

MEDIATION WITH OUR OWN COLLEAGUES?

Cooperation between courts,
prosecutors and mediators

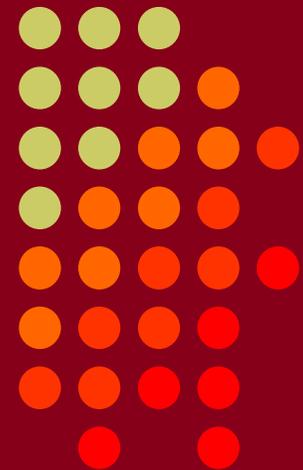
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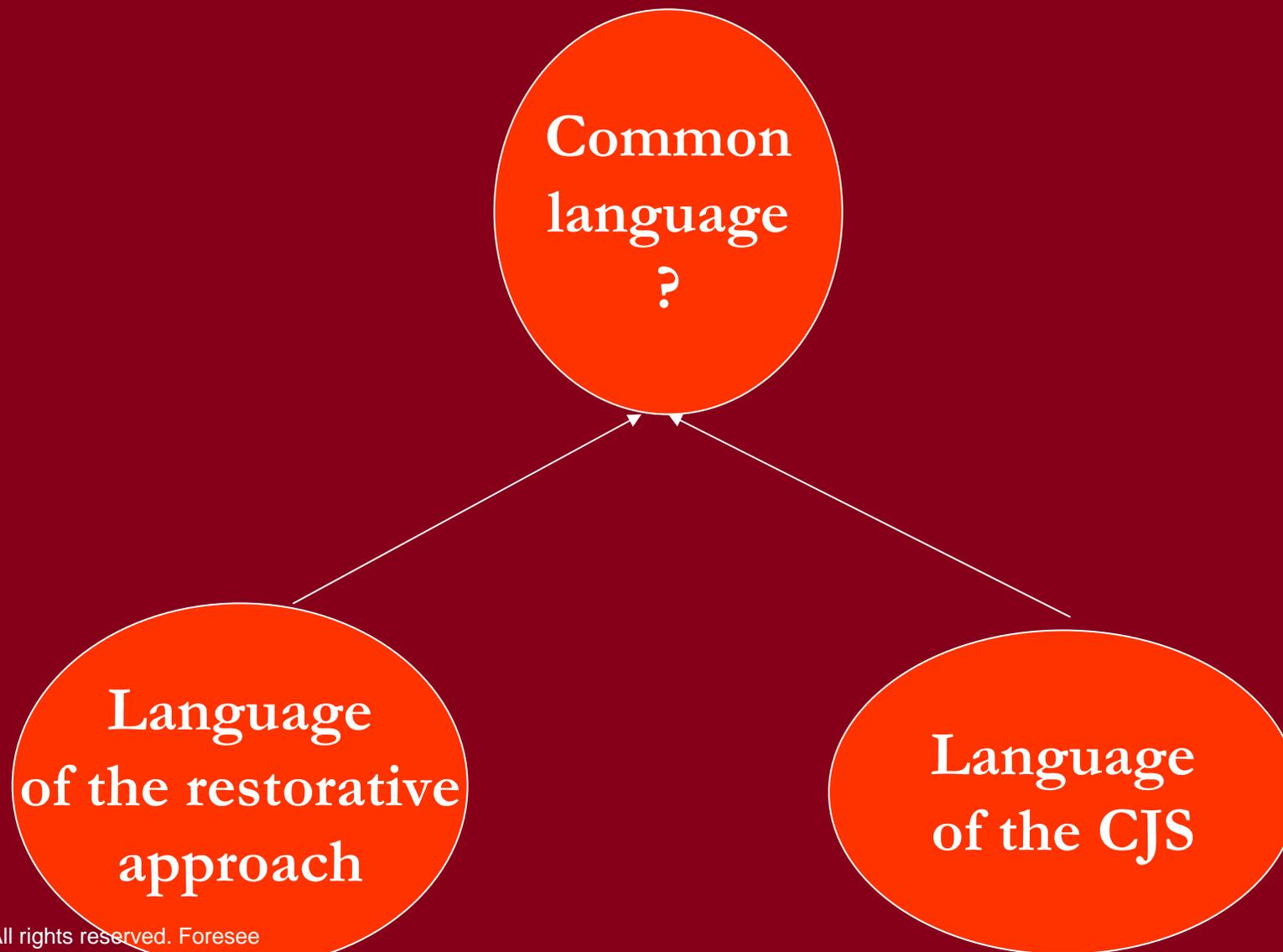
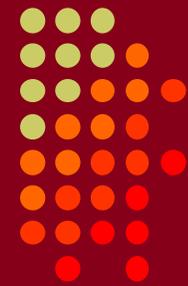




SOME FACTS & FIGURES

- Legislative framework for VOM since 2007
- National VOM service provided by the Probation Service's trained mediators
- Scope: traffic, violent and property crimes up to 5 yrs of imprisonment; adults – juveniles
- Referral agencies: prosecutors (80%) and judges (20%)
- Approx. 3000 cases/year; (1,5% of all criminal cases)
- juvenile cases: 12%
- Agreement rate: 80%; 91% of the agreements are fulfilled;
- Satisfaction: above 90%
- Financial reparation: more than 1 million EUR (2007)

What did prosecutors and judges think of VOM and RJ before its implementation? Research from 2007





(Some) main findings of the research

- Importance of the micro level (attitudes, personalities)
- Officials rather than law-makers
- Punishment is not equal with facing consequences
- The ‘ideal sanctioning system’ is compatible with RJ principles
- Giving power back to the parties can be acceptable
- The importance of clients’ personal feedback to the legal practitioners

Communication on the systemic level → SWOT



STRENGTHS

- Multisectoral operation
- Nation-wide
- Legitimacy
- Adult, juveniles
- Not only diversion
- Basic principles
- “Learning by seeing”

OPPORTUNITIES

- Joint trainings
- Learning by seeing
- Change in attitudes
- Good results
- Inefficiency of the traditional CJS
- Multi-agency cooperation
- International exchange

WEAKNESSES

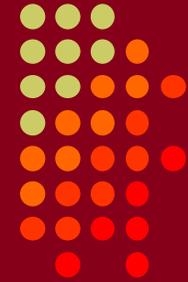
- No preparation
- Diverse interests, attitudes, personalities in the judiciary
- Lack of knowledge and understanding
- Offender and material focus
- Top-down mistrust →
over-regulation, high discretion and
exclusion in referrals, competency-clash

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THREATS

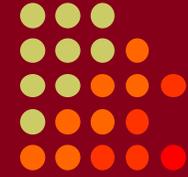
- No preparation before future reforms
- Weaknesses don't change
- Routinized practice
- Lack of info-sharing and awareness raising
- Power-games, jealousy, fear or losing competency
- Penal populism

Communication between the judiciary and the mediators – individual level



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What do we expect from a client in mediation?



- security
 - self-esteem
 - responsibility-taking;
 - honesty
 - articulation of own needs
 - trust
 - taking care of others
 - recognising, listening
 - understanding the other
 - cooperation, partnership
- giving and requesting feedback
 - ability to self-criticism
 - giving another chance
 - communication skills
 - belief in the win-win outcome
 - trust towards an mediator
 - the principles
 - others in making amends

Do we represent these principles in our daily work with each other?

**THANK YOU
FOR YOUR ATTENTION!**



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