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through restorative justice approaches in intercultural settings
within democratic societies**

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Practitioners' manual**

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Restorative Justice Responses to Conflicts in Intercultural Settings
Practice guidelines

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**With the support of and contributions from the partners in the
ALTERNATIVE project**

This manual is presented in a pdf-form, with a classic document lay out, for the approval of the Project Adviser of the European Commission and external reviewer.

To disseminate the manual further, this document will be transformed into an e-book as well. The different lay out will facilitate dissemination and use of the manual by different target groups.

The e-book will also aid in linking up the manual with the ALTERNATIVE films, website and blog to present as a package, even though the manual can perfectly stand on its own.

This manual is one of the publications resulting from the European research project ‘Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies’ (ALTERNATIVE).

Project partners in ALTERNATIVE

- KU Leuven Institute of Criminology (KU Leuven LINC), Belgium- Coordinator
- Norwegian Social Research Institute (NOVA)
- European Forum for Restorative Justice (EFRJ), Belgium
- Institute for the Sociology of Law and Criminology (IRKS), Austria
- Foresee Research Group, Hungary
- Victimology Society of Serbia (VDS)
- Ulster University, United Kingdom



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Executive summary

The European research project ‘Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies’ (ALTERNATIVE) originated from the need to challenge the main securitisation and justice strategies adopted in our current democratic societies. It proposes to use dialogue between individuals and groups in conflict and to stimulate the active participation of citizens and communities to reduce the fear for the ‘other’ and to increase the experiences of justice and security in our societies. The ALTERNATIVE project merges theory and action research in four different sites and conflict situations (Austria, Hungary, Serbia and Northern Ireland) in order to test how restorative justice processes contribute to conflict handling in intercultural settings.

This manual is one of the many publications delivered during the course of the ALTERNATIVE project. It aims at providing concrete examples and practical guidelines for using restorative justice approaches for conflicts in intercultural settings. It addresses a wide audience of professionals, from restorative justice practitioners and community workers to researchers and policymakers, and institutions, from intercultural organisations to municipalities and small and medium enterprises working in the field of security. Addressing a wide audience of professionals is needed since many actors are involved in the initiation, implementation, evaluation and sustainability of alternative measures, such as restorative justice, for handling conflicts in intercultural contexts.

This manual is divided into five sections. First, it introduces the four sites studied during the ALTERNATIVE project, as well as the restorative interventions implemented in each of them. It also defines the main concepts and key principles of restorative justice. The second section presents the project’s idea to use restorative justice for dealing with conflicts in intercultural settings: it identifies some basic skills for being ‘culturally competent’ and, in general, for delivering restorative justice practices, but it also pinpoints advantages and challenges of using restorative justice in this field. In the third section, nine ‘key practice questions’ consider the different steps to be taken for implementing and maintaining restorative justice approaches in local communities. These ‘questions’ are answered by general guidelines and concrete examples from the different sites. The fourth section lists a series of lessons learnt during the ALTERNATIVE project. Finally, the manual presents a list of suggestions

for the different stakeholders responsible for the implementation of restorative justice in intercultural settings. Readers can also make use of the ‘resource kit’ at the end of the manual, where a list of books, articles, films and websites is listed for finding further information on the topic.

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1. Introduction to conflicts in intercultural settings: context, cases and key concepts

This manual is one of the results of the European research project ‘Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies’ (ALTERNATIVE). It aims at providing concrete examples and practice guidelines for applying restorative justice approaches for conflicts in intercultural settings. Since many actors are responsible for the initiation, implementation, evaluation and sustainability of these alternative approaches for managing conflicts in our societies, this manual addresses a wide audience of professionals (or volunteers), from restorative justice practitioners¹ and community workers to researchers and policymakers, and a wide audience of institutions, from intercultural organisations to municipalities and small and medium enterprises in the field of security.

How to read this manual

This manual is organised in five sections. The first section introduces the readers to the concrete examples of conflicts in intercultural settings which were studied in the different local fields’ interventions during the ALTERNATIVE project. It also defines key concepts relevant for this manual and key principles and values of restorative justice. The second section presents the ALTERNATIVE proposal of using restorative justice for handling conflicts in intercultural settings; after exploring the different restorative justice formats feasible for these cases, the section identifies the practitioners’ skills for working in the field as well as general advantages and challenges of using restorative justice in intercultural settings. The third section responds to nine ‘key practice questions’ useful for practitioners interested in handling conflicts by using restorative justice approaches in intercultural settings. The fourth section lists a series of lessons learned during the ALTERNATIVE project. The fifth section concludes this manual with a list of suggestions for different stakeholders responsible for the initiation, implementation, evaluation and sustainability of restorative justice approaches in intercultural settings.

¹ In this manual, the term ‘restorative justice practitioner’ refers to people (professionals or lay persons) who act as mediators or facilitators in the resolution of a conflict, be it a crime or a civil dispute. In this manual, ‘restorative justice practitioners’ deal with every case or situation of conflict, even outside the criminal justice system.

1.1 The context of this manual

The ALTERNATIVE project aimed at exploring different ways of dealing with conflicts in intercultural settings, through the application of restorative justice approaches in order to encourage new solutions for increasing security and justice in our societies.

The ALTERNATIVE project departed from the fact that security and justice are main pillars in our democracies, but it challenged the mainstream securitisation strategies and justice processes, currently built on fear and adversity. Instead, it proposes restorative justice approaches to encourage dialogue among individuals and communities in order to reduce fear of the ‘other’ and to increase the experiences of security and justice among people.

The ALTERNATIVE project brought together seven partners who carried out both theoretical and action research in six different European countries.² The action research included several practices where researchers and community members collaborated to identify local conflicts, to understand them and to find ways to transform them. Researchers were not only mere observers in the field; instead, they stimulated the generation of local knowledge about the issues, influenced possible changes and empowered local community members. The action research was necessary to increase mutual understanding and build trust, which were both indispensable phases to prepare the actual restorative interventions in the field. The ALTERNATIVE action research involved local people and communities affected by different types of tensions in intercultural settings:

- Austria: Relationships between different ethnic groups in a large housing estate in Vienna;
- Hungary: Relationships between Roma people and others in a rural village;
- Serbia: Relationships between members of different ethnic groups in the context of a post-conflict society;
- Northern Ireland: Relationships between Protestant/Unionist/Loyalist people and Catholic/Nationalist/Republican people, hate crime against recent immigrants, violence related to drug dealing.

² The seven partners in the ALTERNATIVE project are: KU Leuven Institute of Criminology (KU LINC, Belgium), Norwegian Social Research Institute (NOVA, Norway), European Forum for Restorative Justice (EFRJ, Belgium), Institute for the Sociology of Law and Criminology (IRKS, Austria), Foresee Research Group (Foresee, Hungary), Victimology Society of Serbia (VDS, Serbia) and the University of Ulster (Ulster University, Northern Ireland, United Kingdom).

While the research sites unfold different conflict situations, researchers in the ALTERNATIVE project identified important commonalities between these four sites. In all the sites, people are dealing in their everyday lives with minor issues and conflicts, which often are more annoying than serious or violent. They are struggling with the same need of finding a way to live together, to feel safe and comfortable to speak about conflicts and harms, not only to address past harms but also to prevent future conflicts.

These findings are particularly important to counteract the current security and justice responses adopted in today's Europe. While stigmatisation, alienation, isolation, detention and over-control are promoted to 'protect' citizens from the potential danger of the 'other', ALTERNATIVE proposes to nourish values of trust, comprehension, dialogue, solidarity and hospitality in order to strengthen human relations and diminish fears of insecurity and injustice. Substantial differences exist within an intercultural Europe where citizens have many diverse and intersecting identities (e.g. social class, ethnicity, religion, nationality): ALTERNATIVE suggests sharing personal stories to create mutual understanding of the common reality of conflict and enabling people to see diversity as an opportunity, rather than a threat.

1.2 Conflicts in intercultural settings: the action research sites

As mentioned above, the ALTERNATIVE project focused on four specific sites which represent various contexts in which conflict occurs in Europe, i.e. social housing estates and local neighbourhoods in which different ethnic, religious and national groups interact.

The characteristics of these specific social conflicts include:

- They have harmful effects on both individuals and community life;
- They tend to involve groups of people rather than individuals, although the harm caused by the conflict is experienced by individuals;
- They tend to occur in local areas or neighbourhoods or regions;
- They may be symptomatic of wider social issues such as inequality, racism, religious sectarianism, the legacy of the violence of a post-conflict society or organised crime.

Austria

In Austria, the ALTERNATIVE project was situated in the social housing estates ('Gemeindebau') in Vienna. The Austrian capital counts a total population of about 1.7 million inhabitants and about 500,000 of them live in these flats, which are built, owned and subsidised by the city of Vienna. Originally, residents were Austrian citizens from the working and middle classes, but since the 1970s the Gemeindebau has been accessible also to non-Austrians under specific preconditions. Among the admission requirements, applications are considered for those who have been residents in Vienna for at least two years, possessing an Austrian or EU citizenship (including Switzerland) or being recognised as refugees. Consequently, the Gemeindebau has become a place of considerable demographic change and fluctuation, with a large ethnic, social and religious diversity. Changes have also been reflected in the increasingly negative image of the Gemeindebau, mainly portrayed by the media and politicians, affecting in turn the self-image and self-confidence of the residents.

ALTERNATIVE interventions in two neighbourhoods in Vienna

The ALTERNATIVE research in Vienna has been conducted by IRKS (Institute for the Sociology of Law and Criminology), which established working relationships with two partner organisations engaged in community and conflict work in the social housing estates in two different districts of Vienna: the community centre 'Bassena am Schöpfwerk' in Meidling and 'wohnpartner' in Floridsdorf. Both partner organisations promote and support the social action of residents, but with a different emphasis on the potential of civil society activities. The IRKS ALTERNATIVE team built upon these existing activities by working towards the possible use of restorative circles for dealing with community conflicts. In particular, it aimed at including all persons affected by a conflict by paying attention to the different residents' needs and concerns. Different strategies were used in the two sites.

The community centre 'Bassena am Schöpfwerk'

Eight workshops were organised in the community centre 'Bassena am Schöpfwerk' on capacity building, conflict management and active participation. During the workshops, participants were introduced to exercises to acquire non-violent communication techniques and active listening skills. The conflicts tackled in the course of the workshops were derived from the social surrounding participants lived

in, the neighbourhood of social housing estates and all of them had an ‘intercultural’ aspect. Furthermore, during the workshops restorative circles were conducted with the intention to make participants acquainted with the potential of this approach and to promote their interest in instigating and participating in a circle themselves.

The Frauencafé in Floridsdorf

Two preparatory workshops were organised at a local gathering initiative, called Frauencafé (Women’s café) in the Floridsdorf district of Vienna. This initiative was requested by the local organisation wohnpartner which has been actively involved in the everyday conflicts between the ‘old Austrians’ and residents with migration background living in the neighbourhood. Wohnpartner started a series of interventions (individual talks, round tables, courtyard-palavers, a large group mediation) in order to create space for Austrian and (mostly) Turkish women to meet regularly for chatting, planning joint activities, listening to and discussing relevant contributions of experts. As a result of these initiatives, the Frauencafé was created. The IRKS ALTERNATIVE team organised two workshops for the women at the café with the aim of exploring their willingness to address conflicts and improving their capacity to handle conflicts.³ When a quarrel between two women took place, mediation was offered.⁴ After these two workshops, trainers, researchers and the community worker of wohnpartner worked towards the development of a specific type of restorative circles suiting the situation of the women in the café.⁵

Hungary

Until the transition of 1989, Hungary was one of the socialist countries that belonged to the so-called Eastern-Bloc. The transition from a state-socialist economic system to a market-driven economy and the process of becoming a democratic state brought huge changes in people’s lives. In opposition to the dictatorship of the communist party, democratic rights and institutions increased freedom and participation in political life, but also led to more unemployment, social inequalities and inflation. These changes have been reflected also in small towns and villages across Hungary. ALTERNATIVE focused on a community of about 2,800 inhabitants divided among

³ For more information about these workshops, see several ‘Examples from Austria’ in section 3.

⁴ For more information about this mediation, see the Key Practice Question 6 in section 3.

⁵ For more information about this restorative circle, see the Key Practice Question 6 in section 3.

several cultural lines, such as inland migration (native villagers vs. the newcomers), ethnicity (Roma vs. non-Roma), religion (catholic vs. non-catholic), ideology (left vs. right) and wealth (rich vs. poor). Community-members work either in the local government institutions (school, kindergarten, offices) or travel to the near capital city, Budapest. Still, Roma people are often excluded from the mainstream labour markets and suffer severe disadvantages in several areas (i.e. education, health, housing). This town is characterised by a strong civil activity, with NGOs and other bottom-up initiatives. Nevertheless, despite the vibrant civil initiatives, the town lacks any structure or mechanism for conflict-handling.

ALTERNATIVE interventions in a small community in Hungary

In Hungary, the ALTERNATIVE research was run by the Foresee Research Group. The research team mapped a series of local conflicts in the village, which were worth further investigation.⁶ Six conflicts were selected based on the possible applicability of restorative models to them, but also based on the mere accessibility to the case and the people involved. Researchers could then identify the history and context of each conflict by conducting interviews with the parties involved and with community members as well as with professional facilitators. Different restorative strategies were used to encourage dialogue between parties in conflict, such as mediation and restorative circles.

In addition to these traditional restorative justice interventions, the Foresee ALTERNATIVE team offered learning activities and consultation on restorative practices in the village, organised several trainings for children in schools (between 10 and 14 years old) and follow-up meetings with their teachers, initiated thematic forums on social media (i.e. open and closed Facebook groups) for exchange of information and consultancy, and created a local working group of support in the town.⁷

Interestingly, another ‘alternative’ strategy functioned for the same purpose as more traditional restorative justice interventions: filming.⁸ While this was meant to be a tool for the action research, filming became a way for making people speak with each other

⁶ Among others, the ‘Charity provision’ case will be presented below (see the Key Practice Question 6 in section 3).

⁷ For more information about the local working group, see the ‘Examples from Hungary’ in section 3.

⁸ All films produced during the ALTERNATIVE project can be viewed on the online platform <http://alternativefilms.euforumrj.org/>.

about their perceptions and feelings about the life in the village. The filming process gave a voice to people and generated discussions among them.⁹

Northern Ireland

Emerging from about 30 years of violent conflict, Northern Ireland is engaged in a peace process, which has achieved a substantial reduction in violence. However, the underlying conflict between the two main communities continues mainly at relational and cultural levels. The reduction of violence has brought other problems. Peace has encouraged the immigration of many different minority ethnic groups and this has resulted in tensions within local communities and in regular incidents of hate crime. Partly as a means of dealing with the legacy of living with the communal trauma of violence many young people are using drugs, which are now much more freely available. The ALTERNATIVE research team based at Ulster University was engaged in action research into these conflicts and their impact upon local communities' experience of security and justice in three sites: west Belfast, south Belfast and Derry/Londonderry.

ALTERNATIVE interventions in three different areas in Northern Ireland

In Derry/Londonderry the Ulster University ALTERNATIVE team worked in partnership with a drug treatment centre, which wished to develop its work with local communities in addressing drug use and reducing the violent reactions to it by armed groups. The researchers consulted a wide range of community, voluntary and statutory organisations about their views and experiences of drug use. This was followed by the organisation and facilitation of a community conference in a local community. This enabled local people to talk with each other about the problem and to develop ideas on how it should be addressed.

In south Belfast, Ulster University enabled a new community based restorative justice project to establish itself in a working class area. This involved training, support in developing ideas and a strategy, advice on governance and support to meet organisations, which could help them. As a result the project received funding and is developing their provision of restorative responses to local conflicts and to political issues that create conflict and disorder in the community. This work has led to the

⁹ For more information about the filming process, see the Key Practice Question 6 in section 3.

expansion of community restorative justice projects in several other working class communities and to innovative responses to hate crime.

In west Belfast the ALTERNATIVE research has focused upon the relationship between a well-established and effective community restorative justice project and the state. By examining specific restorative practices implemented by the project it has been possible to understand its changing relationship with the state. This represents a movement from outright hostility to active cooperation. The study looks at the benefits and losses in such a close relationship.

Serbia

In Serbia, the ALTERNATIVE project was located in three local communities (Backa Palanka and Bac, Medvedja, Prijepolje) in the border regions of the country. These communities include Serbs, Croats, Bosnians and Albanians, which were ethnic groups in conflict during the 1990s wars in the former Yugoslavia. Even after the formal end of the wars, numerous unresolved problems and conflicts remained both at state and individual level. In particular, members of different ethnic groups in Serbia are still affected by the wars especially in territories bordering the other former Yugoslav republics and provinces where the armed conflicts took place (i.e. Croatia, Bosnia and Herzegovina, and Kosovo). Such conflicts existed or still exist between citizens, and between citizens and the state, and range from insults and threats, through different forms of violence and discrimination, to forced leaving of the place of residence and murders of family members. Conflicts with the state are related to the non-functioning or inadequate functioning of the state and the lack of rule of law, which characterises a post-conflict society. This impacts citizens' perception of security, which goes beyond physical safety (freedom from crime, war or violence), encompassing social, economic, legal and political safety. In Serbia, security of citizens requires dealing with both past and present interethnic and related conflicts as well as with their very complex interconnectedness and finding out alternative, non-violent models of solving existing and preventing future conflicts, which can contribute to the closure of the cycle of violence and to the increase of the overall security of citizens.

ALTERNATIVE interventions in three local communities in Serbia

The ALTERNATIVE action research has been a continuation of what the Victimology Society of Serbia (VDS) has been doing since 2005. These activities include a new, non-

conflict and restorative way of dealing with the past of Serbia (the so-called ‘Third way’¹⁰), as a response to other methods that produced new conflicts around the issue of the past atrocities. During the ALTERNATIVE project, the ‘Third way’ method was tested in the three multi-ethnic communities in the borders of the country. Since Serbia is a predominantly authoritarian society where the punishment of offenders is considered to be the primary need of victims, the VDS ALTERNATIVE team worked hard to make sure that the ‘Third way’ as well as restorative approaches (i.e. dialogues and circles) would be accepted by victimised community members. Three seminars were organised for raising awareness on the potential of restorative approaches in these three intercultural communities. Much effort was made also to create local ‘restorative teams’ for further developing restorative approaches in the local communities and raising awareness of professionals and the public on restorative justice. Additionally, during the seminars one ALTERNATIVE researcher from VDS tested some yoga techniques in combination to restorative principles, finding an interesting and powerful synergy of these two approaches.

1.3 Concepts in action

The interaction between theory and practice reveals that often concepts are understood and defined through particular ‘lenses’, those of assumptions, stereotypes, biases and prejudices. Practitioners may take into consideration the role that these ‘lenses’ play in their daily work and challenge themselves by constantly reflecting on how these concepts are experienced in practice.

During the ALTERNATIVE project, many concepts have been defined and re-defined thanks to the combination of theoretical and action research in the field. This section contains just a selection of the concepts and given meanings relevant for this manual. This section is meant to invite practitioners to reflect on these concepts and ‘check’ how their daily practice responds to each of them. Consequently, the definitions of this section should not be taken for granted, but they leave room for debate, since they are the result of internal discussions between the ALTERNATIVE research teams.

¹⁰ For more information about the ‘Third way’ model, see the ‘Examples from Serbia’ in section 3.

Conflict

Conflict refers to an experience of opposing needs, interests and feelings among (groups of) people. Its definition is broader than crime, the latter being mostly defined in criminal law. Conflicts create an opportunity to communicate and to understand the other party: different and maybe incompatible interests or opinions may encourage even wider social changes among individuals and societies.

Intercultural settings

Intercultural settings include more than the mere 'ethnic' or 'cultural' frames. Other dimensions, which may interact with each other because of people's multiple identities, could be education, gender, age, disability, professional occupation, social class, religion, neighbourhood, (body) language. Additionally, special attention goes to the interaction between how a certain culture is defined by outsiders and how it is actually described by the people experiencing it.

Restorative justice

Restorative justice is foremost a communication process where the parties affected by a conflict that is causing harm have the opportunity to participate, directly or indirectly, in finding a solution to their conflict with the help of a third impartial party, the facilitator. The focus is on the parties' needs and responsibilities, in particular on establishing ways for repairing the harm inflicted by the conflict.¹¹ Some of the important aspects defining a restorative justice process are respect, inclusion, active participation, dialogue, empowerment, restoration, transformation.¹²

¹¹ The UN Handbook on Restorative Justice Programmes (UNODC, 2006, p. 6) provides a helpful definition of restorative justice ('Restorative justice is an approach to problem solving that, in its various forms, involves the victim, the offender, their social networks, justice agencies and the community' and 'Restorative justice refers to a process for resolving crime by focusing on redressing the harm done to the victims, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict') and restorative processes ('A restorative process is 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'). For more information about this handbook, see the reference: UNODC (2006). *Handbook on Restorative Justice Programmes*. New York: United Nations Office on Drugs and Crime (UNODC).

¹² For more information on the restorative justice principles, see section 1.4 on the 'Key principles of restorative justice'.

Security

Security in the first place refers to the sense of safety experienced by people and it is defined directly by the people involved in a conflict. Safety feelings relate to fears and concerns that arise while participating in normal daily activities; such fears and concerns can be based on a real possibility or mere anxiety over being harmed or being in an unsafe situation.¹³ Safety feelings can be protected by using special security precautions: generally the state aims to protect the safety of people through the police and the criminal justice system and through technological surveillance, but also private companies play a role in defending citizens' safety. The ALTERNATIVE project examines how community approaches can also add to safety feelings.

Justice

Justice as an experience refers to people's needs and perceptions of fairness of the processes and outcomes when dealing with harmful and wrongful events. Justice includes the experience of being treated fairly, respectfully and equally in relation to the other parties, of playing an active role in the process, of trusting the approaches and methods used by the persons and institutions leading the process, of being given the opportunity to express oneself and have control over the procedures and outcomes. Justice can also be understood as a formalised state structure of courts and related institutions.

Community

Community is not merely a group of people or a place, but it can also be a feeling of being connected and an 'activity' or practice. Indeed, community has a proactive meaning of people doing things together, instead of simply being in a place together. Given this definition of community, people can be brought together for engaging in activities either if they are related by their commonalities or by their differences.

¹³ This concept of security goes beyond the mere 'military threat' perceived as a main source of security by the state. A differentiation can be made between 'societal security', where societies attempt to protect their collective identity, and 'human security', where people attempt to be liberated from chronic life threats such as hunger and diseases. While the 'societal security' could be strengthened simply by promoting a more fluid and flexible concept of identity, 'human security' is linked to the emancipation of human beings and their certainty for conducting a good life.

Identity

Identity is a multidimensional and not permanent state, mostly related to one's self-image. Individuals carry multiple identities based on their ethnicity, nationality, religion, etc. Identity is socially constructed, thus it reflects how others perceive and treat us: in this context of 'identity construction', people resist or negotiate their identity depending on what is needed in the relationship with the other.

Civil society

This is a set of organisations, independent from the apparatus of the state, which conduct non-profit activities thanks to the engagement of voluntary citizens. Among others, civil society organisations are: families, schools, hospitals, religious congregations, sports clubs, human rights organisations, community associations, student groups and social movements.

1.4 Key principles of restorative justice

As defined in the UN Handbook on Restorative Justice Programmes (2006, p. 6)¹⁴, restorative justice is 'an approach to problem solving' that actively includes all parties affected by a conflict, including social networks and communities, 'in the resolution of [their] matters [...] with the help of a facilitator'. Restorative justice responds to wrongdoing, harm and conflict by engaging everyone affected in dialogue and decision-making with the aim of reaching common understanding and restorative outcomes.

Among its main objectives, restorative justice aims at:

- supporting and empowering victims by giving them a voice and encouraging the expression of their needs;
- encouraging the responsibility of the offender and possibly even reducing the chances of recidivism;
- involving and strengthening local communities.

Key principles of restorative justice are: respect, inclusion, active participation, dialogue, empowerment, restoration and transformation.¹⁵

¹⁴ UNODC (2006). *Handbook on Restorative Justice Programmes*. New York: United Nations Office on Drugs and Crime (UNODC).

¹⁵ Restorative justice principles and values have been linked to democratic values by several scholars, who finally proposed that utilising restorative justice for handling conflicts have positive effects on societies as a whole.

Respect

Respect refers to the dignity and worth of human beings. During the restorative justice process, the principle of respect is granted to all parties participating in an equal way by creating a safe environment where they can express their feelings and needs.

Inclusion

Inclusion refers to the engagement of the parties involved in a conflict to meet and be included in their own justice-seeking process. Voluntariness is a crucial element to make sure that parties engage and actively participate in the dialogue. Inclusion requires more than simply asking for consent to a process; it demands a proactive response to ensure that any physical, personal, social and cultural obstacles to participation are managed so as to enable active participation.

Active participation

Participation refers to one's control over a process and its outcomes. Participation is linked to the ability of being engaged and taking responsibility for one's actions. Participation also reflects being able to actively contribute in a decision-making process by influencing the dialogue and possible agreement between the parties.

Dialogue

Dialogue refers to an inclusive and open-ended process bringing together the parties involved in the conflict to communicate and relate to each other. Dialogues can take place in a direct (i.e. face-to-face meetings) or indirect form (i.e. using technology or intermediate people to communicate). Dialogue is helpful to reach the understanding between the parties, as far as it is equally balanced between the parties.

Empowerment

Empowerment is linked to the active participation and engagement of the parties affected by a conflict in finding a resolution to their matters. It refers to the capability to make decisions and influence the outcomes of the process.

Restoration

Restoration refers to the process of restoring what has been lost, damaged or violated by a harmful conflict. It is either defined as material reparation of the damage or as a broader way to restore damages and relationships, including communication. This refers to the parties' intention to integrate the conflict in their own life story and the community's intention to reconfirm or renew its values.

Transformation

Transformation in restorative justice goes beyond managing the conflict and restoring the harm. Restorative justice aims at transforming the way the conflict is perceived and treated in societies as well as transforming the relationships between the groups in conflict so that their perceptions of each other change and so that they can live together in a peaceful way.

2. Handling conflicts in intercultural settings

Many intergroup conflicts, especially those relating to inequality and discrimination on the basis of ethnicity or religion, require a political response to ensure that human rights are both in place and enforced. Serious harm such as hate crime or organised criminal activity demand an effective response from the police and the judicial system. Still, much conflict is at a low level in relation to serious harm. The accumulation of petty incidents of discord accompanied by disrespect can have a corrosive effect on relationships within local neighbourhoods. If these are not addressed or ‘nipped in the bud’, they can lead to the polarisation of communities, the scapegoating of minorities, and the alienation of people who can then be vulnerable to extremist politics and acts of violence.

Anyone working with people with different backgrounds should take into consideration the challenges of dealing with intercultural conflicts and be more ‘cultural competent’. This also includes restorative justice practitioners and criminal justice authorities who often lack the ability to deal with complex cases involving immigrants and people with immigration background. Sometimes conflicts can be triggered also by the presence of social differences related to gender, age, disability. Indeed, people’s social and cultural background functions as the lens through which the parties perceive a conflict. It has a strong influence on the way people react, manage, perpetuate, worsen, resolve and/or transform a conflict. It also affects the way how the people involved in the conflict communicate about it. It is important for practitioners to keep this in mind in order not to ‘lose sight’ of all underlying problems and tensions perpetuating a conflict.

2.1 Restorative justice responses to cases in intercultural settings

Restorative justice aims at tackling conflicts and transforming relationships; thus a restorative response cannot only resolve and defuse conflict, but it can also strengthen inter-communal relations. Such responses prevent conflict escalating to the level that requires a political or criminal justice response. Restorative responses facilitated by trained people and implemented appropriately improve community relations and save public expenditure.

Rather than waiting until a serious crime or political disorder has occurred, trained facilitators engage with all the parties affected by the conflict. They agree with each of them how they would like to resolve the situation and prepare them to communicate with each other. This can take various forms:

- A **community conference** in which a large group of people affected by, though not necessarily directly involved in, a conflict is invited to a safe, neutral place. The facilitators ask a series of open questions related to the issue and facilitate the people often in small groups to enter into respectful dialogue to generate solutions.
- Direct **mediation** between two individuals or groups meeting to generate greater understanding of each other's needs and wishes and to enter into an agreement on how to resolve the conflict. This process can also be undertaken indirectly without a meeting and through the facilitators 'shuttling' between the parties.
- Where there are diverse groups directly involved in a conflict, **restorative circles** can be organised. After preparing all parties, the facilitators arrange for them to meet together and exchange views on the conflict and how it can be resolved.

Whatever method is used, an agreement may be reached and arrangements are put in place to monitor each parties' behaviour so that commitments made are kept. However, reaching an agreement may not be the final objective of restorative justice processes; sometimes, the communication process can be considered sufficiently satisfying and beneficial for all parties involved.

2.2 Culturally appropriate skills of restorative justice practitioners

Practitioners cannot be trained to understand *all* cross-cultural communication, but they can be aware of the influences culture has on communication and on the resolution of a conflict. It is required to have a good degree of 'cultural competence', meaning a certain amount of sensitivity and expertise about other cultures and societal responses to those cultures as well as a certain amount of awareness about stereotypes and prejudices that may influence communication and conflict resolution practices. Such 'cultural competence' may be more related to the personal abilities and life-experiences of practitioners than to standard education and training in the topic and it

can definitely be developed by practicing (the so-called 'learning by doing' model for acquiring knowledge and experience).

What are the skills determining a practitioner's 'cultural competence'?

The culturally skilled practitioner is expected to have a long list of skills, which are mostly learned by experience and practice in working in intercultural settings. This practitioner is:

- Able to empathise with, accept and appreciate the parties' specific cultural background and heritage
- Comfortable with the fact that differences exist and that people are formed by different religions, ethnic affiliations, social norms and cultural habits
- Open to consider each party as an unique individual, who may behave and make decisions which go against the culture of his/her group
- Able to accept the different opinions of the parties in conflict
- Sensitive about the parties' societal surroundings, in particular the advantages and disadvantages and power asymmetries that different groups and individuals might have experienced in the specific socio-cultural context forming them
- Aware of his/her own cultural background and able to reflect on his/her own role as a facilitator
- Aware of his/her own perceptions (including biases, stereotypes, prejudices), beliefs, feelings, norms and values
- Creative in adapting forms of interventions and communication practices that are appropriate to create a safe space and address the parties' needs
- Aware of the influence that culture has on communication and conflict resolution, for example culture may intensify, resolve and/or transform the conflict and it may influence the way facilitators interpret verbal and non-verbal messages and communicate with both parties

What are the skills of a restorative justice facilitator dealing with conflicts in intercultural settings?

Being 'culturally competent' is a requirement for dealing with conflicts in intercultural settings. In addition to this, restorative justice facilitators need several other skills to deal with conflicts. The general requirements for restorative justice facilitators are:

- Ability for active listening and ability to motivate the parties for using constructive forms of communication
- Ability to understand and interpret non-verbal forms of communication, such as body-language, mimics and gestures
- Ability to communicate in a clear and simple language, avoiding legal or difficult and too academic terms
- Ability to be transparent and clear on the purpose of the restorative process and what will be expected by each person
- Experience in motivating each party to articulate opinions and express needs clearly
- Ability to understand and summarise the main points of the conflict in a multi-partial (being empathic for different needs and views) and non-judgemental way
- Ability to identify the underlying root causes of the conflict that might be hidden behind their feelings of disagreement and to create a space where these can be openly discussed
- Ability to create a space for stakeholders to develop empathy for the view and needs of the others by putting him/herself in the others' shoes
- Creativity in encouraging the parties to move from focusing on the past to planning for the future
- Experience in identifying points of agreement between the conflicting parties, as well as their points of disagreement and creativity in imagining and proposing potential new points of agreement between the conflicting parties
- Ability to clarify concrete tasks and responsibilities for each party to move on in the process and come closer to possible forms of transformation
- Ability to think and act in long-term cycles, being patient and thinking positive even when only little steps are taken to fulfil the responsibilities taken, and offering assistance after the restorative process is concluded (if needed)

2.3 Advantages and challenges of restorative justice responses in intercultural cases

Restorative justice approaches have been proven to be successful in dealing with different types of conflicts, including conflicts in intercultural settings. Still, several challenges, or even limitations, can be identified in these approaches. By being aware of such obstacles, practitioners may be better prepared and find creative ways to deal with these obstacles in order to avoid an escalation of frustrations regarding the conflict and its resolution during the process.

What are the advantages of using restorative justice approaches in conflicts in intercultural settings?

- Clarity of the restorative justice model: procedures and terminology are easier to understand compared to the criminal justice system. This is particularly advantageous to parties not familiar with local legal jargon and procedures.
- Inclusivity in the restorative justice model: inclusion is a crucial aspect of restorative justice and it comprises active participation and contribution in decision-making processes, which is particularly important to empower and educate people about solving their conflicts. Additionally, restorative justice recognises the role of other parties (i.e. community members) indirectly affected by the conflict.
- The facilitation of the complexity of narratives in the restorative justice model: the direct participation of the parties in a restorative process of dialogue allows for all perspectives to be expressed and for the full complexity of a conflict to emerge and be explored.
- Efficacy of the restorative justice model: restorative justice practitioners are trained in handling conflicts and supporting the parties affected by them; these skills are needed also when the intercultural aspects of the conflict are to be considered.
- Suitability of the restorative justice model: restorative justice has been applied for restoring different types of harms and it appeared to be suitable even in more serious conflicts and offences.
- Focus on everyone's viewpoints: when dealing with conflicts in intercultural settings, the distinction between who is 'the offender' and who is 'the victim' is

often inexistent. Restorative justice includes everyone's perspectives in the resolution of a conflict.

- Empowerment and socialisation of all parties affected: when the parties involved in a conflict actively participate in the resolution of their conflict, they feel empowered by the exercise of their own expertise and they learn to perceive the 'other' as a necessary partner in conflict transformation.
- Dissolving barriers of difference: a meeting in a safe space has a greater chance of breaking down the barriers of difference and revealing the humanity and dignity of those involved. Those separated by painful acts, misunderstandings and broken agreements can move toward each other until mutual comprehension is reached.
- Enhancement of democratic societies: since restorative justice adopts democratic values (e.g. equality, inclusion, respect, accountability), it is argued that utilising restorative approaches between individuals and communities has positive side effects on societies as a whole.
- Costs reduction of the restorative justice model: through a small investment in community organisations who can offer to facilitate restorative processes, governments can save the substantial costs of adopting a security response to conflict through policing and criminal justice.

What are the challenges of using restorative justice approaches in conflicts in intercultural settings?

The principal preoccupation that arises among professionals is normally the problem of linguistic comprehension, but in fact the cultural backgrounds of those involved have a much more significant and general impact than the linguistic one alone. Practitioners should be aware of the fact that the intercultural aspect of their cases can be an obstacle for the successful implementation and results of the restorative justice approach used. These factors should be considered as mere challenges for these cases, and not real obstacles which cannot be overcome.

Language

The poor (or lack of) knowledge in the local language leads to serious challenges for communication between the conflicting parties. While translation can be seen as a solution to language barriers, other difficulties upsurge:

- Official translations are too costly for organisations
- Official translators for smaller communities are difficult to be found
- Unofficial translations (i.e. family members or friends) undermine the principle of neutrality of the process
- In general, the facilitators' work becomes slow and difficult

Language difficulties may arise also between people with different socio-cultural backgrounds, adopting a different vocabulary and having different communication skills even when speaking the same language.

Cultural specificity

In handling 'intercultural' cases, communication may become extremely complex mainly because of the parties' different language and communication styles, but also because of socio-historically embedded 'knowledge' of the other culture. The facilitator's unfamiliarity and inexperience about the socio-cultural background of the parties in conflict may lead the parties to feel frustration and lack of trust (in the facilitator and/or in the process). Also the facilitator him/herself could suffer from such situations and feel unable to properly take into account all elements necessary to handle the case to establish a relationship based on trust.

Facilitators should keep in mind that while the conflicting parties can be physically present, their emotions and attention can still be closely tied to the reality personally experienced in their countries of origin (e.g. in case of first generation immigrants) or indirectly experienced through the history of their families or social group of reference (e.g. in case of second/third generation immigrants). In other cases, tensions may exist with members of the same or different ethnic groups living together in a given country. Ignoring these possibilities may lead to further misunderstanding and tensions. Often substantive expertise is needed (like the ability to recognise that a person suffers from trauma, specific knowledge of given cultural and religious traditions, and the ability to analyse power structures and domination processes). Some examples are:

- Different perceptions of conflicts: some cultures perceive conflicts as normal among human interactions and they prefer direct confrontation to solve conflicts; other cultures perceive conflicts as a deviance and they prefer avoidance.
- Different perceptions of time: some cultures perceive time as quantifiable and limited and thus it must be respected and used efficiently; other cultures

perceive time as limitless and flexible to people's needs and thus it can be easily adapted and comprise several actions at the same time.

- Different perceptions of dialogue: in some cultures conversations may take place contemporarily, with parties interrupting each other and not adhering to a pre-defined agenda, and it can be perceived as an indication of enthusiasm and interest in the dialogue; in other cultures this would be unacceptable.
- Different perceptions of gender: in some cultures men and women are assumed to live in 'opposite worlds', experiencing the reality of conflict and its resolution in different ways; in other cultures these gender differences may have been strengthened by historic discriminations and injustices.

Specific problems

In some cases, parties may present particular 'cultural obstacles', which can complicate the restorative encounter. In these cases, instead of refusing to initiate the process, facilitators are recommended to properly debrief the parties in conflict and focus on their willingness to repair the harm. Some examples of 'cultural obstacles' are:

- Feelings of shame may discourage the parties to participate in a restorative encounter. This refers to shame for the conflict and shame for speaking about it with strangers. Facilitators may be aware of such cultural differences and mediate the case accordingly, being deeply respectful of all parties.
- Dominant vs. non-dominant cultures may create imbalances in power relationships between the parties. In these cases, facilitators must make sure that there is no 'loss of face' during and after the restorative encounter.
- Silence and conflict-avoiding behaviours may be used in some cultures for managing conflicts. Since restorative justice stresses the power of dialogue as a way to solve conflicts, it may simply be non-applicable in conflicts where a 'culture of silence' occurs.¹⁶

Lack of training

There is no standard training in 'cultural competence' for mediators in Europe. There is no module on cultural training, but only general referral to 'intercultural' aspects in training programmes. External NGOs specialised in 'intercultural' communication

¹⁶ This was the case in Hungary (for more information, see 'Examples from Hungary' in section 3).

trainings may be contacted to offer the trainings for mediators. In general, the efforts applied by the mediator to adapt to the communication conditions in intercultural contexts are in fact more intuitive than intentional and the general approach is a reliance on ‘learning by doing’.

Neutrality of the restorative justice practitioner

Although it is one of the key principles of restorative justice in Western societies, the neutrality of the facilitator is not the norm across cultures:

- Within a Western context, the facilitator is usually expected to be impartial, with no relationship to any disputant. They are required to be in the background and stand between the parties to enable them to take care of the conflict and find a solution themselves.
- Among other cultural contexts, the facilitator should be an insider, someone who knows the parties or at least the context of their dispute.
- Often the reasons for a conflict in intercultural contexts are unbalanced power relationship, prejudice or discrimination. In these cases, neutrality may be perceived as useless and frustrating for finding a resolution to the conflict.

Consequently, facilitators should be constantly aware and sensitive about the reality of existing cultural differences, focusing on human feelings and acting *‘from the heart rather than from the mind’*. Although this undermines the neutrality principle of restorative justice, this sort of awareness is to be considered an additional value for being ‘cultural competent’ skilled practitioners. It is up to individual facilitators to be culturally sensitive and still lead the process in a neutral way.

In this context, neutrality does not refer to mere impartiality or indifference to the situation or to the parties, but to a sort of ‘multi-partiality’. A facilitator can be neutral even by showing concerns in matters of general societal interests or by showing support and empathy for the parties. While neutrality can be preserved during the attempt to resolve the concrete conflict, practitioners can go beyond and consider the social context of the conflict itself.

Legitimacy of restorative justice practitioners

The legitimacy of restorative justice practitioners may be challenged by institutional and ‘cultural’ elements. For example, if the practitioner belongs to the same culture as the other conflicting party, this may result in lack of confidence towards the

institutional structure. If in some cultures practitioners are expected to make authoritarian decisions, their impartiality may generate loss of credibility if they do not act accordingly. If the conflicting parties come from rather patriarchal cultures, the presence of a young and/or female practitioner may bring them to question the authority and legitimacy of the practitioner.

Stereotypes, prejudices and the cultural background of practitioners

Cultural stereotypes and prejudice can be part of practitioners' attitudes and influence the restorative justice process. There is by now a large amount of research on implicit social cognition, or implicit bias, which refers to the attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner. These biases, which can encompass both favourable and unfavourable assessments on others, are activated involuntarily and without an individual's awareness or intentional control. Everyone possesses implicit biases, even people with avowed commitments to impartiality such as mediators and other social workers.

Often co-mediation is used as a balancing model to counteract misunderstandings and biases when different cultures are involved. Taking assistance of co-mediators who are culturally similar to the parties (in terms of gender, age, ethnicity, professional background) can have a positive reassuring impact during negotiations. This does not mean that practitioners from the same culture will understand their counterpart parties, but the perception of similarity that the parties perceive can be important to establish trust in the process and in the practitioner. Employing mediators of 'different' background is not a mainstream accepted policy of the restorative justice organisations¹⁷, but it could definitely be an option.

Limits of restorative justice interventions

Realistically speaking, although restorative justice can help parties to break down cultural differences and raise awareness on prejudices, it is unlikely to undo biases, change any of the socio-economic, socio-structural and other cultural factors which give rise to individuals' prejudiced behaviours, or prevent the influences of the media, contemporary politics and broader ideologies. Additionally, social inequalities,

¹⁷ The only exception is Norway: given the fact that Norway has a volunteer-based mediation system, explicit efforts were made in the recruitment of the volunteers to include mediators with different background and these efforts were quite successful.

discrimination, exploitation, racism can be present at the heart of conflicts and these are certainly matters that go beyond dialogue. In such cases, restorative justice will need to be accompanied by additional interventions, more social justice-oriented.

Another limit is that most restorative justice interventions focus on the 'deed' and are limited in time (often few hours of restorative dialogue). Once the 'deed' is defined, there is a clear method to follow, clear steps, which lead to an agreement. The focus on the 'deed' can be useful to reveal the context that breeds the broader conflict and thus become the 'doorway' for further social action.

Institutionalisation and centralisation of restorative justice in Europe

The institutionalisation and centralisation of restorative justice in Europe has many advantages, such as a state-bound system, clarity in the administrative procedures, professionalism of the practitioners, and a firm and reactive approach for solving conflicts, but also many disadvantages.

Restorative justice services often do not have the internal capacity to deal with certain specific cases, like intercultural ones, and they could use the support from other organisations which already work in intercultural situations at the local level. In some countries, multi-agency (or interdisciplinary) groups have been established to encourage professionals working in different fields to cooperate for the implementation and sustainability of restorative justice services.

Nevertheless, the fact that restorative justice services only deal with criminal cases may complicate any other collaboration in this matter. This problem is not merely linked to the criminal justice field as such, but more in general on the strong institutional environment influencing professionals from different sectors. This tendency may also lead to reduced cooperation with NGOs and the academic sector, undermining the possibility to work at the preventive stage of intercultural situations where crime did not occur yet.

Implementation failure

The implementation of restorative justice in conflicts in intercultural settings has not been given much attention, neither in research nor in practice. It is unclear though if this lack of engagement of restorative justice professionals is due to a lack of willingness or lack of capability for taking action. Researchers identified two main reasons lay behind this implementation failure: on the one hand, the history of Europe

makes it difficult to speak about race, racism, diversity and even ‘cultural differences’; on the other hand, the restorative justice system is deeply confined to the criminal justice area and the state, allowing for little room for experimentation in other conflict areas.

2.4 Policy implications

Authorities for whom the restorative justice approach may be relevant include government departments responsible for social development, for justice, for public safety, for housing, for human rights and equality, and for immigration. This refers to a top-down approach for supporting restorative justice-related policies.

Policies should specify:

- In what circumstances a restorative response is appropriate
- How to support and facilitate restorative justice
- What types of organisations are recognised as having the competence to facilitate such restorative processes
- What funding is available to support these organisations and how they gain access to these funds
- What training is available to ensure that the facilitators are competent, also in terms of cultural sensitivity
- What standards are set to assure a safe and high quality service
- How the performance of these standards will be monitored and evaluated
- How these processes will be researched and evaluated

Organisations who undertake this work should demonstrate that they are committed to a service that is based upon human rights, equality, the safeguarding of children and vulnerable adults and non-violence. Awareness campaigns and training in restorative justice approaches may be needed to sensitise and qualify professionals working in these organisations.

While it is important to make sure that top-down initiatives are taken to support the implementation of restorative justice approaches, it is also crucial that practitioners working in the field collaborate to share their knowledge and report their experiences to the responsible bodies for the implementation of restorative justice. These bottom-up strategies can take place in different formats, for example:

- Regular local meetings: practitioners could create local partnerships, including researchers and policymakers, for discussing recurrent problems in the field and making sure that these concerns reach the responsible agencies for supporting restorative justice related policies
- Reports: practitioners (better if supported by these local partnerships) could prepare reports sharing their knowledge and experience in the field directly with the responsible agencies
- Involvement programmes: practitioners could create the space for the representatives of these responsible agencies to be involved (when appropriate) in restorative processes to experience themselves benefits and limitations of such approaches. In the UK, for example, ‘observers’ from different fields may be invited to attend a restorative justice meeting with the aim of raising awareness and increasing cooperation between different bodies.

A combination of both top-down and bottom-up interventions should grant the efficacy of proper policy frameworks in this field.

3. Practice guidelines for applying restorative justice approaches in intercultural settings

This chapter includes a series of general practice guidelines for applying restorative justice approaches in intercultural settings. Different actors should collaborate for the actual implementation of these practices in the field: while at a first sight, these practice guidelines seem to address exclusively restorative justice practitioners (i.e. facilitators) and community workers interested in dealing with intercultural cases, it is clear that other actors (i.e. policy-makers and researchers) play a crucial role in making sure that these practices are successfully implemented, evaluated, studied and sustained. It must be noticed that, since the ALTERNATIVE action research involved researchers who acted also as facilitators in the field, some of the key practices and examples are applicable to more actors.

All actors bear different responsibilities at different levels. Restorative justice practitioners and community workers can assist the resolution of specific conflicts and encourage a grassroots movement of local community members building trust in each other for preventing further conflicts. People in power and policy-makers bear the responsibility to make sure that restorative justice approaches become a well-known and well-established way for stimulating security and justice in societies. In this sense, restorative justice approaches should not be promoted as an 'alternative', but as normal and standardised practices for solving conflicts in intercultural settings.

KEY PRACTICE QUESTION 1

How can practitioners prepare to enter the field?

It is crucial that restorative justice practitioners (as well as community workers and action researchers) gain the support of the people engaged in the conflict. In order to build trust and legitimacy they need to be transparent about their roles and purposes. Furthermore they have to properly assess and understand the context and the causes underlying the conflict before starting to consider possible responses for managing the conflict. It is critical that practitioners coming from the outside do not assume that they have a readymade solution to the problem. Every conflict situation will have its own specific history to which the multiple and competing narratives of the parties add complexity. In understanding the local situation, practitioners need first to gather two types of information:

- Factual or quantitative: e.g. general demographic, economic, political and social statistics; the number, frequency and severity of incidents caused by the conflict; the parties to the conflict and their social networks and their geographical relationship to each other; key people in each of the groups who are seen as leaders and influencers.
- Narrative or qualitative: through conversing with the key people in each of the groups, appreciate the narratives that they use to understand the conflict, its causes, its possible solution and how to go about generating a solution. It is important to identify and analyse the political and cultural conditions that shape these narratives.

This stage in the process should result in an understanding of the complexity of the local situation and how it is generating conflict. An analysis of the different narratives may uncover issues over which there may be no compromise, issues over which there is space for agreement and issues that will need to be transformed if an agreement is to be reached. Some issues may not be grounded in any substantial, objective evidence and simply be based upon prejudice. This is why it is useful to have a factual analysis of the situation.

It is also important, in a next step, to talk and carefully listen to people in order to find out whether there are important issues related to the conflict which are not addressed in the narratives. Practitioners should try to understand what makes people choose to be silent about certain issues. Silence may be a coping strategy in a situation that is

perceived as unsafe but it may also be a strategy of resistance. In any case, people's silence and hesitation should be respected and facilitators can encourage people to speak without forcing them to do so. Nevertheless, facilitators should consider the reasons for silence. It may be that the facilitators need to make the process much safer. Alternatively it may be that facilitators need to emphasise that expressions of resistance are welcome and important.

On the basis of this understanding, facilitators will decide at what level or levels the conflict needs to be addressed, namely at the individual or broader societal levels. Should the harm that the specific conflict is causing to people be acknowledged but seen as a symptom of a wider social, cultural or political issue that must be addressed? Or would it be more effective to recognise the wider issues yet focus the process upon the personal nature of the conflict?

In many situations conflict transformation is not possible without core structural issues being addressed. In other situations introducing cultural or political issues distracts from the reality of the conflict for people. Generally, the restorative justice approach would favour working with the people closest to and most affected by the conflict and the response should be as personal and as local as possible.

In addition to gathering useful information, the process of inquiry, which should be appreciative and respectful, will enable the facilitators to gain the trust of key people. The facilitators should discover who can be allies¹⁸, who are gatekeepers to the field of conflict resolution, who will resist and who can influence people.

Example from Austria: Identifying conflicts at an early stage

The successful experience of the Frauencafé¹⁹ declined one year after its initiation, when more traditional religious women accused others not strictly adhering to the prescriptions of the Islam. Consequently, a large number of Turkish women stopped visiting the Frauencafé and started to attend a mosque with a more conservative orientation. The first impression of the Frauencafé is that two cafés exist within the same walls separating the Turkish and Austrian women. Still, some women act for bridging the two sides.

¹⁸ For more information about how to create allies and partnerships, see page see the Key Practice Questions 1, 2 and 3 in section 3.

¹⁹ For more information about the Frauencafé, see section 1.2 on 'Austria'.

As a first step, the IRKS ALTERNATIVE team identified the two conflicts going on at the Frauencafé, one between Turkish and Austrian women, the other one between Turkish women themselves. A successful partnership with the local organisation wohnpartner was established already. Secondly, the team explored which restorative justice approach would be suitable for this conflict and ‘desirable’ for women to participate. They studied the situation, including how many people were affected by this conflict, what the possible language issues were and what experience these women had in talking openly about their problems (also in presence of a facilitator).

After recruiting two trainers experienced in capacity building and conflict management, two workshops were given at the Women café.²⁰ In the course of two workshops, the women discussed in small ‘mixed’ groups (2 to 3 women each) how one feels in the neighbourhood. Whereas only one group stuck more closely to this theme²¹, a variety of concerns, irritations and frustrations came up in the big group. Each group shared its thoughts in the bigger circle at the end of the workshop. The following achievements resulted from these workshops:

- The ‘hidden’ (intra-Muslim) conflict became visible and came to light.
- The ‘forced’ mixing of women with different background in the small groups brought women that did not have so much contact up to that point together within an intense conversational setting. This created safety and a feeling of togetherness.
- The intervention evoked the interest and the willingness amongst the women to take into consideration the big conflict. The offer of restorative circles received sufficient interest to arrange for a special meeting outside the regular breakfast-café.
- A new feeling of closeness has emerged between the women.

Example from Hungary: Preparing to start the action in the field

In fall 2013, the Foresee ALTERNATIVE team started to prepare the action research in the field. The first step included signing a formal contract with the mayor of the village. The agreements of this contract were immediately delegated to a broader

²⁰ For more information about the workshops, see ‘Examples from Austria’ in section 3.

²¹ The theme given was ‘How do you feel in this neighbourhood?’, but some groups spoke about the difficulties to find a job or a school for the children (which are not topics related to the life in the neighbourhood itself), while a group spoke about becoming older in the neighbourhood and how the neighbourhood changed over the years.

group: this ‘local support group’ was composed by a circle of local residents (about eight leaders and key people representing the village life) who agreed to assist the Foresee ALTERNATIVE team on a voluntary basis. The ‘local support group’ met on a monthly basis with the field work leader of the ALTERNATIVE project and other researchers of the Foresee research group. The aim of these meetings was to exchange information about the ALTERNATIVE project and to actually contribute to the project itself by discussing, planning and evaluating the steps to be taken in the project. The ‘local support group’ functioned as a bridge between the Foresee ALTERNATIVE team and the local residents, proposing participants for the interviews, connecting the researchers with the field and sharing the first findings with the community members. After the initial phase of the project, the ‘local support group’ was dissolved, but some of the participants still played a (different) role in the research (e.g. offering more conflicts than those ones identified in the ‘mapping phase’ to be dealt with in a restorative way, or attending the learning groups on restorative practices with other community members).

In the meanwhile, the ‘research group’ set up at Foresee met regularly to discuss the desk research as well as the action research in the field.²² The ‘research group’ also attended several events in the village, but, before actually going there, the group received an informal approval by the ‘local support group’, their interviewees and other key people in the village. After participating in these events, the researchers recorded their experiences in a ‘research diary’. What was particularly important for the researchers was to identify the types of conflicts in the village, the type of prejudices, the institutional systems in the community and the existing social activities in the village in order to understand if and which restorative interventions could be applicable in this conflict area.

²² For more information about the ‘research group’, see ‘Examples from Hungary’ in section 3.

KEY PRACTICE QUESTION 2

How can practitioners build trust and gain support to enter the field?

Surely, practitioners must be well-prepared and really understand the complexity of the conflict situation in order to gain the trust of all parties involved and in order to enter the field.²³ Still, the authority to offer a restorative solution will be given on the basis of practitioners' efforts to gain the support and trust of the local organisations already well-established in the field. It is crucial then to create alliances and partnerships to work together with the practitioners.

Indeed, restorative justice practitioners are experts in facilitating restorative processes but not experts in the life or world of others. Practitioners should try to work through local people and local organisations. They should not choose these organisations simply on the basis of their support for or compatibility with restorative values. The organisations should be those who are closest to the conflict. Restorative justice is founded upon the principle of inclusiveness.

Practitioners should also be aware that communities are not static. They are dynamic and always subject to change. An individual or organisation that is seen as an ally or as a threat at the beginning of the intervention may change their relationship over time.

Example from Hungary: Developing relationships with key people

In Hungary, a 'local support group' and a 'research team' were established to initiate the action research in the field.²⁴ These were needed to be able to map the conflicts in the village and identify possible restorative interventions to solve the conflicts. The 'local support group' was composed by significant people in the village who functioned as bridges between the community members and the ALTERNATIVE research team. They created the group by themselves, since they knew the relevant people to be contacted to be part in the 'local support group'. They also knew others who may have had no time to volunteer in this group, but who still could play a role in advising and supporting the Foresee ALTERNATIVE team. In this way, contacts between community members and researchers were balanced between formal and informal relations.

²³ See 'Key practice question 1' in section 3.

²⁴ For more information about the local support group and research team, see the 'Examples from Hungary' in section 3.

The Foresee ALTERNATIVE team was supported by the local mayor as a prime formal gatekeeper who, based on a formal contract legitimated by the majority vote of the City Council and the Roma Minority Government, allowed the researchers to work in the site. This had an impact on how residents perceived the research team and their attitudes towards the team. Despite the risks of being associated with a political figure, the Foresee ALTERNATIVE team had no choice but entering the field through this mayor's support. This helped to have more understanding about the local context, everyone's role in the community and the consequences and impact of the research itself. Already at this early stage, the researchers found signs of the so-called 'culture of silence' which plays against the fundamental principle of communication present in restorative justice. Such silence was perceived in two different ways: on the one hand, villagers tried to avoid open discussions and debates with each other; on the other hand, villagers tried to avoid open and honest communications with the researchers. Silence appeared to be a strategy to deal with conflicts and to preserve the reliable information among the villagers.

Example from Austria: Cooperating with local organisations

In Vienna, the IRKS ALTERNATIVE team established different cooperation practices with the two partner organisations, the trainers and the residents of the social housing estates. The community centre 'Bassena am Schöpfwerk' was originally approached using some personal relations with key people working in the organisation, then an ALTERNATIVE researcher conducted an interview with one of the practitioners and finally a formal meeting took place between the Bassena and the ALTERNATIVE team. Instead, wohnpartner received an official letter with a request to take part in this project and only then a meeting with high representatives of the centre was organised. In both cases, the two partner organisations were asked about their resources and interests in taking part in this project. Most importantly, they were informed about their minimum tasks expected in the ALTERNATIVE project, namely to give access to the interviews with staff members and residents and to help the organisation of the workshops. In addition to these organisational tasks, Bassena asked to be involved in content-related tasks: the ALTERNATIVE researcher spent then a lot of time observing the dynamics in the social housing (as a sort of 'intern') and the Bassena practitioners contributed to the interpretations of the research findings.

This special relation was possible thanks to the informal structure of Bassena. On the other hand, wohnpartner was structured in a more hierarchical way, where the division of tasks between high representatives and practitioners of the organisation was well-defined. While with Bassena trust was sufficient and an informal agreement was established between the IRKS ALTERNATIVE team and this community centre, with wohnpartner a formal cooperation agreement was made.

Example from Norway: Cooperating with well-established organisations

The Norwegian partner in the ALTERNATIVE project (NOVA)²⁵ shared its own experience to establish cooperation at the local level with the Norwegian Red Cross and its ‘Street Mediation’ programme.²⁶ Street Mediation aims at preventing violence and crime among youth by educating young people in conflict management, non-violent communication and mediation. In addition to the preventive, proactive work through educating youth in conflict management, the Red Cross Street Mediation also offers ‘reactive’ mediation and conferencing in more complex conflicts that youngsters themselves do not manage to deal with without assistance of adults. The proactive and reactive dimensions of restorative justice are efficient when they operate together.

Well-known for its universal principles of humanity, impartiality, neutrality and voluntariness, and its humanitarian work worldwide, the Red Cross is in a good position for getting in touch with vulnerable youth, social groups and conflicting parties. Neutrality, impartiality and voluntariness are also important restorative principles, hence giving the Red Cross an advantage as a restorative arena.

Anyone considering to initiate a new restorative programme can search for well-established organisations in the community who can help promoting and giving credibility to the new initiative. Additionally, such well-established organisations may contribute by investing volunteers in this new initiative. As for the case of Street Mediation, while the workshops themselves are relatively inexpensive to be delivered, instructors need professional guidance and training in order to provide the Street Mediation workshops as well as good quality mediation processes.

²⁵ NOVA did not conduct an action research during the ALTERNATIVE project, but it had a role in the theoretical research. Still, its experience with the ‘Street Mediation’ programme has been included in this manual as an additional practice for crime prevention and community building. There is no specific ‘intercultural aspect’ in the ‘Examples from Norway’ presented, but ‘Street Mediation’ can be definitely be used in this context too.

²⁶ This violence prevention and conflict transformation programme was developed in the 1990s as a reaction to the increased violence and crime among the youth population in Oslo (more information on other ‘Examples from Norway’).

Example from Austria: Involving local community members

In Vienna, the research team organised eight evening workshops on communication skills in the community centre Bassena am Schöpfwerk. The workshops introduced residents and community workers with some basic communication exercises and gave them the room to share a whole range of everyday conflicts with each other.

Most participants in the workshops were residents who already had regular contacts with the community centre to discuss and plan common strategies to improve living together in the neighbourhood. Also the community workers (as well as the ALTERNATIVE researcher) took part in the workshops: this helped residents to trust and better engage in the workshops. In order to motivate the local residents to participate in the workshops, staff members of Bassena initiated a sort of ‘oral propaganda’, constantly reminding residents about the possibility to attend the workshops and calling them on their personal phones to invite them to actually participate.

About five residents regularly attended the workshops: trainers prepared exercises which could fit group sizes from two up to twelve participants and exercises which did not require attending the previous workshops to be completed. During the workshops, participants could consider possible solutions to their conflicts by actively putting into practice the communication tools learned. Indeed, workshops were not only designed for promoting a better understanding of their conflicts, but also to further develop the participants’ active participation to resolve conflicts in their neighbourhoods on their own.

Example from Serbia: Involving key stakeholders

Three two-day seminars entitled ‘From the conflict toward peaceful life in the community’ took place in the three multi-ethnic communities. They brought together citizens, representatives of the civil society organisations and representatives of local state institutions who engaged in a democratic intercultural dialogue and tested the applicability of restorative justice in dealing with conflicts in intercultural settings. The main goal was raising awareness and working towards capacity building, giving people in each local community an instrument for conflict transformation by using restorative justice approaches to deal with existing tensions, problems and divisions.

The decision to use a participatory action research as a form of intervention was based on the empirical findings of the ALTERNATIVE project, suggesting that while the potential for restorative justice in dealing with intercultural conflicts exists, a lack of awareness in these approaches reduces its applicability in practice. Workshops included experiment and experiential learning. Apart from that, during the workshops the following methods and techniques were used: individual and group work (both in small groups and in big group/plenary), questionnaires, drawings, meditation/relaxation and other exercises, presentations and discussions.

KEY PRACTICE QUESTION 3

What gives practitioners the authority to enter the field?

Unless the people engaged in a harmful conflict permit the practitioners to work with them to resolve the conflict, there is little prospect of progress. As mentioned above, practitioners must be well prepared to understand the conflict situation before developing a practice and they must be open to create alliances and partnerships with local organisations.

As in ALTERNATIVE, being involved in a research project may encourage positive responses from local communities involved in a conflict. There may be a general 'happiness' for having a university interested in their community and its existing conflicts. There may also be a sort of understanding and acceptance of the fact that researchers must ask questions and that they may have no answers or solutions to everything. However, in some cases, informing community members about the research purposes may create resistance and silence.

The examples below refer to the experiences acquired during the ALTERNATIVE action research, where researchers acted as practitioners in the field or contributed in different ways to daily practice. Still, these experiences can be useful also for other professionals or lay persons dealing with conflicts in intercultural settings.

Example from Northern Ireland: The University team in Derry/Londonderry

The problem of drug dealing and drug use in Derry/Londonderry had become a public issue due to an armed group inflicting punishments on users and dealers which included evicting them from their homes and banishing them from the community, severe beatings and wounding by gunshot and in the most serious cases killing people. The first step was to enter into a partnership with a drug treatment centre that had approached the Ulster University ALTERNATIVE research team with the problem. This partnership was easily established thanks to the existing trust between the key people in the centre and the researchers from the University. The three researchers involved have been always welcomed, except by the armed groups and those associated with them.

The centre acknowledged that current services were leaving a gap which violence was filling. It wished to see if local communities could be mobilised to seek a non-violent

and more effective solution to this problem. Even with an existing relationship of trust, long discussions were needed to achieve a common understanding and mission. Together the centre and the researchers identified the key people and agencies involved in the problem and met with each of them in turn. A much clearer understanding of the problem emerged from this consultation and a plan to mobilise the community began to take form.

Examples from Serbia and Austria: How researchers introduced themselves in the field

In Serbia, the VDS ALTERNATIVE team entered the field by presenting themselves as researchers but also as NGO activists. As researchers, they immediately gained the trust of local people because of their belonging to the Victimology Society of Serbia, well-known for its expertise in the field of victimisation, reconciliation and restorative justice. As NGO activists, they directly established contacts with the NGOs present in the three local communities which helped them to organise and implement the action research. One of the researchers adopted meditation and breathing techniques during the workshops in order to relax people whenever the topics discussed were too difficult to handle. In this case, she introduced herself as a yoga teacher and practitioner.

In Austria, one of the researchers entered the field as a sort of ‘intern’ working in one of the community centres of the neighbourhood. This helped her to gain the trust of the local residents more easily, since the community centre was already well-known in the area for its activities. Still, she did not hide her real role and interests as a researcher: transparency was useful to make sure that residents did not get suspicious about her questions and interests and to make them more understanding if she had no solutions to all problems.

Example from Hungary: Creating a research team

In Hungary, the ‘research team model’ has been used to follow all stages of the restorative process in a certain conflict. This research team was introduced in the village during several occasions, for example during the initial celebration when the mayor signed the formal contract with the Foresee ALTERNATIVE team and the local support group was established.²⁷ The research team included:

²⁷ For more information about the ‘local support group’, see the ‘Examples from Hungary’ in section 3.

- The main researcher: s/he was the responsible of the whole research process and s/he is an outside observer of the restorative process
- The dialoguer: s/he was responsible for carrying out the whole conflict resolution process
- The local researcher: s/he was responsible for observing and interacting with others by using his/her local knowledge

The main researcher:

- Conducted participatory observations in different phases of the restorative process
- Conducted interviews with the participants
- Participated to the meetings with the research team
- Collected the information in fieldwork diaries and 'thick descriptions'

The local researcher:

- Belonged to the local community and cooperated with the main researcher and the dialoguer
- Was required to be reflexive, aware of social issues, able to observe and analyse situations
- Was required not to be involved as a party in local conflicts nor as a participant in a restorative justice process, but s/he was well-informed and had an opinion on the situation
- Was required to attend the research meetings and the workshops

KEY PRACTICE QUESTION 4

How can parties be prepared for participating in restorative justice responses to the conflict?

In restorative justice processes, the active participation of the parties affected by the conflict may result in a mutual understanding and an agreement on what action needs to be taken. For many people this is an unfamiliar process: they may assume that the agencies of the state should take responsibility for managing the conflict and protecting them from harm. People involved in local conflicts will need to develop confidence in both the efficacy of a restorative justice approach and in their ability to participate actively in such a process.

It may be necessary to raise awareness of restorative justice and its potential to address issues of relevance to residents. This can be done through presentations to local groups in the community, which could include, for example, women's groups, faith groups and residents' associations. Alternatively, a larger conference could be held in a local community centre inviting experts in the field and including people from similar communities that have used restorative processes to address local issues.

Example from Northern Ireland: Raising awareness via presentations and conferences on restorative justice

Over the past 20 years, several very effective community based restorative justice projects have been established to address local conflict and harmful behaviour. Each began with a process of community education. This involved speaking convincingly to as many local groups as they could to demonstrate that violence and punishment were not sustainable solutions to the problems local people faced. They were met with resistance but they persevered and have now gained real credibility. The ALTERNATIVE team in Ulster University designed a two hour presentation for a newly established restorative justice project in Belfast. This is used to support the community activists when they address local groups and public meetings. Ulster University also prepared an educational programme, Restoring Respect, for the same project designed to raise awareness of restorative justice among young people especially those involved in anti-social behaviour and street disorder.

In another area of Belfast a community group organised a conference in a local community centre and invited all residents. Local community leaders spoke in support

of a restorative approach. The ALTERNATIVE project was presented as well as contributions from the local police and from a community based restorative justice project from another area. Local people also enacted a community restorative conference scenario. It also helps to offer general training to enable as many people as possible to develop the values and skills to relate to each other restoratively in a diverse society. This normalises the approach so that when there is a conflict people can respond quickly without the need for experts.

Example from Norway: Raising awareness and building competence via training in Street Mediation

The Street Mediation programme in the Norwegian Red Cross brings together youngsters belonging to different communities between the age of 13 and 25 years. The participants are recruited in different ways: outreach work where adult volunteers and employees from the Red Cross literary recruit youth from the streets; through other established Red Cross arenas for youth work; and through a wide network of cooperative partners such as schools, youth centres, child welfare services, preventive police workers, mediation services, sports clubs, religious organisations, asylum seeker centres.

The Street Mediation programme is divided into three different learning levels:

- Level 1: The Conflict workshop. Participants learn how to deal with their own conflictual experiences by developing skills in active listening, non-violent communication and conflict management.
- Level 2: The Mediation workshop. Participants learn how to help other youth in conflict by developing creative skills for stimulating dialogue and encouraging conflict resolution. At the end of this workshop, they are certified as Street Mediators.
- Level 3: The Instructor workshop for youth. Highly motivated Street Mediators learn how to facilitate the level 1 and 2 workshops together with adult instructors.

Each workshop lasts about 15 hours and it is usually realised over 6-8 sessions, normally one afternoon per week. Every session starts informally with a meal together. During and after every session, the participants reflect on what they have learned and how they have put it into practice. The next session is then built upon the previous one,

so that participants increase their level of understanding conflict management and resolution.

A large room for about 8-15 participants in the same age group and 2 adult instructors are recommended, in addition to 1-2 youth instructors. The adult instructors have followed the 'Instructor workshop for adults' (about 40 hours training and practice); this includes the same three levels-workshops attended by the youngsters.

In addition to the training of youth, the Red Cross also offers a mediation service for bigger conflicts that the youth themselves do not manage to deal with without the assistance of a third-party facilitator. Experiences from Norway clearly show that training and building restorative capacity among the youth themselves and more formalized mediation processes increase the potential for sustainable conflict transformations.

Example from Austria: Building capacity in a community centre

In Vienna, the IRKS ALTERNATIVE team organised eight workshops in the community centre 'Bassena am Schöpfwerk' on capacity building and conflict management (through exercises on communication, conflict narrations, conflict resolutions and active participation). The following was achieved during and after these eight workshops:

- Participants improved their skills for active listening to each other, for describing and expressing their perceptions and for differentiating perceptions from interpretations and evaluations
- Participants increased their capacity for introspection and reflection and capacity for describing as closely as possible one's affects, emotions and one's needs
- Participants clearly felt encouraged and invigorated when they experienced that their stories were taken seriously and they felt stimulated to try out something new
- Feelings of solidarity and closeness emerged among the participants, the experience of isolation was overcome for some time. Participants felt that they were not alone and that they could share emotions of anger and frustration regarding their relationship with others

- There was the overall experience that one can find space to defend one's own interests, one can successfully try to get attention and support, one can enhance one's resources and it is worthwhile to show moral courage
- During the workshops the participants experienced that it is possible to address conflicts to see them as part of life, that one can find a way to arrive at a new understanding and thus a new clarity of relationships and conflicts

Example from Serbia: Building capability through the thematic workshops

Three thematic workshops took place in three multi-ethnic communities in Serbia. The first one, 'Communication about the conflicts, sufferings and security', aimed at:

- Identifying communication patterns about conflicts, victimisation and security which are used by participants
- Making participants familiar with the potential that communication in the spirit of the 'Third way'²⁸ has for the resolution and prevention of conflicts
- Testing the 'Third way' communication/restorative dialogue in multi-ethnic communities in order to learn how useful and acceptable this way of communication is for the participants in their everyday, personal and professional life
- Learning whether and how the principles of restorative communication should be further developed and/or accommodated to the need of local communities
- Raising awareness of participants about positive effects that mindfulness and focus on the present moment have on themselves as well as on their relationships with others

The second workshop, 'Harm and the security: recognising similarities in diverse experiences', aimed at encouraging the participants:

- To understand themselves through awareness of personal injuries and needs arising from them (individual level)
- To understand others (members of the group) through knowledge of their injuries and empathic understanding of their needs

²⁸ For more information about the 'Third way' method, see the 'Examples from Serbia' in section 3.

- To understand mutual relations recognising similarities in the experiences of different people and to develop personal safety and mutual trust and consider the way in which they are developed (relational level)
- To develop motivation for further cooperation of group members in their local communities (social level)

The third workshop, 'Restorative justice and conflict resolution', aimed at:

- Enabling participants to learn what place restorative justice has in conflict resolution through mapping the potential for the use of restorative justice on the level of each group of seminar participants
- Identifying examples of good practice based on restorative justice principles that participants already use, which could be useful for conflict resolution
- Finding out in which way restorative approaches impact accountability and if they have an empowering effect on the participants, particularly victims
- Learning whether the tested restorative approach (a restorative circle) is an adequate form for conflict resolution in certain local communities

KEY PRACTICE QUESTION 5

How do practitioners build their capacity to facilitate restorative processes?

Once awareness has been raised and a reasonable level of support has been gained for restorative responses more structured training can be delivered. This can include:

- An understanding of key civic values such as human rights, equality and diversity.
- An understanding of key concepts such as justice, security, civil society, democracy, citizenship, lifeworld, community, identity, interculturality, ethnocentrism, conflict, violence.
- An understanding of restorative principles, such as hospitality, social inclusion, participation, narrative, dialogue.
- An opportunity to learn the skills of facilitating restorative processes through demonstrations and role-plays.

Example from Northern Ireland: Training facilitators

In Northern Ireland all community restorative justice projects were required by the government to undertake accredited training. Ulster University trained all the facilitators, including the volunteers, to Certificate level. Since then, the community projects have developed their own accredited training enabling them to train their new staff and volunteers. They continue to send individuals to the Ulster University course for more in depth knowledge and skills. Ulster University offers a Restorative Community module as part of its Certificate and Masters programme. It covers: understanding the nature and causes of hate crime, sectarian conflict, anti-social behaviour, drug dealing and street violence and developing restorative responses to these issues. The ALTERNATIVE research team at Ulster University has also designed an accredited course for a new restorative project to deliver to its volunteers.

Example from Austria: Exercises during the workshops

Eight workshops took place at the community centre Bassena am Schöpfwerk. Before the exercises, in the introduction round participants shared their thoughts, expectations and reasons for participating in the workshops. The following exercises have been used:

Communication exercises: Communication exercises have been used during the workshops, focusing on ‘active listening’ and ‘non-violent communication’. Participants, grouped in pairs, told each other one event which occurred last week, the other person repeated the event heard in his/her own words and the partner confirmed using verbal or non-verbal signs. Although such exercises were useful in most cases, it was clear that they did not suit everyone’s needs. Language and cultural barriers should be considered in order to avoid uncomfortable feelings between participants engaging in the exercises.

Conflict narrations: In each workshop, participants shared a conflict situation (where communication had been difficult) that they had recently experienced for which they would welcome support and advice from the group. These narrations represented typical every-day neighbourhood conflicts and they all had an ‘intercultural’ aspect. The focus was on ‘posing questions’ in order to motivate the person to be as detailed as possible about his/her story not only for the audience listening to it, but also for the storyteller who could then acquire more clarity and better understanding of his/her own story. In order to understand the conflicts, participants shared their motives, goals, needs and emotions as well as those of the others. During the workshops, only one of these narrations was selected²⁹ and further worked on using different conflict resolution techniques.

Conflict resolution: A successful technique is to ask participants to play the ‘devil’s group’ or the ‘devil’s advocate’. Participants were divided into two groups, of three people each. Each group identified with one of the conflicting parties of the narration; their task was to figure out what their party had felt in the specific situation and what it would have needed. They had 15 minutes each to share feelings and needs of their party’s experience. This sort of role-play allowed participants to identify with each party and increase their understanding of the situation. Additionally, the exercise accompanied the storyteller (who was personally affected by the conflict) to reflect about his/her own behaviour. Finally, it became easier for participants to collect ideas for transforming the conflict into the beginning of a new relationship between the involved parties.

²⁹ This selection of the narration was made by the trainers in a transparent and reasoned way, considering how many people were involved in the conflict, if similar stories were shared by participants and if the conflict was already solved or not. Residents were not involved in this decision-making process simply because of the limited time of each workshop (one evening of about four hours).

Active participation: In most conflict cases shared by participants, self-initiated activities to solve the situation had already been implemented. Still, the exercises proposed during the workshops (i.e. active listening to share conflict narrations) helped participants to consider further possibilities for action. In particular, participants have been asked to consider the following questions: In which way can I contribute through my concrete action to de-escalate the conflict? How to deal with the anger and the rage of my opponent in order to avoid further escalation? In which way can posing questions contribute to the recognition and appreciation of the other person? In which way can I show empathy and yet stick to settling the dispute?

KEY PRACTICE QUESTION 6

What restorative processes are appropriate and when?

Three restorative justice methods could be applied to deal with conflicts in intercultural settings: community restorative conferences, mediation and restorative circles. Restorative elements can be present also in other type of local interventions (e.g. workshops) although are not the typical restorative justice processes.

Community restorative conferences

A community conference is a restorative response which brings together a large group of people affected by a conflict in a local community. It aims at facilitating them to develop a solution to the harm that the conflict is causing. A conference may be used when a community is concerned about a general issue that is affecting the quality of community life and generating conflict between groups. It is likely that the state system is not providing an effective response.

Process

1. Facilitators conduct research and consultations with a wide range of people affected by the issue.
2. Once the facilitators have a clear appreciation of the concerns of local people, they will organise a community restorative conference. They will:
 - Choose an appropriate venue: safe for all people, comfortable and enough space for people to talk in small groups, and organise refreshments
 - Invite all those affected by the issue and others who have a stake in addressing it (e.g. police and other state agencies, non-government organisations, local politicians)
 - Plan the facilitation: how to introduce and define the issues, what questions to ask, how to organise people into small groups and how to facilitate the dialogue
3. At the conference, facilitators will:
 - Ensure that people are welcomed and made comfortable
 - Introduce the purpose of the conference and the issues to be addressed
 - Explain the process to be followed
 - Organise the small groups
 - Ensure that each group has a facilitator who understands the questions to be asked and a person to record what people say

- Schedule breaks in the small group process so that they can share their views with the other groups
4. At the end, facilitators will invite any contributions to the whole conference. They will:
- Explain how the views of the conference will be reported back to the participants and how they will inform action towards resolving the issue
 - Explain that further similar conferences may be arranged to agree the action to be taken or to review action agreed

Example from Northern Ireland: A community conference in Derry/Londonderry

In Derry/Londonderry the Ulster University ALTERNATIVE team organised a community conference after they had completed an extensive consultation with all those concerned with the problem of using and dealing in drugs in the community. A range of community activists, non-governmental organisations, statutory agencies and politicians attended. After the purpose of the conference and the issues were clarified, participants talked in small groups facilitated by the research team. They discussed the nature and extent of the drug use and how it was harming individuals, families and community life. They identified the causes of the problem and how it was sustained by the internet and organised crime. They expressed their disapproval of the violent response to the problem by armed groups. They concluded that the community needed to be more actively involved and that resources and services could be much better coordinated to address the problem. They also said that more people involved in drugs and their families should be consulted. The ALTERNATIVE team would prepare a report of the conference and offer it to the community as to support the development of a new strategy.

Example from Serbia: Using the ‘Third way’ model

This model is a non-conflict and inclusive way of communication between people with different experiences of war and other conflicts about the past. It includes restorative discourses to try to stop or alleviate existing and prevent future conflicts. In Serbia, it was used to establish an experimental framework for optimal contact and communication of participants. It allowed experiential learning as well as testing and

up-grading of restorative approaches in dealing with conflicts in multi-ethnic communities. The 'Third way' model consists of:

- Listening and respecting each other, regardless of whether one agrees or not
- Mutual recognition and self-respect
- Allowing/accepting existence of different understandings/experiencing of the same events by different people
- No accusation of others and self-blaming – empowering 'I' talk instead of the 'you/they' talk
- Acceptance of responsibility for what one says
- Understanding ourselves and others through the awareness about the connection between personal sense of grievance, exclusiveness and aggressiveness in communication
- The focus on the present moment and mindfulness: full consciousness about oneself and others, about the place where we are and what is going on in the present moment, about own feelings, thoughts and bodily sensations and reasons for them as well as about reasons behind feelings and deeds of other people which often are not directly related to us
- Proactive instead of a reactive approach (proposing solutions instead of self-defence and attack of others)

The 'Third way' model comprises then an inclusive relationship toward crimes, victims and perpetrators and an inclusive discourse about the past (speaking about all victims, perpetrators and witnesses regardless of their ethnic and other identification and features) and it focuses on human rights, empowerment and reintegration of all persons affected by conflict by using a wide range of restorative methods for establishment of the truth and reconciliation and a proactive approach in dealing with the past.

Mediation

Mediation is a restorative response engaging two individuals or groups in conflict with the aim to encourage each other's understanding and possibly enter into an agreement for resolving the conflict. Mediation can be used when there are two identifiable parties in conflict and they are willing to meet to resolve the issues that have caused the conflict.

Process

1. The mediator contacts each party separately to invite them to participate and to explain the process. If the parties agree to a mediation process, the mediator discusses what form it should take: direct (face-to-face) or indirect (shuttle mediation). On the basis of this decision, arrangements are made for the mediation. Face-to-face meetings are preferred. The facilitator should endeavour to address any fears the parties may have concerning a direct encounter and accommodate any difficulties or disabilities that could prevent full participation. Ultimately the mediator respects the wishes of the parties.
2. The mediators should explain prior to the mediation the core principles of mediation:
 - Neutrality, meaning that mediators will facilitate a resolution of the conflict and the reparation of any harm but will not judge, arbitrate or evaluate the merits of each party's perspective³⁰
 - Confidentiality, meaning that the mediators and the parties should not use the information shared outside of the mediation process
 - Voluntariness, which means that mediators ensure that parties are willing to participate and can leave the mediation at any time
3. During the mediation each party is facilitated to give his or her account of the conflict and the harm it is causing. Parties are facilitated to express their thoughts and feelings to increase mutual understanding. Parties are facilitated to state what they need and how they wish the conflict to be resolved and the harm to be repaired and how to put everything right.
4. A process of dialogue is facilitated until parties are satisfied and agree on a course of action:
 - If the parties cannot come to an agreement the case will be returned to the authority that referred it
 - The agreed plan of specific actions and deadlines is written up and formally agreed
 - A time to review progress on completing the plan will be agreed
 - The schedule for a follow-up meeting or procedure will be decided
5. Mediators or mediation service officers will take care of the follow-up:

³⁰ The impartiality of the mediator may be an issue in conflicts in intercultural settings (see section 2.3 on the challenges of restorative justice responses in intercultural cases).

- Another mediation session can be offered when needed
- Mediators can also refer people to any support service if needed by any party
- Mediators actively inform the parties about keeping to their commitments. In the event of the agreement not being kept, the case is returned to the authority for an alternative process

An example from Austria: Mediation at the Women's café

Two workshops took place at the Frauencafé in Florisdorf district in Vienna. At the end of one of these meetings (many participants as well as part of the trainers/researchers had already left) a verbal fight broke out between two Muslim women. The community worker intervened and proposed to the two women to have mediation; this restorative justice method was already known by the women since it is a common practice of wohnpartner. The two women agreed to participate in a mediation in one of the small rooms of wohnpartner: the meeting took place and ended satisfactorily already the next day. Both women showed up for the next café, talking peacefully to each other. This brought relief for the whole group at the Frauencafé since it was visible that the quarrel itself influenced more women attending the café, especially those with a Muslim background.

Restorative circles

A circle is a restorative response bringing together a diverse group of people directly affected by a conflict. It aims at addressing the harm between the groups and at solving the conflict. It can be used when the conflict affects a diverse range of people.

Process

1. Based on the nature and context of the conflict, the facilitator invites those most affected by the harm that it is causing. This will include:
 - Those perceived as both perpetrators and victims of the harm and those with close relationships to them
 - Representatives of the communities³¹ involved in the conflict
 - Representatives of civil society and state agencies who may have an interest in the resolution of the conflict or who may be able to support any agreement made by the circle

³¹ Communities can refer to both shared place and shared interest (see definition in section 1.3 on the key concepts used in this manual).

2. The facilitators meet with each prospective member of the circle to explain the opportunity that the restorative circle presents and to invite them to participate. Having met each person who will participate, the facilitator will consider:
 - In what circumstances and under what norms would all parties wish to participate?
 - What will it take to create these circumstances?
 - What resources will be required to create these circumstances?
 - When and where should the circle take place?
 - How can the space for the process be prepared?
 - How will the process be facilitated?
 - How will the facilitators work together?
3. During the circle process³², the facilitator will:
 - Be responsible for welcomes and introductions
 - Explain the purpose and process of the circle and how the ground rules support purpose and process
 - Ask each person in turn to make a public commitment to the purpose and process of the meeting
 - Ask the party who seems to be suffering most from the harmful effects of the conflict to begin the process of understanding “what is happening that is not working and causing you harm”
 - Ensure that the others have heard what has been said and allow them to question this party
 - Repeat the process of storytelling and inquiry till everyone who wishes to speak has had the opportunity
 - Identify the important values that are causing and sustaining the conflict
 - Define the issues and needs to be addressed
4. At the end of the circle process, the facilitator will take care of the follow-up. This means he/she will:
 - Agree a plan to address the issues and needs

³² In some models of circles a ‘talking piece’ is used. This may be a symbolic object that resonates with local or indigenous culture. It ensures that only those who hold the piece may speak. This makes the process inclusive and avoids dominance by the few. It can be repetitive and slow and restrict questioning and dialogue and as such may not suit every situation.

- Establish a process to enable each party to make themselves accountable for their commitments
- Follow through on commitments
- Put in place the necessary and agreed resources to support the action plan
- Put in place meetings to review the implementation of the action plan
- Make contingency arrangements in the event of unanticipated problems with or obstacles to the implementation of the plan
- Make arrangements to celebrate success and if necessary to meet to build on success

Example from Northern Ireland: A restorative circle to prevent violence

A family originally from Eastern Europe complained about rubbish coming to their garden from their neighbour's garden. This included streamers of flags breaking loose in the wind. These flags are traditionally put up in this area during a period in summer when local people celebrate an annual festival. The neighbour with the support of others in the street claimed that the foreign family was not respecting the local culture. The other family and their compatriots accused the local people of being racist. No offence had been committed. The police could not intervene. However, there was danger that the conflict would escalate into violence.

A local community activist who had been trained by the Ulster University ALTERNATIVE team met with both parties and gained their agreement to meet in a restorative circle. Other neighbours and representatives from the minority ethnic group were also invited as were local politicians and the police. The circle was convened and facilitated in a local community centre. After everyone had expressed their views of the conflict, an agreement was reached which satisfied both parties. Not only was a more violent conflict avoided but relationships between the two groups were improved and the foreign family was made to feel part of the community.

Example from Hungary: The charity provision conflict and the restorative circle

Since 2010, the Red Cross together with local organisers runs a charity provision in the village. Occasionally, people who are eligible receive packages of food. A conflict originated from the fact that people consider these charity provisions unfair since the distribution of food packages may not reach the real people in need. The conflict

originated around the concepts of justice and intercultural differences. The main protagonists were Gabi and Nelli, two women, one of them is a former Roma-representative and the other one the main organiser of the charity event. Despite their pessimistic attitude concerning restorative justice practices to deal with conflicts, the Foresee ALTERNATIVE team organised a restorative circle.

The preparation phase adopted the typical protocols of a mediation practice. It was useful to define the main problem behind the conflict: the lack of information, or at least the unequal distribution of information among the parties. A few more representatives from the village were invited (chosen by the two parties, as in the typical restorative justice protocols) and finally two of them joined the meeting. Additionally, researchers from ALTERNATIVE participated in the circle since this intervention was valuable data to be integrated in the research.

The restorative encounter took place for about three hours in one of the office rooms of the local government building, which was considered to be a neutral and safe place for this meeting to take place. It was facilitated by two mediators belonging to the Foresee network of mediators. It followed this order:

- Participants shared their expectations about the meeting
- Participants shared their positions about the conflict
- Participants were asked to imagine the situation of the other and a debate started, which automatically moved to the main problem of the conflict (i.e. the lack of information and everyone's responsibility)
- Participants brainstormed about possible solutions to better distribute the information
- Participants were asked to share a last round of feelings about the conflicts and the restorative encounter

The restorative circle was the first one taking place in the village. It created an environment to share harms, tell about one's own situations, recognise the problems, identify the causes and brainstorm on opportunities to reduce future conflicts. Despite the fact that the meeting itself was successful, the responsibilities agreed during the restorative circle were not fully fulfilled during the next charity provision event.

An example from Norway: From the Street Mediation workshop to the restorative circle³³

In Norway, two volunteers trained as Street Mediation instructors facilitated a ‘Conflict Workshop’³⁴ for a group of 15 year old girls. The girls were recruited from a school class that had been affected by a severe conflict in-between the girls for the last year. This conflict had escalated into a lot of emotional stress, lack of attention in learning at school and at home, loss of energy and willingness to react and, in some cases, even signs of severe burn-out symptoms.

This conflict affected the entire class environment and also the relation that these girls had with their families at home. Teachers and families were worried and irritated by the reactions of the girls, but their attempts to solve the conflicts failed, increasing even more the girls’ frustrations and anger since they felt they were not understood.

During the ‘Conflict workshop’, a safe space was established for all participants to openly speak about the actual conflicts in their lives. The girls learned that conflicts can be solved and, after six meetings, they asked the Red Cross Street Mediation instructors whether they could facilitate a restorative meeting in order to deal with the concrete conflict.

During the preparation phase, individual talks took place with each of the girls, their parents and their school-teachers and headmaster. Finally, the girls were invited to participate in a restorative circle at the Red Cross venue. The facilitators steered the process without taking stand (neutrality) and the girls freely engaged in the dialogues (voluntariness), promising each other that they would keep what was disclosed during the meeting between themselves (confidentiality). The circle focused on three simple questions:

- What happened?
- How have you all been affected by it?
- What can you do in order to make the situation better?

³³ The example of Street Mediation presented here does not tackle particular ‘intercultural aspects’ in a conflict. In general, the method of Street Mediation does not differ when it involves distinct intercultural groups or issues. This specific example, involving white upper middle-class girls, was chosen among others because it is a short and clear example of the combination of proactive and reactive approaches, where training on Street Mediation motivated participants to engage directly in a restorative process to tackle concrete issues.

³⁴ For more information on the workshops of Street Mediation, see the ‘Examples from Norway’ in section 3.

During the long conversations, the girls talked openly about what had happened, identified the ‘root of their conflict’ (two of the girls also wanted to engage with new friends), talked about their feelings, cried, confronted each other, apologised and empathised with the others. Thanks to the facilitator’s guidance, the girls solved their conflict themselves and made a ‘working agreement’ to move on from the conflict: this included also the decision to participate in the next level of the Street Mediation workshops which trained them in mediation in order to learn to solve low-scale conflicts among friends, family and peers.

An example from Austria: The restorative circle at the Frauencafé

The two preparatory workshops at the Frauencafé helped the IRKS ALTERNATIVE team and the local organisation wohnpartner to introduce the participants of the Frauencafé to the circle process, in order for the women to make an informed decision about whether or not they wanted to go further with the whole process. When the women consented to continue with the circle process to work on the conflicts they had experienced, wohnpartner and the ALTERNATIVE team had to further increase their cooperation. Throughout this process wohnpartner decided to have two of its social workers leading the circle, specifically a mediator and a social worker, who had been working with the group of women for a long time and who had a lot of experience with big group moderations. The two facilitators adopted central strategies of the restorative circle method as proposed by Dominic Barter, which were then further developed according to the needs of the whole group to create a safe space for the women to talk about their stories. Eight women participated in the restorative circle.

Other innovative restorative responses in ALTERNATIVE

In the ALTERNATIVE project, it was found that other types of interventions in the field include restorative elements, even when these were not foreseen in the beginning and even when these types of interventions do not follow the traditional restorative justice protocols.

Example from Hungary: Restorative dialogues through the films

In Hungary, the filming process became a way to encourage dialogue between the community members. When the first film was finalised, the Foresee ALTERNATIVE team organised a public event to show it to the village and initiate a discussion with the

residents to collect further data for the research. Despite the positive effects of filming as a powerful way to break the silence among people, many residents criticised this first film for being ‘harmful’ because it did not include the views from all sides and because it would have consisted of false statements made by some villagers. Clearly, the film showed what happened in the village from the researchers’ perspective, which are ‘outsiders’ eyes’, and residents reacted with a sort of resistance on accepting and transforming the situation. A second film was then produced in order to ‘respond’ to those criticisms and collect opposite viewpoints on the local conflict situations. This sort of ‘indirect dialogues’ through the films permitted people to raise their voice and share their experiences and reflections, although this may not lead to an actual conflict resolution between the parties.

Example from Austria: Restorative elements during the workshops

Several workshops took place in the community centre Bassena am Schöpfwerk in Vienna.³⁵ Their aim was capacity building in communication skills and training on conflict management. Elements from restorative justice processes were addressed during these workshops:

- The workshops addressed real cases of neighbourhoods’ conflicts
- One of the parties affected by the conflict shared the conflict experience with the rest of the participants
- The other participants acted as a community, identifying with one of the parties involved in the conflict and sharing similar experiences and concerns
- The feelings and needs of all parties involved in the conflict (present or absent) have been shared and recognised
- Participants felt a sense of empowerment in being actively involved in the discussion and resolution of the conflict
- A sort of ‘reconciliation’ was achieved by giving space to the present conflicting party to reconsider the past conflict

³⁵ For more information on these workshops, see the ‘Examples from Austria’ in section 3.

Other elements from restorative justice processes were not present:

- The other party involved in the conflict was not present
- A dialogue, mediation, restorative circle or conference involving all conflicting parties did not take place
- The roles of 'victim' and 'offender' were not defined

KEY PRACTICE QUESTION 7

How are these restorative processes facilitated by practitioners?

These facilitation skills are based upon the principle of the parties assuming ownership of the conflict and its resolution. This means that the facilitators should guide the parties through the process trusting that it will enable the parties to understand each other and to reach a satisfactory agreement.

Do	Don't
Ask open questions	Don't use closed or leading questions
Affirm people's efforts to communicate their feelings, needs and wishes	Don't be dismissive of people's feelings, needs or wishes even if you disapprove of them
Listen carefully and reflect what you hear so that you can check that you do understand	Don't be distracted by your own need to reassure and 'fix' what you hear
Summarise accurately what people are saying	Don't impose your own interpretation of the issues
Be curious in a respectful way	Don't think you know what the problem is already
Notice what is not being said as well as what is being said	Don't challenge people or pressurise them to speak if they do not want to
Clarify and reinforce ground rules for dialogue	Don't let the process drift from its purpose due to the parties' behaviour
Facilitate dialogue between the parties	Don't encourage the parties to speak through the facilitator

Enable the parties to keep their focus on the conflict and the harm	Don't let the parties focus on personality rather than issues
Offer the opportunity for a break if parties seem tired, distressed or stuck or if the conflict is becoming too heated or negative	Don't let the parties give up too easily
Ensure that any agreements made are specific so that people are clear about and accountable for their commitments	Don't leave the agreement so vague that no one is sure of their responsibility

KEY PRACTICE QUESTION 8

How are these restorative processes evaluated and disseminated?

If restorative responses to local conflicts are to become the norm, it is necessary to gather and disseminate evidence that these processes do result in outcomes that satisfy the parties. Governments and organisations should take responsibility to disseminate evidence of the effectiveness of restorative processes so that they are used more often. Evaluations also generate information that enable organisations to improve their practices and outcomes. Organisations that facilitate restorative processes need to keep a record of their work. They should include:

- A brief summary of the conflict: the parties, the key issues and how it is causing harm to individuals and to community life
- A brief summary of the restorative process: conference, mediation or circle, participants, agreement made
- Completion of a simple review by all participants assessing the quality of their inclusion and preparation, the process and their level of satisfaction with the outcomes
- Follow-up report, perhaps after six months, on how the agreement has been implemented

These records can then be collated at regular intervals so as to evaluate the overall effectiveness of the processes. Evaluation reports should be widely disseminated to politicians, to funding bodies and especially to the media that influence public opinion so that restorative approaches to conflict will be supported in policies and with funding. Evaluation reports should be disseminated together with personal stories, possibly told in first person by the people involved in the restorative justice process.

Example from Serbia: Evaluating and continuing ALTERNATIVE

During the final workshop in the three local communities in Serbia, participants worked in small groups to share suggestions on how to continue with what was learned during the ALTERNATIVE workshops. Some ideas were shared by most participants, such as educating different target groups on restorative justice practices and restorative approaches, raising public awareness also using the support from the media, establishing multicultural restorative teams at the local level, cooperating with different institutions, implementing restorative approaches in different settings (e.g.

neighbourhoods, family, workplace). These ideas will be followed up by VDS, also through the development of a booklet on best practices on the applicability of restorative justice approaches in intercultural settings. The booklet will be a common project together with the established restorative teams, which will gather together to propose and finalise the practice guidelines for the booklet.

KEY PRACTICE QUESTION 9

How should action researchers and practitioners exit the field?

It is the practitioners' and researchers' responsibility to leave the community in a stronger position to address conflicts than when they entered the field. But first of all the question is: should they really leave? This definitely depends if they are external visitors or local organisations who have a long-term commitment to the local community.

Researchers should organise a closing event to present the research findings to the community. This is particularly challenging since the people studied in the action research are in the audience, listening to the researcher speaking about their own conflict.

If possible, facilitators should ensure that there are people in the community who have the competence to facilitate restorative processes when future conflicts occur and that there is some form of organisational structure to support them.

Example from Northern Ireland: Strengthening local structures

The Ulster University ALTERNATIVE research team undertook to develop the capacity of organisations in protestant working class communities. It did this through offering training in restorative processes, through supporting the development of a strategy and a structure for delivering restorative processes in their community, through designing public education and volunteer training programmes and through enabling the organisations to build networks with the Department of Justice and relevant state agencies. These structures and relationships continue after the ALTERNATIVE project ends leaving a sustainable legacy.

An example from Hungary: Exiting the field and continuing ALTERNATIVE

The Foresee ALTERNATIVE team planned its exit from the village since the beginning of the project. Step by step, during the last year of the project, they had the last meeting with the Learning Group and with the children from the local school, they stopped taking cases of conflicts to be dealt with restorative practices, and they presented the preliminary findings of the research project during an event in the village where all residents were invited. In a last event, the final films are shown to the residents.

As a result of the ALTERNATIVE project, the research team has been invited to continue the work done in the local school. The ALTERNATIVE project left new 'restorative' knowledge in the village itself, in particular to people who participated in the Learning Groups and in the restorative circles. Additionally, as stated by the school director, more civil society activities and less divisions among residents have occurred in the village.

Another important outcome originated from ALTERNATIVE: the local residents of the village participating in the Learning Groups designed a project to grant the continuity of the ALTERNATIVE project. The project is entitled: 'Collecting problems and conflict lines from circles of local residents and work on them and trying to find solutions with drama methods involving the (spect)actors'.

An example from Austria: Exiting the field step by step

With the last workshop in the community centre Bassena am Schöpfwerk, the IRKS ALTERNATIVE team organised a special event to celebrate the end of their interventions in the field. Towards the end of the project, they organised an event to present the project findings to the residents and community workers. In the meanwhile, regular meetings between researchers and practitioners evaluated the project and grant continuity of the results in the field.

An example from Serbia: Remaining in the field with the restorative teams

As a result of the ALTERNATIVE project, local restorative teams in two local research sites were established. They worked together with the VDS ALTERNATIVE team on developing the guidelines on best practices of using restorative approaches in intercultural settings that will be used for raising awareness and education of professionals in different institutions and organisations on restorative justice and its potentials in solving problems, including conflicts in the local communities.

Another important outcome of the joint work of the VDS ALTERNATIVE team and the local restorative teams is the idea of further steps and possible joint projects and initiatives: developing a curriculum for the training of trainers in the pre-school and school institutions and for the media, implementing the training and joint advocacy for establishing peace councils in the local communities.

4. Lessons learnt

The European action research project ‘Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies’ (ALTERNATIVE) identifies several learning points through the work done in the four action research sites. Among others, the following learning points demonstrate the relevance of adopting restorative justice interventions in conflicts in intercultural settings:

Diversity as opportunity

The presence of ‘interculturality’ in conflicts should not be seen as a limitation for adopting restorative justice methods. Identities are not static elements and they intersect across different aspects (e.g. ethnicity, gender, religion, nationality): such differences should be considered the reasons for engaging in communication and for breaking the fear of the ‘other’.

The power of personal stories

Restorative justice is a catalyst of personal stories and those stories are needed to bring people together and understand their differences (or commonalities). Personal stories are needed to humanise the conflict and find a concrete common solution. Restorative justice uses powerful methods to collect personal stories from people affected by a conflict.

The culture of silence

In some cultures, silence is used as a strategy to feel safer, show resistance and/or keep peace. Opening old wounds may be seen as a risk to make the current conflict even bigger. Silence must be understood and respected by practitioners, but it should not be considered an obstacle to restorative justice to take place. Contrarily, restorative justice practices can help to give a meaning to and transform silence.

Intercultural conflicts vs. conflicts in intercultural settings

It is crucial not to define a conflict before consulting the people involved in it. Labelling a conflict as ‘intercultural’ is risky since cultural elements imply different aspects, such as ethnicity, gender, nationality and social class. Additionally, the parties affected may

ignore the ‘interculturality’ of their case and focus merely on the specific ‘deed’. Restorative justice creates a safe space for the parties to have the opportunity to name the conflict themselves and solve it accordingly.

Restorative justice may not be the solution

Although restorative justice can improve communication, focus on the solution of a well-defined conflict and even challenge stereotypes and biases between the parties involved, it does not solve structural inequalities, discrimination and racism present in intercultural societies. Additional interventions are needed, involving local organisations to promote a culture of solidarity and acceptance.

Restorative justice and community work

What is innovative about restorative justice that is not already part of community work? The most obvious contribution of restorative justice practitioners is that they are experts in dealing with conflicts: they have the ‘technical’ tools, the legal and psychological knowledge and the basic non-judgmental attitudes for contributing to the conflict resolution. It is then important to establish a collaboration between restorative justice services and community centres, dividing the tasks between the two services where needed and, most importantly, creating the space for restorative justice practitioners to share their skills and experiences with community workers. In that way, community organisations can continue developing restorative justice practices themselves and contribute to strengthen societal support for restorative justice.

The neutrality principle in restorative justice

Although this is one of the key safeguards of restorative justice in Western societies, neutrality is challenged when handling conflicts in intercultural cases. Still, this should not be a reason for preventing a restorative justice process to occur. Practitioners can still be neutral during the process even by being sensitive and aware about certain social issues laying behind the conflict itself. Indeed, neutrality should not be interpreted as indifference; it refers instead to the practitioners’ capability to approach the situation and the people involved in a fair and equally interested way.

Insecurity in the current securitisation strategies

While the state and private companies attempt to safeguard the security of citizens by using protective measures such as surveillance, these measures seem to increase people's insecurity. Instead, the empowerment of people by education and dialogue could be more successful for increasing perceptions (and reality) of security and justice. Restorative justice practices may play a role in such empowerment.

The importance of education

Conflicts could be prevented by teaching people to use non-violent communication techniques. In this case, restorative justice practices can play a crucial role in the preventive phase of conflicts, instead of merely being reactive in solving the conflict. This education should start at an early stage with children in order to encourage a social change in relation to the way people deal with conflicts.

The significance of institutional support

People in power and official institutions should make use and support the use of alternative restorative measures to deal with conflicts, instead of promoting the traditional punitive way.

The relevance and challenges of action research

This methodology permits the researchers to engage with people's realities and needs, thinking about their conflicts with them. It has been challenging for researchers to find the line between being a researcher and being themselves and it has been inevitable also to create personal relationships in the field. Also the alliances established at the local level have been a challenge for researchers, who found themselves unwillingly taking a side in the conflict.

5. A way forward

While some of the learning points of the ALTERNATIVE project may be easier to identify, concrete and clear recommendations for the different stakeholders dealing with interculturality in their cases are more difficult to suggest (i.e. municipalities, intercultural organisations, policymakers, small and medium enterprises in the field of security, researchers, restorative justice practitioners).

In general, all stakeholders could be reminded of the following tips:

- Stakeholders should challenge their own assumptions and understanding of conflicts and dealing with conflicts and define together the common problems to be solved.
- Often stakeholders interact in their roles, thus they should contribute to each other's work and collaborate in new (alternative) projects. These interactions have the advantage of enabling stakeholders to constantly influence the process.
- Stakeholders should build cooperation at the local level and create a common team, if possible. The team could have the purpose of addressing intercultural cases with restorative justice approaches. The team should be as diverse as possible in order to reflect the community socio-cultural diversity. Participants in these teams should engage in a routine of communication between each other.
- Stakeholders must be patient and ready for unexpected changes of path which must be well discussed among all the stakeholders.
- Stakeholders must avoid labelling the conflict as 'intercultural': the focus should be on the needs of the parties and on the actual conflict situations. Parties must have the opportunity to define the cultural dimension of their conflict on their own.

It is clear then that all these different stakeholders play a crucial role in making sure that restorative justice is implemented in our communities for dealing with different types of conflicts, so... what can you do to make this happen?

What can you do as a municipality?

- Assessing the needs of the community and the possible tensions present between its members
- Being open to collaborate with the other stakeholders for a common project together and showing an example of participation
- Being ready to engage in honest dialogue which can also bring different views and criticism about your own work
- Supporting open, transparent, long term and sustainable communication
- Offering a neutral and safe space for restorative justice encounters to take place
- Keeping in mind that mayors and other decision-makers in the municipality are also inhabitants of the community

What can you do as an intercultural organisation?

- Identifying opportunities to engage in conflict transformation
- Recognising the benefits of and organising training on restorative justice
- Promoting the use of restorative justice for dealing with conflicts

What can you do as a policymaker?

- Developing policies that support restorative justice principles and values, including standards for ensuring high quality standards of restorative justice services
- Supporting the restorative justice field by providing the needed resources, including funding and training for practitioners
- Allocating the restorative justice interventions to experts in the field
- Involving in the process of implementing restorative justice interventions in new fields by being an example of active participation
- Setting standards for monitoring, evaluating and further researching restorative justice processes

What can you do as a small and medium enterprise in the field of security?

- In a general way, besides applying technical and static measures, adopting dynamic approaches to security where the importance of relationships and on-going communication is valorised in order to enhance safety
- Informing and advising companies on the development and implementation of such policies
- When concretely confronted with security threats or conflict, supporting communicative and restorative approaches for those immediately involved
- Referring people involved in conflict to restorative justice services, when possible

What can you do as a researcher?

- Selecting the research site by mapping the (conflict) situation
- Communicating widely about the goals and methods of your research
- Accepting the fact that your own research activity will have an influence on the community and be prepared not to cause harm with it
- Creating an online forum where the community can follow, reflect and react on your previous results
- Accepting possible resistance from the community and finding a local partnership to create alliances
- Preparing for receiving contradicting views and interpretations about a given conflict situation

What can you do as a restorative justice practitioner?

- Spending enough time in the community on trust building and considering a more proactive approach in following conflict cases
- Clarifying what your competences are and what are not in order to avoid false expectations
- Finding a concrete topic of discussion that relates to all parties and be ready to integrate new topics and situations during the communication and intervention phases

- Choosing which restorative justice intervention matches the specific conflict situation encountered in the community, but keeping in mind the necessary flexibility in methodology
- Preparing all parties with sufficient, accurate and transparent information about the restorative justice intervention
- Preparing for reading non-verbal signs and dealing with different levels of verbal competences in communicating
- Realising and accepting that dialogue among conflicting parties is a goal by itself and it is not necessarily a tool to achieve further goals
- Accepting if parties do not want or disagree with the restorative justice intervention
- Receiving constant feedback and support from supervisors; mediators, circle keepers, facilitators may work in pairs, if possible

6. Resource kit

This section presents a list of resources (films, websites, academic publications, etc.) relevant for further understanding the use of restorative justice, in particular for conflicts in intercultural settings.

ALTERNATIVE material

Publications: www.alternativeproject.eu/publications/public-deliverables

Blog: www.projectalternative.wordpress.com

Films: <http://alternativefilms.euforumrj.org>

Academic publications in the ALTERNATIVE project

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Websites about restorative justice

- European Forum for Restorative Justice: www.euforumrj.org
- International Institute for Restorative Practices Europe: www.iirp.eu
- International Institute for Restorative Practices (USA): www.restorativepractices.org
- National Association of Community and Restorative Justice: www.nacrj.org
- Prison Fellowship International: www.restorativejustice.org
- Restorative Justice Council (UK): www.restorativejustice.org.uk
- Restorative Justice for All: www.rj4all.info
- Restorative Justice Online: www.restorativejustice.org
- Restorative Practices International: www.rpiassn.org

Online films about restorative justice

- Film 'Restorative justice. Inspiring the future of a just society for all': www.euforumrj.org/events/short-film-for-the-international-rj-week-2014
- Film 'The Woolf Within': www.youtube.com/watch?v=A1s6wKeGLQk
- Interactive documentary 'Inside the Distance': www.insidethedistance.net
- Foresee Research Group's website: www.foresee.hu/en/films

Some films about restorative justice³⁶

‘*Letter From the Mayor*’ (directed by Marlou van den Berge, 2014) on a family group conference held in a small community struggling with a variety of conflicts.

‘*Concrete Steel and Paint*’ (directed and produced by Cindy Burstein and Tony Heriza, 2011) on the use of arts to facilitate dialogue between victims and imprisoned offenders.

‘*Face to Face – Scratch beneath the surface*’ (directed by Michael Rymer, 2011) on a community conference to let the offender explain his actions.

‘*Beyond Conviction*’ (directed by Rachel Libert, 2006) on three face-to-face meetings between crime victims and the perpetrators.

‘*Facing the Demons*’ (produced by IIRP, 1999) on a restorative justice conference after a murder case.

‘*Burning Bridges*’ (produced by IIRP, 2005) on a restorative justice conference after some juveniles burned an historical bridge.

Journals on restorative justice

Restorative Justice: An International Journal: http://www.tandfonline.com/toc/rrej20/current#.Velwy_mqpBc

Contemporary Justice Review: http://www.tandfonline.com/toc/gcjr20/current#.VelxX_mqpBc

Tijdschrift voor Herstelrecht (Dutch): www.bjutijdschriften.nl/tijdschrift/tijdschriftherstelrecht/detail

³⁶ For a more complete list of films and documentaries about restorative justice, please check the European Forum for Restorative Justice’s website (www.euforumrj.org/publications/films-and-documentaries/).