

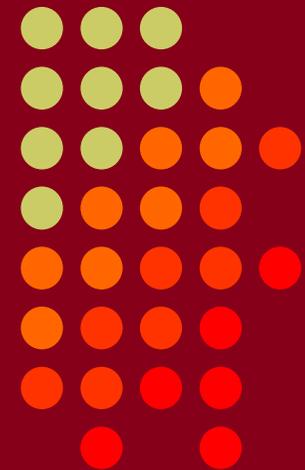
Introduction of the AGIS Project on 'Meeting the Challenges of Implementing Restorative Justice in Central and Eastern Europe'

Borbala Fellegi

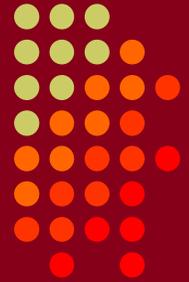


European Forum for Victim-Offender Mediation
and Restorative Justice

Presentation at the 5th Annual conference of the European Society
of Criminology – 1 September 2005, Krakow

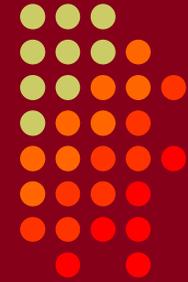


OVERVIEW



- Structure of the AGIS Project
- Main challenges
- ‘Hot Issues’
- Supportive factors
- International cooperation
- Summary: Findings & Main needs

STRUCTURE OF THE AGIS PROJECT



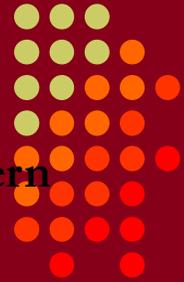
- **Justification**

- rapid and radical political, social and economic changes
- compatibility of domestic law with international agreements

- **Objectives**

- Studying the possibilities for implementing restorative justice in CEE countries
- Stimulating the exchange and networking between Eastern and Western Europe
- Recommendations for the EU concerning further policy developments

Countries involved in the AGIS project



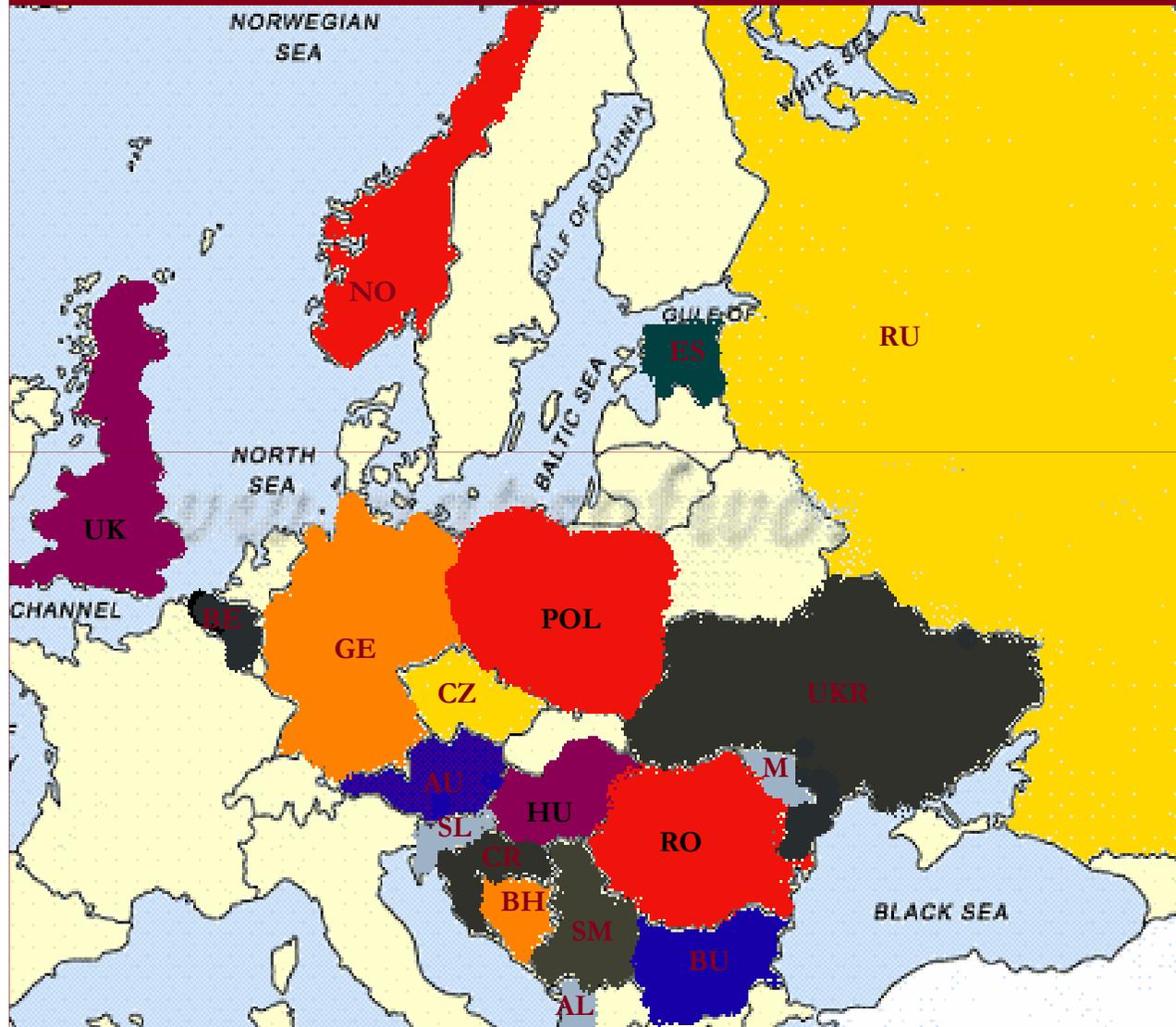
Central and Eastern

Europe:

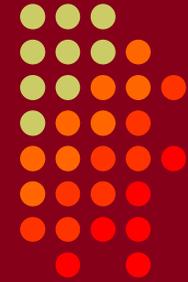
- Albania
- Bosnia and Herzegovina
- Bulgaria
- Croatia
- Czech Republic
- Estonia
- Hungary
- Moldova
- Poland
- Romania
- Russia
- Serbia and Montenegro
- Slovenia
- Ukraine

Western Europe:

- Austria
- Belgium
- Germany
- Norway
- United Kingdom

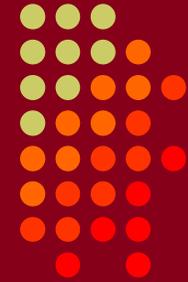


SOME FACTS & FIGURES



- 20 months (May 2004 – December 2005)
- 4 meetings
 1. June 2004: Vienna, Austria
 2. Oct 2005: Budapest, Hungary
 3. March 2005: Chisinau, Moldova
 4. Sept 2005: Sofia, Bulgaria
- 4 reports
- 19 directly involved countries
- 67 directly involved experts
- 16 Best Practices
- 15 National Action Plans
- Planning of new projects & cooperation
- Final Publication (November 2005)

MAIN CHALLENGES



1. Changes in crime and in criminal policies

- crime wave, punitive attitudes, the hegemony of the state in the criminal justice system

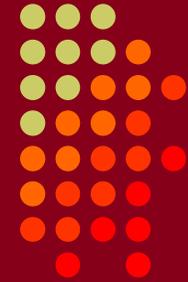
2. Sociological - cultural factors

- lack of community, shared values

3. Institutional factors

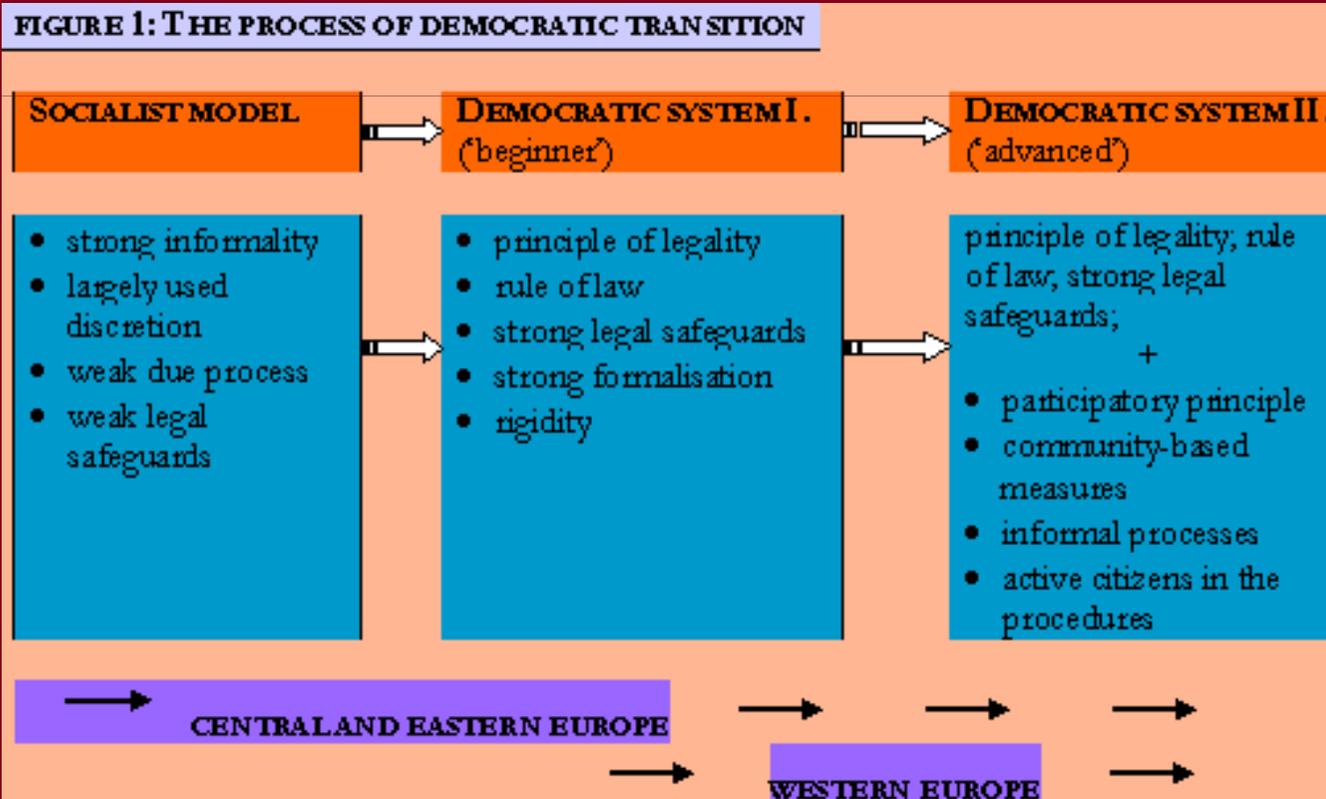
- lack of resources

MAIN CHALLENGES

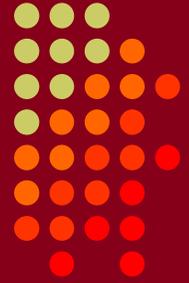


1. Changes in crime and in criminal policies

- The crime wave
- Punitive attitudes – ‘Gulag mentality’
→ e.g. Prison population per 100 000 of nat. pop. (Walmsley, 2003):
USA: 701, Russia: 606, Ukraine: 415, Poland: 218, E&W: 141, Norway: 59
- The **hegemony of the state** in the criminal justice system



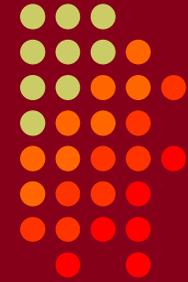
MAIN CHALLENGES



2. Sociological - cultural factors

- **'sense of community'**
 - status of a subordinate rather than a citizen
 - lack of tradition of multi-agency, interdisciplinary cooperation
- **anomalies of social standards**
 - no social discussion about the principles underlying the rules

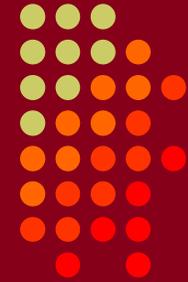
MAIN CHALLENGES



3. Institutional factors

- Legal reform does not automatically yield to the **establishment of the required institutions & services**
- Lack of
 - information, translated materials, experts, training, experiments, personal experiences
 - multidisciplinary exchange
 - credibility of NGOs
 - evaluation, monitoring

'HOT ISSUES'



15 participants



45 problems



4 issues:

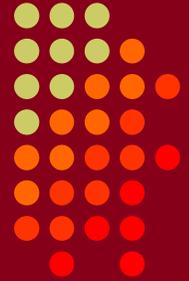
1. Legislation

2. Fundraising

3. Awareness of professionals and the general public

4. Training & Practical issues

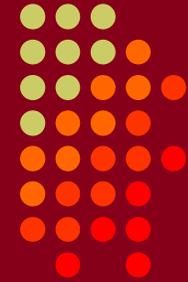
HOT ISSUES



1. Legislation - 'Formality of Informality'

- Necessity: legality principle, application, legitimacy
- Legislation vs. Implementation: the role of principles
- Two milestones: pilot project + legislation
- Multi-agency consultation, public debate

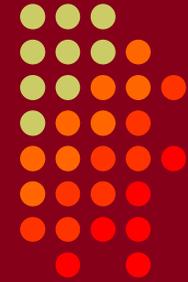
HOT ISSUES



2. Fundraising

- Exchange among the fragmented projects
- Link to the broader issues currently being on the political agenda
- Strategic planning → systemic reform
- Donors' education
- The role of the fundraiser

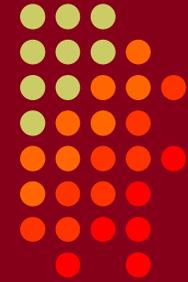
'HOT ISSUES'



3. Raising awareness of governments, practitioners of the criminal justice system as well as of the general public

- Changing punitive attitudes
- Only 'hard' and 'soft' paradigms in sentencing
- 'Competing' with the post-war issues (Croatia, Serbia, BiH)
- Providing information, training, education
- Cooperation with the media

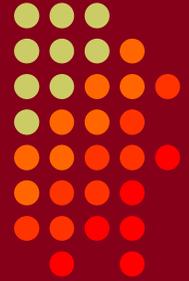
'HOT ISSUES'



4. Training & Practical Issues

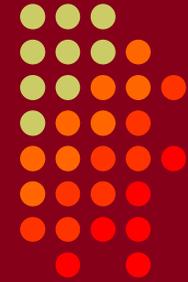
- quality, standards, guidelines, supervision, accreditation, selection criteria
- awareness of underlying principles, equal attention to victims and offenders
- cooperation between agencies, educating the actors of the justice system
- need for capacity, external support
- 'hybrid' scheme

SUPPORTIVE FACTORS



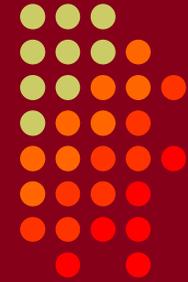
- Challenges → → Supportive factors
- Changes of **attitudes** towards the criminal justice system
- Changes in the underlying **principles** of the sentencing system
- Changes in the role of **communities**

SUPPORTIVE FACTORS



- **Present: Best practices**
- **Future: National Action Plans**
- **Bridge from current support to further needs: International cooperation**

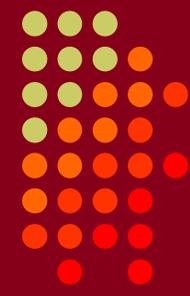
REQUESTED SUPPORT



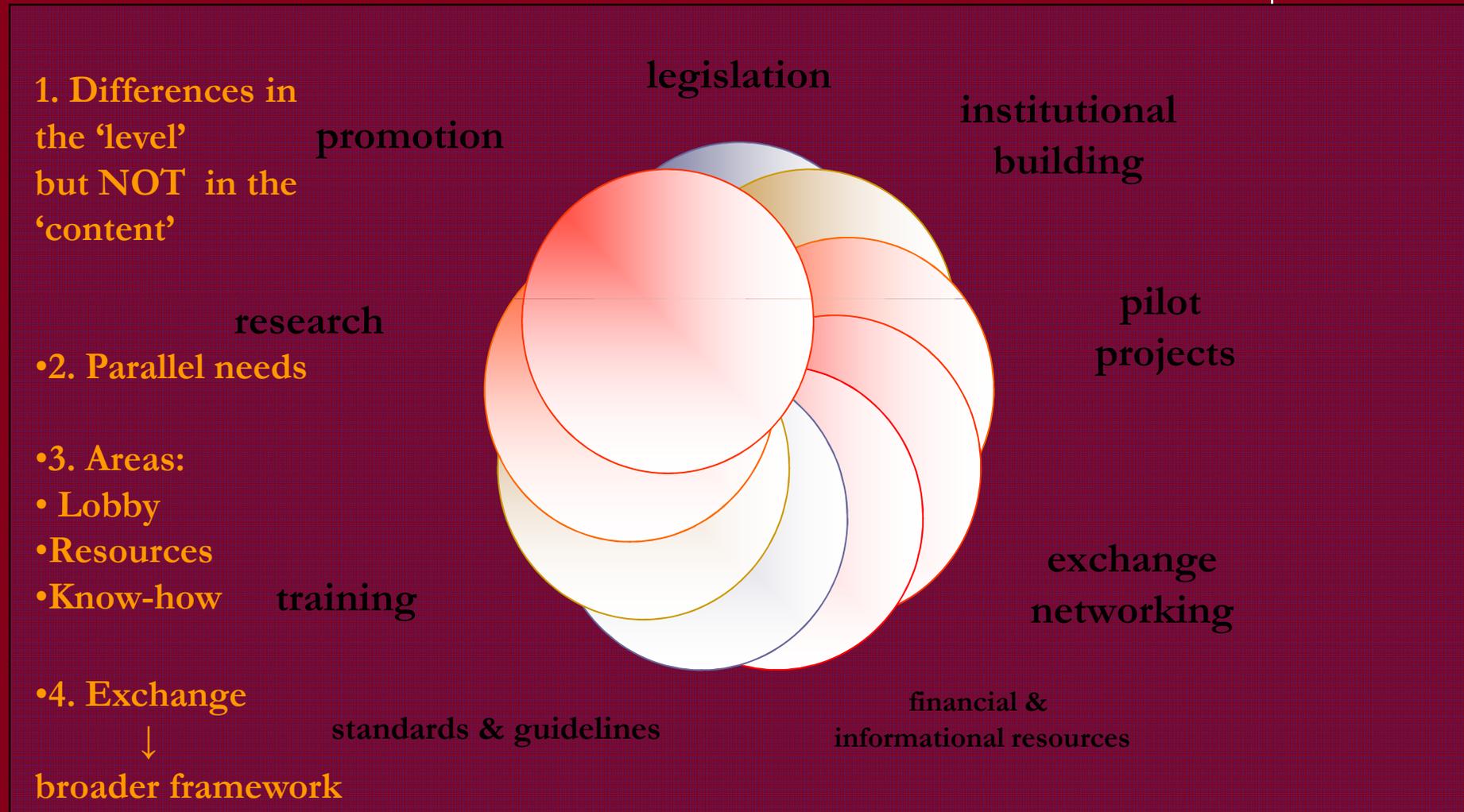
	TYPE OF SUPPORT		
Nationally	Political pressure e.g. criminal justice system, academia	Financial resources e.g. government, foundations	Know-how e.g. practitioners of different sectors (victim support, probation, etc.)
Internationally	Political pressure e.g. EU, CoE, UN	Financial resources e.g. EU, international foundations, embassies	Know-how e.g. foreign experts, researchers



FINDINGS & MAIN NEEDS



Implementation and development of RJ



MORE INFORMATION:



**Final Publication of the AGIS project on
'Meeting the Challenges of
Implementing Restorative Justice in
Central and Eastern Europe'.**

**Published by the European Forum for Victim –
Offender Mediation and Restorative Justice,
December 2005.**



**THANK YOU
FOR YOUR ATTENTION!**

Borbala Fellegi

borcsa@euforumrj.org

<http://www.euforumrj.org>