

Restorative Justice in Russia



**Public Center
for Legal and Judicial Reform**

Restorative Justice in Russia

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Rustem Maksudov

Russian Center for Legal and Judicial Reform: Strategic Outlines in Restorative Justice

Since 1997 the Public Center for Judicial Reform (hereinafter – “Center”) has been propagating the idea and technologies of Restorative Justice throughout Russia and post-Soviet territories.

Restorative practices undergo intensive development in growing number of territorial and school reconciliation services. This process involves more and more regions, more associations of experts are being created, more restorative models are being practiced locally, creating a new type of liaison between various agencies dealing with minors and their families (including reconciliation services). This process is accompanied by development of relevant tools for restorative programmes.

The growth of new spots of restorative practices is boosted by active standpoint of various public organizations and state officials who become conscious of values inherent with civil society, such as communication. Many experts supporting restorative practices are involved in the social sphere. At the same time, we believe that the main obstacle for development of restorative justice in Russia lies in the “vertical” structure of Russia’s social sphere. Unlike the U.S. and many European countries where social services are provided by mostly non-governmental organizations, Russia’s municipal agencies are directly subordinated to superior bureaucracy levels.

In this situation, application of some practices may assume a political nature, in other words, state officials tend to promote only those analysis or innovations which are favourable to their personal careers, while at the same time concealing actual effect produced by some practices. The social sphere is overloaded with unnecessary reporting, inspections, dozens of monitoring agencies, while salaries of social workers are traditionally kept very low.

The vertical structure hampers the research work of administrative activities. Actual results obtained by quality investigation methods tend to be substituted by various figures and reports.

Therefore, development of institutional mechanisms in restorative justice is constantly opposed by customary bureaucratic practice of reporting and statistics providing numbers of reconciliation services, meetings and crime rate. This tradition dates back to planning mechanisms of previous socialist society where future indicators were initially imbedded in workplans and supposedly be achieved by the end of reporting period. This may explain the fact why “proper” reporting is still favoured.

Vertical administration accounts for lack of interaction between agencies dealing with children and families in difficult situation. Case studies also demonstrate the lack of cooperation among experts. Regional programmes tend to be supervised by individual government agencies, while government/municipal organizations usually ignore cooperation with non-commercial entities.

The existing structure of social sphere generates two parallel realities: one of practicing experts (with restorative justice and professional values) and another one of upper-level state officials (with statistics and reporting values). Middle-level officials (agency managers) are usually quite aware of the reality, but they are demanded by their superiors to provide statistics. This creates quite a critical situation, where bureaucratic style of management favouring reports and statistics does not meet practical demands of restorative justice.

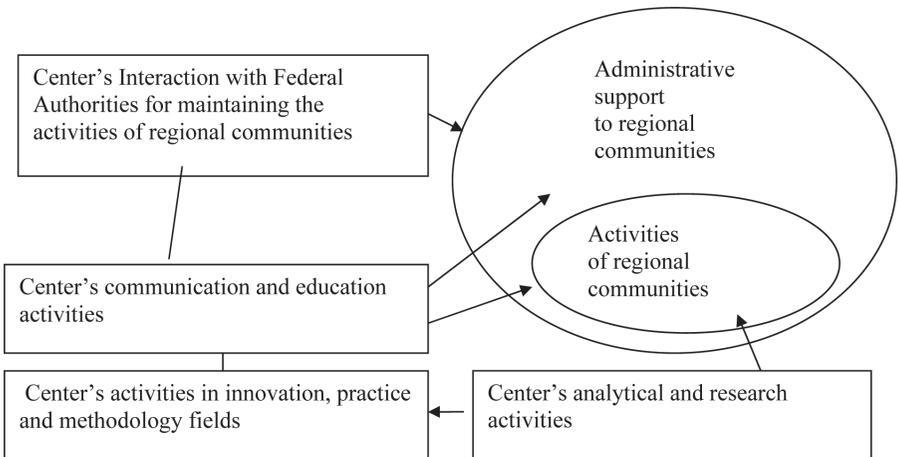
This is where the main question is arising: how to gain and preserve professional experience and values while conducting restorative programmes? The answers to profound questions in the area of restorative approach are still buried in the depths of administrative hierarchies. Anyway, we believe that answers shall be sought within local communities oriented to values of individual experience based on full awareness of Russian peculiarities.

In creating new pilot platforms for restorative justice, the experts of the Center for Legal and Judicial Reform stick to certain ideology enabling the development of specific Russian models based on local and foreign experience. For 15 years, this experience served the basis for Russian restorative practices developed by the Center for Legal and Judicial Reform.

Therefore, the main strategy in further development of the Center shall be supporting the professional communities who apply restorative approach while handling offences and conflicts with minors involved (including families in difficult situation).

In future, regional mediators' associations may influence the social and criminal policies in Russia's regions, while at the same time enhancing methods of rendering help to people in crisis. These associations have become the venue where representatives of various agencies and non-commercial organizations meet to discuss the issues of restorative justice, thereby building new grounds for inter-agency interaction. Mediators' associations encourage the dialogue in the society by propagating the values of negotiation and mutual understanding in all types of situation, from family disputes to political and criminal conflicts. To promote these associations, it is necessary to carry out interdisciplinary research on the junction of political, cultural and social studies, including also law and psychology. That is why the Center sees its strategy in supporting regional communities with proper research and know-hows necessary for their practical and administrative operation.¹

At the same time, the Center makes a focus on local initiatives oriented to innovations and development of proper activities. The Center's strategy is reflected in the following Chart:



¹ The Ministry of Economic Development of the Russian Federation is providing significant support to socially oriented non-commercial organization.

The session of regional representatives dated 17 March 2009 established the Russian Association of Restorative Mediation and accepted its charter. The Association does not appear as a legal entity due to its public nature granting membership to organizations as well as physical individuals. Association is a community of mediators, curators of reconciliation services and all those who develop restorative mediation in Russia. Also, the Association accepted the Standards for Restorative Mediation (see the Appendix IV) recommended for application in spheres of education, criminal justice, sports, juvenile policies and social welfare throughout the territory of the Russian Federation.

In years 2009-2012, the Center assisted in establishing in Moscow, Tuymen, Volgograd, Novosibirsk, Perm, Kirov, Krasnoyarsk, Kazan, Samara, Lipetzk, Cherepovetz and Cheboksary of the regional centers of mediators dealing with crimes and penal acts where minors are involved. Regional associations also promoted creation of more school reconciliation services.

In Moscow, Annual Research and Practice Conferences are held promoting exchange of experience in the sphere of restorative justice.

The 2011 Conference discussed the experience of territorial services based on local social and psychological centers and school reconciliation services, the activities of regional mediators' associations, and various monitoring and research issues relating to restorative practice.

Based on accepted Standards of Restorative Mediation and existing experience gained by reconciliation services, participants in the Conference outlined the most significant trends for further development of the Russian Association for Restorative Justice:

1. Developing practices of restorative justice and improving professional skills of specialists

This trend embraces the following tasks:

- elaborating and developing Russian concepts in restorative justice; community circles and family conferences. Today, the Russian concept of restorative mediation has already been created and may be presented to the world community.

- analysing socio-cultural obstacles for development of restorative practices. First of all, it is a culture of “repression”² inherent in everyday behavioural models of general public and law enforcement agencies, such as courts, prosecutor’s offices and police.
- researching and implementing the traditional restorative practices. It may be asserted that century-old reconciliation traditions of various ethnic groups in Russia are still alive. Since 2010, the Institute of State and Law (ISL) of the Russian Academy of Sciences (RAS) in cooperation with Public Center for Judicial Reform have been organizing Annual Workshops dedicated to reconciliation traditions in Russia. These workshops contribute to mediators’ professional development and promote interdepartmental and interdisciplinary dialogues in the sphere of restorative justice.
- researching and supporting philosophical and legal theories presenting new concepts of justice to be comprehended as an institute for enhancing human relations, not strengthening corporations of lawyers;
- in absence of victim support services, making main focus on mediators’ practical work with victims and sufferers of crimes or penal acts; providing mediators with necessary theoretical research results and enhancing their methodological tools. Nevertheless, creation of victim support centers is also viewed as an important priority.
- analyzing and studying the global experience in sphere of school mediation in order to enhance proper methods of non-repressive conflict resolution in Russian educational institutions; developing and implementing the models of setup and support for school reconciliation services and restorative activities in Russia, in general;
- in our opinion, reconciliation practices help to redefine educational objectives. Developing the concept of “restorative school culture” might help in matching school educational objectives with school reconciliation services.
- developing the links between restorative and narrative approaches.

² Actually, this kind of “culture” appears to be the main obstacle to restorative justice in Russia, in our opinion.

- analyzing the patterns of interaction between restorative justice and social policies targeted to minors in difficult situation.
 - based on restorative approach, further developing the non-diagnostic method of comprehending the situation, and consequently, the concept of “situation analysis in restorative practices”.
 - developing the models of correlation between 3 types of restorative justice programmes, such as mediation, community circles and family conferences.
 - supporting the regional associations of restorative mediation.
 - it seems reasonable to bring together several Association members into a working group which would develop standards of restorative mediation, in particular those relating to principles, methods of building and supporting reconciliation services.
2. *Developing methods of monitoring, research and appraisal of mediation practices with the help of politically and administratively independent subjects.*

This trend includes the following tasks:

- enhancing the criteria and forms of monitoring the restorative programmes, including the monitoring of recurrent delinquency cases where members of restorative programmes were involved.
- streamlining collection and processing of data;
- in order to enhance the research of restorative practices, it is necessary to further develop conceptual framework necessary for description and implementation of programmes;
- elaborating the methods of quality analysis of the programmes;
- developing the methodology enabling the integration of research procedures into restorative programmes;
- analysing how programme’s implementation conforms with the principles and values it declares;

- while analyzing the obstacles, effects and outcomes of restorative programmes, it seems reasonable to involve research psychologists in order to study feelings of guilt, age peculiarities, responsibility mechanisms, restoration factors, mutual understanding, etc.

Liudmila Karnozova

Restorative Justice in Russian System of Law

1. Restorative Justice (RJ) as a pure theoretical type of justice is opposed to official punitive justice. However, RJ cannot be carried through without cooperation with the official system of justice.

In 2010, the Law on Mediation was adopted in Russia. This Law refers to civil, commercial, labour and family disputes, but does not embrace the matters of criminal procedure. In other words, programs of victim – offender reconciliation appear beyond the jurisdiction of this Law. Nevertheless, restorative justice in Russia has been developing for fifteen years. As well as in other countries, this became possible thanks to efforts made by enthusiasts of restorative justice, coming from social sector.¹

In reality, restorative justice is not so much an alternative, but rather, integrating the restorative justice programs into the body of official justice. When considering that subject from official point of view, this integration may be done by means of two factors. First, some jurists, both practitioners and theoreticians, support values and ideas of restorative justice. This support cannot be called overwhelming, yet the very fact of its existence is very important. In particular, some enthusiasts of restorative justice have developed efficient liaison with official courts, thereby giving a space for restorative programmes to handle cases of criminal jurisdiction. In addition, the agenda of restorative justice is now included in law theory discourse. Second, modern criminal justice, being punitive from the point of view of its paradigm, i.e. main goals, orientation and approach, still has a very complex structure including those internal institutions which give the space for using victim – offender reconciliation programs.

2. In some sense, general principles of Russian legislation impede the use of mediation. For example, some European countries have a principle of expediency in instituting criminal proceedings, which is an important legal rule for apply-

¹ Organisation that initiated this movement in 1997 was Public Center for Judicial and Legal Reform.

ing victim-offender reconciliation programs at early stage, as soon as the police becomes aware of the offence committed. This principle means that a policeman or public prosecutor may consider it necessary to refer the case for mediation, and should the latter finish with a positive outcome, not to institute criminal proceedings. This principle does not exist in Russian legislation, which is guided by the doctrine of legality: once offence is registered, an authorized official (investigator, public prosecutor and others) is bound by law to institute criminal proceedings. The same principle rules outside criminal jurisdiction: for example, according to the Law “On Prevention of Child Neglect and Minor’s Delinquency” when an offence committed by minors is revealed, even if all subsequent actions are not criminal, schools are obliged to alarm the police. Furthermore, if the offence is considered to be a penal act, the police are bound by law to start criminal proceedings. Authorities are guided by the primacy of legality, not by desire to resolve a conflict between two parties.

3. Still there are some opportunities to use restorative justice programs. What does it mean?

First, in accordance with the Russian Constitution, generally recognized principles and standards of international law and international treaties of the Russian Federation are incorporated in its legal system and prevail over domestic laws. Thus, the more the concept of restorative justice is incorporated in international justice standards, the more of legal grounds arise to use restorative programs in criminal proceedings.

Second, Russian Criminal Code and Criminal Proceedings Code are aware of such concepts as reconciliation and reparations. In accordance with the law, the investigator, at the stage of preliminary investigation, and the court, at the stage of courts hearings, are entitled to stop criminal proceedings if the parties agree to conciliate. This rule refers to cases where an offence was committed for the first time and the accused were accused of a deliberate offence, which is punished with maximum 5 years of imprisonment, or if an offence was committed inadvertently. According to convictions statistics, the number of convicts, convicted for offences of little or average gravity amounts to 65% in average. Although this number includes those who re-offended, the general percentage is still quite high. Also, the Criminal Code contains elements of private accusation (four in total) which may serve grounds for criminal proceedings only if a case be initiated by a victim. Besides, irrespective of the gravity of offence, reparation for the harm caused by the offence shall be a mitigating circumstance for sentencing. There-

fore, even if the case is not subject to termination, the mere fact of both conciliation and reparation still have positive legal outcome.

However, the Russian legislation says nothing of how the parties come to conciliation, and the very notion of “mediation” is absent from the Russian Criminal Law. Thus, our legislation does not foresee mediation procedures (and, accordingly, the referral of cases to reconciliation services by bodies of criminal justice), but the institutions of reconciliation and reparations do exist, and they equally apply to adult and minor offenders. The said norms opened the doors for introduction of mediation in criminal process.

4. Programmes of victim-offender reconciliation (which we also call ‘reparation programmes’) started in Russia in 1997 in the field of juvenile justice, still being limited to the latter category of offenders (victims being adults as well as minors). It is widely known that issues of juvenile delinquency are successfully incorporated in juvenile justice systems in European countries, U.S., Canada, Australia and New Zealand. In Russia, there is no separate system of juvenile justice. Court proceedings for minors, accused of committing offences still belong to general jurisdiction of criminal justice, which still remains the justice oriented at punishment and not at education. But since Russia has acceded to the UN Convention on the Rights of a Child, it has undertaken to harmonize its juvenile justice with international standards. This led to the creation of strong social movement for the establishment of juvenile justice, supported by courts. The last fact triggered experiments on introducing the juvenile and restorative justice elements into the justice for minors within the current legislation. Recently, the Supreme Court of the Russian Federation introduced the term “juvenile technologies” indicating new forms of dealing with young delinquents. In some regions, the term “juvenile technologies” is also understood as victim-offender reconciliation programmes. Similar programmes are conducted by independent services based on public organisations dealing with minors, or state/municipal agencies handling issues relating to children and family. Earlier I have told about legislative rules for reconciliation in criminal proceedings, where *applied rules are universal for both adult and minor convicts*. But the Criminal Code and Criminal Proceedings Code already contain special provisions and chapters, related to minors. For example, there is a rule to apply coercive educational measures substituting punishment for minors, but these rules are rarely applied, because the justice for minors is a part of criminal justice which is guided by principle of inescapable punishment, therefore these educational measures look marginal.

The Criminal Code of the Russian Federation sets out that the age of criminal discretion is attained **at 16**. But, for some typical for the youth offences it is **14**.² First of all, that concerns theft, robbery, assault, murder and other offences. When criminal proceedings are instituted with regard to those cases, they go through all stages, which have little difference from criminal proceedings for adults. If the child is sentenced to imprisonment, he should pass the term in educational colony for young offenders.

If a child still being under the age of criminal discretion commits a law-breaking act (not defined as an offence, but “socially-dangerous act”), then the case is referred to Commissions for Juvenile Affairs and Protection of Juvenile Rights (CJA). CJA registers the child, convenes the parents, and as a result may fine the parents, send the child to a correctional open school, or refer the case (if the child is already 11) to the public prosecutor’s office which would ask the court to place the child to a special closed educational institution³. Until recently, CJAs used a punitive, not educational approach in their work. Anyway CJAs, as well as courts, have started seeking opportunities for applying juvenile technologies in their work, including reconciliation programmes.

So, restorative justice programs apply to the above types of cases.⁴ In Russia, the following programmes have become popular:

- a) Mediation as it is, involving not only the offender and victim, but also their parents or other legal representatives of minors (both of offender and victim), as well as other significant people in their social environment (such as friends, teachers etc).
- b) Community Circles, a programme involving a greater number of participants and discussing a greater range of crime situations, than regular mediation.
- c) Family group conferencing, adopted from New Zealand experience of family conferences. This form is, however, rarely applied in Russia.

² Currently, our Parliament is considering the issue of lowering the age of criminal discretion attained at 12.

³ Formally, from the point of law, this is not a punishment; this is an educational measure, though in fact it is a punishment for the child.

⁴ These programmes are formally guided by Standards for Restorative Mediation accepted by Russian Association of Restorative Mediation in 2009 (See Appendix IV).

Criminal cases and other criminal situations with minors involved are usually handled by restorative justice programmes conducted by territorial reconciliation services. The latter receive cases mostly from those courts and Commissions for Juvenile Affairs (CJAs) where executives indicated their willingness to be involved in restorative justice programmes. To formalise their further cooperation, the court (or CJA) and a reconciliation service conclude a program of cooperation, stating all legal and organizational grounds for cooperation which would not contradict the existing legislation;

- a mechanism of referring a case to reconciliation services;
- legal consequences of reconciliation programmes;
- criteria for selecting the cases for the programmes.

If mediation succeeds in finding the mutual solution, a reconciliation agreement be signed and attached by the court to the case file. The judge takes this agreement in consideration in the process of adjudicating on the matter.

5. The judges of the courts where these innovations are applied highly praise restorative justice programmes, mostly due to the fact that the children, who once took part in a comprehensive reconciliation program, rarely re-offend. One of the judges put it in this way: "If reconciliation programmes are applied for the cases that potentially may be stopped under the law, I do it quite gladly. Reconciliation programmes ensure that apology was not formal and money was not just paid, but a child finally became aware of what had happened." Judges believe that reconciliation programme is the best educational measure, compared to other ones.

In dealing with minor delinquents, we have to solve educational problems as well, which complicates the structure of Restorative Justice programmes. Since the time of our first attempts, we have been trying to connect reconciliation procedures to rehabilitation programmes and social support to delinquent children. Our mediators are closely connected to social workers and psychologists based on agencies dealing with minors and applying the principles of restorative policies.

* * *

Summing up, we may say that so far, restorative justice programmes do not have legal grounds at the federal level, so courts and Commissions for Juvenile Affairs are still making sporadic use of them on volunteering basis. The Public Center for Judicial and Legal Reform is gathering statistics on restorative justice programmes being carried out throughout Russia's territories covered by the Russian Association of Restorative Mediation (see Appendix 1).

The Appendix demonstrates the uneven development: for example, in some regions reconciliation services cover all the area (as in Perm Region), while in other regions services are available only in cities or even in districts (1–2 services).

The results of monitoring over the 3-year period demonstrate the growth of cases accepted for mediation: 779 cases in year 2010, 1145 cases in 2010, and 1314 in year 2011.

As mentioned above, the mediation programmes for minors are connected to rehabilitation programmes and programmes of social support, so these activities are often conducted by one and the same agency. Sometimes cases accepted for mediation may outnumber cases already being mediated. It happens when the service is engaged not only in restorative justice, but in broader range of activities related to minors (for example, investigating social environment of a minor, preparing reports for the court, developing rehabilitation programmes, etc). Due to various reasons, restorative justice programmes are not considered obligatory (mostly, because of their voluntary nature). A restorative justice programme is considered *initiated* when a mediator has conducted the first (preliminary) meeting with one of the parties. Mediator's telephone conversation with a party may also be regarded as a beginning of the programme provided the conversation is equivalent to an individual meeting with that party. The programme is considered completed if the parties concluded a reconciliation agreement or agreed on alternative solution.

The number of initiated programmes is as follows: 623 in year 2009, 1094 in year 2010, 1276 in year 2011. The number of successfully completed programmes (where conflicting parties reached agreement) amounts to: 542 in year 2009, 757 in year 2010, 858 in year 2011. Territorial reconciliation services conduct peace-making programmes not only on criminal cases but in other types of conflicts, too – for example, in family and school (if school does not have its own reconciliation service). In monitoring data for year 2011, we have singled out, among other

programmes, offender and victim mediation; the number of initiated programmes of this type amounts to 1049, and completed programmes – 648, thus forming 62% of general number of initiated programmes.

The most common reason for programme's incompleteness is victim's refusal (or refusal by victim's parents, if the victim is underage) to participate in the meeting with offender. Also, we face refusals by minor delinquents or their parents.

In conclusion, we can testify that restorative practices are gradually expanding, but this process is not yet stable. Anyway, the enthusiastic activities in the area of restorative justice contribute to the development of the process by involving more territories and new participants.

Anton Kononov

Developing School Mediation Services in Russia

Until recently, the Russian schools have featured “vertical” relations between school principals and teachers, as well as teachers and students. In Russian schools, the widely-spread administrative response to conflicts and offences would be calling parents to school. In Russian schools, there are no efficient methods of handling offences (thefts, fights) committed by students, therefore schools tend to either conceal them or refer cases to police authorities.

Having all the above in mind, we have made the following decision:

1. School reconciliation services shall use the restorative justice models allowing to handle offences, among other tasks.
2. School reconciliation service shall be designed as a separate unit inside the school, having its own office, mediator, charter, an adult supervisor, etc.
3. School reconciliation service shall also rely on senior students who will carry out a mediation procedure without adults being involved (in cases where children do not trust adults).
4. We shall develop restorative mediation based on principles of restorative justice allowing to handle school conflicts of non-criminal nature.

In Russia, the first school reconciliation services were founded by Center for Judicial Reform 10 years ago. Our objective was to demonstrate the feasibility of reconciliation programmes in our country (including the programmes conducted by students themselves). The first resolution of conflict between a teacher and a student took place on 16 October 2001 at Moscow school #464 (with students acting as mediators), soon this case was followed by others. Initial results were discussed at the First conference of school mediation services which was held in 2002.

Years 2002 and 2003 saw school reconciliation services establish themselves within the school structure, along with development of their models. School mediators

gained their first experience by handling school ‘showdowns’ (this experience was analysed in several articles). Soon, the Second conference of school reconciliation services was held in Nizhny Novgorod.

In 2004, in Perm Region there was launched a project on integration of school reconciliation services into city crime prevention system. Two years later, school reconciliation services obtained support of Perm Regional Administration and as a result, new similar services were established in most of the Perm schools.

In 2005, the Volgograd UNESCO club “Child’s Dignity” served a basis for network of school reconciliation services which initiated cooperation with local mediators’ community and other experts.

In 2006, the Third conference of school reconciliation services was held in Moscow. In smaller towns, mediation services are usually closely cooperating with courts and Commissions for Juvenile Affairs.

In 2007, at Moscow Psychological and Pedagogical University there was introduced a course on restorative juvenile justice, including a study unit dedicated to school mediation services.

In 2008, a project on school reconciliation services (school mediation) was carried out jointly with partners from neighboring countries, such as Ukraine (Concord and Reconciliation Centre) and Poland (Yanina Valyuk of Polish Mediation Centre). In Moscow, the Fourth Conference of Restorative Practices was held on the basis of Federal Institute for Education Development.

In 2009, there was created a Russian Association of Restorative Mediation who developed mediation standards. Regional associations of mediators were founded in Moscow and 4 more Russia’s regions. The Fifth Conference on restorative practices was held. Also, a monitoring process of Russian restorative practices was initiated, and its outcome was published in “Restorative Justice Herald” established by Center for Judicial Reform.

In 2010, mediators associations were founded in three more Russian regions. Reconciliation traditions of various ethnic groups in Russia were discussed, namely those of Chechnya, Dagestan, Ingushetia, and other Russia’s regions. The collection of monitoring data was initiated.

In 2011, the mass spread of mediation services caused discussion about preservation of mediation standards, along with the issue of necessity to provide support to school centres by territorial reconciliation services and Commissions for Juvenile Affairs.

In 2012, in Moscow there was adopted a Decree on Foundation of Medication Services in all city schools by year 2013. Also, courses of qualification improvement were opened.

In our further work in this area, we may single out three larger stages:

1. Developing the model of “school reconciliation service” as means of school mediation tailored to Russia’s conditions.
2. With further spread of school reconciliation services, developing the model of their support on behalf of territorial mediation centres and mediator’s associations.
3. Developing the concept of ‘School Mediation Service’ as education and up-bringing technology based on concept of ‘restorative culture’.

Currently, apart from Russian Association of Restorative Mediation (chaired by Rustem Maksudov), the following organisations are operating in Russia’s regions:

- Association of mediators and curators for mediation services in Moscow (chaired by Anton Konovalov)
- Volgograd regional branch of Russian Association of Restorative Mediation (chaired by Irina Malovichenko)
- Association of mediators of Perm Region (chaired by Anna Khavkina)
- Regional Association of mediators in Novosibirsk (chaired by Tatiana Stukacheva)
- Association of Juvenile Mediation Services of Samara Region (chaired by Tatiana Pryanishnikova)
- Tyumen Regional Association of Restorative Justice (chaired by Olga Selivanova)

- Association of mediators and curators for reconciliation services in Chuvashia (chaired by Evgenia Ossipova)
- Association of mediators in Kirov Region (chaired by Elena Klabukova)
- Volgograd Regional Association of restorative mediation (chaired by Anastasia Shemyakina)
- Krasnoyarsk professional community of juvenile specialists (chaired by Elena Yurievna Cherkashina)
- Rostov Association of mediators
- Tatarstan Association of mediators (chaired by Kadriya Sharifzyanova)

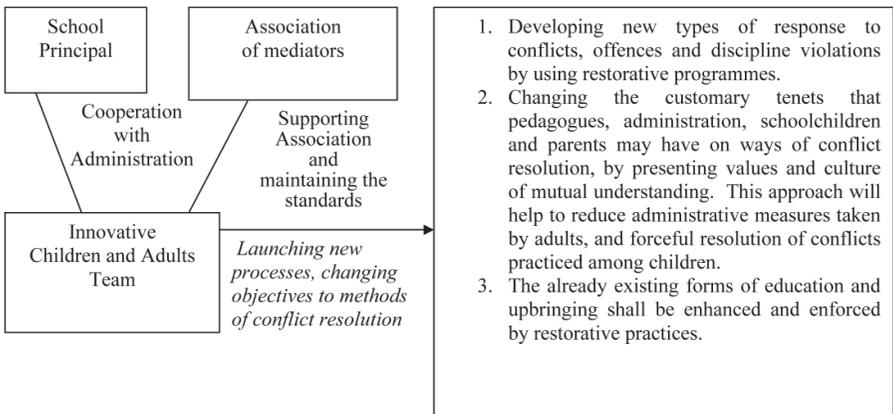
Peculiarities of School Restorative Mediation

- School environment requires educational efficacy and system of relapse prevention. Sometimes, improvements in children's minds are more important than mere resolution of a conflict.
- Maintaining and enhancing personal relationships are of great importance, because both offender and victim know each other well and will continue sharing the same school area after the conflict is resolved.
- If a conflict involves both offender and victim (in case of fight, theft, extortion, property damage), the issue of damage reparation by the offender shall be discussed.
- As a rule, public opinion in the class defines the further development of conflict, heated by considerations of "who is right" and "who is wrong". If mediator's work is limited only to conflicting parties, no result will be obtained: if the final decision is not supported by teachers and children, conflicting teenagers will inevitably revert to previous relation patterns.
- Presumably, before meeting a mediator, a teenager has already been contacted by director and other school experts (psychologist, social pedagogue), so offender's behaviour may bear the "marks" of these contacts, manifested in his defense methods, negative expectations, fears, prejudice, etc)

School reconciliation services see their priority in restoring and enhancing the cultural tradition of mutual understanding. This tradition may be called a “**culture of restorative relationships**”

Reconciliation service, jointly with a school principal and Association of Restorative Mediation initiates the following three activities:

1. Developing new types of response to conflicts, offences and discipline violations by using restorative programmes (mediation, community circles, school conferences, family conferences)
2. Changing the customary prejudice that pedagogues, administration, schoolchildren and parents may have towards conflict resolution, by presenting them values and culture of mutual understanding. This approach will help to reduce administrative measures taken by adults, and minimize forceful resolution of conflicts practiced among children.
3. The already existing forms of upbringing and education being enhanced and enforced by restorative practices:



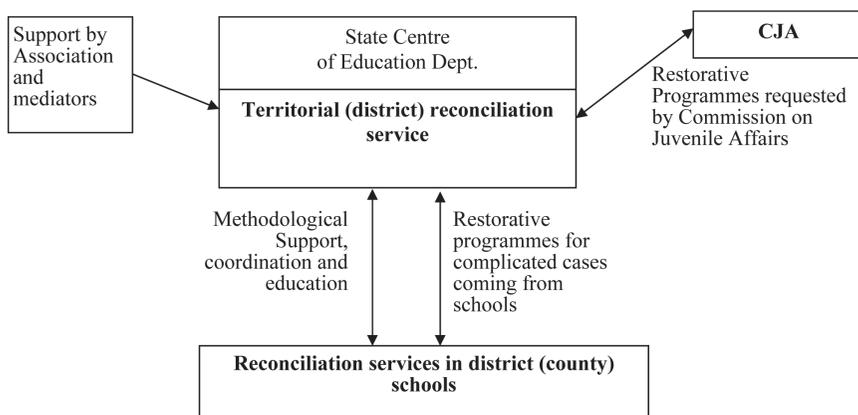
A mediation service usually consists of one or two curators (it may be a vice-principal on academic work and discipline, a social pedagogue, or more rarely, a school psychologist or a teacher) and a dozen of senior students. They all are trained for mediators, including curators (in specific cases where children are not competent because of their age).

As a rule, first signals about conflicts and petty criminal situations (such as thefts, fights, property damage) come to school mediation service from school administration and pedagogues; then the Service is approached by students and parents. Working in couples, mediators are holding preliminary meetings with conflicting parties (separately) and finally, convene reconciliation meetings.

The average start-up period for mediation service takes a year, including the time when it starts first mediation activities.

The basic element in supporting the school reconciliation services would be a liaison between a district reconciliation service (based on social and psychological centres) conducting restorative programmes, other Moscow associations of curators for reconciliation services and mediators, Commission for Juvenile Affairs (dealing with minor delinquents) and schools willing to establish a Service. District (county, territorial) services are handling complicated cases coming from schools, Commissions for Juvenile Affairs, police authorities and population of a district. In return, the mentioned entities are coordinating district conciliation services by supporting and educating mediators and curators for school mediation services, cooperating with mass-media, etc.

Commissions of Juvenile Affairs acting as coordinating entity, may initiate a setup of district reconciliation service taking already existing bodies as their basis (for example, a State Centre for Education System).



Also, Commissions for Juvenile Affairs may recommend that schools establish their reconciliation services, by offering them favourable conditions and using their positive experience obtained in the process of conflict resolution.

Reconciliation services are operating in other Russian regions and cities. According to year 2010 monitoring data, there are 590 reconciliation services in Russia which completed 1986 reconciliation cases in the same year.

Rustem Maksudov

Commissions of Juvenile Affairs and Protection of Juvenile Rights as Platforms for Implementing Restorative Approach

Today, the Municipal Commissions on Juvenile Affairs and Protection of Juvenile Rights (CJA) are held responsible, apart from official justice, for responding to socially dangerous behavior of minors (under age of discretion). Most of CJAs are still guided by old ideological objectives discrediting municipal authorities in the eyes of population. In their work, CJA members often apply the evil practices of public “moral whipping” of guilty teenagers and their parents, where the latter, in turn, reciprocate with enmity and indifference. In this practice, CJA members often replicate punitive approach typical to police inspectors on juvenile affairs.

Punitive approach is usually backed by corporate interest of law enforcement authorities interested in their corporate statistics, such as crime detection rate, number of administrative protocols, fill rate of temporary isolation facility for minors, etc. By the end of police reporting period, cases stockpile for CJA hearings, making their job senseless. Nevertheless, the CJA network still remains the key body whose main objective shall be, in the eyes of general public and legislation, to provide an adequate response to offences committed by children under age of discretion, while handling teenagers’ socially dangerous behavior caused by social conditions. The Federal Law on “Prevention of Child Neglect and Offences Committed by Minors” particularly stipulates CJA’s coordination function: CJAs shall “coordinate the activities of the bodies responsible for child neglect prevention and offences committed by minors”. As stated by the Law, CJAs also shall control methods of treatment and upbringing of minors placed in Child Neglect Prevention facilities, where said Commissions are supposed to restore children’s rights and legal interests.

Currently, there are many CJA experts supporting restorative justice programmes, working in Perm Region, Tyumen, Volgograd Region, Kazan, Cheboksary, Uray, Novosibirsk, Stanitsa Oblivskaya in Rostov Region. CJA experts also initiate, jointly with social agencies, the setup of territorial and school reconciliation services practicing restorative approach (as it is in Moscow and Kirov Region)

Some CJAs are training their specialists for mediators, including restorative programmes in their routine work.

Many CJA executives, as well as social services, recognize the importance of restorative practices, such as mediation, community circles and family conferences. Therefore, they are trying to create favourable conditions for restorative practices in their agencies. As a result, restorative mediation model is channeled through the following bodies:

- via services dealing with minors' delinquency, or municipal reconciliation services based on municipal centres rendering social and psychological assistance to population;
- via reconciliation services in educational institutions.

Restorative justice programmes boost the efficiency of work with children and their families, even within the current CJA practices. In restorative approach, the efficiency is understood as low relapse rate among children who once were involved in restorative justice programmes, as compared to those who were not. Even when conflict is underway, restorative justice programme helps to check escalation by involving the parties into a peacemaking dialogue. One of the most important restorative justice features may be termed as "humanitarian intervention" which makes it kin to any other social activity. At the same time, unlike so called "social rehabilitation" labeling individuals with negative marks and triggering administrative sanctions (for example, termination of parental rights), the restorative approach is built on a different principle, rejecting any sentencing and instead, enabling people to come to awareness of their situation and encouraging them to find their own solutions.

In 2011, the CJA of Moscow's Yaroslavsky District started applying the restorative approach. This activity includes the following actions:

- CJA members testing new communication methods at their meetings;
- CJA members forming a mobile reconciliation group operating in liaison with social workers and peacemaking services;
- CJA members mastering new type of liaison with agencies who traditionally refer cases to the Commission (such as educational establishments, police,

social protection agencies). This type of liaison assumes that Commissions would create conditions for restorative programs by changing their usual working patterns.

In general, we believe that these activities would contribute to further development of Juvenile Affairs Commissions.

We maintain that it is not reasonable to develop a universal CJA model for all Russia's regions. Instead, it makes sense to develop regional models at municipal and district levels using their already existing potential and traditions, and in compliance with Russian legislation and international children and family laws. At the same time, we see the following objectives in developing the restorative approach by CJAs:

1. Testing the following models of CJA activities, including:

- developing new liaison type between CJAs and those services who are using restorative approach in their work;
- changing the existing CJA work model to a restorative approach which would contribute to peacemaking process between conflicting parties, and offender's rehabilitation;
- mastering new techniques of liaison with relevant agencies (educational institutions, police, social defense) who traditionally refer cases to CJA, thereby building grounds for new reconciliation services and restorative programmes.

2. Developing various types of support to school services by Commissions for Juvenile Affairs.

The existing cooperation between CJAs, district mediation centres and schools have a great potential for building a systemic approach to resolution of conflicts and criminal situations by means of restorative mediation.

To successfully sustain this model, we see the following opportunities:

- developing a training course on restorative mediation and other restorative practices for curators of peacemaking services, mediator secretaries and other

CJA experts. This course may be run on the basis of Moscow City Psychological-Pedagogical University;

- publishing manuals on how to set up school mediation services;
- incorporating peacemaking activity into individual performance appraisals and accreditations of educational institutions;
- incorporating restorative practices in professional appraisals of social and psychological pedagogues, vice-principals and principals of schools.

APPENDICES

Monitoring of Restorative Justice Programmes (Territorial Services) by Russian Association of Restorative Justice Network

Table 1

Restorative Justice Programmes, Year 2009

| № | Regions | Num-ber of Re-con-ciliation Services | Cases of Referral Source | | | Cases received | | | | Number of programmes | | |
|---|------------------|--------------------------------------|--------------------------|-----------|----------|----------------|------------|------------|----------|----------------------|------------|------------|
| | | | Courts | CJAs | Police | Total | Courts | CJAs | Police | other | initiated | complete |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 1 | Volgograd region | 4 | 1 | 4 | 0 | 34 | 6 | 28 | 0 | 0 | 34 | 19 |
| 2 | Kazan | 1 | 2 | 2 | 1 | 54 | 45 | 6 | 3 | 0 | 24 | 8 |
| 3 | Moscow | 2 | 1 | 1 | 0 | 42 | 5 | 12 | 0 | 25 | 37 | 22 |
| 4 | Novosibirsk | 2 | 2 | 1 | 0 | 119 | 110 | 9 | 0 | 0 | 43 | 18 |
| 5 | Perm Krai | 32 | 20 | 20 | 0 | 491 | 169 | 322 | 0 | 0 | 458 | 458 |
| 6 | Petrozavodsk | 1 | 1 | 0 | 0 | 20 | 20 | 0 | 0 | 0 | 8 | 1 |
| 7 | Tyumen | 1 | 2 | 4 | 0 | 13 | 1 | 1 | 0 | 11 | 13 | 10 |
| 8 | Ural City | 1 | 0 | 1 | 0 | 6 | 0 | 6 | 0 | 0 | 6 | 6 |
| | TOTAL | 44 | 29 | 33 | 1 | 779 | 356 | 384 | 3 | 36 | 623 | 542 |

Table 2
Restorative Justice Programmes, Year 2010

| № | Regions | Num-ber of Recon-ciliation Services | Cases Referral Source | | | Cases received | | | | Number of programmes | | |
|---|------------------------|-------------------------------------|-----------------------|---------|---------|----------------|------------|------------|-----------|----------------------|-------------|------------|
| | | | Courts | CJAs | Police | Total | Also from: | Courts | CJAs | Police | other | initiated |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 1 | Volgograd region | 4 | 1 | 4 | 0 | 29 | 2 | 27 | 0 | 0 | 29 | 15 |
| 2 | Kazan | 1 | 2 | 4 | 1 | 37 | 27 | 9 | 1 | 0 | 16 | 6 |
| 3 | Moscow | 3 | 1 | 3 | 0 | 34 | 17 | 6 | 0 | 11 | 33 | 17 |
| 4 | Novosibirsk | 2 | 2 | 1 | 1 | 154 | 43 | 102 | 4 | 5 | 127 | 108 |
| 5 | Perm Krai (11 months) | 47 | 50 | No data | No data | 854 | 307 | 330 | 38 | 179 | 854 | 590 |
| 6 | Petrozavodsk | 1 | 2 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 4 | 2 |
| 7 | Tyumen | 1 | 35 | 0 | 0 | 29 | 19 | 0 | 0 | 10 | 29 | 17 |
| 8 | Ural City | 1 | 0 | 1 | 0 | 2 | 0 | 2 | 0 | 0 | 2 | 2 |
| | TOTAL | 60 | 93 | | | 1145 | 421 | 476 | 43 | 178 | 1094 | 757 |

Table 3

Restorative Justice Programmes, Year 2011

| № | Russia's Regions | Number of Reconciliation Services | Referral Sources of Cases | | | | Cases Received | | | | | Total Number of Programmes | | Including Victim and Offender Mediation | | |
|---|------------------------------------|-----------------------------------|---------------------------|---------|---------|---------|----------------|--------|------|--------|---------|----------------------------|-----------|---|-----------|----------|
| | | | courts | CJAs | Police | Schools | Total | courts | CJAs | Police | Schools | other | initiated | complete | initiated | complete |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 1 | Kirov Region (Kirov) | 1 | 0 | 1 | 1 | 0 | 4 | 0 | 2 | 2 | 0 | 0 | 4 | 4 | 4 | 4 |
| 2 | Moscow | 5 | 1 | 7 | 0 | 27 | 108 | 12 | 33 | 0 | 55 | 8 | 91 | 72 | 16 | 8 |
| 3 | Novosibirsk Region (Novosibirsk) | 2 | 2 | 2 | 2 | 2 | 188 | 10 | 118 | 6 | 32 | 22 | 174 | 171 | 44 | 41 |
| 4 | Perm Krai | 45 | 50 | No data | No data | No data | 922 | 347 | 402 | 70 | 0 | 103 | 922 | 570 | 922 | 570 |
| 5 | Republic of Karelia (Petrozavodsk) | 1 | 1 | 1 | 0 | 1 | 18 | 16 | 1 | 0 | 1 | 0 | 18 | 8 | 13 | 5 |
| 6 | Republic of Tatarstan (Kazan) | 1 | 2 | 0 | 0 | 0 | 40 | 40 | 0 | 0 | 0 | 0 | 33 | 7 | 31 | 6 |

| <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> | <i>8</i> | <i>9</i> | <i>10</i> | <i>11</i> | <i>12</i> | <i>13</i> | <i>14</i> | <i>15</i> | <i>16</i> | <i>17</i> |
|----------|------------------------|-----------|-----------|----------|----------|----------|-------------|------------|------------|-----------|-----------|------------|-------------|------------|-------------|------------|
| 7 | Tyumen Region (Tyumen) | 4 | 4 | 1 | 0 | 2 | 23 | 17 | 2 | 0 | 4 | 0 | 23 | 16 | 17 | 13 |
| 8 | The Chuvash Republic | 2 | 0 | 1 | 0 | 1 | 11 | 0 | 1 | 0 | 5 | 5 | 11 | 10 | 21 | |
| | TOTAL | 61 | 60 | | | | 1314 | 442 | 559 | 78 | 97 | 138 | 1276 | 858 | 1049 | 648 |

Comments to Tables

Tables 1–3 feature quantitative indications for restorative justice programmes conducted in years 2009–2011 by territorial services comprising the network of the Russian Association of Restorative Mediation.

Main referral sources for restorative justice programmes remain Courts and Commissions of Juvenile Affairs (CJAs). Also, some cases are coming from Sectors for Juvenile Affairs within District Police Departments (referred to as “Police”). Columns 4–6 feature the numbers for each territorial court, CJA and Police who are forwarding cases for mediation programmes.

The general number of incoming cases is split according to sources of their referral, i.e. this column displays how many cases came from courts, CJAs and Police. Besides, programmes may also be initiated on cases coming from other sources (such as individual requests, schools¹ etc.).

Territorial reconciliation services carry out peace-making programmes not only on criminal cases but also on cases relating to family and school conflicts (if cases are coming from schools with no reconciliation services). In monitoring data relating to year 2011 we singled out, among other programmes handled by territorial services, Victim–Offender mediation, and consequently, the table was supplemented by columns 16 and 17.

Unfortunately, we could not embrace all indications within the sphere of our interest. First of all, it refers to data relating to Perm Krai. Field 5 of Table 2 (year 2010) features the data covering only 11 months, not 12. Also, missing is data on CJAs and Police Juvenile Sectors involved in restorative programmes, that’s why there are no summary indications for columns 5 and 6. Anyway, the actual number for restorative programmes, as well as other summary indications for year 2010 is somewhat higher than displayed in field 9 of Table 2. In year 2011 statistics, there is no data relating to Perm Krai, namely about numbers of Commissions for Juvenile Affairs, Sectors for Juvenile Affairs within District Police Departments and schools cooperating with reconciliation services.

² Most of school conflicts are resolved by school reconciliation services (see article by A. Kononov in this Selection explaining that Territorial Services usually handle most complicated cases or cases from schools without reconciliation services).

The number of cases received may exceed the number of initiated restorative justice programmes, because some territorial services do not confine themselves to restorative programmes, but also undertake such activities as social diagnostics, consulting, social work. Besides, not all of the incoming cases require restorative programmes.

Appendix II

Monitoring of School Reconciliation Services

Table 1

Monitoring of School Reconciliation Services, Year 2009

| Territory | Number of functioning Reconciliation Services | Number of mediators in reconciliation services | | Cases transferred to school reconciliation service | Cases finished with reconciliation meeting or a Circle |
|--------------------------|---|--|-------------|--|--|
| | | Adults | Teenagers | | |
| Moscow | 8 | 10 | 50 | 55 | 42 |
| Volgograd Region | 54 | 57 | 400 | 513 | 452 |
| Kazan | 5 | 8 | 53 | 5 | 2 |
| Novosibirsk | 5 | 7 | 24 | 66 | 57 |
| Samara | 1 | 1 | 4 | 12 | 10 |
| Tyumen | 8 | 10 | 12 | 2 | 2 |
| Perm Krai | 473 | 473 | 1577 | 1719 | 1593 |
| Total in network: | 554 | 566 | 2120 | 2372 | 2158 |

Table 2

Monitoring of School Reconciliation Services, Year 2010

| Territory | Number of functioning Reconciliation Services | Number of mediators in reconciliation services | | Number of initiated cases | Number of complete programmes | | Cases potentially be referred to law-enforcement bodies | Total number of participants in restorative programme | |
|-------------------------------------|---|--|-----------|---------------------------|-------------------------------|----------------|---|---|-----------|
| | | Adults | Teenagers | | Mediations | Community | | Adults | Teenagers |
| | | | | | | | | | |
| Moscow | 11 | 24 | 67 | 91 | 45 | 42 | 7 | 87 | 44 |
| Veliky Novgorod | 3 | 3 | 10 | 8 | 8 | 0 | 0 | 0 | 17 |
| Volgograd Region | 66 | 71 | 473 | 347 | 310 | 15 | 20 | 87 | 828 |
| Industrialny District, City of Perm | 12 | 12 | 53 | 93 | 62 ¹ | 7 ² | 4 | 15 | 120 |
| Kazan | 9 | 12 | 92 | 34 | 25 | 2 | 2 | 35 | 107 |
| Makha-chkala | 2 | 2 | 11 | 15 | 14 | 0 | 1 | 1 | 14 |
| Novosibirsk | 5 ³ | 7 | 26 | 79 | 74 | 1 | 4 | 9 | 100 |
| Samara Region | 5 | 5 | 14 | 66 | 48 | 10 | 0 | 5 | 133 |
| Tyumen | 1 | 1 | 8 | 40 | 40 | 0 | 0 | 0 | 80 |
| Urai | 2 | 2 | 4 | 5 | 1 | 3 | 2 | 9 | 35 |
| Chuvashia | 13 ⁴ | 29 | 52 | 54 | 54 | 0 | 0 | 44 | 87 |

¹ Family reconciliation programmes in Industrialny District were placed in column “Mediation”

² School conferences in Industrialny District were placed in column “Circles”

³ Including two mediators who are working without a service being created.

⁴ 9 – in schools, 4– in social rehabilitation centres, including children’s volunteering reconciliation service in asylum.

| Territory | Number of functioning Reconciliation Services | Number of mediators in reconciliation services | | Number of initiated cases | Number of complete programmes | | Cases potentially be referred to law-enforcement bodies | Total number of participants in restorative programme | |
|-----------------------------|---|--|------------|---------------------------|-------------------------------|------------------|---|---|-------------|
| | | Adults | Teenagers | | Mediations | Community | | Adults | Teenagers |
| | | | | | | | | | |
| TOTAL | 129 | 168 | 810 | 832 | 681 | 80 | 40 | 292 | 1969 |
| Perm Krai (11 months) | 473 | 519 | – | 1273 | 1191 | 103 ⁵ | – | – | – |
| TOTAL with Perm Krai | 590 | 675 | – | 2012 | 1810 | 176 | – | – | – |

Comments to Table 2.

“Number of functioning reconciliation services”. A functioning service is a reconciliation service which handled no less than 4 mediations in year 2010. Also, these are school reconciliation services or their equivalents in educational institutions, such as schools, colleges etc., including asylums and hostels.

“Number of cases initiated” is a number of cases transferred to reconciliation service and then initiated, but where no programme was obligatorily undertaken (due to refusal of parties or other reasons)

“Number of programmes completed”. A programme is considered completed if it finishes with a meeting where all interested parties took a mutual agreement to close the situation. At first, we broke down all programmes into mediations, community circles and family group conferences, but later, in the process of monitoring we came to understanding that this classification did not meet the variety of practices. We traditionally received information about reconciliation in families, care circles, school conferences etc. That’s why we find it necessary, at the nearest meeting of Russian Association of Restorative Justice, to develop programme classification for year 2011 monitoring.

⁵ This section comprises “care circles” – total 35 programmes, and “school conferences” – total 67 programmes, as well as family group conferences – 1 programme.

“Cases potentially be referred to law-enforcement bodies”. These are a number of cases to be resolved in the court (for example, when conflicting parties initially intended to lodge a suit to police or to Commissions on Juvenile Affairs, due to criminal nature of cases, such as theft, extortion, etc), but later these cases were resolved without administrative or legal intervention (and as a consequence, conflicting parties refused to lodge a suit).

“General number of programme participants”. It is a general number of persons taking part in restorative programmes. These persons may be conflicting parties, both victims and offenders, their parents or representatives, pedagogues, social workers, schoolmates, friends, etc.

Table 3

Monitoring of School Reconciliation Services, Year 2011

| Territory | Number of functioning reconciliation services | Number of mediators | | Number in incoming cases | | | | Dismissal of criminal case on reconciliation of parties | Number of completed programmes | | | | | Number of cases where specialists of territorial services participated | General number of programme participants (including both victims and offenders) | | | |
|-----------------------------|---|---------------------|-----------|--------------------------|---------|-------------------------|----------|---|--------------------------------|-----------|-------------------|-------------------|-------|--|---|--------|-----------|-------|
| | | adults | teenagers | Police Juv. Dept | schools | Commissions on Juv. Aff | Other*** | | Total | Mediation | School conference | Community Circles | Other | | Total | adults | teenagers | Total |
| <i>Column 1</i> | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 1. Altaiisky Krai (Barnaul) | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 1 | 3 |
| 2. Volgograd Region | 65 | 103 | 507 | 4 | 605 | 25 | 0 | 634 | 1 | 464 | 11 | 34 | 41 | 550 | 0 | 448 | 1785 | 2233 |
| 3. Kirov Region** | 1 | 23 | 0 | 0 | 8 | 0 | 0 | 8 | 3 | 7 | 0 | 0 | 0 | 7 | 0 | 29 | 19 | 48 |

| <i>Column 1</i> | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|---------------------------------------|----|----|----|----|----|---|---|----|----|----|----|----|----|----|----|-----|-----|-----|
| 4. Krasnoyarsk Krai (Krasnoyarsk) | 6 | 16 | 41 | 0 | 29 | 0 | 2 | 31 | 0 | 28 | 0 | 1 | 0 | 29 | 0 | 20 | 83 | 103 |
| 5. Moscow | 8 | 14 | 72 | 2 | 70 | 0 | 0 | 72 | 0 | 37 | 1 | 25 | 0 | 63 | 5 | 72 | 354 | 426 |
| 6. Novgorod Region (Veliky Novgorod) | 1 | 1 | 12 | 0 | 7 | 0 | 0 | 7 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 137 | 158 | 295 |
| 7. Novosibirsk Region (Novosibirsk) | 2 | 3 | 16 | 40 | 0 | 0 | 0 | 40 | 0 | 33 | 0 | 0 | 0 | 33 | 1 | 9 | 56 | 65 |
| 8. Republic of Dagestan (Makhachkala) | 1 | 2 | 10 | 1 | 15 | 1 | 0 | 17 | 2 | 17 | 0 | 0 | 0 | 17 | 0 | 36 | 27 | 63 |
| 9. Republic (Yakutia) of Sakha | 10 | 16 | 95 | 0 | 33 | 0 | 0 | 33 | 0 | 32 | 0 | 0 | 0 | 32 | 0 | 35 | 108 | 143 |
| 10. Republic of Tatarstan (Kazan) | 6 | 6 | 10 | 0 | 35 | 0 | 0 | 35 | 0 | 28 | 1 | 0 | 0 | 29 | 1 | 10 | 52 | 62 |
| 11. Rostov Region | 8 | 15 | 23 | 0 | 62 | 0 | 3 | 65 | 0 | 59 | 0 | 3 | 0 | 62 | 0 | 63 | 148 | 211 |

| <i>Column 1</i> | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|--------------------------|------------|----------------|----------------|-----------|-------------|-----------|------------|-------------|----------------|-------------|----------------|----------------|------------|-------------|----------------|----------------|----------------|----------------|
| 12. Samara Region | 9 | 10 | 44 | 2 | 101 | 0 | 0 | 103 | 0 | 91 | 0 | 12 | 0 | 103 | 0 | 22 | 645 | 667 |
| 13. Stavropol Krai | 1 | 3 | 5 | 0 | 4 | 0 | 0 | 4 | 0 | 4 | 0 | 0 | 0 | 4 | 0 | 8 | 0 | 8 |
| 14. The Chuvash Republic | 16 | 19 | 71 | 0 | 88 | 3 | 0 | 91 | 0 | 77 | 0 | 3 | 0 | 80 | 0 | 40 | 143 | 183 |
| 15. Perm Krai* | 481 | <i>No data</i> | <i>No data</i> | 14 | 1078 | 69 | 113 | 1274 | <i>No data</i> | 1020 | <i>No data</i> | <i>No data</i> | 184 | 1204 | <i>No data</i> | <i>No data</i> | <i>No data</i> | <i>No data</i> |
| TOTAL | 615 | 232 | 906 | 63 | 2137 | 98 | 118 | 2416 | 6 | 1905 | 13 | 78 | 225 | 2221 | 7 | 931 | 3579 | 4510 |

In “TOTAL” field, italicized is the data without Perm Krai, as this type of statistics is not collected there.

Comments to Table 3

Column 2. A functioning reconciliation service is the service handling no less than 4 restorative programmes annually.

Column 3. Including curators and heads of service, because they are adult mediators.

Column 10. This column indicates how many programmes conducted at school allowed the judge to dismiss the case due to reconciliation of parties (if the suit was already lodged) or how many cases were not referred to law-enforcement bodies (although there was an obvious probability of that)

Column 16. If a school reconciliation service handled the case in cooperation with territorial service (district or municipal one), the case will be displayed in this column (on their part, territorial services will also mention this case)

* Apart from reconciliation programmes conducted by school services, in Perm Krai there were noted 184 cases where agreement was reached without peace-making programmes.

** In 12 schools of Kirov region, the cases are handled without creating a school service, and all data on mediators does not split to children and adults.

*** The “Others” stand for the following sources: secondary specialized schools, social protection agencies, and summer health camps.

Appendix III.

Public Centre for Legal and Judicial Reform

Center for Legal and Judicial Reform is an interregional public organisation conducting non-commercial activity. The Center was registered in August 1996. Steering body is called “collegia” (the bar association), resident in Moscow.

Objectives of the organisation:

- assisting in creative efforts and professional development of legal practitioners (justices, prosecutors, investigators, researchers and university lecturers) as necessary condition for implementing the judicial reform and progress of justice in Russia;
- involving competent members of community into implementation of legal and judicial reform;
- providing methodological, theoretical and methodical support to legal and judicial reforms, including new forms of court proceedings.

Since 1997 till now, the Public Centre for Legal and Judicial Reform has been spreading throughout Russia and post-soviet territories the idea and technology of restorative justice. The concept of ‘restorative justice’ (in broader meaning, a restorative approach) is developed globally as a system of theoretical models, number of methods and special skills to be applied in conflict or criminal situations. Restorative programmes help to stop escalation of misunderstanding, alienation and tension in human relationships.

Restorative programmes (at schools, they are termed “peacemaking programmes”) help to repair the harm caused by conflicts and crimes. Restorative approach used by mediator in process of resolving criminal and conflict situations upholds such social values as peacemaking between conflicting parties, rehabilitation of victims, reparation of harm by offender, involvement of nearest social environment in peace-making process.

In various Russian regions, such as Moscow, Perm region, Tyumen, Volgograd Region, Krasnoyarsk, Ural City, Kazan, Dzerzhinsk, Novosibirsk, Petrozavod-

sk, Samara Region, Cheboksary, Lipetzk, Kirov, Yakutsk, Rostov Region, Stavropol, Arkhangelsk, Cherepovetz, Makhachkala, Barnaul and Arkhangel'sk, the Center for Legal and Judicial Reform initiated the formation of groups representing communities, municipal social services and sphere of education. Jointly with courts and Commissions on Juvenile Affairs, these groups apply restorative practice in criminal cases and conflicts where children are involved.

Center's main strategic objective is to support the formation of groups of experts who would apply restorative approach in delinquencies and conflicts where minors are involved (along with children and families in difficult situation). In 2009, the Centre assisted in creating the Russian Association of Restorative Mediation. In years 2009-2012 the Association adopted Standards of Restorative Mediation recommended for all Russia's territories in conducting mediation procedures in spheres of education, criminal justice, sports, juvenile policies, social protection etc.

In Moscow, Tyumen, Volgograd, Novosibirsk, Perm, Kirov, Krasnoyarsk, Kazan, Samara, Lipetzk, Cherepovetz and Cheborsary, the Centre initiated formation of regional mediators' associations handling crime and criminal situations where children were involved, These associations also assist in setting up school reconciliation services.

In future, mediators' regional associations may influence social and criminal policies in Russia's regions by using restorative practices in their work with people in difficult situation. Representatives of various non-commercial organisations and state agencies use mediators' associations as venues where they discuss restorative justice issues, and these meetings strengthen the grounds for inter-agency liaison. Recently created associations promote the values of negotiation and mutual understanding in every kind of situation, from family disputes to criminal, political and social conflicts. Therefore, these associations build grounds for future social dialogue.

To make associations sustainable, they shall be backed by interdisciplinary research at the junction of political, cultural, sociological, psychological studies and law. That's why the Centre sees its strategy in supporting the research and other products necessary for building methodological, practical and administrative basis of regional communities.

Guided by standards of restorative mediation and with regard to existing experience gained in mediation, the Center pursues the following tasks in the area of restorative justice, jointly with its partners:

1. Developing restorative practices and mastering mediators' skills

- developing and elaborating Russian concepts of restorative mediation, community circles and family group conferencing. The restorative justice concept has already been created and may be presented to world community.
- analyzing socio-cultural obstacles for restorative practices. The main obstacle is seen in repressive “culture” featuring everyday general public’s behavior and practices of law-enforcement authorities (courts, prosecutors, police).
- detecting and using elements of traditional reconciliation practices. We maintain that peacemaking traditions are still in use in Russia, and they are based on century-old reconciliation practices inherent in Russia’s ethnic cultures. Since 2010, the Center for Legal and Judicial Reform, in cooperation with Institute of State and Law (ISL) of the Russian Academy of Sciences (RAS) are holding annual workshops dedicated to studies of reconciliation practices in Russia. The workshops contribute to professional development of restorative justice activists as well as interdisciplinary and inter-agency dialogue.
- conducting and examining research products in areas of philosophy and theory of law. Justice shall be understood as institute maintaining harmony and evolving human relationships, not strengthening corporations of lawyers.
- in absence of victim service centres, it is necessary to enhance mediators’ theoretical knowledge and practical skills while treating victims of penal acts. It also seems important to setup service centres for victims of penal acts and crimes.
- analyzing international practices in area of school mediation in order to work out a proper non-repressive method of resolving conflicts and criminal situations happening in educational institutions.
- developing models for setting up and maintaining school mediation services, and restorative practices in general.

- in our opinion, restorative approach helps to re-establish upbringing objectives. The concept of ‘restorative culture in schools’ might help in creating links between educational process and school reconciliation services.
 - developing links between restorative and narrative approaches.
 - analyzing patterns of interaction between restorative justice and social care of minors in difficult situations.
 - developing non-diagnostic methods of comprehending the situation within the concept of ‘restorative approach’ and related concept of ‘situation analysis in restorative practices’.
 - developing a model of interaction between 3 types of restorative justice programs: mediation, community circles and family group conferences.
 - supporting regional associations of restorative mediation.
 - it seems reasonable to set up a workgroup of three Association members who would further develop standards of restorative mediation, in particular the section on principles, foundation methods and support to mediation services.
2. *Developing methods of monitoring, assessment and research of restorative practices by involving politically and administratively independent bodies conducting this type of activity.*
- enhancing criteria system for restorative programmes monitoring, including those delinquents who once were involved in restorative programmes, but then re-offended.
 - streamlining the process of collection and processing of data.
 - to carry out the further research of restorative practices, it is necessary to develop conceptual framework for description and analysis of programmes.
 - developing methods of quality analysis of the programmes.
 - working out the methods which would allow incorporation of research procedures into restorative programmes.

- checking whether practical implementation of programmes comply with declared principles and main ideas of restorative justice.
- for better analysis of the effects, results and obstacles arising in restorative programmes, it seems reasonable to involve researching psychologists in order to conduct research on such subjects as shame, age peculiarities and responsibility mechanisms, along with healing phenomenon and factor of mutual understanding.

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Appendix IV.

Standards of Restorative Mediation

Developed and adopted by
The Russian Association of Restorative Mediation
17 March 2009

Introduction

These standards have been developed as a guideline and information source for mediators, chiefs and experts of reconciliation services and administrative bodies of different agencies, as well as for other specialists and organizations, interested in promoting restorative mediation in Russia.

These mediation standards should contribute to creating new ideas and different forms of organizing and conducting mediation, when keeping all principles of restorative mediation and taking into account regional environment.

Restorative mediation is based on the concept of restorative justice, which is worked out and carried through in different forms and practices throughout the world. Restorative justice is a new approach to the way, how the society should react to a crime, and this influences how this practice is performed.

The idea of restorative justice is that every crime must engage the responsibility of the offender to make reparations to the victim, for which the State and the social environment of the victim and offender should create necessary conditions. The restorative approach supposes that both, victim and offender, as well as all the people, who were affected by the crime, take an active part in the work of solving the problems, associated with the crime, with the help of an impartial third party (mediator). Such programs should be conducted only when the parties have expressed their voluntary consent to participate.

The restorative approach is opposite to the approach, oriented at punishment.

The ideas and practices of restorative justice are more important and wide than a simple reaction to a crime. Restorative justice, and more exactly, the restorative

approach, may be used not only to criminal situations, but also to overcome adverse effects of conflicts within the system of general, professional and supplementary education, social security system, Ministry of Internal Affairs, judicial system and in families and every day life.

These standards of restorative mediation are based on the existing international documents: UN General Assembly Declaration 2002/12 On Basic Principles of Use of Restorative Justice Programmes in Criminal Matters, Recommendation # R (99) 19 Of the Committee of Ministers of the Council of Europe to member States concerning mediation in penal matters (adopted by the Committee of Ministers on 15 September 1999 at the 679th meeting of the Ministers' Deputies), Recommended Standards for School-Based Peer mediation Programs, developed by the US Association for Conflict Resolution, National Standards of Court-Connected Mediation Programs, developed by the Centre for Conflict Resolution and Institute of Court Management, as well as other standards of mediation. The following mediation models were also taken into account: interest mediation, transformative mediation, narrative mediation.

The Standards of restorative mediation were developed and adopted by the Russian Association of Restorative Mediation.

These standards cover a wide range of restorative practices: face-to-face mediation between the parties, family group conferencing, community circles, school-based conferences and other practices, which are based on the values and principles of restorative approach.

The twelve year experience of carrying out restorative justice programs in different Russian regions was taken into account while developing these standards.

Concept of restorative mediation

Mediation is usually understood as a process where the participants solve their conflict with the help of a third party (mediator).

Restorative mediation is a process where the mediator creates conditions to restore the ability of people to understand each other and to come to terms on mutually acceptable ways to solve the problem, and, if necessary, on making reparations regarding the damage, associated with the conflict or criminal situation.

During restorative mediation it is important that the parties have the opportunity to get rid of negative experience and develop new resources for finding a common solution to the situation. Restorative mediation includes individual preliminary meetings of the mediator and each party, and a joint meeting of the parties where the mediator also takes part.

Main principles of restorative mediation

- **voluntary consent to participate by the parties**

The parties should consent to participate on a voluntary basis; any kind of coercion to participate should be unacceptable. The parties should have a right to withdraw their consent both before the beginning and during the mediation process.

- the parties are well informed of the process

The mediator must supply the parties with the information regarding the nature of mediation, its process and probable consequences.

- **mediator remains neutral**

The mediator provides the parties equal assistance in their endeavor to solve the conflict. If the mediator feels unable to remain neutral, the mediator should hand the case over to another mediator or stop mediation. The mediator may not accept remuneration from one of the parties, which can rise suspicions in his/her support to this party.

- **mediation process is kept confidential**

Mediation should be kept confidential. The mediator or a mediation service should provide for confidentiality of the mediation and prevent from any disclosure of the documents, related to the mediation process.

With the exception of cases when the information concerns possible threat to life or a probable new crime, then the mediator should inform the participants that this information will be disclosed.

The mediator should make a report on the results of the mediation to the referring organization.

The mediator may take notes and make reports to discuss them with other mediators and curators of reconciliation services. The names of the participants should be changed if the reports are to be published.

- **responsibility of participants and the mediator**

The mediator should be responsible for the safety of the participants during the mediation and for the compliance with the principles and standards. The responsibility for the mediation results should be borne by the parties to the conflict, who take part in the mediation. The mediator may not advise the parties to take any decision regarding the nature of the conflict.

- **the offender makes reparations**

In the situations where there is an offender and a victim, the offender is responsible for righting the wrong, caused to the victim.

- **the reconciliation services are autonomous**

A reconciliation service should be independent in choosing the forms of its activity and organization of mediation process.

Process and result of a mediation

The main aim of restorative mediation is to provide for a dialogue between the parties, which enables them to get to know and understand each other better. The dialogue promotes for changes in the relations: from confrontation, prejudice, suspicion and aggression to positive relations. The mediator should help the parties to express and hear out the opinions, views, feelings, which creates an environment for mutual understanding.

Restorative actions (apology, forgiveness, sincere desire to redress the wrong) are an important result of restorative mediation, and they are such actions that could help to redress the consequences or the criminal situation.

An agreement or reconciliation agreement, which is presented to the referring body, is another important result of the mediation. The reconciliation agreement (the agreement) may be taken into account by this body while deciding on further actions regarding the parties to the situation.

Restorative mediation should be oriented at the communication process. It is targeted, first of all, at improving understanding, mastering ability to hold dialogue and solve situation. The agreement is a consequence of such a process.

Reconciliation service activities

Reconciliation services should carry out programs of restorative mediation.

While performing their duties, reconciliation services should be autonomous and self-governing. Reconciliation service activities should obtain an official status within organizations where they are created.

Reconciliation services may be created at different agencies (educational system, youth policy, social security, justice and law enforcement bodies, etc.), as well as have interdepartmental, general (services at municipalities, Commissions for Juvenile Affairs, etc.) or territory character.

Mediators, heads of reconciliation services and curators should receive special training.

Reconciliation services should implement different programs: mediation, community circles, school conferences, they also may work out their own original programs, based on restorative mediation principles.

The reconciliation service should monitor and acquire statistics on referred cases and accomplished mediations.

Reconciliation services should be independent enough while performing their functions.

Special features of reconciliation service activities within the bodies and agencies for prevention of youth offences and youth neglect

The restorative justice programs can be carried through by educational institutions, social security organizations, agencies for youth policy and other bodies, organizing social assistance on the territory (municipal) entities. The cases may be referred to the territory (district, municipal) services by Commissions for Youth Affairs and Protection of their Rights (KDNiZP), administrative organs, social

security agencies, law-enforcement bodies, courts, educational institutions, citizens.

The territory reconciliation service should work out Regulations, approved by the administrative body of this institution. Additional articles on mediation may also be included in the Statutes of the organization, as well as in the description of administrative functions of employees, who carry out restorative programs, and other documents.

Territory services may carry through different programs: mediation, community circles, school conferences, care circles, family group conferencing, provided the service employees have taken part in special trainings.

The chief (coordinator, curator) of a territory (municipal) service should be a trained mediator and assure the general management of the service, plan its development and promotion, organize the order and control for program realization, monitor and analyze program realization in the institution and provide for interaction with the interested institutions and agencies. The service may, upon the agreement by the KDNiZP, monitor mediation programs carried out on the territory of the municipality.

A territory (municipal) reconciliation service may recruit as mediators the following people, provided they receive mediation training:

- a) employees of this institution;
- b) adults (students, employees of nongovernmental organizations, etc.), upon the agreement with the administration. Youth voluntary organizations, created under the model of school reconciliation services, may be organized within territory (municipal) reconciliation service.

Experts of the territory reconciliation service may be engaged in the following fields of activities:

1. mediation of conflicts and criminal cases referred to by KDNiZP, courts, schools, citizens.
2. methodology assistance for reconciliation services on this territory.

3. training of mediators and curators of reconciliation services.
4. monitoring and analysis of the activities of reconciliation services on this territory.

Methodologists of the territory reconciliation service should be trained mediators and trainers and have experience in conducting the programs. The methodologist should provide for methodology assistance to mediators of different reconciliation services on the territory of the municipal entity, train mediators, including the students of general education institutions, organize supervision, consulting and give expert evaluation.

A reconciliation program of the territory (municipal) reconciliation service may be conducted between juveniles, a juvenile (juveniles) and an adult (adults), and between adults to determine the future of the juvenile.

The parties to the conflict should be allowed to be referred to a preliminary meeting with the mediator, where the conflict situation is clarified and the mediation process is explained, but the participation in the mediation should be voluntary. If the program participants are minors, the mediator is recommended to obtain from the parents the permission to participate in a restorative program, or to invite the parents to take part in the program.

The results of the restorative program may be taken into account while discussing the family or child issues during the court hearings or at an administrative meeting of KDNiZP, while taking decision on the future of the program participants.

Peculiarities of Reconciliation Services within Educational System

The restorative mediation programs within the educational system may be carried out in all types of general education institutions (7 and 8 types, in exceptional cases), in supplementary education institutions, secondary vocational education institutions and universities.

A school reconciliation service should be comprised of student mediators and an adult curator.

A school reconciliation service may recruit as mediators the following people, provided they receive mediation training:

- a) students;
- b) teachers of this institution;
- c) an adult (a parent, a member of a nongovernmental or governmental organization or any other adult), upon the agreement with the administration of the educational institution.

Mediation may be conducted jointly by an adult and a child.

The Curator of the reconciliation service should be an adult who is a trained mediator and is ready to provide systematic support and promotion for reconciliation service. The curator should have access to the information on the conflicts which take place in educational institution. The curator's task is to organize the work of the reconciliation service and assure that the reconciliation service gets all the information on conflicts and criminal situation.

This may be the deputy director for studies and pedagogical work, psychologist, social pedagogue (deputy director for social work), children's rights commissioner and others.

Children, pedagogues, administration, parents may *take part* in reconciliation programs. The conflicts between the adults should be mediated by an adult mediator.

The *administrator* may refer the parties to the conflict to a preliminary meeting with the mediator, where the conflict situation is clarified and the mediation process is explained, but the participation in the mediation should be voluntary. The curator should obtain from the parents the permission for the student mediators to take part in the work of the reconciliation service.

The reconciliation service should work out a *Regulation*, which should be approved by the administration of the educational institution. Additional articles on the reconciliation service may also be inserted in the Statutes of the educational institution and other documents.

If one of the participants suffered material damage resulting from the conflict, an adult is then to be present as a co-mediator, and the curator is recommended to invite the parents for the mediation session, or to obtain their permission for the participation of their children in this mediation.

Similarly, the reconciliation services may be created at residence halls, special schools, etc.

Special features of services, mediating criminal cases, which are pending before the court¹

The work of a mediation service in criminal cases, which are pending before the court, should be carried out in accordance with the documents, establishing its relations with the court, such as laws, programs of cooperation with the courts, etc., and which are consistent with the legislation of the Russian Federation. The documents should contain legal and organizational issues regarding the interaction between reconciliation services and the courts, in particular:

- the procedure of referring the information on criminal situations for mediation;
- legal consequences of mediation;
- categories of the cases that may be referred to the mediation.

Since Russian criminal law and criminal procedure legislation do not contain provisions about the mediation, its legal consequences are equal to the legal consequences of the notions “reconciliation”, “expiation”, “correction of the convict”, which exist in Russian legislation.

It is necessary to organize periodical meeting of the services’ expert-mediators with the judges as well as with other specialists and organs, which work with mediation programs, to clarify the mechanisms of cooperation, information and legal base and to discuss new possibilities to conduct mediation at different stages of criminal proceedings.

Peculiarities of mediation in criminal cases

The peculiarity of mediation in criminal cases is that it focuses on righting the wrong, caused by the crime. Righting the wrong is not limited only to the compensation of material damage, but includes a variety of restorative actions.

¹ The provisions of this Section may apply as a base for mediating during the preliminary investigation, as well as in the cases of lay justice while considering criminal, civil and administrative cases.

Mediation assures the subjective right of each party for reconciliation and is possible to be applied at each stage of judicial proceedings, irrespective of the magnitude of the offence, as well as at the stage of serving the sentence. The legal consequences depend then on the category of the offence and when mediation, where the agreement was reached on reconciliation and righting the wrong, was conducted.

The starting point for mediation should be the acknowledgement of main facts of the case by the accused, and not the guilty plea in the legal sense. Participation in mediation should not be used as an evidence of the admission of guilt during the further consideration of the case.

The mediator should create conditions for the parties to discuss the issue of reparations, developing the mechanism and procedures of reparations, terms and conditions of implementation of the arrangements on reparations. The mediator should refuse to conduct meeting between the parties in case of any doubts regarding the security of the participants.

The mediation should be impartial. This means, the mediator should not accept any position, but should try and help the parties to participate actively in the mediation process, so that they could benefit from it.

The mediator's neutrality in criminal cases has some special features. Firstly, being impartial towards the parties the mediator should not be indifferent to the very fact of the offence. This means the mediator does not regard the parties as equals, in the sense that the responsibility of righting the wrong is charged upon the offender. Secondly, the claims of the victims against the offender should be limited in case of their disparity against the gravity of the committed offence.

All legal safeguards should be observed during the mediation procedure. Mediation should be voluntary for both the victim and the accused.

Before the parties agree to take part in the mediation they should be informed of their rights, on the nature of the mediation process and on possible legal consequences of the agreed decision. Mediation may result in legal consequences for the parties, for example, the criminal proceedings may be stopped as a result of the reconciliation of the parties. But this possibility should not mean that the mediator makes guarantees regarding the outcome of the proceedings. The criminal justice authorities have exclusive competence in settling a criminal law con-

flict, and the mediation in criminal proceedings assures the participation of the parties in solving the problems which are associated with the crime and issues on righting the wrong, but the final decision on the case is made by the court, an only in case of private prosecution the court is obliged to stop proceedings as a result of the reconciliation between the parties.

While preparing to the mediation it is important to find and invite for participation not only officially recognized victim, but other people as well, who have suffered from the crime.

Because of the restricted time-limit for the consideration of the case by the court and the absence of special provisions on the suspension of the proceedings until mediation is completed, the court should refer the case for mediation as soon as possible, before the case is listed for trial, to assure the best conditions for conducting all the stages of mediation before the court trial begins.

If the mediation is not completed before the trial starts, the information on the current status of the mediation should be presented with the court.

In case the parties have reached the agreement, the mediation results in the conclusion of the reconciliation agreement. During the court proceedings the parties should petition for the deposition of documents.

In accordance with the confidentiality principle, the mediator may supply the court only with the results of the mediation. The court should be presented with the comprehensive information regarding the organization, which conducts mediation. The court should have the right to investigate the motives which form the base for the reconciliation of the parties, to exclude a possible pressure on the victim made by the interested people.

Peculiarities of mediation in criminal cases with participation of minors

It is important to consider mediation from the point of view of better assurance of the interests of a child, in accordance with the UN Convention on the Rights of a Child and the European Convention on the Exercise of Children's Rights. When the mediation is a part of law enforcement practices regarding the minors, the mediator should work in cooperation with the specialists from social and psychological services.

It is desirable that the mediator examines the social and psychological aspects of the offender's personality, his/her social status and environment, which are contained in the reports made by other services.

The report on the results of the mediation should be presented to the court together with the report made by a social worker or a pedagogue-psychologist. It is possible to include all the information in a single document.

The legal consequences of the mediation regarding the minor offender should be supplemented by the possibility of the use of the norms, regarding to the application of coercive measures of educational character, as for comparison to the measures applied to the adults.

The mediator should take into account legal peculiarities, related to the minor participants of the mediation. In particular, the mediator should invite the legal representative of the minor to participate in the mediation or obtain his/her agreement, as well as the mediator should inform him/her on the nature, goals and legal consequences of the mediation.

When making a decision on referring the case to mediation, it is important to consider the circumstances that place parties in a special, unequal situation. This may happen because of the differences in age, maturity and intellectual abilities of each party. In this case the mediator needs to create conditions for the proper participation of those people in mediation, or take a decision to introduce some limitations.

The issue of resocialization, educational effect and of preventing this kind of behavior in future is among main issues in case of mediation of criminal conflicts where the minors take part.

Apart from the general mediation knowledge, the mediator should be competent in legal matters regarding the category of cases, s/he works with.

Initial and In-Service Training for Mediators, Trainers and Curators

The mediator should not be obliged to have a special education, such as pedagogic, psychological and other, but the mediator should receive mediation training.

The main stages of training for adult mediators should include:

1. theory of mediation, including special features of restorative mediation and the knowledge of these standards.
2. training course on main mediation skills.
3. conduct of mediation under the supervision by more skilful mediators or between other mediators, as well as writing reports on the mediations conducted.

The forms of mediators' training may be determined by the mediation services on their own.

The mediator should be familiar with the specificity of work with the offenders and victims in the field of his/her activities.

The mediation trainer should be a practicing mediator.

The curators of the services should take part in the mediators' training.

Promoting restorative mediation in the society

It is necessary to promote the creation and development of restorative mediation communities.

The promotion of restorative mediation assists in expanding the use of restorative way of reacting to conflict and criminal situations, which helps to strengthen positive social bonds in the society.

To promote the standards of restorative mediation it is recommended to:

1. Spread the information on the purposes and objectives of restorative mediation, its positive aspects, procedure and results among all interested people.
2. Develop methodology and regulatory framework.
3. Organize training for mediators and coordinators of restorative mediation programs.

It is necessary to aim at implementing restorative mediation into the activity of different agencies, in different spheres of social life.

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