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
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
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
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
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
Restorative justice in IPV cases

• Using RJ in IPV cases triggers 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.
Neustart’s practice

• Out of over 5,300 VOM cases in 2018, 21% were IPV cases

• "Practice in Austria shows that safeguards seem to 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)
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

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

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