



MJU-26 (2005) Resol. 2 Final

26th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE
(Helsinki, 7-8 April 2005)

RESOLUTION No 2
on
The Social Mission of the Criminal Justice System - Restorative Justice

THE MINISTERS participating in the 26th Conference of European Ministers of Justice (Helsinki, 7 and 8 April 2005);

1. Having examined the report of the Minister of Justice of Finland on the social mission of the criminal justice system;
2. Considering that it is of great importance for social peace to promote a criminal policy which focuses also on the prevention of anti-social and criminal behaviour, the development of community sanctions and measures, the victim's needs and offender reintegration;
3. Noting that the use of imprisonment causes a heavy burden on society and causes human suffering;
4. Considering that community sanctions and measures as well as restorative justice measures can have a positive effect on the social costs of crime and crime control;

5. Convinced that by a restorative justice approach the interests of crime victims may often be better served, the possibilities for offenders to achieve a successful integration into society be increased and public confidence in the criminal justice system be thereby enhanced;
6. Bearing in mind that the purpose of restorative justice is also to decrease the number of proceedings before the criminal courts and that alternative non-judicial systems for restorative justice should be developed as far as possible within the national context;
7. Considering that prison sentences cannot always be avoided but that the treatment and management of prisoners can also benefit, inter alia, from the restorative justice approach so as to promote successful reintegration of the offender;
8. Considering that the restorative justice approach should be developed both in the framework of community measures as well as in all stages of criminal justice procedure, including restorative justice measures applied during and after imprisonment;
9. Considering that the prevention of crime, support and compensation for crime victims, and reintegrating sentenced offenders requires a multidisciplinary and/or multi-agency approach;
10. Aware of the need to design particular strategies to address the specific needs of vulnerable groups of victims and offenders;
11. Aware of the particular situation in some countries where the criminal justice system is currently undergoing substantial reforms, and that these countries may be in particular need of technical assistance to carry out these reforms;
12. Bearing in mind the importance of the principles contained in existing relevant international instruments;
13. Recalling the Council of Europe Recommendations of relevance in this field;
14. Recalling the European Convention on Compensation to Victims of Violent Crimes;
15. AGREE on the importance of promoting the restorative justice approach in their criminal justice systems;

16. ENCOURAGE the continuing work of the European Committee for Crime Problems (CDPC) in:
 - updating the European Prison Rules;
 - addressing the needs of victims of crime, including victims of terrorism and of serious violations of international humanitarian law;
 - examining means of enhancing crime prevention policies;
17. FURTHER ENCOURAGE the work of the Council of Europe in conducting a multidisciplinary project on violence and children;
18. INVITE the CDPC to prepare, in accordance with Recommendation Rec(2003)20, an instrument with a view to developing comprehensive standards governing sanctions and measures for dealing with juvenile offenders;
19. INVITE the Committee of Ministers to further entrust the CDPC to examine the issue of probation and post prison assistance with a view to addressing the need to develop the role of probation services;
20. INVITE the Committee of Ministers to ask the CDPC to give further consideration to the possibility of preparing one or more instruments to address the needs of groups of vulnerable victims and/or offenders;
21. FURTHER INVITE the Committee of Ministers to support and develop co-operation programmes put in place to promote the widespread application of restorative justice in the member countries, on the basis of the Council of Europe's Recommendations in this field;
22. ASK the Secretary General of the Council of Europe to report on the steps taken to give effect to this Resolution, on the occasion of their next Conference.