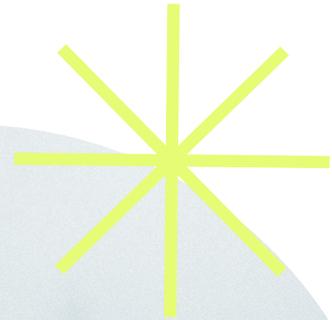


Manual for Restorative Meetings in Cases of Serious Crime



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Manual f for Restorative Meetings in Cases of Serious Crime

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“It’s perfectly natural for two people to discuss a situation or event concerning them both. We have this innate need to communicate, to share our feelings, to tell stories, and to describe our view of the world and the moments we have experienced. In doing so, we forge bonds with those who are dear to us, with ourselves, and we construct this sort of social space and atmosphere around us. Yet, as human beings, we will always face misunderstandings, disputes, and unavoidable hurtful attacks. Conflict situations are part and parcel of interpersonal relationships and, again, face-to-face talk can be a very natural response to them.

We know that restorative dialogue – communication between individuals in a setting that reflects particular values and rules – offers relief, brings understanding, and initiates numerous healing processes in relation both to ourselves and to others. That is why we believe it makes a lot of sense to work towards creating such an environment and to promote healthy interpersonal relationships by learning and mastering the ability to see and resolve conflicts through a restorative lens.

We are then in a position to stand witness to profound experiences and life-changing events. Oftentimes, the key to this is ‘simply’ a meet-up.”

Lea Vaňkátová, expert guarantor, Institute for Restorative Justice

Dear readers,

I am both pleased and not a little relieved to be writing these words as a preface to the publication you are about to read. Since its inception in 2019, the Institute for Restorative Justice has been dedicated to the advancement of restorative justice in the Czech Republic, a mission that has seen it engage in activities and projects geared towards systemic change, the training of professionals, and the raising of public awareness. Our many discussions with experts within the framework of the Restorative Platform and elsewhere, and the experience we have gained from working directly with people affected by crime, made us realise long ago that there is a pressing need for a broader and more varied range of specific restorative programmes in our country. Yet the services on offer and the efforts of a few accredited providers remain slim pickings, despite the fact that, for more than a decade now, Act No 45/2013 on victims of crime has made it possible for individuals and NGOs to run restorative programmes. While there are bound to be any number of reasons for this that merit closer scrutiny (link to the initial Justin report, probably only verbally), one of the chief obstacles to rolling out an initiative like this – besides the general lack of awareness of restorative justice – is the paucity of training for experts who would be able to deliver specific restorative programmes.

So we are very pleased that the Justin project gave us the opportunity to join forces with foreign partners and carry out a good many activities forming a solid basis for the creation of this manual, which is intended for facilitators of restorative meetings in cases of serious crime. This publication has been made possible thanks to our wonderful colleagues from the team at the Institute for Restorative Justice, especially Anna Korandová and Lea Vaňkátová. We are deeply indebted to them for their genuine passion, patience and, above all, extraordinary personal commitment. We would also like to thank our co-workers Petra Sokol Maňasová and Michal Špejr for their invaluable feedback on individual chapters, and Zuzana Čierná and Jakub Novák for laying the groundwork for part of the manual.

Conversations with colleagues from the Belgian organisation Moderator – particularly Evelyn Goeman, Ingrid Marit, Katrien Lauwaert, Pieter Verbeeck, and Kristel Buntinx – as well as Arja Konttila from the Finnish organisation RISE, have proved very inspiring. Likewise, we are grateful for the support and encouragement of colleagues from the European Forum for Restorative Justice. Project Justin is also being realised in partnership with our colleagues from the Slovak Ministry of Justice, whom we are keen to thank for their work on the Slovak context.

The open sharing and discussions we experienced with the attendees of the first training course for facilitators of restorative meetings in cases of serious crime, held in Prague in May 2023, were instrumental in the preparation of this manual. That feedback helped us to validate the workability of the training model in Chapter 6 and resulted in late additions to the manual based on questions and suggestions stemming from Czech and Slovak practices.

The idea behind writing this manual is to provide effective guidance and support when considering how to conduct new restorative programmes. While recognising that it has by no means exhausted all the topics, issues and needs of those responsible for these programmes, we are optimistic that it can be a useful springboard for the development of restorative practice in high-impact crime cases in the Czech Republic and Slovakia, which focuses on holding restorative meetings for people who have been affected by the consequences of crime. If facilitators, the experts who are supposed to help such meetings come to fruition, are to do a good job, they need high-quality, sufficient support. In particular, this means ongoing training, regular peer feedback, effective supervision, and sound organisational and financial backing.

In all these areas, the Institute for Restorative Justice intends to serve as an informative and methodological resource for (but not limited to) fledgling restorative justice services. In the year ahead, there are plans for a series of exciting activities that will boost the systemic progress of restorative programmes. As more information becomes available, we are posting it on our website at www.restorativni-justice.cz and on social media. We are very much looking forward to continuing to work with you.

Wishing you every success in your restorative practice,

Tereza Řeháková
programming director and expert guarantor, Institute for Restorative Justice
Prague, October 2023

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Chapter 1 – About the project, partners, aims, and use of the manual

The Manual for Restorative Meetings in Serious Crime Cases you are holding in your hands is one of the outputs of the JUSTIN project, implemented under the Erasmus+ call in partnership between the Czech Institute for Restorative Justice (IRJ)¹ and the Ministry of Justice of the Slovak Republic (MSSR). It is based on the needs and current situation in the field of restorative justice in both countries and draws on the best practice of partner organisations from Finland and Belgium, where specific restorative programmes involving serious crime have been successfully used for a long time. This training material is intended primarily for professionals providing restorative justice services and is aimed at developing the knowledge and skills needed to conduct restorative meetings involving crime. The manual is adapted to the specifics of the Czech and Slovak legal systems and existing restorative practices but is also general enough to be used in other countries with similar legal and cultural contexts. Thanks to another partner organisation, the European Forum for Restorative Justice² (EFRJ), this manual will be publicly available on their website also in English for further use by restorative justice practitioners.

The content of the manual is based on the expertise and experience of the project partners and the experience of training new restorative meeting facilitators from Czechia and Slovakia,³ as well as on current Czech and foreign sources and reflects the latest knowledge in the field of restorative justice.

The opening chapters describe the project, define the key terms, portray the participants in the restorative process while addressing their possible roles and needs, and walk the reader through the stages of the restorative meeting. The last two chapters focus on tools for training restorative meeting facilitators and present visions for future development of restorative justice and its programmes in Czechia and Slovakia not only involving serious crime (SC).

Moderator⁴ is a Belgian organisation with a nationwide presence that offers restorative justice services (mediation, restorative meetings and dialogue, group conferencing) and training for professionals and volunteers. Founded in 2000 as a non-profit association based in Brussels, it has long been dedicated to the implementation of concrete restorative programmes within and after criminal proceedings, including cases with the most serious impact on the lives of victims and offenders. In May 2023, a training course for restorative meeting facilitators from Czechia and Slovakia was held in Prague, largely led by mediators and trainers Evelyn Goeman and Ingrid Marit.³

The Finnish Prison and Probation Service (RISE)⁵ is a state organisation operating under the Ministry of Justice and has been implementing a major project of restorative meetings (dialogue) between victims or survivors and offenders involving cases of serious crime in prisons since 2013. In Czechia the Finnish documentary *From Eye to Eye* by director John Webster is well known, the film presents specific stories of survivors and the process of preparation and implementation of restorative meetings under the guidance of facilitator Arja Konttila. As part of the JUSTIN project's study tour in August 2022, representatives of both the IRJ and the MSSR had the opportunity to learn about specific practices in Finnish prisons in the context of so-called restorative wards.⁶

EFRJ

The European Forum for Restorative Justice (EFRJ) is an international organisation connecting practitioners, academics and policy makers working in the field of restorative justice across Europe and beyond, with the aim of enabling high quality restorative justice services for people affected by crime. The EFRJ does not advocate any model of 'best practice' for restorative justice and recognises that restorative justice

1) More information about the Institute and its activities is available here www.restorativni-justice.cz

2) Read more at <https://www.euforumrj.org/en>

3) The training took place in Prague in May 2023, see <https://restorativni-justice.cz/justin-skoleni-facilitatoru-restorativnich-setkani-bylo-nezapomenutelne/>

4) Read more at <https://moderator.be/>

5) Read more here <https://www.rikosseuraamus.fi/en/index/criminalsanctionsagency/organisation.html#>

6) For more information about the study trip to Finland, see <https://restorativni-justice.cz/studijni-cesta-do-finska-z-oci-do-oci-projekt-justin-erasmus/>

is an evolving approach. However, it is essential that any restorative service is based on the core values and principles of recovery and should adhere to standards of good practice.⁷

7) For more information, see <https://www.euforumj.org/en/our-mission>

Chapter 2 – Introduction to the topic and key terms used in the manual

This chapter presents an overview of the key terms used in this manual with the understanding that their meanings may vary in different countries and areas of restorative justice. Here we provide definitions that are relevant for a good orientation in the manual and are understandable for Czech or Slovak practice.

- A. Restorative justice
- B. Restorative process
- C. Restorative meeting
 - Mediation, restorative dialogue
 - Restorative conferences
 - Circles
 - Other forms
- D. Restorative programme
- E. Facilitator
- F. Serious crimes

A. Restorative justice

The definition of restorative justice has evolved over time with the development of restorative approaches around the world. In general, the term 'restorative' can be understood as 'reparative' or 'rehabilitative' and can be implemented in any setting where conflict occurs. In the context of criminal justice, we understand the restorative approach as an additional and important part of it. Restorative approach means turning our attention towards the people who, in various roles, have been affected by the event – the crime – and offer them the opportunity to actively address the consequences of the crime.

If we look for common features of restorative justice and its tools as applied in different countries around the world, we must mention the following:⁸

- A focus on the harm caused by criminal behaviour
- Voluntary participation by those most affected by the harm, including the victim, the perpetrator and, in some processes and practices, their supporters or family members, members of a community of interest and appropriate professionals
- Preparation of the parties and facilitation of the process by trained restorative practitioners
- Dialogue between the parties to arrive at a mutual understanding of what happened and its consequences and an agreement on what should be done
- Outcomes of the restorative process vary and may include an expression of remorse and acknowledgement of responsibility by the perpetrator and a commitment to do some reparative action for the victim or for the community
- An offer of support to the victim to aid recovery and to the perpetrator to aid reintegration and desistance from further acts of harm

The foundations of restorative programmes and tools are based on shared values and principles that build on tolerance, inclusion, non-violent communication and building respect and responsibility. In line with the Council of Europe Recommendation⁹, we consider the principle of participation to be central, i.e., enabling all parties affected by a crime to actively participate in addressing its consequences, where the primary

8) Průvodce restorativními programy druhé vydání [on-line]. 2020, p.4, [cited 19. 6. 2023]. Available from: www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf

9) Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States on restorative justice in criminal matters [online]. Committee of Ministers. 2018, Proceedings 13–20, [cited 23. 6. 2023]. Available from: <https://www.cep-probation.org/wp-content/uploads/2018/10/Recommendation-CM-Rec-2018-of-the-Committee-of-Ministers-to-member-States-concerning-restorative-justice-in-criminal-matters-.pdf>

focus of the process is placed on addressing and repairing the harm caused to individuals, relationships, and wider communities.

Other primary principles are:

- Voluntariness
- Confidentiality
- Availability
- Respectful dialogue
- Equal concern for the needs and interests of the participants
- Procedural justice
- Collective agreement based on consensus
- Focus on reparation, reintegration, and mutual understanding
- Avoiding domination

In line with the values described above, it is therefore central to design and deliver restorative programmes to provide a safe, neutral, and respectful space for all participants (to talk together) where they are encouraged and supported to express their needs and have the opportunity to seek and find ways to meet them.

Goals of Restorative Justice:¹⁰

- Support victims, give them a voice, listen to their stories, encourage them to express their needs and wishes, offer them possible answers, enable them to participate in the resolution process and provide them with support.
- Repair relationships damaged by the crime.
- Focus on the effects of the crime.
- Hold all parties involved accountable, especially the offenders.
- Prevent recidivism by encouraging internal change in individual offenders and facilitating their reintegration into the community.

B. Restorative process

In the text of this manual we work with the term 'restorative process' – this can be broadly defined any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.¹¹ In our conception, the term primarily emphasizes the progress of facilitator's work with participants based on their needs, on genuine voluntariness, and on real possibility of making choices leading to the resolution. In this approach of work, it is then the client who chooses the tools (the form of the restorative meeting or the specific restorative programme) and the timing of their use.

The specific form of the restorative process therefore depends on the needs and choice of its participants, with the role of the facilitator being primarily to guide the participants through their questions and needs in the context of coping with the consequences of the crime in the context of preparatory stage of individual consultations. The facilitator also provides quality information about available restorative services (institutions that provide specific restorative programs in local availability, i.e., mediation, group meetings of victims and offenders or restorative circles). Subsequently, there may or may not follow a restorative meeting of any kind and form. The restorative process also includes follow-up work with clients after a restorative meeting or other program. This procedure is described in more detail in Chapter 5 of this manual.

10) Průvodce restorativními programy druhé vydání [on-line]. 2020, pp.6–9, [cited 23. 6. 2023].

Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

11) Průvodce restorativními programy druhé vydání [on-line]. 2020, ch.2, [cited 23. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

C. Restorative meeting

We understand a restorative meeting as a rehabilitative or healing process that can be initiated at any time after the offence with the victim and offender, with the possibility of involving other people such as family members, neighbours, friends, and the community. Specific forms of restorative meetings include mediation, restorative dialogue, restorative conferences or circles, and the way they are used and incorporated into the criminal justice process varies according to historical developments, current criminal law practice and the socio-cultural situation of a particular country. Further study of the literature and resources is therefore recommended to gain a deeper understanding of the topic and the different forms of restorative meetings.

Restorative meetings aim to seek justice through dialogue and understanding, creating a space that allows victims to be directly involved in the conflict resolution process and leads offenders to understand the extent and impact of the harm they have caused.

Mediation between victim and offender is the most common type of restorative programmes currently being offered by individual states.¹² At the very least, it brings the possibility of a facilitated conversation between the offender and victim, directly or indirectly, mediated by a third, impartial party trained for this purpose – a mediator. The subject of the conversation is the consequences of the crime, the necessary exchange of information and the possible creation of an agreement reflecting the harm caused and the proposed solution for its compensation.¹³ Given the diversity of practices around the world, mediation can be carried out both by state institutions during criminal proceedings (including police, prosecutors or probation services) and by non-state non-profit organisations, usually at all stages of criminal proceedings and beyond.

The variability in the use of this tool is also seen in the degree of involvement of the victim, the offender, and the mediator in the actual conversation. There can be so-called – indirect mediation, in which the mediator conveys information between the parties without meeting them in person (i.e., through letters, audio or video recordings, a list of questions from one party to the other, and other possible variants). Direct mediation can also take several forms – from a highly structured meeting that follows a pre-determined scenario and is moderated or actively guided by the mediator, to a conversation between the victim and the offender in which the mediator intervenes minimally or not at all. In the last-mentioned variant, such a meeting is often referred to as a restorative dialogue and, above all, consistent and sensitive individual preparation of all participants with the mediator or facilitator (a term used in the case of restorative dialogue) and possibly other experts is necessary.¹⁴

Not all mediation automatically corresponds to the concept of restorative justice. In practice, there are several models which are applied in civil proceedings, criminal proceedings or completely outside them, and which may differ in their approach to the participants and in the form, objective and/or intention of the entire process. In some cases, the principles and values of restorative justice are more or less absent. This may be related to the obligations that mediation providers have towards the competent authorities, the individual ways in which mediators are set up, and participants' expectations. When mediation is practised in criminal proceedings in a Czech and Slovak setting, there is debate about how much the commissioning of mediation by authorities involved in criminal proceedings and the expectations of pertinent written output (which serves as the basis for a decision in the case) inform the way the mediator works and divert attention away from each of the participants' individual present needs. In our opinion, the approach and

12) Průvodce restorativními programy druhé vydání [on-line]. 2020, p.24, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

13) MASOPUST ŠACHOVÁ, Petra. Restorativní přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, pp. 133–134.

14) For more on this topic, see the Finnish RISE project Restorative Dialogue in Serious Crime.

<https://vuolleoulu.fi/hyvinvointipalvelut/rikos-riita-ja-vakivalta-tyo/vakavien-rikosten-jalkikasittely-sauma> or <https://kalliola.fi/palvelut/sovittelu/sauma-vakavien-rikosten-jalkikasittely>

disposition of the mediator/facilitator and his/her alignment with the values of restorative justice are important in monitoring the nature of a particular mediation. Related to this are other key factors that promise a restorative approach, i.e. the space it allows the participants in the process, the way it communicates with them, and the goals it pursues. Within the framework of facilitator training, we recommend exploring the topic further in the context of discussions.

Restorative conferences (community conferences and family group conferences), unlike mediation, allow for the involvement of a wider range of people affected by the crime, i.e., in addition to the victim and the offender, especially their family members, close persons, representatives of the community or various institutions individually according to the specific case – a typical example is a police officer, psychologist, teacher, representative of the local church, etc. The meeting is conducted by an unbiased and trained party – a facilitator or a pair of facilitators – taking into account gender balance or LGBTQ interests or ties to customary law.¹⁵ Conference models differ in the degree to which each participant is involved in the process, who can be a facilitator, or how agreements are reached.¹⁶ Conferences can have a greater impact than mediations, because in addition to repairing the relationship between the victim and the offender, they enable the intervention of a wider group of people – the community.

The practice of restorative meetings in Czechia and Slovakia:

In Czechia, the most widespread form of restorative meeting is mediation between the victim and the offender or a meeting of a similar nature, i.e., a restorative conference. Both are mainly implemented by the Probation and Mediation Service¹⁷ according to Act No. 257/2000 Coll. on the Probation and Mediation Service. Restorative programmes may also be provided by other entities, typically social services of contributory organisations or NGOs. The latter, if they apply for a subsidy from the Ministry of Justice, must be accredited.¹⁸ No legal obstacle prevents such programmes from being carried out at any stage of the criminal proceedings (or, in the case of NGOs, after the end of the proceedings) and for any type of crime.

Mediation is currently the only restorative program implemented in Slovakia, where no state probation or mediation service has been established as an institution, and the performance of probation, mediation and electronic monitoring is ensured by probation and mediation officers operating in individual regions at the Regional Courts. For both countries, mediation can be carried out on the instructions of an attorney (prosecutor) or a judge; the victim, the offender, their personal or legal representative or a police officer can also initiate the inclusion of a case, but in these cases the written consent of the presiding judge, the single judge or the public prosecutor is required, depending on the stage of the criminal proceedings.

Circles¹⁹ and their practice is based on the traditional tools and techniques of the indigenous people. Dealing with different situations in a circle creates a natural environment allowing everyone involved to see and hear each other, a space for balance of power and shared responsibility. We can encounter several types of circles, the general nature of which is the opportunity for all who participate in the circle to have a say on the issue, which helps to express respect for the needs of all representatives of the community and stren-

15) Průvodce restorativními programy druhé vydání [on-line]. 2020, p.27, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

16) MASOPUST ŠACHOVÁ, Petra. Restorativní přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, p. 135.

17) See www.pmscr.cz

18) See <https://www.justice.cz/web/msp/rozvoj-služeb-pro-obeti-trestne-cinnosti?clanek=akreditace-ministerstva-spravedlnosti-cr>

19) More on the topic in English, for example here: Kay PRANIS: The Little Book of Circle Processes: A New/ Old Approach to Peacemaking. Good Books, 2005. Cf. also article in Czech <https://restorativni-justice.cz/o-restorativni-justici/restorativni-programy/peacemaking-circles-v-evrope/>. More about the possibility of using dircles in Czech here: <https://restorativni-justice.cz/projekty/restabus/#projektoveaktivita>

gthen its value, meaning and mutual coexistence.²⁰ The restorative process is carried out by a facilitator, or circle keeper, whose task is to initiate the restorative process and create a safe environment for sharing. The rules of the circle make use of a ‘talking piece’ – an object that circulates through the circle and whoever holds it has the right to speak – and may or may not use this right. The practice of restorative circles in dealing with the consequences of crime has not yet been implemented in Czechia or Slovakia. However, the Institute for Restorative Justice is currently preparing a manual for cases of mistreatment and abuse of the elderly which is to be released in Fall 2023 as part of the Restabus project.²¹

Other examples of forms of restorative meetings:

- Group meetings of victims and offenders of unrelated crimes – the Building Bridges project,²² which is implemented in Czechia by the Prison Fellowship International (eight regular meetings of victims and imprisoned offenders of unrelated crimes for restorative dialogue, which take place inside prisons). Similar programmes are also run by the Belgian organisation Moderator²³ or the Swiss RJ Forum.²⁴
- Self-help support groups for victims of crime are often part of various restorative dialogue programmes, as in the case of the Finnish RISE project²⁵ (meeting survivors who have undergone restorative dialogue with the murderers of their loved ones) or are part of services for victims of selected crimes, i.e., the Czech organisation profem.²⁶

D. Restorative programme

The term “restorative programme” means any programme that uses restorative processes (see above the term restorative process) and seeks to achieve restorative outcomes.²⁷ We understand it as a specific restorative service which means a comprehensive offer of cooperation to the victim, the offender, and the affected community,²⁸ and which is implemented by a given organisation. It may or may not include a direct meeting between the victim and the offender.

Restorative programs can be provided in the form of mediation, restorative conferences, circles, etc. Some programmes are referred to as “programmes with restorative elements”, which also fulfil the goals of restorative justice, but do not involve cooperation with both the victim and the offender of the related offence, but only with one of them, for example. In the Czech environment, this is the concept of the “I Perceive You Too” Programme (In Czech: “Vnímám i tebe”, VIT)²⁹ implemented in prisons and programme centres of the Czech Probation and Mediation Service.

In Czechia, the concept of restorative programmes is set out in Act No.45/2013 Coll., on Victims of Crime, in Section 39(1)(b), but this concept is not further explained. Furthermore, Annex No. 2 to Decree No. 119/2013 Coll., on quality standards for services provided under the Victims of Crime Act, defines quality standards for the provision of restorative programmes only in very general terms. This paragraph speaks of the possible accreditation of providing entities and the subsequent possibility of subsidies for their implementation after the fulfilment of the specified conditions under Section 40 of the same Act.

20) MASOPUST ŠACHOVÁ, Petra. Restorativní přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, p. 136.

21) See <https://restorativni-justice.cz/projekty/restabus/>

22) See <https://mvs.cz/building-bridges/>

23) See <https://moderator.be>

24) See <https://www.swissrforum.ch/engl/>

25) See <https://vuolleoulu.fi/hyvinvointipalvelut/rikos-riita-ja-vakivaltatyo/vakavien-rikosten-jalkikasittely-sauma> or <https://kalliola.fi/palvelut/sovittelu/sauma-vakavien-rikosten-jalkikasittely>

26) See <https://www.profem.cz/en/>

27) Průvodce restorativními programy druhé vydání [on-line]. 2020, Annex Basic principles of the use of restorative programs in criminal cases, [cited 23. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

28) The concept of community in the context of restorative justice is described in more detail in Chapter 4.

29) See <https://www.pmscr.cz/projekty/ukoncene/krehka-sance-ii/> – methodology and lecturer’s manual.

E. Facilitator

In this document, we see the term “facilitator” as broader or more general than the terms “mediator”³⁰ or “circle keeper”,¹⁹ as their use is always associated only with a given restorative justice tool or programme. A facilitator is a person who, after considering the appropriateness of his or her involvement, facilitates and encourages communication between participants in a restorative meeting, regardless of its specific form. The facilitator’s main goal is to support the implementation of the restorative process according to the individual needs and interests of the participants. See Chapter 4 of this manual for a more detailed discussion of the facilitator’s role and skills.

F. Serious crimes

The topic of serious crimes calls for some discussion of the grasp and treatment of the term in the context of restorative practice. At the outset, we need to emphasise that restorative justice principles and programmes should be universally available and applicable regardless of the type of crime or its seriousness.³¹ Nevertheless, we observe a certain caution in offering and/or applying restorative programs in cases of serious crime, both in our and foreign practice, where there is an obvious tendency to implement restorative programs more for first-time offenders and for less serious crimes.³² However,

“the victim empowerment experience associated with restorative justice, even in cases of serious violence, may counter the humiliation, disempowerment, lack of information and loss of control that tends to result from mainstream criminal justice processes. Restorative justice can also be quite effective for offenders who have entrenched patterns of committing serious crimes.”³³

The very definition of the seriousness of the crime is based, with regard to the principles and values of restorative justice, in particular on the extent and nature of the impact of the crime on the lives of the victim, the offender, their loved ones, and the wider community. This is often a very complex set of interacting factors, with physical injury, psychological trauma (anxiety, depression, post-traumatic stress disorder, etc.), social impact (isolation from friends and family, loss of employment or opportunities, stigmatization), financial impact and longer-term impacts such as chronic health problems, permanent mental health problems or financial problems. It is important to recognise that such assessments are highly individual, often subjective, complex and change over time. At the same time, particularly in the criminal justice environment, we cannot avoid the tendency to classify the seriousness of crimes according to the applicable criminal law norms and relevant sections, which offer a quick orientation of their typical seriousness based on the formal aspects of their facts. For the purposes of this manual, we propose not to start from one fixed definition, but to work with mutually permeable lines:

30) See <https://www.pmscr.cz/mediace/>

31) In accordance with the RE Recommendation on RJ in criminal matters.

32) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 66, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

33) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 66, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

The type of offence, its intensity and duration:

- The classification of offences on the basis of the formal aspects of their substance according to the applicable legal norms offers a quick orientation in their typical severity. For Czech and Slovak criminal law practice³⁴ the same basic definition applies, where we work with the terms “misdemeanour”, “felony” and “particularly severe felony”. Thus, in this context, serious crimes could be considered to be felonies, i.e. intentional crimes for which the Criminal Code provides for imprisonment with a maximum penalty exceeding five years and “particularly severe felonies” with the lowest penalty of ten years.
- At the same time, we can generally assume that violent crime has a more serious impact on the physical and mental health of victims than property crime. Consistent with this reasoning, we follow the definition of “serious crimes” in the foreign literature; for example, the Handbook on Restorative Justice Programs³⁵ talks about intimate partner violence crimes, serious violent crimes, sexual assault, hate crimes, and violence against children in this context. The VOM Program in British Columbia focusing on “serious crimes” includes manslaughter, negligent homicide, grievous bodily harm, or death resulting from a motor vehicle accident, grievous bodily harm, armed robbery, kidnapping, sexual assault, murder or attempted murder, and multiple homicide.

Vulnerability of the victim: Some victims may be particularly vulnerable due to their age, health, social status, or other factors, which may increase the severity of the impact of the crime. With reference to the Victims of Crime Act³⁶ we understand a particularly vulnerable person to mean:

- A child.
- A person who is elderly or has a physical, mental, or psychological handicap or sensory impairment, a victim of the crime of trafficking in human beings, the crime of rape, the crime of abuse of a person entrusted to one's care, the crime of abuse of a person living in a shared accommodation or the crime of terrorist attack.
- A victim of a sexual offence against human dignity, an offence involving coercion, violence or threat of violence, an offence committed because of membership of a nation, race, ethnic group, religion, class or other group of persons, or a victim of an offence committed for the benefit of an organised criminal group.
- Cases where there is an increased risk of causing secondary harm, in particular with regard to the person's age, gender, race, nationality, sexual orientation, religion, health, mental maturity, ability to express himself or herself, life situation, or relationship to or dependence on the person suspected of committing the offence.
- Previous traumas are closely related to the vulnerability of the victim. If the victim has been through previous traumatic experiences, the impact of the current offence may be more severe.³⁷

Social and economic context: The severity of the impact of the crime is also influenced by the victim's social and economic circumstances – i.e., primarily family background and the quality of broader social ties, specifics of the neighbourhood/community, and financial situation.

What is meant by “serious crime” by the project partners – RISE and MODERATOR:

Colleagues from Finland talk about serious crime mainly in cases of murder, attempted murder, grievous bodily harm, and sexually motivated crimes. There is also a tendency on the part of our Belgian colleagues to lean towards violent crime in this debate. At the same time, they stress that

the nature of relationships in conflict shape its severity more than the type of crime itself, as does the individual social context. This is why we can also speak of so-called “crime with serious consequences”, which precisely takes into account the individual aspect of the consequences of crime on specific persons more than the general criminal law category.

34) Criminal Code for the Czech Republic Act No. 40/2009 Coll., § 14 and Slovakia Act No. 300/2005 Coll., §10, §11

35) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 66, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

36) Act No. 45/2013 Coll. on Victims of Crime § 2, para. 4.

37) On the topic of trauma and trauma-informed practice, see Chapter 5.

Chapter 3: Research-based benefits of restorative justice: Worldwide, in Czechia and in Slovakia

Restorative justice has come a long way and has established itself as an inclusive approach of global significance.³⁸ The findings of the 2017 Expert Group on Restorative Justice in Criminal Matters found that over the past fifteen years, restorative approaches have shown very promising results in a wide range of situations, including serious crimes, cases involving higher numbers of victims and offenders, hate crimes and conflicts between groups.³⁹

The basic criteria used in criminological research to assess the effectiveness of restorative measures are the satisfaction of the direct needs of participants, and the rate of subsequent recidivism of offenders. The first criterion usually examines procedural elements (i.e., whether the victim actually has the opportunity to express his or her feelings) and restorative elements (i.e., whether broken relationships are restored). While the vast majority of victims, according to research, are satisfied with their participation in a restorative programme, when it comes to purely restorative elements (such as reduction of recidivism), the research results are somewhat less palpable. Research indicates that the type of crime, the harm suffered, the motivation of the participants to meet each other in a respectful manner, and the willingness of the offender to sincerely apologise for his act, take responsibility for it, and actively engage in dealing with the consequences of the crime are all very important in this regard.⁴⁰

L.W. Sherman and H. Strang⁴¹ have conducted the most extensive research to date that thematically focuses on the concept of restorative justice as compared to traditional criminal proceedings on a global scale. Among other things, they report that, contrary to general expectations, restorative justice has been shown to reduce recidivism, particularly for offenders of more serious crimes.⁴²

Czech Republic

In Czechia, two studies conducted by the Institute for Criminology and Social Prevention deal with the field of mediation.⁴³ The first of them, from 2008, used a sample of 1,014 respondents between the ages of 15 and 69 to determine the public's awareness of mediation and the Probation and Mediation Service in general.⁴⁴ One important finding was that, after providing respondents with basic information on the principles of restorative justice and mediation, 69% of them considered mediation to be an appropriate tool for dealing with crime (although only 53% of respondents would personally be willing to undergo mediation). Therefore, working with the general public's awareness of the possibilities and benefits of restorative justice is one of the key factors for its successful systemic implementation. A follow-up anonymous survey was conducted in 2009, where 94 victims and 93 offenders who had undergone mediation sessions were contacted for their cooperation, focusing on their experience of mediation.⁴⁵ The survey

38) Strategie restorativní justice pro Českou republiku [on-line]. 2021, p. 37, [cited 4. 7. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf>

39) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 67, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

40) Strategie restorativní justice pro Českou republiku [on-line]. 2021, pp.47–48,, [cited 4. 7. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf>

41) L.W. SHERMAN and Heather STRANG are prominent researchers in the field of restorative justice, and together they wrote the book *The Evidence which examines the evidence for the effectiveness of restorative justice*.

42) For further resources on the topic see https://www.jrsa.org/pubs/factsheets/jrsa-research-brief-restorative-justice.pdf_or_Restorative-Justice-Note-4-Restorative-Justice-in-Matters-Involving-Serious-Crimes.pdf (icclr.org)

43) See <http://www.ok.cz/iksp/index.html>

44) More details on the research: ROZUM, Jan. Uplatnění mediace v systému trestní justice II. Prague: Institut pro kriminologii a sociální prevenci, [on-line] 2010 Study (Institute for Criminology and Social Prevention). ISBN 978-80-7338-097-7. [cited 2. 8. 2023]. Available from: <http://www.ok.cz/iksp/docs/372.pdf>

45) For more detailed research in Czech, see ROZUM, Jan. Uplatnění mediace v systému trestní justice II. Prague: Prague: Institut pro kriminologii a sociální prevenci, [on-line] Study (Institute for Criminology and Social Prevention).2019, [cited 2. 8. 2023]. Available from: http://www.ok.cz/iksp/docs/iksp2019ix_rsk.pdf

is very comprehensive and in addition to obtaining the perspectives of both the victim and the offender, mapping the participants' motivation to engage in the process, their fears, needs and overall impressions of the mediation, it also focuses on the analysis of criminal files in cases where mediation has taken place, or on the experiences of mediations conducted by probation officers – mediators. In terms of overall impressions of the mediation, more than 80% of the victims appreciated the opportunity to talk to the offender about what he or she had done to them, and for almost 90% it was important that they could have a personal say in how the whole case should be handled. Mediation was also viewed positively by the vast majority of offenders, 95%, with almost 84% appreciating being able to apologise to the victim in person. More than half of the offenders only realised what their actions had caused after the mediation and more than 80% said that meeting the victim had influenced them to the extent that they would avoid further crime in the future. In the context of research on restorative justice, we should also mention a fairly recent paper prepared by the Institute for Criminology and Social Prevention on the effectiveness of family group conferences in dealing with juvenile crime.⁴⁶ The authors state as the main finding that the vast majority of conference participants were satisfied with this restorative tool, both with its course and with the results achieved. In almost all cases, a common agreement was reached on how the offender would repair the damage caused. Victims particularly valued the opportunity at the conference to tell the offender how his act had affected them and to express their views on the possible resolution of the case. Most of them believed in the educational effect of the conference, felt better about the crime after the conference than before it, and would recommend this restorative programme to people who become victims of a similar act. In terms of motives for attending, the desire to receive compensation was surprisingly cited as the least important by victims. Of greater importance was the desire to hear an apology from the offender, to contribute to their rehabilitation and to avoid a lengthy court case. For most offenders, the strongest motive for participation was the desire to apologise to the victim in person and to reach an agreement on compensation. At the same time, almost 80% of offenders admitted that they were also motivated by the chance to secure a lighter punishment in this way.

The last example on the topic is a research report on restorative justice in Czech prisons,⁴⁷ which was prepared within the project Restorative Justice: Strategies for change.⁴⁸ The main question of the research was what opinion the employees of the Prison Service of the Czech Republic have about the meaning and possible effect of restorative programmes,⁴⁹ are implemented in different ways in prisons around the world and whether they can imagine their application in our conditions. Partial results of the survey show that the setting of the point of view on RJ issues in general and in the prison system is fundamentally influenced by the awareness and experience of the staff with restorative justice – i.e. the concept and effectiveness of restorative justice is evaluated more favourably by those who are familiar with RJ programmes or implement them themselves. The majority of respondents also more or less identify with the views restorative justice holds on crime and on the possibilities of dealing with it – only a tenth of the respondents fundamentally reject it, while more than 40 % are very close to restorative principles. Prison Service staff finds restorative programmes which use the circle technique to prepare prisoners for release the most promising in the field of prisons. More than 60 % of the respondents would appreciate if a programme of this type was implemented in the prison where they themselves work. Further specific suggestions for the possibility of applying restorative tools in Czech prisons as well as related obstacles are described in more detail in the above-mentioned publication.

46) For more detailed research on family group conferences in Czech, see: Rodinné skupinové konference: Přehled výsledků výzkumu Institutu pro kriminologii a sociální prevenci. Prague: Institute for Criminology and Social Prevention [online]. 2019, [cited 2. 8. 2023]. Available from: http://www.ok.cz/iksp/docs/iksp2019ix_rsk.pdf

47) For more details on the survey results see TOMÁŠEK, Jan, Petra MASOPUST ŠACHOVÁ, Tereza ŘEHÁKOVÁ, Alena TESARČÍKOVÁ and Václav JIŘIČKA. Restoratívni justice v českém vězeňství. Prague: Institute for Restorative Justice [on-line]. 2021, ISBN 978-80-270-9639-8, [cited 3. 8. 2023]. Available from: <https://restoratívni-justice.cz/wp-content/uploads/2021/06/RJ-v-CESKEM-VEZENSTVI-dotaznikove-setreni.pdf>

48) More about the project: <https://restoratívni-justice.cz/projekty/rj-strategies-for-change/>

49) The authors draw on foreign experience and list six types of restorative programs – programs aimed at increasing the sense of responsibility of the offender towards the victim of the crime, meeting between convicted persons and victims of unrelated crimes, mediation between convicted persons and the victims they have harmed, mediation between convicted persons, mediation between convicted persons and prison staff, and the use of restorative techniques in the preparation of the convicted person for release.

From 2021, the Slovakian Ministry of Justice, with the support of the European Union, started to implement the national project “Building and strengthening alternative dispute resolution through mediation and effective use of restorative justice tools in the Slovak Republic.”⁵¹

This project was subsequently followed up with a separate questionnaire survey, which was addressed both to probation and mediation officers and to prosecutors.

- 1) The subject of the first questionnaire survey was to answer the question whether probation and mediation can be considered as two different work methods of probation and mediation officers. According to the authors of the research, an important factor was that in the case of probation, the offender does not come to the probation and mediation officer voluntarily, but on the basis of an order from a prosecutor or a judge, whereas mediation is based on the voluntariness of all involved. This places the probation and mediation officer in conflicting roles: probation officer presumes a position of authority, while in the position of mediator, a neutral approach is required. The research also revealed that if given a choice, half (50%) of probation and mediation officers would want to continue with probation, while the other half (50%) would opt for mediation.

The next part of this research involved the implementation of an interview that took place in the initial phase of the ADR project⁵², i.e., in the third month of its implementation and subsequently after eight months with the same group of respondents. The aim was to find out how their attitudes changed after the separation of the probation and mediation institutes, and the performance of only one of them during the project period. The results showed that the majority (90%) of probation and mediation officers initially had no problem with the implementation of both probation and mediation. After eight months of project implementation, 100% of probation and mediation officers preferred to separate these agencies. The reasons were varied, but mainly related to the time organisation and professional complexity of mediation.

- 2) The aim of the second questionnaire survey was to find out what objective obstacles prevent regional prosecutors from referring a case to mediation in pre-trial proceedings. The questions were based on information from prosecutors who had already been involved in the above-mentioned national project. Prosecutors' offices that used mediation either very often (Regional Prosecutor's Offices of Žilina, Košice and Prešov) or very rarely (Regional Prosecutor's Offices of Bratislava and Trenčín) were targeted.

The research showed that prosecutors perceive mediation in criminal cases mainly as a possibility to quickly end criminal proceedings only in situations where the result is in an agreement on reconciliation (settlement). However, if the outcome of the mediation is an agreement between the accused and the victim, with the conditions being met only for the possibility of a conditional suspension of criminal prosecution, the prosecutor considers this situation undesirable, because the offender may not prove himself during the probationary period (i.e., he may not fulfill the conditions of the agreement and the assumed commitment made to the victim). This observation from practice partially provides feedback as to why the prosecutor's instructions regarding mediations are directed towards a particular mediation outcome. This determines how the probation and mediation officer is to conclude the mediation. The exception to this is where the offender is a juvenile, in these situations it is accepted that the mediation may be concluded by agreement on the possibility of terminating the criminal case by way of a conditional discontinuation of prosecution with the imposition of a probationary period.

50) The authors of this chapter are the staff of the Restorative Justice and Probation Section and other departments of the Slovak Ministry of Social Security – Vladimír CEHLÁR, Renáta ĎURKECHOVÁ, Tomáš HOREHÁJ and Martin LULEI.

51) See <https://www.justice.gov.sk/agenda-ministerstva/nase-projekty/europske-strukturalne-a-investicne-fondy/budovanie-a-posilnenie-alternativneho-riesenia-sudnych-sporov-prostrednictvom-mediacie-a-efektivneho-vyuzivania-nastrojov-restorativnej-justicie-v-slovenskej-republike/>

52) from Alternative Dispute Resolution

Chapter 4 – People in the restorative process

The restorative process turns attention to the people affected by the crime and its consequences. We talk about the victim and the offender of such an act, but also about other people such as family members or friends, people from the neighbourhood where the crime took place, representatives of the institutions dealing with the crime. At the time when the restorative meeting itself is being planned or implemented, the facilitator connects several people and their stories in order to understand the needs of the participants and to find suitable ways to fulfill these needs.

A. Victims

People who become victims of crime usually fall into this role very unexpectedly and randomly. They are involved in an event that is arbitrary (there is no reasonable explanation for it), sudden (it cannot be prepared for) and critical (it breaks through defence mechanisms and takes a lot of mental strength to cope with).⁵³ Victimisation itself⁵⁴ is experienced to varying degrees by victims as a kind of psychosocial crisis, in which ‘invisible wounds’ can usually be identified:

- The feeling of dishonor when victims lose their mental balance and positive self-esteem.
- Loss of feeling of trust in themselves and their surroundings
- Loss of a sense of autonomy, where the victims perceive that they have lost control over their life and life situations.
- The feeling of isolation that results from the idea that no one understands the victims, no one understands their situation.

The needs of the victims are very individual, depend on many factors and change over time. The current state of the victim is influenced in particular by the personality of the victim, his or her psychological and physical condition, the degree of support from the victim’s surroundings or the stability of his or her social background, the nature of the crime and its specific effects, the length of time since the crime was committed – the stage of the criminal proceedings in which the victim is, the approach of the law enforcement authorities to date, the extent and quality of the support and assistance provided, etc.⁵⁵ Likewise, we must assume the victim’s very individual expectations of the restorative process and the variety of issues that the victim perceives as important to address.

The essence of the restorative approach is therefore to sensitively listen to and assess the needs of the victim in each particular case and respond appropriately to them.

“I just wanted a human approach.” – Jana Voždová⁵⁶

53) KELLNER, Tomáš, HÝL, Petr, ŠVADLENOVÁ, Marie, FAMĚROVÁ Renata. Studie potřeb obětí trestných činů. Probation and Mediation Service [on-line]. 2020, pp. 3-4, [cited 4. 8. 2023]. Available from: https://www.pmscr.cz/wp-content/uploads/2021/08/projekty_PZJII_STUDIE_POTREB_OBETI_200820.pdf

54) The process of becoming a victim of crime – primary victimisation is caused by the crime itself and the immediate actions of the offender; secondary victimisation develops later and is not related to the direct actions of the offender; tertiary victimisation is related to the psychological reaction to the harm caused by the crime. The individual changes their behaviour and previous lifestyle, unable to cope with the traumatic experience.

55) See also Chapter 2 on serious crime cases.

56) See documentary video at <https://www.zocidooci.cz>

Getting information, individual help, and support. The victims need to orient themselves in the situation and get the necessary information in a clear and sensitive way. Timely help and support from professionals and loved ones helps to cope with the aftermath of the crime and to rebuild the often-lost sense of safety and trust.

Getting answers to the questions about the offender. The victims have a number of important questions that only the offenders can answer – what led them to their actions, what the motives and feelings were, how and whether they realize the impact of their actions. In this way, the victim tries to find meaning in a senseless act and reduce feelings of helplessness and insecurity.

The need for a respectful and empathetic approach, protection from secondary victimisation. A professional and at the same time human and respectful approach, dealing with the victim with regard to their needs and what they have experienced, should be a matter of course, both on the part of the law enforcement authorities and the helping professions.

Reassurance that the offender's action was wrong (the victim did not deserve it, the victim's needs and feelings are justified). It is important for the victim to be reassured that the other participants in the restorative meeting clearly condemn the offender's actions and sympathise with the victim.

The opportunity to seek and propose solutions, to be involved, to achieve justice. The victim needs to be part of a process that expresses fairness and transparency in assessment and decision-making. The essential factor is whether the parties equally and evenly participate in it. From the victims' perspective, it is particularly about whether they feel they can influence the process and whether their position and role are accepted. In this way, they gain control over their current situation and their future.

Obtaining full or nominal compensation for the harm suffered. The victims have a need to achieve some form of compensation for the way they have been wronged. This may be in a material form (i.e., financial or material compensation) or non-material (i.e., apology, acknowledgement, performance of a service).

Confronting the offender and one's fear. The victims seek ways to overcome their fear of the offender or of the crime being repeated. Restorative meetings can help them see the offender as a person, not as a threat.

The need to "separate" from the offender, but also to regain autonomy and ability to navigate one's life. In criminal proceedings, the victim and the offender are referred to together; the victim may perceive that he or she is still connected to the offender by the fact that they are both part of the same case. This may be uncomfortable or frustrating for the victim. Often the victim needs to end this connection, bring closure to the case, and restore his or her strength in life.

57) Resources on the topic:

MASOPUST ŠACHOVÁ, Petra. Restorativní přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, pp. 129–133.

STRÉMY, Tomáš. Restoratívna justícia a systém alternatívnych trestov. Prague: Leges, ISBN 2017, 978-80-7502-224-0 (pp. 204–206)

The Little Book of Victims and Perpetrators Conferences [online]. 2020, p. 54, [cited 21. 6. 2023].

Available from: <https://webmail.psych.purdue.edu/qgte6jzxi6fg/00-milo-lehner-i-4/t-9781561485864-the-little-book-of-victim-offender-conferencing-.pdf>

KELLNER, Tomáš, HÝL, Petr, ŠVADLENOVÁ, Marie, FAMĚROVÁ Renata. Studie potřeb obětí trestných činů. Probation and Mediation Service [on-line]. 2020, [cited 4. 8. 2023]. Available from: https://www.pmscr.cz/wp-content/uploads/2021/08/projekty_PZJII_STUDIE_POTREB_OBETI_200820.pdf

What questions does the victim ask? What does the victim need to know?⁵⁸
 What happened?
 Why did this happen to me?
 Why did I act the way I did at the time of the crime?
 Why have I acted the way I have since then?
 What if it happens again?
 What does all this mean for me (for my faith, for my world view, for my future)?

Such concerns and needs may vary depending on the stage the victims find themselves after the crime. According to Daniel W. Van Ness,³ three phases can be distinguished:

1. Shock and denial stage -- the victims try to cope with the disruption of their life and safety, may deny or minimize the effects of the crime, feel isolated or helpless.
2. Anger and frustration stage – the victims show strong emotions towards the offender or the system, may feel hatred, desire for revenge, guilt, or shame, have difficulties with trust or communication.
3. Healing and closure stage – the victims begin to come to terms with the crime and its consequences, seek meaning or lessons from this experience, may show forgiveness, empathy, or a willingness to dialogue with the offender.

The facilitator should be able to recognize the stage the victim is in and adjust his or her approach accordingly, respecting the pace and choice of the victim and never forcing or rushing the victim into the restorative process.⁵⁹

One tool that a facilitator can use when assessing the needs of a victim is a document from the European PROTECT project entitled “Useful tools and techniques for assessing the needs of victims.”⁶⁰ The document emphasises the need to assess the victim’s needs from a trauma-informed approach (see Chapter 5 for more details) and makes the following recommendations:

- Listening to the needs of the victim is more important than formulating a large number of questions – empathetic listening helps to build a safe and trusting relationship with the victim
- Use communication techniques when describing painful experiences – see the facilitator subchapter for more details
- Inform about all the options available so that the victims can choose their path well – let’s not do things for them but with them
- Explore support options for the victims in their immediate environment – regaining their own strength can be a means of self-healing

“But the greatest loss is not financial. It is the loss of peace of mind. It is the shadow of violation.” – Van Ness⁶¹

58) MASOPUST ŠACHOVÁ, Petra. Restorativní přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, pp. 26–27.

59) See also a source in Czech, KELLNER, Tomáš, HÝL, Petr, ŠVADLENOVÁ, Marie, FAMĚROVÁ Renata. Studie potřeb obětí trestných činů. Probation and Mediation Service [on-line]. 2020, [cited 4. 8. 2023]. Available from: https://www.pmscr.cz/wp-content/uploads/2021/08/projekty_PZJII_STUDIE_POTREB_OBETI_200820.pdf

60) KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Pokyny pro posuzování potřeb obětí v restorativní praxi. Project PROTECT [on-line]. [cited 21. 6. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2023/08/protect-CZ-1.pdf>

61) Daniel W. VAN NESS: Crime and its victims, InterVarsity Press 1986, p. 37. Daniel W. Van Ness is a world-renowned expert on restorative justice. In 2013, he received the John W. Byrd Award from the National Association for Community and Restorative Justice (NACRJ).

In contrast to the victim, the offender is the person who triggered the event – the criminal activity and its consequences or effects. Although this situation is effectively irreversible, a restorative resolution of the matter may ultimately create an opportunity to make some kind of amends for what has been caused by the crime. Central to this is the question of the offender's willingness to attempt to view the situation through the lens of the victim, to understand the impact of his or her actions and to accept responsibility for those actions. Working with the offender in this way is crucial to the restorative process – yet in traditional criminal proceedings we tend to see such a process marginalised or neglected.

The needs and concerns of the offenders in the restorative process are influenced by similar characteristics to those of the victims, and relate to their personality, health or the stability and support of their background. Similarly, the stage of the criminal proceedings in which the offender is at, and the previous professional intervention directed towards him or her will play a role for the offender. Typically, for the offenders, we can further assume that their approach to restorative justice will be largely influenced by their own attitudes towards the offence and the tendency to downplay or modify the event in various ways, whether in this respect there is a conscious motivation on the part of the offender to achieve the lightest possible punishment, or rather a defence mechanism against feelings of shame or guilt.⁶² A very sensitive issue is the offender's own victimization, where we know that most of the people we now work with as offenders have also been victims in the past.⁶³ A respectful and sensitive approach is therefore always appropriate.

Restorative justice condemns as wrong the offender's actions themselves, but not the offender as a person. It leads him to actively address the consequences of crime and to repair the harm caused to victims.

“I feel I owe something to the victim.”⁶⁴

“If it helps the victim to meet me, I'll do it.”⁶⁴

“I would like to tell her that I understand her protesting my parole. If I were her, I would do the same.”⁶⁴

“It wasn't until I met the victim in person that I realized what I had done, how hard she had it because of me. I was able to apologize and explain why it happened, even though it doesn't excuse me. I'm glad she accepted my offer to repay the damages. There is at least something I can straighten out.”⁶⁵ – Honza K., offender after mediation with the victim

62) The so-called neutralization techniques are described by Michaela Borovanská. These can be, for example, an appeal to external forces that cannot be influenced – unloving parents or a bad group of friends, or to the influence of drugs, alcohol; denying injustice – no one has been harmed; denying the victim – we agree that harm has occurred, but the victim deserved the harm or brought it on themselves; shifting attention from one's own criminal behavior to the behavior of those who condemn that behavior; appealing to a higher loyalty – preferring the norms and values of one's own group (party, family, church) over the laws of society. For more details see Michaela BOROANSKÁ: Motivace a odpovědnost jako aspekty reintegrace pachatelů majetkové trestné činnosti do společnosti [on-line]. 2016. [cit. 21. 6. 2023].

Available from: <https://is.muni.cz/th/ozugu/Borovanska-disertace-final2016-04-20.pdf>

63) See the so-called overlap – <https://icjia.illinois.gov/researchhub/articles/the-victim-offender-overlap-examining-the-relationship-between-victimization-and-offending>

64) Restorative justice dialogue, Victim-offender Dialogue in Crimes of Severe Violence (p. 219)

65) <https://restorativni-justice.cz/o-restorativni-justici/pachatel/>

What may be the needs and concerns of the offender in the restorative process? ⁶⁶

- Apology . An apology is an important step in the restorative process. It expresses acknowledgement of the harm done and regret for the act and helps to take responsibility for one's actions and to change one's behaviour in the future. Preparing for the moment when the offender is intrinsically motivated to sincerely apologise can be a long-term process with many challenges and obstacles. The offenders must face the motives, emotions, and the consequences of their actions, while often feeling themselves the victims and seeking their own justification. They may also have various fears of rejection, condemnation, or revenge.
- Taking responsibility . Restorative justice, in relation to the offender, emphasises the acceptance of genuine and sincere responsibility for the committed crime, which usually comes after a real awareness of the specific impact and consequences on the life of the victim and others. Accepting responsibility is a visceral experience which is not the same as a mere formal acknowledgement of guilt. It then leads to thinking about the ways in which the harm caused can be repaired.
- The need for honest communication with the victim. The offenders may feel the need to tell the victim their motives and the circumstances that led them to commit the offence and the consequences for their lives. It may also be a matter of (re)clarifying utterances that were made during the trial and may have been distorted or misunderstood for various reasons, which is very closely related to the extent to which the offender was willing/able to accept responsibility.
- An offer of reparation directed towards the victim, active involvement in dealing with the consequences of one's act. Dealing with the consequences of the crime is a certain form of satisfaction for the victim, while also offering space for the offender to work with acceptance of responsibility, guilt, and forgiveness. This compensation may be tangible or intangible, such as financial compensation, community service, donation to charity, or symbolic reparation. Reparation should be agreed between the offender and the victim to suit their needs and capabilities.
- A look at the reasons that led the offender to commit the crime. When thinking about the roots of their (criminal) behaviour, the offenders have the opportunity to realise what experiences, personality traits or life situations contributed to it and to use such knowledge to further work on themselves.
- Offenders express interest to work on themselves and to change their behaviour. The offenders may realize their own need to reduce the risk of further failure and to develop their own skills and abilities in order to safely cope with stress. They may try to get support from family, friends, the community, or professionals to help address problematic aspects and support their potential.
- Changing how the offender is perceived by the victim, survivor, or community . The offenders may feel the need to communicate something positive about themselves, to be seen as a whole person who is not defined solely by the crime they have committed.
- Reduction of guilt and anxiety , fear of revenge. The offenders may feel guilty, embarrassed, or scared of what they have done and fear retaliation from the victim or society.
- The need for reconciliation and closure. The offenders may desire reconciliation with the victims, with other subjects involved, or with themselves. They may also want to close their past, to come to terms with the crime and its consequences, and to move on with their life.
- Reconnecting. The crime disrupts the relationship between the offender and the victim if such a relationship existed, for example, if the victim and the offender knew each other or are related. The offender may feel the need to heal the broken bonds and restore them.

66) MASOPUST ŠACHOVÁ, Petra. Restoratívni přístupy při řešení trestné činnosti. (Restorative Approaches in Solving Crime). ISBN: 978-80-7400-756-9. Prague: C.H. Beck, 2019, pp. 91–94. Restorative justice dialogue, p. 219. Online: <https://restorativni-justice.cz/o-restorativni-justici/pachatel/>

- Seeking a reduced sentence or other advantage in criminal proceedings. Experience from working with offenders shows a high degree of expediency in their actions. On the other hand, a focus on purpose and gaining an advantage is understandable and is not in itself a barrier to restorative meetings, and it is the role of the facilitator to reflect this appropriately in the restorative process.
- Manipulation of the victim, the need to re-injure the victim verbally or psychologically. Some offenders may also seek to convince the victims that the crime was not as serious as they perceived it to be or as it was classified under the law. At the same time, the goal may be to make the victims feel that they caused or deserved the event. The facilitator must be able to recognise these motives of the offender in the individual preparatory consultations, work with them in the context of cooperation with the offender, reflect on them and, above all, carefully weigh the appropriateness of a restorative meeting with the victim in view of the need to ensure their safety and to consistently prevent possible revictimisation.⁶⁷

In restorative practice, it is important to respect the autonomy and free will of all participants, which is also reflected in the needs and motives that lead participants in a restorative meeting to decide to enter the restorative process. These may not, and often are not, positive, or constructive, may not be in line with the restorative values and purpose of the restorative meeting, and may also be risky for the course and outcome of the restorative meeting. The facilitator should be able to recognise motives and respond appropriately to them in the preparatory stage of the restorative process. The aim is to help participants reflect on their needs and expectations, to offer alternative ways of dealing with their emotions and to support them in their search for a meaningful and satisfying dialogue. It is also relevant to allow for the possible evolution and transformation of the original motives during the restorative process and not to reject the suitability of the restorative process during the very first consultations with participants.⁶⁸

C. Community and society – their role in the restorative process

Crime changes not only the lives of victims and offenders, but also their loved ones, witnesses, neighbours, and colleagues. People may lose their sense of safety in their home, neighbourhood, on the street, in their interest group or in places they normally visit. The restorative process offers members of the local community the opportunity to participate in restorative programs, most often in what are called restorative conferences or circles.⁶⁹ In these, everyone involved or affected talks about the impact of the crime, about their needs, options for conflict resolution and the form of restitution provided by the offender.⁷⁰

“It is no coincidence that we find restorative approaches more often where there is a functioning community and a truly vibrant community of ‘open’ people. In the Czech Republic, in my opinion, the perception of the role of the so-called civil society is still to some extent marked by a very slow recovery from the pervasive consequences of the totalitarian regime, which left in our society residual tendencies towards passivity, individualism, distrust, etc... In this I see a significant obstacle to the further development of restorative thinking, and not only in the judiciary!”⁷¹ – Michal Špejra, Institute for Criminology and Social Prevention

67) See Core Facilitator Skills and Competencies Part D) of Chapter 4.

68) On the possible development of participants' motivation to enter the restorative process during the process, we refer to the video “The Woolf Within” <https://restorativni-justice.cz/zdroj/the-woolf-within/>

69) For definition see Chapter 2.

70) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 64-65, [cited 26. 6. 2023].

Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

71) Strategie restorativní justice pro Českou republiku [on-line]. 2021, p.48, [cited 4. 7. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf>

Community involvement at any stage increases the legitimacy of the restorative process by promoting social cohesion and strengthening offender accountability. The community may be represented by various stakeholders such as family members, friends, neighbours, classmates, teachers, the mayor, police officers or social service workers. Their role is to provide support to both the victim and the perpetrator, to share their perspective on the incident and its impact, and to contribute to finding a solution.

Examples of community needs in dealing with crime:

- The need for safety and protection from further violence or threats from the offender.
- The need for recognition of the suffering experienced by the community as a result of the crime and the opportunity to express their emotions and feelings.
- The need for involvement and participation in deciding how the offence will be dealt with and what will be required of the offender to repair the harm.
- The need for justice and compensation for the harm caused, which may include material, moral or symbolic compensation.
- The need for reconciliation and restoration of relationships between the offender, the victim and the community, which may include apology, reconciliation, forgiveness, trust or cooperation.

D. Facilitators – their competencies and communication skills

The facilitator of a restorative meeting is a person who, after considering the appropriateness of their own involvement, facilitates and encourages communication between the participants in a crime so that they could find themselves their own pathways to healing, reconciliation, reparation, or to other needs defined by the participants. The facilitators also consider the needs of the community if it has been affected by the crime.

“The facilitator is a guide to the process, designed as far as possible by the parties themselves.”

“We build a bridge between two people.”⁷²

The numbers prove it: It works! It is needed!
The facilitators present the tools of restorative justice as an effective and necessary alternative to the traditional criminal justice system. They are familiar with research, statistics and practical examples that demonstrate the potential benefits of restorative meetings for participants.

“I’ll keep on doing today what I’ve been doing.
I am going to support you.”⁷³

The professional and personal competence of the facilitator is the cornerstone of any restorative process. Previous professional training⁷⁴ of facilitators is essential to fulfill the healing potential of restorative approaches.

⁷² Quote from the project JUSTIN training of restorative meeting facilitators in May 2023 in Prague.

⁷³ See <https://restorativni-justice.cz/zdroj/meeting-with-a-killer-dokument-o-setkani-pozustalych-s-vrahem/>

⁷⁴ Cf. Articles 42–44 of the Council of Europe Recommendation on Restorative Justice in Criminal Matters, adopted on 6 October 2018, see https://www.coe.int/en/web/prison/home/-/asset_publisher/ky2o1XXoqcX/content/recommendation-cm-rec-2018-8

- Full training in the restorative approach to learn about the principles and methods of restorative justice
- Gain experience in facilitation under the supervision of experienced facilitators who will support and provide feedback to the facilitators
- Work on one's personal development, learning to reflect on one's emotions, biases, and limitations, and finding sources of support and self-care

Facilitators – their limitations and their self-reflection

Based on the available information, the facilitators are able to evaluate the limits of their knowledge, experience, and their own mental well-being and subsequently recognize when it is necessary to consult the procedure with their colleagues, to seek the help of a supervisor, or, in a specific case, to terminate their activity.

In our view, intervention and supervision are essential tools for the quality of facilitators' practice, mental health, and professional growth. Intervention is a form of collegial collaboration in which a group of facilitators meet regularly to share with each other their experiences, difficulties, and successes in the practice of facilitating restorative meetings. Intervention is primarily used to reflect on one's own practice, to exchange ideas and advice, to seek solutions, and to foster trust and cohesion among facilitators. Supervision is a form of individual or group support where the facilitator meets with a professional supervisor who is experienced in the topic (in our case restorative practice or individual work with clients affected by crime) and in supervision methods. Supervision serves to foster facilitator's professional competencies, to provide expert advice and support, to prevent burnout and stress, to resolve conflicts or ethical dilemmas. The frequency, intensity, and length of the interventions depend on the number of restorative meetings and the size of the team, it is mostly recommended once a month for approximately 90-120 minutes. Supervision is recommended at least once every three months, for individual supervision for 60-90 minutes, and for group supervision usually in several such blocks within a day, according to the needs and assignments of the team and the agreement with the supervisor. At the same time, it is always advisable for the facilitators to have the possibility to request supervision meetings outside the scheduled dates if they need it due to the development of specific cases or another difficult professional situation.

Basic skills and competencies of the facilitator

The facilitator should acquire a number of basic skills and competencies,⁷⁵ which are essential for conducting the restorative process. Below we outline what these skills and competencies include, why they are important and how you can develop them. Facilitators should be aware of their strengths and weaknesses, learn from their own and others' experiences, and continually develop professionally.

- 1. Facilitators apply restorative values and principles.⁷⁶
Facilitators are aligned with the values and principles of restorative justice – see Chapter 2 – and apply them fully in actions towards all participants in the restorative process. They can explain clearly how the restorative process works and how it differs from other approaches such as civil mediation, therapy, counselling, or crisis intervention. They can explain to participants why restorative justice tools and programs can help with reference to the theoretical foundation.
- 2. Facilitators build participant's trust in themselves and in restorative processes.
Facilitators are open, honest and transparent in their communication with the participants. They are able to actively listen, ask and respond to their questions, needs and concerns. They are consistent, reliable and keep their promises.

75) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 60, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

76) For example, the Restorative Justice Council has produced a training handbook on the subject, which includes specific guidance for restorative training courses, as well as a code of practice for trainers and training organisations. See Restorative Justice Council (2016), RJC Trainers Handbook. London: RJC, 2016. or here: https://www.euforumrj.org/sites/default/files/2021-11/EFRJ_Manual_on_Restorative_Justice_Values_and_Standards_for_Practice.pdf

- 3. Facilitators act impartially and with respect for all participants.
Facilitators do not judge any of the participants. They are sensitive to cultural, social and personality differences. They recognise their rights and interests without discrimination or favouritism. They avoid the use of words such as 'victim' or 'offender' in communication that could lead to the labelling or stigmatisation of participants. They speak to them with equal respect, taking into account their language skills, education or gender. It does not encourage or reject any views or suggestions of the participants but helps them to find common ground. At the same time, they clearly declare that the offender's actions were wrong, the victim has been harmed and the participants have needs to which an adequate response will be sought in the restorative process.
- 4. Facilitators are responsible for a safe environment throughout the process.
Facilitators ensure that participants feel physically and mentally safe throughout the process. They protect participants from further harm or harm. They ensure that participants have the option to decline or end the meeting if they do not feel comfortable. They intervene if there is any aggression or disrespect between participants.
In some cases, the restorative meeting with the offender may take place in a prison setting. Then it is necessary to consider whether it is in the victim's interest to enter this environment and how to prepare them for such a situation. It is not appropriate to make decisions for the victim, but to offer enough information and support for the victim to make an informed decision. Some victims may feel safer in a prison environment – they feel in control of the situation. In some cases, the facilitator may arrange a preliminary visit to the prison with the victim before the meeting so that the victim can get an idea of what to expect.
- 5. Facilitators maintain confidentiality .
Facilitators respect the confidentiality of information they learn from the participants or during the process. They do not disclose it to anyone else without the participants' consent. They comply with legal obligations regarding the protection of personal data and other sensitive information, the obligation to report or prevent a crime. They clearly inform participants about what will happen to the information they provide and how it will be protected.
- 6. Facilitators assess and mitigate risks.
Facilitators conduct an initial formal assessment of potential risks in the process and continuously monitor and resolve them. They note the participants' concerns about these risks and suggest and help to find ways in which they can address them. They map any risk factors related to participants' motivations for engaging in the restorative process, determining whether their expectations are realistic. They consider any physical or mental limitations, mental disorders, or illnesses on the part of the participants that might affect the course, goals and outcomes of the restorative process and actively seek ways to minimise the impact of these factors in appropriate ways.
Depending on their assignment (the organisation in which they work) and the specific type of restorative service (programme) provided, they may, in preparation for conducting the restorative process, in consultation with the participants, obtain information regarding previous acts that contributed to or had an impact on causing harm or injury (i.e., substance abuse).
- 7. Facilitators handle conflict, tension, and emotionally challenging situations.
The facilitator may encounter various forms of discord, tension, or emotional distress among the participants in the restorative dialogue. They must bear in mind that a crime with serious consequences is not a common type of conflict that can be resolved by standard dispute resolution methods (i.e., mediation in civil procedure). It is a profound violation of human dignity and integrity that has long-term and complex consequences for both parties. The facilitator must be able to maintain calmness, neutrality and respect for both parties.
- 8. Facilitators prevent further victimisation of participants.
The facilitator is aware of the risk of revictimisation that can occur when participants are exposed to unpleasant or traumatic situations during the criminal and restorative process. He or she tries to prevent this by being empathetic, listening and respecting the victim's feelings, and supporting his or her autonomy.

- 9. Facilitators are trauma-informed.⁷⁷ (see Chapter 5 for details), are able to recognize the signs of trauma that may be exhibited by participants in the meeting and respond to them in a sensitive and professional manner.
- 10. Facilitators act non-directively, do not exert pressure, provide enough time. Facilitators do not assume the role of referee or problem solver. They do not determine or force the participants to any particular outcome or agreement. They leave room for the participants to find their own solutions (including the way the meeting itself is conducted) that will be satisfying and meaningful for them. They adapt to the participants' needs and possibilities.
- 11. Facilitators are trained in different conflict resolution approaches and the specific requirements for working with victims and offenders (for more detail, see Chapter 5: Specifics of Serious Crime cases).
- 12. Facilitators work closely with support programs for both victims and offenders to enable referrals to specific services. Facilitators are familiar with the range of relevant services in their region and nationally and cooperate with various organisations and institutions that provide support to victims and/or perpetrators or their relatives. They are able to recommend appropriate support services to participants in the restorative process, if needed.

Facilitators in facilitating restorative programs addressing serious harm must:⁷⁸

- Receive advanced training in restorative approaches and skills
- Complete sufficient work experience before starting work on these cases
- Understand the traumatic impact of violence and the impact of violence on the victim (and in many cases on offenders and those who work with them)
- Understand the grieving process
- Be familiar with current research and theory on the causes of serious crime (i.e., on the share of power and control in sexual violence, on intimate partner violence, etc.)
- Work in a team and under competent supervision

Communication skills of the facilitators⁷⁹

The necessary communication skills of a restorative process facilitator to help create an environment of trust, understanding and cooperation include:

- Expression of empathy:⁸⁰ Carl Rogers, founder of the client-centered approach, describes empathy as one of the most powerful means of human communication. He introduced this approach as an essential tool valid not only in psychotherapy but in human communication in general to encourage and support personal growth. Empathy can be defined as the ability or attempt to experience another person's feelings or perceptions as if they were our own. Rogers emphasized the words "as if". Empathy is not identifying with another person. It is not affection, relationship, or compassion for another person.

77) On trauma in more detail, see for example:

Trauma-Informed Restorative Practices. Boulder County DA's Center for Prevention and Restorative Justice. [on-line]. 2019. Dostupné z: <https://geiselmed.dartmouth.edu/ofa/wp-content/uploads/sites/56/2021/01/Trauma-Informed-Restorative-Practices-HANDOUT.original.1560403245-2.pdf>

An exploration of trauma-informed practices in restorative justice: a phenomenological study — University of Portsmouth - <https://researchportal.port.ac.uk/en/publications/an-exploration-of-trauma-informed-practices-in-restorative-justice>
GUSTAFSON, DAVID L. Exploring treatment and trauma recovery implications of facilitating victim-offender encounters in crimes of severe violence: lessons from the Canadian experience. In *New Directions in Restorative Justice: Issues, Practice, Evaluation*, p. 193–227, 2005, Elizabeth Elliott and Robert M. Gordon, eds.

78) Průvodce restorativními programy druhé vydání [on-line]. 2020, p. 61, [cited 26. 6. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

79) Presented at the JUSTIN project seminar in Prague in May 2023, cf. Howard ZEHR: *The Little Book on Restorative Justice*. Good Books 2002; Kay PRANIS: *The Little Book of Circle Processes: A New/Old Approach to Peacemaking*, Good Books 2005.

80) CEHLÁR, Vladimír. Pilotné zavedenie špecialistu pre trestnú mediáciu [online]. 2021, [cited 25. 3. 2023].

Available from: <https://projekty.justice.sk/wp-content/uploads/2022/07/Pilotne-zavedenie-specialistu-pre-trestnu-mediáciu-projekt-ADR.pdf>

- Active listening: The facilitator focuses on what others are saying, shows interest and understanding, captures the essence and emotion of the participants' messages, gives appropriate feedback. Active listening involves the use of verbal techniques (paraphrasing, mirroring, clarifying, summarising, appreciating, and encouraging) as well as non-verbal signals – eye contact, smiling or nodding – to confirm that we are listening.
 - Paraphrasing: We rephrase information or questions using different words to make sure we have understood the statement correctly, that we understand the speaker. For example, “If I understand correctly, you are saying that ...?”
 - Mirroring. We show understanding of the emotions or attitudes expressed by the victim or perpetrator. For example: “I see that you are very upset and worried about your future.” Or: “You seem angry right now.”
 - Clarification . We help to see other dimensions of the message. For example: “How did you react to that?” Or: “What happened next?”
 - Summary. Summarize information and ideas into main points or themes, summarize agreements reached, assess progress, offer further discussion. For example: “So we agreed that...”
 - Encouragement. We encourage sharing, dialogue, and interest in the message. For example: “Can you tell us more about this situation?”
 - Appreciation. We show respect, appreciating participants for their openness, honesty, or interest in solving the issue. For example: “I appreciate your efforts to address this situation...”
- Encouraging dialogue . Facilitators create space for participants to express their views, feelings, and needs. They use open and developing questions (often starting with “how”, “who”, “what”, “why”, “what” – to find out broader / missing information), respecting the differences between participants and not imposing their solutions or values. For example, “I would like to hear what you have to say.” Or: “I understand that you have a different perspective on the situation. Can you tell me what led you to it?”
- Giving and receiving feedback: The facilitator communicates to others, where appropriate, how they perceive their behaviour or expressions during the process, and openly accepts their views on the restorative process and on themselves. Feedback should be constructive, honest, and respectful. For example: “I think it is really valuable that you are willing to listen to the other side.” Or: “I feel quite uncomfortable when you speak so loudly.”
- Providing space for the participants to make their own decisions. The facilitator lets the participants find their own solutions to the conflict, encouraging their autonomy and responsibility for their actions. For example: “How would you like to resolve this situation?” Or: “What options can you think of to repair this harm?”
- Helping participants to express and hear unpleasant things: Facilitators help participants to express their pain, anger, fear, or guilt and to hear such emotions in others. They maintain a safe and respectful space where participants feel heard and acknowledged. For example: “It can be difficult to both talk about such difficult things and to hear them from others.” Or: “It is not uncommon for people in similar situations to feel anger.”
- Reframing . The facilitator is able to shift the perspective, information context, or situation to encourage positive or constructive thinking. For example, “Could we look at your current difficult situation as an opportunity for correction and change?”
- Naming similarities. The facilitator identifies and emphasizes common values among participants that promote mutual understanding and cooperation. Naming similarities also means recognising and appreciating the differences between participants as a source of enrichment and learning. For example: “I hear that it is important for both of you to...”
- Authenticity . Facilitators are honest, open, and transparent in their communication and behaviour. For example: “I have to tell you that I was a little nervous before this meeting, too.”
- Ability to recognize when it is appropriate to interrupt the meeting or stop the process. The facilitators perceive the atmosphere and the needs of the participants during the dialogue and respond appropriately. They respect the limits and boundaries of the participants and protect their well-being.

For example: “I can see that this is a very sensitive topic for you. Do you want to take a moment to relax?” Or: “I think we’ve made a lot of progress today. How about we stop here and continue next time?”

→ Humor: With discretion and in appropriate situations, the facilitator may respond with lightness or a joke to help release a tense atmosphere and create a pleasant environment.

“The power of the Restorative Conference rests in the process, and it is the structure of the process that creates change... Not the facilitator whose job is merely to create and hold the space for the process to unfold.” – Dominic Barter

The level of activity and the need for facilitators to lead restorative meetings varies with different restorative approaches and program settings.⁸¹ According to Dominic Barter, the facilitator (after very careful preparation) should interfere as little as possible in the conversation of the participants in the restorative meeting and let it proceed naturally. The potential of the restorative process is greater the more space the participants have for their communication and the greater their role in it. Such an approach significantly motivates participants to take responsibility and build trust in themselves. In Howard Zehr’s conception, the facilitator helps the parties affected by the conflict to engage in dialogue, formulate their issues, gain insight into each other’s perspective and reach a mutually acceptable solution. In Kay Pranis’s Restorative Circles model, again, there is a great deal of trust in the process itself, and the role of the circle keeper is clearly defined – the keeper is responsible for preparing the physical space and initiating the circle process, helping the group to create a space suitable for personal sharing and deep listening, or may offer a few guiding questions to begin the discussion.

81) Cf. Howard ZEHR: The Little Book of Restorative Justice. Good Books, 2002. Kay PRANIS: The Little Book of Circle Processes: A New/Old Approach to Peacemaking. Good Books, 2005. https://www.restorativresources.org/uploads/5/6/1/4/56143033/handbook_5-4-15_.pdf, p. 11. Article in Czech on circles and the role of the circle guardians <https://restorativni-justice.cz/wp-content/uploads/2023/08/Par-slov-o-kruzich-CZ-final.pdf>

Chapter 5 – Restorative process

Restorative meetings have their place in all stages of criminal proceedings (initiation, investigation, trial, execution) and after the final conclusion of the proceedings.

THE COURSE OF THE RESTORATIVE PROCESS IN THE PREPARATIONS FOR A RESTORATIVE MEETING			
STAGE 1	STAGE 2	STAGE 3	STAGE 4
offer and assessment of the benefits	preparation of a restorative meeting	course of a restorative meeting	conclusion of the process
information about the restorative process and assessment of the benefits for all participants	individual consultation with the participants	direct or various other forms	consideration of the benefits of a meeting held in person, online or by phone at an agreed time

Offer and assessment of the benefits of the restorative process – Stage 1

In principle, anyone can initiate a restorative process if they are in any way affected by the situation and believe that such a solution could be beneficial to the cause. In this context, we consider it important to recall one of the key ideas of the Council of Europe's Recommendation on Restorative Justice in Criminal Matters⁸², namely that the opportunity to deal with the matter restoratively should be created for victims, offenders or other persons involved in any serious crime at all stages of the criminal proceedings. Therefore, every participant in criminal proceedings should be informed in a timely and proper manner about the possibilities and potential of restorative justice. Important prerequisites for such an approach are the availability of restorative services and the education of the professional public about the (local) offer, content and, of course, potential of individual restorative programmes.

Depending on the specific situation and the form of the service or restorative programme, the restorative process is usually initiated by:

- a victim, a survivor, or a relative of theirs
- the offender, or a relative of theirs
- a representative of the community (or of public administration or local government)
- an authority involved in criminal proceedings
- the prison service (by agreement with the offender)
- organisations that work with victims/offenders (by agreement with their client)

A restorative meeting provider (a specific organisation providing restorative programmes) can therefore be contacted by the direct participants in the event, their relatives or professionals from authorities involved in criminal proceedings and other institutions. The following recommendations relate primarily to the practice of professionals who meet victims and offenders at various stages of criminal proceedings and beyond and have the opportunity to offer a restorative meeting or similar programme as part of their cooperation.

⁸²) Council of Europe's Recommendation: on Restorative Justice in Criminal Matters [online]. 2018, [cited 24. 8. 2023]. Available from: <https://restorativni-justice.cz/wp-content/uploads/2020/10/DOPORUCENI-RE-O-RESTORATIVNI-JUSTICI-PDF.pdf>

“Don’t think for the client, ask them.”

A restorative approach offers victims of crime a means for them to potentially come to terms with the impact of the crime, contributing to recovery from the event and restoring stability to their lives. The right timing for starting the restorative process is very individual and requires a sensitive view of the whole situation. Even years after the event, restorative meetings or other restorative practices can still be meaningful to victims (and other participants).

One way to offer a restorative meeting very sensitively in a conversation with the victim is to respond directly to some of the messages that indicate the victim’s interest in contacting the offender. The following statements or needs of the victims may be included:

- The victim wants to tell the offender how the crime has affected their life or what they would like the offender to do.
- The victim asks about the details of the crime or the motives of the offender.
- The victim wants to know what the offender is like as a person or what has happened to them following the crime.

If any of these needs are noted, it is appropriate to inform the victim of the options of the restorative process and suggest restorative meetings as a way to answer the questions or meet these needs.

Can restorative meetings be beneficial for victims? ⁸³ – possible questions to check:

- If the offender wanted to apologise to you, would you be open to it?
- Imagine the offender apologising, would you like to hear it?
- Is there any remedy for what has been done to you?
- Do you still have questions that only the offender can answer? If so, would you like the offender to answer these questions?
- Would you like to tell the offender the consequences of what happened to you?
- If the offender has been convicted, does that mean complete closure of the case for you?
- What else do you need to recover from the effects of the crime? Could talking to the offender help?

Offering a restorative meeting to the offender

when working with offenders at any stage of the criminal proceedings, including during the enforcement stage (serving a non-custodial or custodial sentence, during the probationary period of parole) and afterwards (e.g., after leaving prison), the topics of dealing with the consequences of the crime, including the offender’s view of their actions and the promotion of desistance are relevant, and often a restorative meeting or other restorative programme can be a good help for positive changes in the lives of offenders.

Offering such a service may be considered especially in cases where the offender mentions in conversation that they want to come to terms with the consequences of their actions towards specific victims or survivors or other affected persons, talks about the need to show remorse or apologise for their behaviour, wants to explain their behaviour, and at the same time cares about the possible reconciliation of relationships affected by the crime. Some offenders (especially in the context of their participation in therapeutic programmes in prisons, where they address the causes of their crime and seek opportunities for internal change) mention that they would like to hear the concrete impact on victims, as this may help them to refrain from further recidivism. A good signal to possibly offer a restorative meeting can also be a sincere effort to agree specifically on the form of compensation for the damage caused.

83) These questions may be useful for victim service workers when considering an offer, as well as for workers providing restorative programmes at the first point of contact with the victim, or for facilitators of restorative meetings. It always depends on the specific procedure and structure in a given restorative programme. Slachtoffer hulp [on-line]. [cited 5. 9. 2023]. Available from: <https://www.slachtofferhulp.nl/>

Restorative meetings may thus be particularly appropriate for an offender who is not in denial about their criminal activity, is able to see the impact of the crime on the victim, perceive the victim's needs and respond to questions, and is also capable of at least a minimal level of empathy for the victim and the affected community. As part of the preparatory meetings, they need to be willing to work towards genuine acceptance of their responsibility and to consider possible remedies.

Below are some questions that may help when interviewing staff from organisations that provide services to perpetrators of crimes, including professional staff in prisons, when considering offering restorative meetings⁸⁴:

- Do you think about the direct effects of the crime you have caused on specific individuals?
- How do you perceive the consequences of the crime now, what does taking responsibility for your actions mean to you?
- Are you considering any possible redress for the harm or damage caused, and how?
- Is there anything you'd like to say to the victim of the crime?

It is highly likely that the victim or offender will need more time or information before deciding whether or not to participate in the restorative process. It is therefore appropriate that they should be repeatedly offered the possibility of a restorative meeting (or other restorative programme, depending on what is available locally) at different stages of the criminal proceedings. Those who make this offer should be sensitive to how the victim feels and how their situation is evolving, much like in the case of the perpetrator. At the same time, if the victim or perpetrator refuses a restorative meeting and does not want to discuss it further, this should always be respected.

Assessment of the benefits of a restorative meeting for the participants and the facilitator's decision to start preparing for it

At this stage, the restorative meeting facilitators, together with the potential participants, most often evaluate directly whether and what benefits the restorative process can have for specific persons in a specific case and at a specific time. Facilitators (or other designated staff of the restorative meeting organisation, depending on the specific service process) meet with each participant individually and ask them questions to help them decide whether they are ready and willing to engage in a restorative meeting.

We consider it essential for the facilitator of the restorative process to provide victims, offenders and other potential participants with sufficient relevant information about the benefits a restorative meeting and preparations for it can have⁸⁵, and about the voluntary nature, confidentiality and safe environment⁸⁶ in which such collaboration takes place. At the same time, consideration should be given to whether the timing is appropriate for the restorative process as the actual needs of participants may differ (e.g., they may require more practical information related to criminal proceedings, health care, legal representation, therapeutic intervention, etc.). However, all participants should be informed (at least by the authorities involved in criminal proceedings) in a timely and comprehensible manner about the existence of restorative justice programmes, and subsequently, if interested, be introduced to the principles and content of the restorative process, on the understanding that the decision to use restorative justice services always rests with the participants themselves.

84) We also recommend the methodology of the "I Perceive You Too" Czech Programme (in Czech: "Vnímám i tebe", VIT) KRAMÁŘOVÁ, Daniela, MARKOVÁ, Ludmila, ŠMERDOVÁ, Tereza, TKÁČOVÁ, Jana, KOVÁŘ, Jakub, VARGA, Jiří. Metodika programu Vnímám i Tebe (VIT), Probační a mediační služba [on-line]. 2020, [cited 19. 6. 2023].

Available from: https://www.pmscr.cz/wp-content/uploads/2021/08/projekty_KSII_Metodika_VIT_200825.pdf

85) See also the benefits of restorative meetings for victims and offenders in Chapter 4

86) For further principles and values of restorative justice, see Chapter 2

At the benefit assessment stage, the following need to be verified:

1. the participants want to engage in the process voluntarily and know that they can end it at any time;
2. the participants understand the purpose and importance of the process, are aware of its possible course, and are informed of its possible outcomes and consequences, including the potential impact of the restorative process on the criminal proceedings or after its final conclusion/enforcement stage;
3. the motives of the participants are sincere and genuine, and no one intends to cause further suffering to others involved;
4. the participants are in a good enough physical and psychosocial condition to participate in the process and have sufficient time;
5. the facilitator is competent and impartial.

At this stage of reflection on the potential benefits of a restorative meeting, the participants can be asked some of the following questions:

- Why do you want to meet the victim or survivor/offender?
- What would you like to say to them?
- Who are all the individuals affected by the crime? Who are the people who could attend the meeting? Who would you like to have by your side for support?
- Have you received any help or support through a social, therapeutic or other service?
- How do you feel after what happened?
- What would you like to happen next?
- How would you describe your relationship with the victim/offender before and after the incident?
- What would you need to feel better?
- What impact did the incident have on you, your neighbourhood, family or friends?
- Do you feel mentally prepared to meet the offender? What else do you need in this respect?
- Do you feel guilty about what happened? What level of responsibility do you accept?
- What would you like to achieve by meeting the victim/offender?
- How would you react if the victim was angry or sad during the meeting?
- What would you like to do to remedy the harm or damage you have caused?
- How would you feel if the victim forgave or thanked you?

Preparation for the restorative meeting – stage 2

Once the facilitator finds that both the victim and the offender are willing and able to engage in the process, that they have good reasons and motivation, enough time, energy, information and trust in the restorative process, they proceed to the second stage of the restorative process, the preparation. At the same time, all these factors are re-examined and discussed with the participants in the preparatory stage.

The objectives of the preparatory stage are as follows:

1. the participants know what the goals and expectations of the restorative process are;
2. the participants have a realistic idea of what might happen at the meeting;
3. the participants have been given the opportunity to name and address possible concerns about the meeting and know that some of their expectations may not necessarily be met during the meeting;
4. the participants have the opportunity to receive support before, during and after the meeting;
5. the participants understand the nature of the restorative process and its necessary principles, and know that they can end it at any stage;
6. the facilitator has identified possible risks and how to treat them.

The preparation is a crucial stage. All individual preparatory meetings at stages 1 and 2 are designed to explore the specific restorative options in the case. When the needs, goals and expectations of the participants are specified, potential benefits and concerns are identified, and practical issues related to the meeting are addressed, this forms the basis for a trusting professional relationship and interaction between the facilitator and the participants throughout the process, and thus the basis for safe conversation between the participants.

In the context of the topic of understanding the needs of participants at restorative meetings, we recommend studying the entire document produced by the European Forum for Restorative Justice's PROTECT project⁸⁷ for victims (but which can be similarly used when working with offenders). Here, we extract an overview of recommendations when assessing the needs of victims and the relevance of the "trauma-informed approach"⁸⁸ from the document:

- listen to the needs of the victims, as this is more important than formulating a large number of questions – empathetic listening helps to build a safe and trusting relationship with the victim;
- use communication techniques when describing painful experiences;⁸⁹
- communicate all the options available so that the victims can choose their path well – let's not do things for them but with them;
- explore support options for the victims in their immediate environment – the regaining of their own strength can be a means of self-healing.

Questions that can accompany the preparatory stage and help to present the story of the participants, their expectations, concerns and related needs and risks:

- Describe what happened (incident – crime)?
- What thoughts and feelings did the crime provoke in you?
- How do you feel now?
- What are the specific impacts/consequences of the crime? Who has been harmed, and how?
- How could some of the consequences be remedied?
- What do you think of the victim/offender? What do you think the victim/offender thinks of you?
- What do you know about the impact of the crime on the victim's life?
- What do you expect/want from meeting the offender/victim?
- What would you like to say to the victim/offender, what would you like to ask?
- How do you imagine the meeting will play out? What/who do you need to feel comfortable during the meeting?
- Is there anything in particular that troubles you in this context?

Once all these areas have been explored in detail, the facilitator and participants in the restorative process move towards the specific preparation for the meeting, which may include written preparations and the formulation of questions or specific messages. The actual meeting need not take place in person; it may be held online, through audio or video recordings, or by correspondence – letters and responses to them – passed on by the facilitators. Various mental exercises can be very useful in preparing participants for specific situations related to the meeting itself. For example, they might be asked to imagine or visualise possible circumstances in the conversation, including reactions to participants' emotions during the meeting. Also, there are specific techniques (including, for example, breathing exercises) for managing anxiety just before the meeting that can have a calming effect and put participants in the right frame of mind to focus on the meeting. Closely related to the examination of a given case is the ongoing identification of potential risks and the development of scenarios or plans for how to deal with them.⁹⁰

87) KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Pokyny pro posuzování potřeb obětí v restorativní praxi. Project PROTECT [on-line]. [cited 21. 6. 2023]. Available from: <https://restorativni-justice.cz/wp-content/uploads/2023/08/protect-CZ-1.pdf>

original version: KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Guideline for assessing victims' needs in restorative processes. Project PROTECT [on-line]. [cited 21. 6. 2023]. Available from: https://www.euforumrj.org/sites/default/files/2022-08/PROTECT_paper%201_FINAL.pdf

88) See also Chapter 5 of the Manual

89) See Chapter 4 of the Manual – Facilitator

90) More details: Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 70, [cited 4. 7. 2023].

Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

It is essential at this stage to talk with all participants about the practical details of the meeting, from arrival at the site, to the actual process, to the departure and follow-up communication after the restorative meeting (see below – the final stage of the restorative process – stage 4). When preparing and selecting the meeting place, the facilitator should keep in mind that the meeting is held so that the participants can converse, so the place should be quiet (with no disruptive noise), and the seating should be arranged so that everyone can see each other clearly. For a dialogue to go well, it is important to space the chairs appropriately so that everyone feels comfortable and safe. The facilitator discusses all these circumstances and details with the participants in advance and chooses the appropriate options so that it is clear who will come first, where they will sit, when they will leave, etc. It is essential to have the necessary supplies ready for the meeting (water/coffee/tea for refreshments, paper, pencils, a flipchart, etc.). The facilitator is also flexible enough, if necessary, to change the plan and adapt it to the situation – by agreement with the participants. Especially when it is not possible to choose a venue that is neutral for all participants, e.g. in a prison. Here, it is necessary to follow the rules and safety precautions of the facility and cooperate with its staff. The victim must have sufficient information about such a place and the rules of entry, and be given complete freedom to decide, of their own accord, whether or not to attend the restorative meeting in such a setting. Last but not least, they should have a support person available if they so wish.

At this point, the facilitator and the participants also consider the options in terms of the role of the facilitator during the restorative meeting itself, i.e. the extent and manner of the facilitator's involvement in or management of the conversation between the victim and the offender or other participants in the restorative process. All the information that the facilitator gathers during the individual interviews will help to form an idea of the needs, possibilities and abilities of the participants and to choose the best option for the specific case. Such an individual solution can then focus more on open dialogue between the two parties with gentle support for the flow of the conversation from the facilitator, or more on a relatively active role for the facilitator, with the facilitator guiding the conversation, asking questions and keeping to the topics for both parties.

Effective preparation of a restorative meeting includes weighing up the appropriateness of inviting support persons for the participants (most often a loved one who is present with the participant, with the manner and extent of their input in the conversation negotiated in detail in advance), and engaging the wider community (most often used within the scope of restorative conferences or groups), where the following steps need to be taken in consultation with the victim and offender:

- contact members of the community – e.g., people from the neighbourhood, an association, witnesses, school staff, police officers and others who have been affected by the incident;
- inform or educate the community about restorative practices and describe what will happen at the meeting and what their role in it will be; ask if they need further information or support to prepare for the meeting;
- reach out to any third parties if they are involved (for example, if drugs or addiction were a significant factor in the incident, a drug abuse prevention or treatment organisation may be invited, etc.).

The readiness of the facilitator and the amount of time at this stage contributes significantly to the expected course of the restorative meeting and eliminates the risk of revictimisation. Depending on the type and severity of the harm that has been inflicted, the extent of the trauma, the therapeutic or counselling services provided to date, and other individual circumstances on the part of all participants, the preparatory stage may take a relatively long time (typically several months, longer in more complex cases), with possible postponements or interruptions in cooperation, only for it to be resumed after a while, and requires considerable patience on the part of the facilitators and participants alike.

A meeting can only be held if the above objectives of the preparatory stage are met.

To prepare well for restorative meetings, please also pay attention to the topic of the factors specific to serious crime cases and knowledge of the trauma-informed approach to working with participants, which is covered at the end of Chapter 5 of the Manual.

Course of the restorative meeting of participants – stage 3

One of the facilitator's most important roles in the restorative process is to make good judgements and decisions about when victims and offenders are ready for a face-to-face or mediated meeting (see below).⁹³ For a restorative meeting to be safe and beneficial, it is essential that:

- both the victim and the offender (or other participants) express an interest in the meeting and agree to the terms and conditions of the restorative process;
- both the victim and the offender show a respect and willingness to listen to the other party without interrupting, judging or attacking;
- both the victim and the offender are able to express their feelings, needs and interests in relation to the crime and its consequences;
- the offender is willing to accept responsibility for the crime and its consequences;
- both the victim and the offender see the restorative meeting as an opportunity for the potential resolution of the entire situation, for serving some of the needs of both parties, and as a possible resource leading to their healing or to the repair of relationships damaged by the crime.

The facilitator regularly and continuously communicates with the participants of the restorative process and verifies their status and readiness for the restorative meeting. The facilitator and participants must also be prepared for possible changes in the attitudes or emotions of the participants that may affect the course or outcome of the restorative process.

A restorative meeting is a sensitive and challenging process that requires careful preparation and must ensure the safety and trust of all involved (see above for more details on the preparatory stage of a restorative meeting). Therefore, it is important to pay careful attention to the choice of the place and setting in which the meeting is to take place. It is essential to talk to all participants about the specific format of the meeting, from arrival at the site, to the process, to departure and follow-up communication after the restorative meeting (see below – the final stage of the restorative process – stage 4).

The participants' meeting is the culmination of the whole restorative process, with most of the facilitators' tasks having been completed in the preparatory stage. As we have already stated, the extent to which facilitators are involved in the actual meeting may vary, depending on the practices and experience of the organisation and the style used by the facilitators, and last but not least it must respond in particular to the needs and abilities of the participants. However, the requirements for a rigorously executed preparatory stage remain the same.

In line with the Finnish experience,⁹¹ in cases of the most serious crime and serious impact (e.g., survivors meeting with offenders who have perpetrated serious bodily harm resulting in death or homicide), we believe it would be effective to consider minimal intervention by facilitators in the participants' own dialogue (after careful preparation). In this form of restorative meeting, facilitators keep two important factors in mind during the meeting:

1. provide a safe space for honest conversation between participants by being calm and supportive; and
2. do not interfere in the conversation unless the safety of the dialogue is compromised. The flow of emotions in such an approach must be uninterrupted (that is, most importantly, no paraphrasing and no problem-solving).

Prior to a restorative meeting set up in this way, it is very important to have a brief personal conversation with each participant just before they enter the same room and meet face to face. This is an opportunity to explore their current thoughts, expectations and feelings. The facilitator will also remind the participants of the agreement and the understanding they reached as to who will enter the room first, who will sit where, who will start the conversation, etc.

91) Prison and probation service in Finland [on-line]. [cited 23. 8. 2023]. Available from: <https://www.rikosseuraamus.fi/en/>, or Vuolle settlementti [on-line]. [cited 23. 8. 2023]. Available from: <https://vuolleoulu.fi/hyvinvointipalvelut/rikos-riita-ja-vakivaltatyo/vakavien-rikosten-jalkikasittely-sauma/>, or Kalliola [on-line]. [cited 23. 8. 2023].

Available from: [sauma-vakavien-rikosten-jalkikasittely](#) and a recording of the webinar at the Justin training sessions held in Prague in May. Institut pro restorativní justici [on-line]. [cited 16. 10. 2023]. Available from: here

This meeting (also known as restorative dialogue) is primarily designed to allow participants to express their deepest feelings, share their experiences of loss and pain, and talk about the impact of the crime on their lives (usually no reparation plan or compensation agreement is discussed – see below for details). They can use their notes from the restorative meeting's preparatory stage, where possible specific topics have been discussed in detail; participants may exchange questions in advance through the facilitators, or they can have notes prepared in writing at the meeting. The meeting need not take place in person; it may also be held online, through audio or video recordings, or by correspondence – letters and responses to them – passed on by the facilitators. When considering the form of the meeting, facilitators pay particular attention to the needs of the participants and discuss all the options with them in detail. Right after the meeting, at the very latest, separate follow-up interviews are arranged with each participant so that they have the opportunity to reflect back on the benefits of the restorative meeting (see below) and to articulate other possible needs in this context.

“The goals of restorative dialogue in cases of serious impact include trying to mitigate the harm, reduce the symptoms of trauma and improve the quality of life of the participants so that both parties are able to integrate into society and move on with their lives.” – Arja Kontilla, Restorative Dialogue Facilitator, RISE, Finland

In cases where participants need more active support from the facilitators at the actual meeting (or where this is the practice employed by the restorative programme organisation), facilitators guide the attendees through the conversation more actively (this is also typical of the way restorative meetings are run as presented at the Justin training session by the Belgian organisation Moderator): they ask questions, give the parties the floor, move on to topics that they know – having made good individual preparations – are relevant to the participants, summarise the message, and help to propose solutions.

The preparations for and then, especially, the actual holding of this form of meeting include “storytelling”⁹² by individual participants, who share their experiences, feelings and attitudes towards the situation that links them. The goal is to gain a deeper insight into everyone's subjective perception of what happened and how everyone involved was affected, while also looking for ways in which the situation could now be addressed. As such, part of such a conversation involves gaining a perspective on the situation, finding common themes in relation to the impact of the crime, and looking for common ground in dealing with the aftermath. In each of these areas, an important role is played by the facilitator, who encourages active listening, asks questions, provides recaps, identifies key points, and follows the rules of communication to ensure a safe and respectful setting for everyone:

Getting a perspective – at this stage, the participants tell their stories from their own perspective. The facilitator helps them to refine some of the messages and express the emotions they have experienced or are experiencing. The facilitator repeats and sums up what they are hearing to make sure they understand and acknowledge the participants' feelings.

Uncovering themes – the facilitator helps to identify common or conflicting themes that appear in the stories. For example, they may be values, needs, goals or concerns. The facilitator uses neutral and non-judgemental words to describe the topics; it is advisable to visualise them – by writing them down on a whiteboard or paper, for example. This will make the similarities and differences between the participants visible.

Finding a common interest – the facilitator encourages the participants to look for what unites them or what they would like to achieve together. The facilitator asks what is important to them, what motivates them or what would help them. The facilitator also looks for something positive to appreciate or encourage for each participant.

According to the practices employed by the Belgian organisation Moderator, “storytelling” is an exploration of the past, present and future of a situation. It is also a path to mutual understanding and appreciation. Storytelling is considered to be at the heart of a restorative meeting because it allows participants to move “from their current positions, where often only contradictions and conflicts are visible, to their core values in life, where it is possible to identify common values and interests in a given situation”.⁴²

⁹²) Presented by Belgian Moderator trainers at the Justin training in Prague in May

Examples of possible questions:

Then and now:

- How did you feel when it happened?
- How do you feel now?
- What worries or concerns you the most?
- How did you react to what happened?
- How did you perceive the reactions of others?
- What helped/helps you cope with the situation?
- What would you like to say to the other participants?

Moving into the future:

- What do you expect now?
- What are you hoping for?
- What is most important to you?
- What would you need to improve the situation?
- What could you do to improve the situation?
- How would you like others to treat you?
- How would you like to treat others?

“The victim and the offender have the opportunity to realise that, although what happened happened, they have some important values in common in their lives. And they can build on these in their search for an appropriate solution to the consequences of the incident.”⁴²

Mediated indirect meeting

A mediated indirect meeting is suitable for situations where the parties cannot or do not want to meet in person for various reasons (safety concerns, not to let their emotions get the better of them, the distance between the participants' homes, medical conditions, etc.) but want to communicate their feelings, needs and interests to each other, ask questions and get answers. This can take place in different ways, for example through letters, messages, audio recordings or video conferencing. The facilitator plays an important role in helping the parties to express themselves and listen to the other side. A mediated meeting also gives the parties more time to think and formulate their thoughts and feelings. This sort of communication often precedes a decision to meet face-to-face.

Below is an example of a procedure/scenario for a mediated indirect meeting, as presented at the Justin training session in Prague in May by trainers and mediators from the Belgian organisation MODERATOR:

Meeting with Party A:

1. Introduce yourself as a facilitator and explain your role and position. Explain what you have to offer and how the mediated meeting works.
2. Invite Party A to tell you their story: what happened, how they feel, what they need, what they expect, etc.
3. Ask open-ended questions to better understand their motives, values and needs.
4. Summarise and check that you have understood their story correctly. If necessary, correct misunderstandings or fill in missing information.
5. Take a look together at what Party A wants to tell the other party, and how. Help them to choose an appropriate method of communication (e.g., letter, audio, written form) and formulate their message in a way that is clear and respectful.

Meeting with Party B:

1. Prepare for the meeting by preparing the topics you want to convey to the other party. Decide on the order and manner of their presentation. Think about how you want to express your feelings, needs and interests.
2. At the beginning of the meeting, introduce yourself as a facilitator and explain your role and position. Explain what the purpose and process of the facilitated meeting is.
3. First, listen to Party B's story: what happened, how they feel, what they need, what they expect, etc.
4. Summarise and check that you have understood their story correctly. If necessary, correct misunderstandings or fill in missing information.
5. Ask if Party B is prepared to hear the other party's message.
6. Explain that this is Party A's message, not yours. Forward the message as it has been communicated to you, respecting their feelings, needs and interests.
7. Observe Party B's reaction to the message. Show interest and understanding. Ask what the message triggered in them and what they would like to answer.
8. Help Party B to choose an appropriate method of communication (e.g., letter, audio, written form) and formulate their message in a way that is clear and respectful.

9. Try to find common points between the stories of both parties. Show them that they have something in common and that they can find a solution that is satisfactory for both parties.

This process can be repeated according to the needs of the participants, ensuring that the purpose and goals of the restorative process are maintained and the needs of the participants are met.

Restorative agreement or restorative plan

A well implemented restorative process is aimed not primarily at reaching a specific agreement on compensation for damage or injury or preparing the ground for decision-making by authorities involved in criminal proceedings, but at enabling emotional healing and the restoration of relationships. Therefore, it is important that the facilitator encourages participants to find and propose solutions that are meaningful and satisfactory to them, but the facilitator never proposes their own solutions.

If the parties decide to enter into a written restorative agreement, there are several aspects to consider. The written agreement should be voluntary, signed by both parties and formulated in language that is understandable and appropriate to them. The facilitator should allow the participants to formulate the agreement themselves, or assist them in doing so. The written agreement should also comply with the law and respect the confidentiality of the process. The facilitator should inform the participants how/if the agreement will be shared with the competent state authorities and what the implications of the agreement will be in this respect (e.g., the impact on decision-making and outcomes of the criminal proceedings).

When working with adolescents, it is common to involve the extended family and other professionals (e.g., using restorative or family group conferences), where the outcome of the restorative process is usually a restorative plan, detailing the steps of all those involved in addressing the current situation with specific procedures. In such a case, this includes an agreement on when, how and who will monitor these steps, as well as the consequences of not following the restorative plan. Repeating the meetings after a certain period of time is also proposed in such cases, among other things to review the implementation of the restorative plan.

Always consider the following factors⁹³ to check a well-prepared agreement or restorative plan:

- Does the agreement provide compensation or redress for the victim, community, family or others for harm or their relationships?
- Is the agreement specific and measurable (specific enough to determine whether or not the conditions have been met)?
- Is there really a general consensus on the agreement among all participants?
- Does it help the offender to gain a deeper understanding of the impact of their behaviour?
- Does it encourage the offender to prevent future crime?
- Are the arrangements agreed upon feasible for this offender (given their circumstances – time, skills, support)?
- What could prevent the agreements from being fulfilled? How can or will we address them?
- Does the offender have the support needed to complete the tasks? Does the offender take the agreement as their own and are they motivated to adhere to their commitments under the agreement or restorative plan?

Guiding principles for the creation of a restorative agreement

- be flexible and realistic; Plan for success;
- encourage participants to use their strengths, interests and skills;
- be aware of their limitations (literacy, time, skills...) and work within them;
- involve outside support where appropriate (encourage them to use and develop their resources by seeking support from family or the community where possible);
- set target dates and specify the required tasks as specifically as possible;
- when drawing up the agreement, repeatedly ensure that the restorative principles and agreements in Chapter 1 of this Manual are followed.

⁹³ Restorative Conferencing Facilitator's Handbook [on-line]. 2015, [cited 9. 8. 2023].

Available from: https://www.restorativeveresources.org/uploads/5/6/1/4/56143033/handbook_5-4-15_.pdf

Final stage of the restorative process – stage 4

An essential part of a well-managed restorative process is to provide space for follow-up reflection on the meeting for victims, offenders and other participants in a one-on-one conversation with the facilitator. This “post-meeting” phase, often referred to as “follow-up”, allows the benefits for participants to be identified on multiple levels. In the interview with each participant, the facilitator mainly asks about their feelings after the meeting, their satisfaction with the course and results of the meeting, questions about further needs and potential follow-up support in follow-up services of other organisations. The cooperation of the participants in this stage may also include monitoring (by the facilitator or another person, by agreement) the implementation of an agreement on compensation for damage or injury or other agreed arrangements, if agreed at the meeting. Follow-up also serves to provide feedback to facilitators on how their work has impacted the participants and how they can improve their skills and practices.

The ways or forms of conducting follow-up may vary according to the type of restorative meeting (a face-to-face meeting, a mediated meeting), the context of the case, the needs and preferences of the participants, and the availability of the facilitator. In the preparatory stage before the actual meeting, it is advisable to talk to the participants about the “follow-up” phase (reflection on the restorative meeting, evaluation of the benefits, and identification of any further needs of the participants). At the end of the joint restorative meeting, it is recommended that the facilitator ascertain how the cooperation will proceed and how it will come to an end.

Possible forms of the final stage of the restorative process include:

- a phone call or email with participants after a certain period of time has elapsed since the meeting (e.g., a week, a month, three months, etc.);
- a personal visit to participants at their home or other suitable location;
- an invitation for participants to attend another meeting or group activity with the facilitator or other participants;
- sending a letter, message or thank-you to participants for their involvement in the restorative meeting;
- the mediation of further contact between the victim and the offender if both parties so wish and this would be appropriate.

Although this follow-up work for a restorative meeting requires time, resources and planning on the part of the facilitator and participants, it is an integral part of a well-managed restorative process.

The benefits of follow-up are as follows:

- it strengthens the trust and relationship between the facilitator and the participants;
- it allows you to monitor and support the implementation of agreed actions;
- it allows you to identify and address any problems or needs that arose after the meeting;
- it allows you to assess the impact of the restorative meeting on the participants and their environment;
- it enables you to gather information and experience for the further development of restorative practices.

Other options for restorative work with the victim or offender after formal termination of the relationship with the facilitator include various forms of support, intervention, education or community engagement that may be offered to the victim or offender after the restorative meeting if they are interested in the further development or resolution of their situation. These options may be provided by the organisation offering the restorative programme (the facilitator’s employer) or by another body or professional. They mainly include:

- therapy, counselling or psychological help for the victim or offender if they are suffering from trauma, stress disorder, depression, addiction or other mental health problems;
- educational programmes, courses or workshops for the victim or offender to help them acquire new knowledge, skills or attitudes that will help them to improve their behaviour, communication, self-esteem, self-management or social interaction;
- community service, volunteering or another form of remedy or reparation for offenders that allows them to repair the harm they have caused to victims or society, while providing them with opportunities for learning, integration and recognition;

- a support group, self-help group, peer mentoring or other form of peer support for the victim or offender that allows them to share their experiences, feelings and opinions with people who are in or have been through a similar situation.

Specifics of a restorative meeting in cases of serious crimes

“The more serious the impact of the crime, the greater the need for communication” Kristel Buntinx, Moderator⁹⁴

As we mentioned in the second chapter, restorative justice in cases of serious crimes is not as frequently used, offered or applied in a Czech or Slovak setting, and sometimes elsewhere abroad, as it is intended for less serious crimes. Among the most frequent reasons for this, concern for the safety of the victims is repeatedly mentioned, especially regarding the possible risk of revictimisation or the deepening of existing trauma from crime. Uncertainties also arise from the possible sincerity of the offender about their motives, the power imbalance between the victim and the offender, the poor prospects for conflict resolution, the need for an assessment of the victim's condition necessary to determine whether they are psychologically ready to participate in the restorative process, and lack of experience on the part of mediators and victim assistance services in terms of follow-up support.⁹⁵

However, everyone who has been affected by crime, including serious crime, can benefit from participation in a restorative programme.

“Healing is a matter of time, but sometimes it is also a matter of opportunity” (Hippocrates)

Concerning the use of restorative programmes in cases of serious crime, the Belgian partner organisation MODERA TOR states:

- After more than 10,000 cases, we know that participation in the restorative process has a positive impact on the healing process of participants.
- We believe that the victim should be able to decide for themselves whether a meeting with the offender (direct or mediated) is an opportunity for them.
- We know that a sensitively and appropriately delivered offer of a restorative mediation programme does not lead to secondary victimisation.

“The decision to enter the restorative process lies with the participants. Our task is to provide relevant information on the process and possible benefits. We never make decisions for them.”

– trainers and mediators Evelyn Goeman and Ingrid Marit, Moderator, Belgium

Basic recommendations for facilitators in serious crime cases:

1. Undergo special training – especially on trauma (see the text below on the trauma-informed approach) and other specifics (working with emotions, guilt, etc.), and work under supervision.
2. Thoroughly assess the readiness and overall fitness of the participants in the restorative process – it is necessary to assess whether the victims are psychosocially ready to participate in the restorative process. It is equally important and necessary to address this issue on the side of the offenders.

94) In English with Czech subtitles. BUNTINX, K. Mediace u závažné trestné činnosti. Institut pro restorativní justici [on-line]. [cited 6. 9. 2023]. Available from: <https://restorativni-justice.cz/zdroj/kristel-buntinx-mediace-u-zavazne-trestne-cinnosti/>

95) More details: Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 69–73, [cited 4. 7. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

3. Don't underestimate the preparations – preparing for the meeting tends to take longer and be more demanding in order to consider all the relevant circumstances and the needs of the participants, including the possible involvement of other experts. This careful preparation can take months or years and is a key element of a well-managed restorative process.
4. Ensure safety at all times for the participants – when dealing with high-impact crime, it is particularly important to ensure the safety and security of everyone involved. It is essential to consider the needs of the participants and to carefully set conditions appropriate for the restorative meeting to take place. We might use, for example, indirect mediation without a face-to-face meeting, online meetings, audio or video recordings with messages from the participants in the restorative process; in all cases, weigh up the involvement of support persons for both the victim and the offender or the presence of a prison guard in the room (if the meeting takes place in a prison, for example).
5. Support the participants in the restorative process – it is necessary to provide continuous support in preparation for, during and after the meeting, when the facilitator is ready to collaborate with other professionals from the legal, social, psychological or therapeutic field.

“We're giving the conflict back to the participants.” – trainers and mediators Evelyn Goeman and Ingrid Marit, Moderator, Belgium

At the same time, all the usual recommendations for facilitators when conducting restorative processes apply, but the severity of the consequences poses specific risks and challenges for the facilitation of restorative meetings.⁹⁶

They include:

- Intensity of emotion: Serious crimes evoke strong emotions in both victims and offenders, such as fear, anger, sadness, regret, hate, guilt, etc. The facilitator should be prepared for these emotions and be able to work with them appropriately (acknowledge their existence and normalise them) in consultation with the participants, regulate them appropriately, and include them in constructive dialogue where appropriate.
- Power imbalance: The facilitator always carefully considers factors that may significantly compromise a participant's ability to participate equally in the restorative process (e.g., gender, age, intellectual capacity). The facilitator should be very sensitive to acts of subtle manipulation and intimidation throughout the restorative process. In this regard, it is desirable for the facilitator to have knowledge and skills about the dynamics of violence, domination and power.⁹⁷
- Presence of trauma: Restorative meeting facilitators need to be able to recognise the signs of trauma and understand the impact of trauma on the actual experience of participants in the restorative process. Therefore, it is important for restorative practice to learn about and apply trauma-informed communication and intervention (see the following text for details).

TRAUMA-INFORMED APPROACH (trauma-informed practice)

The existence of trauma in the lives of both the victims and perpetrators of crime is more than a relevant factor that influences the needs, responses and options for dealing with the aftermath of an incident for all involved.

“Individual trauma is the result of an incident, series of incidents, or set of circumstances that is experienced by an individual as physically and emotionally harmful or life-threatening and that has lasting adverse effects on the individual, his or her functioning, and mental, physical, social, emotional or spiritual well-being.”⁹⁸

96) See Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 69, [cited 4. 7. 2023].

Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

97) Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 71–72, [cited 4. 7. 2023].

Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

98) KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Pokyny pro posuzování potřeb obětí v restorativní praxi. Project PROTECT [on-line]. p. 7, [cited 21. 6. 2023]. Available from: <https://restorativni-justice.cz/wp-content/uploads/2023/08/protect-CZ-1.pdf> original version: KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Guideline for assessing victims' needs in restorative processes. Project PROTECT [on-line]. p. 7, [cited 21. 6. 2023]. Available from: https://www.euforumrj.org/sites/default/files/2022-08/PROTECT_paper%201_FINAL.pdf

What does trauma-informed practice (TIP) mean? ⁹⁹

Trauma-informed practice (TIP) aims not to provide therapeutic treatment, but to prevent re-traumatisation by incorporating knowledge about trauma and its impact into restorative practice as a whole, thereby creating safe services for all.

The aim of TIP is to:

- REALISE how widespread trauma is and how deeply it affects people;
- RECOGNISE a person's symptoms of trauma;
- be able to RESPOND to trauma by incorporating the findings into one's own practice;
- adapt practices in a way that actively seeks to PREVENT any form of RETRAUMATISATION.

How do we create a “trauma-informed environment” within the restorative process where victims feel safe enough to openly share their needs with us? We recommend a careful study of the short document “Guidelines for assessing victims’ needs in restorative practice”, part of the European Protect project, which we have translated into Czech.⁴⁸

The trauma-informed approach is based on the assumption that the participant in the restorative process most likely has a history of trauma that affects their current life, and their perception of themselves, others and the world. The trauma-informed approach emphasises strengths, resilience, and healthy skill development instead of focusing solely on pathology and symptom management.¹⁰⁰ It helps facilitators to better understand the needs and behaviours of participants who have experienced a traumatic event and to support them in their healing process by ensuring that facilitators understand the impact of trauma on participants and that they strive to create an environment that is supportive, empathic, and non-judgemental.

Tools to determine the level of trauma¹⁰¹

The Finnish partner organisation RISE uses a tool to measure the level of trauma in participants in the restorative process. It is a simple questionnaire (see below) where:

“If the questionnaire returns a ‘yes’ answer more than six times, we proceed even more carefully in our work with the client and ask whether they need trauma-focused therapy or whether they need help in arranging it. We ask what they think about meeting the offender and assess the risks and benefits. We try to make a face-to-face meeting a very safe situation – if we choose to have a face-to-face meeting. If we are not sure, we can start the dialogue with an indirect meeting. We then ask about their feelings, thoughts and physical/mental state – and decide either to proceed with follow-up or end the process.”¹⁰²

99) KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Pokyny pro posuzování potřeb obětí v restorativní praxi. Project PROTECT [on-line]. [cited 21. 6. 2023]. Available from: <https://restorativni-justice.cz/wp-content/uploads/2023/08/protect-CZ-1.pdf>

original version: KISELEVA, Olga, CHRISTENSEN-SCHNEIDER, Claudia. Guideline for assessing victims’ needs in restorative processes. Project PROTECT [on-line]. [cited 21. 6. 2023]. Available from: https://www.euforumrj.org/sites/default/files/2022-08/PROTECT_paper%201_FINAL.pdf

100) The first book on the trauma-informed approach in social work was published in the Czech Republic in 2020. The book is intended primarily for social workers, but may be useful for other helping professions as well. It contains theoretical and practical information about the trauma-informed approach, its principles and application in work with selected target groups.

KLEPÁČKOVÁ, Olga, KREJČÍ Zuzana, ČERNÁ, Martina. Trauma-informovaný přístup v sociální práci. Prague: Grada, 2020. ISBN 978-80-271-1049-0

101) Another possible questionnaire to determine the level of trauma:

Cloitre et al. The international trauma questionnaire (ITQ), Acta Psychiatrica Scandinavica [on-line]. 2018, [cited 16. 8. 2023]. Available from: https://www.phoenixheroes.co.uk/_webedit/uploaded-files/All%20Files/ITQ%20Overview%20and%20Scoring%20Final%209%20September%202018%20%281%29.pdf

102) Facilitator Arja Konttila from Finland’s RISE at the Justin training webinar in Prague in May 2023

Jméno:

Datum:

Please think about the following reactions that sometimes occur after a traumatic incident. This questionnaire focuses on your personal reactions to this stressful incident (crime) that you have experienced.

Please indicate (yes/no) whether you have experienced any of the following situations at least twice in the last week.

	YES	NO	
1.			Disturbing thoughts or memories of the incident that come to mind without you wanting them to.
2.			Disturbing dreams of the incident.
3.			Behaving or feeling as if the traumatic experience is repeating itself.
4.			Unpleasant feelings or shock from situations or other circumstances that remind you of the incident.
5.			Physical reactions (e.g., rapid heartbeat, stomach tightening, sweating, dizziness) at some reminder of the incident.
6.			Difficulty falling asleep or staying asleep.
7.			Irritability or outbursts of anger.
8.			Difficulty concentrating.
9.			Intense awareness of possible danger to yourself or others (loved ones).
10.			Feeling nervous or surprised by something unexpected.
Celkem			

The risk of post-traumatic stress disorder increases if there are six or more “yes” answers.

* Loose translation of the questionnaire used by the Finnish organisation RISE in the implementation of restorative dialogue in prisons.

Dr. Gabor Maté, a Hungarian-born Canadian physician and expert on addiction and trauma, offers a new perspective on the causes and consequences of trauma, and how we can integrate it into our lives, in the 2021 film *The Wisdom of Trauma*. It offers a new vision in which a trauma-informed society seeks primarily to understand the causes of trauma rather than suppress the symptoms and condemn undesirable behaviour. In his vision, this is a society-wide task that goes beyond the boundaries of expert professions such as psychiatrists and psychologists, with teachers, lawyers, and parents also having a role to play. It affects essentially all individuals in their role in life.¹⁰³

103) More information on the subject of trauma from the viewpoint of Dr. G. Maté can be found, for example, in the following interview. Respekt [on-line]. [cited 6. 9. 2023]. Available from: <https://www.respekt.cz/tydenik/2022/23/trestame-ty-nejvic-zranene>

“Trauma is an invisible force that shapes our lives. It shapes how we live, how we love, and how we make sense of the world. It is the root of our deepest wounds,” Dr. Gabor Maté

Restorative approach to certain types of serious crime

To gain a basic insight into the topic, we recommend the text produced for the UNODC Handbook on Restorative Justice Programmes,¹⁰⁴ which outlines factors specific to the restorative process for domestic violence, sexual violence or hate crimes and violence against children, as well as the work of members and collaborators of the European Forum for Restorative Justice.¹⁰⁵ As regards Czech practices, we recommend the work of Institut pro restorativní justici, z. s. (Restorative Justice Institute) and the training held within the framework of the Justin project in Prague in May 2023; for a closer examination of several examples of restorative practice in cases of crimes in the area of bias violence, sexual violence and murder, domestic violence and violence against children, we recommend:

On the topic of restorative solutions to bias violence, we suggest watching the short Czech video documentary “Po smrti, přátelství”¹⁰⁶ on the website www.zocidooci.cz and reading the accompanying text there, which is a collaboration between the Restorative Justice Institute and IN IUSTITIA¹⁰⁷: The documentary tells a powerful story of restorative dialogue between the survivors and the offender. Participants in the restorative meeting go on to talk about their experience and consider it a pivotal moment in their lives.

“Adrian started talking. He shook my hand and expressed his condolences. This may seem like a platitude, but the guy was looking me in the eye and it was definitely a good start from him,” says Tereza as she describes the meeting.⁶⁶

In cases of hate crimes (bias violence), so-called restorative circles (see Chapter 2 of the Manual) are also used, which provide a safe space for the persons concerned to meet and, due to their structure and the way they are run, allow for appropriate work with the power dynamics between the victim and the offender. They are also a means of reducing fears on the part of victims and the community concerned, and of addressing the stereotypes that underlie hate crime.

- 104) For more information on this topic, see Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 69–79, [cited 4. 7. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf and also VOGT, Anette, DANDURAND, Yvonne. Restorative justice in matters involving serious crimes [on-line]. 2018, [cited 15. 8. 2023]. Available from: <https://icclr.org/wp-content/uploads/2019/05/Restorative-Justice-Note-4-Restorative-Justice-in-Matters-Involving-Serious-Crimes.pdf?x21689>
- 105) For information on the topic of restorative justice and domestic violence, see, for example: DROST, Lisanne, HALLER, Birgit, HOFINGER, Veronika, VAN DER KOOIJ, Tinka, LÜNNEMANN, Katinka, WOLTHUIS, Annemieke. Restorative justice in cases of domestic violence [on-line]. 2015, [cited 13. 8. 2023]. Available from: https://www.euforumj.org/sites/default/files/2019-12/7388_restorative_justice_in_cases_of_domestic_violence.pdf, or UNODC [on-line]. [cited 6. 9. 2023]. Available from: https://www.unodc.org/e4j/data/_university_uni_/restorative_justice_and_domestic_violence_a_guide_for_practitioners.html?lng=en, on the topic of restorative justice and bias violence, European forum for restorative justice [on-line]. [cited 6. 9. 2023]. Available from: <https://www.euforumj.org/en/restorative-justice-hate-crime-and-migrant-integration>
- 106) In English with Czech subtitles. The wolf with hope. Institut pro restorativní justici [on-line]. [cited 16. 8. 2023]. Available from: <https://restorativni-justice.cz/zdroj/the-woolf-with-hope/>
- 107) The non-governmental organisation IN IUSTITIA [on-line]. [cited 13. 8. 2023]. Available from: www.in-ius.cz

“Restorative approaches obviously play a unique and important role in our response as a society to hate crime.”¹⁰⁸

On the issue of restorative dialogue in cases of the most serious crime, a very powerful and authentic experience is conveyed by the Finnish documentary “Eye to Eye”, which tells the stories of several survivors who prepare for and then hold a personal meeting and interview with the offenders, i.e., the killers of their loved ones. It shows the challenging yet healing potential of the restorative process and gives an insight into the thoughts and feelings of the individual participants and their transformation over time. Among other things, it also shows the significance of sharing in a circle, where those involved in the project – especially offenders in prison, also in so-called restorative wards, and survivors at large – meet in a group. Here, participants share and hear from others their expectations and concerns, learn about their stories, learn from and support each other, and then reflect together on the process and feelings of the restorative dialogues. The documentary was screened throughout the Czech Republic between 2021 and 2023 as part of the Restorative Justice Institute’s outreach activities. Thanks to the JUSTIN project, we had the opportunity to examine the Finnish experience as shown in the documentary in Finland, where restorative meetings have been implemented in prisons since 2013.¹⁰⁹

“I don’t have to forgive, I don’t even have to hate,” the father of the murdered son said after restorative dialogue with the offender.

On the issue of restorative approaches to violent sex crimes, we recommend studying the work of Dr. Marie Keenan¹¹⁰ from Dublin, Ireland, who discusses the topic in more detail in a video with Czech subtitles and presents the case study of Ailbhe Griffith¹¹¹, a rape victim who participated in a restorative meeting with the offender. Below we summarise Ailbhe’s statement about this experience:

During the interview with the offender, she had the opportunity to:

- regain strength, power over her own life
- see the offender as a human being
- show the offender that she too is a living being, a human being
- tell her story
- ask the offender questions and get answers
- get rid of negativity, forgive, close the matter

After meeting the offender:

- she gained a sense of deep healing
- she shed the role/identity of victim
- she rewrote her memories of the offender and the incident
- she gained a sense of control over her life
- she experienced reconciliation and forgiveness

108) Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 77, [cited 4. 7. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

109) Institut pro restorativní justici [on-line]. [cited 16. 10. 2023]. Available at: <https://restorativni-justice.cz/studijni-cesta-do-finska-z-oci-do-oci-projekt-justin-erasmus/>, for more information on the practice of restorative dialogue in Finland, see also the video and webinar conducted as part of the Justin training in Prague in May 2023. Institut pro restorativní justici [on-line]. [cited 16. 10. 2023]. Available from: here

110) In English with Czech subtitles. KEENAN, M. Přenastavení trestní justice a uzdravení obětí sexuálního násilí. Institut pro restorativní justici [on-line]. [cited 6. 9. 2023]. Available from: <https://restorativni-justice.cz/zdroj/pre-nastaveni-trestni-justice-a-uzdraveni-obeti-sexualniho-nasilii/>

111) Video in English with Czech subtitles, where a victim of sexually motivated crime talks about a restorative meeting with the offender. The victim of sexually motivated crime talks about a restorative meeting with the offender. Institut pro restorativní justici [online]. [cited 6. 9. 2023]. Available from: <https://restorativni-justice.cz/zdroj/2558/>

“It has been observed that the victim empowerment experience associated with restorative justice, even in cases of serious violence, may counter the humiliation, disempowerment, lack of information and loss of control that tends to result from mainstream criminal justice processes.” – Handbook on Restorative Justice Programmes, Second Edition, UNODC, OSN 2020

Conducting a restorative process in domestic violence cases requires facilitators to be well versed in the dynamics of domestic violence and its types (situational violence, intimate terrorism), and the factors that influence the decision-making of both victims and offenders. And last but not least, to be able to work closely with other professional services dealing with domestic violence, such as social workers, psychologists, lawyers and police officers. Often tandem facilitation of restorative meetings, or facilitation in pairs of facilitators, is used, and it is recommended to use possible support in the form of persons close to the participants. The restorative process in these cases has undeniable benefits, especially in providing information to the victim, promoting acceptance of responsibility and changing the offender's behaviour, reducing the risk of a recurrence of violence, improving communication between the victim and the offender, and facilitating healing and reconciliation between the victim, the offender and the family. At the same time, a comprehensive risk assessment is necessary before the actual initiation of the restorative process, including an assessment of the type and severity of the violence, the motivation and willingness of both parties to participate, the possibility of safe and genuinely voluntary contact, the needs and interests of both the victims and the offenders, and other relevant factors.¹¹² Risk screening aims to ensure that the restorative meeting is appropriate, safe and effective for everyone involved.

In the use of restorative approaches in cases of violence against children there are legitimate concerns that child victims involved in the restorative process may find themselves in a vulnerable, unwanted, stressful and even traumatic situation; the power imbalance between the child victim and the offender or other participants plays a role. In cases involving children, the best interests of the child, and in particular the safety of child victims, must always be the premise and primary goal of restorative intervention.¹¹³ The experience of the MODERATOR partner organisation shows that restorative approaches can be used in this area, but this requires more detailed methodological approaches that are beyond the scope of this Manual.¹¹⁴

“We should not eliminate the possibilities of participants' involvement in the restorative process based on their age, level of remorse or mental health. Our role is to provide them with information, support and space for dialogue and decision-making. We must not impose our views or solutions on them. We respect their autonomy and their ability to make an informed decision to use a restorative approach.” – from the Justin project training for restorative meeting facilitators, held in Prague in May 2023

112) For more details, see Handbook on Restorative Justice Programmes, Second Edition [on-line] 2020, p. 75, [cited 4. 7. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

113) Handbook on Restorative Justice Programmes, Second Edition [on-line]. 2020, p. 77, [cited 4. 7. 2023]. Available from: https://restorativni-justice.cz/wp-content/uploads/2022/01/2022_PROHLEDNOUT_PRUVODCE_RESTORATIVNIMI_PROGRAMY_FINAL.pdf

114) For further study, we recommend, for example, TALLI, G. (2011). Oxford academic [on-line]. [cited 4. 7. 2023]. Available from: <https://academic.oup.com/book/7459>

Chapter 6 – Restorative meeting facilitator training tools for serious crime cases

As part of Project Justin, a week-long training course was organised in Prague from 15 to 19 May 2023 for facilitators of restorative meetings in serious crime cases. The event was organised and managed by the Czech Institute for Restorative Justice, represented by Tereza Řeháková and Petra Masopust Šachová. Participants included our partners Moderator and RISE. Moderator was represented by Evelyn Goeman and Ingrid Marit, experienced moderators and trainers on criminal matters. RISE was represented by facilitator Arja Konttila, who is currently working on a project of restorative dialogue in the penal system.

The goal of the training course was to provide participants with theoretical and practical knowledge and skills essential for the facilitation of victim-perpetrator restorative meetings in serious crime cases. The training lasted for five days (the first and last effectively being half-days, to allow for participants' travel arrangements). At the start of the event, participants' expectations and their hands-on experience of criminal justice and/or mediation were surveyed. As it turned out, participants' skillsets were diverse, with the group consisting of seven probation officers and mediators from Slovakia, two officers from the Czech Probation and Mediation Service, eight professionals from various Czech NGOs (working with crime victims, offenders, or both), and an academic researcher.

Based on this experience, in this Chapter 6 we propose the structure and content that could be used for a five-day (three full and two half-days) training course for restorative meeting facilitators. The structure can be adapted to different time constraints. The proposed concept builds on the contents of the training course described above, complemented by exercises and topics that reflect participants' requirements. They were given the opportunity to voice these needs in an exit questionnaire on how the training had proceeded and how it had benefited them, and in direct feedback sessions towards the end of the course.

PARTICIPANT PROFILE

This training concept is intended for future restorative meeting facilitators who are already experienced in the general subject area. Specifically, participants should have several years' experience of social, criminal justice, consultancy, mediation, therapy or similar work, particularly with regard to working with crime victims and/or offenders and their families. At a minimum, participants need to come equipped with at least a basic knowledge of restorative justice and its tools, and should thoroughly read this Manual beforehand. It is assumed that participants are interested in broadening their own or their organisation's service portfolio by offering a specific restorative justice programme for serious crime cases. In practice, individual talks with everyone interested in joining the training proved to be a fruitful exercise at the Prague Justin event of May 2023. In these talks, we discussed in detail participants' expectations of the course and its contents, as well as potential opportunities for further collaboration and support in the implementation and further development of specific restorative justice services within participants' organisations.

TRAINER PROFILE

We highly recommend using paired trainers, with at least one of the pair having several years' personal experience in leading the restorative process. Good teaching skills and experience of training similar groups are also required. Both trainers need to be attuned to the values and principles of restorative justice, and should model these in training. Experts may be invited to speak on specific subtopics (communication skills, trauma-informed care, conflict resolution, case studies).

• Activity 1

Opening speech from trainers, including a brief presentation of the training goals and programme, including daily activities and logistics. Given the course focus, participants and trainers sit in one large circle, allowing all those present to see each other clearly and sense that they are equals in the tasks they share. Working principles and specific rules were presented in several circle-style groups at the subsequent introductory session.

The circle format emphasises the principles of equality, mutual respect, and active listening. The aim is to promote trust and sharing among participants, and to present and expand on certain core restorative justice principles. A circle meeting has a variable number of rounds. In each round, one after the other (going in a clockwise direction) the participants take turns to answer a question posed by the leader (here, a trainer).

Circle 1 – Introductions Instructions to be given by the trainer:

“Select the card that best reflects how you feel right now, having travelled to be here and taken a seat in this circle. How are you doing? How does the card you picked express your feelings? Once you’re done, please set the card down on the ground in front of you. Please try to stay on topic, that is, your current mood and feelings. If you wish to express your expectations and goals for this training, you’ll have the opportunity in the following rounds.”

Participants pick one of several cards set out in the middle of the circle. You can use any set of cards with suitable symbols. We used the cards from the Dixit¹¹⁵ board game, which have worked very well for us in opening these sorts of discussions. Once a person has spoken, they hand over to the person on their left. They also pass on a basket with name tags – on their tag, each participant writes the name they wish their fellow participants and the trainers to use.

Circle 2 – Value Sharing Instructions to be given by the trainer: “What values are important to you in the learning process we are going to undertake together in the coming days? What do you need in order to get the most out of the training for your work? Pick one or two values and write them down on a piece of paper. We will then share them with each other.”

We recommend starting this circle with a person on the opposite side from the person who spoke first in the previous circle, to avoid the same person always going first or last. Values may include respect, empathy, being heard, trust, etc. An alternative (suitable mainly for groups who already know each other, perhaps from a previous course etc.) is to share values related not to the training, but to their experience of restorative justice. Participants may then explain why they consider each value important and how they honour it in practice. Participants list their values on a piece of paper (we recommend passing around some A5-sized sheets for this purpose), then share them with the circle. When they are ready, they set down their papers next to the cards from the previous round. The cards and papers should remain where they are for the upcoming third round. After that, we recommend putting them up in a visible place for the remainder of the course, so that participants can refer to them as and when they need to.

Circle 3 – Participant s’ Vocations and Expectations Instructions to be given by the trainer: “Please share with us your professional background, your motivation to participate, and your goals for this training.”

We recommend focusing more on participants’ goals for the training, rather than on their expectations. Focusing on goals helps participants to clarify what they hope to gain, and encourages them to take an active stance towards learning, rather than passively wait for their “expectations” to be met (or not).

Alternative format for the circle session described above: the Connection Circle¹¹⁶ from the Restorative

115) <https://dixit.cz>

116) “Connection Circle” exercise. Institut pro restorativní justici [online]. [cited 16 August 2023].

Available at: https://restorativni-justice.cz/wp-content/uploads/2023/11/Kruh-propojeni_JUSTIN.pdf (in Czech) original version: Connection Circle, Restorative Teaching Tools [online]. [cited 5 September 2023]. Available at: <https://restorativeteachingtools.com/wp-content/uploads/2020/03/Connection-Circle.pdf>

Teaching Tools website

- Activity 2: Presentation – Restorative Justice Principles and Values; EU Documents

The first training block after the introductions session briefly reviews the theory of restorative justice. Trainers speak on the key principles and values of restorative justice, such as respect, responsibility, restitution, participation, and voluntariness.¹¹⁷ They also present the European context of restorative justice, including key documents defining the standards and best practices for restorative processes in criminal proceedings. These documents include the Council of Europe's 1999 Recommendation on Mediation in Penal Matters, the 2012 Directive of the European Parliament and of the Council on Victims' Rights, the Council of Europe's 2018 Recommendation on Restorative Justice in Criminal Matters, and the 2012 Venice Declaration on the Role of Restorative Justice in Criminal Matters.

- Activity 3: Screening of Eye to Eye (Finnish documentary, runtime 74 min.)¹¹⁸

This documentary maps the stories of bereaved families and offenders who opted to hold restorative dialogues in prison. It also details the Finnish experience of the procedures and principles of restorative meetings, including the restorative justice departments that exist in Finnish prisons, and self-help groups for the criminally bereaved. The screening is followed by a discussion session where participants can reflect on their feelings and impressions, ask questions, and suggest ideas for transposing the Finnish experience into the domestic environment. The course revisits this topic on Day 4 (afternoon) with a video call and online webinar with one of the facilitators of the meetings shown in the film.

Alternative programme if Eye to Eye is not available for screening:

Screening of *The Woolf Within* (runtime 10 min.),¹¹⁹ a short true story of a home invasion victim and the perpetrator, who became an active proponent of restorative justice after the meeting resulting from his crime. The screening is followed by a discussion session where participants can share their feelings, observations, and any experience they have had of similar situations. You could also highlight to participants the discussion on victim and offender needs, which the film touches on.

You may also consider screening an interview with Peter Woolf, titled *The Woolf with Hope* (runtime 19 min.),¹²⁰ conducted by the director of the Czech Institute for Restorative Justice 15 years after the release of *The Woolf Within*. Throughout the interview, Peter reflects on the subsequent events of his life, and reiterates his lasting commitment to the principles of restorative justice and dialogue.

Closing session: reflecting on thoughts and feelings about Day 1, reminder of logistics and organisational matters

117) See Chapter 2 of this Manual

118) This film is not available through mainstream distribution channels. See the trailer here. Institut pro restorativní justici [online]. [cited 16 August 2023]. Available at: <https://bit.ly/42aIPRU>

119) English audio, Czech subtitles. *The Woolf Within* Institut pro restorativní justici [online]. [cited 16 August 2023]. Available at: <https://restorativni-justice.cz/zdroj/the-woolf-within/>

120) English audio, Czech subtitles. *The Woolf with Hope*. Institut pro restorativní justici [online]. [cited 16 August 2023]. Available at: <https://restorativni-justice.cz/zdroj/the-woolf-with-hope/>

Day 2 (9 to 12 a.m. and 1 to 4 p.m., short breaks in both blocks)

- Activity 4 – Introduction to Restorative Justice: What We Know, What Surprises us

Discussion circle with trainer posing questions:

Round 1: “Name one thing that you already know (from your own experience, work, or yesterday’s film screening) about restorative justice / meetings / mediation.” Participants can share facts, principles, examples, or personal stories.

Round 2: “Name one thing that you find interesting / surprising about restorative justice / meetings / mediation.” Participants share what they have found interesting or surprising. These may be things they find unexpected, interesting, inspirational, or thought-provoking.

This questioning is important for participants’ future work as restorative meeting facilitators, as it:

- promotes reflection and awareness of one’s own views and attitudes towards restorative meetings / mediation
- helps to build trust and cooperation among participants
- trains skills important for facilitation work, such as question framing, active listening, and session leadership
- provides trainers with feedback on participants’ views and experience of restorative justice

Example statements by those attending Prague’s Justin event, May 2023:

- “Restorative justice is a universal tool that you can also use in relationships with your family or friends.”
- “I was surprised by how restorative justice works in real life, not just in theory. I remain amazed by the genuine relief it can bring.”
- “[Restorative justice has] a healing effect not just on the direct participants, but also on families and, indeed, society as a whole.”
- “It’s nothing more than a talk, which you might consider routine or banal. But it can change lives and bring healing.”
- “Humanity and openness can work wonders.”
- “Each restorative meeting is different, unique.”
- “The people involved, not a judge or public prosecutor, should decide whether restorative justice is the right path for them.”

Alternative programme for Activity 4:

exercise from the Restorative Teaching Tools website: What RJ is in 3 min¹²¹

- Activity 5: Hands-on Exercise on Restorative Justice (“RJ”) Facts

This activity helps participants to develop their knowledge of and critical thinking about RJ, and bolsters their confidence in communicating RJ to others. The trainer reads a number of statements on various aspects of restorative justice, including its history, definitions, research, ethics, practice, and results. Some of these statements are either plainly false or elaborations of myths and prejudices. Others are well known and widely accepted. Still others are controversial or little known, and require in-depth discussion. For each statement, participants say or show (by raising a number of fingers or placing their hand at a corresponding height above ground) the extent of their agreement. You can use a 5-point Likert scale (1 is “strongly disagree”; 5 is “strongly agree”). The trainer then presents the consensus (global, not of participants) view of the validity of each statement (valid / invalid / controversial), and supports participants in further discussion and questioning.

121) Czech version: Institut pro restorativní justici [online]. [cited 5 September 2023].

Available at: <https://restorativni-justice.cz/wp-content/uploads/2023/11/Co-je-RJ.pdf>

original version: Restorative Teaching Tools [online]. [cited 5 September 2023].

Available at: <https://restorativeteachingtools.com/wp-content/uploads/2022/06/What-is-RJ-in-3-minutes.pdf>

For example, the trainer may read the following statements:

- RJ is a modern idea that first appeared in the 1970s.
- RJ is an alternative to a traditional criminal justice system.
- RJ is only suitable for less severe crimes.
- RJ is based on a dialogue between victim and perpetrator.
- RJ lowers repeat offence rates.

Participants should first express their degree of agreement with each statement, then the trainer should present the expert consensus view (if different from statement). For example:

- The first statement is imprecise. RJ is derived from the practices of numerous traditional and aboriginal cultures worldwide, going back centuries.
- The second statement is controversial. Some consider RJ to be a full-replacement alternative to a standard criminal justice system, while others see it as a complement.
- The third statement is incorrect. RJ can be used with crimes of any severity, assuming the basic requirements of voluntariness, safety, and facilitator expertise are met. The restorative process also allows for indirect or mediated procedures, where the parties do not meet face to face.
- The fourth statement is imprecise. RJ is not limited to a victim-perpetrator dialogue. It also includes the community and other potential stakeholders.
- The fifth statement is correct. Research studies have shown that the use of RJ does lower re-offence rates. However, researchers consistently caution that RJ is a complex issue, and that risk factors and the offender's needs should always be assessed in context.

Alternate programme for Activity 6 or for further exploration of the topic:

exercise from the Restorative Teaching Tools website: Social Discipline Shuffle¹²²

● Activity 6: Exercise to Evaluate Potential Benefits of the Restorative Process

The goal of this activity is to bolster facilitators' ability to assess the potential benefits of a restorative meeting in a given case, and to prepare for potential challenges and questions that may arise during the restorative process. The exercise assumes knowledge of basic restorative justice facts, at least to the extent covered by this Manual (particularly Chapter 5). The activity has several steps:

1. Participants are provided with a model example of a serious crime committed by a juvenile, including information on the case circumstances, the attitudes and needs of both the victim and the perpetrator, the family and social circumstances, and other relevant factors.
2. Participants are asked to form groups of 3–5 and given time to discuss the case. The discussion should centre around these questions:
 - a. Would you recommend a restorative meeting in this case? Why / why not?
 - b. Would you involve juvenile victims or perpetrators in a restorative process? Why / why not? Under what conditions?
 - c. Would you hold an in-person victim-perpetrator meeting? Why / why not? Under what conditions? Would you consider an indirect meeting?
3. After the discussion, the groups meet in a large circle to present their conclusions and arguments. Other groups may pose additional questions and state their opinions. To close the activity, the trainer summarises the key points of the discussion and highlights potential pitfalls.

As with other group discussions, this activity is important in developing facilitator skills, as it involves analytical and critical thinking, the sharing of opinions and experiences with colleagues, reflecting on one's own views and values, and discovering a variety of perspectives on and approaches to restorative conflict resolution. The activity also helps to build trust and cooperation among participants, and supports their professional growth.

¹²² Czech version: Institut pro restorativní justici [online]. [cited 5 September 2023].

Available at: <https://restorativni-justice.cz/wp-content/uploads/2023/11/Social-Discipline-Shuffle.pdf>,

original version: Restorative Teaching Tools [online]. [cited 5 September 2023]. Available at:

<https://restorativeteachingtools.com/wp-content/uploads/2020/03/Social-Discipline-Shuffle-pdf-combined.pdf>

• Activity 7: Re-Justice Project Video – the Bar Fight Case ¹²³

The video describes a real case, involving a bar fight, that was handled by a pair of mediators from Moderator, a Belgian NGO. They discuss in detail their restorative practice and the different aspects they consider in each phase of the restorative process. The goal of the exercise is to discuss the Belgian experience with participants and look for inspiration for their own cases. After screening the video, the trainer divides participants into smaller groups by similarity of professional experience, then asks questions such as “What about the Belgian experience did you find interesting or surprising?” “How is it different from your own experiences or vision for your restorative practice?” “Where in this sort of case do you see potential risks to yourselves (as facilitators), restorative process participants, or other stakeholders?” “What benefits do you think the restorative meeting in this case brought to either party?”

Alternative Activity 7:

Recording of webinar by Kristel Buntinx ¹²⁴ of the Belgian NGO Moderator, held as part of the Restorative Platforms programme under the Czech Institute for Restorative Justice’s project “Restorative Justice: Strategies for Change”. Kristel discusses the Belgian experience of mediation in serious criminal cases and answers webinar participants’ questions.

• Activity 8: Restorative Justice Values and Standards

The goal of this activity is to enhance restorative meeting facilitators’ knowledge of restorative justice values, standards, and principles. The activity has the following steps:

1. The trainer presents (using slides, flipcharts, or prepared cards) ten key RJ values and principles, listed below, then uses examples to illustrate the meaning and practical consequences of each point.
 - Victim and offender participation
 - Restitution for damage done
 - Voluntariness
 - Confidentiality
 - Respectful dialogue
 - Equal attention to both sides’ needs and goals
 - Collective consensus-based agreement
 - Procedural justice
 - Focus on reparation, reintegration, and mutual understanding
 - Avoidance of dominant attitudes
2. Next, participants are divided into smaller groups, each of which is asked to pick three values or principles they find most essential. Groups are then asked to defend their selection and prepare to present their arguments to the other groups.
3. Each group then has the opportunity to present their selection and supporting arguments. After each presentation, the trainer provides space for questions and inter-group discussion. The trainer should support participants in focusing on commonalities over differences.
4. The trainer summarises key takeaways from the discussion and underlines the importance to RJ of respecting varied viewpoints and opinions. They should point out that values, standards, and principles are not objective absolutes, and must be adapted to specific situations and stakeholder needs.
5. In closing, the trainer asks participants to give feedback on the activity and reflect on what they learned and how they might apply it in their RJ practice.

Closing session: reflecting on thoughts and feelings about Day 2, reminder of logistics and organisational matters

123) Video available conditionally and after consultation for training purposes only from the European Forum for Restorative Justice [online]. [cited 6 September 2023]. Available at: <https://www.euforumrj.org/en/re-justice-2019-2021>

124) English audio, Czech subtitles. BUNTINX, K. Mediation in Serious Criminal Cases. Institut pro restorativní justici [online]. [cited 6 September 2023].

Available from: <https://restorativni-justice.cz/zdroj/kristel-buntinx-mediace-u-zavazne-trestne-cinnosti/>

Day 3 (9 to 12 a.m. and 1 to 4 p.m., short breaks in both blocks)

Morning circle meeting with trainers – trainers pose 1–2 questions, depending on participant group dynamics and reflections thus far (from participants' personal needs and fitness, to reflections on the course so far, to the need for changes in how the course is conducted). Now that Day 3 of the course has been reached, there is an opportunity here – and it may in fact be better – to leave the selection of the questions up to one of the participants: "Would anyone like to lead this morning circle and propose a topic to share on?"

- **Activity 9: Screening of Meeting with a Killer:**¹²⁵ *One Family's Journey*.

This film could serve as inspiration and motivation for participants' further RJ practice. It shows how RJ programmes work in the United States and may prompt discussion on which factors are most important in restorative meetings. The document follows the family of a young pregnant woman who was raped and brutally murdered near Tomhall, Texas, in 1986. Her family spent two years in the victim-offender dialogue programme in a bid to eventually meet the man who took their loved one away from them forever. The documentary shows the emotions and tension that came up for Linda and Amy White on meeting Gary Brown, the murderer of their daughter and mother.

The film also showcases the American facilitator's communication skills for participants. Before screening the film, we recommend passing around a list of communication techniques used by facilitators in restorative practice.¹²⁶ During the film, participants can take notes, and afterwards discuss and reflect on how they use the various techniques in their practice and how they viewed them in the film. "Which techniques did you note? How did you feel about their use in the film? Do you have experience of these tools from your own practice? Can you imagine using these tools in your practice? Can you think of any other potential techniques that were not used in the film?..."

- **Activity 10: Stages of the Restorative Process – Overview and Model Exercise to Assess Potential Benefits of the Restorative Process**

Trainers present the various phases of the restorative process¹²⁷ as described in this Manual (a slideshow or the image in Chapter 5) and recall the takeaways from Activity 3, which dealt with the questions and dilemmas faced by facilitators when considering the benefits of restorative meetings (to victim, offender, and any other participants).

Then, trainers divide participants into 2–3 groups, each of which receives a case study. The group reads the case study together and selects one each of their number to play the role of the victim, perpetrator, family member, and others who appear in their case study. Participants then model the facilitator's dialogue with the various stakeholders in the restorative process, exploring its potential benefits while employing some of these questions:

- Why do you want to meet the victim or survivor / the perpetrator?
- What would you like to say to them?
- Who are all the individuals affected by the crime? Who are the people who could attend the meeting? Who would you like to have by your side for support?
- Have you received any help or support through a social, therapeutic or other service?
- How do you feel after what happened?
- What would you like to happen next?
- How would you describe your relationship with the victim/offender before and after the incident?
- What would you need to feel better?
- What impact did the incident have on you, your neighbourhood, family or friends?
- Do you feel mentally prepared to meet the offender? What else do you need in this respect?

¹²⁵ Meeting with a Killer, English-language film. For Czech groups, we recommend using autogenerated subtitles. Institut pro restorativní justici [online]. [cited 6 September 2023]. Available at: <https://restorativni-justice.cz/zdroj/meeting-with-a-killer-dokument-o-setkani-pozustalych-s-vrahem/>

¹²⁶ See Chapter 4 of this Manual

¹²⁷ For details, see Chapter 5 of this Manual

- Do you feel guilty about what happened? What level of responsibility do you accept?
- What would you like to achieve by meeting the victim/offender?
- How would you react if the victim was angry or sad during the meeting?
- What would you like to do to remedy the harm or damage you have caused?
- How would you feel if the victim forgave or thanked you?

- Activity 11: Exercise from the Restorative Teaching Tools Website: Who Wants to Meet?¹²⁸

This exercise explores victims' potential motives for meeting the perpetrator. It shows that the decision may involve many personal factors and case specifics. Reflecting on the many corollaries and consequences of criminal activity may help participants better understand why victims would or would not choose to participate in the restorative justice process. For more details, see the Czech or English version of the exercise.

- Activity 12: Re-Justice Project Video – the Case of Kirra and Tania¹²⁹

This video tells the story of Kirra and her housekeeper Tania, who stole money from her. Communication in this case was indirect, mediated by the facilitator. The goal of the activity is to discuss the benefits of this form of the restorative process. Before screening the video, the trainer asks participants to pay attention to the reasons given by Kirra and Tania for choosing the mediated version of the process, and both their expectations, needs, and benefits. After the screening, participants share these matters in one large or several small groups.

- Activity 13: Differences between Direct and Mediated Restorative Meetings

Trainers present the concept of indirect meetings, where restorative process stakeholders, for various reasons, cannot or will not meet in person – for details, see Chapter 5 of this Manual.

Participants then divide into groups and use a case study (the one from Activity 12, or a different one) to model individual consultations during an indirect restorative process. They consider the risks and benefits of this mode of work and share them as one large group. Participants each take a role of a person from the case study – victim, perpetrator, family, or any other stakeholders present.

Closing session: reflecting on thoughts and feelings about Day 3, reminder of logistics and organisational matters – for variety, trainers may let participants lead this activity

128) Czech version: Institut pro restorativní justici [online]. [cited 5 September 2023].

Available at: <https://restorativni-justice.cz/wp-content/uploads/2023/11/Kdo-se-chce-setkat.pdf>,

original version: Restorative Teaching Tools [online]. [cited 5 September 2023]. Available at:

<https://restorativeteachingtools.com/wp-content/uploads/2020/06/Who-wants-to-meet-me.pdf>

129) Video available conditionally and after consultation for training purposes only from the European Forum for Restorative Justice [online]. [cited 6 September 2023]. Available at: <https://www.euforumrj.org/en/re-justice-2019-2021>

Day 4 (9 to 12 a.m. and 1 to 4 p.m., short breaks in both blocks)

- Activity 14: Specific to Restorative Meetings in Serious Crime Cases

Participants discuss in groups; trainers supply these topics:

- what we consider a “serious” criminal act, or a criminal act with severe consequences; what such consequences are for victims, perpetrators, and society;
- what you think the idiosyncrasies or challenges may be when facilitating restorative meetings in such cases; what concerns and obstacles you can think of in this context;
- share your experience or try to imagine how you would feel in the position of facilitator, victim, or perpetrator in such a meeting.

We recommend that trainers use the topic details found in Chapter 5 of this Manual as a resource for this exercise.

In closing, trainers summarise the basic recommendations for facilitators of serious crime cases found in Chapter 5 of this Manual.

- Activity 15: Trauma-informed Approach and its Place in Restorative Justice¹³⁰

We highly recommend organising a personal or remote appearance by an expert in trauma work in the context of restorative justice, covering the following topics:

- what a trauma-informed environment or practice is;
- how to create a trauma-informed environment within the restorative process;
- use of trauma assessment tools in restorative practice;
- participants’ case studies and experiences in this area.

This part teaches participants about trauma and its effects on crime victims and perpetrators. Participants learn the trauma-informed approach, which involves assessing the potential traumatisation of victims and perpetrators and respecting their need for safety, trust, collaboration, and autonomy. Participants try out trauma-informed approaches to the preparation and execution of a restorative meeting and stakeholder follow-up care.

We recommend including these exercises: a presentation on trauma and its symptoms, a group discussion on participants’ own traumatic experiences and coping strategies, a simulated restorative meeting / mediated individual dialogue with a trauma-informed approach, reflection of participants’ own emotions and needs in trauma work.

- Activity 16: Restorative Practice in the Finnish Penal System – Video Presentation and Webinar Highlights

During the Justin training course held in Prague in May 2023, we created a video presentation on restorative practice in the Finnish penal system, presented by Arja Konttila, facilitator and restorative justice expert with the Finnish RISE penal and probation service. In the video, she presents a restorative dialogue project carried out in the Finnish penal system and answers the Justin course participants’ questions. The video presentation and webinar highlights (total runtime 60 min.) were edited and dubbed into Czech by the Czech Institute for Restorative Justice.¹³¹ Both pieces tie into the Finnish documentary Eye to Eye, which we recommend screening on Day 1 (see above).

¹³⁰) For details, see Chapter 5 of this Manual

¹³¹) video. Institut pro restorativní justici [online]. [cited 5 September 2023].

Available at: <https://restorativni-justice.cz/zdroj/justin-video-k-manualu/>

After screening, we recommend a discussion on the potential applications of this practice. Another option is to use a real case study from the ReSet project,¹³² a one-year endeavour undertaken by the Czech Institute for Restorative Justice from September 2023 to pilot-test restorative meetings in the Czech penal system.

Closing session: reflecting on thoughts and feelings about Day 4, reminder of logistics and organisational matters for the upcoming final day; alternatively, the trainer may ask participants to share the following within their discussion circle: “Choose one fact, skill, or piece of information we covered today that you consider essential for your restorative practice.”

Day 5 (9 a.m. to 1 p.m., with one break)

- Activity 17: What we Need When Introducing New Restorative Programmes

Trainers lead a guided discussion with participants on the realistic possibilities of implementing restorative practice within their organisations, looking for potential pathways, obstacles, and needs. We recommend dividing participants into smaller groups according to a criterion suited to the discussion, e.g. the type of service (restorative programme), organisations (whether government or NGO) that serve victims or offenders, experience of restorative work, etc. The conclusions of the small groups are then shared in one large group. Each participant also comes away from the exercise with a sheet of paper (you can prepare simple forms) recording their personal plan for the further development of their own restorative practice (what I need as a restorative meeting facilitator and who/what could help me), as well as that of their organisation (what the organisation needs and who might help).

- Activity 18: Training Course Evaluation Using Interactive Techniques

There are clearly many techniques that could be used to reflect on participants' needs and benefits at the end of the course. At the Prague Justin event, the technique described below proved particularly popular.

Each participant gets a clothes peg on which they sign their name or mark. A string is tied between two chairs across the room, and the trainer asks various assessment questions. The string serves as a physical sliding scale between “yes” on one side of the room and “no” on the other (or “strongly agree” to “strongly disagree”). Participants fasten their signed pegs to a place on the string corresponding to their degree of agreement. For each question, trainers choose one to two pegs at random and ask their owners to share their thoughts in detail (you may use the supplementary questions listed below). This exercise provides great feedback to the trainers and also gives them an idea of the areas where facilitators may want support in the future (if this is part of the course commitment). After several rounds, the trainers ask participants to come up with their own questions for their colleagues. We recommend also using questions and topics covered in the initial discussions at the beginning of the course, or others that resonated with the group.

Potential questions:

- Did I gain new information about restorative justice practice? (What specifically, and what can I put to use myself?)
- Did the training help me to see my practice from a more restorative perspective? (In what ways, how can I use this?)
- Will the training make it easier for me to take a restorative approach to specific cases in my practice? (How, specifically?)
- How difficult do I currently find it to give equal attention to victim and perpetrator in my practice? (Did this change during the training?)
- Do I feel ready to lead the restorative process? (What else do I need, in what areas do I feel strong?)

Activity 19 may optionally use the picture cards from Activity 1, with the question: “Which card expresses my feelings now that the training is ending?” You may also ask participants to select one card to represent their knowledge of restorative practice “before” (at the course start), and another for “after” (at the course end).

¹³² More on ReSet. Institut pro restorativní justici [online]. [cited 5 September 2023].

Available at: <https://restorativni-justice.cz/projekty/reset/>

OVERVIEW OF SELECTED RESTORATIVE JUSTICE TRAINING COURSES OUTSIDE THE CZECH REPUBLIC

Project Mediar ej

The “Training Trainers in Mediation and Restorative Justice”¹³³ handbook summarises information on restorative justice training, including requirements for trainers and educational programmes. It also presents the results of consulting sessions with prominent trainers, practitioners, and researchers in restorative justice aimed at identifying key requirements for trainer qualifications and course contents.

Selected recommendations from the handbook:

- Practical exercises to improve trainer self-awareness – pp. 19–20.
- List of techniques for teaching restorative justice – p. 23.
- Recommendations for teaching restorative justice – p. 24.
- Recommendation of the trainer education programme structure – pp. 44–45.

Another of Project Mediarej’s outputs is the “Training Trainers in Mediation and Restorative Justice Toolkit”.¹³⁴ This document summarises articles and other papers on selected areas where mediation and restorative justice are practised, offering a broad spectrum of topics and approaches that can provide material for discussion and critical reflection.

The “Training Trainers in Mediation and Restorative Justice Toolkit: Worksheet Collection”¹³⁵ is a hands-on training aid that suggests specific self-experience learning activities that can be used to train restorative justice trainers. The activities are intended as trainer training aids, but can also be used as a detailed guide to organising mediator/facilitator training activities. There are four training modules, of which Module 1 is arguably the most useful for facilitator training. Its activities cover communication skills, listening, restorative circle leadership, victim-perpetrator mediation and first-contact training. (Recommendations: M1 AS01 – Organising and leading active listening workshops. M1 AS02 – Building trust. M1 AS05 – Simulated first contact between parties to the conflict. M1 AS04 – Simulated mediation session.) Module 2 presents activities aimed at expanding knowledge of restorative justice; these can also help in promoting restorative values. M2 AS01 – Organising an in-depth focus session and discussion – with an external expert. M2 AS02 – Organising an in-depth focus session and discussion – reading or video.

Project RE-JUSTICE

Re-Justice is a project led by the Catholic University of Leuven (Belgium), whose partners include the European Forum for Restorative Justice and organisations from Belgium, Spain, Greece, and Italy. The goal of the Re-Justice project is to create a specialised restorative justice training course for judges and public prosecutors, to be made available to all EU Member States. The training should help raise awareness of and build knowledge and skills in restorative justice. One of the project’s creations is “Restorative Justice for Judges and Public Prosecutors. Manual for Trainers”¹³⁶, an aid for trainers and facilitators of special restorative justice courses for judges and public prosecutors. The manual is supported by a training package containing worksheets, case studies, videos, and other resources to support training courses. In mediator training, great use can be made of the activities described in Module I, which covers the development of restorative justice within the criminal justice system; Module III, which deals with the needs and feelings of restorative justice process participants; and Module V, which lists ideas for implementing restorative justice in practice.

133) Training Trainers in Mediation and Restorative Justice: The Handbook of the Erasmus+ MEDIAREJ project. Leuven (2021). [online]. [cited 6 September 2023]. Available at: <https://www.euforumrj.org/en/mediarej-2020-2023>

134) PERUAČA, B. Training trainers in mediation and restorative justice: The Toolkit of the Erasmus+ Mediarej Project. Zagreb (2022). Zagreb: Udruga za kreativni socijalni rad

135) GRANDI, G., GAETANI, A., VANONCINI, F. Training trainers in mediation and restorative justice: The Toolkit of the Erasmus+ MEDIAREJ project. Trieste (2021). Trieste: Istituto Jacques Maritain & Edizioni Meudon.

136) RANDAZZO, S., ANDERSON, M. RE-JUSTICE: Restorative justice for judges and public prosecutors. Manual for trainers. [online]. 2022, [cited 4 July 2023]. Available at: <https://www.euforumrj.org/en/re-justice-2019-2021>

Lindsey Pointer and Kathleen McGoey, authors of the “Little Book of Restorative Teaching Tools” and the matching Restorative Teaching Tools website,¹³⁷ have created a large collection of various techniques to help build understanding of the restorative justice concept and principles. (We use some of their material in this Manual.) This can be a great resource for anyone working to create and teach courses in restorative justice, regardless of the particular context. It offers a variety of effective, dynamic tools and detailed guidance for activities and games that can help students to experience and better understand restorative practices in building relationships and skills. These resources can support the reader in designing, implementing, and assessing their own games, activities, and entire interactive training sessions.

¹³⁷) Restorative Teaching Tools [online]. [cited 5 September 2023].
Available at: <https://restorativeteachingtools.com/building-skills/>

Chapter 7 – Vision for the development of restorative justice and its programmes in Czechia and Slovakia

Since 2019, Czechia has been involved in the European project Restorative justice: strategies for change.¹³⁸ In each of the member states, national groups participate in the project,¹³⁹ whose task is to activate individual actors in the field of criminal justice and to develop a national strategy for the widespread application of restorative justice. Within the framework of this cooperation, the Restorative Justice Strategy for the Czech Republic¹⁴⁰ has been developed and has become part of the programme statement of the current Czech government. The project also includes the implementation of the so-called Restorative Platform⁷¹ of Czech criminal justice experts. The Platform's output will be, among other things, the forthcoming Handbook for Restorative Practice in the Czech Republic.

In accordance with this strategy and the upcoming outputs of the platform, the Institute for Restorative Justice has formulated the following theses for the development of restorative justice and its programmes in the following years:

- RJ principles, approaches and programmes are an integral part of penal policy
- RJ principles and approaches as an integral part of criminal legislation :
 - the purpose of criminal law , both substantive and procedural, and their fundamental principles, includes a restorative perspective
 - the restorative approach is sufficiently supported in legislation and practice as a way of dealing with criminal matters at all stages and for all levels of seriousness of the crime
 - restorative programmes are sufficiently enshrined in legislation
 - restorative programmes have a clear place in criminal proceedings , including the impact of the resulting agreements (programme outcomes) on criminal proceedings
- Systemic support and coordination of the availability of restorative programs throughout the country as a service for everyone, at any stage of criminal proceedings and regardless of the severity of the crime
- Roundtables within the Restorative Platform with key actors regarding the quality of restorative programmes, their financing, organisation, ensuring professional expertise, and legislation.

The Ministry of Justice of the Slovak Republic (MSSR)¹⁴¹ – based on the results of the project “Building and Strengthening Alternative Dispute Resolution through Mediation and Effective Use of Restorative Justice Tools in the Slovak Republic,”¹⁴² the partnership in the JUSTIN project, and other activities in recent years – has formulated the following theses for the development of restorative justice and its programmes in Slovakia:

138) Strategie restorativní justice pro Českou republiku [on-line]. 2021, [cited 4. 7. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf>

139) Members of the Czech national group are: Andrea Matoušková (Probation and Mediation Service), Petra Masopust Šachová (Chairwoman of the Institute for Restorative Justice), Jan Tomášek (Institute for Criminology and Social Prevention), Lukáš Dirga (Department of Sociology, University of West Bohemia in Pilsen), Pavel Horák (Director of the Department of Detention and Punishment, DG Prison Service of the Czech Republic) and Karel Dvořák (Deputy Minister, Ministry of Justice of the Czech Republic)

140) Strategie restorativní justice pro Českou republiku [on-line]. 2021, [cited 4. 7. 2023].

Available from: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf>

141) The authors of this part are the staff of the Restorative Justice and Probation Section and other departments of the Ministry of Justice: Vladimír Cehlár, Renáta Ďurkechová, Tomáš Horeháj and Martin Lulei

142) See <https://www.justice.gov.sk/agenda-ministerstva/nase-projekty/europske-strukturalne-a-investicne-fondy/budovanie-a-posilnenie-alternativneho-riesenia-sudnych-sporov-prostrednictvom-mediacie-a-efektivneho-vyuzivania-nastrojov-restorativnej-justicie-v-slovenskej-republike/>

- The creation of specialized positions for probation and mediation officers who would deal with serious crime and be available in every region.
- Institutionalized, state-run mediation for serious crime (through probation and mediation officers), which, however, would not exclude the possibility of NGO involvement to the extent determined by the MSSR.
- To ensure that mediation is available to every victim and accused person who is interested in this method of conflict resolution, regardless of the seriousness of the crime committed and regardless the stage of the criminal proceedings, i.e., even after conviction during the period of execution of the sanction already imposed.
- Ensure that mediation is also available in penal juvenile justice where the offender is juvenile.
- In cooperation with the Judicial Academy of the Slovak Republic to create a unified system of training for judges, prosecutors and probation and mediation officers.
- Promote cooperation and coordination between different actors such as courts, prosecutors, police, victims, offenders, civil society, and others.
- Cooperation between ZVJS (Slovak Prison and Judicial Guard) and Czech Probation and Mediation Service in the application of the VIT Programme (I Feel You Too, orig. Slovak: “Vnímám i tebe”) programme, which helps to increase the empathy of offenders, with the aim that these selected offenders would be better prepared for possible mediation in serious crime.
- Continuation and active fulfillment of the membership in the European Forum for Restorative Justice-

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