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## **Good Practice Examples in Restorative Justice**

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## Good Practice Examples in Restorative Justice

**Use of  
Volunteer  
Mediators**

**Finland**

**Cases  
Involving  
Intimate  
Partner  
Violence**

**Austria**



## Use of Volunteer Mediators (Finland)

### *The Basics*

- Victim-offender mediation is the primary model of RJ in Finland
- Regulated by the Act on Mediation in Criminal and Certain Civil Cases (2006)
- Any criminal case at any stage of the criminal justice process can be referred to mediation
- Anyone (victim, offender, family members, police, prosecutor, social workers) can make the initiative to go to mediation



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## **Use of Volunteer Mediators (Finland)**

### *Mediation Services*

- The National Institute of Health and Welfare (THL) develops and coordinates the VOM system
- 18 mediation offices nationwide, run by municipalities, NGOs and professional associations
- Approximately 100 professional staff and 1200 volunteer mediators nationwide



## Use of Volunteer Mediators (Finland)

### *Professional Staff*

- Recruit, train, supervise and guide volunteer mediators
- Often experienced mediators who take on the most serious cases

### *Volunteer Mediators*

- Not paid but reimbursed
- Must complete 54 hours of basic training
- Extensive advanced training for IPV cases, cases involving children



## Use of Volunteer Mediators (Finland)

*Finland's combination of professionals and volunteers has proven effective.*

- Strikes a balance of having an accountable structure yet being cost-effective
- Increases availability and widens accessibility, especially in rural and less populated parts of the country
- Participatory approach to crime that involves the community



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## **Use of Volunteer Mediators (Finland)**

*However, it is not without challenges.*

- More State-funding needed for further expansion
- Insufficient, inconsistent or arbitrary referrals
- Inadequate awareness of its services by criminal justice authorities and the general public



## *The Basics*

- Victim-offender mediation is also the primary form of RJ in Austria
- Regulated by Code of Criminal Procedure §204 – offences punishable by less than 5 years of imprisonment are eligible
- In principle, a case any stage can be referred to mediation, but it is usually made in the early stages by the prosecutor (85% of all referrals)
- Cannot be initiated by victims nor offenders

**Cases  
Involving  
Intimate  
Partner  
Violence  
(Austria)**



## *Mediation Services*

- Provided by **Neustart**, the Association for Probation Service and Social Work
- Autonomous entity funded almost exclusively by the Ministry of Justice – primarily a probation agency
- 35 offices throughout Austria
- 600 staff members and more than 1000 volunteers

**Cases  
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## *Restorative justice in IPV cases*

- Using RJ in IPV cases trigger a special set of concerns, e.g. victim safety, revictimization and secondary victimization, risk of manipulation by the offender, etc.
- But evidence shows that when done properly, victims feel more satisfied and empowered after VOM and relapse rate is lower after VOM
- RJ should only be used after a proper risk assessment and by experienced facilitators – and never mandatory

**Cases  
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## *Neustart's practice*

- Out of over 5,300 VOM cases in 2018, **21%** were IPV cases
- "Practice in Austria shows that safeguards seem to be built into the system" –GREVIO Report Austria 2017
- "Austria seems to have the most thoughtful method..." –Comparative Study on Restorative Justice in Cases of Domestic Violence (2016)

**Cases  
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## *Neustart's practice*

- **Suitability screening:** Situational violence (isolated incidents) only; no intimate partner terrorism or systematic violence
- **Risk assessment:** Careful and thorough assessment by an experienced mediators
- **Physical setting:** Male/female team of mediators; preparatory interviews separately
- **Agreement:** Observation period and follow-up evaluation; clear responsibility by offender; written agreement with victim's explicit consent; incorporation of victim support and offender rehabilitation

## Cases Involving Intimate Partner Violence (Austria)

+ **Training:** Initial and on-going training on IPV, SV and on trauma over 2 years



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**Thank You**

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