RESTORATIVE JUSTICE AT POST-SENTENCING LEVEL IN EUROPE

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Content

FOREWORD

ANKE SPOORENDONK – MINISTRY OF JUSTICE, CULTURE AND EUROPEAN AFFAIRS; FEDERAL STATE OF SCHLESWIG-HOLSTEIN, GERMANY

The Schleswig-Holstein Association for Social Responsibility in Criminal Justice, Victim- and Offender Treatment was lead partner of the EU funded project "Restorative Justice at Post Sentencing level; Supporting and Protecting Victims" in the years 2013 and 2014. 21 government- and nongovernment organizations from Belgium, Bosnia-Herzegovina, Croatia, Germany, The Netherlands, Portugal, Spain and the UK took part in this project. In this way a relevant contribution to the implementation of the Victims' Directive of the European Union (2012/29/EU) was achieved in all these countries. As members of the European Union we are all committed to strengthen the interests of victims in criminal procedures, therefore this is a very positive development.

In Schleswig-Holstein victim-offender-mediation (VOM) has been practised successfully since 1993, mainly in the pre-sentencing stage of criminal procedures. Since 2012 the government has started to intensify the qualification of new mediators and at the same time the financial funding of VOM services as well as the number of staff in this field was increased. These measures have led to a significant increase of cases, especially in VOM in juvenile cases. The VOM approach, in comparison with court procedures, gives more room for the examination of the physical and psychological damages that victims are confronted with as well as for the development of coping strategies. The role of crime victims in court procedures is manly restricted to being a witness. This is completely different in VOM conferences. Here the offender learns about the consequences of his offence and empathy for the victim and the inflicted harm is created. At the same time this leads to a more sustainable prevention of reoffending compared with traditional ambulant sanctions in the frame of criminal court procedures. But above all crime victims can express and reduce their fears. We know that victims are very often left alone with their negative experiences and that they may even need psychological or medical treatment to address their traumas. Whole families are affected by this. International experience, as well as that of our mediators, shows that direct communication between victims and offenders, that is facilitated by professionals, can lead to a significant reduction of these negative consequences.

I am convinced that mediative elements can be sensible additional components that foster the aim of reintegration also in our prison services. In addition to the services that address occupational resettlement, debt counselling, therapy and social counselling as well as the family oriented activities, prisoners shall have the chance to work off the ultimate causes of their offence and to compensate the harm that was done. Restorative Justice focuses on the victim's perspective as the core of a criminal offence. Apart from material compensation Restorative Justice aims at the reconciliation of victims and offenders. At the same time

social contexts as for example families, peer-groups and the society in general are integrated in the process.

In this sense mediation in prison includes victim empathy training and other approaches that focus on the offence and that involve prisoners and their relatives. In the frame of the EU funded project such measures were successfully carried out in Kiel Adult Prison and in Schleswig Juvenile Prison. Face to face meetings of victims and offenders that are prepared in a professional and sensitive way as well as options of material compensation should additionally form integral parts of the correctional schemes in the future.

The long lasting involvement of the Ministry of Justice and of the Schleswig-Holstein prison service in innovative international projects is part of the overall process. It is our aim to put the measures that were developed in the project "Restorative Justice at Post Sentencing level; Supporting and Protecting Victims" into sustainable practice in our prison services. They are beneficial, very concrete and they serve the interests of victims of criminal offences. The Schleswig-Holstein Juvenile Detention Act that has just been adopted by the parliament as well as the draft of a new Adult Prison Act therefore normalize an obligation of detention and prisons to offer prisoners and their victims Restorative Justice services. We are planning further such obligations in our Pre Trial Detention- and in the Juvenile Prison Acts. The Schleswig-Holstein government regards the enhancement of victim-offender-mediation and overriding Restorative Justice services as forward-looking in the context of a socially responsible criminal justice system.

I would therefore like to thank all participants of the EU funded project and all authors of this book for their valuable contributions to the implementation of the EU Victims' Directive and also to the further development of RJ here in Schleswig-Holstein.

INTRODUCTION

OTMAR HAGEMANN

This book - as probably nearly all endeavours of this kind - is a compromise. Because of limited resources we were not able to include all the material we produced within our project and I have to be brief and not repeating the project history and internal logic which is presented by Jo Tein et al. in the chapter on conclusions. The first part of this book after the words of welcome by the Schleswig-Holstein Minister of Justice contains a review of the most relevant literature for this project. It is neither an annotated bibliography nor a summarizing article, but something in between.

The second part deals with theoretical perspectives. Martin Hagenmaier, the pastor of the Kiel prison, puts himself into the position of an inmate. From this life world experience he keeps an eye on coping with imprisonment but also with the fact of being responsible for the suffering of some victims. Hagenmaier links some theological convictions (basic knowledge, insights, wisdom) with RJ basics which lead us to reconsider classic texts of Foucault and Goffman.

Nadia and Angel Rhain Wager take the opposite perspective by arguing explicitly from the victims' side of view. They stress that most victims participating in RJ procedures experience less fear, anger, PTSD and vengefulness in comparison to those taking part in traditional criminal justice procedure. Many traumatized victims experience a sense of closure. However, they also point to the fact that we still do not really know what causes this transformation and why most victim-offender dialogues develop such a positive dynamic.

Borbála Fellegi and Dóra Szegő put the prison as an organization in the center. Their experiences based on the MEREPS project focus primarily on the obstacles RJ has to face when being implemented in such a hierarchic structure. There seems to be an inherent antagonism between RJ and the prison but nevertheless Fellegi and Szegő are able to identify some promising fields to start with as support groups for inmates based on restorative principles and pre-release conferences alleviating community re-entry.

Part three of this book informs about the four pilot projects which have been carried out in the partner countries of the project. Geoff Emerson and Mary Hallam present the victim-initiated approach to post-sentencing RJ in Thames Valley, UK. They identify viable information and of a trusting relationship between the facilitator and victim as key to making the service effective. Due to vulnerability and safety concerns of some victims choices between different RJ procedures will best reflect victims' needs.

Ricarda Lummer enables an insight into victim-empathy-training for prisoners and group work for victims in Schleswig-Holstein. Both groups met in a prison for

a dialogue and all participants valued that experience very much. Additional individual mediations offered between incarcerated offenders and their victims were initiated mostly by offenders. Generally it must be noted that despite the cooperation with a victim support organization only very few victims could be engaged for participation.

The third pilot project is presented by Mladen Knežević. Before starting group work with prisoners and/or victims the Croatian partners opted for having focus groups with inmates. It turned out that these did hardly show any empathy at all for their victims. It is strange that Croatian prisoners seem to differ so considerably from their English, German and Portuguese fellows. However, not being directly confronted with victims may make neutralization easier.

Artur Santos in his contribution from Portugal informs about victim empathy group work in a male and in a female prison which adds an important dimension to the project as nearly all the other participants representing the offender side are male. Using this group work as selection criteria for allowing RJ dialogues with their victims more than half of the prisoners would qualify for that. Due to the very late start of the Portuguese project it was not possible to implement the next step involving victims.

The fourth part of this book consists of a case study from Belgium. Kristel Buntinx lets the reader participate in her quantitatively and qualitatively impressive work experience as a mediator in very severe victimization cases with prisoners and direct and indirect victims. The principal insight from her experience is that every case can be suitable, providing the people involved want to participate and are striving for a peaceful solution. Buntinx clearly rejects expert selection and paternalistic approaches on who qualifies for such a dialogue. The more severe the crime, the greater is the need for mediation. But the keys are: very good preparation and not raising false expectations.

The final part concludes the project and is written by the project coordinator Jo Tein together with Johannes Sandmann of SH Ministry of Justice and Marc Cerón, from the European Organisation for Probation (CEP).

I would like to thank all authors for their contributions and all other members and associates of the project teams as well as all victims, offenders and other partners in the network who cooperated with us and participated in this work. Special thanks go to Patsy Townsend and Geoff Emerson for proofreading, thus, taking care for appropriate English formulations.

PART 1 – LITERATURE REVIEW

LITERATURE REVIEW ON RJ AT POST-SENTENCING LEVEL AND VICTIM SUPPORT

OTMAR HAGEMANN, FRIEDERIKE REINHARDT AND RICARDA LUMMER

INTRODUCTION

This literature review[1] serves two purposes. It aims at making our work transparent – the mentioned literature has provided us with a solid basis on which to develop practical concepts – and it allows other readers to gain a first insight in the two substantive fields of this project. On a formal level this literature review is part of the project deliverables. On a substantive level – which seems to be more important for the readers – it allows the reader to get an overview on the two core fields of our research project: victimology, including victim assistance practice and post-sentencing restorative justice. Not claiming to be comprehensive, we have selected what we considered the most important sources (published 2000-2014) with a focus on Europe. The first part presents insights from victimology because it is traditionally focusing only on the victim perspective, hence, making our endeavour less complex. The second part deals with the overlap of victim and offender status and with healing which requires taking "the other side" into account as each meeting or memory can possibly cause re-traumatization. The final part then deals with restorative justice that includes the victim, the offender and the community perspectives, respectively. However, we restrict ourselves to RJ at post-sentencing level, except some brief general topics which apply to post-sentencing as well as pre-sentencing phase alike. Nevertheless, there are topics when it comes to victims' needs one must of course also think of, offenders' needs the more so as both statuses are sometimes interchangeable.

WHO OR WHAT IS A VICTIM?

After a longer process of discussion (Ezendam & Wheldon 2014) on 25th October 2012 the European Parliament and the Council of the EU have adopted the EU-Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.[2] Our focus is particularly on Article 12 which specifically mentions the "Right to safeguards in the context of restorative services". Kilchling (2014) emphasizes the advancements, but also raises concerns about the underlying understanding of Restorative Justice. Pemberton is among the most renowned expert who has been critical of this process after realizing that the

[1] See similar undertakings by Wemmers & Canuto (2002) and Hartmann et al. (2013).
[2] On national and international level victim support organisations have defined standards (e.g. ado e.V. n.d.; European Forum for Victim Services 1998)

legally non-binding Framework Decision did not achieve the intended purposes (Pemberton & Rasquete 2010; Pemberton & Groenhuijsen 2012). It is against this background that some basics of victimology have to be revealed. The EU-Directive 2012/29/EU defines the victim as "a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence" (Article 2, 1a. I). Victims in the sense of the Directive are also "family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death" (Article 2, 1a. II). "Family members means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependents of the victim" (Article 2, 1b).

In his investigation of individual complaint right of the European Convention at the European Court of Human Rights Parmentier (2009) found that crime victims are no longer only people directly affected by an offence. By the extension of the complaint right of the European Convention direct victims, including groups and nongovernmental organizations, indirect victims and people who may become victims in the future are entitled to make a complaint and are thus acknowledged as victims. Contrary to the tendency of narrowing by the EU policy-makers, the European judges seem to broaden the circle of eligible persons even extending to juridical persons, as well as potential future victims which becomes evident in the historical comparison undertaken by Parmentier. On another level, the official definition of a victim must be complemented by Nils Christie's reflections (1986) on the "ideal victim". To be acknowledged as a victim can form a first barrier and refusal can lead to secondary victimization (Strobl 1998; 2010).

Apart from the already mentioned EU Directive, an earlier important achievement is the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34) from the 96th plenary meeting of the General Assembly on 29 November 1985 which focused not only on victims of crime, but explicitly also on victims of abuse of power. The emphasis is on redress, restitution, compensation and assistance for victims. This concept which was named the Magna Charta for Victims (Waller 2008: 88) uses a broad range of target persons, but poses challenges at the same time. While "crime" can be ascribed for specific actions by trained professionals referring to criminal laws of the country in question (Hulsman 1986), "abuse of power" can mean a much broader concept ranging from undemocratic behavior of state authorities against the political opposition to non-justified prices for daily needed goods such as rents, water, food or heating. However, victimological research indicates that the many sufferers of harm and wrongdoing reject identifying themselves as victims because of connotations with weakness, being a loser, not being able to stand one's ground (Davies 2012; Hagemann 1993; Mitscherlich 1999).[3] In some

[3] Bereswill (2009) points out why this is still more important for males, especially male prisoners.

milieus of the male youth the term victim has become a swearword (Voß 2003; Hagemann-White 2007). Especially in German and Dutch language the terms "Opfer" and "slachtoffer" imply a connotation as a sacrifice, thus, not fitting into the modern secular world (Wemmers 2009). For many years some victimologists preferred to use the term "survivor" instead of victim (Chesney-Lind 1989) to indicate that often extreme unbalanced power-relations. This position is shared by trauma therapists who stress the importance of the fact that "victims" need to be empowered as a goal in the medium term but before this can be achieved they need safety, self-respect and appreciation (Firus et al. 2012; Reddemann 2012).

From the definitions cited above it follows that not only the directly harmed person shall be considered as a victim of a particular wrongdoing, but others who are closely related or have witnessed the incident fall into this category, too. This latter category is referred to as indirect or co-victims[4] (Hagemann 2012; Walklate 2013). Morgan & Zedner (1992) point to effects on children not witnessing the crime when they realized that a parent or well-known adult has been victimized. A related term is "vicarious victims" (McCold & Wachtel; Pemberton 2011). It is evident that a person seeking asylum in a particular country will be seriously affected by discovering that another person of similar status has been beaten up by right-wing activists in the same region. Thus hate crimes form a category where this relationship seems to be prevalent. From trauma research we know that witnesses of victimizations can be as affected as the original victim and that trauma can even be transferred to the next generation (Yehuda et al. 2000).

Another differentiation is made between primary, secondary and tertiary victimization with "primary" designating the initial direct experience. Secondary victimization is "the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim" (Council of Europe 2006; Kölbel & Bork 2012; Groenhuijsen & Letschert 2014). There is some ambivalence concerning the term tertiary victimization. Whereas Sessar (1990) stated: "victims may become further victimized by participating in a system which does not address their interests and needs" referring to individuals and organizations pretending to act on behalf of victims but instrumentalizing the victim for their own agenda[5], others refer to society as a whole and its members becoming victims of crimes committed by the government (Meadows 2007) and still others use the term for the final product of experiencing primary and secondary victimization, thus developing a victim identity leading to learned helplessness (Böttger et al. 2014: 55). Being victimized is a subjective experience (Hagemann 1993; Waller 2011: 11) which prevents neutral description and

[4] The term „co-victim" is often used for relatives in homicide cases, see organization "Murder Victim's Families for Reconciliation".

[5] They are "roped in for general law-and-order campaigns" (Sessar 2009: 6); Elias (1993) calls this "manipulation" (see the so-called Sensible Sentencing Trust in New Zealand, Workman 2011). Umbreit (1989) found that victims were seeking fairness, not revenge.

"objective" assessments from the outside (opposite view e.g. Bottoms 2012). Conventional research is confronted with principal limitations to objectify the inner experiences ("Erleben") and measure the impact. From the outside it is impossible to assess the level of pain a person is feeling. The victim him/herself can only compare it with other personal experiences in life. From this follows the singularity and individuality of each victimization (Dignan 2005) with which the supporters and others are confronted. Victims do not form a homogenous group (Kilchling 2010; Laxminarayan 2012). It seems to be the only solution to approach this problem by a sensitive dialogic approximation process where the victim and others (supporter, health staff, police, lawyers and bystanders) all must contribute to a healing outcome. Pemberton (2014) stresses the importance of respect which is in large part contingent on empathy (Wallis 2010; 2014; Hagemann 2014) and sympathy.

The concept of vulnerability is quite closely connected with the previous reflections on subjectivity and individuality. In his research with survivors of Nazi concentration camps Antonovsky (1987) found that many years afterwards some did not suffer as much as others and there were no indications that this was due to objective experiences. It seems that some people are more robust than others independently of their coping resources. It is also plausible that this varies in time and stressors may play a relevant role. Vulnerability means the ensemble of resilient and stress factors at a given point in time. Although it is a dynamic individual aspect research found higher vulnerability in the female than male population, among children (Finkelhor 2008; Gal 2011) and the aged persons compared with teenagers and adults between 18 and 50 years of age. Isolated persons are more vulnerable than those relying on a stable support network. Members of lower social classes are usually more vulnerable than the wealthier because of limited access to resources (Bottoms & Costello 2012; Taylor et al. 2013). These "objective" findings are usually subsumed under the category of victim proneness (Fattah 2014) or victimality (Rafter & Walklate 2012: 11). Waller (2011: 24) reports that only 4% of the known victims suffer from 44% of all registered victimizations. Victimology has not really succeeded in explaining the causes for these observations.

An older concept which is considered to be very controversial nowadays (Herman 2005) is victim precipitation (Wolfgang 1958; Amir 1971) which is close to victim provocation. Early writers as von Hentig (1948) differ from many victimologists in the forming years of victimology in the 1970s by not necessarily taking a partisan standpoint at the side of the victim. In some cases empirical evidence seems to show that a seriously harmed person could be responsible for this outcome by having started a conflict, a fight or an argument with someone who turns out to be superior. In their studies on conflicts between prisoners Edgar & O'Donnell (1998) concluded that it was often impossible for an outsider to assess who deserves the attribute "offender" and who was the "victim". Both participants seem to carry some guilt and responsibility. Current victimologists are still struggling with what is now called "blaming the victim". Ben-David (2009) offered three theoretical explanations why this occurs on the micro level:

the just world theory[6], defensive attribution and counterfactual thinking. On the micro level it seems to be consensus now that persons suffering from harm deserve our solidarity and help. However, this position leads easily to a partisan approach focusing only on one party of the initial incident. Not knowing about the causes and what happened exactly every suspicion can contribute to aggravating the harm and thus it seems to be without alternative to act from this standpoint. However, in some cases victims pretend having been victimized sometimes becoming offenders by accusing concrete other persons (Rückert 2007). This leads to further harm and marks a transition from victim to offender status (see below). This phenomenon is sometimes subsumed under victim playing as a coping strategy with other problems or in order to get attention, to manipulate others or to justify own offending behavior (for the last aspect see Armstrong 1994).

Consequences of victimization and victims' needs

There is a considerable body of literature describing the consequences of victimization for victims (e.g. Walklate 1989; 2011; Zehr 1990; Bennett 2007; Dunn 2011; Karmen 2012; Davis et al. 2013 plus some (indirect) victims who themselves wrote a book on their experiences), for the communities and the society as a whole (Waller 2011). Consequences can be classified into the categories of material, physical, mental and psychological, social and moral harm. Keeping in mind the individuality of each incident and the vulnerability of each victim the impact can range between nuisance (Hanak et al. 1989), stress and severe trauma sometimes with long-lasting problems of recovery. Hagemann (1993) developed a social-psychological micro level theory of invasion into the self[7] which allows specifying the effects (Böttger et al.: 38). From the victims' point of view offenders negate their integrity – Bennett (2007: 252) refers to the moral injury in not respecting the victim's dignity. Furthermore, according to Zehr (1990: 182) „crime is a violation of the just relationship that should exist between individuals".

Several authors have identified specific needs of victims. Zehr & Mika (1998) identified seven needs for information, validation, vindication, restitution, testimony, safety and support. Among needs, Strang (2002) found in her study the importance of: opportunity for participation in the resolution of their case, more information, fair and respectful treatment, material restitution and emotional restoration, especially apologies. Waller (2011: 28ff.) writes about "6 or 7 core needs:

[6] Originally developed by Lerner (1980), see also Pemberton (2012).

[7] A similar idea was taken up by Kirchhoff (2005) using the picture of an onion intruded by a needle hurting different layers where the more external layers stand for values that can be healed or replaced easier, going over to more important aspects in the core of the personality.

1. Recognition and emotional support
2. Information on criminal justice, their case, services and personal developments
3. Assistance to access practical, medical and social services
4. Help to pay bills caused by victimization
5. Personal safety and protection from accused
6. Choice to voice injustice"
7. Best public safety and implementation.

However in criticizing a "consumerist approach" of victims' requests, Bennett (2007: 248) differentiates between true needs and mere wishes or desires in addition to the general needs of every human being, meaning that being victimized must not establish paternalism and stigmatization.

Victim's coping with victimization
To anticipate and understand victim behaviour in the aftermath of victimization it is necessary to focus on the coping processes by which victims try to overcome the adverse consequences and to regain a kind of normality (cf. Hagemann 1993; 2012; Strang 2002). The numerous activities carried out with this intention can be grouped into three categories of emotion-focused (1), problem-focused (2) and emotion-focused at the same time and distancing oneself from the incident and its consequences without deciding on a specific path (moratorium) (3). Even more relevant in this context is to analyze which coping form allows some openness either for contact with the informal network, or professionals from victim support and/or restorative justice. The direction does not matter so much at the start, be it willing to pay the offender back in his own coin, getting answers to important questions or hoping for an apology. The commonality points to an opportunity for dialogue. There are other forms of coping which are much more self-centered or passive. They may also be helpful for the victim, but do not offer much in regard of RJ. This is at least true for the time being, but the coping process is characterized by various alterations – thus, chances for dialogue and peacemaking are also a question of timing and the timing is an individual matter again (Hagemann 1991). Rooted in a psycho-analytical background Wischka (2013: 534 f.) warns against repetition compulsion as a strategy of failed coping: victims try to re-live a traumatic episode again hoping for a better ending. According to this theory victims may introject behaviors, attributes or other fragments of the offender.

These issues are crucial when discussing a protective vs. proactive strategy of the VS and RJ schemes. Wemmers & Van Camp (2011) concluded from their interviews with victims that victims would welcome and prefer a proactive approach – at least they would have the opportunity to refuse further contacts. However, many (victim support) organizations favour a protective approach so as not to send "their victims" to other institutions which might offer them something different. This paternalism is also criticized by practitioners (Delattre 2008; Bullmann 2014). It is an example of denied ownership – the experts believe that they know better than the victim themself what might be helpful (cf. Stutzman

2004; Achilles 2004; Ottomeyer 2011). In the most extreme form this will lead to tertiary victimization. Victims need "support and protection" because experiences in everyday life and with the criminal justice system (CJS) are quite often negative adding to the inflicted harm by the perpetrator (e.g. Shapland et al. 1985). The question remains whether "protection" is an appropriate or misleading term? Priet (2008) stresses the importance of empowerment for victims to achieve a balance and to ensure the ability to act before starting a restorative dialogue with an offender. Miller (2011) presents and analyses nine dialogues between victims and violent offenders emerging from a project of the organization "Victims' Voices Heard" which was founded by a co-victim of a murdered daughter.[8]

According to Walgrave (2009) empirical evidence shows that 50% of the victims are willing to participate in RJ procedures. Bolivar (2013) specifies who these people/victims are under the condition of voluntariness (it is more or less the same group which cares for societal processes and is also committed to voluntary work in general: the better educated, wealthy middle aged citizen. The phenomenon of victim participation in restorative justice has been studied from two main angles: describing victims' motivations to take part in RJ and studying the benefits that different groups of victims may obtain when participating in RJ. However, methodological limitations of former studies have impeded the opportunity to find conclusive answers to the question "for whom is RJ". This article offers insights into these issues, focusing on the descriptive findings of a mixed-method study carried out in the context of victim-offender mediation (in Spain and Belgium) and assessed before the encounter (if any) took place. Findings suggest that, before mediation, victims' personal characteristics tend to differ. The factor "victim-offender relationship" also appeared as an important variable. Implications of these findings are discussed.

Partisanship and one-sidedness vs. dialogue

Resulting from the previous considerations is a dilemma for the police and the criminal justice system in particular. These actors must remain neutral and make sure that evidence is collected which allows making a fair judgment about particular behavior. During the past centuries many criminal justice procedures to collect evidence have improved significantly and it is now possible to treat child witnesses or other vulnerable victims with care and to protect them from further (secondary) victimization and retaliation. In specific cases it is even possible to hide the identity of the witness in court, or to offer the victim witness a new identity which might be necessary in organized crime cases. Furthermore, to protect vulnerable victims, at least for some time, the possibility of giving evidence anonymously has been developed in sexual violence cases. Thus, the victim can decide, after a considerable time-span, to inform the police without losing the opportunity to present evidence. These considerations reflect a proble-

[8] See also Ken Marslew, father of a murdered pizza service worker, in the Australian documentary „Facing the Demons" (Cameron 1999) founder of the organization www.Enoughisenough.org.au.

matic line in the scientific discourse especially regarding applied disciplines as social work, victim assistance, health care and policing. Practice demands a partisan standpoint expressing sympathy and solidarity with people in need and supporting them as best as possible. However, these professions are also responsible "for the other side" of the accused. We know that many offenders who commit very serious and cruel offences have been victimized by the same type of offences in their childhood (Wischka 2013). Sometimes offending behavior is an unsuitable attempt to cope with one's own victimization. This insight does not ease the pain of current victims and cannot be communicated to them in the direct aftermath, sometimes never. It is not about being apologetic towards offenders, but it has to be taken into consideration, too.

Social peace and psychological equilibrium

At the beginning of trauma counseling all efforts are directed towards gaining safety. Although only a minority of victims are traumatized, and it is necessary to differentiate between very severe trauma and some milder manifestations (Fischer & Riedesser 2009). In the initial phase of a contact with a victim, it makes sense to at least not exclude traumatization. After safety can be guaranteed – both in a physical and psychological sense, the first step might involve extensive organizational safeguards including moving towards another place, the latter might request therapeutic work – the emphasis will be on empowerment and stabilization to regain a new equilibrium which is personally acceptable. Another aspect concerns freeing oneself from the perpetrator. In a physical sense this might have been the case only seconds after the victimization, but mentally the offender is still in the victim's mind long after the incident. There are many sounds, smells, places or other occurrences which may remind a victim of the incident and even if not threatening the experience can be energy-sapping. Principally there are two options to deal with this: a) trying to overcome these intimidations by therapeutic work or b) trying to overcome it by confrontation with the perpetrator who has caused the trouble. Version a) refers to victim support organizations' activities; version b) refers to RJ. Mixed forms should not be excluded. Related, Muylkens & Smeets (2008) described a facilitated group work for victims consisting of several group meetings to strengthen all members and prepare them as a group for meeting a group of offenders in prison.[9]

From an Exclusive Victim Perspective to Restorative Justice

The following paragraphs serve as a transition between the previous part focusing exclusively on victims and the next part which will deal with RJ on post-sentencing level. Victim support workers report that some victims request help in (re-)establishing contact with their offenders (Achilles 2004: 68; Yantzi 1998). Gustafson & Smidstra (1989) found that 82% of the victims of severe victimizations want to meet their offenders (Gustafson 2004: 305). The mediator Ellen Halbert (i.a. "Meeting with a killer", Jackson 2001) mentioned a long waiting list

[9] This program served as a model for our criminal-act-dialogue groups (see Lummer in this book).

of victims containing about 100 cases in her RJ organization in Texas only. Laxminarayan (2013; 2014) found also great interest for dialogues with perpetrators among victims. There are various motives behind this victim-initiated or requested dialogues, e.g. having questions which only the offender can answer, wanting to tell him or her what the consequences of their actions were, being curious what kind of person was able to commit the offence and thus being able to cope more easily with fear, but also an attempt to reconcile or an insight that the perpetrator could contribute to one's own healing significantly (cp. Yantzi 1998: 193-207; Angel 2005). We should also keep in mind that many victimizations and particularly severe victimizations occur among people who know each other. In her analysis of punitive attitudes Gelb (2006) points to the fact that there is certain reluctance in proposing harsh punishment for people one knows quite well. Some authors question the concept of punishment on principle (e.g. Christie 1977; Wright 2003; Temme 2010; Früchtel 2011).

Apart from these positive peace-directed motives victims can also be interested in offenders due to punitive attitudes or what is called a "need for punishment" (Bennett 2007). Spontaneous aggression is obviously an understandable and normal reaction immediately after being victimized. Walgrave (2001) stressed that RJ is no soft option and elaborates on the differences between punishment and restoration. From a psychoanalytical point of view it will even be considered healthy not to suppress such negative energy. In a representative study Sessar (1992) has shown that victims did not show more punitive attitudes than non-victims and others have replicated these findings (Sessar 1999; Gelb 2006) despite some controversial methodological issues in detail (Kury 2008; 2012). Van Stokkom (2013) stresses the point that there must be room for an emotional punitive statement in a meeting between victim and offender. What seems to be crucial in this context is the image a victim has about his or her offender particularly if s/he is unknown (Hagemann 1991; 2012; Bolivar 2013). If a victim allows this internal representation to grow to the format of a monster the coping process will be impeded by fears of repetition, the trust in one's own strength decrease and the self-esteem is lowered. Many victims know intuitively that the offender will shrink significantly by meeting and confronting him in a safe setting. Toews & Katounas (2004) remind us that we should not overlook offenders' needs.

Offenders as Victims/Victim Offender Overlap

It can be misleading to reduce victims and offenders to their respective statuses and to separate victims and offenders too rigorously, hence, constructing two exclusive groups of people. Instead research found a significant victim-offender-overlap indicating that a person (or a household) has become a victim and has committed an offence within the same time span. This heterogenous category emerges comprising of

- current offenders who have been victimized in the past, many of them during childhood (Wischka 2013; Ben-David 2014),

- imprisoned offenders who are victimized by fellow inmates or prison officers on a situational basis (Chubaty 2001, Bieneck & Pfeiffer 2012) or systematically (see state crime, Rothe & Kauzlarich 2014, but also the so-called Feinstein report (2014) on abuse of power by the CIA)
- a mixed category more heavily involved in deviant behavior like some adolescents (Kerner 2009; Schreck et al. 2008) and
- adults (Bottoms & Roberts 2012) or prisoners in unclear situations (Edgar & O'Donnell 1998).

From a feminist perspective, Radosh (2008) accuses, especially American society, for unfair conviction of women who have committed relatively minor crimes and have to cope with their victimizers – often for serious sexual offences – not being sentenced to imprisonment, or even not sentenced at all. As Chesney-Lind (1989) argues convincingly that being a female survivor of childhood mistreatment will often lead a woman to commit crimes including drug offences and prostitution, which is considered a crime in some countries. Another category of victims can be found in prisons. Garrett (2011) and Huff & Killias (2013) have published about wrongful convictions, see also the German case documentation of Rückert (2007) leading to the death of one of two falsely convicted men.

Responsibility of victims

Changes of legal provisions in favour of victims during the previous decades brought on the one hand victim services, but raised concerns on the other hand that victims might become dependent on support (Christie 2009), or that the specific form of support might even disempower them leading to more harm (Fattah 2000). The term "victim mentality" was created referring to people accepting the ascription as victims or even defining themselves in these terms, taking the societal role as victims as an alibi for various failures. Of course, we have to be very prudent in this line of argumentation which is close to victim blaming. However, also Walgrave (2008) discusses the responsibility of victims in one chapter. According to these authors it can be expected from healthy adult victims that they do everything to minimize the impact and to take care for their own healing as best as possible. This seems to be obvious. It is less clear when it comes to victims' responsibility for the community and society. Frequently, people take the standpoint that the society or the state has to prevent victimization and they are entitled to be compensated without contributing to preventive efforts. Herman's (2004) and Waller's (2011) argumentation that the state should allocate at least the same amount of money which goes to criminal justice including police and prisons for victims seems to share such a view. They are right that there are currently not enough resources available for victims' issues but victimization is not the same as offending (cf. Rothe & Kauzlarich 2014).

From a victimological point of view the last aspect, a responsibility of a victim for his/her offender may be a provocative topic. By addressing average youth crime rapprochement this should be possible to understand because it takes a

community to raise a child (MacRae 2012). If this community and especially the parents do not fulfill their educative tasks did they not bear some responsibility prior to being victimized? And is it not part of the responsibility of the whole adult community to get these juveniles back on track after victimization has occurred? While this line of thinking can claim some truth, we should extend the scope. It was revealed before that many of today's offenders have been yesterday's victims. Whose responsibility is it to break this cycle of violence? Not only the individual pastors and educators are to blame for the epidemic abuse of children in children's homes in the preceding century – it occurred in a specific societal climate failing to control the church and state institutions. And what about war crimes and repression based on various characteristics of victims? Acknowledging the fallibility of humans, or the ubiquity of committing offences at least for the male part of the population, it seems to make sense to demand responsibility also from victims. Walgrave (2008) points to a more concrete form of how this concept may be realized in practice. He gives the example of the attempt of an offender who wants to make up for his misdeed and suggests that the victim has an obligation to act responsibly in also taking a step towards him. Thus, in an offender-initiated process the victim is asked to contribute. This does not mean that the victim has to accept everything that is proposed. It does not even mean that the victim is to be obliged to sit in the same room with the person who is responsible for their injuries. But it means that where the other party has taken the initiative it should not be ignored completely. Underlying this is the idea of rehabilitation which must be possible at least for the "ordinary offender". Whether this concept can also be transferred to the most cruel or repeat offenders, or those acting out of hatred has to be discussed elsewhere.

Dialogic Contribution to Healing and Empathy

One of the strongest drivers towards RJ from the victim perspective is the dissatisfaction with the existing criminal justice system (including the police and related services), its regulations and concrete actions concerning victims. In their classic study Shapland et al. (1985) have demonstrated the shortcomings and failures of the system leading to disappointment and sometimes secondary victimization on the victims' side. Some victims went even so far as to classify the secondary victimization as more problematic than the initial victimization. From the literature on individual victims and victimological issues it emerges that healing is the central topic. Apart from the restoration (or establishment) of social peace healing is also the core content of RJ (Johnstone & van Ness 2007; Maxwell & Liu 2007; Vanfraechem et al. 2014). RJ claims to heal especially psychological, mental and social wounds – the so-called invisible wounds (Symonds 1980). Heather Strang (2012a+b; 2013) was able to demonstrate RJ successes compared with court experiences by referring to ten quantitative longitudinal studies from Australia and the UK. Healing has several dimensions including healing of physical injuries supported by the medical system. Material damages for victims can often be compensated either by insurance companies, state money or the offenders. However, the most important dimension is formed by the victims' adverse psychological consequences which might be treated by therapy or they can be overcome by well implemented and safe RJ procedures (cf. Wem-

mers & Cyr 2005). Healing refers to individual persons including victims, co-victims, witnesses, and offenders, to the relationships between victims and offenders, offenders and their caring others, sometimes even between victims and their caring others, and to the community[10] , too. Often healing can only be fully achieved by involving both or all conflict parties into these processes which is not always possible for various reasons. In these cases more or less one-sided procedures have to be carried out which can only be partly restorative (McCold & Wachtel 2002).

Restorative Justice at Post-Sentencing Level

This final part introduces first some general aspects about RJ before elaborating some differences between pre- and post-sentence application. Then the prison context is taken into account before the focus is on specific procedures and programs to apply the RJ philosophy at the post-sentence stage.

Some general aspects about RJ

According to Stutzman Amstutz (2004) some victimologists and victim support practitioners are not familiar with core aspects of RJ. A considerable body of literature has been produced since the beginning of RJ as a new philosophy, theory or movement in the 1970s. RJ theory is generally dominated by the same values and principles in various fields and phases/stages of application within complex processes: focus on healing and restoration which includes transformation, voluntariness, future orientation, ownership and democratic basis, respectful dialogues in safe settings (cf. Pranis 2007). Another focus is on justice and human rights (Enns 2014; Skelton & Frank 2004). Analogous with victimology our context of sentencing makes clear that this article deals only with cases of crime and abuse of power which includes criminalizable events – thus the needs of victims, offenders and communities have to be balanced, preferably resulting in win-win-situations. Although the process to apply criminal justice to a specific case could be divided into several phases we will only deal with RJ opportunities after a sentencing decision has been made. Thus, a decision in favor of a maximalist conception of RJ (Walgrave 2008) which seems to be compatible with Braithwaite's responsive regulation pyramid, where punishment may be added as the final step of escalation (2002b) has been made as the purist version (McCold 2000) rejects the combination of RJ with punishment. Gutwirth and De Hert (2013) in studying how to punish better and how to restore better do not think that punishment by state's authority can be replaced by an approach based on restoration. We can nevertheless rely on the differentiation of McCold and Wachtel (2002) who assign various procedures into fully, mostly and partly restorative programs depending on the representation of all three main dimensions (victim, offender, and community), two or only one of them.

[10] Especially when victim and offender belong to the same community there is the danger that some members will take sides.

Differences of RJ between post-sentencing and pre-sentencing level
It was postulated that every victim and every offender should have the right to access RJ programs at every point in time they deem to be appropriate (all stages of the criminal justice process, see Council of Europe No. 4 R (99) 19 on mediation in penal matters and United Nations No.6 of UN Principles on the Use of RJ Programmes in criminal matters).[11] From this follows that the road to social peace can be taken by self-referrals (see Stacey 2012, and examples in Gustafson & Smidstra 1989 and Achilles 2004) independently of the processes run by the CJS. Practical cases demonstrate that this can be immediately after the incident but also after many years (e.g. Pascual 2013). In 2013 Lauwaert stated at our conference in Barcelona that RJ at post-sentence level is underdeveloped. According to her there are preconceived ideas within the CJS about the types of cases for which RJ is suitable. These seem to be minor crimes which are treated pre-sentencing by diversion. Already years ago there have been warnings against a net-widening effect of the pre-sentence type of RJ (Immarigeon 2004: 143). However, at that time Immarigeon found only in New Zealand that RJ replaced punishment. Gustafson (2004) argues that many RJ programs do not take enough risks and avoid offering alternative solutions for severe crime/victimizations. Lauwaert (2013) further emphasized the lack of expertise of some practitioners in working with serious crimes which is also a topic for Braithwaite (2002) and Gustafson (2004).

Post-sentencing means that the CJS has fulfilled its tasks already. The verdict is spoken out. The sentencing process is carried out or even already completed. This implies that the parties meet only for their purposes. For various motives and different needs (taking responsibility, reconciliation, closure, forgiveness, healing, etc.) on both sides the decision for taking part in a post-sentencing RJ procedure is made. We face a broad range of motives but with a main difference which seems to be important for the victims: The offender cannot escape punishment, thus, victims tend to trust the motives for a dialogue and are less suspicious regarding strategic acting. A motivation may also be to avoid running into each other after the release of an offender from prison. For both sides this may be a frightening situation. Another argument was brought forward by Michael Kilchling at our conference in Barcelona (2013): From the State's perspective RJ at post-sentencing level might be an option to combine punishment with promoting social peace. Kilchling warns especially against shifting funds from pre-sentencing programs to post-sentencing. That would indeed widen the net of formal control and colonize an alternative to the traditional approach. Thus, RJ will lose its power of transformation and the impetus to fight for a more just society. In a way this reflects a discourse within RJ (at the predominant pre-sentencing level) between a maximalist version represented by Walgrave (2008) and a purist version represented by McCold (2000) who strictly opposes punishment by the State. Instead Walgrave accepts punishment as long as the process

[11] The EU Directive does not mention post-sentencing explicitly but requests in preamble 46 that severity of the crime and the ensuing degree of trauma must be taken into consideration in referring a case to RJ services and in conducting the RJ service.

will mainly lead to restoration. In his pyramid of responsive regulation Braithwaite seems to take Walgrave's side if the direct participants cannot reach an agreement or the person responsible for causing harm ("The offender") is not willing to participate in a RJ procedure.

More serious cases

Dealing with differences between pre- and post-sentencing RJ Lauwaert (2013) stressed that often more serious offences/victimizations have to be dealt with on post-sentence level. This implies a higher risk for 'damage'/secondary victimization (one of the main intentions for the EU-Directive is to avoid this occurring).[12] Furthermore there is a need for experienced and well trained mediators. Lauwaert questioned whether working with volunteers would be advisable under these circumstances? She concludes that adaptations of the mediation process or at least more emphasis on certain aspects are necessary. She pointed to more intensive preparation, working carefully with the motivations for participation in RJ, checking the 'capacity' of the parties to carry the RJ process and finding persons for support are the most crucial aspects. She wonders whether giving more room for indirect mediation, being prepared to manage very emotional and intensive meetings and providing aftercare more explicitly would be additional relevant aspects to think about.

We must keep in mind that victimization is a subjective experience and that even from what lawyers consider minor offences as insults, purse snatch or graffiti spraying under particular circumstances severe consequences for victims might result. Therefore, sticking too much to the "objective" concept of crime severity can lead us into the wrong line of thinking. On the other hand the discourse on resilience has shown that a considerable number of victims are able to cope with quite serious attacks such as personal injury, losing a partner or family member or being raped. Experienced mediators do not look primarily at the offence but at the motives, expectations and needs of the victims and offenders requesting RJ (see Buntinx 2014). Umbreit and Vos (2000) have shown that also in murder cases there is a possibility for RJ dialogues between the offenders and family members of the deceased. Umbreit et al. (2001[13] ; 2002; 2003), Lebehot in the Citoyens et Justice-project involving a dialogue with a terrorist (2010), van Camp (2014) and Pascual (2013) deliver more evidence on successful RJ in serious cases. It is even true that because of the healing function RJ seems to have a more positive effect in such cases where there is more at stake for the participants (Strang 2004). The mediator Leo van Garsse (2006) practising in a Belgian prison shows that mediation has the potential to meet the needs of many citizens even in the most serious cases. The same is true for more than 100 mediations which have been facilitated successfully by Kristel Buntinx (this volume).

[12] Bolivar (2013) mentions that voluntary participation forms a kind of a filter which prevents secondary victimization.

[13] See also Victim-Offender Dialogue in Crimes of Severe Violence (Umbreit & Armour 2010: 211-238)

RJ in prison setting

At the post-sentencing level the same structural kind of conflicts/problematic situations between victims (experiencing victimization) and offenders (committing offences) as at the pre-sentencing level can constitute the reason to offer RJ procedures in various forms of the mediation method (e.g. VOM, conferencing, circles). Principally conflicts between inmates, conflicts between inmates and prison officers, or even conflicts between members of prison staff can be subsumed under this category, too. But the physical wall separating prisoners from their victims outside has to be taken into account, as well as the status difference between staff and inmates. In the case of intra-staff conflicts there is a similarity with conflicts at other work-places. The strict hierarchy and reliance on punishment and the culture of violence (Edgar et al. 2012) form a peculiarity exceeding the usual power imbalances in mediation (which worry Skelton & Frank 2004 already in "normal" mediation cases). In their report "Restorative Justice in Custodial Settings" for the Restorative Justice Working Group in Northern Ireland Marian Liebmann and Stephanie Braithwaite (1999) demonstrate the range of practised activities prior to the current century. Of all the countries covered in this report, only Belgium carries out restorative justice policy in a custodial setting as a result of national policy (Biermans & D'Hoop 2001; Newell 2001; 2003; Biermans 2002; Robert & Peters 2003; Marien 2010; Stamatikis & Beken 2011; Aertsen 2012a) although not without problems (Bastiansen & Vercruysse 2002). The second most advanced country was the UK which introduced RJ in prison but did not claim to change the whole organisation (Edgar & Newell 2006). Initiatives elsewhere (e.g. Van Rhijn 2007; Wolthuis & Vandenbroucke 2010; Toews & Harris 2011) are carried out by a wide range of interested and dedicated individuals or groups such as prison officers, prison governors, probation officers, psychologists, boards of visitors, chaplains or citizens. As can be seen in the above mentioned report and in a later published book which dedicated two chapters on RJ in prison (Liebmann 2007), a variety of RJ processes can be carried out at different stages of a prison sentence and in a variety of prison procedures, e.g., adjudications, parole hearings and complaints (cf. Gavrielides 2012; 2014). On the level of concrete RJ procedures there is principally no difference except when the procedure is carried out in a prison (under State control). In prison questions of security must be solved which might make it more difficult for the victim and other participants from the outside to enter the institution and feel well while being there. Some prisons deny access to victims, sometimes for security reasons. Edgar & Newell (2006) focus on the practice of restorative justice in prisons and its particular cultural web, which includes power structures, organizational structures, control systems, routines and rituals, myths and stories as well as symbols. RJ can have an influence on each of these.

The question of whether RJ and prison culture are conflicting paradigms is discussed and a restorative prison described (cf. Van Camp et al. 2004; Aertsen 2005; Toews 2006; Coyle 2009; Johnstone 2014). According to Hagemann (2003) the prison context as a hierarchic authoritarian system is not really suitable for applying RJ which stands for democratic participation and ownership

of the conflict. Van Ness (2007) refers to Vidoni Guidoni's "six ambivalences". The findings of an Italian project on RJ in prison discusses the introduction of restorative practices in prison creates ambivalence among the prisoners and the staff because of contrasting pressures, tensions, obligations, and working procedures (cf. Vidoni Guidioni 2003). On the one hand, there are goals and rules that guide a restorative process; on the other, there are the rules and constraints of a total institution. While the author believes restorative justice practices introduced within a prison can offer definite advantages, he concludes that it cannot presume to change the distinctive traits of a total institution and ultimately cannot escape being transformed into an ideology of punishment (see van Garsse 2015). The goals of a Hungarian study (Barabás 2012; Barabás et al. 2012) were to examine the application of the restorative approach in the case of serious crimes through research and to test practice feasibility within the framework of pilot projects (cf. Fellegi 2015). The research in two prisons embraced RJ with victims and prisoners and RJ between inmates. Generally, the verdict is accepted by the inmates, but they try to minimize the gravity of their crimes (see the theory of neutralization techniques, Sykes & Matza 1957). 64% of inmates were willing to participate in a meeting with their victim. High school qualifications, good family relationships, religiousness, own experiences of victimization and knowing the victim have an influence on this willingness to participate. Overall, RJ in prison requires more resources than at pre-sentencing level. The level of empathy was found to be lower amongst juvenile than adult offenders. In analyzing the correspondence between a crisis of autonomy and a crisis of masculinity Bereswill (2007) relies on Sykes' study "Society of Captives" (cf. Sykes 1958). From her theoretical point of view masculinity and violence are not things that just go together but exist because of an inner conflict that ends up with no choice but demonstrating or threatening violence if not to lose the status of masculinity.[14] Thinking of these two studies and RJ in prison, there might be a conflict or at least a challenge. How effectively can RJ procedures be in an environment that is specified by masculinity or, in other words, where showing a behavior which might count as unmanly might endanger a person's (physical) safety?

RJ procedures and programs at post-sentence level

Van Camp et al. (2004) and Barabás et al. (2010) have published handbooks on RJ programs in prison; similar overviews are given by Liebmann (2007) and Liebmann & Braithwaite (1999). Concrete programs and procedures to implement RJ at post-sentencing level are mainly Victim-Empathy-Training which are sometimes also called[15] Victim-Awareness-Trainings (see Launay 1985 for an early practical description based on pilot programs in the UK; Thompson (2001) did the same for Australia, Hall (1993) und Helfgott et al. (1998) for the USA and Hagemann (2004) for Germany. Apart from the individual developed programs

[14] Smaus (1999) has disclosed the male character of the prison as a prototype of masculinity.

[15] Of course empathy is not identical with spontaneous awareness (cf. Hagemann 2014; Baron-Cohen 2011) it can be neutralised successfully (cf. Ruhnke 2013).

of this type there is the Sycamore Tree program of Prison Fellowship International (see Hagemann 2014 with further references for a more detailed discussion and evaluation). Supporting Offenders through Restoration Inside (SORI) is a program that aims to: increase victim empathy in male offenders; motivate offenders to change their offending behavior; and to take personal responsibility for the harm that he has caused. Beech & Chauhan (2013) conclude their evaluation by stating that the 5-day SORI course is effective in increasing participants' levels of victim concern and motivation to change, while not really impacting upon levels of ownership for taking responsibility for one's actions.

Encounters between groups of victims and groups of unrelated prisoners were organized by Launay (1985). "Evidence which suggests that victims of crime and criminal offenders can benefit from being brought together is briefly reviewed before two models of such encounters are compared. These are the VORP model, which involves the victim meeting his/her offender to discuss terms of reparation and the Rochester model where victims and unassociated offenders meet as a group. It is concluded that the Rochester model is more effective in providing victims and offenders with a learning experience through which their prejudices and stereotypes can be dynamically challenged."[16] Recently Austria has introduced RJ conferencing as a means for early release or avoiding remand imprisonment (Schlechter 2015); a similar approach to early release and reentry into community/society has been practised in Hawaii (Walker & Greening 2010; 2013) over the last couple of years. There is also the possibility to carry out individual dialogues or mediations, if a particular victim and a particular offender agree to such a request and the authorities allow such a procedure to take place. While this was a rare exception some years ago, nowadays more and more institutions promote such direct or indirect peacebuilding attempts. In Belgium there is already a long tradition (see Buntinx in this volume, van Garsse 2013; 2015). The same holds for the UK (Edgar & Newell 2006, Liebmann 2007). Umbreit and Vos (2000) report on a project where death row prisoners and victims' family members had the chance to meet prior to the execution. Pascual Rodriguez (2013) carried out a project where former members of ETA met mostly with the relatives of people who had died in terrorist attacks. A comparable case from Italy is described in the Citoyens et Justice project (Lebehot 2010). Furthermore, Fricke (2012) was able to collect cases where mediation was successfully implemented to solve conflicts in German prisons[17] - Fellegi 2015 studied such cases in Hungary. Hartmann et al. (2012) found good acceptance among prison staff in Bremen (see also Matt & Winter 2002) but more resources were needed for preparation compared to pre-sentencing VOM. In Hungary Windt (2012) found less supportive tendencies among prison officers.

[16] Abstract: www.restorativejustice.org

[17] Kleinhans (2013) reports on victim-offender-mediation cases with victims from outside in the prison of Oldenburg. A similar practice prevails in Catalonia (Álvarez et al. 2015). Two German states work on implementing a concept of a "victim-related prison regime" (cf. Gelber 2012; Walter 2012; Wulf 2013; Joiko & Gelber 2013; Vogt & Vogt 2013).

All the previous programs address victim issues to some extent. Victims, however, are concerned that a prisoner will commit offences again. Thus, the question of successful desistance might also contribute to victims' interests (Maruna & Farrell 2004; Maruna 2006; Matt 2014). Another EU project (Lauwaert 2013) investigates the question for which groups and under which conditions participation in restorative justice programs reduces the likelihood of reoffending. Their findings on the impact of RJ on desistance from crime will be published after 2014. Apart from the prison context victim-empathy-programs have also been developed for offenders who are not incarcerated (Hudson n.d.) and even for young people (Wallis 2010). The European Organisation for Probation (CEP) promotes RJ and its inherent opportunities to support desistance on the side of offenders, to heal the wounds of victims and to (re-) establish social peace in the community. In the UK, group work on victim empathy/victim awareness has also been offered to probationers (Hudson n.d.).

PART 2 – THEORETICAL PERSPECTIVES

RESTORATIVE JUSTICE IN PRISON: THE OFFENDER PERSPECTIVE

MARTIN HAGENMAIER

INTRODUCTION – DANGERS OF IMPRISONMENT: A DESCRIPTION

To be imprisoned is more difficult than one can imagine. The prisoner is incarcerated in a place that he has not chosen. On arrival, the prisoner has to undress in front of prison staff as well as other prisoners and get re-dressed in prison clothes. The prisoner lives amongst neighbors that have not been chosen and that are also forced to live accordingly, subjected to one and the same regime. As may have been noticed, this article aims to reflect the lives of male prisoners who make up 95% of prisoners in Schleswig-Holstein and abroad (Walmsley, 2013). Therefore this article predominantly refers to male prisoners. The experience of women's imprisonment needs to be scrutinised seperately. The prisoner cannot open his door in this generally large building. At least at night, he is forced into a small room, the cell. Whether he experiences claustrophobia or not, does not matter. Communication with other prisoners is not easy. Thus, prisoners develop their own hierarchy, which is also described as prison culture (Sykes, 2007). Offences are treated among inmates as if they were heroic deeds and advice is common on how to survive in prison. If something is lent, it should never be kept longer than agreed, otherwise, some form of violence or threatening behavior will be the ultimate consequence, which causes additional pressure. How can debts be compensated? Are there persons within the institution that can be asked for help in this matter? Usually, the average prisoner has not had much contact with representatives of religion (chaplain, Imam) prior to their imprisonment. This may be another difference for one or the other.

Prisoners on Pre-Trial Detention

A person is in custody because there is a danger of escaping or reoffending. At this stage, even letters to his wife, his girlfriend, brother, sister or parents are checked for approval by the system. This has not even been done by parents or educators before. At least, the person is allowed to wear his own clothes still, during this time of custody. Family visits are reduced to one or two hours a month under supervision, unless organised by the chaplain. The person cannot choose what to eat. Pre-trial detention is further characterised by two things. Firstly, the offence does not date back long; thus, the impressions are still vivid and may still be frightening. And secondly, one hopes to be acquitted; or perhaps being offered the opportunity to participate in restorative justice (RJ).

Imprisonment as Punishment
A person is incarcerated once sentenced to imprisonment by a judge. Although he was probably defended by a lawyer, he may not have understood everything said about him. He will have known from his previous life experience that the court was not in favour of his behaviour. He comes from a so called multi-problem-family, in which money is always short, most family members are engaged in their own daily life problems, police appear every now and again and some social workers have tried 'their luck' before. Parents, as far as they were present, and teachers were not satisfied with his abilities. The resulting additional frustration was fraught with drugs and alcohol. This often led to subsequent behaviour which created a scary image of him in its aftermath. He has not arrived in 'civil' life and is therefore banned to this special institution. His lawyer explained, "an apology in court or for court would be good for the sentence", if it was not even better to deny the offence in the first place. The middle-class prisoner is still an exception. For him, imprisonment causes predominantly a problem of social reputation. He is better organised than the majority and is, even in this situation, able to act thoughtfully. But, the subsequent restrictions are even harsher for him because his previous life was more characterised by independence. In prison, the average prisoner is not allowed to act according to his personal needs. Everything required must be submitted through a form of request. If he has got a workplace, his daily life is structured by working hours. Otherwise, he can only leave his cell for one hour a day as well as appointments with the social worker, the psychologist or the chaplain. In the evening, there are group and sport opportunities. Telephone calls cannot be carried out during working hours which makes it difficult to reach public services and offices. A computer or internet is generally not available, although computer courses are offered as work.

Prisoners and Relationships
Family visits are down to a few hours per month. Relationships amongst partners and family are often already fragile. The social relationships have often already suffered before imprisonment and would therefore need additional time and attention. Here and there, the prison system in Germany has moved towards a more family friendly imprisonment, accepting continuous contact as one central element of rehabilitation. The widespread implementation of related measures is however still to be practised. The relationships in prison are reduced to measures of control through staff. The prisoner is not allowed to do anything in his own responsibility without previous permission. The practice of control characterises the whole prison system and often generates its problems.

The Reinforcement of Problems
This description, demonstrates clear that there are a lot of impairments that occur as a result of being in prison. One could speak of infantilization. A lot of the roles and duties of a responsible adult and citizen are forbidden. Conflicts and/or problematic situations are usually not solved by the parties involved but responded to through a disciplinary measure by the prison administration. This concerns substance misuse, violence amongst prisoners as well as

disobedience or threats towards staff. The procedure is similar to a special jurisdiction including a hearing and a decision. The prisoner has a right to appeal, which is however very difficult in practice and requires very lengthy procedures (Feest et al., 1997). In cases of criminal behaviour, the regular legal process is additionally initiated. Even the cell in which the prisoner lives does not always offer a safe space. Prison staff can at any time schedule a search for prohibited items, which means, the cell is ransacked. In this case, the prisoner can afterwards clean up the mass left behind. Sometimes illegal items are found, sometimes not. At the same time, the prisoner continues life as a citizen with fundamental rights. He is responsible if a deadline is missed; he has to sign as a legal guardian if a child needs a surgery, remains a tenant with notice periods and a party to any contract. In these terms, he feels helpless as he is cut off from usual communication channels. In a psychological sense, the person as a prisoner is left alone with himself. The only distraction is the continuously running television. Younger prisoners are also cut off from their common means of electronic communication and social media networks. In order to make clear what this means, one can ask: what would I do, if I was locked in a room and someone else has got hold of the key?

Finally, from the perspective of the inmate, he is subject to a sentence plan on which he has little influence and to which objecting could have negative consequences for him. Within this sentence plan, further steps along the road of imprisonment are documented, including any kind of working prospects, benefits, conditional releases or the transfer to an open prison. Also documented are the interests the prisoner has in terms of sports as well as suggestions to take part in some kind of anti-aggression training, debt and addiction counselling, or educational courses. Often prisoners disagree with this plan. They claim that it has been developed without their involvement.

Sub-Culture

The inmate lives two separate lives. On one hand, they are individuals with their own relationships and way of life. Under these circumstances, the prisoner lives an individual life. On the other hand they live within the prison population. In terms of group dynamics, he experiences the negative climate characterised by the so called prison sub-culture. Mainly, this sub-culture is related to the trade of illegal substances, tobacco and mobile phones. Gang structures develop, to organise and control the provision. This can occur for economic reasons, or simply to demonstrate power and violence. It is further characterised by being in opposition to staff members, because it is one of the highest (quasi legal) obligations of staff to prevent such subcultural activities. Sub-culture therefore is an attempt to subvert the power and control of the system. Furthermore, it influences the hierarchy among prisoners which is also dependent on the types of offences committed. Many prisoners are also scared by the most violent murderers. Sex offenders on the other hand are threatened, bullied and even attacked. It is hardly possible to exclude oneself from these rules. Sometimes, rumours of someone being a sex offender are created if a person is disliked or simply different. If illegal substances or items are detected by staff, it is

assumed by other prisoners that there must be a traitor in the wing. This person is somehow picked out and threatened. Those prisoners who get granted benefits are suspected of cooperating with prison staff and told to bring back drugs. If they refuse, they are exposed to pressure or false accusations. What this looks like, one can read in a newspaper: "the prisoners are bullied, extorted, excluded from common activities, pelted with garbage or excrement and disparaged by lies and rumors" (Kotynek et al., 2012). This description is based on a research report on German prisons (Bieneck and Pfeiffer, 2012). These circumstances are particularly distressing if they occur to someone who is weak and cannot defend himself. It can therefore be expected that the main focus of a prisoner is, to survive this time with as little physical and psychological damage as possible. The offender does not want to become victimised. Overall, this does not contribute to the official objective of a rehabilitative prison system. In fact, it appears to do the opposite.

Effects and Dangers of Imprisonment
The effects and dangers of imprisonment are:

- Depersonalisation
- Infantilisation
- Desocialisation
- Depression[18]
- Habituation to violent communication
- Forgetting responsible lifestyle
- Familiarization with direct access of public authorities
- Enforcement of own interests by manipulative means
- Sub-culture as a way to avoid control of the system and be in control
- Experience of society as a jungle, out of which unforeseen and dangerous obstacles can appear at any time
- Experience of order as a rigid and violent power structure that does not provide protection
- These dangers are even more severe as they confront persons who usually come from a background that is already characterised by multiple problems (Fazel and Danesh, 2002).[19]

Total Institution
On an individual basis, prison staff do not intend to cause these effects by their daily practice. Rather they work within the strict hierarchical institution of a prison, often described as a 'total institution' (Goffman, 1973). The total institution is characterised by:

[18] 12-60% of prisoners suffer from severe depressions (Dünkel et al, 2007).
[19] See previous distress through psychological problems: 4% Psychosis, 12% Depression, 65% Personality disorders.

- Overarching life-world of inmates, who work and live there.
- Reduction of social relationships with the outside world, regulated contacts with relatives.
- Clear separation from the rest of society through structural conditions (building).
- Central control of inmates through hierarchical staff structure.
- Officially defined goals of the institution.
- Community of inmates holding fatalistic attitudes which is related to sub-culture.

OFFENDERS AND SOCIETY

One can describe the situation as following: "And then, the prison doors close behind the offender, and immediately the motivation dies. The convict moves into a world of shadows, out of which practically nothing reaches the outside world, except, if he is tortured to death. As if society has decided collectively to close one's eyes to the fact that 99% of prisoners will be released eventually and that therefore everyone should be interested in what condition these humans are in when they re-enter society." This description leads to the conclusion: "German prisons are an extra-legal space: it is abused, raped, murdered. For the first time, a study describes the situation in prisons. The state has given up on the goal of rehabilitation" (Kotynek et al., 2012).

- The official goal of the prison system for prisoners is rehabilitation (Robinson and Crow, 2009). In Germany it is viewed as the resocialisation of prisoners (Cornel et al., 2009). A lot of personnel are needed to protect those who are incarcerated from the negative consequences of imprisonment and to maintain order within the institution. How difficult this can be, is shown by an example of a prisoner who has been incarcerated for only five months. During this time, he was supported by a psychologist and a chaplain in order to survive crises as a result of an already diagnosed borderline personality disorder. Then he was released "due to his short sentence", without a residence or money. His girlfriend had split up and social welfare institutions are usually closed on weekends. Thus, he had to stay with a remaining 'mate'. The following example clearly shows how society treats convicted offenders. The personnel of an organisation in Bremerhaven suppresses a colleague after his court conviction from the company (Schulz, 2013). Surely this occurs daily and shows how the majority of society understands punishment. Nobody, except servants of the state and some volunteers, want to deal with released prisoners. This is exactly contrary to the applicable current legal practice. Already in a verdict from 1975, the German Supreme Court describes resocialisation as re-entry to society and turns it into a maxim valid until today (Hagenmaier, 2014). What the prisoner learns that to be right and to be proven to be right are sometimes two different things.

Coping of Offenders After the Verdict

Offenders have to deal with their sentence. After having been sentenced, most prisoners develop a justification for their offences. In cases of bodily harm, the victim is usually described as the attacker: "One can at least defend oneself", "Why did he not stick to his obligations?" (referring drug dealing debts). Theft and burglary are "necessary" in order to gain money to survive, or for pleasure. Driving without a licence is also "a necessity", for instance to get to work. Everybody agrees that all citizens break the law, but only the prisoner had bad luck to be caught.[20] These justifications are generally not related to victims. Victims are, just as in court, hazy elements that shall not make a fuss. Most have insurance anyways and "their demand for compensation is unreasonable. They know that I cannot pay this". If the state is victimized, most do not understand who the victim is. Those who only commit shoplifting offences, have, according to them, not caused any victims: "Thefts are already included in prices". The prison sentence appears to be more than enough retribution. Anyhow, after several prison sentences, the life of a normal citizen is not possible anymore. "And anyways, I have even written an apology letter during trial, which has not had any effect". Remorse and regret are rare in repeat offending. Guilt appears as a legal term in relation to accountability.[21] In homicide cases, the offender gets into conflict with his own being (danger of suicide as a result of chaotic emotions after acts that cannot be compensated). In sexual crimes remorse and shame are more predominant. At first, the offender is sorry for himself, as he has excluded himself from society as a result of the offence. Usually, the occupation with own rights is central and – see above – the attempt to survive imprisonment. Only rarely, the offender develops the idea by himself to approach a dialogue with the victim(s) of his action(s) in order for the victim and himself to heal (Zehr, 2010). And thereby improve the re-entry into society on a psychological and social level for those involved. He is asked neither in the current criminal justice system.

Objectives of Imprisonment and Restorative Justice

The prison system turns a law-breaker into a delinquent. "The delinquent is to be distinguished from the offender by the fact that it is not so much his act as his life that is relevant to characterizing him… Behind the offender, to whom the investigation of the facts may attribute responsibility for an offence, stands the delinquent whose slow formation is shown in a biographical investigation… Penal discourse and cross each other's frontiers at their point of junction, is formed the notion of the 'dangerous individual', which makes it possible to draw up a network of causality in terms of an entire biography and to present a verdict of punishment-correction" (Foucault, 1977, 251-2). Indeed, in prison, the person plays a central role and not the offence. The delinquent is a "representative of a type of anomaly" (Foucault, 1977, ibid.). In modern prison, the description and

[20] From a criminological point of view, this is certainly not wrong for particular phases of life. See Spiess, G. (2012) Jugendkriminalität in Deutschland, zwischen Fakten und Dramatisierung. Konstanzer Inventar Kriminalitätsentwicklung.

[21] § 46 Criminal Code defines guilt as accountability.

social-therapeutic treatment of this 'Anomaly' is in the focus and is not related to the 'coincidental' victim. If it becomes clear that mediation with the victim could have an effect on the treatment of offenders, the offender-orientation of prison treatment would not change. At this point, victim-empathy-training in prison comes into play. In English-speaking countries, the Sycamore Tree program is widely known and is applied with the specific aim of reducing recidivism. Offenders are helped to be sensitised towards victims in so called victim-awareness-trainings. If one can express empathy towards victims, one may be less likely to cause harm to others and produce more victims. In relation, an evaluation of the Prison Fellowship's Sycamore Tree Programme was undertaken by Sheffield Hallam University in 2009. The study took psychometric evaluations from 5,000 prisoners taking the course between 2005 and 2009. 13% of the overall sample were women and 17% were young offenders. The evaluation found that:

- Across the whole sample (5.000 prisoners) there were significant positive attitudinal changes that were statistically associated with completion of the programme. The positive attitudinal changes were associated with all groups of prisoners and all institutional categories. Both adults and young offenders demonstrated an increased awareness of the impact of their actions as well as a reduced anticipation of reoffending (Hallam Center for Community Justice, 2009). Nevertheless, from the scientific position the question of the effectiveness remains open. From a methodological point of view there was, no control group with which convicted culprits could be compared who had not participated victim-awareness. It therefore is unclear whether by the preselection of reasonable offenders for the victim empathy training and so an atypical sample was selected so the effect of the method was not really confirmed. On the side of prison fellowship there is a deep interest of proving the strength of their faith.[22] Another point is the criminological question, whether there really can be proven any connection between a lack of empathy and the commission of crime: If this is the case then this approach is directly congruent with the aims of imprisonment in that it explains why offenders with a lack of empathy commit crime. Also other research on effectiveness is similarly oriented, as another example from England shows: "Overall 23.3% of the probationers were reconvicted. But just 18% of RJ completers were reconvicted in comparison to 35% of non-completers – both proportions are far less than predicted. 37% of property offenders who completed RJ were reconvicted, 18% of violent offenders. Low risk and property offenders demonstrate the greatest reduction in risk from writing a letter of apology, medium risk – benefit most from victim-empathy work, high risk/violent offenders – benefit most from conferencing" (Wager, 2014). Only in conferencing are direct victims compensated, relieved from their fear

[22] "Prayer is the basis for all that we do, and where it all started. All our activities are underpinned by prayer through our PF groups, which meet monthly. Our aim is to have a group in place to support every prison in England and Wales." http://www.prisonfellowship.org.uk/who-we-are/how-we-work-2. See Hagemann (2013)

or put into the position to deal with the victimization through face-to-face work with offenders. The goal of restorative justice is "to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible" (Zehr, 2002).[23] This goal is difficult to reach if the offences date back a long time which is often the case at post-sentencing level. Thus, one could think that the chance to carry out restorative justice procedures may have been missed. However, there may still be consequences that affect victims of crime and could therefore bring about change. The Ministry of Justice of New Zealand issued the following results that shed light on the victim's side. "The Ministry of Justice Restorative justice victim satisfaction survey 2011 found that: 77% of victims were satisfied with their overall experience of restorative justice, before, during and after the conference. 74% of victims said they felt better after attending the conference. 80% of victims said they would be likely to recommend restorative justice to others in a similar situation. Analysis shows a 20% reduction in reoffending by those, who participated in restorative justice. The frequency of offending for those who did reoffend dropped by nearly a quarter."[24] This perspective clearly shows the effect of conferencing for victims but also demonstrates a reduction of recidivism as a result of the procedure. The central question is, whether it is possible to introduce the victim's perspective on restorative justice into prison.

Experiences of The Project

Implementation in Prison

For a prison, it is not difficult to take up the victim-empathy-training into their treatment plan. Often, prison staff members believe that inmates should be confronted with the harm they have caused. The prison sentence does not fulfil this! This means that, if possible, the prison personnel should be involved in restorative work. If, however, the victim can be enabled to meet the offender in prison, there are general concerns and questions. Who accompanies the victim, who takes care of the security and the after-care, how can one deal with the emotions arising from victims and offenders? How much additional work does this involve for prison staff? If these questions can be answered in a convincing manner for prison staff, the question of facilities arises. Prison rooms have generally been prepared for inmates and not necessarily for emotional encounters. Furthermore, the crucial question of data protection emerges. Is it permissable to inform unrelated persons where he is residing? Generally, data-protection is used as an argument to refuse to give away data to third persons. Presumably, these questions will not prevent the implementation of RJ

[23] In a footnote, the German translator points out that a similar definition also appears with Tony Marshall: "Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future." This definition is often quoted.

[24] Accessed on 10.12.14: http://www.justice.govt.nz/policy/criminal-justice/restorative-justice.

procedures in the end. Prisons can, if the offer of RJ is made in a sufficiently professional manner, make sure that restorative justice procedures are practised so as to include the victim‘s perspective. It should be possible that victim interests and needs are fully considered when RJ is delivered by prison staff. Since victims have to be prepared for the meeting with an offender, this must be organised independently from prison. The preparation for a prison visit belongs to the concept of the criminal-act-dialogue groups that have been carried out as part of the project or can be approached through single interviews.

Instrumentalisation
The interests and needs of offenders cause larger problems. Is it possible to select them through prison assessment processes and still, despite their own self-interests within prison (for example early release) to achieve, under this circumstances, a real meeting and dialogue with the needs of a victim? Think of the aims of inmates: to be in prison unscathed, to stay without attacks of fellow prisoners and to reach an easing of prison regime as soon as possible. Is it possible to prevent victims being instrumentalised by offenders to gain these benefits for their own needs in relation to their imprisonment? This question must be dealt with in victim-empathy-trainings carried out in prison. Generally there should be no directly related prison-benefits arising out of the participation in a victim-empathy-training or RJ conference. Participation should not be encouraged in order to gain potential benefits. A consideration regarding decisions on imprisonment can occur, if the program has been completed and the offender makes the impression of having dealt with the victim’s perspective in a serious manner. The most effective result, however, could probably be reached if the victims ask for their offenders participation and they decide to participate, if possible without previous information of prison administration. This can occur once the offender has decided to participate.

Empowerment
If a victim-empathy-training is put into practice with the awareness of problems of instrumentalisation, the question follows of how offenders can be protected from possible negative consequences within prison. Here, it is possible to think of degradation or bullying because of the perspective change identified by other inmates. This must be considered as part of the training in order for the inmate to prepare himself (empowerment). Group work in prison, as far as possible is organised, already to include this aspect as part of the empowerment of the prisoner. Certainly, there are prisoners with similar experiences. Still, in the beginning of restorative steps this is not very helpful because the coalition of groups in prison is not encouraged, if inmates gather themselves in a group, it looks to staff like the beginning of a sub-culture. But, in a restorative prison such a development would be without problems and possibly quite welcome. Therefore, even when the restorative justice procedures are completed, there should be some form of after-care, so that the inmate does not feel pressured to adapt to negative prison-circumstances immediately for self-protection. This means: the task of restorative justice may not be finished after the meeting with

a victim. Otherwise, with the consideration of the needs of both parties, it could be suggested that the offender is instrumentalised in the interest of victims. Thus, a continuation of the group work appears reasonable to maintain the offender's positive self-change.

Offender's Perspective
A review evaluation of eight out of nineteen still imprisoned participants of the project (except one training without victim encounter) has revealed the following:

- Participation was good and useful, even if it did not cause relief.
- They can now imagine that victimization can cause problems, which was not the case before. When they were victims themselves, they claimed that the experience of victimisation was gone within two days through 'smoking pot' or otherwise. Their suggestion was that ("…a man does not experience this").
- The participants experienced the visit of a victim and two victim support workers as particularly positive. Even if the victimization was not related to their own offences, it helped them to understand victim experiences and take them seriously.
- The group work was experienced as interesting and educational. For the first time, they heard consciously that there are many different forms and consequences of victimization/offences. Those having committed fraud learnt about bodily harm and vice versa and all heard that the shoplifter claims to have no victims at all.
- Offenders realise what they have done to their own relatives and how threatening their coping with the consequences can be for their social position and reacceptance.
- They would like to continue group work.
- Pressure to participate is harmful. The person may block or withdraw. (One of the participants left the course).
- A participant explains that the group work has given him personally the chance to deal with his offences again. If possible he wants to prevent burglaries in future. To approach a dialogue with victims, however, appears impossible to him after many offences and 17 years of imprisonment. He believes he has to face the consequences himself and live with the help of society.

CONCLUSIONS

- When applying RJ procedures in prison, some of the conditions and objectives of the institution must be considered. These create new problems and possibilities.
- It is particularly important to be aware of possible instrumentalisation of victims by offenders and in regards to the RJ-offer.
- At best, this can be prevented through the clear focus on victims needs when applying RJ at post-sentencing level.
- If an agreement is reached between victim and offender, the offender must be offered a continuous treatment in order to deal with the prison sentence.
- A simple victim-empathy-training is a reasonable offer for convicted offenders, even if the RJ-offer for victims has not been developed further yet. Preferably it should be carried out by external organisations to avoid a combination of control and empathy.
- In future, prison institutions can be restructured towards more restorative means. Some descriptions are available from Anglo-Saxon countries: "We believe that restorative justice has great potential to humanise prisons, improve safety, enhance social order, and make the experience less hostile and damaging for all concerned. We believe that a completely transformed prison, centered on restorative values, would:
  - begin to address society's obligations to victims of crime;
  - serve as a place of safety in mediating between people who have been deeply harmed and those who have caused the harm; and
  - occupy a crucial positioning in the reintegration of offenders to society" (Edgar and Newell, 2006).

Therewith the third dimension in the philosophy of restorative justice, namely the community, would be included. This becomes apparent through the third problem of instrumentalisation – that RJ is being misused for the transformation of prisons. It is to be remembered that RJ aims to support victims, offenders and the community to reach a settlement and through that, create a peaceful togetherness. The aim is to prevent further damage that could be caused through avoidable incarcerations. Such incarceration only satisfies a few victims. Therefore, the transformation of prisons would not lead them to being redundant but would reduce their usage only to the most serious cases. Here, it is to remember the description of Howard Zehr (2002):

- "Restorative Justice is not primarily about forgiveness or reconciliation;
- Restorative Justice is not mediation;
- Restorative Justice in not primarily designed to reduce recidivism or repeating offenses;
- Restorative Justice is not a particular program or a blueprint;
- Restorative Justice is neither a panacea nor necessarily a replacement for the legal system;
- Restorative Justice is not necessarily an alternative to prison;

- Restorative Justice is not necessarily the opposite of retribution.
- Restorative Justice is concerned about needs and roles."

Restorative Justice focuses on needs more than deserts for all parties involved: victims, offenders and the community. Empowerment is central in its philosophy. Empowerment for experiences of transformation, of healing the harm caused and the taking on of obligations of all those involved (Zehr, 2002). Restorative Justice is a step by step approach, not a finalised way of solving all problems of crime. Rather, there are thousands of solutions for thousands of problems of crime. Each victim and each offender should be able to choose their own particular way of dealing with it. The agents of restorative justice only are assistants in this process. The location and time, where this may happen, may be prison or every other point in time. Nevertheless, prisons should be open for this opportunity and thereby gain a better future in the interest of security of prisoners and staff, but also in terms of whole society. That this may be possible in the future, is shown the results of a staff-interrogation in Germany: "Offender-victim mediation and other RJ-measures basically find so a wide acceptance among staff of the penal system. But around half of respondents doubts about the feasibility" (Hartmann et al, 2011). According to our own experiences with three groups of imprisoned men it is possible to implement restorative justice in German prisons. But it will be a long journey to overall acceptance and will need good preparation. Sentenced men also will accept RJ. But the restorative prison is far away.

VICTIMS PERSPECTIVE: VICTIM PERSPECTIVES ON POST-SENTENCING RESTORATIVE JUSTICE IN CASES OF SERIOUS CRIMES

NADIA MARIE WAGER AND ANGEL RHAIN WAGER

INTRODUCTION

There is a multitude of restorative justice (RJ) practices that share the distinctive feature of facilitating communication between the victim and offender, with the purpose of providing the victim of crime the opportunity to tell his/her story of the harm done to them by the responsible person; to be able to ask the offender questions that enable the creation of a more complete narrative of the event(s); and for negotiated decisions to be made as to how the harm might be repaired. These can include facilitated face-to-face meetings between victim and offender, indirect communication between the two parties through letters coordinated by criminal justice practitioners (shuttle dialogue), and surrogate practices where the victim meets and engages in a dialogue with an offender, who is unrelated to their case, but who has committed a crime similar to the one they have experienced. According to Jacobsson, Wahlin and Andersson (2012) RJ practices are built on the core principle that a genuine dialogue between the victim and offender has the potential to restore the sense of dignity and self-regard for both parties. Restorative processes can be delivered at a range of different points along the offender's journey through the criminal justice system, or outside of the mainstream, traditional justice system. In this instance we are particularly interested in processes that occur at the post-sentencing stage of the offender's journey. That is, processes that take place during the offenders' period of incarceration or whilst on parole following completion of a custodial sentence, or whilst on probation if serving a community sentence.

Daly (2000) contrasts RJ with traditional adversarial justice by characterising the latter as being predominantly concerned with the punishment and treatment of the offender, where the victim is conceptualised as a mere witness to be used in ascertaining the guilt or 'innocence' of the defendant. Conversely, she contends that in RJ the victim plays a more central role, and that the harm done to the victim and the community becomes the focus, as is the victim's input into decisions regarding how the offender should repair the harm they have caused (albeit symbolically). Consequently, when evaluating the effectiveness of RJ interventions, the impact and outcomes for the victims should become the dominant, although not the exclusive, concern. Research findings to-date suggests that restorative justice practices, particularly those that permit a dialogue between a victim and his/her offender, can have significant beneficial impacts upon participating offenders. In particular, the transformative power of an RJ meeting between victim and offender is viewed as the catalyst that motivates some offenders, not only to desist from further offending, but also to compel them to forge a new pro-social life-trajectory. Whilst not all restorative justice meetings are successful in this endeavour, there is consistent evidence

suggesting that success is more likely in the context of RJ events that arise in response to serious crimes, particularly those of an interpersonal nature (Shapland et al. 2008; Wager, O'Keeffe, Emerson & Bates in press). Importantly, there is some indication that when given the opportunity to participate in RJ individuals who have experienced more serious victimisations, particularly crimes against the person, appear to be more likely to seek to engage in the process (e.g. Coates, Burns & Umbreit, 2004). Thus, not only does RJ appear to be effective in relation to the rehabilitation of offenders who have committed serious crimes, it is also a process that is desired by those who have been harmed during the commission of such crimes. With the growing legislative and policy recognition of victims' rights and needs it is therefore important to consider the victims' motivations and experiences in relation to engaging in RJ, since an understanding of these will inform the selection and development of appropriate evaluation tools.

The overall aim of this article is to provide an overview of victims' perspectives on post-sentencing restorative justice in the aftermath of serious victimisation. This will be achieved by attempting to address the following five questions: 1) Who are the victims of serious crime? 2) Why are we considering post-sentencing RJ and not pre-sentence RJ, or RJ as a diversion from the traditional justice system? 3) What motivates victims to participate in, or request RJ and what are their needs? 4) Does RJ help victims to recover from the harm caused by the offence and if so, how does it do this? 5) What strategies have been established to maximise the potential for victim recovery and minimise the risk for secondary victimisation when delivering RJ in the context of serious crimes. However, due to the paucity of research specifically focusing on post-sentencing RJ, occasionally knowledge will be tentatively drawn from both pre-sentencing and diversion (diverted from the courts) practices. Similarly, there is a relative dearth of empirical literature which evaluates the impact of RJ in the context of serious crimes (Urban, Markway & Crockett, 2011). Thus, examples may be taken from less serious forms of interpersonal offending.

WHO ARE THE VICTIMS OF SERIOUS CRIME?

To begin there is a need to recognise the plurality of different groups of people who suffer harm in the aftermath of a serious crime, since such recognition serves to highlight the divergent needs and motivations for those victims who choose to engage in a RJ process with their offender. When considering serious crimes, it is more likely that the victims who are eligible for RJ will be both those who were directly harmed by the offence and those who have suffered indirectly. For example, those who have been indirectly affected by the crime might be co-victims of homicide (i.e. family members of a murdered victim) or members of the offender's family. Whereas the direct victims of serious crime might include individuals and communities who have experienced sexual and violent crimes, a terrorist attack (e.g. the Brighton Bombing) and religious or ethnic conflict (e.g. Northern Ireland) or survived genocide (e.g. Rwanda).

WHY POST-SENTENCING RESTORATIVE JUSTICE?

Post-sentencing RJ, as opposed to initiatives delivered at the pre-sentencing stage, is considered by some to be more appropriate in the context of serious crime (e.g. Miller 2011). One of the key concerns with pre-sentence RJ is that the offender's engagement might impact on the severity of the sentence received and thus some offenders might be motivated to engage with the process for egocentric concerns and the hope for leniency, which might conflict with victims' justice values. Conversely, when offenders indicate willingness to participate in RJ post-sentencing it might be conceived as being more other-orientated and an expression of genuine remorse. It is possible however, that victims might be concerned that the offender's motivation for engagement is to secure early parole. However, providing their original sentence was deemed fitting, this might serve less as a de-motivating factor. Additionally, due to the expediency with which pre-sentence RJ must be delivered in order to satisfy the needs of the court, there is very little time in which to fully assess the suitability of the case taking into account both party's needs or to adequately prepare both the victim and the offender. Without such assessment and preparation the process holds considerable potential to re-victimise or re-traumatise the victim. Whilst there are no known statistics which demonstrate that victims of serious crimes are more likely to accept an invitation to engage in RJ if it is offered as a post-sentencing option rather than at the pre-sentence stage, it is plausible that this is the case. Two reasons are offered here as to why victims might have a preference for post-sentencing RJ: these refer to victims' justice and healing needs, respectively. First, the victim's justice needs will be partly fuelled by their own justice values which will be influenced by the severity of the crime and the perceived likelihood of recidivism of the part of the offender. Secondly, their own healing needs may not be recognised until sometime after the actual crime and after the failure of other avenues that have been travelled with the hope of achieving recovery or a sense of closure.

With regards to justice needs, victims have different motivations for reporting a crime to the police depending on the nature of the crime itself. For instance, the motivation behind reporting a property offence is for retribution, either by retrieving possessions or receiving compensation. In contrast, victims of violent offences tend to report the offence due to their belief that the responsible person needs to be punished (or receive treatment) to prevent them from posing a risk to others (Pemberton, Winkel & Groenhuijsen, 2008). Thus, they might be reluctant to engage in a RJ process until their own justice needs are fulfilled though seeing the offender punished. Karremans and van Lange (2005) propose that there is a relationship between forgiveness and justice values that would suggest that there would be a preference for post-sentence RJ in response to serious crimes. They propose that the effect of justice values depends on the type of justice values triggered by the crime. If these are predominantly punishment or retribution oriented, as some might expect in the case of serious crimes (Mattinson & Mirrlees-Black, 2000), there will be a belief that the offender should be sent to prison, or must compensate in some way for the harm caused. Where the justice values are left unfulfilled they will serve as a barrier preventing the

potential for forgiveness (Ecline & Baumeister, 2000). In light of this, since both social etiquette and the reciprocal nature of empathy compel individuals to respond to an apology with forgiveness (Allan, 2008), it is unsurprising that where cases of sexual violence are responded to with diversionary RJ that a third of the participating victims explicitly stated that did not wish to receive an apology from their offender (Koss, 2014). Furthermore, in the RISE project in Canberra (another diversionary project, including cases of moderate violence), only 39% of victims later reported forgiving their offender despite the fact that 86% of them had received an apology (Strang & Sherman, 2003). However, an alternative explanation offered for the relatively low rate of forgiveness in response to an apology might stem from the growth in secularisation of both the US and Australia and the association between religious commitment and the perceived desire to forgive those who transgress against us (Worthington, Sandage & Berry, 2000).

In relation to healing needs, for many victims of serious crimes one of the most debilitating consequences in the aftermath of their victimisation is the development of post-traumatic stress disorder (PTSD). The disorder is characterised by avoidance of certain reminders of the trauma, re-experiencing which includes intrusions of thoughts and feeling related to the crime both during the waking day and whilst sleeping, and hyper-arousal/vigilance. It is estimated that between 20 and 38% of victims of sexual and violent crimes will develop PTSD at some point following their victimisation (e.g. Kilpatrick and Acierno, 2003). However, estimates are somewhat higher when considering sexual victimisation separately. Whilst, a diagnosis of PTSD itself requires that an individual has to have been troubled by these symptoms from more than six months, some individuals might demonstrate fairly high levels of symptoms of PTSD, but do not meet the full diagnostic criteria (Galea et al., 2002). This group is referred to as having sub-syndomal PTSD and they may be at risk of developing delayed–PTSD months or even years after the event. Andrews, Brewin, Philpott and Stewart (2007) suggest that delayed-onset can be triggered by being exposed to a new stressor, albeit one that was possibly more 'mundane' than the original (e.g. giving evidence in court). Furthermore, developing PTSD in the aftermath of victimisation places the individual at risk for developing additional mental health issues including substance misuse and depression (Kilpatrick and Acierno, 2003). Thus, the full extent of the impact of the crime on the individual might take many months or years to fully manifest, or the persistence of negative symptoms might be evident despite engagement with therapeutic interventions and/or the fulfilment of justice needs. All of which serve to hinder the victim's ability to move on with his/her life. It may be upon the realisation that healing and recovery are not forthcoming from the means already tried that victims feel a desire to accept an offer to meet with their offender. This motivation is possibly less likely to be felt at the pre-sentence stage due to the relatively short duration between the crime and the proposed RJ event, compared to the duration possible with post-sentencing RJ.

THE NEEDS AND MOTIVATIONS OF VICTIMS WHO PARTICIPATE IN OR REQUEST RJ

Before considering the needs of victims of serious crimes and their motives for choosing to engage in a restorative process it is pertinent to consider the impact of serious crime upon those victimised. Whilst there is no single pattern of response to victimisation, it is generally accepted that victims can be affected on multiple levels and in a range of different life domains, which can ultimately serve to disrupt their sense of self-identity and their relationship with the world around them (Achilles & Zehr, 2001). According to Achilles and Zehr (2001) the crisis of victimisation consists of three sub-categories of crises related to self-image, meaning/beliefs and relationships/trust. Each of these sub-crises are purported to undermine three key assumptions (autonomy, order and relatedness, respectively) that serve to promote our sense of safety and wholeness (Johnson, 1990). The disruption to autonomy as a consequence of the crime can result due to both the sense of powerlessness during the commission of the crime and the lack of control over the intrusive and the unexpected re-experiencing of related emotions and memories that can occur for months or years after the event(s). The disorder that is created in the wake of victimisation necessitates the formulation of an understanding of why the crime occurred, or why the victim was selected as a target. Thereby, recreating the much needed perception of predictability and order. Often the outcome of establishing a new order and meaning will encompass the elimination of persecutory self-blame. Relatedness to others is eroded by two principle factors. First, the victim's own tendency to withdraw that might arise as a consequence of their overwhelming emotions and or grief. Additionally, withdrawal might be fuelled by their propensity for avoidance of social spaces in order to reduce the likelihood of re-experiencing the trauma or to compensate for their perceived inability to judge the trustworthiness of potentially maleficent others. Second, the inability of others, who are normally socially related to the victim, to fully empathise with a situation which is likely to be unfamiliar to them and of which the after effects tend to extend for a protracted period of time. The latter point will often lead to a disturbance in the normal reciprocity (Buunk & Schaufeli, 1999) of social and emotional support that flows between friends, family and colleagues. When one party within an interacting dyad recognise that they are doing all the investing, without any personal reward, they are compelled to withdraw from the relationship, either physically or psychologically (Buunk & Schaufeli, 1999). The outcome of both the victims' own reactions and those of their social support network can, ultimately, render the victims to feel isolated and lonely.

Achilles and Zehr (2001) propose that in order to progress beyond the crisis of victimisation, the victim will need a number of needs fulfilled which include: a) re-establishing a sense of safety (both for themselves and other potential victims); b) a safe outlet for the expression of their emotions where they will not be blamed; c) a form of restitution that holds the offender accountable and vindicates the victim, which serves to validate the experience; d) answers to questions related to the crime; e) to be granted a voice, and f) empowerment to overcome the powerlessness and the loss of control associated with victimisation. In discussing the recovery and justice needs of victims of sexual and dome-

stic violence, Herman (2005) argues that the adversarial justice system not only fails to fulfil any of these needs, but in fact serves to exacerbate the extent to which some of these needs might be experienced. This effect leads to the insinuation that the adversarial justice system engages in a process of secondary victimisation for some victims. However, preparation for, and engagement in a restorative justice conference could serve to ameliorate the effects of secondary victimisation. Consequently, victims might choose to participate in a restorative justice process to fulfil three of these critical needs which are generally not fulfilled via the traditional criminal justice system (Choi, Green and Kapp, 2010). The first relates to Achilles and Zehr's notion of 'voice' and it is the desire to share their victimisation and tell the responsible person of the impact their behaviour has had on them. The traditional adversarial justice system does not allow the victim to tell their story using their own narrative. They are forced to answer questions that require restricted responses and they have to do so under an air of scrutiny and suspicion. This procedure can serve to disempower and sometimes, re-victimise the victim (Herman, 2005). The second, 'seeking answers to questions' refers to the need to acquire further information regarding the offence. Usually the desired information, such as loved one's last words, knowing exactly what happened, or why the offender choose to victimise them, is not retrieved through the traditional criminal justice process. Evidence suggests that these unanswered questions may contribute to the onset of PTSD due to persistent rumination, which can feed anger and prevent closure and thus the ability to move forward with their lives. Finally in some cases, RJ provides the opportunity to receive a sincere apology from the responsible person. The receipt of what is perceived to be a genuine apology can encourage forgiveness on the part of the victim, forgiveness is believed to possess healing qualities for the victim (McCullough et al, 2001; Barber et al, 2005) that permits a sense of closure.

Whilst the above motivations are inferred from an understanding of victims' needs, there is also some literature which presents the victims own expressed motivations for participating in RJ. The findings from the evaluation conducted of RESTORE (the diversionary RJ intervention for cases of sexual violence in Arizona) reported that a third of the victims declared that they selected the programme to put the experience behind them or to gain a sense of closure. All of the victims choose to participate in RJ to regain a sense of empowerment (Koss, 2014). The RISE project in Canberra, Australia reports that when the participating victims where asked why they decided to attend the conference, almost two thirds said they wanted the chance to "have their say" and the opportunity "to express their feelings directly to the offender" (Strang & Sherman, 2003).

THEORETICAL EXPLANATIONS FOR THE HEALING POTENTIAL OF RJ

It is noted that there is a relative dearth of literature which provides a theoretical rationale for the potential healing or justice balancing effects of RJ for victims. Indeed, Sherman, Strang, Angel et al. (2005) argue that consideration of any theoretical understanding of victim benefits have largely been an afterthought. In contrast there has been a number of theories used to explain the impact on offenders, including Braithwaite's (1989) *Reintegrative Shaming*, Tyler's (1990)

Procedural Justice, Collins' (2004) *Interaction Ritual Chains,* Sherman's (1993) *Defiance Theory* and Wallis' (2013) *Resonant Empathy.* Interestingly, two of the theories applied to offenders have more recently been utilised in explaining the potential impact on victims. These are the theories proposed by Collins and Tyler. In addition, Wallis' very recent resonant empathy theory has been developed specifically to understand the impact for both victim and offender. Two of these theories will be briefly discussed in turn before moving on to explore other explanations which have not yet been formulated into coherent, named theories.

Narrative theory

It is proposed that one of the key healing needs for many crime victims, particularly those who have been affected by serious crimes, is emotional restoration (Doak, 2011). In the days, months and sometimes years following criminal victimisation the victims can become consumed by a plethora of emotions which inhibit their ability to move forward with their lives. The typical emotions might include fear, anxiety, vengefulness, hatred, hopelessness, helplessness, shame, self-blame and anger, rage etc. All of which might be resolved through cathartic release. Whilst to-date there is no quantitative data to suggest that an RJ meeting between the victim and offender facilitates emotional restoration (Doak, 2011), there is tentative support for there is proposition from studies examining the link between story-telling and health (e.g. Frank, 1995; Pennebaker, 1993). Thus victims' expressed need to tell their story in their own words and to be heard by significant others might be partly motivated by the potential this holds for releasing them from the pernicious effects of the persistent emotional resonance.

Whilst Frank (1995) discussed the meaning-making benefits of story-telling in relation to receiving a life changing medical diagnosis, the message translates well to criminal victimisation. Using his conceptualisations, criminal victimisation could be seen as a loss of the 'destination and map' that was previously used to guide the victim's life. To compensate for this loss he/she needs to learn to think differently, it might be that their destination changes, or that the normal paths they take no longer feel safe. Their learning in this respect can be facilitated through hearing themselves tell their story to others, then internalising the reactions of those who listened and the general experience of sharing their story. He proposes that the more traumatised the individual, the more likely they can be seen as a *narrative wreck,* a condition which is further complicated the possibility of a new character (actual person, or a new way of seeing a familiar person) who uninvited entered into their life narrative; that is the offender or 'deconstructor'. Through sharing their stories with others, particularly those who had a part to play in the story, they are able to reconstruct the story in such a way that it makes the events more meaningful. That is, as humans we appear to have innate needs to: a) see events as causally linked; b) be able to affirm our own sense of moral rights and wrongs; c) believe in our own self-efficacy, and d) be able to diminish any stems from the opportunity it provides the narrator to distance his/herself from the potentially threatening experience of vulnerability and to establish a new perspective on their experience. With regards to whether such story telling can help dissipate the negative emotional sequelae of victimi-

sation, there is some indication that by talking about traumatic experiences reduces the physiological correlates of negative emotions such as reductions in blood pressure, muscle tension and skin conductance (Pennebaker, 1993). These physiological benefits appear to be greater for individuals who are able to fully express their emotions during the recounting of the events compared with individuals who produce a dry account of the incident (Pennebaker, 1993).

Interaction Rituals

Rossner (2007; 2008), in refining Collins (2004) theory of interaction rituals, suggests that the RJ meeting between victim and offender, if successful could be considered to be a solidarity producing event. Whereby, by the end of the meeting all parties leave with a feeling of group membership and strong social bonds which results in a high level of emotional energy. An interaction ritual is defined by Collins (2004) as a social encounter which is characterised by the following four elements: a) a face-to-face gathering of people; b) a clear boundary between participating and non-participating individuals; c) all participants have a common focus, and d) the participants experience a process of emotional contagion (entrainment experience). Collins suggests that a successful interaction ritual arises as a result of strong emotional expression which manifests as collective effervescence between the participating individuals. During this process the negative emotions (anxiety, anger, vengeance etc.) that were present at the beginning of the meeting are typically replaced with more positive emotions (e.g. forgiveness and pride). This causes a sustained burst of emotional energy which facilitates feelings of 'confidence, elation and initiative in action' (2004: 34). Strang et al. contend that the interaction ritual permits three processes to occur, all of which might support the victim in healing from the crime. These are; deference exchange, cognitive analysis and empathy-building. In deference exchange, it might be that the physical superiority of the offender at the time of the crime is compensated for by the moral superiority of the victim during the meeting. In relation to 'cognitive analysis', this equates with meaning-making discussed in relation to narrative theory. Finally, empathy building, is where the victim on hearing the offender's story is less likely to view him/her as a bad person who is likely to continue to pose a threat to themselves and others, rather they see them as someone driven by unfortunate circumstances.

Whilst for offenders such energy might be employed in forging a commitment to stop offending or for developing more trusting relationships with authority figures inside the criminal justice system, for victims this might result in a desire to forgive the offender or the unburdening of the enormous weight of the negative emotions they had been carrying. According to Collins (2004) signs of emotional energy during the conference include the maintenance of eye contact, hand-holding, hand-shaking, emotional attunement and hugging. Alternatively these can also be seen as behavioural indicators of each of the parties having empathy for the other. Such movement in the manner in which the offender and victim relate to one-another that reduces the gap between the two of them and is considered to be a sign that the meeting facilitated restoration (Daly, 2006; Halsey, Goldsmith & Bamford, 2014). Additionally, Sherman et al. (2005) propo-

se that two processes related to therapeutic healing from post-traumatic stress disorder (PTSD) endorsed in Cognitive Behavioural Therapy can be appropriated to help explain the benefits. The two concepts are normalisation and reduction in self-blame. Normalisation is seen as the deconditioning of fear associated with the crime and the offender through providing a safe environment in which to revisit both and to recognise that whilst the experience is anxiety provoking, the outcome feared does not manifest. In support of the normalisation proposition, Strang's (2002) evaluation of an RJ project in Canberra found that participating victims reported a 50% reduction in their fear of the offender following their RJ meeting. With regards to reductions in victims' self-blame, Sherman et al.'s (2005) findings from their multi-site, randomised-control trial of diversionary and pre-sentence RJ did not support this proposition. However, the association between victims' reduction in PTSD and engagement in a RJ meeting with their offenders has been demonstrated in a randomised-control trial in London (Angel, 2005). Whilst the trial was conducted on pre-sentencing RJ, many of the victims had experienced serious crimes against their person. The trial had an 83% completion rate for victims undertaking RJ and a 35% rate of attrition for the RJ group at follow-up post-intervention. The analysis on the data was conducted using the intention to treat protocol, which is known to provide a more conservative estimate of success, since it includes all of the people who were allocated the RJ intervention, yet who did not participate in the process. Overall, the study found that post-RJ there were a third less clinical cases of PTSD and that the beneficial effects were most evident for female victims.

Preventing secondary victimisation

Since, the central concern when working with victims of serious crime has been to prevent, or at least minimise, the risk of secondary victimisation as a consequence of participating in RJ the current strategies used to meet this goal deserve consideration. The most dominant method for harm reduction is the adequate preparation of all participating parties. In this section we will focus on the lessons learned regarding the preparation of victims. Choi et al.'s (2012) review of victims' experiences of RJ, which employed a qualitative analysis of the views of dissatisfied victims from published evaluation studies, demonstrated that there are a number of common issues that lead to unsuccessful RJ from a victim's perspective. These included: a) that in some contexts the informality of the process means that there is no sanction against the offender if they fail to complete an outcome agreement; b) feeling insufficiently or inappropriately prepared for the process; c) sense that the facilitator lacked competence, training, expertise or professionalism; d) being re-victimised during the process; e) feeling coerced into participation, and f) feeling more afraid as a consequence of the process. There is a fairly consistent finding that stresses the importance of victim-sensitive preparation for RJ conferencing if the aims are going to be achieved (Choi et al., 2012; Marshall, 1996; Shapland et al., 2007). This is a critical issue because adequate preparation is the primary means by which victims are: provided the detailed information they need related to the process itself; assisted in understanding the roles of each of the actors during the meeting; able to alleviate their misperceptions, fears and concerns; helped to set realistic expec-

tations of the process by informing them of potential risks and benefits; and helping them to adopt appropriate behaviour and attitudes in RJ dialogues (Achilles & Zehr, 2001; Daly. 2006; Hoyle & Young, 2002; Koss, 2014; Umbreit & Greenwood, 2000). Umbreit and Stacey (1996) go so far as to state that that the preparation is actually more important for influencing outcomes than RJ event itself. This finding is concordant with both procedural justice perspectives and empowerment models of victim change associated with RJ.
The preparation stage also permits the facilitator the opportunity to establish the victim's motivations for wishing to meet with their offender. Urban et al. (2011) recommend that facilitators who are working with serious cases should anticipate the victims' motivations and desires to change throughout the preparation process and thus flexibility is required on their part to accommodate this. Urban et al. (2011) also highlight the importance of preparing the victim's supporters adequately. They contend that resourcing issues often lead to only cursory attention being paid to the preparation or the supporters, however, their actions during the RJ event has potential to significantly impact on the process. They propose preparation would entail identifying the supporters own motivations for participating and any underlying issues they have that might contribute to the potential for an outburst directed at the offender. Since, to traumatise the offender may not be conducive to the success of the dialogue between the victim and the offender.

Koss (2014) conducted empirical research on RESTORE's victim preparation programme which involved numerous meetings with the victims before the face-to-face meeting with the responsible party. She is adamant that the length of preparation should largely depend on the victim's needs, so will vary case to case. Additionally, she argues that unlike in non-violent crimes where the RJ script suggests that the offender should be first to speak, in relation to violent or sexual crimes that have served to seriously disempower the victim, they should be given a number of options regarding his/her involvement in the conference (including who should speak and be seated in the room first etc). These options help to manage safety concerns and can be established as part of the set ground rules developed for the particular case. Favourable aspects of RJ related to procedural justice such as voice, respect, trust and neutrality, begin during the preparation stage of an RJ intervention. Voice is defined as the opportunity to be involved, express ones concerns and be heard. During the preparation meetings the victim should therefore be given the opportunity to determine the topics to be addressed during the conference, to consider topics/issues that they would prefer not to be raised during the dialogue with the offender, and to prepare a list of questions for the offender to answer. Van Camp and Wemmers' (2013) study of 34 victims of violent crime found preparation helped to clarify exactly what they wanted to gain from the process. Also, the mediator's assistance in formulating questions for the offender was considered invaluable since the victims reported that they would have had difficulty to independently create the questions effectively or respectfully due to their heightened emotions. Respect during the preparation stage can be demonstrated through the behaviour of the facilitator's towards the victim. Importantly, in van Camp and Wem-

mers' study the facilitators were described as compassionate and caring, and providing a safe arena in which to address the victims' emotional needs. Furthermore, a sense of self-importance which arises in response to being listened to by the facilitators during the preparation stage (Armstrong, 2012) may lead to perceptions of being respected. Trust might arise as a consequence of assisting the victims to create realistic expectations of the RJ process, since unmet expectations are likely to evoke a profound sense of distress and distrust in the facilitators.

The act of receiving a sincere apology has positive benefits for victims. Unfortunately many victims do not perceive the offender's apology to be sincere. It has been suggested that although the offender may feel remorse and offer a genuine apology they may not possess the skill, diplomacy or attitude to communicate this aptly in a restorative justice context. Bennett (2007) highlights the importance of victim preparation to enable the victim to constructively work with their offender. This helps to improve communication and heighten understanding in the restorative justice context and avoids the potential for miscommunication and further distress. However, it has been noted that where preparation of the victim has been overly concerned with the well-being and needs of the offender, specifically where the victims has been asked to withhold any demonstration of strong negative emotions, this has led to less successful RJ meetings.

Conclusion

To-date such studies demonstrate that at an aggregate level victims experience less fear, anger, PTSD, vengefulness following engagement in RJ in comparison to traditional justice. Additionally, they are more likely to report being satisfied with both the process and the outcome of an RJ intervention and to experience a sense of closure which sometimes, but not always comes from forgiving their offender. Analysis of those victims whose experiences of, and outcomes following, RJ have provided invaluable information as to how practice can be further developed so as to minimise the risk of secondary traumatisation. To date, most of the scientific data concerning impact on victims has been drawn from restorative interventions that have been delivered as part of a criminal justice response to offending, rather than being a result of victim-requested RJ. Consequently, there will be a number of decisions made by criminal justice personnel which will impact upon which cases are deemed suitable for face-to-face conferencing. Thus overall, it appears that for the few select individuals whose victimisation experiences fulfil the characteristics of being suitable for RJ, there is evidence that for most, this will have beneficial effects. As for the future, it is imperative that there is greater selected focus on rigorous evaluations of post-sentencing RJ, which is currently largely missing from the literature. Additionally, Rossner (2008) proposes that we should turn our attention to understanding the dynamics of a successful conference and thus explore the factors that are hypothesised to lead to positive transformation. Umbreit et al. (2007) suggest that such an endeavour would assist in the development of dedicated theory and in the facilitation on more successful RJ events.

PRISON SYSTEM: WHAT DOES THE IMPLEMENTATION OF RJ MEAN WITHIN THE CURRENT SYSTEM? - THE FACE BEHIND THE FENCE[25]

BORBÁLA FELLEGI[26] AND DÓRA SZEGŐ[27]

INTRODUCTION

The restorative approach and mediation procedures between the victim and offender were institutionally incorporated into Hungarian criminal procedures in 2007 (Fellegi, 2009, 201). Officially, it is the Probation Service of the Office of Justice belonging to the Ministry of Public Administration and Justice that is in charge of mediation in criminal matters. However, the application of mediation after the sentence, in the context of prisons is still in its beginnings.

In recent years a programme being implemented by some non-governmental organisations has been launched in a few prisons: conflict management groups; trainings about responsibility-taking and sensitisation to the attitudes of victims; family group conferences for the promotion of the reintegration of released inmates; and community reparation projects. A common point of these activities is that they are all to facilitate communication among inmates, between the inmates and local communities or the inmates and their victims. On the other hand, they lack a standardised theoretical and methodological background. Some of them rely on the conventional restorative methods, while others are just indirectly linked to the restorative approach. Typically, they are operated in isolation from each other, lack sufficient resources, and therefore are hardly sustainable (Fellegi, 2009, 212). Thus, on the national level it can be claimed that in spite of the positive examples, there were just a few restorative justice programmes before our pilot project that would encourage active responsibility-taking, regret and reparation on the part of the inmates.

This article presents the results of the pilot project and the related action research implemented as part of the MEREPS[28] (*Mediation and Restorative Justice in Prison Settings*) project that ran between 2009 and 2012. This programme was the first attempt in Hungary to introduce and integrate restorative justice (RJ) procedures into the prison system on the institutional level. Restorative practices were applied within the framework of a one year long pilot project between November 2010 and November 2011 in three areas: conflicts between inmates; the restoration of family relations; and victim reparations. The victim reparation aspect of the project was restricted by the lack of a complex institutional system of victim protection and due to rigid data

[25] The present study is an updated extract of the article by written Dóra Szegő and Borbála Fellegi originally published in Barabás, Fellegi and Windt (2012)

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[28] The project was funded by the European Commission's Criminal Justice Programme 2008

protection laws in Hungary. As a consequence of these obstacles, finally the emphasis in the action research project was put on 'cell conflicts' (inmate-inmate conflicts within the prison) and the restoration of family relations. The aim of the pilot project was to explore the institutional, legal and personal conditions in Hungarian prisons, under which restorative practices are applicable, with a special emphasis on the involvement of the prison staff into the procedure, as well as people who are affected by the crimes, but are outside of the procedures. In this article we would like to give an insight into the evaluation of the pilot, based on the process evaluation research, including short-term and long term results. As part of that, we will analyse the characteristics of prisons, including the personal attitudes, motivations, socio-psychological dynamics of both inmates and staff that shape the process of introducing the restorative approach. One of our main questions is how restorative principles can be represented within the confines of the prison system, and how the norms, values, approach and perspectives of restorative experts, inmates and the prison staff can be brought closer together. Finally we examine the afterlife of our project and the RJ-related events of the recent two years in the prison and in legislation. We ask the question whether it is a realistic aim to implement restorative practices in prison settings and if so, under what conditions.

AN OVERVIEW ABOUT THE FINDINGS OF THE PROCESS EVALUATION RESEARCH – CHALLENGES AND PATHWAYS TOWARDS SOLUTIONS

RJ in a strictly regulated, bureaucratic system:

We experienced that criminal law procedures and regulatory requirements generally determine the formal and informal management of conflicts in the prison. Routine mechanisms based on the punishment-paradigm are one of the main obstacles to putting restorative processes into practice. The institutional response to any type of involvement in conflicts is punishment. Hence, inmates aim is to conceal their conflicts and try to solve them behind the scenes to avoid formal punishment. These features of the formal and informal institutional structure – regardless of the parties' attitudes and motivations to cooperate – determine the frame, and limit the scope of restorative practices. We considered these features as institutional conditions to which restorative principles and practices needed to be adapted, ie. features that cannot be significantly changed.

An example of such institutional conditions is when in the prison system each type of conflict has its own, firmly established criminal law procedure to deal with it and the system can hardly ignore it. In certain cases (e.g. physical assault with over eight days of recovery), the regulatory requirements and the criminal procedures cannot be avoided, while in milder cases disciplinary proceedings are launched. The commencement of these latter proceedings can be considered by the governor. No matter whether criminal or disciplinary proceedings are launched, it is evident that due to the interrelations of the processes it is rather problematic to launch a restorative process in parallel with

any proceedings relying on the rationale of the paradigm of punishment. An example for such institutional restrictions was a conference about the integration of a Slovak national into a cell containing other prisoners. The cell's problem was that the Slovak inmate wanted to watch Slovak TV channels on the shared TV, and that it also bothered him that the others taunted him about his accent in Hungarian. The conference helped to reveal the background of the cell-conflicts, claiming that the inmate's nationality was the basis for the conflicts. As an after-effect of the conference they tried to find an alternative way to resolve the problem, together with another Slovakian inmate in the prison, they attempted to be placed in a cell together. They took their claim all the way to the Slovak Consul, asking for support. The prison would have supported the effort as well, however statute prevented placement in a single cell. One of the inmates had been sentenced to medium security, and the other to high security prison, and the law stated that two inmates sentenced to different levels of security could not be placed in the same cell. The procedural routines do not only pose formal obstacles to the restorative process, but can also hinder alternative solutions and restrict the scope of the restorative approach. One of the most obvious examples of this was that in the majority of cell conflicts that were brought to conferencing, after a successful agreement was reached, the parties to the conflict were not returned to a common cell – thus the agreement and follow-up were not given any real weight. Instead, usual procedures (*removal from the cell*) were applied after the conferencing. With respect to conflicts with a more serious risk of assault, the perpetrator was separated even before the conferencing:

"I don't dare to take the chance. It's a security risk. Let's just pretend to them that they're going to go back to the same cell, just to see their reaction." (Correctional educator no.2)

"We have to separate them if they're fighting. No one wants to be responsible for this leading to more crimes. We have to react quickly and take immediate steps." (Correctional educator no.1)

Correctional educators are bound by a strict legislative structure to follow routine procedures; meanwhile, RJ encounters are not given any regulatory space among conflict resolution processes within the prison. This situation was a source of uncertainty on the part of the correctional educators and tended to reinforce existing conflict management methods. An example of this was a theft that occurred within a cell, and where the members of the cell did not want to escalate the matter into a legal issue by reporting the offender, and thus wanted to use mediation. However, in the case of a theft of objects above a certain value, pressing criminal charges is compulsory. This placed the correctional educator in a contradictory situation: mediation offered a promising solution to the conflict; the intentions of the parties to the conflict indicated this as well. Ideally, the mediation session should have been organised as soon as possible, but until the educator knew the facts of the theft, he could not decide whether it was possible to hold mediation or whether criminal proceedings would be

launched instead. Further aspects of regulatory system were the overly bureaucratic administrative structure and the strict daily time schedule for both correctional educators and inmates. The former circumstance burdens correctional educators with a heavy workload, especially in overcrowded Hungarian prisons. The latter means that it is very hard to find time to deal with the restorative practices and reconcile with the nature of restorative conferencing. In one case, the encounter was inserted in the middle of the process, inmates were forced to step out of the situation when some of them had been humiliated and were emotionally very unstable. Prison regulations not only upset the whole restorative process, but jeopardised the inmates' security:

"We were about halfway through the discussion by lunchtime. We had to adapt to the schedule and pick up the lunch. The institutional schedule makes it extremely difficult to carry out this complex and time-consuming task. The guard had already come in twice to tell us that now we really had to go for lunch. The solution we came up with was to have one of the inmates to go and pick up everyone's lunch. The others were already starving – so you can imagine how little they were able to concentrate on the session." (Correctional educator no.4)

"We couldn't have a break because they'll re-evaluate and re-discuss the whole thing once they get back to their cell. And you can be sure that that discussion won't be following restorative principles. And if they go back to their cell in this tense state and with all these loose ends still unresolved, then we would end up making a very big problem out of a small one. One inmate had been humiliated. Some very unpleasant things came up about him. We didn't dare to let them go back in the middle of the process." (Correctional educator no.2)

These obstacles had a determining impact on the scope of applicability of restorative practices and tended to direct restorative practices towards less significant conflicts. In more serious cases, the prison governor would offer inmates mediation as an alternative to disciplinary measures, which had an impact on motivation to attend the mediation session, although it did raise issues as to true voluntary participation and responsibility-taking

"Many people took part in the training, but not everyone can come to the monthly meetings. They have other work-related engagements that prevent them from attending. From the perspective of the correctional educators, it is obvious that the large numbers of inmates in their correctional groups result in so many administrative and organisational tasks that it can be a huge burden for them to also have to deal with something as time-consuming as preparing for and holding mediations." (Prison staff member)

"You could find cases in every cell community, but we correctional educators also just tend to bypass these cases. We can't just set everything else aside and start mediating. There's so much work that it's impossible to carry it out. You would have to have another person just for that." (Correctional educator no.4)

"Where and when can we do it? That's a problem. When the shift comes from work, then everyone comes at once and everyone has things to do. That's when the financial guy is there, the record-keeping group and hearings with educators. Then we have to send them to school and to other activities. Because the inmates are available at that time. And at that point, the correctional educators and the guards are already pulled in ten directions at once. Mediation is the eleventh." (Correctional educator no.4)

Attitudes and motivations as chances:
Nevertheless, factors that could be changed by our pilot were the social-psychological and motivational conditions that were necessary to achieve effectiveness and sustainability. In order to successfully realise restorative interventions, we saw that there is a need for an initial basis for trustful and open human relations amongst the actors – far from the everyday life of the prison. Relations beyond the prison, family ties and plans after release often meant an appropriate basis for these kinds of human relations and supported inmates' identification with restorative practices. From a social-psychological perspective, all factors that served to move inmates out of their prison community roles were conditions that supported the introduction of restorative practices. This included stepping out of their status in the informal prison hierarchy, their communication strategies and ongoing conflicts. Our experience showed that the inmates who were the most likely to be open to the restorative approach and communication methods were those who have relations beyond the prison, family ties and plans after release, and who are consequently less affected by the process of imprisonment (Clemmer, 1940, 299; Winfree, 2002, 214). In better cases, these relationships were present, but it was also among the goals of the restorative conferences that they rebuild, or strengthen, ties with people on the outside:

"Robert's behaviour has changed substantially since the conference and his temporary release. As if he were a whole different person. His facial expression has changed. He has plans: he has submitted his application for the next temporary release, and he has talked about the idea of establishing a carpentry business together with his son. He has also admitted that when he requested temporary release in the past, he had promised himself not to come back. And now that the request really did succeed, it didn't even occur to him not to return. His relationship with me has become more familiar as well. He told me in the hall, not in the conference room, that he was also submitting a request for a temporary release for Easter." – explains the evaluation of the correctional education officer on the outcomes of the temporary release of the punishment as prepared by a Family Group Conference. This quote also exemplifies that it is not only the prison conditions that affect restorative methods, but also that the techniques similarly influence the relationship between inmates and the correctional education officers. With regards to the temporary release that was prepared for by a Family Group Conference, the inmate rebuilt his relationship with his estranged wife and proceeded to re-evaluate the remainder of his sentence time and strengthen his goals for life after his release:

"I never would have thought that we would be on good terms again. The reason I forgave my wife is that I saw at home that my kids are cheering for me and I could see that it was because of her. (…) I've been out three times since then. Bit by bit, I've managed to fix up the house. Here inside I make the scale models, decorative pieces and smaller furniture pieces. My son is going to get a diploma soon and our joint business is going to be in his name." (Inmate no.1)

Our general conclusion was that restorative practices are most evidently effective in the restoration of family relations. Relations and motivations outside the prison are more compatible with RJ principles, while prison relationships are dominated by hidden intentions and manipulative actions. Using the RJ approach in handling cell conflicts was a more contradictory and difficult experiment. In the latter we could build upon those situations in which inmates stepped out from their positions within the informal status hierarchy of the prison. Therefore, any preparation for RJ practices needed to recognise when these conditions are present, and when they were not, efforts needed to be made to create them. Certain intra-prison relationships that were different in nature from what is typical in prisons, and that followed a different pattern that the hierarchical relationships tended to have this effect. Unique, personal relationships between inmates or between inmates and staff that were based on some trust and partnering dialogues can be mentioned as examples:

"I felt bad about the inmate, the one I made a bad decision about. I temporarily put someone new in his cell without talking about it with him first. Officially, we don't have to ask them But István and I share a common past, we go way back. I see him as a cooperative party. The precedent in our relationship is that he can expect me to ask his opinion." (Correctional educator no. 4)

Also, in some cases an inmate - usually the "cell leader" – broke the norm of subordinate-superior dialogues and facilitated the introduction of open dialogues into the cell. The cell leaders are the ones who are entrusted with keeping the cell clean and orderly. Part of this is mediating conflicts between inmates, which cell leaders themselves see as part of their job, described in their own words as the responsibility "*to maintain harmony in the cell community*", "*to make sure that no one feels oppressed*", "*to discuss conflicts among ourselves*", "*to treat the weak and those with disabilities as equal partners*". These factors could largely support our RJ-focused interventions and these actors were the ones to be involved at the first place. However we also had to face some risks considering motivation. Inmates' motivation was sometimes oriented by self-interest, trying to avoid punishment for the conflict; earning advantages in the prison system; or conforming to the expectations of the formal system and of the correctional educators.

"If an inmate is involved in mediation, he tries to talk the right way, in the way that we expect. Conflict solved, and mediation closed. But I'm not sure, I think in some cases they come here with manipulative intentions. There were cases where I had the impression that they agreed on everything ahead of time –

behind our backs – and planned who would say what." (Correctional educator no.4)

"This agreement is a sham. We all agree with this. The educator has solved this new case that I brought, and put them in another cell. Now they're on great terms even with no mediation. When we sat down together, there was basically no problem to discuss." (correctional educator no.2)

Our main task was to put these – often instrumental – motivations of the parties onto a restorative basis and find all those supportive factors that might help responsibility-taking, identification of needs and intention and ways of reparation.

Breaking with the professional roles:
Since we wanted to implement sustainable practices on a system level into the daily protocol of the prison, the personal motivation of the prison staff was at least as important as the inmates' attitudes. At the adult prison, the monthly support group meetings were originally attended by the seven staff members and the MEREPS supervisor, which gave a framework for the preparation and follow-up of mediation cases. The group included correctional educators, security guards, and prison officers. After a few months, the group had dropped to four correctional educators who attended regularly and one security guard (occasionally). According to them, the reason for this was that within the prison, they have to reconcile many types of – often contradictory – interests:

"Ours is the penal department. The guards and security officers are from the security department. The main interest of the security department is to ensure security, order and discipline. This means continuous inspections, keeping cell doors locked and as few programmes as possible. From their perspective, the more civilians there are in the institution, the bigger the risk factor. Our perspective however is to try to offer inmates as many options as possible. This is a point of contention among staff members." (Prison staff member)

These contradictions of interests due to the complex nature of the prison system were also reflected in attitudes towards restorative practices and in the formation of the groups. Even within the support group of motivated correctional educators who were open and receptive towards practicing restorative techniques and facilitator role, a major challenge appeared: correctional educators faced role conflict when stepping out of the perspective of a correctional educator:

"It's not so easy to change from a vertical relationship to a horizontal one. What you're used to is that for years, what you say is right. You try to show them the right way and to demand that they follow it. Suddenly this demand slips out of your hands and ends up in their hands." (Correctional educator no.2)

We identified two types of typical attitudes: the *"let's not have any conflicts"* attitude from the expectations connected to the role of a correctional educator, and the *"investigative attitude"*:

"We have to find out the truth and the motives. Who did what, why and what he did exactly." (Correctional educator no.1)

"It's hard to spot the early stages - but if we could mediate those out, then things don't degenerate. The goal should be to catch the early stages of serious conflicts." (Correctional educator no.2)

"I never would have thought that this role switching would be the easiest for me. At the beginning, I always wanted to clarify everything." (Correctional educator no.1)

"The hardest for me is to put the educator attitude aside. To not just hand the solutions to them, that it shouldn't be us telling them what has to happen." (Correctional educator no.2)

From the words used in the interviews cited above ("mediate them out", "catch", "clarify"), it can be seen what path the educators had to take as they began to apply restorative techniques. Meetings of the support group provided a space for staff to, with the support of the MEREPS supervisor, reflect on these attitudes and not allow them to dominate in the process. Because of this difficulty, we decided that educators should not facilitate between inmates belonging to his /her own correctional education group. However, educators regularly attended restorative conferences of inmates from their groups, as a person in a supporting role who has a broader insight in to the conflict than the facilitator. The difference between the two roles is that the supporting person's thoughts and needs can be voiced at the conference. This way, thoughts and suggestions on educational goals, the importance of the agreement, or its chance of being upheld, can also be included in the mediation. For example, if the educator is at the conference in the role of an educator, then he/she can voice doubts with regards to whether the parties are being honest in the dialogue. Because of the difficulties of combining the two roles, at the beginning, there were times when an educator playing the role of facilitator confused the roles and stepped back into the role of educator:

"It would do a lot more towards ensuring peace in the cell if you would communicate about the conflict!" (Educator in the role of facilitator)

"If there's no coffee and cigarettes, then you have to be tough! It's in your own interests to wean yourselves off it, because if you take out a loan, then you have to repay it and it generates conflict! It's only going to be worse for all of you!" (Correctional educator no.3)

In cases like these, the intervention of the co-facilitating psychologist was important to correct and support the educator in returning to the role of facilitator and to ensure that the facilitation truly focused on the conflicts and needs raised by the parties. Similar to the inmates, all circumstances that encouraged the prison staff members to move away from their professional roles as prison officers and from their related role expectations helped the restorative work. These were confidential relationships between staff and inmates that broke the formal hierarchy or the staff member's desire to experience professional challenge, an interest in the restorative approach and methodology and success by taking the new role of a facilitator. The staff's motivations were also connected to their positions within the system and whether or not they were trying to be promoted. Correctional educators taking part in the programme were typically in their thirties and had not been working in their position for long. They were characterised by a shared motivation to overcome difficulties and to reform the limitations of the system.

In what ways may restorative interventions fit into a system built on rewards and punishments?
Correctional educators were in charge of rewards and punishments. Restorative processes intended to be an alternative to the reward/punishment system. One of the major challenges to face for the personnel was to change their mind-set and move away from the punishment/reward culture. In the beginning, the restorative meeting was seen as a reward, which has to be earned:

"Gyuri had a protected inmate status at the prison, he had privileges. He tricked us. His reparations case was not important, because it showed that he doesn't deserve our spending any more energy on him. (Correctional educator no.1)

This kind of perspective had to be synchronized with the equality principle of the restorative approach and the needs of the parties, including the question of voluntary participation in RJ encounters. Stepping outside of the reward/punishment framework was difficult for both educator and inmate. The following case is an example of both how a successful restorative intervention can build the relationship between educator and inmate, and of what are the risks inherent in this. The intervention might improve the situation of some inmates while pushing others into the background or the information that emerges during RJ encounters as a result of increasing trust can be used by the educator in applying means of punishment.

The subject of the conflict was a vulgar remark screamed from the window of a cell, intended by one inmate to humiliate another in front of his cellmates. On the next day, the educator initiated a spontaneous restorative encounter in which they agreed that the offender would apologise to the victim in front of his cellmates. The apology was made. At the same time, a valuable object disappeared from that wing of the prison. Because the victim of the previous conflict felt that he had been rewarded with the restorative situation, he wanted to reward the educator in exchange and informed him that because he was

grateful for his humane approach at the mediation, he would tell the educator who had stolen the object and where it was hidden. The risk in this case is that the trust that is built up during the restorative process leads to the educator learning of information that can contribute to finding out about the offences committed by another inmate and lead to his punishment. Also, if an inmate provides information because of a relationship of trust, and hides this from his cellmates, the risk is that the restorative process become part of the strategic games played between inmates and educators. The situation can be solved if the educator deals with further developments in a restorative context as well, by launching a restorative procedure for the theft as well, which does not lead to punishment but instead to a dialogue between the affected parties and perhaps an agreement on restitution.

Motivational shift
In the course of the one-year process, educators identified areas where restorative elements were already present in their daily work:

"We mediate here every day. Not just us, but a good leader or boss in civilian life also mediates. Guards and educators mediate. Only they sort things out more quickly and are more goal-oriented." (Correctional educator no.4)

"We were doing what we always do and it turns out that we've been mediating all along." (Correctional educator no.1)

They began to use restorative practices in a more conscious way, integrating them into their set of resources for dispute resolution. In order to ensure long-term application, the MEREPS team especially tended to facilitate this. This was especially because our experiences showed that for correctional educators, cases which they handled independently gave them a real sense of achievement and these experiences had the greatest impact in forming their rapport with the restorative approach.

"I am more flexible in dealing with conflicts between inmates. It comes more easily to me. I don't try to solve things in a rigid manner. I listen more to the different points of view than other educators, I work with those who didn't take part in this project. I don't try to force solutions so much in a direct way, in accordance with the usual practice. In more minor situations, for example I don't transfer them to another cell so often; instead I try to solve it." (Correctional educator no.2)

Once again, we've done something new without consciously planning it – something that's written down somewhere and works." (Correctional educator no.4)

At the same time, the supervision of the support group was important for cases handled by educators independently, to ensure that the practices integrated by educators followed restorative principles, instead of principles of doing it "as

quickly as possible" and being too goal-oriented. At the end of the one year work process, the educators independently facilitated five cases. These included cases where an educator applied restorative principles independently in solving a conflict between the inmates assigned to him/her, as well as ones where another educator was involved as a facilitator and the restorative practices were applied in the context of a restorative conference. One striking example of how attitudes were formed was when, towards the end of the project, the management of the prison asked one educator to report to a group of about 40 staff members at an internal training about the experiences gained from the project, and about introducing the restorative approach and practices into the prison system. The educator attended all of the support group meetings and discussions, but did not facilitate and was ambivalent towards the idea of stepping out of the role of educator. When preparing for the presentation, he/she could have presented the methodology and approach in an objective, distanced way, based on his notes and mediation handbook. Instead, he/she chose a very personal approach.

"I thought that I shouldn't give practical information, but explain my learning process to them. I have just completed a process. I was afraid that I wouldn't be able to show them what happened inside me. I was wondering how I could show this to my colleagues in a credible, legitimate way, so that they understand the context. […] And this developed in me the way I prepared it. Meanwhile I was thinking about it and realized what the value of the restorative approach is for me." (Correctional educator no.4)

As this educator said, some of his/her colleagues had attitudes similar to the ones he/she had initially: doubts, incomprehension and sometimes hostility (as she said: "virtual knives in our backs"). It also became apparent that within the organisation, identifying with the restorative approach – which in many ways contradicts standard practices in the prison system – is a step that is just as difficult to make as it is for an educator to take on the role of facilitator.

Follow up after two years and final conclusions

More than two years have passed since our pilot project has ended. This leads us to have an overview from a broader perspective towards some long-term impact of our project. Some RJ-related actions reinforce that our project had long-term impacts on the Hungarian prison institution and that the restorative approach gained some legitimacy on an institutional level. Namely, as a direct result, the restorative professional who worked as the co-facilitator and supervisor in the project was hired after as a prison psychologist and was given the responsibility to continue with restorative practices in the prison on a daily basis (mostly support groups for inmates based on restorative principles, restorative supervision for officers and family group conferences before release). Due to the overcrowding, the high daily workload and administrative tasks of the prison RJ does not have a lead role among the daily activities of the prison psychologist. Nevertheless, even her presence implies a restorative approach that affects the daily routine procedures and the mind-set of both personnel and

inmates. A more indirect result of our work is that as part of a prison legislation reform the governor of the prison where MEREPS took place initiated the integration of mediation and restorative techniques into the new prison law, as a means in correctional educational work, and as an alternative to disciplinary measures. The new law is going to be put into force in 2015, which will result in a legal 'embeddedness' of mediation and restorative techniques in prisons and is likely to result in a broader application of restorative approach and practices in Hungarian prisons. Facing all the difficulties when experimenting with RJ as an approach on a system level and as methods integrated into the daily practices of the prison life one can ask the question, whether it makes sense to experiment with restorative practices in prison settings. Our answer is yes, but with a special respect to the legal, institutional and personal conditions of prisons. In light of this, we sought to offer some lessons we learned in how to carry out RJ practices effectively in prisons.

A thorough knowledge of RJ is just as necessary as being familiar with prisons in order to provide quality practices. What is needed for efficient restorative practices is a person who represents the restorative background as well as a person who is an actor within the prison, who can see through the hierarchical relationships between inmates, but who also represents the order within the institution and who can ensure that cases are heard and agreements are reached in accordance with the institutions internal regulations and that they comply with statutory requirements. Also, from the perspective of a civilian facilitator, the prison's acceptance is very important – it is ensured partly by the support of management, and partly by the continuous, shared work with a restorative approach. People who are appropriate choices to act as facilitator are the prison's psychologist, or a facilitator who has been trained by the prison, a former correctional educator who is familiar with the workings of the prison system, but who does not currently have any superior/subordinate relationship with the inmates and who does not have any direct shared interests with them. Thereby an impartial and equality-based attitude towards the parties is workable.

Nevertheless, we advocate that the inmates' own correctional educators take part as correctional educators in the interventions. The educator has insight into the inmate's hierarchical relations and makes sure that inmates who occupy positions of power in the hierarchy do not dominate the dialogue. Having an inmate's own correctional educator present helps to ensure that the agreement is realistic and can be complied with in the inmates' daily life. He/she also plays a key role in the restorative follow-up to the process. On the other hand, the presence of the correctional educator can make it hard for inmates to experience the situation as one of partnership and raises the issue of having to conform to the expectations of the correctional educator, a shift in motivations towards avoiding punishment for conflicts and towards obtaining benefits. These aspects should also be kept in mind in the course of mediation. Within this process, great care should be given to the protection of victims and the avoidance of secondary victimisation. For this reason, the attitude forming and

directing the preparation process is very important and continues until it becomes clear that true intentions to make reparations are present on the side of the offender, and that motivations such as the avoidance of punishment, trying to conform to the system and other gain-oriented motivations can be ruled out along with any other aspects that could cause the victim further victimisation. In order to increase the effectiveness of interventions, the involvement of the staff and the sense of security, the institution should set up procedural guidelines for restorative procedures. These would offer guidance to the working group made up of prison staff and civilian actors with respect to what type and gravity of cases can be referred to restorative methods of dispute resolution, by whom they can be referred, and how. The guidelines would set out the basic principles governing the distribution of tasks and identify the scope of responsibilities of staff (attitude forming, identifying and selecting cases, organisation tasks). Guidelines should also describe and make transparent how the restorative practices relate to the prison's formal legal framework and institutional procedures and to its usual sanctioning measures. This would help to ensure that the restorative intervention is an alternative to the usual routine procedures and that it would be compatible with the institution's strict schedules and security rules.

From the perspective of the formation of both voluntary intent and restorative motivations, the connection between the restorative process, disciplinary procedures and other penal sanctions is important. As far as possible, mediation should be kept separate and independent from rewards and punishments. It is also important that the agreement that emerges from the restorative session does not automatically result in the cessation of disciplinary procedures, or in the lessening of other punishment. The other side of this principle is to ensure that the system should not impose penal sanctions based on the information that emerges in the course of the restorative process. The agreement should also contain factual and verifiable elements - to support the seriousness of the process and sense of commitment. In the process following the agreement and its follow-up, the emphasis should be on compliance with the agreement and on the expression of taking responsibility for the acts committed. Efforts must be made to ensure that restorative methods be used in the resolution of cell conflicts as soon as possible and in a spirit of prevention of further harm. Conflicts should be reached in the earliest phase possible, when no sanctionable offence has yet occurred. This way, there is a better chance of truly voluntary participation and restorative motivation from the parties. It also supports the separation of mediation from penal procedures. If we deflect the early phases of a conflict by directing it towards restorative approaches, then the prison's automatic dispute resolution methods – disciplinary measures, transfer to a separate cell, solitary confinement, or criminal charges in serious cases – are not automatically triggered. In order to ensure that impartiality, voluntary participation, trust-based open communication, motivations that encourage parties towards the expression of actual needs, assumption of responsibility and desire to make amends, the most important aspect is that the RJ process should consist of a long series of encounters that build upon one another, instead of

discrete, ad hoc interventions *t*hat are independent from one another. It is important to, as far as is possible, continue to follow a restorative path in the events subsequent to a conflict and in other conflict situations affecting those parties. Because hierarchical relationships, value system and strategic actions are deeply embedded in the prison system, any one restorative intervention can only effect temporary changes. Even after experiencing the dispute resolution model built on partnering communication and assumption of responsibility, inmates' attitudes will not be changed in a fundamental, long-term manner. This is why the notion of *process* is especially important. Mediating in cell conflicts, restoring family relationships and making amends to the victim can be seen as sensitising steps in the forming of the restorative approach that build on one another. Our pilot project and its afterlife resulted in slow transformation of daily practices in a prison and in countrywide legal reform as well. This example demonstrates that even small steps towards empowering people to make a move from their hierarchical roles as inmates or prison officers, to recognise and express their needs can greatly influence the communicational culture of a hierarchical institution. We encourage practicioners to trust people and give change a chance.

PART 3 – PILOT PROJECT RESULTS

THAMES VALLEY – GEOFF EMERSON AND MARY HALLAM

INTRODUCTION

This short description of the results of our pilot project will describe who we are, what we have been trying to achieve, how we worked, what happened and, most importantly, what victims and those who referred cases to us, thought about their experience. The key question for us is, did those who used our service find it helpful? For this reason we have devoted most space in this article to the research interviews with victims and those who made referrals to the project. Other documents, published elsewhere, explore more fully the lessons learned from practice and operations. Our pilot project involved three local agencies working together in partnership to explore the feasibility of offering an open access Restorative Justice (RJ) service to victims of crime. Thames Valley Probation, a statutory agency within the UK criminal justice system; Thames Valley Partnership, a charity working to develop collaborative responses to the problem of crime; and Victim Support (Thames Valley area) have worked in partnership for more than a decade to develop RJ services in Thames Valley. Most of this work has been initiated by Probation's work with offenders in prison and in the community. Only a handful of Probation cases were initiated by victims seeking to meet the offenders in their cases. The experiences of victims, struggling to find an agency that would help them to facilitate such a meeting, led the project partners to seek an opportunity to pilot such a service. The pilot project, funded by the EU as part of a collaboration with other European partners, provides the opportunity to explore how to offer RJ to victims in accordance with EU Directive 2012/29/EU.

GOALS AND OBJECTIVES

Our overall goal has been to develop and promote a service which:

- Attracts referrals from victim support organisations and victims themselves.
- Provides information to victims about restorative justice and enables them to make informed choices about whether and how they may want to take part.
- Meets the needs of victims by supporting them through a process which may lead to a face to face meeting with the offender who caused them harm.
- Ensures that victims feel protected, safe and confident to take control of the process and move forward by achieving a positive outcome.
- Builds an evidence base of sound practice and high quality service on which a permanent service can be established.

PROJECT DESCRIPTION

The project has been led by a part-time manager with previous experience of developing and managing 'offender led' RJ projects. The cases have been

facilitated by three part-time facilitators with varied backgrounds in mediation and conflict resolution (in police, education and criminal justice settings). The project has been overseen by a steering group which has included managers from the key referral agencies: Victim Support and the Probation Victim Liaison Unit. The project has also reported to the Strategic Group of the Thames Valley Restorative Justice Service which includes representation from Police, Prisons, Probation, Victim Support and the Local Criminal Justice Board. Staff have been managed through monthly supervision and team meetings which have included extensive discussion of individual cases. The project has been promoted by exposure in the local media, involving interviews with participants on BBC Radio Oxford and BBC Radio Berkshire, and through presentations to teams within Victim Support, the Witness Service, the Police and the Probation Victim Liaison Unit.

METHODOLOGY

Staff received a common training in RJ facilitation and worked together to develop materials and presentations to promote the Project to partner and referral agencies. We started accepting referrals in May 2013 and have received 24 referrals to date (October 2014). The process has been as follows:

Acceptance of referral > gather background information > confirm eligibility > allocate to facilitator > make contact with victim > undertake first visit > confirm suitability and victim's wishes > contact case manager of offender > approach offender > confirm offender consent to RJ > prepare both parties for communication/conference > facilitate conference > provide post-conference follow-up as necessary

Whilst the above is a clear process, 'real life' has meant that few cases have proceeded exactly according to this model. The attached table shows how the twenty four cases have progressed. The cases have been of a far more serious nature than originally envisaged. Many are still in progress. We are pleased to say that we have secured funding to continue the service beyond the EU funding period. Uncompleted cases will continue to be worked with towards a restorative outcome. We had hoped to develop a range of options providing alternatives to a face to face meeting, where such a meeting would not be possible; however, time and resources have prevented us from doing so. The research comprised a series of qualitative interviews with project participants (victims and offenders) and referrers. Interviews were conducted face to face (apart from one telephone interview) and typically lasted for between 60 and 90 minutes. Fieldwork started on 24 June 2014 and is still underway.

To date, the sample is made up as follows:
Referrers – 8 interviews (representing 12 cases). With one exception, referrers were interviewed during June and July 2014 and this part of the sample represents almost all those who had made referrals up to that point. Interviews with referrers covered cases at various stages of the restorative justice process, as well as some that had not been progressed.

Victims - 8 interviews (representing 6 cases). This is a good representation of earlier cases referred to the project. Some victims were excluded from the sample because their cases did not proceed or because they had moved from the area. Two victims were approached but declined to take part. Other cases were excluded from research because they were not judged to be at a suitable point for a research interview to take place. Most victims in the sample were interviewed during the preparation stage of their case; one victim was interviewed after the offenders on her case had rejected the offer of restorative justice. Two victims were subsequently re-interviewed: one after a conference; and one when it became clear that a conference might not be possible.

Offenders – 1 interview. Interviews with offenders have proved more difficult for a variety of reasons. Further interviews are planned and results will be reported at a later date.

RESULTS

TABLE OF REFERRALS TO EUROPEAN VICTIM INITIATED RESTORATIVE JUSTICE PROJECT[29]

#	Referred by	Offence	Victim Consent	Offender Consent	Outcome Current status
V1	Victim's mother's employer	Sex with minor	Not pursued	?	Information given, no further action
V2	Probation VLU interview	Child rape and sexual assault	Y	Y	Working towards conference
V3	Probation VLU interviewed	GBH, Theft, Common Assault	Y	Y1 + N1	Resolved through indirect process
V4	Probation VLU interview	Murder	Y	Y	Conf held, conf with v's mother is planned
V5	Police interviewed	Causing death by	N	?	No response to offer of service

[29] Statut of cases and analysis of key data at 6th November 2014. Abbreviations: VLU: Victim Liaison Unit; GBH: Grievous Bodily Harm, Poss; Possession of; Att: Attempted; IPCC: Independent Police Complaints Commission

		careless driving[30]			
V6	Victim Support interview	Harrassment	N	Y	Service not taken up - complaint
V7	Probation VLU interviewed	Rape	Y	N to face to face	Resolved by letter of apology
V8	Probation VLU interview	Rape	Y	Y	Proceeding to conf, linked to Case V17
V9	Self-referral	Robbery	Y	Y	Indirect process – victim left area so no conf
V10	Youth Offending Team interview	Robbery of daughter	Y	Nx2	Open – awaiting outcome of appeal
V11	Probation VLU interview	Threats to kill	Y	N	Case open for alternative process
V12	Probation VLU interview	Threats to kill	Y	?	Offender not approached due to prison circs
V13	Youth Offending Team	Robbery	Y	Y	Working on letter of apol due to v's father refusal
V14	Self-referral	Burglary	Y	Y	Awaiting prison meeting
V15	Probation VLU	Rape	?	?	Not commenced – remains open for right time
V16	Probation VLU	Unlawful wounding Threats to kill	Y	Y	Conf delayed due to major crisis in victim's life
V17	Probation VLU	Rape and sexual assault	Y	Y	Proceeding to conference linked to Case V8
V18	Probation VLU	Rape, false imp, poss firearm	Y?	?	Early stages, victim evaluating options
V19	Probation VLU	Att rape, poss indecent images	?	?	Early stages
V20	Probation VLU	Causing death by dangerous driving	Y	?	Awaiting outcome of IPCC Linked to V21

[30] Failed prosecution

V21	Probation VLU	Causing death by dangerous driving	Y	?	Awaiting outcome of IPCC Linked to V20
V22	Victim Support interview	Criminal damage	Y	?	RJ not suitable too much disputed harm
V23	Probation VLU	Murder	?	?	Early stages
V24	Self-referral	Rape	?	?	For allocation
Total	VLU 15 YOT 2 Vic Supp 2 Police 1 Self 4	Violent 8 Sexual 9 Viol & sex 1 Burglary 1 Road death 3 Other 2 Inc 5 homicide	Vic consent Y=17 N=2 ? = 5	Off consent Y=11 N=5 Not seen yet = 10	

Case Progress and Learning from Practice:
Referrals: The total of 24 referrals over 18 months suggests that there is a need for the service. The preponderance of referrals from the Probation VLU may suggest that the time when victims are most likely to consider RJ is after sentence and following discussion with a criminal justice professional. The low rate of Victim Support referrals appears to be indicative of the fact that Victim Support's intervention occurs almost immediately after the crime, when victims are least likely to be thinking about the possibility of meeting the offender and those supporting them may feel most awkward about mentioning the availability of RJ. The low rate of self-referrals is of concern and suggests that our public information and promotional activities have had little impact.

Offence types: The seriousness of offences referred to the project has been striking. In part this is due to the Probation VLU being the main source of referrals. This is also likely to account for the high proportion of violent and sexual offences. Serious offences will obviously have a greater impact and may have a greater need for resolution through a restorative process. Many of the victims and offenders had a previous personal relationship which is likely to leave unanswered questions which may require answers before release from prison. Research (Shapland 2011) tells us that RJ is more effective with more serious crimes. This tends to support the value of the pilot project.

Gender: The majority of victims approaching the project have been women, but the balance may again reflect the gender balance of those victims who take up the service offered by the Probation VLU.

Victim consent: The majority of those who approached the project decided to continue after the process had been described to them. Only two cases

withdrew. One received information by letter and one saw herself as unsuitable after referral. Five recently referred cases are still to reach a decision.

Offender consent: Two thirds of those offenders who have been approached and have made a decision have decided to agree to move towards a face to face meeting. This includes three cases where there had been a high level of denial reported by the offender manager, or demonstrated through a contested trial. This may suggest that after time has elapsed offenders are more prepared to acknowledge the harm they have caused and that this is a good time for RJ to take place.

Research interviews with participants and referrers:

Background information about victims: Respondents in this sample had experienced considerable harm from very serious crimes. To varying degrees, they all reported ongoing emotional and psychological difficulties which they perceived to be the direct result of crime, and which had often persisted for years. In addition, many victims were also dealing with the aftermath from other traumatic events (often further serious crimes) or coping with other difficult circumstances. It was common for victims to feel that they had not been well supported by the criminal justice system: they did not feel that they had been properly heard or that their emotional needs had been recognized.

"I just feel very like I've been punished since it happened. From when I left school I tried not to let it bother me, I worked hard but because of how it's made me feel mentally, I couldn't get anywhere… I had to leave my job [because] I was too scared to go and work… I haven't had anything from it, no apologies, no help, nothing like that." (V16)

Victims' initial expectations of restorative justice: Most victims were unfamiliar with the concept of restorative justice, and all were unaware of this service, before they agreed to being referred. Even with little detailed knowledge about restorative justice, the prospect of meeting the offender held some prima facie appeal for victims in this sample. For example, they thought that it might enable them to:

- find out why the offender committed the crime
- find out more about events leading up to the crime and about the crime itself
- find out where the offender (the victim's son) was, how he was coping with prison and to re-establish contact
- face the offender and confront their fears
- express their anger

Victims' first meeting with a facilitator and decision making: For these victims, the first meeting with their facilitator was an important and positive experience. It was at this point that participants learned what the process of restorative

justice was likely to entail; how long it could take; that restorative justice was not going to be a 'quick fix'; that the offender might, or might not, agree to take part; about the safeguards and support that would be in place; and about the degree to which their concerns and wishes would be taken into account. All respondents felt that their facilitator had done a good job of explaining, reassuring and making it clear what they should (and shouldn't) expect. Importantly, this first meeting was also an opportunity for victims to talk and be listened to. Participants valued the chance to tell their story without being challenged or judged; to talk to a professional who was also friendly and interested. As well as being a beneficial experience for victims, this also helped to build trust between them and their facilitator.

"She didn't say very much, she just listened, which is what we needed – somebody to listen to our side of the story, and she did." (V11)

It was only after meeting their facilitator that participants felt able to make a decision about restorative justice. For some, the decision to proceed was relatively quick and often respondents spoke as if this was something they felt compelled to do.

"Very simple… to me it was a simple decision, could I face him or could I not? I'm scared of him – face your fears. It was very simple, I had to." (V8)

Victims' perceptions of risk: Despite deciding to proceed with restorative justice, all victims in this sample felt that this was a potentially dangerous thing to do. Significantly, it was not the conference itself which generated concern – although victims anticipated feeling nervous at the prospect of coming face to face with the offender, they were confident that any meeting would be well controlled and managed. They clearly had faith in their facilitator and the process. What seemed less certain to some victims was how they might feel after a restorative justice conference and the possibility that they might feel considerably worse was an explicit worry for three victims in this sample. One other victim was concerned about the offender's motive and possible consequences of meeting him.

"I do worry a bit. Is he going to be angry at me for wanting to do it? Is there a hidden motive behind him wanting to do it? Is he sorry? Does he just want to know what I look like now in case he's going to do anything? Does he want to have a go at me? Does he blame me for anything? Just loads, ongoing really." (V16)

Restorative justice was also reported to be seen as risky by victims' families and friends. Many victims had been told that they were 'mad' or 'crazy' for wanting to meet the offender. Although any perceived risk had not deterred these victims from going ahead with restorative justice, there were signs that it could add to victims' stress.

Victims' expectations and hopes: It was evident that victims' expectations of restorative justice had been carefully and skillfully managed by facilitators. Victims had a good understanding of what it was likely to involve and a sound appreciation that it can be a lengthy process with an uncertain outcome. Respondents were generally thoughtful about how they might respond if events did not go according to plan. When asked what they hoped to gain from restorative justice it was clear that victims typically had two or three, sometimes overlapping, aims. Most widely mentioned were:

- the need for answers, particularly about what happened or why it happened
- the desire to make the offender fully realise what they had done, what harm they had caused and what the ramifications of their actions had been
- the need simply to face the offender and to have the opportunity to re-cast the relationship

"Yeah, it might hurt him which would be good for me. He needs to be hurt. He needs to look in my eyes… I think I need, like I need to get to him. I need to get right underneath your skin and say, 'Oy, you know, I'm your biological daughter, your blood runs through my veins, look at me, I look like you, but you have done this to me, can you understand that?' He needs to understand what it actually does to people." (V8)

Interestingly, at this preparation stage victims were less interested in the prospect of receiving an apology or coming to an outcome agreement. With one exception, victims did not want the process of restorative justice to make the offender feel better. Overarching all these specific hopes and expectations was the main driver for these victims – that they hoped restorative justice would help them to feel better. The best outcome was seen as having the potential to deliver considerable benefits: they would be happier, they would be less fearful, they would finally be able to move on; they would be able to put the crime and its aftermath behind them and get on with life. Two participants also had more objective aims – one woman hoped that restorative justice would help her to quell her fears so that she could go back to work; another hoped that restorative justice would help her to re-unite her family. There was good evidence that victims' expectations were being successfully managed with sensitivity and skill. Nevertheless, they hoped for a good outcome, at best an outcome that could transform their lives.

"For me, I think, is this going to be it? Can I close the book forever? Every other year something pops up and each year I think, 'New Year, fresh start'. I just hope I can get this out of the way and that's it then, done and dusted." (V17)

Victims' views of the preparation stage: It was evident that the process of restorative justice, during the preparation stage, was a positive experience for victims. Participants were pleased they had decided to pursue restorative justice and most reported that, to some extent, they already felt better as a result. An

important element of the process was felt to be that it put victims and their needs centre stage. Participants felt that they were being listened to and that they had the opportunity to be pro-active agents in the process. This was contrasted with earlier experiences of the criminal justice system.

"This is the first time I feel like people from the law are acknowledging what it did do to me and it does need addressing and I think that's the biggest bit of help I've had since the whole thing happened." (V16)

The relationship between victims and their facilitators was highly valued. Participants had gained significant benefit from their meetings and two respondents were quite explicit about the therapeutic value of this relationship.

"For us, there was so much to do because we'd not been listened to and there's still a lot more work to do with me… I feel as if we're sorting things out… to me she's like my counsellor, I know she's not, I know she's not, but to me she is. I can tell her absolutely anything." (V11)

Most victims (four of the six) were surprised at how long it was taking to arrange a restorative justice conference. At the time of the first interviews they had been waiting for several months and had no idea when, or even if, a conference would take place. This slow progress could be frustrating and emotionally draining. Despite this frustration victims felt that restorative justice should not be rushed and there was an acceptance that much of the delay was due to factors beyond the control of facilitators. A perceived benefit of the process taking months rather than weeks was that it allowed time for victims to 'calm down'; it also appeared to give weight to its importance and to the need for preparation to be thorough and sensitively executed. Two victims were surprised at how quick the process seemed to be (in both cases it looked likely that referral to meeting time would be as little as two or three months), though neither of them felt the process was too rapid. There was no evidence from this research that any harm had been done to victims. Few negative comments emerged about the process of restorative justice and those that did were regarded by respondents as relatively minor points. They included:

- some unease about the slow pace of progress
- in one case, an unacceptable delay between being referred and first contact from a facilitator
- some misgivings from a victim when he learned that he had been told about a date for a conference some weeks after the offender had known about it
- some uncertainty about the extent to which offenders might benefit from taking part in restorative justice over and above the benefits of the process itself (for example, would cooperation make parole more likely?)

One victim wondered if the process of preparation could have been handled differently; in particular, she thought it might have been helpful if she had been offered more alternative approaches and greater flexibility in the process.

The restorative justice conference: To date, one conference has taken place and this is written up in detail as one of the case studies in the Manual publication of this project.

Referrers' perceptions of victim led restorative justice: In broad terms, the introduction of victim led restorative justice was regarded positively by referrers and they were quick to identify ways in which this could benefit victims. However, referrers were generally less certain that restorative justice would always be appropriate for victims and, particularly among those who worked with victims of more serious crimes, there were strong feelings that some cases were definitely not suitable. Sexual offences in particular were likely to be viewed as unsuitable. This view was not universal, however, and one referrer had evidently come to a different understanding about the use of restorative justice in sexual offences as a direct result of training and practice based evidence.

Referrers' perceptions of risk: All referrers expressed concern about the well-being of victims who opted for restorative justice and felt that this would not necessarily be the right path for all victims who wanted it. Broadly, there were seen to be three inter-related factors that should be taken into account when judging the suitability of any given case:

- the nature and seriousness of the crime
- the offender (including for example, their acceptance of responsibility, their relationship with the victim, and any tendency to manipulate and control)
- and the victim (including their resilience and whether or not their expectations of the process were judged to be realistic)

Many referrers were concerned that victims might be allowed to proceed with restorative justice when there was a significant risk of further harm and they were not always clear how rigorously new referrals would be assessed or what safeguards would be in place.

Reasons for making referrals: In a number of cases (eight out of thirteen referred by respondents), the main reason for making a referral was that the victim had clearly expressed a desire or intention to meet the offender. Half these cases involved a sexual crime and referrers put them forward despite their own misgivings. All these referrals were taken on by the project. In other cases, the initial suggestion that restorative justice might be appropriate came from the referrer. Two cases were identified as needing mediation; in one case the referrer hoped that restorative justice might help the victim deal with her persistent anger; a further case was referred when it failed to come to court and the referrer felt there was a need for all parties to explain and understand what

happened; and one case was referred because the victim was the offender's mother. Only two of these cases progressed.

Referrers' views on the progress of cases: Overall, referrers reported that the process of making a referral to the project was straightforward and, although the slow pace of progress on many cases was noted, respondents were generally understanding that most delays were beyond the control of facilitators. It was important to all referrers that they were kept well informed about progress on cases, particularly when they had an ongoing relationship with the victim. Generally, referrers were satisfied with communications and any early 'teething problems' were thought to have been resolved. At the time of the interviews most cases were at a fairly early stage and respondents felt that it was too soon to come to a view as to whether or not they had been successful. Two cases had reached a conclusion. One somewhat unsatisfactorily in the view of the referrer, although it was acknowledged that lessons had been learned from this early case. The other case had ended when restorative justice was rejected by the offenders but even so, the victim was believed to have been helped to some degree by the process.

Discussion and Challenges

Promotion and publicity: Undoubtedly, more needs to be done to make our service visible to victims of crime through public education and promotion, in particular to professionals and volunteers within the criminal justice system. Information about how to access RJ needs to be included in leaflets and information given to victims of crime at key points throughout the justice process.

Suitability: All victims have a right to seek a restorative process. Judgements about suitability can be used by professionals to protect victims who should be given the choice to make decisions for themselves. Questions about suitability then become a process for the victim and the facilitator to explore what is possible and safe through a process of choice and empowerment for the victim. We have a job to develop a range of clear options which is a task we have not managed to complete during our pilot project.

Victim choice, managing expectations and preparation: In cases of serious crime RJ must be explained carefully and realistically with time taken both to listen to the victim's needs as well as to explain the complexity and uncertainty of the process. Victims must not be rushed, but equally cases should proceed without undue delay. The purposes of the process of preparation for a conference is to remove uncertainty, enable the victim to clarify what they want to get out of the meeting and to build confidence that they are engaging in a safe journey in which their interests are at the heart of the process.

Sharing information between the parties: In order to move towards a process of face to face communication it may be necessary to share information between

the parties. This can be helpful in order to build trust and create a platform of shared understanding. This should only be done with the consent of the participant.

Liaison with referrers: Referrers should be informed about the progress of cases and may be involved in the support of the participant throughout the process and even through attendance at a face to face meeting as a supporter.

Liaison with offender managers: In some jurisdictions offender managers (probation officers) may be gatekeepers to access to the offender and information about the case. This is a complex relationship. We have found offender managers to be very helpful and supportive of RJ in some cases, whilst in other cases they can have little knowledge about RJ and as a result they can be obstructive and risk averse. The same can be said for prison staff. The best approach is to seek to create a collaborative partnership, but it is essential to delineate clear roles and responsibilities between facilitator, case manager and other professionals

Alternatives to face to face meetings: This is an area in which further work needs to be carried out in order to develop a range of options with victims based on their needs and wishes. These options are likely to include letters of apology (already validated), healing circles, meeting with other victims, and acts of restoration. These options should be described in information given to victims once they have been developed and staff are competent at delivering them.

Many victims seeking restorative justice are likely to have experienced considerable harm from serious crimes and to have complex emotional needs. Making allowance for this in the way the service is delivered would undoubtedly make life easier for some participants as they go through the preparation stage. It may also increase the chances of a successful restorative outcome. Explicit recognition of the vulnerability of some victims and evidence that their needs can be met and that they can be helped by restorative justice would also reassure referrers. A recurring theme throughout this research has been that restorative justice is regarded as risky. Both victims and referrers believe that restorative justice has the potential to make victims feel worse and that rather than helping to repair harm it could catastrophically add to it. Evidently, this view is shared by victims' friends and families. This perception of risk can carry a number of drawbacks: it can inhibit those who work with victims from making referrals; it may deter some victims from restorative justice; on occasions it adds a degree of stress to the process; it can, in effect, deny victims the opportunity to be supported by friends and family. Providing victims and referrers with a more realistic and informed understanding of the risks of restorative justice would undoubtedly be helpful. It is evident that expectations have been skillfully managed by facilitators but that does not necessarily stop some victims from nurturing possibly unrealistic hopes that could lead to disappointment. Further research as the project goes on will help to explore this issue in more detail. Referrers would be helped by: more guidance on when and how to talk to victims

about restorative justice; more detailed information about who could benefit from restorative justice and evidence that it can work across a range of cases (including, sometimes, those that might initially appear unsuitable); reassurance about the safeguards and support in place for vulnerable victims; knowing that the process of restorative justice (even before a conference has taken place) can help victims; leaflets tailored specifically for victims. Victims would be helped by the provision of more written information, including, for example: what restorative justice is and who it is offered to; why victims might be interested in restorative justice; how the service is provided, what is involved and how long it can take; how other victims have felt before and after restorative justice (has it helped other people with similar issues to mine?); what the options might be and that there are a number of ways of achieving restorative justice; why things do not always go as the victim might want them to; what alternatives are available when, for example, a face to face meeting cannot take place; how other people have coped with a disappointing outcome; what the risks are; what safeguards are in place; how other people might react and what information might help to reassure concerned family and friends. Raising awareness of restorative justice as a beneficial service that is available to victims will undoubtedly increase take-up. It would be worth considering routinely offering restorative justice to victims, for example, in communications from Victim Support and from the Victim Liaison Unit. This could help in a number of ways: It would raise awareness; it would help to make restorative justice for victims seem more normal; it would make asking about the service easier; it would make the service known to victims even if the time was not right for them; it could help referrers to talk about restorative justice as 'something that is offered to all victims' which could reduce the perceived potential to cause offence or upset; it could give referrers an opportunity to explain restorative justice without necessarily suggesting that it is the right time for a victim to consider it.

CONCLUSION

Our project has demonstrated that:

- There is a need for a service which gives victims open access to restorative justice.
- Information about the availability of RJ needs to be made available to all victims at key points in the criminal justice process.
- Cases tend to be serious and complex.
- The key to making the service effective is good information and the building of a trusting relationship between the facilitator and victim which conveys safety and empowers the victim to make choices which best reflect their needs.
- RJ can operate in conjunction with the staff and processes in the traditional justice system to achieve positive outcomes.
- Work needs to be undertaken to develop a clear range of alternatives to face to face meetings where such meetings are not possible.

RJ is a young discipline in which innovation continues to improve practice and the outcomes for victims. This project will continue its work in accordance with the EU Directive and the Action Plan published by the UK Government. This pilot project has created a firm foundation of practice which will continue to be built upon and taken into the mainstream.

SCHLESWIG-HOLSTEIN – RICARDA LUMMER

INTRODUCTION

The EU-project and therewith the pilot projects carried out in Schleswig-Holstein are based on the EU Directive 2012/29/EU. This directive establishes minimum standards on the rights, support and protection of victims of crime, of which restorative justice (RJ) procedures form one essential part. In Schleswig-Holstein, RJ is still predominantly carried out at pre-sentencing level and is initiated from the offenders' side. The pilot projects described in this article aimed to establish the offer of various RJ procedures across the federal state at post-sentencing level and are to be evaluated from the victim's point of view. Firstly, because its implementation is long overdue if we seek for an offer at all stages and secondly, as research has shown, RJ is even more effective in cases of severe crimes (Sherman and Strang, 2007). Therefore, some key actors, including two prisons[31], a victim support organization[32], the North-German Church, a journalist[33] and Kiel University of Applied Sciences were taken on board as part of this process to make this two year project possible. This article aims to give an overview of the pilot projects conducted and to describe its more precise objectives as well as discuss the results obtained with the specific focus on the support of victims within the piloted RJ procedures.

GOALS AND OBJECTIVES

The primary project goal was to make Restorative Justice available to victims of more serious crimes, where the experience of victimization is largely dependent on the person's individual judgement about taking part. More specifically for Schleswig-Holstein this is not currently the case as Restorative Justice procedures are mainly offered to victims at pre-sentencing level. The goals of the pilot projects in Schleswig-Holstein were therefore to widen this practice; gain more experience in various different procedures; and possibly leave a footprint in terms of an action research approach, for further implementation of these procedures. In order to do that, needs and wishes of victims in relation to these procedures must be identified. The widest possible variety of procedures were made available including victim and offender groups, including a dialogue, as well as mediations in order that they may be studied for the purposes of research. Group work is particularly interesting for those who feel the need of more intensive preparation before a face-to-face meeting with the direct counterpart and, for those whose offender/victim is not available or interested. Overall the aim was to add to the development of restorative prisons and a victim oriented prison system (Aertsen, 2005; Walter, 2012).

[31] Prison Schleswig for Juveniles and Prison Kiel for Adult offenders
[32] WEISSER RING
[33] HEMPELS e.V. (street newspaper)

PROJECT DESCRIPTION

In order to carry out pilot projects in Schleswig-Holstein, the initial project period was spent developing suitable instruments for restorative justice group work and preparing materials for the delivery of several information events with prison staff and victim support workers. These were necessary first steps to have key actors on board in order to facilitate referrals and support. To inform the public about the project offer for victims, several articles were published in daily newspapers and the street-paper Hempels as well as the distribution of printed leaflets. The planned pilot project concept encloses restorative justice group work with offenders, Victim-Empathy-Training, in prison as well as group work with victims, so called Criminal-Act-Dialog groups. Ideally, both groups take place simultaneously for a period of seven weeks, one session per week, including a meeting of both groups at around the fifth session to facilitate a dialogue between the group participants. Participants of neither group are subject to selection criteria, nor do the offences have to be of the same type, thus in the group work, participants do not meet their own counterpart. If, after the group work, there is the wish of individuals to meet their direct offender/victim, mediation procedures will be offered.[34] These pilot projects were scientifically evaluated, as described in the following sections, and training was conducted on the basis of these results in order to win key practitioners for further and sustainable implementation of restorative justice procedures at post-sentencing level. What did this concept look like in practice? In the two year project period, one round was carried out accordingly. The Criminal-Act-Dialog group involved five participants, including three victims of sex offences[35], an indirect victim of a murder case (sister) and a victim of a serious bodily harm. The average age of the group was 39 Years. The Victim-Empathy-Training group that took place simultaneously and was met by the victim group, took place at the Juvenile Prison in Schleswig and involved six participants aged 19 on average. Offences ranged from serious bodily harm, drug related offences, burglary to robbery. Usually offenders have committed several offences before they are incarcerated. Only one Criminal-Act-Dialog group could take place due to low numbers of victim referrals, be it self-referrals, or through victim support. Despite this, further Victim-Empathy-Trainings were carried out, either without victim participation, or with the involvement of one victim in company with a victim support worker. In the adult prison, the average participant age was 38 years and additional offences included fraud, driving without licence as well as drunk driving and murder by negligence.

[34] It is however not a precondition to take part in the group work to request a mediation procedure, these are also offered to anyone interested (see 5.3 Mediations in this article).
[35] One of the three victims was an indirect victim of actual crime, the husband of the direct victim.

Criminal-Act-Dialog Group (n=5)	Victim-Empathy-Training (n=36)
	1. Group: Prison Kiel; Adults April 2013, 8 participants No victims involved
1. Group: November 2013, 5 participants	2. Group: Juvenile Prison Schleswig October 2013, 6 participants
	3. Group: Prison Kiel; Adults October 2013, 6 participants Car theft victim and victim support worker
	4. Group: Juvenile Prison Schleswig April 2014, 6 participants Burglary victim and victim support worker
	5. Group: Prison Kiel; Adults July 2014, 5 participants No victims involved
	6. Group: Juvenile Detention Centre September 2014, 5 participants No victims involved

METHODOLOGY

A qualitative approach was chosen in order to gain an in-depth insight on emotions of victims and offenders in relation to restorative justice procedures at post-sentencing level. As described above, the small scale study with a sample of 36 cases cannot be representative; rather, it was aimed for a deep insight on the following research question: How can victims be protected and supported within the applied restorative justice procedures at post-sentencing level? Furthermore, by carrying out pilot projects, the potential of an action research methodology, thus, linking theory and practice from the start, was seen in order to have a direct effect on and involve practitioners working in the field of post-sentencing. This is essential for creative search and the best possible implementation and adaptation to the existing framework conditions, striving for sustainable development. All pilot projects, namely Criminal-Act-Dialog and Victim-Empathy-Training group work as well as mediations, were evaluated using the instruments of observation, semi-structured interviews and the 'draw and write' research method (Angell, Alexander and Hunt, 2014). Observation took place by two student research assistants, one concentrating on body language and emotions, the second person writing detailed minutes of the group sessions content. Additionally, most group work sessions were recorded. Interviews with victims took place after the group, when all seven sessions, had taken place, whereas offenders were interviewed before the start of the group work and after in order to be able to identify possible changes. In cases of mediation, the preliminary interviews with participants were documented and interviews were carried out with all participants afterwards.

RESULTS

CRIMINAL-ACT-DIALOG:

To approach the question of how to protect and support victims within restorative justice procedures, several aspects will be looked at in more detail. These include the motivation of victims to participate in this RJ procedure in the first place, their coping behaviour and needs as well as their satisfaction with the offered procedure.

Motivations to participate: Most often, the victims have stated that their motivation to participate is to find a way to deal with and come to terms with the victimisation and its consequences. The earliest victimization dated back eight years, but until the group work, most had not been able to deal with it or speak about it much, so that eventually a point was reached where it was not possible to repress anymore. As a victim explains, *"this is a topic which you can't deal with in any form and where I never had a possibility to, and where I had the feeling that could be possible"* (V2). This silence is also influenced by an often experienced craving for sensation of friends and the community. This, as well as the fact that others judge ones social behaviour as deviant, is seen as additional burden. Furthermore, victims stated that it helps them to know how others feel and deal with their emotions and that they want to, through their support, help others to come to terms with it, lose fear and get closure. One question appears to be central on this journey, as Julia[36] explains, *"my question has always been 'why', 'why me', 'why does someone do this', did I do something wrong without knowing, because I have been provocative in some way, I would have liked to hear directly from him, why he did it, in order to understand and I believe to get over it, because now I have no clue, it could have been anything, I don't know. Yes, I would have wanted a confrontation"* (V1). It is about understanding, understanding offenders and what is going on in their mind, what makes them behave as such that it leads to commit crimes; simply *"getting to know these young men"* (V5) as they are the only persons who can give answers to these questions. However, there is also ambivalence as to how much knowledge helps. On one hand, the unknown is dreadful, often imagined as much bigger, but on the other hand, fear is also expressed towards the information, specifically one's own reaction to that information. Thus, it, the knowledge of the reason for the harm, *"shall go away"* but there is *"curiosity at the same time"* and there is a need that *"once I understand, I want to forget"* (V2). Another motivation leads into the other direction, hence, that offenders should understand the victims' point of view in order to prevent reoffending. *"If the offender has to deal with the emotions of victims, then this is more effective than prison"* (V5). Even if it is just one offender who does not reconvict, then they feel to have made a difference (V1, V3, V4, V5).

Also, it became clear that motivations can be a combination of personal interest resulting from victimization and professional as well as societal interest.

[36] All names have been changed due to data protection.

Interestingly, the latter has been mentioned as a push factor, almost as a reason to start working on the personal victimization as is stated more precisely by one participant: *"in the beginning my goal was not as high, as I saw the access that is the wall principle of which I kept talking. I did not come with the expectation. Rather I thought, I saw it from the social worker focus, but of course I also hoped a little bit that this could be a stepping stone for me, to deal with it better or learn to deal with it and to see how others deal with it, how do they work on it"* (V1). On top of that, all participants were found to have a general interest in what a prison looks like from the inside, as they have never seen one before.

Coping behavior and needs: In order to support victims in restorative justice procedures, it is essential to understand how victims deal with the victimization and what helps them in their coping processes. Certainly, this is a highly individual process in terms of time but also regarding specific needs. Nevertheless, some indicators may help to raise awareness. Several aspects, which are also interlinked with the motivations above, have been mentioned by participants to exacerbate the experience of victimization in the aftermath. These include at foremost, questions arising such as 'why' and the unknown. Not knowing why the offence happened, not knowing whether the offender has been caught and if, what is happening with that person as a consequence. Also this was mentioned to be the result of the poor information flow with the criminal justice system. Another experienced burden has been reported to relate to social reactions, in that the majority of reactions are either sensationally or pity driven. What is needed is understanding rather than pity. Not only were community relationships influenced as a consequence of the crime, but also those with close friends and family members. Changing behaviour by the victim led to additional conflicts and misunderstandings. Particularly family members were experienced as very controlling and worrying which was a constant reminder of the occurrence in the intended process of repression. Despite this, family members and close friends were also said to be very supportive in other situations which may reflect a coping process that is characterised by constant change. Most victims said they were not able and thus did not want to talk about the offence also resulting shameful feelings. Therefore, and for reasons of techniques, police interviews were referred to as very stressful situations. Being forced to speak in therapy on the other hand was experienced as very relieving after all, as well as the contact to victim support workers, if this occurred. Furthermore, animals, music and books had a substantial influence on the healing process whereas media representation was primarily experienced as negative due to its offender focus.

To the question of needs during the coping process, the victims referred to three aspects, firstly, to have some kind of forum in a safe setting to speak about what had occurred, be it either a specialised therapist, or a self-help group of people who have made comparable experiences. Secondly, and this reflects the above, a large amount of attention of those victims interviewed was paid to the offender. There was stated to be a secret wish that the offender would come forward to apologise and explain what had happened. They want the offender to

understand what impact his behaviour had and what feelings were caused by it. Not only was the offender of interest, but also the offender's family, as one victim said: "*the mother of an offender, she needs someone to talk. And, I don't know, I am thinking, whether this could be of interest to me, but, I have to become more courageous (…) because that is quite close to a real offender already*" (V2). And thirdly, there is the need to have a better understanding of the criminal justice system, which may certainly be one reason for the participation in the projects group work and the prison visit.

Responses to group work and prison visit: All five participants were involved from the beginning to the end and thus participated in the group work as described above, including group sessions and the prison visit. Regarding the group work, participants reported that the exchange with others who were affected by a crime has been very helpful to move on, that through the exercises and the dialogue, their suffering was appreciated and taken seriously. In the beginning, talking about the offence was not easy but soon most realised that silence is unhealthy, so they say, and the only way for further development would be to face the situation. A positive aspect in this relationship was said to be the exercises as they allowed personal development through the visualisation of thoughts. Another major aspect for most participants was the atmosphere during the group work. One person reported that she would not have come back, if there had not been such a trustful atmosphere in the group, allowing openness and creating a positive group dynamic. Overall, the above mentioned had a multifaceted impact on daily life issues, particularly it improved relationships with partners and family members, on the personal level but also in terms of professional interests and societal dimensions. On the other hand, one person reported that talking about the offence again had two sides, besides the good experience, it reminded him of the pain again and was experienced as a throw-back for a certain period. The process of healing is characterised by constant ups and downs and it is necessary to realise that this process will be still very long, although the victimization occurred long time ago. this was at first hard to take. Another participant said that the group work was a good experience, but not life changing.

The prison visit and dialogue with offenders were a central goal for all participants despite the common nervousness beforehand. Particularly in terms of general offender images, this has left an impression. In the session before the prison visit and ultimately before, everyone involved was strained and the atmosphere tense, mainly because the image of an average offender was that of a dreadful monster or a "*totally negative image*". This image has changed completely during the visit, as participants report in the aftermath, how surprised they were to sit opposite "*just normal young boys*" (V3). During the meeting and more specifically during the one-to-one dialogue time in the middle with coffee and biscuits, which was much appreciated, empathy and solidarity with offenders was developed. The meeting was very emotional and everyone got to speak about their experiences and viewpoints. However, out of five victims, only one person's victimization corresponded with those offences the

inmates had committed. Certainly for that person, knowing that all inmates could have been the offender, according to their type of crimes, made it a very personal and sensitive dialogue. For the other victims, the identification with those inmates, regarding the personal victimization, was rather difficult as none of those present had committed a sexual offence or a murder. Nevertheless, also for them, the impact was overwhelming, which the following statement shows.

"I am very thoughtful now, but do feel good and what has touched me, that your faces have changed during the past hours. Well, all these shades from here to there and what that has caused, well, one could feel that something has reached you. I wish for you that this will remain, that it is not only this moment, which will be covered by everyday life, but that something will sustain." (V3)

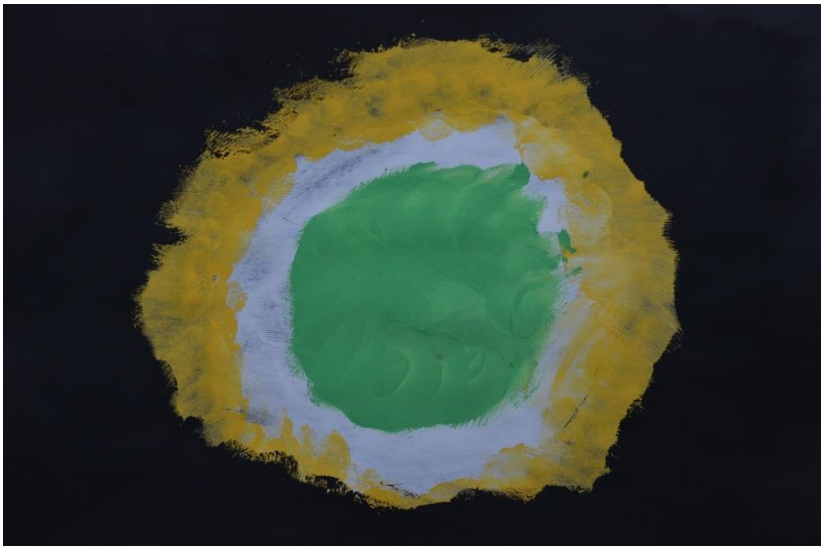
Having met the juvenile inmates, the group participants were asked to paint the picture of their offender again. For two victims, the image of their own offender has not changed, one person could not participate in the session and the remaining two images changed to a positive representation, for instance that of Melanie. She described her first painting as a situation she experienced when she read an article about her offender. She took the article home in her bag and suddenly felt as if the offender came out of the bag like a ghost, stabbing her into the back with a long knife (see painting). In that moment, *"it felt so real, like a fear of dying"* (V2). After the prison visit, she drew grey lines to show a lot of fog. The knife is not there anymore, thus, the acute fear is gone, but she does not know whether the offender is still hiding in the fog. This will only become clear if another situation arises when she is reminded of him. To be able to talk about it has reduced the fear, as this has not been possible before.

Ricarda Lummer: Schleswig-Holstein pilot project

VICTIM-EMPATHY-TRAINING:
In terms of victim-empathy-training conducted with offenders in prison, some aspects shall be taken up and discussed as well, starting with motivations to participate, responses and some reflections on the effect of the group work.

Motivations to participate: The motivation of offenders to participate in the prison group work on victim empathy is threefold. The first set of motivations stem from rather pragmatic circumstances such as having nothing else to do or meeting external people due to a boring daily prison life. Secondly, there are reasons that are rather self-centered, including the hope to get benefits out of the group certificate, to hear how other inmates deal with the situation they are in as well as to use every straw that may help to move on. As one participant reflects: *"I grab every straw that is offered during my time in prison to work on my past. And since I have tried everything, therapy, and nothing was successful, I now try it with a sober head in prison"* (O7). Some also state that they have a need to show guilty feelings, change their own behaviour and want to prepare for mediation. A few inmates are motivated by a third set of reasons based on thoughts about victims already. Those said that their aim is to understand how victims think and feel and to meet 'real' victims. Overall, however, only direct contact of either the prison chaplain, or head of the departments led to a registration to the training. This is due to a general suspiciousness of new measures and the fact that inmates do not carefully read posters on the wall. Furthermore it was reported that prison staff did not systematically support this offer and that one had to be strong to participate in such a 'soft' measure. As part of the group work, the participants were asked to paint whatever comes into their mind when they think about victimization. A large group drew straight away some prison bars to represent their own victimization in prison. Others focused on offending scenes from their past, for instance drug related scenes in neighborhoods. A few mirrored own experiences of victimization in the past or victimizations they have caused. One of those has been selected as an example (see below).

Peter tried to express both, his personal victimizations during his childhood and the suffering he has caused. He explains that the black part represents those various victimizations, which are followed by a period (yellow) of sorrow and suicide thoughts. When this period is overcome, feelings slowly improve in the white phase, moving on to a period of hope (green) at the end of the tunnel.



Responses to and effect of group work and victim dialogue: As described above, three different approaches were taken, resulting in low numbers of victim referrals. Three groups were carried out without a victim dialogue whatsoever, two groups met one victim and a victim support worker; and one group was carried out according to the planned concept with a whole group of victims coming into prison for a dialogue. The following paragraph is structured according to these three approaches. Furthermore, it must be differentiated between adults and juveniles, as well as groups carried out in the Social Therapy department of the juvenile prison and in the general department, where less regular treatment is taking place.

Overall, the group work was experienced as positive by all participants. If disappointment was reported, this was as a result of a cancelled victim dialogue. Certainly, the experience and effect of the group work is also dependent on the initial motivation, as those who have a sincere interest in self-reflection and empathy, can gain more out of it. As one person reflects after the training (no victims involved): *"I liked the intensive. Yes, yes I couln't let go in that time, I mean in my thoughts. I like that. Since, I can hardly say that one day passes when I don't think about it"* (O5). Whereas those with less powerful motivations have to be prompted at first. This preferably occurs through group dynamic and the dialogue with other inmates or with victims, if possible. The responses of those who have participated in a victim dialogue clearly show that this was the central aspect of the training and has had the greatest impression on the inmates, as summarised: *"Primarily I liked it. But what I would say, more than that, is that I did not only like it but that it, I believe, helped me in every sense. So, I see everything from a different perspective now. No, it wasn't like that*

before. Before, I didn't specifically think how the victim could feel, or that burglary victims for example could..., one just thinks, yes well, I don't hurt anyone, I am just taking a few things, that's it. But in the end, as we saw, most people can't deal with that because it is just... yes, you enter their private space and that they just don't feel safe anymore. And that has opened my eyes. It was really good, I think. Because, yes, not only pretended victims but real victims and one could ask questions, what I did. And that was important to me, just to hear that from their point of view, how they actually really felt." (012)

As with the victim group, the juvenile inmates were similarly nervous prior to the prison visit for the criminal-act-dialogue group. Two inmates considered quitting the group work because they felt insecure regarding their own behaviour. In individual talks, they were assured that everything is voluntary and that they could leave the room at any time; thus, they agreed to take part. During the meeting, all inmates expressed their nervousness verbally but also with clear body language.

"It was fun, although there was a quiet atmosphere, but also such a tense atmosphere. And everybody has contributed and everybody was honest. (...) Everybody was brave, because there were a lot of people and at first everybody was really nervous, I myself was really nervous and yes, I don't regret, this was exactly, well, exactly the right thing." (019)

Shortly after the coffee break of around half an hour, which was used for one-to-one conversations, one inmate stood up and said that he could not take this anymore and left the room. He returned afterwards to explain and apologise. Surprisingly, this was not one of those who had doubts beforehand but rather one who expressed the aim to be confronted by victims. Not only was a turning point of emotions strongly noticeable for this person but for the whole group after the one-to-one conversations. And indeed this part was confirmed to be the most powerful by all participants in the aftermath. Another aspect that has been identified as positive by the inmates was the heterogeneity of the victim group. Although they could not identify with all of them (rather with only one person) in terms of their own offences, they got an impression of how individual the experience of victimization, its severity and consequences can be. This corresponds well with an exercise done during the third session, as an offender points out during the dialogue. He said: "*Respect to everyone, that you have been so open, we have had a group as well, and there we did an exercise where we got papers with different offences and we had to put them in order ABC and D, according to seriousness, but now I realize that every crime is serious in some way, you can't compare one with the other, all are serious on their own and yes, you have reached your goal. I am here in the group because I wasn't able to show remorse towards my victims and now I am, to be honest, quite shocked to have heard all of that and I can't get all of this in my head right now but, how should I say this, this does definitely make me think and I have never had the victims in front of my eyes generally, except maybe young people that I have got into a fight with, but I have never thought about the reactions of victims*

of a robbery and when I see your reactions (…) it really shocks me" (O17). This clearly illustrates the offender's understanding on the experience of individual seriousness of victimization. Besides this, the impact of victimization in terms of time was also discussed in the group work and came up again during the meeting with victims as all five victims reported to have been impacted for a long time by the consequences. An offender states that he was not aware of that long lasting effect, saying: "*and that I have never known before, that specific victims have to suffer for years long, years long. They cannot work and, now as they have visited us, it was in my interest to help them that they can continue living their life, and I told them, that I really wish them to get better*". (O17)

One approach of developing empathy during the training was to make participants remember an own experienced victimization. At times, this exercise was difficult. Firstly because most inmates did not want to talk about their victimizations, as it could make them look weak in front of other group members, this particularly occurred in the juvenile institution. And secondly, if they had admitted to have become a victim once, they played down the seriousness of the event. However, during the one-to-one conversations in the break of the meeting, participants realised that they do have experiences in common with victims. Especially one person reported afterwards, "*the victims have allowed this personal insight. To develop empathy and get some understanding, whether one is very different or whether is not different at all. And I was with two people very similar, the one also grew up in foster care, as myself. Then this happened to her, what I didn't say is that this happened to me too, with this rape with seven years*" (O18). After the training, both, the inmate and the victim expressed the wish to have further contact through letters. The intensity of the dialogue with victims was also expressed through the inmate's need to see a psychologist afterwards, which was taken up by three out of six offenders.

MEDIATIONS:
Out of 36 offenders who participated in the group work, eight stated the wish to participate in mediation, but did not hand in a referral in the end. Six inmates indicated the wish to participate in mediation before the group work but changed their mind when the group work was finished. One inmate who had participated in the victim dialogue responded in relation: "*these were not my personal victims and therefore one feels still a little bit better if one does not sit in front of the own victim. One does not feel as guilty*" (O16). Thus, feeling more guilty could be a reason for him not to participate in a mediation with his direct victim after having experienced how victims in general can feel.

Overall, seven mediation procedures were referred out of which 3 came from offenders who had taken part in the group work in Kiel. There were no referrals by inmates from the juvenile institution although several indicated being interested as mentioned above. From the three adult inmates, one person died soon after he made his referral. In the second case, preliminary interviews were carried out with the inmate; however, the victim family whose son had died

through drunk driving of the inmate had revenge feelings and did not want to participate in the mediation process. In the third case from Kiel adult prison, a long preliminary phase of over half a year took place with the offender due to the large number and seriousness of his offences. At first he made a priority list of victims he wants to contact and by which procedure. He decided to write an individual apology letter to all of them at first. Having finished all the letters, five victims were contacted through an official letter from the mediation service. Out of five victims, one did not reply at all, two responded but stating that there is no interest and two victims had already died. Nevertheless, the daughter of a victim who the inmate had robbed years ago responded showing interest. An exchange of letters took place which was, despite the little success overall, very satisfying for the offender and the indirect victim as well. Out of seven initiated mediation procedures, two ended up in a direct victim-offender-mediation, both fraud cases. One of the offenders reflects afterwards: "*then I could explain and that has helped me a lot and, I believe, the victim families*[37] *as well, to know how it happened, what is the background. Does he really have not only the courage, but also the strength to compensate or to attempt a compensation"* (MO4). A victim of another case replies to be satisfied with the face-to-face meeting despite initial anger: "*I was angry inside, I had to fight with myself, I had to say to myself to stay calm, you are in prison, but it worked well, and then I was glad when it was over, it really was relieving because I sat in front of him*" (MV6). However, the relief caused through the meeting soon turned into disappointment again, because the offender did not pay the agreed compensation. In another case, a sexual assault, the inmate prepared a video message, which is kept at the victim's attorney for them to watch whenever they feel ready for it.

#	Referral	Offence	Sentence	Outcome
1	Offender	Fraud	2 Years	2 direct Victim-Offender-Mediations
2	Offender	Fraud	3 Years 6 Months	Victim-Offender-Mediation
3	Offender	Sexual Assault	6 Years 9 Months	Video Message kept at victims attorney
4	Victim-Empathy-Training	Bodily harm, arson, robbery	4 Years	5 apology letters, indirect mediation with 1 victim (out of five)
5	Offender	Incitement to robbery	4 Years 6 Months	Preliminary interviews
6	Victim-Empathy-Training	Death by drunk driving	2 Years 9 Months	Preliminary interviews with offender, contact to victims not successful
7	Victim-Empathy-Training	Burglary	14 Months	Person died

[37] Two direct meetings took place with two different victim families that he had betrayed.

It was found that this low number of mediation referrals has several reasons, namely, offenders think that victims only want monetary compensation, that they have already apologised in court and that they will apologise without help after prison sentence. Certainly this latter issue was thoroughly explained and discussed during the last group meeting however inmates stuck to this argument. Furthermore, it was suggested that offending behaviour is less serious if the victim is a criminal as well. In that case, which occurred fairly often, the inmates did not see a reason for a dialogue, not even to prevent further conflicts. Some persons also said that they were afraid of getting involved and be reminded of the incident, as well as causing new issues for related families and friends. On the victim side, the offender has either never been caught, was not remorseful at all, was imprisoned abroad or in a psychiatric institution. For these reasons, the victim group was a good alternative to deal with the offender side for the victims anyhow.

"*An apology would have been good, well, in relation with an explanation WHY, is important for me. I am not interested in revenge; I am not interested in money or anything else. I only want him to come and say, listen, I have made a mistake, I was drunk or I was naive, or whatever, I don't care what the reasons are, I am sorry and I can't turn back time*". (V1)

In one case, a mediation procedure could not take place for the security of the offender as victims had made murder threats. Other reasons for a mediation not to take place were found to be in the difficulty reaching victims. If the offender had made a referral, victim details could not be found, or victims did not reply to the letter. If they replied, a number were not interested in the procedure, amongst other reasons because they had too much daily life issues themselves and/or had revenge feelings. As mentioned previously, some victims had also died already, which may occur more often in mediation at post-sentencing level because offences can date back a long time.

Discussion and Challenges

Some issues need to be pinpointed for discussion. First of all, the obvious low number of victim referrals to the group offer raises questions. Are victims not interested in group work and/or a dialogue with offenders, or is it simply not known, have public relations not reached their intended widespread audience? Certainly studies on satisfaction of victims with restorative justice procedures indicate largely positive results and those who have participated in this project's group work reported their expectations to be satisfied as well (Shapland, et al., 2011). Therefore, much more work is required regarding public relations to gain higher self-referrals and the cooperation with victim support should be improved. Interestingly, coming back to reported satisfaction, the initial motivations were independent of the later effect. Some victims had stated that they had a primarily professional or societal interest in the group work. Later they said that this explanation was mainly to justify themselves, as they were in fact fearful to participate in order to move forward with their victimization experience. To acknowledge this as a primary motivation at the outset was too difficult but in

the end the group work achieved this effect. This indicates that primary stated motivations should not be the basis for any form of exclusion. This is also true for the participation of offenders. Restorative justice group work is particularly of interest to those victims who have the wish to deal with the offender, but that person was never identified, is not available, or is not willing to get involved in a restorative process. It can therefore be a good alternative to a classical victim-offender-mediation or, if preferred, as an additional preparatory procedure prior to a direct mediation.

Preparation is central in all cases, particularly in terms of security, to manage expectations and avoid secondary victimization. The participants assessed all sessions to be valuable. Firstly, to exchange consequences and needs with others affected, and secondly as a preparation for the prison visit. Victims feel safe and supported within the group, particularly in a stressful situation such as the prison visit and its related dialogue with offenders. It is worth discussing whether some kind of selection should take place, certainly not in terms of exclusion but rather when putting together groups of participants, should this offer be implemented in the long term. This is due to the fact that victimizations may not always match the inmates' offence record, in which case the participants cannot identify with their counterpart regarding the victimization/ offence. On one hand a heterogeneous group offers much more perspectives and specifically also for offenders to understand the variation of victimization experiences. Whereas, on the other hand it may lead to an unevenly spread focus, as occurred in the pilot project. Despite this, all participants reported to have gained from the dialog, if not regarding the own victimization, then from a more general societal viewpoint. In the aftermath, the importance of not only preparatory but also several follow-up sessions became clear. This is the case because victims tend to undergo an emotional roller-coaster during RJ procedures. Right after the meeting the participants were very enthusiastic, experiencing a lot of empathy for the young inmates, which was then again questioned afterwards. In practice this means that at least three post-sessions are required as designated in the concept. However, this concept may indeed cause practical problems due to time and arrangement issues with a group of people. Even more so since group changes in setting and/or constellation are counterproductive in any case. From the victim-empathy-training perspective, the dialogue with the victim group was the most central and effective element. Although, in the aftermath, the other sessions were rated as helpful and necessary preparation, they did not have the same importance to inmates as for the victims. For offenders, the dialogue, even with surrogate victims, was the essential difference to other interventions. This emotional impact was also found when the initial motivation was solely to receive a certificate for potential, at no point promised, benefits. There was clear disappointment for inmates when the dialogue could not take place. Therefore, it is questionable how to deal with this dilemma as, even if there is a victim group, the prison visit remains unsure until right before the planned event due to the voluntary nature of participation for all concerned. Thus, a well-adapted implemented infrastructure of group work and coordination is required in this regard.

Overall, it can be summarised that there is an obvious difference in the group work with inmates from the social therapy department and those from a general department who are undertaking less treatment interventions. Two main differentiations could be identified. Firstly, there appears to be less personal distress amongst those juveniles who have been in therapeutic treatment, or at least they have dealt with the most prevailing circumstances, therefore being more able to concentrate on one's other perspective and more precisely to develop empathy with victims. Within the group that took place in the general department, the juveniles were a lot more distracted by daily life issues and personal well-being. Secondly, a clear difference regarding the ability to concentrate, group work experience and general behaviour could be made. Here it must be discussed, where the implementation of such a procedure is most suitable. Clearly, almost all inmates have some kind of victimization experience as well. On one hand, this provides the possibility to work on empathy towards victims by referring back to those experiences, on the other hand, victimization experiences may be so severe that offenders have the perception that their own victimizations are much more serious than what they have caused others and therefore cannot understand the message. Sometimes they argue that they have been hit several times and just stood up again and the next day, injuries were gone. Whether this be honest or not, it is difficult to reach the real pain experiences as they will be unlikely to disclose this in front of other juveniles. Thus, this attitude can most effectively be changed through detailed descriptions of consequences from direct victims themselves. Then it is even possible to create a feeling of togetherness as sometimes experiences can be very similar, for instance sexual assaults or a childhood in foster care.

Another pilot project result is that the initial group work concept for the victim-empathy-training has been adapted according to recognized differences between the work with adults and juveniles. The concept for juveniles has been changed away from speaking exercises towards more interactive group work and individual support. This resulted out of difficulties with concentration and group dynamic issues. Another question to discuss is the constellation of group facilitators. It has proven to be convenient to have a mixed gender team carrying out the group. Whether the facilitators are solely from external organisations, or a combination of an external and a prison staff member, must further be decided. The disadvantages of working with prison staff could be that inmates are less open and behave in favour of the particular staff member, hoping for future benefits. Furthermore, victims reported to be irritated by the presence of prison staff and said that they felt being under control in a rather emotional setting. On the other hand, the advantages of involving prison staff are firstly, that they usually know the participants better and can therefore refer to situations from daily life within the institution. And secondly, it engages the staff members into restorative justice procedures which may have an influence on the general philosophy within the institution. The long term implementation is largely dependent on this restorative atmosphere in prison. This chance has to come from within and change daily relationships and conflict resolution on an

institutional level. Only if that is the case can inmates be supported in a restorative process and indicators to want to participate as well as individual needs be identified by staff members. Today the penal system is not designed to be 'restorative' but rather operates to a contradictory model. The philosophy of restorative justice should be promoted and practised in prison as a whole system approach. In order to achieve this, conflict settlement among the prisoners and between staff and prisoners should be used in daily practice.

CONCLUSION

In conclusion it can be said that the overall effect of the pilot projects in Schleswig-Holstein has been widespread. Strong interest was expressed by many organisations and individuals as well as the partner institutions in Schleswig-Holstein and beyond. Furthermore, the Ministry of Justice Schleswig-Holstein has been very supportive and intends to further develop the field of restorative justice at post-sentencing level. This is represented in legislative change, RJ is currently being considered in relation to two new state laws. Firstly the law regulating short term arrests (detention ranging from a week-end to the maximum of four weeks thus regarded as means of discipline and below the threshold of imprisonment). Secondly the draft prison act which is under discussion is to be adapted to include RJ procedures. In addition to this, four and a half new job positions were created in the past year for juvenile victim-offender-mediation. Also a steering group convened by the Ministry of Justice creates sustainability in the discussion on RJ. These developments clearly reflect the movement towards restorative justice in Schleswig-Holstein. They have been influenced significantly by this project overall as well as by all the activities carried out as part of the pilot projects. Even though an extensive network has been built in this field, there is still a lot to do. This is particularly true in relation to the area of supporting rather than protecting victims in the aftermath of a crime. It is important to make sure that every citizen of the federal state of Schleswig-Holstein knows about the variety of RJ procedures offered to them, thereby, ideally moving towards a majority of self-referrals in the future.

CROATIA – MLADEN KNEŽEVIĆ

INTRODUCTION

The concept of restorative justice is relatively new in the criminal legal theory and practice in Croatia. Yet the concept is in its original form very old and goes back to the very beginnings of the social system of human communities. Different forms of restorative justice are present in almost all pre-modern societies, or more precisely, in tribal communities (Bottoms, 2003; Knezevic, 2008). In a process called restorative justice one of the central concepts is that of empathy for the victim of the crime. Empathy should not be simply translated as compassion for victims of crime, but it is probably better to take this relationship to the victim of a criminal offense if it is defined as a situation where somehow „show favor feelings of another, resulting in sharing these feelings" (Strayer, 1990: 218). When it comes to offenders, empathy in literature defines as a protective factor that reduces the likelihood of committing the crime and lack of empathy increases that probability (Jolliffe and Farrington, 2004: 443). In addition to this view, there are in the literature a number of other attempts to define empathy, but this is nothing new. In the academic community there are very different opinions about many concepts. What is common to many approaches, or at least to a large extent similar is as follows: a) empathy is different from person to person and in this sense it can be seen as a factor of individual differences; b) it can be measured in some way with appropriate instruments; c) it is a construct that has an impact on people's behavior (Jolliffe and Farrington, 2004: 442). This is why most projects focused on offenders, especially those who find themselves in different types of penal institutions focused mainly on three objectives: 1. A sense of guilt for the event which caused the suffering of the victim; 2) sense of shame because of their participation in it and; 3.Empathy to the victims of crime. All this in the belief that this would contribute to the realization of the most important targets the criminal justice system, which is the maintenance of the legal order (Henderson, 1985).

Research on victim's empathy associated with treatment of offenders have shown that caution is needed in interpreting the concept of empathy. Actually, one can speak about several types of empathy, which are not necessarily correlated with one another, and therefore do not have to contribute to the same objectives. The study of English scientist Rachel Terry and Susan Young and Gisli Gudjonsson warned that empathy (or its lack) is not when it comes to prisoners as a general phenomenon, and that we can talk about different concepts of empathy (simplified, different types) that are not necessarily correlated. What is called general empathy, is not necessarily associated with empathy towards the victim of the crime, but that can play the role of many factors in the personality of offenders (prisoners), and very different demographic factors (Terry et al., 2009: 765). Therefore, projects focused on the development of empathy for victims of crime must be aware of possible differences in their conceptual basis. RJ projects go beyond a postmodern role and importance of the isolated and almost sacred individual. They are in many of its dimensions addressing

community as the natural environment of the individual. Because of that dimension, 'victim-empathy-training' is not only the relationship between the offender and his victim, but also a relationship with a community that due to the offence suffered changes which aim to adapt in the best possible way. The process which in the context of penal institutions someone wants to increase the level of offenders empathy, does not represent reparation (as from the title of the project could be concluded), but the creation of new states. This new state wants to include the earlier conflict in a way to complete the circle of aggression (which was often not just a one-sided).

GOALS AND OBJECTIVES

The basic idea of our study was to verify whether it is possible to notice signs of interests in persons serving a prison sentence for the problems of the victim, or victims of crime they have committed. We decided to implement the project with a group of prisoners who have committed crimes against property. These crimes are the most common type of crime and the largest number of prisoners are serving a sentence for such crimes. Amongst the public and unfortunately in professional circles and academic circles people rarely think about the victims of these crimes, their fears, feelings of threat and even anger because someone hurt their integrity and not only the material goods they possess. On the other hand, the general interest and also the experts, when it comes to empathy for the victim, it is most often directed towards victims of violent crimes, particularly sexual crimes of violence. In this area some models of restorative justice have been developed. Consequently, the perpetrators of property crimes are deprived of the potential assistance in this field.

PROJECT DESCRIPTION AND METHODOLOGY

One part of the research was carried out using the qualitative method/technique of focus groups. We assumed that the technique of the focus group could have some positive consequences in the development of attitudes of individual members of the group. It is so research could contribute to and identify personal changes in people who participate in the study. Performing groups in the prison must necessarily, by the very nature of the techniques focus groups involve, constantly maintain the direction of the group, according to the planned content of the group. The contentis planned to clarify the role of the group and the care of its members (Giblin and dr.2012). All these elements, have to be kept continuously under control. The groups were formed based on the free will of prisoners in relation to their participation. Prisoners were told that it is a European project and that we want to talk about their relationship to the victim of the crime. The main exclusion criterion was diagnosed psychopathology any form. Prisoners with significant intellectual disabilities were also excluded from the group. Groups met once a week for five meetings. We chose one group in prison in Zagreb where sentenced prisoners were serving up to six months. The prison is a maximum security establishment. The second group took place in the penitentiary in Lipovica Popovača, a village about sixty kilometers from Zagreb. One prison is semi-open.

Groups led by a social worker with special training in group work, with a co-leader who is writing down the answers given by the prisoners. Because of the possibility of suspicion by the inmate participants we have not opted for the electronic recording of group meetings. The material obtained from focus group meetings we analysed with the 'analysis framework' technique. This type of analysis material is organized in groups of tags (codes) which are further organized in categories that have been developed by researchers, in order to organize data (Gale et.al.2013: 117). Codes for further analysis can be grouped into clusters of interrelated content. The use of this technique was good when using mixed techniques, where the researcher tries to actively connect qualitative and quantitative data (Pope and Mays, 2009). The second reason is that the content of the conversation in focus groups is a pre-defined issues that is formal. Groups are guided by the principle of a structured group meeting. The basis for the questions was the inventory of questions compiled by Kiel University of Applied Sciences, in addition to a structured questionnaire. In the Croatian part of the pilot project, the interview and evaulation questions are planned. Facilitators asked the prisoner what they think about the project in which they participated and how they felt as project participants.

The study involved two groups of prisoners, each of twenty participants. The first group comprised 19 participants, because one escaped from the institution (semi-open) soon after beginning the group work. The prisoners have been convicted of property offences. The largest number of offenses accounted for by the so-called classic offences against property (theft, robbery), and 12.5% were prisoners who have committed crimes in economic transactions. The average age is 40.28 years. The youngest participant was aged 22 years, and the oldest was aged 64 years. The average length of the sentence imposed was 27.45 months. The minimum sentence is eight months and maximum 78 months. Until the date of entry into the project, the average time spent serving a sentence was 14.5 months. The shortest time was a prisoner who has served only three months, and the longest was a prisoner who was in prison 50 months from the project start date. Among them were 19 recidivists, which is a common situation with offenders in the area of property crime.

RESULTS

The content of conversations with prisoners – Introductory questions:

With introductory questions we wanted to know how they feel in prison and what their health is like now. The vast majority responded that they feel good, especially with the fact that they are in prison. Most are healthy (70%), some of them suffer from chronic diseases for a long time, and some have difficulties associated with detention, such as difficulty sleeping, nervousness. Most are engaged in some form of sporting activity (about 60%). Most of them said they did not know what the group meetings will look like. They agreed to participate to hear something new, or because they thought it was good to accept something that was offered by the prison authorities. Basically, they did not have any specified expectations from the group meetings.

Review on previous situation (about life before the offense and circumstances happened the offense):
Most of the inmates find that before they ended up in prison, life was good , only a small number of them talk about serious life difficulties, especially the loss of family. When asked about what led them to committing the crime inmates gave very different answers. One said he was furious at the state, some simply did not have the money, the highest number can not explain why they did so, one identifies drug addiction. In relation to of this criminal act, 70% assessed it as a big mistake, but some say they do not complain about it, and that they would do the same again.

Questions about the current situation:
Focus on the prisoner: When asked about how one now feels in connection with the criminal offence, a good number of them respond that they do not feel anything in particular, that the passage of time has led to fading memory of what happened. Only a small number felt bad about it and a sense of guilt. Even 36% of them claim that they never think about a criminal offence, 42% have a negative thinking, and two of them have positive feelings associated with crime. Two were angry at themselves because they are put in a difficult situation by their family members, some are angry at the justice system, and the vast majority have no feelings of anger. When asked what they think about themselves, most answered that they think that they are basically good people, some think that they could achieve more in life, and a smaller number respond that they do not think anything. When asked to describe themselves, they used the following descriptions

- benign jolly
- mentally strong and flexible
- stable
- sociable
- positive
- I love myself and everything around me
- never think of myself

When asked what would you like to change in yourself, most responded that there is no need to change anything (85%). Very few answered that they were too ambitious and that things had to change, and some said they would have to change the environment which they live. When asked about what they think about penalties, 58% answered that they deserve the punishment, and the others thought the penalty is too high. Several of them answered that they should get probation, and two of them stated that they should be rewarded rather than punished. Most prisoners do not accept the sentence, or respond that there is no other way than to accept the punishment. There are many who say they accept the punishment, but more than a third of them do not accept responsibility for their crimes. When asked how they accept responsibility, many replied that they have reconciled with fine, that they themselves asked for going

to jail immediately after sentencing, and one expressed that the punishment was deserved.

Focus on the victim: When asked about when was the last time you thought about the victims of crime, the most common response was that they are not thinking about it, or that they sometimes think about them. There were also responses that did not want to think about it because they would have to pay damages. Only one prisoner said that he almost weekly remembers the victim in his prayer. When we tried to find out how often they think about the victims of crime, almost 40% of them said they do not ever think about them, or said they do not think very often about them. One said that he has fulfilled the damage in relation to his crime and he does not see why he would have victim thoughts. Only one quarter of our interviewees said that they feel uncomfortable when they think of the harm, and almost the same number said that these thoughts are not unpleasant, while most of the others remained adamant that they do not think about the victim, and can not even say whether their thoughts on the victim are unpleasant or not. The group leader, tried to find out what exactly they think when they think about the victims. Almost half of them responded that they do not even think about the victim, one said that he is the biggest victim of his own family; some declare that the victims only contributed to the situation. Answers are mainly in the direction of the denial of thinking about the victims of crime. A specific way to avoid thinking about the survivors, relates to one prisoner who said the offence took place a very long time ago and therefore he does not think about it at all.

Questions about future situations (meeting crime victims, compensation, commission of criminal offences):
The leader asked them if they would like to meet the victim of the offense committed. One third of prisoners were against this unequivocally and responded that they would not like to meet the victim. One pointed out that there is no victim because the victim is a bank. Two said that they have not met the victim, but that they wanted to. Some of them responded that they know the victim and that they have a chance to see them from time to time because they live in close neighborhoods. One said he knows himself, insisting that he is actually the victim. When asked why they would not want to meet the victim, most replied that it would not make sense. After this question, the group leader asked them to imagine what such a meeting would look like. All prisoners from the group did not give an answer to the question. This question was followed by a question on whether they have any fears associated with this victim meeting. More than half of respondents said that they have no fears associated with it, some of them answered that they fear whether they will be able to restore the damage. One prisoner said that he was afraid of the meeting with the victim because he has a strong desire to attack this person physically. They were asked about what they think about whether the damage could be compensated. Nearly half of all prisoners immediately and directly responded that the damage could be compensated. Only one said that the damage which he has committed will be compensated. Several prisoners answered that there is no need for

compensation. One prisoner very openly said that the damage in material terms can be compensated, but he is just not sure that this is possible in an emotional sense. But when the group leader set just a question of whether he wants to compensate the damage, only 26% answered that they want to, and 20% unequivocally answered that they do not want to pay damages. Others responded that there was no need, or gave some other kind of response, the contents of which could be understood as a rejection. Several of them answered that the damage has already been restored, or that they will have to repair the damage even though they do not want to. Most of those who have shown intention to restore damage, or said they would have to pay back the damage on the basis of the court's decision, they said it would be made from their wages. One prisoner said he would restore the damage, because it is a great personal damage to be in prison.

After this, they were asked about what they would need in order to feel better in future:
The question was put in the context of their relationship to the victim of the crime. Answers were related entirely to personal effects such as family, health, employment, out of prison. One prisoner said he should find a woman to arrange his life. Most of them said they do not need anything, that they have everything they need. No response was directed beyond, to the community, and especially not the victims of a criminal offence committed. When asked what the victims needed we got a series of very different answers. It is very interesting that 16% answered most directly that the victim does not need anything, and a further 40% responded that they do not know what the victim would need to get. One cynically mentioned that he would like to help the victim to come to prison, and the other added that his victim must feel how it is for him prison. Only two responded in support of the victim. One said that his victim should have the harm fully restored, and the other prisoner said that his victim deserves a public apology.

At the end of this part of the group, our group leader wanted to know whether they thought they would committ criminal acts again. Less than half of them clearly said they will not. Almost 40% of group members responded that they did not know, explaining that the fact that life can bring anything. One diplomatically replied that he has no such plans. And one said that whatever the situation outside prison will bring, will happen. As can be seen, most of the prisoners were actually trying to manipulate. What can be assessed as positive in this situation is the fact that they choose to do so very openly in the penal institution. That says a lot about the way this group is guided. Completion of group discussion was devoted to the assessment of the project in which they participated. On the question of how to evaluate a project in which they participated, without exception, they have reacted very positively. One said 'no comment', and most others expressed their satisfaction with participation. They pointed out that more such projects would be needed in prison. One said the project helped him a lot, because no one ever spoke to him in this way. One prisoner thanked the group and said that it helped him to „sort some things out in my head differently.“ All of

them expressed satisfaction with the group leader. They pointed out that this project was a new experience for them and that such an experience was not provided in their current prison.

CONCLUSIONS

The RJ approach seeks to fundamentally change the way we respond to crime and its consequences and to develop a dynamic relationship in a community in which crime was committed. It aims to establish a new balance, and this balance is not based on punishment for a criminal offense, but the establishment of new relationships in relation to events that expose the old dynamics. In the research presented, the participating prisoners have committed property crimes. The good part of the literature that deals with property crime suggests that these prisoners are the hardest with whom to restructure their relationships with their environment and establish new positive relationships. Most prisoners acknowledged their responsibility for the offence, but on a very superficial level. They accept some need for compensation of the victim. A large number of them very clearly show their resistance towards this, although it seems that they are, at least, facing the major difficulties involved in any such process. Most would not want to continue with the life they lived before and very few of them believe that they will continue to live the same way.

We can say very clearly that no one could argue that the research intervention significantly changes the attitude of prisoners who participated in the project towards the victims of their crimes. We believe that this approach has not changed their views. However, we think that there are at least two positive indicators for supporting the continuation of such projects. Firstly, the fact that prisoners in groups feel positive, they expressed satisfaction with participation in the groups. They expressed some of their perspectives on life and even that can demonstrate openness to a change of perspective. Many of them, nearly half of the group, spend a good part of their life with various forms of criminal activity, so it is not expected that this could be radically changed in four group meetings. What they obviously experienced as different was the interest in the community for what they think and how they live. This does not occur very often in their lives. These pilot projects therefore facilitated a significant change in their lives. Although we do not think that they significantly changed as a result of this pilot project, we are, nevertheless, sure that this points to the way in which changes are possible, when combined with the efforts of the whole community.

PORTUGAL – ARTUR SANTOS

INTRODUCTION

This article is intended to present a description of our pilot project results, carried out between April and December of 2014, aiming to implement restorative justice (RJ) at post-sentencing level, and in order to support and to protect victims of crimes according to the EU Directive 2012/29/EU. This pilot project involved two public Institutions. The School of Social and Political Sciences of the University of Lisbon, as a project partner, and the Directorate-General of Reintegration and Prison Service as a support Institution for the development of the project in prison settings. This possibility of collaboration between the two institutions, initially allowed us to propose this project. To develop the project in a female prison and at the same time also engage prison staff through a multidisciplinary approach, aiming to implement RJ at post-sentencing level. There were two main reasons that move us to go forward with this idea. Firstly, this could be an added value for the European project, since none of the other partners had this kind of approach going on in their countries and it would be essential to give a new perspective; and a new focus of the subject. Secondly, besides the chance of having RJ programmes at post-sentencing level and in a prison context, given by the Portuguese penalty execution code, it has never been done before at national level. Therefore, concerning serious crimes, victims and also offenders do not have access to RJ procedures in any of the stages of the criminal process. This challenge was accepted and welcomed by the Directorate-General of the prison services, thus two prison facilities located in the area of Lisbon were chosen to work with. In this article we intend to share the objectives we proposed to achieve, the project description, the methodology used for its implementation, as well as the results accomplished. Finally, and concerning victims, we propose some challenges and approaches for the future, when it comes to RJ procedures access and implementation.

GOALS AND OBJECTIVES

The main goal of the project was to implement RJ procedures at post-sentencing level by engaging and protecting victims of serious crimes, in compliance with the EU Directive 2012/29/EU and additionally to:

- Involve professionals in prison setting, prison offenders (inmates), and the community in restorative practices;
- Create/enhance protective measures to prevent secondary victimization;
- Develop working guidelines and training in restorative justice, from the established scientific results;
- Disseminate scientific results of the project among political actors and Public Administration.

PROJECT DESCRIPTION

The pilot project was developed between April and December of 2014 at the prisons of Linhó and Tires, located in the area of Lisbon. The project team of the School of Social and Political Sciences (ISCSP-UL) was formed by one national coordinator, one team coordinator and two researchers/facilitators. Taking in consideration the time constraints, the project included the following activities:

Stage 1: Involving the Portuguese Authorities into the Project

a) General-Directorate of Reintegration and Prison Services Meeting

- Formal presentation of the Project/Portuguese Investigators
- Methodology
- Timeline guide
- Selection criteria for cases/crimes/inmates
- Which prisons to involve

Without the engagement of the Directorate-General of Reintegration and Prison Services it would not have been possible to implement a restorative approach in the prison context, as it has a very closed structure and is not generally receptive to new work approaches coming from external Institutions.

b) Presentation of the Project at Linhó Prison – Male Prison
c) Presentation of the Project at Tires Prison – Female Prison

- The Project
- Goals
- Activities developed by the partners
- The Portuguese participation
- Training programs
- How to select inmates for the Victim Awareness Training: first approach

Through a workshop, we provided information to prison governors and staff, about *why* and *how* we wanted to implement RJ at this level. Leaflets were printed and distributed also to inmates with information about the project.

Stage 2: Training

For the prison staff, there were 2 days training on 'Introduction to RJ and Restorative Practices', with 14 hours duration involving up to 30 participants in each prison, such as prison officers, teachers and probation officers. For the prison offenders there were 4 days on 'Victim Empathy Training', with 29 hours duration. The selection criteria of inmates established by the project team, took into consideration not only their age, but also the type of crime they committed. This way, and in order to develop different restorative practices between victims and offenders, such as mediation and conferencing, it was necessary to work with crimes of a different nature, which could be suitable for each type of restorative practice.

Stage 3: Next steps

The third stage of the project consisted of the training evaluation and to select, along with the prison staff, both males and females offenders to participate in Restorative processes. This evaluation has been undertaken in consideration of:

1. The results of questionnaires that have been done during the victim empathy training. Particularly two relevant questions needed to be answered by the participants: If one day you would see the victim of your crime in the street, what would you do? Would you be willing to participate in a restorative process with your victim?

2. The results of the 15 individual interviews with male offenders and 25 interviews with female offenders, undertaken at the end of the training program, by the project staff. The main goals of the individual interviews consisted of evaluation and selection of the offenders for the participation in the restorative processes and understanding, this time in a non-anonymous way, the impact of RJ on them. What has changed for you with this training? How do you see your victim(s) now? Were you willing to participate in a restorative process with your victim?

After the selection of inmates, the next steps proposed were reaching victims/community and developing restorative practices

METHODOLOGY

DISSEMINATION AND INVOLVEMENT:

RJ Information sessions were held with prison staff and involving practitioners in order to raise awareness of the importance of implementing restorative practices in the prison context, such as mediation, victim-offender group conferences and restorative circles. Two information sessions with prison staff were organized and given to two groups of up to 40 persons, one in each of the selected prisons. Inmates were informed by prison staff and through the distribution of leaflets, about the project in order to give their consent on the participation in victim empathy training and in the restorative processes we wanted to promote. Time and resources did not allow us to contact and involve victims at this stage of the project.

RESEARCH:

The research involved ISCSP and the Prison Services. The probation officers and social assistants working with inmates, made the first evaluation of the group of people they considered able to participate in training, according to their profile and psychological conditions at the time. In each of the prisons, ISCSP worked closely with the Directorate-General of Rehabilitation and Prison Services to select the most appropriate cases to the development of various restorative practices to be applied under the Project and according to the following criteria:

1. Diversity of crimes, taking into account their nature (public and semi-public), gravity (from petty to serious crimes) and its legal type ,such as the crime of

murder, offense to physical integrity, domestic violence, theft, or road traffic offences (driving while intoxicated, driving without legal authorization, disobedience);
2. Different age of prison offenders;
3. Different types of victims (direct and/or indirect) and, in cases where the type of offence in question does not have a concrete victim, which can happen, for example in some types of road traffic crimes, to select community representatives to participate in restorative processes.

TRAINING:
Training was provided to prison staff, including the prison guards, for a better implementation of the RJ approach. As preparation for the meetings with the victims, training was provided to prison offenders, by creating working groups in order to sensitize them for the needs of victims (awareness and empathy). This training additionally aimed to help prison offenders to understand the consequences of their actions on victims and in society in general; in order to prepare them for participating in different restorative processes. At the beginning of the training, the offenders formalized their voluntary consent to participation in the program, reading and signing the term of consent. Both Introduction to RJ (prison staff) and Victim-Empathy (prisoners) training was conducted by two trainers. Although the used approach in each one of the programs was different as well as the focus, according to the objectives proposed, getting the trust of the participants or as we normally say, 'breaking the ice', was a common ground, especially among prisoners. This was the first step. Restorative circles functioned not only as a key element of the methodology of work used by trainers in all stages of the program, but also as a sign of trust and communication, just like a tree growing as training moved on.

IMPLEMENTING PRACTICE:
This stage consisted of the Development of restorative processes conducted and coordinated by two facilitators. Prisoners who completed the victim-empathy training in both prisons were then selected to participate in different restorative processes, adjusted to the crimes they have committed. Direct or indirect victims involved in the crimes in question, and considering the above selection, would be contacted. In alternative, if the crime does not have an identified victim, or if the person refuses to participate, victims of crimes of the same nature could be invited to participate in the restorative process. The aim was to develop, in each of the prisons at least 10 restorative processes, using different restorative practices.

RESULTS

RESEARCH AND TRAINING FINDINGS:

Prison Staff: Professionals of different areas, such as prison officers, teachers, probation officers, administrative assistants, jurists and other professionals in prison settings listed below attended the training.

Professional Occupation	Number of Participants
Governor	2
Governor Advisers	3
Project Management Leader	1
Jurists	2
Probation Officers	2
Correctional Educators	11
Psychologists	2
Prison Officers	6
Surveillance Officers	1
Teachers	5
Kindergarten Educator	1
Administrative Assistants	2
Volunteers	4
Total	**42**

Table 2: Prison Staff Training

Motivations and expectations: The prison staff motivations and expectations related to the participation in training were mainly of getting to know more about RJ and consequently the acquisition of knowledge and work tools that could help them in the future development of their professional activity and relationship with inmates.

*"This training could help me in mediating some future conflicts between inmates." (*Prison Guard)

*"The knowledge acquired can be applied in the daily contact with the prison population" (*Correctional Educator)

"This training can be useful to foment the humanization of the prison services and initiate a new type of practice in the prison system. Changing from a punitive to a socializing and restorative work approach" (Psychologist)

Fig.1: Restorative circle during Prison staff training

Prisoners: In the male prison 15 inmates attended the full training programme. The age of the selected group was between 19 and 29 years and the penalties varied between 5 and 17 years. As for the female prison, 25 inmates with ages from 25 to 56 years participated. Their penalties varied from 18 months to 25 years.

Type of Crime	Prison Offenders
Murder	7
Attempted Murder	2
Corpses Desecration	2
Hostage	1
Serious Bodily Harm	1
Kidnapping	1
Burglary	2
Swindling/Fraud	8
Trust abuse	1
Theft	3
Drug Trafficking	1
Forbidden Weapon	3
Document Forgery	5
Criminal Association	1
Trafficking	1
Illegal Immigration	1

Table 3: Prison Offenders Training by Type of Crime (Totals)

Motivations and expectations: Questionnaires evaluation showed that most of the prisoners decided to participate because they wanted to know and learn more about RJ. Some of them also mentioned that they wanted to understand what victims and their families were feeling.

"I wanted to learn more about RJ because this subject is not mentioned among prison population."

"I decide to participate because I wanted to deal better with my fears, and get more close to the victims of the crime I committed. That´s what I want more."

"Despite being in prison, I find that learning is always important and we must continually evolve as a person."

Victimization exercises: To put the offender in victim's shoes was the objectives of the developed victimization exercise, when we asked the participants to report an experience in their lives, were they have been a victim. It was a very intense and surprising moment, especially among the female offenders, because most of them have been victims of domestic violence and sexual abuse in the past.

Expression Exercises: Trainers asked prisoners to express, by drawing or writing what they felt about the Justice system. Most of them felt that they were victims too – victims of the justice system.

"Frustration, coldness, revolt, incapacity and no opportunity of speaking in court."

"I am sad for getting such a heavy penalty; I was so young at the time. I feel sorry for what I did, and I should pay for my acts, but the system was to punitive with me."

In the next figure, the larger scale of the balance symbolises the justice system: bureaucracy,

- Prejudice,
- staleness,
- lack of resources,
- society disinformation

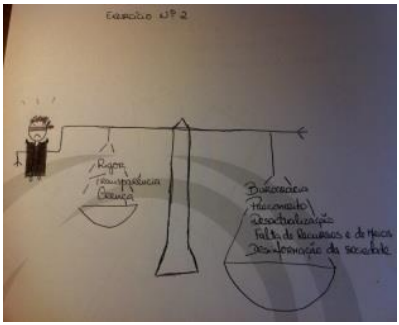


Fig.3: Expression exercise

Selection: The selection criteria for prisoners participation in meetings with victim(s) was based not only on the research interviews (understanding of the importance and the concept of RJ, willing to meet with the victim(s) and to participate in the restorative process) but also on training evaluation (participation and degree of involvement).

Male prison: From 15 male offenders participating in training, we considered that 9 of them were prepared for the RJ process. According to the type of crime committed, 3 cases were suitable for mediation and 6 cases were suitable for conferencing.

Female prison: From 25 female offenders, 16 have been selected to participate in mediation and in conferencing sessions with their victims.

DISCUSSION AND CHALLENGES

One of the key issues to be discussed is the lack of involvement of victims in our project. This can be explained mainly due to operational and time limitations. In fact, there is not a victim support structure at institutional level that can make the connection with the prison system. We knew from the beginning that it would be difficult to bring victims to prisons. Concerning facilities or methodology of work, the system is traditionally oriented and prepared for prisoners, not involving victims. Time constraints due to only eight months of our involvement in the project, were another important aspect. It would have been necessary to engage victims, through information sessions about RJ approaches and highlighting the importance and the benefits of their participation in the encounters with the offenders. This is a step that we are still taking. The development of the project in the two prisons has been seen, since its beginning, with very much interest among prison staff and prisoners. The best example is the participation of the prison governors in the training. Although the research findings show that more than 70% of the participants considered that the training should have been longer, with more time to learn more about RJ and to develop in practice the knowledge acquired, the evaluation done was extremely positive and their personal expectations were accomplished. Prisoner training was largely based in group dynamics and in expression exercises, so that we could be able to transmit the necessary knowledge and also to constantly motivate them to participate. As for the prison staff training, group work exercises were important in order to develop a multidisciplinary approach, since some of them said that they had never worked together before. For the trainers and researchers it was also very intense and a learning experience and their expectations were exceeded. The active participation and interest in the training subject of the prisoners surprised us in a positive way. But the aspect that surprised us more was the fact that they shared details of their lives with someone they did not know before. Implementing a culture of RJ in prison would definitely be a future challenge to stakeholders. Creating and teaching disciplines on RJ/victim empathy to prisoners could be a good starting point. Changing mentalities, takes time and we are aware of that reality. What we tried

to achieve with this pilot project was only the beginning of that process, but the lack of resources facing a new approach such as RJ is something that we have struggled with. We need to continue to implement RJ programs at this level, but for this 'we all have to play the same song'.

CONCLUSIONS

The results of our pilot project showed that:

- Victims should have more information and access to RJ procedures at post-sentencing level.
- Legislative change and more government support are needed for the implementation of RJ programmes at post- sentencing level.
- RJ procedures can be complementary to the traditional justice system.
- Media campaigns about RJ should be a way of getting close to citizens in general and to victims of serious crimes in particular.
- There should be victim support institutions/associations able to work with the prison services and to promote individual or group dialogues between victims and offenders on a regular bases.
- Prisons should be prepared to receive victims under the promotion of RJ meetings with the offenders, not only in terms of facilities but also with specialized staff.
- A cultural change is needed at national level, if we want to implement RJ procedures in prison context, starting with internally including RJ procedures as an alternative to apply punitive measures to offenders (disciplinary sanctions), if this turns out to be the most appropriate measure.

PART 4 – CASE STUDY

BELGIUM: A MURDER CASE – KRISTEL BUNTINX[38]

One morning at our mediation service, my colleague got a phone call from victim support. The mother of a 17-year-old girl who had been killed a few months previously, wanted to talk to the offenders. This was the beginning of a story I will never forget. It is the story of Cynthia[39], her murdered daughter Marieke and the two boys who were responsible for that murder. Gert and Stefan were 19 and 21 years old. Marieke had run away from home and had met Gert and Stefan in a pub. They spent a few days together and then they killed her. Cynthia had lots of questions; about the crime, about the last days of her daughter's life, about the reasons WHY they did it. So she wanted to meet the offenders to ask these questions. My colleague did not want to take this case. She had previously worked with the family of one of the boys from an earlier job. She told me she was already prejudiced about this family. So I took the case. I decided to work together with a second colleague. Two mediators for this case was no luxury. It was soon after the act but most of all, the offenders still had yet to appear in court and we did not want to make any mistakes in a sensitive murder case like this. With two mediators you have two pairs of eyes and ears to see and hear everything, you can talk about the case to each other and you can take decisions together; in other words you can share the responsibility.

First we went to the mother, Cynthia to listen to her story. What did she want, what were her questions, her expectations? She was a single mum with five children. Marieke was the oldest. Cynthia had quite some difficulties with her. Whenever they had a fight, Marieke would run away. Normally she returned after a few days. But this time she did not come home. Cynthia needed to know more about the last days, hours and minutes of Marieke's life. It was very important for her. She also wanted to meet the offenders to understand how this could have happened. She needed answers. She hoped they also wanted to meet her. So we told Cynthia that the first step would involve us going to the prison to ask the offenders if they were also interested in mediation. Mediation is a voluntary process and offenders can refuse to participate, so we also prepared Cynthia for a 'no'. We wrote a letter to both offenders, telling them that we would visit them to explain the mediation process. We also informed them that they were not obligated to do this, it was their choice. When we contacted the prison, the officials told us that it was absolutely not a good idea to have mediation, because one of the boys, Gert, was not taking his crime seriously. He laughed about it, was proud of it and even bragged; "now I belong to the serious guys!"

[38] Kristel Buntinx works for an NGO called Suggnomè Forum voor Herstelrecht en Bemiddeling in Flanders (Belgium). She works as a victim-offender mediator and has 14 years of experience, mainly mediating with victims and offenders of most serious crimes.
[39] All names have been changed due to data protection.

We argued that the mother should decide whether she wants to meet this boy or not. We would inform her about his attitude, but it should remain her choice. So first we met Gert, 19 years old. His family has a long history of violence, criminality and imprisonment. All his older brothers, his father and some uncles where in prison. Gert himself has a history of drug and alcohol abuse. He also was a regular client at the juvenile court. At the beginning of the meeting he acted indeed a little bit tough. We tried to put him at ease. We listened to his story. What does he want? Does he have questions or a message for the relatives? He had no questions, no need to tell them anything. But if the mother wanted to speak with him, he would cooperate. He would not do this for anybody else, but the mother was an exception. Why? Because she was the mother. His story of the crime was that he met Marieke in a pub. She was looking for a place to stay. So they spent some time together, going out day and night, using lots of alcohol and drugs, with almost no sleep. They also had a sexual relation. They were all together at the apartment of his friend Stefan, watching porn. While Marieke was falling asleep, they raped her and they also strangulated her, just like in the movie. But it went wrong and they killed her. Afterwards we met Stefan. He was very willing to work with us. He hoped it would benefit him at court. He confirmed the story of Gert and also told us it was all Gert's idea. He only got involved. He was not taking full responsibility.

So we went to Cynthia again with those difficult messages. We informed her about the attitude of the offenders and the consequences. Maybe they would use the mediation in court, or maybe she would not get the answers she wanted, or even get no answers at all. Probably she would not get any recognition or regrets. Was she really sure that she still wanted to meet those offenders? Cynthia assured us that it did not change her decision. She still wanted to meet them both to ask her questions, despite the possible consequences. So we started to prepare the meeting with all parties. Our next step was to discuss the conditions for a meeting. What did they want? One meeting with two offenders or two meetings with one offender? Who needed to be present? What would be the topics they wanted to talk about? Cynthia wanted victim support to be present. She wanted the whole story from the beginning till the end. She wanted two meetings at one day. Our colleagues advised us not to go along with that last choice. It would be too emotional. So we discussed this with her, but she convinced us that it was necessary to do this in one day. It would take a lot of courage to go to prison to talk with the murderers of her daughter. She could not do this twice. It had to be in one day. She also wanted it on a Friday, so she had a weekend to recover. She would bring her children to a friend, while she would go to the coast with another friend. It was impossible to organise this twice. We listened to her; we checked this with the offenders and chose to do it Cynthia's way. We would have one meeting in the morning and one in the afternoon, first with Stefan and next with Gert.

Stefan and Gert agreed with all the conditions and all the requests. They only asked for the prison chaplain to be present. They were willing to tell the whole story. We also needed a good place. We convinced the prison governor to give us

the conference room. We spent time to prepare also the content of the meeting. Who will start? What are the topics, what kind of questions do they have, which messages, what kind of emotions could occur, what are the expectations, what could go wrong, what if things went wrong? It took several conversations with all the parties to prepare them for this meeting. Four months, after the phone call, they were all prepared as much as possible to meet. It was Friday, a beautiful sunny day. We met Cynthia and Greet of victim support outside the prison. Cynthia could still decide not to participate. But there was no doubt at all, she really wanted this. So we went in and first had a meeting with Stefan. This meeting disappointed Cynthia. She thought Stefan tried to shift his responsibility towards Gert. She listened to his story, but she did not trust him or his answers. She stopped the meeting after an hour and a half. After this first meeting, we had lunch in the staff dining room of the prison. In the afternoon, we had the second meeting, this time with Gert. When Gert saw Cynthia, he broke down almost immediately. He cried for almost the whole meeting. I went out of the room with him several times, to give him time to catch his breath. Each time I gave him the opportunity to stop the meeting, but each time he chose to go in again. When I asked him why, he answered “because I have to”. He tried to answer all of Cynthia’s questions, even if the answers were difficult or horrible. Cynthia also needed a break from the meeting to deal with his story. It was a very emotional meeting with lots of tears, but for Cynthia it was important to see Gert’s feelings. He did not seem to be this ‘tough guy’. It made him be seen as honest and authentic.

This second meeting lasted three hours. It was a very tough day, especially for the parties, but also for the mediators. We had all been on a rollercoaster of emotions. However, when we got out of the prison, Cynthia hugged us and told us she was so grateful for this opportunity, and also for the fact we supported her on this journey. Although it has not been easy and she was not convinced of the honesty of both offenders, she was glad she did the meetings. She was still angry and did not understand why they killed her daughter, but she got a few answers and she got to know the offenders better. We contacted her and the offenders a year later and not one of them had any regrets that they did the mediation. It still meant a lot for everybody. Those kinds of meetings, where there are lots of doubts and lots of resistance, but people are glad they did it, they are even more important for me. At some point I believe that they are the reason why I am doing this kind of work!

PART 5 – CONCLUSION

OVERALL PROJECT RESULTS AND RECOMMENDATIONS

MARC CERÓN, JOHANNES SANDMANN AND JO TEIN

As you can see from the list of participants, the EU funded project "Restorative Justice (RJ) at Post Sentencing Level; Supporting and Protecting Victims" has worked on a truly international level that involves partners from all parts of Europe with different judicial systems and different RJ approaches. GOs and NGOs contributed their expertise as well as Universities from four different countries. The cooperation of these partners will continue beyond the duration of the project. In order to draw a conclusion to the activities in the years 2013 and 2014 we will highlight the background of the EU funding; the project history and development of the project idea; the design and outcomes of the project as; well as consider the effects and challenges in the partner countries and in the EU in general, on the following pages.

BACKGROUND OF THE EU FUNDING

The European Union has developed into an organisation that actively promotes its common values by financing a large variety of activities on both national and international levels. The EU funding is granted of course with the aim to help implementing European policy on national and regional levels in the community and also in countries outside of the EU. The criminal justice funding streams for example, that this book is financed by, are actively promoting EU positions in the field of professional criminal justice work. These positions can be found in several contracts, agreements and decisions as for example the Directive 2012/29/EU that the project "Restorative Justice at Post Sentencing Level" mainly refers to. As Article 12 of this directive deals with victims' rights to safeguards in the context of restorative justice services, the project defined as its main goal to promote the right of victims to have access to RJ procedures, while developing adequate support and protection mechanisms. This sounds as if the main purpose was split up into two different ones, but in fact it was clear from the very beginning that access of victims to RJ, especially at post-sentencing level, requires safeguards. And it was at the same time clear from the EU directive 2012/29/EU as well as from the preceding Framework Decision 2001/220/JHA, that RJ services should form an integral part of the criminal justice system. In essence, we are talking about two sides of the same coin.

PROJECT HISTORY AND DEVELOPMENT OF THE PROJECT IDEA

Basically the project has its roots in the preceding RJ project "Improving knowledge and practice of restorative justice (in criminal matters) by comparative international research" in Estonia, Germany, Hungary and the UK. One of the effects of the project was the desire of the participating organisations to develop, or further develop, post sentencing RJ approaches especially in prison

settings. In the process of developing a follow up project that could serve these demands the core partner consortium from Thames Valley/UK and Schleswig-Holstein/Germany we met a great interest from public bodies and NGOs, from practitioners as well as from scientists and administrative officials from many European countries. Among these countries and organisations were those with experience in RJ procedures in prison - UK and Catalonia - as well as others aiming at implementing such a practice - Croatia, Portugal and Schleswig-Holstein - plus a large number of countries and organisations interested in sharing information about the topic.

Design and Outcomes of the Project

As said before, the overall objective of the current project was to meet the demands of Directive 2012/29/EU in that the core question was: "How can the interests of crime victims in post-sentencing RJ procedures, mainly in prison settings be safeguarded?"

In which ways was this core question addressed?
First of all specific objectives were designed that emerge from these overall objectives. These were promoted in all participating countries and, by disseminating the project results all over Europe, potentially also in countries that have not directly participated in the project.
The main specific objectives were:

1. To improve ways for all people affected by a criminal offence to access RJ procedures.
2. To implement or, where these already exist, further develop post-sentencing RJ procedures, especially in prison settings.
3. To implement mechanisms within these procedures that ensure that an individual can make a well informed and independent decision as to whether to become a participating victim in an RJ process.

As the project bid explained, some of the expected outcomes, resulting from these specific objectives, are very tangible. The basic idea was not to produce only pieces of theoretical work, but also to apply new tools in the field, in order to explore ways for promoting the use of victim oriented RJ at the practitioners' level. Thus, following the methodology of the project, let us see which were the expected deliverables of each work stream and how far the outcomes match the expectations.

Scientific 'Action' Research

The promotion of the objectives and the concrete design and evaluation of the pilot activities (see below) was steered and backed by an accompanying scientific research, lead by Kiel University of Applied Sciences in cooperation with Zagreb University, The Catholic University Leuven, Lisbon Law School and Max Planck Institute for Foreign and International Criminal Law in Freiburg. In this frame, four deliverables were planned in the bid and produced accordingly:
a) One book publication

b) A handbook on post-sentencing RJ procedures for practitioners
c) Curricula for further education of experts
d) Scientific articles - these were published in several different journals, including the edition of a special issue of a bilingual Croatian criminological journal about the project and a special issue of a German practical theological journal on RJ

As additional deliverables and therefore added values to the project we would like to mention

e) concepts for „Victim-Empathy-Training“ in adult and in juvenile detention
f) Concepts for victim dialogue groups.

These instruments, as well as the concrete „face to face“ RJ conferences that were delivered within the project, have been both developed and evaluated scientifically. Most of the respective materials are available online at www.rjustice.eu, so that practitioners from all over Europe can access concrete tools for implementing RJ at post sentencing level.

Conferences and Study Visits

The second work stream was fully dedicated to generate a wide network of knowledge and experts throughout Europe on the topic of the project. This goal was mainly achieved by holding three conferences with round about 400 participants and three 2-3 days study visits of approx. 30 practitioners in order to promote the transnational transfer of practical knowledge and best practice of RJ in detention. The events took place in Barcelona, Oxford and Kiel, in May and November 2013 and in August 2014. The results of the evaluation forms of these events are very positive. Furthermore, the non-tangible impact of such events, the ‘momentum’ created by the intensive work done during the study visits, the quality of the speeches, the involvement of the regional authorities and the good relationship created among all partners, resulted in a lot of tangible synergies and transfer of good practice, as described in the preceding chapters of this publication.

Pilot Projects and Further Education of Experts

Four pilot projects were implemented in Croatia, Portugal, Thames Valley and in Schleswig-Holstein. The pilots consisted of a selection, or the complete application of, the following methods/procedures:

a) Group work with crime victims including a guided visit to a prison and discussion with inmates.
b) Group work with prisoners, victim-empathy-training.
c) Restorative dialogues, for example meetings of groups of victims/ offenders that are not related to each other; concrete victim-offender-mediation in prison contexts, alternatively in the form of group conferences or peace circles.

Parallel to the pilot projects mediation experts and prison staff were further educated in all participating countries in order to secure the sustainability of the achievements of the pilot projects. These actions make the real difference between a merely theoretical project that only structures the discussion of leading experts and a really practical one that involves practitioners as well and that has a very concrete and tangible focus. In any case, it is important to highlight two very important common traits of all pilots: what they did was completely new in the respective national context; each of the four experiences had an important impact on its jurisdiction (new laws and job positions, changes in the way of delivering programmes to inmates and/or to staff etc.).

PR Activities

The fourth work stream looked into ways of supporting the implementation of RJ measures at post sentencing level by addressing both, policy makers and academics as well as the general public. The scientific deliverables in this context were already described under 3.1., much of the dissemination of these deliverables is also due to the active involvement of the European umbrella Organisations 'CEP – The Confederation of European Probation' and 'EFRJ – The European Forum for Restorative Justice'. As another rather innovative tool within EU funded projects the partner consortium from the very beginning of its activities additionally aimed at informing the general public by media campaigns (as done in Schleswig-Holstein and Thames Valley) and the production of articles, flyers, reports (as done in Thames Valley, Croatia, Portugal and Schleswig-Holstein). Many of these activities were supported by our media partner HEMPELS Streetpaper in Schleswig Holstein that has been responsible for regularly publishing articles about the project topics and for disseminating articles for publication in other print media, among other ways through the worldwide 'street news service – SNS'. Reflecting the circulation of the publications that were produced by the project partners we can be sure that awareness of RJ at post sentencing level has been raised, not only among experts, but also among people who are not professionally concerned with criminal justice topics.

In some cases all these actions and deliverables even lead to the creation of more permanent bodies for discussing and disseminating RJ, as the two steering groups created in Schleswig-Holstein, in which the Ministry of Justice has taken the lead, very clearly show. These groups of experts also played a major role in implementing RJ into the Schleswig-Holstein prison acts.

Main Project Findings and Related Challenges for the Partner Countries and For the EU in General

The main findings of the project can be highlighted by three core aspects:

1. RJ at post-sentencing level is in its first stages in Europe. RJ schemes are apparently further developed in pre-sentence probation than in prison or post-sentence ambulant settings, but in both areas there is still a lot to explore and to innovate.

2. Preliminary assessments of the project pilots show some positive impact on victims and offenders, but also on prison staff. The assessment processes developed for each partner on their pilots show that attitudinal changes in favour of RJ may be achieved with staff involved in the everyday life of prisons. These changes generate, vice versa, significant improvements in the way of delivering RJ in detention facilities. Victims and offenders are the final beneficiaries of this improvement. The assessment of the 'face to face' RJ conferences in prisons, of the victim empathy trainings in prisons as well as of the victim groups also emphasize the assumption of positive effects on both the victims' and the offenders' side.
3. These results should definitely lead to a wider range of RJ practice in European prisons in order to ensure the growth and continuity of the experience acquired: the transition from pilots to permanent and global schemes seems crucial for the maturity of RJ at post sentencing level. This may be achieved by:

Seeking institutional support and commitment at the political level and at the level of the Ministries of Justice. It sounds simple, but it needs clear political commitment and determination to include RJ as part of the strategy for delivering a socially responsible criminal justice system. This aim should, wherever possible, be promoted by implementing legal obligations to practise RJ into the national prison and probation acts.

Providing more learning programmes on RJ for prison and probation officers. The inclusion of RJ in the academic curricula, as well as in the further education of prison and probation staff, is a requirement for the success of RJ at post-sentencing level. In this matter, the work of the European umbrella organisations included in the European Criminal Justice Platform (EUROPRIS, The European Forum for Restorative Justice, and the Confederation of European Probation) may play a very substantive role;

Campaigning in the media in favour of RJ at post-sentencing level. The influence on public opinion is vital for ensuring that new ways of criminal justice practice advance. By now neither the attention given to RJ by media, nor the way of doing this have been powerful enough to provoke a big impact on the general public. The project itself has plenty of astonishing stories of human beings to tell, both offenders and victims, who improved their quality of life just by restoring the imbalance created by crime. The project has given some good examples of wise settings and sources to present those narratives to experts and to the general public - it nevertheless is a pendant matter to face this challenge in a consistent and rigorous way.

Now the duty of all those who took part in the project is to ensure the wider dissemination of its outcomes. This book is one small contribution to this aim. We hope that, whatever should be the background of its readers (policy maker, practitioner, academic, student or others) its content may help to enhance the profile of RJ at post sentencing level in Europe. The project participants themselves will continue their collaboration. We invite everybody, who is convinced of the benefits that our criminal justice systems can gain from the integration of RJ services at both pre- and post-sentencing levels, to participate in the promotion of this idea.

BIBLIOGRAPHY

Achilles, M. (2004). Will Restorative Justice Live up to its Promise to Victims? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 65-73.

Achilles, M. & Zehr, H. (2001). Restorative justice for crime victims: The promise and the challenge. In G. Bazemore & M. Schiff (Eds). *Restorative community justice: Repairing harm and transforming communities* Cincinnati, OH: Anderson Publishing (pp. 87–99).

Ado e.V. (Arbeitskreis der Opferhilfen) (n.d.). Opferhilfestandards. Qualitätsstandards für eine professionelle Unterstützung von Kriminalitätsopfern. Online verfügbar unter http://www.opferhilfen.de/Standards.pdf, zuletzt geprüft am 5.2.2015.

Aertsen, I. (2005) `Restorative Prisons: A Contradiction in Terms?´ in Emsley, C. (ed), *The Persistent Prison. Problems, Images and Alternatives.* London: Francis Boutle Publishers. Page: 196-213.

Aertsen, I. (2005). Restorative Prisons: A Contradiction in Terms? In: Emsley, C. (Ed.). The Persistent Prison. Problems, Images and Alternatives. London: Francis Boutle Publishers. S. 196-213.

Aertsen, I. (2012**a**). Restorative Prisons: Where are we heading? In: Barabás, T., Fellegi, B. & Windt, S. (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely. S. 263-276.

Allan, A. (2008). Functional apologies in Law. *Psychiatry, Psychology and Law,* 15: 369-381

Álvarez, C.; Baig, M.; Casado, C.; Gómez, A.; Llenas, M.; Martínez, M.; Muñoz, S. & Rodríguez, A. (2015). Making the balanced approach between victim and offender a reality: integration a proactive approach towards the victim. In: Ljetopis Socijalnog Rada (forthcoming).

Amir, M. (1971). Patterns of Forcible Rape. Chicago: University Press.

Andrews, B., Brewin, C.R., Philpott, R. & Stewart, L. (2007). Delayed-onset post-traumatic stress disorder: A systematic review of the evidence. *American Journal of Psychiatry,* 164: 1319-1326.

Angel, C.M. (2005). Victims meet their offenders: testing the impact of restorative justice conferences on victims' post-traumatic stress symptoms. (PhD dissertation, University of Pennsylvania).

Angell, C., Alexander, J. and Hunt, J. (2014) ``Draw, write and tell´: A literature review and methodological development on the `draw and write´ research method´, in *Journal of Early Childhood Research*.

Antonovsky, A. (1987). Unraveling The Mystery of Health - How People Manage Stress and Stay Well. San Francisco: Jossey-Bass Publishers.

Armstrong, J. (2012). Factors contributing to victims' satisfaction with restorative justice practice: A qualitative examination.

Armstrong, L. (1994). Rocking the Cradle of Sexual Politics. New York: Addison-Wesley Publish.

Angel, C. (2005) *Victims Meet Their Offenders: Testing the Impact of Restorative Justice Conferences on Victims' Post-Traumatic Stress Symptoms.* PhD dissertation, University of Pennsylvania.

Barabás, T. (2012). The possibilities of reconciliation and restoration in prisons. In: Barabás, T., Fellegi, B. & Windt, S. (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely. Pp. 23-62.

Bibliography

Barabás, T., Fellegi, B. & Windt, S. (Eds.) (2010). Resolution of conflicts involving prisoners. Handbook on the applicability of mediation and restorative justice in prison. Budapest: P-T Mühely.

Barabás, T., Fellegi, B. & Windt, S. (Eds.) (2012). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely.

Barabás, Fellegi, and Windt (2012) *Responsibility-taking, Relationship-building and Restoration in Prisons.* Budapest: OKRI.

Barber, L., Maltby, J. & Macaskill, A. (2005*). Angry memories and thoughts of revenge: The relationship between forgiveness and anger rumination*. Personality and Individual Differences. 39: 253-262.

Baron-Cohen, S. (2011). The Science of Evil. On Empathy and the Origins of Cruelty. New York: Basic Books.

Bastiansen, R. & Vercruysse, J. (2002). Review of Restorative Justice in Belgium Prisons. *Prison Service Journal, No. 140*, 18-20.

Beech, A.R. & Chauhan, J. (2013). Evaluating the effectiveness of the Supporting Offenders through Restoration Inside (SORI) Programme delivered in seven prisons in England and Wales. In: *Legal and Criminological Psychology*, Volume 18, Issue 2, Pp 229–239.

Ben-David, S. (2009). Victim and Blaming in the Context of Rape. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag. Pp. 153-161.

Ben-David, S. (2014). Suicide and self-harm among prisoners – an outcome of past victimization? In: Schäfer, P. & Weitekamp, E. (Eds.). Establishing Victimology. Mönchengladbach: Hochschule Niederrhein. Pp. 35-52.

Bennett, C. (2007). Satisfying the needs and interests of victims. In: Johnstone, G. & van Ness, D.W. (Eds.). Handbook of Restorative Justice. Cullompton: Willan. Pp. 247-264.

Bereswill, M. (2009). Sich auf eine Seite schlagen. Die Abwehr von Verletzungsoffenheit als gewaltsame Stabilisierung von Männlichkeit. In: Bereswill, M.; Meuser, M. & Scholz, S. (Eds.). Dimensionen der Kategorie Geschlecht. Der Fall Männlichkeit. 2. Ed. Pp. 101-118.

Bieneck, S. & Pfeiffer, C. (2012). Viktimisierungserfahrungen im Justizvollzug. KFN-Forschungsbericht Nr. 119. http://www.kfn.de/versions/kfn/assets/fob119.pdf (accessed 2.2.2013)

Bieneck, S. & Pfeiffer, C. (2012) `Viktimisierungserfahrungen im Justizvollzug´, in Kriminologisches Forschungsinstitut Niedersachsen e.V., Forschungsbericht Nr. 119.

Biermans, N. (2002). Restorative justice and the prison system. In: Restorative Justice and its Relation to the Criminal Justice System: Papers from the second conference of the European Forum for Victim-Offender Mediation and Restorative Justice, Oostende, Belgium, 10-12 October. Pp. 61-65.

Biermans, N. & D'Hoop, M.-N. (2001). Development of Belgian Prisons into a Restorative Perspective. Paper presented at the 5th International Conference on Restorative Justice, Leuven, 16-19 September 2001.

Böttger, A.; Lobermeier, O.; Plachta, K. (2014). Opfer rechtsextremer Gewalt. Wiesbaden: Springer VS.

Bolivar, D. (2013) `For whom is restorative justice? A mixed-method study on victims and (non-) participation´, in *Restorative Justice: An International Journal*, Volume 1, Issue 2, 190-214.

Bottoms, A. (2012). The 'duty to understand': what consequences for victim participation? In: Bottoms, Anthony & Roberts, Julian V. (Eds.). Hearing the Victim. Adversarial Justice, crime victims and the State. London & New York: Routledge. (pp. 17-45)

Bottoms, A.(2003) `Some Sociological Reflections on Restorative Justice´, in Von Hirsch, A.; Roberts, J. and Bottoms, A.; *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Portland: Hart Publishing. Page: 79-115.

Bottoms, A. & Costello, A. (2012). The phenomenon of victim-offender overlap: a study of offences against households Hearing the Victim. Adversarial Justice, crime victims and the State. London & New York: Routledge. (pp. 104-140)

Bottoms, A. & Roberts, J.V. (Eds.)(2012). Hearing the Victim. Adversarial Justice, crime victims and the State. London & New York: Routledge.

Braithwaite, J. (2002a). Setting Standards for Restorative Justice. British Journal of Criminology, 42, Pp. 563-577.

Braithwaite J. (2002b). Restorative Justice and Responsive Regulation. Oxford: Oxford University Press.

Bullmann, T. M. (2014). „Ich weiß was Du brauchst …" In: TOA-Magazin 03/14, pp. 25-26.

Buunk, B.P. & Schaufeli, W.B. (1999). Reciprocity in interpersonal relationships: An evolutionary perspective on its importance for health and wellbeing. In W. Stroebe & M. Hewstone (eds) *European Review of Social Psychology,* 10:260-291

Cameron, D. & Ziegler, A. (1998). Facing the Demons (Film).

Chesney-Lind, M. (1989). Girls' Crime and Woman's Place: Toward a Feminist Model of Female Delinquency. In: Crime & Delinquency. Pp. 6-29.

Choi, J.J., Bazemore, G. & Gilbert, M.J. (2012). Review of Research on victims' experiences in restorative justice: Implications for youth justice. *Children and Youth Services Review,* 34(10): 35-42

Choi, J. J., Green, D. L. and Kapp, S. A. (2010.) Victimisation, Victims' Needs, and Empowerment in Victim Offender Mediation. *International Review of Victimology*. 17: 267

Christie, N. (1977). Conflicts as Property; in: The British Journal of Criminology 1977, 17, 1-15

Christie, N. (1986). The ideal victim. In: E. Fattah (ed.). From Crime Policy to Victim Policy. Basingstoke: Macmillan. Pp 17-30.

Christie, N. (2009). Fertile Ground for Victim-Movements. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.) (2009). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag. S.73-78.

Chubaty, D.E. (2001). Victimization, fear, and coping in prison. Doctoral thesis, Univ. of Manitoba.

Clemmer, D. (1940) *The Prison Community*. Boston: The Christopher Publishing House.

Coates, R.B., Burns, H. & Umbreit, M.S. (2004). Why victims choose to meet with offenders. *Connections,* 18: 1 &10-12.

Collins, R. (2004). *Interaction Ritual Chains.* Princeton University Press: Oxford.

Cornel, H.; Kawamura-Reindl, G.; Maelicke, B. & Sonnen, R. (2009) Resozialisierung, Handbuch. Baden-Baden: Nomos Verlagsgesellschaft.

Council of Europe (2006). Recommendation Rec (2006) 2 on the European Prison Rules adopted by the Committee of Ministers on 11 January 2006. Strasbourg.

Coyle, A. (2009). A Human Rights Approach to Prison Management. Handbook for prison staff. . 2nd Ed. London: International Centre for Prison Studies.

Daly, K. (2000) Revisiting the relationship between retributive and restorative justice. In H. Strang & J. Braithwaite (eds) *Restorative justice: Philosophy to practice.* Aldershot, Dartmouth/Ashgate, pp.33-54.

Daly, K. (2006). Restorative justice and sexual assault: An archival study of court and conference cases. British Journal of Criminology, 46, 334–356.

Davies, A.L.B. (2012). Claiming Victim Identity: A Social-Psychological Analysis. In: Morosawa, H; Dussich, J.P. & Kirchhoff, G.F. (Eds.). Victimology and Human Security: New Horizons. Nijmegen: Wolf Legal Pub. Pp. 69-82.

Bibliography

Davis, R.C., Herman, S. & Lurigio, A.J. (2013). Victims of Crime. 4th ed. Los Angeles u.a.: Sage

Delattre, G. (2008). Begegnung zwischen Opfer und Täter. Chancen und Gefahren aus der Sicht des Täter-Opfer-Ausgleichs. In: Hartmann, J. (Ed.): Klare Grenzen? Zum Verhältnis von Opferhilfe und TOA. Begegnung von Opfer und Täter im TOA - Chancen und Gefahren für Kriminalitätsopfer. Berlin (Materialien des Arbeitskreises der Opferhilfen in Deutschland e.V.), Pp. 36–47.

Dignan, J. (2005). Understanding Victims and Restorative Justice. Maidenhead: Open University Press.

Doak, J. (2011). Honing the stone: Refining restorative justice as a vehicle for emotional redress. Contemporary Justice Review 14(4): 439-456.

Dünkel, F.; Morgenstern, M. & Zolondek, J. (2007) Strafvollzug und Menschenrechte – Erfahrungen der vergleichenden Forschung zu den Lebens- und Haftbedingungen im Strafvollzug der Ostseeanrainerstaaten. Universität Greifswald.

Dunn, P. (2011). Matching service delivery to need. In: Walklate, S. (Ed.). Handbook of Victims and Victimology. Routledge. (Pp. 255-281)

Ecline, J.J. & Baumeister, R. F. (2000). Expressing forgiveness and repentance: benefits and barriers. In: M.E McCullough & C.E. Thoresen (eds) *Forgiveness theory: research and practice.* London: Guildford Press.

Edgar, K. & O'Donnell, I. (1998). Assault in Prison. The "Victim's" Contribution. British Journal of Criminology, 38, 4, Pp. 635-650.

Edgar, K. & Newell, T. (2006). Restorative Justice in Prisons. A Guide to Making it Happen. Winchester: Waterside Press.

Edgar, Kimmett & Newell, T. (2006) Restorative Justice in Prisons. A Guide to making it Happen. Waterside Press. Page: 22.

Edgar, K., O'Donnell, I. & Martin, C. (2012). Prison Violence. The dynamics of conflict, fear and power. London & New York: Routledge.

Elias, R. (1993). Victims still, the political manipulation of crime victims. London: Sage.

Enns, F. (2014). Restaurative Gerechtigkeit als Friedensbildung: Die Möglichkeit zur Wiederherstellung von zerbrochenen Beziehungen. In: Borchardt, U.; Dörfler-Dierken, A. & Spitzer, H. (Eds.). Friedensbildung. Das Hamburger interdisziplinäre Modell. Göttingen: V & R unipress. Pp. 271-286.

Ezendam, H. & Wheldon, F. (2014). Recognition of victims' rights through EU action. In: Vanfraechem, I.; Pemberton, A. & Ndahinda, F. M. (Eds.). Justice for Victims. Perspectives on Rights, Transition and Reconciliation. London & New York: Routledge. Pp. 51-65.

Fattah, E.A. (2000). Victimology: Past, Present, and Future. In: Criminologie, 33 (2), Pp. 17-46.

Fattah, E.A. (2014). Under researched theoretical concepts in victimology – proneness and vulnerability revisited. In: Schäfer, P. & Weitekamp, E. (Eds.). Establishing Victimology. Mönchengladbach: Hochschule Niederrhein. Pp. 141-150.

Fazel, S. & Danesh, J. (2002) `Serious mental disorder in 23.000 prisoners: a systematic review of 62 surveys´, in The Lancet, 359: 545-50. Accessed on 01.12.2014: www.Ncbi.nlm.nih.gov/pubmed/11867106.

Feest, J.; Lesting, W. & Selling, P. (1997) Totale Institution und Rechtsschutz. Opladen: Westdeutscher Verlag.

Feinstein Report (2014). Committee Study of the CIA's Detention and Interrogation Program – Findings and Conclusions, edited by the Senate Selected Committee on Intelligence. http:// www.intelligence.senate.gov/study2014/sscistudy1.pdf 31.1.2015

Fellegi, B. (2009) *Út a megbékéléshez. A helyreállító igazságszolgáltatá intézményesülése Magyarországon.* Budapest: Napvilág Kiadó.

Finkelhor, D. (Ed.) (2008). Childhood Victimization. Violence, Crime, and Abuse in the Lives of Young People. Oxford: University Press.
Firus, C.; Schleier, C.; Geigges, W. & Reddemann, L. (2012). Traumatherapie in der Gruppe. Grundlagen, Gruppenarbeitsbuch und Therapie bei Komplextrauma. Stuttgart: Klett-Cotta.
Fischer, G. & Riedesser, P. (2009). Lehrbuch der Psychotraumatologie. 4., aktualisierte und erweiterte Aufl. München & Basel: Reinhardt.
Foucault, M. (1977). Discipline and Punish. The Birth of the Prison. London: Allan Lane. (Überwachen und Strafen. Frankfurt am Main: Suhrkamp Verlag.)
Frank, A.W. (1995) *The Wounded Storyteller: Body, Illness and Ethics.* Chicago: University of Chicago Press.
Fricke, L. (2012). Gerichtliche Mediation in Strafvollzugssachen. Evaluation eines alternativen Modells von Konfliktbearbeitung als qualitative Rekonstruktion erlebter Wirkung. http://ediss.sub.uni-hamburg.de/volltexte/2013/6146/pdf/Dissertation.pdf.
Früchtel, F. (2011). Muss Strafe sein? Gerechtigkeit geht (auch) anders! Eine Einführung in Restorative Social Work. Sozialmagazin 36. Jahrgang, Heft 1.
Gal, T. (2011). Child Victims and Restorative Justice: a Needs-Rights Model. Oxford: University Press.
Gale, N.; Gemma, G.; Cameron, E.; Rashid, S. and Redwood, S. (2013) *Using the framework method for the analysis of qualitative data in multi-disciplinary health research.* BMC Medical Research Methodology. Page: 117-124.
Galea, S., Vlahov, D., Resnick, H., Ahern, J., Suzzer, E., Gold, J., Bucuvalas, M., & Kilpatrick, D. (2003). Trends of probable post-traumatic stress disorder in New York City after the September 11 terrorist attacks. *American Journal of Epidemiology,* 158(6):514-524.
Garrett, B.L. (2011). Convicting the Innocent. Where Criminal Prosecutions go Wrong. Cambridge u.a.: Harvard University Press.
Gavrielides, T. (2012). Restorative Justice and the Secure Estate: Alternatives for young people in custody. In: Barabás, T., Fellegi, B. & Windt, S. (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely. Pp. 161-203.
Gavrielides, T. (Ed.)(2014). A Victim-led Criminal Justice System: Addressing the Paradox. IARS Publications
Gavrielides,T. & McKenna, P. (2013) Restorative Justice in Europe. UK: Independent Academic Research Studies (IARS).
Gelb, K. (2006). Myths and Misconceptions: Public Opinion vs. Public Judgment about Sentencing. Melbourne: Sentencing Advisory Council. http://www.sentencingcouncil.vic.gov.au/content/publications/myths-and-misconceptions-public-opinion-versus-public-judgment-about-sentencing (25.07.2014)
Gelber, C. (2012). Opferbezogene Vollzugsgestaltung. In: MschrKrim 95. Jahrgang – Heft 2. 142-145.
Giblin, Y.; Kelly, A.; Kelly, E.; Kennedy, H. and Mohan, D. (2012) `Reducing the use of seclusion for mental disorder in a prison: implementing a high support unit in a prison using participant action research´, in *International Jourmnal of Mental Health Systems*. 6. Page: 2.
Goffman, E. (1973) Asyle. Über die soziale Situation psychiatrischer Patienten und anderer Insassen. Frankfurt am Main: Suhrkamp.
Groenhuijsen, M. & Letschert, R. (2014). Secondary victimization and the media: an international and comparative perspective. In: Schäfer, P. & Weitekamp, E. (Eds.). Establishing Victimology. Mönchengladbach: Hochschule Niederrhein. Pp. 205-221.
Gustafson, D. L. (2004). Is Restorative Justice Taking Too Few, or Too Many Risks? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 303-313

Gustafson, D.L. & Smidstra, H. (1989). Victim Offender Reconciliation in Serious Crime: A Report on the Feasibility Study Undertaken for the Minstry of Solicitor General. Ottawa: Solicitor General Canada.

Gutwirth, S. & De Hert, P. (2013). *To punish or to restore? A false alternative.* In: Cornwell, D.J. ; Blad, J. & Wright, M. (Eds.), Civilising criminal justice: An international restorative justice agenda for penal reform. pp. 287-314.

Gyökös, M. & Lányi, K. (Eds.) (2010). European Best Practices of Restorative Justice in the Criminal Procedure. Budapest: Ministry of Justice and Law.

Hagemann, O. (1991). Coping and Mediation. Implications of a Research Study on Victims of Assault and Burglary. In: G. Kaiser, H. Kury & H.-J. Albrecht (eds.), Victims and Criminal Justice (Pp. 655-673). Freiburg i.Br.

Hagemann, O. (1993). Wohnungseinbrüche und Gewalttaten: Wie bewältigen Opfer ihre Verletzungen? Pfaffenweiler: Centaurus.

Hagemann, O. (2003). Restorative Justice in Prisons? In: Walgrave, L. (ed.), Repositioning Restorative Justice (Pp. 221–236). Collumpton: Willan Publishing.

Hagemann, O. (2004). "Opfer" im Blickpunkt von Strafgefangenen. in: Freiheit und Unfreiheit. Arbeit mit Straftätern innerhalb und außerhalb des Justizvollzuges, hrsg. von G. Rehn, R. Nanninga & A. Thiel (Hrsg.), Herbolzheim: Centaurus. (Pp. 397-421)

Hagemann, O. (2013) `Exploring and Understanding Victim Empathy´, Presentation at Oxford conference on `RJ at post-sentencing level; supporting and protecting victims´. Accessed on 27.11.2013: http://www.thamesvalley-partnership.org.uk/wp-content/uploads/Prof-Otmar-Hagemann-Kiel-University-of-Applied-Sciences2.pdf, p 16.

Hagemann, O. (2014). Exploring and Understanding Victim Empathy. In: Schäfer, P. & Weitekamp, E. (Eds.). Establishing Victimology. Mönchengladbach: Hochschule Niederrhein. Pp. 223-248.

Hagemann-White, C. (2007). Opfer – die gesellschaftliche Dimension eines Phänomens. In: „Edel sei das Opfer, hilflos und gut?" Berliner Fachrunde gegen sexuellen Missbrauch an Mädchen und Jungen. Dokumentation des Symposiums am 25. Juni 2007. Pp. 20-33

Hagenmaier, M. (2014) `Kann das Übergangsmanagement die Resozialisierungsidee retten?´ In: Neue Kriminalpolitik 2, 123-129.

Hall, J. (1993). Final Report: The Victim-Offender Reconciliation program, The State Correctional institution at Graterford Pa, May-December 1992. Akron Pa. MCC Office on Crime and Justice. The Mennonite Central Committee has a website at www.mcc.org/index.html

Hallam Centre for Community Justice (2009) An evaluation of the Sycamore Tree programme. Sheffield Hallam University, Accessed on 10.12.14: http://www.prisonfellowship.org.uk/what-we-do/sycamore-tree/does-restorative-justice-work.

Halsey, M., Goldsmith, A. and Bamford, D. (2014). Achieving restorative justice: Assessing contrition and forgiveness in the adult conference process. *Australian and New Zealand Journal of Criminology,* DOI:10.1177/0004865814538433

Hanak, G.; Stehr, J. & Steinert, H. (1989). Ärgernisse und Lebenskatastrophen. Über den alltäglichen Umgang mit Kriminalität, Bielefeld: AJZ.

Hartmann, A.; Haas, M and Geyer, J. (2011) `Restorative Justice und Täter-Opfer-Ausgleich im deutschen Strafvollzug. Ergebnisse einer Befragung unter JVA-Mitarbeiterinnen und Mitarbeitern im Rahmen des Forschungsprojektes "Mediation and Restorative Justice in Prison Settings". Bremen: Polizei- und Sicherheitsforschung, an der Hochschule für Öffentliche Verwaltung Bremen. Pg. 21.

Hartmann, A., Haas, M., Steengrafe, F., Geyer, J., Steudel, T. & Kurucay, P. (2012). Prison Mediation in Germany. In: Barabás, T., Fellegi, B. & Windt, S. (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely. Pp. 205-261.

Hartmann, A.; Haas, M. & Kurucay, P. (2013) `Restorative Justice in Europe´, Review of German Literature on safeguarding and satisfying victims taking part in restorative justice. RJ4all.
Helfgott, J.; Lovell, M.L. & Lawrence, C.F. (1998). Citizens, Victims and Offenders Restoring Justice: A Final Report. Available from the Department of Sociology and Criminal Justice, University of Seattle, USA.
Henderson, L. N. (1985) `The wrongs of victim's rights´, in *The Stanford Law Review*, 37. Page: 937–1021.
Herman, J. L. (2005). Justice from a victim's perspective. *Violence Against Women,* 11(5): 571-602.
Herman, S. (2004). Is Restorative Justice Possible without a Parallel System for Victims? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 75-83.
Holloway, I. & Freshwater, D. (2007). Vulnerable story telling: Narrative research in nursing. *Journal of Research in Nursing,* 12(6): 703-711
Hoyle C. & Young, R. (2002). *New visions for crime victims.* Oxford: Hart Publishing
Hudson, G. (n.d.). REMEDI Restorative Justice and Mediation Initiatives. Victim Awareness Training For Adult Offenders – A Model of Practice. http://www.powershow.com/view4/485a36-OGM0M/REMEDI_RESTORATIVE_JUSTICE_AND_MEDIATION_INITIATIVES_Restorative_Justice_and_PPOs_powerpoint_ppt_presentation accessed 30.12.2014)
Huff, C. R. & Killias, M. (Eds.)(2013). Wrongful Convictions and Miscarriages of Justice. Causes and Remedies in North America and European Criminal Justice. London & New York: Routledge.
Hulsman, L.H.C. (1986). Critical Criminology and the Concept of Crime. In: Contemporary Crisis, 10, Pp. 63-80.
Immarigeon, R. (2004). What is the Place of Punishment in Restorative Justice? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 143-154
Jackson, L.F. (2001). Meeting with a killer. One Family's Journey. (Film, 47 Min.) Download at YouTube or The Institute for Restorative Justice and Restorative Dialogue.
Jacobsson, M., Wahlin, L. & Andersson, T. (2012). Victim-offender mediation in Sweden: Is the victim better off? *International Review of Victimology,* 18(3): 229-249.
Johnson, R. (1990). *Death Work*. Pacific Grove: Brooks/Cole
Johnstone, G. (2014). Restorative Justice in Prisons: Methods, Approaches and Effectiveness. Strasbourg: Council of Europe.
Johnstone, G. & van Ness, D. W. (Eds.) (2007). Handbook of Restorative Justice. Cullompton: Willan.
Joiko, H. & Gelber, C. (2013). Opferperspektive im Strafvollzug – Tatausgleich und Opferschutz. in TOA-Magazin – Nr. 01, 14-17.
Jolliffe, D. and Farrington, D. (2004) `Empathy and offending: A systematic review and meta-analysis´, in *Aggression and Violent Behavior*. 9(5). Page: 441–476.
Karmen, A. (2012). Crime Victims: An Introduction to Victimology. 8th Ed. 8th Ed. Cengage Learning.
Karremans, J.C. & Van Lange, P.A. M., (2005). *Does activating justice help or hurt in promoting forgiveness?* Journal of Experimental Social Psychology, 41: 290-297.
Kerner, H.-J. (2009). Victimization and Offending among Young People. Some Observations Based on Official Police Data and on Self-Report Data. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag. Pp.111-124.
Kilchling, M. (2010). Veränderte Perspektiven auf die Rolle des Opfers im gesellschaftlichen, sozialwissenschaftlichen und rechtspolitischen Diskurs. In: Hartmann, J. & ado

e.V. (Eds.). Perspektiven professioneller Opferhilfe. Wiesbaden: VS Verlag für Sozialwissenschaften, Pp. 39–50.
Kilchling, M. (2014). Entwicklungsperspektiven für den Täter-Opfer-Ausgleich nach der neuen EU-Opferrechtsrichtlinie: Recht auf TOA? In: *TOA-Magazin*. Heft 2. Pp. 36-39.
Kilpatrick, D.G. & Acierno, R. (2003). Mental health needs of crime victims: Epidemiology and outcomes. *Journal of Traumatic Stress,* 16(2):119-132.
Kirchhoff, G.F. (2005). What is Victimology? Tokio: Seibundo.
Kleinhans, E. (2013). Täter-Opfer-Ausgleich in der Haftanstalt. Ein Erfahrungsbericht aus dem Landgerichtsbezirk Oldenburg. In: TOA-Magazin, Nr. 1, S. 59-62.
Knežević, M. (2008) *Penologija u socijalnom radu: (i socijalni rad u penologiji).* Zagreb: Pravni fakultet, Studijski centar socijalnog rada.
Kölbel, R. & Bork, L. (2012). Sekundäre Viktimisierung als Legitimationsformel. Duncker & Humblot.
Koss, M.P. (2014). The RESTORE program of restorative justice for sex crimes: Vision, process, and outcomes. *Journal of Interpersonal Violence,* 29(9): 1623-1660.
Kotynek, M.; Lebert, S. & Müller, D. (2012) `Die Schlechterungsanstalt´, in Die Zeit, Nr. 34, 16. 8. 2012.
Kury, H. (Ed.)(2008). Fear of Crime. Punitivity - New Developments in Theory and Research. Bochum: Brockmeyer.
Kury, H. (2012). Führen härtere Strafen zu weniger Kriminalität? Über den zweifelhaften Wert eines kriminalpolitischen Konzepts. In: Boers, K. (Ed.). Kriminologische Perspektiven. Wissenschaftliches Symposium zum 70. Geburtstag von Klaus Sessar. Münster, New York: Waxmann Verlag. Pp. 227 – 250.
Lauwaert, K. (2013). Restorative justice in the 2012 EU Victims Directive: A right to quality service, but no right to equal access for victims of crime. *Restorative Justice: An International Journal,* 1(3), 305-316.
Launay, G. (1985). Bringing Victims and Offenders Together: a Comparison of Two Models. *Howard Journal of Criminal Justice, 24*, 3, 200-212.
Laxminarayan, M. (2012). The heterogeneity of crime victims. Variations in procedural and outcome preferences. Nijmegen: Wolf Legal Publishers.
Laxminarayan, Malini (2014). Accessibility and Initiation of Restorative Justice. Leuven: EFRJ.
Lebehot, T. (2010) Final Report: Action-Research about the Availability of the Victim Offender Meidation or How to Implement the Mediation at the Post-Sentence Stage. Citoyens et Justice.
Lerner, M.J. (1980). The Belief in a Just World. New York: Springer.
Liebmann, M. (2007). Restorative Justice. How it works. London und Philadelphia: Jessica Kingsley Publishers.
Liebmann, M. & Braithwaite, S. (1999). Restorative Justice in Custodial Settings. Report for the Restorative Justice Working Group in Northern Ireland. www.restorativejustice.org.uk/ … 12zy_research_into_restorative_justice_in_custodial_settings
Lummer, R.; Hagemann, O. & Tein, J. (eds) (2011). Restorative Justice – A European and Schleswig-Holsteinian Perspective. Kiel: SH Verband für Soziale Strafrechtspflege.
MacRae, A. (2012). Restorative Justice with Youth in the Community in New Zealand. In: Lummer, R., Nahrwold, M. & Süß, B. (Eds.). Restorative Justice – A Victim Perspective and Issues of Co-operation. Kiel: SH Verband für Soziale Strafrechtspflege. Pp. 202-224.
Mariën, K. (2010). Restorative justice in Belgian prisons. In: Gyökös, M. & Lanyi, K. (Eds.). European best practices of restorative justice in criminal Procedure. Budapest: Ministry of Justice and Law Enforcement, Republic of Hungary. pp. 225-229.
Marshall, T. (1996). The evolution of restorative justice in Britain. *European Journal on Criminal Policy and Research,* 4(4): 21-43.

Maruna, S. (2006). Making Good. How Ex-Convicts Reform and Rebuild Their Lives. Washington, DC: American Psychological Association.
Maruna, S. & Farrell, S. (2004). Desistance from crime: A theoretical reformulation. In: Oberwittler, D. & Karstedt, S. (Eds.). Soziologie der Kriminalität. Opladen. Pp. 171-194.
Matt, E. & Winter, F. (2002). Täter-Opfer-Ausgleich in Gefängnissen. Die Möglichkeiten der restorative justice im Strafvollzug. In: Neue Kriminalpolitik 14, Pp. 128-132.
Matt, E. (2014). Übergangsmanagement und der Ausstieg aus Straffälligkeit. Wiedereingliederung als gemeinschaftliche Aufgabe. Herbolzheim: Centaurus.
Mattinson, J. & Mirrlees-Black, C. (2000). *Attitudes to crime and criminal justice*, Home Office, London, UK.
Maxwell, G. & Liu, J.H. (Eds) (2007). Restorative Justice and Practices in New Zealand: Towards a Restorative Society. Wellington.
McCold, P. (2000). Toward a Mid-range Theory of Restorative Criminal Justice: A Reply to the Maximalist Model. In: Contemporary Justice Review, 3 (4), Pp. 357-372.
McCold, P. & Wachtel, T. (2002). Restorative Justice Theory Validation. In: Weitekamp, E.G.M. & Kerner, H.-J. (Eds.) (2002). Restorative Justice. Theoretical Foundations. Collumpton: Willan. Pp. 110-140.
McCullough, M. E., Bellah, C. G., Kilpatrick, S. D., & Johnson, J. L. (2001). Vengefulness: Relationships with forgiveness, rumination, well-being, and the big five. Personality and Social Psychology Bulletin, 27, 601–610.
Meadows, R. (2007). Understanding Violence and Victimization. 4th Ed. Upper Saddle River, N.J.: Pearson Prentice Hall.
Miller, S.L. (2011). *After the crime: the power of restorative justice Dialogues between victims and violent offenders*. New York and London: New York University Press.
Mitscherlich, M. (1999). Der irrationale Umgang der Gesellschaft mit ihren Opfern. Frauen und Minderheiten als Opfer krimineller Gewalt. In: Baurmann, M.C. & Schädler, W. (1999). Das Opfer nach der Straftat - seine Erwartungen und Perspektiven. Redakt. Korr. Nachdruck von 1991. Wiesbaden: BKA. Pp. 211-223.
Morgan, J. & Zedner, L. (1992). Child Victims. Crime, Impact, and Criminal Justice. Oxford: Clarendon Press
Muylkens, L. & Smeets, K. (2008). Beyond the offender: Group counselling for victims of crime. In: European Forum for Restorative Justice, Newsletter, Volume 9, Issue 2, pp. 3-4.
Newell, T (2001). *Restorative justice in Prisons*. Restorative Justice Consortium [see web site: http://www.restorativejustice.org.uk/prisons4.html]
Newell, T. (2003). Building Restorative Prisons. *Restorative Practices E-Forum*, June 20 [www.restorativepractices.org]
Ottomeyer, K. (2011). Die Behandlung der Opfer. Über unseren Umgang mit dem Trauma der Flüchtlinge und Verfolgten. Stuttgart: Klett-Cotta.
Parmentier, S. (2009). To Be or Not To Be a Victim. On the Developing Notion of Victimhood under the European Convention on Human Rights. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag (pp. 43-60).
Pascual Rodríguez, E. (Ed.)(2013). Los ojos del otro: encuentros restaurativos entre víctimas y ex miembros de ETA. Sal Terrae.
Pemberton 2011 in Letschert & van Dijk (Eds.). The new focus of victimhood. Globalization, transnational crimes and victim rights. Dordrecht: Springer.
Pemberton, A. (2012). Just-World Victimology: Revisiting Lerner in the Study of Victims of Crime. In: Morosawa, H.; Dussich, J.P. & Kirchhoff, G.F. (Eds.). Victimology and Human Security: New Horizons. Nijmegen: Wolf Legal Pub. Pp. 45-67.
Pemberton, A., Winkel, F.W. & Groenhuijsen, M. (2008). Evaluating victims experiences in restorative justice. *British Journal of Community Justice,* 6(2): 98-119

Pemberton, A. & Rasquete, C. (2010). Victims in Europe. Assessment of the Implementation of the Framework Decision of the Standing of Victims in Criminal Proceedings: Preliminary Results. In: Hartmann, J. & ado e. V. (Eds.). Perspektiven professioneller Opferhilfe. Wiesbaden: VS Verlag für Sozialwissenschaften, Pp. 99–112.

Pemberton, Antony & Groenhuijsen, Marc S. (2012). Developing Victims' Rights within the European Union: Past, Present and Future. In: Morosawa,H.; Dussich, J.P. & Kirchhoff, G.F. (Eds.). Victimology and Human Security: New Horizons. Nijmegen: Wolf Legal Pub. Pp. 535-559

Pennebaker, J.W. (1993). Putting stress into words: Health, linguistic and therapeutic implications. *Behaviour, Research and Therapy,* 31(6): 539-548.

Pope, C. and Mays, N. (2009) `Critical reflections on the rise of qualitative research´, in *British Medical Journal*. 339 (b3425). Page: 737-739.

Pranis, K. (2007). Restorative values. In: G. Johnstone & D. Van Ness (Eds.). Handbook of restorative justice. Cullompton, Devon: Willan Publishing, pp. 59-74.

Priet, R. (2008). Klare Grenzen? Zum Verhältnis von Opferhilfe und TOA. Einführung ins Tagungsthema aus Sicht der Opferhilfe. In: Hartmann, J. (Ed.): Klare Grenzen? Zum Verhältnis von Opferhilfe und TOA. Begegnung von Opfer und Täter im TOA - Chancen und Gefahren für Kriminalitätsopfer. Berlin (Materialien des Arbeitskreises der Opferh ilfen in Deutschland e.V.), Pp. 18–24.

Radosh, P.F. (2008). Reflections on Women's Crime and Mothers in Prison: A Peacemaking Approach. In: Wozniak, J.F./Braswell, M.C./Vogel, R.E./Blevins, K.R. (Eds.). Transformative Justice. Critical and Peacemaking Themes Influenced by Richard Quinney, Plymouth, Lexington Books. (191-206).

Rafter, N. & Walklate, S. (2012). Genocide and the dynamics of victimisation. In: European Journal of Criminology, 9 (5), Pp. 514-526.

Reddemann, L. (2012). Imagination als heilsame Kraft. Zur Behandlung von Traumafolgen mit ressourcenorientierten Verfahren. 16. Ed. Stuttgart: Klett-Cotta.

Robert, L. & Peters, T. (2003). How restorative justice is able to transcend the prison walls: a discussion of the "restorative detention" project. In: Weitekamp E.G.M., Kerner H.-J., (Eds.). Restorative Justice in Context: International Practice and Directions. Cullompton: Willan Publishing. Pp. 95-122.

Robinson, G. & Crow, I. (2009) Offender Rehabilitation, Theory, Research and Practice. London: Sage Publications.

Rossner, M. (2007). *Long-term effects of restorative justice conferencing: Do emotional dynamics influence offending*? Paper presented at the *Annual Meeting of the American Society of Criminology*, Atlanta Marriott Marquis, Atlanta, Georgia, 14/11/07

Rossner, M. (2008). Healing victims and offenders and reducing crime: A critical assessment of restorative justice practice and theory. *Sociology Compass,* 2(6): 1734-1749

Rothe, D.L. & Kauzlarich, D. (Eds.)(2014). Towards a Victimology of State Crime. London & New York: Routledge.

Rückert, S. (2007). Unrecht im Namen des Volkes. Ein Justizirrtum und seine Folgen. Hamburg: Hoffmann & Campe.

Ruhnke, L. (2013). Pädophilie und Prävention pädosexueller Handlungen in Schleswig-Holstein. Bachelor Thesis. Kiel University of Applied Sciences.

Schlechter, H. (2015). Social Network Conferences - Conferencing with juvenile offenders in the Austrian Probation Service. In: Ljetopis Socijalnog Rada (forthcoming)

Schreck, C.J., Stewart, E.A. & Osgood, D.W. (2008). A Reappraisal of the Overlap of Violent Offenders and Victims. In: Criminology, 46, 4, Pp. 871- 906.

Schulz, B. (2013) `Sexualstraftäter als Kollege. Arbeitskampf am Containerterminal´, in Spiegel online, 28. Juni 2013, http://www.spiegel.de/panorama/justiz/bremerhaven-arbeitsgericht-billigt-kuendigung-von-hafenarbeiter-a-998436.html

Sessar, K. (1990). Tertiary Victimization: A Case of the Politically Abused Crime Victims. In: Galaway, B. & Hudson, J. (Eds.). Criminal Justice, Restitution, and Reconciliation. Monsey, NY: Criminal Justice Press, pp. 37-45.
Sessar, K. (1992). Wiedergutmachen oder strafen. Pfaffenweiler: Centaurus.
Sessar, K. (1999). Punitive Attitudes of the Public: Reality and Myth. In Bazemore, G., Walgrave, L. (eds.), Restorative Juvenile Justice: Repairing the Harm of Youth Crime. Monsey, N.Y.: Criminal Justice Press, Pp. 287-304.
Sessar, K. (2009). The problems criminology has with criminal law and its criminal policy. Some theoretical considerations. Presentation at University of Porto. http://www2.jura.uni-hamburg.de/instkrim/kriminologie/Online_Publikationen/Sessar%20Porto%20%20Problems%20criminology%20has%20with%20criminal%20law.pdf
Shapland, J.; Willmore, J. & Duff, P. (1985). Victims in the criminal justice system. Aldershot: Gower.
Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. & Sorsby, A. (2008). Does Restorative justice affect reconviction? The fourth report from the evaluation of three schemes. *Ministry of Justice Research Series,* 10/08
Shapland, J.; Robinson, G. & Sorsby, A. (2011) *Restorative Justice in Practice. Evaluating what works for victims and offenders*. London & New York: Routledge.
Sherman, L.W. (1993). Defiance, deterrence, and irrelevance: a theory of the criminal sanction. Journal of research in Crime and Delinquency, 30 (4), 445-473.
Sherman, L., Strang, H., Angel, C., Woods, D.J., Barnes, G.C., Bennett, S., Inkpen, N. & Rossner, M. (2005). Effects of face-to-face restorative justice on victims of crime in four randomized controlled trials. *Journal of Experimental Criminology*, 1(3): 367-39.
Sherman, L. & Strang, H. (2007). Restorative Justice. The evidence. London: The Smith Institute.
Skelton, A. & Frank, C. (2004). How does Restorative Justice Address Human Rights and Due Process Issues? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 203-213.
Smaus, G. (1999). Geschlechteridentität als kontextabhängige Variable – dargestellt am Beispiel der „eingeschlechtlichen" Institution des Gefängnisses. In: Löschper, G. & Smaus, G. (Eds.). Das Patriarchat und die Kriminologie. In: Kriminologisches Journal. Weinheim, 7. Beiheft. Pp. 29-48.
Stacey, S. (2012). Restorative Justice – A Victim's Perspective. In: Lummer, R.; Nahrwold, M. & Süß, B. (Eds.): Restorative Justice – A Victim Perspective and Issues of Co-operation. Kiel, Pp. 129-133.
Stamatikis, N. & Beken, T. (2011) `Restorative Justice in Custodial Settings: `Altering the focus of Imprisonment´, in: Acta Criminologica 24(1). Pp. 44-65.
Strang, H. (2002). Repair or Revenge: Victims and Restorative Justice. Oxford: Clarendon Press.
Strang, H. (2004). Is Restorative Justice Imposing its Agenda on Victims? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 95-105
Strang, H. (2012a). Conferencing and Victims. In: Zinsstag, E. & Vanfraechem, I. (Eds.). Conferencing and Restorative Justice. International Practices and Perspectives. Oxford: University Press. (Pp. 83-98).
Strang, H. (2012b). Restorative Justice and Victims of Crime: Evidence and Possibilities. In: Morosawa, H.; Dussich, J.P. & Kirchhoff, G.F. (Eds.). Victimology and Human Security: New Horizons. Nijmegen: Wolf Legal Pub. Pp.475-491
Strang, H. & Sherman, L.W. (2003). Repairing the harm: Victims and restorative justice. Utah Law Review, 15-42.

Strayer, J. (1990) `Affective and cognitive perspectives on empathy´, in Eisenberg, N. and Strayer, J.; *Empathy and Its Development*. Page: 218-245.
Strobl, R. (1998). Soziale Folgen der Opfererfahrungen ethnischer Minderheiten. Effekte von Interpretationsmustern, Bewertungen, Reaktionsformen und Erfahrungen mit Polizei und Justiz, dargestellt am Beispiel türkischer Männer und Frauen in Deutschland. Baden-Baden: Nomos.
Strobl, R. (2010). Becoming a victim. In: Shoham, S.G.; Knepper, P. & Kett, M. (Eds.). International Handbook of Victimology. Boca Raton u.a.: CRC Press, Pp. 3-26.
Stutzman Amstutz, L. (2004). What is the Relationship between Victim Service Organizations and Restorative Justice? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 85-93
Sykes, G.M. (1958). The Society of Captives. A Study of Maximum Security Prison. Princeton: University Press.
Sykes, G. (2007) The Society of Captives: A Study of a Maximum Security Prison. Princeton University Press.
Sykes, G.M. and Matza, D. (1957) `Techniques of Neutralization: A theory of Delinquency´, in *American Sociological Review*. Vol: 22. Page: 664-670.
Sykes, G.M. & D. Matza (1957). Techniques of Neutralization: A Theory of Delinquency. In: American Sociological Review 22, Pp. 664 - 670.
Symonds (1980). The ‚Second Injury' to Victims. In: Evaluation and Change. Special Issue. (S. 36-38).
Szücs, A. (2012). Opportunities for the application of mediation in the phase of execution of punishment: the perspective of a practicing public prosecutor. In: Barabás, T., Fellegi, B. & Windt, S. (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restorative Justice in Prison Settings. Budapest: P-T Mühely. Pp. 151-159.
Taylor, I.; Walton, P. & Young, J. (2013). The New Criminology. For a Social Theory of Deviance. 2nd Edition. London & New York: Routledge.
Temme, G. (2010). Braucht unsere Gesellschaft Strafe? Welche Alternativen gibt es im Vergleich zum deutschen Strafvollzugssystem? In: Puschke, J. (Ed.). Strafvollzug in Deutschland. Strukturelle Defizite, Reformbedarf und Alternativen. Berlin: BWV Berliner Wissenschafts-Verlag. (Pp. 37-61).
Thompson, D. (2001). Towards Restoration - Victim Awareness Programmes for Adult Offenders in South Australia. Paper presented at the Restoration for Victims of Crime: Contemporary Challenges Conference. 9.+10.9.1999 in Melbourne. (www.aic.gov.au/conferences/rvc/thompson.html)
Toews, B. (2006). The little book of Restorative Justice for People in Prison. Intercourse: Good Books.
Toews, B. & Katounas, J. (2004). Have Offender Needs and Perspectives Been Adequately Incorporated into Restorative Justice? In: Zehr, H. & Toews, B. (Eds.). Critical issues in restorative justice. Monsey, N.J. [u.a.]: Criminal Justice Press. Pp. 107-118.
Tyler, T. R. (1990). *Why people obey the law: Procedural justice, legitimacy, and compliance*. New Haven, CT: Yale University Press.
Umbreit, Mark S. (1989). Crime Victims Seeking Fairness, Not Revenge: Towards Restorative Justice. In: Federal Probation, 53, Pp. 52-57.
Umbreit, M. & Stacey, S. (1996). Family Group Conferencing comes to the U.S.: A comparison with victim-offender mediation, *Juvenile and Family Court Journal,* 47(2): 29-38.
Umbreit, M.S. & Vos, B. (2000). Homicide Survivors Meet the Offender Prior to Execution. Restorative Justice through Dialogue. In: Homicide Studies, 4, Pp. 63-87.
Umbreit, M.; Bradshaw, W.; Coates, R. (2001). Victim sensitive offender dialogue in crimes of severe violence. Differing needs, approaches and implications. Available at: http://rjp.umn.edu/Copy_of_Restorative_Justice_Princples-43ea0fa8cf21f.html

Umbreit, M.S.; Vos, B.; Coates, R.B. & Brown, K. (2002). Executive Summary: Victim Offender Dialogue in crimes of severe violence: A Multi-site study of programs in Texas and Ohio. St. Paul, MN: Center for Restorative Justice & Peacemaking.
Umbreit, M.S.; Vos, B.; Coates, R.B. & Brown, K. (2003). Facing Violence: The Path of Restorative Justice Dialogue. Monsey: Criminal Justice Press.
Umbreit, M., Coates, R. & Vos, B. (2007). Restorative justice dialogue: A multi-dimensional, evidence-based theory. *Contemporary Justice Review,* 10:23-41.
Umbreit, M.S. & Armour, M.Peterson (2010). Restorative Justice Dialogues: An Essential Guide for Research and Practice. New York: Springer.
United Nations (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. UN Department of Public Information, Resolution 40/34.
United Nations Economic and Social Council (2002). Basic principles on the use of restorative justice programmes in criminal matters. New York, United Nations (Resolution 2002/12).
United Nations Office on Drugs and Crime (2006). *Handbook on Restorative Justice Programmes,* New York: United Nations.
Urban, L.S., Markway, J. & Crockett, K. (2011). Evaluating victim-offender dialogue (VOD) for serious cases using Umbreit's 2001 handbook: A case study. *Conflict Resolution Quarterly,* 29(1):3-23.
Van Camp, T. (2014). Victims of Violence and Restorative Practices. Finding a Voice. London & New York: Routledge.
Van Camp, T.; Van Win, T.; Aertsen, I., Daenick, P.; Hodiaumont, F. & Malempré, H. (2004). Vademecum Herstelrecht en Gevangenis. Ghent: Academia Press.
Van Camp, T. and Wemmers, J.A. (2013.) Victim satisfaction with restorative justice: More than simply procedural justice. *International Review of Victimology*, 19(2): 117-143.
Vanfraechem, I.; Pemberton, A. & Ndahinda, F. M. (Eds.)(2014). Justice for Victims. Perspectives on Rights, Transition and Reconciliation. London & New York: Routledge.
van Garsse, L. (2006). Mediation in a detention context: moralisation or participation? In: Congrés Penitenciari international: La funció social de la política penitenciària. Barcelona. Pp. 49-64.
Van Garsse, L. (2013). Zwischen Zynismus und Nostalgie. Die Umsetzung von Restorative Justice in Strafsachen in Belgien. *TOA-Infodienst. Rundbrief zum Täter-Opfer-Ausgleich.* 46: 43-50.
Van Ness, D.W. (2007). Prison and Restorative Justice, in: Johnstone, G. & Van Ness, D.W. (Eds). *Handbook of Restorative Justice.* Cullompton: Willan. Pp. 312- 324.
Van Stokkom, B. (2013) `Victims' needs and participation in justice: is there a role for vengeance?´, in *Restorative Justice: An International Journal*, Volume 1, Issue 2, 168-189.
Vidoni Guidoni, O. (2003) `The Ambivalences of Restorative Justice: Some Reflections on an Italian Prison Project´, in *Contemporary Justice Review*. 6(1): 55-68.
Vogt, V. & Vogt, M. (2013). Das Opfer im Fokus – Projektideen für opferbezogene Vollzugsgestaltung im Rahmen von Täter-Opfer-Ausgleich (TOA) und Restorative Justice im Berliner Strafvollzug, in *TOA-Magazin* – Nr. 01. 44-45.
von Hentig, H. (1948). The Criminal and His Victim. Studies in the Sociobiology of Crime. New Haven: Yale Univ. Press.
Voß, S. (2003). "Du Opfer ...!" In: Berliner Forum Gewaltprävention, Nr. 12, Pp. 56-59.
Wager, N. (2014) `Giving Victims Choice in Restorative Justice: Is there a detrimental affect on offender outcomes?´ Accessed on 10.12.14: http://www.rjustice.eu/en/conference-uk.html.
Wager, N., O'Keeffe, C., Bates, A. and Emerson, G. (in press). Restorative justice and recidivism: Investigating the impact of victim-preference for level of engagement. *Annuals of Social Work.*

Walgrave, L. (2001). On Restoration and Punishment: Favourable Similarities and Fortunate Differences. In: Morris, A. & Maxwell, G. (Eds.). Restorative Justice for Juveniles. Conferencing, Mediation & Circles, Oxford and Portland: Hart, S. 17-37.
Walgrave, L. (2008). Restorative Justice, Self-interest and Responsible Citizenship. Cullompton: Willan.
Walgrave, L. (2009). Victims in Restorative Justice. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag. Pp.79-87.
Walker, L. & Greening, R. (2010). Huikahi Restorative Circles: A Public Health Approach for Reentry Planning, Federal Probation Journal, 74(4). Retrieved December 19, 2014 from http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2010-06/06_restorative_circles.html
Walker, L., & Greening, R. (2013). Reentry and Transition. Planning for Incarcerated People. Oahu, HI: Hawai'i Friends of Justice & Civic Education.
Walklate, S. (Ed.)(2011). *Handbook of Victims and Victimology*. Abingdon: Routledge.
Walklate, S. (2013). Victimology. The Victim and the Criminal Justice Process. Abingdon: Routledge.
Waller, I. (2008). Less Law more Order. The Truth about Reducing Crime. Ontario: Manor House Publishing Inc.
Waller, I. (2011). Rights for Victims of Crime. Rebalancing Justice. Plymouth: Rowman & Littlefield Publishers Inc.
Wallis, P. (2010). Are you okay? A practical guide to helping young victims of crime. London; Philadelphia, Pa: Jessica Kingsley Publishers.
Wallis, P. (2014). Understanding Restorative Justice. How Empathy can close the gap created by crime. Bristol: Policy Press.
Walmsley, R. (2013) World Prison Population List. London: International Centre for Prison Studies (10th Edition).
Walter, M. (2013) Tätigkeitsbericht des Justizvollzugsbeauftragten des Landes Nordrhein-Westfalen. Der Justizvollzugsbeauftragte des Landes NRW.
Wemmers, J.-A. (2009). A Short History of Victimology. In: Hagemann, O., Schäfer, P. & Schmidt, S. (Eds.). Victimology, Victim Assistance and Criminal Justice. Perspectives Shared by International Experts at the Inter-University Centre of Dubrovnik. Mönchengladbach: Fachhochschule Niederrhein Verlag (pp. 33-42).
Wemmers, J.-A. & Canuto, M. (2002). Victims' experience with, expectations and perceptions of restorative justice: a critical review of the literature. Departement of Justice, Canada. Accessed on 4. January 2015 at http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr01_9/rr01_9.pdf.
Wemmers, J.-A. & Cyr, K. (2005). Can mediation be therapeutic for crime victims? An evaluation of victims' experiences in mediation with young offenders. Canadian Journal of Criminology and Criminal Justice, 47 (3), 527 –544.
Wemmers, J.-A. & Van Camp, T. (2011). *The offer of restorative justice to victims of violent crimes: should it be protective or proactive?* CiCC, Université de Montréal, Accessed on 30. December 2014 at https://depot.erudit.org/id/003511dd
Windt, S. (2012). Opportunities for prison mediation based on the opinions of prison staff, inmates and victims. In: Barabás, Tünde, Fellegi, Borbála & Windt, Szandra (Eds.). Responsibility-Taking, Relationship-Building and Restoration in Prisons. Mediation and Restoration Justice in Prison Settings. Budapest: P-T Mühely. Pp. 65-87.
Winfree, J.R.; Newbold, G. and Tubb III, S.H. (2002) `Prisoner Perspectives on Inmate Culture in New Mexico and New Zealand: A Descriptive Case Study´, in *The Prison Journal*, 82 (2.). Page: 213-233.
Wischka, B. (2013). Täter und Opfer in der Therapie von Sexual- und Gewaltstraftätern. In: Wischka, B.; Pescher, W. & van den Boogaart, H. (Eds.). Behandlung von Straftätern.

Sozialtherapie, Maßregelvollzug, Sicherungsverwahrung. Studien und Materialien zum Straf- und Maßregelvollzug. 2., durchgesehene Aufl. Freiburg: Centaurus. Pp. 524-547.
Wolfgang, M. (1958). Patterns in Criminal Homicide. Philadelphia: Univ. Press.
Wolthuis, A. & Vandenbroucke, M. (2010). Schade Herstellen Tijdens Jeugddetentie. In: Proces, 3, Pp. 150-164.
Workman, K. (2011). Politics and Punitiveness – Limiting the Rush to Punish. *A paper presented at the* Australian & New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL New Zealand) and The Royal Australian & New Zealand College of Psychiatrists (Faculty of Forensic Psychiatry) Conference "The Rising Punitiveness"*, 17 – 19 November 2011 Wellington , New Zealand.*
Worthington, E. L., Jr., Sandage, S. J., & Berry, J. W. (2000). Group interventions to promote forgiveness: What researchers and clinicians ought to know. In M. E. McCullough, K. I. Pargament, & C. Thoresen (Eds) *Forgiveness: Theory, research, and practice.* New York, New York: Guilford Press (pp. 228-253).
Wright, M. (2003). Is it time to question the concept of punishment? In: Walgrave, L. (Ed.) Repositioning Restorative Justice. Cullompton: Willan. Pp. 3-23.
Wulf, R. (2013). Täter-Opfer-Ausgleich im Vollzug. Ein Modellprojekt aus Baden-Württemberg und Entwicklung von Standards. in: *TOA-Magazin* – Nr. 01. 19-23.
Yantzi, M.D. (1998). Sexual Offending and Restoration. Waterloo: Herald Press.
Yehuda, R./Bierer, L.M./Schmeidler, J./Aferiat, D.H./Breslau, I./Dolan, S. (2000). Low Cortisol and Risk for PTSD in Adult Offspring of Holocaust Survivors. American Journal of Psychiatry, vol. 157, No. 8, pp 1229-1235.
Zehr, H. (1990). Changing Lenses: a new focus for crime and justice. Scottsdale, PA: Herald Press.
Zehr, H. (2002) The little book of restorative Justice, intercourse. Intercourse, PA: Good Books.
Zehr, H. (2010) Fairsöhnt, Restaurative Gerechtigkeit, Wie Opfer und Täter heil werden können. Schwarzenfeld: Neufeld.
Zehr, H. & Mika, H. (1998). Fundamental Principles of Restorative Justice. In: The Contemporary Justice Review, 1 (1), pp. 47-55.