PROBAČNÍ A MEDIAČNÍ SLUŽBA

Probation and Mediation Service

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The importance of treating the victim as part of probation work

Andrea Matoušková

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Andrea Matoušková: The importance of treating the victims as part of probation work

I have been working in the field of probation and mediation for the last 27 years and I was at the birth of the organization - Probation and Mediation Service - which I have been leading as its director for the last 6 years. The Probation and Mediation Service started its activities in January 2001. I will now try to briefly explain the circumstances of the creation of this service and the basic basis for the work that we chose more than 20 years ago and from which we still draw in the development of our practice.

Since the 1990s, major societal and systemic changes have been taking place in our country, which have manifested themselves in the need to embrace change at lower levels in various areas of our lives. In the area of justice at that time, changes were taking place as a result of efforts to reform penal policy and also as a result of legislative changes that were being adopted. New procedural institutes, the so-called diversions, were implemented in criminal law. New forms of alternative punishment were introduced - the first of which was community service. The purpose of supervision of suspended sentenced and conditionally released offenders was redefined, which represented a shift from purely punitive personal control by public security authorities to a completely new concept of supervision carried out by competent professionals. The new concept of probation emphasised the element of helping, supporting and guiding the convicted person to achieve positive behavioural change. Probation became a tool for the successful integration of people with a criminal record into society and a professional way of working aimed at reducing the likelihood of re-offending. Quite naturally at that time, we perceived the need to incorporate the issue of repairing broken relationships and making amends for the damage caused by the victim's crime into probation. For the above reasons, it was necessary at that time to institutionalise the form of probation and thus ensure its implementation across all districts of the Czech Republic. The first practical experience in this respect was created as early as 1995-2000, when the first probation officers began to work in the first courts. Already at that time, these specialised officers focused not only on probation activities with the offender, but also on the question of how the victim perceived the consequences of the crime and what his/her needs and expectations were. The possibility of using mediation between the offender and the victim was explored within the cases and procedures were developed to inform the offender and the victim of the possibility of mediation.

I was part of this group of early probation practitioners in our country and therefore I can confirm that our concept of probation from the very beginning was broader than in the then already established and functioning European probation systems.

De facto, this meant that in every case we dealt with, we tried to create opportunities for victim and community participation where possible and we gained their interest. We were inspired by the new concept of working in the spirit of restorative justice described at the time, particularly by Howard Zehr. We were trying to, in his words about "changing lenses", to look at the handling of criminal cases through new lenses.

The Probation and Mediation Service provides its professional activities in both pre-trial and trial proceedings. When preparing the grounds for the decision of the prosecutor or judge in a criminal case, we asked the perpetrators new questions - e.g. what kind of hardship did you cause to the victim by your act, who all was actually affected by your act, what do you know about the effects of your act on the victim's current life, how will you specifically repair the harm you caused? We verified, supplemented and put the information into a broader context and provided our opinions and statements to the law enforcement authorities on the appropriateness of applying a diversion or imposing an alternative sentence. Similarly, we have begun to incorporate the above questions into our work with offenders on probation. We also drew inspiration from abroad, e.g. from the UK, Belgium, Canada, Austria and other European countries, to develop our working practices on how to incorporate work with victims into the way we carry out probation and parole.

For the sake of understanding, it is necessary to mention that at the time I am talking about, the very use of the word "victim of crime" was unusual for the judicial environment of the time, as the staff used only the term "victim". If the statutory conditions were met, the victim was granted procedural rights, the

fulfilment of which, however, was not easy in practice. There was a lack of a sufficiently broad system of basic assistance and support for people who had been harmed by crime and had a variety of needs. Much of the credit must therefore go to non-profit organisations, which were the first to actively grasp the needs of victims of crime after 1989, and which in practice created and still provide various forms of assistance and support - for example, the White Circle of Safety, the most famous in the Czech Republic. The concept of victim was established in the justice system much later, with the entry into force of a separate law on victims of crime in 2013. It was this law that implemented the obligations arising for the Czech Republic from European legislation. This legislation strengthens the position and extends the rights of victims of crime, including the provision of financial assistance by the state. It defines the term "victim of crime" and introduces the term "particularly vulnerable victim of crime", who is entitled to special treatment. This Act has intensified victim assistance by, inter alia, regulating the relationship between the State and the entities providing various types of assistance to victims. The system of service providers for victims includes the Probation and Mediation Service, which, thanks to its nationwide organisational network, creates an easily accessible place for victims to visit at any time during normal working hours. Our staff provide them with a space to tell their story for the first time, pass on legal information, and introduce them to the range of services available in their region. If we are successful in initiating the creation of a "Victims' Team" in the region, local actors from the units and entities that work with victims meet there on a regular basis. In the team, mutual cooperation is negotiated, roles are clarified and possibilities for solving local problem areas are sought. We know from practice that the best legislation alone is not enough to address all the current issues we face in practice in our efforts to create a well-functioning and comprehensive system of assistance to victims crimes. Similar issues may, in my estimation, be faced by Member States and other countries that have been invited to the conference. I am pleased with the high level of representation we have here. Let us therefore take this opportunity to exchange the latest experiences, views and information as well as innovative recommendations. I thank you in advance for your active contribution and participation in the discussions conducted especially in the workshops and tomorrow's panel discussion.

Debates about whether we need to know how the victim views the crime and what they need when working with the offender have been going on in my country for at least the last 25 years. The question of the merits and necessity of facilitating a victim-offender conversation about what happened, why the offender committed the crime, and whether or not the harm and damage can be undone or at least minimized has been debated for an equally long time and with differing opinions. In our judicial practice, this type of conversation is most often conducted in the form of mediation between the offender and the victim, the provision of which is within the competence of the Probation and Mediation Service, but not exclusive. Through our Service, the Probation and Mediation Service Act guarantees:

- Local availability of mediation in every judicial district (i.e. at 76 centres throughout the country),
- financial availability (mediation is provided free of charge)
- time availability (mediation can be provided at all stages of criminal proceedings and in all types of criminal cases)
- professionalism and quality of mediation (the law prescribes qualification requirements for Probation and Mediation Service employees) and therefore guarantees that mediation is carried out by professionally trained mediators.

The results of mediation mediated by the Probation and Mediation Service are reflected in the data collected in the research conducted by the Institute for Criminology and Social Prevention in 2010:

- 9 out of 10 crime victims were satisfied with the results of mediation process,
- an agreement on compensation for damage was sucessfull in 87% of cases,
- 82% crime victims received an apology from the offendes,
- two thirds of crime victims believed that the offenders were honest with them during the mediation process,

- 97% offenders and victims were satisfied with the mediation process and its leadership,
- 84% victims and 95% offenders would be ready to take part in the mediation process in the future if necessary.

At the time of the establishment of the Probation and Mediation Service in 2001, the Czech form of providing probation and mediation under the roof of one organisation was a unique organisational model in Europe and the world. Although this way of organising work works, brings us satisfactory results and there is no reason to change it, we are still answering the question "how can it work" - most recently at the 5th World Congress of Probation and Parole, which took place at the end of September in Ottawa, Canada. The Probation and Mediation Service is addressing this question through two measures - the first is the organisation of probation and mediation work, and the second is the creation of specialisations for its staff. The number of staff (currently 514), the demands placed on the Service to handle the volume of work (on average, the Service handles 25,000 cases a year) and the preponderance of cases handled specifically in probation place high demands on the Service. However, the choice of this form of institutionalisation of probation and mediation in the Czech Republic has created an environment in which work with the victim is naturally integrated into all the activities of the Service. If we look today at how European probation services integrate victim work into their procedures, we can already find many other examples of how this can be successfully achieved. The Council of Europe's 2010 Recommendation on European Probation Rules is an important impetus for the development of practice in this direction. Here, the basic rules call for probation services to ensure that their rights and needs are respected when providing services to victims of crime. The rules also emphasise the need for probation staff to be trained in working with victims of crime. In a separate Title VI of the Recommendation, the obligation of probation services to take into account the diversity of victims' needs when working with them and to cooperate with other service providers when providing services to victims is enshrined. The Recommendation also provides for the possibility that probation services will not be in direct contact with victims, as is the case, for example, in our work. In this case, however, they prescribe the obligation for probation services to take into account the rights and needs of victims in their activities and to make the offender aware of his responsibility for the harm caused by his actions. The European Probation Rules explicitly state that when probation services offer and deliver restorative programmes, they must have trained professionals for this purpose and clearly define the rights and responsibilities of all participants - i.e. the offender, the victim and society. The aim of restorative programmes, according to European probation rules, is always to repair the harm and consequences of the crime.

I will now offer you some concrete examples of how we integrate work with victims of crime into the delivery of probation and mediation in our practice:

- we consider the possibilities of mediation in the cases under consideration and map the interest of both the offender and the victim in mediation (both in the pre-trial and the execution phase),
- we provide basic legal information at the victim centres and put you in touch with other locally available services,
- Our dedicated staff of victim advisors provide additional services such as assistance with the preparation of a Victim Impact Statement, personal accompaniment to meetings, assistance with completing a claim for compensation etc,
- in cases of interest in mediation, we will prepare and conduct the mediation process and inform the prosecutor and the court of the outcome of the mediation,
- in our pre-decision reports, which address the offender's social, family, employment and other situations, we also include information we have found regarding the victim's perspective on the impact of the crime (if the victim is in contact with us)

- in the course of the probation supervision reports, we pay attention to the offender's payment of his/her obligations towards the victim and his/her contribution to the reparation of the harm suffered, and we also inform the court of the victim's position in the report (if the victim is in contact with us)
- in the programme centres, our specialised employees carry out a group programme with offenders aimed at making them aware of the consequences of the crime on the victim and accepting responsibility for their reparation (the programme developed by the Probation and Mediation Service in cooperation with the Prison Service of the Czech Republic will be presented in more detail at one of the prepared workshops).

Incorporating work with the victim into probation, but also, for example, into the prison system, is not possible without a responsible perception of the commitment that the probation or prison service accepts. In my opinion, it is essential to create the necessary conditions for these procedures:

- to have a sufficient number of educated professionals with the skills needed to work with victims of crime,
- to have procedures in place to ensure the professional provision of this type of service,
- to have developed ways of informing the public in a comprehensible way about the content of the services offered,
- have established strategic partnerships and negotiated forms of concrete cooperation with other actors providing quality services to victims,
- evaluate the results of their activities and innovate in order to develop them.

In conclusion, let me share the following with you - my 25 years of professional experience in the field of working with offenders, but also with victims of crime, is now undergoing a kind of test. This has happened as a result of my personal experience and experience from the perspective of a survivor of a crime victim. The biases of the public, but also of workers (and I am not referring to any particular institution) towards victims of crime, which I am now experiencing personally, are many. I have selected just three for your consideration:

1. Only specialists in working with victims should come into contact with victims (this is the most common argument why workers prefer not to approach the victim themselves; they believe that the victim needs a specialist and think that this is only a psychologist or a psychiatrist; they themselves believe that they are not up to this type of conversation. Thus, at times when the victim needs support and contact with people more than ever, she remains alone, knowing that people are afraid to talk to her).
2. Victims need to be protected first and foremost (some certainly do, but not always and automatically; in fact, protection is often linked to isolation, even from contact with the perpetrator. Workers should therefore first ask whether the victim wants and needs protection, rather than protecting them outright.
3. The victim is unable to assess and make decisions on his/her own as a result of his/her trauma (The victim may be traumatised and therefore handicapped in some ways; however, he/she is able to assess and communicate his/her needs. This includes whether or not she wants to participate in a restorative programme, for example, whether or not she wants to meet the perpetrator).

I wish us all well in our deliberations during the conference and good luck in our future work.

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What is the current status of the victim in the justice process and probation services in Europe

Tim Chapman

European Forum for Restorative Justice

What is the current status of the victim in the justice process and probation services in Europe

Tim Chapman

Board of the European Forum for Restorative Justice

EFRJ Meeting with Probation Services who Practice Restorative Justice

- Austria
- Catalonia
- Czech Republic
- Hungary
- Ireland
- Latvia
- Malta
- Northern Ireland

How have you organised RJ/Mediation?

- Aus - specialist department for mediation, own quality assurance, most of workers do probation work and mediation too; it is different roles and attitudes
- Cat – RJ programme is outsourced to a non-statutory agency: completely independent from the probation service, although under the same justice department.
- Czech – all probation officers are trained to mediate, but not all of them do it (mostly those, who work pre-court) and they also offer FGC
- Hun - probation service delivers mediation in criminal and/or misdemeanor cases, probation officers deliver mediation.

How have you organised RJ/Mediation?

- Ire – RJ for under 18 young people is the main focus, victim offender mediation, victim empathy work, conferencing, more indvidualised programmes for reparation in the community, probation officers work with an RJ colleague in the RJ national unit
- Lat – probation and mediation, only few mediators, mediate at all stages of the CJS; Probation service can impose obligations on the offender, sometimes they ask the victims if they have any request
- Mal - 2 different services in the same department
- N.I. - victims information unit within probation. They deliver RJ and collaborate with NGOs and volunteers.

What restorative options do you offer

- Aus – VOM (5000 cases/year), unpaid work (7000 cases/year), social net conference (support circle), IPV cases (in collaboration with victim support services)
- Cat – VOM (direct or indirect), circles (involving community), restorative interviews (e.g. for the victims who are not ready/willing to meet the offender)
- Czech – direct/indirect VOM, conferencing; victim awareness work with offenders. Victims rarely initiate it.
- Hun – VOM, in every county there is a mediator trained in peacemaking circles

Restorative options

- Ire – unpaid work in the community, conferencing, individual victim awareness programs (also online)
- Lat – 1400 cases/year (2021: only 100 cases), VOM, they started to do online mediation; conferencing with youngsters
- Mal – probation officers trained as mediators, but also other experienced mediators – community work can have a restorative aspect, online mediation is new.
- N.I. - indirect/direct VOM, conferences, unpaid work (if victims have a say on what type of work should be done), special programme for sexual offenders (COSA); victim awareness

Standards

- Aus – quality manuals: deadlines, processes, topics to talk about at VOM, structural guidelines, victim safety, occupational standards, quality assurance, internal audit unit
- Cat – no written standards, but there are RJ standards that they use every day: needs of victims in each case in focus, be voluntary throughout the whole process, team supervision every month
- Czech – detailed manuals for probation and mediation, basic principles and rules, also for management and individual case work too.
- Hun – case management models for VOM, steps of management and methodology, also for specific cases.

Standards

- Ire – national unit supervises, thorough preparation, voluntariness is key.
- Lat – regulation of the Minister on how to organize mediation, internal rules for more details; supervision of mediators and also monitoring the mediation; voluntariness, offender admits the crime, supporters can be invited, active participation of parties.
- Mal – code of ethics, legal framework (e.g. deadlines); selection of mediators; supervision by manager, there is a supervisory committee led by the director of probation and including a RJ probation officer.
- N.I. – a practice guide exists, but not standards

Training

- Aus – 35 mediators, 500 hours in house training (including practice skills) a certificate that is accepted by the state.
- Cat – university degree in mediation and RJ and in house training in different topics (family, NVC)
- Czech – in house training for all probation officers 260 hours (1 year training), examination; additionally: more specialized training for mediators and on FGC.
- Hun – legal framework: university level training or 60 hours practice training and mentoring process in house, evaluation by mentor to become an independent mediator

Training

- Ire – training on RJ awareness, peer support, conferencing, victim engagement (together with victim support service)
- Lat – in house training in the probation service, no specific professional background is needed, lawyers think they are the best; 65 hours training basic + more serious cases 1 module + mediation with minors, conferencing 1 module – mediation practice and then a final exam and paper; certification is valid for 2 years
- Mal – there is a Masters in the Univ of Malta
- N.I. - Ulster university does the training – 1 week training

Victims?

- Aus – IPV cases had an impact. Victims needs are more and more taken into account in the general rehabilitation work; if offenders see the consequences of their behavior, that helps working with them; VOM should be impartial, but important decisions throughout the process are guided by victims' needs; Published in 2022 in-house study: 350 victims were asked 6 month after VOM about their experience: 85% of victims were satisfied (even in cases that had no positive outcome); 90% satisfaction with mediators.
- Cat – Their focus is on victims' needs.
- Czech – discussion in place, according to Czech law, they have to provide services for victims, but most cases they have are with offenders; sometimes victims come forward without an offender; they are the only ones providing VOM: victims can not find this type of help anywhere else.
- Hun - in VOM victims needs are met mostly, more of an issue is meeting victims' needs in probation work, especially in IPV

Victims?

- Ire – there is a victims unit, but there is still work to do.
- Lat – important question, experience of work with victims is new for the probation service (it seems victims are involved only to have a say on probation plan/unpaid work or be part in project)
- Mal – preparing pre-sentence reports, probation officers get the view of victims
- N.I. - getting better, 10-15 years development to develop victim information unit, but still not balanced yet, majority of staff work is still with offenders, they refer victims to other organization.

Distinctions

Probation practice

- Strategic
- Focused on offenders
- Research based
- Programmes

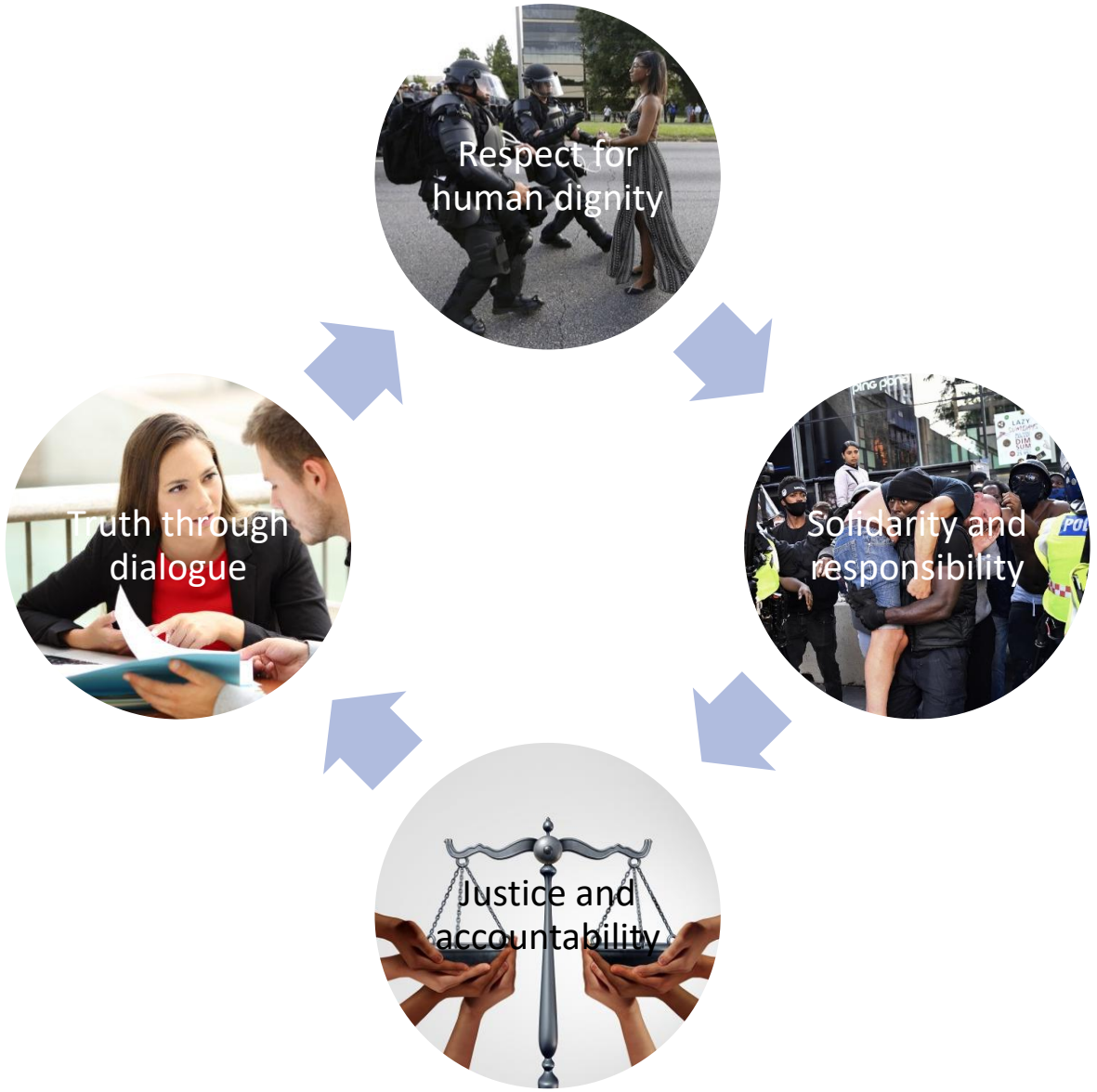
Restorative justice practice

- Communicative
- Focused on the experience of and accountability for harm
- Based upon lived experience
- Meetings

In 2018 the Council of Europe Recommendation concerning restorative justice in criminal matters. Any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party (hereinafter the “facilitator”). Restorative justice….. can also involve, where appropriate,…supporters of victims and offenders, relevant professionals and members or representatives of affected communities.

Mediation is one type of RJ practice. There are others. Very few victims believe that their experience of crime is a conflict to be resolved. We treat victims and perpetrators with equal respect and fairness, but we are not neutral about the harm that the victim suffers.

Values supporting RJ practice



The migration of new ideas into a system: two approaches

- Assimilation: integrate new methods into the system's culture and strategic outcomes.

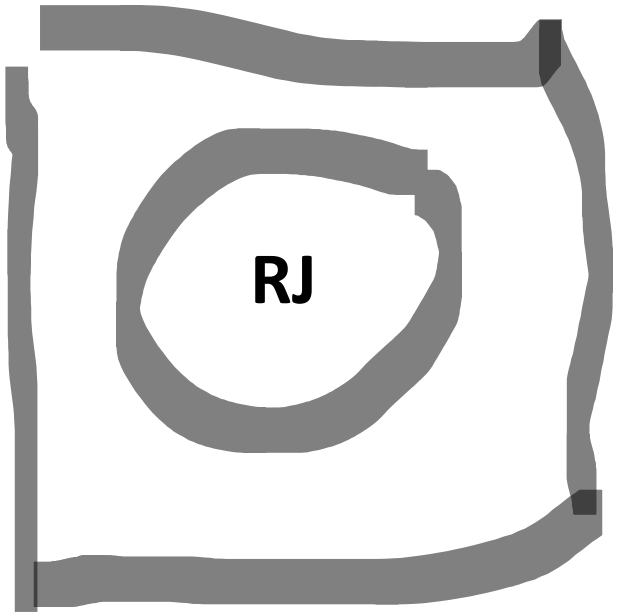
Risk: RJ is seen as another intervention 'tool' leading to victim awareness programmes, 'apology letters', standardised community service rather than reparation, restorative panels.

Result: the disappearance of the victim.

- Accommodation: create a space for a new approach which enhances the system's culture and outcomes.

Rights

Rehabilitation



Reintegration

Risk management

“All stories contain truth. The problem is their truth is incomplete.”

The restorative space

- The perpetrator of harm and the victim of harm need each other to complete their stories.
- A mother’s story
- The completion of the story of harm and the story of accountability enables both parties to restore control over their lives.

RJ and desistance from offending

- Perpetrators understand the harmful consequences of their crimes and take responsibility to restore what they have damaged, stolen or violated and to take steps to avoid further harm.
- Their assumption of responsibility for these obligations, earns them respect from the community and develops self-respect.
- Their relationships with people and resources which support a law-abiding lifestyle are improved.
- These connect directly with the theories of desistance:

1. Maturation
2. Social bonds
3. Changes in identity and narrative.

Partners

- Co-facilitation with trained victim support workers
- Other professionals
- Family and members of the community

Quality assurance

- Training in the engagement of victims
- Distinctive standards for RJ practice

Benefits

- Victim and offender satisfaction and more understanding and respect for the criminal justice system
- Higher levels of compliance to agreed action
- Higher levels of desistance
- Lower levels of custody

When you hit a wrong note, it’s the next note that you play that determines if it is good or bad.

Miles Davis

Thank you

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Victims' access to restorative justice in Europe

Edit Törzs

European Forum for Restorative Justice

EUROPEAN FORUM FOR RESTORATIVE JUSTICE

Connecting People to Restore Just Relations

Victims' access to restorative justice in the EU

EDIT TÖRZS
EXECUTIVE DIRECTOR - EFRJ

PRAGUE 13 OCTOBER 2022

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The European Forum for Restorative Justice (EFRJ)

EUROPEAN FORUM FOR RESTORATIVE JUSTICE

- Founded in 2000, based in Leuven (Belgium)
- Assists and supports the establishment and development of victim-offender mediation and other restorative justice practices in Europe
- Network of practitioners, researchers and policy makers interested in RJ
- More than 450 members (individuals and organisations)
- Partner in the Criminal Justice Platform Europe (CJPE) and part of the EC European Victims' Rights Platform
- Collaboration with universities and other European networks

The European Forum for Restorative Justice (EFRJ)

EUROPEAN FORUM FOR RESTORATIVE JUSTICE

Our strategic objectives:

- To raise awareness about restorative justice
- To support the policy development on restorative justice
- To develop high quality, research based restorative practices

The EFRJ strives for that every person may have access to high quality restorative justice services, at any time and in any case.

Activities of the EFRJ

- (Research) **projects** *(recently: judicial training, child victims, victims of hate crime, training development on victims' needs)*
- **Information** sharing (Newsflash, Newsletter, www.euforumrj.org, social media, blog, videos, databases, resource kit, policy briefs)
- Influencing (European) **policy** making and coordinating the ERJPN
- Support **practice development** through guides, standards, quality review tools, webinars and trainings
- **Events** (international conference, summer school/winter academy, webinars/seminars, International Restorative Justice Week, art festival)
- Working groups and Committees

What is restorative justice

Definition (VD) - *any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party*

Basic principles:

- Voluntariness
- Confidential
- Neutral facilitator
- Respect
- Dialogue
- Restoration (harm, connections)

Practice models: mediation, conferencing, circles; direct-indirect

What is not RJ: family mediation, community service, compensation

Evidence on restorative justice

- Victims, offenders and the community generally want to **participate** in restorative justice if they are offered to do so
- Victims and offenders have a much more satisfactory experience of **justice**
- Meeting with the offender has been shown to **reduce post-traumatic stress symptoms** in the victims
- Victim Offender Mediation takes a third of the **time** needed for non-mediated cases
- Restorative justice promotes **desistance** from crime
- Restorative Justice **saves money**

https://www.euforumrj.org/sites/default/files/2019-11/a.2.7.-effectiveness-of-restorative-justice-practices-2017-efrj.pdf

Access to restorative justice

Elements of accessibility:

- legislation/legal framework
- availability of services
- service users are informed
- professional awareness, referral pathways
- quality of services

Access of victims to RJ

85% of victims who took part in a Restorative Justice meeting were satisfied with the process.

Restorative Justice can reduce reoffending rates by up to **27%.**

Despite these benefits, only **5%** of victims with a known offender recall being told about Restorative Justice.

Quotes from Why me? - https://why-me.org/library/

Victims and RJ – concerns and benefits

Common concerns:

- if used as diversion – offender is not (always) punished
- offender focused / victim is "used" for offender reintegration
- not safe for certain vulnerable victims (domestic/sexual violence victims)

Benefits:

- control over the process that takes into account the needs of victims – choice - empowerment
- individualised approach – flexible practice with safety in focus
- having a say in the process and questions answered, victim can directly talk to the offender – recovery
- sense of procedural justice – sense of justice achieved
- compensation and restoration (material, immaterial, relational)
- being able to move on, lower stress, health benefits

Access of victims to RJ - conclusion

Ideas to move forward:

- moving from penal mediation to a more broad implementation of restorative justice restorative culture

- moving from the idea that RJ is a diversion tool and for minor crimes

- better information provision for victims

- training of the judiciary, police, victim support services and stronger local collaboration

- widely accessible, high quality services

- data collection, research

Time for establishing the right of access to RJ for victims of crime?

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Thank you for your attention!

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Restorative justice in probation practice

Gerry McNally

Confederation of European Probation, Irish Prison Service

Restorative Justice, CEP and Probation Practice in Europe

13th October 2022, Prague

Gerry McNally
President, CEP

Co-funded by the Justice Programme of the European Union 2014-2020

Confederation of European Probation

Is the largest European Network Organization for Probation

Founded in 1981

Mission:

To promote the rehabilitation and social inclusion of offenders through sanctions and measures implemented in the community.

Objectives:

1) To **unite probation organisations** all over Europe
2) To **professionalize** the sector of probation in Europe
3) To **raise the profile** of probation in the global arena of criminal justice systems

CEP Membership - 2018

60 EU Member organizations

34 Countries

38 jurisdictions

9 Universities

16 Individual members

7 Affiliate members

More than **400** Online documents

1700 CEP Newsletter subscribers

1100 Twitter followers

1000 Linkedin followers

Probation and Community Sanctions

Probation: relates to **the implementation in the community of sanctions and measures,** defined and imposed by law. It includes a range of activities and interventions, which involve **supervision, guidance and assistance** aiming at the social inclusion of an offender, as well as at **contributing to community safety**.

Community sanctions and measures: means sanctions and measures which maintain offenders **in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations**. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment.

European Rules on Comunity Sanction Measures (2010)

Probation and Community Sanctions

Restorative Justice complements and is compatible with conventional criminal justice sanctions. Since the 1990s Probation Services have recognised the role of Restorative Justice in-supporting offender rehabilitation - responding to victim needs – contributing to community engagement and safety.

The values and principles underpinning RJ are strongly aligned with effective Probation practice. Elements such as creating and maintaining positive relationships with probation clients, sometimes referred to as a ‘therapeutic relationship’ or ‘working alliance’

Actions

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Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules

Restorative justice practices

97. Where probation agencies are involved in restorative justice processes, the rights and responsibilities of the offenders, the victims and the community shall be clearly defined and acknowledged. Appropriate training shall be provided to probation staff. Whatever specific intervention is used, the main aim shall be to make amends for the wrong done.

Actions

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Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules

Restorative justice includes approaches and programmes based on several underlying assumptions: *a*. that the response to crime should repair as much as possible the harm suffered by the victim; *b*. that offenders should be brought to understand that their behaviour is not acceptable and that it has had some real consequences for the victim and the community; *c*. that offenders can and should accept responsibility for their action; *d*. that victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation, and *e*. that the community has a responsibility to contribute to this process.

Actions

Recommendation CM/Rec (2017) 3 on the European Rules on community sanctions and measures

Basic principles

1. Community sanctions and measures can provide just and effective supervision, guidance and assistance to suspects or offenders without resorting to deprivation of liberty. They can enhance the prospects of social inclusion on which desistance from crime usually depends.

10. In appropriate cases, and having due regard to the rights and needs of victims of crime, offenders should be enabled and encouraged to make reparation for their offences to the victims or to the community.

Actions

Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters adopted by the Committee of Ministers on 3 October 2018

This Recommendation goes further than the 1999 Recommendation in calling for a broader shift in criminal justice across Europe towards a more restorative culture and approach within criminal justice systems.

The emphasis on impartiality does not exclude criminal justice professionals from performing restorative justice. However, they should ideally not deliver restorative justice in relation to their own caseloads; for example, a probation officer in charge of supervising an offender should not act as a facilitator in the same case. The requirement of impartiality does not imply that the facilitator should be indifferent to the fact that offence has been committed and to the wrongdoing of the offender.

Actions

•57. Restorative justice should only be delivered by those who are sufficiently trained in facilitation. However, it is advisable to raise the awareness of all staff and managers from judicial authorities and criminal justice agencies, as well as criminal justice professionals, in relation to the principles of conflict resolution and restorative justice, so that they understand these principles and are able to apply them in the course of their day-to-day work.

•58. Where offenders are sentenced to supervision and assistance by probation services, restorative justice may take place prior or concurrent to supervision and assistance, including during sentence planning work. Using restorative justice alongside sentence planning would allow restorative justice agreements to be considered when determining supervision and assistance plans.

Resources

Recommendations, conventions and guidelines published by the Council of Europe

- https://www.cep-probation.org/knowledgebases/council-of-europe-rules-recommendations/

Criminal Justice Platform Europe

CEP- Europris – EFRJ

http://www.cep-probation.org/cjpe-partners/

CEP Restorative Justice Conference 23rd - 25th September 2015 in Prague.

- http://www.cep-probation.org/knowledgebases/prague-restorative-justice-conference/

https://www.cep-probation.org

Issues…

- Information Sharing between Services and Partners
- GDPR and personal data – security latitude
- Cultural Awareness and Sensitivity
- Multi-Agency and Multi-Disciplinary Working and Co-operation
- Fair, Voluntary and Participatory Processes
- Training and Skills
- Victim Services

Where next…..

- ✓ We can learn from each others experiences, successes and failures
- ✓ We need to maintain an open, critical and responsiveness to new ideas and also, to some old ones
- ✓ We need to work more openly across disciplines, agencies and jurisdictions with respect for difference and what each other 'brings to the table'
- ✓ We need to continue to organise expert meetings, share and disseminate what we learn and listen
- ✓ Ever tried. Ever failed. No matter. **Try again. Fail again. Fail better.**

  Samuel Beckett Worstword Ho (1983)

Thank you!
Merci!
Dank!
Gracias!
Благодаря!
Grazie!

www.cep-probation.org

info@cep-probation.org

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PROBAČNÍ A MEDIAČNÍ SLUŽBA

Council of Europe priorities regarding the care of crime victims

Ilina Taneva

Council of Europe

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Council of Europe
Conseil de l'Europe

Council of Europe priorities regarding victims of crime

Ilina Taneva, Deputy Head of the Criminal Law Division and Secretary to the Council for Penological Cooperation (PC-CP) DG I - Human Rights and Rule of Law, Council of Europe

27th Session of the Commission on Crime Prevention and Criminal Justice
14/05/2018, Vienna, Austria

Council of Europe
Conseil de l'Europe

Some Council of Europe standard-setting work in the area of victims

- Convention on the Compensation of Victims of Violent Crimes (1983) ETS 116
- Convention for the Prevention of Terrorism(2005) CETS 196
- Convention on Action against Trafficking in Human Beings (2005) CETS 197
- Convention on preventing and combating violence against women and domestic violence (2011) CETS 210
- Recommendation (2006)8 on assistance to crime victims

Council of Europe standard-setting work in the area of restorative justice

- Recommendation (99)19 concerning mediation in penal matters
- Recommendation Rec(2001)9 on alternatives to litigation between administrative authorities and private parties
- Recommendation Rec(2002)10 on mediation in civil matters
- CEPEJ (2007) 13, Guidelines for a better implementation of Recommendation n° R (99) 19 concerning mediation in penal matters

Council of Europe current stadards on the use of RJ in the criminal justice process

CM Recommendation (2018)8 concerning restorative justice in criminal matters and its commentary – very important and useful to read both the Rec and the commentary together

Definitions

"Restorative justice" refers to any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party (hereinafter the "facilitator")

- Dialogue (direct or indirect) at any stage

Definitions continued

Depending on the legislation it can be called *inter alia*:

- victim offender mediation
- penal mediation,
- restorative conferencing
- family group conferencing
- sentencing circles
- peacemaking circles

Definitions continued

- "Restorative justice services": any body which delivers restorative justice. These can be specialised restorative justice agencies, as well as judicial authorities, criminal justice agencies and other competent authorities.
- "Judicial authorities" : judges, courts and public prosecutors.
- "Criminal justice agencies" : the police, prison, probation, youth justice and victim support services.
- "Restorative justice agencies" : any specialist agency (whether private or public) which delivers restorative justice services in criminal matters.

Basic principles

- The principle of stakeholder participation
- The principle of repairing harm
- Voluntariness; deliberative, respectful dialogue; equal concern for the
- needs and interests of those involved; procedural fairness; collective, consensus-based agreement; a focus on reparation, reintegration and achieving mutual understanding; and avoiding domination
- RJ only if the parties freely consent, having been fully informed in advance and are able to withdraw their consent at any time
- RJ is a confidential process, except with the agreement of the parties
- RJ should be a generally available service independent of the type, seriousness or geographical location of the offence.
- RJ should be available at all stages of the CJP.
- RJ agencies should have sufficient autonomy; balance between autonomy and respect of the standards for practice

Other chapters :

- Legal basis for restorative justice within the criminal procedure
- The operation of criminal justice in relation to restorative justice
- The operation of restorative justice services
- Continuing development of restorative justice

Venice Declaration on RJ

adopted by the European Ministers of Justice during the Italian Presidency of the CM on the occasion of the Conference "Crime and Criminal Justice - the role of restorative justice in Europe" (13-14 December 2021)

Invites the MS to :

- Develop national action plans or policies to guarantee access to RJ services
- ensure inter-agency co-operation, adequate national legislation and funding
- Promote a wide application of RJ for juveniles in conflict with the law
- Ensure wide implementation of RJ as a complement or, where suitable, as an alternative to criminal proceedings
- RJ should be an essential part of the training curricula of legal professionals

The Council of Europe should :

- Carry out a comprehensive study of models of RJ in order to facilitate exchange of knowledge, best practices, experiences and genuine scientific research on this topic
- Elaborate "Council of Europe High-Level Principles on Restorative Justice" with a set of measures for MS to apply these principles
- Continue, through the CDPC to regularly assess the implementation of Rec(2018)8

Thank you for your attention!

For more information:

www.coe.int/cdpc

and

www.coe.int/prison

ilina.taneva@coe.int

PROBAČNÍ A MEDIAČNÍ SLUŽBA

EU level victims' rights from the ENVR perspective

Aniella Ferenczi

European Network for Victim's Rights

Thank you for the floor.

Distinguished Guests, Dear Colleagues,

First and foremost, I would like to congratulate the organizers for setting up this conference. My name is Aniella Ferenczi, I am participating here on behalf of the Association of the European Network on Victims' Rights.

I find it very interesting and a addressing a gap to set up an expert level discussion to look into victims' rights from the point of view of probation services and mediation. It is rare that we can exchange ideas about victims' rights with probation and mediation officers – and this is an initiative that we warmly welcome.

The message of my presentation is to highlight the importance of and efforts for

- The practical realization of victims' rights set out in EU legal instruments
- The respectful, sensitive, professional and non-discriminatory recognition and treatment of the victim
- The cooperation at both international and local level

In the EU there is a solid set of legal rules for victims' rights – and **beside the legislation it is indispensable to make them operable in practice.**

The vision of ENVR is to contribute to the practical realization of victims' rights by maintaining a living cooperation between Member States and by following the actions set out in the EU Strategy for victims' rights.

To better understand the role which our organization plays in the area of victims' rights, let me say a few words about the Network and introduce the efforts which have been made collectively by the public authorities, to help the practical realization of these rights.

The European Network on Victims' Rights is a professional cooperation and collaboration of victims' rights experts – both policy makers and practitioners, who work under the control of public institutions (ministries, police) in the Member States of the European Union.
ENVR is an umbrella organization and under this we operate three networks:

- The Generic Network
- The Network of EU single contact points for compensation
- The Network of EU single contact points for victims of terrorism.

In these three networks, at present we have around 120 experts from public institutions of all Member States.

The objective of our work has been practice-development – which means that we build a common knowledge base in the area of victims' rights, on which experts can rely and which experts can build into their daily work. This knowledge base can facilitate the transposition of victims' rights related EU law and the better practical application of that.

We pursue knowledge base development through regularly holding symposiums for our ENVR experts, also we regularly prepare data collection and analytical essays on national schemes to

reveal good examples of operation. Moreover, ENVR operates its dedicated website which intends to be an information centre for professionals and also provides information to the public.

The contribution of ENVR to the improvement of transnational cases is two-sided:

- Our regular and various programmes for the ENVR experts connote a living cooperation between the experts and this can have a positive impact on the management of possible concrete cross-border cases.
- The other side of our contribution is the actions of the ENVR as organization to add value to international cooperation.

Beyond the objective of developing a common knowledge base – we have elements in our working programmes which give of practical help as well at organizational level.

This is in line with one of the basic principles of our operation, as – beside the stability given by the annual working programmes – we remain open to take immediate actions to respond to situations and emergencies arising from social needs related to victims' rights. Some examples of these quick response actions include: facilitating support provision to victims of war crimes, contributing to the preparatory works of the EU awareness raising campaign on victims' rights, contributing to the evaluation and impact assessment processes of the Victims' Rights Directive, or the development of the Find my victim support service online tool.

Victims have been given several rights by EU legislation and there have been remarkable efforts by different stakeholders to help victims to access their rights.

If we consider the issue of victims' access to their rights in practice in all those situations where different professions meet – from the different actions taken for the better application of law we have to highlight the **importance of cooperation of agencies – not only at international but at national level as well.**

Crime can affect victims in many ways, ranging from temporary disturbance in several cases to longer term trauma in more serious cases. In order to assist victims in an effective way, it is important to understand their personal situation and personal needs.

Depending on the circumstances of the case, the personal needs of the victim can be of many types. No two cases are the same but, in each case, all the relevant actors, including probation officers, who come into contact with the victim should keep in mind the objective of the Victims' Rights Directive, which is that "Member States shall ensure that **victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings.**"

When the victim is involved in a set of measures where victim support meets with the actions of other professions, e.g. with probation services or mediation, it can be particularly important to have well-developed local cooperation between the services and the victim support agencies and organizations.

It is beyond question that measures made by the probation service are extremely important and can hugely facilitate the pro-social behaviour of the perpetrator. On the other hand, we cannot forget that victims might not always be as well-disposed to helping the perpetrator to change their lives as professional probation officers, depending on their different experiences at the hands of the perpetrator.

Victim support services can have multiple roles in facilitating a process where different types of professions and services are involved – mediators or probation officers and victim support agencies:

- In these cases, the victim support organizations can help a lot by informing the victim about the nature of these procedures, or offering them the proper tailored service e.g. legal aid or psychological counselling. and on the other side
- They can help the partner services to understand the victim's situation and find the most victim-friendly approach in the given situation

Also, probation services can have multiple roles to help the success of their proceedings and at the same time help the resilience of the victim. If the probation officers or the mediators meet the victim first, they can help by informing the victim in general about the existence and availability of the victim support service. This is a great help for the victim as he has the chance receive support and therefore gets closer to the ultimate aim of victim support – which is the resilience of the victim. Beside this, if the victim gets the proper support from the victim support service, it can indirectly have a positive effect for the success of the probation service procedures as well.

During the operation of ENVR, we have seen many good practices from our members on how to effectively cooperate with other actors. These good practices are for example:

- developing national strategies in various crime types, e.g. in the area of violence against women (SE), human trafficking, gender-related violence (BE), hate crime (SK) where in the development and execution of these strategies all relevant domestic stakeholders – both NGOs and state agencies can be involved
- Inter-institutional Coordination Table for the establishment of a network of institutions responsible for victims' rights (IT)
- Regular consultation between local level actors – these can be formal or informal –

  such as e.g. public prosecutor, police, general and specific support services (BE) or local committee meetings (FR)
- Inter-ministerial working group (AT)
- Best practice meetings (DE)
- Cooperation protocols (RO)

Last but not least, let me mention an online tool, it is called the "**Find my victim support service.**" This tool has been developed and maintained by ENVR it is a searchable database. Both victims and professionals can search for relevant victim support services in the EU Member States, under eight categories. It is very useful not only in cross-border cases but in

cases as well, where you wish to find the relevant victim support service in your own country. It is available in 22 EU languages and in Ukrainian. Please feel free to use and recommend it to your colleagues as well.

Thank you for your attention!

ENVR Find my victim support service

Available at www.envr.eu

Mapping available victim support services in the EU Member States

Available in 8 categories: generic, compensation, victims of terrorism, victims of domestic violence, victims of sexual abuse, child victims, victims of human trafficking, victims of war crimes

In 22 EU languages and Ukrainian

PROBAČNÍ A MEDIAČNÍ SLUŽBA

The implementation of the EU Strategy on victims' rights

Marieta Tosheva

European Commission

VICTIMS' RIGHTS IN THE EU: the implementation of the EU Strategy on victims' rights

Marieta Tosheva, Legislative Officer
European Commission
DG Justice and Consumers
Victims' Rights Team

13 October 2022

EU Victims' Rights

Structure of the presentation:

- Overview of the EU rules on victims' rights
- The EU Strategy on victims' rights (2020 – 2025) – overview and state of implementation

European Commission

EU Victims' Rights - Origins

2001 Framework Decision on the standing of victims in criminal proceedings

- paved the way for the current EU rules on victims' rights
- paved the way for judicial cooperation in criminal matters

European Commission

EU Victims' Rights - origins

- Article 82 TFEU – the basis for the Victims' Rights Directive

The EU legislator may establish minimum rules on victims' rights "*to the extent necessary to facilitate mutual recognition of judgements and judicial cooperation in criminal matters having a cross-border dimension*".

European Commission

EU Victims' Rights - today

2012 Victims' Rights Directive – the main EU instrument in the area of victims' rights

Member States shall ensure that victims are:

- recognised,
- treated in a respectful, sensitive, tailored, professional and
- non-discriminatory manner.

European Commission

The Victims' Rights Directive

Provides biding rights and corresponding obligations on Member States:

Access to information

Protection in accordance with every victim's individual needs

General and specialist support

A set of procedural rights

European Commission

EU Victims' Rights

- **Other horizontal instruments on victims' rights** - the 2004 Compensation Directive, the EU instruments on mutual recognition of protection orders
- **Specific instruments on victims' rights** that complement and build on the Victims' Rights Directive

EU Strategy on Victims' Rights (2020-2025)

The Strategy aims:

- to ensure that all victims of all crime, no matter where in the EU and in what circumstances the crime took place, can fully rely on their rights

The Strategy provides for:

- actions for the Commission and guidelines for the Member States and other stakeholders for the period from 2020 until 2025

EU Strategy on Victims' Rights (2020-2025)

Based on:

- empowering victims of crime and
- working together for victims' rights.

Five key priorities:

(i) effective communication with victims and a safe environment for victims to report crime;

(ii) improving support and protection to the most vulnerable victims;

(iii) facilitating victims' access to compensation;

(iv) strengthening cooperation and coordination;

(v) strengthening the international dimension of victims' rights.

European Commission

EU Strategy on Victims' Rights (2020-2025)

Main actions:

- EU campaign on victims' rights;
- Setting up of the Victims' Rights Platform;
- Revision of the Victims' Rights Directive

European Commission

EU Strategy on Victims' Rights (2020-2025)

The Victims' Rights Platform

- Main objective - to ensure a more horizontal approach to victims' rights by bringing together the main EU level actors in the areas relevant for victims' rights
- 13 meetings of the Platform until now, including plenary and ad hoc meetings

EU Strategy on Victims' Rights (2020-2025)

Revision of the Victims' Rights Directive:

- The evaluation of the Directive points that there are still situations where not all victims can fully rely on their rights.
- Ongoing work on the impact assessment of the Directive.
- The Commission plans to propose a revision of the Directive in 2023.

THANK YOU!

If you have any other questions:

Marieta.Tosheva@ec.europa.eu

European Commission

PROBAČNÍ A MEDIAČNÍ SLUŽBA

Programs for offenders implemented by Probation and Mediation Service

Jakub Kovář

Probation and Mediation Service, Czech Republic

PROBATION AND MEDIATION SERVICE

Programs for offenders implemented by Probation and Mediation Service

Jakub Kovář
13.10.2022

PROBATION AND MEDIATION SERVICE

PROGRAM CENTRES

- 5 regions
- 3 courses (VIT, PUNKT, For Drivers)
- 2 lecturers

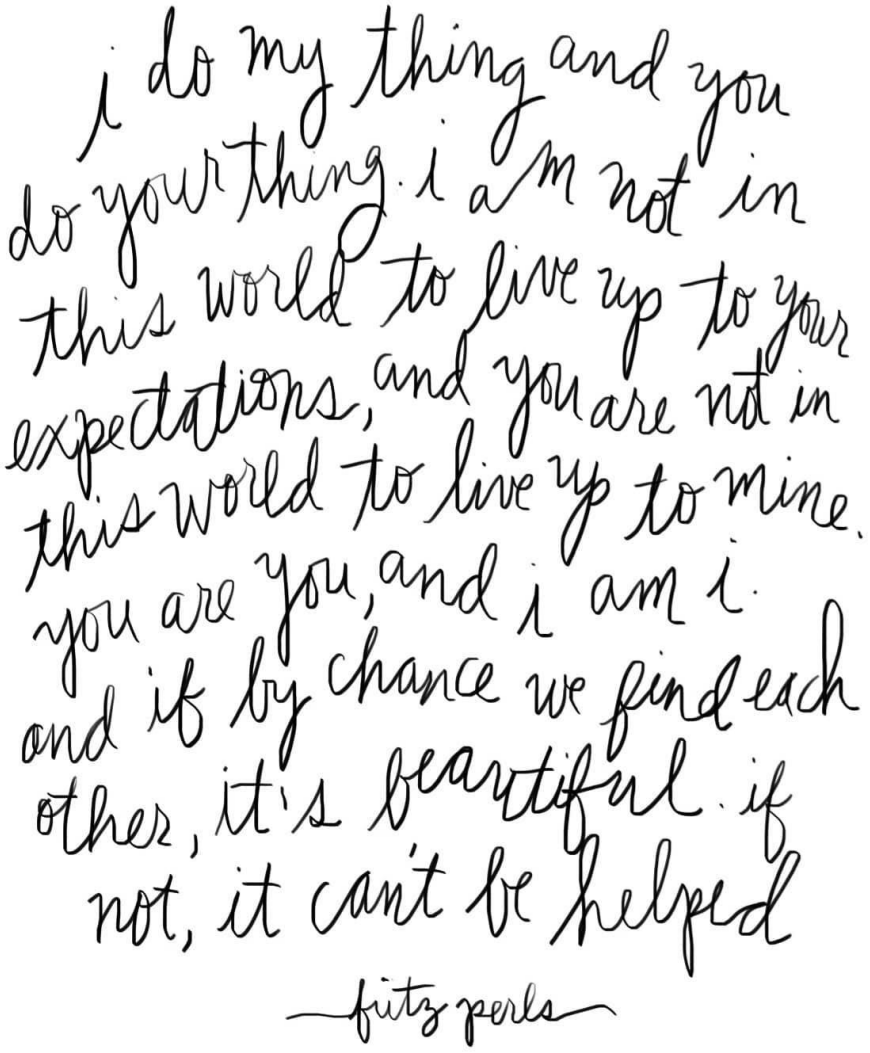
individual or group sessions

consensual or obligatory

PROBATION AND MEDIATION SERVICE

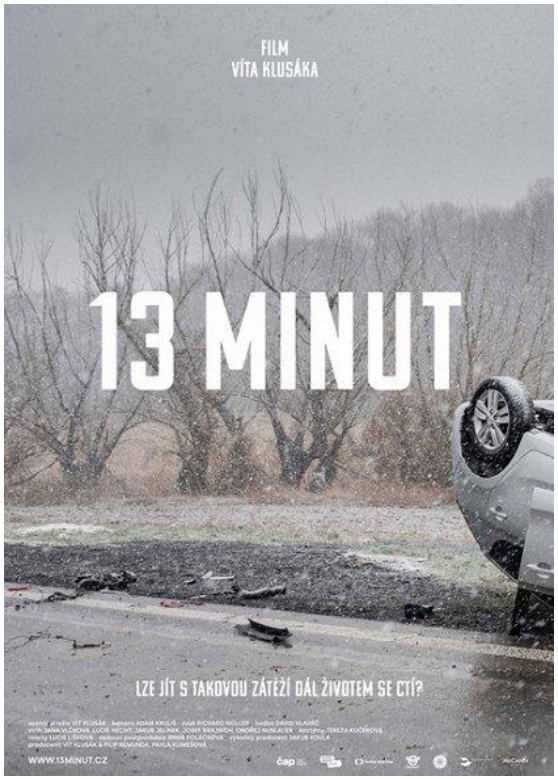
criminal offence turns this prayer upside down

feel rough
CONTACT



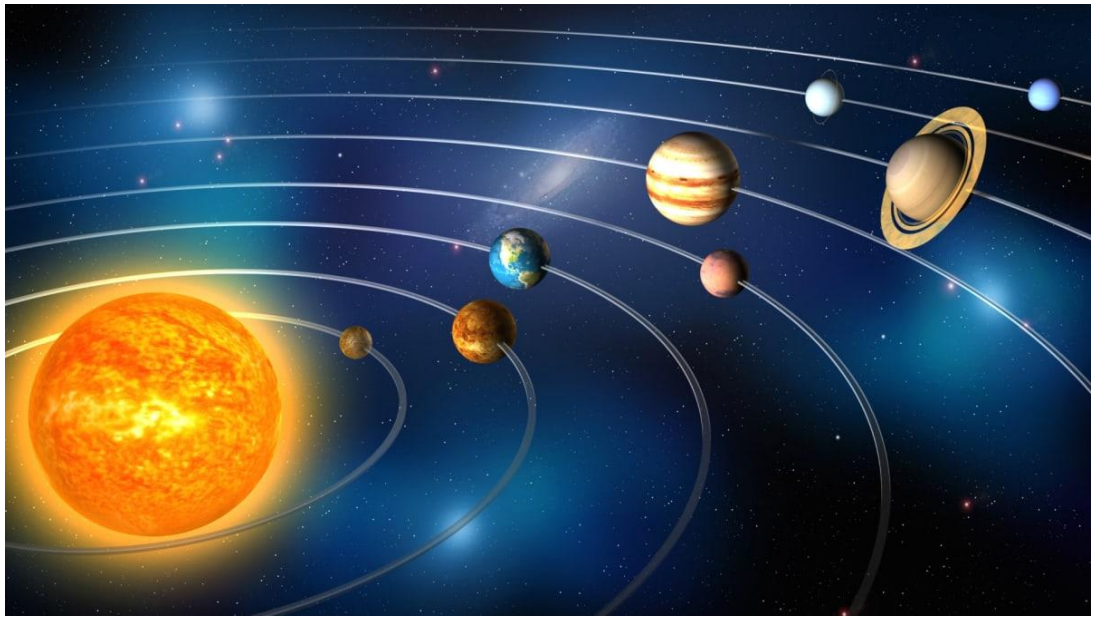
For Drivers

- ***victim on the background***
- usually crimes without real victims
- driving my car / driving myself
- power of statistics



For Drivers

- Planets without sun

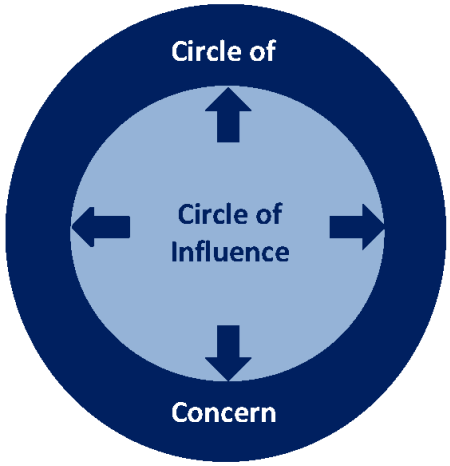


PROBATION AND MEDIATION SERVICE

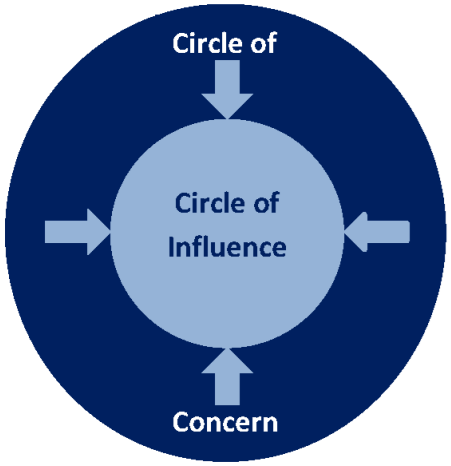
PUNKT (for young offenders)

- ***victim on the cursory glance***

How to…
…perceive others
…communicate
…solve problems
…hold the borders
…not be a victim



Proactive Focus
Positive energy enlarges Circle of Influence



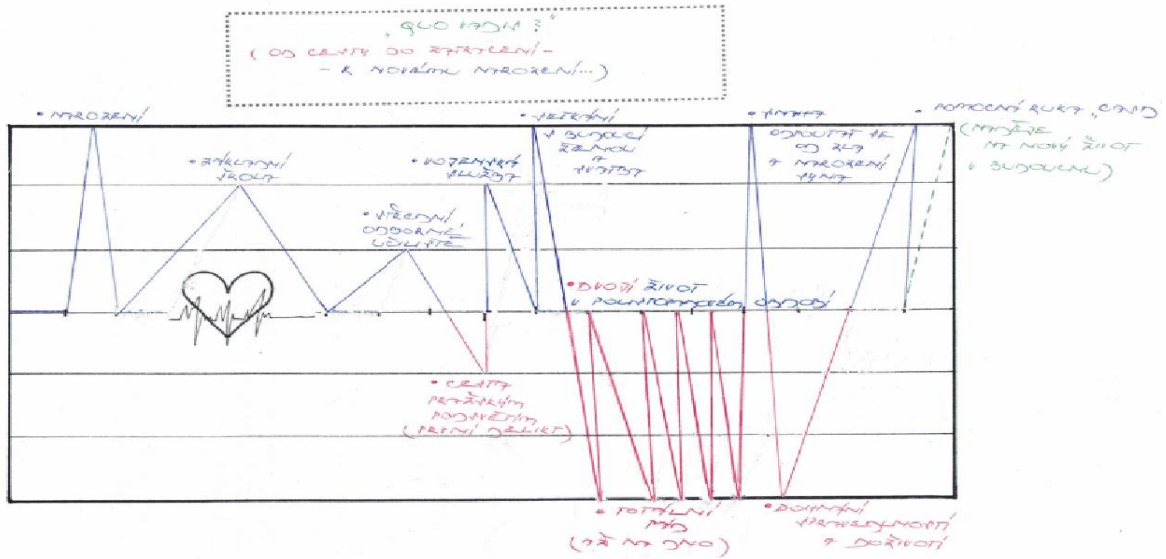
Reactive Focus
Negative energy reduces Circle of Influence

PROBATION AND MEDIATION SERVICE

VIT (*Vnímám i Tebe* - I perceive You too)

- ***victim in the spotlight***

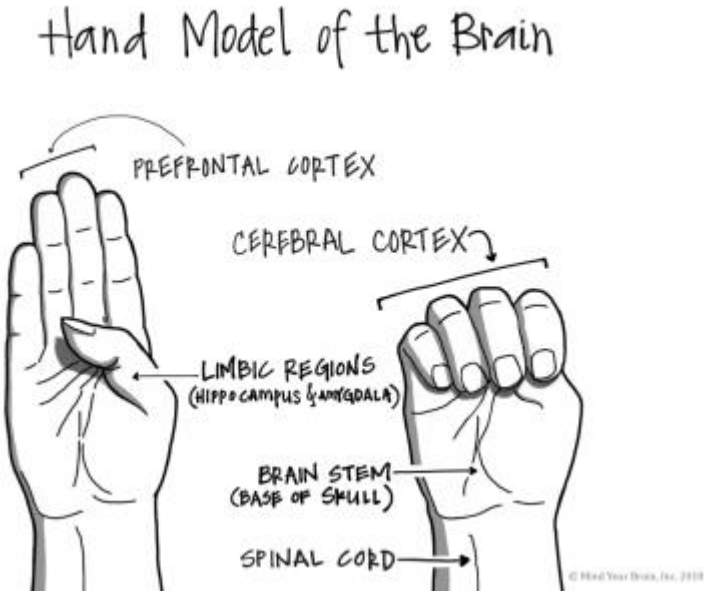
- for offenders with real victim
- find an understanding for the offender - **Life line**



PROBATION AND MEDIATION SERVICE

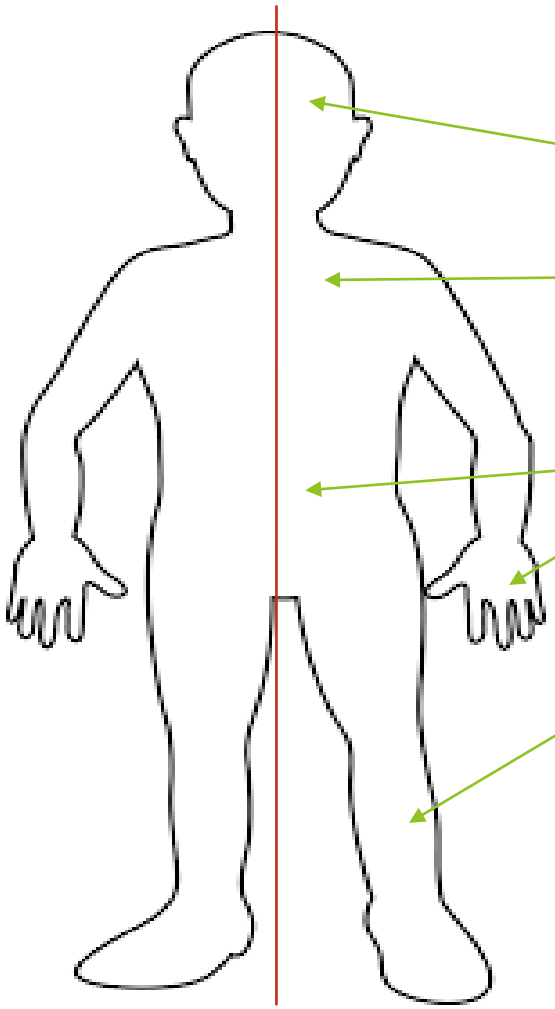
VIT (*Vnímám i Tebe* - I perceive You too)

- education and experience
- find an understanding for the victim



PROBATION AND MEDIATION SERVICE

Silhouette



- To map the whole process
  - Thoughts (before/now)
  - Emotions (before/now)
  - Behavior (description)
  - Impacts (+/-)
  - Needs (to deal with impacts)
- enhance the awareness
- enhance the empathy

PROBATION AND MEDIATION SERVICE

PROBATION AND MEDIATION SERVICE

VIT (*Vnímám i Tebe* - I perceive You too)

- find an attitude
- denial / neutralization
- responsibility

feel rough
CONTACT

feel less rough
CONTACT

PROBATION AND MEDIATION SERVICE

Thank you for your time and attention.

PROBAČNÍ A MEDIAČNÍ SLUŽBA

The Victim Impact Training (VIT) in Czech prisons and probation work

Lenka Kujevská

Prison Service of the Czech Republic

THE CONDITIONS OF PSYCHOTHERAPY DURIN THE PERFORMANCE OF SENTENCE

Lenka Kujevská, Heřmanice Prison,

13.10.2022

SPECIALIZED SECTIONS WITH COMPLEX PROGRAMME,

TARGET FIGURE OF THE PROGRAMMES

SPECIALIZED SECTIONS

THE STAY IS 9-18 MONTH
COMMUNE METHOD OF ACTIVITY
FOR THE SPECIFIC GROUPS

DRUG ADDICTION, MOTHERS AND THE CHILDREN, PEOPLE IN VIOLENCE, PEOPLE WITH PERSONALITY DISORDER

TARGET FIGURE OF THE PROGRAMMES

- USUALLY 3 MONTH
- STANDARDIZED
- SOME OF THEM OBLIGATION
- FOR PEOPLE IN VIOLENCE
- FOR YOUTHFUL
- FOR HABITUAL CRIMINAL
- …

PSYCHOTHERAPY WITH CONVICTED

- REDUCE THE RISK COMMIT OF PUNISHABLE CRIME
- RUDUCE THE RISK OF ANY ADDICTIONS
- INCREACE SELF-POSSESSION
- INCREACE POINT OF VIEW OF THE CONSEQUENCES BY PUNISHABLE CRIME

(CONVICT, FAMILY, VICTIM, SOCIETY)


-stop
-zastavit
-uvažovat
-jít
-pomlnutí s pokladem
-královské pomlnutí
-uskutečnit vybrané
možnosti
-vyhodnotit
PRAVIDLA
21/07/2022 00:06

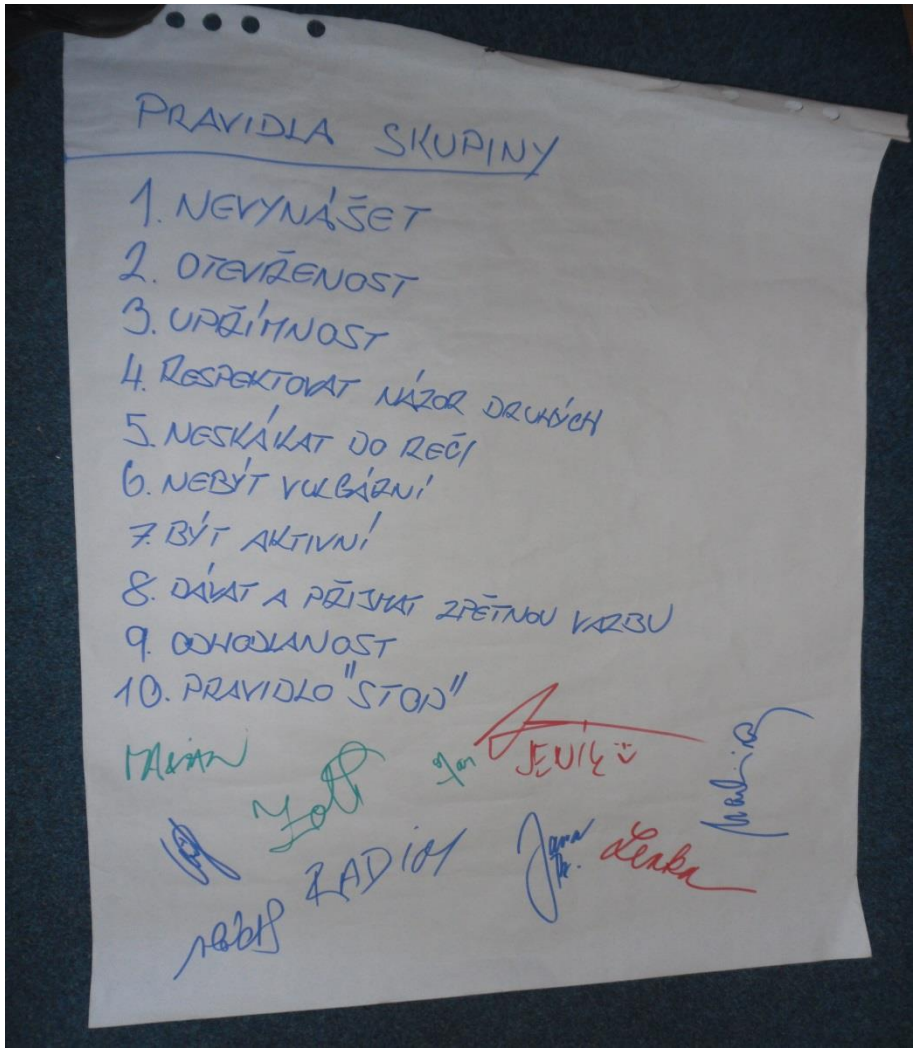

21/07/2022 00:06

SPECIFICATION

- WORK WITH MOTIVATION
- ACCENT ON WORK WITH PUNISHABLE CRIME
- GROUP AND INDIVIDUAL ACTIVITIS
- THE TERAPEUTIC TEAM
- PREPARATION FOR THE LIFE AFTER SENTENCE
- FOLOW UP SERVICES

VIT - GROUP

VIT - RULES


PRAVIDLA SKUPINY
1. NEVYNÁŠET
2. OTEVŘENOST
3. UPŘÍMNOST
4. RESPEKTOVAT NÁZOR DRUHÝCH
5. NESKÁKAT DO ŘEČI
6. NEBÝT VULGÁRNÍ
7. BÝT AKTIVNÍ
8. DÁVAT A PŘIJÍMAT ZPĚTNOU VAZBU
9. OCHOTNOST
10. PRAVIDLO "STOP"


TESCO

PROBAČNÍ A MEDIAČNÍ SLUŽBA

What does the perpetrator need the victim for and how does it help to correct him

Gemma Fraser

Community Justice Scotland

Restorative Justice in Scotland: Choice, Voice and A Strengths-Based Approach

Gemma Fraser
Head of Restorative Justice and Recovery

WE WANT SCOTLAND TO BE THE SAFEST COUNTRY IN THE WORLD

Overview

- Background
- RJ National Team and Test Project
- RJ in Sexual Harm Service
- RJ and Gender-Based Violence in Scotland
- A trauma-informed approach
- Lessons Learned
- Next Steps

WE WANT SCOTLAND TO BE THE SAFEST COUNTRY IN THE WORLD

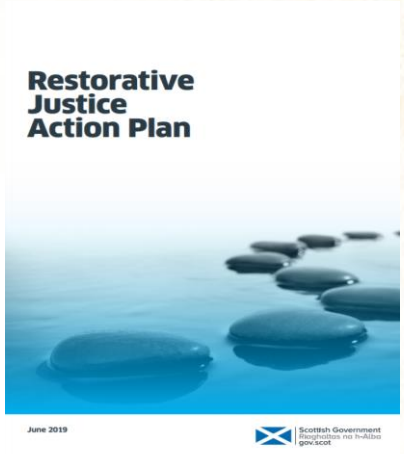
Background

- RJ availability in Scotland – great practice, lacking in accessibility and consistency
- Victim and Witnesses (Scotland) Act 2014
- RJ Guidance (2017)
- Programme for Government (2018)
- RJ Action Plan (2019)
- Public Awareness Survey/Thriving Survivors Survey

#SmartJustice

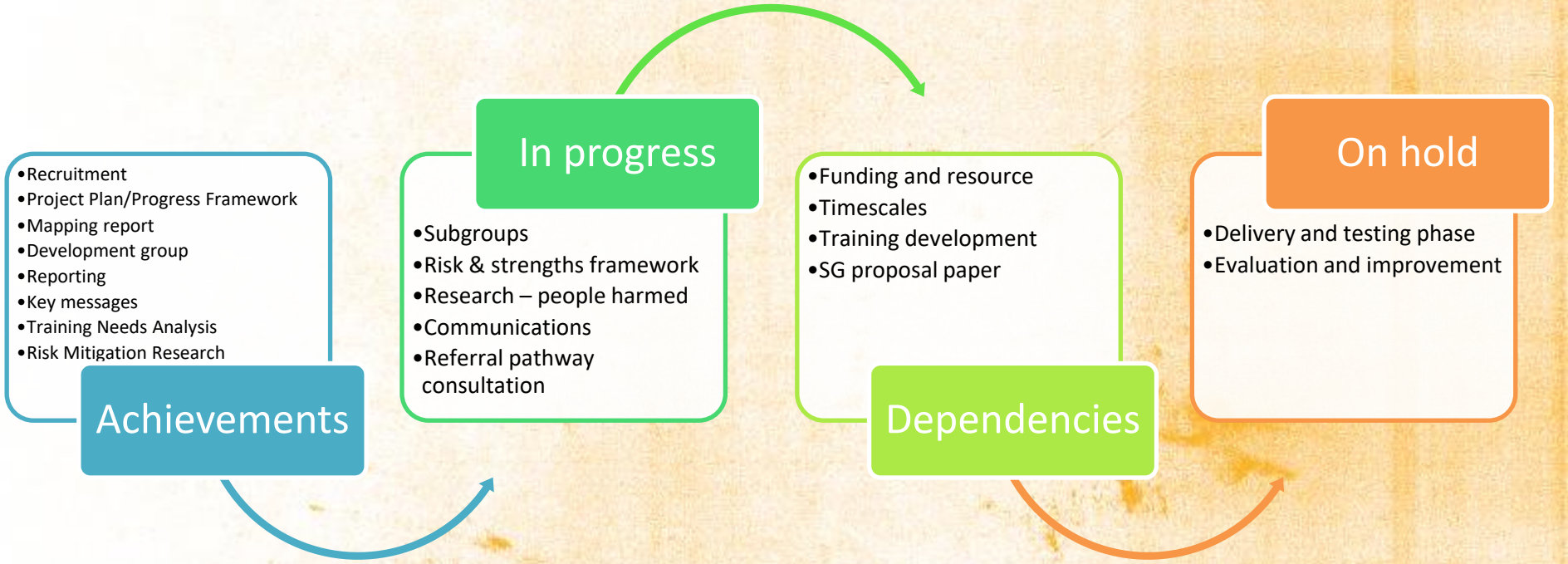
RJ Action Plan 2019-23

'Restorative Justice is available across Scotland to **all those who wish to access it**, and at **a time that is appropriate to the people and case involved**. Approaches taken are **consistent, evidence-led, trauma informed and of a high standard**. This seeks to ensure the **needs of persons harmed and their voices are central**, and supports a **reduction in harmful behaviour across our communities**.'



#SmartJustice

CJS RJ National Service



#SmartJustice

Mapping Themes

Resource and Funding	• Limited or no capacity to develop and deliver RJ without funding and resource, esp in the tight timescales • Drawbacks of 12 month funded contracts
Training: A Levelled Approach	• High quality – RJ awareness, general, levelled specialisms for sensitive and complex cases; and training in trauma informed practice
Information Sharing and Data Recording	• Complexity of gaining consent and developing info sharing agreements • Data recording – esp in relation to holding person harmed details
Referral pathways	• Clarity required on referral pathways • Generally, service not set up to take self-referrals
Awareness, Understanding and Effective Partnership Working	• Improved partnership working • Set up RJ development group • Need for awareness raising campaign

#SmartJustice

Thriving Survivors – Sexual Harm

#SmartJustice

Accountability for what happened to me.

The harm being acknowledged and steps taken to help people move forward.

Being held accountable for harm done, with some form of punishment.

Justice is being believed

Justice for me is being free.

The 'Law' doesn't equate with 'Justice'

Justice is not revenge.

Justice is having HOPE

Justice is the outcome for the person or people who have wronged you.

When the person harmed feels that the perpetrator is held accountable and punished.

Justice is knowing that your experiences have been believed and acknowledged as harmful

Justice is being held accountable.

I think justice means getting what is owed to someone who has had wrong done to them

Justice is act of being fair.

Generally, people being held to account for their actions proportionate to what wrongdoing they've done.

I'm for RJ

No sentence or order could do justice to how we as survivors have been made to feel emotionally, mentally and physically.

I'm for RJ

Unless its heard through our own words [the survivor] the impact wont be the same.

I'm for RJ

I believe RJ would benefit survivors in the healing and moving on process that comes after a serious crime/offence has been committed against us.

I'm for RJ

I cannot help but reflect on if RJ was available when I became a survivor, it might have prevented or eased all those years of feeling unsafe in myself and the world.

A survivors choice

It would have to be the choice of the survivor as to when this happens on their journey.

RJ could be for me

I would really benefit from my questions being answered. It would lay to rest some of the fear I feel everyday.

A survivors choice

RJ is not for me, but that doesn't mean it's not for another survivor, so more than happy to support.

A survivors choice

It won't be for everyone but think it should be available as an option then the individual can make their own decisions.

I'm unsure

I'm not really sure what could be said or done within one of these meetings that would make me feel any different about what happened.

RJ isn't for me

I think that there are certain types of crimes that this may work for. I don't think that this would work for domestic abuse and sexual assaults in my case.

I'm for RJ

RJ would have benefitted me and the perpetrator, I believe - i am still healing from the trauma and received little information about his sentence.

would now alleviate fear of unknown

currently my voice is lost

initially sceptical

mental impact could have been helped by RJ for me

Vicky - Survivor

if sexual and domestic abuse not included in RJ I would feel disempowered

not about forgiveness, apology or reconciliation

Gender-Based Violence and RJ in Scotland

- Equally Safe/DASA Legislation
- Early requests to remove GBV from RJ policy
- Position Statement
- VAWG Round Table Event and Action Plan
- RJ Launch
- Open Letter on GBV to Ministers/Media

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Violence Against Women Network: Position Statement

- Meaningful consultation with the sector
- Never an alternative to the CJ system
- Robust, professional risk assessment
- Specialist training in the area
- Engagement is not a sign of positive behaviour
- Further engagement with survivors
- Broader consultation with children and young people

#SmartJustice

~~‘What’s Wrong With You?’~~

‘What Happened To You?’

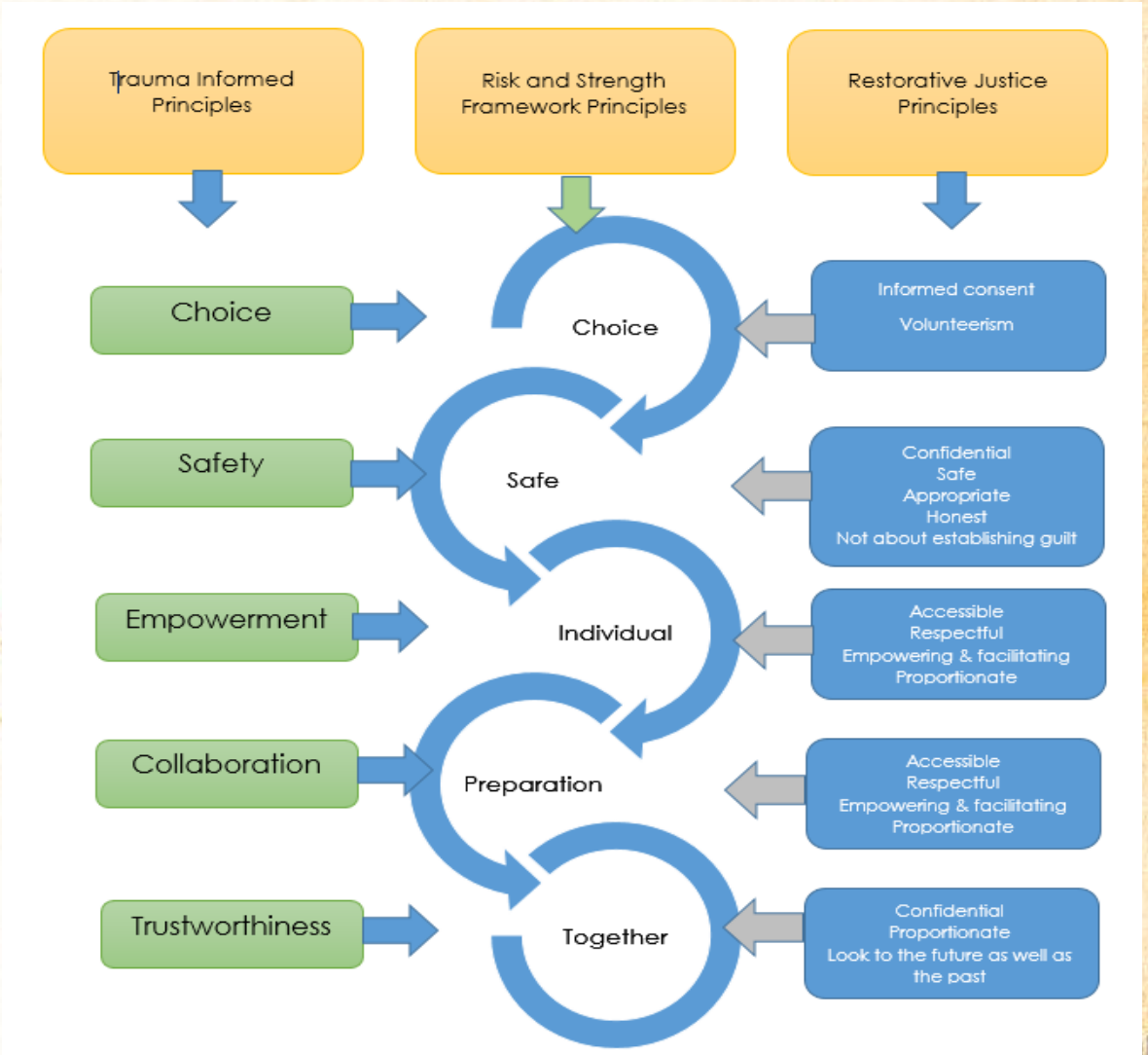
AND

‘Who Was/Is There For You?’

James Docherty, Community Justice Scotland (2022)

#SmartJustice

Addressing Harm: People First



Rachael Moss, Community Justice Scotland (2022)

Trauma Responsive Action FOR Victims

- Trauma-informed key messages and outputs
- Ongoing professional development opportunities and safe space to talk
- Alignment of policies and practices
- Safe meeting conduct and guidance
- Team management and self-care
- Expert input and support throughout
- Get people involved in meaningful ways

#SmartJustice

What Have We Learned?

- RJ is not a justice intervention, it is a public health one
- Justice is personal. It's a feeling, not a response
- Pick the hill you want to die on!
- Culture eats strategy for breakfast
- Be restorative in planning and communication, as much as in delivery
- Let people speak for themselves

#SmartJustice


"We're all just walking each other home"
Ram Dass
www.ramonamckean.com

PROBAČNÍ A MEDIAČNÍ SLUŽBA

The Building Bridges program, its possibilities and achievements

Gabriela Kabátová

International Prison Community, Czech Republic

BUILDING BRIDGES

Prison Fellowship
Czech Republic

Restorative dialogue
between offenders
and victims
of non-related crimes

Who is Prison Fellowship Czech Republic?

- social christian ecumenical movement
- focuses on: victims, offenders, ex-prisoners, families and children
- founded: 2010
- active throughout the entire Czech Republic
- number of prisons we work with in various projects: 32 prisons
- number of staff on full time and part time: 24
- number of volunteers: 400
- number of clients we helped last year: 1800

TESTING VERSION OF THE BUILDING BRIDGES 2014- 2016 IN PARTNERSHIP WITH OTHER EUROPEAN PRISON FELLOWSHIP ORGANIZATIONS

- **PF Czech Republic:** Mezinárodní vězeňské společenství (CZ)
- **PF Netherlands:** Gevangenenzorg Netherlands (NL)
- **PF Hungary:** Prison Fellowship Hungary (HU)
- **PF Portugal:** CONFIAR (PT)
- **PF Germany:** Seehaus e.v. (DE)
- **PF Italy:** Prison Fellowship Italia Onlus (IT)
- **PF Spain:** Confraternidad Carcelaria de España (ES)

- 7 countries: **114 participants** (victims and offenders together)

Professional supervision and evaluation:

Great Britain: University of Hull (UK)

Austria: Makam Research (AT)

Supported by: JUST/2013/JPEN/AG/4479

Outcome: Gerry Johnstone: Building Bridges

https://www.amazon.com/Building-Bridges-Prisoners-Victims-Restorative/dp/9462368821

Prisons that regularly host the program:

- Vinařice
- Jiřice
- Praha Ruzyně- Velké Přílepy

So far 154 victims and offenders went through the program.

In 2022 there are 2 groups with total of 24 victims and offenders.

SINCE 2015 THE PROJECT CONTINUES YEARLY WITH 2-3 COURSES EACH YEAR

METHO-DOLOGY OF THE BUILDING BRIDGES:

- imported from a PFI registered project called **Sycamore Tree Project (STP**), meetings of victims and offenders of non-related crimes, with a Christian foundation, created in the US, tradition since 1998, author Dan Van Ness

- in the Czech Republic we've also used the Zacchaeus' Tree methodology, originally focused on offenders

- **34 countries** with PFI presence for **25 years**

- Zacchaeus' Tree– enhancing empathy among offenders

- Building Bridges is more focused on victims of crimes

- Accreditation for Building Bridges: Ministry of Justice, service to victims of crime, under law no. 45/2013 Coll. - Law on victims of crime

BUILDINGBRIDGES

TIME FRAMEWORK, PARTICIPANTS

- 8-week course inside prison or outside prison (with ex-prisoners)
- meetings of victims and offenders of non-related crimes once a week for 3 hours
- facilitator and co-facilitator lead a dialogue of a group of 6 victims and 6 offenders of various crimes

SESSIONS OVERVIEW

- Week 1: **Introduction** with restorative justice, with the Zacchaeus' Tree project, introducing the story of Zacchaeus
- Week 2: **Crime**. Restorative approach to crime.
- Week 3: **Responsibility**. What it means to assume responsibility
- Week 4: **Confession and repentance**. Understanding the meaning, power and importance of confession and repentance.
- Week 5: **Forgiveness**. Understanding the meaning, power and importance of forgiveness.
- Week 6: **Making amends.** Understanding making amends as a response to a crime committed.
- Week 7: **On the way to reconciliation**. Understanding the way to healing, renewal and reconciliation.
- Week 8: **Celebration.** Looking back and celebrating what we've learned about crime and healing

VINAŘICE PRISON

The only prison where the project takes place each year on a specialized unit called “Camp”.

MEANING OF THE PROJECT FOR VICTIMS

- offenders may have answers to the victims' questions
- if proper approach and methodology is used, sharing the problem can help in the healing process
- victims can shake off the false guilt
- restorative dialogue with offenders inside prison helps recover from living in fear
- victims can confront other offenders with consequences of their actions
- victims stop to demonize the offender as they confront them, they see their vulnerability
- victims lose the victim mentality and start to gain power over their own situation

MEANING OF THE PROJECT FOR OFFENDERS

- project pulls offenders into the feelings of other people and helps raise their level of empathy and understanding of what they did to other people
- offenders are confronted with a real story of a victim of another crime
- offenders come to share their own story
- offenders are pushed to think about how the crime they committed affected the victim(s)
- offenders often for the first time see a specific harm they did, they don't see just themselves and the legal definition of their crime
- offenders compare their experience and the sharing of the victims' pain and they begin to understand some even paradoxical reactions of victims
- offenders that assume accountability for their action are less likely to commit crime again
- offenders are not confronted with the victims of their own crime, fewer defense mechanisms get "triggered"

HOW OFFENDERS USUALLY VIEW THE CRIME THEY COMMITTED

- offenders often don't see that someone is a victim and that they have their pain and their needs
- offenders consider using lies as a tool to help them avoid imprisonment or get a shorter sentence
- offenders rarely have to make up to the victim what they caused, or apologize
- offenders have no reason to change inside, nothing leads them to change the way they think
- during imprisonment their anger often grows, or their feeling of not being guilty grows

SELECTING OFFENDERS

Offenders that <u>are NOT suitable</u> for the project:

- offenders with a severe intellect disability
- sexual deviants
- offenders with severe mental disorders

Offenders that <u>are suitable</u> for the project:

- offenders of serious and also less serious crimes who are willing to listen to the stories of victims, think about them and are willing to truthfully share their own story
- there are no age restrictions

VICTIMS IN THE PROJECT

- for victims it's rather hard to make a decision to enter the project
- victims who enter the project are mostly people we address directly
- victims who chose to do the project did not have serious concerns about meeting the offenders
- 90 % of victims who go through the program experience great relief and a beginning of inner healing
- victims are surprised at the level of vulnerability of offenders as they share their personal stories
- victims experience a certain level of satisfaction when they receive a symbolic compensation along with a substitute apology from the offender of a different crime
- during the program victims get answers to some of their questions that no one else other than the offender can answer
- victims greatly benefit from it if they're able to lose the feelings of false guilt

OFFENDERS IN THE PROJECT

- high level of interest to enter the project (with different motivations)
- big concerns about meeting the victims face to face (incomparably bigger than what victims experience)
- feelings of shame over the crimes similar to their own crime, expressed anger over the crimes that the victims experienced, including less serious crimes
- beginning of thinking about making amends for the harm caused
- fear of sharing their own story of committing crime, relief afterwards
- some gain a stronger sense of self value
- temporary sadness after the project is finished
- desire to continue meeting, stay in touch and help PF CZ (often fades away after a few months)
- desire to give gifts to the victim participants

THE END OF THE PROJECT: CELEBRATION

- A celebration with representatives of prison management,Probation and mediation service, journalists, non-profit organizations, sometimes there is a possibility to invite victims' and offenders' family members.
- Certificates awarding from the prison director to all project participants for participating in the project
- Letters reading to their own offenders
- Participant´s project evaluation
- Handing over a symbolic compensation
- Reading out the commitments in front of the group

(start paying a compensation to the victim,the Probation and mediation service´s request to enable a direct mediation with their own victim etc.)

AN APOLOGY LETTER TO THE VICTIM (THE OFFENDER- A WOMAN)

My apology letter to the victim is going to be a bit unconventional. The victim died from my violence so my letter is going to be a conversation with her at a cemetery, where I believe she rests in peace.

Dana, after so many years I stand here in the front of you today, I bow my head at your feet and from all my heart I want to ask you for forgiveness. I am truly sorry for what I have done to you and I know that nothing and no words will bring you back to life I took from you. In your eyes, I would like ro be granted forgiveness. If only it was in my power, I would turn back time and none of us would be here right now. However I cannot turn back time and I must live with this reality until the end of my life.

You will be in my thoughts forever. I appreciate you as a person, even if you are not here with us anymore.

Please forgive me. J

TESTIMONY ABOUT THE PROJECT FROM A VICTIM´S PERSPECTIVE:

Building Bridges, as I learned first hand,a truly effective therapeutic project.

The fact that a group of offenders and victims becomes a group of people who look forward to seeing each other during a week, is a unique experience. It was challenging to listen to all the difficult and harsh stories from both groups, but also rewarding at the same time. The openness brought us closer and the closeness helped us understand ourselves and others more.

At the beginning, I was shocked by the length of sentences our new friends have to serve, later, after hearing their stories I was not so surprised. The length is useful to the victim or the offender only if the offender takes a self critical view of his act, regrets it and decides to change during that time.

Building Bridges is unique because it works therapeutically with everyone in the group. It is not about "serving" the program to the prisoners but both offenders and victims can enrich each other through their stories and change their mindset and attitudes based on that. September 2015

Dear perpetrator,

I am writing to you after several years after the crime you committed. You may not even realize it but you´ve caused more harm than you might realize at first.

You caused us material and psychological damage and unfortunately the insurance company did not pay us a single penny of compensation.

However, also thanks to the fact that I got to know the perpetrators of different crime acts face to face, I felt even greater desire to forgive…

Š. W.

LETTER TO THE OFFENDER

Dear thief,

I am upset that you stole my possessions that mattered to me. It´s been a few years now but I still miss them and that won´t change. I´ve already forgiven you, but it doesn´t mean it it's all ok. It would be nice if I could reunite with my personal possessions that have a value of my personal memories! But you probably sold them at a market and bought a dose of drugs or alcohol for the money or you stuffed them into a slot machine. Perhaps you have been already caught and convicted. I already met people who stole because they were addicted to drugs. This addiction definitely doesn't excuse them or you but I do not wish to anyone to be imprisoned! I encourage you to seek help from experts and try to find a therapy treatment for your addiction. There is also another possibility I got to know - directly from God. Start talking to Him and find believers who will help you to get to know Him. He loves You, He cares about You, He wants to help You and He will give Your life a whole new purpose. .

COMMITMENT MADE BY AN OFFENDER

I would like to apologize for the damage I have caused by my actions. Unfortunately, I cannot apologize to anyone specifically. I deeply and sincerely regret everything and I am really embarrassed. I realize that my actions caused not only material damage but also mental health issues that are hard to fix. I want to put my actions right. Unfortunately I do not know anybody specifically so I will try to help others.

I hereby make a commitment that after my release I will get in touch with a non-profit organization to help me arrange drug safety talks at elementary schools.

Immediately after my releasy, I am going to join a therapeutic community where I will continue to deal wit my drug addiction which led me to committing crime. Also I would like to participate in volunteer activities that will take place in my community.

THANK YOU FOR YOUR ATTENTION

Gabriela Kabátová

Executive Director

Prison Fellowship Czech Republic

Prague, 13th October 2022

PROBAČNÍ A MEDIAČNÍ SLUŽBA

Specific practice of working with the offender

Ronald Gramigna

Federal Department of Justice and Police of Switzerland

WORKING WITH THE OFFENDER

Ronald Gramigna, PhD
Federal Office of Justice
Federal Department of Justice and Police
Switzerland

Conference of Probation and Mediation Service on the Occasion of the Czech Presidency of the Council of the EU
October 13-14, 2022 in Prague

PREVENTION

- THE ACCEPTANCE OF THE CRIMINAL JUSTICE SYSTEM MAINLY DEPENDS ON SOCIETY'S PERCEPTION.
- TODAY, THIS PERCEPTION IS ESSENTIALLY MEDIA-MEDIATED AND CAN DIFFER CONSIDERABLY FROM THE DISCOURSE OF THE EXPERTS.

EXAMPLE

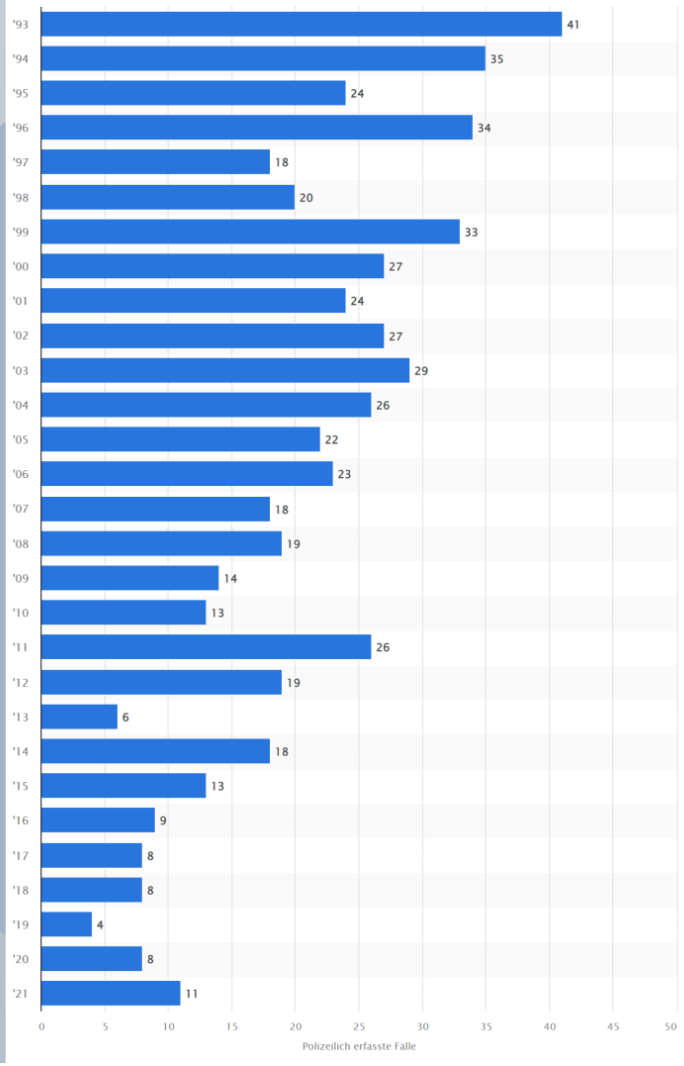
IT FOLLOWS THE PRIME MINISTER'S ANNOUNCEMENT ON 21 JUNE 2011 THAT THE GOVERNMENT WOULD REVIEW THE IMPRISONMENT FOR PUBLIC PROTECTION (IPP) SENTENCE WITH A VIEW TO REPLACING IT WITH A NEW REGIME WHICH WOULD BE BETTER UNDERSTOOD BY THE PUBLIC AND COMMAND GREATER CONFIDENCE.

- PRIMARY PREVENTION; ANTICIPATING RISK BEHAVIOURS AND SYMPTOMS.
- SECONDARY PREVENTION; EARLY DETECTION OF RISKS AND SYMPTOMS
- TERTIARY PREVENTION; RELAPSE PREVENTION

STATISTICS

SUCCESS AND CHALLENGES OF PREVENTION

Sexual murder in Germany 1993 - 2021



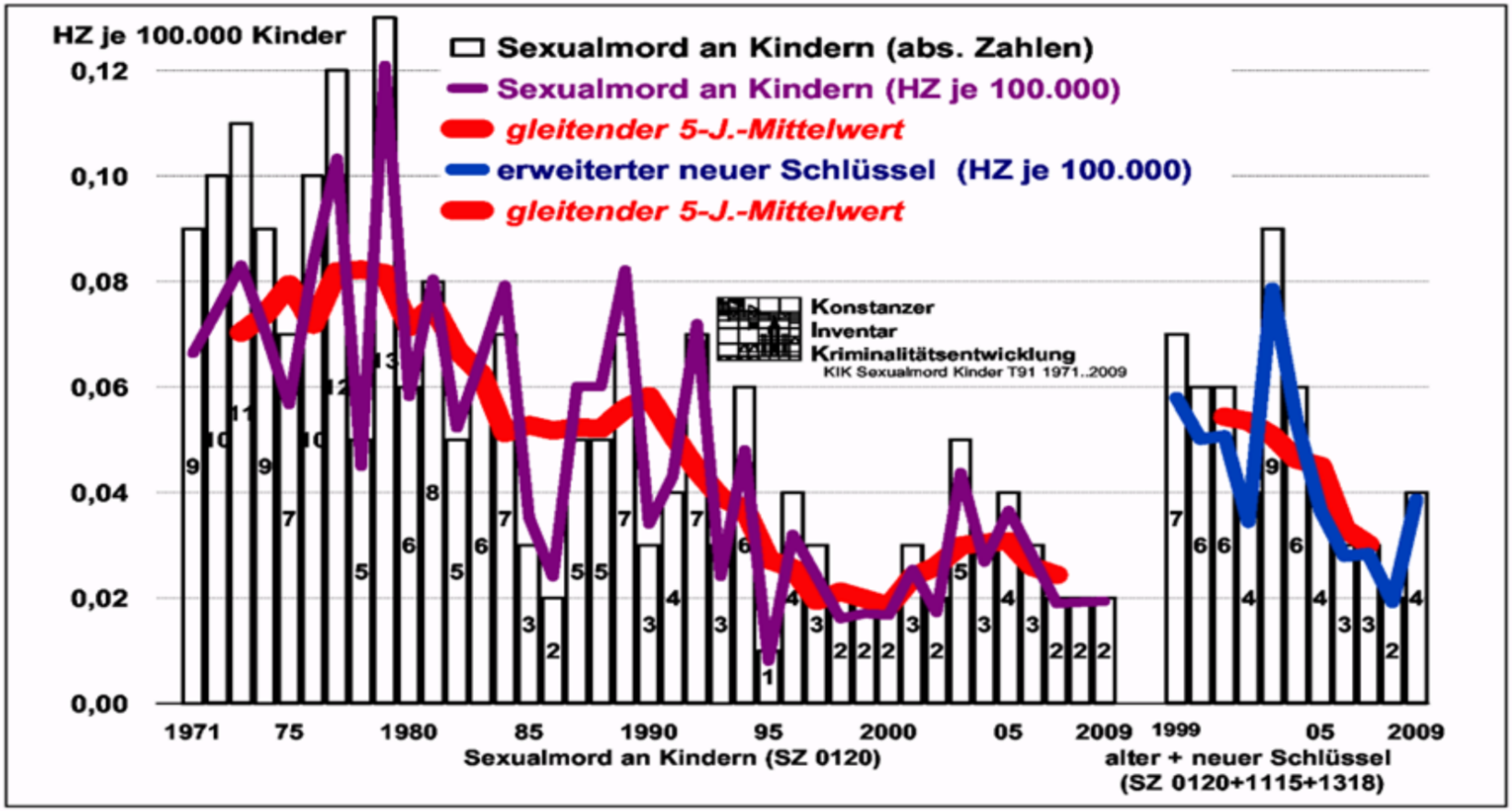
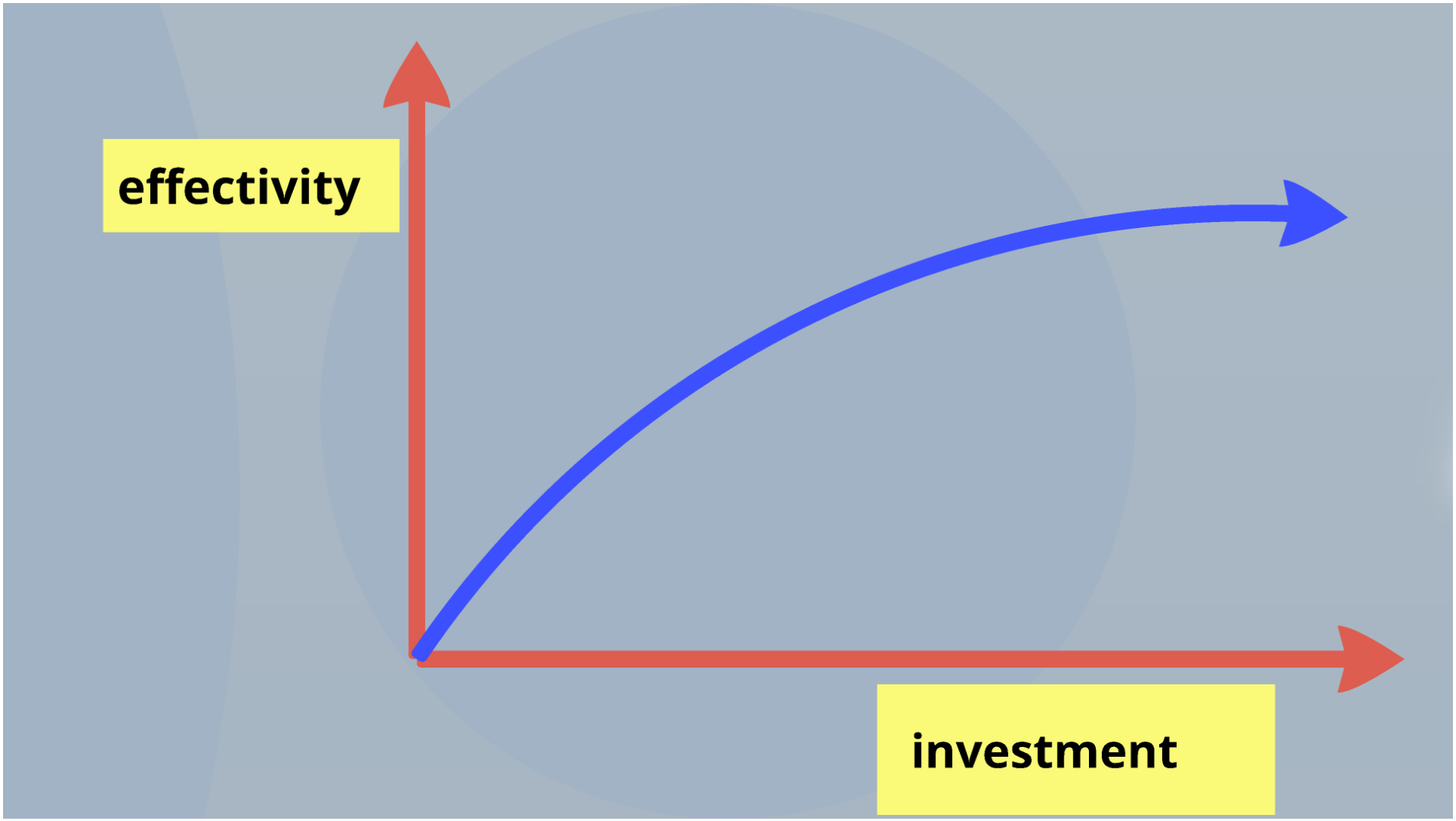


Schaubild 6: Entwicklung registrierter Sexualmorde an Kindern (Häufigkeitszahlen und abs. Zahlen der Opfer); seit 1971 erfasster alter Schlüssel (SZ 0120) sowie - rechts - ab 1999 um Fälle nicht-vorsätzlicher Tötung erweiterter neuer Schlüssel (SZ 0120 + SZ 1115 + SZ 1318).

- WE KNOW (A LITTLE) MORE THAN WE USED TO KNOW.
- WE DON'T KNOW IT PRECISELY.
- WE ARE BETTER AT RECOGNISING WHO IS DANGEROUS.
- THE PUBLIC NO LONGER TOLERATES (DANGEROUS) TRY-OUTS.
- THE CONCEPT OF "FATE" HAS (ALMOST) HAD IT' S DAY.

THE "PRICE" OF SUCCESS


effectivity
investment


AVOIDING
FURTHER
VICTIMS
MOTIFS

- THE PREVENTION OF VIOLENT AND SEXUAL CRIMES IS A SOCIAL AND PUBLIC OBLIGATION
- VICTIMS HAVE THE RIGHT FOR ASSISTANCE AND SUPPORT
- VICTIMS HAVE THE RIGHT TO PRIVACY, RESPECT, PROTECTION AND INFORMATION.
- THE "EXECUTION OF SENTENCES AND MEASURES" MUST ALSO BE A "PREVENTIVE PROCESS OF JUSTICE"
- THE RISK PRINCIPLE IS A CENTRAL GUIDING IN DEALING WITH OFFENDERS
- VICTIM PROTECTION IS AN ESSENTIAL GOAL OF CRIMINAL LAW AND CRIMINAL PROCEDURE

PROBAČNÍ A MEDIAČNÍ SLUŽBA

A restorative approach to offenders in the field of non-governmental organizations

Lenka Ouředníčková

Rubikon Centrum, Czech Republic

RUBIKON CENTRUM pomáháme překročit minulost

Crossing the past, unlocking the future

Conference of Probation and Mediation Service on the Occasion of the Czech Presidency of the Council of the EU

VICTIMS OF CRIME

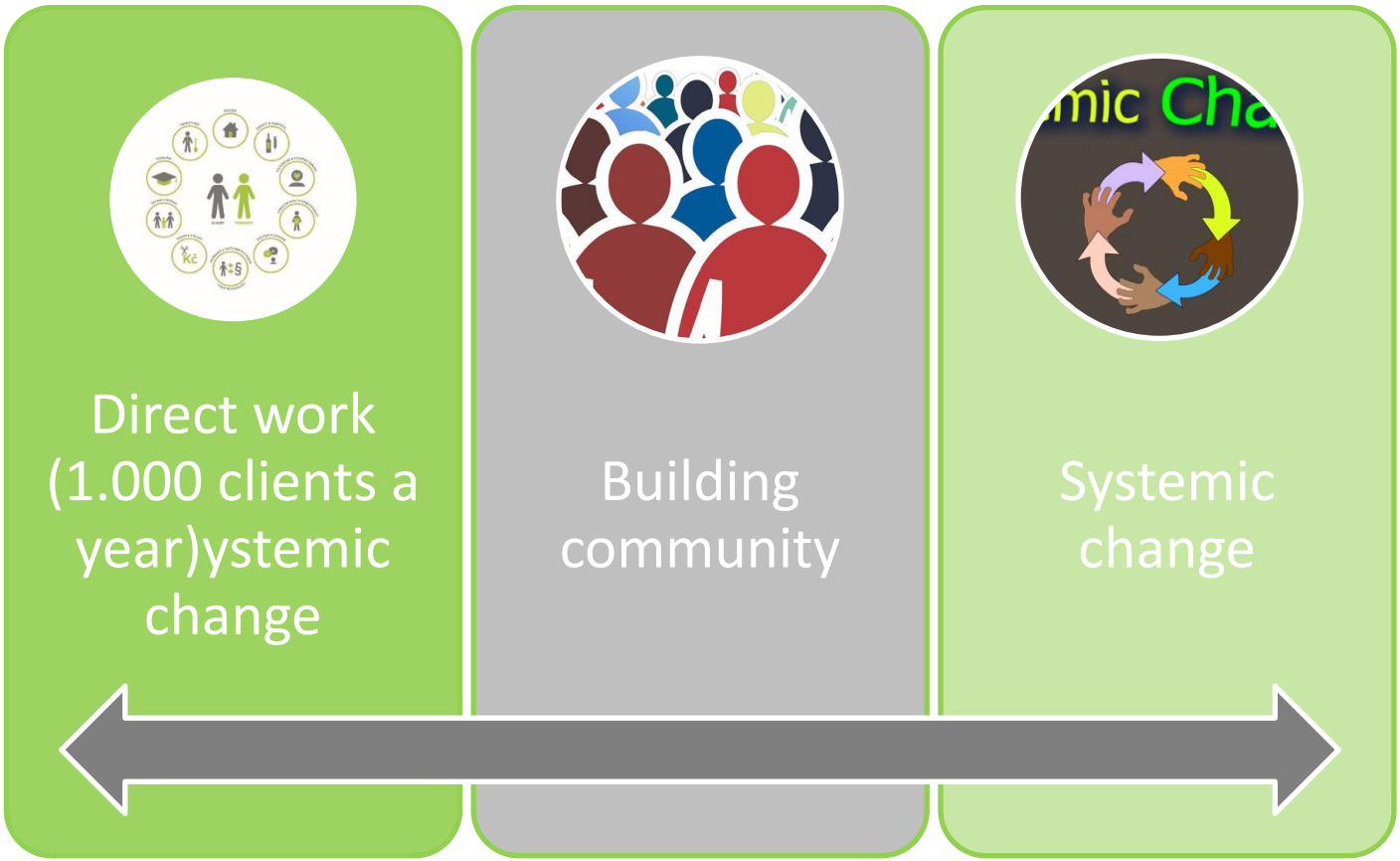
Possibilities of restorative approach in probation and imprisonment

October 13 - 14, 2022 in Prague

RUBIKON CENTRUM pomáháme překročit minulost

Who we are

- NGO, establisked in 1994
- 27 years of existence
- 6 branch offices
- cooperation with 15 prisons, PMS and other institutions
- 40 employees
- 30 % of employees have criminal past – we use a lived experience as a key perspective to our work


Direct work (1.000 clients a year)ystemic change
Building community
Systemic change

Direct work

WHO ARE OUR CLIENTS?

People with a criminal record, their families and loved ones

1 192 clients we have worked with in 2021

83% clients with crimininal record were have already been in prison

WE ARE PREPARING FOR RELEASE

342 clients

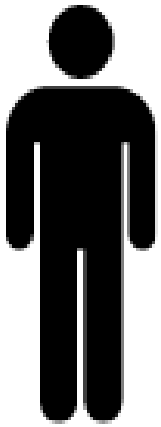
in 21 prisons

42% of released clients continued to cooperate

162 clients in online consulting

102 clients in long-term correspondence consulting

OUR MOST FREQUENT CLIENT



40

years old

man

- work experience from casual jobs
- currently unemployed
- basic education or apprenticeship
- unstable or no housing
- established maintenance obligation
- amount of debts CZK 450,000
- drug addiction
- without family background and friends
- needs help with work, accommodation and debts


HOUSING
EMPLOYMENT
DRUGS & ACOHOL
EDUCATION
PHYSICAL & MENTAL HEALTH
RELATIONSHIPS & FAMILY
INDEPENDENCE & SELF-SUFFICENCY
CLIENT
CONSULTANT
FINANCE & DEBTS
ATTITUDES & BEHAVIOUR
INTERACTION WITH THE JUSTICE SYSTEM
CRIMINAL PAST
Kč
§

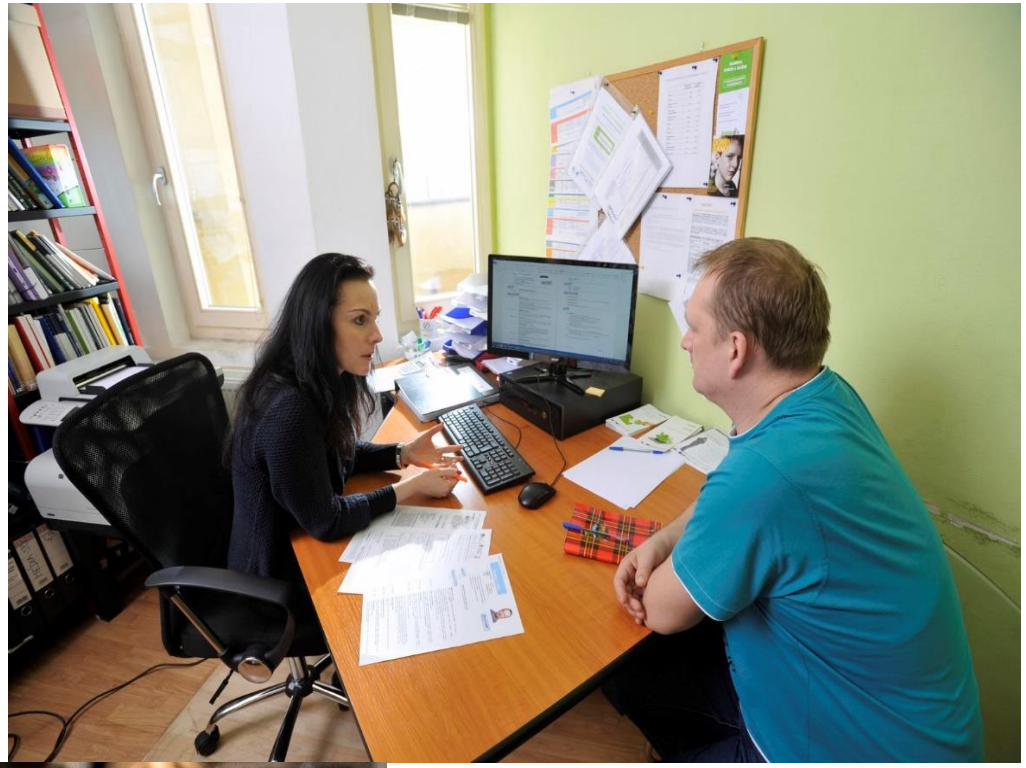
How the restorative justice is reflected in our practice?

Accountability and responsibility

Impact of the crime – myself, my family, victim and community/society

Lived experience

Relationship to community




Petra Kobicová
Mladý Servis


Lindab s.r.o.

Raising awarness activities for emploers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CENTRUM
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Nemám svatozář.
Mám práci.
Trestní minulost nemusí být
v rozporu s pracovními
schopnostmi.
fond pro NNO
NROS
nadace partnerství
eea grants
Projekt DEJME DRUHOU ŠANCI je podpořen grantem z Islandu, Lichtenštejnska a Norska v rámci EHP fondů.
www.fondnno.cz www.eeagrants.cz


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www.fondnno.cz www.eeagrants.cz


NESEDÍM,
STAVÍM.
Marcel už si své odseděl
ve vězení a je rád,
že pracuje.
Evropská unie
Evropský sociální fond
Operační program Zaměstnanost
RUBIKON CENTRUM
I vám pomůžeme najít práci.
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NESEDÍM,
PĚSTUJI.
Pavla už si své odseděla
ve vězení a je ráda,
že pracuje.
Evropská unie
Evropský sociální fond
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www.rubikoncentrum.cz


Z vězení do života | Jan Drtina | TEDxPrague
Přehrát (k)
0:26 / 8:48
Posunutím zobrazíte více
HD

Building a community

We co-create an open society

Community centre and Garden Kotlaska

„A place where everyone can grow“

Kotlaska je místo,
kde každý může růst!

KOTLASKA
Komunitní centrum a zahrada

RUBIKON CENTRUM

KOTLASKA
Komunitní centrum a zahrada

Beginning of Kotlaska story

KOTLASKA
Komunitní centrum a zahrada

RUBIKON CENTRUM

KOTLASKA
Komunitní centrum a zahrada

Workshop with Metráž design

Excibition of paintings – Příbram prison

Yellow Ribbon Run

Yellow ribbon as a symbol of re-entry of people with a criminal past back into the community.

We co-create an open society

Yellow Ribbon Run

„Run away from prejudices!“

- mutual project of RC, Probation and Mediation Service and Prison Service
- 7th annual – topic children with parents in prison

#utecpredsudkum


AUTHOR
148
180


YELLOW RIBBON RUN 2021
171
69


1000
SPORT
Slavata
DÉCOUVREZ LES
DE NOTRE PLANÈTE
EXPLORER, PROTÉGER ET S'AMUSER

RUBIKON CENTRUM pomáháme překročit minulost

https://www.rubikoncentrum.cz/en/

Thank you!

PROBAČNÍ A MEDIAČNÍ SLUŽBA

Sentencing domestic violence homicide cases in Poland

Anna Matczak

The Hague University of Applied Sciences, Netherlands

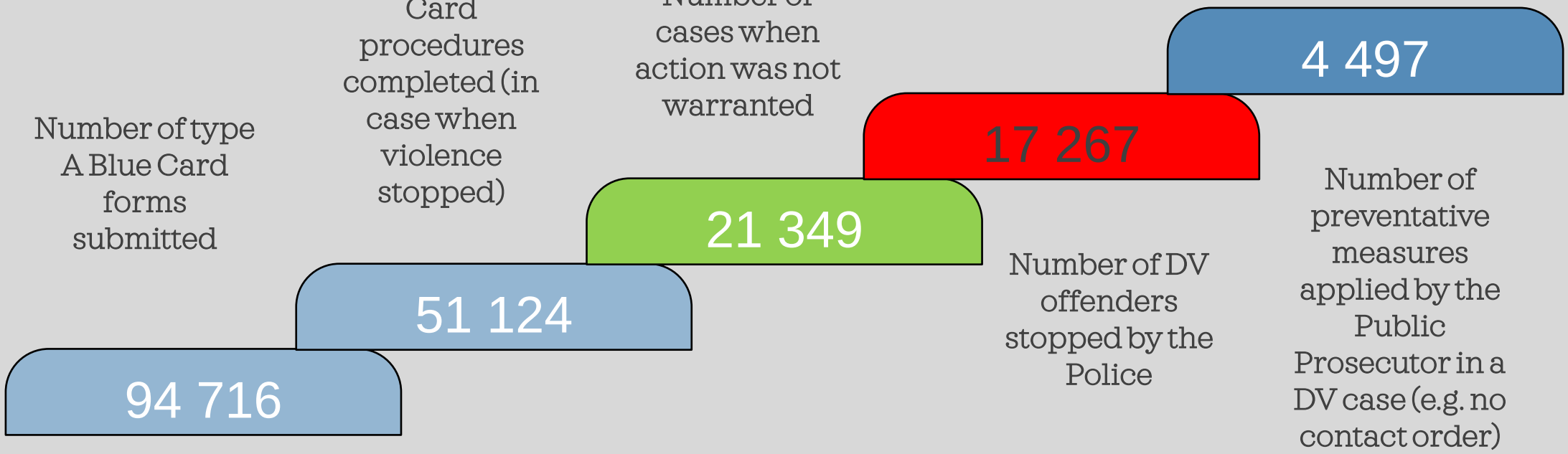
Sentencing domestic violence homicide cases in Poland

Dr. Anna Matczak
The Hague University of Applied Sciences

Domestic violence in Poland

- **LEGISLATION** - The Act to Counteract Domestic Violence (2005), article 207 of Polish Penal Code.
- **RESPONSE** - The Blue Card system/procedure.
- **CONTROVERSY** - Poland's withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence (commonly known as the Istanbul convention).
- **SENTENCING** - Sentencing in Poland is practised in a rather punitive and constantly instable penal environment, with high level of inconsistencies in sentencing amongst Polish judges, which cannot be attributed to specific case characteristics (Matczak, 2017; Mamak et al. 2020).
- **RESEARCH** - Routine, semi-automatic and superficial diagnostical procedure in processing DV cases, with very few sentencing decisions incl. offender's obligation to participate in correctional education/therapy (Court Watch Foundation Poland, 2022).

Domestic violence statistics in 2022



Source: Polish National Programme for Counteracting Family Violence for the period 2015-2020

The research theoretical premise

01

Symbolic interactionism - people co-create the meaning of objects, towards which they act upon, as human action is a peculiar, individualistic, and creative process (Blumer, 1969).

02

Does gender have any impact on sentencing? If so, how gender is constructed in the sentencing discourse? (Rekosz-Cebula, 2018).

03

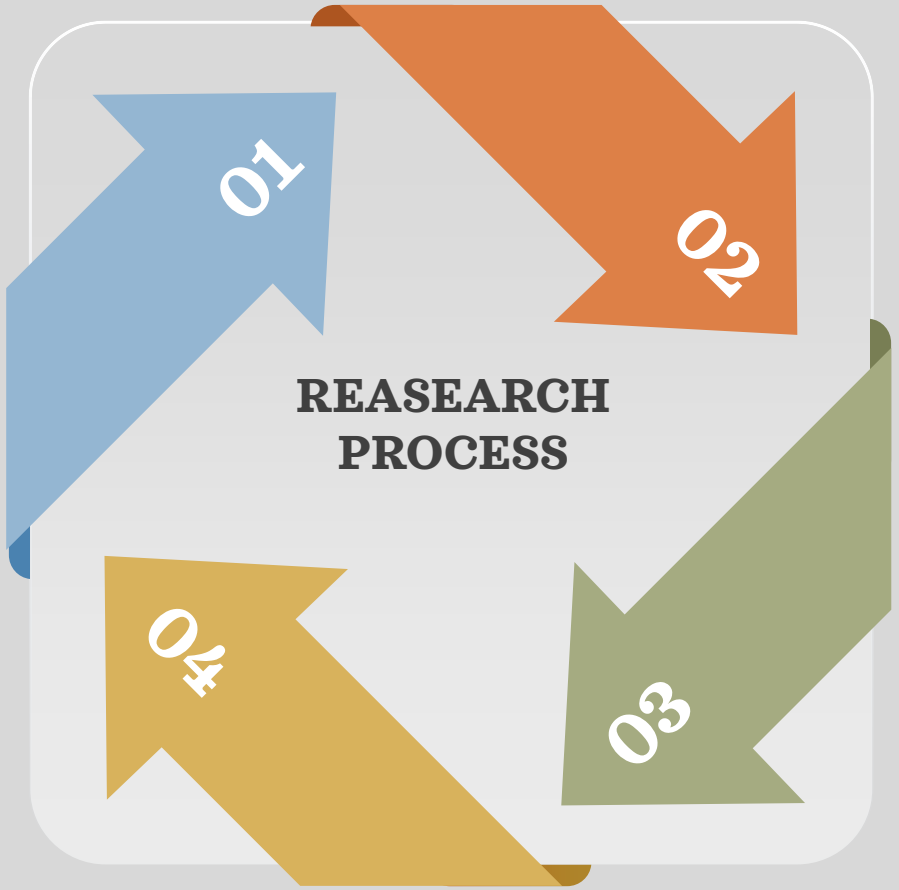
Sentencing is considered in this research not only as an individual act of legal interpretation, but also as a gender meaning process undertaken by judges each time they deal with a case.

SAMPLE

51 sentencing decisions in (DV) homicide case.

DATA SOURCE

Cases retrieved from an online public sentencing portal, from 2010 to 2021 for adult offenders of both sexes.



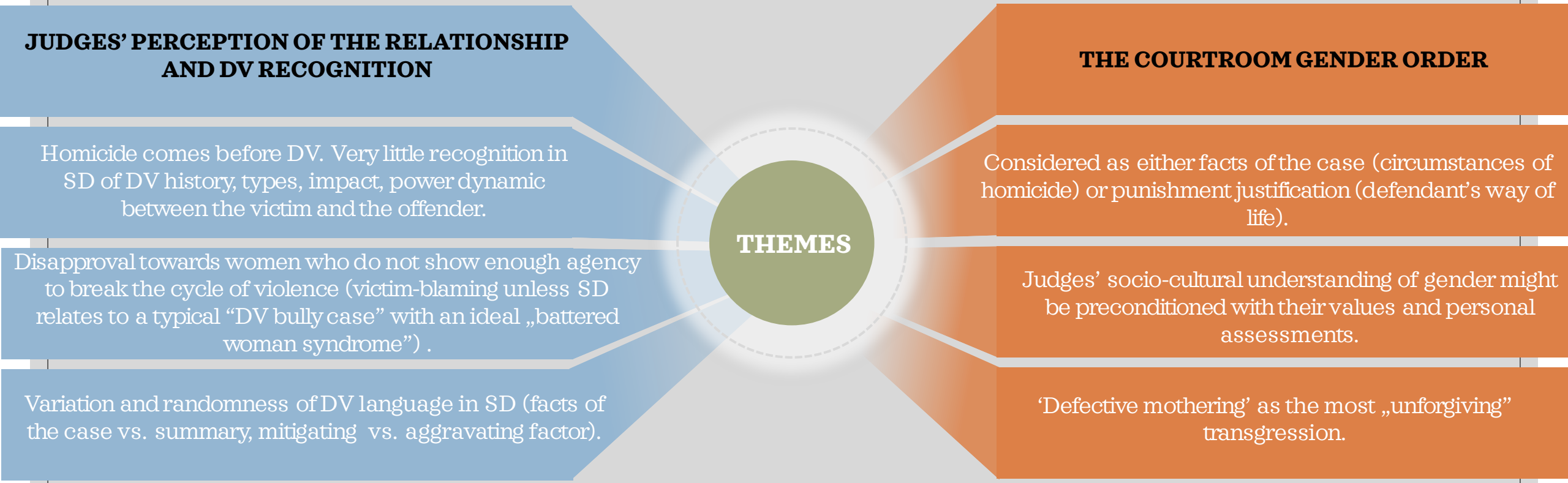
DATA ANALYSIS

Sentencing decisions were read (and coded) independently by two authors of this research. Discourse analysis was carried out jointly.

MALE VS. FEMALE

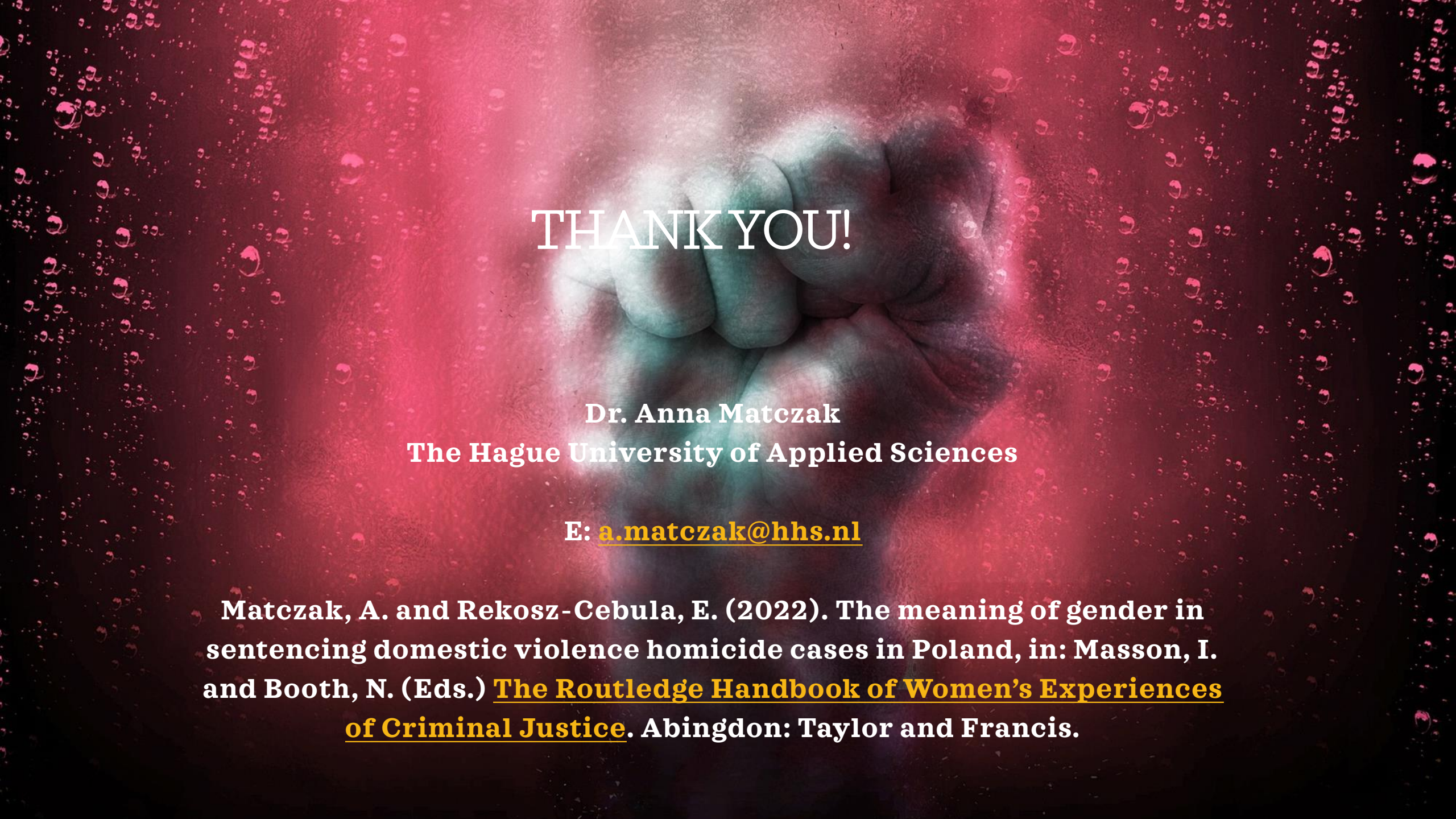
26 women and 25 men were convicted for homicide (or attempted homicide). All cases considered heterosexual relationships.

Research findings



Concluding thoughts

- Sentencing decisions relay more than just the interpretation of evidence and legal provisions; they provide an opportunity to send a message to court process participants and to lay people, on **judges' sense making, adaptation, as well as their perception of and engagement with extra-legal factors.**
- There is a growing necessity for **DV-specialised courts** and **DV interpretations toolkits to enhance judicial education and training.**
- **Courts, police, probation, prison, victims' services, RJ services** can be seen as distinctive communities of practice, with valuable sources of policy feedback, which can assist the justice system to evolve through organisational learning (see Ulmer, 2019).
- Symbolic interactionism is a helpful framework to see judges as individual actors who contribute to gender meaning-making process in various ways and degrees (in an inquisitorial jurisdiction). **How about you and your contribution to these processes?**



THANK YOU!

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Matczak, A. and Rekosz-Cebula, E. (2022). The meaning of gender in sentencing domestic violence homicide cases in Poland, in: Masson, I. and Booth, N. (Eds.) The Routledge Handbook of Women's Experiences of Criminal Justice. Abingdon: Taylor and Francis.

PROBAČNÍ A MEDIAČNÍ SLUŽBA

Family Justice Center Limburg: a systemic approach to domestic violence

Sabrina Reggers

Family Justice Center Limburg, Netherlands

Family Justice Center Limburg: a systemic approach to domestic violence

FAMILY
JUSTICE
CENTER
limburg

Short introduction

3.3.2 Fragment 1 - Witnessing domestic violence - YouTube

Very high
‘dark number’

1/4

of the population will ever be affected

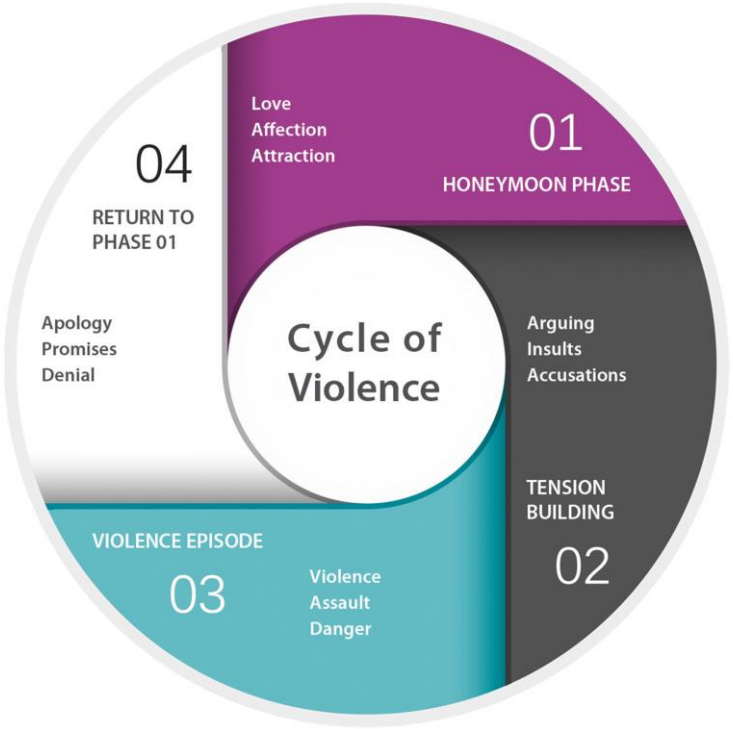
35

Average number of violent incidents before someone seeks out help

7

Average number of attempts before someone really leaves

Dangerous vicious circle that is difficult to break

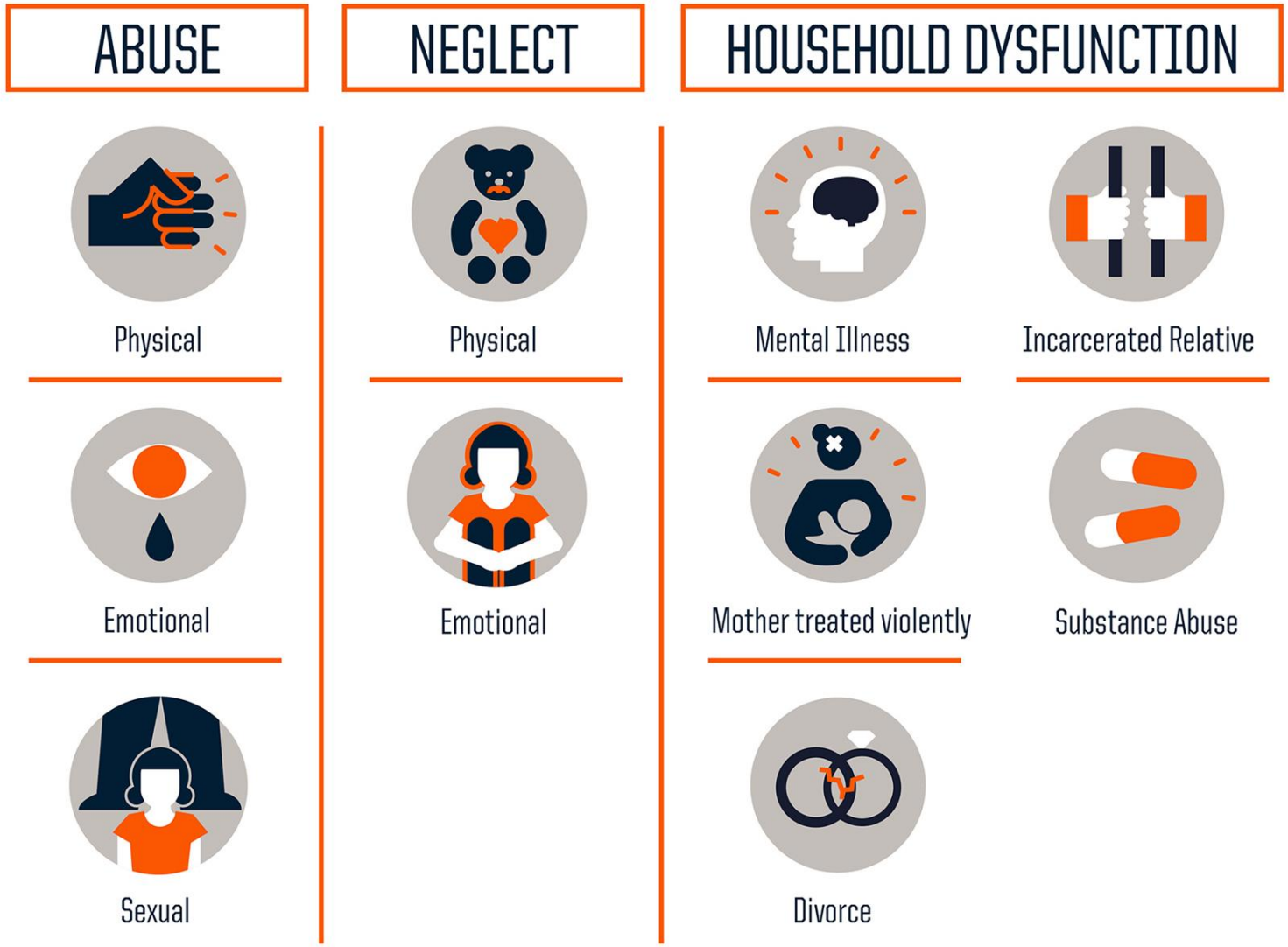


Often in combination with multiple underlying problems (substance abuse, financial problems, personality disorders,…)

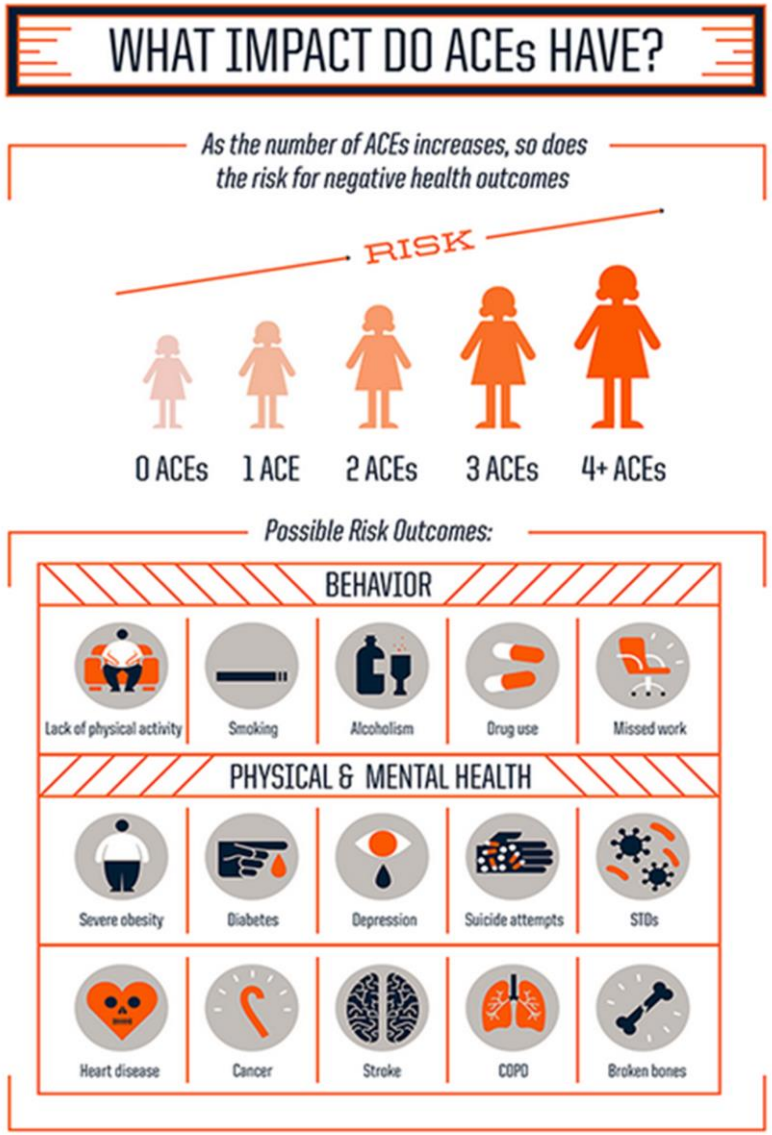
And always bear in mind the different dynamics / offender profiles and the consequences for treatment

ACE-study

The impact of adverse childhood experiences – by Dr. Felitti



ACE-study



Probability of Outcomes

Given 100 American Adults

33 No ACEs	51 1-3 ACEs	16 4-8 ACEs
WITH 0 ACEs	WITH 3 ACEs	WITH 7+ ACEs
1 in 16 smokes	1 in 9 smokes	1 in 6 smokes
1 in 69 are alcoholic	1 in 9 are alcoholic	1 in 6 are alcoholic
1 in 480 uses IV drugs	1 in 43 uses IV drugs	1 in 30 use IV drugs
1 in 14 has heart disease	1 in 7 has heart disease	1 in 6 has heart disease
1 in 96 attempts suicide	1 in 10 attempts suicide	1 in 5 attempts suicide

DV requires a specific approach

- Common and highly under-reported problem
- Complex and dangerous dynamics and those involved often stay in each other's environment
- Devastating impact on children (including intergenerational transfer)

DV requires a specific approach

- Devastating impact on children (including intergenerational transfer)
- Great social cost (lower quality of life, high governmental costs, higher work absenteeism and lower productivity, …)
- Many services involved -> transcends policy domains, policy levels and competencies

A lot of organizations and professionals are working really hard but…

The maze makes it difficult to find or offer help

Example drawing (Simons, 2013)


WHO
WHAT
WHERE
WHEN
WHY
HOW

Family Justice Center Limburg: a multidisciplinairy and systemic approach to domestic violence

Family Justice Center Limburg

- Multidisciplinary team of professionals - and thus various services - under one roof
- To tackle domestic violence
- Coordinated & systemic (if possible) approach
- Clients can visit (not yet directly accessible)
  - to obtain all the help and the services they need to put an end to the violence
  - to enhance their safety
  - to increase offender accountability

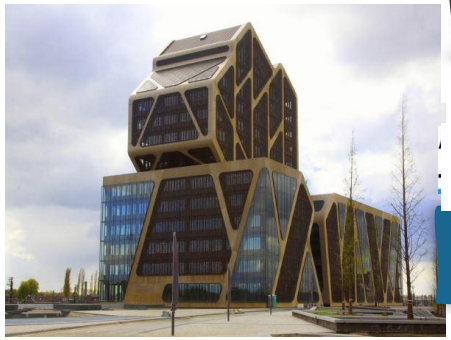
“Take the best of what you already have and bring it all together”

<u>Step 1</u>:
incident & police intervention

+

<u>Step 2</u>:
police and public prosecutor start or add info to existing “family file”

+



Agentschap Opgroeien

Vertrouwenscentrum Kindermishandeling West-Vlaanderen

+

= letter of public prosecutor and brochure FJC

= informing clients
+ information sharing with FJC partners
+ assessment of “added value”
+ FJC offer (active or passive)

Decision after multidisciplinary assessment

No active FJC offer = letter & brochure FJC + possibility of FJC consultation for relevant services

Active FJC offer

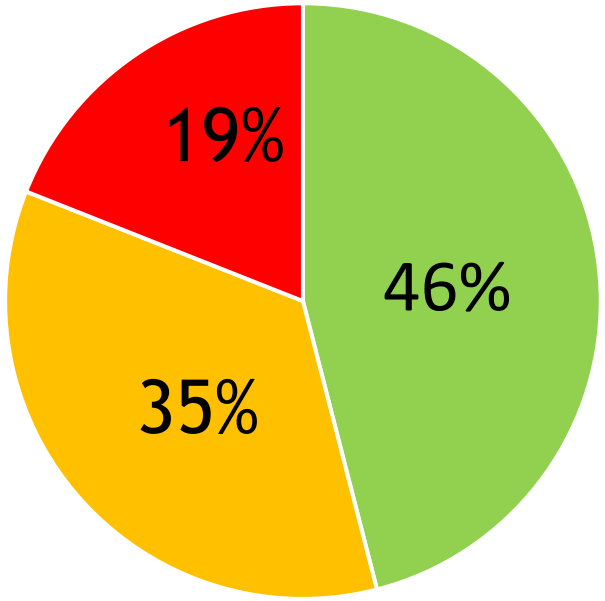
Intake team
Families out of balance
First contact
within max. 30 days

ICR- team
Structural unsafe families
First contact
within max. 5 days,

HRV- team
Honour related violence
Combo police-social worker
Very specific tailor-made approach

FJC-cijfers na 60 maanden

+6000 families



Added value

Multidisciplinary coordination and information sharing

Swift approach

Team with DV experts

Structural risk assessment

Tailor-made approach

Under one roof

Pro-active approach

Questions?

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AGENTSCHAP JUSTITIE EN HANDHAVING
Afdeling Gendergerelateerd geweld

Thank you for your attention

www.pmscr.cz