

CONTEMPORARY RESTORATIVE JUSTICE PRACTICES IN EUROPE

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In November 2002 a group of researchers in the field of restorative justice from 21 European countries met for the first time in Brussels. That was the start of the European Concerted Research Action “Restorative Justice Developments in Europe”, the so-called COST-network on Restorative Justice, funded mainly through the 6th Framework Programme of the European Union and administered by the European Science Foundation. The proposer, Professor Ivo Aertsen, University of Leuven in Belgium, wrote in his proposal:

Taking into consideration that the issue of victim-offender mediation and other restorative justice practices is an innovating area of research, not being covered explicitly by any other EU research programme, the establishment of a COST Action on restorative justice developments in Europe would be significant in order to provide scientific grounding and support for new and promising practices in the field of criminal justice and to further implement the EU policy decisions.

The aim of this COST Action was “to enhance and deepen knowledge on theoretical and practical aspects of restorative justice in Europe, with a view to supporting implementation strategies in a scientifically sound way”¹. One of the key strategies delineated in the Memorandum of Understanding was to develop an evidence base regarding current restorative justice practices in Europe. Restorative justice, in its various guises, promises a novel approach to dealing with the needs of offenders, victims and the wider community. Presently, knowledge regarding these initiatives is fragmented. Aertsen further wrote:

More precisely, the Action is focused on analysing:

- the process and the effects of victim-offender mediation and conferencing,
- national recording systems,
- national legislation in relation to victim-offender mediation,
- the relation between criminal justice and restorative justice practices and agencies,
- training models and the experience of training legal professionals in the restorative justice area
- new restorative justice models and applications
- theoretical concepts, approaches and frameworks on restorative justice

This is precisely what we did in the next 4 years of work and cooperation.

The network divided into three groups on Restorative Justice (RJ):

1. Evaluatory Research;
2. Policy Oriented Research
3. Theoretical Research.

In 2005, by the inspiration of two new research members who came from Israel, a fourth group was started by some of us on the issue of restorative justice in gross violence conflicts. It is the work of the group on evaluatory research which is reported in this special issue of the *British Journal of Community Justice*.

The COST Action funds the meetings of the researchers, the travelling and the lodging but not funding of the research in itself and the time to meet: the researchers must organise themselves separately, which none of us have been capable of doing. We soon realised that our cooperation would partly be a voluntary initiative, based upon our free weekends and holidays. This restricted our opportunities for carrying out larger comparative studies. I encouraged everyone to carry on what s/he already were doing (and funded to do!) and then use the group for what was individually useful. Some of us (including myself as a social anthropologist) would report on the world we see unfolding and peoples' images on and of this world and nothing else, whereas researchers from other fields have other approaches to ordering information and testing it. We tried to meet the different demands of our different methodological fields in a diversified attempt to use each others' skills and knowledges.

During our work an event of profound historical significance took place with the accession of many eastern European countries to the European Union. Young eastern European researchers, who saw the importance to start cooperating with colleagues from south, central or north Europe, now had the opportunity to join our COST Action. Restorative justice is an issue of particular importance for the development of democracy and welfare in the former communist countries of the east Europe. Their contributions have been an extra positive source of thought and inspiration for those of us who come from old and well developed democracies based on legal state principles. In particular, I, who base my work on the oldest restorative justice organisation in the westernised late modern world, namely *Konfliktrådet* in Norway, have followed this work and network with great interest.

Our common language, written and oral, has been English, although in between we have spoken with accents of French, German, Portuguese, Dutch, Italian, Norwegian, Bulgarian and Irish. This says something about the diversities and differences, culturally and language wise, that we have had to handle. It also tells about a multiplicity in the coming and working together at least twice annually or otherwise by e-mail between meetings. Of course, not only language, country and culture differentiate us but also discipline: we belong to the fields of law, criminology, sociology of law, policing, social anthropology and political sciences. Some of us are professors in our fields; others are post doctorates, senior

researchers or doctorates, and we are to different degrees engaged in academic research. This is reflected in the different format and the genre of each article in this issue. Some are mainly empirical and/or methodologically based; others are more reflections on the epistemologies, ethics and philosophies of restorative justice, in particular those papers concentrating on victims' participation in RJ processes. But almost all refer to key events in RJ history in the context of International and European developments, such as the Recommendation R (99) 19 on mediation in penal matters of the Council of Europe, the UN Draft Declaration on Restorative Justice from 2002 and the EU Council Framework Decision of 15 March 2001 on the position of victims in criminal proceedings. As is described in the various papers, we are all painfully aware of the shortcomings of the evaluation of RJ internationally, in particular the lack of long-term follow-up studies on the effects on the parties in conflict, even whether they are called "victims" or "offenders" or "families" or "local communities". In addition, the deep ideological and idealistic commitments of RJ advocates, which we all tend to be, challenge us to keep our heads cool and to sort out fact from fiction. Nevertheless, we want to share our common data, experiences, analyses and new ideas and knowledge with those who might use them for developing practice or theory. Some papers will direct the reader to think epistemologically on the issue of evaluation and evaluatory research (Faget, Lemonne, Williams); others present and discuss the results of research (Mestitz, Hartmann, Dale and Hydle) and others focus upon victims' roles and statuses in RJ processes (Lázaro and Marques, Pemberton et al).

We started out with the hope of carrying out new and concerted studies throughout Europe but found this was impossible. We did manage to do something, thanks to the Irish – Bulgarian initiative of Kieran O'Dwyer and Grigor Radkov Vladimirov. Kieran O'Dwyer with the rest of the group worked out a template covering the processes and effects of victim-offender mediation and conferencing across European countries. We all took part in completing the template or asking colleagues in other European countries to fill in the data needed and available. In particular Grigor Radkov Vladimirov took on this task. We also had the temporarily help of Deirdre Healy, an Irish Ph.D. student in criminology, who not only completed several of the templates, but also made a report of some of the results concerning, for example, re-offending and desistance. In all 48 templates were returned, providing so much information that we decided to create a database.

The group has had the advantage, again funded by the COST Action, of being able to invite established and well known researchers from the outside to our meetings. They have had both a critiquing and mentoring function during the work. We thank Dr. Paul McCold, Director of Research for the International Institute for Restorative Practices, Bethlehem, Pennsylvania and Prof. Finn Tschudi from the University of Oslo for their most valuable contributions to our work. In particular Paul McCold allowed us to include his presentation as one of the papers in the collection, which we very much appreciate. We would also like to thank our colleagues from the other groups in the COST Action and in particular Prof. Ivo Aertsen from the University of Leuven in Belgium, who has been the director of the initiative and has demonstrated an extraordinarily kind, patient and firm hand in all our efforts to succeed with this European Restorative Justice Research Action.

End Notes

1 http://www.cost.esf.org/index.php?id=233&action_number=A21

References

COST: <http://www.cost.esf.org>

COST Action A21 'Restorative Justice Developments in Europe':

<http://www.euforumrj.org/projects.COST.htm>