

# REALISING RESTORATIVE JUSTICE

human rights and personal realities



22-24 June, 2016  
Leiden The Netherlands



## **COVER IMAGE**

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# Realising Restorative Justice



Human rights and personal realities

22–24 June  
2016

**Leiden Law School**  
Leiden University  
The Netherlands



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# WELCOME

Dear colleagues and friends,

Welcome to Leiden and welcome to the 9th International Conference of the European Forum for Restorative Justice (EFRJ). We are happy to receive you in the Netherlands and in a city with scientific roots at the law school of the Leiden University. Leiden is known for its characteristic centre and canals and its size scale makes it a very easy city to get around.

The conference theme of this year is: 'Realising Restorative Justice: Human Rights and Personal Realities'. In a city and area with a history of human rights, it was logic to choose this topic and make the link to various human rights aspects. As seen in the programme, human rights and restorative justice values and principles are closely linked. Human rights of victims, offenders and the community point towards the importance of using restorative justice in cases of conflict or criminal offences and to take the outcome into account. The EFRJ is strongly promoting the approach that every person shall have an explicit right of access to restorative justice. This vision finds strong support by many international and European human rights instruments which, explicitly or implicitly, mention the importance of the use of restorative justice approaches in reaction to criminal offences. Another link can be made to the potential of the use of restorative justice in current global human rights issues. Personal stories will be shared to make the use of restorative justice in the human rights context more visible. Storytelling has proven to play an important role in information and access of restorative justice. Art, film and social media also play a role in this.

We are delighted to welcome guest speakers from different regions and from the local scene. It will be a mix of more academic oriented presentations as well as contributions by practitioners and input from persons whom experienced a mediation. We also give space to a variety of workshops. In addition, we are happy to present, for the fourth time, the 2016 laureate of the European Restorative Justice Award. The full programme, the abstracts, information on the presenters and practical information on how to get around can be found in this booklet. Your input – experiences, comments and contributions – is a key element of the event.

We hope you will have a wonderful stay in Leiden and if you have any comments or questions, please find us or one of the colleagues of the EFRJ or the University to assist.

Yours sincerely,

**Michael Kilchling and Annemieke Wolthuis**

(Chair and Vice-chair of the European Forum for Restorative Justice)



# Introduction and themes

The title of this year's international conference is 'Realising Restorative Justice: Human Rights and Personal Realities' (Leiden, 22-24 June 2016).

Human rights and restorative justice values and principles are closely linked. Interconnections are obvious in regard to the rights to dignity, respect and protection, the rights to recognition, inclusion and participation, the rights to freedom of speech, security and justice and the rights to personal growth and empowerment. One further important aspect is the question whether restorative justice should be promoted as a genuine civil, or human, right. Many international and European human rights instruments mention the importance of the use of restorative justice approaches in reaction to criminal offences (e.g. the European Convention on Human Rights and the Universal Declaration of Human Rights).

Additionally, restorative justice might take a more proactive role in addressing current human rights challenges, for example by contributing to the protection and empowerment of vulnerable groups, ensuring justice and security and encouraging a social dialogue around the current refugee issue, counteracting radicalization and extreme violence with alternative solutions, and even by using the arts and social media to share knowledge and promote diversity in our (digital and non-digital) world.

The programme is organized around six main themes.

## **1.Human rights and restorative justice**

### **2.Dignity and equality – RJ and vulnerable groups**

### **3.Liberty and access to justice – RJ and detention**

### **4.Freedom of movement and protection from persecution – RJ and the refugees**

### **5.Security, justice and prohibition of discrimination – RJ and radicalisation**

### **6.Education, the arts and cultural life – RJ and creativity**

# Introduction and themes

## 1. Human rights and restorative justice

This theme invites RJ and human rights advocates to engage in a dialogue concerning different notions and issues relevant for both fields. For example, how does the notion of justice appear from a human rights and a RJ perspective? How to reconcile the impunity discourse of human rights advocates with RJ values and principles? What is the place of victims and redress in human rights court proceedings? What are the links between RJ, transitional justice, peacebuilding, community work? Is RJ a need, a right, and/or a duty? If access to RJ is seen as a human right, what would this imply in practice for institutions? Looking at criminal justice procedures, how can RJ ensure that offenders' and victims' rights are equally ensured?

## 2. Dignity and Equality – RJ and vulnerable groups

How can RJ contribute to the protection, support and empowerment of all human beings, especially if vulnerable, in our societies? Although international and European human rights instruments call for equality and dignity of all human beings, in practice, certain vulnerable groups still don't have access to these rights. The focus of this theme is on the needs of different vulnerable groups (e.g. children, women, people with disabilities, victims, prisoners, minority groups, migrants, refugees and asylum seekers) and the role of RJ practices in recognising their needs and in supporting access to their rights.

## **3. Liberty and access to justice – RJ and detention**

What role can RJ play in situations when access to justice and security are uncertain or unattainable? According to international and European human rights instruments, life, liberty, justice and security are core values to be granted to all human beings. Still, in some parts of the world, inhuman treatment, arbitrary detention, and even exile, are common practices. The focus of this theme is on different types of limitations of freedom and detention centres present in our societies in the context of criminal justice (e.g. prisons, house arrest), the welfare system (e.g. educational institutions, rehabilitation centres, psychiatric institutions), or administrative procedures (e.g. reception or deportation centres for undocumented migrants), and the potential of RJ in such a context, either to solve concrete conflicts or to organise an institution.

## **4. Freedom of movement and protection from persecution – RJ and the refugees**

What role can RJ play in addressing the new challenges in relation to the treatment of refugees in Europe? How can RJ be used at the preventive and reactive levels? International and European human rights instruments mention the right to freedom of movement and residence in each country, the right to leave and return to a country, the right to seek asylum to escape persecution. In practice, these rights may not be granted. Every day, all over the world, people leave their homes to improve their economic situation, pursue their education or to escape from persecution and armed conflicts, torture or extreme poverty. After a long and dangerous journey, people may experience exploitation, discrimination, racist behaviours, even slavery and detention. How can RJ practices be used to encourage social dialogue around these issues and between all the stakeholders without stigmatizing or excluding different voices?

## **5. Security, justice and prohibition of discrimination – RJ and radicalisation**

How can RJ approaches address especially dangerous or even frightening phenomena such as terrorism, extreme violence, and radicalization, and their aftermath? How can RJ be implemented at the preventive and reactive levels? Among the many causes of terrorism and radicalization, it seems that ‘social exclusion’ may play a role in making some individuals more vulnerable to violent extremism. The most common practices to fighting terrorism and radicalization are the intensification of surveillance and an increase in security measures. This theme would like to explore whether and how RJ can offer alternative approaches including a possible role for civil society in addressing these challenges.

## **6. Education, arts and cultural life – RJ and creativity**

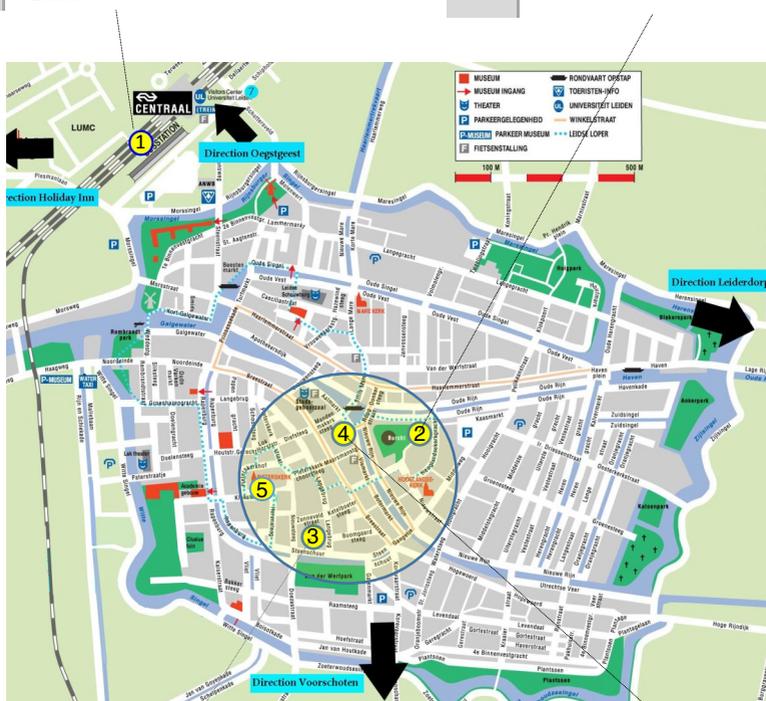
What creative methods and tools can be used in RJ to inform, educate and interact with conflicting parties and the broader public? The themes that we explore in this conference challenge some of the methods and the individual focus of RJ, and therefore call for creative thinking in expanding and multiplying our methods and tools. This theme focuses on the role of the arts, social media, documentaries, filmmaking, websites and other digital platforms can have in encouraging restorative dialogue between conflicting parties, decreasing social distance between people and promoting the right to freedom of speech. Human rights education can be part of it. Furthermore, methods or restorative works that go beyond mediation and conferencing and that focus on collective social conflicts remain interesting to explore.

# Practical info

## City map Leiden

1. **Central Railway Station**  
Stationsplein 3J, 2312 AJ  
Leiden

2. **Children Rights' House**  
Hooglandse Kerkgracht 17, 2312

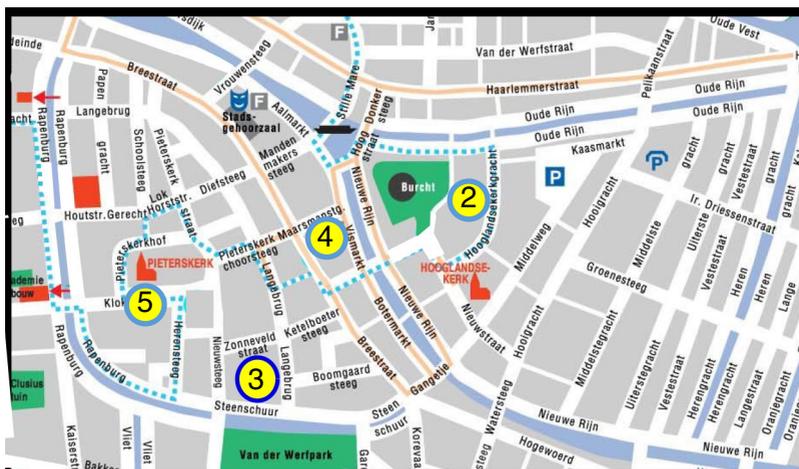


3. **Kamerlingh Onnes Building**  
LEIDEN LAW SCHOOL  
Steenschuur 25, 2311 GP

4. **City Hall Leiden**  
Stadhuisplein 1, 2311 EJ

5. **Het Prentenkabinet**  
Kloksteeg 25  
2311 SK

# Practical info



## 2. Children Rights' House

24 June

Hooglandse Kerkgracht 17, 2312 HT, Leiden

Field Trip

## 3. Kamerlingh Onnes Building

22-23-24 June

Steenschuur 25, 2311 GP, Leiden

Plenaries, workshops, coffe breaks, lunches

## 4. City Hall Leiden

22 June

Stadhuisplein 1, 2311 EJ, Leiden

Reception, RJ Award

## 5. Het Prentenkabinet

23 June

Kloksteeg 25, 2311 SK, Leiden

Conference dinner

## The venue



The building



Plenary Room (First Floor)



Workshop sessions hall (Ground Floor)



Cafeteria (First Floor)

### Kamerlingh Onnes Building

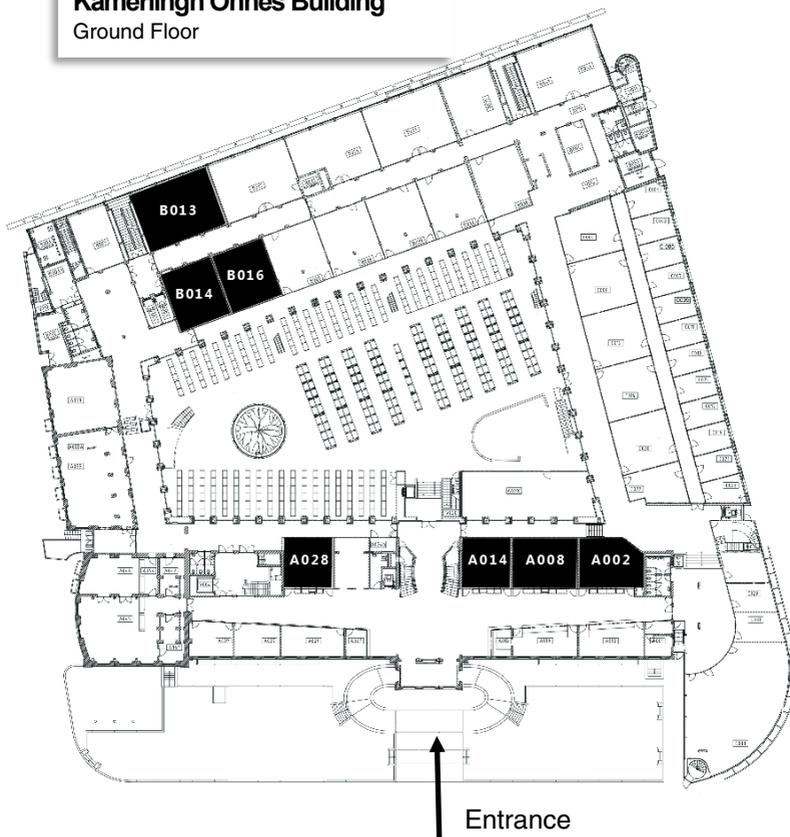
The EFRJ is very happy that the Law school in Leiden is hosting its conference.

The university and its students are an important factor in the city. Already since 1575, Leiden has a university, the oldest of the Netherlands. As a present for the resistance against the Spanish, Willem van Oranje gave the city the choice: 10 year no taxes or a university and they have chosen the latter. Traces of this scientific history can be found everywhere in the city.

The Kamerlingh Onnesbuilding, where we will have our conference, is named after one of the 13 Nobel Prize winners whom worked in Leiden. Also well-known scientists like Albert Einstein, Marie Curie and Niels Bohr worked here for some time. One of the first professors was the Flemish humanist Justus Lipsius, who came (temporary) from Leuven to Leiden. Today, the connection between Leuven and the Netherlands in the field of restorative justice is a very strong one.

# Floor Plan

## Kamerlingh Onnes Building Ground Floor

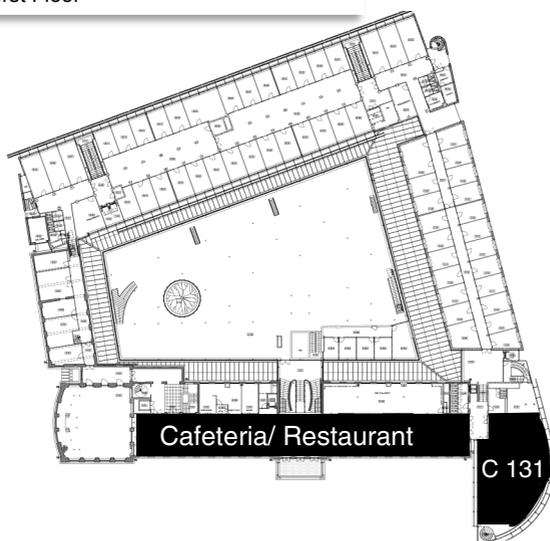


## Workshop Sessions

A.002    B.013  
A.008    B.014  
A.014    B.016  
A.028

# Floor Plan

**Kamerlingh Onnes Building**  
First Floor



## Plenary

Sessions

C.131

Coffee breaks

Lunch

Info point

Cafeteria/ Restaurant

Registration desk

Bookstand

# Internet and social media

## Wi-Fi codes

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As an external visitor, you will need an activation code to connect to the 'Leiden University' service and get free Internet access. You can get your activation code from the registration desk in the main catering hall. Please note that you need a different activation code per each device (laptop, a tablet PC or a smartphone); each participant is entitled to two activation codes maximum.

Once you received your activation code, please follow the instructions below:

1. Switch on the wifi on your pc/tablet/smartphone and log on to the 'Leiden University' network.
2. Open your browser: the page 'U dient zich te registreren om dit netwerk te kunnen gebruiken' (You need to register to use this network) will open automatically.
3. Choose 'Ik ben een gast met een activatiecode' (I am a guest with an activation code).
4. Enter your activation code (your personal activation code is available at the registration desk)
5. Your activation code is individual and can be used only once until 24 June.

You do not need to re-enter your activation code during the conference days. The log-in will be automatic.

## Social media

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#efrj2016



@euforumrj



European Forum for Restorative Justice

# Programme

**Tuesday**

21.06

**Wednesday**

22.06

**Thursday**

23.06

**Friday**

24.06

## Tuesday

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21.06.2016

**17:00**                    **Start of the registrations**  
Cafeteria (First Floor)

**18:00 - 20:00**    **EFRJ Annual General Meeting**  
(Plenary Room C131– First floor)

Board Elections

Forum 15

## Wednesday

22.06.2016

**08:15**      **Registrations**  
Cafeteria (First Floor)

**09:00 - 09:45**   **Welcome session**  
(Plenary Room C131– First floor)

**Michael Kilchling & Annemieke Wolthuis**  
European Forum for Restorative Justice

Opening: **Ard van der Steur**  
Dutch Minister of Security and Justice

Welcome: **Rick Lawson**  
Dean of the Leiden Law School

**Manuel Valin**  
Justice Director of the Basque Government

**09:45 - 11:00**   **Plenary session I**  
(Plenary Room C131– First floor)

### **Realising restorative justice: beyond legalism and crime control**

*CHAIR: Ivo Aertsen, KU Leuven Institute of Criminology (Belgium)*

The 'miraculous' emergence of penal mediation in the Netherlands, Restorative justice in the context of Dutch pragmatism and populism

**Bas van Stokkom**  
Radboud University Nijmegen (The Netherlands)

Towards a radical victimology: a brief genealogy of victim policy in the Netherlands

**Antony Pemberton**  
INTERVICT, Tilburg University (The Netherlands)

Realising restorative potential: language, politics and ritual

**Simon Green**  
Hull University (United Kingdom)

## Wednesday

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22.06.2016

**11:00 - 11:30** **Coffee Break**  
Cafeteria (First Floor)

**11:30 - 13:00** **Workshop Session I**  
Rooms: B013 - A008 - A014 - A028 - B016 - B014 - A002 (Ground floor)

**13:00 - 14:00** **Lunch**  
Cafeteria (First Floor)

**14:00 - 15:30** **Workshop Session II**  
Rooms: B013 - A008 - A014 - A028 - B016 - B014 - A002 (Ground floor)

**15:30 - 16:00** **Coffee Break**  
Cafeteria (First Floor)

**16:00 - 17:00** **Workshop Session III**  
Rooms: B013 - A008 - A014 - A028 - B016 - B014 (Ground floor)

**17:15 - 18:30** **Reception at the City Hall**  
Stadhuisplein 1, 2311 EJ, Leiden (see pag.121)

Opening by the mayor Mr Lenferink

RJ Award ceremony

Criminal Justice Platform Europe's contributions

## Thursday

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23.06.2016

**09:00 - 11:00 Plenary Session II**

(Plenary Room C131– First floor)

**Restorative Justice & Human Rights in the international context**

*CHAIR: Ton Liefwaard, Leiden University (The Netherlands)*

No human rights without restorative justice, transcending crime by realising rightful original positions for all

**Hendrik Kaptein**

University of Leiden (The Netherlands)

Restorative Justice and the Rights of the Accused

**George Pavlich**

University of Alberta (Canada)

RJ and human rights from a practitioners perspective: mediation in Argentina and the Netherlands

**Janny Dierx**

The Mediation Cooperation (The Netherlands)

**11:00 - 11:30 Coffee Break**

Cafeteria (First Floor)

**11:30 - 13:00 Workshop Session IV**

Rooms: B013 - A008 - A014 - A028 - B016 - B014 - A002 (Ground floor)

**13:00 - 14:00 Lunch**

Cafeteria (First Floor)

## Thursday

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23.06.2016

**14:00 - 15:30 Plenary Session III**

(Plenary Room C131– First floor)

### **Restorative justice and Personal Realities**

*CHAIR: Borbola Fellegi, Foresee Research Group (Hungary)*

RJ in prison settings, experiences with the Sycamore Tree Project (victim awareness by teaching RJ principles) in 35 countries around the world

**Daniel Van Ness**

Centre for Justice and Reconciliation, Prison Fellowship International  
(United States)

A personal story

**Reynaldo Adames**

(The Netherlands)

House of restoration in detention and aftercare

**Anneke van Hoek & Gert Jan Slump**

Restorative Justice Nederland (The Netherlands)

**15:30 - 16:00 Coffee Break**

Cafeteria (First Floor)

**16:00 - 17:30 Workshop Session V**

Rooms: B013 - A008 - A014 - A028 - B016 - B014 (Ground floor)

**19:30 Conference dinner**

Restaurant Het Prentenkabinet - Klokksteeg 25, 2311 SK Leiden (see pag.122)

## Friday

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24.06.2016

**09:15 - 10:45 Plenary Session IV**

(Plenary Room C131– First floor)

**Current human rights challenges and restorative justice principles**

*CHAIR: Daria Nashat, European Forum for Restorative Justice (Belgium)*

Restorative justice & radicalization: ETA, RJ and Human Rights

**Gema Varona**

University of the Basque Country (Spain)

Restoring relationships, community building and social inclusion

**Patrizia patrizi**

University of Sassari (Italy)

**10:45 - 11:15 Coffee Break**

Cafeteria (First Floor)

**11:15 - 12:45 Workshop Session VI**

Rooms: B013 - A008 - A014 - A028 - B016 - B014 (Ground floor)

**12:45 - 13:15 Closing ceremony**

Michael Kilchling & Annemieke Wolthuis  
European Forum for Restorative Justice

**13:15 - 14:30 Lunch**

Cafeteria (First Floor)

**14:30 Field trips**

For more info on pag. 124



# Plenary speakers

**EFRJ 2016**

Leiden



**Thursday**

**23.06**



**Hendrik  
Kaptein**

**University of Leiden**  
The Netherlands



**George  
Pavlich**

**University of Alberta**  
Canada



**Daniel  
Van Ness**

**Centre for Justice and Reconciliation**  
United States



**Reynaldo  
Adames**

The Netherlands



**Anneke  
Van Hoek**   **Gert Jan  
Slump**

**Restorative Justice Nederland**  
The Netherlands



**Janny  
Dierx**

**The Mediation Cooperation**  
The Netherlands

**Wednesday**

**22.06**



**Antony  
Pemberton**

**INTERVICT, Tilburg University**  
The Netherlands



**Bas  
Van Stokkom**

**Radboud University Nijmegen**  
The Netherlands



**Simon  
Green**

**University of Hull**  
United Kingdom

**Friday**

**24.06**



**Gema  
Varona**

**University of the Basque Country**  
Spain



**Patrizia  
Patrizi**

**University of Sassari**  
Italy

# Plenary speakers

## Plenary session: **Realising restorative justice: beyond legalism and crime control**

**WED 22.06**  
09:45- 11:00

### **The ‘miraculous’ emergence of penal mediation in the Netherlands: Restorative justice in the context of Dutch pragmatism and populism**

#### **Bas van Stokkom**

Radbound University Nijmegen, The Netherlands



In the last decade restorative justice developed rapidly in the Netherlands, especially post-sentencing mediation schemes and neighbourhood mediation arrangements. However, until recently the Dutch legislature was not prepared to introduce penal mediation. Paradoxically, the populist effort to enhance victims’ rights, had an important role in launching penal mediation. Whereas the judicial elites were sceptical to integrate mediation into the criminal justice system (partly because they feared abolitionism), later on – hounded by populism – they accepted victim-centred forms of mediation. This presentation will deal with Dutch legal culture and the tensions between elitism, penal populism and professional pragmatism. It is argued that Dutch pragmatism (the belief in ‘harm-reduction’) allows autonomous decision-making in the criminal justice system, and may stimulate restorative justice.

*Bas van Stokkom is research fellow in the section criminal law & criminology, Faculty of Law, Radboud University Nijmegen, The Netherlands. His research areas are local safety policies, policing, restorative justice, and sanction policies. He is chief-editor of the Dutch-Flemish journal ‘Tijdschrift voor Herstelrecht’ (Journal of Restorative Justice) and co-editor of the studies ‘Images of Restorative Justice Theory’ (2008), ‘Restorative policing’ (2009) and ‘Public Forgiveness in Post-Conflict Contexts’ (2012).*

# Plenary speakers

## Plenary session: **Realising restorative justice: beyond legalism and crime control**

**WED 22.06**  
09:45 - 11:00

### **Towards a radical victimology: a brief genealogy of victim policy in the Netherlands**

#### **Antony Pemberton**

INTERVICT, Tilburg University, The Netherlands



Victimization can speak to power in an unique voice, one that highlights the difficulties, dilemma's and failures that many of those wielding power are quick to pave over. As Judith Shklar argued: "Those who believe themselves to be on the receiving end of social evils have a distinctive perspective on society and a detailed or "thick" view of social evils that political theories ignore at their peril". Much has been achieved to the benefit of victims in the Netherlands. But the presenter will nevertheless argue that instead of being a radical force, the plight of victims of crime has been co-opted by powers maintaining the status quo in policy development in the Netherlands. Initially by building its foundation on a social science that obscures the moral issues that victimization raises. Victim policy was framed as a set of practical solutions to the similarly practical and health consequences of victimization. Subsequently by adopting an overt moral stance, which is nevertheless shorn of any critical potential. Victim policy is in real danger here of becoming a handmaiden to proposals restricting the rights of suspects in particular and our freedoms in general. The presenter will argue that countering this tendency necessitates awakening victimology's radical potential. Doing so, he finds, necessitates a full-scale overhaul of the way academics approach victimology. Only a Victimology that embraces the Aristotelian virtue of phronesis and thereby is focused on delivering practical wisdom in concrete social and political situations can be successful in this end.

*Prof. Dr. Antony Pemberton is the director of the International Victimology Institute Tilburg (INTERVICT) and Professor of Victimology at Tilburg Law School. He is a political scientist and a criminologist. His research interests concern the broad topic of victims and society, including victims' perspectives on justice, societal reactions to victims and processes of victimization, cultural victimology, narrative victimology and the ethics of victimology.*

# Plenary speakers

## Plenary session: **Realising restorative justice: beyond legalism and crime control**

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**WED 22.06**  
09:45- 11:00

### **Realising restorative potential: language, politics and ritual**

#### **Simon Green**

University of Hull, United Kingdom



What does it mean to be restorative? How can the emergence of restorative justice be explained? What does the future hold for restorative justice? This paper seeks to answer these questions arguing that communication and transformation are at the heart of restorativeness and it is through these concepts rather than through crime control concepts that restorative justice should be understood if it is to realise its full potential. By doing so, a range of new possibilities present themselves including the potential for revitalising public debate; developing a wider concept of justice; and creating more meaningful (re)entry rituals for marginalised and stigmatised groups. These themes are explored in relation to the social dynamics of control, integration and security. The argument shall be that by uncoupling restorative justice from specific legal cultures and crime control constraints its potential to bring people together and transform relationships can be unlocked to help overcome a wider range of problems such as exclusion, extremism and radicalisation.

*Dr Simon Green is co-Director of the Centre for Criminology and Criminal Justice at the University of Hull where he teaches and researches in the areas of criminological theory, victimology and community justice. He is author of 'Crime, Community and Morality' (Routledge 2014) and is currently writing about the political economy of restorative justice.*

# Plenary speakers

## Plenary session: **Restorative Justice & Human Rights in the international context**

**THU 23.06**  
09:00- 11:00

### **Restorative justice as doing the right thing after all**

#### **Hendrik Kaptein**

Leiden University, The Netherlands



Crime victims would rather prefer an undisturbed life of course, as if nothing criminally harmful happened at all. Tautological as this may sound, such “as if” conceptualization of criminal harm still has important consequences for theory and practice of restorative justice. If criminal and other wrongful harm is understood as the difference between a victim’s hypothetical undisturbed life and her wronged life, then perfect restorative justice amounts to restoring the victim to her “original life”, as if nothing wrongful happened. This may be realized in minor cases of harm like theft by restitution and adequate compensation for temporary loss. Thus an offender paying for what he did wrong is in a sense doing what he ought to do from the start, with hopefully more or less identical effect: rightfully leaving the (potential) victim alone. Consequences of restorative activities ought to be identical to consequences of abstaining from doing wrongful harm. Thus realizing restorative justice is a variety of crime prevention “ex post facto”. In cases of serious crime such a “second chance to do the right thing” will seldom if ever lead to victims’ full restoration to their rightful original positions. Still informal restorative justice may profit from this insight. Offenders are to respect their victims after all, at least by trying to undo some or other way what they did wrong. Punishment is better replaced by some or other productive penal servitude benefiting crime victims anyway.

*Hendrik Kaptein teaches philosophy of law at Leiden University, after having worked for Nijmegen University and the University of Amsterdam. He published books and articles on criminal justice, on legal evidence and proof, on legal ethics and on argumentation and logic. Also he is active as chief bell-ringer of the Old Church in Amsterdam and in non-profit treasury and other non-profit activities.*

# Plenary speakers

## Plenary session: **Restorative Justice & Human Rights in the international context**

THU 23.06  
09:00- 11:00

### **Restorative Justice and the Rights of the Accused**

#### **George Pavlich**

University of Alberta, Canada



Since the late 1970s, the lingua franca of many liberal political contexts has revolved around versions of universal human rights and justice. That language tends to frame rights as transnational bulwarks to protect individual freedom. They are to prevent arbitrary coercion, detention, torture and worse. Self-congratulating accounts cast these rights as inevitable outcomes of social progress — reaching back to ancient Greece and Rome through enlightenment revolutions to mid-20th century declarations. However, Moyn — in *The Last Utopia* (Belknap, 2010) — convincingly shows that current visions of human rights are very different from past iterations; their history is much more recent having emerged, 'in the 1970s seemingly from nowhere'. Not long after this, the promise of restorative justice to redress key failings within criminal justice took its place in a politics saturated by human rights talk. Interestingly, though, apart from a few who engage 'civil rights' and the 'rights of children', restorative justice advocates tend to distance themselves from matters of right — perhaps for fear of capitulating to the very legalese they contest. Drawing on Michel Foucault's evocation of rights as contingent, dynamically unsteady and never amenable to fixed identification, this presentation will explore a moving political terrain where rights and restorative justice mingle. It will be focusing particularly on the 'rights of the accused' as indeterminate techniques designed to resist arbitrary forms of governing those accused of crimes. It will conclude by reflecting on what this might mean for the broader restorative justice movement.

*George Pavlich holds a Canada Research Chair in Social Theory, Culture, and Law and is professor of law and sociology at the University of Alberta. He is currently working on a research project outlining a theory of criminal accusation, and late nineteenth century entryways to criminal justice in western Canada.*

# Plenary speakers

## Plenary session: **Restorative Justice & Human Rights in the international context**

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**THU 23.06**  
09:00- 11:00

### **RJ and human rights from a practitioners perspective: mediation in Argentina and the Netherlands**

#### **Janny Dierx**

The Mediation Cooperation, The Netherlands



Access to restorative Justice should not only be recognized as a fundamental human right. Restorative justice itself offers not only a tangible place, an opportunity to address disputes about (alleged) discrimination and violation of human rights and the emotions that individual people and societies as a whole experience currently.

This can be done in cases of longstanding discrimination (exclusion based on descent, gender, cultural prejudice) as well as typical conflicts that arose more recently. Throughout Europe, national governments and local communities have to take responsibility addressing the often hostile attitudes and conflicts that drive local residents to reject the arrival of large numbers of refugees (fleeing Middle East and African countries at war). Promoting a culture of restorative justice as well as actual possibilities for citizens to consult each other in a restorative way, will be beneficial to really discuss the fears and predominant beliefs about the inability to find peaceful ways to live together in a changing society.

*Janny Dierx is a former lawyer and currently mediator in penal cases, co-founder of The Mediation Cooperation. In the past she has been a member of the Dutch Human Rights Committee and is currently a member of the Violent Offences Compensation Fund. She has been living and working as a mediator both in the Netherlands and in Argentina.*

# Plenary speakers

## Plenary session: Restorative Justice and personal realities

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THU 23.06  
14:00- 15:30

### Launching 100,000 Restorative Conversations in Prisons around the World

#### Daniel Van Ness

Prison Fellowship International, United States



For restorative justice to become a normal response to crime, those delivering restorative programs need to be able to provide high quality services on a large scale basis. The Sycamore Tree Project® is a Prison Fellowship International (PFI) program that brings unrelated victims and offenders together in prison for a series of conversations about crime and its consequences. Studies have shown that it is effective in changing offender attitudes away from criminal behavior, and it appears to help victim recovery. This presentation will describe PFI's efforts to substantially increase the scale of Sycamore Tree Project® by addressing three problems: 1. Recruiting more victims to participate in the program, 2. Increasing local capacity to deliver the program, and 3. Raising sufficient resources.

*Dan Van Ness is Executive Director of the Centre for Justice & Reconciliation at Prison Fellowship International, an association of national Prison Fellowship NGOs in over 120 countries. Restorative justice has been Van Ness' major professional interest for 30 years. He has explored and promoted restorative justice as a public policy advocate, program designer, author and teacher. He is general editor of PFI's website [restorativejustice.org](http://restorativejustice.org). He led the team that developed the first draft of what became the 'UN Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters' when it was endorsed by the Economic and Social Council in 2002. He is an attorney who practiced law in the United States before coming to work for Prison Fellowship International.*

# Plenary speakers

## Plenary session: **Restorative Justice and personal realities**

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**THU 23.06**  
14:00- 15:30

### **A personal story**

#### **Reynaldo Adames**

The Netherlands



In my keynote, I will speak about the possibilities for change. The choices I had to make, and the people who were there to help me go on the right path. I will also speak about the responsibilities I had to take to be where I am today. Once being a criminal, it doesn't mean that there is no way out of the life of crime. People can change and therefore we need to give them a second chance in society. But I believe it starts in prison. There (in prison) is the place and time to start working on self-development, self-awareness, and responsibilities towards oneself, families and victims.

*Reynaldo Adames (1984) was born in Curaçao. He moved to the Netherlands at the age of 16, with the intention to further his studies. Things went wrong very quickly, and Reynaldo became involved in dealing drugs and armed robberies. In prison he had an encounter with a woman who was victimized during an armed robbery. Confronted with the consequences of his acts, he decided to change his life and use the time he had left in prison to educate himself. Today he is an author, speaker and coach.*

# Plenary speakers

## Plenary session: Restorative justice and personal realities

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**THU 23.06**  
14:00- 15:30

### House of Restoration in detention and aftercare

#### **Anneke van Hoek & Gert Jan Slump**

Restorative Justice Nederland, the Netherlands



Anneke van Hoek and Gert Jan Slump, co-founders of Restorative Justice Netherlands (RJN), will present an innovative concept called the “House of Restoration”. RJN developed it together with more than 20 stakeholders who are busy with the implementation of restorative practices in detention centres and in the phase of aftercare. The House of Restoration is a (virtual) place where (ex) detainees and victims are stimulated and supported to work on different levels of restoration. Four levels of restoration are distinguished:

1. Self restoration
2. Restoration with family, friends and other people in their network
3. Restoration between victim(s) and offender(s)
4. Restoration with the community / society

The House of Restoration is about connecting and empowering Restorative Justice providers, victims, offenders and their families in order to stimulate and support restoration on these four levels. The structure of this plenary is as follows. After an explanation by RJN of the concept of the House of Restoration, five core partners that are part of this consortium will present (some innovative aspects of) their current work.

· Prison Fellowship The Netherlands will talk about the European project Building Bridges, in which unrelated victims and offenders are brought together for restorative dialogues.

# Plenary speakers

## Plenary session: **Restorative Justice and personal realities**

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**THU 23.06**  
14:00- 15:30

- Slachtoffer in Beeld (the Dutch office for victim-offender mediation) will report about the Restorative Road Show along 25 detention centres that they organized together with the Dutch Custodial Institution in the last 1,5 year.
- Young in Prison will explain their COPOSO (Contributing Positively to Society) methodology
- Exodus will present their activities in rehabilitation of offenders, based on a new methodology called 'Empowerment Works'
- The Foundation Recovery and Return will present their work in voicing and working with experts by experience and their new radio station called 'Prison Radio'.

*Anneke van Hoek and Gert Jan Slump are both independent criminologists with more than 25 years' experience as (project) managers, researchers, consultants, public speakers and trainers and they are co-founders of Restorative Justice Nederland. For Restorative Justice Nederland they have developed, managed and executed various projects in a.o. the field of restorative justice in prison settings such as:*

- *'Master classes Restorative Practices' for management and staff of detention centres;*
- *Development of the 'Maturity Grid Restorative Practices', a self-assessment tool for detention centres and other judicial organizations to help them bring restorative practices in their organisations to the next level;*
- *Literature review and field research on restorative and victim oriented practices in juvenile detention centres as partner in the EU-project 'Restorative Justice in Europe';*
- *Co-creation, together with more than 20 stakeholders, of the 'House of Restoration' in detention and aftercare.*

# Plenary speakers

## Plenary session: Current human rights challenges and restorative principles

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**FRI 23.06**  
09:15- 10:45

### **Restorative justice & radicalization: Interpellating youth engagement with human rights by restorative memory.**

**Gema Varona**

University of the Basque Country, Spain



This presentation will explore with participants a project of “restorative laboratories” after the end of ETA and other terrorist groups in the Basque Country. Beyond the dichotomy of prevention/reparation, restorative justice is conceived here as a way of restoring victims, offenders and communities by creating intergenerational forums of sharing what happened and engaging in resisting radicalization. Drawing from data of empirical research with victims, offenders and young students, those laboratories try to bring to everyday life the theoretical concepts of interpellation and restorative memory. In this challenge, the risks of political manipulation will be discussed.

*Gema Varona is a lecturer in Victimology and Criminal Policy at the University of the Basque Country and senior researcher at the Basque Institute of Criminology (Donostia/San Sebastian, Spain). In 1998 she was honoured with the Junior Scholar Competition Award of the International Society of Criminology for her research comparing restorative justice in Gypsy and non Gypsy communities. Coordinator of the degree in criminology and co-director of the Master in Victimology of that University, she has authored books on migration and human rights, restorative justice, juries and the construction of juridical truth, women local safety audits, victims of terrorism, and victims of sexual abuse.*

# Plenary speakers

## Plenary session: Current human rights challenges and restorative principles

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**FRI 23.06**  
09:15- 10:45

### Restoring relationships, community building and social inclusion

#### **Patrizia Patrizi**

University of Sassari, Italy



The presentation illustrates the model of 'Community of Restorative Relations' (Co.Re.), a conceptual tool founded on Restorative Justice approaches and based on relational, peaceful, responsible and supportive attitudes. This model is one of the projects lead by the research group in Psychology and Law and Restorative Justice at the University of Sassari together with pupils and students of the Roman School of psychology and law.

The model is in line with the latest scientific guidelines, which support the need to develop intervention systems capable of reducing the conflict within social dynamics by generating positive dynamics of inclusion and promotion. The community becomes then the place where it is possible to promote lifestyles and relationships in favor of the individual and community wellbeing and peace (Patrizi, Lepri, & Lodi, 2016).

Starting from this model, the research group carried out several local projects during the past years. Their work focuses on the following themes: the restoration of relationships by bringing together different contexts and systems; the intervention in the field to encourage interest and mutual exchange in these different contexts and systems; the identification of critical issues to be used as the starting point of the process.

The research group works in different areas, which will be presented during this plenary, i.e. the city of Tempio (where prisoners sentenced for Mafia crimes and local community members work on their relationship, despite an initial conflict), the city of Mentana (where projects of social agriculture were initiated to strengthen

# Plenary speakers

## Plenary session: Current human rights challenges and restorative principles

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**FRI 23.06**  
09:15- 10:45

relationships between parents and children in case of minor offenses and to encourage social inclusion) and community building the theater company 'Stabile Assai' in the Rebibbia prison in Rome (where theatre performances brought together prisoners and the outside community to promote mutual understanding beyond stereotypes).

This plenary presentation will be accompanied by videos that testify the experiences from this Italian research group. The discussion will address some of the current human rights challenges in the context of the treatment of prisoners (in particular Mafia offenders) in detention centres and promote alternative measures to detention that may encourage social inclusion and community building.

*Patrizia Patrizi, psychologist and psychotherapist, is full professor of Psychology and Law and Restorative Justice at the University of Sassari (Sardinia, Italy). She was an expert counsellor for the Italian juvenile justice system and she is an expert trainer for professionals working in the Italian penitentiary system. In 2014 she started in Nuchis- Tempio Pausania, the first research action program on designing a local community intervention based on restorative practices. The program has been developed with the support of Gian Luigi Lepri and it is named: 'Study and analysis of the restorative practices for the creation of a model of a restorative city - Information System and Governance of intervention policies and contrast of crime in Sardinia'. In this action research context, the team developed a model of community named 'Co.Re - community of restorative relationship'. In 2015 she opened the Restorative Service (help centre for victims) in the Crime Observatory of the University of Sassari.*

# Workshop sessions

**WED**  
22.06

**Workshop Sessions I** 11:30 - 13:00  
(WS I)

**Workshop Sessions II** 14:00 - 15:30  
(WS II)

**Workshop Sessions III** 16:00 - 17:00  
(WS III)

**THU**  
23.06

**Workshop Sessions IV** 11:30 - 13:00  
(WS IV)

**Workshop Sessions V** 16:00 - 17:30  
(WS V)

**FRI**  
24.06

**Workshop Sessions VI** 11:15 - 12:45  
(WS VI)

# Wednesday 22.06

# WS I 11:30- 13:00

11:30 **B 013**

**A 008**

**A 014**

**A 028**

**B 016**

**B 014**

**A 002**

Community processing: large group conflict resolution and decision making.

Slegers A.  
Slump G.J.  
(NL)  
TRAINING

Community building and restorative justice.

Vanfraechem I.  
Lauwaert K.  
(BE)  
Claes B.  
(NL)  
PANEL

A plea for diversity in RJ: the fundamental need of freedom of choice for victims and offenders.

Roelofs K.  
Wouters M.  
(NL)  
PANEL

Adhering to restorative principles in the course of delivery: A study of four agencies in England and Wales.

Marder I.  
(UK)  
PAPER

Changing thinking and behaviour when there is no encounter: Restorative interventions that build social and emotional skills.

Adamson C.  
Rosenblatt-Fonseca.  
(US/BR)  
PAPER

Building the restorative city.

Liebmann M.  
(UK)  
PAPER

Experiences of an immersion into restorative school environments and the benefits of restorative innovation.

Deprez S.  
Adamson C.  
(US/BE)  
PAPER

Restorative and relational local community: from inclusion to wellbeing.

Patrizi P.  
Leprti G.  
Lodi E.  
(IT)  
PAPER

Lessons learnt in the ALTERNATIVE participatory filming project.

Torzs E.  
Biffi E.  
(BE)  
MOVIE

12:00



12:30

# Wednesday 22.06

# WS II

## 14:00- 15:30

**14:00**

**B 013**

**A 008**

**A 014**

**A 028**

**B 016**

**B 014**

**A 002**

**Virtual reality and RJ: A Tech-Mediated approach to Victim-Offender encounters.**  
Ivanovitch A. (FR) TRAINING

**RJ and terror: Can restorative attitudes be useful in addressing terror prevention?**  
Friedman E. (SE) PAPER

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**Restorative practices: A emerging social science and evidence-based social movement.**  
Wachtel T. (US) PAPER

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**People's willingness to participate in mediation & individual factors: the role of motivation and their relation with restorative and retributive orientations.**  
Prestia A. Agriestini (PT/BE) PAPER

**RJ, victims' rights within a human rights perspective: a plea towards diversion.**  
Keel R. (NL) PAPER

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**Developing restorative justice jurisprudence database.**  
Foley T. (AUS) PAPER

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**Key variables to understand victims' experiences in restorative justice.**  
Bolívar D. (RCH) PAPER

**Beyond borders: Is there a transitional potential for RJ?**  
Sa Rabelo M. (PT) PAPER

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**Video representations of restorative justice.**  
Marder I. (UK) MOVIE

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**Shaping the role of the European Public Prosecutor: the prospects for RJ and penal moderation.**  
Sampani C. (UK) PAPER

**Restorative justice in cases of intimate partner violence. Victims' rights, project results and discussion points.**  
Lünemann K. Wolthuis A. Dierx J. (NL) Glaeser B. (AT) Slogs, P. Sambou, S. (FIN) PAPER

**Breaking boundaries between mediation services and other (welfare) services working with victims and offenders.**  
Goeman E. Deboeck H. (BE) PAPER

**14:30**



**15:00**

16:00

**B 013**

**A 008**

**A 014**

**A 028**

**B 016**

**B 014**

Restorative justice as social craftsmanship: a tool for conviviality?

Pali B. (BE)  
DIALOGUE

Dignifying as repair of the world: the contribution of community-based sociotherapy to RJ across generations in Rwanda.

Richters A. (NL)  
PAPER

Restorative approach to conflict prevention and transformation in multi-ethnic communities in Serbia.

Copic S., Nikolic-Ristanovic V. (RS)  
PAPER

Gone with the wind. Case study of a restorative provision in Poland.

Czarnecka- Dzialuk B. (PL)  
PAPER

From restorative global theories to local practices: a cooperative analysis between the Portuguese and Brazilian experiences in RJ.

Oliveira C. A. Duarte D. (PT/ BR)  
PAPER

Victim-offender mediation in cases of sexual violence: reflections on ten years' experience in Belgium.

Anderson M. Vanspauwen K. (BE)  
PAPER

16:30

Perpetrator or victim? Identity formation across the lifespan of genocide survivors in Rwandan prisons.

Jansen A. (RWA)  
PAPER

Restoring relationships, resolving conflicts: Restorative lessons from conflict resolution efforts in displaced communities.

Lomagan K. (SE)  
PAPER

Liaison between restorative justice and impunity in the peacebuilding process: the case of Turkey.

Soygüt-Avcıan M. B. Kurt G. (TR)  
PAPER

From favela to formal court and back again: learning from Brazil's experience with restorative circles.

De Angelis C. (BR)  
PAPER

The challenges that the current Chilean context poses for implementing victim-offender mediation with juvenile offenders.

Bojivar D. (RCH)  
PAPER

# Thursday 23.06

# WS IV

11:30– 13:00

**11:30**

**B 013**

**A 008**

**A 014**

**A 028**

**B 016**

**B 014**

**A 002**

**Restorative approaches in schools and the UN Convention on the Rights of the Child.**

Hopkins B. (UK)  
TRAINING

**The role of restorative ideas in creating institutional cultural change.**

Foley T. (AUS)  
PAPER

**On the implementation of mediation services in a special educational institution for juvenile offenders based on mediators' approach**

Shamlikashvili T. (RUS)  
PAPER

**Steady principles, flexible methods - a model of using restorative practices in prison settings.**

Negrea V. (HU)  
DIALOGUE

**Desistance and restorative justice.**

Claes B. Lauwaert K. Peilkan C. Hofinger V. (BE/AT)  
PANEL

**Right to restorative justice in schools – Case Uganda.**

Kirabo D. Gellin M. Ervamaa E. (UG/ FI)  
DIALOGUE

**The Victims Assistance Offices in Castilla and Leon: a commitment to give them a restorative approach**

Domingo De La Fuente V. (ES)

**The cost-benefit analysis of RJ in minor offences in the Basque country: integration of qualitative and quantitative indicators.**

Laraudogotia I. (ES)  
PAPER

**Restorative practices in work with minors: challenges and ways of integration into social institutions.**

Karnozova L. Putintceva N. Selivanova O. (RUS)  
DIALOGUE

**Psycho-Social and legal intervention with victims of crime in the Victim Support Service of the Basque Government.**

Martinez Ruiz J.I. Casas de Esteban M. (ES)

**12:00**



**12:30**

Thursday 23.06

WS V 16:00 - 17:30

16:00	B 013	A 008	A 014	A 028	B 016	B 014
	<p>Masterclass &amp; training session on mediation and RJ in accommodating refugees.</p> <p>Van Zomeren F. Hore Audema L. (NL) TRAINING</p>	<p>Findings from three victim impact courses among prisoners in the Netherlands.</p> <p>Zebel S. Vroom M. Ulkes E.G. (NL) PAPER</p>	<p>Who truly owns the RJ process? Dilemmas generated by RJ and harmful sexual behaviour practice.</p> <p>Mercer V. Sten Wjrodsen K. (UK/DK) DIALOGUE</p>	<p>When we meet I will greet, watching and discussing the documentary.</p> <p>Oude Groen J. (NL) MOVIE</p>	<p>Walls &amp; Bridges: An Eastern European restorative trip to the diversity of the Hungarian mindsets.</p> <p>Fellegi B. Szego D. (HU) MOVIE</p>	<p>Restorative approaches to young people with special educational needs and disability – difference not deficit</p> <p>Preston N. (UK) DIALOGUE</p>
16:30	<p>Introducing restorative justice into the prison settings in Serbia.</p> <p>Copic S. Nikolic J. (RS) PAPER</p>					
	<p>Storytelling in Dutch prisons - a unique journey.</p> <p>Van den Berg M. Wouters M. (NL) MOVIE</p>					
17:00						

Friday 24.06

WS VI 11:15 – 12:45

11:15

B 013

A 008

A 014

A 028

B 016

B 014

Restorative Actions Across Borders.

Negrea V. (HU)  
DIALOGUE

Restorative justice with serious crime: politically motivated prisoners (ETA and Northern Irish paramilitaries) and Mafia prisoners

Alvarez Moreno R. Chapman T. Patrizi P. Lepri G. (ES/Nireland/ IT)  
PANEL

Restoring rights to the national expectation - why some jurisdictions fall behind.

Hulls R. (AUS)  
PAPER

Restoring processes as part of a penal sanction—an arena for open dialogues? Focus on recent developments.

Paris K. K. (NO)  
PAPER

Human rights, access to justice and restorative justice: The South African journey.

Masutha M. (ZA)  
PAPER

Bringing justice back into the community: the case of Vermont (US).

Szabo A. (UK)  
PAPER

The emergence of therapeutic intervention and victim focus in Aotearoa, New Zealand.

Reardon P. (NZ)  
PAPER

Family group conferences—restoration found in a dialogue.

Rusinkova K. Sachova P. M. Holas J. (CZ)

People on the move and their resettlement/reintegration.

Fellegi B. Peikari C. (HU/AT)  
MOVIE

Restorative justice and mentally disordered offenders: Theory and Practice.

Van der Wolf M. Van Denderen M. Swears N. Bax R. Blad J. Wood F. (NL)  
PANEL

11:45



12:15



Training ( 90' )

## **Community processing: Large group conflict resolution and decision-making**

**Anke Siegers and Gert Jan Slump**

(The Netherlands)

In this 90 minute training session Anke Siegers and Gert Jan Slump explore together with you the vision and values behind 'Community Processing'. They will take you into the innovative large group conflict resolution approach based on different insights to be used in situations that have escalated, escalate or threaten to escalate. When concerns and interests of different involved parties or groups are at stake and create a possible conflict this process can help restore the polarising situation. Different parties, people involved, neighbourhoods, even whole villages can disagree or litigate on a certain issue or vexed question, the situation eventually ready to escalate.

Short Community Processing is applicable or can be used in situations in which people are involved, are being hit or even targeted and damaged, or feel that way, by what is happened or will happen in a community.

In the training session film material is used to illustrate the power of large scale community processing, the process itself is demonstrated and we will work on concrete cases using Community Processing. Community Processing is based upon insights from Deep Democracy, Conferencing and Dialogue Circles, Restorative Justice and Desistance Theory.

**Anke Siegers** is an organisation psychologist and mediator. She advises government and organisations on the matter of ownership, bottom-up organisation and shared decision-making. She is an experienced (large) group conflict resolution facilitator and inspires people internationally as a speaker, trainer and writer on paradigm-shift in power and decision-making.

**Gert Jan Slump** is an independent criminologist, restorative justice expert and social entrepreneur. He is co-founder of Restorative Justice Nederland, the Dutch RJ network organization. He also works on issues of youth care and professionalization. He has more than 25 years of experience as researcher, trainer, advisor, innovator, change agent and inspirational speaker.

Panel ( 90" )

## Community building and restorative justice

### Restorative justice practices and community building: two of a kind?

Inge Vanfraechem

(Belgium)

In this paper, we will explore similarities and differences between restorative justice practices and community building. In 2012-2016 we coordinated a European research project, ALTERNATIVE, in which action research was set up to evaluate restorative justice practices for conflicts in intercultural settings. The idea was to study the field during one year and then implement restorative justice in diverse settings such as social housing (Austria), a community with a Roma minority (Hungary), border towns with people with a different ethnic background (Serbia) and different religious communities (Northern Ireland). In practice however, we found it difficult to implement RJ in such intercultural settings when people were not aware of RJ principles or techniques such as non-violent communication. Therefore, the different sites implemented trainings and workshops, which can be closely related to community building. This presentation therefore describes some of these practices and reflects upon the similarities and differences between RJ and community building.

**Inge Vanfraechem** is senior researcher at the Leuven Institute of Criminology (KU Leuven) where she works and publishes in the fields of restorative justice and victimology. She is a founding member of the EFRJ and has been its vice chair (2006-2010).

### Lessons for restorative justice from methods and conceptual frameworks used in community building

Katrien Lauwaert

(Belgium)

This paper reflects the preliminary findings of an exploratory research into the links between restorative justice and community building in Flanders. It seems that both sectors could profit more from their common ground and their mutual strengths. The restorative justice philosophy appears to be relatively unknown in the Flemish community building sector. A more in depth analysis of this common ground might show that community building is in fact a fertile ground for introducing core principles of RJ to (vulnerable) citizens in a context outside the criminal justice system.

Equally RJ can learn from the methods used in community building, which are less exclusively focused on oral communication, but introduce different forms of diapraxis, transformation of shared reality by means of dialogue and action. A key mission of community building is to support groups of vulnerable citizens in order to make effective their social rights to housing, education and welfare. RJ can learn from the strategies community building uses to address these structural problems and from the different forms of community participation they set up in order to deal with these problems. Effectively addressing the structural dimension of problems arising during restorative justice processes and adequate community participation in restorative justice processes are two issues the RJ community has been struggling with for a long time.

**Katrien Lauwaert** studied law and criminology and spent much of her academic career researching and teaching restorative justice, penology and victimology. Currently she works as a senior researcher at the Leuven Institute of Criminology (KU Leuven). Recently she has focused her attention on the link between restorative justice and desistance, on European policies and restorative justice, and on the common ground between restorative justice and the field of community building. Katrien is a founding member of the EFRJ and of the Flemish victim-offender mediation provider Moderator.

## **Insjalet. Experimenting with restorative justice and digital storytelling in urban spaces**

**Erik Claes**

(Belgium)

This presentation retraces an action research on restorative justice in the heart of Brussels. The research resulted in the construction of a mobile peacebox that unfolds three social functions in urban public spaces. Insjalet, the name of the box, serves as pop-up café (space of encounter), storytelling atelier (narrative space), mobile cinema (space of appearance). Through the practice of digital storytelling, Insjalet allows habitants to narrate their views on urban life, to exchange their stories peacefully, and to show their authentic opinions to a larger public.

The presentation reconstructs how the inventors came to this idea, and how the result reflects a deep examination of the grounding intuitions underlying the theory and practice of restorative Justice.

**Erik Claes** is a lecturer in law and philosophy, and a senior researcher at Odisee (school of social work in Brussels). He has recently concluded an action research on restorative justice in urban settings. He co-invented the concept of Insjalet. His research domains are legal philosophy, political philosophy and restorative justice theory.

Panel ( 90" )

## **A plea for diversity in restorative justice: the fundamental need of freedom of choice for victims and offenders**

**Kim Roelofs and Mieke Wouters**

(The Netherlands)

If a third party, eg. Justice, suggests mediation, does this, by definition, put the freedom of choice for victims and perpetrators under pressure? This is one of the questions that will be discussed in the panel moderated by Slachtoffer in Beeld (SiB). SiB is the Dutch organisation for victim-offender contact and mediation. This year, it will celebrate its 10 years of experience with restorative justice. Started as facilitator of Victim Offender Contact independently of the criminal procedure (VOC), SiB also conducts Victim Offender Mediation as part of the criminal justice system (VOM), since its legalization in the Netherlands in 2012. Almost a third of the more than 2000 yearly registrations at SiB are VOM.

It is SiB's belief and experience that restorative justice is possible at any time and after any type of criminal offense. With VOM gaining more ground, and a Dutch government exploring the possibilities to implement it on a national level, it is crucial that both forms of restorative justice remain equal available for victims and offenders. It is exactly this freedom of choice, in combination with all the necessary information that guarantees two of the fundamental pillars of restorative justice: voluntary participation and confidentiality. And it is this freedom to choose that in the long run will safeguard its positive effects. Moreover, freedom of choice also requires neutrality of the mediator and independency of the criminal process.

Research after pilot projects (2013/2014) with VOM in the Netherlands shows that part of the parties involved experienced a certain amount of pressure to participate. This feeling compromises voluntariness, influences confidentiality and put at risk the quality of restorative justice. Other research, comparing participant's satisfaction with the outcomes of VOM and VOC, showed that the degree of satisfaction was higher for parties participating in VOC. Finally, international research (comparing restorative justice in the Netherlands, Austria and Finland) also shows the importance of freedom to choose for victims and offenders.

After a short introduction on the similarities and main differences between VOC and VOM as conducted by SiB, and some research results, the panel discussion will be stimulated by a number of challenging statements.

**Kim Roelofs** is a mediator for more than four years at Slachtoffer in Beeld, the Dutch organisation for victim offender mediation and contact, assigned by the Ministry of Security and Justice. Roelofs is also a former criminal defense lawyer. Co-moderator will be **Mieke Wouters**, public relations officer since a year at Slachtoffer in Beeld.

Paper ( 30" )

## **Adhering to restorative principles in the course of delivery: A study of four justice agencies in England and Wales**

**Ian Marder**  
(United Kingdom)

Government funding for restorative justice (RJ) in England and Wales has increased substantially in recent years. The local justice agencies in receipt of much of this funding retain considerable discretion regarding the nature and extent of their involvement in delivery. This has resulted in variations in delivery capacity and service quality across the jurisdiction.

The purpose of this talk is twofold. Firstly, it reports on the contemporary situation regarding RJ in England and Wales, noting recent trends within the range of localised approaches to coordination and delivery. Secondly, it presents the preliminary findings of an ongoing three-year empirical research project into the delivery of RJ by two police forces and two RJ Hubs in England and Wales. RJ Hubs are publicly-funded organisations with responsibility for recruiting volunteer or specialist facilitators, creating and managing referral pathways and/or coordinating the use of RJ at the local level.

The research involved the collection and analysis of around 90 policy documents and 71 interviews with facilitators and policymakers. Building on work by Kathleen Daly and others on the gap between theory and practice in RJ, the aim of the research is to identify the factors which are most likely either to enable or act as a barrier to adherence to restorative principles in the course of delivery. Previous research has suggested that these principles, including voluntariness and facilitator impartiality, are linked to the safety and effectiveness of RJ, as well as helping to safeguard the rights of participants. This research, therefore, contributes towards efforts to determine how best to maximise adherence to restorative principles.

**Ian D. Marder** is a Ph.D. Student and Module Assistant at the University of Leeds, and the founder of the Community of Restorative Researchers. His research explores the gap between theory and practice in the delivery of restorative justice as a diversion from the criminal justice process.

Paper ( 30" )

## Building The Restorative City

Marian Liebmann

(United Kingdom)

The term 'restorative justice' was first used in the field of criminal justice, to denote a process involving dialogue between victims of crime and their offenders. It has now spread to many other fields, such as schools, workplaces, residential homes and the community. Restorative processes can be used to repair harm in many settings and can also be used in a preventive way, affording diversion from the criminal justice system or from formal disciplinary procedures.

Values and practices of restorative processes will be outlined, and examples will be given of cities and counties in the UK which have made the effort to adopt a restorative philosophy. Some cities try to achieve this by expanding RJ training, often starting with children's services. Other cities aim to bring together existing restorative projects under a 'restorative umbrella', and start new ones in less familiar contexts.

There will be a particular focus on Bristol, UK, as I have been very involved in its path towards becoming a restorative city. RJ is now available in the youth and adult criminal justice system with victims and offenders, in prisons, in secure units, in schools as an alternative to punishment, as a way of dealing with hate crime, in the workplace instead of grievance and disciplinary procedures, and dealing with 'road rage'.

**Marian Liebmann** is was director of Mediation UK for several years, and now works as a freelance restorative justice consultant and trainer in the UK and several African and East European countries. She is currently helping Bristol to become a restorative city. She has written/ edited 12 books, including 'Restorative Justice: How It Works'

Paper ( 30" )

## **Restorative and relational local community: from inclusion to wellbeing**

Patrizia Patrizi, Gian Luigi Lepri and Ernesto Lodi  
(Italy)

The paper will present a model of Restorative Community based on a relational, peaceful, responsible and solidarity approach through an action research that represents our first pilot experience of a restorative community: "Study and analysis of restorative practices for creating a model of restorative community" (Regional Law no. 7, 2007). Our goal is to experience restorative practices involving the whole community: school, family, police, courts, municipalities, associations.

Few years ago, in Tempio Pausania (Sardinia), a new prison has been build. The community was shocked because the inmates were all mafia and camorra high profile members. The University, the Prison, the City council, the local NGO started to work together to build a new form of relation between the prison and the community

We are working with attention to the social dynamics of peaceful conflict resolution, aiming to inclusion and social cohesion. The paper will describe the restorative approaches used to promote reciprocity using a particular set of psycho-social variables such as responsibility, hope, courage from a positive psychology perspective.

From 2 years we are carrying out Restorative Conferences in the penitentiary institute and focus groups (in 5 community governance areas: justice, health, safety, education and policy). We are organizing the technical board meetings with the involvement of all social partners. Something has changed: the last city Council was carried out in the theatre of the Prison, and the municipal guarantor of the rights of detained persons was established with a document that puts this in the introduction path and the principles of RJ.

**Patrizia Patrizi** is psychologist and psychotherapist, is full professor of Psychology and Law and Restorative Justice at the University of Sassari. She was an expert counselor for the Italian juvenile Justice system and an expert trainer for professionals working in the Italian penitentiary system. In 2014 she starts in Italy, Nuchis - Tempio Pausanias, the first research action program on designing a local community intervention based on restorative practices. The program has been developed with the support of Gian Luigi Lepri and it is named: Study and analysis of the restorative practices for the creation of a model of a restorative city. In this action research contest the team developed a model of community named Co.Re - community of restorative relationship. In 2015 she opened the Restorative Service (help centre for victims) in the PolComing department of the University of Sassari.

**Gian Luigi Lepri** is psychologist and psychotherapist, is research fellow in Restorative Justice at University of Sassari, and Honorary Judge at the Juvenile Court of Rome. In 2014 he supported the first research action program on designing a local community intervention based on restorative practices in Italy and in 2015 he actively collaborated at the start-up of the Restorative Service (help centre for victims) in the PolComing department of the University of Sassari. He is a restorative conference facilitator. He facilitate the restorative city conference in the action research: Study and analysis of the restorative practices for the creation of a model of a restorative city. Within the program he coordinates the research activities related to the development of the Co.Re Model - Community of Restorative Relationship.

**Ernesto Lodi**, psychologist, psychotherapist, phd in "Sciences of Vocational and Educational Guidance" (Developmental Psychology). He is research fellow at Sassari University in field of Psychology and Law, he is organizational coordinator of Restorative Service (help centre for victims) directed by Prof. Patrizi. He is part of international research group working on courage promoted by Larios (University of Padua) to analyse the relations between positive psychology variables and well-being. He participates in the action research of restorative city conference: Study and analysis of the restorative practices for the creation of a model of a restorative city.

Paper ( 30" )

## **Changing thinking and behaviour when there is no encounter: Restorative interventions that build social and emotional skills**

**Craig Adamson and Fernanda Fonseca Rosenblatt**  
(United States/ Brazil)

The rate of victim attendance in restorative practices varies a great deal across different schemes, justice systems and offence types. Hence, any hurried generalisation about victims' involvement with restorative justice could lead to inaccurate conclusions. Nevertheless, several studies have found poor victim involvement to be commonplace. These findings challenge the very "encounter conception" of restorative justice as a process whereby all affected parties – victims, offenders and the community – come together to discuss what happened, its consequences and what should be done to put right the wrongs that have been caused. Indeed, when there is no encounter, a practice can hardly ever be considered "fully restorative". While there have been some well-intentioned attempts to better represent the absent victim, it is doubtful how much victim awareness young offenders gain from, for example, having to write letters of apology that are often not sent out to (non-participating) victims. This article aims at presenting the Restorative Reporting Centers (RRCs), a model programme of the International Institute for Restorative Practices, which young offenders may be referred to when they have engaged in repeated violations of probation after committing an initial crime. The RRC is a community-based intervention that uses restorative processes such as family group decision making (FGDM) conferences to help young offenders take responsibility for their actions and make lasting changes in their lives. Despite not having direct victims involved, while involving the youths' family members in such processes, RRCs stand out as an alternative-to-placement programme that builds skills and reduces the potential for offending.

**Craig Adamson**, Ph.D., is a restorative practitioner with more than 20 years of experience delivering counseling and educational services to at-risk youth. As the IIRP Graduate School Provost, Craig stewards all the academic and continuing education programs. His particular interests include restorative justice, non-profit leadership and adult learning theory.

**Fernanda Fonseca Rosenblatt** has obtained her Doctoral degree in Criminology from the University of Oxford (UK). In 2005 she was awarded a Master's degree from the Catholic University of Leuven (Belgium). She is currently a Professor of Law at the Catholic University of Pernambuco (Brazil).

Paper ( 30" )

## **Experiences of an immersion into restorative school environments and the benefits of restorative innovation**

Stijn Deprez and Craig Adamson  
(Belgium/ United States)

This presentation will discuss the experiences of a one-month immersion into restorative school environments located in Pennsylvania, USA and how restorative practitioners can be more collaborative in sharing ideas. Stijn visited the International Institute for Restorative Practices (IIRP) model programs and the implementation of Safer Saner Schools - Whole School Change Process. Stijn experienced students engaged in circles, social and emotional learning processes and community building activities. Other program experiences include visiting Restorative Reporting Centers as an alternative to placement for delinquent youth, foster care and intensive community-based drug and alcohol programs. Participants will learn about these multifaceted programs and how they included proactive and responsive restorative interventions. Within this collaborative exchange, Stijn offered insights into the way Ligand is developing a culture in Flanders by being innovative in a restorative way. Stijn presented to IIRP how the The Columbus Project engages and empowers families from a restorative perspective. Ligand is setting up experiments in different fields (education, justice, welfare, refugees-centers, youth-movements...) that inform ideas that support practitioners, organisations and policy-makers in their way to reduce exclusions. The Columbus project is an example of a local experiment that grew into a service approved by the government in 23 regions in Flanders. This project is a short-term intensive family-intervention and was initiated as an answer for the long waiting lists in the care system in Flanders. Participants will gain an understanding of these experiences and how as a case study we can build a restorative practitioner collaborative network.

**Stijn Deprez** is the coordinator of Ligand (Belgium), a center for preventative and restorative practices that aims to reduce exclusions. His background includes product design and social manager, which explains his ongoing search for innovative applications of RP in his work as a trainer and practitioner in schools, teams and families.

**Craig Adamson**, Ph.D., is a restorative practitioner with more than 20 years of experience delivering counseling and educational services to at-risk youth. As the IIRP Graduate School Provost, Craig stewards all the academic and continuing education programs. His particular interests include restorative justice, non-profit leadership and adult learning theory.

Paper ( 30" )

## Lessons learnt in the ALTERNATIVE participatory filming project

Emanuela Biffi and Edit Törzs

(Belgium)

In this presentation, we will introduce the 'ALTERNATIVE Films Online Platform' created during the four years EU-funded project 'ALTERNATIVE - Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies' ([www.alternativeproject.eu](http://www.alternativeproject.eu)).

The project focused on different types of conflicts in intercultural settings, i.e. tensions between Austrians and immigrants in a large social housing estate in Vienna; tensions between Roma and non-Roma inhabitants in a small village in Hungary; relationships between ex-combatants in Northern Ireland; and relationships between Albanians, Croats, Bosnians and Serbians in three villages in Serbia. Restorative justice approaches were used locally to encourage dialogue between groups (or individuals) and propose local communities alternative measures to deal with and solve by themselves their conflicts.

Filming was part of the action research: ideally, citizens in each of the four sites were provided with a camera for taking part in the filming project. This should have enhanced their involvement and collaboration in the project, but also it should have granted researchers to collect the 'real' viewpoints on the local conflict by analyzing the footage of citizens' lives, events, etc. Indeed, the aim of the filming project was not only to disseminate the research findings to a wider audience and raise awareness on the possibility of using alternative measures (i.e. restorative justice approaches) to increase justice and security in conflicts in intercultural settings, but also to collect visual data to be used in the research itself. In reality, participatory filmmaking had been a challenge in most sites. In this presentation, we would like to share the lessons learnt from filming during the ALTERNATIVE project and reflect on how filming can become a tool for encouraging processes of reconciliation in local communities.

**Edit Törzs** works at the European Forum for Restorative Justice since 2012. She did research and coordinated dissemination in the framework of the 'ALTERNATIVE' project for four years. She has a background in law and previously worked at the Hungarian Office of Justice in the implementation of victim-offender mediation in the country.

**Emanuela Biffi** works at the European Forum for Restorative Justice since 2013 (projects 'Accessibility and Initiation of Restorative Justice' and 'ALTERNATIVE'). She also worked for KU Leuven in another EU-funded project 'Implementing Victim Oriented Reforms of the criminal justice system in the EU (IVOR)'. She studied Liberal Arts at the University College Maastricht (The Netherlands) and the Master programme in Criminology at KU Leuven (Belgium).

Panel ( 90" )

## **Protecting Rights, Restoring Respect, and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People**

**Tim Chapman, Maja Gellin and Monique Anderson**  
(Northern Ireland, Finland, Belgium)

Much of the theory and the practice models of restorative justice have emerged from the English speaking countries. Consequently they are influenced by indigenous practices in post-colonial societies and also by the therapeutic values and criminological thinking of modern majority Anglophone societies. What approach to restorative justice with young people would be more appropriate for modern countries in continental Europe? This was the question the International Observatory for Juvenile Justice asked when it commissioned a European Model for juvenile restorative justice. 28 EU Member States were surveyed in relation to their current practices while Belgium, Finland and Northern Ireland were studied in depth as they had demonstrated a substantial commitment to implementing restorative justice with juveniles.

The Model prioritises children's and victims' rights and uses the European tradition of social theory to emphasise the social values that underpin social processes and social outcomes. In doing so it puts the value of justice and the practice of social pedagogy at the heart of restorative principles and practices. This applies across the youth justice system, in families, in schools and in communities.

This presentation will summarise the research, explain the thinking behind the Model and outline its content. It will also demonstrate how the Model is supported by current research into the effectiveness of restorative justice. The practice of restorative justice with children and young people in Belgium, Finland and Northern Ireland will be described.

**Tim Chapman** is a lecturer at the University of Ulster in Northern Ireland, UK. He is course director of the Masters programme in Restorative Justice. He has contributed to the development of restorative conferencing in both the voluntary and statutory sectors in Northern Ireland. He spent 25 years working in the Probation Service in Northern Ireland. He played an active part in developing effective practice in the UK particularly through the publication of Evidence Based Practice, written jointly with Michael Hough and published by the Home Office. His 'Time to Grow' model for the supervision of young people has influenced youth justice practices especially in Scotland. He has published widely on restorative justice and effective practice and is engaged in significant research into restorative justice in Northern Ireland including the ALTERNATIVE project. He is a member of the Board of the European Forum for Restorative Justice.

**Maja Gellin** (MA Education, BA Youth Work, PhD student) is the Director of the Programme for Restorative Practices and Mediation in Education (VERSO) in Finland. She has been the main method developer, training planner and trainer over 15 years. Maja Gellin is preparing her PhD research at University of Lapland. She is a voluntary mediator under the Victim Offender Mediation Office of Southern Finland and she has specialized to cases in schools and among juvenile and families. Gellin has also completed the advanced studies of workplace mediator at the University of Helsinki. Gellin has been giving lectures on restorative approach in many Universities and other institutions in Finland. Maja Gellin is a board member of Finnish Forum for Mediation (FFM) and a member of European Council for Juvenile Justice (ECJJ) and European Forum for Restorative Justice (EFRJ). At the moment Maja Gellin is taking part to a Nordic research group to investigate the research and results of Mediation in Nordic countries. She is an active writer and she has published widely on restorative approach and practice with children and young people in Finland and in a framework of international co-operation.

Panel ( 90" )

## **Mediation of Criminal Conflict in the Netherlands, pilot experience and further implementation**

Judith Uitermark, Annelies Hoekstra and Irma Cleven  
(The Netherlands)

Mediation of criminal conflicts is one of the most powerful expressions of restorative justice which emphasizes that crime is relational — not just against the state and that the role of victims in the justice process should be elevated. In the past decade the processual rights for victims within the handling of the criminal case did increase substantially. Nowadays victims are allowed to express their feelings about the incident during trial in court and to require compensation for any losses or damages incurred. However, these rights do not result in any dialogue with the offender. Mediation in criminal cases does. In January 2012 new relevant law (Article 51h Wetboek van Strafvordering) has come into force. In 2013 the Ministry allowed funding for a pilot mediation in the prosecutorial/ (pre)sentencing phase. In this pilot, mediation is part of the criminal proceedings. The pilot started in December 2013 and until March 2015 a total of 766 cases were referred to mediation. A total of 716 cases were completed. Of the completed cases 367 cases resulted in mediation. During the pilot-period, research was conducted by the International Victimology Institute Tilburg (INTERVICT). The report of this study showed that more than three quarters of the cases that resulted in mediation, were successful. Also the study reports interesting learnings from the pilot phase that needs to be taken into account when it comes to further implementation. The paper will query the experiences in the pilots and invites participants to compare the Dutch situation with experiences in other countries implementing mediation in criminal law. What participation criteria are used by referrers and mediators? How do the public prosecutors or judges deal with mediated settlement agreements? Does mediation in criminal law influence the course of the criminal procedure? Participants are invited to join in this discussion in this workshop.

**Judith Uitermark** studied Law at the University of Amsterdam in the Netherlands. Since 2008 she worked as a Judge (criminal law) at the Court of North-Netherlands, Haarlem. In 2013 she became local coordinating judge in penal mediation and since April 2015 she is the national coordinator penal mediation on behalf of the judiciary (courts).

**Annelies Hoekstra** LL.M. studied Law at the University of Groningen and works as a public prosecutor since 1998.

**Irma Cleven** researcher at INTERVICT, Tilburg University.

Training ( 90" )

## **Virtual Reality and Restorative Justice. A Tech-mediated Approach to Victim-Offender Encounters**

**Alexandra Ivanovitch**  
(France)

Pioneering evidence-based research in neuroscience and cyberpsychology has shown the transformative potential of virtual reality. Mel Slater (UCL/University of Barcelona) and Jeremy Bailenson (Stanford) have respectively highlighted the potential of virtual reality in the reduction of racist bias and the promotion of prosocial behavior. Academics, alongside artists, praise virtual reality as the ultimate empathetic medium: it allows us to transcend the neurological and physiological limitations inherent to our ego-centered point of view and adopt the perspective of another.

Now that the technology is mature, that it becomes more accessible and frugal, it is relevant to reflect on the possible use of this empathic technology in the preparation of victim-offender encounters, where empathy and perspective-taking play a key role. The goal would be to create a continuum going from a virtual encounter to the actual encounter, enabling both parties to gradually approach that perspective in a secured environment, with varying shades of virtuality and actuality.

The workshop's structure will be the following:

1. brief introduction to this multi-faceted technology and its empathetic possibilities;
2. "body swap" experiments with the attendees;
3. a rapid introduction to 360° filming and how it questions our very notions of framing and perspective;
4. an exploration of the potential of avatar intermediation;
5. a debate on the ethical aspects, the feasibility and scalability of the process, etc.

**Alexandra Ivanovitch** has recently launched a social impact start-up to leverage the potential of virtual reality to tackle societal issues. She holds a PhD in Comparative Literature from the Université Paris-Sorbonne, where she also was a postdoctoral researcher in Digital Humanities.

Paper ( 30" )

## **Restorative justice and terror: Can restorative attitudes be useful in addressing terror prevention?**

Esther Friedman  
(Sweden)

Growing prevention resources are being invested in the “war on terror”. Many prevention models assume ethnic, nationalistic and religious related radicalization. Based on Accounts and Sociolinguistic theories, I argue that terror is a result of normalization and legitimization. As such, I try to identify the circumstances that restorative attitudes (RA) can reduce terror activity.

The terror actions function to summon (media or political) attention to social problems, instill fear upon culpable groups or demonstrate supremacy and dominance. Favorable accounts such as “freedom fighters”, “fighters against injustices” or “warriors against historical wrongdoing” are linguistically attributed to the actions. “Heroic”, “courageous” or even “holy” are adverbs legitimizing these actions as well as adjectives attributed to its agent. The terrorist is carrying a “duty” or “responsibility”. These ascriptions provide a positive load of meanings to terror undertakers, as a “savior” acting in the name of a “just cause”. Victims are portrayed as suppressors, indifferent to the suffering or as necessary sacrifices (“Martyrs”). Empathy to the victims is depicted as irrelevant and minimal in comparison to an ongoing suffering. This leads to more atrocious actions less psychological hinders.

Grounded in humanistic perceptions, intercultural sensitivity and related to some traditional practices, RA holds the consistent message of shared humanity albeit differences. It communicates mutual respect, acceptance, empathy and brings together communities of care to deal with harms. While acknowledging (historic) injustices, giving place to the harsh living experience of the individuals, it commits to constructive and non-violent actions.

RA undermine justifications of a violent power-based struggle. The presentation will focus on how RJ counters positive linguistic attributions to terror. By presenting quotes from cases of terror threats (found online), I suggest that RJ is useful when the terror is communicating resistance to oppression and ongoing suffering but not when the actions are aimed to express supremacy and entitlement.

**Esther Friedman** is an assistant professor in the school of social work, at Linnaeus University, Sweden. She is a social worker experienced with supporting survivors of severe violence. She earned recognition in criminology, conflict management and negotiation as well as in international social work. Esther dedicates much to education, teaching, training and supervising research in RJ, both in Sweden and abroad. Her research is focused on emotional responsibility and linguistics of care, integration of minorities groups, positive criminology as well inter-culturalism and socio-linguistics. She affiliates to the International academy of Law and Mental Health, The World Society of Victimology, The Swedish forum of Mediation, and the Community of Restorative Researchers IAB as well as several Virtual Group on Restorative Justice.

Paper ( 30" )

## **Restorative practices: A emerging social science and evidence-based social movement**

**Ted Wachtel**  
(United States)

The emerging discipline of restorative practices includes 'restorative justice' but also extends to participatory practices in diverse fields. Restorative practices address the parallel concerns of distinguished scholars who bemoan the alienation of the public within modern democracies, the collapse of family and community in the wake of the industrial revolution, the dominance of the 'system' over the 'lifeworld', and the theft of our conflicts by the courts. A fundamental unifying hypothesis binds together varied strands of interest, asserting that: 'Human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them.' Growing evidence from six areas suggests that the broad application of restorative practices may be universally beneficial, as demonstrated: with families, helping them manage their own problems more effectively; with delinquent and at-risk youth, improving social attitudes and reducing re-offending; in criminal justice, helping victims cope with the emotional consequences of crime, and reducing re-offending and diverting young offenders from the courts; in workplaces, improving morale and personal accountability; in higher education, increasing cooperation and improving relationships in residential life; in schools, reducing violence, crime, bullying and misbehavior. Restorative processes offer people proactive opportunities to understand one another, to collaborate in decisions, to prevent conflicts or, when conflicts do occur, to provide safe settings for their resolution. These are the implications of a new social science and a new evidence-based social movement.

**Ted Wachtel** is founder and former president of the International Institute for Restorative Practices (IIRP) Graduate School and CSF Buxmont, with schools and group homes for delinquent and at-risk youth in Pennsylvania. Author of numerous chapters and books on restorative practices, he is currently editor of a new video/text blog: [BuildingANewReality.com](http://BuildingANewReality.com).

Paper ( 30" )

## **People's willingness to participate in mediation & individual factors: The role of moral foundations and their relation with restorative and retributive orientations**

Ana Pereira and Ivo Aertsen  
(Belgium)

As a model of five sets of universal but variably developed moral intuitions, Moral Foundations Theory provides a theoretical rationale for measuring differences in moral intuitions across individuals (Graham et al., 2011). The present study explores the role of moral foundations in retributive and restorative justice orientations and, finally, in the individuals' decision to participate (or not) in a victim-offender mediation process.

We created a case vignette survey and participants were exposed to a burglary victimization hypothetical scenario in order to measure our main dependent variable, i.e. decision of participation in the mediation process. Based upon our primary interpretation of the positive association found between the retributive and restorative orientations in accordance with Walgrave's (2008) work, the second main part of our analysis revealed a clear pattern of association between the harm/care and fairness/ reciprocity moral foundations and the restorative orientation. In the opposite direction, a clear pattern emerged associating the ingroup/ loyalty and authority/ respect moral foundations to the retributive orientation. In this context, the ingroup/ loyalty moral foundation predicted directly and negatively, the decision of participation in the mediation process, while the fairness/ reciprocity moral foundation had an indirect effect on the decision, through the restorative orientation. We integrate these results in light of the Portia and Persephone models proposed by Masters and Smith (1998) and the concepts of responsible citizenship and common self-interest defended by Walgrave (2008). Finally, we discuss how our results can be relevant to practice, offering a framework that can be used in preparatory meetings for restorative justice processes.

**Ana Pereira** holds a Bachelor's degree in Criminology and a Master's degree in Criminology from University of Porto (Portugal). She is a visiting scholar at the Leuven Institute of Criminology (LINC).

**Ivo Aertsen** is professor of Criminology at the University of Leuven and Director of the Leuven Institute of Criminology. He is an active volunteer for the European Forum for Restorative Justice and Editor-in-Chief of 'Restorative Justice: An International Journal'.

Paper ( 30" )

## **RJ, victims' rights within a human rights perspective: a plea towards diversion**

Renée Kool  
(The Netherlands)

Victimology appears to have become a major factor within Dutch criminal justice policy. Driven by the wish to (re)gain legitimacy, the criminal justice authorities refer to the outcomes of victimological research, thus creating an imagery of 'evidence based' victims' policy. At first sight such an attitude appears to be sympathetic, suggesting judicial authorities to be open minded towards the outcomes of victimological research. On second thought, however, one can wonder whether these empirical data, albeit subconscious, are 'used' to preserve the criminal justice system, fueling the traditional assumptions with regard to victims' needs? Indeed, the imagery of the victim, present within to date victims' policy in the Netherlands, is one of 'suffering' and 'vulnerability'. At the same time, the victim is expected to 'act as a good citizen', pursuing his rights by co-operating with the judicial authorities. Indeed, the criminal justice authorities' obligation to serve justice to the victim, must not hinder efficient crime enforcement, nor may it imply an undue burden on the State. Although the latter comes to terms with the prevailing nature of the public interest, it is at odds with the strongly emphasized 'human rights signature' that underlies the Dutch victims' policy. What's more, European rules (e.g. article 6.1 ECHR, EU Directive 2012) subscribe to the idea that (new) avenues should be explored in order to serve the victim's needs with regard to redress and procedural justice, explicitly referring to restorative justice. Indeed, the paradigm of the criminal justice system must open up to change in order to be able adapt to the changing conceptions of citizenship that underlies post-modern victimhood. The Dutch authorities, however, appear rather reluctant to open up to change. Indeed, the pending revision of the Code of Criminal Procedure does not mention the possibility of introducing restorative justice related practices. Moreover, pilots that have been organized were terminated because of a lack of outcome and financial burden. Given the limited duration of these pilots, expectations with regard to the outcomes were, however, rather unrealistic from the outset. Change with regard to the criminal justice system does not, and should not, come overnight. Nevertheless, in light of the social expectations with regard to bringing justice to victims on the one hand, and the pursuit of 'efficacious enforcement' on the other, diversion of criminal procedures and sanctioning appears to be unavoidable. Not just because of the victim's perspective, which is predominantly present in the actual (European) appeal to further restorative justice, but also in light of the need to rethink the concept of 'efficacious' sanctioning which is also inextricably related to victim's redress. The latter implies a need to reconsider the concept of subsidiarity that underlies the use of the criminal law, as well as a need to rethink the concepts of (civil) responsibility and liability underlying the obligation to provide for redress.

Moreover, the recent amendment lodged by the Dutch MP Recourt, proposing the use of RJ as an instrument for law enforcement holds a promise for change.

**Renée Kool** works as an associate professor at the Willem Pompe Institute (Criminal Law & Criminology) and the Utrecht Centre for Accountability and Liability Law (Ucall), School of Law of the Utrecht University. Her research focus lies (amongst others) on the position of victims, related to the items of victims' compensation and (procedural) redress. Next, she publishes on the issue of the concept of responsibility and (legal) liability, amongst others with regard to the human rights argument as portrayed in the ECtHR's case law ('positive obligations'). She's a member of the editorial board of the Dutch/Flemish Journal on Restorative Justice, and a member of the organizing committee of the EFRJ Conference in Leiden (2016).

Paper ( 30" )

## **Key variables to understand victims' experiences in restorative justice**

**Daniela Bolivar**

(Chile)

The research project led by the European Forum for Restorative Justice "victims and restorative justice" was a two years research that, in collaboration with partner organizations, aimed at studying the position of the victim within European RJ practices. It involved the implementation of a questionnaire with victims in Austria, The Netherlands and Finland that explored different dimensions of their experiences in victim-offender mediation. Previous analysis of the data mainly focused on identifying country differences (see Vanfraechem, Bolivar and Aertsen, eds., 2015, Routledge). The current presentation, instead, tries to go beyond the country distinction. It focuses on an in-depth statistical analysis of the data with the purpose of identifying variables that could be key to understand victims' experiences in restorative justice. The sample involved 197 victims (82 from Netherlands, 48 from Finland and 67 from Austria). The procedure of data collection entailed a single questionnaire applied after mediation. Results are discussed in terms of its theoretical and practice-oriented implications from a victim-rights perspective.

**Daniela Bolivar** (PhD) is an assistant professor at the Department of Psychology at the University of Chile. She holds degrees in Psychology and Community-Psychology from the Pontifical Catholic University of Chile and obtained her doctorate degree in Criminology at the Leuven Institute of Criminology, KU Leuven. She worked as a researcher at KU Leuven, the European Forum of Restorative Justice and the National Institute of Criminology and Criminalistics (Belgium). Currently Daniela is a member of the editorial board of 'Restorative Justice: an International Journal' and the research coordinator of the study that will evaluate the first pilot project on victim-offender mediation with juvenile offenders in Chile (June 2016-May 2017).

Paper ( 30" )

## **Beyond Borders: Is There a Transnational Potential for Restorative Justice?**

**Marta Sà Rebelo**

(Portugal)

This paper explores the possibility of protecting international human rights by bringing restorative justice to the global level. Restorative justice has proven to be flexible and effective enough to address in depth different kinds of wrongdoing. We see restorative practices increasingly applied to non-criminal conflicts. We can further notice that, in spite of addressing the peculiarities of each case, restorative procedures sometimes generate systemic outcomes and prevent deviant behaviours. With this broader picture in mind, I want to take a step further and see whether restorative justice is adequate to deal with international human rights infringements perpetrated by private actors, such as multinational pharmaceutical companies with the assistance of international NGOs testing drugs on homeless people of different countries without consent. So far, neither states nor international organizations have managed to address this issue properly. Although the bearers of international human rights are human beings and even though powerful private actors can severely harm human rights, most international instruments still function under the assumption that international law operates within a “states’ private club”. Thus, human rights violations by private actors are largely left to states’ internal rules and courts, which may be able to address infringements that are confined within their borders but that are structurally unable to deal with violations having transnational impact. Since restorative justice does not need a specific territory to operate and has shown some ability to generate systemic outcomes, the paper suggests the possibility of restorative procedures involving transnational private actors delivering cross-border effects.

**Marta Sá Rebelo** is a Ph.D. candidate at Católica Global School of Law where she also received an LL.M. Her research field is restorative justice. She teaches at the Portuguese Catholic University. She is a prison volunteer worker and has participated in the implementation of restorative programmes in prisons.

Paper ( 30" )

## Developing a restorative justice jurisprudence database

Tony Foley

(Australia)

Restorative practices can make a direct contribution to the protection of core human rights such as equality before the law and access to justice. In some criminal law jurisdictions courts have embraced restorative justice as part of their mainstream principles for sentencing offenders. These countries have developed jurisprudence to support this change. Seminal cases like Clotworthy (New Zealand) and Gladue (Canada) provide those countries with a fundamental statement that principles which give primacy to restoration (of offenders, victims, and community) stand alongside and have equal weight to retributive (punishment) and consequential (deterrence, protection, and rehabilitation) aims. Other countries (notably the UK, US, South Africa & Australia) may have individual and often important cases which give primacy to restoration but these largely fall from view and fail to gain any real traction in the criminal law. This is regrettable because restoration is highly relevant to sentencing, particularly in victim-centred offences, for Indigenous offenders and for young people. This paper offers one practical method for bringing such cases and their principles into the mainstream. It reviews a project currently underway developing an online database which captures restorative sentencing decisions in various guises. The project involves the creation of a searchable repository of decided cases, sentencing remarks, relevant legislation and related content from across both common law and civil law jurisdictions which give prominence to restoration. The project still in its development stage will benefit from input from conference participants on how best to develop the resource, what to include and how to engage a largely non-RJ aware judiciary and criminal law bar so that RJ can play a more fundamental role in sentencing decisions.

Associate Professor **Tony Foley** teaches and practices in law at the Australian National University College of Law. His 2014 book *Developing Restorative Justice Jurisprudence: Rethinking Responses to Criminal Wrongdoing* (Ashgate) provides a comprehensive review of developments in the common law world on restorative justice case law. His most recent RJ related publication is an article in *Legal Ethics* – 'Institutional responses to child sexual abuse: How a moral conversation with its lawyers might contribute to cultural culture in a faith based institution' (2015).

Paper ( 30" )

## **Shaping the role of the European Public Prosecutor: the prospects for RJ and penal moderation**

**Constantina Sampani**  
(United Kingdom)

The idea of the office of the European Public Prosecutor (EPPO) is now a well-advanced concept and component of EU crime policy but is still a matter of ambivalent support on the part of many of the Member States. A number of competing trends jostle together in the evolution of this emerging institution – the efficient transnational management of certain types of crime, the pragmatic approach of the deployment of limited resources, criminalisation and decriminalisation, and the promotion of alternatives to formal criminal procedure, such as administrative procedures and restorative justice - seen as more flexible and efficient responses to crime and individual offenders' and victims' needs. Therefore, the opportunity should be taken, for an experimental proposal in extrapolating the role of the EPPO, to consider how and to what extent this emergent EU institution and process should accommodate what are now also being put forward as EU strategies of penal moderation and diversification in the methods of legal control of delinquent conduct. The point of interest of this discussion is how established processes of RJ may be more actively considered as a part of this broader EU strategy. The paper considers recent developments on the introduction and formation of the institution of EPPO and explores the challenges in harmonising diverse legal cultures of the European Member States in relation to the position and status of the Public Prosecutor in the criminal justice system, the attitudes towards crime and various levels of punitiveness and the position of the Public Prosecutor in the Restorative Justice process.

**Constantina Sampani** is a lecturer in law in the Department of Law and Criminology at Aberystwyth University- UK. Her current research focuses on the interdisciplinary areas of the impact of cultural contexts in extra-judicial mechanisms for dispute resolution and more particularly in the process of restorative justice.

Movie ( 90" )

## Video representations of restorative justice

Ian Marder

(United Kingdom)

The number of videos on restorative justice (RJ) available to the general public has significantly expanded in recent years. These videos are made with a variety of purposes, including, inter alia: to promote RJ among the general population; to explain RJ to prospective participants; to tell the story of one or more participants of a RJ encounter, whether through interviews, real footage of conferences or dramatisation; and to report on the implementation and/or impact of a RJ program. With the advent of YouTube, Vimeo, Facebook and other such websites, these videos can be distributed and viewed with increasing ease. While video representations may act as a useful, free resource, it is important to remember that many persons may hear of RJ for the first time when watching such a video. Thus, we must consider the potential implications of different approaches to its description and portrayal, and consider the content and intent of such videos through a critical lens.

This session will start with a short discussion of the optimal characteristics of an explanatory video on RJ. It will then involve watching four categories of short, English-language videos:

- 1) Promotion or explanations of RJ by national organisations
- 2) RJ in the news
- 3) Dramatisation of RJ
- 4) Footage of conferencing

These viewings will be interspersed with discussions on the veracity of claims made within the videos, the different approaches to describing and portraying RJ and the usefulness of various characteristics of each video.

**Ian D. Marder** is a Ph.D. Student and Module Assistant at the University of Leeds, and the founder of the Community of Restorative Researchers. His research explores the gap between theory and practice in the delivery of restorative justice as a diversion from the criminal justice process.

Panel ( 90" )

## **Restorative justice in cases of intimate partner violence. Victims' rights, project results and discussion points**

### **Reflections on the use of mediation in cases of intimate partner violence. Victims' rights and minimum standards of a European project**

Katinka Lünemann, Annemieke Wolthuis and Janny Dierx  
(The Netherlands)

In this paper we will present results of a European project on RJ in DV cases (Restorative Justice in Cases of Domestic Violence, Best practice examples between increasing mutual understanding and awareness of specific protection needs (JUST/2013/JPEN/AG/5487) and elaborate on issues that still need attention.

The appropriateness and inappropriateness of RJ with cases of DV was largely unexplored. This project provided in depth research, as well as exchange of good practice and critical aspects in 6 different countries in Europe: Austria, Denmark, Finland, Greece, Netherlands and the UK. The objective of was threefold: to get a clear picture of the regulation of RJ/mediation and practical approaches concerning DV in different European countries including legislation and policy aspects, to get insight in the needs and human rights of victims of DV concerning RJ (in accordance with the EU Victims Directive of 2012) and to get insight in the conditions under which RJ is possible in cases of DV. It focused on questions like: What are risk points, what is good practice and what are minimum standards to keep in mind when setting up RJ in cases of intimate partner violence? We will explore some of those aspects also focusing on the borders of mediation and make it lively by asking questions to a Dutch mediator Janny Dierx whom mediated often in cases of intimate partner violence.

**Janny Dierx** is a mediator and trainer in the Netherlands dealing with different kinds of mediations and conferences also in neighbourhoods and schools. She is the chair of the Dutch Foundation for mediation in penal cases. She worked in Argentina for several years where she gained additional education and much experience with mediation. She is also member of the editorial board of the Dutch/Flemish journal on Restorative Justice.

**Katinka Lünemann** is senior researcher at the Verwey-Jonker Institute in Utrecht, a research institute for social issues. She was also the (co)coordinator of the above mentioned European project on RJ in IPV cases. She is a known expert in the field of domestic and sexual violence and rights of women and has expertise in criminal law, and issues of care and punishment.

**Annemieke Wolthuis** is an independent senior researcher, trainer and mediator. Until January 2016 she worked for the Verwey-Jonker Institute as senior researcher and as coordinator of the project on RJ & domestic violence. She holds a PhD on restorative justice and children's rights and has expertise in human rights, criminal justice & restorative justice. She is also the vice chair of the European Forum for Restorative Justice and active in the editorial board of the Dutch/Flemish Journal on RJ.

## RJ and Domestic Violence in Austria

Bernd Glaeser

(Austria)

In Austria the practice of RJ in cases of domestic violence goes back to 1992. New methods and settings have been developed, this practice now is well established: More than 20% of the RJ cases in Austria have a background of intimate partnership violence.

Reaching this well-established status took many years of practice and lots of discussions, mainly with victim support organisations: Feminists and victim supporters claimed that it is important to speak of violence – not conflict – and lay focus on the violent dynamics of intimate partner violence and the structural background. Power imbalance is always a central issue when dealing with intimate partner violence. Mediation would deny these imbalances, and thus a mediation would always include the danger of re-victimization. Critics expressed concern that the victim was being exploited for the benefit of the offender.

We took these concerns seriously and used them as guidelines for developing adequate RJ practices and methods in these cases: Better understanding of the dynamics of violence in cases of intimate partnership violence, better communication with victim support, co-mediation as standard in these cases (e.g. „mixed double“), safety precautions, risk analysis and the question of indication.

In 2015 a law reform intended to prohibit RJ practices in these cases. A broad wave of support – even from feminist organisations – helped averting this limitation of RJ – now it is better established than ever and we even begin working out standards of communication with victim support organisations in these cases.

The results of the Eur project support the Austrian efforts of developing a good practice in IPV cases – we want to provide an insight how we are working in these cases and what could be critical success factors.

**Bernhard Glaeser** works in the headquarters of NEUSTART and is responsible for victim-offender-mediation in Austria. He worked as a mediator in VOM cases for many years and collected sound experience in cases of intimate partnership violence.

## Experiences with RJ in domestic violence cases in Finland

Saija Sambou and Pia Slogs

(Finland)

In this presentation we focus on results from Finland that were found when undertaking the research for the above mentioned European project (JUST/2013/JPEN/AG/4587). The starting point for the study was to recognize the critical questions raised particularly in regard to the protection of the victim but not to ignore the potential advantages which were reflected through empirical data. Presented here are results based firstly on interviews with victims and offenders. Out of the 12 respondents eight were women and four were men. Focus group interviews were made with prosecutors and police, who refer cases to mediation and qualitative semi-structured interviews were conducted.

In Finland the vast majority of cases were situational violence connected to alcohol use. The respondents had various reasons for attending VOM. Victims needed their partners to listen to them, understand their feelings, to be taken seriously and to have a dialogue. Both victims and offenders were however hoping to avoid a trial. The mediation process and the mediators' efforts were appreciated by victims and offenders. Almost all victims felt safe during VOM and parties received information on services. Experiences were mainly positive and resulted in an agreement. Although the results sometimes were temporary, the situation improved in most cases.

In this presentation we will explore on the outcomes and also on problems faced; on the importance of developing the training and practices, risk assessment and awareness of IPV phenomena, as well as the case selection with emphasis on the parties' abilities. Handled appropriately and in a victim sensitive manner, VOM can help prevent reoffending, make victims stronger and give parties new angles of thinking.

Panel ( 90" )

## **Breaking boundaries between mediation services and other (welfare) services working with victims and offenders**

### **Field Glasses Project. Putting RJ on the agenda of policy makers through dialogue with forensic welfare services.**

Evelyn Goeman and Hilde Deboeck  
(Belgium)

Moderator Forum for restorative justice and mediation vzw and the Leuven Institute of Criminology (LINC) want to lend a new impulse to restorative justice in Flanders. In this session the Moderator-project-team members present their approach: to set up a dialogue and debate between the various organisations working at the interface between welfare and justice: mediation services, forensic welfare services, prisons, forensic and general mental health care organisations, the police, the courts and legal professionals. The project aims to provide an impulse to dynamics among the authorised care and service providers to collaborate in designing a shared restorative justice policy for the benefit of citizens in conflict with the law. The project-members will present the results of the first dialogue round and discuss them with the workshop participants.

The context of this project is the redesigned judicial landscape in Belgium by the sixth state reform. The whole field of the implementation of community sanctions and measures is being transferred from the federal authorities to the Communities. Both the Minister of Justice and the Flemish Minister for Welfare, Public Health and Family need to reposition themselves. The results of this project can help the Flemish government to shape its new mission of developing a 'community-oriented justice' and can provide inspiration to the federal government in the necessary dialogue with its Flemish partner.

**Evelyn Goeman** has studied family science, criminology and was trained to be a secondary teacher. She has been working at Moderator Forum for restorative justice and mediation as a victim-offender mediator since 2004. Before she worked as case manager elder abuse and at the prevention service of the city of Ghent (Belgium). She conducted experimental peacemaking circles during a European action research on peacemaking circles. Evelyn is also a mediator in family matters and has recently started working as a mediator in youth services.

**Hilde Deboeck** has studied social work and criminology. Since 2007 she is working for Moderator, Forum for restorative justice and mediation, a not-for-profit organisation in the Flemish part of Belgium, first as a victim-offender mediator and more recently as a member of the coordination team. Before she worked at a forensic welfare service in Antwerp where she supported inmates and their families during pre-trial detention and for several years she was a member of staff of 'Kind en Gezin', an agency of the Flemish government which contributes to the welfare of young children and their families.

Dialogue ( 60" )

## **Restorative justice as social craftsmanship: a tool for conviviality?**

**Brunilda Pali**

(Belgium)

In this presentation I will reflect on the conditions of possibility and impossibility of restorative justice to become a model of social craftsmanship that contributes towards conviviality. I will argue that within the restorative movement we have reached a post-political moment which has created a conceptual poverty and lack of engagement with social life. What is restorative justice about, what is its relation to the current events and discourses, how serious are we about justice, whose language do we speak, what alternatives do we imagine, what metaphors do we use, what stories do we tell? This presentation will illustrate the search for some answers in a project that aimed at creating an informal justice counterpublics, a space and time for actions and reflections that posed some important questions to the heart of the restorative movement. In light of the conference themes, this reflection strikes us as particularly timely, and indicates that an extensive soul searching within the movement is going on at the moment.

**Brunilda Pali** has worked in several projects for the European Forum for Restorative Justice (EFRJ) and the Leuven Institute of Criminology (LINC), where she is currently based. Before joining the Leuven-based restorative justice team, she was a lecturer at the University of New York in Tirana and worked in the Albanian Foundation for Conflict Resolution. Brunilda has an educational background of psychology, gender studies, cultural studies and criminology.

Paper ( 30" )

## **Dignifying as repair of the world: The contribution of community-based sociotherapy to restorative justice across the generations in Rwanda**

**Annemiek Richters**  
(The Netherlands)

Dignifying in this paper refers to regaining dignity through the mediation of social recognition, with reference to post-genocide Rwanda. The mass violence in this country made people suffer from the collapse of networks of a range of relationships and an injured subjective mental life; both contributing to the undermining of well-functioning communities. The community justice system Gacaca provided through its local courts a platform for perpetrators, victims/survivors and their community to unearth the truth, deliver justice, heal the wounds and reconcile the parties in the process. While Gacaca contributed significantly to retributive justice – almost 2 million cases were tried with a conviction rate of 65% - its effect in terms of restorative justice (healing and reconciliation) was less manifest. One of the unforeseen legacies of Gacaca is quite the reverse: traumatization, animosity and revenge feelings among part of the population.

The dearth of restorative justice among 'the first generation' transmits hate feelings and social suffering to 'the second generation'. The paper addresses how the current 'community-based sociotherapy program in post-gacaca Rwanda' (CBSP) – a psychosocial peace-building program – contributes to the healing of previously ruptured social, familial, and moral bonds that give human life dignity beyond mere survival across the generations. Its practice confirms that what affected the Rwandan population in particular are not so much the effects of the past violence and its aftermath on individuals per se but more the devastating effects on the fields of interrelationships that constitute their life-worlds. Sociotherapy aims to respond to this legacy by creating safe social spaces for people to confront the past and develop new life orientations that enhance their own psychosocial wellbeing and that of their family and community ([www.sociotherapy.org](http://www.sociotherapy.org)). Dignifying of the first generation as the core processual element translates into a sense of peace and stability among the generation after.

**Annemiek Richters** is MD, PhD, is emeritus professor culture, health and illness, in Leiden, The Netherlands. She is currently affiliated with the community-based sociotherapy program in Rwanda as capacity building coordinator. Her published works focus on gender, ethnicity and health; violence, trauma and human rights; genocide and community-based sociotherapy in Rwanda.

Paper ( 30" )

## **Perpetrator or victim? Identity formation across the lifespan of genocidaires in Rwandan prisons.**

**Angela Jansen**  
(Rwanda)

This paper focuses on theoretical ideas about identity formation among Rwandan genocide perpetrators, and how their self-understanding influences processes of restorative justice. Their life stories have been analyzed to describe the way perpetrators narrate the process of identity formation across their lifespan. The theoretical underpinning of this study lies in McAdams narrative identity theory. Narrative identity is defined by him as “the internalized and evolving story of the self that a person constructs to make sense and meaning out of his or her life” (McAdams in S.J. Schwartz et al 2011:99).

Using the narrative identity theory is particularly interesting in the context of genocide perpetrators in Rwanda, as this genocide stands out for its unprecedented level of participation by ‘ordinary citizens’ in committing hundreds of thousands face-to-face killings while most of them had never been involved in committing crimes before. The data shows that a story is a selective reconstruction of the autobiographical past that serves to explain how the person came to be a perpetrator and a narrative anticipation of where his or her life may be going in the context of imprisonment. Their self-perception also entails elements of the ‘victim’ identity. In their narratives they tend to present themselves as victims of the socio-political dynamics of 1994 and the post-genocide justice system. Concurrently their life stories reflect on their sense of accountability for taking part in committing horrific atrocities. These contradicting aspects of their narrative identity clearly affect the practice of restorative justice and in particular processes of healing and reconciliation, as a major area of concern that gave rise to restorative justice is offender accountability. Real accountability involves acknowledging what one has done: for perpetrators to understand the impact of their behavior, the consequences, and to take steps to put things right as much as possible. However, if perpetrators themselves feel that their sense of victimhood is not acknowledged the question rises whether they are really able to invest in the practice of restorative justice.

**Angela Jansen** has a MSc. in International Development Studies, with a specialization in Genocide Studies. She is currently working as Program Manager of the Community Based Sociotherapy Program in Rwanda, and conducts research within the Rwandan prison focusing on: identity formation among perpetrators, restorative justice and intergenerational relations.

Paper ( 30" )

## **Restorative approach to conflict prevention and transformation in multi-ethnic communities in Serbia**

**Sanja Copic and Vesna Nikolic-Ristanovic**  
(Serbia)

As a partner to the EU funded FP7 research project ALTERNATIVE, the Victimology Society of Serbia implemented the research 'Fostering victim-oriented dialogue in a multiethnic society' with the aim to identify, propose and implement a restorative model of conflict transformation in multi-ethnic communities in Serbia. The action research in three multi-ethnic and multicultural communities in Serbia, implemented within VDS's workpackage, was conducted in the form of participatory seminars entitled 'From the conflict towards peaceful life in the community'. The aim of the action research was to test the applicability of some restorative approaches in multi-ethnic communities in Serbia, more directly affected by the wars in the former Yugoslavia, and to elicit ideas about future steps on the promotion and implementation of restorative approaches in multi-ethnic and intercultural communities and settings. One of the main outcomes of the VDS's action research relates to defining key elements of restorative approach to conflict prevention and transformation applicable in multi-ethnic communities in Serbia, which includes: conditions for optimal contact (contact hypothesis), communication framework in the spirit of restorative justice, yoga and mindfulness, peace-making/restorative circle model (a circle format) and a solution-focused approach. Therefore, this presentation aims at describing and analysing each of these elements in more details, which will be illustrated and supported by the concrete examples from the action research (participatory seminars) implemented in Serbia. The presentation will start with a brief overview of the aims and the structure of the VDS research implemented within the ALTERNATIVE project, and followed with describing elements of the restorative approach tested in three multi-ethnic communities in Serbia within the action research.

**Sanja Čopić** is a researcher at the Victimology Society of Serbia and research associate at the Institute of Criminological and Sociological Research in Belgrade. Her research has been mainly focused on violence against women, human trafficking, women in prison, the use of restorative justice in criminal matters and victim's position in RJ programs, and introducing restorative approaches in intercultural settings.

**Vesna Nikolić-Ristanović** is the director of the Victimology Society of Serbia, full professor at the Faculty of Special Education and Rehabilitation, University of Belgrade and the former president of the European Society of Criminology. She has a long term experience in activism and research, particularly in the field of action research related to violence against women, war victimisation, women's crime, and truth and reconciliation.

Paper ( 30" )

## **Restoring Relationships, Resolving Conflicts: Restorative Lessons from Conflict Resolution Efforts in Displaced Communities**

**Kate Lonergan**  
(Sweden)

The recent massive influx of refugees arriving in Europe has become a point of debate and tension across the region. This rapid demographic change brings a risk of rising tensions between existing residents and newly arrived populations. Prejudice, stereotypes and negative identity divisions, all risk factors for conflict and instability, can develop if not managed proactively. Rather than a reason to stifle population movements, this offers an opportunity to build new relationships and constructively engage with diversity.

Restorative practices offer a promising tool to holistically address tensions. Restorative practices focus on repairing harm and (re-)building relationships. Such approaches can be used to help diverse communities to constructively address sources of conflict. In turn, constructive conflict resolution can build trust and contribute to social cohesion in communities with large numbers of refugees.

While the current mass movements of refugees and asylum seekers into Europe is a relatively recent phenomenon, displacement is not. Communities around the world have struggled with how to resolve conflict and mitigate social tensions both within refugee communities and between refugees and host communities. This presentation will share case studies of the use of dialogue-based conflict transformation efforts in situations of displacement, how such efforts relate to restorative practices, and what can we learn from these experiences when implementing restorative justice programs in Europe.

**Kate Lonergan** is a Rotary Peace Fellow and Master's Student at the Department of Peace and Conflict Research at Uppsala University. Kate has been involved with restorative practices in the Washington, DC area, both as a facilitator and as a policy advocate. She has also worked with the United States Institute for Peace, the World Bank, and the Justice and Reconciliation Project in Uganda, conducting research on issues of reconciliation, justice and peacebuilding

Paper ( 30" )

## **Gone with the Wind. Case study of a restorative provision in Poland**

**Beata Czarnecka-Dzialuk**

(Poland)

History of long elaboration and short life of one provision important for RJ development may reflect the change of attitude of new criminal policy. Soon after introducing in 1997 legal provisions (of very general character) enabling VOM, it became obvious that more frequent use of mediation requires a provision enabling public prosecutor to discontinue proceedings as a result of a successful mediation. There were several proposals and shifts in concepts of such a provision. One of the objectives of the wide-ranging reform of the criminal procedure of 2013/2015 was the improvement of the efficiency of the proceedings by facilitating consensual ways to terminate it and by using the restorative justice institutions more widely. New Article 59 a of the Criminal Code added in 2013 provided for the possibility to discontinue the proceedings for a number of offenses in case of victim-offender reconciliation, for example after mediation. The solution was met with a certain criticism. Nine and half month after this provision had come into force (and when a new government came into power), it has been eventually repealed (as a number of the changes of 2013 and 2015). Explanatory memorandum to the Bill of March 2016 criticized it for „making possible to avoid responsibility for quite serious offenses” and provoking pressure on the injured party to submit the motion. Obviously, the short life of the provision had not enabled any reliable studies of its efficiency (or inefficiency) before it was reverted. Discussion on the experience of others with sudden shifts in the acceptance of the RJ possibilities and on the ideas that impede to develop them, as for example penal populism, is welcomed.

**Beata Czarnecka-Dzialuk** is an Associate Professor (Institute of Legal Studies, Polish Academy of Sciences and Institute of Justice, Warsaw, Poland) and EFRJ Board member. Beata specialized in the problems of reacting to juvenile criminality and introducing restorative justice into the justice system, especially mediation in criminal and juvenile cases.

Paper ( 30" )

## **Liaison Between Restorative Justice and Impunity in the Peacebuilding Process: The Case of Turkey**

**Mualla Buket Soygüt Arslan and Gülsah Kurt**  
(Turkey)

Restorative justice (RJ) is considered as a human right for the victims of serious human rights violations for the sake of reaching justice and a duty for the State simultaneously. However RJ is not sufficient for peacebuilding by itself. It should be complemented by punitive mechanisms, especially for grave damages arising from the crimes perpetrated by state agents.

Turkey's late history is marked with several coup d'états, serious and systematic human rights violations stemming from the Kurdish matter. People who are militarily, politically and administratively responsible for the crimes committed in that era have never adequately been put on trial, punished or held accountable. Pursuit of justice by the victims of these violations such as politically-motivated disappearances, murders by unknown assailants and extrajudicial killings which were committed in 90's in the region was led to a dead end. Since confrontation with the past crimes and call for criminal justice were not satisfied, impunity shield became stronger.

The peace period, which was interrupted after June 2015, followed by armed conflicts, curfews and evacuations, has led once again to grave violations of civilians' rights. The impunity of past crimes also has a negative effect on the conflict environment. This effect has two dimensions: It constitutes an obstacle before peacebuilding and it prevents other justice mechanisms from taking a role in peacebuilding. It may seem like a paradox, but RJ may be successful only if impunity is eradicated on each level of State institutions.

In this study, we attempt to introduce some of the steps which should be taken to ensure the needs of RJ, particularly truth and accountability. In this context; we try to reveal the reasons of impunity, such as loopholes in the legislation, problematical judicial practices and the State's official discourse and acts; tackling with the issues of reparation and reconciliation.

**Mualla Buket Soygüt Arslan** is LLB in 2002 from Ankara University; LL.M. in 2006; PhD. in 2014 both from Galatasaray University, Turkey. She spent six months at the University of Calgary as a Visitor Researcher. She serves currently as an Assistant Professor at Istanbul Commerce University Law School. Her research areas include criminal and criminal procedure law, criminal execution, criminology, human rights, restorative justice, juvenile justice, victim-offender mediation, hate crimes.

**Gülsah Kurt** is received LLB in 2002; LL.M. in 2005; PhD. in 2011 from Galatasaray University, Turkey. She spent four months at the University of Liège, as a Visitor Researcher. She serves currently as an Assistant Professor at Istanbul Kadir Has University Law School. Her research areas include criminal law, criminal procedure law, terrorism and human rights, impunity, gender studies and financial crimes.

Paper ( 30" )

## **From restorative global theories to local practices: a comparative analysis between the Portuguese and the Brazilian experiences in restorative justice**

**Cristina Oliveira and Daniel Achutti**  
(Portugal, Brazil)

Considering the current context of restorative practices in Brazil, it is possible to highlight two initial conclusions apparently paradoxical: (a) there is a relative high number of projects, including local and institutional experiences, like the projects from the Courts of Justice, the Public Prosecutor's Office and some community initiatives; and (b) there is no legal regulation on the subject. Portugal, in turn, approved the Law n. 21/2007 and institutionalized the Penal Mediation System for adults. While in Brazil the projects have no common legislative framework or any kind of coordination between them, in Portugal it is possible to find a legal regulation of the matter, which could mean a certain uniformity on procedures and purposes. However, the Portuguese experience faces difficulties and has limited application. The Brazilian experience, in turn, found in the Judiciary Power the possibility of standardization and expansion, but may become a model focused on the administrative interests of the Courts instead of looking at the interests of the stakeholders. In this scenario, the aim of this paper is to develop a critical analysis of the Portuguese and the Brazilian experiences in restorative justice, in order to reflect on its main potential and risks. In the end it is intended to analyze their similarities and differences to better understand the role of restorative justice in Brazil, a country marked by historical social inequality and human rights violations and contemporaneously by a high level of incarceration rates.

**Cristina Oliveira** has a Master Degree in Criminal and PhD candidate in Law, Justice and Citizenship at XXI Century (Law School and Centre for Social Studies), both at University of Coimbra, Portugal

**Daniel Achutti** a PhD Criminal Sciences (PUCRS/Brazil). Assistant professor and researcher at Unilasalle Law School – Brazil. Criminal lawyer.

Paper ( 30" )

## **From Favela to Formal Court and Back Again: learning from Brazil's experience with Restorative Circles**

**Christina De Angelis**  
(Brazil)

Restorative Circles in Brazil were born from the encounter between community restorative justice practice from the turbulent favelas on the margins of Rio and the concern of youth court judges for the human rights of juvenile offenders and victims of crime. Largely unknown and overlooked internationally in the restorative justice field, practitioners, communities and judges have been implementing transformative practices in a number of Brazilian cities in the midst of contexts whose violence, both physical and structural, might shock many in more affluent societies. The challenges of creating, implementing and safe-guarding restorative justice practices in Brazil are as huge as the country's size, the fifth largest in the world both in territory and population. The first official pilot projects using restorative justice practices in the juvenile justice system were launched in 2005. While these initiatives were inspired, and supported by examples abroad, current research shows that the Brazilian restorative justice experience has its own originality and much to teach and contribute to the restorative justice community. The origins and development of Restorative Circles in Brazil highlight the possibilities for creating transformative practices in the most violent contexts where the absence of dialogue is often fatal. Their use in situations affected by serious violent crimes, such as rape and homicide, offers insights into the need for facilitation practices that share power and support deep listening. Finally, the Brazilian experience demonstrates the importance of developing restorative systems that preserve restorative practices from the "punitive drift" of many systems and contexts.

**Christina De Angelis** is a social worker, mediator, and trainer with 13 years' experience working in grassroots and formal peace and conflict transformation contexts in Australia, Ukraine, Solomon Islands and Northern Ireland. Funded by an Erasmus Mundus fellowship, she spent 5 months researching the origins and development of Restorative Circles in Brazil.

Paper ( 30" )

## **Victim offender mediation in cases of sexual violence: reflections on ten years' experience in Belgium**

**Monique Anderson and Kris Vanspauwen**

(Belgium)

Victim offender mediation (VOM) began in Belgium in the late 1980s with initiatives for juvenile perpetrators. In the early 1990s its application to situations involving adult perpetrators began in earnest. In 1996 "mediation for redress" was implemented in the first judicial district in Flanders, for dealing with the more serious crimes for which a prosecution would follow. This form of VOM, enacted by law since 2005, is implemented and governed nation-wide by two non-governmental organisations: Médiante ASBL in Wallonia and Moderator VZW (former Suggnomè) in Flanders. Both services offer mediation to parties of crimes of all levels of seriousness, including sexual violence. There has been reluctance, and even opposition, to the use of restorative justice in cases of sexual violence. Concerns are raised about the potential for secondary victimisation and the risk of further harm. However, by tailoring interventions to individual needs, and taking a 'case-by-case' approach, Moderator has sensitively used VOM in sexual violence cases and demonstrated the potential of the approach in these instances. This paper analyses data from Moderator VZW that represents ten years of restorative justice practice in cases of sexual violence in Flanders. The authors present the data, reflect on the risks and benefits of using VOM in such cases, and consider what lessons can be learned for the future.

**Monique Anderson** is a PhD researcher at KU Leuven (Belgium) examining the justice interests of sexually harmed young people. From 2012 to 2013 Monique was the European Forum for Restorative Justice's Executive Officer. Monique previously worked in the criminal justice system in London (UK), including: Neighbourhood Crime and Justice Coordinator (Home Office), Community Safety Coordinator, Coordinator roles within Youth Offending Teams and Prisoner Officer. Monique holds a Master of Criminology degree from KU Leuven, a postgraduate diploma in Forensic and Legal Psychology (University of Leicester) and a BSc (Hons) degree in Psychological Sciences (University of Westminster).

**Kris Vanspauwen** is a mediator at Moderator VZW (Belgium) and has facilitated more than 250 mediation processes between 2005 and 2015. From 2013 to 2015 Kris has been the Executive Officer of the EFRJ. From 2003 until 2007 Kris has been researcher in the FWO funded project on Mass victimisation and restorative justice: exploring the potential of restorative justice in gross human rights violations at the KU Leuven. Kris holds a Master of Criminology from KU Leuven (2001) and a Professional Bachelor in Social Work from PXL Hasselt (1999).

Paper ( 30" )

## **The challenges that the current Chilean context poses for implementing victim-offender mediation with juvenile offenders**

**Daniela Bolivar**  
(Chile)

The Chilean Juvenile justice system suffered an important change in 2007. Then, a new law (ley 20.084 de Responsabilidad Penal del Adolescente) was enforced that aimed to turn from a well-established tutelary system into a one that promotes guarantees and responsibility in the line of the Convention on the Rights of the Child. The implementation of such a law was not as successful as expected. Lack of specialization of the justice agents, a strong accent on the punitive instruments of the law and an increasing number of children in preventive imprisonment are some of the antecedents that made this scenario questionable from a human rights' point of view. This presentation discusses the current scenario in which the first Chilean pilot project on victim-offender mediation for juvenile offenders is being designed and in process of being implemented, focusing on the main risks and opportunities that the political, social and legislative Chilean context offers for the very first experience of this kind in the country. The analysis will be done from a human-right perspective, and considering, as general framework, the recent process of transition to democracy. The presentation finalizes with some questions whose answers seem to be key to ensure a successful experience for all actors involved, including the justice agencies.

**Daniela Bolivar** (PhD) is an assistant professor at the Department of Psychology at the University of Chile. She holds degrees in Psychology and Community-Psychology from the Pontifical Catholic University of Chile and obtained her doctorate degree in Criminology at the Leuven Institute of Criminology, KU Leuven. She worked as a researcher at KU Leuven, the European Forum of Restorative Justice and the National Institute of Criminology and Criminalistics (Belgium). Currently Daniela is a member of the editorial board of 'Restorative Justice: an International Journal' and the research coordinator of the study that will evaluate the first pilot project on victim-offender mediation with juvenile offenders in Chile (June 2016-May 2017).

Training ( 90" )

## **Restorative Approaches in Schools and the United Nations Convention on the Rights of the Child (UNCRC)**

**Belinda Hopkins**  
(United Kingdom)

Restorative practice in schools provides a range of processes that can support children's rights in schools whilst also teaching them that these rights come with responsibilities and obligations.

In this workshop we will experience several of these processes and consider how they offer students a chance to be involved in decision-making in matters affecting them, in accordance with Article 12.1 of the UNCRC. These processes include Circle Process, Restorative Enquiry and Mediation. We will also see how a whole-school approach, in which the school culture embraces restorative philosophy and practice, ensures that young people's voices are heard and valued, in line with Article 13.1 of the UNCRC. Links will be made to the quality of teaching and learning, and peer-led initiatives like school councils and peer mentoring schemes, all part of a fully restorative school.

Restorative Justice is closely aligned to Social Justice and its application in schools can help to make these institutions more socially just for young people – a core vision of the UNCRC.

**Belinda Hopkins** Founding Director of Transforming Conflict, National Centre for Restorative Approaches in Youth Settings. Belinda has been pioneering restorative approaches in youth settings for over 18 years. She is a trainer and an accredited practitioner, who is passionate about how a restorative approach can transform relationships and strengthen social justice. She loves writing about restorative practice and has published books, articles, training materials and resources.

Paper ( 30" )

## The role of restorative ideas in creating institutional cultural change

Tony Foley

(Australia)

The current Australian Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established to investigate claims of failure to address widespread institutional clerical abuse. Hearings are currently underway and it is due to report in 2017. Its Redress Report 2015 considered submissions (notably from Aertsen and others) to embrace restorative approaches in its remedies for victims, but this has not occurred. Public hearings show worrying evidence that little cultural change has occurred in church institutions which show a consistent failure to fully acknowledge the harm caused or to respond to it with compassion and humility.

The paper focuses on the role restorative justice ideas might play in effecting needed cultural change. A number of scholars (eg Van Ness 2002; Johnstone 2008) have written extensively about the potential role for restorative ideas to recreate individual or institutional cultures, including implementation strategies to develop restorative cultural capital. The presentation uses Kotter's Leading Change model (1996) as a start for envisaging such a transformative model. His first prerequisite of 'establishing a sense of extraordinary urgency' has clearly been provided by the Royal Commission. His next stage is to 'develop the change vision and strategy'. There is some evidence of institutional will (the formation of a Truth, Justice and Healing Council in the Catholic Church for instance) to effect and model change from both the bottom and the top of institutions. This paper suggest how that vision can be enlivened and influenced by restorative principles so as to make the future reality restorative. The paper draws on the author's own work about how moral conversations with its lawyers has affected past behaviour of the Catholic Church in Australia in poorly responding to victim claims for abuse acknowledgement and compensation and how this might be altered.

Associate Professor **Tony Foley** teaches and practises in law at the Australian National University College of Law. His 2014 book 'Developing Restorative Justice Jurisprudence: Rethinking Responses to Criminal Wrongdoing' (Ashgate) provides a comprehensive review of developments in the common law world on restorative justice case law. His most recent publications include an influential article in 'Legal Ethics' – 'Institutional responses to child sexual abuse: How a moral conversation with its lawyers might contribute to cultural culture in a faith based institution' (2015).

Paper ( 30" )

## **On the implementation of mediation services in a specialized educational institution for juvenile offenders, based on community-focused 'mediative approach'**

**Tsisana Shamlikashvili and Andrey Pentin**  
(Russia)

The paper describes the implementation of mediation services in a specialized educational/correctional institution for juvenile offenders within the framework of developing network of mediation services and restorative justice. This ongoing project has been based on 'mediative approach', developed by the Center for Mediation and Law, and included several steps towards better integration of mediation and restorative approach into the activities of the institution and establishing conditions for implementing effective restorative practice in general. The first basic stage of the project consisted of preparatory work with the management of the institution, interviews and discussions (including active involvement of the headmaster); consultations, training, educational seminars and supervisions for administrative and teaching staff of the school; three-day group training and individual work with the adolescents (such as consultations, interviews etc.).

One of the critical issues, which has been contemplated and worked through during the project, is the question: how the framework of restorative principles, guiding our work, can transform the institution in which strict adherence to the rules and regulations is given priority over the value of relationships and harm reduction? Focus on compliance and authority of rules lead to the condition of serious emotional burn-out and frustration among the professional staff of the school. Thus emphasis has been placed precisely on involving as much as possible school staff, development of their emotional resource, restorative mind-set and formation of psychologically safe and non-fearful environment. In such environment students would also see the world turned to them with support and understanding, and there would be created opportunities for equal rights and for meeting needs of every community member. Thus people would have a chance to build relationships of mutual trust and stay focused on harm reduction, and not just on issues of broken rules.

Attention to the needs of the adults/staff working with children whose trust towards world is under question, is one of the core focuses. Adults working with such children should be profoundly self-confident and able to respect juveniles staying at the institution. Regaining self-confidence and trust to the world is one of the most important issues for the adolescents as well. This is where restorative approach starts - respect to the individual considering needs of the community and vice versa.

**Tsisana Shamlikashvili** is an international expert on ADR, practicing international mediator, President of the National Organization of Mediators, academic chair of the Federal Institute of Mediation, founder and academic chair of the Scientific and Methodological Center for Mediation and Law, Professor at Moscow State University of Psychology and Education, author of the School Mediation Method and Mediative approach, Chair of the Subcommittee on ADR and Mediation in the Russian Association of Lawyers, editor-in-chief of the magazine 'Mediation and Law', Moscow, Russia.

**Andrey Pentin** is a mediator and restorative justice practitioner, academic fellow of the Federal Institute of Mediation, member of international family mediation group, narrative practitioner, embodiment specialist, school psychologist, Moscow, Russia.

Paper ( 30" )

## **Towards a trauma informed Restorative Justice space with juveniles in a South African Correctional Center**

**Lisa Marqua-Harries**  
(South Africa)

RESTORE's victim awareness programme targets high-risk youth in the Western Cape who are incarcerated at Pollsmoor Correctional Centre. South Africa has one of the highest crime rates in the world. South Africa's Gini-coefficient is currently 63.14, compared with a Western Europe average of low-to-mid 30s, reflecting massive social and economic inequalities. A similar ratio is found in other developing nations and the problem of youth crime in many cities in the world is on the increase.

Many of the young men we work with come from neighbourhoods where unemployment, single parent families, drug abuse and gangsterism are rife. Under-resourced criminal justice support, has given rise to vigilantism. Prisons are overcrowded, violent, underfunded; yet thousands of young people find themselves inside. Once inside they have little access to education with no realistic focus on Restorative Justice. These institutions simply exacerbate their life struggles.

RESTORE's programme material has been written to take into account continuous trauma, oral language competence and education needs. This presentation will cover the challenges faced in working in a correctional centre as well as testimonies of how victim awareness begins to positively impact young people and how the principles developed through practice can be replicated in other contexts and areas.

From years of practice and local and international research RESTORE's programme has evolved and emphasises a trauma informed approach. Recently from a class of just 14 young men, more than 650 accounts of their own victimisation were recorded. Creating a space for respectful sharing and listening is only just the start of a journey towards justice, healing and hope.

**Lisa Marqua-Harries** is of RESTORE has worked with young offenders for over 10 years in Cape Town's Pollsmoor prison. Lisa's work has been underpinned by a MA in Restorative Justice, which she obtained from the University of Hull UK, and a charity (RESTORE), which she co-founded. Through RESTORE, they currently facilitate monthly victim awareness programmes and are part of a number of collaborative networks pioneering alternative justice models for young people.

Paper ( 30" )

## **Steady principles, flexible methods - a model of using restorative practices in prison settings**

Vidia Negrea and Dóra Szego  
(Hungary)

The presentation will focus on applying restorative practices in a Hungarian prison. Following nine years of experience, a model has been developed for helping prisoners and their families to achieve a successful reintegration into the society, while meeting the needs of people affected by crime. Our model includes a four-stage process, based on restorative circles and conferences, starting at the restoration of the inmates' self-perception and civil roles; continuing to reinforcement of their family and community bonds; and extended to the restoration for the victims and the victimized community. The participation of the prison personnel and other social service workers in restorative encounters is an important endeavour. The transformation in the authorities' attitudes by participation lessens the gap between the prison personnel and the inmates. During the restorative encounters they show their 'human face' to each other, which gives back the dignity for the inmates and helps their reintegration into the society.

Based on restorative principles, we try to respond flexibly to different life situations and mind-sets, tailoring the methods to the conditions. The case-based presentation will show the challenging nature of this endeavour, share professional dilemmas and hope to initiate a dialogue with professionals from the prison and from cross-sector agencies about the following issues: to what extent do the specific circumstances of imprisonment require a peculiar approach of restorative work? What are the characteristics of this field compared to other fields of restorative work, with a special emphasis on the extent of guidance and proactivity of the facilitators? How can the restorative approach function in a medium that is based on a hierarchical system and vertical communication? What are the effective means to bridge the gap created by fear, mistrust, lack of communication or socio-economical barriers?

The examples presented will provide an opportunity for participants to reflect upon the benefits and challenges of implementing restorative processes in prisons and the measures needed to make them sustainable.

**Vidia Negrea** is the regional director of IIRP Europe. As a psychologist and restorative practitioner, she has been working for two decades on implementing restorative practices in Hungary. Currently she is a consultant and trainer in projects aiming social inclusion of Roma groups and in prisons where restorative strategies are used to support re-entry processes.

**Dóra Szegő** is a Sociology Ph.D. student, examining restorative justice approaches and practices in the Hungarian prison system. Her research interest focuses on the application of restorative approach in different settings, including local communities, the justice system and prisons. She works as a researcher at Foresee Research Group and as a volunteer at the Community Service Foundation of Hungary and the Central-Eastern European department of the International Institute of Restorative Practices.

Panel ( 90" )

## **Desistance and restorative justice**

### **How restorative justice practices in prison can promote desistance from crime. And do they?**

**Bart Claes**

(Belgium)

Interest in desistance from crime has developed in the last twenty years from a number of strands such as resettlement from prison and corrections, developmental and life-course criminology, as well as, more recently, the ways in which community sanctions may aid desistance. Restorative justice derives from a different set of theoretical imperatives and its practices and values have been adopted to deal with a wide range of disputes across the civil and criminal spectrum. The implementation of restorative justice (RJ) practices in Europe and the UK now has an increasing focus on the moral and social rehabilitation of the offender. The capacity of RJ interventions to reduce the likelihood of offenders' reoffending opens new perspectives for these practices in prisons. Within the process of desisting from crime, motivational and cognitive elements are critical and they have clear links with the processes involved in RJ practices. Additionally these RJ practices have the potential to foster social and human capital. Drawing upon preliminary research results from observations and interviews in a Belgian and an English prison, this paper focuses on the way in which these RJ practices can promote desistance from crime. Or can't they?

After completing his Master's studies in criminology at the University of Brussels (Belgium), Dr. **Bart Claes** worked as a victim-offender mediator at the Flemish organisation Suggnomè, Forum for Restorative Justice and Mediation and as a research associate Social Work at the Erasmus University College Brussels. In 2012, he obtained a PhD in criminology at the University of Brussels (Belgium) with an ethnographic study on the daily life in prison and restorative justice practices. In 2015, he moved to Sheffield to join the School of Law at the University of Sheffield on a Marie Curie Intra-European Fellowship on a research project regarding desistance from crime and restorative justice practices in prisons in Belgium and England and Wales.

### **The long and winding road towards the good life - About the complex relationship between restorative justice processes and desistance**

**Katrien Lauwaert**

(Belgium)

Drawing from the results of a European research on the mechanisms within restorative justice processes which trigger or support desistance, a reflection will be developed about the

complexity of the relationship between desistance and restorative justice processes. For the group of people who had a persistent criminal lifestyle in particular, restorative justice processes seem to work more often as a support than as a trigger for desistance. A certain openness is needed before participating in RJ makes sense. Moreover, the timing and level of impact of the participation in RJ is hard to predict. Many factors can play a role, mutually strengthening or obstructing each other. These and other research outcomes provide indicators on how to design restorative justice practices in order to maximise their potential to positively influence people's long and winding journey towards the good life.

**Katrien Lauwaert** studied law and criminology and spent much of her academic career researching and teaching restorative justice, penology and victimology. Currently she works as a senior researcher at the Leuven Institute of Criminology (KU Leuven). Recently she has focused her attention on the link between restorative justice and desistance, on European policies and restorative justice, and on the common ground between restorative justice and the field of community building. Katrien is a founding member of the EFRJ and of the Flemish victim-offender mediation provider Moderator.

## Restorative justice in cases of partnership violence – an interactional approach to desistance

Christa Pelikan and Veronika Hofinger  
(Austria)

Starting from the specificity of the Austrian practice of RJ (VOM) in general and of VOM in cases of partnership violence an interactive approach to desistance and research on desistance will be put forward. The main argument laid is that the RJ procedure is conceptualised and practised as an interactive endeavour; it is neither predominantly about the offender nor about the victim, but about what has happened between them, the wrongdoing and the effort to bring forth a compensation – the 'making good' of those wrongs. The experience of being actively involved in this effort serves as potential instigator of change – of a relational transformation. We will connect this line of reasoning to notions of desistance that emphasise interaction and societal context. We find them in recent contributions from Shadd Maruna (2015) and from Steve Kirkwood (2015). This orientation implies striving for a reorientation in research methodology. The potential of conversation analysis and the potential of 'naturalistic' setting is pointed out.

**Christa Pelikan** (Institute for the Sociology of Law and Criminology, Vienna) has been working in the field of criminal law, especially juvenile justice and in the field of family law. Starting in 1985, she has been doing accompanying research on the Austrian pilot projects introducing 'Victim-offender-mediation'. She has been chairing the 'Committee of experts on mediation in penal matters' within the European Committee on Crime Problems' (CDPC) and has been a member of the Criminological Scientific Council to the CDPC of the Council of Europe. She is a founding member of the European Forum for Restorative Justice and has been participating in various GROTIUS, AGIS, and COST projects at EU-level.

Dialogue ( 90" )

## Right to Restorative Justice in Schools – Case Uganda

Deborah Kirabo, Eva Ervamaa and Maija Gellin

(Finland)

Plan International Uganda and Finland together with the Finnish Forum for Mediation (NGO) have cooperated since 2013 to develop models of peer mediation, mediation and Restorative Justice in schools in Uganda as part of the Participatory School Governance –project.

Mediation can be seen as a fundamental right to children and young people during their school years, as it supports realization of children's right to participation, protection and personal growth, among others. In mediation the parties in conflict are allowed to hold their right to participation. It is ensured that the parties meet in a safe environment where they can influence the mediation process and commit to the solutions. Every conflict can be seen as a learning situation, which works both reactively and proactively. Mediation increases the social safety in school societies.

In Finland access to RJ is seen as a continuum of right to participation learned as a child, not depending on social, economic or cultural backgrounds. In Uganda the restorative approach in education follows the Finnish model developed during the last 15 years by the VERSO-programme of the Finnish Forum for Mediation. According to the Finnish model, RJ in schools is based on the aim of increasing children's social skills, communication skills and active citizenship to enable children to participate and solve conflicts themselves. Finally RJ empowers children in realization of their right to be heard and participate as valuable members in their communities even after their school years. After introduction and trainings of the approach in Uganda, there are now some 70 schools using mediation. The first experiences from Uganda seem to affirm the research results from the Finnish studies. The experiences in Uganda show that children feel more empowered to express their opinions and to take initiative in solving issues concerning them.

Nevertheless, there are always challenges when implementing RJ in any society. How to convince decision makers? What are the barriers when trying to engage parents? How to find culturally appropriate ways to root restorative approach to societies? In this session participants are invited to discuss and share experiences on access to restorative justice, social safety and rights of children, especially in the context of education.

**Deborah Kirabo** is a Project coordinator at Plan International Uganda where she manages a range of education programs and communications activities. In addition, Kirabo supports the organisation to pioneer the implementation of unique research programs that rely on the impact of emerging technologies on the communication process.

**Eva Ervamaa** is specialized in education and children's rights. Currently she works at Plan International Finland as a programme manager with a responsibility to manage the global citizenship education programme as well as provide support to the Participatory School Governance project in Uganda. Ervamaa is experienced as a trainer of education professionals in children's rights.

**Maija Gellin** is the Director of the School Mediation program VERSO in Finland. She has been the main method developer and trainer over 15 years. Gellin is preparing her PhD thesis on restorative learning societies at University of Lapland. Gellin is a member of the board of the Finnish Forum for Mediation and she is working as a voluntary mediator in VOM, at schools and workplaces. In introducing mediation to Ugandan schools with Plan International, Gellin has been in charge of trainings and development planning.

Paper ( 30" )

## **The Victims Assistance Offices in Castilla and Leon: a commitment to give them a restorative approach**

Virginia Domingo de la Fuente  
(Spain)

Following the adoption of the Victims' Directive of 2012, Spain began the task for transposing the Directive into Spanish law. This has resulted in the 'Statute of the Victim', which was approved in April 2015. The development of this standard has been successful because it introduces Restorative Justice Services. In fact, we cooperated with the Minister of Justice in all the references of RJ in this law. The purpose of this paper is first to evaluate the implementation of the directive in Spain: it is the first time that a law speaks directly about Restorative Justice. However, there are still many doubts. Any other tool will be allowed beyond the victim-offender mediation? Would it be possible to banish the idea that it is only for minor offenses? Secondly, I would like to discuss the challenges we face with the practical implementation of this legislation, through the Interprovincial Victim Assistance Office; because there are still questions about the scope of restorative justice services (although the commitment of this office starts from the idea that restorative justice is certainly an important part to better care for victims and promote healing after crime). It is a fact is that after so many years promoting restorative justice there is still a lack of knowledge on the citizens. We wonder if the message of restorative justice can reach them, whether it will be possible to use restorative justice at any stage of the proceedings (not only in instruction cases, as it happens so far) and no longer just in theory but also in practice, and if it would be possible to use restorative justice in any kind of crime. There are challenges that we are already facing and that legislation has not presently contemplated.

**Virginia Domingo de la Fuente** is the President of the Scientific Society of Restorative Justice. Coordinator of the Restorative Justice Service in Castilla and Leon. Professor at the International University of La Rioja, in Criminology, teaching RJ. She has written several articles and books, the last one with an introduction of Howard Zehr. She has given Restorative Justice Workshops in different countries such as Spain, Bolivia, Nicaragua, México and Peru. Now she is also doing her Ph.D. in RJ.

Paper ( 30" )

## **The cost-benefit analysis of restorative justice in minor offences in Basque Country: integration of qualitative and quantitative indicators**

Idoia Igartua Laraudogoitia  
(Spain)

The goal of this review is to assess the economic impact caused by legal mediation procedures applied to minor offences in the Basque Country, with two specific targets:

1. Identification and definition of appropriate indicators used to assess the economic impact caused by criminal justice mediation.
2. Comparison between such indicators and those used by conventional criminal justice.

There have been several reviews that have found cost savings in mediation in different jurisdictional case-scenarios, but only a few have looked at the economic impact regarding social benefits at the medium and long run. Cost-efficiency studies are useful to analyse how much citizens pay for dealing with minor offences that end up in trial, with or without mediation. Their interest lies not only on the financial aspects of restorative justice or general justice for that matter, but on the diverse intertwined dimensions that conforms it, emphasizing social benefits. The question to be answered is not about the cost of restorative programs, but about their social value. Regarding restorative programs, the process in itself is an outcome to look at, as far as the procedural justice thesis being integrated is concerned, according to international guidelines.

**Idoia Igartua Laraudogoitia** is a restorative justice facilitator and family mediator in the Victim Offender Mediation Services at criminal courts and family matters of the Basque Country since 2008. Previously, she worked for several years as a legal adviser at the Victim Support Service of that region. She holds a PhD in Criminal Law and Mediation by the University of the Basque Country. Lecturer of Criminal Law at that university, LLM in International Criminal Law by the University of Sussex (UK), Master in Family Mediation and Conflicts with Minors by the University of Seville (Spain) and researcher in restorative justice.

Movie ( 30" )

## **Psycho-Social and Legal intervention with victims of crime in the Victim Support Service of the Basque Government**

Jose Ignacio Martinez Ruiz and Maialen Casas de Esteban  
(Spain)

The purpose of this video is to explain the role of social workers as victims' assistants within the Basque Victims Assistance Program, in particular the working experience and practices of the social workers in Vitoria-Gasteiz, capital city of the Basque Country. This service, 'Servicio de Asistencia a la Víctima del Delito (SAV)', was created in 1991 in Bilbao and in 1995 in Vitoria by the Basque Government as a way to improve the support to the victims of criminal offences. It is a free service rendered by a multidisciplinary team of lawyers, social workers, psychologists and clerical staff. All victims, regardless of their gender, race, age, social, economic and legal status are assisted, even those who haven't filed a formal complaint before the courts. Our main objectives are informing, supporting and giving legal and social advice and psychological help. All the practitioners working in the service respect the right to self-determination and confidentiality. The services also provide accompaniment to the victims before, during and after the criminal proceedings. Much emphasis is given to the prevention of secondary victimisation and also to the gentle and respectful handling and treatment of victims. The aim of the service is giving an integral response to the victims. Even though for the time being we only deal with victims, and not with their offenders, we are an essential part of the restorative justice process, which we are striving to improve. Irvin Waller said in 2003 that only the 3% of victimizations ended in guilty verdicts. Loren Walker in 2004 said that less than 20% of crimes end in arrest and, therefore, it is necessary to give restorative answers to the victims, even when the offender cannot or will not engage.

**Maialen Casas de Esteban** holds a degree in Social Work from the Universidad del País Vasco (in Vitoria-Gasteiz). She has been working as a social worker at the SAV for three years. She speaks Basque and English. She has attended several seminars and training courses on Gender-based violence.

**Jose Ignacio Martinez Ruiz** is law graduated from Universidad de Deusto (in Bilbao-Bizkaia) and has worked as a lawyer in the Victim Support Service of the Basque Government for 6 years, and 2 years in the Criminal Sanctions Management Service of the Basque Government. Member of the Board of the Bizkaia Bar Association for 5 years, and lawyer of Legal Advice Service of the Basque Government for 2 years. He has participated as listener and speaker at seminars on gender equality, gender violence, legal aid and international adoptions

Panel ( 90" )

## **Restorative practices in work with minors: challenges and ways of integration into social institutions**

This session includes presentations of 3 participants followed by a group discussion. The presentations will address challenges and issues in introducing restorative approach into governmental programs concerning children and youth, along with practical implications of integrating restorative practices into different areas of work with minors: justice system, school, offense prevention programs, child and family services. Successful models of implementing restorative practices in these contexts in Russia will be also presented. The effect of restorative programs will be demonstrated and the model for monitoring and analysis of the work of reconciliation services in Russia will be described. Assuming that the issues concerned are relevant for different countries, we suggest the following topics for the group discussion:

1. Contexts and purposes of restorative justice practices in work with minors.
2. Difficulties in integration of restorative practices into:
  - a. the Juvenile Justice;
  - b. School;
  - c. Governmental Youth Programs.
3. Challenges and solutions (based on participants` experience)

## **Restorative practices in context of governmental child policy: the problem of reconciling terms or paradigms?**

Liudmila Karnozova

(Russia)

Contemporary RJ is a new practice. In a number of countries RJ has already attained the legal basis, while in others, including Russia, it still lacks legislative entrenchment and remains a marginal practice. In 2012 RJ received state support in Russia, being included in the National Strategy of Acting on Behalf of Children and other national documents; however, the discrepancy between the RJ practitioners` discourse and state officials` assumptions about RJ is so large that it can lead to potentially inadequate administrative decisions and eventually the deformation of RJ`s essence. Can RJ be adequately described in `external` concepts and standards? RJ is not just a technology, but an approach with its own system of values and concepts, its own discourse. However, RJ is introduced into crucial institutions: justice, education system, social interactions. Therefore, the methods of its introduction to the society become essential.

The system of 'internal monitoring' was developed by the Russian Association of Restorative Mediation. Data from territorial and school reconciliation services regarding restorative programs (with juvenile offenders and conflicts affecting minors) is accumulated. Such data consists of two parts: quantitative and qualitative. The second part's core is qualitative analysis of implemented RJ programs (VOM, Circles, family conferences). This structure is crucial, as we are not concerned with quantitative measures only, but rather in evaluating if the principles of RJ were put into action. The monitoring is aimed at developing restorative practices' own language as well as the discourse for communication with other social institutions. Analytic tools that may be useful for the participants will be presented alongside with the review of restorative programs involving youth.

**Liudmila Karnozova** is a leading Research Fellow in Russian Academy of Sciences, Institute of State and Law; Member of the Public Center for Legal and Judicial Reform in Russia; Member of Russian Association of Restorative Mediation. An author and an editor of books, articles and manuals on Restorative Justice. Member of the European Forum for Restorative Justice.

## Restorative program 'Community circles' as the opportunity to being heard in school

Natalia Putintceva  
(Russia)

According to the evidence of the Russian Association of Restorative Mediation monitoring for reconciliation services, 'Community Circle' is the most frequently used restorative program for addressing conflicts and difficulties in schools. Community Circle is a much-in-demand restorative program for the whole educational community: teachers, parents and students. Circles help to relieve negative emotions, give everyone the opportunity to speak out, be heard, find the optimal solutions and share responsibility.

At the meeting prior to the Circle it is very important to define accurately the purpose of work and to address the expectations of the client. School psychologists should also participate in Community Circles to be able to carry out follow-up group work on developing constructive communication, and provide individual counselling if needed. If the Circle's theme is students' relationships, the Community circle with the parents should be carried out beforehand. Then, the Circle can be arranged with children. Students answer the following questions:

1. Which quality I appreciate in myself and in others?
2. What is my ideal of a class?
3. What am I willing to do in order for my class to become better (get closer to the ideal)?

After the Community circle with students we arrange five follow-up sessions called 'I learn to communicate' to help them preserve the warmth and collaboration they had attained through the Circle. These activities help children master skills of constructive interaction.

In the presentation the connection between restorative mediation and community circles in solving community conflicts will be considered. Besides, the author will show similarities and differences of positions of a mediator and the Circle's Keeper.

**Natalia Putintceva:** a mediator and mediator's trainer, mediator of restorative programs, Member of the Public Centre for Legal and Judicial Reform in Russia, Member of Russian Association of Restorative Mediation, Member of Association of mediator and monitor of Moscow's reconciliation services, Member of the European Forum for Restorative Justice.

## **The socialization effect of restorative reconciliation programs: integration into the socially-oriented part of one's microsystem**

Olga Selivanova  
(Russia)

The modern research on implementing restorative practices in work with minors is mostly focused upon certain aspects of process of conflict settlement, e.g. personal experiences of participants, rehabilitational and re-adaptational effects of the process, thus neglecting the role which restorative program could play in ensuring successful socialization for its participants.

The presentation is aimed to demonstrate restorative programs' capacity for ensuring successful development of various aspects of personal socialization, e.g.:

- personal mastery and ownership of societal behavioural norms and values;
- personal inclusion into the social network built upon aforementioned values and norms; acquisition of social experience;
- ability to express personal values and attitudes to the facts and events of one's environment;
- effective dealing with crucial tasks and challenges of living in society;
- overcoming arising challenges of one's life;
- the role of these elements in increasing reconciliation procedures' potential for personal integration into socially-oriented part of one's microsystem.

**Olga Selivanova:** Doctor of Education, Member of Russian Association of Restorative Mediation.

Training ( 90" )

## Masterclass & Training session on Mediation and RJ in accommodating refugees

Frederique van Zomeren and Lenka Hora Adema  
(The Netherlands)

Experience in the Netherlands shows that the accommodation of refugees often causes disturbance. Residents are affected in their immediate life and worry about safety and nuisance, even if they anticipate a warm welcome for refugees in their neighbourhood. The urgency of the issue and the large numbers of refugees, who need shelter, put the municipalities under pressure and makes it difficult to organize a proper participatory process with the residents.

DoeDemocratie.nu promotes dialogue in the local implementation of the international humanitarian demand to absorb refugees. The objective is to optimize cooperation between government, citizens and organizations in receiving refugees and forming a new community together. Sometimes dialogue escalates in conflict and it may be necessary to engage a neutral third party to the conflict. Think of situations where it was no longer possible to enter into dialogue independently, intimidation and violence is at stake, or polarization between supporters and opponents of the arrival of refugees.

In this masterclass and training a number of cases will be outlined where a specific mediation methodology has been used, that has proved its worth in practice. Participants will be invited to experience and practice what key skills are needed to effectively deal with the threat of conflict around the arrival of refugees. The casuistry is about (1) community dialogue - government, residents and businesses - on the arrival and planned accommodation of refugees; 2) intercultural conflicts around settlement and integration of refugees, and 3) restorative justice after aggression against public administration, other residents or refugees.

DoeDemocratie.nu allows for equality, openness and dialogue. This training session will provide insights in a) tools to facilitate conversations and guide conflicting parties to a constructive dialogue; b) skills to mitigate emotions, non-violent communication and revealing interests will be dealt with and c) in the case of violence or unlawful behaviour, methods to achieve recovery, restore justice and remedy, whether or not in relation to a (current) trial. All with the aim to help improve relations among stakeholders, that results in a safe and peaceful environment for all.

**Frederique van Zomeren** and **Lenka Hora Adema** are the founders of DoeDemocratie.nu (DoDemocracy.nl): 'To contribute to sustainable relationships between governments, citizens, businesses and civil society organizations. To achieve better results for the public good.' Since the start of the international humanitarian demand to provide shelter for refugees, they have supported many Dutch communities in dealing with refugee issues. They are one of the governments' accredited experts in this specific field of conflict management that deals with the arrival of refugees. They both are certified mediator, trainer and coach with extensive experience in (international) conflict management and negotiations. The establishment of stakeholder dialogues and the organization and support of participatory processes are some of their services. Lenka is specialized in change processes in the field of citizen-government, legal and judicial power. She has contributed to the strengthening of the judicial system, human rights and peace building. Frederique's focus is on (international) conflicts between governments, business and interest groups. As court mediator she is involved in victim-offender cases. She is chair of the Dutch Mediators Association (NMv).

Paper ( 30" )

## Findings from Three Victim Impact Courses Among Prisoners in The Netherlands

Sven Zebel, Marieke Vroom and Elze G. Ufkes  
(The Netherlands)

In parallel to current developments in the implementation and application of victim-offender mediation, the number of restorative activities and programs among prisoners in the Netherlands is increasing. An essential part of this development constitutes of three distinct victim-impact courses: two voluntary courses for adult prisoners ('Puinruimen' & 'SOS') and a compulsory course for juvenile suspects in custody and juvenile prisoners ('DAPPER'). These course share a central aim: to increase prisoners' awareness of the consequences for direct and indirect victims of criminal acts. In addition, the intention is to inform prisoners about, and offer them, the opportunity to repair the damage inflicted among victims as well as to themselves. As an impetus to implementing a more restorative prison culture in the Netherlands in the future, de Dienst Justitiële Inrichtingen (the Custodial Institutions Agency in the Netherlands) has issued a plan and process evaluation of these three courses. The current talk presents the most central findings of this evaluation in three steps. First, for each course, we present the main activities, mechanisms and objectives distilled from the courses' documentation and interviews with the course developers in terms of a process-outcome model. Second, we discuss the evidence available in the current literature to substantiate the process-outcome model for each course. Finally, we present the results of interviews with professionals executing each course and surveys among prisoners participating in these courses to elucidate whether objectives are reached in practice, and which factors facilitate or impede the course process.

**Sven Zebel** is assistant professor at the Department Psychology of Conflict, Risk and Safety at the University of Twente. His research interests concern the psychological reactions to misbehaviour, conflicts and criminal offences, as well as the impact of interventions aimed at restoration and reducing re-offense risks (e.g., victim-offender mediation).

**Marieke Vroom** is graduated cum laude from the University of Twente (UT) for her master's degree in Psychology of Conflict, Risk and Safety. Her master thesis focused on age differences in connectedness with the future self and how this partially explains the age-crime curve. Currently she works as a junior researcher at the UT.

**Elze G. Ufkes** is assistant professor at the Department Psychology of Conflict, Risk and Safety at the University of Twente. With a specific interest in state-of-the-art technological developments to study behaviour he investigates how intergroup processes—such as social categorization, stereotyping and intergroup emotions—influence peoples' social behaviour in real-life situations.

Paper ( 30" )

## Introducing restorative justice into the prison settings in Serbia

Sanja Copic, Vesna Nikolic-Ristanovic and Jasmina Nikolic  
(Serbia)

This presentation aims to present the program entitled 'Raising awareness about the impact of the criminal offence on the victim and about restorative justice' developed and piloted in 2015 by the Victimology Society of Serbia-VDS. It presents a first program for prisoners in Serbia, which is based on the principles of restorative justice and the ideas of positive criminology and positive victimology. The program was piloted in the female prison. It consisted of six workshops and it was delivered to a group of twelve female prisoners, primarily convicted for violent offences, but also for human trafficking, serious property crimes and drug-related offences. This program enabled female prisoners to better understand themselves and their own families, to better understand the impact of the crime on victims and the consequences the crime left to both a victim and a perpetrator, as well as to their families. It was designed in a way to enable prisoners to learn communication skills in the spirit of restorative justice, and to learn how to relax, to focus on the present moment, to recognise their own and others' feelings and needs, and develop positive attitude towards others, which may help in preventing them from future criminal offences, but also from becoming victims. Through this program we worked towards empowering female prisoners and strengthening their capacities and skills to deal with consequences of previous and current victimisation as well as with experience of being (ex) prisoner and enable their future reintegration and social inclusion. This presentation will focus on the methodological approach applied, with particular emphasis on introducing communication framework in the spirit of restorative justice in a prison setting and using yoga and its synergetic effects when combined with restorative approaches in working with prisoners, which may open the space for further discussion.

**Sanja Čopić** is a researcher at the Victimology Society of Serbia and research associate at the Institute of Criminological and Sociological Research in Belgrade. Her research has been mainly focused on violence against women, human trafficking, women in prison, the use of restorative justice in criminal matters and victim's position in RJ programs, and introducing restorative approaches in intercultural settings.

**Vesna Nikolić-Ristanović** is the director of the Victimology Society of Serbia, full professor at the Faculty of Special Education and Rehabilitation, University of Belgrade and the former president of the European Society of Criminology. She has a long term experience in activism and research, particularly in the field of action research related to violence against women, war victimisation, women's crime, and truth and reconciliation.

**Jasmina Nikolic** is a manager of the victim support service 'VDS info and victim support' established in the Victimology Society of Serbia. Her research and activism has been mainly focused on victim support, women in prison and introducing restorative justice to prisons and in relation to victim support.

Movie ( 30" )

## Storytelling to reform Dutch prisons – a unique journey

Marielle van den Berg and Mieke Wouters

(The Netherlands)

In order to reach participants in Restorative Justice, we are often depending on the professional network that surrounds the victim or the perpetrator. Most professionals focus mainly on the welfare of their client or on a proper execution of the sentence. Rarely they speak about or offer restorative possibilities. Often because they are not aware of the possibilities or because they are sceptical about the benefits. In the Netherlands only few prisoners subscribe for victim-offender mediation. In order to increase the awareness in Dutch prisons, the Dutch organisation for victim-offender mediation (Slachtoffer in Beeld, SiB) and the Dutch governmental prison organisation (DJI) started a journey among all 25 prisons. Each prison participated in the journey by organizing an event with video, speakers, discussion and poetry. Diverse forms of storytelling were used. Stories about the implications of criminality and the effects of restorative justice for all participants. Unique was the audience: professional detention workers and prisoners together.

This presentation will show how storytelling worked in addressing and inspiring professionals and prisoners, why the combination of both target groups worked and how necessary commitment of the direction was to start the journey. Storytelling shows the impact of crime. Stories of success – victim and perpetrator – convinces the audience in the positive benefits of restorative justice. To change the prison culture it starts with a different point of view of the professionals. Is prison meant for serving a sentence or as a place and period to learn and change? The detention worker must be convinced by the possibilities of restorative justice and their own contribution in changing in the prison culture. It starts with a more human contact with prisoners about needs, feelings and the crime they committed. Detention workers have to gain faith in the positive sides of a prisoner. Therefore it is necessary to show that prisoners have emotions as shame, guilt and feeling sorry. Storytelling can stimulate detention workers to talk about and propose restorative justice in prison. So that more can be done in the healing process of a victim, worthy for perpetrator, victim and society. The presenters invite the audience to share their experiences and to discuss on methods how to change a strong organizational culture into one more receptive for restorative justice.

**Marielle van den Berg**, public relations officer for five years at Slachtoffer in Beeld, the Dutch organisation for victim-offender mediation. Before press officer at Dutch Police and consultant for several consultant agencies. Education: General Arts, Literature and Humanities at Utrecht University.

**Mieke Wouters**, public relations officer since a year at Slachtoffer in Beeld, the Dutch organisation for victim-offender mediation. Before press officer at War Child Netherlands and FORUM, an expertise centre on multi-cultural issues. Education: Cultural Anthropology at Utrecht University.

Dialogue ( 90" )

## Who truly owns the RJ process? Dilemmas generated by RJ and Harmful Sexual Behaviour practice

Vince Mercer and Karin Sten Madsen  
(United Kingdom, Denmark)

The issue of determining case suitability is a somewhat problematic and contentious issue from a RJ perspective since it has the potential to take choice and control from those at the centre of the conflict and place them instead in the hands of those responsible for the delivery of the process, the RJ practitioner, manager or other professional specialist. It represents a fundamental dilemma. How do we empower those affected by the harm to make choices and decisions for themselves yet ensure that we deliver safe, sensitive and appropriate practice?

In essence what is in question is prioritizing suitability rather than eligibility. Many may be eligible but which cases are suitable and why? The question has a specific relevance in relation to sexual violence and when working on the 'Practice guide' (on doing restorative justice in cases of sexual violence) the question sparked off different points of views informed by our positions as practitioners engaged in respectively adolescents with harmful sexual behaviour and victims of sexual harmful behaviour. Now we would like to bring our discussions from the pages of the practice guide into a workshop, where we will address this fundamental and difficult dilemma of eligibility vs suitability in a hopefully interactive and lively way.

**Vince Mercer** (AIM Project, Manchester) has since 2000 been responsible for developing restorative approaches and implemented policies, procedures, assessment models and interventions in respect of children and young people who sexually harm.

**Karin Sten Madsen** introduced restorative approaches at the Centre for Victims of Sexual Assault in Copenhagen in 2002 and has since been engaged in various projects on developing safe and appropriate restorative practices for victims of sexual violence.

Principal authors of: 'Doing restorative justice in cases of sexual violence: A practice guide', a publication of the Leuven Institute of Criminology.

Movie ( 90" )

## **When we meet I will greet; watching and discussing the documentary**

**Joost Oude Groen**

(The Netherlands)

Restorative Justice Netherlands participated in making a documentary (Als ik je zie dan groet ik je/ When I meet you I will greet, from Viewpoint Productions BV) about Julia Roeselers, a victim of an armed robbery in the Netherlands. This documentary was shown on Dutch TV and is translated/subtitled in English and now being used as training material for restorative practitioners and students. The documentary contains a mix of various vlogs of the victim and some interviews the victim conducted herself with professionals and people around the offender. It describes the search of the victim for a restorative solution.

Questions to stimulate the discussion will be: Which opportunities are unseen or misjudged in this case? Which basic victim needs are to be discovered in Julia's story? What could Julia possibly have done more or less to stimulate the restorative process more effectively? Which parallels do you see in your own restorative practice when you reflect on this story?

**Joost Oude Groen** is the director of Restorative Justice Nederland. He is an organizational psychologist, business coach, consultant and also certified victim offender mediator.

Movie ( 90" )

## **Walls & Bridges: An Eastern European restorative trip to the diversity of the Hungarian mind-sets**

**Borbala Fellegi and Dóra Szego**  
(Hungary)

On 15 Sept 2015 Hungary, as the Eastern gate of the EU has closed its southern border with Serbia with a fence. Since then anyone who is found to have entered the country illegally needs to face criminal prosecution. The Hungarian government has invested more than 100 million euros on this razor-wire fencing and border controls to keep refugees and migrants out, triple the amount it spends yearly on receiving asylum seekers (AI, 2015). One can ask: how can the government of an EU state be so anti-humanitarian, violating basic human rights of refugees as well as breaching international conventions?

We believe that by giving an insight into the different facets of social tensions in the Hungarian society, regarding our approaches to the roots of our fears and the refusal of the 'others', we might get a deeper understanding of the background causes that motivate fence building. We do that by giving an insight into our fieldwork in the ALTERNATIVE action research project, where we worked in a small village with people's attitudes towards conflict resolution and their reasons for avoiding dialogue with those thinking/acting differently. Our work included a participatory documentary filming – which we will screen pieces of – that functioned an additional means to offer a platform for dialogue and bring the restorative approach closer to the Hungarians. Can we do that? We think that we can. But dialogue is a long way ahead... it starts from telling and listening to stories.

**Borbala Fellegi**, PhD did her studies in social policy (ELTE, Budapest) and criminology (Cambridge) and works as researcher, mediator, conference/peacemaking circle and FGC facilitator, trainer and university lecturer. From 2008 on, she works as founder and executive director of the Foresee Research Group and since 2015 she is a Faculty member of the IIRP (US). She is the author of the book 'Towards restoration and peace', one of the first comprehensive studies on the implementation of restorative justice in Hungary.

**Dóra Szegő** is a Sociology Ph.D. student at Corvinus University Budapest. Her Ph.D. research is examining restorative justice approaches and practices in the Hungarian prison system. Her research interest focuses on the application of restorative approach in different settings, including local communities, the justice system and prisons. She works as a researcher at Foresee Research Group and assists the Central-Eastern European affairs of the International Institute of Restorative Practices as a volunteer. She is the co-author of the 'Handbook for facilitating Peacemaking Circles'.

Dialogue ( 90" )

## **Restorative Approaches to Young People with Special Educational Needs and Disability – Difference not Deficit**

Nicola Preston

(United Kingdom)

Many young people have special learning needs, and many experience challenges learning school material due to anxieties created by environmental disadvantage. But does this mean they have disabilities? Can we help students without undermining their self-confidence and stigmatizing them with a label? Can we change our language from disability and deficit to difference and strengths? An explicit restorative framework has the power to provide the language and fair process to support these young people in dealing with the challenges they experience accessing learning. Restorative approaches provide them with the skills to manage their relationships successfully and achieve their full potential.

The presenter has 20 years of experience as a practitioner trainer and researcher in the field of restorative practices and has developed her knowledge in this specific field through her work with young offenders and most recently as a Special Educational Needs Co-ordinator and teacher in schools in areas of high deprivation. This dialogue session will allow participants to share and discuss developments in restorative practices, neuroscience and education to gain a greater understanding as to how the developing social science of restorative practices can help to meet the needs of some of our most vulnerable citizens.

**Nicola Preston** has been involved in Restorative Practices in the UK since 1996 as a police officer, teacher and for the last six years, a special educational needs co-ordinator. She is a trainer, facilitator and researcher in the field and teaches online courses for the International Institute for Restorative Practices Graduate School.

Dialogue ( 90" )

## Restorative Actions Across Borders

Vidia Negrea

(Hungary)

During the last year many professionals felt challenged to find their role and place in tackling the refugee crisis in Europe and they still explore how to effectively respond. Restorative practitioners from different parts of the world, who were overwhelmed by the existing situation, have started to set up circle group conversations with their colleagues, students, clients or community members. Some of these circles were guided by restorative questions and their aim was to create a safe space to share feelings, concerns, needs, and to plan for short or long term actions. On the other hand we were hoping to develop a community of professionals who can join forces and act together to establish a foundation for restorative responses while providing the practical support needed to diminish the risks of vicarious trauma. The first actions showed that is important to develop 'good enough' interventions to express, understand and integrate emotions, experiences and needs of each participants' personal life into an opportunity of personal growth and common learning.

The participants of the dialogue will be invited to be part of a circle discussion in which we will reflect upon the experiences gained throughout restorative circle or groups held during professional events or within some camps for refugee. We will discuss the difficulties and challenges faced during interventions, which may help to set up a basic frame necessary to ensure support both for migrants and for professionals or volunteers directly involved.

**Vidia Negrea** is the representative of IIRP Europe and director of CSF Hungary. As a psychologist and restorative practitioner she has been working for two decades on implementing restorative practices in Hungary. Currently she is a consultant and trainer in projects aiming social inclusion of Roma groups and in prisons where restorative strategies are used to support re-entry processes.

Panel ( 90" )

## **Restorative justice with serious crime: politically motivated prisoners (ETA and Northern Irish paramilitaries) and Mafia prisoners**

Roberto Moreno and Alberto Olalde (Spain)

Tim Chapman (Northern Ireland)

Patrizia Patrizi, Ernesto Lodi and Gian Luigi Lepri (Italy)

In the case of Northern Ireland, we will discuss how politically motivated prisoners were engaged in considering the harm that they had caused and in participating in the Ulster University Certificate in Restorative Practices.

In the case of Basque Country, we will reflect about the new scenarios that opened after ETA's ceasefire (2011). We will discuss the restorative encounters between former members of ETA and direct or indirect victims and their implications for their de-radicalisation.

In the case of Mafia we will share the transforming thoughts of a group of prisoners after participating to a project focus on building a restorative city in Tempio Pausania (Sardinia). We will discuss the results of restorative conference held in the city with the participation of prisoners, law enforcement professionals, citizens, students, teachers, social workers, stakeholders, volunteers, etc.

The common theme is RJ addressing serious harm through political action and organised crime: RJ it is a good way for rehabilitation of politically motivated offenders and former organised crime bands' offenders complementary to their own long way of assuming the responsibility of their crimes and life ways (RJ helps doing their own way out of the band). On the other hand, these crimes' victims need long time to start their processes of recovering and RJ it is really useful to repair the harm for these victims who usually have suffered social incomprehension and the justification of the crimes (both politically or blurring the responsibility among the band members). So, RJ it is a good way to recover both victims and offenders in the community in these kind of serious long term crimes. For the debate, and starting from the victims' perception, it is really interesting to talk about how to involve whole society/community who has suffered the long term crime activity to create a common memory about what has happened not to be repeated in the future for the next generations (regarding transitional justice).

**Tim Chapman** is a lecturer at the University of Ulster in Northern Ireland, UK. He is course director of the Masters programme in Restorative Justice. He has contributed to the development of restorative conferencing in both the voluntary and statutory sectors in Northern Ireland. He spent 25 years working in the Probation Service in Northern Ireland. He played an active part in developing effective practice in the UK particularly through the publication of Evidence Based Practice, written jointly with Michael Hough and published by the Home Office. His 'Time to Grow' model for the supervision of young people has influenced youth justice practices especially in Scotland. He has published widely on restorative justice and effective practice and is engaged in significant research into restorative justice in Northern Ireland including the ALTERNATIVE project. He is a member of the Board of the European Forum for Restorative Justice

**Patrizia Patrizi** is psychologist and psychotherapist, is full professor of Psychology and Law and Restorative Justice at the University of Sassari. She was an expert counsellor for the Italian juvenile Justice system and an expert trainer for professionals working in the Italian penitentiary system. In 2014 she starts in Italy, Nuchis - Tempio Pausanias, the first research action program on designing a local community intervention based on restorative practices. The program has been developed with the support of Gian Luigi Lepri and it is named: Study and analysis of the restorative practices for the creation of a model of a restorative city. In this action research contest the team developed a model of community named Co.Re - community of restorative relationship. In 2015 she opened the Restorative Service (help centre for victims) in the PolComIng department of the University of Sassari.

**Gian Luigi Lepri**, psychologist and psychotherapist, is research fellow in Restorative Justice at University of Sassari, and Honorary Judge at Juvenile Court of Rome. In 2014 he supported the first research action program on designing a local community intervention based on restorative practices in Italy and in 2015 he actively collaborated at the start-up of the Restorative Service (help centre for victims) in the PolComIng department of the University of Sassari. He is a restorative conference facilitator. He facilitated the restorative city conference in the action research: Study and analysis of the restorative practices for the creation of a model of a restorative city. Within the program he coordinates the research activities related to the development of the Co.Re Model - Community of Restorative Relationship.

**Ernesto Lodi**, psychologist, psychotherapist, PhD in 'Sciences of Vocational and Educational Guidance' (Developmental Psychology). He is research fellow at Sassari University in field of Psychology and Law, he is organizational coordinator of Restorative Service (help centre for victims) directed by Prof. Patrizi. He is part of international research group working on courage promoted by Larios (University of Padua) to analyse the relations between positive psychology variables and well-being. He participates in the action research of restorative city conference: Study and analysis of the restorative practices for the creation of a model of a restorative city.

**Roberto Moreno** is the Head of the Adults Justice Service of the Ministry of Justice and Public Administration of the Basque Government. He coordinates the Victim-Offender Mediation Services at criminal courts and family matters of the Basque Country, also the Victim Support Services and the Probation Services. He represents technically the Justice Ministry of the Basque Government for coordination among institutions in domestic violence matters and is responsible for granting rehabilitation projects for prisoners. In the past he has 10 years' experience defending prisoners' rights in prison, legal advising, visiting at prison and struggling at courts for their rights in different civil movements and NGOs. He is a member of the Board of the European Forum for Restorative Justice.

**Alberto Olalde** is a Lecturer of Social Work at the University of Basque Country. European Master in Mediation, I.U. Kurt Bösch (Switzerland), Master in Conflict Resolution at the University of Barcelona and Master in Mediation at the University of Murcia. He has worked as a family mediator and restorative justice facilitator for the Basque Government (2003-2011). He has a PhD in Social Intervention and Mediation at the University of Murcia (2015). He was one of the facilitators who took part in the restorative encounters between former members of ETA and some victims (2011-2012). He is trainer and supervisor of restorative justice practitioners and researcher in that field.

Paper ( 30" )

## **Restoring rights to the national expectation – why some jurisdictions fall behind**

**Rob Hulls**  
(Australia)

Recognition of the dignity of the individual lies at the heart of restorative justice approaches, as well as at the heart of human rights. Restorative justice elevates the voice of victims, to repair harm and promote accountability on the part of the offender. Similarly, human rights mechanisms seek to recognise and elevate the experience of individuals, to prevent or repair harm where it has occurred and to encourage wrongdoers – whether individual, corporation or sovereign state – to accept certain responsibilities.

As the only Chief Law Officer of an Australian state to have introduced a Charter of Human Rights, and now as Director of the Centre for Innovative Justice, which promotes and develops restorative justice models, Rob Hulls will ask whether it is a coincidence that one of the few developed countries around the world to have failed to introduce a national human rights mechanism, is also lagging behind in its adoption of restorative approaches in the justice context.

Accordingly, Rob will explore the disconnect between Australia's proud history as an international human rights proponent and its failure to develop an instrument which protects the rights of its own citizens. Rob will then explore the tentative steps taken towards the use of restorative principles in Australian legal systems and assess not only the links between the slow progress on both these issues but how, at a political and policy level, this reticence might be overcome.

**Rob Hulls** was Attorney-General for Victoria from 1999-2010, and during this period held several other Ministerial positions. Before entering State Parliament, Rob was an Aboriginal legal aid lawyer in Queensland and a member of Federal Parliament. In 2012 Rob was appointed Director of the Centre for Innovative Justice at RMIT University.

Paper ( 30" )

## **Restorative processes as part of a penal sanction - an arena for open dialogues? Focus on recent developments**

**Karen Kristin Paus**  
(Norway)

The recent developments of restorative justice in Norway is the basis for this paper's attempt to discuss dilemmas when the restorative process is implemented as an integrated part of a penal sanction. How does the penal sanction that forms the framework for the restorative process influence the roles of the parties involved – the offender, the victim, others affected, the lay mediators interpretation of their task, and the process itself? The rights and the roles of the parties involved in each case, are they reduced to means and objectives for higher purposes? How does the objectives for crime prevention connect or disconnect in seeing RJ as a human right?

The act on restorative processes implemented 1st of July 2014 includes a new sanction and a new sentence to replace prison and other severe penal reactions for juvenile offenders (15-18 years). Further, a new paragraph has been included in the act of execution of sentences saying that all offenders during the serving of their sentences shall have an offer of restorative processes. How should this be interpreted and practiced in regard to victims? Are these developments a sign of restorative ideas gaining influence in the criminal justice system and in our society? Or is the conclusion in Nils Christie's critique in 2014 more fitting: 'A Mediation Service with power is powerless' (my translation). And, can awareness of core values of restorative justice guide us through these challenges – so that RJ remains and develops as an open arena for dialogue in our society?

**Karen Kristin Paus** is criminologist and senior advisor at The National Mediation Service (NMS) – Central Administration in Norway. 20 years experiences from NMS, first as a volunteer mediator, then as staff member at a local mediation service office, and engaged in NMS bilateral projects in Albania.

Paper ( 30" )

## Human rights, access to justice and restorative justice: The South African journey

Michael Masutha  
(South Africa)

In South Africa, the term access to justice is used fairly widely and loosely; intertwined with the notion of seeking justice for the injustices and inequalities of the past and present. Hence it has come to mean the right to exercise a wide range of human rights that are enshrined in the Constitution; including access to economic, social, political, and legal rights. In addition, the Services Charter for Victims of Crime outlines a number of rights falling within the ambit of access to justice namely; being treated fairly, with dignity, and with respect for privacy; the right to protection; the right to offer and receive information; the right to compensation and restitution; and the right to assistance with respect to social, medical, legal and counselling services. However, providing access to justice to all of South Africa's citizens remains one of the country's major challenges because of court backlogs, high case loads, delays in processing large numbers of remand (awaiting trial offenders), and overcrowded correctional facilities; all of which severely impacts on access to justice for both victims and offenders.

South Africa has made great progress in applying the principles of reconciliation to everyday criminal justice, which could become fertile ground for the wide-spread application of restorative justice. Restorative approaches to justice are largely informed by indigenous and customary responses to crime, and include processes within and outside of the criminal justice system. Hence, the Restorative Justice National Policy Framework follows a broad approach; seeking to connect criminal justice, civil law, family law and African traditional justice. Extraordinarily high rates of violent crimes suggest that restorative justice cannot replace current penal law and procedure. Furthermore, many challenges face the criminal justice system because of its relative inexperience in actually adopting restorative approaches and providing restorative justice services (such as victim support,) at every stage of the criminal justice process. Its development, application and implementation have been haphazard, inconsistent, lacking consensus and characterized by inter-alia, uncertain engagement of criminal justice role-players and hesitant support of victims and community members. This paper will illustrate that despite these challenges restorative justice has moved from a marginal concept to one that is being seriously considered by government and key role players in criminal justice with a number of policy and practice initiatives; and posits that the South African restorative justice journey is complex, evolving, and inextricably linked to her socio-political history and transformation to democracy.

Advocate **Michael Masutha**, MP: Born in 1965 with a visual impairment and went to a School for the Blind where he matriculated in 1994. He acquired a B Juris in 1998 and a LLB Degree in 1989. He has been a member of the South African Parliament since 1999 and Minister of Justice and Correctional Services since May 2014.

Paper ( 30" )

## Bringing Justice Back into the Community: The Case of Vermont, US

Anamaria Szabo

(United Kingdom)

There is a fine line between aiming to make individuals responsible for their actions and actually doing so. Society developed many mechanisms that although aim at making individuals responsible, in reality they end up making decisions for the individuals or instead of the individuals. Two examples of such mechanisms are the criminal sanctions used by justice systems, and the substantiations of child neglect and abuse used by child protection systems. These mechanisms are bound to backfire if the individuals that have done the harm aren't straightforwardly challenged regarding the consequences of their actions by people that are relevant and close to them, such as family or community members. This is due to the fact that what is asked from them comes from insignificant outsiders (like a court or a human service agency), and not from meaningful insiders (like the person that has been harmed, the family or the close community), and thus the harm doer's acknowledgment of responsibility is neutralized. In so many fields and for so many years it has been empirically proven that participatory approaches are more effective in increasing the acknowledgment of responsibility. This is also the case of the State of Vermont, which went through important reforms in the criminal justice and child protection systems in the past 25 years in order to bring justice back into the community. This has been done in the criminal justice arena by applying the reciprocity principle and using more community-based and restorative approaches. In child protection the trigger for reform was the deliberate introduction of family engagement approaches, including family group conferences. The State of Vermont is a clear case in which participation of all stakeholders into the justice process is seen as a human right incorporated into the legislature and implemented into practice. The paper analyses these shifts by using qualitative data collected in the period of April-July 2015 from interviews with professionals working in the criminal justice system and in child protection services across the State of Vermont, as well as from non-participatory observations of community-based and restorative justice practices. The research project was financed via the Fulbright Senior Scholar Award scheme and was conducted under affiliation with the University of Vermont.

Dr. **Anamaria Szabo** has a Bachelor degree in Social Work, an MA in Community Justice and a PhD in Sociology. She currently holds a VC2020 Lectureship in Social Work with De Montfort University in Leicester, UK. She is also a trained professional mediator and member of the EFRJ since 2006.

Paper ( 30" )

## **The Emergence of Therapeutic Intervention and Victim Focus in Aotearoa, New Zealand**

**Philip Recordon**

(New Zealand)

This paper focuses on restorative justice in New Zealand. It traces the origins back to 1989 legislation which introduced the Family Group Conference for youth offending. Then throughout the 1990s there was steady development through community groups and Government organisations. Difficulties were encountered when responsibility for restorative justice shifted back to the community after nearly a decade of Government lead programmes. This paper will assess how recent victim centred law changes are compelling courts to refer to restorative justice. Additionally, it will examine practice guidelines followed within the community, prisons and on the marae. This paper will show the strength the movement has gained in education, armed forces and the industries. As an indication of mainstreaming, it will consider how the philosophy has gained traction in other areas of justice. Lastly, it will look at therapeutic jurisprudential developments over the past decade. Throughout the paper there is reference to the Maori and Pacific Island influence on restorative justice.

Points for discussion:

- Mandatory RJ referral: reactions from the bench and practitioners;
- Funding and time limitations vs meaningful resolution;
- Corporate participation;
- Lack of victim involvement in the Family Group Conference - how can we change this attitude?

**Philip Recordon** is a judge in the South Auckland region. He has considerable experience in the family court jurisdiction, mental health and criminal law. Philip is also active in a variety of community-based organisations providing assistance to disadvantaged or minority groups. He gained notoriety when in 1985 he and Patrick Finnegan obtained an injunction against the NZRFU to prevent the All Blacks from touring apartheid South Africa.

Paper ( 30" )

## Family group conferences – restoration found in a dialogue

Katarína Rusinková, Petra Masopust Šachová and Jan Holas  
(Czech Republic)

Family group conferencing is an innovative method used in restorative justice focused mainly on young offenders and victims of their crimes. This procedure strongly reflects the fact that not only victims, but also young offenders can be considered a vulnerable group and both of these groups deserve special attention. As its name suggests, family plays a key role in family group conferencing – its impact together with the activity of a trained professional helps the victim and the offender to find a way how to deal with an interpersonal conflict caused by the crime.

The presentation will start with a brief theoretical introduction into the topic mentioning some basic ideas and principles of family group conferencing. The next part will be devoted to the practice in various countries. Then it will continue with a description of the conditions in the Czech Republic, where, following successful experience from abroad, a pilot project of family group conferencing was carried out between 2012 and 2015. Attention will be paid to valuable experiences and interesting data from this project. Subsequently the presentation will deal with the topic of application of family group conferencing within the framework of the Czech criminal law system. A space will be given to reflections on the character of interconnection between family group conferences and criminal proceedings, on possibilities of their further application and on potential procedural or substantive complications which could accompany closer connecting of family group conferences into the Czech criminal law system in practice.

The main goal will be to reflect on possibilities and limits of family group conferences and to find an answer to the question whether, in the Czech circumstances, family group conferences could function as a suitable and effective instrument to solve a situation caused by crime and what are the ways to broaden their application. In the following discussion the debated topics will include application experience, law framework in various countries, consideration of vulnerability of young offenders and victims and also protection of human values in the conferencing process. The conference topic of children's rights and its protection will be discussed from the perspective of young offenders and their role, needs and responsibility in restorative processes.

All the presenters are students of Masaryk University, Faculty of Law in Brno, Czech Republic, having great interest in restorative justice. **Katarína Rusinková** and **Petra Masopust Šachová** are members of the doctoral study programme 'Theoretical law sciences', **Jan Holas** currently finishes his master's degree studies. Theses and publications of the presenters are focused on restorative justice topics such as mediation, victim satisfaction, youth justice issues and others. All the presenters have also attended an internship in Probation and Mediation Service, which is the main state institution implementing restorative practices in the Czech Republic.

Movie ( 90" )

## People on the move and their resettlement/integration

Borbala Fellegi and Christa Pelikan

(Hungary, Austria)

### The ALTERNATIVE experience: Ways of living together – a dialogue for dealing with conflict

1. Vienna: Film extract: on the Women's Café: the enjoyment of togetherness. Discussion: In-between the quest for togetherness and the fear of the other.

"... Both the quest for togetherness and the feelings of fear and the need for shielding oneself off the other are there – at different times and under changing circumstances they can be evoked alternating. If we have succeed in contributing to the awareness of the women about these antagonistic feelings and in enhancing their competence to deal with them, we have indeed achieved a lot."

2. Kisvaros: Film extract: a dialogue for dealing with conflict. Discussion: the long way towards preparing for restorative dialogue.

"We .... learned that positive personal experiences in any kind of (formal and informal) restorative-approach based dialogue processes do have the potential to overwrite obstacles of the silence culture and offer an alternative to it in order to create the foundations of change. "

### The refugees: Fears, resentment and enthusiasm

In the Women's Café we also met with a conflict between Muslim women who practices a more liberal version of the Islam and a group who represented an orthodox stance. It proved hard, even impossible to find a way of tackling this conflict through a restorative circle – thus clearly pointing to the limits of RJ.

Against the backdrop of this experience we will stage a controversy between proponents of a comprehensive integration of refugees and proponents of a limitation (or complete ban) of the acceptance and integration of refugees in European countries. The overriding question is: Can we use what we have experienced/learned in ALTERNATIVE about dealing with 'the Other'? ('the Other' being on the one hand the refugees, on the other hand, the political opponents, those working towards building the 'Fortress Europe') Where are the limits of dialogue?

**Borbala Fellegi**, PhD did her studies in social policy (ELTE, Budapest) and criminology (Cambridge) and works as researcher, mediator, conference/peacemaking circle and FGC facilitator, trainer and university lecturer. From 2008 on, she works as founder and executive director of the Foresee Research Group and since 2015 she is a Faculty member of the IIRP (US). She is the author of the book 'Towards restoration and peace', one of the first comprehensive studies on the implementation of restorative justice in Hungary.

**Christa Pelikan** (Institute for the Sociology of Law and Criminology, Vienna) has been working in the field of criminal law, especially juvenile justice and in the field of family law. Starting in 1985, she has been doing accompanying research on the Austrian pilot projects introducing 'Victim-offender-mediation'. She has been chairing the 'Committee of experts on mediation in penal matters' within the European Committee on Crime Problems' (CDPC) and has been a member of the Criminological Scientific Council to the CDPC of the Council of Europe. She is a founding member of the European Forum for Restorative Justice and has been participating in various GROTIUS, AGIS, and COST projects at EU-level.

Panel ( 90" )

## **Restorative Justice and Mentally Disordered Offenders: Theory and Practice**

Michiel van der Wolf, John Blad, Finlay Wood, Mariëtte van Denderen, Nienke Smeets, René Bax

(The Netherlands)

Restorative justice theory fundamentally involves the decisive participation of both offender and victim and seems to assume the normality of both key participants. As most restorative justice projects begin with selecting suitable cases, explicit or implicit criteria to exclude mentally disordered offenders are common. The first paper in this workshop claims that the theoretical foundations of restorative justice, if they are to be applied consequently, demand that also offenders with mental problems should be given the opportunity to work towards redress and restoration, albeit perhaps along different lines.

Turning to practice, experiences from the implementation of restorative justice projects in forensic mental health settings in two countries will be shared and compared. The prevailing wisdom is that mentally disordered offenders desist, only through a skills-based series of steps in a coherent rehabilitation programme. Early attempts to introduce restorative justice interventions in a forensic mental health setting in the UK found that capacity-building was often necessary to progress to full restorative interventions. The second paper in this workshop will describe the results of a first delivery of the Sycamore Tree Programme (STP), a well-established six-session intervention that develops understanding and skills for a range of restorative practices, in a secure forensic mental health hospital in a partnership between Prison Fellowship and mental health staff. The third paper will describe the development of a guideline for contact between victims and mentally disordered offenders in two forensic mental health institutions in the Netherlands. Both results and ethical dilemmas will be discussed.

**Michiel van der Wolf:** Both legal scholar and clinical psychologist. Assistant professor of Criminal Law and Forensic Psychiatry at Erasmus School of Law. He worked for two years in a high security forensic mental hospital and is also a substitute judge at the criminal court of Amsterdam.

**John Blad:** Founder of the Dutch-Flamish Tijdschrift voor Herstelrecht (Journal for Restorative Justice) in 2001 and chief-editor of this journal (until 2015). Associate professor of Criminal Law at Erasmus School of Law. He received the Herman Bianchi Restorative Justice Award in 2015.

**Mariëtte van Denderen:** Criminologist and researcher. Developed the guideline 'Contact between victim and mentally disordered offender' (2016) in the forensic mental institution FPC Dr. S. van Mesdag. Lecturer on Restorative Justice in the Master Forensic Psychology and Victimology at the University of Groningen. PhD on psychopathology following homicidal loss.

**Finaly Wood:** Prison Chaplain, Sycamore Tree tutor and Restorative Justice Facilitator. He has worked within criminal justice for the last four years delivering programmes that address offending mind-sets, challenge attitudes and are supportive of behavioural change. He is deeply passionate about issues of restorative justice and forgiveness. Other authors (not presenting) of this paper are: Gerard Drennan: Head of Psychology & Psychotherapy, Forensic & Offender Health Pathway South London and Maudsley NHS Foundation Trust. He worked as a clinical psychologist in forensic mental health services in the UK for 17 years and trained in Sussex as a Restorative Justice Conference Facilitator in 2012. Fiona Wood: Institute of Psychiatry, Psychology & Neuroscience, Kings College London. Joel Harvey: Senior Lecturer, Institute of Psychiatry, Psychology & Neuroscience, Kings College London

**Nienke Sweers:** Mental health scientist, working since 2005 in forensic mental hospital 'Van der Hoeven Kliniek' in Utrecht, currently as an assistant head treatment. Prior positions include social worker and team manager in intramural and re-socialization units. She is co-author of the guideline 'Contact between victim and mentally disordered offender' (2016).

**René Bax:** psychologist. Works as a treatment coordinator at forensic mental institution 'FPC Dr. S. van Mesdag' in Groningen, the Netherlands. Currently he is in training to become a clinical psychologist. He is also co-author of the guideline 'Contact between victim and mentally disordered offender' (2016).

# Reception at the City Hall

**WEDNESDAY**  
**22.06**

## City Hall

Stadhuisplein 1, 2311 EJ  
Leiden

**17:15 - 18:30h**

This is the first social event opening the 9<sup>th</sup> international conference of the EFRJ. The mayor of the city of Leiden, Mr. Lenferink, invites all participants for a reception in the city hall.

During the reception, the **RJ Award** ceremony will take place. The EFRJ launched the 'European Restorative Justice Award' in celebration of its 10th anniversary. This award recognises and celebrates outstanding contributions to the development of restorative justice within Europe. These contributions can be in theoretical, practical, empirical or political fields. Awards can be given to individuals, groups or organisations. Previous award winners are Ivo Aertsen (2010), Martin Wright (2012) and Christa Pelikan (2014). The 2016 laureate will be proclaimed during the reception.

The reception will also be the moment when the EFRJ's partners of the Criminal Justice Platform Europe (CJPE) will give a welcome address and a short presentation of the partner organisations: the Confederation of European Probation (CEP) and the European Organisation of Prison and Correctional Services (EuroPris). The CJPE, founded in 2012, represents and links three organisations with different roles in the criminal justice chain: restorative justice, probation and prison services. The joint goal of the CJPE is to strengthen the representation of the partner organisations towards the European institutions. Through strategic cooperation and joint policy initiatives, the methods of working with victims, communities and offenders throughout Europe shall be improved.

**V** Venue of the conference  
Kamerlingh Onnes Building  
Steenstraat 25, 2311 GP

**C** City Hall



# Conference Dinner

**THURSDAY**  
23.06



Restaurant

19:30 h **Het  
Prentenkabinet**

Kloksteeg 25  
2311 SK  
Leiden



**5 Minutes** walking distance from the venue



Venue of the conference  
Kamerlingh Onnes Building  
Steenhuur 25, 2311 GP



Restaurant "Het Prentenkabinet"



# Social event

**THURSDAY**  
23.06



**22:00 h De Kroeg**

Kort Rapenburg 4  
2311 GC Leiden

Thursday is the students' night in Leiden! After the conference dinner, participants can continue their talks and dance at Café de Kroeg. Please note that drinks are at the expenses of participants. If you are not planning to join us for dinner, we can meet you directly there at 22h.



**10 Minutes** walking distance from the venue



**V** Venue of the conference  
Kamerlingh Onnes Building  
Steenschuur 25, 2311 GP



**C** Cafe' "De Kroeg"



# Field Trip I

## The Children's Rights House and DCI

Friday 24.06

A group of 50 participants will visit the so-called Children's Rights House (Kinderrechtenhuis) in Leiden, which is located in the centre of town. It is an old orphanage that is these days the house of several children's rights organizations, such as Defence for Children International.

The tour contains information about the history of the building and its current use by a guide and a film and tour through the building which contains some very ancient rooms. The participants will be welcomed by colleagues of DCI and their work in relation to juvenile justice and RJ will also get some attention. Below, you find the detailed programme:

**14:10** meeting point at the registration desk (15 minutes' walk to DCI)

**14:30** reception in the Garden Room

**14:45** welcome by Aloys van Rest, director DCI, explaining the concept of the Kinderrechtenhuis

**15:00** presentation by Maartje Berger on juvenile justice and local field work

**16:00** guided tour 1 at the Regentesse Room

**16:30** guided tour 2 at the Regentesse Room

**17:00** end programme

# Field Trip II

## The Walls Poems

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Friday 24.06

A group of 60 participants will have a guided tour around the city of Leiden with a focus on 'Poems and Walls', a project running between 1992 and 2005 in which 101 poems were painted in some buildings in the city of Leiden. These poems are a beautiful addition to the urban landscape and aim at stimulating the reader/ viewer with visual images, text and characters coming from different cultures. The distinctive international atmosphere of this project is given by the fact that Leiden is a university city that over the years attracted a remarkable number of scholars, scientists and writers from all over the world. The project was initiated by two local artists from Leiden who received funding for displaying poems in the external walls of some buildings. Offered in a number of different languages, poems are often accompanied by plaques with Dutch and English translations.

Below, you find the detailed programme:

**14:20** meeting point at the registration desk

**14:30** start of the guided tour

**16:00** end of the programme

# Visit to The Hague

**FRIDAY**  
**24.06**

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Participants who are planning to visit The Hague can gather together at the conference venue to travel together. The EFRJ team is happy to facilitate this trip, but please note that this visit will be at the participants' costs and there will be no guided tour provided. In order to go to The Hague, participants must gather at 14.00 in the main hall where registrations took place and join one of the two groups (i.e. the 'Peace Palace group' and the 'Prison Gate group'):

- **14:05**: walk to Leiden train station (15 min) to buy train tickets (3,50 Euros/one way, participants' costs)
- **14:35** (or 14:45): departure of the train Leiden- The Hague
- **14:47** (or 14:57): arrival in The Hague, where the two groups divide
- To plan your return by train, please visit [www.ns.nl](http://www.ns.nl). Trains between The Hague-Leiden leave every 10 minutes.

## Information for the 'Prison Gate group'

Once you arrive in The Hague, you can arrive at the Prison Gate with a 15 minutes' walk. There is a guided tour 15.45 at the Prison Gate museum: the tour are in Dutch, but you can be provided with an English audio system. You can visit the non-guided part of the museum before or after the tour. The entrance fee for adults is 7.50 Euros (museum only) or 10 Euros (in combination with Gallery Prince Willem V). Groups (15 people or more) pay a reduced entrance fee (7 Euros/ 8.50 Euros). The Prison Gate closes at 17.00. For more information about the Prison Gate, please visit [www.gevangendoor.nl](http://www.gevangendoor.nl).

## Information for the 'Peace Palace group'

Once you arrive in The Hague, you can arrive at the Peace Palace (Vredespaleis in Dutch) with a 30 minutes' walk or by bus 24 (every 15 minutes from Central Station to the Vredespaleis, direction Kijkduin). The Peace Palace Visitors Centre provides you with an audio tour in nine languages; this service, including the entrance, is free of charge. The Peace Palace is open until 17.00. For more information about the Peace Palace, please visit [www.vredespaleis.nl](http://www.vredespaleis.nl).



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