

## Editorial

Hello everyone,

The last two months have been good for restorative justice with the EFRJ conference in Tirana, Albania, and a small but important group of restorative scholars talking about its application to serious offending at the ESC conference in Sarajevo, Bosnia and Herzegovina. At the latter conference, we heard Professor Antony Pemberton talk about how restorative justice can contribute to challenging injustice. His paper is to be published in the *International Journal of Restorative Justice* in 2019; I highly recommend that you read it! As a EFRJ member, you can get a code from the Secretariat to get a reduction of 10% on the journal's subscription. If you do not already have a subscription to the journal, it has a new publisher.

I am very pleased to present you with a very exciting third edition of the EFRJ Newsletter for 2018. This edition of the Newsletter has three very different and important contributions for our work. After News from the Board, we begin with an article written by Claudia Christen-Schneider who is the President of the Swiss RJ Forum and one of the speakers at the event taking place in Lugano on 5 November 2018. She reflects, as a practitioner, on the extent to which dialogue between unconnected victims and offenders has any value. There is a significant debate within the field about the value of 'surrogate' victims and so this contribution is an important one for unveiling how victims and offenders who are not linked by an incident can achieve the outcomes that restorative scholars would agree are restorative. Particularly in England and Wales, surrogate victims can be used in the service in severity against an offender. What Claudia's initiative did, however, had a significant impact on all participants in the process precisely because this was the purpose of the process — creating the conditions that allowed individuals to make sense and meaning of their experiences. I am sure you will find this article as inspiring and informative as I did.

Our second article is from contributors from the *Public Centre for Legal and Judicial Reform* who shared the emergence, development and practice of restorative justice within Russia at a workshop session at the Tirana conference. Many may not be aware that Russia has a twenty year history in this field of practice and the authors reflect on how that happened and the extent to which it is evolving more recently. They are honest in their account of the challenges that they are

facing, many of which are familiar to nations whose practice is perhaps more advanced. This reinforces a need to keep sharing practice and experiences across jurisdictions and to work together to find strategies to minimise the risks to and of restorative justice programmes and those that can bolster its application for those who are experiencing conflict.

Our final article is from our Committee member, Martin Wright, who shares his ideas around who should be facilitating restorative justice processes. His answer is volunteers because they are not influenced by the values that those who work in the criminal justice system would be. In my own article on the topic of volunteers facilitating restorative justice, I provide a challenge to this position given that very often the pool of volunteers can be very small and they can become 'professionalised' as a result. There are multiple examples of criminal justice practitioners who do wonderful work 'in the field' and in tandem with their daily roles and their contributions should not be dismissed lightly.

Finally, we are looking forward to celebrating RJ week in November and hope you will engage with the EFRJ in sharing your activities. As always, if you have any comments on any of the articles written, please do let us know by emailing [editor@euforumrj.org](mailto:editor@euforumrj.org). Alternatively, if you wish to contribute an article for publication in the Newsletter, the Committee are on hand to help you from developing your ideas to assisting with English language.

It is with a heavy heart that I let you know that this is the last edition of the Newsletter that I will be responsible for commissioning contributions for. I have been at the helm for eight years and it is time

for someone new to take over the responsibilities of connecting with you all and sharing your stories and experiences. It has been a big learning curve for me; I had just finished my PhD when I took on the role and I have learned so much from those that I have had the pleasure of working with on the Newsletter. A special

thank you to Martin Wright and Robert Shaw, who have guided me throughout and provided ample support and encouragement when I needed it.

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## Best wishes to Kerry Clamp

Dr Kerry Clamp joined the EFRJ as Editor of the Newsletter in January 2011, having recently received a PhD from the University of Leeds and joined the staff of Sheffield Hallam University in England, succeeding Vira Zemlyanska who had edited the Newsletter from 2005–2010.

During her first year, she drew up a schedule for the year, determining the recommended lengths for different types of article and trying to establish where articles might come from. She also had to deal with a contributor who had submitted the identical article for publication in another journal at the same time as in the Newsletter.

During her second year, the Board decided not to produce a regular printed Newsletter but to produce three electronic Newsletters and a printed one containing reprints of the most important articles from the electronic editions. At the end of this year, 2012, Kerry moved to Sydney from where she oversaw the transition to the electronic editions which have settled down into, normally, a March, June and September electronic edition and a December printed edition.

2014 was an eventful year with the Belfast Conference producing a number of important articles for the Newsletter which were published over the next two editions; in August, Alexandra Ivy was born slightly early and Kerry was absent on maternity leave for the November Board meeting at which various changes were made.

Rather than a Board appointed during Conference with members serving indefinite terms, it was agreed that the Editorial Committee should be appointed by the EFRJ Board at its November meeting with members serving two year renewable terms so that members

would not feel that they were giving an unending commitment to the Newsletter. One member of the EFRJ Board would undertake liaison with the Editorial Committee, this person being Aarne Kinnunen in the first instance, and the Board would supply reports for the March and September editions of the Newsletter.

There was an influx of new members to the Editorial Committee in 2015 and the groundwork which Kerry had laid over previous years helped in 2016 when Kerry had to take extended leave of absence on health grounds. Branka Peurača, Nicola Preston and Robert Shaw guest edited the Newsletter and Brunilda Pali edited a special edition on ‘Arts and Restorative Justice.’ In 2017 Kerry returned to the UK to take up a post at the University of Nottingham as well as resuming her work as Editor.

She joined an established publication but has steered it forward through her search for quality contributions, through managing the transitions to a new way of publishing the Newsletter and through developing the relationships among the Editorial Committee.

She is by no means leaving the field as she takes up the position of Chair of the UK Restorative Justice Council — see page 12.

**Robert Shaw**

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## News from the Board

This first half of the year has been particularly joyful as we could meet many of you at the [10th international conference of the EFRJ](#) in Tirana, and some others in other projects and activities across Europe. Among others, we co-organised a [seminar on RJ in cases of traffic offences](#) in Leuven, as part of a EU funded project in which we are partners, and the second edition of the [Criminal Justice Summer Course](#) on radicalisation together with Europris and CEP, the two European networks working in the field of prison and probation. We also coordinated more

screenings of the film *A Conversation*, which was launched last November; in the past months it was screened in ten different venues, including France, Italy, Bulgaria, Poland and even Mexico. As partners in different EU funded projects on RJ (with [child victims](#), in [traffic offences](#), on [radicalisation](#)) we also engaged in different initiatives, such as meetings and dissemination activities.

In May, we welcomed to Leuven Laura Hein, a new staff member, originally from Italy, who will assist the Secretariat in some administrative tasks. We are thankful for the many people who applied for this position, showing their interest in the EFRJ and its activities. Currently, the staff is composed by four team members, all working on a part-time basis, but still managing to follow up our yearly plans. This month, for example, the team was busy with the new application for the EC operating grant, which gives funding to our activities for 2019.

In June, new Board elections took place: our members were asked to vote for two among six great candidates who wished to share their expertise and commitment to our organisation. In the end, we welcomed [two Board members](#): our chair Tim Chapman has been re-elected for a second term while we cheered for the election of Katerina Soulou, a Greek PhD candidate at the University of Marseille in France. You can see the whole EFRJ team at “[Who we are](#)” and there is more information on Katerina on page 12.

At the [AGM](#) in Tirana, we welcomed several new members to our organisation. We have dedicated a [page on the EFRJ website](#) to new organisational members to present their activities and their reasons for joining our community. Before the end of the year, we will approach all our organisational members to present their work in few words for the new website which we will launch in the beginning of next year. Individual members can always consider in the future [joining us](#) with their organisation (if feasible) and enjoying the extra advantages we offer specifically for organisations.

The AGM in Tirana also voted for the proposed changes in the EFRJ Constitution. The changes, on which discussions were held at the 2016 and 2017

AGMs aimed to reflect the internal development of the EFRJ since the Constitution’s last amendment in 2005 as well as to contribute to a more efficient organisational structure. The amended new Constitution will be available on our website after its official publication according to Belgian law.

Before the summer, we launched the call for hosting our next international conference in 2020: if you want to take up this challenge, we can assure you that the EFRJ staff is a great team to work with! [The call will close on 24 October 2018](#); as usual, we give priority to our organisational members. In the next months, besides coordinating the [international RJ Week](#), we will also invite policymakers in Brussels to launch the European RJ Network (19 November) and co-organise the final conference of the IJJO project on RJ and child victims (7 December). You can already note that the next Summer School of the EFRJ will be held in Gdansk, Poland (22–26 July 2019) and the next AGM, together with a two day symposium, in Bilbao, Spain in June.

We want to extend the wish expressed by our director, Edit Törzs, during the closing speech in Tirana to the rest of this year:

bring with you your energy and ideas and cultivate your friendships and relationships, which are the heart of everything.

With these words we want to tell you our gratitude for your engagement and enthusiasm in further developing RJ in your country and also in keeping our community together.

We are looking forward to being in touch with you and meeting you soon in our [events](#). Do not forget to inform us about the initiatives that you wish to organise to celebrate the [international RJ Week](#) in November!

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## Are indirect restorative dialogues of any value?

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

A prisoner says:

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

an equal human being.

Silence. Many nod; others dry their tears. Everyone affirms the adopted values and signs our list, as a promise to the group. Some participants relate how this circle

touched their hearts and revealed that we are simply a group of human beings coming together to share their pain and joy. The ice has broken and an unplanned break gives the group a chance to share freely. Afterwards, participants express how much they are looking forward to the next meeting. A prisoner says:

It will be a long week . . .

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

‘The offender,’ they answer.

‘And where is the victim?’ he challenges.

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

The following week, some prisoners bring the victims’ favourite snacks, a touching gesture for the victims. During the circle, participants tell about a life-changing event. Laughter and tears come naturally. A prisoner holds the feather in silence after listening to a victim’s painful experience. With tears, he says:

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

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

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

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

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

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

people, apart from the victims, often suffer from a crime — including their own families.

The victims share their painful experiences during the fourth night — in an absolutely silent room. The prisoners listen with respect and empathy. Silence follows each story before the prisoners ask their questions. Shaken, they understand how serious and enduring the consequences can be for victims and how they and their families can be affected for life. Some comfort and hug the victims who appreciate the gestures and reassure the prisoners that they can still change their lives, reach out to their victims to apologise and find ways to repair some of the harm done. Some prisoners cry while acknowledging how they never thought of their victims and never intended to harm anyone. Two prisoners admit they never knew a crime-free life. Yet, they all agree that they cannot continue offending now they understand the pain and consequences victims suffer. After the meeting, the victims share how, despite the difficulty and pain of sharing their story and being reminded of all they had suffered, it has been a healing experience. They never expected to receive such deep respect and empathy from the prisoners. It had been a powerful experience to see how their stories affected the prisoners deeply and how their thinking started to change. Two victims feel their painful experience finally makes some sense and that they want to continue promoting and supporting RJ.

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

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

With tears, he says:

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

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

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

A prisoner responds:

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

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

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

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

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

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

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

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

The eight-week course finishes with a celebration and the prisoners’ symbolic acts of restitution. Beside some jokes, participants display rather sad faces and tears flow during the circle. Victims and prisoners alike express how sad they are because they will miss each other and their meetings. Crying, a prisoner confesses how this group became for him the family he never

had. Two victims assure they will not abandon him and visit regularly. The prisoners very touching acts of restitution, such as letters, poems, songs and handicrafts touch the victims deeply. They embrace with tears rolling down their cheeks. The prisoners thank the victims for being with them during these weeks, for their honesty in sharing their lives and pain, for accepting and treating them as equal human beings, and for helping them to see the consequences of their acts. They exchange their addresses and promise to stay in touch — which they still do.

## Are such dialogues of any value?

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

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

**victim satisfaction:** anonymous, written feedback reveals high victim satisfaction. Studies completed in other countries confirm this.<sup>1</sup> Victims appreciate the opportunity to participate in a restorative process, to have a safe space to share their story and pain, to ask offenders their questions and where they finally get a voice and space within the justice system. Many feel the programme helped them to heal from the consequences of crime, even many years later. Offenders too are highly satisfied with the programme and some say it helped them more to change their lives than any other in-prison ‘therapy.’

**empowerment:** we put much emphasis on providing victims with a voice and space and encourage

<sup>1</sup>A document that summarises and cites many of the available reports and studies is [Exploring existing STPs for restorative justice in prisons in Europe](#).

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

**restoration:** can such meetings be restorative? Based on our experience I would say ‘yes, they can’. Family members shared how much their spouse or parent has changed throughout the programme and started to heal from post-traumatic symptoms. Victims and offenders express how these respectful and empathetic encounters help them to come to terms with painful experiences in their

lives, find meaning in what they have endured and encourage them to view the future with more hope and courage.

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

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

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## Restorative Justice in Russia: practice and problems of institutionalisation

The emergence of restorative justice (RJ) projects in Russia dates back to 1997. Thus, it is possible to talk about the 20-year history of this movement in our country. Not only theoretical considerations, but also our practical experience and related reflections let us reaffirm initial ideas of the RJ pioneers about RJ as a new paradigm (Zehr, 1990). It is the RJ paradigm character referring to changing lenses and the basic justice concept that predetermines the complexities involved in both the implementation and institutionalisation of RJ in Russia today.

### The development of RJ practices in Russia

The first organisation that initiated the application of RJ programmes in 1997, namely, victim-offender mediation (VOM) and also theoretical and methodological elaborations in this sphere, was the [Public Centre for Legal and Judicial Reform](#). Today this activity is continued by the Russian Association of Restorative Mediation (founded in 2009, hereafter referred to as Association) that brings together representatives from 30 Russian regions. Association has adopted the Standards of Restorative Mediation that are recommended for criminal justice, education, youth justice and social protection agencies.<sup>2</sup> This work began with criminal proceedings involving minors. New organisational and legal frameworks for the use of restorative procedures have been created. The VOM model, that we call ‘restorative mediation’ in order to distinguish it from the ADR-mediation (in civil cases), has been elaborated and implemented.<sup>3</sup>

Later restorative mediation has been applied to the other situations involving minors. This ranges from a

response to the socially dangerous acts of juveniles who have not reached the age of criminal liability, to the administrative offences causing harm (for example, minor theft and property damage) and also school and family conflicts, where the interests of minors are affected. Current, definitions of RJ are being discussed: does it refer to ‘alternative justice’ in general or to the separate restorative programmes? In what cases can programmes involving offenders be called ‘restorative’? As long as in Russia criminal proceedings involving minors had become a sphere of the restorative programmes application, essentially, a question of the juvenile crimes prevention arose, and it became a reason of the extension of the restorative programmes application on the school conflicts/problematic situations and, then, on working with families.

Thus, nowadays, we use a broader term ‘restorative practices’ that embraces such restorative justice programmes as restorative mediation, circles, family group conferences. These programmes are applied both in crimes and in criminal situations, in school and family conflicts. Concerning the term ‘RJ’, it refers to the

<sup>2</sup>Standards of Restorative Mediation

<sup>3</sup>The materials are available on the website of the [Public Centre for Legal and Judicial Reform](#)

paradigm and in this sense means value and conceptual common platform for all of these practices. However, a terminological question cannot be considered resolved, in particular, due to the necessity of the inclusion of these terms into the legal thesaurus.

The organisational form of restorative practices are reconciliation services. There are two categories: territorial reconciliation services and school reconciliation services. Territorial reconciliation services deal with the restorative programmes in offences committed by juveniles and in family conflict/problematic situations that concern minors (or with their participation). These services receive applications from the courts, commissions on minors' affairs, police, guardianship and custody bodies. School reconciliation service is a team of pupils and adults that is engaged in the internal school conflicts resolution. Applications come from pupils, teachers and school administrators.

During the process of the restorative practices formation the communities of RJ specialists, namely, regional and all-Russian associations, are created. Among their members there are facilitators, representatives of the state bodies working with minors, teachers, psychologists, courts, regional administrations and university professors. One of the mechanisms helping to keep a high-quality restorative practices management is monitoring. Experts of the Public Centre for Legal and Judicial Reform have developed a methodology whereby regional coordinators of the Association collect annual data on the activity of the reconciliation services.

According to the monitoring for the year 2016, information on the activity of the 102 territorial reconciliation services from 18 regions of Russia was collected which showed that 1,904 programmes<sup>4</sup> were completed. In the same year, there were 852 school reconciliation services in 23 regions with 5,471 completed programmes. In 2017, this showed that 121 territorial reconciliation services in 15 regions existed with 2,252 completed programmes. Similarly, there were 1,443 school reconciliation services in 21 regions with 7,541 completed programmes. It is clear from this, that restorative practice is increasing across the regions involved.

A special feature of the monitoring is a combination of both quantitative and qualitative analysis with the main focus on the description of the restorative practices undertaken from the point of view of their conformity with the RJ values and aims:

1. Giving to people a right to resolve their own conflicts;
2. Taking responsibility;
3. Healing of the victim;
4. Repairing harm caused by an offender;

5. Engaging positive resources of the social environment (namely, participation of parents, neighbours, friends, teacher, all of the supporters in the restorative programmes);
6. Identifying and resolving problems that led to committing a crime and problems resulting from it; and
7. Restoring our ability to understand each other.

However, RJ in Russia has not been widely accepted. Association includes representatives from around 30 regions out of 85 regions nationally.

## **Contradictions and problems**

In Russia restorative practices are realised only in several regions, where despite the overall growth of the reconciliation services, the practice of the restorative programmes application is not consistent. There are several reasons for this:

### **Absence of special legislation**

In Russia there is no law regulating RJ programmes. However the realisation of the practical RJ forms is possible only after their legalisation. Dealing with offences refers to the restorative programmes application in the sphere of public law, consequently, an unlawful intervention in the formal procedures is impossible. School conflicts are kept in sight of different administrative and legal instances, so the ways of working with them are also strictly regulated.

Nonetheless, the restorative practices are applied through the specific interpretation of the existing legislation. The possibility of the RJ programmes use is based on the legislative rules about a right of a court or an investigator to dismiss the case against the accused if he/she repairs the harm and reconciles with the victim. These norms of the criminal and criminal procedural legislation apply to the crimes, the punishment for which are up to 5 10 years of imprisonment, if they have been committed for the first time. If the case is not to be dismissed, repairing harm is considered to be a mitigating factor at the sentencing stage both for the juvenile and adult offenders.

These norms are applied, but the legislation does not provide for the procedures that ensure repairing harm and reconciliation of the parties. It gives to the parties a possibility to use any possible ways, but official informing or referring a case to the RJ programmes is almost impossible. In the criminal legislation there is a term 'reconciliation', but there is no 'mediation' (or other restorative programmes). At the same time in Russia there is a Law on Mediation as an ADR procedure in civil matters, that is interpreted by some of

<sup>4</sup>Under a single restorative programme we understand restorative work on a particular case.

the judges as a prohibition of its application in criminal justice.

Taking into account the absence of the special legislation, the dissemination of the restorative practices remains difficult. Hence the second problem: underdevelopment of the mechanisms of the new forms of working enshrinement and of their institutionalisation. Stability of practice in this or that territory depends on the personal point of view of a person granted authority, but can be lost after their withdrawal from office. A 2016 survey on the realisation of restorative practices showed that the majority of judges estimate use of RJ in working with minors positively, but the readiness to apply restorative programmes is connected with the adoption of the respective legislation.

### **State childcare policy**

For 15 years RJ in Russia has been developing as a social movement. However in 2012 the National strategy of actions in the interests of children for 2012-2017 was adopted. This Strategy provides for the establishment and development of the reconciliation services network in order to apply the restorative approach.

The main problem of the RJ imposition ‘from above’ and its widespread adoption is the lowering quality of work in the sphere of the restorative practices realisation that is the reason for instability and low efficiency of the local reconciliation services functioning. A qualitative study conducted in 2016 (Karnozova, 2017; Konovalov, 2017) has shown that facilitators not always adhere to the RJ principles. There is a risk that the existing practices — psychological and pedagogical activities would be perceived as reconciliation services. In the course of such mainstreaming the key RJ principles may be diluted.

An attempt has been made to centralise and professionalise the practice without taking into account regional diversity. This process has significantly influenced schools. It resulted in the decisions about the obligatory implementation; the RJ language was discreetly replaced with the ADR language, schools were obliged to establish ‘mediation-services’ on the basis of the Law on Mediation (ADR). At the same time the Association continues to promote RJ and the Ministry of Education has issued recommendations for schools that led to the establishment of both ‘mediation services’ and ‘reconciliation services’ based on the restorative model.

Concerning territorial reconciliation services activity on the RJ programmes application between a victim and a juvenile offender, the elaboration of the new law, planned by the Russian Government, has failed: reconciliation procedure regulations were inadequately formulated, so it is for the best that these laws have not been adopted. This work has been postponed for an indefinite period of time.

At the same time the official RJ promotion has

opened the door for the formation of the restorative practices in those institutions, where it was previously impossible. For instance, there are two types of restorative programmes in the closed juvenile facilities: restorative mediation of victim and offender (by exchanging letters and a two-stage one where after a mediation by exchanging letters the face-to-face victim-offender meetings are arranged in order to bring an offender back home) and family group conference that is prepared when a minor is at the closed facility and is conducted when they are released.

### **Restorative programmes infrastructure and management questions**

From the very beginning we have connected the restorative programmes application with the necessity of the social and rehabilitation work with offenders and sometimes with victims or other participants. This raises a question about an organisational infrastructure of restorative practices: for the full-fledged realisation of the restorative approach the organisation of restorative meetings is not enough; social services must adhere to RJ principles. Consequently, new management technologies are needed. Firstly, it refers to the absence of the official status of the territorial reconciliation services, to their funding; to adequate activity indicators (today they are referred to as ‘psychological consultations’). Today these services function as a part of the institutions working with minors. In general, system of working with minors includes different programmes and often approaches of other specialists contradict the restorative ones. We need a system, where restorative programmes should be harmoniously integrated.

### **Specialist education**

Consequently, an adequate education not only of the facilitators, but also of the profile services specialists is needed. In the work with minors an administrative-retributive or at best a rehabilitative approach dominates. When RJ is implemented ‘from above’, a temptation to mark the previous approaches as ‘restorative’ ones appears. Today facilitators are taught in the framework of the retraining programmes, by overcoming the approaches that they learned during the student hood times, because restorative approach is not the leading one in the sphere of their education. Restorative approaches should become a basic concept of the social-humanitarian and legal education in the framework of dealing with delinquent behaviour.

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## Restorative Justice: a service provided by professionals or volunteers?

The first victim-offender mediation service was started by a probation officer and provided by volunteer mediators. The probation officer, Mark Yantzi, took two young men to visit the people they had victimised by minor acts of vandalism on a drunken spree in Elmira, a town in Ontario, in 1974. They apologised and agreed with their victims how they would make reparation, and the judge included this in the probation order, in addition to a fine. This experience was the basis of the Victim Offender Reconciliation Project. As the service developed, its founders were influenced by a seminal article by Nils Christie (1977), and wanted to deprofessionalise the process and increasingly used volunteers as mediators. At first, they were given half a day of training; this was gradually extended to twenty hours (Peachey, 1989). It showed how justice, at its best, could be a partnership between the state-controlled system and civil society.

A new idea of this kind raises two big questions, among others: who will provide the face-to-face service, and how will it be organised? There are three main possibilities for carrying out the mediation. The first way is to use existing criminal justice personnel, such as probation officers, court staff, police officers or even judges. This has the advantage that it does not add to the cost, because their salaries are already budgeted for. However, if they only do it when they can spare the time from their principal job, it will inevitably limit the number of victims and offenders who can benefit. The other problem is that they have been trained for their principal job, with its culture, attitudes and traditions, which are likely to influence the way in which they carry out mediation. As Mark Walters comments, after studying restorative justice (RJ) delivered by police officers,

[w]here agencies decide to train justice professionals from within the system . . . , the organisation's institutional values and practices will inevitably compete with those of RJ . . . If this is the case, and I expect it will be, it becomes imperative for practitioners to work exclusively on restorative facilitation (Walters, 2014, p. 258).

In Austria, some members of the probation service are full-time mediators to avoid this problem.

The second method is to appoint full-time profes-

sional facilitators. In New Zealand and Northern Ireland new services of youth justice co-ordinators were established. Some of them do it very well, as is shown by many 'success stories' and reports of victim satisfaction. However, the professional mediators, by the very fact that they have studied for a professional qualification, are distanced from the background of most of the people they serve: there is a risk that, to use Christie's word, they 'steal' the conflict. By being full-time mediators, they may lose the personal concern for individuals who come to them, and their work may become routine (however, there is little evidence of this and it is a charge that can be levelled at other professions). A more serious problem is the structure within which they work: by being part of the criminal justice system, they absorb its values, which are not restorative ones. There is a tendency, for example, to label one party as 'offender' and the other as 'victim,' when the 'victim' may have done things, which, although not necessarily criminal, provoked the other to retaliate.

Thirdly, volunteer mediators can be used. There is a parallel with the establishment of Victim Support in the UK: its founders considered that there are so many victims that it is impossible for the state to pay enough professionals to provide a service to all who need it. The only way was to use volunteers, of whom potentially there is a much larger number. With short training, they can deliver a high-quality service, and they need no previous qualifications (except from the

‘University of Life’!). They do not require payment — or in some countries, they receive a small honorarium; this also means that it is economical for them to work in pairs. Paid staff are needed, however, to administer the service, keep records, and recruit, train and supervise the volunteers, with regular meetings to maintain and develop skills and esprit de corps. Many volunteers have full-time jobs, and are available in the evenings and weekends, which can be more convenient for victims; although if the offender is in prison, people who are available during the day are needed.

Volunteers must be conscientious, for example about not cancelling an appointment at short notice (except in an emergency); many volunteers are members of another profession and understand the need to behave in a professional way. In that case, they admittedly are not likely to come from the same background, as many offenders and victims, but their training will have been in a profession other than criminal justice, so that when working in the context of mediation they can be wholly committed to restorative values. Some volunteers are retired, which means that they are available at (almost) any time, but there will be a bigger age gap between them and many of the offenders and victims. Age is not necessarily a disadvantage! In other words, there is no ‘right’ and ‘wrong’ categories of people who are suitable as volunteers; different factors have to be weighed against each other, and much depends on the extent to which, through their training, individuals have absorbed restorative values.

The use of volunteers is criticised by Clamp (2014) based on a short-lived English experiment called ‘community (or ‘neighbourhood’) justice panels.’ The idea is that ‘all participants are given the opportunity to speak about the incident,’ but a Ministry of Justice evaluation (Turley et al., 2014) found that

some victims felt particularly frustrated about not being able to talk through the incident in detail during the process when volunteer facilitators felt that sufficient time had been given to this aspect during the pre-panel process (Clamp, 2014, p. 25 Note 4).

Again, in principle ‘an agreement is drawn up, with all parties having a say in the content, which outlines the activities the offender is required to carry out’ (Clamp, 2014, p. 25) but the same research found that

some agreements were decided on by facilitators, as opposed to stakeholders, and in other instances, no agreement or resolution was reached at all (Clamp, 2014, p. 25 Note 5).

However, Turley’s research found positive results: in one area, the ‘vast majority’ of panel users were satisfied, and in another ‘high user satisfaction’ was reported on feedback forms. Among the reasons, the fact

that local volunteers facilitated the panel meetings was felt to have benefits, because this was felt to make the panels less authoritarian and impartial. There were of course also unsuccessful outcomes, but there is a strong case that shortcomings were largely due to the way the panels were set up. There was no funding from the Ministry of Justice (this had to be found locally, at a time when local budgets were being severely cut), too little training of volunteers, and no systematic supervision or inspection, such as might have been provided by a national body such as the Restorative Justice Council.

In order to make an innovation of this kind universally available, thought must be given to structure. Again, the experience of Victim Support is interesting. One scheme was started in Bristol in 1974, and over the next few years, others followed. In 1980, a National Association was founded, which encouraged the establishment of other schemes. In order to join the Association they had to accept a basic code of practice: they would be registered charities (non-profit organisations), their volunteers would be trained, and their management committees would include a police officer, a representative of the probation service or social services, and a representative of an established voluntary organisation or local church. Each scheme would produce an annual report, including statistics, and send it to the national association. Over the years, the Code of Practice grew from one page to many pages; approved by the elected Council of the National Association. After some years, the funding of local schemes became difficult, and the National Association secured government funding, which it distributed according to an agreed formula. This combination of government funding, independent national supervision and local enthusiasm probably represented the high point of Victim Support’s development. Thereafter, government control led to some loss of independence.

In 2012, new officials called Police and Crime Commissioners were elected in about 40 areas, with responsibility for, among other things, funding Victim Support. Some PCCs gave it a higher priority than others did. These changes seem to have reduced the autonomy of local projects and the enthusiasm of volunteers: in 2004, there were more than 10,000 volunteers, but in 2016–17 under 1,300. Restorative justice programmes have similarly been subject to different levels of funding in different areas, primarily in standards and accreditation. Those accredited might be probation officers, police officers, youth workers, free-lance practitioners or volunteers. Later an accreditation for services was introduced, some of which are independent non-governmental organisations, like the early Victim Support projects or Die Waage in Hannover (Trenczek, 2013), but most are part of the criminal justice system. If a probation officer, for example, is accredited as a mediator, he or she will still be working in the framework of criminal justice. We may hope that by degrees, the restorative values will permeate those of

criminal justice, but it will be a slow process.

A different model is used in Norway. In Nils Christie's native country a separate mediation service was set up in 1991, based on a community model. It became a state service within the Ministry of Justice in 2004, with 22 regional mediation services, but the lay aspect was preserved: 600 to 700 lay mediators deal with nearly all cases from local communities, who receive a short training. They deal with both civil cases and the less serious criminal ones (Andersen, 2013). Finland also uses lay mediators, and is administered by the Ministry of Social Affairs; in complainant offences, successful mediation means that the prosecutor automatically drops the case; in other cases, the prosecutor has discretion to do so (Grönfors, 1989; Lappi-Seppälä, 2013). In the United States, community-based and victim-offender programmes have come together in a new national body, the National Association of 16 Community and Restorative Justice (NACRJ). It appears that they use both volunteers and paid staff (Ron Claassen and Lorraine Stutzman Amstutz, personal communication).

One observer argues that 'when restorative justice operates under the aegis of the criminal justice system, this may lead to restorative ideals being diluted,' and that this danger may be avoided by 'refusing to rely on the system-oriented practitioners who tacitly accept the values of the criminal justice system and advance its agenda' (Zernova, 2006, p. 77). While we must remember the importance of training, because lay mediators must learn skills and confront their own prejudices, let us give the last word to Nils Christie: 'Those with little formal education often have a considerable amount of nonauthorised knowledge if they still live in reasonably stable neighborhoods. Maybe we could call it "life knowledge" — experience exchanged and elaborated over the kitchen table, in the streets, or in the pub' (Christie, 2009, p. 201).

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## News

### New Board member

Katerina Soulou (Greece) is a PhD candidate at Aix-Marseille University and her academic research in France is focused on RJ from a maximalist perspective (you can watch here the presentation of her research in French, during the competition [Ma Thèse en 180 sec](#)).



She studied Law in the National and Kapodistrian University of Athens and in 2015 she obtained her Masters degree on Criminal Sciences from the Aix-Marseille University. During 2013–2014 she worked as a volunteer on the European project CLAIM (Child Law: Action for an Innovative Methodology) in Athens. For the period 2017–2018 she was a Board member of the French Association [Genepi](#) which works on prison issues and she has been the volunteer animateur of workshops on ‘Theater and Greek tragedies’ for the female prisoners at the Baumettes Prison (Marseille). In 2018 she was awarded a scholarship from the French Ambassador in Brazil for the REFEB (*Réseau français d'études brésiliennes*) programme. She has been an EFRJ member since 2015.

E-mail: [aikaterinasoulou@gmail.com](mailto:aikaterinasoulou@gmail.com)

### Kerry Clamp to chair UK Restorative Justice Council

28 July 2018: the RJC is pleased to announce that Dr Kerry Clamp is the RJC's new chair of trustees.

Kerry is assistant professor of criminology at the University of Nottingham and brings a deep understanding of the restorative sector from her research on restorative policing, evaluation of community justice panels, and her work consulting government.

Kerry was co-opted to the board and takes over from outgoing chair Graham Robb, who steps down from his role as chair of trustees after seven years with the charity.

Kerry said:

I am thrilled at the opportunity to work alongside the existing and new members of the board to chart a way forward for the RJC. We owe a great debt to those colleagues who have left the board, particularly Graham Robb whose shoes will not be easy to fill. This is an important phase for the RJC as we refresh our priorities and further develop relationships with existing and new partners at home and abroad.

Graham Robb, the RJC's outgoing chair, said:

I am delighted to welcome two new trustees with really rich practice experience in restorative justice and especially that Dr Clamp has agreed to become chair. Kerry's background in academic work on restorative justice, especially in the European context, is an exciting opportunity for the RJC in the years to come.

The board and chair will lead the RJC until trustee elections at the AGM in November when their positions will be up for ratification.

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## Calendar

**IIRP World Conference** *Strengthening the spirit of community* 24–26 October 2018 Crowne Plaza Downtown Riverfront, Detroit. More information from the [IIRP](#).

**Swiss RJ Forum** Speakers include Claudia Christen-Schneider, president of the [Swiss RJ Forum](#), and Prof. Grazia Mannozi, director of CESGREM, the study center on RJ and mediation at University of Insubria, Como, Italy. 5 November 2018 Lugano University.

More information from the [EFRJ](#).

**University of Padua** *Restorative Approach and Social Innovation: From Theoretical Grounds to Sustainable Practices* 7–8 November 2018 University of Padua. More information from the [University of Padua](#).

**TOA-Forum** „Die Stärke der Beteiligten: Selbstbestimmung statt Bedürftigkeit“ 7–9 November 2018 Berlin. More information from the [EFRJ](#)

**National Restorative Justice Symposium** *Inspiring Innovation* 19–20 November 2018 Delta Hotel Bessborough, 601 Spadina Crescent, Saskatoon, Canada More information from [NRJS 2018](#)

**International RJ Week** 18–25 November 2018 A film, based on the interviews taken at the EFRJ conference in Tirana (14–16 June), will be launched for the RJ Week celebrations. More info from the [EFRJ](#).

**International Juvenile Justice Observatory** *Implementing Restorative Justice with Child Victims* 7 December 2018 Brussels. This event is free but you must register at [EFRJ](#).

**EFRJ Summer School 2019** *Child-friendly RJ* 22–26 July 2019 Gdansk, Poland More information 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](#).

### Events

Please let us know about upcoming restorative justice related conferences and events. We are happy to share this information via the Newsletter or Newsflash.

## Not an EFRJ member yet?

Join forces with other RJ professionals throughout Europe and beyond and sign up via our [our website](#). (If

you are a member but have not yet renewed for 2017, you can use the same link.) The process only takes five minutes. You can also email the [Secretariat](#) or use the address below.

## As a member you will receive:

- three electronic newsletters a year
- regular electronic news with interesting information
- reduced conference fees and special book prices
- the opportunity to publicise your book in the monthly *Newsflash* — contact [Emanuela Biffi](#) with details of your book
- opportunities to learn from, meet and work with RJ colleagues
- reduced subscription fee to *Restorative Justice: An international journal*
- and much, much more . . .

### Editorial Committee:

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