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



Empowering young people to influence policy & practice

Committed to empowering **young people** to influence policy and practice that affect them and achieve

European Society of Criminology Conference
Liege, 10th September 2010
Restorative Justice – Panel Session 7
Dr. Theo Gavrielides (IARS, Open University)



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Contents: “Pushing the barriers for restorative justice”

- **Mediation and restorative justice in prison settings -**
MEREPS: An international project co-financed by the European Commission Criminal Justice Programme 2008
- **Restorative justice for serious and complex cases –**
“Violence against women and restorative justice: a comparative model of social change” Gavrielides & Artinopoulou
- **Bringing human rights and restorative justice values under one roof –** “Rights and restoration within youth justice”
de sitter publications: Canada 2012, Gavrielides

Restorative justice

“Restorative justice is an **ethos** with practical goals, among which is to **restore** the harm done by including all affected parties in a process of understanding through **voluntary** and honest dialogue, and by adopting a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals”

Gavrielides, T (2007) *Restorative justice theory and practice: addressing the discrepancy*. Helsinki: HEUNI.

Mediation and restorative justice in prison settings

The UK project: **Using restorative justice with sentenced and incarcerated young people.** It is carried out as part of the European Commission funded “Mediation and restorative justice in prison settings” (MEREPS) 3 year project. MEREPS started in March 2009 and is carried out in partnership with:

- Foresee Research Group (Hungary)
- National Institute of Criminology (Hungary)
- Bremen Victim Offender Mediation Service (Germany)
- University of Applied Sciences in Public Administration in Bremen (Germany)
- European Forum for Restorative Justice (Belgium).





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Mediation and restorative justice in prison settings cont/

- Despite its wider usage within the juvenile justice system, there are only scarce examples of restorative practices within the juvenile secure estate (e.g. Young Offender Institutions, Local Authority Secure Units and Secure Training Centres).
- There is evidence to suggest that restorative justice is more widely used in adult prisons and custodial settings than juvenile institutions. There appears to be a paradox that needs to be investigated in the interest of future policy and better practice within the UK but also within the MEREPS country partners. The research aims to
 - Establish the extent to which restorative justice influences the regimes and programmes of juvenile secure estates
 - Identify good practice that might be copied elsewhere
 - Identify the enablers and barriers in using restorative justice in juvenile institutions
 - Understand the aforementioned paradox and posit evidence based recommendations for UK and EU policy and practice.

Mediation and restorative justice in prison settings cont/

- UK report published 2011 T.Gavrielides@iars.org.uk

- MEREPS – EU report published 2012
borbala@fellegi.hu

<http://mereps.foresee.hu/en/>





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“Violence against women and restorative justice: a comparative model of social change” Gavrielides & Artinopoulou

- RJ & violence against women (partnership violence) remains a grey area principally due to the power imbalances created between the parties
- Violence against women – ignored by policy (UK: 14% of all violent incident are domestic violence cases, repeat victimisation accounts for 66% of all incident of domestic violence and 21% of victims have been victimised for three or more times). Stats exacerbated in countries where gender equality is not yet perceived as a human rights principle.
- UN (2009) Handbook for Legislation on Violence against women & Council of Europe (2009) Draft Convention on preventing and combating violence against women and domestic violence

“Violence against women and restorative justice:” Gavrielides & Artinopoulou ... cont/

“Violence against women”:

- Domestic violence, Femicide/ feminicide
- Sexual violence including sexual assault and sexual harassment
- Harmful practices including early marriage, forced marriage, female genital mutilation, female infanticide, prenatal sex selection, virginity testings, HIV/ AIDS cleansing, honour crimes, acid attacks, crimes committed in relation to bride price and dowry, maltreatment of widows, forced pregnancy, and trying women for sorcery/ witchcraft
- Trafficking and Sexual slavery

United Nations (2009) *Handbook for Legislation on Violence Against Women*. New York: UN.

“Violence against women and restorative justice:” Gavrielides & Artinopoulou ... cont/

Greek – the facts

- Relatively new practice
- Legalised – Law 3500/2006
- Misdemeanours and before prosecution or post provided that offender met conditions
- General Prosecutor responsible
- Public prosecutors = mediators

England & Wales - the facts

- Since the 1970s
- Community born
- Shadow of the law (Crime and Disorder Act 1998/ Crime and Disorder Act 1999)
- Initiated by victims
- Practitioners/ voluntary standards
- Mediators = independent (unregulated)

“Violence against women and restorative justice:” Gavrielides & Artinopoulou ... cont/

Greek – the issues

- Top down approach creates a solid structure that does not accommodate RJ's nature
- Role contradiction (mediator/ public prosecutor)
- Lack of consistent legislation
- Shortcomings in implementation (principle of voluntariness, interruption,

England & Wales – the issues

- Since the 1970s
- Community born, voluntary sector
- Shadow of the law (Crime and Disorder Act 1998/ Crime and Disorder Act 1999)
- Initiated by victims
- Practitioners/ voluntary standards
- Mediators = independent (unregulated)
- No crime of domestic violence

“Violence against women and restorative justice:” Gavrielides & Artinopoulou ... cont/

What works – the key principles

- Independence (mediators, practice, evaluation, research)
- Voluntariness & information – empowerment/ informed choices
- Victim led process (power imbalances)
- Expertise of practitioners (act as a cut out)
- Follow up victim support services
- Principle of confidentiality
- Professional standards, accreditation and professional ethics
- Minimum standards – UN Declaration of human rights



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“Violence against women and restorative justice:” Gavrielides & Artinopoulou ... cont/

Taking the debate forward

- RJ emanates from the victims and the socially vulnerable groups
- RJ in the context of social inequality – power – gender inequality
- RJ & the human rights discourse

Proposed model forward



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“Rights and restoration within youth justice” de sitter publications: Canada 2012, *Gavrielides*

- Peer-reviewed Volume of 18 original chapters written by leading scholars in the fields of youth justice, restorative justice, human rights and criminal justice (Braithwaite, Newburn, van Ness, Walgrave, Harvey, Mika)
- IARS – Mount Royal University – Open University
- International – primary research

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