



Restorative justice for judges and public prosecutors **Manual for trainers**

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Foreword

by Wojciech POSTULSKI, Policy officer for European judicial training, Unit JUST.B1 General criminal law and judicial training, Directorate General for Justice and Consumers, European Commission

Today, too many professionals and victims of crime still do not know about restorative justice services, or know too little about them. As a result countless victims are left unaware of their rights and do not know where to turn for help or to seek compensation for the harm they suffered. This is why the European Commission is determined to train as many justice professionals as possible about restorative justice and raise victims' awareness about the services at their disposal.

I warmly congratulate the Catholic University of Leuven and its partners on this outstanding manual for trainers, drafted as part of the Judicial Training Project on Restorative Justice, and co-funded by the European Union's Justice Programme. It is high-quality work that will help judicial training actors, both national and European, respond in a flexible way to practitioners' daily challenges to make restorative justice a reality for victims.

This RE-JUSTICE project is central from the perspective of the European Commission policy on the victims' rights and its policy on the judicial training.

The EU strategy on victims' rights 2020 – 2025¹ is based on a two-strand approach – empowering victims of crime and working together for victims' rights. Empowering victims of crime is crucial so they can report crime, participate in criminal proceedings, claim compensation and ultimately recover – as much as possible – from consequences of crime.

In its communication "Ensuring justice in the EU, a judicial training strategy for 2021-2024"² the European Commission sets out a comprehensive strategy to improve justice professionals' training. It recommends that justice practitioners who work with victims should be trained to better support and communicate with them, taking into account in particular the needs of the most vulnerable ones. The strategy also highlights that judicial training should go beyond legal education as the law and legal principles are not disconnected from human beings. Quite the contrary. This is why justice professionals have to develop professional skills based, among others, on empathy and active listening and hence acquire multidisciplinary competences. Such an approach to judicial training is key to develop efficient restorative justice systems.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0258>

² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0551>

This manual provides good methodology from design to implementation. As such it should become a template to build and implement an all-encompassing training curricula for legal professionals.

The Commission is looking forward to seeing massive dissemination and use of this manual.

We invite all judicial authorities, especially those responsible for judicial training to make the most of this new instrument.

Wojciech POSTULSKI

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Finally, this Manual and associated training materials have been improved and adapted based on the feedback received from the trainers and the trainees following the RE-JUSTICE pilot trainings held

with judges and public prosecutors during 2021 in Greece, Italy and Spain. For this reason, we warmly thank all the participants of the three trainings. Through their strong interest in restorative justice, their active participation and their profound experience on criminal justice matters, they provided an invaluable contribution to advancements in the field of judicial training on restorative justice.

Introduction

This Manual is a guidebook for trainers who will lead and facilitate training on restorative justice to judges and public prosecutors. It is a result of a joint effort of several partners and multidisciplinary professionals within the context of project RE-JUSTICE.

RE-JUSTICE is a 30-month project, co-funded by the European Union's Justice Programme, led by Catholic University of Leuven (KU Leuven) and carried out between November 2019 and April 2022. Through a process of desk and field research and consultation with experts, RE-JUSTICE has developed this training Manual and a training package (handouts, video materials, resources) that were used to provide training on restorative justice to judges and public prosecutors in pilot training sessions in Greece, Italy and Spain. This project involves partners from Belgium, Greece, Italy and Spain. Belgium sees cooperation between KU Leuven, the National Institute for Judicial Training (IGO) and Moderator Forum for Restorative Justice and Mediation, to provide together their technical support through the well-established knowledge and capacities on training and implementation of restorative justice practices. For each of the countries in which the pilot training was given, a partnership between an academic institute and the national judicial training school ensured country-specificity and the long-term sustainability of the training provided. Additionally, endorsement by the national training school confers a level of credibility to the training that is necessary to engage with such judicial professionals. The country-specific knowledge and perspective is supported and coupled by the European expertise brought by the European Forum for Restorative Justice and the European Judicial Training Network.

As part of the specialised set of training needs presented by judges and public prosecutors in the context of the Victim's Directive, this training project focuses on the specific training needs connected to the referral of cases to restorative justice services considering the specific needs of victims (Art. 12, par. 2), and the appropriate, respectful and safe communication with victims, providing them with key information about the availability of restorative justice (Art. 4, par. 1, al. j).

The goal of the project is thus, through training, to contribute in a sustainable way to the process of raising awareness, building knowledge and developing skills and attitudes amongst the target groups. Initially and directly, this is done in the three Southern EU MS partners. Ultimately, on the basis of gained experience, RE-JUSTICE aims to contribute to the promotion of the same process across the EU.

For approximately 20 years multiple European bodies and actors have highlighted the importance of judges and public prosecutors receiving training on restorative justice. The RE-JUSTICE project addresses this training need, with a specific focus on the topic of criminal law and the implementation of the Victim's Directive 2012/29/EU.

The main project objectives were:


- ▶ To formulate a competency profile on restorative justice – including relevant knowledge, skills and attitudes – for judges and public prosecutors (drafted by KU Leuven with partners' feedback, in the phase of preparation)
- ▶ To conduct an assessment of the training needs on restorative justice for judges and public prosecutors in Greece, Italy and Spain (in the phase of preparation, via focus groups that will be conducted in months 5 – March 2020 – in the three countries)
- ▶ To design a training course on restorative justice that addresses the specific needs previously identified. The training course should adopt a blended learning approach, which combines both online and face-to-face training modalities.
- ▶ To conduct pilot delivery of the training in Greece, Italy and Spain (with the judges and public prosecutors)
- ▶ To evaluate the pilot delivery of the training course in each of the 3 Southern EU countries
- ▶ To disseminate the results of the evaluation and the final manual 'Judiciary Training on restorative justice'.

The project aims to accomplish these objectives using a methodologically participatory, bottom-up approach, and also taking the specific situation in each country into account.

How to read this manual

This Manual presents: 1) Instructions and guidance for trainers, which should be adapted for use in the local contexts. 2) The training programme, divided into thematic modules and offered with a blended approach (online and face-to-face).

To make this guidance for trainers effective, the **introduction** provides an overview of how the training for judges and public prosecutors was designed, developed and delivered in the context of the RE-JUSTICE project. The **methodology** section can prove useful for those who will want to pilot the same training in their countries and will need to start from an assessment of the training needs of judges and public prosecutor on restorative justice. The methodology describes in fact how the competency profile designed within the framework can be used to first assess the learning needs before implementing the training. The training materials presented in this Manual correspond with the topics outlined in the competency profile.

Throughout the Manual key lessons from the pilot trainings are highlighted with the 'key' icon  throughout the whole Manual.

After the introductory methodological section, the Manual will introduce the training programme, unpacking its structure (the way it is presented) and its contents (thematic modules).

In the chapter "**Unpacking the training programme**", the trainer will find some key contents about:

- ▶ The structure in which each training module is presented

- ▶ The break-down of all the modules into the blended structure: online and face-to-face sessions
- ▶ The training materials offered within this training package and suggested for future training
- ▶ Practical instructions for the trainers on how to adapt the modules, materials and blended approach to their country specific contexts

The trainers will then find some **Restorative Guidelines** on reproducing and replicating restorative values, principles and processes in their training. This is particularly relevant for the face-to-face sessions, through their attitude, skills and training tools.

After all preliminary methodological hints and practical instructions are provided to the trainers, the actual **training programme** is presented, **module by module**. Under each module, the trainers will find the:

- ▶ **Core contents** that need to be covered in order to meet the training needs identified in the target population. These core contents are distributed between online and face-to-face sessions.
- ▶ A number of **training tools** developed within the RE-JUSTICE project, as well as instructions of training tools that trainers should be able to provide depending on their own local context
- ▶ **Resources** for trainers and for trainees.
- ▶ Examples of exercises and assignments
- ▶ **Further detailed instructions** for trainers on how to tackle each session and exercise, with lessons learnt and tips from the trainings piloted in Greece, Italy and Spain.
- ▶ To complete the training package, the handouts for trainees, designed and developed under RE-JUSTICE, will be available as annexes to the Manual.

The RE-JUSTICE training

TRAINING OBJECTIVES

This training programme has been developed based on the identified training needs of judges and public prosecutors regarding restorative justice in Greece, Italy and Spain, and in order to promote the effective application of Art. 4, par.1, al. j) and Art. 12 of the Victim's Directive.

The project aims in fact to accomplish its objectives using a methodologically participatory, bottom-up approach, and also taking into account the specific situation in each country (e.g. legal context; the level of involvement that each of the National Schools of Magistrates (CGPT, NSJ, SSM) can devote to the training project on restorative justice.

The final aim is, through training, to contribute in a sustainable way to the process of raising awareness, building knowledge and developing skills and attitudes amongst the target groups,

firstly and mainly, in the 3 Southern EU MS (Greece, Italy and Spain) and, ultimately, on the basis of gained experience, to contribute to the promotion of the same process at the 28 EU MS level. The fulfilment of the learning objectives identified under each module should contribute to ensure that the right of victims of crime to have safe access to restorative justice, as part of their right to have access to justice, is respected throughout Europe.

TRAINING METHODOLOGY: THE DESIGN AND DEVELOPMENT

According to Pacurari, Hirvonen and Hornung (2015:72–73) empirical evidence shows that good judicial training is focused on the development of new skills: 'judicial training must go way beyond the procurement of (legal) knowledge ... it should be focused on sustainably improving the attendees' professional capacities and skills, and thus enhancing personal as well as institutional changes'. Effectively, as it is explicitly acknowledged by the EJTN Handbook on Judicial Training Methodology in Europe (2016:2) 'judicial training does not only include legal and judicial knowledge, but also all kinds of (multidisciplinary) knowledge, of the capabilities and skills a good judge and prosecutor needs to possess for the proper execution of their tasks'.

According to the EC Study of the Best Practices in the Training of Judges and Prosecutors in EU Member States, the training cycle should always be composed by 4 steps or phases: 1) Training-needs assessment; 2) Design of the specific training objectives (directly connected to the identified specific needs); Plan and design the training programme; 3) Implement the training programme and 4) Evaluate the training delivered (Cooper, 2015:52). In our training project, which focus on the transfer of knowledge but also on the development of a new set of skills and attitudes towards restorative justice by the two target groups (judges and public prosecutors) these four steps or phases of the training cycle inform the main objectives of the needs assessment, the design and delivery of the training package.

Therefore, the first phase in the training cycle is the development of a **training needs assessment**. Cooper (2015:52) defines need 'as the gap between existing and desired knowledge, skills, and abilities—a gap that could be reduced or even eliminated through training'. Postulski (2015: 92) defends the development of competency profiles to serve as the basis for the assessment of the specific needs of the target groups of judges and public prosecutors. The training needs identified will correspond to the 'the gap between competence profiles and actual competences'.

As a result, a competency profile for judicial actors had been devised during the first phase of the project. This indicated the knowledge, skills and attitudes that are required by judges and public prosecutors in order for them to understand and work effectively with restorative justice. The **competency profile** addressed the required knowledge, skills and attitudes across four domains:

1a: Understanding the theories of restorative justice

1b: Understanding the stakeholders of restorative justice

2a: Legal and policy frameworks

2b: Restorative justice in practice

Each of the four domains is split into a number of subsections containing related topics

As part of the needs assessment phase, nine **focus groups** were conducted in Greece, Italy and Spain in the spring of 2020 (three per country). The focus groups were conducted with professionals from these target groups and constituted a participatory research element of the project. Each of the three countries conducted three focus groups, one with judges, one with public prosecutors and a mixed group containing both judges and prosecutors.

The purpose of the focus groups was to assess the training needs for judges and prosecutors with respect to restorative justice. The training needs were assessed at the functional level, which is 'a type of assessment that identifies the knowledge, skills, and competences needed by the profession, i.e., judge or prosecutor '(Cooper, 2015:52). Professionals were asked to share their ideas about the training needs for the professional group as a whole rather than their personal needs regarding training.

During the focus groups the gaps between the existing knowledge, skill and attitudes with respect to restorative justice within each professional group and the knowledge, skill and attitudes set out in the competency profile, were assessed. This gap demonstrates the training need. Training needs are considered at three distinct levels:

- ▶ Primary level training needs – those common to the two professional groups (judges and prosecutors) in all or most of the countries
- ▶ Secondary level training needs – those specific to of one professional group but common to all or most of the countries
- ▶ Tertiary level training needs – those specific to a specific professional group in a specific country

Following the identification of the needs presented by each target group, the phase of **design of the training course** – with the definition of the contents, structure, learning objectives and techniques to be used – was also highly participatory and saw the involvement and active contribution of all project partners, including the national judiciary schools, through the following steps:

- ▶ Drafting of a transnational report with the aim to present summary information regarding the focus groups in each of the three countries along with comparative information regarding the identified training needs
- ▶ A transnational workshop, conducted online with the whole consortium and judges and public prosecutors invited from the implementing countries, to discuss the transnational report and the first proposition of training curriculum
- ▶ A steering committee meeting, conducted again online with the whole consortium, to discuss and validate the structure and contents of the training programme

Through these phases, the training manual and training materials for judges and public prosecutors (Nov 2020 – July 2021) have been designed and developed, starting from the training curriculum – designed against the competency profile and the transnational report – and with the contribution from the University partners and the Judiciary Training Schools in Greece, Italy and Spain.

TRAINING METHODOLOGY: THE PILOT DELIVERY

Between July and November 2021, the RE-JUSTICE training sessions for judges and public prosecutors on restorative justice were held in Naples (Italy), Madrid (Spain) and Thessaloniki (Greece), following the contents and the structure offered in this training manual and in its handouts and other training materials: 10 hours of contents (mostly on the theoretical explanations of restorative justice) were offered **online** – **through the e-learning platforms used by the Judiciary Schools** – and **20 hours** of contents were offered in **face-to-face sessions**, that would maximise the learning experience using debates, working groups, circles, group exercises and experiential tools such as role-play.



The National Judiciary Schools in Italy (SSM), Spain (CGPJ) and in Greece (ESDI) worked in very close and continuous collaboration with the University partners, yet the Schools had direct responsibility for organising the training sessions, selecting the trainers and trainees (among judges and public prosecutors), managing the online platform and hosting the face-to-face sessions. The Schools' ownership of the process ensured engagement of judges and public prosecutors from across the countries.

THE TRAINERS

The trainers who conducted the pilot training sessions in the RE-JUSTICE project were professionals with experience in restorative justice, from the National Training Judiciary Schools, the University partners and the local restorative justice services.



It is important that trainers have in-depth knowledge and experiences in the field of restorative justice and also in the field of criminal justice. To best achieve the necessary skill sets a multidisciplinary pool of professionals and trainers will be necessary: judges and public prosecutors, academics, experienced trainers in the field, mediators, researchers, lawyers. When possible, the involvement of judges and public prosecutors with experience in the application of restorative justice in other countries also contributes to the richness of the training offer and brings a fundamental international perspective. The lessons learnt from countries with an established experience in the field are many and significant, and they make the offer of resources available rich and diversified.

Of particular importance is the presence of a diversified pool of trainers: judicial actors as well as experienced professionals from other background. The presence of researchers, academics and mediators will provide that variety of perspectives and expertise that is crucial to deal with the variety of complex challenges arisen in the every-day working experience of judges and public prosecutors.

THE TRAINEES

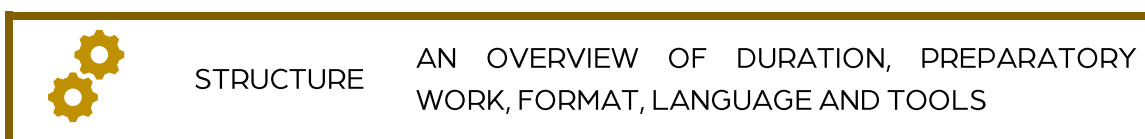
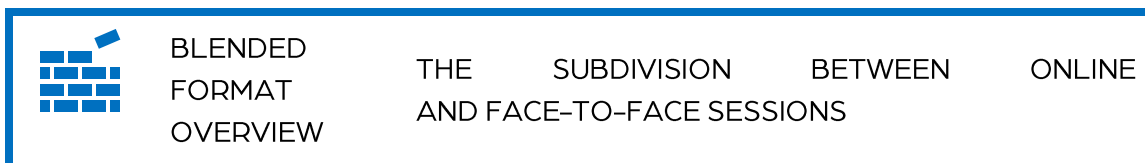
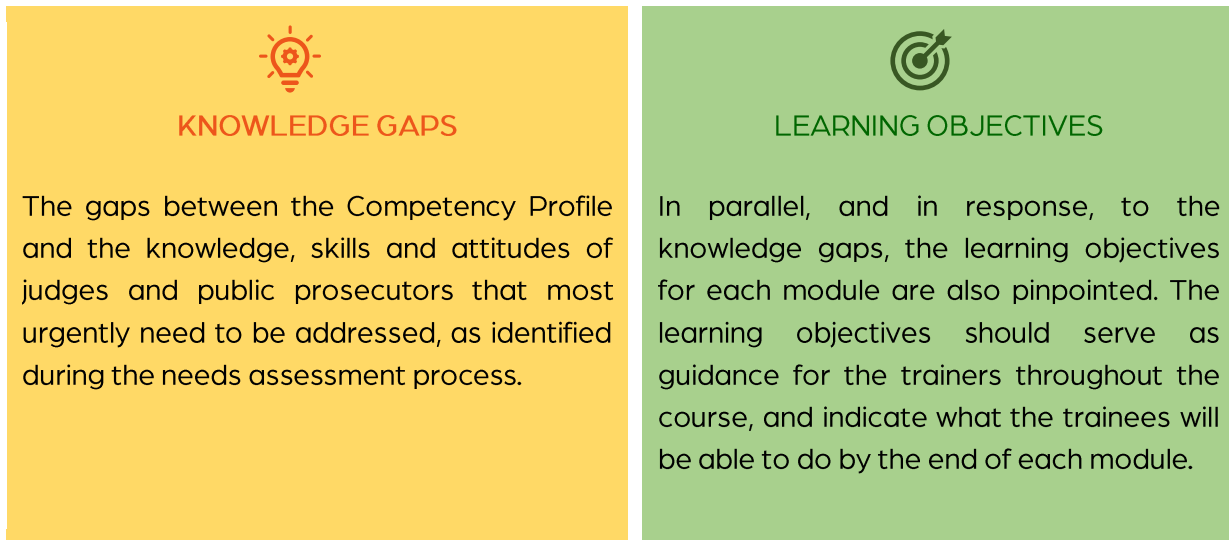
The groups of trainees who took part in the three pilot training sessions were mixed groups of around 25–30 judges and public prosecutors, from different geographical areas and from a variety of roles and functions. They generally had different levels of knowledge of restorative justice: they were in fact all professionals with great interest but little knowledge of restorative theories, principles and practices (consistently with the needs assessment conducted in the three countries prior to the development of the training). The selection of participants was conducted by the National Judiciary Training Schools, through *ad hoc* procedures launched at national level.



Similarly to the variety of trainers involved, the diversified audience of both judges and public prosecutors, covering different roles, in different geographical areas and with different lengths of service, adds value to the training experience. This diversity offers, as a matter of fact, a richness in the perspectives and reflections raised that is seldom to be reached in other contexts (given the complexity of bringing together such a multi-disciplinary group of professionals, between trainers and trainees). The complexity of the discussions that can potentially arise from such a group of trainees – especially concerning the intersections between restorative justice and criminal justice – is pivotal, not only in achieving the training objectives, but also in contributing to the development of the whole discipline and moving forward in its solid growth and expansion.

Unpacking the training programme

This training programme consists of five thematic modules, each with an online part followed by face-to-face aspects (see overview on pp. 9-10). Each module is presented in this Manual following this structure:



The module contents are then presented in the following format, each time the online session being presented first, in line with how this particular approach to the training has been formulated.

Please bear in mind that the presentation of the learning materials and distribution of the sessions presented in this manual serve for illustrative purposes only. **Trainers are encouraged to use the materials flexibly to best serve the learning needs of their group and the practical circumstances.**



ONLINE SESSION



Core contents to cover



Tools



Additional resources



FACE TO FACE SESSION



Core contents to cover



Suggested lesson plan



Tools



Additional resources

Blended programme

This training on restorative justice for judges and public prosecutors is designed to be delivered in a blended learning format: as a course that blends online and face-to-face delivery, combining the best features of online learning and traditional classroom learning.

A substantial proportion of the content is delivered online (10 hours), where the trainees are introduced to the theoretical knowledge about restorative justice, its emergence, values and standards, its main features and the international and national legal framework. The other 20 hours are delivered face-to-face, to allow a restorative training approach and the use of experiential tools.



10 HOURS ONLINE

Programme

Before the face-to-face: Introduction to theoretical knowledge about restorative justice for judges and public prosecutors (8 hours 15 minutes): pre-training survey, videos, recorded lectures, self-directed reading, polls.

After the face-to-face: final assignment, post-training survey and satisfaction survey (1 hour 45 minutes).

The online hours are all asynchronous to give the target audience of professionals a certain flexibility (with self-guided study), given their tight schedules.



20 HOURS FACE TO FACE

Programme

in-depth study, analysis and discussions about restorative justice for judges and public prosecutors, plus direct testimonies and experiences of restorative justice with reflection moments on the role of judges and public prosecutors (20 hours)



The online teaching covers essential knowledge, and are not optional. It is important to ensure that trainees have access to and cover these materials. National Schools of the Judiciary have an essential role to play so need to be involved in the designing the training from the very first discussions. The Schools have a role in:

- ▶ The online platform – preferably managed by the Judiciary School – will have to be available for the trainees very well in advance before the face-to-face sessions, to give them the time to go through the materials
- ▶ The video lectures and video messages need to be tailored to the local contexts and involving local experts that focus on the national legal frameworks
- ▶ The trainers should ensure to follow-up with the trainees their attendance to the online sessions and find ways to motivate them to explore those contents

Finally, it is important to emphasise that the structure presented in this training programme – with the online sessions that precede the face-to-face ones – is just one possible option. The trainers and the organisers of the training, in close continuous collaboration with the National School of the Judiciary, will have to **pre-assess the context and decide if:**

- ▶ *The sessions online are offered before the face-to-face, as in the present Manual, to ensure that the trainees cover the theoretical and core contents before meeting face-to-face and before engaging in experiential exercises*
- ▶ *The sessions online are offered in between face-to-face meetings, to introduce and follow-up contents of the face-to-face sessions*
- ▶ *The online sessions are offered after the face-to-face training, to deepen the contents that the trainers had started to convey in person. In this case in particular, a significant follow-up may be required from the trainers, to ensure that the training participants go through the materials offered online and cover all the contents provided with the training, even after the end of the face-to-face sessions.*

Thematic modules

MODULE I: THE EMERGENCE OF RESTORATIVE JUSTICE IN THE CRIMINAL JUSTICE CONTEXT (6 HOURS)



ONLINE (3HOURS)

- ▶ Pre-training survey (20 minutes)
- ▶ Welcome message (5 minutes) – video
- ▶ Introduction to restorative justice – video: Trailer and ‘intro to the videos’ (5 minutes)
- ▶ Introduction and definitions of restorative justice (10 minutes)
- ▶ Introduction to restorative justice: Video case study: Bar fight (40 minutes)
- ▶ Theoretical approaches of criminal justice and punishment (40 minutes)
- ▶ Theoretical frameworks and origins of restorative justice (40 minutes)
- ▶ Values and standards of restorative justice (20 minutes)



FACE TO FACE (3 HOURS)

- ▶ Welcoming, scene setting, introductions, circle (45 minutes)
- ▶ Theoretical approaches and frameworks of restorative justice, and values and standards of restorative justice – through the cases (2 hours 15 minutes)
- ▶ Warm-up exercise starting to think about restorative justice (35 minutes)
- ▶ 10-minute comfort break
- ▶ Theories, values and standards of restorative justice, through the revising the online part (30 minutes)
- ▶ Theories, values and standards of restorative justice, through a case and group discussion (45 minutes)
- ▶ Closing circle (15 minutes)

MODULE II: UNDERSTANDING RESTORATIVE JUSTICE IN PRACTICE (7 HOURS)



ONLINE (1 HOUR 30 MINUTES)

- ▶ Programmes and practices of restorative justice (50 minutes)
- ▶ Impact and effectiveness of restorative justice (40 minutes)



FACE TO FACE (5 HOURS 30 MINUTES)

- ▶ Welcome and introduction circle (20 minutes)
- ▶ Programmes and impact of restorative justice (1 hour 5 minutes)
 - Written exercise: (5 minutes) – and case study on Domestic sexual violence (25 minutes)
 - Circle (15 minutes)
- ▶ Group discussion (20 minutes)
- ▶ Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary (4 hour 5 minutes)
 - Video interview to Sheriff Mackie (15 minutes)
 - Plenary discussion part 1 (15 minutes)
 - 'Mapping exercise': presentation of intersections between restorative justice and criminal justice (40 minutes)
 - Comfort break (15 minutes)
 - Plenary discussion part 2 (20 minutes)
 - Small group exercise (90 minutes)
 - Comfort break (15 minutes)
 - Plenary discussion (35 minutes)

MODULE III: THE STAKEHOLDERS OF RESTORATIVE JUSTICE (6 HOURS)



ONLINE (40 MINUTES)

- ▶ Stakeholders of restorative justice (40 minutes)



FACE TO FACE (5 HOURS 20 MINUTES)

- ▶ Welcome and introduction circle: (20 minutes)
- ▶ Video case study (20 minutes)
- ▶ Group discussion: (25 minutes)
- ▶ Comfort break: (10 minutes)
- ▶ Video case study (10 minutes) – Murder case
- ▶ Group activity (45 minutes) – “mosaic of emotions”
- ▶ Comfort break (10 minutes)
- ▶ Group activity (160 minutes) – Role play, including 10-minute comfort break
- ▶ Closing circle (10 minutes)

MODULE IV: LEGAL AND POLICY FRAMEWORKS (5 HOURS 30 MINUTES)



ONLINE (2 HOURS 30 MINUTES)

- ▶ Supra-national and European levels of international legal and policy framework on restorative justice (15 minutes)
- ▶ International and comparative legal frameworks of restorative justice: 30 minutes
- ▶ Video interview with Belgian Public prosecutor (10 minutes)
- ▶ Legal frameworks of restorative justice at international and at local level: directed reading (1 hour, 20 minutes)
- ▶ Video interview with Tim Chapman, EFRJ Chair (15 minutes)



FACE TO FACE (3 HOURS)

- ▶ International and comparative legal and policy framework (1 hour 10 minutes)
 - Introduction (5 minutes)
 - Quiz: (10 minutes)
 - Group exercise (45 minutes) small group exercise
 - Comfort break (10 minutes)
- ▶ National legal and policy framework values and standards of restorative justice (1 hour)
 - Small group exercise (1 hour)
- ▶ The role of the judiciary within the national legal and policy framework (50 minutes)
 - Live presentation: (50 minutes) – Local speaker and question and answer session

MODULE V: MAKING RESTORATIVE JUSTICE HAPPEN (5 HOURS 30 MINUTES)



ONLINE (45 MINUTES)

- ▶ Video interview with Belgian judge (9 minutes)
- ▶ Self-directed reading of national booklet about the situation of restorative justice services and practices in their country: (33 minutes)
- ▶ Closing video (3 minutes)



FACE TO FACE (3 HOURS)

- ▶ Restorative justice at case level (2 hours)
 - Welcome and introduction circle (20 minutes)
 - Group exercise: (45 minutes) – Small group exercise – Communication skills
 - 10 minutes: Comfort break
 - Group exercise (45 minutes) – Small group exercise – Case based exercise
- ▶ Restorative justice at organisational level (1 hour)
 - Group exercise (30 minutes) – Small group exercise – moving forward with restorative justice
 - Closing circle (30 minutes)

FINAL SESSION ONLINE (1 HOUR 35 MINUTES)



ONLINE (1 HOUR 45 MINUTES)

- ▶ Final assignment (1 hour 10 minutes)
- ▶ Exit questionnaire (25 minutes)

Training tools

Project partners have produced a number of training materials within the framework of the RE-JUSTICE project. These tools focus on supporting judges and prosecutors to become competent in their work around restorative justice, as defined by the Competency Profile, and addressing the needs identified in the analysis process. Tools include:³

- ▶ Pre-training questionnaires
- ▶ Post- and Satisfaction questionnaire
- ▶ Recorded lectures by restorative justice experts
- ▶ Reading materials for self-directed reading (for online sessions)
- ▶ Handouts for trainees:
 - Introduction and definitions of restorative justice (Module I)
 - Power Point on theories on crime and punishment, with the video-lecture (Module I)
 - Theoretical frameworks relevant to restorative justice (Module I)
 - Values and standards of restorative justice (Module I)
 - Restorative justice programmes (Module II)
 - Restorative justice practices (Module II)
 - PowerPoint on impact and effectiveness, with the video lecture (Module II)
 - Factors to determine the impact and effectiveness of restorative justice (Module II)
 - Power point on the stakeholders of restorative justice, with video-lecture (Module III)
 - Snapshot of the supra-national and European levels of international legal and policy framework on restorative justice (Module IV)
 - Restorative justice and systemic implementation: Successful Restorative Justice Development around the World (Module V)
- ▶ National booklets developed by the trainers with the support of the European Forum for Restorative Justice. Each national booklet should at least include:
 - Status quo in the country⁴
 - National resources for: how to develop restorative justice in the country; how to practice restoratively as a judge/prosecutor, even if you are not practising restorative justice
- ▶ Training videos:
 - Training video: 'Experiences of restorative justice' (dialogue in English and Dutch, subtitled in English, Greek, Italian and Spanish) – produced by KU Leuven, the European Forum for Restorative Justice and Moderator

³ For further resources (video, research, reports, contacts, etc.) or if you need support in organising the training consult the European Forum for Restorative Justice website: www.euforumrj.org.

⁴ More details about the contents of the status quo in the country can be found under Module IV.

- Interviews with perpetrators and victims who have experienced restorative justice
- Round table discussions with mediators, reflecting on some of these cases
- Interview with a Belgian judge on his experience of using restorative justice
- Interview with a Belgian prosecutor on his experience of using restorative justice
- Interview with a former Scottish Judge (Sheriff) on his experience with restorative justice
- Interview with the Chair of the European Forum for Restorative Justice
- Thessaloniki University (AUF) training video: fictionalised case with simulation of a mediation (dialogue in Greek, subtitled in Greek, English, Italian and Spanish)
- Catholic University in Milan (UCSC) training video: voices from perpetrators, victims, mediators and other parties who have experienced restorative justice (dialogue in Italian, subtitled in Italian, English, Greek and Spanish)
- University Carlos III in Madrid/Spanish Judiciary School (CGPJ) training video: interviews with perpetrator and victim of a serious crime, who have experienced restorative justice; discussions and interviews to mediators, magistrates and professors (dialogue in Spanish, subtitled in Spanish, Italian, English, Greek)
- ▶ Written restorative justice case studies
- ▶ Quizzes, assignments and exercises, presented throughout the manual
- ▶ Bibliography – list of reading materials and other resources. Study resources and those recommended for specific topics are highlighted under each Module

Practical instructions for trainers

BLENDING APPROACH

The blended learning approach requires that the trainers take some specific considerations into account when preparing the training.

The online sessions are self-directed and self-paced, allowing trainees to decide when they engage with the materials offered.

Thus, the trainers should ensure that:

- ▶ The training materials (including audio, video and reading materials) are prepared in advance and made available to trainees far enough in advance of the face-to-face training sessions to allow them – judges and public prosecutors – sufficient time to prepare. Ideally this should be at least four weeks in advance. In all cases, the need for self-guided study prior to the face-to-face sessions and the anticipated time commitment that this involves should be communicated to and agreed with trainees at enrolment.
- ▶ The trainees are advised to go through the training material in the order indicated in this training manual. This guarantees the programme integrity of the training, ensuring that

the trainees can be smoothly directed from the theoretical knowledge of the restorative justice origins to its characteristics and links with their daily work.

- ▶ Self-directed readings illustrating the local context are provided to the trainees, in addition to the international ones.

TRAINING MATERIALS

The **handouts for trainees** produced in the framework of the RE-JUSTICE project are made available together with this Manual, in English, Italian, Spanish and Greek.

The **video materials** are not all publicly available, given the highly sensitive issues of protection and confidentiality that their dissemination would entail. They can however be shared, according to appropriate safeguards, with the training institutes and bodies that will be interested in organising and providing a training on restorative justice to judges and public prosecutors. To gain access to them, the trainers and/or their institutions should contact the respective owners of the videos – specified above in the list.

The use of the training materials (including handouts and videos) under specific Modules and sessions is detailed throughout this Manual: a solid rationale is behind the choice of using certain training tools rather than others in each part and moment of the training.

The high variety of local contexts in which this training was used in the piloting phase, and will be used in the future, implies that **the offer provided by this Manual**, in terms of structure of the training, programme and materials, is **adapted to each national setting**.

It is necessary that the trainers assess and choose the most appropriate solution and the most appropriate tool for their specific audience and setting. This choice will have to be based on a thorough assessment of the training needs of the target trainees and on aspects of feasibility and sustainability. These choices will also have to consider the training tools and materials already possibly available at national level, while always providing fundamental international lenses.

For these reasons, in addition to the materials developed within the RE-JUSTICE, trainers are encouraged to create, use tools to reflect the local situations, including:

- ▶ Testimonies of other magistrates who have experienced restorative justice
- ▶ Testimonies of perpetrators and victims who have experienced restorative justice
- ▶ Testimonies of mediators
- ▶ Local resources to present national realities about restorative justice
- ▶ Contributions, face-to-face or online, from magistrates and experts from other countries
- ▶ Contributions, face-to-face or online, from local key stakeholders with restorative justice experience or expertise (victims support organisations, mediation centres, probation officers, social workers, etc...)



RE-JUSTICE

Judicial Training in
Restorative Justice

THE TRAINING ON RESTORATIVE JUSTICE FOR JUDGES AND PUBLIC PROSECUTORS

Restorative guidelines for trainers

After a detailed introduction about the general structure of the training Manual and the training programme, this part marks the beginning of the core contents of this Manual. It starts with direct instructions to trainers: these restorative guidelines are meant to support on reproducing and replicating restorative values, principles and processes in their training. This is particularly relevant for the face-to-face sessions, through their attitude, skills and training tools.

Circles will be used, as well as role-play and other experiential training methods and tools, aimed at building an empathy with the position of the restorative justice parties, and a safe environment. 'Restorative training' is, therefore, part of this general approach.

Restorative justice pedagogy aims at:

- Build community among participants;
- Inspire individual and social transformation;
- Give voice to the unique experiences of participants;
- Offer opportunities for real-life problem solving;
- Provide a creative learning environment that is co-created by students and trainers;
- View students as practitioners, theorists, and educators; and
- Invite instructors to view themselves as students and share in the learning process.

(Barb Toews, 2013)

How do we create an environment and a delivery style of training which reflect the restorative process and restorative the values?

These guidelines are intended as a stimulus to your own reflection and preparation. Our invitation is that you use the ideas and exercises in this training Manual as a complement to your own wealth of skills, experience and knowledge.

The aim is to guide you on how to conduct a restorative training, creating a safe, "courageous" space, promoting openness, and positive group dynamics that are particularly important in such a training (for the use of some experiential tools above-mentioned). Although very well aware of the solid experience of the highly skilled trainers that are going to conduct this pilot training, we want to keep in mind that this training manual will be used across European countries, and thus across various levels of experience and expertise about restorative justice.

A 'restorative approach' to the training will integrate the principles of restorative justice, which in practice means, among others, that all exercises are voluntary, people are given as much choice as possible and are enabled to enter in their own learning experience. The training is not meant to be

just an *ex cathedra* teaching, but it is a co-creation between programme development team trainers and learners.

Training Restoratively

As a trainer, which values of Restorative Justice are most important to you in how you conduct your trainings?

How do they reflect in the way you or your organisation approaches training, the learning environment and your interactions with trainees?

What steps can you (personally and as an organisation) take to increase how trainees experience restorative values in their interactions with you?

You may like to consider some of the following:

JUSTICE

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.

Whatever affects one directly, affects all indirectly."

MARTIN LUTHER KING JNR.



There are several different possible etymologies for the word 'justice' ranging from righteousness, command, equity, what is needed, limitations on what we can do and even "vital force, life, eternity" (Boatright 2018). Justice can also refer to accountability. Making agreements that address the loss, damage and violation of the harm caused by criminal behaviour and taking steps towards reintegrating the perpetrator of harm can also be seen as justice.

In English 'justice' implies fairness, particularly in the use of power. This reflects the how justice is seen with respect to restorative 'justice'. Here the important principle is that everyone's needs matter and that everyone's voice has value.

IDEAS FOR INTEGRATION

How is the room set up for your training environment?

Consider the training environment that you create. For example, for the face-to-face training sessions when everyone sits in a circle and can see each other easily this can help to create a sense of inclusivity and make it easier for participants to engage with each other. This can also be helpful for people with hearing difficulties who rely on lipreading.

Is the trainer on the same level as the participants or on a higher platform?

When the trainer is standing or sitting at the same level as the participants (rather than standing on a higher platform) this can help to convey the restorative justice value of equal importance amongst participants. How else can you facilitate such dynamics during the training, such as where professionals with different levels of experience are present?

Are you using a microphone?

In a large setting where the trainer needs to use a microphone to be heard, it is also recommended that microphones are also available for participants, so that they can also engage in the discussion and so their voices can also be heard by the entire group.

Would the use of a "talking piece" be useful in some of the exercises or discussion spaces?

Consider the use of a 'talking piece' during some of the exercises. This approach is a useful way to reinforce the idea that everyone has the right to participate to a conversation and that all voices and opinions are valued. Talking pieces are often seen in the restorative processes that are used by First Nations peoples and other communities and our use of talking pieces can serve of an important reminder of the broad scope of restorative processes.

What else might you do to include this value in your training?

Consider taking steps to ensure that you understand what 'justice' or 'just treatment' means to participants within the context of the training. This may have something to do with being well informed of what is expected of them, or having agreements fulfilled. It may mean in practice to use a circle process to ask each training participant about what would support their learning, and then form these ideas into ground rules or a group commitments.

RESPECT FOR HUMAN DIGNITY

"Dignity is as essential to human life as water, food, and oxygen"

LAURA HILLENBRAND

In our complex society, in the reality of the systemic challenges that we face and the differences between us, it can be easy to lose sight of the dignity inherent in every person. This sometimes manifests in ways that we are aware of. Sometimes, though, it manifests unconsciously, in ways that we are not aware of. It can be surprising and even shocking when we are finally made aware of how we have impacted others through what we have said or done, or what we have not said or not done.

IDEAS FOR INTEGRATION

How can our training be a respectful and courageous space for all participants?

A rich learning environment is one in which ideas, questions, challenges and concerns can all be exchanged in respectful atmosphere so that all participants feel that they can speak their truths safely. Consider how you can foster such a respectful and courageous space for all participants. You might, for example, choose to work with ground rules or a talking piece. You might consider different ways to increase group coherence, such as ice-breaker exercises that foster a sense of the group being a supportive space.

How are conscious or unconscious biases dealt with?

Consider how conscious or unconscious bias (for example, around homophobia, gender issues, racism, sexism or other forms of prejudice or discrimination) can be identified and addressed within the training space. Perhaps it could be helpful to decide within the group and at the start of the training how such matters can be tackled in a way that maintains the sense of a courageous and respectful training environment.

Does the principle of voluntariness apply?

Voluntariness is a key principle for restorative justice. Consider taking steps to ensure that participants understand that they can refrain from participation in exercises without being disadvantaged. To what extent are participants voluntarily engaged in the training itself?

SOLIDARITY



"Alone we can do so little. Together we can do so much"

HELEN KELLER

An important ingredient in a restorative training is creating an environment that:

- ▶ supports solidarity rather than competition
- ▶ promotes learning and growth rather than perfection
- ▶ welcomes 'mistakes' as an important parts of learning

Such an environment will foster creativity, support growth and enhance learning.

IDEAS FOR INTEGRATION

Does the training cater to special needs?

Consider how you can create an inclusive learning environment by first identifying and then supporting the diverse learning needs and learning styles of the trainees in your group. Physical disabilities (e.g. mobility, sight or hearing needs) and specific learning needs (e.g. dyslexia) should be considered as well as the neurodiversity of participants and the preferred learning styles (e.g. visual learning or auditory learning) within the group. How accessible is the training? Can sign or other language interpreters be made available? Can support be provided for accessing online materials?

How can solidarity be forged beyond the formal teaching?

You may want to encourage participants to spend time together at break times, or to eat together. You may encourage forums for sharing experiences and information, create opportunities for learning together, or encourage professional cooperation beyond the timeframe of the course.

TRUTH

"Everyone holds a piece of the truth"

GANDHI

As trainers it can be tempting to want to fill all the space with the knowledge we want to impart. After all people have come to learn and gain new skills.

Rather than positioning ourselves as "experts" how can we welcome and encourage the knowledge and experience of the participants while also bringing our own skills to the table?

IDEAS FOR INTEGRATION

Are questions and requests for clarification welcome?

Consider how to foster an environment in which feel comfortable asking questions and making requests for clarification. Consider providing opportunities for questions during group learning sessions but also in individual meetings (1-2-1 settings). Consider providing opportunities to pose questions in written formats and also orally.

Is there space for dissenting voices?

Consider taking steps that ensure that dissenting voices are welcomed and respected. Perhaps the questions can regularly be asked during training such as 'does anybody have a different opinion or experience? Does anybody see things differently?' Consider ways of challenging participants to reflect on the perspectives of others during the training and in their own practice.

RESPONSIBILITY

"Taking responsibility for oneself is by definition an act of kindness"

SHARON SALZBERG

Taking responsibility for ourselves includes taking responsibility for our actions and the possible impacts we may have on others, even when those impacts are at odds with our intentions. Taking responsibility includes taking care of ourselves as trainers as well as caring for others.



IDEAS FOR INTEGRATION

- ▶ Consider establishing shared group guidelines for how the training group will function.
- ▶ Consider how the training space encourages participants to care for themselves and others? Are refreshments available? Is it possible for people to sit on the floor or move about so as to care for physical needs and alertness? Are regular comfort breaks planned and communicated in advance to participants? Can participants have some say in how many breaks are taken, when and for how long?
- ▶ Consider the ways in which you can care for yourself as a trainer so that your responsibility is at its best.



This list of restorative justice values is not exhaustive, but it is meant to provide trainers with a guide on how to transform restorative principles into practice and into reflections for the training.





Consider ways in which you can we take account of other important restorative values including, Reparation, Voluntariness, Inclusiveness of the process, Active participation, Commitment of the parties involved and Confidentiality?

For further reflection

10 ways to live restoratively (Zehr, 2007)

1. **Take relationships seriously**, envisioning yourself in an interconnected web of people, institutions and the environment.
2. Try to **be aware of the impact** – potential as well as actual – of your actions on others and the environment.
3. When your actions negatively impact others, take responsibility by acknowledging and **seeking to repair the harm** – even when you could probably get away with avoiding or denying it.
4. **Treat everyone respectfully**, even those you don't expect to encounter again, even those you feel don't deserve it, even those who have harmed or offended you or others.
5. **Involve those affected** by a decision, as much as possible, in the decision-making process.
6. **View the conflicts and harms in your life as opportunities.**
7. **Listen, deeply and compassionately**, to others, seeking to understand even if you don't agree with them. (Think about who you want to be in the latter situation rather than just being right.).
8. **Engage in dialogue** with others, even when what is being said is difficult, remaining open to learning from them and the encounter.
9. **Be cautious** about imposing your "truths" and views on other people and situations.
10. Sensitively **confront everyday injustices** including sexism, racism and classism.

Resources

-  Boatright, J. (2017). The History, Meaning, and Use of the Words Justice and Judge. 49, 727. *The St. Mary's Law Journal*, 49(4), 727.
-  Hillenbrand, L. (2010). *Unbroken: a World War II story of survival, resilience, and redemption*. Large print edition. New York: Random House.
-  Zehr, H. (2007). 10 ways to live restoratively. Accessed at: <http://emu.edu/now/restorative-justice/2009/11/27/10-ways-to-live-restoratively>
-  Adichie, C. N. (2009). The Danger of a single story [Video]. TED Conferences. https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_story

The training programme

Pre-training online questionnaire — 20 minutes

This questionnaire is meant to be administered to the trainees before the beginning of the training. In the RE-JUSTICE training it was put on the online platform at the launch of the training and filled by the participants as first thing.

The whole questionnaire is presented in Annex 11. Trainers should make sure it is uploaded on the online platform in advance of other training materials.



Below an extract of Annex 12, with some key information to give to the trainees before they complete the questionnaire.



PRELIMINARY INFORMATION

The questionnaire is anonymous and exclusively serves the purpose of gathering information on the training needs, learning and knowledge expectations of the participants in the judicial training course on restorative justice.

The results of the questionnaire will be used to improve the learning experience. These results, in anonymous and aggregate form, may also be used for:

- ▶ *The development of a replicable training model*
- ▶ *An updated training manual of the judiciary in restorative justice*
- ▶ *Scientific publications*

At the end of the course, we will ask for a little more of your time to re-evaluate, with a second questionnaire, expectations, interests, training needs, degree of satisfaction and collect your suggestions and proposals.

Module I: The emergence of restorative justice within the criminal justice context



KNOWLEDGE GAPS

Understanding of what restorative justice is and how it is distinct from other interventions

Knowledge of legal theories relevant for restorative justice (especially the relationship between rule of conduct and sanction)

Knowledge of rehabilitation approaches in criminal justice: similarities and differences with restorative justice

Knowledge of different theoretical frameworks of restorative justice (conflict as property, procedural justice, responsive regulation)

Knowledge of citizens' / the community's contribution to justice processes

Knowledge of the values and standards relevant to restorative justice and victim rights and the rights of all the justice system's users

Recognising the potential of restorative justice in addressing the needs of criminal justice system users and the whole community

Knowledge of the principles of restorative justice



LEARNING OBJECTIVES

Define restorative justice

Describe the key features of restorative justice that distinguish it from other types of responses to crime and harm

Describe/discuss classic legal theories, such as utilitarianism and retributivism, and their relationship to restorative justice

Describe at last two theories of rehabilitation and how they relate to restorative justice.

Explain why restorative justice *per se* is not a form of rehabilitation, amendment, or correction.

Describe Christie's 'conflicts as property' approach

Outline the roles that the community can take in restorative justice processes

Outline the benefits of community participation in restorative justice

Describe the origins of restorative justice

Describe the theoretical premises to the emergence of and the theoretical origins of restorative justice

Understanding of how features, major concepts, values and principles of the legal system relate to features, major concepts, values and principles of restorative justice

Knowledge and understanding of the principles of procedural justice, while taking these into consideration during working practices

Understanding of the impact of restorative justice on desistance

Theoretical knowledge base that allows understanding of the needs of the victim, including their protection needs

Situate restorative justice in appropriate theoretical frameworks

Identify basic principles of restorative justice

Identify restorative justice values and standards

Describe the benefits of restorative justice for victims

Describe the benefits of restorative justice for accused persons

Explain how values and principles restorative justice relate to value and principles of the legal system

Describe the theory of procedural justice

Propose ways in which procedural justice principles are / can be guaranteed within the working environment

Describe at least one theory of desistance and **explain** ways in which restorative justice might contribute to a desistance process

Define the justice interests of victims and **explain** how these interests may be satisfied by restorative justice

Explain sentiments commonly expressed by victims



Overview blended format – 6 hours

	SESSION TITLE	DURATION (MINUTES)	TOOLS	
ONLINE	Pre-training survey	20	Online survey	
	Welcome message	5	Video message prepared by the trainers	
	Introduction to restorative justice	5	Video of intro or Trailer	
	Introduction and definitions of restorative justice	10	Handout 1	
	Introduction to restorative justice	35	Video case study: Bar fight	
	Introduction to restorative justice	5	Short written exercise (a few bullet points noting things that were surprising, interesting, or about which they have questions)	
	Theoretical approaches of criminal justice and punishment	30	Video lecture 1	
	Theoretical approaches of criminal justice and punishment	10	Handout 2	
	Theoretical frameworks and origins of restorative justice	30	Video lecture 2	
	Theoretical frameworks and origins of restorative justice	10	Handout 3	
	Values and standards of restorative justice	10	Handout 4	
	Values and standards of restorative justice	10	Self-directed (suggestions in main manual)	
	FACE TO FACE	Welcoming, scene setting, introductions	45	Circle discussion
		Starting to think about restorative justice	35	Warm-up exercise
Comfort break		10		
Theories, values and standards of restorative justice		30	Group discussion, revising the online part	
Theories, values and standards of restorative justice		15	Intro discussion and video of home theft case (KU Leuven)	
		30	Group discussion	
Closing		15	Circle	



Structure

Duration: 6 hours

Format: three hours will be provided online, with video-recorded lectures, audio-video materials and self-directed reading of handouts and other reading materials.

After the trainees have attended the online part of the training, the face-to-face will start off with a first session "to set the scene" followed by other 2 hours face-to-face covering the contents of the first module and picking up on the contents already touched upon the online session. In the face-to-face event, trainers will make use of presentations in the traditional format, but above all of icebreakers, interactive exercise, group discussions.

Language: the training materials, produced in English, are translated and/or subtitled in the local language. The reading materials and videos proposed here are mostly in English, and the trainers are strongly encouraged to find other materials in local language that are appropriate to the specific contents of the module.

Tools: online platform, recorded lectures, handouts.



Online session – 3 hours



CORE CONTENTS TO COVER

1. Theoretical approaches of criminal justice and punishment:

- Summation of main legal theories of criminal justice and punishment relevant for restorative justice
- Punishment theories and rehabilitation rights: how does restorative justice relate to theories of punishment?
 - Reference to more recent theories, like neo-retributivism
 - Harmful effects; therapeutic jurisprudence
- Introduction and reference to victims' movements, from an international perspective, as a reaction to the limitations of the traditional theories of punishment and to criminal justice's focus on the offender. References to the national contexts to be briefly presented as a bridge to start into looking at the change of perspective and function required for judge and prosecutors working with restorative justice

2. Theoretical frameworks and origins of restorative justice:

- Theoretical frameworks relevant to restorative justice: conflicts as property, changing lenses, procedural justice, theories of harm, trauma, power and control, recovery, restoration of power and control (other further approaches can be mentioned and reference for suggested reading can be given to the trainees: reintegrative shaming, desistance, responsive regulation)
- Origins of restorative justice and some basic definitions: accepted definitions of restorative justice – 3 main definitions, from the CoE, EU, and European Forum for Restorative Justice (and mention to the ECOSOC Resolution 2002/12)
- The definitions should come with a brief mention of the core values of restorative justice and of the main legal provisions (from which two of these definitions come)

3. Values and standards of Restorative Justice:

- Introduction to the values guide restorative practices: Justice, solidarity, human dignity, truth, restoration and reparation, voluntariness, inclusiveness of the process, active participation, commitment of the parties involved and confidentiality
- Introduction to restorative justice practice standards: Voluntary participation based on informed consent; direct and authentic communication; processes designed to fit the participants' capabilities and culture; valuing each participant's needs and wishes equally; Non-judgemental, multi-partial facilitation; the importance of dialogue, and; rigorous implementation of agreed actions
- Practical application of restorative justice values and standards



TOOLS

- ▶ Handouts 1, 2, 3 and 4
- ▶ Recorded lectures
- ▶ Video about case study: Bar fight case
- ▶ Self-directed reading of:
- ▶ [European Forum for Restorative Justice, Manual on Restorative Justice Values and Standards for practice, 2021](#)
- ▶ [UN Handbook on Restorative Justice Programmes \(2020 edition\) pages 3–38](#)



Face to face session – 3 hours



CORE CONTENTS TO COVER

Theoretical approaches and frameworks of restorative justice, and values and standards of restorative justice

- The 'evolving' role of judges and public prosecutors, a re-positioning of their role vis-à-vis the offender, the victim, the community, towards a more inclusive and responsive system of justice
- The function and role of judges and/or public prosecutors and how protecting the rights of all parties involved fits within these, without prejudice to the rights of the accused person nor the victim
- More practical – but still general (not country specific) implications of the previously presented theoretical approaches: roles of justice system users and their interaction with restorative justice, criminal proceedings and other judicial proceedings
- How to value victims and offenders' needs and rights, whilst remaining within professional and ethical rules and guidelines
- How restorative justice can enhance ordinary people's experience of justice: accountability, inclusion, participation, restoration, and orientation
- The collective level and the involvement of the community in doing justice; citizens'/the community's contribution to justice processes: an important component in the change of perspective, but the trainers may remain general and theoretical, touching upon this, for example mentioning:
 - Existing examples of participation of the community in criminal justice (like jury trials) and to existing interaction between public opinion and law making
 - Other significant examples of practical applications relate to the growing lack of trust of the people towards the justice system and how restorative justice would be important to build bridges
- How to recognise the potential of restorative practices in the court setting and the restorative justice outcome: the potential of restorative justice in improving the quality of the work of judges and prosecutors
- Values of restorative justice: Justice, solidarity, human dignity, truth, restoration and reparation, voluntariness, inclusiveness of the process, active participation, commitment of the parties involved and confidentiality



SUGGESTED LESSON PLAN

Setting the scene

 45 minutes

Welcoming, introduction and getting to know each other

This first face-to-face session starts with an introduction from the trainers of the project and the training programme. Importantly, the foundations of the group dynamics are laid, which will influence all of the following learning. Trainers are required to facilitate processes of group coherence and to begin building a “courageous” space. In as far as possible, this should be achieved in line with restorative justice values and principles and drawing on restorative techniques as part of the experiential approach to learning that is key in this training, and this intention should be communicated to the learners. For this session the trainers will follow the instructions given earlier in the “Guidelines” and reinforce them with tools and strategies with which they are familiar, according to their experience in providing training on restorative justice. Exercises will be used to 1) introduce the idea that restorative justice requires looking at familiar things from a different perspective, and that what will be required is an ability to step away from the familiar, and 2) remind the learners that the brain works by making cognitive shortcuts which can lead us to make errors that we are not aware of, so we should be critical of and interrogate our own thinking and decisions. It should be made clear that the exercises are not designed to trick anyone, just to demonstrate the patterns that our brains quickly fall into.⁵

Such exercises should include using short video clips of the psychological ‘selective attention test’⁶ experiments, which are readily available on YouTube and other platforms. We offer here two examples of these exercises, between you can select and that you could decide to use and/or to get inspiration from, for this initial session of the training.

⁵ Suggested reading for the trainer: <https://www.bitbrain.com/blog/cognitive-biases>

⁶ Selective attention tests are psychological experiments which demonstrate that when people are focused on one thing, they tend to ignore other things, even when these things are quite obvious. Classic scenarios involve, for example, two teams of people dressed in different colours who are interspersed between each other and moving. Each team is passing a ball to other members of their team. Participants are asked to count the number of ball passes made between the players of one team. Whilst they are focused on this task, they fail to notice a person dressed as a gorilla walk into the shot.

Attention exercises

Title	How well can you focus?
Description	Group exercise
Aim	To convey differences in attention and focus
Materials	Online video material demonstrating a selective attention test such as: https://youtu.be/vJG698U2Mvo or https://youtu.be/bnnmWY1OIM
Details	The facilitator explains the aim of the session. Participants are asked to watch the short video clip and follow the instructions given. The concept of cognitive bias is introduced and discussed, as are a number of concrete cognitive biases. Discussion around how people can take steps to recognise their own cognitive biases in order to introduce the habit of challenging our own biases.
Required time	10 minutes
Additional resources	https://www.skillpacks.com/selective-attention-test-examples/

Title	How 'efficient' is your brain
Description	Group exercise
Aim	To convey the idea of cognitive biases
Materials	An infographic outlining a number of cognitive biases such as: https://apus.libanswers.com/faq/191117 or https://upload.wikimedia.org/wikipedia/commons/a/a4/The_Cognitive_Bias_Codex_-_180%2B_biases%2C_designed_by_John_Manoogian_III_%28jm3%29.png or https://www.visualcapitalist.com/50-cognitive-biases-in-the-modern-world/
Details	The facilitator outlines the aim of the session – that we will be reflecting on how our brains work and how this influences the way we view and also react to the world. The facilitator explains that our brains process information in certain ways. For example, first the brain processes at a 'global' level and only subsequently at the 'local' level. This is why we first recognise that we have met our friend Maria on the street (global processing) and only after a while do we notice that she now has new glasses (local or more detailed processing). Linked to such processing, humans tend to have a number of cognitive biases. Judges and prosecutors are likely to already have received training on how to recognise and interrupt such biases, but the process of revisiting and recognising our biases can contribute to us being able to interrupt such cognitive patterns, so refreshing this information is always advantageous. The facilitator introduces the participants to a number of biases via the infographic and encourages reflection on which biases participants recognise in themselves, how do these manifest, how can they be overcome? Are there particular techniques that are used to achieve this? Are there examples that can be shared about when this goes well or, perhaps, when biases have only been recognised at a later stage? Facilitator should offer examples themselves to help the discussion. This reflection can be done in the whole group, in pairs, or as a private exercise where participants are invited to reflect and make notes for their personal consultation.
Required time	25 minutes
Additional resources	https://youtu.be/GP-cqFLS8Q4 https://youtu.be/wEwGBlr_Rlw

A **circle** should be conducted, for all modules, in all presence sessions, at the beginning and closure of each face-to-face session. The experiential learning approach is an important way to convey a sense of restorative justice to learners, and this should be explained to learners, along with a brief

introduction to the purpose and process of circles in restorative justice. Guidelines on how to conduct circles can be found among the EFRJ resources available online.⁷

For this opening circle, the trainer should include a number of rounds including, for example:

- ▶ Introductions – name, role, city of work etc.
- ▶ From what they have already covered in the online part, one thing they have learnt about restorative justice
- ▶ From what they have already covered in the online part, one thing they are surprised about (positively or negatively) about restorative justice (this round can be repeated if there is need in the group)
- ▶ Feelings about / expectations for the course – the trainer manages expectations by informing learners where their expectations cannot be met by the course and by nothing expectations that can be met during the course and ensuring that these are fulfilled, and where appropriate highlighting to the learner when one of their expectations is being addressed.

Theoretical approaches and frameworks of restorative justice, and values and standards of restorative justice.

Warm-up exercise

 30 minutes

The trainer reads a series of statements, explaining that some of them are incorrect commonplace, some are contested or little-known facts about restorative justice. Trainees have to say / indicate (for example by indicate the strength to which they agree / disagree by standing along an imagined continuum between opposite sides of the room or by marking an 'x' on a target – the closer the mark being made to the bull's eye the stronger the agreement). The trainer should try to create a very relaxed atmosphere, stressing that some answers are surprising. Trainees should be encouraged to say a few words about their choice of answer before the correct answer is given, and then given the opportunity to reflect on the correct answer – stating anything that is surprising, or anything that they feel may be a challenge in their own working practice. The idea is to stimulate discussion about the boundaries of restorative justice, and to break the ice between participants. The contested/debatable issues to discuss about could include:

⁷ Fellegi, B., and Szego, D. (2013). Handbook for Facilitating Peacemaking Circles, among others.

- ▶ Following a court process restorative justice cannot happen because of the ne bis in idem principle
- ▶ Crimes that happened more than approximately 10 years previously are not suitable for restorative justice, people have moved on and should be left alone
- ▶ Only victims can initiate restorative justice (in some countries this is the case)
- ▶ Rape cases are not suitable for restorative justice (in some jurisdictions this is not allowed but when carefully managed)
- ▶ Restorative justice facilitators need to give more attention to victims as they are always the most nervous
- ▶ Victims should be seated in the mediation room first before perpetrators enter
- ▶ In restorative justice processes victims and perpetrators always meet (shuttle mediation can be discussed)
- ▶ Police officers should never be present in restorative justice processes (can mention roles of community representation)
- ▶ If a victim wants to have a restorative process but the perpetrator refuses, then nothing can be done for the victim (opportunity to briefly mention processes using surrogates)
- ▶ In a restorative justice process a maximum of 4 people can be present – facilitator, victim, perpetrator and community representative (can mention circles, conferences, support people etc)
- ▶ Restorative justice works best when people know each other well before the harm happened
- ▶ Restorative justice is not suitable for children under ten
- ▶ Restorative justice does not need to be concerned about legal safeguards
- ▶ When victims can decide the response from perpetrators, they are always too harsh and want revenge
- ▶ Perpetrators can easily manipulate and make victims feel sorry for them
- ▶ Restorative justice can retraumatise the victim
 - Victims should always be given the opportunity to influence the justice process
 - The justice system has a duty to support and encourage rehabilitation
 - The justice system has a duty to punish wrongdoers

Comfort break

 10 minutes

Theories, values and standards of restorative justice, through the revising the online exercise

 20 minutes

Group discussion: Seated in a circle (but not necessarily taking the format of a restorative justice circle), learners are asked to share their recollections and first reflections about the materials they watched online. Volunteers are asked to recall details about each lecture and the handouts and make reflections (to recall the information presented but also to reflect on their feelings and how this may or may not fit within their roles). What was new? What was interesting / unexpected / seems controversial to them / what are the risks or concerns / are there any questions? As the discussion goes along the trainer reiterates the definitions of restorative justice, highlights a number of key points from each lecture and outlines the values of restorative justice and notes these so that they remain visible for participants.

Theories, values and standards of restorative justice, through the cases

 60 minutes

Using the format of a restorative justice circle, learners are asked to share one thing that stood out to them from the video about the bar fight case that they have been given online. After the first round of sharing, another round of the circle should be undertaken so participant can make further reflections (on the video or on any thoughts/ reactions that have arisen following the first round of the circle).

- ▶ 10 minutes: Video of home theft case is shown
- ▶ 30 minutes: Group discussion
- ▶ The trainer leads a group discussion: Thinking of the two cases, trainees asked to reflect in a general way on what they have seen – is this within their expectations of restorative justice? Was anything positively surprising? Are there any concerns or risks that they would have had in recommending such a case for restorative justice? The trainer makes note of any risks and is sure that, during the course of the session, these are unpicked and, ideally, addressed. If the issue will be covered in a future module the learner is told that the issue will be returned to at a future date. Links are made between the cases and the themes of this session:
 - Critical thinking about the definition of restorative justice: is there evidence that the case study meet the definitions of restorative justice?
 - Critical thinking about the values and standards of restorative justice: which restorative justice values and standards seem to be present in the cases? How do these seem to influence the process or participants? Is there evidence for any of the restorative justice theories?

- Critical thinking about the theories: is there evidence of 'conflicts as property', procedural justice, reintegrative shaming, defiance, desistance,...?⁸ Are there perspectives that restorative justice can give which can enhance some practices within the criminal justice system?
- ▶ Discussion about what 'community' means in restorative justice. Reflections on the role of the 'community of care' and the 'ripple effect' of victimisation and perpetration. What other levels of community are there? How can community involvement in restorative justice compare to their involvement in criminal justice processes? Drawing on the legal and restorative theories, what might the role of community be in justice processes?

Closing circle – what are your first reflections at the end of the first day?

 15 minutes



TOOLS

- ▶ Video materials produced within the project by KU Leuven, the EFRJ and Moderator, and by the national partners: Catholic University in Milan, University Carlos III Madrid and Thessaloniki University
- ▶ Circle and icebreakers
- ▶ Group discussions



ADDITIONAL RESOURCES

- ▶ Website of the EFRJ: www.euforumrj.org, in particular:
<https://www.euforumrj.org/en/our-videos>
<https://www.euforumrj.org/en/restorative-justice-nutshell>
- ▶ Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11(1), 9–29
- ▶ Suzuki, M., & Hayes, H. (2016). Current Debates Over Restorative Justice: Concept, Definition and Practice. *Prison Service Journal*, 228, 4–8. Retrieved from <https://doi.org/10.31235/osf.io/gk5c2>

⁸ Please consider in this discussion all the theories you included in the training – they might be slightly different or more than the ones here listed.

Module II: Understanding restorative justice in practice



KNOWLEDGE GAPS

Understanding of the different programmes of restorative justice and their relative strengths, merits, challenges, and pitfalls

Understanding of the processes of restorative justice encounters

Understanding of the differences between mediation in the context of restorative justice and other forms of mediation; the differences between restorative justice and negotiated settlements

Understanding of the factors that can be used to determine the impact and effectiveness of restorative justice

Understanding the rights and duties of victims, accused persons, convicted persons, criminal justice system users and common citizens in the criminal justice system and how these interact with restorative justice

Knowledge of victim-offender mediation, conferencing, circles / direct & indirect / the content of a restorative justice encounter / details of the processes

Knowledge of the rights of justice system users and their interaction with restorative justice, criminal proceedings and other judicial proceedings



LEARNING OBJECTIVES

Describe the format of circles, mediation and conference models.

Explain the relative strengths, merits, challenges, and pitfalls of circles, mediation and conference models.

Outline how restorative justice encounters take place

Describe key differences between mediation in the context of restorative justice and other forms of mediation and/or negotiated settlements

Describe key factors that may be used to determine the impact and effectiveness of restorative justice

Describe ways in which the impact and effectiveness can be measured

Describe the difference between direct and indirect methods of restorative justice, with examples, and explain the strengths and weaknesses of each approach.

Explain why the basic principles of restorative justice provided by the international standards are so important and what procedural rights they protect.

Understanding of the ethical challenges faced by judicial practitioners and how these can relate to restorative justice practices and valuing the needs of victims, accused persons and those who have been convicted

Knowledge and understanding of complex cases (including collective violence, corporate violence, environmental crimes, hate crimes, human trafficking, intimate partner violence, sexual violence, terrorism, etc.) and those involving particularly victims with special protection needs, and also the risks and benefits of applying restorative justice in such cases

Understanding of issues of judicial impartiality, neutrality, independence, judicial coercive power(s), legality and how these relate to restorative justice

Understanding of the function and the role of judges and/or prosecutors and how protecting victim rights fits within these, without prejudice to the rights of the accused person or the convicted person

Knowledge regarding the material and procedural conditions for restorative justice

Explain how the key principles of restorative justice intersect and coexist with the principles of judiciary independence and neutrality, presumption of innocence, legality.

Describe the role of the judge and of the public prosecutor in guaranteeing the procedural conditions of restorative justice without prejudice of their impartiality, neutrality and of the principle of legality.



Overview blended format – 7 hours

	SESSION TITLE	DURATION (MINUTES)	TOOLS
ONLINE	Programmes of restorative justice	30	Video lecture 3
	Programmes and practices of restorative justice	20	Handouts 5 and 6
	Impact and effectiveness of restorative justice	40	Video lecture 4 (10 minutes) Handout 7 and 8
FACE TO FACE	Welcoming, introductions, agenda of the day	20	Circle
	Programmes and impact of restorative justice	5	Brief written exercise to prepare for the case
	Programmes and impact of restorative justice	25	Video case study: Domestic sexual violence
	Programmes and impact of restorative justice	15	Circle
	Programmes and impact of restorative justice	20	Group discussion
	Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary	15	Video interview with Sheriff Mackie
		15	Plenary discussion part 1
	Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary	40	Lecture and mapping exercise
		15	Comfort break
	Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary	20	Plenary discussion part 2
		90	Small group exercise
	15	Comfort break	
Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary	35	Plenary discussion	



Structure

Duration: 7 hours

Format: 1 hour and 30 minutes will be provided online, with video-recorded lectures, self-directed reading of handouts and video materials produced by the project.

In the face-to-face event, 5 hours and 30 minutes, the trainers will continue after Module I, picking up on the contents already touched upon in the online session. In the face-to-face event trainers will make use of presentations in the traditional format, but above all of icebreakers, interactive exercises and group discussions.

Language: the training materials, produced in English, are translated and/or subtitled in the local language. The reading materials and videos proposed here are mostly in English, and the trainers are strongly encouraged to find other materials in local language that are appropriate to the specific contents of the module.

Tools: online platform, recorded lectures, handouts.



Online session – 1 hour 30 minutes



CORE CONTENTS TO COVER

1. Programmes of restorative justice

- Introduction to what a restorative process is
- Introduction to 'What a restorative justice programme is'; when can we call a (new) programme a 'restorative justice' programme? – 6 conditions for a (new) restorative justice programme from Howard Zehr
- VOM, conferencing, circles / direct & indirect / the content of a restorative justice encounter / details of the processes

2. Impact and effectiveness

- Methodologies of the assessment of impact and effectiveness of restorative justice that can be touched upon:
 - Randomised control trial
 - Qualitative methods of evaluation and assessment of needs and satisfaction (the power of stories and narratives)
- Content, in terms of effectiveness:
- Effect/impact on the work and functioning of the criminal justice system: what is in for as a magistrate?
 - Impact on re-offending and desistance
 - The extent in which justice has been achieved for the parties involved
 - Satisfaction of the parties
 - Justice interest for victims and offenders
 - Procedural justice outcomes
 - Agreements made, fulfilled, etc.





TOOLS

- ▶ Recorded lectures 3 and 4
- ▶ Handouts 5,6, 7 and 8 on: practice, programmes and impact and effectiveness of restorative justice



ADDITIONAL RESOURCES

-  Ludici, A., Laura, P., Faccio, E., & Neri, J. (2020). Application and coherence of the model of restorative justice in Europe. *Global Journal of Sociology: Current Issues*, 10(1), 01–08. <https://doi.org/10.18844/gjs.v10i1.4750>.
-  Paul, G. D., & Swan, E. C. (2018). Receptivity to restorative justice: A survey of goal importance, process effectiveness, and support for victim–offender conferencing. *Conflict Resolution Quarterly*, 36(2), 145–162.
-  **Research report:** Effectiveness of Restorative Justice Programs, Office of Juvenile Justice and Delinquency Prevention Funded Research in Brief, <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/250872.pdf>
-  Shapland, J., Robinson, G. & Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders*. London: Routledge.
-  Sherman, L.W., Strang, H., Mayo–Wilson, E. et al (2015). Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review. *Journal of Quantitative Criminology* 31, 1–24. Retrieved from <https://doi.org/10.1007/s10940-014-9222-9>
-  Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2018). *Effectiveness of restorative justice principles in juvenile justice: A meta-analysis*. Inter-university Consortium for Political and Social Research.
-  Short video (1) on unconscious bias: <https://youtu.be/K-n7eI87Dmo>
-  Short video (2) on unconscious bias: <https://youtu.be/GP-cqFLS8Q4>



Face to face session – 5 hours and 30 minutes



CORE CONTENTS TO COVER

1. Programmes of restorative justice

- Differences between restorative justice and other purely compensatory/monetary negotiated settlements, between criminal and civil cases, between negotiation, mediation, arbitration, adjudication
- How judges and prosecutors can communicate with the parties from an institutional point of view about restorative justice proposal and about restorative justice programme
- How judges and prosecutors can integrate the outcome of the restorative justice process in their work and decisions

2. Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary

- Issues of judicial impartiality, neutrality, independence, judicial coercive power(s), legality, presumption of innocence as opposed to the fact that the person accused or convicted for the harm agrees with the facts, and how these relate to restorative justice
- Challenges related to these issues of intersection
- How these challenges relate to restorative justice practices and valuing the needs of victims, accused persons and those who have been convicted
- Practical challenges like:
 - Time
 - Practical instruments
 - Information and communication to the parties in clear and unbiased ways
 - lack of restorative justice services
 - Lack of feedback or info from the mediation services
- How the issues of intersection between restorative justice and CJS and the challenges impact the daily work of judges and public prosecutors: how should their role change?
- For prosecutors: possibility to refer cases to restorative justice before launching the traditional criminal procedure
- For judges: possibility to take in consideration and to confirm agreements between stakeholders



SUGGESTED LESSON PLAN

Welcoming, introductions, agenda of the day, circle

 20 minutes

Rounds in the circle can include:

- ▶ Feelings about being back for this second module
- ▶ Reflections on module I
- ▶ Reflections from the online part of module II
- ▶ expectations for this session
- ▶ questions that arouse from the online section (the facilitator will inform the learners that the questions will not be responded to by the trainer in the circle but will be noted and responded to during the session)

Programmes and impact of restorative justice

 1 hour 5 minutes

Written exercise: (5 minutes) – Under the headings 'risks / challenges' and 'benefits' write as many words / short sentences as you can (in this short time) regarding the use of restorative justice in cases of sexual violence

Video case study, Domestic sexual violence case (25 minutes)

Circle: (15 minutes) – understanding the impact and effectiveness of restorative justice, through the cases. Rounds in the circle can include:

- ▶ Initial thoughts, feelings, responses to the film
- ▶ Mention one thing that was particularly interesting / worrying / surprising / challenging?

Group discussion: (20 minutes) – understanding the impact and effectiveness of restorative justice, through the cases + understanding the intersections and challenges between restorative justice and criminal justice, through the cases.

Questions can include:

- ▶ How are we to understand the impact of restorative justice in such a case?
- ▶ What can it indicate about the impact of restorative justice more generally?

- ▶ How can we understand the effectiveness of restorative justice through this case?
- ▶ To what extent does this concur with or differ from ideas of effectiveness in criminal justice?
- ▶ What could the risks be / have been and for whom?
- ▶ What could the benefits be / have been and for whom?
- ▶ Which types of effectiveness are prioritised in restorative justice vs criminal justice?

Intersections and challenges between restorative justice and criminal justice, and the role of the judiciary

 4 hours 5 minutes

In the online session of Module II, the trainees will have had the time and possibility to learn the necessary notions about the legal framework (international and national) that allow them now to have a concrete discussion around intersections with the criminal justice system, challenges and how their role is impacted. They will also have been provided with handouts about the international legal framework, the national legal framework and the main issues of intersections between restorative justice and the criminal justice system.

The session about these intersections and challenges starts then with the screening of a video interview and continues with a group discussion.

Video interview with Sheriff Mackie: (15 minutes) – understanding the impact and effectiveness of restorative justice, through the cases + understanding the intersections and challenges between restorative justice and criminal justice, through the cases.

Plenary discussion part 1: (15 minutes) – understanding the impact and effectiveness of restorative justice, through the cases + understanding the intersections and challenges between restorative justice and criminal justice, through the cases.

Questions can include

- ▶ Can restorative justice be a tool for judges and a source of information that assists and supports sentencing decisions?
- ▶ Thinking about, for example, the Northern Irish and Belgian situations where judges and prosecutors are required to refer a case to restorative justice in situations involving juvenile accused persons and have to justify any decision to not do this, where is the place for judicial impartiality?

'Mapping exercise': presentation of intersections between restorative justice and criminal justice (40 minutes): The trainer(s) with the support of guest speakers from the local context (local judiciary and/or university) take the trainees through an analysis of the main legal and penal procedural issues that concern the intersection between restorative justice and the criminal justice system, the challenges and the role of the judiciary. An important reference tool to be used is the Mapping exercise, but with clear and specific references to the local context.



During the pilot training in Italy, for this session two professors of criminal procedure were invited to discuss the intersections and challenges between restorative justice and criminal justice in the Italian legal framework. These professionals contributed to discussions during the entire day. The small group exercise below is drawn from one used during this Italian training.

Comfort break (15 minutes)

Plenary discussion part 2: (20 minutes) – understanding the impact and effectiveness of restorative justice + understanding the intersections and challenges between restorative justice and criminal justice.

A group discussion, guided by the trainers, can cover issues of:

- ▶ Judicial impartiality, neutrality, independence, judicial coercive power(s), legality, presumption of innocence as opposed to the fact that the person accused or convicted for the harm agrees with the facts, and how these relate to restorative justice. *The trainer(s) needs to ensure that the discussion remains on practical implications of these intersections and challenges, so to avoid discussions that can take the trainees too far from a concrete application of restorative justice.*

Small groups exercise: (90 minutes) – The trainees are divided into 2/3 groups of between 7–10 max participants per group, joined and guided in the discussion by the trainers. Each group will discuss the key principles of restorative justice and their intersections with the criminal justice system, with the related challenges.

Discussion can cover the key principles of restorative justice:

- ▶ "(...) Participation in restorative justice should not be used as evidence of admission of guilt in subsequent legal proceedings" [CE Rec(2018)8: Rule 30.2]; "Participation of the offender shall not be used as evidence of admission of guilt in subsequent legal proceedings" [UN

Basic Principles: para. 8.2]; "Restorative processes should be used only where there is sufficient evidence to charge the offender" [UN Basic Principles: para. 7]

- ▶ "(...) The offender has acknowledged the basic facts of the case" [2012/29/UE Dir.: art. 12, c)]; "The basic facts of a case should normally be acknowledged by the parties as a basis for starting restorative justice (...)" [CE Rec(2018)8: Rule30.1]; "The victim and the offender should normally agree on the basic facts of a case as the basis for their participation in a restorative process" [UN Basic Principles: para. 8.1]
- ▶ Discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest [2012/29/UE Dir, art. 12, e]
- ▶ Any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings [2012/29/UE Dir, art. 12, d]; "The results of agreements arising out of restorative justice programmes should, where appropriate, be judicially supervised or incorporated into judicial decisions or judgements. Where that occurs, the outcome should have the same status as any other judicial decision or judgement and should preclude prosecution in respect of the same facts" [UN Basic Principles: para. 15]; Failure to implement an agreement, other than a judicial decision or judgement, should not be used as justification for a more severe sentence in subsequent criminal justice proceedings" [UN Basic Principles: para. 17]

Questions related to these principles (the trainers can guide the discussion through these questions for each of the previous basic principles of restorative justice):

- ▶ Why are these principles/international standards so important?
- ▶ What do they protect?
- ▶ What do they mean in terms of penal procedure and in intersection with a criminal proceeding?
- ▶ How can these principles coexist with the principles of judiciary independence, presumption of innocence, judicial impartiality, legality, confidentiality, etc...?
- ▶ Whose interests could eventually come into conflict to reconcile these principles with the principles of a criminal proceeding?
- ▶ What can a judge and/or a public prosecutor do? What can they expect?

Comfort break (15 minutes)

Plenary discussion: (35 minutes) – the groups come back to the plenary and the conclusions of their work are discussed.



TOOLS

- ▶ Video materials produced within the project RE-JUSTICE
- ▶ Circle discussions
- ▶ Group discussions
- ▶ The mapping exercise – Annex 15



ADDITIONAL RESOURCES

- ▶ Sherman, L.W., Strang, H., Mayo-Wilson, E. et al. Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review. *J Quant Criminol* 31, 1–24 (2015). <https://doi.org/10.1007/s10940-014-9222-9>:
- ▶ Mills, L.G., Barocas, B., Butters, R.P. et al. A randomized controlled trial of restorative justice-informed treatment for domestic violence crimes. *Nat Hum Behav* 3, 1284–1294 (2019). <https://doi-org.kuleuven.e-bronnen.be/10.1038/s41562-019-0724-1>
- ▶ Kennedy JLD, Tuliao AP, Flower KN, Tibbs JJ, McChargue DE. Long-Term Effectiveness of a Brief Restorative Justice Intervention. *International Journal of Offender Therapy and Comparative Criminology*. 2019;63(1):3–17. doi:10.1177/0306624X18779202

Module III: The stakeholders of restorative justice



KNOWLEDGE GAPS

Understanding the stakeholders of restorative justice

Understanding of the ways in which stakeholders can be disadvantaged within the justice process, and the willingness to avoid such practices to ensure, amongst other things, safe access to restorative justice

Recognition / understanding of access to restorative justice as a right

Theoretical knowledge base that allows understanding of the needs of the victim, including their protection needs

Knowledge of the particular best practice ideas for working with victims and the skills to apply these in practice

Knowledge of the particular best practice ideas for working with groups of accused and convicted persons with special protection needs and the skills to apply these in practice

Knowledge of the particular best practice ideas for working with community groups / citizens in justice processes and the skills to apply these in practice



LEARNING OBJECTIVES

Identify actors who could be involved in a specific restorative justice process and to identify and know different needs and interests concerning them

Describe ways in which victims, accused person and children can be disadvantaged within judicial processes

Outline key factors that contribute to safe access to restorative justice

Present an argument in support of access to restorative justice as a right

Describe how the principles of restorative justice could be integrated into your normal working practices

Describe a number of victims' justice interests

Describe a number of needs that are typically found in children involved in criminal proceedings

Identify best practice ideas for working with victims

Identify potential risks and challenges when working with victims within restorative justice

Recognising the potential of restorative justice in addressing the needs of criminal justice system users and the whole community

Skills to assess the victim's needs, including their protection needs

Skills to assess the needs of accused and convicted persons

Skills to work in ways that are inclusive and serve to maximise access to restorative justice processes, particularly for groups who traditionally face barriers to accessing justice

Ability to draw upon theoretical knowledge base regarding the needs of victims, accused persons and convicted persons

Ability to identify processes through which community members or representatives can be involved to play a constructive role in restorative justice practices

Ability to communicate explicitly and clearly, also from an institutional point of view, that any proposal for restorative justice programmes is made in the balanced interest of both parties (victim and accused person, and all other participants, and not in one's interest at the expense of the other)

Skills to demonstrate also to victims that their views are listened to and taken account of

Skills of communication allowing that interested parties are informed about restorative justice (and its processes,

Identify potential risks and challenges when working with children within restorative justice

Identify best practice ideas for working with accused and convicted persons

Identify potential risks and challenges when working with accused and convicted persons within restorative justice

Identify best practice ideas for working with community members, community groups and citizens

Identify potential risks and challenges when working with community members, community groups and citizens within restorative justice

Describe the needs of criminal justice system users (including children and the community) and ways that restorative justice can address these needs

Identify victims' needs from presented cases

Identify children's needs from presented cases

Identify the needs of accused and convicted persons from presented cases

Identify steps that can be taken in professional practice to ensure inclusion

Identify steps that can be taken in professional practice to ensure access to restorative justice

Identify groups of people who commonly face barriers to accessing justice and particular measures that can be taken to engage such individuals and groups

programmes, possible outcomes and effects in the criminal proceeding) in a clear and unbiased way

Skills to communicate in ways that allows all criminal justice system users to understand the legal processes

Ability to describe and explain restorative justice processes clearly and accurately

Valuing the involvement of community members/representatives in serving (restorative) justice

Identify the needs of victims, accused persons, and convicted persons from presented cases and identify theories that could be applicable in such cases

Identify the needs children from presented cases and identify theories that could be applicable in such case

Identify processes through which community members or representatives can be involved to play a constructive role in restorative justice practices

Identify ways in which community members could be engaged in professional practices

Demonstrate oral communication aimed at different stakeholders / audiences regarding restorative justice

Draft written communication aimed at different stakeholders / audiences describing restorative justice

Demonstrate active listening skills

Describe considerations to be made when communicating orally about restorative justice to different types of stakeholders / audiences

Describe considerations to be made when communicating in writing about restorative justice to different types of stakeholders / audiences

Identify ways in which oral and written communication can be improved

Describe the benefits of community members/representatives in serving (restorative) justice



Overview blended format – 6 hours

SESSION TITLE		DURATION (MINUTES)	TOOLS
ONLINE	Stakeholders of restorative justice	40	Video lectures 5a (communities), 5b (barriers) and 5c (victims)
			Handout 9
FACE TO FACE	Welcoming, introductions, agenda of the day	20	Circle
	Who are the stakeholders of restorative justice?	20	Video case study: simulation of a mediation (extract from the AUTH video)
		25	Group discussion
	Comfort break	10	
	Who are the stakeholders of restorative justice?	10	Video case study: Murder case
	Co-production of a "collage" with the emotions, interests or needs of main stakeholders of restorative justice	45	Group activity: "mosaic of emotions"
	Comfort break	10	
	Understanding the role of stakeholders in restorative justice: role play	20	Preparation Role play with case study
		30	Development of role play
		45	Role play follow-up and discussion
	Comfort break	10	
	Understanding the role of stakeholders in restorative justice: role play	45	Role play follow-up and discussion
20		Circle for conclusion and closure	



Structure

Duration: 6 hours

Format: 40 minutes will be provided online, with a video-recorded lecture and handout.

Subsequently, the contents already touched upon during the online session will be built during 5 hours and 20 minutes of face-to-face contact. In the face-to-face event trainers will make use of role-play, group activities and audio-video materials.

Language: the training materials, produced in English, are translated and/or subtitled in the local languages. The reading materials and videos proposed here are mostly in English, and the trainers are strongly encouraged to find other materials in the local language that are appropriate to the specific contents of the module.

Tools: online platform, recorded lecture, handout, video produced by the project.



Online session – 40 minutes



CORE CONTENTS TO COVER

Who are the stakeholders of restorative justice?

- Main stakeholders: victim, offender, community and facilitator (central role)
- Other stakeholders: Lawyers, police officers, probation officers, victim support workers, the state, the media, others
- Theoretical concepts and definitions of victim
- Theoretical presentation about victims' needs and about the concept of vulnerability
- References to specific groups that encounter barriers in accessing justice – Additional reading materials to deepen the knowledge of restorative justice with children and with groups who face barriers in their access to restorative justice.



TOOLS

- ▶ Video lectures 5a (communities), 5b (barriers) and 5c (victims)
- ▶ Handout 9



Face to face session – 5 hours and 20 minutes



CORE CONTENTS TO COVER

Getting to know and understand the stakeholders of restorative justice (5 h 20 minutes)

- Victim needs and experiences
- The concept of vulnerability
- Accused / convicted person's needs and experiences: Understanding accused / convicted persons and their needs
- Community / citizens' needs and experiences
- Introduction and general understanding of the possibility to offer restorative Justice to children too: children as suspected or accused persons and children as victims
- Social context of societal harms caused by crime: Societal attitudes towards victims / (particular) harms / dealing with harms / defining 'community' and the community role in restorative justice



SUGGESTED LESSON PLAN

Welcoming, introductions, agenda of the day, circle

 20 minutes

Rounds in the circle can include:

- Feelings about being back for this third module
- Reflections on module II
- Reflections from the online part of module III
- Expectations for this session
- Questions that arouse from the online section (the facilitator will inform the learners that the questions will not be responded to by the trainer in the circle but will be noted and responded to during the session)

Who are the stakeholders of restorative justice?

Video case study (20 minutes) and group discussion (25 minutes): extracts from the AUTH video are shown, showing the simulation of a mediation process. After the presentation of the video, an open discussion will take place among participants.

The discussion can cover issues of:

- ▶ Initial thoughts, feelings, responses to the film
- ▶ Was anything particularly interesting / worrying / surprising / challenging?

Comfort break (10 minutes)

Video case study (10 minutes): Another case is presented to the trainees, about a restorative justice meeting in the case of a murder.

Group activity – “Mosaic of emotions”

 **45 minutes**

Aims of activity:

- ▶ Actively engage trainees.
- ▶ Co-production of a “collage” with the emotions, interests or needs that the main stakeholders of restorative justice can face during the restorative procedure.
- ▶ Perspective taking and empathy building (with restorative justice stakeholders)
- ▶ Preparation for the role play exercise

Materials:

post-its of different colours, pens

Activity description:

Part one – Participants are asked to recall times when they were directly victimised or unfairly treated. Trainers give examples as prompts, such as: you were robbed in the street, your house was burgled, you were falsely blamed or accused of something, you were assaulted... Participants are

asked to write on the post-its feelings or emotions they had at the moment of the incident and on other post-its feelings or emotions that they had at a later time.

The trainer gives the floor to participant volunteers to express what they have described. All post-its to be put on the wall.

Part two – Participants are asked to recall times when someone they care about was victimised or unfairly treated. Trainers give examples as prompts, such as: your sister was robbed in the street, your mother’s house was burgled, you child was falsely blamed or accused of something, your friend was assaulted, etc. Participants are asked to write on the post-its feelings or emotions they had at the moment of the incident and on other post-its feelings or emotions that they had at a later time. The trainer gives the floor to participant volunteers to express what they have described. All post-its to be put on the wall.

Part three – Participants are asked to think back over the situations that they have just described and are asked if there is anything they would have liked to have asked the perpetrator(s) at the time or afterwards. Trainers should not prompt responses by giving examples. The trainer gives the floor to participant volunteers to express what they have described. All post-its to be put on the wall.

Part four – Participants are asked to recall times when they have harmed someone or done something they knew was wrong. Trainers give examples as prompts, such as: you spoke badly about someone, you received an advantage, item or other benefit that was not due to you and did not rectify the situation, you did not intervene to help someone when they were being unfairly treated, harassed or victimised, you damaged something and did not report it... Participants are asked to write on the post-its feelings or emotions they had at the moment of the incident and on other post-its feelings or emotions that they had at a later time.

The trainer gives the floor to participant volunteers to express what they have described. All post-its to be put on the wall.

Part five – Participants are asked to recall times when they have heard that there has been a crime or some other harm done within their community. Trainers give examples as prompts, such as: there was a riot, an elderly person was attacked in their street, there has been a spate of burglaries, robberies have increased, a place you often visit was vandalised... Participants are asked to write on the post-its feelings or emotions they had at the moment of the incident and on other post-its feelings or emotions that they had at a later time.

The trainer gives the floor to participant volunteers to express what they have described. All post-its to be put on the wall.

Part six – The trainer checks the mosaic of emotions on the wall and comments on the similarities and differences in a global way, also to reflect on how the emotions and feelings translate to justice needs

Part seven – The group to reflect on how / whether the answers to the questions that could be posed to the accused persons may help to alleviate some of the negative feelings and emotions.

Additional information for trainers: some of these words regarding emotions, feelings, needs, interests and experiences of the parties involved in the restorative process are provided as follows:

- ▶ Direct / indirect victim: lack of security, fear, not being heard, informed, victimization, to be understood, explain their story, restored, supported, reparation, to be recognised and restored, get answers, being an active party, respected, believed, tension, post-traumatic stress, redress, access to justice, equality, protected, among others.
- ▶ Accused person: accountability, respected, stress, restored, awareness of the harm, access to justice, reparation, protection, forgiveness, among others.
- ▶ Community: social peace, tension, awareness of the harm, recognition of harm towards victims, rehabilitative, reparation, impartial, among others.
- ▶ Facilitator: respectful, communicative, neutral, empathetic, trained, being close, open-minded, informant, impartial, among others.
- ▶ Judicial professionals: respectful, open-minded, communicative, trained, being close, impartial, informants, among others.

This group activity will not only allow participants to develop their personal skills, but also give, from a practical perspective, the point of view of the main stakeholders involved in Restorative Justice (specially, victims' ones). Furthermore, it will work on the emotional skills of trainees (e.g., to empathize with the parties when a criminal conflict has arisen, being able to communicate with victims about their feelings and experiences from a more human approach, or to the rest of the parties involved).

Comfort break

 10 minutes

Group activity – Role play

 2 hours 50 minutes, including comfort break and final circle

20 minutes: preparation of the role play.

The role play activity, based on a case-study, is introduced and prepared. The idea is to prepare a role-play in which the main interests and needs of the parties involved in restorative justice can be identified. For further details, please choose a case study.

Firstly, the trainers explain the main contents and guidelines for the role play, what is required from participants as well as the development of it. The trainer explains the roles to the participants, the

script in the main lines, and give some key details about how a restorative meeting is conducted. The role play then develops as follows:

- ▶ Volunteer participants offer to be part of the role-play, as the main parties
- ▶ As the idea is to develop a restorative mediation, two trainees should act the two roles of victim and offender
- ▶ If the atmosphere created in the group allows, more trainees get involved (voluntarily) directly in the role-play, also in the role of the mediator/s, otherwise acted by some of the trainers themselves (who should however always strongly encourage the active and direct participation of the trainees)



During the pilot training in Italy, the participants were split into 2 groups. The trainers explained the role-play objectives and gave details about the restorative justice meeting that the role-play was going to represent (what the parties do, what happens in such a meeting, what the roles of the parties involved). Then, the participants were asked to take a role (voluntarily), as the offender, the victim, the facilitator/s (and if other parties were involved). The two volunteers in the role of the victim and the offender at that point went out with the trainer and talked about the case, that was chosen by the trainees themselves (victim and offender), based on their daily working experience. After that, they went back in the room where the trainer shared the key basic details about the case to all the other trainees, and then the role play would started. During the role-play, the trainees who did not participate directly in the play, had to observe carefully, take notes and then feedback.

30 minutes: development of the role play.

Type of case: minor crime taking into consideration different perspectives, needs and interests.

People not assigned to play a character within the role play, they will be asked to take the roles of note taker. They will take notes on verbal and non-verbal communication expressed by the parties, making note of possible feelings, needs and interests that might be being directly or indirectly displayed.

Additional information for trainers: giving feedback on the exercise can be a really good opportunity to refresh previous learning and to focus on deepening the learning on communication skills. In the fishbowl you could contemplate collecting pieces of information and questions that the trainees should consider whilst watching the role play:

- ▶ Info given: list of restorative justice values & standards. Questions: Make a note of how the values of restorative justice appeared and how they could be enhanced. Which values were missing and how could they have been introduced?

- ▶ Info given: restorative justice definitions. Questions: what evidence was there in the role play that the process was within the definitions of restorative justice? What was missing? How could that have been enhanced?
- ▶ Info given: restorative justice theoretical frameworks: Q: can any of the theoretical frameworks be identified in the interaction presented?
- ▶ Info given: restorative justice Programmes. Q: Imagine that instead of mediation a conference is held. Who could / should be invited? What could their perspectives be? How would their inclusion enhance / possibly hinder the process? Imagine that instead of mediation a circle is held. Who could / should be invited? What could their perspectives be? How would their inclusion enhance / possibly hinder the process?

General questions: How do you think the process / outcome would have been different if there had only been a court case? What do you think the participants would have gained from this process that they wouldn't have gotten during a court case? Were there any risks or challenges or concerning things that you witnessed? If one or both of the stakeholders was a child what considerations would need to be made?

Role play follow-up and discussion (1 hour and 40 minutes, including 10 minutes comfort break)

During this part of the discussion, the participants to the role-play and all the other trainees share their feedback. The trainers will lead the discussion asking feedback to the "actors" and to the rest of the audience about the different aspects they were asked to take notes about. During the discussion, the trainer will provide participants with guidelines/good practices that will allow them to know how to identify and solve the main problems that could arise during a restorative process.

Conclusions and closure (20 minutes)

The trainer(s) will take some time at the end of this module to draw some conclusions and give proper closure. A circle to collect main takeaways from the trainees can be used.

The trainers might keep in mind, in drawing the conclusions, some of the following aspects:

- ▶ Importance of taking into consideration the interests of the parties involved in the restorative process and the importance of special protection for victims' and offenders' interests when they are part of a category that is at risk of experiencing barriers in accessing restorative justice (children, people with disabilities, people from socio-economic disadvantaged background, migrants and/or people with foreign origins, ethnic minorities)
- ▶ The concept of vulnerability and secondary victimization
- ▶ Promising practices that can be applied with the parties involved in the restorative process

- ▶ Emphasis on how restorative justice has the merit/benefit to take into consideration the diversity of interests and needs from all parties involved.
- ▶ Rounds in the circle can include:
 - Reflections / feelings about module III
 - More general reflections on the training so far
 - Does the training make you reflect on your role differently? If so, how?
 - Which, if any, changes do you think you will try to implement?



TOOLS

- ▶ Video materials produced within the project by KU Leuven, the EFRJ and Moderator, and by the national partners: Catholic University in Milan, University Carlos III Madrid and Thessaloniki University
- ▶ Circle
- ▶ Role play
- ▶ Group discussions



ADDITIONAL RESOURCES

- 📖 RE-TREAT European Project. Transnational Report on the position of sexual violence victims in criminal proceedings (National Reports from Greece, Italy and Spain and Best Practices Report). Available at: <https://sexualviolencejustice.eu/ebook/>
- 📖 "Sexual violence and victims' justice interests", in Restorative Responses to Sexual Violence, Legal, Social and Therapeutic Dimensions", ZINSSTAG, E., & KEENAN, M. Great Britain: Routledge, 2017.
- 📖 https://www.youtube.com/watch?v=EMMSqITkw&ab_channel=Javiermacipecosta

Module IV: Legal and policy framework



KNOWLEDGE GAPS

Knowledge and understanding of legal instruments relevant for restorative justice and the rights of victims, accused persons and convicted persons

Knowledge and understanding of policies (European and other supranational) relevant for restorative justice and the rights of victims, accused persons and convicted persons

Knowledge of the harmonisation of EU laws and European regulations relevant to restorative justice and the Victim's Directive into the national contexts of other countries

Knowledge of restorative justice policies and practices in other Member States

Understanding of the local and national landscape with respect to restorative justice services

Understanding of the difference between the black letter law and the law in practice with respect to restorative justice and the rights of victims, accused persons and convicted persons, taking into account at the same time fair trial principles and due process of law safeguards



LEARNING OBJECTIVES

Demonstrate a familiarity with and understanding of the contents of Recommendation CM/Rec (2018)8 concerning restorative justice in criminal matters

Demonstrate a familiarity with and understanding of the contents of the EU Victim's Directive 2012/29/EU

Demonstrate a familiarity with and understanding of the contents of the UN Handbook on restorative justice. (2nd edition)

Demonstrate a familiarity with and understanding of the contents of National legal instruments regarding the use of restorative justice in criminal matters

Describe for other countries how EU laws and European regulations relevant to restorative justice and the Victim's Directive have been harmonised into the national context

Describe restorative justice policies found in other Member States and how these policies support the execution of restorative justice

Demonstrate knowledge of which local and national services do or could support restorative justice and restorative practices, and their possible role

Understanding of the conditions (legal and otherwise) under which restorative justice can take place

Understanding of how restorative justice can be used at different stages of the justice system

Understanding of the nature and function of agreements in restorative processes and how the presence or absence of restorative agreements can be incorporated into the criminal justice process

Understanding of the practical challenges with respect to restorative justice

Understanding of the local and national landscape with respect to victim support services, services to support accused persons and services to support convicted persons

Strong knowledge regarding the practical application of restorative justice at a local level (e.g. referral processes, timescales)

Understanding of the role and requirements of judicial professionals in the local restorative justice and victim services in order to enable access to restorative justice services

Ability to support restorative justice processes even when not stipulated explicitly in national level law, taking into account at the same time fair trial principles and due process of law safeguards

Ability to support lessons learnt from other countries about restorative justice

Demonstrate knowledge of how-to stakeholders can access restorative justice programmes and restorative practices

Explain the gaps between the black letter law and the law in practice with respect to restorative justice

Explain ways in which restorative justice and restorative practices can be implemented in the absence of a clear legal framework

Describe how restorative justice can be applied in 'cross-border' cases.

Describe a number of legal and practice conditions that are required for restorative justice

Explain the procedural steps for initiating restorative justice at the pre-court, pre-sentence and post-conviction stages of the criminal justice process.

Describe the reasons why restorative justice could be considered a suitable option at the pre-court, pre-sentence and post-conviction stages of the criminal justice process

Describe key aspects of restorative justice agreements, including the basis upon which they are formed

Identify types of information that judicial actors can expect to receive regarding agreements, and levels of information would not usually be shared with judicial actors

Explain how judicial actors can incorporate the presence or absence of restorative agreements into the criminal justice process

processes even when not stipulated explicitly in national level law

Ability to apply the law and policies in ways that provide opportunities for restorative justice where appropriate

Identify practical challenges that are likely to be associated with restorative justice

Suggest ways that practical challenges associated with restorative justice can be reduced

Identify at least one local and one national organisation that provides support to victims, accused persons, and briefly explain the types of support that is offered.

Detail the referral processes and timescales for victims and accused persons engaging with restorative justice and/or other local support services

Describe the way(s) in which judicial professionals can support victims to access restorative justice and/or other support services

Describe the way(s) in which individual judicial professionals can operationalise restorative justice processes and principles at a local level

Describe the way(s) in which restorative justice processes and principles have been applied at a local level in a different country and how a similar application could be carried out locally

Outline a number of ways in which opportunities for restorative justice and restorative practices can be created within existing local legal and policy frameworks



Overview blended format – 5 hours 30 minutes

	SESSION TITLE	DURATION (MINUTES)	TOOLS
ONLINE	Supra-national and European levels of international legal and policy framework on restorative justice	15	Handout 10
	International and comparative legal frameworks of restorative justice	30	Video lecture 6
	International and comparative legal frameworks of restorative justice	10	Video interview with Belgian Public prosecutor
	International and comparative legal frameworks of restorative justice	30	Self-directed reading
	Local legal frameworks of restorative justice	50	Self-directed reading about national context
	International and comparative legal frameworks of restorative justice	15	Video interview with Tim Chapman, EFRJ Chair
FACE TO FACE	Welcoming and introduction of the agenda	5	
	International and comparative legal frameworks of restorative justice	10	Quiz provided in the manual
		45	Small groups exercise
	Comfort break	10	
	National legal and policy framework values and standards of restorative justice	15	Lecture
		45	Small groups exercise
The role of the judiciary within the national legal and policy framework	20	Live presentation of local speaker	
	30	Q&A session	



Structure

Duration: 5 hours and 30 minutes

Format: 2 hours and 30 minutes will be provided online, with self-directed reading of handouts and other materials suggested in the following sections, and with a recorded lecture and interview.

After the trainees have attended the online part of the training, the face-to-face 3 hours event will pick up on the contents already touched upon in the online session. In the face-to-face event trainers will make use of presentations in the traditional format, icebreakers, interactive exercise, group discussions.

Language: the training materials, produced in English, are translated and/or subtitled in the local language. The reading materials and videos proposed here are mostly in English, and the trainers are strongly encouraged to find other materials in local language that are appropriate to the specific contents of the module.

Tools: online platform, recorded lecture, handouts, reading materials.



Online session – 2 hours and 30 minutes



CORE CONTENTS TO COVER

1. International legal and policy framework

- Supra-national and European levels of international legal and policy framework
- Basic principles on the use of restorative justice in criminal Matters (UN)
- Handbook of the UN on restorative justice programmes
- Recommendation CM/Rec (2018)8 concerning restorative justice in criminal matters.
- Directive 2012/29/EU Victim's Directive and above all papers and researchers/practitioners' contributions about the place of restorative justice in the Directive, also about how such legislation impacts on the parties (e.g., the right to get info about restorative justice)

2. National legal and policy framework

- The role of the law, the role of national guidelines and the role of the judiciary in restorative Justice
- Restorative justice and the national Constitution (*if any*)
- Restorative justice for children and young people
- Restorative justice for adults in various stages of the criminal proceeding:
 - i. pre-trial
 - ii. trial
 - iii. post-trial
- Geographical diffusion of restorative justice in the country
- Internal soft law: protocols/agreements by/among judicial authorities, restorative justice services, local authorities, NGOs

3. Comparative legal and policy framework

- Examples of restorative justice models from other countries so that learners can understand the values, principles and legal frameworks existing in restorative justice and how they are applied











TOOLS

- ▶ Handout 10
- ▶ Video lecture 6
- ▶ Video interviews, with Belgian public prosecutor and with Chair of the EFRJ
- ▶ Self-direct readings provided by the trainers on the national context and based on the core contents listed above
- ▶ Video recording between Edit Törzs (Executive Director of the European Forum for Restorative Justice) and Tim Chapman (Chair of the Board of the EFRJ)



ADDITIONAL RESOURCES

-  International Juvenile Justice Observatory & European Council for Juvenile Justice (eds.) (2015). *European Research on Restorative Juvenile Justice*, Brussels, International Juvenile Justice Observatory:
 - Vol 1: Dünkel, F., Horsfield, P. and Păroşanu, A., *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States*. Retrieved from
 - Vol 2: Chapman, T., Gellin, M., Aertsen, I., and Anderson, M., *Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People*
 - Vol 3: Chapman, T., Gellin, M., and Anderson, M., *Toolkit for Professionals: Implementing a European Model for Restorative Justice with Children and Young People*
-  ECOSOC Resolution 2002/12 on "Basic principles on the use of restorative justice programmes in criminal matters"
-  Recommendation CM/Rec (2018)8 concerning restorative justice in criminal matters + Explanatory Commentary' to the Recommendation
-  Pali, B., *Restorative Justice in the Victims' Directive Survey Results – European Forum for Restorative Justice 2017*
-  Commentaries about the Victims' Directive and restorative justice [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA]
-  UNOCD Handbook on Restorative Justice Programmes, 2ed., 2020, §§1.5, 2.5, 4.4, 5.1, 7.1, 7.4
-  UNOCD Education for Justice, Crime and Prevention&Criminal Justice, Module 8 (Restorative Justice), Topic Four
-  Dünkel et al. *Restorative Justice in Europe*, 2015, Vol. 2, pp. 1015–1096
-  Lemonne, A., *The adventure of the institutionalisation of restorative justice in Belgium*, *The International Journal of Restorative Justice* 2018 vol. 1(2) pp. 230–251



Face to face session – 3 hours



CORE CONTENTS TO COVER

1. International and comparative legal and policy framework

- The content provided in the online session is assessed and refreshed by speakers in presence, and Q&A are answered

2. National legal and policy framework

- The role of the law in restorative justice.
 - The fundamental role of legislative provisions to ensure accessibility and availability of restorative justice where it intersects with criminal justice institutions: a legal framework as a crucial asset in developing new restorative justice programmes and strengthening perceived legitimacy.
 - UN Basic Principles: para.12
 - CE Rec (2018)8, Rules 21–23
 - The need to combine legislation with quality of practice, funding, public awareness, cooperation between providers to ensure full implementation of restorative justice .
 - The need to avoid that the legal preconditions and the severity of the offence restrict the type of cases eligible for restorative justice
 - The possible facilitating and protective function of national legislation by ensuring
 - Accessibility of restorative justice at all stages of the criminal justice system
 - Predictability in the use of restorative justice
 - Proper referrals to restorative justice
 - Legal safeguards for those participating in restorative justice programmes
 - National legislation on restorative justice: possible virtuous options of legislative recognition enhancing trust in restorative justice and contributing to a more systematic and compliant implementation vs possible counterproductive legislation contradicting and betraying the basic principles of restorative justice.
 - National guidelines on restorative justice as quality alternatives, or complements, to national legislation for advising the adoption of protocols governing the conduct of restorative justice intervention and relating to needs and rights of parties, local community, judicial system and restorative justice agencies.
- Existing national framework in the country (refresher from the online session)
 - Legislation, policies and protocols
 - Focus on national rules to provide information to the parties about their rights, the nature of the restorative justice process, the possible

consequences of their decision to participate, and the details of any grievance procedures

- Presence and concrete operation of restorative justice services.
- Compliance and betrayals with supranational basic principles of restorative justice.

3. The role of the judiciary within the national legal and policy framework

- Role of prosecutors and judges in providing information to the parties about their rights, the nature of the restorative process, the possible consequences of their decision to participate, and any grievance procedures.
- Role of prosecutors and judges in various national jurisdictions and in various stages of the criminal justice proceeding where restorative justice intersects with criminal justice system.
- Role of prosecutors and judges in referrals according to national legislation.
- Judicial supervision of restorative processes and outcomes according to national legislation and its limits.
- Impact of restorative justice on judicial decision according to national legislation.
- Need for a common understanding about restorative justice: consultation, cooperation and coordination among prosecutors, judges, judicial authorities, criminal justice and restorative justice agencies, legal professionals, victim services and communities.
- Soft, non-technical 'restorative' skills interacting with judicial powers and warranties.



SUGGESTED LESSON PLAN

International legal and policy framework

 1 hour 10 minutes

5 minutes: the trainer(s) refresh the contents of the self-directed reading made by the trainees during the online session, giving a recap of the international legal and policy framework on restorative justice, providing examples of international practices and insight for further reflection.

10 minutes: the trainers propose a quiz using [Poll Everywhere](#).⁹ It requires only that all participants have a cell phone available, and they can answer the questions using their phone.

⁹ Alternatives are Slido, Mentimeter, Kahoot: <https://kahoot.com/> // https://www.mentimeter.com /<https://www.sli.do/>



QUIZ *According to the main international legal provisions:*

1. Restorative justice must be available:
 - A. at any stage of the proceedings
 - B. only in the investigation phase
 - C. only during the trial
 - D. only in juvenile proceedings

2. Decisions by judicial authorities to discontinue the charge on the grounds that a restorative justice agreement has been reached:
 - A. never preclude the reopening of the proceedings
 - B. have the same status attributed by domestic law to similar decisions based on different grounds
 - C. always preclude the reopening of the proceedings
 - D. are not allowed

3. Participation in restorative justice programs:
 - A. can be imposed by the law
 - B. can be imposed by the judge
 - C. can be imposed by the police
 - D. must always take place on a voluntary basis

4. According to Council of Europe Recommendation CM/Rec (2018) 8, restorative justice programs should be used:
 - A. only if they are in the interest of the victim
 - B. only if they are in the interest of the accused
 - C. In the interest of all parties involved
 - D. In the interest of the public prosecution /judge

5. According to Directive 2012/29/EU, restorative justice programs should be used:
 - A. only if they are in the interest of the accused
 - B. only if they are in the interest of the victim
 - C. in the interest of all parties involved
 - D. in the interest of the public prosecution /judge

6. Consent of the parties to the use of restorative justice programs:
 - A. can be withdrawn at any time
 - B. cannot be withdrawn
 - C. can be withdrawn until the program starts
 - D. can be withdrawn only with the permission of the judicial authority

7. In order to participate in restorative justice programs, the accused person should:

- A. plead guilty
- B. acknowledge the essential facts of the case
- C. compensate the damage
- D. carry out public utility work



8. Participation in restorative justice programs:

- A. means a guilty plea in subsequent proceedings
- B. cannot be interpreted as a guilty plea in subsequent proceedings
- C. constitutes inculpatory evidence
- D. constitutes exculpatory evidence

9. Restorative justice programs are eligible if:

- A. there are sufficient elements to convict the offender
- B. there are insufficient elements to open a criminal proceeding
- C. there are sufficient elements to charge the offender
- D. the suspect has no criminal record

10. Statements made during restorative justice programs can be disclosed:

- A. always
- B. with the consent of the parties
- C. never
- D. only if they have incriminating value

11. Victims must be informed of the availability of restorative justice programs:

- A. from the first contact with the proceeding authority
- B. from the hearing
- C. from the indictment
- D. only in the execution phase

12. When the crime is considered serious:

- A. precludes the access to restorative justice programs
- B. precludes the access to restorative justice programs in the investigation phase
- C. does not in itself preclude the access to restorative justice programs
- D. precludes the access to restorative justice programs before sentencing

13. Content of restorative justice agreements:

- A. are stipulated by the law
- B. are imposed by the judge
- C. are imposed by mediators
- D. are determined by the parties, with the mediator's/facilitator's support

14. The existence of power imbalances between the parties:

- A. Is, in itself, enough to preclude the access to restorative justice programs
- B. should be taken into account in determining whether to use restorative justice programs
- C. is irrelevant to the use of restorative justice programs
- D. precludes the access to restorative justice programs, unless the accused pleaded guilty

15. Failure to implement a restorative justice agreement:

- A. justifies the conviction
- B. justifies a more severe sentence
- C. does not justify a more severe sentence
- D. justifies the application of a precautionary measure

Correct answers

1 – a); 2 – b); 3 – b); 4 – c); 5 – b); 6 – a); 7 – b); 8 – b); 9 – c); 10 – b); 11 – a); 12 – c); 13 – d); 14 – b); 15 – c)

45 minutes: the trainees are divided into group to conduct an assignment. Two ideas for assignment are proposed below: the trainers shall be able to choose between the two, according to the context and their familiarity with the tools. The assignments both test the knowledge of the trainees after the online sessions and after the previous hours of face-to-face training, and will encourage their further reflections on the application of international legal standards on restorative justice.

GROUP ASSIGNMENT IV.1



After the lectures on the international legal and policy framework for restorative justice, participants are invited to cluster in small homogeneous groups according to respective functions by:

- i. separating prosecutors and judges and, when possible,
- ii. separating pre-trial/trial/post-trial functions

and they are asked to identify and discuss about the procedural consequences – depending on the different stages of the proceeding – that can be associated to the restorative justice principles, and how those principles can be granted also in the absence of a legal framework on restorative justice (20 mins.)

E.g.:

Group 1: Voluntariness

Group 2: Confidentiality

Group 3: Accessibility

Group 4: Consent to restorative justice is not admission of guilt (presumption of innocence)

Group 5: Right to be informed

Group 6: Ne bis in idem

Group 7: The 'time' issue

Group 8: Agreements and impact on the criminal proceeding

The answers are later shared and commented in the plenary (25 mins).

Group assignment IV.2



After the lectures on the international legal and policy framework for restorative justice, participants are invited to cluster in small heterogeneous groups by

- i. composing each group with both prosecutors and judges and
- ii. gathering participants working in the same jurisdiction (minors/adults) and in the same stage of the criminal proceeding (pre-trial/trial/post-trial)

Each group is asked to identify the meaning and the procedural consequences of one specific principle or recommendation covered by international legal provisions (20 mins).

E.g.:

Group 1: Voluntariness

Group 2: Confidentiality

Group 3: Accessibility

Group 4: Consent to restorative justice is not admission of guilt (presumption of innocence)

Group 5: Right to be informed

Group 6: Ne bis in idem

Group 7: The 'time' issue

Group 8: Agreements and impact on the criminal proceeding

The answers are later shared and commented in the plenary (25 mins).

Comfort break

 **10 minutes**

National legal framework

 **1 hour**

15 minutes: The trainer(s) bring the focus of the discussion to the national context, providing first a recap of the contents that the trainees had already discovered in the online session. Ideally the focus of discussion of the following 2 hours of this module should be, as provided in the list of contents above, on the role of the law in restorative justice and on details about the national context that can support the trainees understanding what is practically possible, in their country, for what concerns the application of restorative justice.

45 minutes: the trainees are divided into groups to conduct an assignment. Two ideas for assignment are proposed below: the trainers shall be able to choose between the two, according to the context and their familiarity with the tools, and possibly offering a variety of activities, compared to the previous sessions. The assignment will both test the knowledge of the trainees acquired so far, but above all it will encourage their further reflections on the practical application of national legal standards on restorative justice and will lead to the discussion around their own role, the role of the judiciary in restorative justice.

Group Assignment IV.3



After the lectures on the existing national legal and policy framework for restorative justice and the role of judiciary within it, participants are invited to cluster in small homogeneous groups according to respective functions by

- i) separating prosecutors and judges
- ii) gathering according pre-trial/trial/post-trial functions

and they are asked to hypothesize an official informative for the parties involved in the criminal proceeding about the possibility of undertaking a restorative program, according to the specific stage of the proceeding/case (25 mins.)

The proposals are later shared and commented with the reunited plenary (20 mins).

Group Assignment IV.4



After the lectures on the existing national legal and policy framework for restorative justice and the role of judiciary within it, participants are invited to cluster in small heterogeneous groups by

- i. composing each group with both prosecutors and judges
- ii. gathering participants working in the same jurisdiction (minors/adults) and in the same stage of the criminal proceeding (pre-trial/trial/post-trial)

and they are asked to identify a concrete case among those which one of them is currently managing and to hypothesize

- ▶ concrete referral,
- ▶ judicial supervision
- ▶ possible impacts on judicial decisions

according to national legislation (25 mins).

A short synthesis by each group is later shared and commented with the reunited plenary (20 mins).

The role of the judiciary within the national legal and policy framework

 50 minutes

20 minutes: a guest speaker/s from the judiciary – a judge and/or a public prosecutor – who has experience of restorative justice at local and/or international level is invited to share their

experience with the trainees and to answer their questions¹⁰.

30 minutes: the previous intervention will spark some further questions and discussion, that the trainers should steer towards some specific reflections about the points listed among the contents above and that we reiterate here:

- ▶ The role of prosecutors and judges in providing information to the parties about their rights, the nature of the restorative process
- ▶ The role of prosecutors and judges in various national jurisdictions and in various stages of the criminal justice proceeding where restorative justice intersects with criminal justice system
- ▶ The role of prosecutors and judges in referrals according to national legislation
- ▶ Judicial supervision of restorative processes and outcomes according to national legislation and its limits
- ▶ Impact of restorative justice on judicial decision according to national legislation
- ▶ Need for a common understanding about Restorative Justice: consultation, cooperation and coordination among prosecutors, judges, judicial authorities, criminal justice and restorative justice agencies, legal professionals, victim services and communities
- ▶ Soft, non-technical 'restorative' skills interacting with judicial powers and warranties

The trainers need to keep in mind that the discussion about the practical use of restorative justice in each national context will be continued in the following and last module, entirely focused on restorative justice applications at case and at organisational level.

The discussion here should then be very focused on legal provisions and put the seeds of reflection to be picked up in the next module.



TOOLS

- ▶ Quiz, Poll Everywhere
- ▶ Group assignment 1 or 2
- ▶ Group assignment 3 or 4
- ▶ Guest speaker/s intervention

¹⁰ As suggested earlier, get in touch with the European Forum for Restorative Justice if you need support in contacting the appropriate speakers – at national and international level.

Module V: Making restorative justice happen



KNOWLEDGE GAPS

Understanding of the role of the judicial professionals in the local practices and practical application of restorative justice processes

Ability to activate restorative justice process whenever in the interest of all concerned, whenever requested by those concerned

Soft skills (e.g., active listening)

Ability to provide opportunities for restorative justice processes to take place where restorative justice principles (confidentiality, voluntariness, confidentiality, neutrality, the accused or convicted person accepts the facts of the case etc) are met

Ability to draw upon case specific understanding of victim needs and also local understanding of restorative justice practices to inform decisions

Ability to provide opportunities for restorative justice processes to take place where the conditions for restorative justice are met

Ability to contribute to the climate of organisational change that will allow openness for restorative justice and



LEARNING OBJECTIVES

Describe the different ways in which judicial professionals can apply principles of restorative justice to their daily work

Explain how judicial professionals can become involved in the practice of restorative justice locally, including in setting up and/or initiating restorative justice processes

Describe how information is exchanged between restorative justice facilitators and the Court once the restorative justice process has started

Explain a number of best practices examples of restorative justice from other countries and outline how these could be implemented in daily practice

Outline the steps that would be taken to initiate restorative justice or a restorative intervention

Evaluate written and verbal communication observed throughout previous sessions and propose ways in which it could be improved

Explain key points of attention necessary to ensure positive written and oral communication from a person in authority

Explain the principles of active listening

increased attention for the rights of victims, accused persons and convicted persons

Ability to develop cooperation and work in partnership with victim support and restorative justice organisations also when they operate outside of the criminal justice system

Ability to adjust working practices to enable restorative justice to take place and to also take a victim sensitive approach

Outline the steps that would be taken to initiate restorative justice or a restorative intervention

Explain decisions regarding restorative justice cases drawing on knowledge of stakeholder needs and local service provision

Describe the possible risks and benefits of restorative justice intervention based on case study information

Propose ways in which restorative justice and restorative practices could be implemented in daily practice

Detail the processes required for initiating restorative justice and restorative responses

Describe a number of steps that could be taken to increase the presence of restorative justice values in current organisational structures.

Outline the key barriers to restorative justice that are related to organisational culture within the justice system and suggest ways to overcome these barriers

Propose a number of ways that cooperation with organisations that can support restorative justice and victim assistance can be developed and/or strengthened

Describe a number of key ways that current working practices can be altered to facilitate restorative justice
Describe a number of key ways that current working practices can be altered to increase sensitivity to victim needs.



Overview blended format – 5 hours 30 minutes

	SESSION TITLE	DURATION (MINUTES)	TOOLS
ONLINE	Restorative justice practices from other countries	9	Video interview with Belgian judge
	Restorative justice services and practices in your country	33	Self-directed reading of national booklet
	Closure	3	Closing video
FACE TO FACE	Welcoming, introductions, agenda for the day	20	Circle
	Restorative justice at case level	45	Small group exercise – Communication skills
	Comfort break	10	
	Restorative justice at case level	45	Small group exercise – Case based exercise
	Restorative justice at organisational level	30	Small group exercise – moving forward with restorative justice
	Closure	30	Closing circle
FINAL ONLINE SESSION	Contribution to the development of a European model for judicial training on restorative justice	70	Final assignment
	Post-training questionnaire	25	Online survey



Structure

Duration: 5 hours 30 minutes

Format: a session of 45 minutes will be provided online, showing video-recorded interviews to judges and public prosecutors from various EU countries.

After the trainees have attended the online part of the training, for Module V the face-to-face session will last 3 hours and pick up on the contents touched upon in the previous modules. In the face-to-face event, trainers will make use of presentations in the traditional format, but above all of icebreakers, interactive exercise, group discussions, group exercises.

Language: the training materials, produced in English, are translated and/or subtitled in the local language. The reading materials and videos proposed here are mostly in English, and the trainers are strongly encouraged to find other materials in local language that are appropriate to the specific contents of the module.

Tools: online platform, recorded lectures, handout.



Online session – 45 minutes



CORE CONTENTS TO COVER

1. **Conditions for restorative justice (for children and adults):**
Case selection criteria / gaps between possibilities and practice / Importance and limitations of judicial actors as gatekeepers / restorative justice at different stages of the system / understanding agreements and the lack of agreements
2. **Motivational processes for victims and offenders (important for judges and prosecutors)**



TOOLS

- ▶ Video interview with Belgian judge
- ▶ National factsheets with information about the restorative justice services available at local level
- ▶ Restorative justice and systemic implementation: Successful Restorative Justice Development around the World (Module V)
- ▶ Closing video



Face to face session – 3 hours



CORE CONTENTS TO COVER

1. Restorative justice at case level

- Accessibility of restorative justice: Importance of accessibility for all/barriers to accessibility/societal attitudes towards restorative justice
- Complex and specialist cases: collective violence, corporate violence, environmental crimes, hate crimes, human trafficking, intimate partner violence, sexual violence, terrorism, etc.

2. Restorative justice at organisational level

- Restorative justice services and procedures: the involved agencies/the required procedures/challenges and possibilities of implementation/the role of judges and public prosecutors in restorative justice locally/making referrals
- Communication: interpersonal communication, communicating the offer of restorative justice, communicating about restorative justice
- Worth mentioning also the communication to the public and media (especially for the magistrates that have an official role in external relationships)



SUGGESTED LESSON PLAN

Restorative justice at case level

 2 hours

20 minutes: Welcoming, introductions, agenda for the day including breaks, circle¹¹

Rounds in the circle can include:

- ▶ Feelings about being back for this final module
-

¹¹ An alternative to this circle/exercise, and to introduce the trainees more in depth to soft skills required to work restoratively, is to invite a local expert (professor, facilitator/mediator, ...) on interpersonal communication, psychology, soft skills, to speak about how to communicate about restorative justice to the parties and to the community.

- ▶ Reflections on module IV
- ▶ Reflections from the online part of module V
- ▶ Expectations for this session
- ▶ Questions that arouse from the online section (the facilitator will inform the learners that the questions will not be responded to by the trainer in the circle but will be noted and responded to during the session)

Small group exercise – Communication skills (45 minutes):

- ▶ Trainer sets the scene by asking learners to think about the different groups of people they see before them in court and the communication needs that they may have (blind people, English as a foreign language, juveniles, attention deficit). For example – have a list of adjectives (angry, scared, fed up, nervous, excited, joyful...) and they are required to say a sentence in the chosen tone and the other has to guess which it was from the list. The examples of exercises provided below are meant as self-reflection moments for the trainees: to reflect on their own work and experiences in the light of what they have learned in the previous models, and to emphasise the crucial importance of soft and communication skills in applying restorative justice.
- ▶ Communication skills exercises:

Communication skill exercise – Option 1

Title	Power of tone and emphasis 1 – 'I never said she stole my money'
Description	Group exercise – (pairs, larger groups or whole group)
Aim	To convey the power of voice tone in conveying information
Materials	List of descriptive words / phrases. List of short sentences.
Details	The facilitator sets the scene by explaining that the way that words are said is extremely important in conveying meaning in verbal communication. Important factors include pitch, tone, intonation, emphasis, speed, etc. The facilitator explains the aim of the exercise. The exercise is centred around the phrase 'I never said she stole my money'. The facilitator has seven descriptions ways that this sentence can be understood. Each of these is on a folded piece of paper. Participant A chooses one, without the others seeing, and tries to say the sentence in a way that conveys that particular implication. Participant A chooses one of these options:

1. She stole something else, it wasn't money that she stole
2. You didn't make the accusation verbally
3. Perhaps she just borrowed the money
4. Perhaps another person is responsible
5. The missing money does not belong to you
6. You have never made such an accusation about the theft
7. Someone else said that she stole the money, but you didn't say so

The other participants have to guess what implication is being conveyed, only through the emphasis placed on the words. The next participant chooses from the remaining 6 options and repeats the exercise. The following sentences respectively indicate how the shifts in meaning can be conveyed for the points above (the word in bold and underlined should be emphasised during the spoken sentence):

1. I never said she stole my **money**
2. I never **said** she stole my money
3. I never said she **stole** my money
4. I never said **she** stole my money
5. I never said she stole **my** money
6. I **never** said she stole my money
7. **I** never said she stole my money

The exercise can work in pairs, with small groups or with one person speaking the sentence and the rest of the group guessing.

In a brief reflection following this exercise trainees should consider how the ways that they say things may have influenced the experiences of the people they come in contact with during their professional tasks.

Required time 10 minutes

Additional resources for the exercises The facilitator should feel free to use a different or an additional sentence, as long as the aim of the exercise can be achieved.

Sources of further information <https://youtu.be/5UUV49tf2m0>
<https://youtu.be/OdFMuBzseQQ>

Communication skill exercise – Option 2

Title	Power of tone and emphasis 2
Description	Group exercise – (pairs, larger groups or whole group)
Aim	To convey the power of voice tone in conveying information
Materials	List of short sentences and description for emphasis
Details	The facilitator sets the scene by explaining that the way that words are said is extremely important in conveying meaning in verbal communication. Important factors include pitch, tone, intonation, emphasis, speed, etc. The facilitator explains the aim of the exercise. Two lists are made available to all participants (written on a board or given in handouts): one list of descriptive words that refers to moods/sentiments; a second list with sentences. Participants are split into pairs. Participant A picks a sentence from the second list (or uses their own). They aim to say the sentence in a way that conveys one of the feelings or sentiments provided in the first list. Participant B has to guess which descriptive word was chosen.

Examples of descriptive words:

Joy	Regret	Hesitation	Fear
Triumph	Sorrow	Anger	Excitement
Threat	Passion	Despair	Questioning
Exasperation	Disbelief	Hilarity	Disgust
Determination	Confidence	Disinterest	Resignation

Examples of sentences:

Winter is coming

I am wearing shoes

Tuesday comes after Monday

Pineapples are sweet fruit

The exercise can work in pairs, with small groups or with one person speaking the sentence and the rest of the group guessing.

Required time	10 minutes
Additional resources for the exercises	The facilitator should feel free to add to or change the example words / phrases provided above, as long as the aim of the exercise can be achieved.
Sources of further information	https://youtu.be/5UUV49tf2m0

Title	Empathy with auditory hallucinations
Description	Group exercise – groups of four
Aim	To convey some insight into the experience of having auditory hallucinations
Materials	None required
Details	<p>The facilitator sets the scene by asking learners to think about the different groups of people they see before them in court and the particular communication needs that they may have (e.g., physical health challenges and disabilities – blindness, deafness –, neurological challenges, learning needs and mental health challenges – ADHD, autistic spectrum disorders, auditory hallucinations –, non-native language speakers, juveniles). The facilitator explains the aim of the exercise. Participants are split into groups of four (one or more group of 3 is also possible). One participant takes the role of the interviewer and another takes the role of the interviewee. These participants sit opposite each other. The interviewer asks a series of questions that the interviewee has to answer as truthfully as possible. The questions should require the interviewee to recall a something through a series of open ended questions / instructions. The topic can be decided between them (e.g., on the topic of how the interviewee travelled to the training session – what time did you wake up this morning? What did you have for breakfast? Explain in detail how you made your coffee. Explain in detail how you tied your laces...). The two other participants (the ‘whisperers’) are sat either side of the interviewee, slightly behind them. These people will represent the auditory hallucinations. Their task is to comment to and about the interviewee. Hallucinations can be negative and critical, so they can make comments such as ‘that was a stupid idea’ or ‘I really don’t know why you did it like that, you always mess things up’ or ask questions directly to the interviewee ‘you drunk coffee? You really wanted a beer with your breakfast though, didn’t you?’ The ‘voices’ can also enter into a conversation with each other if they wish. The voices should talk in a loud whisper, so that the interviewee can still clearly hear the interviewer. After one minute participants should swap roles. The exercise should be repeated until every participant has played each role. After the turns have been finished participants provide feedback in the small group what it was like to play each role. For the interviewer, how did the interviewee come across? Distracted? Rude? Strange? What did the interviewee display through their non-verbal behaviour? Verbal responses? What was it like to be the interviewee? Was it upsetting? Distracting? Disturbing? Did it make them feel angry or like they wanted to lash out? Feedback can be invited from the full group.</p>

Required time	15 minutes
Additional resources for the exercises	It can help the interviewee to be provided with a list of sample topics and possible questions / statements that can be asked of the interviewee. A list of prompt sentences can be provided to help 'the whisperers' think of things to say
Sources of further information	https://www.mind.org.uk/information-support/types-of-mental-health-problems/hearing-voices/living-with-voices/#.Xc6QxVf7SM8

Title	Instruction origami
Description	Group exercise
Aim	To convey that people often interpret instructions in different ways
Materials	Pieces of paper for each participant
Details	The facilitator explains the aim of the session. Participants are each given a sheet of paper (square for origami). They are blindfolded, or asked to keep their eyes closed while they follow the instructions that they hear. They are not allowed to speak during the exercise. The facilitator gives spoken instructions as to how to make an origami shape (or paper aeroplane. The facilitator should read from a list of instructions and should avoid adapting the explanation (the words, emphasis or the timing) to help the participants. After all instructions have been given a comparison should be made between what the facilitator has instructed and what the participants have made.
Required time	10 minutes
Additional resources	https://origami.guide/howto/origami-step-by-step/ https://www.thecoolist.com/best-paper-airplane-designs/

Comfort break

 10 minutes

Small group exercise – Case based exercise (45 minutes)

Two ideas for group exercise are proposed below.

Group exercise based on a case study – Option 1



5 minutes: one case study is shared and read by the trainer(s) to the trainees, and then they are divided into groups to discuss, first, the facts and the referral of the case to restorative justice services and then the feedback/outcome of the restorative process. It would be ideal during this session if the trainer(s) would be accompanied by guest trainer(s), representative/s from the restorative justice services available in the country/region. The guest trainer(s) can actively be part of the group discussion and support the trainees in the discussions.

20 minutes: The trainees are divided into three groups and be given the following roles: members of the judiciary, facilitators, stakeholders. One person from each group should be a notetaker, and each group will focus on different discussion points:

- Group of the judiciary: discuss (and note down) why they would refer this case (or not) and what indications they would look for in their contact with the stakeholders (based on what learned so far) in order to take such decision
- Group of facilitators: discuss the soft skills needed in order to make the referral, challenges of the case study from the facilitator's point of view
- Group of stakeholders: discuss 'who' is the community in this case – which groups of or specific people have an interest? What are those interests? For what reasons do those groups of or individual people have a stake in what has happened and what will happen? Where a group of people has a stake, which individuals should represent that group? How should they be selected / elected or otherwise be engaged in the restorative justice process?

All the three groups are also asked to discuss about the role of the prosecutor/judge, the procedural matters (neutrality, confidentiality, following up on the agreement by the judiciary, etc...), comment on the agreement (what terms would they propose, proportionality, etc...).

20 minutes: the groups report to the plenary and the ideas are discussed altogether, with a feedback from the trainer(s).

Group exercise based on video materials – Option 2



10 minutes: the video produced by the AUTH is shown till the end of the preparatory phase

10 minutes: the trainees discuss together with the trainer what they have seen, the case, answering to some questions:

- Answering some questions like: Would you refer this case, based on the facts? Why was this case referred to restorative services and what indications would they look for in their contact with the stakeholders in order to refer (based on the previous lecture)?
- Commenting on the judiciaries' role in the referral and on their cooperation with the facilitator, and on the presence of the offender's father and of the community to the following restorative meeting
- Commenting on the strengths of the demonstrated communication and what could be improved and how

10 minutes: the trainees continue to watch the second part of the video

15 minutes: the trainees discuss together with the trainer what they have seen, the case, particularly referring to the role of the prosecutor/judge, comment on the procedural matters (neutrality, confidentiality, following up on the agreement by the judiciary, etc...), comment on the agreement (what do they think on the terms proposed especially keeping in mind the proportionality principle, terms would they propose, etc...)

Comfort break

 **10 minutes**

Restorative justice at organisational level

 **1 hour**

Group exercise: how to move forward with restorative justice in their local community (30 minutes)

15 minutes: the trainees are divided into 2-3 groups and invited to discuss on an 'implementation plan' for increasing the *restorativeness* of the offer to the public where they work, and for increasing the restorative quality of interactions at an organisation and structural level, with a view of keeping this effort sustainable.



At this point, towards the end of the training, the trainees are encouraged to reflect on the challenges and opportunities to implement restorative justice at three organizational levels: a) Micro level: in their daily work as members of the judiciary/in the courts' organizational system, b) Meso level: in cooperation with agencies and other services locally (eg. municipality, prefecture, province—depending on each country), c) Macro level: in a policy level (depending on the country, it could be nationally, but also federally, regionally, etc...).

15 minutes: The representative of each group reports back to the plenary the key points emerged from the discussion. The trainees are asked to take notes during this session as they will be useful for the last assignment online.

Closing circle (30 minutes)

Rounds in the circle can include:

- ▶ Reflections / feelings about module V
- ▶ More general reflections on the training as a whole
- ▶ Does the training make you reflect on your role differently? If so, how?
- ▶ Which, if any, changes do you think you will try to implement?



TOOLS

- ▶ Video materials produced within the project
- ▶ Group exercises
- ▶ Final circle



ADDITIONAL RESOURCES

- Articles from the Recommendation CM/Rec (2018)8 to be used by the trainees for the final assignment: micro level: 56, 57, 61; meso level: 36, 37, 55, 56; macro level: 60, 65.
- For what concern the macro level, together with the recommendations, an extract from the commentary of the Recommendation is also to be discussed: "This Recommendation goes further than the 1999 Recommendation in calling for a broader shift in criminal justice across Europe towards a more restorative culture and approach within criminal justice systems. " p.2, [Commentary to Recommendation CM/Rec \(2018\) XX of the Committee of Ministers to member States concerning restorative justice in criminal matters.](#)

Final online session – 1 hour 35 minutes



Final assignment – 1 hour 10 minutes

The assignment will be given to the trainees via a platform or Google form. The exercise is not subject to assessment so it should be conducted anonymously. The platform chosen should then support that.

This is not meant to be an exam or an assessment, but a contribution, from the side of the trainees, to the active promotion of restorative justice in their own country and a contribution to the improvement and finalisation of training for judges and public prosecutors on restorative justice.

The last discussion held during Module V should feed this exercise.

Trainers should consider choosing one between Option 1 and Option 2, and ask the trainees to fill part a, b, and c of each option chosen:

OPTION 1

Part A

Write a letter (approx. 700 words) to either the School for training of the Judiciary or to the Court Administration Authority (Ministry of Justice – It depends on what authority responsible for organizational matters of the courts is in the respective country) expressing your ideas on how you would implement restorative justice, within your own organization (court), in cooperation with your colleagues and in cooperation with local agencies, and in judiciary training programmes.

Part B

Write a letter (approx. 700 words) to the state's legislative body expressing your ideas on the changes you would propose in order to support your ability to refer cases to restorative justice (legislative or administrative changes, etc).

Part C

Write 3 main recommendations for restorative justice practitioners and services on how to approach, train and sensitise the judiciary in your country on restorative justice? (approx. 700 words)

OPTION 2

Part A

Imagine you are asked to put together a brief action plan to get restorative justice going in your local system. Please write this action plan, answering these questions (approx. 700 words)

- ▶ What resources (human, finance, time, other) would be needed?
- ▶ Which policies and procedures are necessary?
- ▶ What would be the risks, opportunities?
- ▶ Where would the challenges and tensions be and how should these be negotiated?

Part B

Can you reflect upon and write on 3 aspects of your work that you will try to do differently following this training? What are those areas and what will the change be? What will be the added value, particularly thinking to specific cases where you think restorative justice could be beneficial or add value to a justice process? (approx. 700 words)

Part C

Can you write your 3 main recommendations for restorative justice practitioners and services on how to approach, train and sensitise the judiciary in your country on restorative justice? (approx. 700 words)

Post-training and satisfaction survey – 25 minutes

This questionnaire is to be administered to the trainees after the closure of the training. In the RE-JUSTICE training it was uploaded to the online platform and completed by the participants after the teaching had been completed.



The complete questionnaire is available as Annex 12. Trainers should make sure it is uploaded on the online platform in advance and make sure to follow-up with trainees to have it filled in. To avoid the risk of low rate of responses, the trainers could decide to administer the final assignment and the post-training questionnaire in person, at the end of the last session.

Below an extract of Annex 13, with some key information to give to the trainees before they fill the questionnaire in.

This questionnaire is anonymous and performs exclusively the function of collecting information from the judges and public prosecutors participating in the training on:

- ▶ Achievement of the expected learning objectives
- ▶ Degree of satisfaction with the overall training experience
- ▶ Interest and relevance of the subject
- ▶ Proposals and further suggestions.

The results of the questionnaire, in anonymous and aggregate form, will be used for

- ▶ The development of a replicable training model
- ▶ The improvement of the training experience.

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List of handouts, video-lectures and annexes¹²

List of video-lectures

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Video lecture 2: Theoretical framework and origins of restorative justice (Module I)

Video lecture 3: Programmes of restorative justice (Module II)

Video lecture 4: Impact and effectiveness of restorative justice (Module II)

Video lectures 5a (communities), 5b (barriers) and 5c (victims) (Module III)

Video lecture 6: Comparative legal framework (Module IV)

List of handouts available from Annex 1 to 10

Introduction and definitions of restorative justice (Module I)

PowerPoint on Theories on crime and punishment, with the video-lecture (Module I)

Theoretical frameworks relevant to restorative justice (Module I)

Values and standards of restorative justice (Module I)

Restorative justice programmes (Module II)

¹² "Please note that the video-lectures and the handouts have been adapted from the original recording and draft, after the feedback received during the pilot training by the judges and public prosecutors from Greece, Italy and Spain. In particular, Video-lecture 4 and Video-lecture 5 have been split into shorter videos and more targeted messages, as suggested by the trainees.

Restorative justice practices (Module II)

PowerPoint on impact and effectiveness, with the video lecture (Module II)

Factors to determine the impact and effectiveness of restorative justice (Module II)

PowerPoint on Stakeholders of restorative justice, with video-lecture (Module III)

Snapshot of the supra-national and European levels of international legal and policy framework on restorative justice (Module IV)

Restorative justice and systemic implementation: Successful Restorative Justice Development around the World (Module V)

List of annexes

Annex 1 – Introduction and definitions of restorative justice (Module I)

Annex 2 – PowerPoint on Theories on crime and punishment (Module I)

Annex 3 – Theoretical frameworks relevant to restorative justice (Module I)

Annex 4 – Values and standards of restorative justice (Module I)

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Annex 6 – Restorative justice practices (Module II)

Annex 7 – PowerPoint on impact and effectiveness (Module II)

Annex 8 – Factors that can be used to determine the impact and effectiveness of restorative justice (Module II)

Annex 9 – PowerPoint on Stakeholders of restorative justice (Module III)

Annex 10 – Snapshot of the supra-national and European levels of international legal and policy framework on restorative justice (Module IV)

Annex 11 – Restorative justice and systemic implementation: Successful Restorative Justice Development around the World (Module V)

Annex 12 – Pre-training questionnaire

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Annex 15 – Guidelines for role play

Annex 16 – Mapping exercise

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Page 32: *Lady Justice joins the circle*. Designed by Dr. Lindsey Pointer, illustrated by Phil Dickson

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