

Report

**Twelfth CEP Seminar
Victim Offender Mediation
Wittenberg, Germany
8-12 October 1997**

The full report of the Twelfth CEP Seminar 'Victim Offender Mediation' is available in English from

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A CD Rom containing the full report of this seminar in English, French and German is available, price 39DM, from

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The following brief report appeared in the CEP Bulletin.

CEP Seminar on victim offender mediation

The twelfth seminar organised by the CEP, a co-production with the DBH, the German probation service organisation, took place in Wittenberg from 8 to 12 October 1997. John Walters, board member of CEP, gives his personal account of the seminar.

The choice of venue was doubly significant. Wittenberg is of course Luther's town and an excellent place to seek the courage to engage in reform and the process of change. But, lest that seem to be only about the past, Sachsen Anhalt, the *land* in which Wittenberg is situated has today some of the most progressive criminal justice policies in Europe, including a strong commitment to victim offender mediation. An address by Karin Schubert, the Minister of Justice for Sachsen Anhalt, delivered successively in German, English and French, made that very clear.

Opening the seminar, and speaking in French Esther Giménez-Salinas from Spain observed that *la médiation touche très fort le droit pénal*. Mediation is a real challenge to the principles and conventions of the law relating to criminal justice. If the interests of the victim and the offender can be balanced where does that leave the state? Mediation with its strong connections to the movement for restorative justice has grown out of dissatisfactions with the processes of formal justice. The seminar provided an opportunity to hear about the very wide range of systems and organisations involved in the process of mediation in different countries in Europe. Some schemes are highly professionalised and located in official agencies, often probation services. Some operate with equal professionalisation in NGOs. Others work outside the formal structures of criminal justice and are more rooted in communities and work with volunteers. Mediation may have been developed to avoid unnecessary court proceedings, as part of criminal proceedings (for example leading to a reduction in sanction where mediation is effective) or as a sanction in its own right. Various categorisations have been attempted but their very complexity, and certainly my inability to describe them here, show that mediation is a process capable of application in a wide variety of situations. Indeed Dieter Rössner of the University of Wittenberg in a learned and stimulating paper argued that peaceful settlement of conflict is part of the biological makeup of people and characteristic of all societies.

It is a curious fact that the progress which is being made in the development of mediation has been paralleled by a growth in repressive criminal justice policies in almost the whole of Europe. This is evidenced most clearly by the growth in prison populations which is analysed in the article by Albrecht and van Kalmthout in CEP bulletin number 6. While there are exceptions to this trend those attending the seminar were only too aware that the principles of restorative justice are only effective at the margins of criminal justice policy in most European countries. For this reason it was of great interest to hear Christa Pelikan from Austria, a country with well developed victim offender mediation, describe her work as chair of the Council of Europe committee which is preparing recommendations for member states on the mediation in penal matters. It was clear from deliberations in the seminar that there is no standard practice which can be commended but that there are important principles which determine the effectiveness of mediation in this field. Space does not permit to outline these or, thankfully, to risk the contempt of the experts by getting them wrong. Those impatient for details are invited to wait for the publication of the report and for the recommendations of the Council of Europe.