professional, and/or read an RJ article or book.

After Charles' intervention, Lucie Russell took the floor, and she focused more on the media. Lucie started by analysing what elements of RJ would work with the media. The first thing is case studies. According to her we have many live participants to offer and stories and examples through which we can illustrate our work. Another line we should be investing is debunking myths about restorative justice. The best way to do it is by offering hard evidence based on victim satisfaction statistics, reduction of re-offending statistics, and the high cost-effectiveness of RJ.

Next Lucie warned to audience on things that rarely work with the media. One such thing is 'dry' press releases (unless supported by other tactics or personal relations). The other thing which doesn't work are talking heads (unless case study – real stories). According to Lucie, RJ jargon is also one of the things which do not work well. Statistics work well, but not if they are too complex or too many. And finally, arrogance is according to her one of the things which never work.

In the flowing minutes Lucie took some time to think aloud with the audience on how to manage the so-called horror stories, or stories that go wrong? Several questions important to keep in mind in such cases are was this case a RJ case in fact, was the facilitator properly trained, and also question whether the criminal justice system always work as well? Therefore according to Lucie, feeding the media is like feeding the sharks, they need constantly material and this material has to be based on what RJ is and what RJ is not, it has to be good stories, and also the good evidence that we have. She also supports the idea of having RJ ideas into soaps. Sometimes things with soaps go wrong (ex. in one the script was changed and the facilitator left the room and the victim remained alone with the offender, which would never happen in normal life), but it is still worth trying.

Plenary two: With their own voices: The woolf within

Peter Woolf, author of “The Damage Done”, UK

Will Riley, chairman of “Why me?”, UK

Born in London in 1957 Peter was brought up in a troubled family to accept crime as a way of life. He has spent 18 years in prison and other institutions, and expected to die in a prison cell. But all this changed when he heard about something called ‘Restorative Justice’. In prison on remand for aggravated burglaries, his case came into the Home Office Restorative Conferencing Crown Court trials and, having pleaded guilty, he met two of his victims (one of whom is Will Riley) in a face-to-face conference prior to sentence. This was the turning point in his life. He then completed the “Turning Point” and RAPT programmes during what became his last prison sentence, and he has since studied on other courses. He is now a happily married man living a crime/drug/alcohol free life. He works with offenders on PPO & IOM Projects helping to turn them away from a life of crime. His book “The Damage Done” was published by Bantam Press in May 2008.

Will Riley was born in London in 1956. He graduated from several good universities in UK, in departments like Italian studies, psychology, and finance. During his long career he has worked as a banker and entrepreneur with several recognised companies. After being robbed by Peter and going through a mediation process together, Will decided to create an organisation for victims of crime in support of restorative justice, called “Why me?”

Both Peter and Will took the audience through a common journey albeit different stories. After their incredibly powerful and intimate (very courageous and self-exposing) narrative, they showed the audience a 10 minutes film done on their story, which you can find at the following link in YouTube: <http://www.youtube.com/watch?v=A1s6wKeGLQk>

Workshop one: Good planning makes elusive dreams come true

Brunilda Pali, EFRJ, Belgium

Brunilda Pali, researcher on the project “Building Social Support for Restorative Justice” focused in her workshop on two main themes: firstly on the old and new approach that restorative justice has taken towards the media, and secondly on the possibility and the implications of a strategic communication planning.

There has been so far, with very few exceptions, a lack of relationship based on mutual silence between the media and restorative justice organisations. There are mainly two reasons why restorative justice practitioners have neglected working with the media. The first reason relates to the bad role attributed historically to the media, the damage it does with regards to misinforming the public on crime and justice, and on the damage it does with regards to the mediatisation of the victims of crime. The second reason why restorative justice practitioners have neglected the media has been due to their failure to speak its language. This has also gone hand in hand with neglect for restorative justice by the media. Several factors account for this fact. First of all restorative justice cannot be reduced to a “sound bite” and can be difficult to define in terms to which the media are accustomed. Moreover many restorative practices are best defined for the news media in their program context, as opposed to the general principles upon which they are based, and this has led the media to ‘get bored’ with advertising programs, and has undermined the potential of the message inherent in restorative justice. Furthermore, as we emphasized above, many restorative justice practitioners lack strong media contacts, and/or experience in dealing with journalists. But in order to gain access to the mass media, these organisations must firstly understand the media, and learn the skills and the techniques needed to communicate their messages through.

As a result there has been very little media coverage of restorative justice. Nevertheless, there is currently an increasing awareness that this neglectful approach is not proper anymore, and this seminar is the evidence of such a changing direction and thinking. Restorative justice practitioners should not hesitate of initiating media interactions but, rather, should embrace media relations as an opportunity to educate the community about restorative justice, its principles and benefits. This workshop argued on the reasons why we should stop approaching media AS the darkness and IN the darkness. While research is ambiguous on the extent and quality of the effects that the media has on the public, we believe that the immense power of the media on the public cannot be doubted. Therefore, to put it plain and simple we cannot afford to ignore the mass media, and should strive to be among the main sources to offer the right information and education to the public. Restorative justice practitioners should not hesitate of initiating media interactions but, rather, should embrace media relations as an opportunity to educate the community about restorative justice, its principles and benefits.

Once we have changed our attitude towards the media, we should make a strategic planning on our communication efforts if we want a measurable and long-term success. The purpose of a strategic communication plan is to integrate all the organisation’s programs, public education, media and other advocacy efforts. The creation and adoption of a strategic communications plan represents a

significant step for any organisation. It means a cultural shift towards communications and a clear recognition that all the organisation's efforts have a communications element. Public education, grassroots organising, research, public advocacy, direct service and even fundraising are all, at their core, communications tasks that are vital to the life and success of a non-profit organisation. There are several steps in each communication planning to undertake before you begin to implement your media tactics and use your media tools. We will discuss with you briefly in this workshop some of these steps.

The purpose of a strategic communications plan is to integrate all the organisation's programs, public education, media and other advocacy efforts. By planning a long-term strategy for your efforts, you will be positioned to be proactive, rather than just reacting to the existing environment. The creation and adoption of a strategic communications plan represents a significant step for any organisation. It means a cultural shift towards communications and a clear recognition that all the organisation's efforts have a communications element. Public education, grassroots organising, research, public advocacy, direct service and even fundraising are all, at their core, communications tasks that are vital to the life and success of a non-profit organisation. There are several questions you should answer before you begin to implement your media tactics and use your media tools: 1) What are the organisation's communications infrastructure?, 2) What are your objectives?, 3) Who is your target?, 4) Who is your audience?, 5) What is your frame?, 6) What is your message? 7) And finally what are your media tools? Let us consider these questions step by step.

The natural tendency for many organisations when it comes to communication is to start immediately with using the media tools or tactics. It is, based on our previous arguments, absolutely right and necessary to think that we need more press releases, more interviews, more TV debates, etc. for restorative justice, but what should their content be, and whom should they address? These are some of the questions that a strategic communications plan can help you answer, and while it requires putting in some effort in the beginning, in the long run such a plan will help you act more quickly and more effectively towards the media. In order to succeed with your communication tools and tactics, you need to build a solid strategic base. Before you can decide what your message is, you need to know who your audience is. To decide on your audience, you need to understand who has the power to make the changes you're advocating. Before you can even decide what it is you're trying to accomplish, you need to have a firm grasp of what resources are available to help you achieve your goals. Building your plan from the ground up will ensure that your limited resources are used in the most thoughtful and efficient way possible. Let us consider roughly these steps.

First step: Assess and invest in your communication infrastructure

There are several initial questions that all the organisations undertaking a strategic plan should pose to themselves. The first regards the time you willing or able to devote to communications. The next question to consider if you cannot afford communications staff, is whether there are communications funding opportunities possible. You need to know in turn your human resources able to undertake communication work, assess their knowledge and willingness. You also need to maximise these resources, identify the best messengers, public speakers, spokesperson, good writers, etc. A good media team includes on a minimum level three important roles: a media

coordinator, a writer, and a spokesperson. Each is critical to the others. Roles may overlap, and often can be handled by the same person, but each position must be covered. In addition to concerns on the communication infrastructure, you should also assess the power and publicity of your organisation's logo, and decide what extra graphical work is needed on that.

Second step: Define your organisation's or program's objectives

During this step is crucial to answer questions regarding the importance of your communications efforts in the first place. It is in a way what we attempted to do in the beginning of this toolkit. It is very important to be clear on what do we want to reach with our communication tools, and is not enough of a good answer to say "it is important because it is important". For the purposes of communications planning, you should define your goals and objectives in terms of outcomes (e.g., build social support for restorative justice), and not outputs (e.g., create a toolkit for working with the media for restorative justice organisations). Outputs are the tactics and tools which in the end will help you reach the outcomes, which are actually your true objectives.

Third step: Define your target and audiences.

Your targets are the policy maker bodies, donors or individuals that can influence positively the future of your work. You need to assess whether you can directly influence these bodies or individuals' decision making. If not, you have to identify the people who can persuade them to help you get what you want. These will constitute your audiences. Your audiences will be the general public, but you need to be as specific as possible, otherwise you cannot go far, e.g. victims of crime, offenders' families, young people, etc. The audiences can be identified through research on focus groups, surveys, door-knocking, etc.

Fourth step: Frame the issue

Once you have identified and have a clearer idea on the audiences you need to reach, you are ready to describe and frame the issue in a way that resonates with their values and needs, but also in a way that is interesting to journalists. You need to know what is your issue really about, who are the main actors affected. You also need to understand the hooks that the frame contain, and define the range of picture and images that communicate the frame. There are mainly three levels of framing:

Level one frames: Big ideas, like freedom, justice, community, success, prevention, responsibility. By developing messages that trigger this level frames, advocates can use their access to the media to influence how millions of people think about an issue.

Level two frames: Issue-types, like restorative justice, community mediation, family conferencing, etc. By skipping directly to the second level, we will end up speaking to a much smaller audience—mostly those who are already concerned about our topic.

Level three frames: Specific issues, like restorative justice in the prisons, RJ in the schools, family conferencing in Belgium, etc. And if we go right to third level, we may be preaching only to the choir of policy makers, activists and others already engaged in battle.

We need therefore to focus on values rather than facts. We can pour on fact after fact in an effort to persuade the public to support restorative justice, but if the dominant frame through which the public sees this issue is that “it’s bad for security,” even our most compelling facts will fail to convince many people. To illustrate with an example, if you heard that in fact, prisons are very expensive, would that make you hate prisons? We don’t think so, and in fact, when people are worried about their security as their major frame, they will support prisons, and to the arguments on their cost, they would reply that we should take away the TVs from inmates. Therefore if frames are the structural underpinnings of your communications machine, values are its fuel. Understanding the values embedded in what we believe, what we stand for and what kind of society we want to live in is an essential part of developing your frame. Your frame’s values point audiences toward the actions you propose. So before framing your messages you should define the values that are most important for you and for restorative justice (e.g. accountability, civic participation, compassion, courage, democracy, dignity, diversity, family, freedom, justice, etc.)

Level one frames are a good place to start. By framing restorative justice as a question of “enhancing democracy and doing justice”, we begin from a position of strength that is positive rather than reactive. It’s a frame that’s big and broad enough to embrace all of the media reform movement’s specific policy concerns.

Fifth step: Craft your message

Only when you are clear on the audiences and the frame, you can proceed to develop your message. The best message strategy is the one that addresses three key points: the problem, the solution and the action. Each part should be brief, ideally no longer than 35 words. Introduce your frame. Describe how your issue affects your audience and its broader impacts. Speak broadly about the change you wish to see. Speak to people’s hearts with values-rich language and images. Call on your audience to do something specific. Make sure key people in your organisation believe themselves this message. Craft your message to be appealing to journalists and convincing to your target audience while being authentic to whom you are. Brainstorm “soundbites” that express much or your entire message in seven to 12 seconds. Put yourself in your audience’s shoes. Create a message that has meaning to them.

Sixth step: Media tools and tactics

You should now be ready to use your media tools and tactics to get your messages through. This is the last step of your strategic communication planning, although, as we mentioned in the beginning, this is not your goal, but only a means to help you reach your long term goals (e.g. building social support for restorative justice).

Workshop two: Ethical agreements between the media and RJ organisations

Kristel Buntinx, Suggnomè, Belgium

Kristel Buntinx, an experienced mediator in the Suggnomè, mediation service in Belgium, especially in heavy crimes, dealt in the workshop mainly with the agreements between the press and Suggnomè in relation to 'testimonies'.

Every request of a journalist for cooperation in respect to testimonies is transferred to the central secretariat. After consultation with the mediator that received the request, it is discussed in the team meeting whether, and how, Suggnomè will react to the concrete request. In case a fast decision is needed, the coordinator should be consulted.

1st step: Before details of witnesses are passed, Suggnomè checks whether it wants to cooperate with the medium that is formulating the request (cooperation with the press has unmistakable consequences for the name of the organisation). Check each request against pro's and contra's: Which channel/programme/newspaper/ journalist? Which ethics are behind the request? What is the objective and vision behind the programme? Which is the place of the witnesses in this? What is there to be gained from the side of our organisation? How feasible is the request? Who has which interest? (Suggnomè, clients, journalist)? In case Suggnomè does not respond positively to a request, we have to be aware of the fact that the journalist may use other channels to find witnesses or may try to find witnesses by him/herself.

2nd step. A mediator can never be forced to cooperate in a press-dossier, not to actively participate him/herself, not to give information on witnesses.

3rd step. Criteria in relation to specific target groups

1. Victims of sexual crimes: art. 378bis criminal code states that testimonies of victims of sexual crimes may only be published/spread if they agree to this in a written way.

2. Minors: should always receive the consent of their parents. Children who are in contact with the juvenile justice system (who have committed an act defined as a crime or children in problematic pedagogical situations) have to be anonymous and have to be made unrecognizable when they are visualized.

3. Inmates:

a) For inmates the consent of the local direction of the prison is needed, as well as a positive advise of the Director General of the Ministry of Justice.

b) Inmates are only interviewed if they have given prior written consent.

c) Other target groups: inmates with mental disorders, psychiatric patients???

4th step: Criteria in relation to the dossiers. We will look for dossiers/witnesses of which we think that they are able to bring their story, and of which we feel that their testimony is meaningful for themselves and for us.

1. In principle we only establish contact between journalists and victims and offenders of criminal cases in which a final judicial decision has been taken. This means that in principle we only establish contact in cases where the mediation is finalized.

2. Exceptionally, and when a number of extra guarantees are fulfilled, a reportage can be made of the parties *during* a mediation process. This can be individual talks with victim or offender in each of the phases of the mediation process and the filming of a common talk. In this case following rules have to be abided to:

Extra guarantees can be: a protocol of cooperation with the Ministry of Justice, or existence of an external commission that can approve or disapprove each dossier (for example the deontological commission?). The broadcasting can only take place after the judgment has become final. Dependent on the approval of the court and of all parties involved, it would be possible to film during the court session in order to collect images that can be used afterwards during the editing of the film. The working principles may not be jeopardized at any moment. The mediation (on the request of a party) and the filming (on the request of a party or of the mediator) can be stopped at any moment. Next to a mediator, a coach will sit in on the common talk (as support figure and as guardian of the boundaries). On beforehand written negotiations should be made about the possibilities for the parties and the mediator to make suggestions about cutting pieces out of the film, and if possible to retain the veto right about the airing of the film.

5th step: Procedure. Conditions and agreements should be carefully discussed on beforehand with the parties. With the witnesses themselves the possible pro's and contra's of a possible testimony should be discussed. We always start from following principles:

equality between and respect for both victim and suspect/offender: none of the parties may suffer a disadvantage – that can be established on beforehand – because of the cooperation with the press;

confidentiality of the mediation file: nobody may violate the confidential character of the mediation;

professional secrecy: a collaborator of the mediation service may in no way, at no moment, give details of a concrete dossier (name, personal data) to a journalist without the approval of the involved parties (individual and social importance of professional secrecy). A mediator may for this reason be interviewed about his/her own work, and only about an individual dossier with consent of the parties.

1. The secretariat coordinates all contacts with the press. The first contacts with the journalist are taken care off by the secretariat (possibly after referral by a local mediation service): the request is considered (see first check) and presented to the team or coordinator. In case we agree to acknowledge the request, it is checked amongst the mediators who wants to and can deal with the

request. The concrete follow-up of the whole press dossier takes place in consultation with the mediator that was responsible for the file, either by the central secretariat, or by the mediator him/herself. The first contacts with the witnesses are, in consultation with the mediator who was responsible for the mediation file, made either by the central secretariat, or by the mediator him/herself.

2. Approval: Before a concrete dossier is transmitted to the press, the express approval of all parties is requested, after having informed them correctly about the objective and nature of the medium before which they are asked to provide a testimony. The secretariat prepares a document on 'informed consent'. In case only one of the parties is being asked to testify, or in case only one of the parties is prepared to testify, the other party has to be asked for approval, even if the testimony would be anonymous. The party that does not want to cooperate has following options: or he/she expresses a veto so that also the other party cannot testify (in that case we do not transfer the dossier); or he/she is not opposed to the other party testifying, with the restriction that he/she cannot testify about the facts (recognizable) and the story of the party that is not agreeing to take part; or he/she is not opposed to the other party testifying without any further restrictions.

3. Written agreements: Concrete agreements are made on beforehand between journalists, Suggnomè and witnesses, in which a veto right on the spreading of the reportage/emission can be obtained (cfr. document informed consent).

4. On the request of the parties, a mediator or collaborator of the secretariat may be present during an interview.

5. Witnesses decide themselves how they are depicted: anonymous or not. In case one of the parties decides for anonymity, both parties commit themselves to testifying in a non-recognizable way about the facts. Names of victim and offender are in principle not communicated in the media, except with the express, written consent (cfr. document informed consent).

6. Witnesses decide themselves whether they testify about the facts in a recognizable way. As soon as one of the parties decides for testifying in an unrecognizable way, the other party has to follow. In a case with multiple parties (who have not all been contacted), the principle of un-recognisability kicks in.

7. With the written press the parties, and the mediator, retain the right to read the article on beforehand, and to add or correct if needed. Only after explicit approval can it be published. As far as possible, also with TV the right for the interviewed persons and/or the mediation service to view the reportage on beforehand so that alterations can be made should be obtained. Witnesses are informed about this on beforehand in a correct way.

6th step: In case Suggnomè is approached to cooperate in a programme for which the journalist has already searched and found witnesses on beforehand, the same rules of care should be kept to nevertheless.

Following is a questionnaire prepared for the witness of crimes. It deal with directives for witnesses, and what is their interest in cooperating with the media?

Questionnaire [None of the questions is binding.]

1. What is the value for you/the meaning to bring your story in the media?

Bringing your story in the media may have a number of positive consequences:

- a) Make the consequences of victim-hood visible.
- b) Contribute yourself to making these consequences visible.
- c) Obtain recognition for the consequences.
- d) Be able to tell your own story.
- f) Enhance the process of dealing with what happened.

2. What are the possible risks for yourself, your relatives?

- a) It is possible that you will be hurt again when the way in which your story is brought is not up to your expectations.
- b) It is possible that after the broadcasting or publication you will be approached by people you know or not know. These reactions may be positive or negative.
- c) By coming in the media, a number of your private details will be made public.
- d) What will be the consequences for your (grand) children?
- f) Your personal details are usually included in a database at the redaction and possibly they will contact you again later in order to cooperate.

3. What are your expectations?

4. What do you want/don't want to be brought into the picture?

5. Do you have specific conditions?

6. What would you like to discuss/not discuss?

7. Are there children involved?

8. Can the TV-makers use visual materials from during the process?

Kristel also talked about the directives for victims and offenders to decide whether or not to cooperate with the media. What are directives for victims to decide whether to cooperate with the media?

A good preparation for the talk with the journalist can limit a number of risks. We therefore suggest to always doing this. Here are a number of tips: Ask on beforehand what the focus of the programme is. What are they looking for? Which points are brought forward? In which 'format' does it fit? What is the reasoning of the journalist? Establish your own boundaries: decide on beforehand what you want to discuss and what you definitely not want to say in the interview. Do not hesitate to say that you do not want something or that something is not discussable. Ask under which form it will appear and whether you may see the reportage or publication on beforehand. Make agreements surrounding anonymity, appearance of a picture, use of the collected materials afterwards, etc. See example contract Sugnomè. Be careful with 'off the record' declarations or 'remarks in between'.

These may be used independent of the agreements made. Have a support figure (someone close to you, mediator ...) present if you wish so. This person is on your side and may intervene when needed. It may be useful to discuss afterwards with someone how you experienced it. Within one week, it makes sense to – you or someone else – think about how it was, how it appeared. You may always rely on a collaborator of Sugnomè should you wish so.

Workshop three: Simple tools to tell media about RJ

Gro Jørgensen, Mediation Services, Norway

Gro Jørgensen, is Director of Information and Communication and also a mediator in the National Mediation Service of Norway. She started by posing the question whether media should be considered an enemy, a nightmare, something to avoid and keep away from, or a friend to cooperate with? Her answer was that media should be considered and treated as a friend first of all because media can be very useful to the support of restorative justice, secondly because there is no other option and there is no choice, and thirdly because it is our duty to tell the stories of restorative justice and to inform people about what we do, and besides we have something to “sell” because media is very interested in crime. Furthermore through media we get the information out to the public, the politicians and the authorities.

Gro Jørgensen went on by saying that in order to cooperate with the media we should have knowledge about how media work and understand how they think and for this reason hiring journalists to deal with this cooperation is a better solution to the problem. She introduced the Communication Strategic Plan prepared and published by the Norwegian Ministry of Justice, which has all the necessary information on how to work with the media. Today the National mediation Service pays an agency which searches in all the medias web-sites and sends her as a communication and information officer twice a day an overview of all the articles published on web-sites containing the key words she has given them beforehand, e.g. mediation and the National Mediation Service, and therefore she knows how often and what the media will write about them. Besides giving out information, this gives her the opportunity to correct serious mistakes. And what is more important she can respond to the newspaper which has published this article and give them a hint on what to write more about. She emphasized the fact that she never lets a journalist “hang up the phone” without being told about at least one more project than they actually asked about.

She explained, based on her own journalistic experience, some hints about how to work with the media.

1. One critical point in our favour is that journalists are always looking for something to write about. There are right-now news to be considered, and right-to-come events, and if any idea comes into our minds we should grab it and use it. Even if the idea is not used and printed straight away, it will remind the journalist in the future and they will remember who gave it to them.

2. Another important point is to have good contacts with the media, to have one’s name on a contact list, and to have all the right media contacts in our own lists. She mentioned the fact that she is definitely on some of the contact-lists in the media in Norway, e.g. when they want to talk about mediation, threats through the cell-phone or violence. Sometimes they ask her question she doesn’t know anything about, but that is ok. She is glad that media is trying to get in contact with her. And then she always has a couple of minutes to tell them about things they do in their mediation service.

3. One important means to reach the media is through a press release. Gro Jorgensen said that she prepares a press release at least twice a year and also some articles. It is important when one sends out a press release to inform the journal in a way which prevents the editor from throwing it into the trash. In the first sentence one needs to tell what will he/she focus on, and it would be much better if this is done more like a headline. Reports/statements to the media should not be full of details, but one has to write the name, the telephone number and an e-mail address of those regarded as persons who can give further information. And those people should be available.

4. She highlighted the fact that news can also be something that happened many years ago, and the stories can be used and told accordingly. She elaborated the definition of news as news being something about which people have not heard before. To make ones' own definition of what is what when it comes to news makes us have a better chance to influence.

5. Also media like to focus on the persons, and the articles are more interesting if a person is involved, therefore the articles should be humanized. Media asks always to meet the parties because they prefer to hear the story from them rather than from us. The media want to interview the parties and they want to know what happened inside the mediation room. According to the presenter these stories are our best way to 'sell' restorative justice, but she posed the question as to how far can we go in 'selling' the good practice of RJ? An important point to consider is the professional secrecy. The presenter drew our attention to the fact that maybe we are more cautious than needed in our work. In some few cases she said they have asked the parties if the media might be in the room during the mediation, and sometimes the parties agree. This type of participation is important for the television because they need picture/films. She also asked the question on how to deal with cases when the parties do not agree, or how to approach them in the beginning.

6. Another very important point is that we should be very active with the media, in terms of informing them, answering their calls and questions, and calling them back with more information.

She referred to other important issues in the strategic plan, like the graphic profile, the ethical guidelines, and the future two-year plan. The forms which will be used to incorporate the media strategy into the restorative justice program will be through seminars of training directors about media interviewing, DVD of mediation process, information through the website and publishing the newsletter, which is part of the strategy from the ministry. Her conclusion was that we need the media and the media need us to tell about the real good stories in our society!

The discussion evolved around different topics. Several participants in the workshop raised the fact that it is exceptional to have someone employed fulltime to deal with the media on the topic of restorative justice, and that it is sorely needed in other countries but that finance and lack of visibility are serious impediments to such a step forward. She explained in return that it is a very new development, that it has taken a long time to come to this stage but a clear step forward towards a greater visibility for restorative justice in Norway.

It was also asked for example whether she cooperates with the police or other state services, she answered that no but that she may indicate to media who to contact or talk to.

A case was raised which took place in Belgium recently about a murder case where the accused asked for mediation between himself and the family of the victim. However because of the mediatisation of the case, the intervention of the mediation services was made very difficult, if not impossible. A discussion started about such cases and Gro Jørgensen explained that dealing with the media is always going to be a gamble; the press may have their own agenda, as do the parties and this needs to be dealt with very carefully.

The last point which was raised was about the risk of interference of the media in restorative justice work, and that a backup strategy may be needed. But Gro Jørgensen reiterated what she had said in her presentation about the importance of understanding the way the media works in order to avoid problems.

Workshop four: How to gain control over RJ media coverage

Ria Goris, Journalist, Belgium

Ria Goris, a Belgian freelance journalist, throughout the workshop laid emphasis on the fact that restorative justice researchers and practitioners can gain some control over how the media delivers their message. She stressed that restorative researchers and practitioners are not passive subjects that helplessly watch the transmission of 'their' news to the public by journalists; indeed these researchers and practitioners should not work against but with the media and have some methods at their disposal to gain control over media coverage of their research and practice findings and results. First, Mrs. Goris advised that as restorative justice researchers and practitioners, we try to think as a journalist. Try to think as a journalist: why should I cover this topic / what is the value of this item to my audience? Does it contain something new / a scoop? Are there new and valuable facts and figures? Are there new policy measures supporting or threatening RJ? Is there a spectacular witness story involved?

Moreover, depending on the target audience of the medium that we contact to deliver our message, we need to come up with different aspects of restorative justice. It is important to think along with the specificity of the medium. Secondly, Mrs. Goris recommended composing a list of good journalists at every medium, so that when we have something to communicate to the public, we can contact the appropriate persons instead of just any journalist at just any paper. Once contact has been made, it is recommended to make agreements in advance, on anonymity, on a chance to go over the article and read it before publication, on the items that will appear in the news item (facts and figures, pictures, witness stories), etcetera. Third, Mrs. Goris paid attention to the preparation of witnesses of restorative justice. How to select and coach these people? How many people are willing to bear witness? How does this affect the media strategy? You cannot bring the same three stories into 10 different media, so if you have only a few witness stories to offer, you can better work with selective media

In selection, it is necessary again to keep the medium and its target audience in mind. Is the case in point meant for a magazine for youngsters, for older people, for women, etc.? If at all possible, seek a match between the profile of the medium and the profile of the witness. In coaching, a number of golden rules are to help people distinguish between the important and unimportant, between what to say and what not to say, and to give them some guidance on how to indicate to a journalist that they do not want to talk about something. To practice this, role play can be used. Help people distinguish between: the important and unimportant, what to say, what to keep to oneself, how much detail is helpful, how much is not. Practise ways to say: 'I'd rather not go into that'. Discuss in advance whether or not to go for anonymity

To end, it is important, as a mediator, for instance, to contact the witness soon after the interview to hear whether it went well and how they feel about it. Know when the interview takes place. Contact the witness soon afterwards to hear whether it went well. Take the opportunity to correct things if it needs to be. A media strategy for restorative justice, in conclusion, requires an active engagement on behalf of restorative researchers and practitioners with journalists.

Plenary three: Restorative justice, the media and public opinion: A tricky triangle

Michael Kilchling, Max Planck Institute, Germany

Michael Kilchling, a senior researcher at the Max Planck Institute in Austria, started his presentation with a quotation: *"When victims and offenders shake hands"*. He said that this is not the title of a professional article or book on restorative justice, but the headline of an article in the *Hamburg Evening News* of 9 June 2008, and only one example of media reports about victim offender mediation which were published by German (or German language) newspapers during the last 12 months. The examples are the result of a simple Google search and brought more than 20 hits. The range of papers is wide and includes the local press as well as nationwide titles such as the *'Berliner Zeitung'*, the *'Neue Züricher Zeitung'*, the most influential political journal *'Der Spiegel'* and even *'Bild'*, the most popular (and most problematic...) tabloid paper in Germany (some people say even the most influential German newspaper –the former chancellor Schröder used to say it is impossible to govern the country against the paper). The most frequent pattern, however, were locally based reports in local papers. Other examples are: *"We need a culture of reconciliation"*, *"Mediation can help victims to reduce fear"*, *"Mediation has the potential for real reconciliation"*, *"Evaluation of mediation practices overall positive"*, *"Dialogue helps more than punishment"*.

These reports are often presented in the format of human interest stories, with their focus either on the concrete benefits for the victims, or on the marvelous job of mediators and the motivations that drive them. And content wise, these articles mostly fulfill the expectations promised by its headlines. Isn't this a very surprising phenomenon – if we take into account the general patterns of the media portrayal of crime issues in a professional environment that normally feeds, very actively, 'tough on crime' resentments of the general public?

Michael said that he cannot evaluate if this picture is true for all over Europe, but that he can say that his following considerations are not exclusively based on the German experience; they also include the German speaking neighbor countries (Austria and Switzerland) where the situation is quite similar. With reference to the general acceptance of victim/offender mediation – the famous "Tatausgleich" – in the media and the public of her country, Christa Pelikan likes to speak of the Austrian miracle. All this happens notwithstanding the fact that the public reception of restorative justice in the German speaking world is challenged by the extra handicap that we have no adequate generic term that could transport the full potential of restorative justice as smoothly as the English original.

In the first part of his talk he said he'd like to explore very briefly the possible reasons for this positive reception, followed by an analysis which strategies appear promising for the aim to broaden and strengthen social support for restorative justice in society and which characteristics have the potential to make restorative justice an attractive issue for the media. The media are an essential – if not even the most important – factor in the opinion-building process of modern societies. We depend on them – and we must make use of them.

Explanation

After his introduction, Michael focused his attention on the explanations for the positive picture of RJ in the media. One plausible explanation for the positive picture in current media portrayal can certainly be the simple fact that restorative justice practices still have the flavor of the 'exotic' for many journalists. The examples mentioned suggest that first impression. In such a stage, just the simple fact alone that unusual, unexpected ways of dealing with crime outside the well-known mechanisms of criminal justice do exist, can be of newsworthiness. The mere fact of existence is the news then, not so much the concept as such. That is, what Charles Pollard yesterday called "the unusual". Nevertheless, his impression is that there is more than that behind many of the articles. It seems that the interest goes deeper. The journalists involved in such reports and responsible for such positive stories may have got a personal feeling of the dynamics of restorative justice processes.

A second line of explanation should focus on the greater context of crime and the criminal justice system. Is such a context the friendly tendency in media coverage can be a reflection and consequence of the negative image of the traditional criminal justice system and the dissatisfaction with its routines of intervention within the public.

And thirdly, as a general pattern, grassroots movements always enjoy greater sympathy than big bureaucratic institutions.

Strategy

Next Michael Kilchling attempted to formulate a strategy based on the above analysis. Michael said that as a starting point we must be aware that the examples he brought the audience earlier is a snapshot. Temporary friendliness by some media does not guarantee stable support once the exotic flavor of the issue once has disappeared. Then, restorative justice will not be a self-seller anymore. In the contrary, we will be challenged then by the principal rules of the media world, making strategic and purposeful promotion essential.

First, such promotion could be embedded in the context of the greater mediation development that can be witnessed in many European societies. Interestingly, penal law was one of the first areas that provided for extra-judicial alternatives to traditional court procedures for the individual citizen. Meanwhile the idea of mediation began to attract professional and public attention in many other areas such as civil law, family law, civil and public neighbour law, labour law, administrative insurance law, environmental law, and many more – to the effect that, mediation in penal matters, which once was the nucleus of the mediation movement, at least in Germany, had fallen behind in its practical significance as compared to the flourishing and profitable mediation businesses in most of the other areas mentioned.

With regard to the popularity and their links to restorative justice, also family and divorce can be thematised in a fruitful way. The same may be true for school mediation, taking into consideration its particular educational impact. It can be assumed that restorative justice promotion can profit

from the positive experiences of the many people who are involved in such practices every day, either directly or through indirect perception.

Why should a society in which the citizens develop more and more trust in alternative ways of arbitration and dispute resolution outside the regular procedural mechanisms in all these various areas of law mentioned, exclude criminal conflicts from such a greater development? Here, the negative image of the traditional criminal justice system and the dissatisfaction with its routines of intervention within the public has to be reconsidered as a further supportive factor. According to Michael, this is an essential pattern in all postmodern western societies on which more intense media promotion can build upon.

Isn't it plausible to assume that the public demand for a more punitive criminal justice system is the result of the system's – principal – failure? Such perceptions, however, ignore the fact that even harsher punishment would not work either. At this point, unfortunately, the manipulative power of the media comes into the play. With regard to the economic potential of crime stories and their impact on the feelings of insecurity that, at the same time, feed the punitiveness in society, the media normally keep quiet about this simple fact. They need crime, and fear of crime, in order to generate interest, print and production run, and viewer ratings. And a multiplicatory effect, or vicious circle, is created as journalists then refer to this public punitiveness in order to justify their own interpretation of the 'right' penal policy, by defaming progressive criminal justice concepts as anti-democratic and against the peoples' will.

Not enough, the calamity goes even further. Media reality of crime highlights the harm inflicted on victims by offenders but regularly leave out the harm imposed by the traditional criminal justice system. I am a great supporter of the thesis that depriving victims of compensation and other forms of restorative benefits is an important factor that can activate and stabilize – if not even intensify and aggravate – punitiveness, both on the individual and on the collective levels.

On the other hand we know that public opinion is a very complex matter. In scientific terms, punitiveness is not a stabile variable. Research has shown that individuals who have no personal experience in crime at all regularly express the most punitive sentencing desires. This supports approaches that characterize such attitudes as "disinterested" punitiveness. Wouldn't this imply that producing interest can be the key for au?

We know that people are often open towards innovative ideas. And we also know that the basic principles of restorative justice can be appealing to citizens. According to numerous research findings on public opinion and punitiveness support for imprisonment and other punitive sentencing options declines as soon as respondents are made aware of alternative sentencing options. There is a clear desire for socially constructive solutions, at least on a subconscious level. Several national and international surveys suggest that alternative sentencing options with a restorative quality are rather popular. These can be manifold: reparation, restitution, community service; even options such as making an apology for wrongdoing finds support. Admittedly, studies which have a particular, in-depth focus on mediation, family group conferencing, sentencing and community circles and other board and panel models, work, for methodological reasons, with

experienced probands mostly. However, although not directly comparable to general surveys, this does not devalue the findings. In the contrary, they even broaden the picture. All together, these different types of research clearly suggest that opinions given by informed respondents come closer to those found amongst victim probands who regularly are significantly less punitive than those generated by general opinion polls. The conclusion for us is promising: unlike the punitive criminal justice system that draws a significant part of its support from the uniformed public, restorative justice can (and should be able to) obtain support just by spreading/disseminating information about its principles and goals.

The endeavor is to develop a strategy how these dissemination efforts can be improved. Sense of reality, supported by some research findings suggest that this endeavor cannot be successful without involving the press and other mass media.

Research in the US indicates that information campaigns have only limited effects on knowledge and attitudes in the field of penal policy. Instead, audio-visual and printed media are said to be more influential, in particular with regard to their opinion-building potential in the fields of crime and the criminal justice systems. In addition, psychological research implies that printed information leads to better recall than messages transported by audio-visual media. As a consequence, the newspapers (including their online editions) should be the main target group for us.

Having said all this, which characteristics and elements of restorative justice can be of particular importance in order to make restorative justice potentially attractive for the public and for the media also in the future? According to Michael, we have three 'big arguments' that can be made fruitful: The participatory element, the democratic approach, and last, but not least, the victim issue.

In his view this is even the most important issue. Charles Pollard yesterday referred to it as a win-win theme. In a longer perspective, the victim movement is not only the most successful social movement of the past decades that succeeded in bringing their interests on the agenda – against the mainstream in the political and public debate and against the prevailing expert opinion of those days. Moreover, victims are also the main element of the crime stories in the media.

Not enough. The victim issue, in particular in terms of fairness/unfairness of their treatment, has further significance with regards to the public perception of criminal justice. Opinions research has found that probands react rather hostile and reject alternative sanctions if the are being promoted with offender-related arguments. On the contrary, they support alternative penalties as soon as the focus of explanation lies on their compensatory, or restorative, function. Michael highlighted the fact that this is a clear justification of Braithwaite's reintegrative shaming theory. Therefore, we have clear evidence that the public is willing to grant what Bazemore calls "earned redemption". And this is the key message that has to be communicated to and via the media in the context of the victim issue: i.e. that restorative justice stimulates offenders to make amends. The people perceive crime stories as potential victims, and he was convinced that they have – at least on an unconscious level – the (right) feeling that, as a victim, they would not have to expect much from the criminal justice systems.

Conclusion/Outlook

In conclusion, Michael Kilchling point out that the advancement of restorative justice beyond its current exotic status entails both, chances and dangers. A danger that carries the greatest potential for negative impact that can hardly be repaired is the public misinterpretation of restorative justice as a 'soft approach'. It must be communicated that participation in victim/offender mediation, a conference or panel is not a picnic! We all are aware of this. For the greater public, however, it is not self-evident at all.

In addition, it appears crucial to me that restorative justice has to be clearly promoted as a general concept. A predominant media presence of youth crime cases may potentially produce the false perception that restorative justice is an extraordinary educational measure suitable for minors mainly, and not for adults. With regard to way in which restorative justice laws and practices have been concretely implemented in many jurisdictions – that is in the greater context of juvenile justice – the perception can go in such a direction. This wrong picture is also mirrored in the results of several studies, above all some waves of the British Crime Survey, illustrating that restorative sanctions have more support of the population in regard to minor offenders. It can be supposed that these findings reflect that development. In order to avoid consolidation, the correction of such misperception should have high priority as well. Otherwise, restorative justice risks to me marginalized.

Michael said that his intention is not to spread disillusion here – on the contrary. However, the positive picture of the press articles sketched out at the beginning of his talk, is not the whole truth. The picture would be incomplete without drawing attention to some of the feedback. Blogs provided by some newspaper websites can help us to learn that the path for promotion of restorative justice is a thin line. In reply of one of those very instructive stories about a successfully mediated case of interpersonal violence in which the victim has expressed full satisfaction not only with the outcome but also with the whole procedure, bloggers have posted questions such as: *"What could be appealing in the prospect of a victim to meet the guy who destroyed his face?"* and statements like: *"That's another example of psychologists' bunk brought to the world in order to hide the fact that their profession is superfluous", "To hell with all psychologists", "We should get rid of considering so-called offender motives such as difficult childhood, wife's migraines, too much alcohol or other psychologists' bullshit", "Real reconciliation would be to provide the opportunity to punch the perpetrator's lights out".*

It would be an absolute communication disaster if the mass media would pick up such notions of populist punitivism in relation to restorative justice practices. Nevertheless, despite the dangers that come up with increased media interest, there are good reasons to expect that the building of social support for restorative justice is necessary – and can be successful. However, we must always keep in mind that the interaction in the triangle of restorative justice, the media, and public opinion, remains a tricky matter.

Plenary four: Do victims have an interest to collaborate with the media?

Vincent Magos, Ministry of French Speaking Community, Belgium

Vincent Magos, a psychoanalyst and Head of the Coordination for Help for Abused Victims in the Ministry of Belgian French-speaking Community, in his plenary presentation highlighted the words “collaboration” and “media”. He highlighted collaboration because the relevant question to be asked is ‘do victims - when they have the choice - take an active part or not in a process which lays different objectives for media and victims?’ He highlighted the word “media” because he intentionally used media as the industry, a powerful industry being very different from individual journalists. We may think that we’re going to collaborate with a journalist, but in fact the journalist doesn't exist, doesn't control the final output. Media is an industry where the journalist is a little part of it, he doesn't control the cuts in his article, the choice of the headlines, the pictures, the captions of the photos, etc.

He took in his presentation many examples from photo journalism but he said that this could have as well been from written press, television, or radio. He started illustrating his point though two very famous pictures, one of Kevin Carter. Kevin Carter was a member of a photographer group – the bang-bang group - very involved in the political meaning of their work. In the 80ies, Kevin Carter took pictures of Neck-lacing, a summary execution carried out by forcing a rubber tire, filled with gasoline, around a victim's chest and arms, and setting it on fire. In South Africa Neck-lacing was used to punish members of the black community who were perceived as collaborators with the apartheid regime. In March 93 he was in South Sudan and took the picture of a barely alive child, and a vulture so eager for carrion. The photograph was sold to The New York Times where it appeared for the first time on March 26. Practically overnight hundreds of people contacted the newspaper to ask whether the child had survived, leading the newspaper to run a special editor's note saying the girl had enough strength to walk away from the vulture, but that her ultimate fate was unknown. In 1994, with this picture, Carter won the most coveted prize for photography: the Pulitzer Prize. But the debate was not closed, people were saying that "The man adjusting his lens to take just the right frame of her suffering might just as well be a predator, another vulture on the scene." Some months later Carter committed suicide.

The second picture that Vincent showed us was the picture of a bloody hand during the 9/11 attacks, which made a tremendous scandal. It's the only picture of a body published by American media about the nine eleven attacks. But why was this the case? Because during the attacks, immediately all media agreed not to publish any pictures of bodies.

What do according to Vincent those two pictures tell us? That you can publish some pictures like this showing bodies, death, or corpses if the victims are far away, but you wouldn't do if it was your neighbor, your friend, your brother, your son. Therefore in a way journalists too identify with the victims and once this identification is made, respect is shown throughout images as well. On the other hand if the journalists do not identify with the victims, but objectify these as the Other, then lack of respect and distance comes through the pictures as well. He went on illustrating his point by showing some other pictures which we can all recognize from the Gaza or the Baghdad war.

According to Vincent, very often journalists say they are there for the testimony of a situation, but although this has some truth in it, it is also a means of getting rid of guilt. Testifying makes sense if the public has time for retrospection and judgment, but most of the time, the audience is made to zap from one event to another and this prevents reflection time.

During the big depression (the previous one...), in 1935, the Ministry of agriculture started a department to help the poorest farmers. Rexford Tugwell, the boss and Roy Stryker, who created the photography office, explained that to get the support of political and financial circles it was necessary to convince the hearts and that photography was the best media for this purpose. So the 6 pictures of the well known "Migrant mother" taken by Dorothea Lange in 36 was a part of this program. There are two things worth telling about the story of one of her most famous pictures. The first one is that the picture was touched up, just a detail, one finger, to put the emphasis on the dramatic effect of the picture. The woman, Florence Thompson, who was 32 at the time of the picture was still indigent at the end of her life and her son had to call a public help when she was dying from cancer in 1983. In 1942 this photography office became "Office of War Information". What story does the picture tell? That from the same event you may have many different points of view

To further illustrate his point, Vincent took us through a series of pictures made by Ted Jackson during the Hurricane Katrina in 2005. Which picture would you put on the front page? The one showing nasty (black) looters? Or the poor (white) man in his destroyed house? Or the one, introducing that in America poor children could be protected by a granny and be helped by the army, and giving the message 'don't worry poor people, heroes are there'. This will depend on the story you want to tell, and it also implicates the naïve belief that pictures are objective 'no comment' testimonies of events.

Further on Vincent talked about 'the beauty of pain' and our fascination with it. Many pictures refer to icons of our unconscious like the redemption of pain / blessed are the poor, the kingdom of heaven. To illustrate this Vincent showed strong and incredible parallels that pictures of suffering and pain of mother and child had with the Virgin Mary and Jesus pictures. Many of these pictures remind us of child memories: the times when our mother was -always- protecting us. But being sent back to our childhood doesn't help to think. To put it in Baudrillard's words "There is a kind of murder in press photo. All those starving people who give their image. We never could pay the debt we have to them" (Le Monde du 30.08.03).

Next Vincent led our attention to the so-called 'the second life of a photo'. He showed to us how many pictures can be used for different subjects and during different moments. Vincent told the story of a woman he had met, called *Marie Moarbès* who was taken as hostage in April 2000 in Malaysia (Jolo island). Her captivity lasted months. Finally she was liberated. She explained that many times when the media were talking about hostages they were using the same images as illustrations because they hadn't any fresh pictures to show. She spent a lot of energy to try to stop this and have her picture recycled every time the media needed it.

This point leads us to a big problem the victims have to cope with. The victim is frozen by the trauma and media only confirms this mechanism. The image of your distress is reflected by the media and printed in your memory. Vincent showed the picture of a young Croatian boy cries over the body of his slain father. We all remember this picture. But what's about him? He is an adult now. How is his own victim image affecting his present, his future?

What about ethics? As declared by the Presidents of Reporters Without Borders and Agence France Presse, "freedom of expression has a corollary: the responsibility". But this is limited to statements. For example, in Belgium, a project of a Council of journalism, proposed by a part of the profession, was abandoned in 2000. Can we do without an independent authority or administrative control of the media? Ten years ago, the Senate proposed a law to link aid to the press and the establishment of a Council. Nothing happened. Are Ethics and self-control sufficient? It is up to the press and television to make their police, so said the president of the College of the Editors. During Fourniret's, trial the public television complained that the private television was paying for the victims' testimonies. The association of journalists investigated the complaint and it appeared that the public television was ready to conclude a similar agreement with victims

Vincent highlighted for the audience the different and sometimes irreconcilable objectives of victims and media.

Victims' objectives

Standing up for a cause, claiming
for attention, help or budget
Recovering house, honor.....
Obtaining a symbolic reparation

Media objectives:

Standing up for point of view, interest
Selling ad space, making money
Increasing the audience

He went on by showing one case when the victim used the press well, Natascha Kampusch, the young Austrian, locked for more than eight years in a 6 m square cell, who has been seriously taken in hand by the team responsible for the protection of the press .Ernst Berger, the psychotherapist who was in charge, considered rapidly that media would be a problem for her. His team was inundated with calls - 400 interview requests in three days. Over a hundred paparazzi were hanging around in the Austrian capital, the hospital was surrounded, the caregivers were asked to take pictures for money. "The media became a problem, they put us in an untenable situation. One day or another, someone would find a way to approach her." Berger said. Ernst Berger asked help from Dietmar Ecker, the best known public relations consultant in the country who accepted without asking a penny. He first examined many similar cases and estimated that Natascha should show her face - whatever the costs may be. Or "she would never have any respite." The British newspapers were already describing Kampusch as a "sex slave" or "pregnant" of her abductor. Ecker convinced the medical team to orchestrate a media event of great magnitude. For him, the best time was between the second and the third week after the breakup of the case. Ecker selected the largest media in Austria: a powerful national television, the most read newspaper, and a tabloid publishing at almost a million copies. The day before the interview, Ecker coached the young woman for half a day. It was a success. Natascha's face was everywhere. in Austria, 80% of the public had seen her 40

minutes after the interview: this is 10% higher than the final of the Football World Cup . In less than a week, 170 TV channels from 120 countries broadcast the interview. For exclusivity reasons, the two newspapers agreed to pay the rent of her flat and a training, with the guarantee of a position in editing. The TV agreed to pay her the full rights of the broadcast abroad – probably 700 000€. Two lawyers finalized the negotiations, Gerald Ganzger and Gabriel Lansky, also on a voluntary basis. A second wave of interviews took place on 11 October.

But Natascha Kampusch put some conditions: She wouldn't answer to any questions about privacy and possible relationship with her abductor. She took the precaution to wear a headscarf. This precaution was to have the opportunity to easier change her appearance later. Four months later she has received thirty to forty book proposals, many scenarios, a long list of interviews, which could amount to 1.5 million. Vincent to illustrate the opposite scenario, showed us the picture of the father of Elisabeth Brichet, who besides loosing his daughter, lost also his dignity by having difficulties to control his image.

It is therefore crucial for victims to have time to think, to negotiate and screen out the options. Some of the key questions to ask oneself would be:

Which temporality?

Will the victim talk him/herself or is it better to ask for a spokesman?

Which media, which journalist will be contacted?

With image or not will be given? Which focus will it have?

Is it better to have a complete interview or quotes inside the “story”?

Are there opportunities of re-reading the interview?

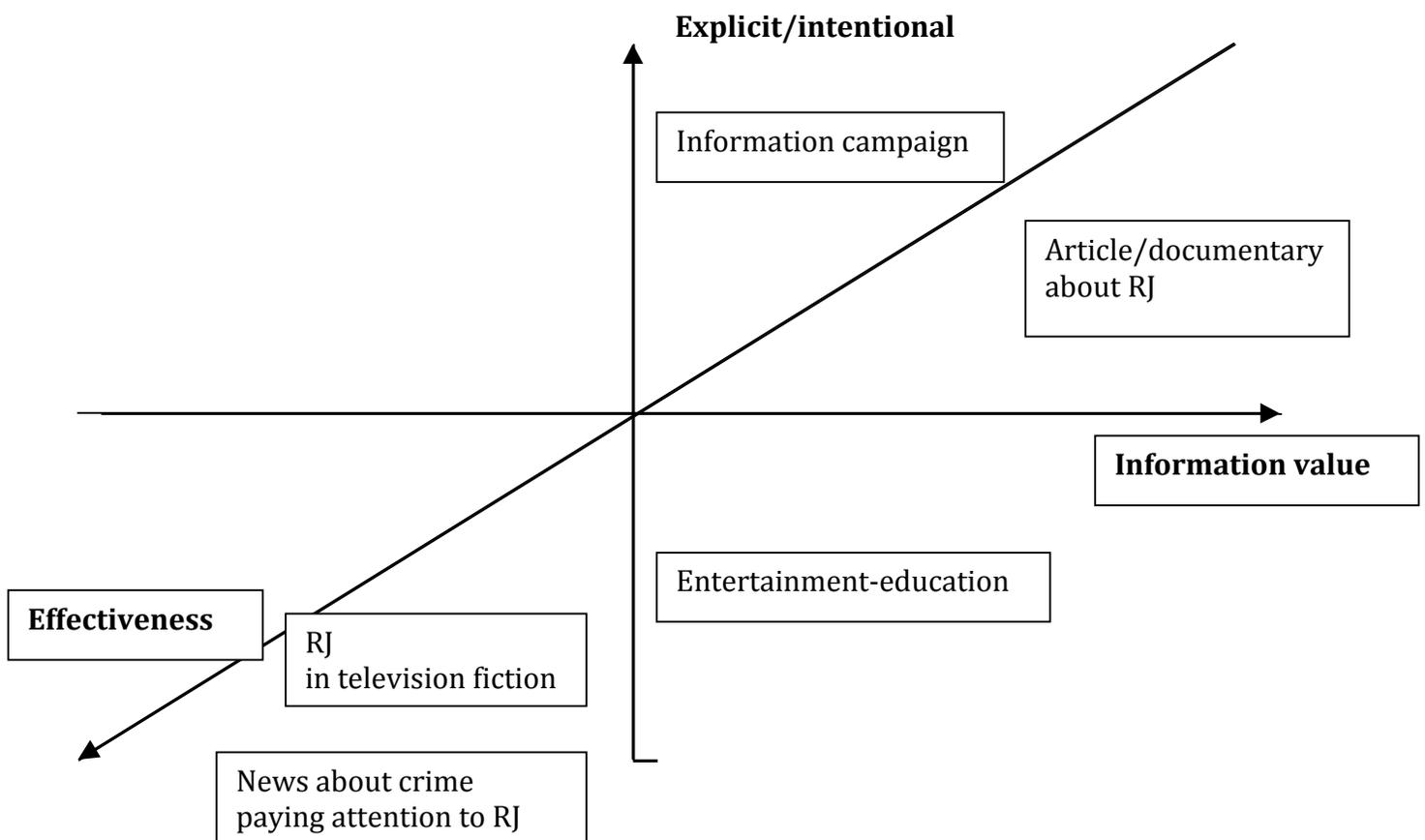
The most important thing according to Vincent is that those who help victims should appreciate and estimate very carefully the situation they have to deal with. Sometimes, trauma often precipitates the person in a state where he or she is not able to think and to exercise his/her free will. It is then up to those who help them to look after the interests of the victims, including this area.

Workshop five: Our messages for the media: From an education- entertainment perspective.

Anneke Van Hoek, Radio la Benevolencia, The Netherlands
Steven Eggermont, K.U.Leuven, Belgium

Steven Eggermont, a professor at the School for Mass Communication Research in the K.U.Leuven, and Anneke Van Hoek, co-founder of the NGO Radio la Benevolencia in the Netherlands made a joint presentation. Steven focused more theoretically on the question how mass media can be used to raise awareness about and create positive attitudes towards restorative justice. Anneke illustrated this with some concrete examples of Radio la Benevolencia's work in which the education-entertainment strategy is applied.

How can mass media be used to raise awareness about and positive attitudes towards restorative justice? Steven discussed different media formats that can be used to promote restorative justice.



The graph above can be interpreted in the following way.

Explicitness means offering and presenting material which is explicit to people who know that the objective is to inform or educate them. Low explicitness means that the informational/educational message is hidden and people do not think about this objective when they read or watch something.

Information value means the amount of information that's included in a certain format.

Effectiveness is whether the objectives of the media format are achieved in terms of increased knowledge or changed attitudes and/or behavior of the targeted audience.

The first top-right level includes formats or programs which have high explicit or intentional material and highly informational one. Good examples of this are information campaigns or documentaries and articles about RJ. The right-lower box is low on explicitness but high on information value. Formats in this formula could be edutainment formats, like health related messages included into soaps. The third box which is somewhat lower on informational value and also lower on explicitness includes formats like television fiction, or also news about crime.

Based on this graph Steven concludes that *the more explicit and informative a message is, the less effective it will be*. This is not such good news for RJ in general which uses mainly explicit and informative formats.

Anneke Van Hoek took it from here and started describing one of the communication projects of Radio Benevolencija in which a.o. entertainment-education programs are produced (right-lower box in Steven's model).

The activities of La Benevolencija cannot be transferred to the field of restorative justice directly, but this case does show how communication tools can be used effectively to change the knowledge, attitudes and behavior of specific target groups. If an entertainment education communication campaign should be designed in Europe to promote Restorative Justice, the design process will be similar as the one developed by La Benevolencija, which means that the communication objectives, content and core messages have to be specified, the most effective mediamix will be selected and last but not least evaluation and monitoring need to be integrated in the project's set up.

Objectives, content and communication messages

The objectives of Radio Benevolencija are:

1. To prevent (ethnocentric) group violence
2. To heal trauma
3. To stimulate "active bystandership" and reconciliation.

La Benevolencija tries to achieve these objectives a.o. through the development of educational communication projects in (post) conflict countries. The content of these communication projects are based on the work of genocide scholar Ervin Staub and trauma expert Laurie Pearlman. Based on their work a limited amount of communication messages are developed together with local

stakeholders. Educating people about (transitional and restorative) justice is only one of the core messages of La Benevolencija.

The Entertainment and Education Strategy

To get these messages across to the general public as effective as possible the Entertainment and Education Strategy is applied. This is a communication strategy that is used regularly and successfully in development countries to sensitize populations about HIV/AIDS and other public health issues. Such intentional use of mass media is called Media for Social Change or Behavior Change Communication. The John Hopkins University has developed practical manuals that can be used as guideline in the challenging process of transferring abstract academic knowledge into practical communication messages for radio drama. In practice this means that the writers of La Benevolencija’s serial drama develop together with content experts and local stakeholders the exact objective, message and content per episode. Within this educational framework the storyline is developed and humor, love stories and other entertaining elements are added.

Mediamix tailored to the context and different target groups

La Benevolencija’s first (and still ongoing) media campaign in Rwanda is called “Rwanda Reconciliation Radio”. In Rwanda only a limited amount of people have access to TV or internet and a majority of the people are not able to write or read so printed media-outlets are also not suitable to reach the general population. Radio on the other hand is a very popular medium and 96% of the population has access to a radio set. Therefore in Rwanda it was most effective to produce radio programs to communicate the messages of La Benevolencija.

The Rwandan communication campaign consists of an effective mediamix of different formats tailored to the media landscape and different target groups in Rwanda. Producing entertainment education programs (serial radio drama) is only one aspect of a bigger campaign. The ideas behind this media mix are twofold. On the one hand different formats are used to reach different target groups (the general population versus the higher educated elite). On the other hand mass media activities are complemented by grassroots activities in order to reinforce the messages of the radio programs and to stimulate passive listeners to take action and become active bystanders. The table below gives an overview.

Target group	Mass media format	Grass roots activities
<i>General population</i>	Serial radio drama	Radio Listeners Groups, events
<i>Well educated elite</i>	Factual radio programs	Conferences, seminars

A similar communication campaign for Europe would consist of a different mediamix in which TV and internet would certainly play a more important role.

Evaluation and Monitoring

The Rwandan radio drama of La Benevolencija is called Musekeweya (“New Dawn”), and has been aired weekly since 2004 on the national radio and through most of the local community radio stations.

A lot of effort has been put in evaluation. On a structural base formative research has been executed through radio listener groups and other feedback mechanisms. The results of this research have been used to improve the programs along the way. Separately summative research has been executed by independent researchers to measure the impact of the programs on the listeners. Yale University has executed for this purpose during the first three years of the campaign yearly impact assessments (a randomized controlled study). The results of these studies were very encouraging. The listening statistics turned out very high, around 91% of the Rwandan population has been listening to the radio drama. And the programs appear to have a significant positive impact on the audience: the trust among different ethnic groups has increased, while also at the same time listeners (in comparison to not-listeners) have become more critical to authority. Listeners also understood more the importance of trauma healing and of speaking out in order to achieve active bystandership.

After more than 3 years of broadcasting weekly programs and after extensive effectiveness studies, we can conclude that producing and broadcasting educational radio drama is a quite successful method to change the knowledge and attitudes of the Rwandan population. Similar positive outcomes have been achieved in the other (post) conflict countries of Africa’s Great Lakes Region where La Benevolencija has been active. It is feasible that the same methodology will also be effective in Europe if tailored to the European (media) context.

How to design messages for an entertainment education program about restorative justice: an exercise

After the presentation, Anneke proposed to the participants of the workshop an exercise of working out collectively core communication messages to promote Restorative Justice. When designing a communication project it’s crucial that you have a clear picture of the target group you want to reach, since the media-outlet, format and content that you will select need to be tailored to this specific target group. It’s not effective to communicate with academics in the same way as with not so educated people and both target groups often watch different programs and read different magazines so the media outlet and format also have to be tailored to the target group.

To make the exercise as concrete as possible the assignment was to develop communication messages for a serial TV drama. The target group was potential clients of Restorative Justice agencies, more specifically: (potential) victims and their network. The cases were mobbing and burglary with face to face encounter etc. (e.g. Will Riley & Peter Woolf).

The objective of such a media campaign is in general to change certain knowledge, attitudes and behavior of the target group. The exercise was meant to start creating some core messages on all these three levels.

For this purpose the group was divided into three subgroups. One group started thinking about the knowledge that the target group was supposed to gain from the program, another group was brainstorming about which attitudes needed to change and the third group was contemplating on what the target group was supposed to do after watching the program.

Important for the participants was also to take into account the current situation (what do people already know, feel and do) and to specify what the future situation needs to be. As an example the following table was presented to inspire the workshop members.

<i>Objectives</i>	<i>Current situation (base line)</i>	→	<i>Targeted Change</i>
<i>Knowledge</i>	(Target groups) don't know RJ	→	Basic knowledge about RJ
<i>Attitude</i>	Negative attitude to alternatives to CJS	→	Neutral or positive attitude to RJ
<i>Practice</i>	Don't go to RJ-agencies	→	Go to RJ agencies

Only if these objectives are specified beforehand on all three (KAP) levels, the outcomes can be measured and the following types of questions can be answered in the framework of an evaluation:

- Do you reach your target group through the media-outlets and formats that you've selected?
- Do they (the members of this target group) understand the information that has been communicated? Has their knowledge about RJ increased?
- Do they accept the information and adapt in a positive way their feelings and attitudes towards RJ?
- Do they apply the information and change their behavior in practice? Do they for example start going to RJ-agencies?

One of the big strengths of behavior change communication is that communication messages are purposely designed to change people on three levels which each connect to different parts of the human body: the level of their knowledge (Head), their attitude and feelings (Heart) and their behavior in practice (Hands). That means that in order to be really effective in your communication

efforts you have to affect people on all three levels. In that way the chances are optimal that the communication activities have impact and people will indeed change. We however have to keep in mind that the impact of communication activities will always be somewhat modest. Long term communication projects that run for many years, such as La Benevolencija is implementing, are of course more effective than short term communication efforts. Evaluation of different entertainment education projects clearly shows that behavior change communication requires long term investment in order to be really effective.

Workshop six: New prospects for building social support for restorative justice: Applying procedural justice theory to counter traditional media conflict framing.

Vicky De Mesmaecker, K.U.Leuven, Belgium

Vicky De Mesmaecker, a PhD student in the Institute of Criminology working on victims & offenders' experiences with restorative justice, and interested in the topic of media and RJ, dealt in her workshop with three main arguments: The public acceptability of restorative justice; How legal systems obtain and maintain legitimacy; and Framing justice: involving the media

With regards to the first argument on the public acceptability of RJ, Vicky started by highlighting two opposing trends marking penal politics. One is the established forms of criminal justice still considered most appropriate response to crime, and the other trend is using restorative sentencing options gradually and generating social basis. However, only when people are explicitly made aware of restorative justice as a possibility in concrete cases and asked to consider them. In the absence of choices, people fall back on traditional modes of punishment

According to Vicky, the public is however an important external stakeholder. She thought as crucial to understand and find out the acceptability exists for concrete cases, or whether there is a general acceptance of the restorative paradigm? This issue takes us to the issue of legitimacy.

How do legal systems obtain and maintain legitimacy? Public's assessment of legal systems determined by the public's perception of the *procedural fairness* of the system. Tom Tyler ("Why people obey the law", 1990) highlighted the fact that public has trust and confidence in legal authorities/legitimacy of legal authorities based on the perceptions of manner in which legal authorities treat members of the public (this leads us to the theory of procedural justice)

After having pointed out the usefulness of the theories of procedural justice for our theme, Vicky turned to analyze framing in three ways: firstly, in terms of types of framing; secondly in terms of the current media conflict framing and its consequences; and thirdly by offering an alternative conflict frame (based on procedural justice theory)

"Framing" is mainly based on literature on conflict negotiation / communication. It consists in identifying, understanding, and labeling experience, in defining persons, events, and processes, *and in* shaping and organising the world. She referred to the example *of* photography highlighted by Vincent Magos during his plenary speech. In photography it is possible to "zoom in and out" on people's experience, by focusing on one thing, and leaving other things out. Therefore the same situation can be framed in different ways. Framing changes views on causes of the conflict, consequences of the conflict and possible solutions to the conflict

There are several types of framing which are also the current media conflict framing: Substantive, Outcome, Aspiration, Conflict management process, Identity, Characterization, Loss-gain, Interests, Rights, Power

The consequences of these current media conflict framing: consequences are first of all the polarisation of disputes, secondly using crime victim as symbolic construct which lead in turn in rise in punitiveness, at least that's how the story goes. But is the public really punitive? Research shows that the public unaware of alternative conflict resolution and RJ

According to Vicky we should cease adversarial framing of legal conflicts, and if we go back to the question of legitimacy we will all remember that the "perceived *procedural fairness* of legal system determines legitimacy of the system". Therefore in order to reach legitimacy we should focus on procedural fairness compounded of three main elements: 1) expressive element, 2) representation / participation /voice, and 3) relational elements like standing, trust, neutrality (Thibaut & Walker 1975; Tyler & Lind 1988, 1992)

But what would the *procedural justice framing consist of*? First of all it would lead to framing crime news content in a way to lead individuals to make procedural justice judgments. Secondly the media would depict procedural aspects of judicial decision making. Therefore procedural justice as a concept should guide media framing of justice-related content by providing information for citizens to make justice judgments (Besley & McComas 2005; Baird & Gangl 2006).

What would the content relevant to judgments on procedural fairness be then? Firstly, perceptions of (un)equal treatment of citizens by the courts. Secondly, (dis)respectful, (un)friendly, (im)polite and (in)considerate treatment. Thirdly, authorities' willingness to explain the reasons for their decisions, their willingness to take time to listen to the parties involved, and to take parties' views into account. Next would be the (lack of) opportunities for citizen participation in court procedures and for expressing one's own viewpoint. And finally perceptions that authorities are neutral/(im)partial. These are the main determinants of public confidence in a legal system. If evaluated positively, support is likely to increase. More people likely to see RJ as responsive to these determinants will lead in turn to increasing support for RJ

Workshop seven: New media and RJ: A necessary way forward

Karel Platteau, Pascal Decroos Fund, Belgium

No written presentation is available.

Workshop eight: Listening to the radio in a penitentiary: Experiences from San Vittore, Milan

Marta Perrotta, Università Roma Tre, Italy

Marta Perrotta, a lecturer and researcher at the Università Roma Tre, Italy started her workshop presentation by highlighting the importance of the radio as a medium. First of all, radio is so ubiquitous and pervasive that it is always taken for granted, however, it is vital and deeply intertwined with our everyday lives. To listen to the radio one does not need any sets, any wires or any subscriptions, but just music and words that make sense

Moreover radio has been the first of old mass media, since 1920's, launch of the broadcasting era, and it has been empowering households with public and popular culture. But radio is also the first of new digital media, since 1980's, showing at the same time resilience and adaptability to new technologies. It is also a very personal, mobile, interactive medium

Next, Marta focused on the importance of analysing radio in prison settings. She referred to the term 'sequestration of experience' (Giddens 1991; Thompson 1995) to illustrate how some forms of experience have gradually moved away from everyday life and have been relegated to particular institutional environments. Some examples of these sequestered experiences are chronic illness (physical or mental), death, temporary detention, refugee camps. She furthermore referred to the history of the establishment of prisons and mental hospitals at the beginning of the 19th century (Foucault, 1975). These institutions isolate, enclosing people detained within physically and socially insuperable boundaries.

What happens then to the 'sequestered experience'. How does it become possible to speak of it, how do we know of it, what becomes of it? Marta talked about this movement towards mediated forms of experience, experience that is not lived but mediated through different means. Through the mass media, the experience of prison becomes once again accessible, perhaps even amplified. However this experience remains hardly accessible to those who are outside, due to the number of visible and invisible thresholds and unimaginable, if not through the stereotypical images provided by media narrations (cinema, broadcast media)

Marta in turn started talking about these representations of life inside and outside prison. If inmates are deprived of civil liberty, they are offered the possibility of experiencing it in a mediated form. Moreover a set of moral values can be inscribed in both representations (the staging of free life and that of prison life): first a preventive value for those who are outside (prisons are commonly imagined as brutal places inhabited by brutal people), and secondly a pedagogic value for those who are inside (TV, radio and newspapers get people socialized to rules and rhythms of civil society). Moreover, within the prisons themselves, radio and TV also serve as sedatives (they keep the inmates' attention and energies occupied). Among mass media, radio serves the widest range of functions which deal with socialization, self-ownership and privacy: connection, identification, and participation.

In her research, she tried therefore to understand the role of radio within the prison walls. The methodology that she used consisted of a combination of quantitative and qualitative methods: 150 semi-structured questionnaires to collect data about listening preferences. Questions could be: what do you listen to, how long, how (headphones or stereo), doing what (working, studying, relaxing, sport); 12 in-depth interviews to collect data about listening habits.

The answers to the questions 'do you own a radio?' resulted to be the most homogeneous data concern in-cell-listening modalities: 90% of the sample own a transistor radio located next to the bed, on a shelf or a nightstand, to which they listen through a set of headphones. In a place where privacy is constantly denied, radio becomes a vital tool for building and maintaining one's private self

The answers to the question 'how long have you been listening or do you listen to the radio?' were as following: outside San Vittore (before) 70% more than for 2 hours per day, 15% up to 1 hour per day, 15% up to ½ hour per day; inside San Vittore (now) 10% more than for 2 hours per day, 60% up to 1 hour per day, 30% up to ½ hour per day. The decrease in the average daily listening time can be explained with the decreased freedom of choice concerning one's own free time, there are no more car trips, no more control upon one's own time and space. The majority of individuals, highly alphabetized to radio when outside, are able to adapt the role of the medium within such a different context of difficulty and limitations, and still maintain high listening levels.

The three intertwined and seemingly contradictory dimensions that radio creates for the prisoners which Marta and her colleague have identified from this research are connection, isolation, and dailiness.

Connection: The inside/outside dynamics

Listening to the radio is a chance to experience the world outside one's cell, to evade from prison and reenter society, to feel part of it and its everyday rituals (from traffic bulletins to phone-ins shows). Radio "worlds" for the listener (Scannell 1996) bringing the listener's world from the cell back into the context of 'public' world, public sphere, made of events, debates, novelty.

Life. Dailiness. This is what it is to me: repetitive, noises, gates, same smells, same colors. Everyday life, beyond the wall, you hear it this way, traffic, traffic news, I laugh a lot about the A4 cause there's always a jam, I laugh at that, then I think back to when I was there in Agrate at the toll booth, there I laugh... time, the dailiness you can't taste. (Marcello)

I'd like to phone and go in, because sometimes they talk about such bullshit, outside people they don't realize how important certain small things are, I do realize it, when you reach a certain maturity inside the prison you notice how important small things are. (Miguel)

Radio is able to create connections among cellmates. Preferences about programs, music genres or radio hosts can orient choices and practices concerning the medium inside the cell, even to the point of affecting the microcosm of relationships and links among people sharing the same space. Sometimes, indeed, radio is listened to in groups, as more often happens with television. Radio, then, functions as a connective tissue during the rare moments of integration among inmates in the same cell, or becomes a background (almost always made of music) to moments of the life of a forced community (meal preparation and consumption, cleaning). Radio is a symptom, and sometimes also a cause, of true moments of integration.

Then on Sunday morning since we work less we have less duties we use the time to do those small things like washing the floor, here nobody comes and cleans, so that becomes a moment of sociality, you tidy up your cell, this and that... and you listen to music on the radio. (Claudio)

Sometimes if the day's fine almost everyone listens to the radio, we can amplify a walkman, we did a smart thing, to connect it to the TV set to have it louder. It's a partying moment, maybe cause there's some music that catches a bit all, until nine, when someone then goes out in the air or to the showers, then that's it. (Marcello)

There is a form of connection with the outside world that's not collectively experienced, and that is radio's answer to the inmates' personal need of establishing a physical contact with people outside. Radio's connective function, then, turns the medium into a tool capable of recreating intimacy with the Other – a non-reciprocal intimacy – and making it a possible experience through voices, words, emotions and feelings that those who are broadcasting share with the audience. Through the power of sound the world becomes intimate, known and possessed (Bull 2002). In some cases, when there is such a strong link between music, words and emotions, radio takes up a feminine side, it receives a gender identification: (*'my girlfriend the radio'*), so much that it becomes a surrogate for the feminine gender itself; *'Radio is the voice of women'* said Lello, 17 years in prison without either physical or visual contact with a woman that was not a guard; *'I enthuse, get excited hearing stuff, during those few hours I'm with her'* (Poliseno)

Isolation: the nth barrier

The detainees spend inside the cells most of their time. One's own body and person is not only subject to limited movement and expression, but also continuously exposed to the public eye of inmates and agents. The cell's spatial discipline implies canceling the private dimension. The forced publicity of the body sanctions the excision, the tear of that invisible sphere in which our private dimension encloses us. Radio, in this context, is used to sew back the rip, rebuild a private sphere around one's self, mark the distance between one's self and the other detainees. Using headphones creates a private island larger than the cell's few square meters; it creates 'the experience of being 'cocooned' by separating the user from the world beyond' (Bull 2002), a private cell that allows to be 'on one's own,' think for oneself, let oneself be distracted.

When I have to sleep, when I need... – I'm in no therapy, no... – I take Radio Italia, as soon as I put it on, boom, even during the day, even if there's someone around moving, doing their business, loud television, I can fall asleep, that's my therapy... (Marcello)

Then in the evening... I think radio is fine from nine p.m. on, when you are calm and relaxed in your room with your headphones on, even if there are other people... and radio allows you to isolate yourself, and to evade, enter the speaker's world according to the way he speaks or what he says or what he talks about he takes you to a world... and you travel, travel a lot, because I imagine the studio where he is... you travel... (Miguel)

Dailiness: The re-timing of everyday life

Radio can make every day different from the others. Due to the prison's spatial constraints, the detainees experience in particular the cyclical dimension of time: they live always in the same spaces, with never-changing rhythms; they live by appointments, by standard days that periodically repeat themselves, by rituals (one of which is the 'small ceremony' of preparation to a loved one's visit). Radio re-times prison time, playing with repetition in order to create affection, to confirm, to make taste more specific and link itself to habits, accompanying the listeners all the way along the arrow that takes them from the beginning to the end of the penalty, trying to continuously rearrange the tune of their standard day.

The first thing I do in the morning is turning the radio on...then I get ready for my workout and listen to Lifegate...one more thing I like...when I cook radio keeps me company, talks, sings, there's someone with me... (Lello)

After you've been here for a while, you set up your day so that time passes a bit... you have definite schedules, the time at which you listen to the program, the time for you to go take a shower... (Francisco)

Radio as a sound hourglass

Rather than 'evade' from prison, radio helps surviving in it, becomes a tactic to loosen the englobing grip of everyday life. Even in its simplest use, that of 'making time go by', there's the feeling that radio do not only accompany the passage of time, but even accelerate it toward the end of the morning, toward the end of the day and of the night, toward, finally, the end of the stay in prison. It's the same feeling we get when staring at the sand that falls to the bottom of an hourglass, believing that the simple fact of staring will actually make time go faster.

To conclude, Marta said that radio is a very important medium because radio can facilitate the exchanges between the inside and the outside world. It can furthermore portray the reality of the prison through the tools of radio language (anti-stereotypical and antirhetorical style). Radio can let the listeners see through the keyhole and it can also let the prisoners-producers listen to their work and experience live. But most important radio is light, simple, inexpensive and powerful.

PART TWO: Civil society and restorative justice

4 June 2009

Plenary one: Restorative justice and civil society: Ways to foster social support

Ivo Aertsen, K.U.Leuven, Belgium

Ivo Aertsen, Professor at the Institute of Criminology in the K.U.Leuven and main promoter of the EFRJ, started his presentation by analysing the main question of the project and of the seminar regarding civil society and restorative justice systematically: 'How can cooperation be developed with civil society organisations in order to inform and educate the public and to create broad support for restorative justice?' The background of this question lies on different premises: first that policy/political support for RJ are always needed; secondly that the role of public opinion for RJ is paramount; thirdly that the dominant focus of the RJ debate has been prevalently on its relationship to criminal justice, in expense of other important relations; the belief on the existence of a social 'midfield' and the under-utilisation of its potential

But although the question seems self-evident, there could be different possible approaches to it. Is it that RJ is conceived as an external entity to civil society and has therefore to develop cooperation with it? Is involving the public an instrumental method or a value on its own for RJ? Another logical question would where RJ has to be positioned, or in other words who should control RJ, civil society or state institutions?

Ivo highlighted the three main focus areas which he would deal with in this plenary session: Civil society and civil society organisations; Linking civil society to RJ; Which settings within civil society can be addressed?

Civil society and civil society organisations

He started by offering some notions of civil society. One such notion is that civil society is considered as a 'the arena of uncoerced collective action around shared interests, purposes and values'. Other notions of it are 'the third sector' or 'intermediary institutions' which are distinct from state (government) and market (business). Another definition borrowed from Red Cross can be the one which considers civil society as 'a diversity of spaces, actors and institutional forms: professional associations, labour unions, religious groups, registered charities, development NGOs, citizen advocacy organisations, pressure groups, self-help groups, volunteer organisations. Other highlights of civil society consider it as enriching public participation and adhering to democratic values.

But despite some clear definitions trying to define clear boundaries, according to Ivo Aertsen, the boundaries between state, civil society, family and market are complex and sometimes blurred. An example could be the fact that the state subsidies for many NGOs in Western Europe (social work sector, health, education). Another blurred-boundaries example could be the public administration system in Nordic countries. We could go no to include the private company subsidies in North

America. Ivo also highlighted some sectors whose position is very unclear, they are like hybrids of state, market, and civil society and those are the media, schools, and sports organisations.

Ivo also talked about the concept of social capital which is the capacity to mobilise resources in society to solve diverse social, political and economic problems and is crucial for the preservation and development of democracies. Civil society organisations are building social capital. There are also links to 'nodal governance' (security and criminal justice administration): from a passive consumer perspective to a policy on nodal structures or networks (private-public).

Civil society organisations have varying degrees of formality, autonomy and power. The types of these organisations are local associations which are not highly professionalized and work with volunteers (sports clubs, youth organisations, women organisations, neighbourhood committees, environmental groups, etc), schools which have an ambiguous belonging, socio-cultural organisations that focus on education and all kinds of training, politically affiliated groups and trade unions, and professionalised (or mixed) NGOs and local institutions (like victim support, probation, social work, mental health...)

At this point in his presentation Ivo shifted our attention towards the concept of public opinion. He questioned the way public opinion is measured by saying that opinion polls are only one instrument, mostly used in a specific context, that produce a specific type of knowledge. 'Opinions' can not be understood on the basis of survey questions, but must be studied as 'meaningful symbolic behaviour'. All events are interpreted, evaluated, categorised and structured. Opinions are situated, dynamic and complex, and are thematically organised. Attitudes and opinions about crime, punishment and justice show that people manifest a lot of ambivalence, contradiction and inconsistency on these topics. But what plays a role in public opinion formation? Of course media is the most important opinion maker? Another powerful source are opinion leaders and 'authority' (also in informal settings). Finally the role of emotions, personal involvement and identification is as important as the previous two sources.

Linking civil society to RJ

Ivo Aertsen undertook the exercise of linking civil society to RJ by looking at RJ as a part of a broader society/community/state and needing social support. This social support could be passive support meaning that RJ would only get acceptance in the society, or it could be active support, which means that RJ would get also participation from the citizens. Another point to clarify according to Ivo is whether civil society is a goal or only a means for RJ? The way RJ could get support is by starting from personal experiences, contextualising the event, making use of problem-solving capacities in society. There are furthermore two possible directions that could be followed when justice is taken into consideration. It could be useful to start from criminal justice institutions and try to receive supporting acceptance, credibility, cooperation. But at the same time it could be as useful to start from justice in the community and rely on the informal/formal mechanisms by offering an active contribution to justice like shaping a co-judging paradigm. Therefore a good question to ask ourselves at this point is whether we aim at strengthening state interventions, or at supporting/influencing a culture?

Which settings within civil society can be addressed?

The answer to this question takes us back to the previous argument on the passive or active reliance on civil society. If we are interested in the passive role of the civil society towards RJ, we should opt for information and/or sensitization of the public, which would imply preparing the right information and deliver it through appropriate channels, including civil society organisations. Another support means would be the detection and referrals of crisis situations. And finally the civil society organisations can also contribute to public campaigns (ex. lending their name).

But on the other hand, if we are interested in the active role of the civil society towards RJ, there remains much more work to be done. Which active settings should be selected and what are the criteria for this selection? One setting is certainly the one where people can be active citizens, where there is a space for it. Next where there is a high probability of adopting a 'RJ discourse': through talking, thinking, acting. Another setting is where common (RJ) values, principles and skills can be shared or developed, and also where some types and degrees of (internal) regulation exist (formal or informal) and can be discussed. And finally in settings where independence can be guaranteed, and inequality and discrimination combated. But even if we opt for active support, there can be various degrees of involvement. One can be direct: learning by doing (ex. conflict handling within the organisation), and the other can be indirect involvement (ex. by developing active cooperation with local mediation service)

Another key issue is how can these active settings be selected? On the local level it can be the mediation service with the help of their partner organisations (locally well embedded). On the central level it can be the national RJ organisation (NGO or public). Other elements of further strategy can be supporting innovations in associational life and partnerships and affiliations (Ex. self-help groups, victim groups, neighbourhood watch), creating links between policy bodies, NGOs and media in the same field (bonding) and between organisations across different interests and agendas (bridging). Another important thing would be the reducing costs and risks for citizen participation, and the last but not least making room for surprises

Plenary two: Social support for RJ? Or RJ to build social support?

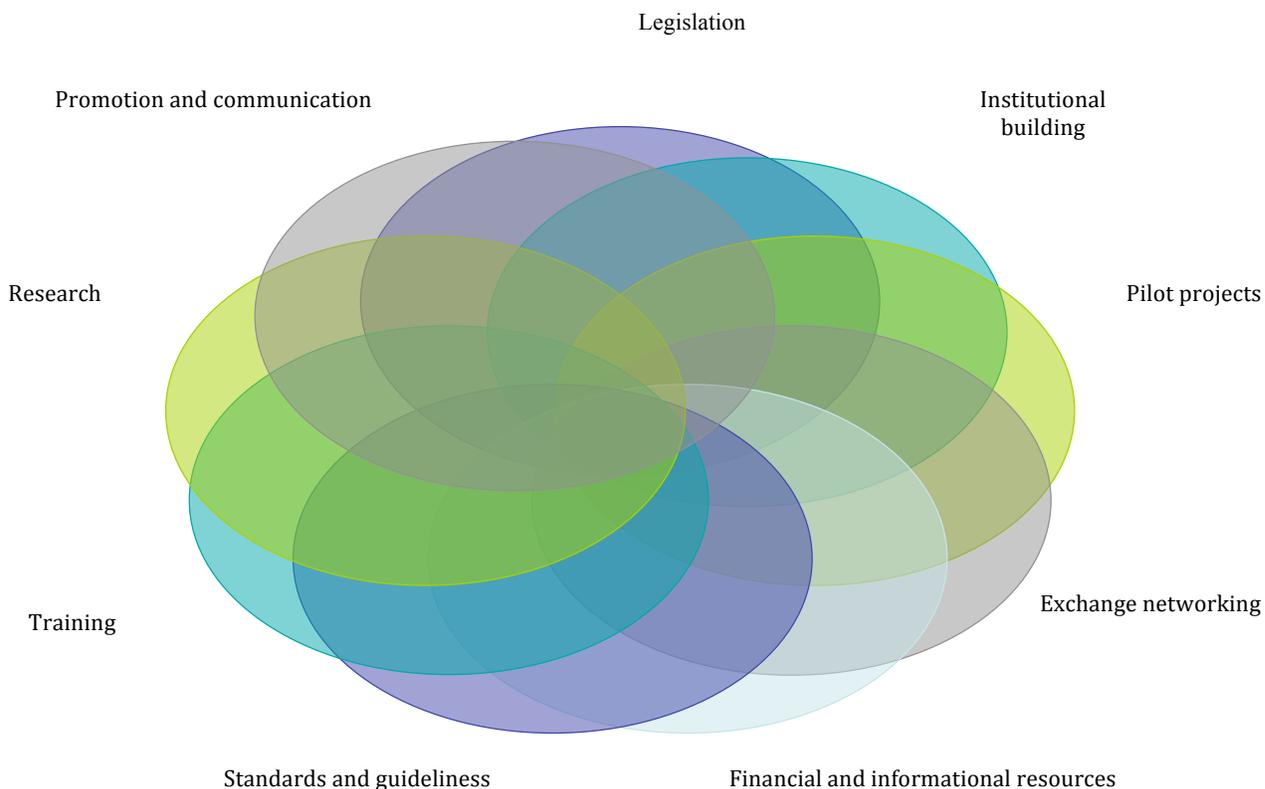
Borbala Fellegi, Foresee Research Group, Hungary

Borbala Fellegi, executive of the Foresee Research Group, and in charge of Hungarian and EU programmes researching the potential application of mediation in community conflicts and prison settings, started her presentation by outlining the main parts of her presentation, which consisted in laying the frame for strengthening social support and analyze what needs to be kept in mind while working towards strengthening social support for RJ, illustrating this with an example and showing a concrete film on community mediation and capacity building.

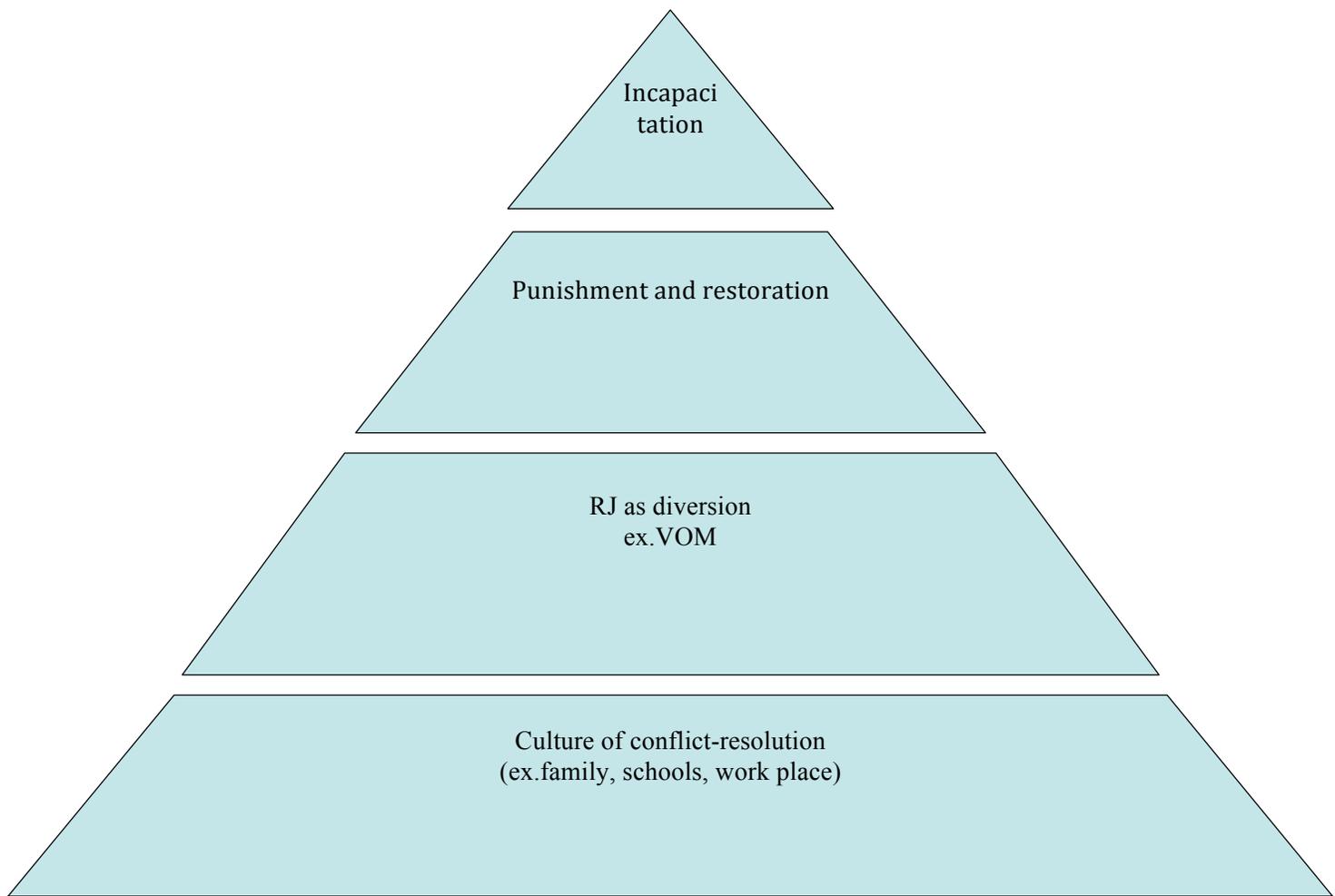
According to Borbala, a possible frame of analysis for building social support can be the SWOT frame, which highlights the strengths, weaknesses, opportunities and threats of a particular endeavor. She performed this frame analysis by relying on the policy tendencies in Hungary and other CEE countries.

Strengths

The first strength consists on the 9 needs which are constantly being fulfilled and are interwoven and highly interrelated with each other. The following scheme illustrates these 9 levels.



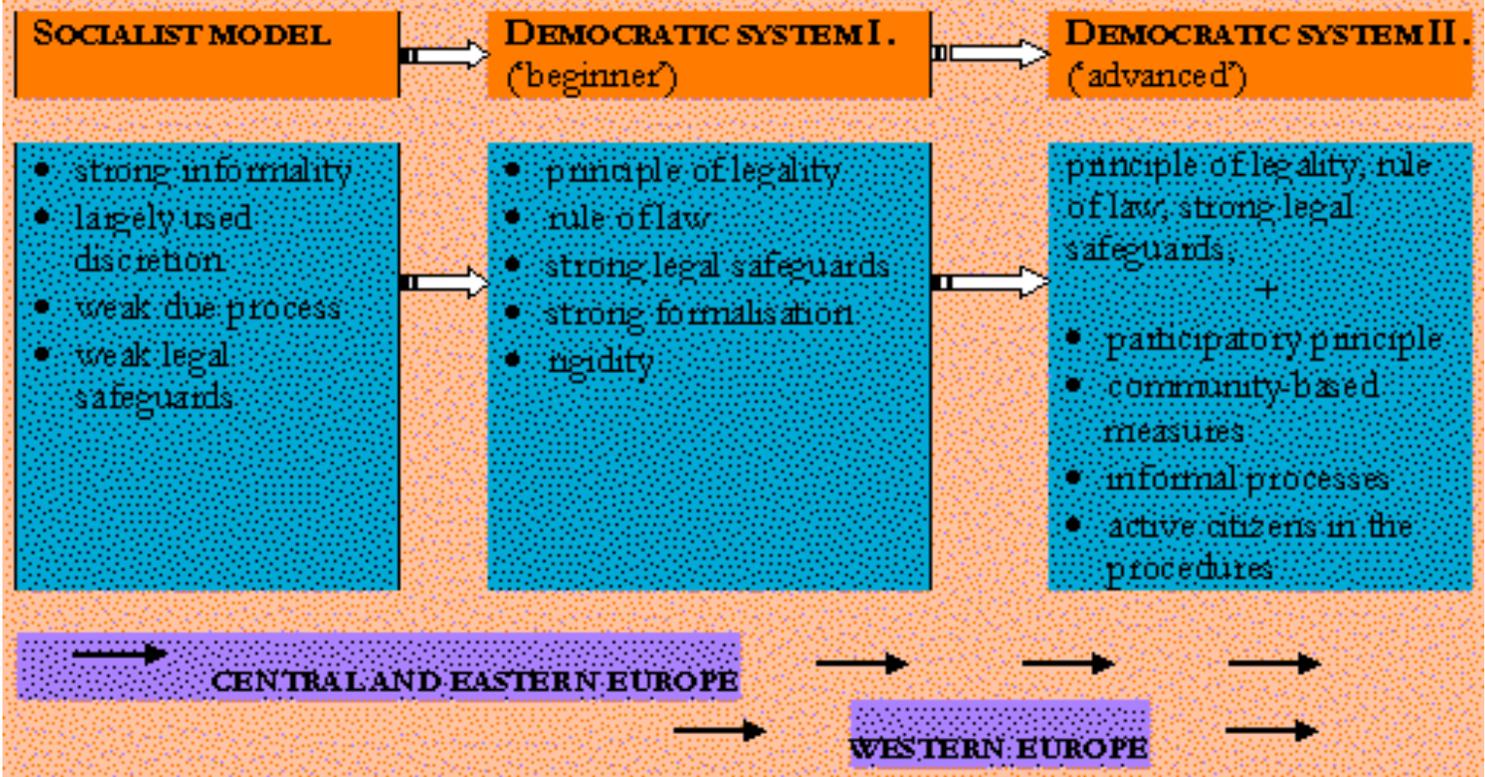
The second strength consists in the institutional evolution of RJ. The initial collaboration with the theoreticians and NGOs influenced subsequently very strongly the EU level, which influenced in turn the state level, and now all these four levels are tightly linked together and in close cooperation. The third strength is having RJ on all levels of society. The following scheme based on Braithwaite (2002) and Walgrave (2008) illustrates these four seemingly separate but interrelated levels.



Weaknesses

Borbala identified the first weakness as the democratic transition in Hungary and other CEE states. The following scheme illustrates how CEE countries and Western Europe are at different levels of democratic processes and how this influences a series of perceptions and attitudes in the CEE countries.

FIGURE 1: THE PROCESS OF DEMOCRATIC TRANSITION



The second weakness was the idea that punishment was equated with facing the consequences in Hungary and in other countries as well. The third weakness identified by Borbala is the lack of trust which is in general due to the high competition between individuals, organisations, different sectors, and also between professions/disciplines for funding, legitimacy, recognition, etc. The fourth weakness is the lack of community, or lack of caring attitudes, bonding, common vision/goals, future-orientation, etc.

Opportunities

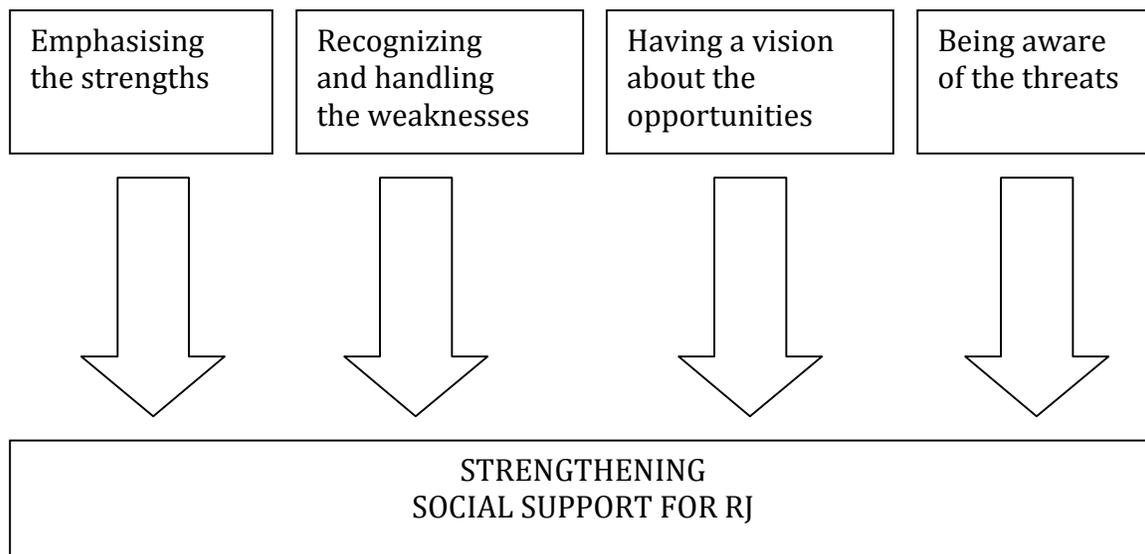
The opportunities ahead of RJ according to Borbala are many. The first one is to look at RJ as a mean to build community bonds and strengthen active participation/citizenship. Other opportunities are to find gates for integrating some elements of RJ into the social policy and criminal justice system, and implementing RJ as a complex institution into the criminal justice system. The third opportunity is that there exist already many traditional cultures of community-based conflict resolution (eg. the *Romani Kris* in Roma communities)

Threats

Some of the threats identified by Borbala are the rise of the punitive reaction (both in social policy and criminal justice policy) towards “deviant” behaviour, which leads to exclusion, radicalisation, growing gap between social groups. Another threat is the rise of the political popularism, and its “easy” answers through the sensational media. A third threat is the lack of understanding of the RJ principles and processes, which is highlighted in discomfort in applying RJ, and risk-minimising behaviour taking us back to the routines and avoidance of RJ in the judiciary. Yet another threat is the lack of recognition of RJ principles that have been “lost in transition” during the institutionalization process (e.g. offender-orientation, dominance of material compensation). And finally a threat is also the increasing “lawyearisation” (overemphasizing the role of lawyers), which leads us to the lack of informal processes, community involvement, civil control in the criminal justice procedures.

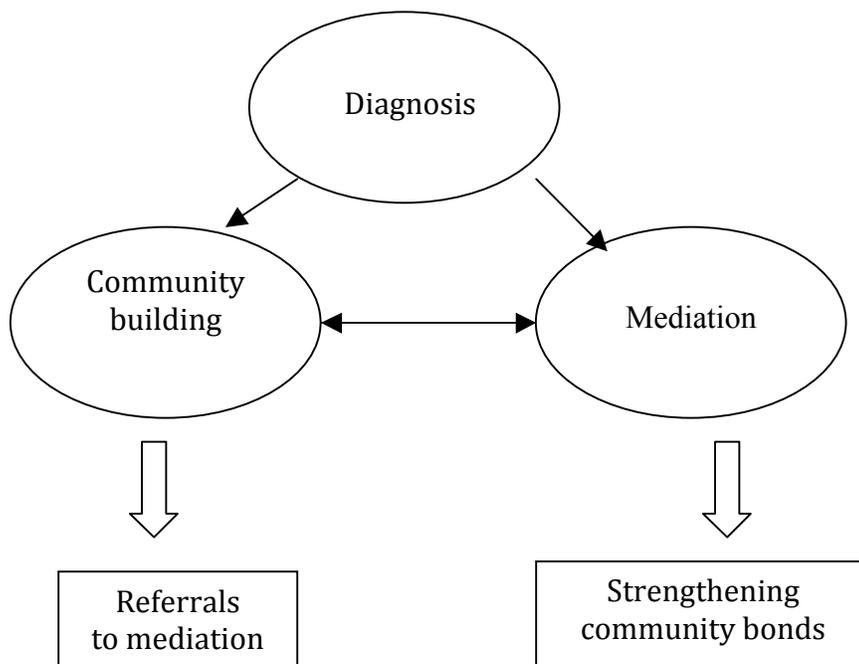
The conclusion of the SWOT analysis

Borbala highlighted the fact that the SWOT analysis is specific for the countries we deal with, and by the recognition of these aspects can we more effectively foster and strengthen social support. As you see, the conclusion of that analysis consists in emphasizing the strength of RJ, in recognizing and handling the weaknesses, having a vision about the opportunities RJ offers to the society, and finally being aware of possible threats.



Furthermore, Borbala posed to the audiences challenging questions. Starting from the awareness of what do we expect from a client, which can be several things, among which security, self-esteem, responsibility-taking, honesty, articulation of own needs, trust, taking care of others, recognizing, listening and understanding the other side, cooperation, partnership, giving and requesting feedback, ability to self-criticism, giving another chance, communication skills, belief in the win-win outcome, openness and trust towards an impartial mediator, reflection to the principles, supporting others in making amends, Borbala turned the question towards ourselves: do we represent these principles in our daily work with each other?

After this presentation, Borbala showed to the audience an example on the role of community building, illustrated by a short film on a Hungarian village, a film called “We also exist”. The process was very complex, but to put it simply it started from a diagnosis of the problems, which lead in turn to mediation, and which finally contributed to the community building. As the process showed community building and mediation are very closely interrelated: while none of them can work without the other, their effective application can well strengthen the other field.



The film on community building can be found on the following link:

<http://vagyunkmiis.foresee.hu/>

The PPT of this presentation can be downloaded from:

www.fellegi.hu/file/Fellegi_Leuven_4June2009.ppt

Workshop one: Towards a strong cooperation between victim support organisations and RJ organisations.

Ruiz Cortez, APAV, Portugal

Rui Cortez, a penal mediator and a legal adviser working in APAV (Portuguese Association for Victim Support) started his presentation by introducing APAV, a national organisation for victim support with the head office in Lisbon. Rui highlighted the statistics of victim cases that APAV received since 1990 until 2008 and the increase was dramatic. The majority of these cases have a domestic violence cause, followed by crimes against the person, and property crimes. The type of support that APAV offers to the victims is first of all free and confidential and consists of psychological, social, legal and emotional support elements.

Next Rui took the audience through the history of victim-offender mediation in Portugal. The mediation with young offenders has started taking place since 1999, while the mediation with adults started only in 2008. The main features of mediation with young offenders are as follows: it is especially aimed to the education of the minor and not the retribution for the crime; it takes place within the criminal proceedings; it considers young offender people aged 12 to 16 years old; and the mediators are juvenile probation officers (Ministry of Justice). It furthermore takes place in cases which are punishable with imprisonment equal to or under 5 years or with a fine.

The beginning of process starts through the initiative of the Public Prosecutor or the Judge, or by the request of a lawyer, the minor, the parents, or the person who has custody. The mediation process is centered on the young offender and there is a possibility of extending the execution of measures up to 21 years old. Furthermore these are free and confidential proceedings and both victim and offender can be accompanied by lawyer, family, or others. The end of the mediation process is followed by an agreement which leads to the termination of the criminal proceedings. In cases when there is a disagreement, the mediator informs the Public Prosecutor, who continues the criminal proceedings.

After this brief and concise introduction to mediation with the young offenders, Rui Cortez shifted his attention then to the mediation in the cases of adult offenders. The main features of such mediation is that it takes place within the criminal proceedings. Furthermore it requires a suitable degree or professional experience. There exists for that reason a specialized training (Ministry of Justice). It can be offered by independent professionals or by the public mediation offices.

Mediation with adult offenders can take place when the crimes are against people and/or against property, and when they are punishable with imprisonment equal to or under 5 years or with a fine. On the other hand mediation in such cases is forbidden if the crime is a public-crime, if the victim is under 16 years old, when the accused is a collective person, and when it is a crime against freedom or sexual self-determination.

There are two starting possible ways for this process: one is by the Public Prosecutor initiative, and the other by request of the victim and the offender. The first contact is generally done by the Public

Prosecutor who sends a letter to both victim and offender. The first contact by the mediator is then made by a letter or phone and it is the mediator's obligation to explain the mediation proceeding.

The mediation process has to be concluded in 3 months, but if needed there is an additional period of 2 months. There are free and confidential proceedings. Both victim and offender have to participate actively, and both can be accompanied by lawyer, family, or others. If the mediation ends with an agreement, this implies the resignation to the complaint from the victim and to a lack of opposition on the part of the accused. Moreover the tasks and obligations by the offender have to be completed within 6 months or less, and if they are not fulfilled the victim can renew the complaint within one month. If on the other hand the mediation process ends with a disagreement, the mediator informs the Public Prosecutor, who continues the criminal proceedings.

After this introduction to mediation with adult offenders, Rui focused on the restorative justice unit within APAV. He said that this unit is specialized in information and awareness on mediation, follows international seminars and offers mediators' training. Moreover the unit collaborates with the Judiciary Studies Centre, and university institutions.

Rui introduced the project Victims and Mediation conducted by APAV in the last two years, the objectives of which were to contribute to the protection of victims' rights and interests within VOM, to promote the exchange of information, to promote a reflection about the adopted practices and procedures, to identify and disseminate best practices, and to emphasize the need of further action research on victim-sensitive practices.

The participants' profile in this project was very diverse. There were 25 RJ services from 15 different countries: Finland, Iceland, Germany, Belgium, Spain, Portugal, Italy, Greece, Hungary, USA, Netherland, Switzerland, Scotland, Sweden and Denmark. Out of these, the services that develop their work exclusively with adult offenders were 9, exclusively with juvenile offenders were 12, and with both adult and juvenile offenders were 5.

The main topics that were dealt on in this project were: the mediator and the requirements to play this role; the process - first contact with the victim and preparation to the mediation; the training on victims' issues; and cooperation with victim support services.

Rui took the audience though some of the main results from the projects with regards to each of the topic. In the following table you'll see only the significant results of the question of the requirement of the mediator, where training takes an overwhelming priority. Knowledge of the law, having no previous convictions, living in the local area, having a minimum age requirement, computer literacy, having oral and written skills, and knowledge of victim issues were all insignificant variables.

Training	21
Committed with an organisation or service	7
Professional experience	5

Personal skills	5
Adequate degree	5

The next important issue is the first contact with the victim, and the questions asked are who does it, how is it done, and what is said? To the question who contacts the victim first, the answers were as follows:

Mediator	12
Police officer	4
Judge or prosecutor	7

Prosecutor and victim support officer did not seem to be significant in the first contact. To the question how is the first contact done, the answers were as follows:

Letter	15
Phone call	7
Personal contact	5
Brochure	7

And finally with regards to the first contact the last question was on the things that are said during the first 'encounter'. The results were as follows:

Presentation of the service + purpose of the work	4
Principles	9
Mediator role	5
Dealing with needs and expectations of the victim	2
Judicial system consequences	6
Possibility to bring additional persons	1
Willingness of the offender	1
Dealing with victims' perceptions about the incident	1
Mediation aims	4
Communication (be listened + get answers)	5
Reparation	5
Process description	1
Advantages (easier payment)	5

Rights and duties	2
Possibility to opt between direct or indirect med	1

To the question on offering information or reference to other advice or victim support services, the majority replied yes (10), but a very significant number replied no (7).

To the question whether an option between direct or indirect mediation was offered, 13 organisations had it, and 8 of them said no because they always had direct mediation.

Victims' assessment prior to mediation items yielded to the following results.

voluntary will	11
Power imbalance	1
Victimization impact	4
Needs and expectations	6
Age	1
Cognitive and emotional capacity	3
Ability to cooperate/acceptance	2
Fears	2

To the question 'who prepares the victim for mediation, the majority answered that the mediator or the mediation team does the preparation.

The methodology for the first contact varies considerably. The time for preparation had a majority of at least one session, which is very little in general, but the positive thing is that these sessions can be more if needed. Some statistics showed that the majority of the place where the meetings were prepared was at the mediation service, and a few of them at victims' homes.

The question on the training regarding victims' issues had the following significant results:

Victimology	6
Victim reactions	8
Victimization consequences	6
Secondary victimization	8
No training on victim support issues	2
No training	6

Presentation of victim support services, victim needs, legal status, victim support skills, dealing with trauma, victim assessment, criteria for victim participation were not on the training agenda of the organisations offering mediation.

With regards to the cooperation between mediation services and victim support the results were in general good. The good examples of co-operation were taking place at various levels: referrals, first contact with the victim, assessment of the victim, preparation for the mediation process, support on other levels, complementary information, sharing of good practice, training in the support and working with victims of crime, assessment of the impact of the mediation process. In some case although the foundations of this cooperation were good, the whole process was not applied at all and not used as often as it should or could have been.

Rui posed several questions for discussion. One was whether the “minimum content” of the first contact should be standardized? The other questions were whether the academic qualifications of the mediators are sufficient, and whether the specific training essential to work as a mediator is essential? Discussion focused on the second and third questions. One of the participants pointed out that academic education is not a requirement to become a mediator. She reminded that there is an important number of volunteers working on mediation or conferencing in different countries. Therefore, more than academic antecedents, skills and attitude are the most important aspects to consider.

Regarding the issue of specific training, it was commented that normally mediators do not have a specific training before becoming a mediator. According to the experience of the participants, the training is obtained while doing the job, either by receiving advices by more experienced mediators or by team work. The conclusion was that the mediator receives training, but this one is normally informal.

The second issue discussed on the workshop was the relationship between victim support and restorative justice programs. One of the participants asked, according to the results of the “Victims and Mediation project”, the most common direction in referrals between mediation and victim support. According to the speaker, referrals can be done in both directions. However, not too much is known about this situation in other countries. In fact, the results of the project “Victims and Mediation” indicate that not too much relationship between victim support and restorative justice programs has been developed. The reasons and the ways to improve this relationship should be the focus of a further research.

Workshop two: Implementation of a restorative justice culture through networking between official and private agencies: A critical view on the Flemish example of the local district steering-committees.

Leo Van Garsse, University of Ghent, Belgium

Leo Van Garsse, a pedagogue at the Ghent University in Belgium, grounded his experience in his long involvement with the development of mediation in Belgium. He took the audience through the history of mediation in Belgium relying on his personal background. Leo said he became a mediator in 1987, and in that year they were only doing mediation to youngsters. This changed gradually until 1993 when they were able to offer mediation for adults in pre-trial, and then later, in 1996 at the police-level. Only in 2000, Belgium offered mediation for adults in post-trial cases. From 1998 to 2008, Leo said that his focus has been on the implementation of mediation. From 2003 to 2007, the focus has been on legislation, and since 2009 he has started working in Ghent University.

According to Leo, “Social support” for RJ in a country like Belgium is not easy. But nevertheless, according to him, even if this can be achieved, it will never be “in abstracto “ but in a concrete, pragmatic way, by promoting an offer. Maybe it makes more sense to implement “mediation” then to plead for something vague as ‘Restorative Justice. Also we should address this offer to real, tangible people in a real, tangible context. In the Belgian context, making use of the notion of “community” isn’t maybe the best entrance, since this notion does not refer to anything concrete in peoples every-day lives. At the other hand , if we really want to respect parties, then we should also take into account the institutional context they are finding themselves in, being victim or offender, and that means taking seriously that mediation between “victim” and “offender”, whether one likes it or not, implies the system. If we ignore this, we risk to disrespect the people we are working with. Instead of declaring wars or creating gaps, if we really want to create social support for Restorative Justice we should seriously empathise not only with the actual institutional positioning of victim and offender, but also with the key-actors in the institution. This implies that we should consider and take into account their role, the particular reasoning they are standing for, the problems they are facing.

Empathising is keeping the midst between distance and connectedness. It is an open attempt to see and respect these actors, not only each of one in his own role, but also in their mutual connectedness and dependence, their need to achieve credibility by maintaining delicate balances amongst each other: the prosecutor in relation with the solicitor, the judge in relation with the people of victim-assistance etc. .. Empathising in this way is admitting that the CJ-system as a whole has a very defendable goal , and that working as a victim-offender mediator or a RJ-advocate implies inscribing oneself on the common interplay of all these actors in order to try to promote this goal via an offering complementary to the offering of others.

Leo is aware of the fact that the position he’s taking is far from evident amongst RJ-advocates and might be considered merely revisionism or opportunism. How could these Flemish mediators fall that deep into institutionalising RJ as if it were just a complement of the CJS? What were their

reasons for implementing mediation mostly by promoting it in such a close collaboration with the system?

The story behind this started in 1987 right at the beginning when the mediators were only relying on a very sympathetic and supporting prosecutor, who was giving them some referrals and supporting their cause. Nevertheless the referrals were very few and neither victims nor offender felt really free to make a choice whether or not to participate. The mediators felt working merely in service of the prosecutor and were lacking their 'real clients'.

From 1989 until 1991 the process has pretty much been towards the search of a 'real client'. The way the mediators proceeded was addressing the mediation-offer directly to the public, to the 'community' some might say. An attractive leaflet was produced and was welcomed with a lot of enthusiasm. But even then, victims and offender didn't show up, probably because of a lack of legal security.

Given this experience, the direction from 1992 on has changed and now the mediators started to search for support from the CJ system again, but this time without being instrumentalised. Nobody opposed the idea of mediation, but the step to take up responsibility for informing and referring people seemed to be a problem for every separate actor. The different actors within the system, like prosecutors, police, judges, lawyers, etc. were all asking the same question: 'Why me?'. That led the mediators to realise, that this was not going to function only with one type of actor but with all of them together.

This developments and understandings were partly a result of the first steering group. It led to the strategy to promote social support for mediation by priority through the establishment in every judicial district of this kind of groups composed with different actors which agreed to consider the promotion of this mediation-offering as a common goal, creating together a strategy for the implementation of mediation and for a CJS really open for this kind of participation of the public to the process of judicial decision-making process.

In every judicial district, the objectives of a steering group were negotiated in a protocol. The different actors (prosecutors, judges, lawyers, police-officers welfare-people, local prison staff...) eventually agreed on participation in a two-month steering-committee, offering moral support for restoration and participation, follow up of the practice and offer critical advise, supporting and advising mediators, and considering further local creative initiatives in a restorative direction.

The usual agenda of a steering group would consist of following-up of the evolution of the local mediation-practice, which meant considering the facts and figures, discussing the problems and 'results' (never on individual cases), and also highlight some structural findings. Furthermore it consisted in reporting on evolutions in other districts and abroad, discussing possible improvements in the practice and mechanisms for referring, discussing perception of each others (virtual) contribution or actual resistance, considering creative local action (sensibilisation, broadening the restorative scope), and also considering a message towards the press or the responsible ministers.

Furthermore Leo discussed with the audience several advantages and disadvantages of such groups.

He started with the disadvantages:

The maintenance of such a group is first of all very time consuming, especially to come to an agreement on the content of the protocol, but also to keep on discussing every two months. Another disadvantage is that the mediator who acts as a catalyst of the institutional dialogue finds him or herself in a very vulnerable position. A lot of aspects still need clarification:

*The “status “of the group members: Are they just personally interested in mediation, join the group because their superiors want them to, or do they come there as representatives or spokespersons of the institutions ?

*The content of the discussions can be quite interesting, but can also hold vulnerable info. So, Is reported upon or should it remain confidential amongst the steering-group members ?

*In the same sense, the status of the outcome of the discussions of those groups so far is rather vague: Are they just advisory, should they be binding (for whom ?), or just considered another “good idea”?

*And finally, according to Leo, such a group might be considered a step towards a massive institutionalisation of mediation. For some, this kind of group means the beginning of the end of the independent position of the mediation-service.

On the other hand there are many advantages to the creation and maintenance of such a group:

*First of all, it provides space for knowing each other better and learning to exchange in an open and respectful way.

*Similarly, it provides a space for discussing and clarifying ones own goals and concerns, and for a constructive confrontation of experiences, insights and defensible concerns. According to Leo, it stimulates confrontation with the capacity of the average citizen to come to a defensible solution, and he argued that if this appears to be the case, it would be possible to hold the mediator to be an eye-opener.

*Discussions in these groups create growing capacity amongst the members to deal with doubt, but what is most important: a growing capacity amongst the collaborating partners to act complementary, using force as an “ultimum medium”. And this is exactly where mediation comes in, as a precious instrument to invite citizens to confront the judiciary with their own suggestions and solutions, often suitable enough to modify or to drop the use of public force.

After this presentation of the steering groups’ history and concept, Leo posed some very interesting questions to the audience. Due to the short time allocation for the workshop they couldn’t be all discussed, but we will put them all here for future reference. They illustrate very well some of the dilemmas which nuance the existence of these kind of steering groups.

Statements for further discussion

1. If the decisions of the meeting have no binding force, but are just advisory, a steering-committee is a terrible waste of time.

I absolutely disagree

I absolutely agree

3 -2 -1 0 1 2 3

2. Some members in the steering-committee as described are completely unacceptable for this purpose and should not have been invited to take part.
3. Some bodies, not invited in the Flemish steering-committees, should have been.
4. The whole construction of a steering-committee is delivering the ownership of the conflict in the hands of the traditional institutions, instead of using mediation to give it back to the parties directly concerned.
5. If I were a judge of a prosecutor, I would never accept to take part in a steering-committee on mediation.
6. This way of networking can never contribute to obtain social support for Restorative Justice.
7. The steering-committee will automatically result in a loss of independence of the mediation-service.
8. The mediation-service, as an initiator of the network, should determine the agenda of the meetings of the steering-committee.
9. Towards the members in the steering-committee, the mediation-service should have no secrets.
10. I would be glad to leave the selection of the local mediators to the members of the steering-committee: they dispose of the position and the competences needed to do so.
11. In order to promote a Restorative Justice culture, it is far more effective to meet those several stake-holders one by one. Bringing them together, rather stimulates them to reproduce their traditional policies than to go for a change.
12. The reports of the meetings of a steering-committee should be kept strictly confidential .
13. If I were a victim or an offender, I 'd never trust a mediator net-working with official bodies.
14. A steering-committee might be a good idea, but it has nothing to do with promoting Restorative Justice.
15. A steering-committee is a good forum to adapt the way of implementing restorative justice to the specific features and 'culture' of a particular district.
16. A meeting of a mediation-service and other private bodies with representatives of the judiciary can by definition never ever be a place for an open debate on things that really matter.

Workshop three: Involving the civil society with RJ: Doing it the hard way

Inge Vanfraechem, NICC, Belgium

Inge Vanfraechem, a researcher at the National Institute of Criminal Sciences and Criminology in Belgium, and vice-chair of the European Forum for Restorative Justice in her workshop talked about the possibility of involving civil society in restorative justice while retaining the (strict) justice approach of restorative justice. She explicitly chose to view RJ as an option for doing justice after the occurrence of an offence. It is justice primarily oriented towards repairing individual, relational, and social harm and it is best accomplished through communication processes. According to Inge, RJ is separated from other deliberative/restorative practices first of all because RJ relates to criminal justice/crime, and therefore it implies coercion (at least in a maximalist view). In RJ, crime (therefore victim and offender) are the starting-point. The public dimension of RJ is that the social interests are threatened in 'criminalizable matters'. She clarified she departs from a restricted concept of restorative justice, that which encompasses only the set of restorative justice practices and theories directly related to criminal matters and take place in the framework of the criminal justice. Namely the term 'restorative justice' should be understood as *"an option for doing justice after the occurrence of an offence that is primarily oriented towards repairing the individual, relational and social harm caused by that offence"* (Walgrave, 2008). Therefore according to this approach the rest of deliberative practices aiming at restoring the consequences of a conflict in other spheres such as schools, workplace, family or the neighbourhood, do not fall under this term and can be called as 'restorative practices'.

On the other hand it is possible to talk of a continuum between restorative justice and restorative practices, a continuum in which the implementation of restorative practices or peaceful conflict resolution methods in a neighbourhood or school setting can have a preventative effect preventing many conflicts from escalating and eventually deriving in a criminalizable behaviour entering the criminal justice system. Furthermore, both, the methods used in the framework of restorative justice and these concerning restorative practices used in other social spheres 'share fundamental beliefs and working principles' as the 'participatory conception of social life and democracy'. She argued that cooperation between these two poles of this continuum is needed because a participatory approach and search for conflict resolution in non-punitive way is crucial in democracy, but there are risks involved as well. The major risk is that if you call everything for everything, then the real potentials of these two approaches will become blurred, and might also lead to the cooptation of civil society to widen the net of social control. Inge outlined several reasons for supporting the importance of drawing a clear distinction between restorative justice and restorative practices. Restorative justice deals with matters that have reached the criminal justice system where coercion plays a role and specific actors come on stage. When a crime occurs social interests are at risk mirroring that actually crime has a public social dimension not shared by conflicts in schools or communities. Furthermore, the roles of victim and offender as the central participants of the restorative process tend to appear more distinctively defined whereas that is not necessarily the case in other contexts such as community, family or schools.

Inge then introduced one broad definition of Braithwaite & Strang (2001) on civil society as “all institutions intermediate between the individual and the state”. According to this definition civil society in the broad sense includes families, schools, communities, churches, charities, etc. On the other hand, if we keep a narrow definition of civil society, to include only those organisations that are pertinent to restorative justice, we can maybe only count on volunteers, victim assistance (and others?).

Inge in turn posed some questions. If we think of civil society as everything that lies between the individual and the state, we should ask ourselves what is the community pertinent to us. Do we talk about community of care, neighborhoods, or cyber communities? Another question to ask when we consider crime, is should society be involved at all, and how do we deal with extreme public opinion for instance? And what is the role of the state in all this? Inge talked about taking a nodal perspective, which is basically a network of different actors.

Subsequently she invited the audience to think about several existing practices of involving civil society in RJ. One such practice is VOM centers which are working with volunteer mediators. Another practice is conferencing, which involves families, community representatives (artificial), victim support representatives, and school representatives. Another such practice although different from restorative justice communication processes, is community service which sometimes involves the community.

Against this framework, the central question of the workshop was tackled: by opting for a restricted sense of restorative justice, should we then, for the sake of consistency, concentrate our efforts in involving only these civil society organisations and stakeholders involved in criminal justice matters (victim support, offender’s families groups, prison volunteers...) doing it ‘the hard way’? Or by contrast, should we aim at the broader civil society and search for support from charities, schools, NGO’s, cultural or sports associations, ecologists’ groups...? Is therefore the restricted concept of restorative justice compatible with a broader sense of civil society?

The presenter pointed out that by involving citizens and organisations not related to criminal justice there is the risk of these being co-opted by the criminal justice system and widening the net. Namely, this could lead to progressively criminalising behaviours which at present are not yet relevant to the criminal justice system and are being dealt with by different means in the different settings where civil society organisations work.

This concern comes to the fore, for example, when considering what should be the link between restorative justice and schools. Which situations should be referred to restorative justice instead of being dealt with by the usual means? Who is responsible for deciding about this referral? Depending on how these aspects are decided, there is a potential for a net-widening effect.

The question on which should be the civil society organisations to be addressed in order to build social support for restorative justice was also the main topic discussed by the participants after the presentation.

The tension between the risk of widening the net and the need for increasing citizens' responsiveness towards the social and human dimension of crime was recognised. It was observed however, that introducing a more humane and constructive responses to crime should actually concern to the civil society at large. According to the restorative justice approach, the consequences of crime do not only affect victim, offender and their respective networks of care but it also disrupts 'social harmony'. Therefore 'reintegration' requires the involvement of the 'community'. On these grounds, it could be more consistent with the restorative justice paradigm to search for support in all fields where civil society organisations are involved.

Other reasons in favour of not delimiting the focus to criminal justice were pointed out. By including the broader civil society, media would not only function as a means for raising citizens' awareness about restorative justice, but it would also be a fundamental actor to be engaged.

Furthermore cooperating with all kinds of civil society organisations would allow restorative justice stakeholders to draw on different strategies and skills which might be common in other spheres but unknown within the criminal justice field. By learning 'other ways of doing things' the capacity and the impact of restorative justice could be strengthened.

On a different note, it was also mentioned that the degree of civil society involvement in criminal justice related issues is not the same in all countries. In some countries issues such as victim support or crime prevention rely on the consolidated work of non-statutory organisations, whereas in others the engagement of civil society organisations is more common in other fields and in criminal justice matters is scanty, hence opting for 'the hard way' in certain countries would leave a considerably poor pool of resources to count on.

Following from this, another issue was discussed: is restorative justice a faith or a belief? This question stems from the acknowledgment that in certain social contexts restorative justice has primarily been promoted by religious communities. Consequently, citizens' involvement in restorative justice is connected to a faith. Hence to what extent shall we expect citizens to accept and engage in restorative justice just because 'it is good' and is consistent with the democratic values? Being restorative justice a matter of 'values', does not this downsize the legitimacy of claiming for more citizens' support?

It was argued that the traditional criminal justice system is actually based on values as much as the restorative justice paradigm. Despite the fact that the traditional justice system is institutionalised and is much more engrained in society, it also owes its principles and rules to a set of beliefs and values.

Nevertheless, it was agreed by participants that while acknowledging the importance of educating citizens on the restorative justice values, these are not sufficient. Efforts should also be devoted to provide civil society with scientific evidence that restorative justice works. Legitimacy of restorative justice is equally built on both, values and reliable evidence of its benefits.

Workshop four: Teamwork with citizens in restorative practices

Hedda van Lieshout, Eigen Kracht Centrale, The Netherlands

Hedda van Lieshout, a representative of Eigen Kracht Centrale in the Netherlands, took the audience through a conceptual exercise based on the concrete experience of Eigen Kracht. She started by highlighting the mission of Eigen Kracht Centrale which is to achieve the maximum autonomy of citizens, promoting their strengths with help of family and friends, stimulating organisations, government and movements, and foster citizenship.

The core of restorative practices is the fact that the question/problem is in the centre. The second key issue is the idea of widening the circle. Third, come confrontation and consultation, entailing the questions: what is happening, who is/was involved, can we find a different way of dealing with it, how, and what do we need? Finally a concrete plan is worked out and support for the plan is offered.

There are based on the problem and on the experience of Eigen Kracht different kinds of conferences. The first is the Eigen-Kracht Conferentie (FGC), which deals with problems within a family or living unit. The second is Leercirkel/Learning circle which is mainly used at schools for promoting the individual school careers of pupils. The third one is Echt-recht restorative justice conference, which deals with conflicts between parties or at school etc. And finally there is the All Hands-conference/ community conference, more adapt for dealing with difficult situations in a neighborhood or organisations by having those involved work together to a solution. The form of conference model that fits best with the specific case will be chosen. Principles are the same, namely decision-making process, responsibility remains with the citizens, it is ideal and concrete attempts are made at widening the circle, and there is always an independent coordinator.

In turn, Hedda focused her attention more towards the Conferencing. She highlighted the key elements and concepts of conferencing which are returning responsibility to citizens, making their restorative plan , restoring together, including family, social network, 'peer group', directorship in the hands of citizens.

According to Hedda, FGC is a decision construct and a values-driven process. FGC also satisfies important democratic ideals. Conferencing as a decision construct enables decision-making and case planning. It also enables discourse between two sets of legitimate interests, who make consensus-based plans. It also ensures that plans are effective. Furthermore conferencing offers an opportunity for people to draw up a plan to solve their problems together with people they trust.

In terms of the process a typical Family Group conference starts with the referral, assignment of the independent coordinator, preparation phase, sharing information, the so-called 'private time', presentation of the plan, and finally support and evaluation of the plan's requirements.

What is need when preparing the FGC therefore is an independent coordinator, time and resources for widening the circle, private time for the family group, agreeing with the family group's plan over other possible plans , and agency support for plan .

Furthermore Hedda focused a little longer on the role of the independent coordinator, whom she said we can also consider as a form of citizenship. The independent coordinator has no decision role whatsoever in a professional organisation and no interest in the outcome of the plan. He is able to work on widening the circle and ensure safe participation for all by providing the right information. But in reality the family is owner of the conference, which takes place according to their time, place, language, food, rituals and traditions. The independent coordinator is responsible only to facilitate the circle and nothing else.

The advantages of such conferences are that families come and share their concerns. People of all ages are present in such occasions and they learn to take their own responsibilities. In general the plan addresses more than one problem area, and therefore they all together make suitable and creative plans. A family usually brings in their own resources although they also ask for professional services. The presence of everyone guarantees the fulfillment of the agreements. They in general appreciate very much the process, plan and the facilitator

Some trends after the 2000 Research WESP, F. van Beek (the results of which can be found in the following websites: www.wespweb.nl/ www.eigen-kracht.nl) are as follows: there are on the average 14 participants in a conference; the plans have been about 71 % formal conference plan, 15 % informal plans, and 14 % no plan; there is always an outcome; there are no unsafe agreements; 66% plans are usually made within 8 weeks; there are high satisfaction rates among youngsters, other family members, and professionals.

The arena for FGC is broad and can include childcare and protection, victim support, health care, schools, domestic violence and correction centres, community policies such as housing issues, etc.

Research on the restorative Justice Conferences on the other hand show the following results: a restorative meeting is attended by an average of 8 persons; an ample of 92% of the meetings is concluded with a restorative plan; 95% of participants could contribute to a solution; after 3 months: 77% of plan fully executed, 20% partially; an ample of 93% of perpetrators and 90% of victims look back on the meeting with satisfaction

After this introduction on the main types of conferences, Hedda shifted her attention again on the independent coordinators. She said that Eigen Kracht has an infrastructure of more than 400 coordinators that covers the whole of the Netherlands. The coordinators are normal citizens who, on top of their everyday tasks, support families with organising their conference, on a free lance basis. They go through a three day training, coaching, and supervision. Citizens who apply for a conference indicate what kind of coordinator would best suit their situation (male, female, religion, language, age, etc.). all the coordinators together speak about 66 languages and dialects. They find their work very satisfactory and very few of them quit. As the number of conferences increase the demand for coordinators also increases.

She furthermore highlighted the advantages of working with independent coordinators. First of all an unlimited number of citizens are available and there is therefore no waiting list for conferences.

Facilitators have different connections to all kind of layers in society. Lay persons as facilitator have networks in different parts of society, and this is very helpful in bringing RP in the mainstream. Restorative trained citizens have many times more authority in the public debate and they contribute to the development of civil society.

PART THREE: Citizens and restorative justice

05 June 2009

Plenary one: Citizens in restorative justice: Who empowers whom?

Siri Kemény, Mediation Services, Norway

Siri Kemény a senior advisor at the National Mediation Services in Norway, and Chair of the board of the European Forum for Restorative Justice, dealt in her presentation with the third issue of the project, namely with the question “How can we increase the involvement of individual citizens and/or volunteers in the functioning of local restorative justice programmes?”

According to Siri, this can be seen as a contradiction in terms because we live in situations where important parts of civil society are constantly weakened. This impoverishment is at least partly a result of the expanding educational system in our/these societies. Nils Christie warned against the lawyers and the increasing professionalization of our society more than 30 years ago. This warning was taken seriously by the Norwegian policy makers and politicians: The Norwegian Mediation Services (MS), our KONFLIKTRÅD, was without discussion established as a layman’s institution.

One of the main considerations behind the creation and implementation of the MS, was, I quote: “to strengthen the communities’ ability to resolve minor offences without weakening the legal protection.” The choice of establishing the MS as a lay-mans’ institution was, of course, to make this vision of strengthening the local communities’ ability to resolve their own conflicts – even the minor offences – come true. To strengthen the local communities’ capability in this respect, also meant in a certain way, to counteract exaggerated professionalization.

But Siri posed the question whether the MS has succeeded in this purpose? She invited the audience to reflect upon, and discuss, if this element – the counteracting of the increasing professionalisation in our societies - has been sufficiently focused upon in RJ work. She said that she has lately quite stunningly realised, that the Norwegians, are almost alone in including this element into their considerations and reasons for establishing RJ institutions, the MS. But according to Siri if they have succeeded, and to what degree, must then of course be investigated. She also thought that Finland and to some degree Netherlands also worked towards the same direction.

In general, the professionalisational forces have increased since Christie pointed at them. An increasingly large part of the population is receiving high school (a minimum), college or university diplomas, often of an unspecified type. This means that they are highly educated for tasks not yet specified. RJ practices – mediation, conferencing and the like, is an obvious and tempting possibility for future jobs.

Siri grounded her experience in her Norwegian background, meaning in the experiences of the MS with volunteer mediators, and the experiences with MSs which also are entitled to handle civil conflicts and do community mediation/meetings.

In Norway mediation and conferencing in the RJ context is only done by volunteers, or lay people, that have received basic training. This fact makes people in other countries believe that mediation and RJ is – if not – profoundly – at least fairly well rooted in the civil society in Norway. However, Siri said, the mediation services – our KONFLIKTRÅD – is still today a well kept secret.

This was the title of a seminar organised by the municipality of Oslo in 1991, to promote the Mediation Service. How come that this title is still valid today? How is it possible, after 15 years with a nationwide firmly legislated governmental service? Even with unanimous support from national politicians, regardless of political party? Or maybe the secret has started leaking out?

In the last years RJ has been high on the agenda of our Minister of Justice, he has been promoting it actively. On the other hand he is also promoting more severe penalties for sexual crimes and violence, typically right now, before the coming elections in September. However, the situation has changed for the better, particularly during the last 2 years. More people are familiar with the Mediation Services, and many more also support it (i.e. RJ) as a good idea instead of applying punishment with crimes, especially with juveniles. The media has lately had more focus on RJ and what the mediation services are doing. The word “konfliktråd” is spreading in Norway. Siri said that they can meet it sometimes in surprising contexts, and it is then used as if people were most familiar with it. More and more it is referred to the MS as a relevant option when different types of conflicts are on the agenda.

When neighbouring conflicts were discussed in a gardening program on the radio recently, the local coordinator of the MS was invited, and when we had demonstrations because of the Gaza war in January and there were some violent actions as well, afterwards the MS was invited to play a role at a big so called dialogue meeting with Islamic and other immigrant youths that had been involved, the editors of the big newspapers, the police, the “prime minister” of Oslo etc.

Still, the number of civil cases received at the MS does not amount to more than 15 % of the total caseload. It is evident that much more attention is paid to the criminal cases. It is time and energy consuming to nurture the relationship to important partners, the case-deliverers like the police and the prosecutors. Also it is put down in the legislation that if capacity problems arise, priority must be given to the criminal cases.

But let us return to the outset of the MS in Norway. Siri posed the question: how come that the MS as a layman’s institution was not set under debate, that it was seemingly taken for granted? According to her the answer must have something to do with the Norwegian society. It is a society underpinned by a strong ideology of egalitarianism, and in practice it is also fairly egalitarian, a society of peers, even if the gap between the rich and the poor is increasing., where democracy is deeply rooted, ideologically and in people’s mindsets, but also in practical everyday life, in the local communities and in the way people behave.

The participation in the Norwegian legal system (court system) by lay people, or citizens, is also still present. Norway has a jury in the higher courts, but it has recently been proposed to replace it with lay assessors together with the judges. This is now being debated.

Also, people in Norway (and of course also in the other Scandinavian countries) are all social democrats in their hearts. People have a strongly social democratic mindset, even if they do not give their vote to the social democrats. The Labour party and the Trade Unions have for a very long time been trendsetters, and we have all been influenced by them, like it or not. Voluntary communal work has also been part of this movement, when the country had to be re-built after the Second World War. Still the voluntary communal work- trend is alive and thriving. Also, the educational system is strongly based on social democratic, egalitarian values. Therefore according to Siri to recruit volunteer/lay mediators has not been a problem.

Nevertheless, for some reason it has been a slow process to gain some visible sign of social support for RJ. In spite of information campaigns, few citizens have been familiar with the MS, not to speak of RJ, until recently. And this has been mainly due to a general change in society, the hiring of an information officer for MS, the application of conferencing with a strong spreading effect, and the "time effect" (MS/RJ has been around in Norway for a long time now).

But despite this good ground, Siri posed the question whether there are also elements in the social democratic welfare societies that are counterproductive to foster social support for RJ? He answer is "yes". The welfare state also has strong paternalistic elements. The state acts as a caretaking father towards its citizens. She claimed that the negative effect of this is that the citizens have become used to the state taking care of all their problems – health care, education, social security, social peace, etc. Combined with strong formal education local communities are loosing not only the social capital, but also the practical life knowledge – the experience exchanged and elaborated in the pub, over the kitchen table and in the streets. The neighbourhoods are emptied for tasks – the ground for learning and developing this kind of knowledge is lost. Why care, why interfere – experts know better. They are certified to know.

Siri said that so far the MSs have not succeeded to revitalise and strengthen the local communities, and thus add to the social support of RJ. But I can see a potential for this to happen in the future. During the last two years there have been signs that give reason to believe that this will happen. There is a strong need for empowerment of the local communities. But it takes time for the citizens to get used to the idea of having a shared responsibility for our common welfare, and for keeping the social peace. Also, the citizens of today must re-learn that rights also yield obligations, and solidarity must also be re-vitalised and re-learnt. Can RJ be a carriage for this purpose also?

Siri argued that if we really want RJ not only to gain social acceptance and support, but also to become a tool to "reinvent" social capital and local, practical knowledge in local communities, mediation and the facilitating of conferences should be done by volunteers. Siri referred to the film that was shown by Borbala Fellegi as a good example of how this can be done.

And – to succeed – attention must be paid to how the RJ services are organised. To be visible in the local community, they should be decentralised. In Norway the number of MS has decreased from 44 to 22, which means that the geographic area each service has to cover, has increased. But Siri said that they still have volunteer/lay mediators in every municipality (which is not the same as a local community, necessarily).

She also sees a positive development after the implementation of the conferencing model. It has really taken off. With more people participating, the experience with RJ, with participating actively in a justice process, a conflict handling process, - it (the idea) spreads much faster and thus social support is created. With conferencing, RJ has “gone home” with the police and the prosecutors. Many of them have become “believers”.

According to Siri, the principle of confidentiality should also be discussed. To create “good vibes” in the community, it is helpful if people can learn about what is going on, to have transparent processes. Even if she has her doubts about this, she invited the audience to discuss about it. She suggested that we should make the processes and meetings public in general, and close them when we deem it necessary, like they do in the courts? It would for sure add to the social support of RJ. The question is at what cost.

According to Siri, the idea of RJ can best be promoted when the citizens realise that they, as part of the community, have a responsibility to take care of the social peace, while the state has the responsibility to preserve (law and) order. At present, she thinks that social support for RJ in civil society in Norway can best be developed via a sound cooperation between the police and the MSs. The MSs do not have an organisation at present that makes it possible to “reach the community” without help from others. For this purpose they are far too centralised. The police on the other hand, are numerous, and, by its function, get in contact with all kinds of groups and individuals in the community. The police in Norway have in general a strong civil character. If the police do community police work according to RJ principles, they can identify conflicts and problems in the local community and in cooperation with the MS organise conferences to discuss and help people/the community to solve their conflicts and problems. This will eventually also have a crime preventive effect. She hopes that in the future the police (stimulated by the Ministry of Justice) will not be so eager to formally register every little act that can develop into an offence, or even not register the smaller offences in their files, to show in their statistics. We should rather strive for a decriminalisation in our societies, with more social peace attained via the empowerment of conflict handling in the local communities.

Siri also stressed out the fact that the picture is different from one country to the other, but the international scene does also influence the national development. What has taken a very long time in Norway, can today take much shorter time in another country, also because of the international climate. The role of the EU should not be underestimated either. And of course, it is important to pay attention to the local culture. Maybe to campaign for volunteer mediators will be counterproductive in certain countries. Still, I think it is important to stress that the local community, the network should be involved, should be empowered to continue the effort to build

and develop their own local community, by their own means – like Borbala Fellegi’s film so nicely showed.

In the end Siri posed to the audience as a question for discussion the debate between having strong professionalisation and accreditation of mediators and not having them.

Plenary two: Participatory democracy: A dream or reality?

Christa Pelikan, Institute for the Sociology of Law and Criminology in Vienna, Austria

Christa Pelikan, a senior researcher in the IRKS, Austria responding to Siri's presentation started by saying how different mentalities Austria and Norway have in these matters. In Austria, the remnants of an autocratic rule are still in place, and as a citizen you normally sit and wait what you get, instead of actively getting together to take care of your affairs.

But nevertheless, she started from the assumption that one of the core elements of RJ, namely active participation of the parties involved or more general, the stakeholders, can contribute to promote participatory democracy within societies. RJ as a mode of conflict regulation affords such active participation; it is therefore different from the formal penal process that implies delegating the handling of the conflict to the criminal justice agencies – the police, the prosecutors and the judges. We regard the capacity for participatory conflict regulation as an important prerequisite of a vibrant democracy.

According to Christa, the contribution of RJ can become effective in two ways: one is by providing an exercise ground for participatory conflict regulation, where parties that have experienced this mode of conflict regulation might become more confident in relying on self-activity whenever new conflicts occur; and the second by providing an opportunity for the expression of participatory conflict regulation either through the recruiting community members as 'mediators/facilitators', or through the involvement of community members in the restorative justice process.

Christa said that in the course of her contribution she would further explore to what extent and in which contexts these two ways have been used and what empirical evidence we can find regarding the chances of realising the dream of promoting participatory democracy. She relied mainly her empirical research and the experience derived from it.

RJ providing an exercise ground for participatory conflict regulation:

After so many years it seems that this concept of RJ providing an exercise ground for participatory conflict regulation was far from the mainstream understanding of RJ; it always was and still is a bit exotic, lofty, well yes – a dream indeed. Christa asked how this idea emerged, and whether the transfer-effect took place at all.

Looking at the meagre specific evidence we have to look into this matter in a broader perspective and consider the potential efficacy of criminal law intervention in general., or even more general: ask ourselves when, and under what conditions do people change their ways? And – related to this questions, are there collective mentalities and can they be influenced and changed?

Be it as it may – one thing is sure: interventions, (criminal) policy interventions more specifically - are always something 'artificial' quite often acts of intentional education – while we know that the most effective education/socialisation/enculturation takes place in the course of non-intentional

education, that wo/man/ that the child is shaped by the whole of what surrounds this child this young person, by 'life' itself, by the persons that she spends her daily life with, by the way they are there and are there as they are.

What do we know of these processes of providing a learning experience for individuals? As concerns the efficacy of mediation processes we have evidence only, or predominantly of circles of reinforcement – and maybe sometimes as an instigation/initiation, a triggering of change. It almost never evokes a stark 'conversion', the complete change of attitudes and of actions according to this changed behaviour. And Christa said that she has evidence – mostly from the follow-up of the project on family mediation – that long-lasting change toward a more participatory mode of dealing with conflicts is not to be expected. Such fundamental change does not take place easily. This is clearly disappointing.

And also as concerns VOM, if there is a more continuous change it is the one stemming from processes of empowerment. Changes in gender relations, and in the relations between state power and 'private' power relations 'Macht-Verhältnisse' are needed to provide the ground for RJ processes to become effective. This seems to have happened in Austria in the course of the last 10 years. One could also say that what has been taken for granted (The Implicit Social Contract' according to Barrington Moore) has been shaken and has got out of joint and has started to be rejoined at a different level, a different mode.

The results of her recent research in this field show that RJ can become imbedded / part of a comprehensive effort at changing collective perceptions, changing an 'Implicit Social Contract' regarding gender power structures and moreover the role of state agencies vis-à-vis those taken for granted relationships. There the effect of VOM transcends the individual and private, because the 'capacity to connect', i.e. to hook on to everyday life requires societal conditions that allow for such a connection. This means that it needs societal support of a kind of collective social perception/expectation, because if it remains isolated it will be hard for the individuals to 'connect'. When and under what conditions does the societal percolate down the individual, the private und personal? How did this change come about?

So this is about societal change. It is about societal change and about concepts of justice as part of societal change, and as a potential driving force of societal change. It is about concepts of justice and ingrained understanding patterns of conflict regulation, i.e. delegation versus participation. The interplay, the filtering through of change occurred at a societal level as interplay of many forces, like legislation, police administration, movement, implementation, and simply time passing – percolating into individual experience – and vice versa individual experience shaping societal responses.

To summarise: The transfer-effect takes place only insofar as the experience and the outcome of a restorative justice process can hook onto real-life conditions, but the same real life conditions can become part of a dynamics of change, instigated by legislative change, which is in itself instigated by the impact of the woman's movement. They successfully achieved legislative change that impacts on people's minds, on collective mentalities (or the Implicit Social Contract)

Involving stakeholders, involving the community in the RJ process as an expression, or manifestation of democratic participation:

We can see two ways toward more democratic participation promoted via RJ: one is to offer to already existing 'participatory' agencies the opportunity to partake/engage in conflict resolution, the other is to use conflict regulation as an inroad for building community. In any case participatory conflict regulation can become a vehicle for more democratic participation and societal change. NGO-inclusion, activating civil society agencies can be such a vehicle. But what are the conditions of their emergence, thriving and their potential to promote societal change? The direction is in any case clear and self-evident: more democratic participation ought to further – Lode Walgrave would say – the social good, the quality of life and of living together.

In what follows Christa attempted to perform the exercise of illustrating the ways RJ can contribute to democratic participation by relying on a case studies from the Czech Republic: Representatives of the Czech Probation and Mediation Service (PMS) presented on the “Actual situation in delivering and providing of restorative justice programs in the frame of the Czech justice and a new plan of PMS how to improve and strengthen delivering of RJ programs” at the EFRJ conference in Verona. Part of the presentation was the description of a *new concept on how to develop RJ programs into effective structures in the framework of judicial bodies in cooperation with nongovernmental bodies*: e.g. “Specialized Comprehensive Counselling for the Victims of Crime”. This is a project of cooperation between citizen advise bureaus and the PMS units of three towns (Beroun, Trebic and Brno). It is an example of a cooperation with an NGO. Two aims are at the core. The first aim is to empower and improve the offer of services for crime victims and domestic violence victims. And the second aim is to motivate the workers to get in contact with the victims.

Thereby the main activities of the project is offering specialized advisory services to victims, meaning respect, confidentiality, and so on, together with training of advisers. Then there are also workshops lasting three days given to people who come in contact with victims, and handouts with information given to family, doctors, etc. Some of the questions which this project dealt with are: where and how to announce/inform about criminal behaviour? What are the victims' rights in criminal trial proceedings? How to apply for harm compensation? The project aims to help people with what they can do after a crime. Important contacts can be given. The cooperation was successful. The results were satisfying. In the future it is planned to extend the programme it to all citizen advise bureaus and PMS units.

Another inspiring example from the Czech Republic is that of the project '*Roma Mentor*'. It's a project that started in 2004, and is done through cooperation between the Association for Probation and Mediation in Justice (SPJ) and the PMS. A '*Roma Mentor*' is a person from the community who works as a link between the organisation and the offender. It is an adult form the Romany community who has expressed an interest in helping others who have committed a crime and who are clients of the PMS. There are four qualification criteria for mentors:

- completion of the Mentor training course (started in 2004); the course is divided in 60 hours of theory and 40 hours of practice. When participants finish the course, they have to pass the exam. Until now 35 mentors were trained.
- 18 years of age.
- No criminal record for at least 5 years.
- Member of the Romany minority.

Clients are members of the Romany minority who have received an alternative sentence. (community service sentence, conditional sentence with supervision). Nine most common mentors' tasks were explained. Here are three examples:

- House calls to clients
- Encouraging clients to fulfil obligations related to serving the alternative sentence, for example if one client doesn't want to do his 300 working hours, the mentor tries to help him and to motivate him.
- Assisting clients to communicate with the authorities.

Now one has to know what is the wider political background against which these efforts of the colleagues from the Czech Republic take place.

At that point Christa referred to some scattered pieces of knowledge from the Czech Republic on the situation of the Romany minority in this country. Several weeks ago, there had been a piece of news regarding severe violence against Romany people resulting in dangerous burnings of a young girl. What happens in the Czech Republic? An upsurge of right-wing violence brought about by a complete change of the situation of the Romany minority. They have always been on the margins of society, avoided, met with contempt and with fear but during communist times they were working as everyone was, although theirs were menial jobs, of course. And their children were to a large part sent to 'special schools' because they were automatically regarded as not fit for regular school. With the overthrow, the velvet revolution they were hit especially hard. The lack of qualification now took its toll. 80 to 90% are unemployed and together with housing policies they were also in this respect pushed to segregated quarters.

The last chapter of this story is that with large segments of society affected by the financial crisis, the Roma become once again the scapegoats for other losers of the economic crisis, new right-wing groups that strike out against those, easily to be identified as a minority – and one has to add that they are the largest minority in the Czech Republic. Altogether there are social and economic forces at work in the direction of growing marginalisation in a society where being able to sell one's labour force in a free and increasingly tight and competitive market has become basis for social integration/cohesion. Their resorting to organised crime further deepens the social gap. But these changes bring also new NGO's new community leaders new means and ways of social cohesion. We

hear the call for government action – in the field of housing and job qualification – but also - relating to the extremist activities – for legal action, for prohibiting the most pronounced right wing party. And there are indeed new efforts to tackle these tendencies, e.g. in the programmes of social mediation or the Roma mentor.

Christa said that she decided to talk about these examples, the Austrian policy tackling partnership violence on the one hand the Czech policy vis-à-vis the Roma minority, divergent as they might appear, as conceptualisations of intermediary mechanisms, i.e. those constructions that forge the link between the social structure of a given society, or more concretely a research site, the facts and figures characterising it on the one hand and actors' concrete experiences within various restorative justice programmes, on the other hand. What she tried to find from her own research was a concept that is capable of grasping the ways, macro-level elements of structure and of change are filtered ("percolated") through to the micro level of concrete individual experiences.

What' the implication for RJ and for promoting democratic participation through RJ?

The lesson to be derived from empirical research on VOM in cases of partnership violence and from practical experience as reported from the new democracies, from the Czech Republic, (Hungary) from the Ukraine and from Slovenia points to RJ becoming effective only as an integral part of societal forces working for change, to RJ finding its place contributing to more democratic participation and a more restorative mode of conflict regulation.

Workshop one: Citizens and Justice: “Beyond the offender” group counselling, and “Kaffee Detinee” encounters.

Johan Deklerck, K.U.Leuven, Belgium

Katrien Smeets and Leen Muylkens, Steunpunt Algemeen Welzijnswerk, Belgium

Beyond the offender” group counselling for victims of crime

Katrien Smeets and Leen Muylkens presented a new way of working with victims of crime: the group counselling “Beyond the offender” (Uit de schaduw van de dader). In their presentation they explained how this project originated, how they work and what it is that makes this program unique.

The motive

Katrien and Leen both work for the project “Victim in Focus” (Slachtoffer in Beeld). This project has been working with offenders for the past 14 years. The training operates according to the principles of Restorative Justice, where offenders need to take the time to realize the harm they’ve caused and are given the chance to take responsibility for the consequences of their actions. The client is encouraged to engage in a process of reflection.

Based on their experience in working with offenders, they started thinking about making a similar offer towards victims of crime. Couldn’t it be very helpful for victims to be able to think about the crime and the image they have of their offender in a safe environment and together with others?

A cooperation of agencies

The training “Beyond the offender” is the result of the cooperation between Slachtoffer in Beeld (Victim in Focus), the Federal Department of Justice, the Flemish Government and Victim Support.

The first group counselling was organised in 2008 and was financed by the Federal Department of Justice. In 2009 the project was organised by the same partners within the organisation of Victim Support Hasselt. This was financed for one year by the Flemish Government. Now they are searching for new ways to continue Beyond the offender.

Another partner in the project, not substantive, but nevertheless very important, was the media. Katrien and Leen contacted several media (newspapers, radio, television, magazines, ...) to announce the project and to reach potential participants. They made a brochure and distributed it on several locations (offices related to justice, welfare, cultural work,...) and also presented the project on different locations (health care centres, for citizens, medical doctors, mediators). By organising a wide campaign, they tried not only to reach potential participants, but also tried to make society more aware.

The method, objectives of the program and group composition

The training is spread over 6 weeks (6 week evenings and 1 Saturday) and has a structured program. Working with a structured program is a well considered choice. It creates security and predictability. Katrien and Leen are convinced that working in group on this topic is very important because of the recognition people find, because of the fact that they can share their story and that they can listen to each other. Working in group makes them realize that they aren't alone with their victim experience. There are other victims they can talk to and learn coping mechanisms from. Working in group is so important because they all join in a process. It creates opportunities for people to experiment with new behaviour, new feelings,... and receive feedback from the other participants.

The main objectives of this group counselling are first of all supporting victims in their process of dealing with their victim experience. Secondly they want to coach and support victims in giving the offender a place in their lives. Thirdly they want to create the opportunity for victims to process their experience together with others. Fourthly they want to create a place where victims can think and talk about their ideas on offenders and punishment. And last but not least they want to build a bridge between victims and offenders.

During the two years the project now exists they organised 3 groups. In general 15 people participated the group counselling Beyond the offender. Concerning the group composition they noticed that the groups contained a wide range of crimes and mostly the crimes were very severe (sexual abuse, family member who was sexually abused, home jacking, armed robbery, violence, assassination). Furthermore it was remarkable to see that most crimes happened very long ago. Concerning the offenders they were known and unknown, convicted and not convicted.

The content of the program

Becoming a victim of a crime changes your life immediately. Sometimes more and sometimes less severely, but always it has some kind of impact. What traces does it leave behind? How do you deal with this as a victim? And what place do you give the offender in all of this? Victims are often left with a lot of questions about the offender. The way they cope with these questions and the mental image they have of the offender influences their progress in dealing with their victimization. Supporting victims in this process is the focus of this group counselling. Katrien and Leen want to give victims the opportunity, in a secure environment and together with others, to reflect on their attitudes towards their victim experience and the offender.

Beyond the offender has a structured program, in each session they work with several themes. The first session focuses on getting to know each other as a person and as a victim by sharing their story. Then they work on the victims' experiences and on the healing process. The participants are given the chance to take time to think about the things in their lives that have helped them to cope (symbolised by feathers) and things in their lives that made it more difficult to cope (symbolised by stones). The main theme of the training is working on the offender dimension, in general as well as

more specifically, their offender. The victims work with the image they have of their offender and how this image has evolved through time. They create this image, using concrete materials, and think about the place they want to give the offender, so they can get “beyond the offender” and continue their lives. What’s more, the victims are given the chance to visit the prison and have a conversation with two prisoners. Katrien and Leen said they work in an interactive, creative, experience-based and future oriented way.

The outcome of the program

The participants said that intensively working on the topic of their offender, helped them to create more distance and move beyond the offender. Sharing their story with others, learning from each other, finding recognition and having the feeling not to stand alone, helps victims in their process of dealing with their victim experience. After the group counselling participants told the trainers that they were more at peace. They said that the fact that the sessions were structured, created security for them to share their story.

Concerning the visit to the prison and the conversation with the prisoners, for the victims it was very surprising to notice that these offenders experience very similar emotions like shame, anger, sorrow. The participants of the training were all very grateful for the opportunity to speak with prisoners. It changed their view on prison life and offenders to a more realistic one and helped them process better their own victim experience.

Also for the offenders it was a rewarding experience. They received respect, were able to tell their story, to show regret and to ask questions about the way the victims cope with all this. Offenders are given the chance to take responsibility for their actions and do something meaningful towards victims.

Conclusion

The project Beyond the offender is unique and originated from the need to work with victims in a group on the topic of their victim experience and their offender. During the preparation, execution and evaluation of the project, the trainers came to the conclusion that working with victims on the position of the offender and more specifically on the mental image of their offender, has a clear result. After the group counselling the participants said that they were more at peace and felt stronger to face life. Very intensively working on the topic of their offender, helped them to create more distance and move beyond the negative influence of the offender. The fact that this counselling takes place in group, reinforces the process of the participants and increases their chances of progression. The safety in the group makes it possible to speak freely, to experiment and to learn from each other.

This project can be very helpful for victims who want to work on the topic of their offender, but can’t have a mediation (because the offender was never caught, or never punished or already

released or the victim never filled complaint) or the victim and/or the offender don't want to have a mediation.

The project is, for the victims, a very beneficial process because it unites three important goals: First of all it offers *counselling*, the project helps victims work through their victim experience better. Secondly, the trainers work on the victims' *image* of offenders in general and on the image they have of their offender in particular. And thirdly, the project is a kind of *symbolic mediation* in which victims meet with their offender. They are confronted with him/her in a symbolic way. So, for some of the victims this group counselling could be a stepping stone towards a real mediation with their particular offender. For others it could facilitate the way towards further counselling. Some of the victims, who are already in therapy, could find new input for their therapeutic process. Others could find satisfaction in this group counselling as it is, and continue with their lives.

Although, Beyond the offender starts from the victims' point of view, this project creates a connection between the three positions of the RJ-triangle: Victim – offender – society. Beyond the offender gives victims the opportunity to work on the topic of offences, offenders and specifically their offender. During the visit to the prison, victims and offenders engage in a dialogue to understand each other better. By participating in the conversation with the victims, the offenders are able to show the outside world that they want to take responsibility and do something positive. Concerning society, the wide campaign using the media not only made it possible to reach potential participants. The founders of this project also hope to make society more aware of the importance of working with victims in a restorative way.

Katrien and Leen hope to influence policy making to pay more attention to this aspect of Restorative Justice: working with victims in group on the subject of their offender. They also hope to create a new way of working with victims, and to make a contribution to the spectrum of possibilities within the world of Restorative Justice.

Some quotes

In the end of their presentation, they showed the audience some quotes from their participants: "The confrontation with the offender was heavy, but at the same time healing", "To find words for what I experienced, was very helping", "Even though the stories of the participants were very different, so many aspects were recognizable", "Beyond the offender was so much more than a training, it was a therapeutic group happening", "The victim is given the right to exist!"

About the conversation with the prisoners:

"I went there feeling heavy like a stone and I went home feeling light like a feather.", "I saw two monsters coming in and two people walking out", "After the conversation I went home peaceful, I was able to breath freely for the first time in 10 years. I even had a good night sleep for the first time in 10 years."

Kaffee Detinee

Johan Deklerck, a professor at the Katholieke Universiteit Leuven, introduced in the second part of the workshop a project named Kaffee Detinee. He first focused on the definitions of the words in the Dutch language. *Kaffee* means pub, café or informal encounter. *Detinee* means detention (“gedetineerden”) or prisoners. *Kaffee detinee* therefore means informal encounter between citizens and prisoners in pub style.

The project started with a call (2006) of the “Koning Boudewijn”-foundation for initiatives on the theme of safety and security in society, fear of crime. The basic idea was bringing “ordinary” citizens, people “of the street” together with prisoners to talk about their fears, their feelings. The purpose was to realize as an informal, authentic encounter. Because “fear of crime” also has to do with the media, a triangle was set up between citizens, prisoners, and the media.

The partners of this initiative were the consultants for redress of the two Leuven prisons, De Rode Antraciet (an NGO for socio-cultural activities in prison), Vormingplus Oost-Brabant (an NGO for socio-cultural training for citizens), the Prevention Service of the city of Leuven, and Leuven Institute of Criminology, K.U.Leuven

The financial support came from different sources: Koning Boudewijnstichting (King Boudouain Foundation, Nationale Loterij (National Lottery), and the Province of Vlaams Brabant. It was relatively a cheap project.

There have been three editions since the application in 2006, which have been relatively similar programs with each other, Februari – April 2007, 2008, and 2009.

With regards to the participants, Johan said that every citizen of Leuven can participate. The subscription is done in community centers and Vorming Plus. The public consists mainly of ordinary citizens, at least half lower class, and no professionals. Some of the things that the participants say before meeting the prisoners are: “*my friend did not dare to come with*”, “*I did not sleep the whole night*”, “*I will tell them how bad they are*”. In each group a maximum of 30 participants is allowed and there is an obligatory subscription for the whole program. In prison, volunteer prisoners are prepared for this encounter.

The program consists of four activities, three of them performed weekly, and the closing session fourteen days later during the month of March, April. The first activity is a visit to an ‘empty’ museum prison, Tongeren (2007-2008) – Hasselt (2009). It is set up in a “tourist”-style by bus (introduction and quiz). After a guided tour, there is free coffee and cake and also discussion in small groups. The trip takes place in a Saturday afternoon

The second and third activities consist in a visit to the ‘hulpgevangenis’ (arrest house) and the central prison (for serious crime) In Leuven. It takes place during Friday evening and it is in the

form of a guided tour. Participants have a meal in prison, and there is informal exchange between the different parties: prisoners, citizens and guardians (not in their formal function, but participating as the others). Everything is possible during such an encounter with one exception: “never ask for what the prisoners are convicted”. There are about 6-7 tables, with all kinds of drinks except alcoholic drinks. The moderator is a representative of the participating organisations. Titles of newspapers are used as triggers if needed, but mostly the exchange is running smoothly. This is followed by an informal ‘after-talk’ with the citizens and the organisers with a beer in the director’s house of the prison.

The last activity in 2007 has been an informal discussion and meal, followed by an extended press conference. This has elicited a huge response from the (national and international, television, newspapers, etc.) with many interviews and video-reactions of the prisoners for the press. In 2008-2009 the activity was listening to the testimonies of an ex-prisoner, a mother of a prisoner, a victim and having afterwards a debate, followed by an informal exchange, meal and beer (director’s house)

The project targets the public that is normally not reached in these kind of activities: that is ordinary people. Some of them have experiences of victimization and most of them have a punitive mentality. The prisoners have an encounter with citizens in a larger RJ-oriented program. The guardians are not in their professional function, but are participants in exchange

The theme is fear of crime, and feelings of unsafety, which is a core issue for a punitive society, and which is challenged during the encounters which take place in the project. This has been triggered by newspaper titles suggestive photographs.

The right formula to perform these encounters is through an informal ‘café’-style and through popular ‘excursion’-style (bus, cake and coffee, meal and a beer). In this way this public is reached. Kaffee Detinee is an authentic encounter, where participants, citizens as well as prisoners as guardians, rise questions, express their fears or anger, join opinions of the prisoners, of the victim side, etc.. The contents of the discussion are parallel to a mediation session, and victim-offender-encounters, in the authenticity of emotions and exchange on the theme of crime, offenders and victims. There are furthermore testimonies in the closure session, and they also reached the press, and spread to society. Some participants continued afterwards in other prison activities (language lessons, writing letters, prison visit). It was also very interesting to see a shift in the debate safety to encounter.

There was large media coverage. One journalist joined the activities and wrote a ‘diary’ of her impressions and talks in 2007, that was presented during the press conference. The huge interest showed that the media were also extremely interested in this kind of “success”-stories and that they are open to this theme, if it is presented in the right way.

The society was considered in this project as a responsible partner, and also as a representative of the victim. There was furthermore a redress to society, victims and the offender in the conversation. Some victims in the group were in confrontation with offenders and working on their own traumatic

experiences. The project also made possible the sensibilisation about redress with the personnel of the prison.

Kaffee Detinee was therefore according to Johan an encounter between citizens and prisoners and can be considered a restorative practice. According to him, communication and encounter seem to be a valuable reaction to feelings of unsafety and insecurity in society and in prison. The authenticity of the encounter and the deep exchange leads to restorative processes and a high degree of satisfaction with both prisoners and citizens, similar to mediation processes. It leads to changes of opinions and contributes to a civil society in which encounter gains importance in relation to the safety discourse.

Workshop two: Citizens and communities engaging in RJ: Looking back

Tone Skåre and Sigrid Camilla Pedersen, Mediation Services, Norway

Tone is head of office and Sigrid is advisor in the Mediation Services (MSs) in Norway and both are mediators. They started their presentation by a brief introduction to the MSs AND its objectives. There are 22 local services covering Norway, and this is a public service based on volunteer mediators (about 650). It deals with both penal cases and civil cases (until now about 9100). It is a service free of charge, and participation is voluntary for the parties.

The objectives and aims of the MS are first of all to mediate in disputes which arise as a result of one or more persons causing loss or damage or other offences against a third party; secondly to strengthen the local communities' ability to deal with petty crimes and other conflicts; thirdly to create an alternative to the existing softer penal sanctions and establish a broader diversity of penal sanctions; and fourthly to make efforts to control crime committed by juveniles more efficient through a swifter and less complicated way of handling the cases.

They presented two projects which were in line with efforts to achieve some of the above objectives. The first project was the "The mediation service café" and was presented by Tone.

Mediators from the mediation service was located in a café during one afternoon every week. The idea was to have mediation in an informal environment in order to present the mediation service in a different frame. It was an easy-to-access service, where everyone could present their case to the mediators and it was implemented in cooperation with local authorities in a district of Oslo (Sagene)

The results were mixed. On the one hand there were relatively few cases but important for those people who used the service. On the other there were many consultations and need for advise which may have prevented conflicts. There was a great interest from the part of the media for the project which got extensive coverage in the local media.

Looking back at the project, Tone thought it was important to look at the type of people who used the café and try to understand the reasons behind their choice. Next she wondered whether with better promotion the project could have been more succesful. Tone also thinks that there should have been a better coordination between local administration and the mediation service (especially regarding promotion). One of the problems with such type of informal projects is also the fact that they depend in general on enthusiastic individuals.

The second project which was presented by Sigrid, was "Mediation and restorative meetings in a neighbourhood".

The project was inspired by professor Nils Christie and his article: "Conflict as propety". It came about as a cooperation with the unit of Health and Welfare in Oslo, local authorities and volunteers in a district of Oslo. It was a local area with multi-ethnic participants and mediators. The aim was to

increase the ability and skills to handle conflicts and disputes between neighbours, and confront a simple and fast treatment of the cases. Another aim was also to perform early intervention, early in the dispute between neighbours before police involvement and court conviction.

According to Sigrid, neighbourhood disputes trigger a lot of emotions and therefore a minor dispute can often get out of hand. May be you are angry, have a lot of frustration, have a vague emotion that you are not respected, nobody says hello, perhaps you are quite afraid and do not feel safe in your own home. Misunderstanding, miscommunications, rumours and no dialogue will increase the conflict and negative emotions in the local area.

The scheme was voluntary and free, and that was very important for the parties and the local area. The parties to a dispute met in presence of two local mediators. The parties themselves play an active role in the proceedings, including coming up with proposals for how the matter can best be solved. The mediators live in the same area, but they do not mediate between parties they know well. They do not mediate with their nearest neighbours

Some of the challenges identified by Sigrid were first that it took a lot of time to inform potential parties and other persons who had important issues in the local area, secondly information and promotion was not priority number one. Parties dealt with their conflicts in a better way, it was easier to achieve dialogue and integration, but there were not as many cases as they would have wanted. One of the main problem was human based as there was a change of a "keyperson" in the local area, because she got another job elsewhere. After the project was finished after about 3 years, they could not give priority to this local area as before

The questions and themes for discussion were on one hand the efficient cooperation between different levels of administration, and on the other hand information as a challenge in cooperation between levels of administration.

Workshop three: State, community, and restorative justice: What can we learn from Northern Ireland?

Alice Chapman, Youth Justice Agency, Northern Ireland
Tim Chapman, University of Ulster, Northern Ireland

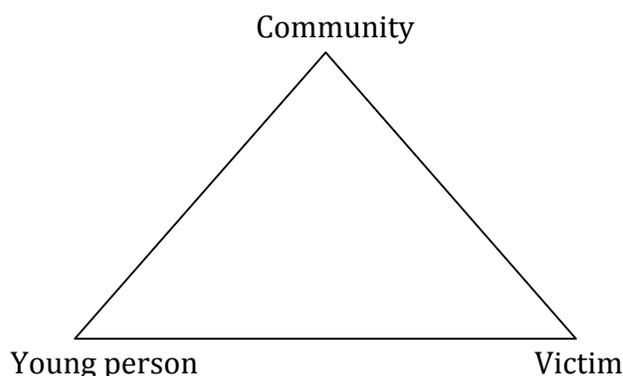
Alice and Tim Chapman, pioneers in restorative justice, especially related to youth justice in Northern Ireland, started their presentation by introducing very briefly Northern Ireland, which they said is part of the United Kingdom, has a population of 1.5m and is emerging from a 30 years of violent civil conflict. Northern Ireland has a very developed community restorative justice due to the conflicts with the state. While in the state system, for low risk crime there is a police restorative cautioning, for medium risk crime there is a Public Prosecution Service referral for diversionary conference by Youth Conference Service, while for a high risk crime there is a Youth Court referral by Youth Conference Service.

Next, they presented the historical context of the Youth Conference, the idea of which started with the Good Friday Agreement in 1998, and was subsequently put into the Criminal Justice Review 1998. Next it passed in the Criminal Justice Review Implementation plan 2000, and finally there was the Justice [N.I] Act in 2002. The first pilot Youth Conference took place in December 2003, and since 2006 it has started to be implemented throughout N. Ireland.

The traditional retributive model with regards to youth justice in Northern Ireland is hierarchical with the judge in the top, and then the other professionals like the prosecution, police, and probation officers, the representative lawyer, and of course the young person and the family.

On the other hand the spirit of the Justice [N.I] Act 2002 is to implement a restorative approach whereby a court must refer all cases of children who have been found guilty of an offence unless there is a mandatory life sentence. A conference referral is only with consent and after admission of guilt, and the offence must be 'serious' enough to be referred by the court. The outcome of a conference is a statutory plan which is monitored.

The Youth Conference is being implemented according to a balanced approach where the victim, the young person who has offended and the community are all involved in the conferencing process.



This approach has mainly two purposes: one is to make amends to victims, and the other is to take steps to stop offending. The process itself devolves collective decision making to the offender and the victims and their families and supporters, involves consulting other professionals, and may involve the lawyer in an advisory function

The referral criterion for a Conference from the Public Prosecution Service is admission of guilt by the youth who should be between 10-17 years old. It is referred for most offences, especially for the less serious. It can be applied only based on consent. It is furthermore citable on record and applied only when there has been no conviction, and it takes the form of a Diversionary Conference. The referral criterion for a conference from the Youth Court is also admission of guilt by the youth who should be between 10-17 years old. It is referred for most offences, especially for the more serious ones. It can be applied only based on consent. It is furthermore applied when there has been a criminal conviction, and it takes the form of a Youth Conference

Victim participation is welcomed for any offence and the plans are monitored for compliance. The conference attendees who must attend are the offender, the appropriate adult, the police officer, and the youth conference co-ordinator. On the other hand are entitled to attend the victim, lawyer, supervisors and appropriate others.

A typical circle in a Youth conference is compounded therefore by the co-ordinator, by the victim's supporters, the victim, others deemed as appropriate, police officer, other professionals, responsible adults, and of course the young person who has offended.

A typical agreement may include a verbal or written apology, making reparation for the offence/victim or community, payment to victim, submission to the supervision of an adult, performing unpaid work/service, electronic monitoring, participation in activities [offending programmes, education, substance misuse], submission to restrictions on conduct or whereabouts including remaining at a particular place, and submission to treatment

A post-conference process includes supporting the young persons to keep their word and to succeed, and rigorous monitoring and non compliance procedures. Non compliance procedures are based upon restorative practices

The Public Awareness plan for support includes the production of an action plan for awareness raising, identification the resisters, finding a champion of influence, producing a value for money outcome argument, embracing different opinions, recording adverse opinions and obstacles which interfere with your aim/project, producing evidenced base reports on the resisters if your project is threatened, and networking at the level of influence appropriate to implement your project.

The public relations plan which aims at building confidence and support entails therefore transparency (being open and honest), offering evidence of effectiveness, fostering awareness raising for resisters in associated professions, preparing media campaign for the general public through regional and national papers ,TV, radio, lobbying with politicians and political advisers, and raising awareness with neighbourhood groups.

Some of the Youth Conference Awareness events in Northern Ireland (NI) have been the TV advert in 2007, the NI regional information leaflet twice yearly, coverage of over 20 stories in local press in 2008, BBC radio victim story programme, a case when the victim and reparation provider won the Criminal Justice Award 2008, 6 local awareness events 2008, awareness raising with new lawyers, new Judges and social workers, outreach events with politicians, and having had observers from R.O.I , South Africa, Turkey in 2008

Next, the presentation focused on the outcomes of Youth Conferences and the presenters asked the question: are we effective? The number of youth conferences until today has been 5889, and over 30.000 people have participated in a youth conference. The victim attendance has been 61%, and the levels of victim and young person satisfaction have been very high, respectively 90% and 95%. Nine out of 10 victims prefer the youth conference to the traditional retributive court. Very high statistics also for the follow-up: 94% successful completion of plans. The reoffending in cases of Youth Conferences is 37.7 % compared to 47.45 % in court conference reoffending, and 28.3% in diversionary conferences. The reoffending for all community disposals is 52.1%.

The victims say very positive things like: "I will tell others to come and observe", "Very well facilitated conference", "I don't feel frightened anymore", "I wish I had met him face to face"

According to the balanced model, the community needs safety and reintegration, the offender reducing the risk of re-offending and working towards a better life, and the victim accountability, protection and repairing the harm

According to the presenters building social support will come through a constant collaboration between several potential capitals, like human capital, economic capital, social capital, political capital, organisational, and intellectual capital. The interweaving collaboration of these types of capital will increase the confidence in the restorative justice processes by creating favourable outcomes like good news, public accountability, value for money, partnerships, safer, more cohesive Communities, satisfied victims, offenders making amends, desisting from crime and a better life, professional satisfaction and development, organisational effectiveness and quality delivery, research development, etc.

According to Tim and Alice then, the way to build confidence goes through a feedback loop where there is a certain investment in different capitals, which in turn increases the quality of the process, leading in turn to an increase in favorable outcomes which increase the confidence.

They concluded with a quote from an Anthem of Leonard Cohen, which goes like: *Ring the bells that still can ring/ forget your perfect offering/ there is a crack, a crack in everything/ that's how the light gets in.* But what are the cracks in our society? There are many crises in safety, justice and order of a political, economic, and social character. Tim and Alice asked in what way can restorative ideas and practices respond in relevant and effective way and what would be a restorative society?

Workshop four: Building links into the community

Wendy Freshman, The Mediation Service, UK

Martin Wright, Restorative Justice Consortium, UK

Martin Wright, board member of Restorative Justice Consortium, in UK, started his presentation by specifying a range of things beyond restorative justice which could be restorative, like restorative practices, approaches, sentencing, action, and principles. Justice on the other hand could be transformative, communitarian, relational, real, balanced, and neighbourhood justice. Justice can also be progressive, reintegrative, situational, accessible, informal, reparative, integral, holistic, green, soft, negotiated, true, whole, positive, natural, restitutive, community, alternative, constructive, participatory, problem-solving (Tony Marshall, 1997).

Next Martin focused on the over-arching philosophy (not technique) of restorative justice, which consists of ensuring empowerment, considering 'conflicts as property', fostering participation and dialogue. It is also voluntary, confidential, non-judgemental, and respectful and is inclined towards repair of harm. It also explicitly or implicitly accepts the condition to involve 'as much state as necessary, as little state as possible'. On the other hand, according to Martin what is not restorative is coercion, punishment, and shaming

He adopted a definition from Wendy Drewery (2004) which considers restorative justice a 'an approach where 'all meet together to decide what should happen next, to fulfil everyone's needs as far as possible, rather than to have a decision imposed on them'

Limits: restorative 'menu'

Putting it into practice on the other hand has to first with the fields of application like schools, communities, criminal justice, workplace, family, medical, commercial, international, disciplinary/grievance, and the methods, which are mediation 1-to-1 and conferencing, or techniques: like active listening, scrip, and the degree of community involvement.

According to Martin, a vision for the future for the spreading of the restorative practices would be to have them at different levels, like mediation services, independent practitioners, have restorative skills in other jobs, have it in schools, community, criminal justice, family, workplace, commercial and international environments, have the housing officers, managers, police know about it and apply it.

This way the restorative philosophy would help reduce conflicts before conflicts take place and after, before as a preventive measure, and after as a conflict resolution approach. before and after. What would lead us towards a restorative society according to Martin, is having the restorative principles operating in relationships (schools, families, communities, etc.), in mediation, conferencing, circles and also learning by these and reforming the structure.

Next Wendy Freshman, an experienced mediator and at present Chief Executive of the East Kent Mediation Services in UK, took over the presentation from elaborating on concepts of volunteering.

She invited the audience to think of all the people working in the community - not just as members of the public, but also people working and living in our communities: police officers, social workers, probation officers, housing officers, health care workers, legal advisors, education workers. Although Restorative Justice, Mediation, Dispute Resolution, and Conflict Management can be threaded through most of our jobs, perhaps without us even realising it, there is still very little mandatory requirement for RJ to take place.

According to Wendy, what drives us to work goes beyond the remit of the professional role. Many working in the public sector look forward to doing a good job of work. For most, self interest forms only a small part of our job satisfaction. Some working in the private or commercial arena are also mindful that personal gain is not the main driver. Similarly, we don't always have the luxury of stepping outside our job description, which is why it is so important, to ask people to look at the scope and benefits of RJ in their everyday roles, for example, to ask a store security officer to participate in a face to face mediation with a young offender. The benefits are obvious to those who practice RJ and mediation, but not always clear for others.

She illustrated her point through a practical example: Take an education officer, working with a young person who would benefit from extended training or returning to mainstream education. Where family conflict for example is identified, which leads to a chaotic and unsettled lifestyle, that education officer may well make a referral for mediation, but then additional support, buy in to the RJ processes, working creatively with the mediators etc. are not part of their job. They freely, and with the interest of the client at heart, enter into a partnership with mediation, and volunteer their attitude and their additional time, and step outside the remit of their professional role.

According to Wendy, we must remember that whilst we recognise the importance and contribution of the traditional concept of volunteering, we must not forget the equal contribution of those in the less traditional volunteering roles, like the education officer, police, probation, housing etc. The community must contain those not only living within its boundary, but those working in it as well. They too have a vested interest in outcomes for that community.

Wendy went on, by identifying some problems and solutions in our communities which can be many, to mention just a few: helping young people to be safer, empowering the community, making the place look nice, involving the community, negative media coverage, ineffective policing, criminal damage, compensation, unrealistic sentencing, vulnerable young people, people are selfish, victims not heard, sections of community detached, professionals don't care, young people not in education, nothing for young people to do, generational misunderstanding, no respect anymore, parents don't parent, punishment not a deterrent, too many laws but low conviction rates, systems too complicated, burden on the taxpayer, not enough time, community disheartened, apathy, community too busy, not enough help, etc.

Next Wendy attempted at finding out how we link among citizens and community, state, and civil organisations. People who can be in a particular group range from architects, mediators, nurses, prison officer, accountant, police officer, politician, fire-fighter, student, offender, neighbourhood

watch, panel member, mentor, managers, drug counsellor, media, criminal justice workers, wardens, police community support officers, youth panel members, retailers, resident's representative, youth offending team officer, victim, parents, young people, unemployed, magistrate, judge, housing officers, solicitors, teacher, families, policy makers, etc.

Wendy proposed an exercise for the audience during which they were to take a problem identified in the community and see if they can allocate it to one particular group as their responsibility. They should also see if that group needs help from another group. What are the links if any? Where do they join or oppose?

She posed the question how to build on the natural links? According to Wendy, it is all very well to have Contracts, or Service Level Agreements within a partnership, but informal links can sometimes be as beneficial. Some ways to do this, would be to create a platform within you own organisation for all to communicate, create your own forum, and invite other organisations, make contact with as many different colleagues as possible. If you are too busy, delegate this to another person in your organisation. See if any of your objectives are similar to other organisations and give other organisations your objectives. Check who else has received grants or funding in your area and check other organisation's corporate plans to see if you link in. Get involved in other people's research and also publicise your successes. Take time as part of your professional day to read literature and information from your community – or wider!

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