

News from the EFRJ team

Dear Members,

2018 have been an intense year, full of surprises, not necessarily always good ones. Since spring time, our team has been running against time and we do not refer only to the impressive amount of activities we carried out throughout the year to bring us together, to further share knowledge about RJ and to initiate new projects aiming at assisting our membership in advancing in this field. 2018 was special because we learnt about the value of time, when we are told that there is no time anymore, and human connections, when we realized that, at the end, these are the most important things we have. As for the strings of a violin, we are asked to stretch our time accurately: if ropes are not tense, the violin will not produce the melody touching the soul, but only an annoying and useless sound; if the strings are too tight, we risk that they will break. 2018 was special because someone really close to our team keeps on inspiring us by showing the importance of tuning ourselves to express a beautiful melody for the future, not only at the EFRJ but mostly in our personal lives. We open this last Newsletter of the year with a tribute to this close friend of the EFRJ, because we acknowledge that many of this year's achievements are still the product of his experience and vision, and because we appreciate him keeping an eye on us, even when not joining us in the office.

Let's start to mention those who actively contribute to the achievements of this year, the current composition of our team. Currently, we have a **Board** composed by 9

members from different European countries. In June, elections took place in Tirana during the Annual General Meeting (AGM): our members were asked to vote for two among six great candidates who wished to share their expertise and commitment to our organization. Finally, Tim Chapman was re-elected for a second term and remains our wise and excellent chair, and we welcomed Katerina Soulou, a Greek PhD candidate at the University of Marseille in France as a new member of the Board. We said goodbye to our former chair, Michael Kilchling in the same time. We take the opportunity to thank the rest of our Board members for their responsibilities throughout the year: vice-chair Annemieke Wolthuis, who represents us in the Criminal Justice Platform Europe; secretary Brunilda Pali, driving force for the EFRJ conference in Tirana; treasurer Bart Claes, clarifying our financial procedures but also great moderator in our events; Lars Otto Justad, our multitasking member involved in different committees; Aarne Kinnunen, taking care of our policy relations and presenting the EFRJ to our local sponsors in Tirana; Roberto Moreno, currently involved with the preparations of the RJ symposium in Bilbao in June 2019; and Patrizia Patrizi, a colourful artistic Southern touch to our Board. →



Director Edit Törzs



Chair Tim Chapman

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The **Secretariat** has now 4 staff members, all working on a part-time basis: our new colleague since May is Laura Hein, originally from Italy, who assists the Secretariat in some administrative tasks and much more. We are thankful for the many people who applied for this job position, showing their interest in the EFRJ and in its activities. Around for longer, but still fresh in ideas and energy, are Edit Törzs, Emanuela Biffi and Rik Defrère, that by now you should know really well. For those one among you who want to know more about the EFRJ team, check the section “Who we are” on the EFRJ website.

At the AGM in Tirana, we formally approved about 70 additional members. Currently, the EFRJ counts on a community of more than **310 members**, including about 45 organisations from Europe and beyond. We dedicated a page on the EFRJ website for new organizational members to present their activities and their reasons for joining our community. Individual members can always consider in the future to join us with their organisation (if feasible) and enjoy the extra advantages we offer specifically for organisations. By the beginning of next year, we will also re-launch our **committees and working groups**, to actively involve many of you in research, training, editorial tasks and reflecting on values and standards for RJ, as well as on specific

themes, such as restorative cities and violent extremism. Some major changes happened already in the editorial committee: after 8 years chairing this committee and editing our Newsletters, our dear member Kerry Clamp leaves this role, remaining still active in the field as the chair of trustees in the UK Restorative Justice Council. In December the committee welcomed new members.

The AGM in Tirana also voted for the proposed changes in the **EFRJ Constitution**. The changes, on which discussions were held on the 2016 and 2017 AGMs, aimed at reflecting the internal development of the EFRJ since the Constitution’s last amendment in 2005 as well as at contributing to a more efficient organisational structure. The amended new Constitution will be available on our website after its official publication according to Belgian law.

The first half of the year was really joyful as we could meet many of you at the **10th international conference of the EFRJ in Tirana**, which was successfully organised together with our distinguished member Albanian Foundation for Conflict Resolution, directed by Rasim Gjoka, and with the Albanian Ministry of Justice. This event attracted 309 registered participants from 47 different countries. The main theme, “Expanding the restorative imagination”, focused on the intersections between RJ and the criminal justice system, juvenile justice realities and social movements. The programme included four →

EFRJ editorial committee meeting — Tirana, 15 June 2018



plenaries on cutting-edge research and personal experiences (all video recordings are available on Vimeo), 63 high-quality workshop sessions (we received about 135 abstracts to the call for proposals, showing the growing innovative ideas from the field) and 8 different local visits on the communist heritage in the city of Tirana and on art and social projects run by local activists.

European RJ Award winners 2018: Borbala Fellegi & the Foresee Research Group from Hungary



In Tirana the EFRJ offered the **European Restorative Justice Award** to an innovative small organisation of outstanding and committed young researchers from Hungary, the Foresee Research Group. In addition to the inspiring sessions of the programme, something more happened in Tirana, which cannot be quantified, nor easily described: there was a strong sense of connection and community belonging which empowered and motivated many of us to further continue our work in this field and made us optimistic about the future of RJ in the coming years. To get a grasp of the atmosphere and contents, you can watch two short films produced on this event (on Vimeo: "Dare to dream" and "Expanding the restorative imagination"). At the end of the summer we launched the call for hosting the EFRJ conference in 2020: the venue will be announced in the beginning of 2019.

Among other activities, we co-organized a seminar on RJ in case of traffic offences in Leuven and a conference on RJ with child victims in Brussels, as

part of two EU funded projects in which we are partners, and the second edition of the Criminal Justice Summer Course on radicalization together with Europris and CEP, the two European networks working in the field of prison and probation, with whom in 2012 we established the **Criminal Justice Platform Europe**. As partners in different EU funded projects on RJ (with child victims, in traffic offences, on radicalization, on training) we also engaged in different initiatives, such as meetings and dissemination activities. In the second half of the year we applied for four new projects as partners and we look forward to work with our old and new partners if they get approved next year. We also coordinated more screenings of the film **"A Conversation"**, which was launched in November 2017 and screened by now in more than 110 venues worldwide.

Another intense period of the year was the **international RJ Week** (18-25 November). In Brussels we organized the launch event of the European Restorative Justice Policy Network (more info below) and in Leuven a class for criminology master students on access to RJ. Worldwide, through our social media and regular newflash, we launched a new series of **12 postcards** with the artworks of Hybrid Desire, a UK artist who drew the plenaries and some workshop sessions at the EFRJ conference in Tirana, and we launched **3 new films** on our Vimeo channel: "Expanding the restorative imagination", based on interviews at the same conference, and "Re-storying a terrorist tragedy: The encounter" and "Re-storying a Greek tragedy: Electra meets Clytemnestra", based on two theatre plays by the performing arts school *The Theater of Changes* in Greece. During the same week, we also published the **practice guide** "Connecting people to restore just relations", put together by the EFRJ Working Group on Values and Standards for RJ, chaired by Tim Chapman, and advertised about 60 initiatives which took place in 25 different countries, organized by our members.

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Thanks to the support of the Justice Programme of the EU, the launch event of the **European Restorative Justice Policy Network (ERJPN)** brought together national policymakers dealing with RJ from 20 different countries. This gathering was the occasion for sharing experiences, best practices, needs and challenges, but mostly to create links across borders and identify how the EFRJ could further support the development of RJ policies in Europe. This initiative is very significant for the EFRJ strategic objective to influence policy and it comes in a very special historical moment for the RJ field. Indeed, about one month earlier, the most advanced international document on RJ was adopted, the **new Council of Europe Recommendation concerning restorative justice in criminal matters**. We are thankful to the commitment of our member, Ian Marder, the appointed expert for revising the 1999 Recommendation concerning mediation in penal matters: on behalf of the EFRJ, in the following months Ian will develop country specific policy briefs to be sent to the relevant ministries in all CoE member states.

On the calendar of events in the EFRJ website, you can keep track of our events in 2019, or you can contact us if your organisation did not receive the printed **EFRJ calendar 2019**. Among others, we organize a training on RJ in serious crime in French (Brussels, 28-29 March), the AGM and a 2-days

symposium on the move from penal mediation to a broader understanding of RJ (Bilbao, 4-6 June), the Criminal Justice Summer Course on criminal justice in a polarizing society (Barcelona, 2-5 July), the Summer School on child-friendly RJ (Gdańsk, 22 -26 July), and much more! On our **social media** you can read daily posts of events, projects, publications from the field: on Facebook we count more than 2540 followers and likes; on Twitter 950 followers and 1200 likes (these numbers tripled in the past few years). Make sure you are one of them!

We want to extend the wish expressed by our director, Edit Törzs, during the closing speech in Tirana to the new year which will start soon: *“bring with you your energy and ideas and cultivate your friendships and relationships, which are the heart of everything.”* With these words we want to express our gratitude for your engagement and enthusiasm in further developing RJ in your country but also to keep our community together. In 2018, we wish you to keep producing your beautiful melody touching many souls and... stay tuned!

The EFRJ team

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The Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters: an opportunity for progress

Setting the scene

In recent years, many European countries have seen a significant increase in the awareness, development and use of restorative justice within their criminal justice systems. Some governments have helped or permitted criminal justice agencies to adopt and implement restorative justice locally, while others have legislated for or provided national funding to support its use.

Yet, restorative justice is rarely used to its full potential. Many countries do not have the capacity or the desire to afford victims and offenders a right of access to restorative justice. Countries which use restorative justice more often mostly do not systematically inform victims and offenders of their ability to engage in this process. Moreover, many jurisdictions have adopted one or more hybrid restorative-traditional practices, enabling victims and offenders to participate in processes which are described as ‘restorative,’ but which offer no opportunity for dialogue between the parties, nor are designed and delivered in accordance with core restorative principles.

As the terminology of ‘restorative justice’ proliferates around the world, there seems to be a tendency to conceive of many rehabilitative, reparative, diversionary and/or victim-oriented interventions as being inherently ‘restorative’ in nature. This necessitates the updating of international policies which can help to clarify the extent to which a given practice reflects the concept of restorative justice, while ensuring that governments and justice agencies adopt an evidence-based approach to maximising its benefits and minimising its risks.

International restorative justice instruments: a brief history

In 1999, the Council of Europe adopted Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters (hereinafter: ‘the 1999 Recommendation’). It argued for an expansion in the use of mediation in criminal justice and outlined a series of standards and principles for those practices to follow. It also discussed the legal basis for penal mediation, safeguards for participants and how mediation services should operate in relation to criminal justice agencies (and vice versa).

In 2007, the European Commission for the Efficiency of Justice (CEPEJ) argued that, within many member states,

there remained a general lack of awareness of restorative justice, a lack of availability of restorative justice at some stages of the criminal justice process and a lack of specialised training in its delivery. These findings were taken to signify that the 1999 Recommendation had not been fully implemented.

Nonetheless, the CEPEJ’s evaluation of the 1999 Recommendation suggested that it had a clear effect in a number of European countries. It also influenced the wording of both the 2002 ECOSOC (UN) Resolution and, in 2012, Directive 2012/29/EU of the European Parliament and of the Council, establishing minimum standards on the rights, support and protection of victims of crime in Europe (hereinafter: ‘the Directive’), although these instruments also reflected a broader transition that was taking place within the field. The use of terminology relating to ‘mediation in penal matters’ was in decline while vocabulary relating to ‘restorative justice’ — encompassing both principles and practices — was gaining ground.

The Directive has stimulated various legislative and policy activities across Europe, requiring European Union (EU) member states to enhance victims’ statutory rights and develop services for victims of crime. With respect to restorative justice, it obliges criminal justice actors to inform victims about any available services and outlines protections for participating victims. It also utilises virtually the same definition as that which was contained within the 1999 Recommendation, although, as noted, it does so in reference to the term ‘restorative justice’ instead of ‘mediation in penal matters.’ However, the Directive stops short of creating a right of access to restorative justice and focuses exclusively on victims’ rights at the expense of protections for offenders. This relatively narrow focus means that it does not explicate the broader themes and innovations in the contemporary use of restorative justice, such as its role in supporting desistance and its applicability beyond the criminal procedure.

Recent developments in the Council of Europe

In 2016, the European Committee on Crime Problems (CDPC), a body within the Council of Europe, asked its advisory body, the Council for Penological Co-operation (PC-CP) to explore whether the 1999 Recommendation should be revised. The PC-CP’s Working Group decided →

to revise the 1999 Recommendation with four key aims (Commentary to the Recommendation, p. 2):

1. To enhance the awareness, development and use of restorative justice in relation to member states' criminal justice systems;
2. To elaborate on standards for its use, thereby encouraging safe, effective and evidence-based practice, and a more balanced approach to the conceptualisation and development of restorative justice than is implied by the Victims' Directive;
3. To integrate a broader understanding of restorative justice and its principles into the (comparatively narrow) 1999 Recommendation; and
4. To elaborate on the use of restorative justice by prison and probation services, the traditional remit of the PC-CP.

In January 2017, I was hired as a Scientific Expert to assist the PC-CP's Working Group in exploring the contemporary restorative justice landscape and drafting this new instrument. Members of the Working Group are criminal justice experts, drawn from prison and probation administrations, academia and Justice Ministries from Council of Europe member states. NGOs, such as EuroPris and the Confederation of European Probation, are also represented. All of these persons contributed to the drafting process, as did the European Forum for Restorative Justice (EFRJ), who were invited to attend some of the Working Group meetings.

The first step involved consultation. With Edit Törzs and Tim Chapman, we used the infrastructure of the Community of Restorative Researchers and the EFRJ to make inquiries regarding how our colleagues from around the world thought the 1999 Recommendation might be further developed. Respondents to these consultations generally considered that the 1999 Recommendation was substantially sound, and that many European countries were yet to reach the high standards detailed in the original Recommendation. Still, respondents identified a variety of ways in which a new Recommendation might go further in delineating evidence-based standards and supporting the development of restorative justice policies and practices. These consultation responses fed into the drafting and redrafting of the new Recommendation, which took place over a series of PC-CP Working Group, PC-CP plenary and CDPC plenary meetings in 2017 and 2018.

In October 2018, Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters was adopted by the Committee of Ministers. This Recommendation (and its associated commentary) go much further than the 1999 Recommendation in calling for

a broader shift in criminal justice across Europe towards a more restorative culture within criminal justice systems and agencies. They seek to provide a definition of restorative justice which encompasses and promotes both its principles and its practices. They outline evidence-based standards for victim-offender dialogue, and strongly urge member states to develop the capacity to deliver this service safely, effectively and to all those who wish to participate. They also reflect some of the recent trends and innovations in the development of restorative justice, outlining how restorative principles and approaches can be used to underpin broader criminal justice reform and noting that they can be applied beyond the criminal procedure, both proactively and reactively. The new Recommendation is clear that there is a role for all criminal justice policymakers and practitioners to promote and enable restorative justice, or otherwise to learn about restorative principles and skills and integrate them into their work.

The wide-ranging nature of the Recommendation gives us a fantastic opportunity to be proactive in encouraging European governments to implement restorative justice in a more significant and systematic way. Indeed, this work has already started: from the development of country-specific briefings and a new European Restorative Justice Policy Network by the EFRJ to various local, national and cross-border initiatives by the EFRJ's colleagues and members, our ongoing efforts to stimulate new activities, underpinned by this new Recommendation, can have a far-reaching impact on European criminal justice systems.

Across Europe, many victims and offenders remain excluded from the well-evidenced benefits of restorative justice. This is due in part to some professional gatekeepers being unaware or unsupportive of restorative justice. Though the Recommendation is not legally binding, its adoption can support our engagement with European governments and professionals working at all levels of criminal justice. Moreover, for those jurisdictions which wish to take this work forward, the Recommendation can be used as a template for their own policies, as has been the case with the Council of Europe's criminal justice instruments in the past. Considering that the United Nations recently passed a new Resolution committing itself to updating its own materials on restorative justice, I am permitting myself to feel somewhat optimistic for the coming years.

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Are indirect restorative dialogues of any value?

Victims and offenders arrive with mixed feelings to our first meeting. After introductions, we define our group-values through a circle process. Everyone shares a value that is important to them and explains how it can be expressed by this group.

A prisoner says:

If we love each other, we will respect and listen to each other, care for and support one another and value the other person as an equal human being.

Silence. Many nod; others dry their tears. Everyone affirms the adopted values and signs our list, as a promise to the group. Some participants relate how this circle touched their hearts and revealed that we are simply a group of human beings coming together to share their pain and joy. The ice has broken and an unplanned break gives the group a chance to share freely. Afterwards, participants express how much they are looking forward to the next meeting. A prisoner says:

It will be a long week ...

The following week, the prisoners await us at the gate, waving, smiling. Prisoners and victims mingle and chat to each other. Together they set up the room and I struggle to start the meeting. We discuss how crime can be defined as a violation of the law or harm done to individuals. While exploring differences between retributive and restorative justice, a victim stands up and asks the prisoners: 'On whom does the retributive system focus?'

'The offender,' they answer.

'And where is the victim?' he challenges.

It hits the prisoners how victims often have no role within the justice process and are left alone with their pain. A thoroughgoing and respectful conversation develops and I have to let go of the 'official' evening programme. Their discussions are so much more important than what we could offer. The meetings are about them; they should have ownership and define what they need most.

The following week, some prisoners bring the victims' favourite snacks, a touching gesture for the victims. During the circle, participants tell about a life-changing event.

Laughter and tears come naturally. A prisoner holds the feather in silence after listening to a victim's painful experience. With tears, he says:

Thank you so much for sharing your life and pain with us.

We then explore stories of victim-offender meetings and discuss the frequent long-lasting consequences upon crime victims. A young prisoner feels outraged when he learns about the consequences many victims suffer.

Had the victim been my grandmother — I would have killed the offender.

He slowly grasps the kind of consequences his victims must have suffered and admits:

All my life I have denied my victims' sufferings, blinded by my own suffering. My shame prevented me from facing reality and now I can hardly cope with it.

Because of the strong and self-protective wall he had built around himself, we doubted if we could get through to him. That night the wall endures its first cracks and we get to know a young man capable of empathising with others and being utterly honest. The prisoners also become painfully aware of how many people, apart from the victims, often suffer from a crime — including their own families.

The victims share their painful experiences during the fourth night — in an absolutely silent room. The prisoners listen with respect and empathy. Silence follows each story before the prisoners ask their questions. Shaken, they understand how serious and enduring the consequences can be for victims and how they and their families can be affected for life. Some comfort and hug the victims who appreciate the gestures and reassure the prisoners that they can still change their lives, reach out to their victims to apologise and find ways to repair some of the harm done. Some prisoners cry while acknowledging how they never thought of their victims and never intended to harm anyone. Two prisoners admit they never knew a crime-free life. Yet, they all agree that they cannot continue →

offending now they understand the pain and consequences victims suffer. After the meeting, the victims share how, despite the difficulty and pain of sharing their story and being reminded of all they had suffered, it has been a healing experience. They never expected to receive such deep respect and empathy from the prisoners. It had been a powerful experience to see how their stories affected the prisoners deeply and how their thinking started to change. Two victims feel their painful experience finally makes some sense and that they want to continue promoting and supporting RJ.

During the fifth night's circle, we observe how deep the relationships have become. We discuss the difference between shame and guilt, how shame keeps us trapped in the past, while guilt encourages us to face our acts and seek ways to put things right. We explore common justifications to deny our responsibility and appreciate the prisoners' honesty in acknowledging their 'denial and justification techniques.' I tell one prisoner:

I am so proud of you because you are so brutally honest with yourself, not covering up anything anymore.

With tears, he says:

I don't know if ever anyone told me they were proud of me.

That night, it is our turn to cry as we hear the prisoners' stories and understand the pain, abuse and violence that shaped many of their lives. Two had been rejected and given away by their parents. A victim admits:

I'm not sure where I would be, today, if I had endured what you experienced in life.

A prisoner responds:

Still, our suffering never justifies what we have done to others; we need to accept our full responsibility for our acts, no matter what we have been through.

The following week, we explore the terms 'forgiveness' and 'reconciliation.' A victim says he cannot forgive his offender and feels trapped in pain. The prisoners feel very much for him and worry this pain might consume him. They yearn for forgiveness on behalf of their victims but understand they have no right to demand it, especially as they too often struggle to forgive others. Towards the end, the prisoners express sadness that we only have two meetings left and say how much they will miss these meetings and each participant. The victims

are very touched and two of them promise to come and visit regularly. The prisoners' faces brighten up immediately.

During the seventh meeting, we examine real-life cases of direct victim-offender dialogues. In small groups, the participants discuss these to find out what victims might need in such cases and what could have been possible outcomes. It surprises prisoners

- how victims often need more personal rather than just financial restitution,
- how victims' first and foremost need security, respect, being listened to, taken seriously and being cared for and
- how they long for offenders to own their responsibility and take concrete steps to prevent reoffending.

They are also astonished how some victims care for their offenders and are willing to support them.

One prisoner feels sincerely for his deeply traumatised victim, who is hardly able to cope with life, and he feels very guilty. A victim who suffered the same crime and severe post-traumatic symptoms reassures him:

I know who this man is. It is still too early to approach him. Before you get out of prison, I will try to meet with him to share my own story, how I met my own offender and how this has helped me. I will then try to arrange a meeting between the three of us, whenever he is ready, so that you can meet, apologise in person and that both of you can share your story and discuss ways for you to address his needs.

The prisoner cries and everyone is touched to see how this victim is stepping out of his role, becoming an RJ advocate himself.

The eight-week course finishes with a celebration and the prisoners' symbolic acts of restitution. Beside some jokes, participants display rather sad faces and tears flow during the circle. Victims and prisoners alike express how sad they are because they will miss each other and their meetings. Crying, a prisoner confesses how this group became for him the family he never had. Two victims assure they will not abandon him and visit regularly. The prisoners very touching acts of restitution, such as letters, poems, songs and handicrafts touch the victims deeply. They embrace with tears rolling down their cheeks. The →

prisoners thank the victims for being with them during these weeks, for their honesty in sharing their lives and pain, for accepting and treating them as equal human beings, and for helping them to see the consequences of their acts. They exchange their addresses and promise to stay in touch — which they still do.

Are such dialogues of any value?

I have heard and read repeatedly criticisms about restorative dialogues between indirect victims and offenders. I understand and agree with much of these and am aware of many possible pitfalls. Without careful implementation that focuses on the victims' healing, restoration and empowerment, there is a risk of 'using victims to rehabilitate offenders' and becoming too 'offender-centred'. Such an approach could never be defined as 'restorative.' Thus, planning and implementation require much care and sensitivity, especially towards the victims. Yet, with careful implementation, such programmes can offer a truly restorative process for participants. Possible benefits are:

access to RJ:

sometimes, neither victim(s) nor offender(s) know about the other. In other cases, one party may not agree to participate in an RJ process or is unable to. If we seek to make RJ accessible to anyone who desires to participate in a restorative process, then we need to have programmes where they can meet with victims or offenders they do not know but who have suffered or committed the same or similar crime. Such dialogues can thus increase accessibility for victims and offenders.

victim satisfaction:

anonymous, written feedback reveals high victim satisfaction. Studies completed in other countries confirm this. Victims appreciate the opportunity to participate in a restorative process, to have a safe space to share their story and pain, to ask offenders their questions and where they finally get a voice and space within the justice system. Many feel the programme helped them to heal from the consequences of crime, even many years later. Offenders too are highly satisfied with the programme and some say it helped them more to change their lives than any other in-prison 'therapy.'

empowerment:

we put much emphasis on providing victims with a voice and space and encourage them to speak up during meetings. It is powerful to observe how victims and offenders start to own the programme and how their interactions are based on the adopted values. They support each other in their process of transformation and restoration and we witness how victims start to display a change of role. Once they are being heard and receive empathy, especially from offenders, they start to reach out and seek ways to support offenders in their process of change (and healing).

restoration:

can such meetings be restorative? Based on our experience I would say 'yes, they can'. Family members shared how much their spouse or parent has changed throughout the programme and started to heal from post-traumatic symptoms. Victims and offenders express how these respectful and empathetic encounters help them to come to terms with painful experiences in their lives, find meaning in what they have endured and encourage them to view the future with more hope and courage.

We were deeply touched when observing how victims become of our strongest RJ advocates and when they share how, finally, something good grows out of their painful experience. Some prisoners also strongly advocate for RJ. After these dialogues, many want to contact their own victims, a step we gladly support whenever possible.

Where implemented carefully and based upon RJ's core values, even indirect restorative dialogues can bring about healing and restoration, empower victims and offenders and help them to take their lives into their hands.

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Overview of Expert Meeting EFRJ 18th December 2017

The expert meeting of EFRJ members was a great success with 20 countries represented and participants having an extensive amount of experience across research, policy and practice. The impetus for this meeting involved a reconsideration of the purpose of the EFRJ and to define our basic values and standards for restorative justice. While the EFRJ was founded to facilitate cross-border exchanges and support, over the years we have seen a shift to conducting research on the topic. However, the team and board, as communicated by Tim Chapman, the Chair of the EFRJ, have come to the realisation that the essential role of the EFRJ is not to generate knowledge, but rather to support the dissemination of restorative justice in the field to deliver high quality practice.

This is underpinned by the belief that those who wish to access RJ should have a right of access, but that this should extend the remit beyond the criminal justice system to schools, families, communities, schools and organisations. This is where we, as members of the EFRJ, come in. Our membership have a remarkable amount of experience to make our aims for RJ in Europe a reality. Such a shift has an implication, however. It means that we need money so that we can promote RJ, rather than income generation so that we can do RJ.

What are the key issues in Europe concerning RJ?

Four key members who participated in the day opened up discussions about the central issues that need addressing in Europe from a context/structural perspective. Katrien Lauwert spoke about the EU Victims Directive. She stressed the elaborate nature of RJ within the new Directive compared with the 2001 Framework Decision, the contents of which are enforceable thus providing a number of minimal rules. For example, Article 46 speaks about the benefits of restorative justice (which is politically important) and Article 12 focuses on safeguards. However, in focusing on process the Directive does not outline an obligation to provide services or to ensure it is available for all types of victims/crimes or stages of the criminal justice process. While the Directive certainly began as a progressive document, during the negotiation process less has been included that is progressive in practical terms.

Ian Marder then discussed the preparatory work of a new Council of Europe Recommendation on RJ which has four key aims:

1. to enhance the awareness, development and use of restorative justice in relation to member States' criminal justice systems;
2. to elaborate on standards for its use, thereby encouraging safe, effective and evidence-based practice, and outlining a more balanced approach to the conceptualisation and development of restorative justice than is implied by the Victims' Directive;
3. to integrate a broader understanding of restorative justice and its principles into the (comparatively narrow) 1999 Recommendation; and,
4. to elaborate on the use of restorative justice by prison and probation services, the traditional remit of the Council for Penological Co-operation.

The CoE Recommendation tries to respond to problems contained in the Victims Directive by asking, for example, what would the right to access look like? However, it is important to note that while the Recommendation is an important policy initiative across Europe for RJ, it is not binding nor enforceable. This makes the role of the EFRJ even more important as it is in a prime position to support countries in the implementation of RJ and thus return to its original aims. Our extensive membership could further support this process by promoting the Recommendation in their countries and highlighting that the EFRJ is available as a resource to help with implementation of good quality restorative practice.

Inge Vanfraechem spoke about radicalisation in Europe and highlighted four ways in which the EFRJ could contribute by stimulating discussions and outlining proactive approaches:

1. prisons, how do we deal with these people?
2. intercultural settings, how do we deal with conflict between groups from different cultures?
3. communities of care, how do we deal with families of offenders? Where do we place the victims?
4. societal debate, how can we offer guidance on how to deal with implications of radicalised people?

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Borbala Fellegi then discussed intercultural conflict in Europe (drawing on the outcomes of the ALTERNATIVE project) that appears to be on the rise given the influx of refugees and migrants and the economic realities affecting Europe currently. She outlined the importance of safety, security, order and the recognition of the key needs of people because, without these, it is too easy to make ‘other people’ scapegoats. Given that government institutions are in crisis, we therefore need to think about how we can develop capacity at the local level without relying on governments.

Other key issues raised by participants for RJ in Europe included:

- violence against women;
- mental health and inclusion, special education and needs;
- sexual harm and crime between young people in the family setting;
- drug use;
- dealing with mistrust in communities;
- religion;
- supporting families in crisis;
- poverty;
- consolidating knowledge and experience;
- emphasising restorative practices (which we currently do) rather than restorative justice (which we should move to).

How can we understand and prioritise needs in different European countries?

The discussion on understanding and prioritising needs was energetic. A key theme was that not all countries were moving at the same pace as each other and that different issues presented hurdles or challenges for the implementation of good RJ. This highlighted the need for RJ support to be differentiated according to the needs of the different countries across Europe. We can write wonderful strategies but it would be good to understand what the issues are in a particular country because, if it does not align with what the issues are within the country, this will not have a meaningful impact on the ground. Our membership can therefore act as an important country link who can identify particular organisations or people to each other.

Some identified state corruption as a particular problem with others arguing that this should not be insurmountable; working with practitioners and providing good quality information about what restorative justice is and its standards is important. Others identified punitivism as another hurdle that can be transcended by drawing attention to successful initiatives in other countries, which demonstrate the financial savings that RJ offers to an otherwise expensive system.

There is a lot of research/policy but less information about implementation. Where is the community? How do we find it? How do we bring people together in a way that will help to initiate change? Part of this lies in making use of what is already there. One example is the study by Dünkel et al. (2015) on restorative justice and mediation in penal matters in Europe. The study provides a good overview of legislative provision across countries and individuals. One suggestion is to do this by making more use of technology — watching something is infinitely quicker and easier than reading it — or creating an interactive map showing who is working on what could lead to more collaboration. Another is to make better use of the EFRJ Newsletter — if you want to contribute or to discuss this further, please do contact the editorial committee!

How can we turn our ideas into practice?

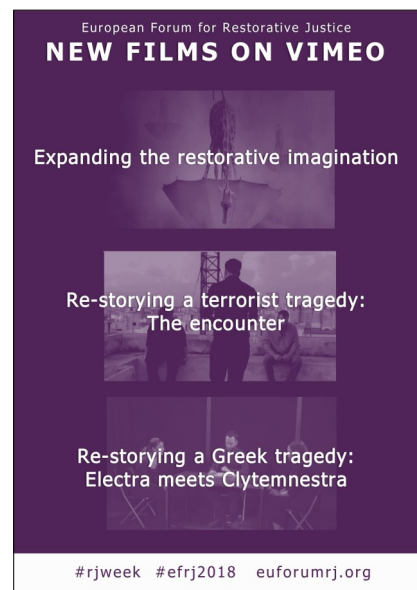
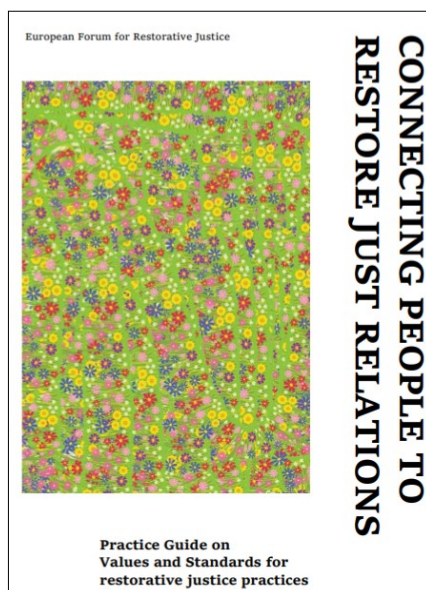
The biggest challenge going forward is economics and the role of the EFRJ in Europe. Currently, the EFRJ is heavily reliant on an EU operating grant, which is not guaranteed. As such, we need to diversify how we gain research income. Should our supporting activities in Europe be a source of income (that is, through training and consultancy) or should we find alternative means of supporting nations to develop and implement good quality restorative justice across Europe? As you can tell, there is a transformation happening within the EFRJ as we try to determine what our best value is.

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Dünkel, F., Grzywa-Holten, J. and Horsfield, P. (eds.) (2015a). *Restorative justice and mediation in penal matters: a stock-taking of legal issues, implementation strategies and outcomes in 36 European countries*. Mönchengladbach: Forum Verlag Godesberg.

New resources EFRJ 2018: contact us to know more!



SEE YOU IN 2019!

- **28-29 MARCH** Bruxelles | EFRJ Training course in French RJ in *Serious Crime*
- **08-12 APRIL** Belfast | Kintsugi training on restorative communities
- **4-6 JUNE** Bilbao | EFRJ Annual General Meeting & Symposium *From Penal Mediation to RJ*
- **3-6 JULY** Barcelona | CJPE Criminal Justice Summer Course *Criminal Justice in a Polarised Society*
- **22-26 JULY** Gdańsk | EFRJ Summer School *Child-friendly RJ*
- **17-24 NOVEMBER** | International RJ WEEK 2019

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Submission

The European Forum for Restorative Justice welcomes the submission of articles and information for publication. Please contact the editorial committee or the EFRJ Secretariat.

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