

Mediation and Restorative Justice in Prison Settings Project

Report of the Study Tour:
9th - 11th November, 2009. London, UK,

www.mereps.foresee.hu



Mediation and Restorative Justice in Prison Settings Project



IARS

Independent Academic Research Studies
Empowering young people to influence policy and practice

ABOUT IARS

IARS is a **youth-led social policy think-tank** that was set up in 2001 to empower and give voice to young people so that they can influence policy and democratically engage in society as equal citizens. Through volunteering, youth-led work, training, skills-development programmes and research, young people at IARS aim to improve practices that affect them and as role models participate in society and support their peers and youth-led organisations and groups in creating a tolerant and equal society where young people are respected and valued. IARS is unique in its structure and the only youth-led social policy think-tank in the UK. We believe in the value of the youth-led sector, and provide representation of the issues affecting it.

For more information about the organisation please visit our website www.iars.org.uk

The organisation's vision and mission can be found in the about section of the IARS website www.iars.org.uk/content/about-iars

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Dr. Theo Gavrieldies, Director, IARS.

ABOUT MEREPS MEDIATION AND RESTORATIVE JUSTICE IN PRISON SETTINGS PROJECT

The Mediation and Restorative Justice in Prison Settings Project (MEREPS) is a three year international exchange project funded by the European Commission, between Germany, Hungary and the UK.

The project will identify, exchange and develop best practice for the use of restorative justice (RJ) with the most serious crimes, particularly those against persons and property attracting a custodial sentence. Research suggests that RJ can have the biggest impact on the lives of victims and offenders where such serious crimes have been committed.

The consortium of international partners will be involved in a number of activities, including: carrying out original research to gain a deeper insight into the attitudes of victims, juveniles, adult inmates, correctional staff, policy makers, legislators and other key stakeholders towards RJ; and exchanging knowledge of various post-sentencing RJ practices in each of the three countries to encourage learning between the regions. More information about the project activities will be available on the project's website: www.mereps.foresee.hu

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BACKGROUND TO THE LONDON STUDY TOUR

Between 9th and 11th November 2009, 13 Hungarian experts had the opportunity to attend a study tour in London as part of MEREPS. The consortium leader of this project (supported by the European Commission's Criminal Justice 2008 programme) is the Foresee Research Group. The National Institute of Criminology is the professional leader, while the study tour was organised by IARS. In addition to the organisations listed above, the MEREPS Consortium also has Belgian and German organisations as members.

The main aim of the study tour was to give an overview of the legislative and policy framework for restorative justice in the UK, and also provide examples of restorative practices taking place both in and out of the formal criminal justice system setting.

THE DELEGATES

The Hungarian delegation included representatives of the Prosecutor's Office, high-ranking officers of the Balassagyarmat Penitentiary, and experts of the Probation and Mediation service of the Office of Justice, the National Institute of Criminology and two non-governmental organisations: the Community Service Foundation Hungary, which is a member of the International Institute of Restorative Practices, and the Hungarian Crime Prevention and Prison Mission Foundation, which is an affiliate of the Prison Fellowship International.



SPEAKERS

Presentations and workshops were held to give an overview of the current state of the theory and practice of restorative justice in the UK by the following speakers:

Dr. Theo Gavrieldies - IARS

Lewis Parle - IARS

Dr. Martin Wright

Ben Lyon, Barbara Tudor, Nicky Grant -
Register of Restorative Practitioners

Liz Dixon - London Probation

Kimmett Edgar - Prison Reform Trust

Avril Jones - Southwark Youth Offending Team

Luke French - Nacro

FINDINGS

The venue of the first day's events was the UK Parliament. An introduction to restorative justice in the UK and the English criminal justice system was given by Dr. Theo Gavrieldies, the Director, and Lewis Parle, the Programme Director of Independent Academic Research Studies (IARS).

Dr. Martin Wright introduced the development of restorative justice's institutions and the phases of legal regulation in the United Kingdom. The focus of Dr. Wright's presentation was on the development of restorative justice in the youth justice system. He revealed that although there are a number of programmes that are a success, there is no consistent government agenda to introduce uniform services at a national level (training in restorative practices



for instance) and to develop a legal framework for these services with adult offenders. Instead, grass roots initiatives are the main providers of restorative justice and mediation services. The Hungarian representatives attending the event were particularly impressed, in spite of the difficulties outlined by the presentation. This was the first time they had seen in practice the involvement of the community in restorative processes, especially in the case of young offenders.

The group were given the practitioner's perspective by Barbara Tudor, Nicky Grant and Ben Lyon, who are members of the Register of Restorative Practitioners. They described their experience of working with young and adult offenders over the past 25 years. The delegates from the Hungarian probation service were familiarised with the practice of a victim-centred approach to restorative practices and they also had a chance to ask questions about the various phases of the procedure.

The UK system described in the presentation is different from its Hungarian counterpart regarding one key issue. In the UK, the young offender may be diverted from criminal justice system through early interventions by the police. This is different from the methods applied in Hungary and the discretionary power Hungarian police officers can apply in their work.

The presentation also discussed the change in the offenders' and the perpetrators' psychological state

after the crime. The awareness of this is of primary importance for the professionals dealing with these two groups, to better understand their stance and reactions and to develop more efficient methods for helping them.

On the same day, the group paid a visit to Middle Temple, which has been a prestigious institution in the education of lawyers for centuries. Here, the guests had the opportunity to learn more about the traditions of further legal education in England and Wales.

On the second day, Liz Dixon of London Probation held a training session on the application of restorative methods to incidents of hate crime. She described how restorative solutions may be used to handle the most serious prejudice based crimes. Liz is also a regular trainer of restorative techniques and has held such training in prisons. She illustrated the process of handling hate crimes by using restorative methods and outlined the problems and the solutions through practical examples.

Although multiculturalism-related conflicts appear in different forms in Hungary than in the UK, the lessons learnt through the morning lectures were particularly useful for the delegates. This is because racism is on the rise in Hungary and it is therefore possible that there will be more cases when restorative methods could be used instead of more punitive approaches to achieve a change in offenders' behaviour.

Kimmet Edgar from the Prison Reform Trust talked about the forms of discrimination in prisons and the difficulties of proving the existence of such discriminatory treatment. He described the possibility of

making a complaint through official procedure and also how problems can be solved by restorative techniques in such cases. It is without doubt that mediation could have an important role in resolving conflicts not only between the victim and the offender but also within the prison, that is, between offenders or between the staff and the convict.

In recent years, mediator trainings have been organised in prisons within the framework of an experimental project. In the project, prison staff and inmates trained as facilitators in an attempt to resolve conflicts in prison through a dialogue. The presenter was asked a number of questions about mediation in prisons as there is no Hungarian experience in this field. The presenter's arguments were convincing about the applicability of restorative practices in closed institutions.

Avril Jones, a member of the Southwark Youth Offending Team recalled her work with victims. She introduced examples of successful and unsuccessful panel meetings that highlighted good practices, bad practices and errors. The majority of the questions were related to specific cases and the methodology of dealing with victims.

The opening presentation of the last day was held by Luke French from NACRO. NACRO is a 40-year-old charity for the reintegration of offenders and has a long history of restorative projects. A story told by Luke about the settlement of a community conflict caused by arson committed by two children had quite an effect on the audience.



Finally, Karolien Mariën, the executive director of the European Forum for Restorative Justice and Dr. Arthur Hartmann, a Professor at the University of Applied Sciences in Public Administration in Bremen, presented the legal background and the implementation of mediation in Belgium, Germany and in other European countries.

CURRENT AND FUTURE ACTIVITIES OF MEREPS

Research in Germany, Hungary and UK on restorative justice in prison settings	2010 - 2011
International seminar hosted by the European Forum for Restorative Justice	2010
Pilot project to test restorative justice in prison settings in Germany and Hungary	2010-2011



CONCLUSIONS

Restorative justice has no borders. In fact, the more exchange of learning we do the stronger the practices at a national and local level can become. The three year MEREPS programme funded by the European Commission was built on this premise and the 2009 UK visit was the kick off point for what is hoped to be a groundbreaking comparative analysis of best practices focusing on serious violence. Through comparative research, international events, publications and visits, the programme will develop models for countries to use and adapt.

During the visit, the UK example came across as innovative and well founded. The Hungarian professionals and experts said that the study tour was very valuable and they will be able to use the conclusions of the presentations and their experience in their work back home. This impression was supported by the positive feedback from the evaluation questionnaire completed at the end of the study tour.

However, hearing about the Hungarian system also enabled the UK speakers to reflect upon the place of restorative justice in UK criminal justice system. In particular it was apparent that restorative approaches in the UK are much more dependent on grass roots initiatives, creating a potential disparity between localities, where as in Hungary restorative justice is embedded within its system.

The Hungarian representatives hold key positions that will allow them to inject some of the learning from the study tour and the three year programme into domestic thinking and innovation. It would be naïve, of course, to think that UK specific practices can easily be transplanted from one jurisdiction to another. During the tour it became clear that in Hungary a very different regulatory framework is required for applying restorative practices. What was particularly convincing about the projects presented was the active involvement of the community and non-governmental organisations in the resolving of conflicts. This was agreed as an example to follow

as, if there is no involvement of the community, the methods of diversion will be much less acceptable to the community. It was also accepted that the active participation of the community helps offender's reintegration and victims' feelings of restoration.

The presenters informed the delegates about a number of examples about juvenile crime, probation service with adults, hate crimes and prison programmes, with particular focus on the role of mediation in connection with such phenomena. During the second and third year of the project, IARS will be visiting the Hungarian, German and Belgian partners to learn from their examples. It is anticipated that the final report will bring all the learning together producing a strong, comparative picture.

"We learned about victim-oriented approaches, breathing space for grass-roots initiatives, cooperation between professions, a coherent understanding and application of restorative approaches in the practice of handling cases, and professionals committed to their jobs and working with enthusiasm. We all gained motivation by learning about these and also by the open, committed and ready-to-act attitude delegates. This will help them to keep on working and continue believing in the power of resolving conflicts peacefully, even in the case of the victims of the most serious crimes" Dr. Borbala Fellegi, Director of Foresee and leader of the Hungarian team.

Appendix: Study Tour Programme

	Time	Monday 9th November	Time	Tuesday 10th November	Time	Wednesday 11th November
Morning	10:00 - 11:00	Introduction by Dr. Theo Gavrielides and Lewis Parle	10:00 - 11:45	Hate crime and RJ training delivered by Liz Dixon (London Probation)	09:00 - 11:00	Tour of the Houses of Parliament
	11:00 - 12:00	Martin Wright			11:00 - 12:30	Walk to Trafalgar Square and St. James' park
Location		Houses of Parliament, Committee Room,		Safer London Foundation, Southwark		IARS/ROTA offices
Lunch	12:30 - 15:30	Tour and lunch in hall in the Honourable Society of Middle Temple	11:45 - 13:15	Bangalore Express, Indian Restaurant	12:30-13:30	Prêt a Manger
Location		Middle Temple, Middle Temple Lane		Waterloo Road		The Paul Hamlyn Foundation, 18 Queen Anne's Gate
Afternoon	16:00 - 18:00	Ben Lyon, Barbara Tudor, Nicky Grant - Register of Restorative Practitioners	13:30 - 15:00	Kimmett Edgar, Prison Reform Trust	13:30 - 14:30	Luke French, Nacro
			15:30 - 17:30	Avril Jones, Southwark Youth Offending Team	14:30 - 16:30	Exchange of information between project partners and close
Location		Houses of Parliament, Committee Room		Safer London Foundation, Southwark		The Paul Hamlyn Foundation, 18 Queen Anne's Gate
Evening	18:30	Continue discussion at bar/restaurant venues on the Southbank/City	18:30	Tas Restaurant, Turkish Restaurant	18:30	STRADA Restaurant, Italian Restaurant
Location				The Cut, Waterloo		4 St. Paul's Churchyard

MORE INFORMATION

The MEREPS project has its own dedicated website where information about the project can be found www.mereps.foresee.hu. The website also contains publications and other information related to restorative justice in prison settings.

Information the UK activities of the project can also be found on the IARS website www.iars.org.uk/content/restorative-justice-prison-settings