



## **INTERNATIONAL CONFERENCE**

### **Restoring the Balance: Ensuring RJ Post-sentence is Safe and Helpful for Victims**

Thursday 28<sup>th</sup> November 2013

**St Catherine's College, Oxford, England**

### **The Context and Purpose of the European Collaboration**

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### Partners

CEP - European Organisation for Probation

Faculty of Law of the Croatia-University of Zagreb (Croatia)

European Forum for Restorative Justice

HEMPELS Streetpaper (Germany)

Ispočetka (Bosnia-Herzegovina)

Katholic University Leuven (Belgium)

Kiel University of Applied Sciences (Germany)

Max Planck Institute for Foreign and International Criminal Law (Germany)

Ministry of Justice and Consumer Protection of Rhineland-Palatine (Germany)

Ministry of Justice, Culture Issues and European Affairs of Schleswig-Holstein (Germany)

North German Evangelical-Lutheran Church (Germany)

Portuguese Mediators' Association (Portugal)

Probation and Mediation Service (Czech Republic)

Thames Valley Partnership (UK)

Thames Valley Probation (UK)

Victim Support (UK)

WEISSER Ring / Victim Support (Germany)

Schleswig-Holstein Association for Social Responsibility in Criminal Justice, Victim- and Offender Treatment (Germany)



## 1. Overview

1. Background of the EU funding of our project
2. Project history and development of the project idea
3. Design of the project “Restorative Justice at Post Sentencing level; Supporting and Protecting Victims”
4. Desirable effects in the partner countries, Schleswig-Holstein, Germany as an example

## 1. Background

EU funding is granted with the aim to help implementing European policy on national and regional levels in the community and also in countries outside of the EU.

Positions concerning criminal justice can be found in for example:

- The Lisbon Treaty
- EU regulations, directives, recommendations
- But also in CoE or UN recommendations





## 1. Background

Overall objective of our activities: meeting the  
**DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL** of 25 October 2012

With the title:

„Establishing minimum standards on the rights, support and protection of  
victims of crime“



## 1. Background

Article 12 of this directive deals with the:

„Right to safeguards in the context of restorative justice services“

It says here that

*„1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services ...“*

This programmatic sentence is followed by a range of conditions and among these condition (a) is most important for our project – it says:

*„the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;“*

## 2. Project history and development of the idea

- CEP Cambridge conference 2009
- COUNCIL FRAMEWORK DECISION of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA):

*“1. Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure.*

*2. Each Member State shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account.”*

- 1<sup>st</sup> project “Improving Knowledge and Practice in RJ by Comparative International Research
- [www.rjustice.eu](http://www.rjustice.eu)





### 3. Project design

#### Overall objective:

DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012

#### Main specific objectives:

- To improve ways for all people affected by a criminal offence to access RJ procedures.
- To implement or, where these already exist, further develop post-sentencing RJ procedures, especially in prison settings.
- To implement mechanisms within these procedures that secure an individual, well informed and independent decision of participating victims.





### 3. Project design

#### Project activities related to these defined objectives

1. 3 conferences with study visits
2. Pilot projects, information events and further education of experts
  - a) Group work with crime victims including a guided visit to a prison and discussion with inmates.
  - b) Group work with prisoners, victim-empathy-training.
  - c) Restorative dialogues, for example meetings of groups of victims / offenders that are not related to each other; concrete victim-offender-mediation in prison contexts, alternatively in the form of group conferences or peace circles. Potentially also including internal conflicts in prison.
3. Scientific research and PR activities



### 3. Project design

#### Project output:

- a) One book publication
- b) A handbook on post-sentencing RJ procedures for practitioners
- c) A curriculum for further education of experts

## 4. Project effects in Schleswig-Holstein, Germany

### Project related developments:

- PR for RJ issues in the media, in politics and in the justice system has accelerated
- A reformed directive concerning VOM by the general public prosecutor was decreed
- Higher numbers of VOM cases, especially in the field of adult VOM have been achieved
- The promotion of RJ has become an explicit aim of the Schleswig-Holstein government after the last elections in 2012





#### 4. Project effects in Schleswig-Holstein, Germany

- Projects for juvenile VOM and other methods have therefore been financed by the Ministry of Justice from 2013 onwards
- Broader awareness for other RJ methods such as group conferences has been achieved
- Two prisons are collaborating in developing sensible RJ procedures in prison.
- The MoJ (for the first time in a prison act) has integrated VOM as statutory according to the current draft for the Schleswig-Holstein Juvenile Detention (Arrest) Act.





## 4. Project effects in Schleswig-Holstein, Germany

### RJ Steering group at the MoJ:

- The Ministry of Justice itself
- The public prosecution service
- The courts
- The Ministry of the Interior (police)
- The Schleswig-Holstein Association
- Kiel Univ. of Appl. Sciences
- The Consortium of VOM Mediators
- Victim Support organizations





**Thank you very much for your attention**

**[www.rjustice.eu](http://www.rjustice.eu)**