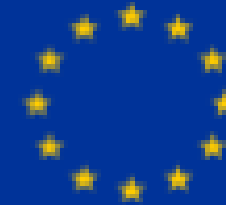


MEDIATION AND RESTORATIVE JUSTICE IN PRISON SETTINGS



With Financial Support from Criminal Justice Programme 2008, European Commission—Directorate—General Justice, Freedom and Security

**Main findings by the German partners
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and
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Budapest, 18.01.2012

Legal situation

- Supporting new prison laws for juvenile as well as adult inmates
- New mediation law from December 2011
- The legislative power for prison laws have the 16 federal states
- The prison administration is also ruled by the 16 federal states

Prison administration

- Prison administrations begin to support restorative justice and victim oriented imprisonment
 - Recent projects
 - MEREPS project in Bremen
 - Victim-Offender-Mediation project in Bielefeld
 - Mediation in conflicts between inmates and prison staff in Berlin
 - Conferences to prepare inmates for release in Reutlingen
 - Planning phase
 - Victim oriented imprisonment is supported by the ombudsman of Northrhine-Westphalia all over this federal state
 - Circles for conflicts among inmates in Saxonia (planning phase)

Prison staff

- Prison staff supports restorative justice and a victim oriented prison regime in general
- Supportive attitudes could be identified among all ranks and functions of prison staff
- Knowledge about restorative justice is so far not a part of education and trainings
- Staff members expect administrative problems when introducing restorative justice
- Staff members have reservations against restorative justice as an additional task among their other duties

Offenders

- We didn't do an evaluation on the motivation of offenders taking part in VOM.
- My personal opinion is that it is hard to recognize for another person, whether a motivation is honest or not. Therefore we should welcome offenders that are prepared to make a substantial offer in favour of the victim.
- The majority of offenders, who have to serve a prison sentence, have a longer criminal career. Therefore in many cases it needs a number of preparatory sessions to find out those victims that should be asked whether they are willing to take part in mediation. These preparatory sessions are also an important step for the offenders because they have to reflect on their crimes and victims.

Victims

- It should be clear that victims have neither a legal nor a moral obligation to take part in restorative practices. To become a victim of an offense generates no responsibility to help to rehabilitate, educate or socialize the offender.
- Experience especially from Belgium, and now also from Germany shows that even victims of severe crimes can have a self-interest to communicate or meet the offender.
- This can be a financial motif, but also an interest that the offender acknowledges that he or she violated the victim in a bad way, or the question “why me?”. Even victims, who were traumatized by the offence can profit from restorative practices, when the therapy has reached the stage, where the victims can and should talk about the crime.
- The kind of restorative practice that will be applied, should mainly depend on the wish of the victims.

Prisons

- German prison laws encourage restoration and reparation of the victims by the offenders. They pledge the prison staff to motivate the offender to reflect on his or her crimes. Therefore most prison laws rule in an indirect way that VOM or other restorative practices have to be taken into consideration. Some prison laws do this in a clear and direct way.
- Neither the prison laws nor administrative regulations so far pave the way to involve victims.

Thank you for your attention!