

Victim Support Organisations and Restorative Justice: An awakening love or an arranged marriage?

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Edinburgh, 30 May 2013

Restorative Justice for victims

- A difficult relationship...
- Recent Developments & research
- Three questions:
 - What needs to be repaired?
 - For whom?
 - In what form?
- Some final remarks

Restorative Justice for victims



A difficult relationship

- A strong RJ abolitionist movement (Hulsman & Bianchi), but RJ plays a marginal role in criminal Justice → no strong political support.
- RJ parallel to the criminal justice procedure (Victim Offender Meetings)
- The criminal justice procedure (CJP) provides opportunities for participation (VIS) and compensation (adherence procedure)
- Victim Support NL informs and refers very victims to Victim in Focus → low numbers, why?

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Recent studies

- Survey Victim in Focus → participants are satisfied and anger/fear reduce
- EFRJ cross national research on different RJ approaches: Austria, Finland and the Netherlands

Restorative Justice for victims

Austria	Finland	Netherlands
Offender oriented	Neutral	Victim oriented
8000/year	12.500/year	1.200 – 1.500/year
Impact on CJP	Impact on CJP	No impact on CJP
Low impact crime, domestic violence	Low impact crime, domestic violence	Low and high impact crime, no structural violence
Small VSO	Small VSO	Large VSO, strong VS system
Prosecution service → probation service	Police and Prosecution Service → social services	Self/Victim Support NL/Probation Service → Victim in Focus

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Results (similar cross national)

- 85% would participate again
- 60% considers RJ beneficial for recovery
- 80% receives apology
- 45% thinks that the offender won't reoffend

But some differences:

- Reason for reporting = punishment: 80% NL, 35% FI/AU
- RJ as diversion from CJP: 90% FI/AU, NL20%
- RJ parallel: 70% NL, inconceivable for FI/AU

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Recent political developments

- EU Directive establishing minimum standards on the rights, support and protection of victims of crime → art. 12
- Department of Safety and Justice: introducing mediation in the criminal procedure by call for proposals.

Restorative Justice for victims



What needs to be restored?

1. Immaterial damage → pain, fear, anger, need for apology or acknowledgement, for information, and 'educational motive'
2. Material damage → compensation (in kind or money)
3. Violation of the rights of the individual → retribution

1. & 2. can be achieved by both CJP and RJ, but 3 only by the CJP

Restorative Justice for victims

Who needs restoration/reparation?

- Victims
- (Offenders)
- (Society)

Restorative Justice for victims

Every victim (and his/her needs) is different:

- Type and circumstances of the crime
- Consequences of the crime
- Physical an psychological constitution of the victim
- Coping style of the victim
- Resources of the victim (both material and immaterial)
- Institutional and social reactions
- Process and outcome of criminal procedure

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In what form?

- **Different models:**
 - Victim Offender Meeting (focus communication process, parallel to CJP)
 - Mediation (conflict resolution, focus on agreement, part and sometimes diversion of CJP)
 - Family Group Conferencing (Youth Care)

Restorative Justice for victims



EU: 'the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time'

→ What are the victim's interests? I.o.w. what provides the best kind of reparation of the particular damage that a particular victim (and society as a whole) has suffered by the act of a particular offender?

Restorative Justice for victims



- Objective information: different models, the procedure, the consequences (maximally informed consent)
- Free choice: no (social) pressure whatsoever to participate and choice of model, timeframe, place
- A strictly neutral mediator
- Support in preparation (management of expectations) of the RJ-event and support afterwards – if necessary
- Safeguards that an agreement will be fulfilled
- Feedback on the outcome of the CJP.

Restorative Justice for victims



Challenges:

- Mediation presupposes equal positions, but the victim – offender relation is inherently unequal
- Contra-indications: who can decide and on what grounds to withhold RJ services from victims?
- Efficiency: criminal justice system under severe pressure (budget cuts, backlogs). Mediation is a relatively cheap alternative...
- Commercial interests of the 'mediation branch'

Good Practices in Victim Support



Victim Support NL organises a seminar on Good Practices in the Netherlands on October 31 and November 1 2013.

Subjects are

- Electronic transfer of information between police, prosecution service and victim support
- ICT support for VSO's
- Effective models for collaboration in the CJP between police, prosecution and VS NL
- Casemanagement for victims of high impact crimes.

Are you interested in these subjects and do you want to have more information?

Send an e-mail to v.vanlange@slachtofferhulp.nl and receive more information.