

i-RESTORE 2.0 Launching Conference *Towards Restorative Justice in Romania*

11-12 May 2023 | Hybrid

TAKE AWAY NOTES

Legal background

International

- ❖ 1989 UN Convention on the Rights of the Child, General Comment 24 CRC;
- ❖ 2002 UN Basic Principles on Restorative Justice practices, Handbook 2006 and update 2020;
- ❖ 2012 EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime;
- ❖ 2018 EU Directive (EU) 2016/800 of the European Parliament on procedural safeguards for children who are suspects or accused persons in criminal proceedings;
- ❖ 2018: Recommendation CM/Rec(2018) 8 concerning restorative justice in criminal matters;
- ❖ 2003: Recommendation CM/Rec(2023) 2 concerning the rights, services and support for victims of crime;

National

- ❖ 2004 Measures to provide information, support and protection to victims of crime 211/2004;
- ❖ 2006 Mediation Law 192/2006.

Policy on Child Justice

Nelu Ciobanu, State Secretary, Ministry of Justice; Sorin Ion, State Secretary, Ministry of Education; Oana Toiu, Member of Parliament; Maya Teodoroiu, Member of Parliament; Oana Cambera, Member of Parliament

- ❖ **Promoting** Restorative Justice is a necessary and useful public policy. We have somewhat of a **conceptual problem** because the concept is not well known, not even among professionals in Romania; Romanians do not yet have this culture of mediation or practices that focus on dialogue and reconciliation; It is, therefore, important to communicate and raise awareness about such practices with professionals, but also with children and youth;
- ❖ Part of the **Collaboration Protocol on Legal Education**, of which partners are the Ministry of Justice, Ministry of Education, Superior Council of Magistracy, High Court of Cassation and Justice, Prosecutor's General Office, Union Bar Association, and recently Terre des hommes Romania also acceded to as a partner, currently a **methodology** is being developed for this protocol;
- ❖ Links with a restorative intervention can be made with **schools** as well, from the perspective of the need to **educate** and **ensure the safety** of children in schools;
- ❖ We need to try to **improve the current Mediation Law** (192/2006) in Romania; To invite the Ministry of Family, Youth and Equal Opportunities to a dialogue, including for the identification of funding sources;
- ❖ There is a need to **extend the courts for children and youth**; in this sense, **evaluation** is needed and a **new approach** in place for these courts; To invite the Ministry of Justice to a dialogue for the extension of juvenile courts (example of good practice from Brasov);
- ❖ **Joint efforts** are required by the legislature, executive bodies and CSOs to promote initiatives to continue **reforms** in Romania;
- ❖ Identifying opportunities to which the issue intersects with some of the milestones in the **NRPP (National Recovery and Resilience Plan / PNRR – Planul National de Redresare si**

Rezilienta), with the **Child Guarantee / Garantia pentru copii**, with other issues now being debated at the national level;

- ❖ Finding streams of collaboration with the **Transpartic Group / Grupul Transpartinic** to advance restorative practices in Romania;
- ❖ In Bucharest, for instance, there is a project about **child-friendly Bucharest / Bucurestiul prietenos cu copiii**, and we can link the themes together;

Restorative Justice in the justice setting

Silvia Randazzo, European Forum for Restorative Justice; Annemieke Wolthuis, Restorative Justice Netherlands; Nathalie de la Cuisine, Mediation service Perspectief Herstelbemiddeling; Janet Ten Hoop, HALT; Corinne Rechais, Calm Mediation; Annegrete Johanson, Social Insurance Board, Stanislav Solodov, Ministry of Justice, Estonia

- ❖ Restorative justice is an approach of **addressing harm** or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved; The most common forms of Restorative Justice are *Victim-Offender Mediation (VOM)*, *Restorative Conferencing*, and *Peace-making/restorative circles*;
- ❖ Restorative Justice is an **evidence-based intervention**, and the showcased **benefits** of a Restorative Justice process includes: high victims' and offenders' satisfaction, lower rates of recidivism, cost effectiveness of the process, less children in detention, children are spared the harmful effects of the criminal proceedings, restore relationships, facilitate offenders' reintegration;
- ❖ **In the Netherlands:**
 - *Juvenile intervention program as a diversional measure* within the judicial task, but also as a *preventive initiative within schools*;
 - *Mediation during criminal cases*, more like the mediation intervention in Romania, to deal with criminal cases through mediation rather than through the court;
 - *Mediation outside of the criminal process*, as a complementary approach to the justice system to focus on recovery, arranged at any time the parties are ready;
- ❖ **In the UK**, the example of Calm Mediation is similar with the example from the Netherlands on restorative intervention outside the criminal process;
 - It involves the Metropolitan Police, Her Majesty's Prison and Probation Service (HMPPS), London Probation Service, and Third Sector Organisations;
 - Supporting victims is important, but we cannot do restorative justice without the offenders;
 - Restorative justice works in the UK: 85% of victims are satisfied with the intervention, restorative justice saves £9 every £1 spent, and reoffending is reduced by 14%;
- ❖ **In Estonia** it involves:
 - Restorative justice in the *prison system* (not related to conflicts in prison);
 - *Reconciliation* in criminal cases (similar to Romania) – termination of criminal proceedings (level 2 cases) through mediation; If the suspect complies with the conditions set for him during the supervision period (up to six months), no record of the offence will remain on his criminal record;
 - Restorative Justice training in the *police system* – training for police officers on non-punitive approaches, including restorative justice approaches;
 - Restorative justice as a *mindset* – currently in developments in Estonia, which includes legislative modifications and initiatives on RJ that came from prisoners themselves;
- ❖ **Governments** do step in to support **financially** Restorative Justice intervention in these countries!

Restorative Practices in other settings (Community & Schools)

Cristina Vasilescu, Il Gabbiano; Christopher Straker, Restorative Thinking

- ❖ **Restorative Cities:** cities that aim at disseminating **restorative justice values**, principles and practices in different settings where conflict may occur, such as families, schools, neighbourhoods, sport organisations, work places, intercultural communities;
- ❖ Lecco and Como – inspired by the **CO.RE model** (community of restorative relationships), based on this model, Restorative Justice is not only an element of the criminal justice, but can be integrated in all aspects of our life;
- ❖ A **bottom-up approach** for Restorative Justice processes starting from proximity relationships;
- ❖ **Intermediary bodies** made of citizens, NGOs, social workers, municipality and local institutions – these bodies decide what needs to be addressed, they are involved in raising awareness, intercepting social tension;
- ❖ **In schools**, restorative practice/justice is an essential element of creating the context and developing the skills to allow individuals and groups to own their own solutions to issues they face on a daily basis;
- ❖ The approach in school is first, it encourages both staff and students to pursue **respect** for self, respect for others and respect for the environment; second, **equality and equity** sit at the heart of the school's focus; third, **every person in the school community has a voice**; fourth, learning and development are grounded in relationship **policies** that emphasise connection at the heart of learning behaviours;
- ❖ You have to **find the right school**, the right principal and the right people, embedded in the system; you have to be careful looking at leadership;
- ❖ **Peer mediation** in school is massively useful;
- ❖ How to convince people in a school about Restorative Practices?
 - Ask them: *How you feel like working here?*
 - *Engage with people;*
 - *Explain what, when, who, why,*
 - *Draw the picture* for them.

The potential of Restorative Justice in Romania

Cristi Danileț, Judge & Member VeDem Just

- ❖ In Romania we have approximately 19 mil. citizens, from which **4 mil. children and 1 mil. adolescents**; we also have 3 mil. cases in the courts per year, from which **12% are of criminal nature**; on 11 May 2023, there were **4376 active mediators**, but in 2022 we only had **216 mediation agreements** related to a court case;
- ❖ The most common criminal offenses involving children in Romania are *child pornography, school violence, bullying and cyberbullying, drug use and drug trafficking, white weapons in schools, sexual exploitation and abuse, child trafficking, attempted murder,*
- ❖ What can be done in schools, already tested through VeDem Just:
 - Anti-bullying group;
 - Mediation box;
 - Mediation session ;
- ❖ The *Anti-Bullying Committees* and *Anti-Violence Committees* in schools need to be made to work!

Child-Friendly Justice

Mariama Diallo, Child Friendly Justice European Network

- ❖ Terre des hommes Romania has just recently been accepted as a **full member** with the Child Friendly Justice European Network;
- ❖ Globally, over 7 mil. children are **deprived of liberty** per year; 2.5 mil. children participate in **judicial proceedings** across EU per year; **1 mil. children face criminal justice proceedings** in EU per year; **Individual assessments** of children involved in criminal proceedings not conducted systematically; **33% of European countries prosecute children** above the age of criminal responsibility for offences committed while under the age of criminal responsibility;
- ❖ **Child-friendly Justice** refers to justice systems which guarantee the respect and effective implementation of all children's rights at the highest attainable level. Bearing in mind the principles listed below and giving due consideration to the child's level of maturity and understanding and the circumstances of the case.
- ❖ **Key principles** of child friendly justice: *accessible, diligence, age-appropriate, speedy, adapted and focused on the needs and rights of the child.*

Towards a Child-Friendly Justice in Romania

Mariama Diallo, Child Friendly Justice European Network

- ❖ There are three important elements towards a Child-Friendly Justice:
 - **Children as agents of change** – children have a right to *actively participate* in the process, there needs to be a *child-sensitive settings*, children need *specialised professionals*, and *accountability* of adults need to be followed-up;
 - **Interagency collaboration** – the need for *multidisciplinary teams, advisory boards, protocols, and case consultation teams*;
 - **Budgeting for Child-Friendly Justice** – it can be done in *preventative measures, community-based sanctions, diversion, and alternatives to deprivation of liberty* and restorative justice; HOW? *Analyzing budget allocations, closing costly services, no costs savings at the expense of justice, and review punitive legislation by investing in restorative justice and diversion.*

Towards Restorative Justice in the Justice System in Romania

Annemieke Wolthuis, Restorative Justice Netherlands

- ❖ It's important to have *children and youth well aware of accessible Restorative Justice, a community of support, monitoring* for such intervention, and *specialized professionals* on Restorative Justice;
- ❖ Professionals in Romania answered the questions:
 - **What is going well?** *Existing legislation* in Romania; *Courses* for magistrates on hearing minors based on the *NICHD protocol, Guidelines* for magistrates on working with children; *Partnerships* with Chambers for Minors; *Professionals* that are dedicated to making a change;
 - **What needs to improve?** *School internal regulations* need to improve; Educate children on *legal education, School counselors* should be able to use restorative approaches in schools; Create '*pilot schools*' where Restorative Practices are the norm; Re-visiting the results of the *two Pilot Restorative Justice Centers* in Bucharest and Craiova from 2002-2004 and the *Restorative Practices in the 12 pilot schools* in Ilfov from 2012;
 - **What can you do?** Work closely with the *Ministerial bodies and legislature*; Continue using *international connections* to exchange good practices; Focus on *one school at a time*; Work closely with *European Policy Networks* that gather representatives from all countries (informal network meant for sharing ideas/practices).

Towards Restorative Approaches in Schools in Romania

Christopher Straker, *Restorative Thinking*

- ❖ Restorative Practices are *deliberate* and *do not happen by accident*; it is a system that requires clear ideas to be implemented;
- ❖ **Adults must change before children do** to implement restorative practices; Children need to trust us and what we propose, and so they will be with us;
- ❖ We need to answer *What will change if we apply restorative practices in schools?*
- ❖ **Key elements of Restorative Practices:** Create *safe spaces*; Allow instruments and means for *children to express themselves*; Focus on *addressing emotions* in schools; *Build up relationships* in the school environment; Focus on teachers as well, as *they build characters*; *Allocate time* for restorative practices, as it takes at least 2 years for change to happen after a restorative intervention.
- ❖ Everyone in a school need to be involved for a restorative practice in school to work: from teachers, school leadership, children and youth, schools counselors, parents, and everyone else connected to schools;

NEXT STEPS

Next in i-RESTORE 2.0

- ❖ The re-launch of the [E-Learning course on Restorative Justice in cases involving children and youth](#) – end of May
- ❖ Monthly [meetings with the Child Advisory Board members](#) – next meeting end of May
- ❖ Trimestral [meetings with the Policy Working Group](#) – next meeting end of May
- ❖ [Awareness Restorative Circles in Schools](#) – currently undergoing until the end of the school year 2022-2023
- ❖ Within the [Romanian-Estonian Roadmap](#) (part of the Twinning Arrangement) a series of Webinars; Study visits; CAB exchange; Policy Working Groups' exchange; Awareness Circles; Newsletters; Expertise exchange between professionals - will take place until the end of the project
- ❖ [Training on Restorative Justice and Restorative Practice with children and youth](#) (Introductory, Advance, and ToT) – will take place in Autumn 2023
- ❖ [A Digital Assessment Tool for children and youth](#) assessing the needs for restorative intervention – by Summer 2024
- ❖ [Awareness Raising Campaign](#) – by Summer 2024
- ❖ A series of reports and guidelines will be drafted:
 - [Guidelines for Professionals to conduct Restorative Justice with children](#) – by early 2024
 - [Media Toolkit on Restorative Justice with children](#) – by Spring 2024
 - [Learning from the field report](#) (within the Twinning Arrangement setting) – by Summer 2024
 - [How to guide for Twinning Arrangements](#) – by Summer 2024
 - [Policy Brief on Budgeting for Restorative Justice](#) – by Summer 2024
 - [Awareness Restorative Circles Storybook](#) – by Summer 2024

Following up on the conclusions from this advocacy event

- ❖ Learn more about and [connect with the Directorate for School Safety / Directia pentru Siguranta Scolara](#)
- ❖ Finding streams of [collaboration with the Transpartic Group / Transpartinic Group](#) to advance restorative practices in Romania;

- ❖ Identifying opportunities to which the issue intersects with some of the milestones in the **NRRP (National Recovery and Resilience Plan / PNRR – Planul National de Redresare si Rezilienta)**, with the **Child Guarantee / Garantia pentru copii**, with other issues now being debated at the national level;
- ❖ Seek ways to **improve the mediation law**;
- ❖ Advance Restorative Justice and Restorative Practices through the **Collaboration Protocol on Legal Education**;
- ❖ Seek opportunities for more **awareness raising on restorative justice and restorative practices** for both professionals and policy makers;
- ❖ Seek ways to **improve the Anti-bullying Committees and Anti-Violence Committees** in schools and **initiate a restorative intervention**;
- ❖ Connect with **European Policy Networks** for sharing ideas/practices on restorative interventions.