



# **Effects of European International Cooperation on Regional Developments in the Field of Restorative Justice**

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## Overview

1. International agreements concerning restorative justice (RJ)
2. Status quo of restorative justice services in the EU
3. International European projects concerning restorative justice
4. The way forward from „bottom up“:  
Effects of international cooperation for the enhancement of restorative justice approaches in Schleswig-Holstein, Germany

## 1. International agreements concerning RJ

- UN „Basic principles on the use of restorative justice programmes in criminal matters“ (2002):
  - Preamble: RJ promotes *„social harmony through the healing of victims, offenders and communities.“*
  - IV.20.: *„Member States should consider the formulation of national strategies and policies aimed at the development of restorative justice and the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities as well as local communities“*
  - The use of RJ programmes should be increased (IV.21.)
  - Guidelines should govern the use of RJ (III.12.)
  - Basic UN proposals of the use and operation of RJ programmes



## 1. International agreements concerning RJ

- CoE Recommendation No. R (99) 19 of the Committee of Ministers to Member States concerning mediation in penal matters (1999):
  - Preamble: MPM (RJ) is used in member states „*as a flexible , comprehensive, problem-solving, participatory option complementary or alternative to traditional criminal proceedings;*“, it serves the interests of the victim, the offender and the community.
  - II.3.-5.: „*Mediation in penal matters should be a generally available service (...) at all stages of the criminal justice process.*“
  - III.6.: „*Legislation should facilitate mediation in penal matters.*“
  - Guidelines and standards should govern the use of RJ (III.7.; V.1.19..)
  - Basic CoE proposals of the use and operation of RJ programmes



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## 1. International agreements concerning RJ

- EU Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA):
  - 10.1.: „*Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this measure.*“



## 1. International agreements concerning RJ

- EU Directive 2012/29/EU of the European parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
  - 10.1. of Decision 2001/220/JHA not explicitly reflected
  - (46): „*Restorative justice services, (...) can be of great benefit to the victim, (...)*“
  - Cases shall be referred to RJ and procedures and guidelines shall be developed (Art. 12, 2.)
  - Victims shall be informed about RJ services (Art. 4, I.(j))
  - But: main concern of the directive is the sole interest of the victim in the procedure.





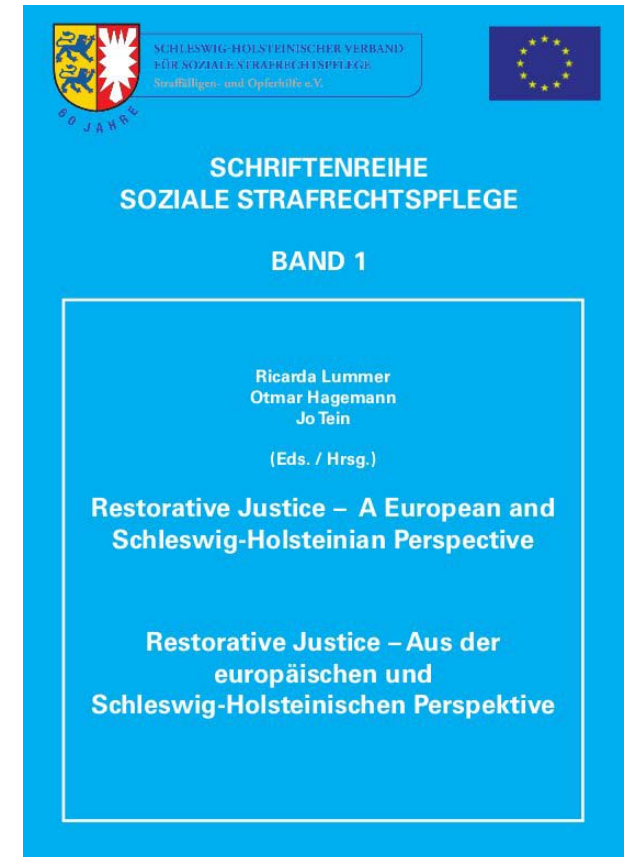
## 1. International agreements concerning RJ

Summary 1.:

**International agreements on the level of the United Nations, the Council of Europe and the European Union are supportive of restorative justice approaches as an integral part of national criminal justice systems**

## 2. Status quo of Restorative Justice services in the EU

- Findings of the EU funded Project „Improving Knowledge and Practice of Restorative Justice“ (2010-2012)
  - Participating countries:
    - Estonia
    - Hungary
    - Schleswig-Holstein (Germany) – lead partner
    - (Russia)
    - UK
    - Plus umbrella organizations CEP and EFRJ

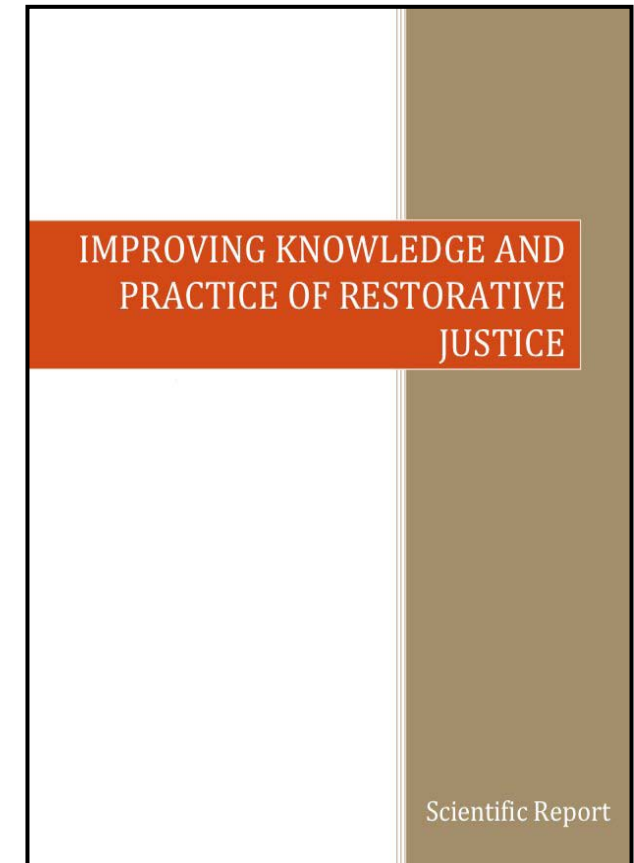


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## 2. Status quo of Restorative Justice services in the EU

- Analysis of the following criteria with regard to the implementation of RJ procedures in the participating countries:
  - Voluntariness of process
  - Stage in criminal procedure
  - Responsibility for referral
  - Funding
  - Target group(s)
  - Type of offences / exclusion criteria
  - Professional background of mediator
  - Service provider (GO / NGO)
  - Guidelines / Standards
  - Legal base
  - Range of methods (VOM / conferencing / circles)
  - Numbers of cases



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## 2. Status quo of Restorative Justice services in the EU

Summary 2.:

**Restorative justice services are delivered on a legal basis in all participating countries. Methodology, structures and caseloads differ considerably between the assessed legal systems.**

### 3. International European projects concerning Restorative Justice

- The DG Justice of the European Commission has been active in co-funding a large number of international development projects in RJ
- The European Forum for Restorative Justice (EFRJ) has been active as promoter and partner in approx. 20 of these projects since 2002
- Participating GOs, NGOs and Universities from 33 mainly European countries



### 3. International European projects concerning Restorative Justice

- Topics of the EFRJ projects:
  - Knowledge of RJ approaches in Europe
  - Training of RJ & legal practitioners
  - RJ methods and target groups
  - Accessibility of RJ services
  - RJ in prison settings
  - Development of RJ in eastern and southern Europe
  - RJ and crime prevention
  - RJ and victim support
  - EU policies concerning RJ





### 3. International European projects concerning Restorative Justice

Summary 3.:

**There is a considerable knowledge base on restorative justice approaches and on the topics that (permanently) need to be addressed to synchronize and further develop restorative justice in Europe.**

#### 4. Effects of international RJ projects in Schleswig-Holstein, Germany

- A) Who initiates international projects?
- B) Who are the partners?
- C) What are the effects of the international RJ projects?



- 2,8 million inhabitants
- Legislative and administrative competence concerning prison- and probation services
- Very low imprisonment rate (50 / 100.000)
- Strong role of NGOs



#### 4. Effects of international RJ projects in Schleswig-Holstein, Germany

##### A) Initiative by the SH Association for Social Responsibility in Criminal Justice; Victim- and Offender Treatment

- Founded in 1951, registered society under German civil law, charity organization
- 50 member organizations (2013), no individual membership possible
- 11 board members from different professions in the context of SRCJ
- Financed by the MoJ, the EU, by fees and other third parties
- Statutory objects:
  - Consideration of the social background of the offence
  - Consideration of the social consequences of punishment
  - Social balance of court procedures
  - Realization of victim interests
  - Execution of sentences with the primary aim of resettlement / resocialization

## 4. Effects of international RJ projects in Schleswig-Holstein, Germany

### ■ International projects

- 2005-2007 Development of networks and case management in criminal justice; Archangelsk, Russia (EU / ENPI)
- 2007-2009 Avoiding detention for juvenile delinquents; Archangelsk, Russia (D / Aktion Mensch)
- 2008-2010 Development of juvenile court aid; Archangelsk, Russia (EU / ENPI)
- 2010-2012 Improving knowledge and practice of restorative justice, EU partner consortium (EU / JPEN)
- 2011-2013 Development of an NGO network for SRCJ; Kaliningrad, Russia (D / Aktion Mensch)
- 2013-2015 Restorative justice at post-sentencing level, EU partner consortium (EU / JPEN)



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#### 4. Effects of international RJ projects in Schleswig-Holstein, Germany

##### B) Network of regional partners in RJ projects:

- Schleswig-Holstein Ministry of Justice, Culture and European Affairs
  - Juvenile and adult prisons
  - Courts
  - Public prosecution service
  - Public probation service
- Kiel University of Applied Sciences
- North German Lutheran Church
- Victim Support (Weißer Ring) SH
- HEMPELS Streetpaper
- SH Consortium of Victim-Offender-Mediators
- NGOs delivering prison- and probation services



#### 4. Effects of international RJ projects in Schleswig-Holstein, Germany

##### C) Effects of 1st RJ project „Improving knowledge in restorative justice by comparative international research“:

- Official RJ steering group implemented by the Minister of Justice
- Multiprofessional project board organized by SH Association
- *PR for RJ issues in the media, in politics and in the justice system has been initiated*
- *Reformed directive concerning VOM by the general public prosecutor was published*
- *Higher numbers of VOM cases have been achieved*
- *Concepts of pilots for juvenile RJ that have been financed by the Ministry of Justice from 2013 onwards*
- *Broader awareness for other RJ methods such as group conferences among experts*
- *New EU funded project of the Schleswig-Holstein Association concerning RJ in prison settings was started on the 1<sup>st</sup> January 2013*
- *VOM as explicit component of the government's draft of a new Juvenile Detention (Arrest) Act in Schleswig-Holstein*



#### 4. Effects of international RJ projects in Schleswig-Holstein, Germany

Summary 4.:

**The Schleswig-Holstein example shows that international cooperation that is embedded in a broad regional network can lead to considerable progress in the field of action (RJ).**

**Since this progress is grounded in the underlying international agreements it can at the same time be regarded as a contribution to a growing common European approach in the field of action (RJ).**



**Thank you very much for your attention**

further information:

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