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## RESTORATIVE JUSTICE AND VICTIM-OFFENDER MEDIATION IN EUROPE - OVERCOMING OBSTACLES AND STRENGTHENING OF NETWORKING

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### Short presentation of the Norwegian model

- Within Europe, Norway like Finland belongs to the very pioneers in introducing victim-offender mediation (and also mediation in all sorts of civil cases) on the societal scene.
  - The development in Norway (and in Finland) can best be understood within the framework of the Nordic welfare state. This means in our case, that it has never been questioned if the mediation services should be fully public bodies, and it has also been self evident that it must be a generally available service. This it has been since 1994.
  - There has been separate legislation regulating the organisation, funding and how to carry out mediation since 1991, and of course, securing the nationwide availability of mediation.
  - Since 2004 VOM has been organised as an autonomous Government Service, at the same time part of and an alternative to the Criminal Justice System.
  - There is today 22 mediation services with 600 volunteer mediators (based in the municipalities) spread all over the country. Being consequent in applying only volunteer mediators, also seem to be linked to the Nordic, or Scandinavian societies. This is again linked to what we also want to achieve by mediation: Strengthening of the local communities and the participatory democracy.
  - In 2005 the Mediation Services received 8600 cases.
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- About Service Providers:

- Number one is that the funding of the service providing organisation(s) and thus of the mediation itself must be clarified and predictable.
- Number two is that restorative justice/mediation in criminal cases (VOM) must not be (become) a commercial activity. The same goes for mediation in civil cases.
- The service providers/mediation must be guaranteed sufficient autonomy from the CJS, i.e. the CJS must not any way be allowed to instruct or in other ways influence the outcome of the mediation.
- Legal safeguards:
  - The service providing organisation must be transparent about (even if mediation itself takes place in camera):
    - § How mediation is carried out
    - § What is done to secure the quality of the mediation process (continuous critical self-reflection upon practice)
    - § How the mediators are recruited and trained and the reasons for the process chosen
- The European Forum for Restorative Justice
  - Established in 2000 with the general aim of helping to establish and develop victim-offender mediation and other restorative practices throughout Europe, the main focus being on the CJS.
  - To realise this general aim and its underlying objectives like for example promoting the development of effective restorative justice policies, services and legislation, a channel for participation, exchange, mutual support and contact is offered to the four main target groups of the Forum:
  - Practitioners including mediators and mediation services, legal practitioners, policy makers and researchers. A main principle in the work of the Forum is to facilitate exchange and interaction between these target groups.

