



European Forum for Restorative Justice (EFRJ) feedback to the EC concerning the inclusion of restorative justice (RJ) in the new Strategy on Judicial Training

I. Judiciary to be trained in restorative justice

The European Forum for Restorative Justice (EFRJ) would like to draw the attention of the EC to the need to adequately train judicial practitioners on restorative justice in order to equip them with the needed expertise to ensure correct application and uniform interpretation of EU law on restorative justice and the culture of rule of law in general. Therefore, the EFRJ calls the EC to include restorative justice in the new Judicial Training Strategy.

According to the Victim's Directive 2012/29/EU Art. 12, par. 2, EU Member States must facilitate the referral of cases as appropriate to restorative justice services. In most of the EU Member States, judiciary (judges and prosecutors, in particular) are key actors in referring cases to restorative justice services. Their lack of knowledge on restorative justice is one of the main reason of the limited accessibility to restorative justice services in the EU.

In addition, the Victim's Directive explicitly requires 'that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims' (Art. 25, par. 2). Compelling evidence indicates that restorative justice effectively addresses all five major categories of victims' needs recognised by the European Commission. With regard to victims' rights to information, the Victim's Directive 2012/29/EU contains the right of victims to be informed on available restorative justice services (article 4). Judicial training therefore should cover information on restorative justice to enable justice professionals to fulfil this obligation of informing victims of crime.

Moreover, the Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters, highlights again the role of judicial authorities in applying restorative justice and explains into detail the role of restorative justice in criminal justice systems: 'Judicial authorities and criminal justice agencies should create the conditions, procedures and infrastructure necessary to refer cases to restorative justice services whenever possible' – Rule 28. In the Commentary to the Recommendation (CM(2018)115-add2), it is recognised that 'Many victims and offenders are being excluded from the well-evidenced benefits of restorative justice'.

This situation is partly caused by professional gatekeepers, such as judicial professionals, who are unaware or uncertain about restorative justice. One of the main reasons lies on the fact that restorative justice is a relatively new approach and area in criminal justice and many of the members of the current judiciary did not learn about it during their law studies or later during their professional development. The inclusion of the topic of restorative justice in the new Judicial Training Strategy is a unique opportunity to enhance the awareness of judicial professionals and therefore also the





accessibility to restorative justice services, as well as to enable countries with more experience and support to restorative justice to share knowledge with their colleagues.

The EFRJ has extensive experience in the field of judicial training and restorative justice. Particularly significant are the training programme and materials developed by the recently terminated RE-JUSTICE project aimed at promoting, through training, a sustainable way to the process of raising awareness, building knowledge and developing skills and attitudes on restorative justice amongst judges and public prosecutors :

<https://www.euforumrj.org/en/re-justice-2019-2021>

II. Restorative justice professionals as target group of the Strategy

The current Judicial Training Strategy already opened up the target audience (e.g. to probation officers and prison staff) compared to the previous strategy. It also indicates already ‘mediators’ as possible target group but it seems to refer to mediators in civil and commercial matters.

As restorative justice is a strongly connected field and area of expertise and some restorative justice processes are part of the official criminal justice procedure, we would find it important that restorative justice facilitators are also indicated as a specific target group in the upcoming strategy. In this regard, it would be important to refer to them as ‘restorative justice facilitators’ rather than mediators to be in line with the term used in recent developments of the restorative justice field.

III. Enabling European level professional organisations with knowledge on certain areas (e.g. those receiving an Operating grant from the Justice programme) to offer trainings and/or study visits under the EJTN structure

In the past years we had several meetings exploring options of enabling members of the judiciary in Europe to access our available trainings on restorative justice (that were developed through EC funded projects or with the help of an Operating Grant) within the system operated by the EJTN. As a European professional network, we were not able to find solutions on offering our knowledge and contents within the current structures of EJTN, as this option is open only for national judicial academies and EU institutions. We would like to suggest to include (acknowledged) European professional networks as training providers and enable access of the judiciary to these trainings and eventual study visits within the EJTN offered structures.

The EFRJ remains at full disposal to share more information and to assist in any way it is needed.

