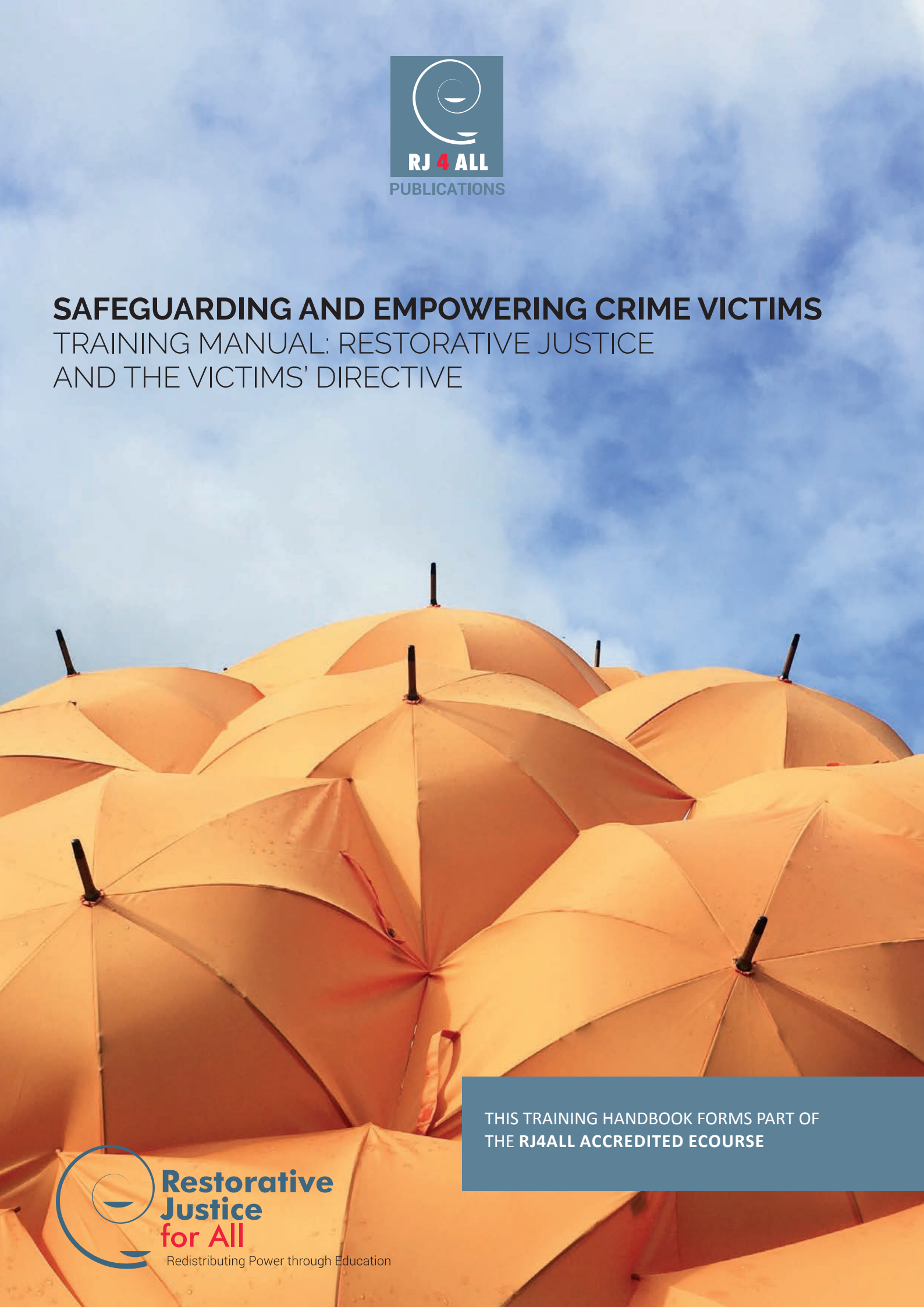
RJ 4 ALL
PUBLICATIONS

SAFEGUARDING AND EMPOWERING CRIME VICTIMS

TRAINING MANUAL: RESTORATIVE JUSTICE AND THE VICTIMS' DIRECTIVE



THIS TRAINING HANDBOOK FORMS PART OF THE **RJ4ALL ACCREDITED ECOURSE**

Restorative Justice for All
Redistributing Power through Education

RJ4All Publications

rj4allpublications@gmail.com | www.rj4all.info

Restorative Justice for All CIC ("RJ4All") is an international Non-Governmental Organisation with a mission to advance community cohesion and redistribute power within society using the values and practices of restorative justice.

RJ4All Publications is an independent publisher specialising in social sciences and the publication of cutting-edge research on restorative justice, criminal justice, equality and human rights. RJ4All Publications is the publishing arm of RJ4All, and the publisher of the international, peer reviewed Internet Journal of Restorative Justice ("IJRJ").

First published in the UK in2019 by RJ4All Publications

© 2019 RJ4All

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of RJ4All, or as expressly permitted by law or licence or under terms agreed with the appropriate reprographics rights organisation. You must not circulate this book in any other form and you must impose the same condition on any acquirer.

Trademark notice: "Restorative Justice for All", "Internet Journal of Restorative Justice", "IJIR", the LJ4All Logo and the IJRJ Logo are all trademarks of Restorative Justice for All CIC. All rights reserved. Product or corporate names may be trademarks or registered trademarks, and are used only in good faith and for identification purposes.

Database right RJ4All Publications (maker)

British Library Cataloguing in Publication Data

Designed by Rita Seneca

ISBN: 978-1-911634-09-6

RJ4All Publications – Restorative Justice Series No 8

SAFEGUARDING AND EMPOWERING CRIME VICTIMS

TRAINING MANUAL: RESTORATIVE JUSTICE
AND THE VICTIMS' DIRECTIVE

This Training Handbook forms part of the RJ4All accredited ecourse "Safeguarding & Empowering Victims: Restorative Justice in the Victims' Directive and RJ4All Publications Restorative Justice Series

table of contents

IMPETUS OF THE TRAINING MANUAL 6
DEFINITIONS AND INTRODUCTION 8
COURSE INSTRUCTORS 10
RIGHTS OF THE VICTIM & THE VICTIMS' DIRECTIVE 12
CRIME VICTIMS' NEEDS: 12
NEW RIGHTS AND OBLIGATIONS: 13
STRENGTHENED RIGHTS AND OBLIGATIONS COMPARED TO THE FRAMEWORK DECISION: 13
THE VICTIMS' DIRECTIVE 15
INTRODUCTION 15
Article 12 - Right to safeguards in the context of restorative justice services 16
Other Articles from the Directives relevant to restorative justice 17
Article 1 – Objectives of the Directive 17
Article 2 – Key Definitions 17
Article 18 - Right to protection 17
Article 22 - Individual assessment of victims 18
Introductory Paragraph 55: 18
Introductory Paragraph 56: 18
Article 23 - Right to protection of victims with specific protection needs during criminal proceedings 19
Article 25 - Training of practitioners 19
A VICTIM'S PERSONAL GUIDE TO RESTORATIVE JUSTICE 21
FIRST THOUGHTS & YOUR ASSESSMENT 22
CHILDREN AND YOUNG PEOPLE 22
THE CRIME 22
EFFECTS 22
RISK 22
SERIOUS RISK AND VULNERABILITY 22
RELATIONSHIPS 23
RESPONSIBILITY 23
INFORMATION 23
THE RESTORATIVE JUSTICE PROCESS 23
INFORMED CHOICE 23
MY WISHES AND NEEDS 24
CONFIDENTIALITY 24
CONSENT AND AGREEMENT 24
FURTHER READING 25
APPENDICES 27
VICTIM SELF- ASSESSMENT TOOLKIT 28
PRACTITIONERS' CHECKLIST GUIDE 29
OFFENDER SELF- ASSESSMENT TOOLKIT 32
PRACTITIONERS CHECKLIST GUIDE 33
CASE STUDIES 37

1

IMPETUS OF THE TRAINING MANUAL

This training manual aims to provide assistance to crime victims and practitioners focusing on safeguards and best practice when implementing restorative justice. In particular, this training handbook has been designed with the following target groups in mind independently of their location:

- Victims of crime
- Criminal justice professionals including probation staff, police, prison staff
- Justice community professionals and volunteers (e.g. neighbourhood justice panels)
- Local authorities and public sector bodies with criminal justice responsibilities
- Youth Justice professionals (Youth Offending teams, etc)
- Restorative justice providers in the private, public and public sectors including mediation, circles, conferencing and panels
- Victim support organisations and individuals.

Although the e-course uses an EU Directive to train its key audiences, the underlying principles and its value do not have geographical limitations

The manual uses the Victims' Directive (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA) as its legal and theoretical framework for achieving its objectives. The manual is intended to be used along with the accompanying RJ4All training materials and includes information on the rights of the victim, a definition of restorative justice, case studies illustrating safeguarding issues and a victim assessment guide.

The training material are the result of extensive research with victims, offenders and restorative justice practitioners (Gavrielides, 2014). This was carried out in 2013-14 under the direction of Professor Theo Gavrielides. It took place in five countries and can be summed up in the table below.

Country	Sample contacted (original)	Sample reached (final)	Research Method employed
UK	39 victims 54 offenders 5,240 contacts 51 experts	24 victims 28 offenders 107 victims and offenders 24 experts	In-depth interviews (qualitative) In-depth interviews (qualitative) Online survey (quantitative) Focus Group (qualitative)
Germany	245 victims and institutions 466 victims and institutions	53 victims and 30 institutions 20 victims and 4 institutions	Quantitative Survey Quantitative Survey
Greece	100 victims 10 professionals	20 victims 10 professionals	In-depth interviews In-depth interviews
Bulgaria	10 victims 22 professionals	10 victims 22 professionals	In-depth interviews Focus groups (x5)
Netherlands	197 practitioners/ professionals 197 practitioners/ professionals 20 stakeholders/ experts 10 offenders (juveniles) 20 experts 2 case studies (juvenile prisons x 5)	75 practitioners/ professionals 75 practitioners/ professionals 20 stakeholders/ experts 10 offenders (juveniles) 20 experts 2 case studies (juvenile prisons x 5)	Attitudinal survey (qualitative) Fact finding survey (qualitative) In-depth interviews In-depth interviews Mini conference In-depth observation

The research clearly showed a need to directly inform victims and practitioners about the restorative justice process and the Directive complimenting this. This will not only be beneficial to victims but also provide practitioners with detailed knowledge of the Directive through the perspective of the victim and to help the victim empower themselves throughout the process.

2

DEFINITIONS AND INTRODUCTION

The Victims' Directive defines restorative justice as:

"*Any process whereby the victim* and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence, through the help of an impartial third party*."

A more academic definition is "***Restorative Justice is an ethos*** *with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue. Restorative justice adopts a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals*" (Gavrielides 2007: 139).

This definition was the result of around 250 interviews and questionnaires that were completed between 2001 - 2005 with practitioners, researchers and policy makers from around the world. The research pointed out that none of the practitioners called restorative justice a "practice", while none of the researchers called it a "theory"! There was an overwhelming consensus, however, that "ethos" was an all-encompassing word that could probably capture the richness and fluidity of restorative justice.

It is acknowledged that restorative justice services, including for example victim- offender mediation, conferencing and sentencing circles, can be of great benefit to the victim. These can help victims to recover from the impact of the crime, to ask questions of their offender and to provide an opportunity for that offender to make amends.

However, it is felt that these services require safeguards to prevent secondary and repeat victimisation, intimidation or retaliation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm.

Restorative justice is intended to put right the harm caused by crime, particularly for the victim of that crime. It follows that we should not cause any further harm and therefore this may not be the process for you if you are feeling particularly vulnerable, or at risk in some way. This should be a voluntary process, at

every stage, so you can simply decline. It might also be the wrong time for you to get involved; you may wish to wait until you are feeling stronger, and this should be allowed for too.

Another consideration is that restorative justice is meant to be empowering for those taking part, so you may feel more confident if you are personally engaged in the process. This may gain more benefits for you, and enable you to ensure the safeguards and assess any risks to you.

Before you come to any specific decisions it would be sensible to ask yourself what happened. What was the crime or the incident that has caused you harm? What actual harm has been caused to you and how do you feel about this? What is the nature of the injury to you, or the loss, or the damage?

If it is painful or too difficult to do this then stop, remember that this is a voluntary process and it should not make things worse. Next consider what might help to put things right for you. This might be something emotional, or physical; or it might be something in relation to the offender in your case. At this first stage it is important that you think this through for yourself, without being prompted by any third party. If you prefer a restorative practitioner, a facilitator, should be able to help; or you could talk with a trusted friend or family member.

You should be given full and unbiased information about the process and then invited to take part, if it is in your interest. This decision should be yours and based on your free and informed consent, which should be written or recorded in some way. As a victim of crime you will be entitled to an individual assessment of risk and an assessment is part of the restorative justice process too.

Someone may carry out this assessment for you, or you may do so yourself. There are many factors which should be considered, especially whether you may be at risk of intimidation and to retaliation, or vulnerable to secondary and repeat victimisation. We can assist you with this process at more length later. However, at the end of that assessment you should be able to see it, to agree it and to have a copy. You should also receive, or ensure, that you have assurances as to the confidentiality of any information that you give, and who will have access to it.

There are many rights and standards which will affect you other than those regarding restorative justice. We are concentrating on restorative justice matters, but you may wish to read about other new rights and standards that will be of benefit to you in the criminal justice system.

We are going to offer you some more information that is specific to restorative justice. One of these is the actual text of the EU Commission's Directive on minimum safeguards for victims relating to restorative justice. Another is a link to the complete text of the Directive for the wider range of rights. Finally, we are offering you a self-help guide to participation in restorative justice, including an assessment that is based upon the concerns raised in the EU Directive.

The main objective of this Directive is that victims of crime should receive appropriate information, support and protection and that they are able to participate in criminal proceedings. Its purpose is to ensure that victims of crime are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner. We hope that this information has helped you towards that aim.

If you wish to take a more active part, whether to ensure that others treat you safely and justly, or whether you wish to be more empowered and independent within the restorative justice process, we suggest that you consult our Victim Personal Guide to Restorative Justice.

Our hope is that your involvement in the justice system and particularly in restorative justice will be a positive experience and that our information is of assistance to you.

**A victim is defined as a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. This includes family members of a person whose death was directly caused by a criminal offence and who have suffered harm. Further to this, a person should be considered to be a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted.*

ABOUT RESTORATIVE JUSTICE FOR ALL

Restorative Justice for All (RJ4All) is a UK-based, international Institute with a mission to advance community cohesion and redistribute power within society at the local, national and international levels.

We do this by using the values and practices of restorative justice including: power sharing, fairness, equality, dignity and respect. RJ4All is the leading Europe-wide restorative justice network with members from over 40 countries.

We achieve our charitable aims by:

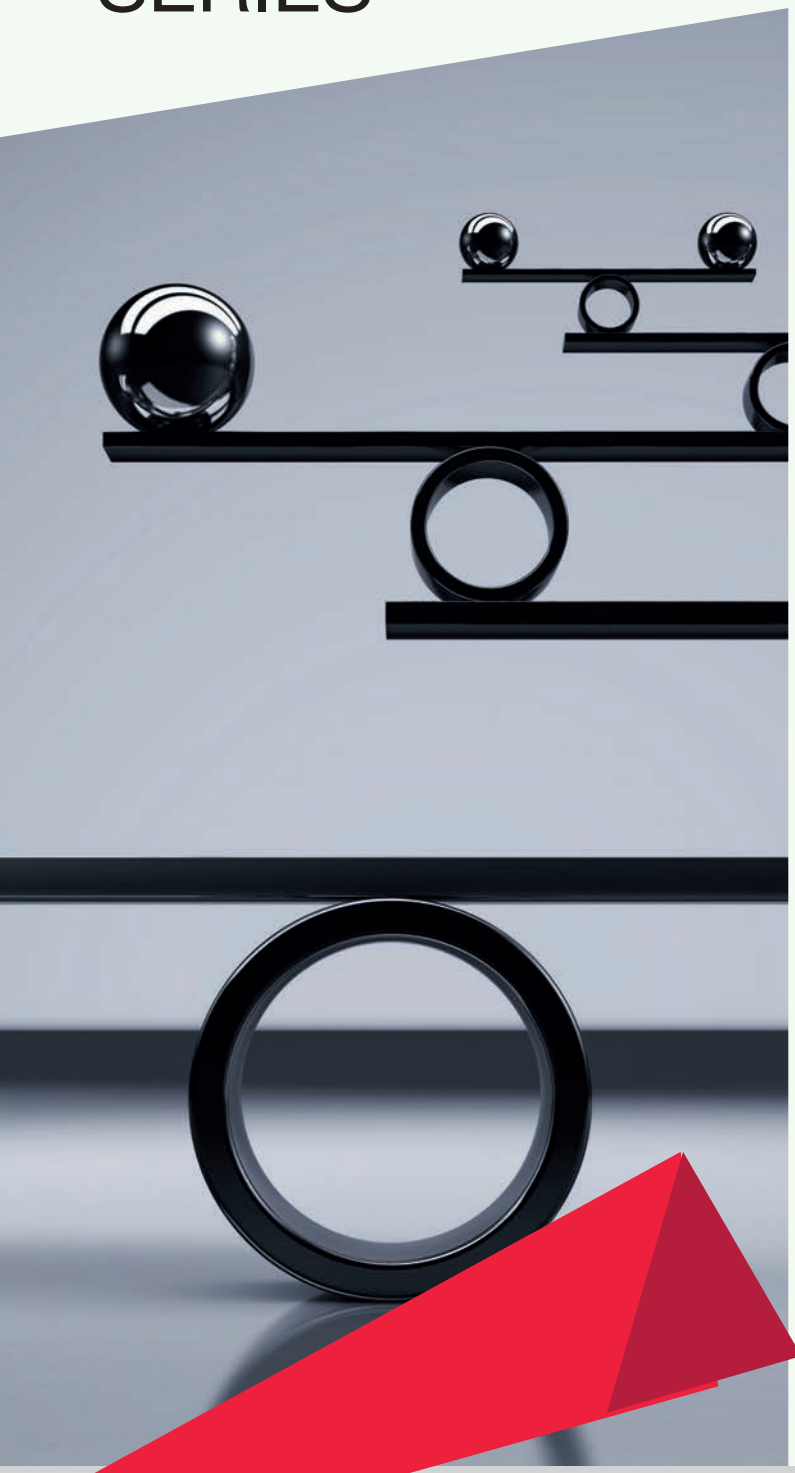
- Carrying out educational projects and information campaigns in the interest of communities, victims and marginalised groups at the local, national and international levels.
- Providing internships and high quality volunteering to young people and marginalised groups involving social action.
- Bringing harmed parties together through restorative justice to negotiate solutions and restore. Increasing public awareness of restorative justice, human rights and inter-cultural dialogue.
- Carrying out evaluations and research on restorative justice, criminal justice, human rights and equality programmes, building a stronger evidence base for further development.
- Building bridges between communities and the powerfulas well as victims, offenders, practitioners, policy makers and researchers.
- Increasing knowledge and pushing the boundaries of restorative justice especially in contested areas of practice (e.g. domestic violence, sexual abuse and hate crimes).
- Making restorative justice more accessible to victims, offenders, junior researchers, students, practitioners, policy makers, the public and the media.
- Influence and inform policy, legislation and practice at the local, national and international levels.
- Providing expert, tailored and independent advice on restorative justice, human rights, equality and criminal justice.

To find out more about RJ4all visit our website www.rj4all.info

Restorative Justice for All
Redistributing Power through Education

RJ 4 ALL
PUBLICATIONS

RESTORATIVE JUSTICE
SERIES



RJ4All Publications is an independent publisher specialising in social sciences and the publication of cutting-edge research on restorative justice, criminal justice, equality and human rights.

RJ4All Publications is the publishing arm of the Restorative Justice for All Institute (Company no: 08684719), and the publisher of the leading international, peer reviewed Internet Journal of Restorative Justice (IJRJ).

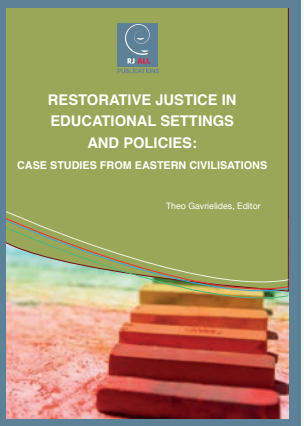
RJ4All Publications is non partisan, but motivated by its values. We aim to advance research, academic rigour and public understanding of social harm, social inequality and alternative ways of restoring peace and crime. Ultimately, we want to affect positive change in society, and have a real world impact.

All our publications are indexed by EBSCO Information Services and are available to over 170,000 universities and government departments from around the world. They can also be downloaded from www.theogavrielides.com and Kindle.

RJ4All Publications and the IJRJ are fully committed to ethical publication practice, and have a strict Publications Ethics Guidelines that we adhere to. RJ4All Publications and the Internet Journal of Restorative Justice are peer reviewed and guided by our Editorial Board and International Advisory Board. Their membership includes some of the most prominent academics, researchers and practitioners in the area that we publish.

Authors interested in publishing their work with RJ4All Publications should get in touch with the Editor-in-Chief, Dr. Gavrielides. We host a Restorative Justice Series, and publish selected work in the form of e-books and books.

RJ4All Publications
Restorative Justice for All Institute (RJ4All)
14 Dock Offices, Surrey Quays Road, London SE16 2XU, UK
RJ4AllPublications@gmail.com | @RJforall | +44 7708 758600



Wong, S.G.D and Gavrielides, T. (2019)
Restorative Justice in Educational Settings and Policies: Case studies from Eastern Civilisations,
London: RJAll Publications. ISBN 978-1-911634-07-2. RRP £9.99

When we think of restorative justice, the first thing that comes to mind is conflict. However, evidence suggests that its norms and practices are more widely used in educational and prevention settings including schools, colleges, universities and youth centres. In fact, many have claimed that this is where restorative justice finds its true meaning and contribution in the fight and prevention of delinquency. Much has been written about its implementation in schools and educational settings, but these have focused on what the West has achieved. The gap in the literature on what has been happening in the East of the world is wide.

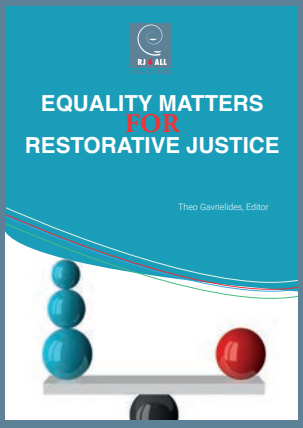
This edited collection of papers written by leading researchers from the East aims to address this gap by presenting case studies where restorative justice has been successfully implemented in educational settings and policies. Their case studies come from Eastern countries such as Taiwan, Indonesia, Singapore, India, Thailand, Vietnam, China, Iran, Hong Kong, Japan and Korea. For the first time, this book builds a bridge between West and East on the topic of restorative justice in educational settings and policies.

Gavrielides, T. (2018).
Human Rights and Restorative Justice,
London: RJ4All Publications. ISBN 978-1-911634-00-3. RRP £9.99

Human rights and restorative justice are rarely brought under the same spotlight despite their normative similarities. This gap becomes even more apparent when put in the context of policy and practice internationally. Firstly, there is a developing gap between public perception and evidence-based depiction of crime. Secondly, scholarly debates are rarely reflected in criminal justice policy and legislation. This failure has an impact on recidivism, the spiralling costs of penal interventions, but most importantly on how we view our interpersonal and intercommunal relationships.

This edited collection of papers written by leading international experts in the fields of restorative justice and human rights aims to address this gap. The tools to achieve this and the role of human rights and restorative justice for personal and community conflicts were researched and tested. Through an evidence-based approach, a narrative and a framework are developed for moving the debate forward on joint human rights – restorative justice approach to conflicts.

"This book is an important contribution to both restorative justice and human rights literature. It develops a conceptual understanding of both that is able to withstand the tensions between the personal (relationships) and the abstract (norms). This collection demonstrates that restorative processes can be effective in producing a just response, repairing harm to victims, holding offenders accountable, and teaching values while recognizing the importance of relationships".
Prof. Daniel Van Ness, Executive Director of the Centre for Justice and Reconciliation, Prison Fellowship International, Adjunct Professor at Pepperdine University



Gavrielides, T. (2018).
Equality Matters for Restorative Justice,
London: RJ4All Publications. ISBN 978-1-911634-03-4. RRP £9.99

Restorative justice was brought back into the modern world of policy, research and practice in response to a growing disappointment from our criminal justice systems especially in relation to how it treats vulnerable groups such as those experiencing discrimination due to their race, gender, age etc. Therefore, it is surprising why equality hasn't featured more prominently in the restorative justice discourse. This is what the Editor calls the 'paradox of restorative justice', and the battle field where the future of restorative justice will be fought.

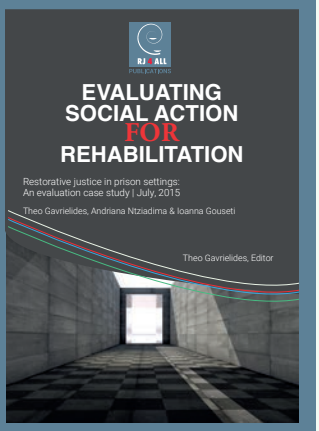
This edited collection of papers written by leading equality and restorative justice scholars aims to bring to the restorative justice debate a new dimension that is yet to be explored in its own right. This refers to issues surrounding equality and restorative justice both at the normative and empirical levels. Through an evidence-based approach, case studies from around the world are presented to develop a narrative and a practical tool for considering equality matters when applying or thinking about restorative justice. Particular emphasis was given on gender and domestic violence, Indigenous peoples, gender equality and prisoners.

"This is an important and timely collection... It traverses a great diversity of specific and crucial issues from restorative practices in prisons to deinstitutionalising the stigma of criminal conviction.
Perhaps the single most impressive feature that distinguishes this collection from others on restorative justice is that it corrects the usual focus on North America, Western Europe and the Antipodes with learnings from Central and Southern Europe. Many of these Central European and Mediterranean lessons are profound ones that can greatly enrich the predominantly North Atlantic restorative debate".
Professor John Braithwaite, Australian National University

Gavrielides, T. (2017).
25 Restorative Justice case studies,
RJ4All Publications: London. ISBN: 978-1-911634-01-0. RRP £4.99

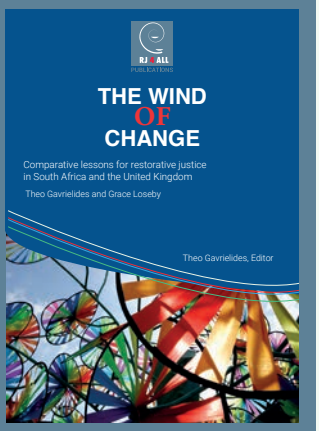
The literature on what restorative justice can do is rich, but it is only rarely that practitioners are given a voice to write about their successes and challenges when implementing mediation, conferencing and circles. It is important that theoretical claims are backed up with real life applications of restorative justice especially in the context of criminal justice.

This edited collection brings together 25 real case studies (plus 2 bonus case studies) written by leading practitioners from around the world such as the UK, Canada, Australia, New Zealand and from across Europe.
The case studies cover issues such as domestic violence, murder, hate crimes, theft and youth violence and are written from the perspective of restorative justice practitioners, victims and offenders



Gavrielides, T., N. Ntziadima and I. Gouseti. (2015).
Evaluating Social Action for Rehabilitation: Restorative Justice in Prison Settings,
London: RJ4All Publications. ISBN: 978-1-911634-02-7. RRP £4.99

This e-book presents findings of an evaluation of restorative justice in prison settings. The findings are based on an independent evaluation that was carried out by qualified researchers using a mixture of quantitative and qualitative research. The quantitative research was carried out over a specified timeframe and with financial support from the Cabinet Office. The research was conducted between 1 November 2013 – 1 July 2015 (20 months). During the research period, the Silence the Violence programme was delivered to 162 participants in total. Milestones was delivered to 61 offenders, who were released from HMP & YOI Isis, HMP Winchester and HMP Forest Bank. An additional 45 offenders were mentored by partner organisations under contract to Khulisa. However, useable data was only secured for 40 Milestones participants giving us a total final research sample of 194 participants.



Gavrielides, T. and G. Loseby (2014).
The Wind of Change: Comparative Lessons for Restorative Justice in South Africa and the United Kingdom,
London: RJ4All Publications, ISBN 978-1-911634-04-1.

The death of Nelson Mandela in December 2013 closed an active year for restorative justice. His life was a symbol of restoration and promise and continues to stir interest and discussion in the search for an alternative to incarceration and towards peaceful conflict resolution. This book looks at restorative justice in context of two countries, the United Kingdom and South Africa, as they independently try to navigate between past, present and future justice systems. There is reference to the cultural, political and socio-economic landscapes of each nation. Our understanding of justice is symbolic of these landscapes and a mapping exercise is undertaken, with a discussion of enablers and barriers for the restorative justice movement internationally.

The book also discusses the ownership of restorative justice and the role of non-governmental bodies such as Khulisa. A key to the restorative justice process is a balance of stakeholder involvement between state and community enterprise. It is important to examine and highlight the importance of these bodies in the continuing and increased commentary on the restorative justice process. Subsequently, this book offers a timely and much needed discussion regarding our careful future steps in the shadow of legendary voices.

"As we investigate how best to lend our knowledge and expertise to the development of Restorative Justice in the UK, we commissioned RJ4All to carry out an analysis and assessment of the growth in restorative justice policy and practice in each country. We are grateful for the depth and breadth of the analysis undertaken by RJ4All and the recommendations they put forward. It is our hope that we can implement much of what they suggest through open and sincere collaborations with a multitude of partners, fu and commissioners already active in their communities".
Simon Fulford, CEO of Khulisa

RESTORATIVE JUSTICE
SERIES

Internet Journal of Restorative Justice ISBN: 978-1-907641-45-9 |
Journal ISSN: ISSN (online): 2056-2985

THE INTERNET JOURNAL OF RESTORATIVE JUSTICE

The Internet Journal of Restorative Justice (IJRJ) is a double-blind, peer-reviewed journal with a unique, practical approach to researching and investigating restorative justice.

The Journal's primary aim is to push the boundaries of restorative justice by publishing scholarly and peer-reviewed articles of the highest standard from many areas of expertise including but not limited to restorative practices in schools, neighbourhoods, organisations and businesses, family matters and (youth) care, the criminal and juvenile justice systems, prisons and the community.

ACCESS THE JOURNAL
www.ijrj.co.uk

The Internet Journal of Restorative Justice is published by **RJ4All Publications**, the publishing arm of the Restorative Justice for All Institute.
The Editor-in-Chief is **Professor Theo Gavrielides**.

RJ4All Publications is fully committed to ethical publication practice, and we follow the **COPE Publishing standards**. The IJRJ is available online via its **website** and **Kindle Store** and is indexed and abstracted by **EBSCO**, **ORCID**, **The European Reference Index for the Humanities and the Social Sciences** (ERIH PLUS) and **Kudos**. The Journal is also in the process of being indexed and ranked by **Scopus**, as well as **Criminal Justice Abstracts**.

All submissions are reviewed anonymously and separately by at least two external, expert reviewers.

Submissions to the IJRJ must follow the Editorial Guidelines, and can be made by email to IJRJ.rj4all@gmail.com at any given time. We aim to complete the review process within 4 weeks of receipt.

THE JOURNAL'S AIMS INCLUDE:

- Inform and influence criminal and restorative justice policy at national and international levels.
- Push the barriers of restorative justice and challenge conventional approaches to criminology and criminal justice.
- Enable junior researchers to publish alongside leading names in restorative justice, and encourage a dialogue between various generations of academics.
- Increase awareness of restorative justice and help address misconceptions about its potential and limitations.
- Enable those with limited resources to access scholarly and peer-reviewed articles on restorative justice including students, practitioners and the public.

RJFORALL
@RJFORALL
RJ4ALL YOUTUBE CHANNEL
RJFORALL.INSTITUTE@GMAIL.COM
WWW.RJ4ALL.INFO

RESTORATIVE JUSTICE SERIES NO 8

RJ4ALL, 14 DOCK OFFICES, SURREY QUAYS ROAD,
LONDON SE16 2XU, UK
PHONE: +44(0) 7708 758600

£9.99

© RJ4ALL PUBLICATIONS 2019