

# Report

## CEP Workshop

Prague, 15-16 May 2003

### Justice and Balance: victim, offender and community perspectives

There is wide recognition of the virtues of restorative justice and regular commentary on how mediation could improve the satisfaction of victims. But, despite some moves to bring a sharper victim focus to judicial processes and programmes involving offenders, little substantial progress ever seems to be made. With notable exceptions, only a few justice systems have convincingly brought mediation from the margins of probation work and placed it anywhere near centre stage. Especially in those countries with mature probation services, the types of restorative justice that invites active victim participation remain an ideal or are confined to discrete parcels of work like domestic violence or to pilot projects, rather than anything readily observed in routine work.

Obstacles are easily identified; the inertia of judicial structures and systems, vested interests, risk-averse politicians and policy makers, cost cutting or simply the lack of critical mass – too few people building a convincing, irrefutable and researched case for wider adoption.

This workshop, designed to consolidate thinking and begin to shift activity, was, appropriately, organised in concert with the Probation and Mediation Service (PMS) of the Czech Republic and the Czech Association for Probation and Mediation in Justice (SPJ). The Czech Ministry of Justice and the National Probation Service for England and Wales supported it.

The Czech Republic is one of the few beacons in Europe where mediation is both embedded in a legal framework and actually evident in day-to-day operations. It is growing in scale and working alongside a prison service with a decreasing population.

The workshop, attended by 37 representatives from 16 countries, provided an opportunity to share and develop consensus views on restorative justice and mediation. The gathering included practicing staff, managers and academics, as well as the directors of two national services, Pavel Stern of the Czech PMS and Eithne Wallis of the National Probation Service for England and Wales.

In a break from the usual workshop structure, the first day was open to Czech delegates including prosecutors, judges and around 40 out of the PMS's total compliment of 245 staff. This boosted numbers to around 100, usefully giving contributors – Eithne Wallis (England and Wales), Gordon Petterson (Norway) and Ivo Aertsen (Belgium) – a larger and more varied audience than they would typically have expected at a CEP workshop. Petterson, from a prosecutor's perspective, underlined the crisp professionalism and personal persistence required to get cases referred for mediation when other professionals might not sense an immediate benefit for their work. Aertsen, as well as providing a number of practice examples, captured the ten challenges evident in almost every jurisdiction. Stern ended the day with a clear exhortation on all of us to step up a gear.

Run in traditional workshop style, the second day enabled a comprehensive round-the-table exchange of practice and development information from all the delegates. There was a dialogue on a new paradigm for probation and restorative justice and a case study exercise usefully compared ways of working. This was followed by a more than usually animated dialectic, testing claims and counter-claims.

Despite the varying sizes and backgrounds of the services present, and the differing legal frameworks, there were strong similarities and a consensus on the challenges. Active advocacy and "marketing" of restorative justice was crucial, particularly to influential internal audiences like police, prosecutors and prisons. In many countries the law did little to encourage or permit restorative justice (although the newer services might have been at an advantage to the older). Most wanted clearer funding and all needed more evidence to influence political thinking.

The event was impressively designed and managed by Czech hosts. It was dedicated to the late Jörg Frauenfelder who had worked within the CEP as a board member and in the Czech Republic. Those who knew him well were confident he would have approved of the enthusiastic, mutually supportive and enquiring spirit in which the seminar was conducted.

**Further information** about the workshop, including the full text of presentations by **Eithne Wallis, Ivo Aertsen, Gordon Petterson** and **Pavel Stern** is available on the [website of SPJ](#) - click on 'Aktuality' to find material about the workshop in Czech and English.