

## Editorial

Dear readers,

Welcome to the March 2017 edition of the *Newsletter*, or should I say ‘*Bienvenue*’ as we mark in this edition the [first international conference on restorative justice](#) in France hosted on 18–19 January 2017 at the UNESCO building in Paris?

We also welcome Catherine Jaccottet Tissot to the Editorial Committee. Catherine is a barrister and mediator from Lausanne in Switzerland and has contributed a report on the conference hosted on 10 February 2017 by the University of Fribourg on *Putting the person at the centre of criminal justice* which she took part in organising.

But we begin this edition with news from the EFRJ on a range of initiatives in which the EFRJ is involved, from work on the implementation of the EU Victims’ Directive through collaborations on joint projects and the EFRJ’s own programmes to the EFRJ’s initiatives and summer programme of events. This report ends with requests for your help in a number of projects and in preparation for the AGM. So please read it carefully!

Catherine Jaccottet Tissot describes the differing views presented by speakers from different countries at the conference in Fribourg on the relationship of mediation and restorative justice to the criminal justice system and the implications of these visions for considering how to take restorative justice forward in Switzerland. Drawing on the commonalities in these differing visions, the Swiss participants were able to identify a number of ways of moving forward.

Katerina Soulou looks back over nearly a quarter of a century at the progressive development of restorative justice in France. After a very slow start, in the early part of this century a number of initiatives came together to create a rethink of approaches to restorative justice which was accelerated by the [European Directive on Victims’ Rights](#). She concludes by outlining the new legal framework for restorative justice in France.

Noémie Micoulet describes the framework for supporting the development of restorative justice in France which has been put together by the [National School of Prison Administration](#), [Victim Support France](#) and the [French Institute for Restorative Justice](#). This draws on the concept of ‘relational mediation’ developed by Serge Charbonneau and Catherine Rossi. She outlines some of the issues which restorative justice practitioners will have to address in order to make it a success.

Finally, Elena Militello reviews *Restorative justice: Models, terms and methods* by Giovanni Angelo Lodigiani and Grazia Mannozi, an introduction to restorative justice in Italian.

We hope you will enjoy this edition.

**Robert Shaw**

Member, Editorial Committee

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## News from the EFRJ

Dear members,

Many things have already happened since the beginning of the year. The EFRJ Board and staff has been busy with different activities and announced many others where they would like to meet you or benefit from your contributions!

First of all, the EFRJ completed several achievements concerning its commitment to the implementation of the EU Victims’ Directive. In collaboration

with the Criminal Justice Platform Europe (CJPE, a coalition between EFRJ, [CEP](#) and [Europriis](#)), the EFRJ hosted a seminar on 23 February in Brussels which

brought together about 65 experts from 18 different countries interested in training and cooperation for further assisting victims of crime across Europe. On this occasion, the EFRJ published a new [Practice Guide for RJ Services](#) and re-launched the [Briefing Paper on RJ in the Victims' Directive](#).

Secondly, the EFRJ started to work on two projects where it is involved as a partner, such as the project 'Victims of Road Traffic Offences' (coordinated by [RondPunt](#)) and '[Implementing Restorative Justice with Child Victims](#)' (coordinated by IJJO). The EFRJ has also launched a survey on restorative practices where it asked for your cooperation. This is part of a larger project entitled '[More Humane Approaches to Addressing the Harm of Criminal Behaviour](#)' which involves our chair, Tim Chapman, and vice-chair, Anemieke Wolthuis, as part of the core research team. If you have not done it yet, please contribute with your answers!

Thirdly, the EFRJ and the CJPE opened the registrations for their summer events. The [EFRJ Summer School](#) (Como, 24–28 July) will deal with RJ in cases of serious crimes. It will benefit from the expertise of two trainers (Kristel Buntinx from Belgium and Vincent Mercer from UK), professionals in the use of RJ in cases of homicide or sexual abuse and with participants with mental disabilities. Additionally, victims and former armed fighters in the 1970–1980s in Italy will participate in this Summer School to present their testimony on political crimes and reconciliation. The [CJPE Summer Courses](#) (Barcelona, 4–7 July) will offer plenaries, visits and three parallel workshops focusing on radicalisation, desistance and how to work with resistance from clients, bringing together about 60 professionals from the field of prison, probation and RJ.

Fourthly, the EFRJ Board and staff have attended and will attend several events across Europe. We have

been present, either as presenters or participants, in Paris, Berlin, Trento, Montelupo Fiorentino, Strasbourg, Bucharest, Brussels, Zagreb, Glasgow, Udine and The Hague, and we are yet to attend in Berlin, Barcelona, Como, Leuven, Budapest, Oñati, Dublin and many more! We invite you to keep us informed about your activities, so that we can advertise them on our media and, possibly, we can even participate to further promote the strength of our large RJ community.

In the last few months we were asked to provide expert input for the UN and for the [Council of Europe PC-CP](#) on RJ. We hope that our contributions will contribute to the development of RJ.

## Your help

Currently, we are preparing the [Annual General Meeting](#) of the EFRJ, which will take place in Berlin on 1 June, followed by a one day seminar on RJ in intercultural settings. As this AGM will deal with constitutional matters, it is very important that you come, send your proxy votes or take the opportunity [to vote online](#).

If you have not yet responded to our request, we would like your help in identifying research on the [efficiency and effectiveness of RJ](#).

Also, we are looking for four members to join our '[Values & Standards Working Group](#).' This Working Group has been established with the aim of defining the minimum requirements for RJ to provide good quality services, as requested in the Victims Directive.

We are looking forward to hearing from you in the following months, concerning events and publications, projects in the field of RJ and beyond. Also, if you have not yet renewed your EFRJ Membership for 2017 please do so using the [form on our website](#).

## The EFRJ Team

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## Putting the person at the centre of criminal justice

On the 10th February 2017, Professeur [Nicolas Queloz](#), Head of the Department of Law and Criminology of the Faculty of Law at the University of Fribourg, and a working group of the Swiss section of the International Commission of Jurists ([Nils Kapferer](#), jurist and member of the Faculty of Law at the University of Basle, [Marco Mona](#), a barrister from Zurich and [Catherine Jaccottet Tissot](#), a barrister and mediator from Lausanne) jointly organised a conference on the subject of restorative justice: *Putting the person at the centre of criminal justice*. This event brought together, among others, magistrates, prosecutors, barristers, victim support workers, psychologists and social workers.

Internationally recognised speakers from abroad were also invited:

- [Carl Stauffer](#), Professor, Eastern Mennonite University (US), Centre for Justice and Peacebuild-

ing, author of a great many works, articles and publications in the areas of restorative justice, transformative justice, reconciliation and peace building, an international expert in these areas,

co-founder and initiator of the [Africa Peacebuilding Institute](#).

- [Ivo Aertsen](#), Professor, KU Leuven Institute of Criminology, graduating from the same university in psychology, law and criminology, with an interest in victimology and restorative justice, Chair of the EFRJ Board from 2000 to 2004, coordinator of the COST Action A21 on restorative justice in Europe from 2002 to 2006, an international expert in the area of restorative justice, project coordinator of the European project [FP7 ALTERNATIVE](#) from 2012 to 2016.
- [Alana Abramson](#), Doctor of criminology from the Simon Fraser University (Canada, BC), Professor of criminology at the Kwantlen Polytechnic University, lecturer at Thomson Rivers University in the areas of restorative justice and native people's justice, consultant and *animatrice* in courses and workshops in the areas of restorative justice, conflict resolution, communication and prevention.

The Swiss speakers shared their experiences in the area of criminal justice mediation ([Florence Studer](#), Fribourg, independent mediator and [G rard Demierre](#), Fribourg, mediator with young offenders) and their reflections on the place of restorative justice in the Swiss legal system (Catherine Jaccottet Tissot).

A round table, led by Professor Nicolas Queloz, jurist and sociologist, Professor of criminal law and criminology, addressed theoretical, practical and strategic questions in relation to restorative justice in Switzerland.

Those invited to the round table were recruited from the Swiss judicial system and related areas (Hubert Bugnon, judge, barrister, doctor of law, President of the Board of Criminal Affairs of the canton of Fribourg, [Claudia Christen](#), criminologist, President of the [Swiss RJ Forum](#), Camille Perrier Depeursinge, barrister, doctor of law, author of a thesis on criminal mediation, President of [AJURES](#) (Association for Restorative Justice in Switzerland), [Jean Tschopp](#), Doctor of international law, Deputy in the Grand Council of the Canton of Vaud.

The themes raised in the course of the presentations, in questions and answers and in the round table can be grouped into three groups:

1. the definition and nature of restorative justice, theoretical and terminological questions;
2. the relationship between restorative justice and the criminal justice system;
3. strategic questions about the promotion of restorative justice and legislative policy.

Starting from the notion of restorative justice itself, one can identify, at one end of the spectrum, a broad, encompassing vision of restorative justice as a philosophy,

a way for looking at the world or a social movement. For those who take this approach (Carl Stauffer, Alana Abramson), it is a key to making non-violent structural changes, a peaceful way of dealing with suffering and of resolving problems arising from violations of human rights. Restorative justice is the type of memory work and forgiveness which takes its inspiration from traditional justice. Rather than privileging the law and the professionals, restorative solutions involve the harmed, those who have inflicted suffering and their communities (Carl Stauffer). This notion of community is central: its preoccupations and its needs, which do not correspond with those of the State, are taken into account in just the same way as those of the perpetrators and the victims throughout a voluntary dialogue, collaboration and face-to-face contacts. Restorative justice reinforces self-management and encourages participation.

At the other end of the spectrum, the vision is more institutional, professionalised and oriented towards mediation. Restorative justice works in direct contact with official organisations (Ivo Aertsen). One considers in what ways it resembles or differentiates itself from an alternative sanction, from a disposal, from a service or from a law (Ivo Aertsen). Mediation is seen as the main application of restorative principles; it even gets mixed up with them (Florence Studer, G rard Demierre). The idea of community seems secondary, almost non-existent. Apart from the perpetrator and the victim, only members of the close family are present in mediation involving young offenders. The professionals (psychologists, therapists) can be invited to take part in a meeting (G rard Demierre). The focus is on the relationship with the person themselves and with others (Florence Studer), on the needs of those in the mediation rather than on the reason for the conflict (G rard Demierre).

As for the relationship between restorative justice and the criminal justice system, the subject seems to have preoccupied more those taking an institutional approach even if the all speakers agree that access to restorative justice should be open to all, at all the stages in the process and for all offences. Victims should be informed of all the existing programmes and the determination of their needs before proceeding to the choice of a suitable programme. In the relationship between the restorative processes and the criminal justice system, respect for the specifics of each approach, without mixing up principles or values, and the need to adapt the channels which can be employed by the persons concerned (and not by the institutions) were underlined (Catherine Jaccottet). At the round table some speakers insisted on the complementary character of restorative and retributive justice, considering it important not to blacken state justice to promote restorative justice better.

From the strategic perspective of moving restorative justice and legislative policy forward, the following imperatives were acknowledged by all the speakers:

- informing the public and professionals continuously ('repeat the vision,' Carl Stauffer);
  - taking care that restorative justice is not reduced simply to mediation in the criminal justice system;
  - not minimising the importance of costs and also ensuring that there is the money for it;
  - publishing statistics and a clear legal foundation;
  - finding allies who will become agents of change inside the criminal justice systems, prison, etc.
- in the case of an agreement reached as criminal system mediation) is often criticised;
  - to consider reforms at cantonal level if the political situation does not allow the advancement of a national policy;
  - to develop workshops;
  - to stimulate research (Swiss RJ Forum);
  - to organise a programme of post sentence mediations in the Swiss Romande ([Association for Restorative Justice in Switzerland](#)).

Those adopting a broad approach need to reflect on ways of extending restorative justice to other areas than criminal justice (in schools, for example) and on ways of encouraging people to ask to take part in a restorative programme (Alana Abramson). As for the particular situation in Switzerland and its deplorable delay in this area, the following ideas were put forward by participants:

- to take advantage of the revision of the code of criminal procedure to introduce arrangements related to restorative justice;
- to consider a revision of article 17-2 of the criminal procedure for minors whose limiting character (obligation for the judge to class the matter

The event enabled the creation of numerous contacts between specialists, researchers and practitioners and to maintain a dynamic of developing restorative justice in Switzerland. It marked an important step in the promotion of this approach in Switzerland. It clarified certain theoretical and terminological questions, notably on the relationships between restorative justice and mediation. It allowed those organisations active in this area to present their aims and activities. It opened up the opportunity to publish a conference report. In the spirit of the organisers, it will be followed by further study days on the topic.

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## France: a progressive legal recognition of Restorative Justice (RJ)

To begin with, during 1993, both mediation (Mbanzoulou, 2012) in criminal cases for adults<sup>1</sup> and reparation in criminal cases for minors<sup>2</sup> were introduced in France.<sup>3</sup> However, as has been remarked (Cario, 2016), these two French practices respect only exceptionally the basic principles of RJ. More specifically, mediation in criminal cases is only used as an alternative to prosecution, in which the prosecutor's role is decisive both concerning the choice to resort to mediation and regarding the validation of the agreement of the participants.

In addition, in order to participate in a mediation programme, French law, as it is actually set out, expressly demands only the consent of the victim and not that of the offender. Moreover, reparation (Baste Morand, 2014) in criminal cases reserved to minors is closer to the idea of restoration, conserving at the same time an educational teaching for the juvenile offender. However, it does not fully respect the basic principles of RJ because, to avoid delays in bringing justice, in the case of a refusal of the victim to participate in reparation, the juvenile offender can still participate alone in a reparation program by taking part in several activit-

ies for the benefit of society. Nevertheless, the number of those who participate in these two practices (mediation and reparation) remains in the minority in France, compared with the number of convictions by the more conservative courts (Cario, 2010).

Influenced by the adoption of the fundamental principles by the General Assembly of the United Nations in 2002, and several comparative researches, the French National Council for Victim Support ([Conseil National de l'aide aux victimes](#)) created, in 2006, a working group charged with researching and proposing ways to introduce RJ in France. One year later, this group published

<sup>1</sup>Art. 41-1-5° Fr. C.C.P as modified by the French Law of 9 mars 2004 (Loi «Perben II»).

<sup>2</sup>Art. 12-1 Decree for minors of 1945

<sup>3</sup>By the French Law n°93-2 of 4 January 1993 <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000178780>

its report (Groupe de travail, 2007). Furthermore, during the consensus conference on the prevention of recidivism (Tulkens et al., 2013), which took place in 2013, it was recognised that recidivism is the visible mark of the limits of the criminal justice system that cannot alone give a satisfying ‘answer’ regarding criminal behaviour. During this conference the principles and conception of RJ were also discussed; consequently, the report of this conference was a determinant for the official introduction of RJ into the French legal system (Cario, 2014).

Likewise, after the [European Directive 2012/29/EU](#) ‘establishing minimum standards on the rights, support and protection of victims of crime,’ the French legislature finally intervened in 2014 with a new criminal law (Law n°2014–896 of 15 August 2014), also known as ‘Taubira Law,’ aspiring to reform the philosophy of the whole French criminal justice policy concerning, especially, recidivism, by reducing the number of victims whilst guaranteeing the rehabilitation of those sentenced. Among the changes introduced by this law, a new Article dedicated to RJ was added for the first time to the French Code of Criminal Procedure (*Code de procédure pénale*). By the introduction of Article 10-1<sup>4</sup> entitled ‘On Restorative Justice’ within the preliminary chapter of the first Book of the *Code de procédure pénale* devoted to the fundamental principles governing all criminal proceedings, the ‘Taubira Law’ contains a symbolic value and constitutes a major step in the official recognition of RJ in France.

The French legislature introduced in this article the concept of RJ in a general way, specifying that it addresses the needs of both the victim and the offender; it concerns all criminal conflicts and it can take place during all the stages of French criminal procedure, even during the execution of the sanction.<sup>5</sup> This article also enshrines the complementarity between restorative process and criminal procedure, considering that its objectives are in harmony and in a real convergence with the objectives of the criminal sanction as they are listed in article 130–1 of the French Criminal Code.<sup>6</sup>

Furthermore, the French legislature requires respect for two sets of ethical principles when exercising restorative practices (Sayous and Cario, 2014).

The first set of principles requires the following conditions for recourse to a measure of RJ: the ‘recognition of the facts,’ the ‘information-preparation’ of the two protagonists and their ‘consent.’ Regarding ‘recognition of the facts,’ whilst a confession is not necessary, the absence of a denial is certainly required and must be formally expressed.<sup>7</sup> Likewise, a full ‘information-preparation’ of the participants is required concerning the principles and the progress of the restorative process, formulated in a pedagogical way. Moreover, the content of the ‘consent’ of both the two protagonists-participants (that has to be expressed during the whole restorative process and can be revoked any time) should contain the following three conditions:

- participation in a RJ measure,
- choice of a specific RJ measure and
- the practical modalities of the progress of the RJ process (Sayous and Cario, 2014, p. 463).

The second set of ethical principles required includes the implementation of a RJ process by an ‘independent facilitator’ specially trained for this purpose, the control of RJ measures by a judicial authority and respect for confidentiality. Indeed, beyond basic training, the ‘facilitator’ has to possess listening and interviewing skills as well as a deep knowledge of the implementation and monitoring protocols of restorative measures. This special training is already provided by the French Institute for Restorative Justice ([IFJR](#)) in partnership with the National Institute for Victim Support and Mediation ([France Victimes](#)). However, it is regrettable that French academic institutions (universities) do not yet provide facilitators with this kind of special education.<sup>8</sup> Furthermore, the ‘judicial authority’ is considered the only guarantor for the respect of individual liberties, of human rights and of the general

<sup>4</sup>According to this article: «*On the occasion of criminal proceedings and at all stages of the proceedings, including during the execution of the sentence, the victim and the offender, provided that the facts were known, can be offered a measure of restorative justice. As a measure of restorative justice is considered, any measure allowing a victim as well as the offender to participate actively in the resolution of problems resulting from the offense, including the repair of damages of any kind resulting from its commission. This measure can only occur when the victim and the perpetrator have received comprehensive information about it and have expressly consented to participate. It is implemented by an independent party formed for this purpose under the control of the judicial authority or, at the request of the latter, the prison administration. It is confidential, unless the parties agree otherwise and except where a higher interest linked to the need to prevent or repress offenses justifies information about the progress of the measure to be brought to the attention of the prosecutor.*»

<sup>5</sup>See also art. 707-IV of the Fr. C.C.P.

<sup>6</sup>According to this article: “In order to ensure the protection of society, to prevent the commission of further offenses and to restore social equilibrium, respecting at the same time the interests of the victim, the penalty aims; to punish the offender; to promote its amendment, insertion or reintegration”

<sup>7</sup>In accordance with the international texts: Resolution (E/2002/30) of the Social and Economic Council of the United Nations relating to the fundamental principles on the recourse to restorative justice programs in criminal cases; The 2nd Resolution (MJU-26 2005) of the 26th Conference of the European Ministers of Justice of the member states of the Council of Europe relating to the social mission of the penal justice-restorative justice system; Directive (2012/29/UE) of the European Parliament and of the Council about the minimal standards for the rights, the support and the protection of the victims of criminal offences etc.

<sup>8</sup>*Ibid.*

principles of criminal justice; so the general modalities regarding the progress of a restorative process are under its control. Nevertheless, the principle of ‘confidentiality’ also has to be respected by the coordinators and the facilitators, as well as the participants. Indeed, it is forbidden to use information provided during a RJ measure (even in the case of a failure of this measure) during a subsequent criminal proceeding.

In 2015, the French legislature introduced<sup>9</sup> a new disposition (art.10-2-1°) in the *Code de procédure pénale* relating to the rights, the support and the protection of the victims of criminality, in which is included as means of their reparation, the resort to a RJ measure. But is the introduction of two articles in the Code of Criminal Procedure enough to introduce RJ in France also in practice? Indeed, the actual French legal framework is considered satisfactory regarding the integration of basic RJ principles. Nevertheless, it is certain that the legislature will have to intervene anew in order to enrich the legal arsenal by better specifying the modalities for the implementation of RJ in France. In relation to the specifications for RJ implementation, research and experimentation will be more than useful.

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## Restorative justice in France: perspectives and first experiences

With the law of 15 August 2014 restorative justice became part of the body of French law at every stage in the procedure throughout the whole criminal justice process. The disposals available are more and more varied such that they allow victims and offenders the power to think about themselves putting forward a restorative justice disposal which best corresponds to the expectations they have.

Since the start of the development of restorative justice, the restorative justice disposal favoured by organisations (victim support and criminal justice services) consisted of meetings between victims and prisoners in a closed environment or between victims and convicted people in the community. The diversification of the opportunity for restorative justice came with the possibility of being able henceforth to offer restorative mediation to people who want it. Specific certified programmes have been put in place in a partnership between the [National School of Prison Administration](#), [Victim Support France](#) and the [French Institute for Restorative Justice](#). The framework proposed by the

Institute in relation to the organisations wanting to offer to the public restorative mediation which they will welcome underpins this development in restorative mediation.

Restorative mediation is now a possibility offered to the victim and the offender affected by the same offence, principally in cases of offences and serious and grave crimes, of considering a dialogue on the repercussions of the crime which are never considered by the criminal justice system itself. Taking place in a structured and safe environment, restorative mediation has as its objectives:

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<sup>9</sup>Law n° 2015-993 of 17 August 2015 adapting the criminal procedure to the law of the European Union ([LOI n° 2015-993 du 17 août 2015 portant adaptation de la procédure pénale au droit de l’Union européenne](#))

- to make such an encounter possible;
- to enable the victim to describe their emotions, experiences and expectations;
- to encourage the offender to comprehend the human, social and/or material impact of his action in terms of his personal responsibility;
- to allow him also to describe his experiences and expectations.

The theoretical model on which restorative mediation as developed in France rests is that set out by Serge Charbonneau and Catherine Rossi: ‘relational mediation.’<sup>10</sup> Rather different from other forms of mediation, restorative mediation is a ‘humanist’ or ‘relational’ methodology seeming, above all, to prefer dialogue between the persons affected by the commission of the offence. It relies on the idea, fundamental in restorative justice, that the people who take part in it are capable of putting a lot of work into the recovery of self-esteem and the management of their future, however disturbed they have been by the offence committed or suffered. They are the most capable of understanding their own expectations, of measuring the impact of the repercussions which continue to affect them, of finding solutions which they could put into effect to address the situation. Restorative mediation relies in this sense on the premise, scientifically verified, that dialogue and mutual understanding are the inherent restorative effects in the process itself.

From such hopes comes the need to take a look at the context of the emergence of restorative mediation in France. It is worth noting that the demands for victim-offender dialogue pre-existed their being offered. From now on the potential beneficiaries of this disposal can make themselves familiar with the organisations which are beginning to put in place restorative mediation. The reasons for the emergence of demands for restorative mediation in France are many. On the one hand, the specific organisations able to respond to the demand are more identifiable and people are getting better information on the possibilities offered by them in the area of restorative mediation. On the other hand, professionals working closely with criminal justice are becoming more aware of restorative justice and, more precisely, restorative mediation, something which gives them a more positive attitude towards the measure. Finally, the training of mediators at a national level across France gives more possibilities for putting this disposal in place locally.

Less clearly, professionals involved in the related victim support sector along with those in the penal system are increasingly taking on the restorative mediation disposal. It is the case, today, that the context of work of these professionals as well as the growing number of demands which they are taking on raises difficulties as

to the availability of the opportunity over the whole of the country. Numerous questions continue to present themselves in respect of the effective implementation of restorative mediation, such as, in particular:

- access to the records of victims and offenders by the mediator;
- the free availability of the disposal and, consequently, the question of its financing;
- meeting places suitable for undertaking mediation;
- the framework for the work and the independence of the mediators who, for the most part, belong to the criminal justice system or to victim support organisations — in broad terms, their impartiality does not seem to be the same as those who are part of the judiciary;
- the mobility of participants;
- the mobility of mediators, with additional financial implications, and the flexibility of partnerships in providing welcoming meeting places;
- the need to consider a psychological and/or social framework if necessary for the participants;
- the cost effectiveness of restorative mediation.

The transitional phase in which the organisations offering restorative mediation find themselves means that they are responding to demands in very disparate, albeit professional, ways across the country. Restorative justice training guaranteed by the partnership between [National School of Prison Administration](#), [Victim Support France](#) and the [French Institute for Restorative Justice](#) looks like offering quality mediation under the supervision, for the moment, of the experienced Canadian mediators.

The French Institute for Restorative Justice (IFJR) is fully committed to the development of restorative justice and constitutes a real driving force among the French institutions. The opportunities offered by the availability across the whole of French territory of restorative justice necessitates the creation of a national register of restorative justice, destined to provide support to perpetrators and victims to participate in a restorative justice disposal at all stages in the process. More specifically, insofar as it concerns restorative mediation, following the example of what has happened in Canada, the creation of a service specifically dedicated to restorative mediation could guarantee the continuation and legitimacy of the work of mediators, accredited at a national level. Finally, the need for training in the ongoing analysis of practice, the supervision and evaluation of mediation constitute the essential supporting guarantees to assure victims and perpetrators

<sup>10</sup>There is an article in French about their approach in the Canadian journal [Le Soleil](#).

of the absence of a risk of re-victimisation in the course of restorative mediation in which they are likely to participate voluntarily.

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## Book Review

Lodigiani, Giovanni Angelo and Mannozi, Grazia (2017) *La Giustizia riparativa: Formanti, parole e metodi* (Restorative justice: Models, terms and methods) Turin: Giapichelli, 978 • 88 • 9210519 • 5 €40

In the panorama of scholars' literature on restorative justice, the newly published volume by professor Grazia Mannozi and professor Giovanni Angelo Lodigiani<sup>11</sup> of the Como Restorative Justice and Mediation Studies Centre ([Centro studi sulla giustizia riparativa e la mediazione — CESGREM](#)) within the University of Insubria, represents a new vibrant voice.

The publication of this book is a great step forward in the Italian context, as it represents the first proper comprehensive textbook on RJ. Although Italy formally implemented the [European Directive on Victims' Rights](#) of 25 October 2012 in 2015, it failed to include any explicit acknowledgement of RJ, resulting in the persistent lack of an organic legislation on the matter in the Italian legal system. For this reason, one of the authors of the book, Grazia Mannozi, was appointed to chair a roundtable on RJ in the context of a national committee for the reform of the enforcement of criminal judgements ([Gli Stati Generali dell'Esecuzione Penale](#)), active between 2015 and 2016.

In the book, the reconstruction of the main features of RJ methods and programs builds on the foundations of previous literature, with peculiar focus on comparative literature, while at the same time introducing distinct elements of novelty. The authors, convinced of the invaluable significance of RJ, are fully aware that it should not be seen as a general alternative judicial system but as complementary to the criminal justice system and that it has some applicability limits, as it cannot be uncritically applied to every case. Within this framework, the book is *sui generis*, a law textbook, with a multidisciplinary approach, ranging from law to humanities, from philosophy and ethics to anthropology, criminology and criminal procedure. This versatile approach allows the authors fully to exploit the dynamic potential of RJ, while at the same time providing the reader with a range of useful inputs.

As to the methods, the structure of the chapters smoothly guides the reader, even the most unfamiliar with the topic, through a path of comprehensive knowledge and understanding of the RJ concept. Evocative

milestones of this path are seven art pieces reproduced and commented so as to link them to the text flow. At the end of the relevant chapters several readily accessible information boxes on supranational norms and on Italian norms on allowing access to RJ programmes provide further help to the reader.

Part I introduces the notion of RJ, taking the lead from the role of the victim in criminal proceedings, in the light of the Victims' Directive and the importance given to the individualisation of the victim; it then analyses the origin and the definition of the term 'restorative justice' and its Italian counterpart. In Part II, the authors boldly present the essence of RJ using five keywords at its core: '(active) listening,' 'empathy,' 'acknowledgement,' 'shame' and 'trust/confidence.' Those keywords are analysed through the lenses of the different disciplines involved to illustrate their meaning and the role they play in RJ. In Part III, the five identified keywords are used to illustrate the main different RJ programmes from a comparative perspective, from 'restorative dialogues,' to 'victim-offender mediation,' 'family group conferencing,' 'victim impact statements,' and 'victim empathy groups.' It then shifts its focus to RJ processes that are inserted within criminal proceedings; a significant chapter is then devoted to professional training and university education on RJ and to why they should be fostered.

The target of the volume is wide-ranging, for it represents at the same time

- a textbook, for students taking a class on restorative justice;
- a handbook for practitioners, such as 'mediators' or social workers;
- an in-depth investigation on the RJ 'soft' revolution, for scholars working in this area or even anyone new to the topic but interested therein.

In conclusion, *La giustizia riparativa. Formanti, parole e metodi* fills a gap in the literature of the Italian legal system and enriches the purview of comparative law researches.

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<sup>11</sup>The authors, from the University of Insubria, are local organisers for the [EFRJ Summer School 2017](#).



## Calendar

**European Forum for Restorative Justice** *Utopia or dystopia? The role of justice in a 'pre-crime' future* (Films and lectures on the role of justice) 19–20 April 2017 in the Auditorium Zeger Van Hee, KU Leuven Faculty of Law, Tiensestraat 41. Further information from the [EFRJ](#).

**Scottish Universities Insight Institute** *Restorative Justice: Dialogue 3* 20 April 2017 at the Dovecot Institute, Edinburgh. Further information from the [Scottish Universities Insight Institute](#).

**VSE 2017 Conference** *Victims of Crime: Rights, Needs & Responses* 17–18 May 2017, Dublin. Further information from [VSE](#).

**Oñati International Institute for the Sociology of Law** *The European Model for Restorative Justice with Children and Young People: a challenge for the Basque Country* 18 May 2017 at the Oñati International Institute for the Sociology of Law. Further information from the [OISL](#).

**IXth Congress of the World Mediation Forum** *A Comparative Look at Interpersonal and International Mediation* 17–19 May 2017 at Manoir St-Sauveur, Laurentides, Quebec. Further information is in the [programme](#).

**European Forum for Restorative Justice** *AGM and expert seminar* 1–2 June 2017, Berlin. Further information from the [EFRJ](#).

**University of Strathclyde Law School** *Foundation skills in restorative practices* 5–9 June 2017. Further information from the [University of Strathclyde](#).

**Criminal Justice Platform Europe** *International Criminal Justice Summer Courses 2017: Radicalisation — Desistance — Engaging offenders to change* 4–7 July 2017 at the Centre for Legal Studies and Specialised Training, Barcelona. Further information is available in the [draft programme](#) and from [CEP](#); you can register with [CEP](#).

**European Forum for Restorative Justice** *Summer School 2017* 24–28 July 2017 at the University of Insubria, Como, Italy. Further information and the [draft programme](#) from the [EFRJ](#).

## Call for submissions

### Articles

Each edition we will feature a review of the field of restorative justice, reflections on policy developments

and research findings/project outcomes. Please consider sharing your perspective with colleagues.

### Book reviews

We very much welcome reviews of books and articles from our membership. If you have published a book and would like to submit it for review, please send it to the [Secretariat](#).

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### As a member you will receive:

- three electronic newsletters a year
- regular electronic news with interesting information
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