**SPRING EXPERT MEETING**

**On May 24, 2022**

**Workshop II - Restorative justice as the alternative way of compensating victims**

**Discussion paper**

**Background**

Restorative justice services provide victims with a safe environment to make their voice heard and support their healing process. The Victims’ Rights Directive requires that such services have as a primary consideration the interests and needs of the victim.[[1]](#footnote-1)

One of the main impulses why restorative justice has been created in first place was the need to focus on the victims’ rights including their right to compensation. However, seeking compensation is not the primary objective of the criminal proceedings. Restorative justice programmes[[2]](#footnote-2) thus serve as an alternative space for the victims who want to fulfil their needs created due to the crime. One of the pressing needs of the victim is getting engaged and to find his/her own way of seeking compensation.

‘[Compensation] if done correctly, should have a positive and restorative impact. If it is done badly, it will undoubtedly be a negative factor, producing secondary victimisation and promoting suffering and psycho-pathological complication’[[3]](#footnote-3)

Restorative justice must lean toward reparation for the injury caused to victims. Options range from a simple apology to a request for forgiveness, from tangible compensation to symbolic reparation.

As Joelle Milquet, in her report *Strengthening victims’ rights: from compensation to reparation* stated: ‘I suggest to include in EU rules (for instance a revised Victims’ Rights Directive) or to recommend the use of a pre-trial mediation/restorative justice as part of the compensation to the victim. For example, reconciliation between the victim and the offender and cash or in-kind payment of compensation prior to the trial may have mitigating effects and lead to conditional discontinuance of proceedings in less severe offences (for example those punishable by less than 5 years custody sentence).’[[4]](#footnote-4)

**Discussion**

**The workshop will start with the presentation of a short film “The Woolf Within” where Peter Woolf and Will Riley speak about their experience of restorative justice in the case of burglary. After the presentation there will be a short discussion about the main findings of the online questionnaire that has been circulated to the Network prior to the meeting.**

**Participants are kindly invited to share the good practices implemented in their state, notably by answering the following questions:**

**– Do you think the restorative justice can serve as an alternative way for the victim seeking the compensation from the offender? If so, in what way?**

**– Are there any restorative methods in effect in your country? What agency fulfils it? Is it related to the victim support system? Is there any inter-institutional cooperation (e.g. formal cooperation, informal roundtables, etc.) between restorative agency and the compensation authority?**

**– Do the restorative methods also serve as an alternative way of offender compensation? What is the relation between them? Can the damage part not covered by the restorative measure be covered by the State (in form of State compensation)?**

**– What types of restoration should the ideal restorative justice model contain in order to repair the victims’ harm? (e. g. monetary, nonmonetary, moral)?**

**– Can you introduce restorative measures that are used / proved to be effective as an alternative for compensation in your country? Do you have any practical experience for this? What are the obstacles to the implementation of these measures in your country?**

Moderators:

*Aniella Ferenczi, AENVR manager*

*Tomas Horehaj, representative of the EU Network of single contact points for compensation*

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1. See Article 12 and recital 46 of the Victims’ Rights Directive. [↑](#footnote-ref-1)
2. Restorative justice encompasses a range of services, e.g. victim-offender mediation, family group conferencing and sentencing circles (Recital 46 of the Victims’ Rights Directive). [↑](#footnote-ref-2)
3. Victims support services under the lead of V-Europe conducted in the course of 2018 a survey about specific compensation needs of victims of terrorism. The survey gathered over 200 responses from individual victims and victims’ associations from France, Belgium and Spain. [↑](#footnote-ref-3)
4. <https://ec.europa.eu/info/sites/default/files/strengthening_victims_rights_from_compensation_to_reparation_rev.pdf> [↑](#footnote-ref-4)