

# ALTERNATIVE

## **ALTERNATIVE** **Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies**

**Deliverable 6.4**  
**Manual on best practices of applying restorative justice  
approaches in intercultural settings**

### SEVENTH FRAMEWORK PROGRAMME COOPERATION PROGRAMME



“This project has received funding from the European Union’s Seventh Framework Programme for research, technological development and demonstration under grant agreement no 285368”

**Project start date:** 01.02.2012

**Project duration:** 48 months

**Deliverable due date:** Month 46

**Submission date:** 30 November 2015 (resubmitted after approval by the PO on 1 April 2016)

**Dissemination level:** PU

**Work package:** WP 6

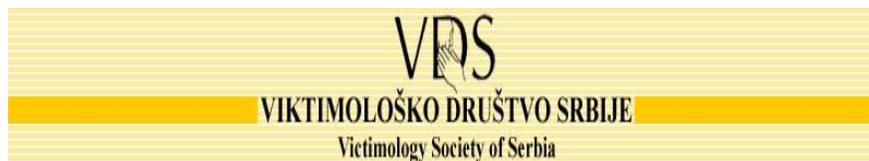
**Workpackage leader:** VDS

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**Project URL:** [www.alternativeproject.eu](http://www.alternativeproject.eu)

**MANUAL ON BEST PRACTICES OF APPLYING RESTORATIVE  
JUSTICE APPROACHES IN INTERCULTURAL SETTINGS**

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## **Executive summary**

The *Manual on best practices of applying restorative approaches in intercultural settings* is one of the results/products of the action research implemented by the Victimology Society of Serbia-VDS within the work package *Fostering victim-oriented dialogue in a multiethnic society*. The *Manual* aims to provide basic information on restorative justice and examples of best practices of applying restorative approaches in intercultural settings in Serbia. It should enable readers to gain insight into the possibilities, importance and potential of restorative approaches in trust-building and responding to different problems and harmful situations, including conflicts, as well as for their prevention. The *Manual* is intended to serve as training material for raising awareness on restorative justice and possible ways of applying it in practice. It is particularly recommended for professionals employed in state institutions (police, courts, social welfare centres, pre-school and school institutions, prisons, attorneys at law) and those active in the civil society organisations.

The *Manual* is organised in five main sections: 1) The context in which the *Manual* was developed; 2) The concept of restorative justice: basic ideas, principles and values of restorative justice; 3) Results of the research into the possibilities and the potential of applying restorative approaches in practice; 4) Restorative justice in Serbia: legal and institutional framework, and 5) Examples of best practices of applying restorative approaches in intercultural settings in Serbia.

Developing the *Manual* was a participatory process that started during the seminars *From the conflict toward peaceful life in the community*, organised in 2014 in three local research sites in Serbia (Prijevolje, Bačka Palanka and Medvedja), through generating seminar participants' proposals and recommendations for further activities on raising awareness and applying restorative approaches in the multi-ethnic communities encompassed by the

action research. The seminar participants emphasised the need of raising awareness of the professional and general public on restorative justice and its implementation, thus this *Manual* has been conceived as a tool to serve this purpose. The process continued through: 1) The follow-up meeting of the VDS research team members and representatives from three multi-ethnic communities who participated at the seminars; 2) Collecting data on the examples of best practices of applying restorative approaches in intercultural settings and drafting the *Manual*; 3) Presenting and discussing the drafted *Manual* at the workshops in Bačka Palanka, Prijepolje and Belgrade and finalising it. Therefore, the *Manual* presents a result of joint work and synergy of the VDS researchers involved in the ALTERNATIVE, seminar participants gathered around local restorative teams initiated in Prijepolje and Bačka Palanka and Bač, individual seminar participants from Medvedja, and individual members of the Association Joint Action for Truth and Reconciliation, coordinated by VDS.

The chapter entitled *The concept of restorative justice: basic ideas, principles and values of restorative justice* introduces the concept of restorative justice and its basic principles, values, goals and benefits, as well as the key restorative approaches and the areas in which they can be applied. It points to the *restorative dialogue* as the core element of restorative processes (approaches). Particular emphasis is put on communication in the spirit of the ‘Third way’ as a model of restorative dialogue, which was recognised as a possible way of applying restorative justice in post-conflict societies. Another important point made in the *Manual* is *the link between yoga and restorative justice*.

The chapter entitled *Results of the research into the possibilities and the potential of applying restorative approaches in practice* demonstrates the potential and possibilities for the application of restorative approaches in practice based on the research so far. It brings forward main findings and conclusions of the VDS’s research done within ALTERNATIVE, but also refers to other research,

which suggests that there is a potential and support for a broader use of restorative approaches in Serbia.

The chapter *Restorative justice in Serbia: legal and institutional framework* gives a brief overview of the existing legislation in Serbia that contains elements of restorative justice and provides information about the institutional framework for the application of some restorative approaches within the criminal justice system, including the juvenile justice system, in family matters, in cases of workplace abuse, discrimination and in labour disputes. A process of mediation is described and advantages of mediation over the court procedures are emphasised.

The last chapter entitled *Examples of best practice of applying restorative approaches in intercultural settings in Serbia* contains examples of applying restorative approaches in solving different problems, including conflicts, in different fields, settings and situations. These examples should serve as inspiration to the professionals of different background and from different institutions/organisations, but also to citizens on the possible ways of using restorative approaches both professionally and in their ever-day life. The examples include both formal and informal ways of solving problems, including conflicts. They cover various settings and contexts of social relations and conflicts that might happen and ways of solving them with the use of mediation and other possible restorative approaches: Mediation in the pre-school institutions; Mediation in marital and family disputes and conflicts; Mediation in cases of bullying; Mediation with a goal to accept diversity and prevent discrimination; Solving conflicts in the community with the use of restorative approaches; The role of peace councils in solving conflicts; Implementing restorative justice in prisons; Restorative justice and victim support; and Community restorative circles.

The *Manual* finishes with a look into the future and further steps that should be directed toward developing a specific restorative approach to conflict

transformation that would serve for both solving and preventing conflicts. It is envisaged as a model that would rest upon the following elements/components: conditions for optimal contact, communication framework in the spirit of restorative justice, yoga and mindfulness, peacemaking/restorative circle (a circle format) and a solution-focused approach, which would make it a unique and original model of conflict transformation in intercultural settings in the region.

## **1. Introduction**

In the DOW it was foreseen that the last deliverable of VDS's work package, based on the action research, will be the *Booklet of best practices of applying RJ in interethnic settings*. However, we made a slight change to the title of this practical tool, which we called *Manual* because of its purpose, pointing to the use of restorative approaches not in interethnic, but rather in intercultural settings. Namely, the VDS's action research suggests that in Serbia, as a post-conflict society, apart from interethnic, there are also intra-ethnic conflicts. Thus, conflicts do not only exist along one particular line, e.g. ethnic belonging, but they are also based on religion, gender, age or other personal characteristics, or are tightly connected to the political situation in the multiethnic communities encompassed by the research and the political and economic transition in the country in general. Therefore, the action research confirmed the need to speak about 'conflicts in intercultural settings', rather than of intercultural or just interethnic conflicts, and consequently, about applying restorative justice approaches in intercultural settings. Additionally, the content of the *Manual* is not limited to the application of restorative justice approaches in interethnic settings only; it rather shows the potential and possibilities of practicing restorative justice in different contexts, settings and situations. Finally, with this change, the *Manual* better fits into the project ALTERNATIVE in general.

The *Manual on best practices of applying restorative justice approaches in intercultural settings* is one of the products of the action research implemented by the Victimology Society of Serbia within the work package *Fostering victim-oriented dialogue in a multiethnic society*, conducted within the ALTERNATIVE project. The *Manual* aims to provide basic information on restorative justice and examples of best practices of applying restorative justice approaches in intercultural settings in Serbia. It should enable readers to gain insight into the possibilities, importance and potential of restorative approaches in trust-building and responding to different problems and harmful situations, including conflicts,

as well as for their prevention. The *Manual* is intended to serve as training material for raising awareness on restorative justice and possible ways of applying it in practice. It is particularly recommended for professionals employed in state institutions (police, courts, social welfare centres, pre-school and school institutions, prisons, attorneys at law) and those active in civil society organisations.

As far as it is intended to be used in Serbia, with the possibility to be used in the region of the former Yugoslavia as well, the *Manual* is written and published in Serbian (Ćopić and Nikolić-Ristanović, 2016).<sup>1</sup> Therefore, this deliverable provides a shorter version of the *Manual*, pointing to its structure and the context in which it was developed, describing the participatory process of its development, and providing the main points contained and elaborated in the *Manual*, including examples of best practice of applying restorative approaches in intercultural settings in Serbia.

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<sup>1</sup> The Manual in Serbian is available at: <http://www.vds.org.rs/File/Prirucnik2016.pdf>.

## **2. The structure of the *Manual***

The *Manual* is organised in five main sections: (1) The context in which the *Manual* was developed; (2) The concept of restorative justice: basic ideas, principles and values of restorative justice; (3) Results of the research into the possibilities and the potential of applying restorative approaches in practice; (4) Restorative justice in Serbia: legal and institutional framework, and (5) Examples of best practices of applying restorative justice approaches in intercultural settings in Serbia.

In the first chapter entitled *The context in which the Manual was developed* a brief overview of the participatory process of developing the *Manual on best practices of applying restorative justice approaches in intercultural settings* is provided.

The chapter entitled *The concept of restorative justice: basic ideas, principles and values of restorative justice* introduces the concept of restorative justice and its basic principles, values, goals and benefits, as well as the key restorative approaches and the areas in which they could be applied.

The chapter *Results of the research into the possibilities and the potential of applying restorative approaches in practice* demonstrates the potential and possibilities for the application of restorative approaches in practice based on the research conducted by the Victimology Society of Serbia within ALTERNATIVE, but also points to the research on attitudes of citizens and professionals in Serbia on alternative sanctions and restorative justice, which was conducted in 2015.

The chapter *Restorative justice in Serbia: legal and institutional framework* provides a brief overview of the existing legislation in Serbia that contains elements of restorative justice and provides information about the institutional

framework for the application of some restorative approaches within the criminal justice system, including the juvenile justice system, in family matters, in cases of workplace abuse, discrimination and in labour disputes.

The last chapter entitled *Examples of best practice of applying restorative approaches in intercultural settings in Serbia* contains examples of applying restorative approaches in solving different problems, including conflicts, in different fields, settings and situations. These examples should serve as inspiration to the professionals of different background and from different institutions/organisations, but also to citizens, on the possible ways of using restorative approaches both professionally and in their everyday life.

### **3. The context in which the *Manual* was developed**

Within ALTERNATIVE, the Victimology Society of Serbia (VDS) implemented the research *Fostering victim-oriented dialogue in a multiethnic society* with the aim to identify, propose and implement a restorative model of conflict transformation in multiethnic contexts. The VDS research team intended to look for the potential that exists in Serbia for using alternative restorative approaches; to arrive at ideas of how to involve citizens from multiethnic communities, particularly victims, in democratic processes for peace-building and conflict transformation; and to stimulate cooperation of citizens and state institutions at the local level in order to develop long-term human and civil security, and justice solutions for multiethnic communities, based on restorative justice principles. The action research presented a continuation, and very important re-examination and up-grading phase, of what the Victimology Society of Serbia has been doing since 2005 within the *Association Joint Action for Truth and Reconciliation* on developing the ‘Third way’ model of dealing with past and present conflicts in Serbia.

The ‘Third way’ model is defined as a non-conflict, inclusive, two-way communication of people with different experiences of war and other conflicts about the past, which implicates dealing with all crimes, victims and perpetrators regardless of their ethnic or other belonging, affiliation or personal features. This approach is based on mutual respect of all parties to the conflict, two-way communication, care about human rights, empowerment and reintegration of all persons affected by conflict using a wide range of restorative methods for establishment of truth and reconciliation, and a proactive approach in dealing with the past. Its aim is to restore trust as well as reconciliation between various social groups in Serbia and the region.

Developing the *Manual on best practices of applying restorative justice approaches in intercultural settings* was a participatory process that started

during the seminars *From the conflict toward peaceful life in the community*, organised in 2014 in Prijepolje, Bačka Palanka and Medvedja (intervention phase of the action research). The seminar participants have, among other things, emphasised the need for raising awareness of the professional and general public on restorative justice and its implementation, thus this *Manual* has been conceived as a tool to serve this purpose.

In March 2015, a meeting was organised in Belgrade with representatives of the three aforementioned multiethnic communities who participated in the seminars as well as the VDS research team members involved in ALTERNATIVE. One of the goals of this meeting was to exchange ideas and suggestions about further activities on developing the *Manual on best practices of applying restorative justice approaches in intercultural settings*. During the meeting, first drafts of the content of the *Manual* were made and they served as a starting point for later work.

In order to further work on the development of the *Manual* and on raising awareness about restorative justice and restorative approaches at the local level, local restorative teams were initiated in Prijepolje and Bačka Palanka and Bač.<sup>2</sup> They are composed of representatives of these two local communities who participated at the seminar *From the conflict toward peaceful life in the community*. Members of these two local restorative teams come from social welfare centres, educational institutions, civil society organisations and the police.<sup>3</sup> Each local team is coordinated by one contact person from each of the two communities.

The task of the restorative teams was to collect data on examples of best practices of applying restorative approaches in preventing and solving conflicts and other problems in their local communities, which were later analysed and incorporated

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<sup>2</sup> Because of lack of coordination at the local level and due to other, professional and personal obligations of individuals from Medvedja who participated at the seminar and the follow-up meeting, the local restorative team in Medvedja was not established.

<sup>3</sup> A list of the restorative team members is given at the end of this deliverable.

in the *Manual*. The VDS research team developed other parts of the *Manual* and added several examples of applying restorative approaches from its experience and practice as well.

In drafting the *Manual* we also kept in mind the *Practitioners' manual – Restorative Justice Responses to Conflicts in Intercultural Contexts*, Practice guidelines developed within the ALTERNATIVE project (Biffi and Chapman 2015). In addition, we used some parts of the Practitioners' manual, which were translated into Serbian, modified and included in the VDS's Manual, including: *Key principles of restorative justice* (ibid., 15-17) and some parts of the section *What restorative practices are appropriate and when?* regarding descriptions of the three restorative justice methods and their processes (ibid., 51-60).

A first draft of the Manual was discussed at one-day workshops organised in Bačka Palanka and Prijepolje in May 2015. Each workshop gathered the VDS research team members and members of each local restorative team in these two communities. Constructive discussions at the workshops contributed to the further development of the *Manual*.

The second draft of the Manual was presented at the workshop organised in Belgrade in early July 2015, which brought together several members of local restorative teams from Prijepolje and Bačka Palanka and Bač, VDS research team members and several members of the *Association Joint Action for Truth and Reconciliation*, to share the results of their work so far and to contribute to finalising the *Manual*. All suggestions and proposals generated at the workshop helped in finalising the text of the *Manual*.

Therefore, the *Manual on best practices of applying restorative justice approaches in intercultural settings* is seen as the result of joint work and synergy of the VDS researchers involved in the ALTERNATIVE, seminar participants gathered around local restorative teams in Prijepolje and Bačka

Palanka and Bač, individual seminar participants from Medvedja, and individual members of the *Association Joint Action for Truth and Reconciliation*.

## **4. The concept of restorative justice: basic ideas, principles and values of restorative justice**

The aim of this chapter is to explain the concept of restorative justice and its basic principles, values, goals and benefits, as well as the key restorative approaches and the areas in which they could be applied.

### **4.1. Restorative justice**

Restorative justice is an approach to resolving conflicts (including crime), which is based on the needs of the victim, the offender and the community, and brings together all the parties in the conflict to help them to work together in a peaceful manner through dialogue to resolve their conflicts and problems and to reach an agreement on how the damage can be repaired.

The main potential of restorative justice in the intercultural field, such as Serbia, is seen in promoting active participation of citizens in conflict transformation, creating possibilities for encounters and for including all stakeholders, including victims, in democratic intercultural (restorative) dialogue, as well as for networking and cooperating with different agencies in promoting social justice and safety. It is also relevant for trust building in the local communities and the prevention of future conflicts.

### **4.2. Restorative dialogue**

*Restorative dialogue* is the core element of restorative processes (approaches).

Restorative dialogue is inclusive, grounded on restorative principles and values, and it fosters communication between participants who are sharing experiences, perceptions, emotions and perspectives (Ray and Roberts 2007).

Restorative dialogue is an inclusive, open-ended process of constructive, two-way communication that puts the participants into interaction. Dialogue participants are cooperating, working towards a common understanding. Dialogue is primarily relationship-oriented process, rather than problem-solving. It tries to transform the relationship, by promoting empathy and enlarging possibilities for participants to change their views and to understand the other side. Nevertheless, it provides a framework for exploring and trying to find a solution that would be acceptable for all parties.

Restorative dialogue is based on the mutual respect for diversity and acknowledgment of the equality of all the involved parties, fostering active listening and empathy, temporarily suspending one's own assumptions, ideas, emotions and opinions, allowing new impulses to emerge (Berghof Foundation 2012, 30). The key preconditions for a successful restorative dialogue are: power balance, mutual respect and understanding, and refraining from mutual blaming (Nikolić-Ristanović and Srna 2010, 51). It makes a basis for cooperation, enhancing trust and moving conflicting parties closer to each other.

Particular emphasis is put on communication in the spirit of the 'Third way' as a model of restorative dialogue, which was recognised by some authors as a possible way of applying restorative justice in post-conflict societies (Aertsen et al. 2008; Liebman 2007). Communication rules in the spirit of the 'Third way' include:

- Listening and respecting each other, regardless whether one agrees or not;
- Mutual recognition and self-respect;
- Allowing/accepting existence of different understandings/experiencing of the same events by different people;
- No accusation of others and self-blaming – empowering I talk instead of YOU, THEY talk;
  - Acceptance of responsibility for what one says;

- Understanding ourselves and others through the awareness about the connection between personal sense of grievance, exclusiveness and aggressiveness in communication;
- The focus on the present moment and mindfulness<sup>4</sup>: full consciousness about oneself and others, about the place where we are and what is going on, about own feelings and reasons for them as well as about reasons behind feelings and deeds of other people that are often not directly related to us;
- Proactive instead of a reactive approach (proposing solutions instead of self-defence and attack of others).

Communication based on these principles is optimal for solving and preventing conflicts!

### **4.3. The principles of restorative justice**

Restorative justice rests on the following: every wrongdoing (victimisation) primarily presents a harm to the people and their mutual relationships; while secondary it presents a violation of the laws. This opens the following questions:

- What are the needs of the person who has been harmed/damaged?
- Who is responsible for repairing the harm/damage and other consequences of the victimisation?
- How could the harm/damage and the violated relationships be repaired?

Taking that as a starting point, the basic principles of restorative justice are:

- Respect
- Inclusion
- Active participation

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<sup>4</sup> A mental state achieved by focusing ones awareness on the present moment, while calmly acknowledging and accepting one's feelings, thoughts and bodily sensations. It is used as part of meditation as well as therapeutic technique.

- Dialogue
- Empowerment
- Repairing
- Transformation.

#### **4.4. The aims of restorative justice approaches**

Restorative justice aims at providing a safe space for people to be included in a constructive dialogue, accepting responsibility by a person who caused harm/damage for both causing the damage, harm or suffering and for its repair/reparation, at the same time empowering a person and building capacities of the community for solving the existent and preventing future conflicts in the community. Restorative process may result in regret, apology, forgiveness and mercy, but these are not necessarily outcomes of the process.

#### **4.5. Advantages of restorative justice**

Restorative justice proved to be a useful tool for dealing with different kinds of harmful situations and for solving conflicts. All parties in the process have the chance to be actively involved in solving issues they are interested in, to give explanations, to get answers, give their opinions on the future prevention of conflicts, which in general lessens the damage/suffering for the victim and encourages the perpetrator to refrain from hurting people in the future.

#### **4.6. The main restorative approaches**

Restorative justice is an umbrella term that encompasses different practices, approaches and processes, such as: mediation, conferences, circles (peacemaking circles, sentencing circles) and solution-focused restorative approaches. In each of these approaches, the final aim is to reach an agreement on reparation/repair of the harm/damage and prevention of future conflicts (victimisations). The key

difference is in the circle of people involved and the role they have in the process. For all these restorative approaches the whole process of preparation, implementation and finalisation is described in the *Manual*.<sup>5</sup>

#### **4.6.1. Mediation**

Mediation is a restorative approach engaging two individuals or groups in conflict with the aim to encourage each other's understanding and enter into an agreement for resolving the conflict. Mediation can be used when there are two identifiable parties in conflict and they are willing to meet to resolve the issues that have caused the conflict. A victim (a person who has been harmed), a person who caused the harm, and the mediator are usually included in this process. The parties enter into the dialogue with the help of the mediator as an impartial party. The dialogue can be direct (face-to-face) or indirect (e.g. via letters, video messages, oral messages sent through the mediator, etc.)

#### **4.6.2. Conferences**

A restorative conference is a restorative response which brings together a large group of people affected by a conflict in a local community. It aims at facilitating them to develop a solution to the harm that the conflict is causing. A conference may be used when a community is concerned about a general issue that is affecting the quality of community life and generating conflict between groups. It is likely that the state system is not providing an effective response.

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<sup>5</sup> Description of the process of preparation, implementation and finalisation of these restorative processes is based on the section *What restorative practices are appropriate and when?*, which presents a part of the *Practitioners' manual – Restorative Justice Responses to Conflicts in Intercultural Contexts*, Practice guidelines developed within the ALTERNATIVE project (Biffi and Chapman 2015, 51-60).

### **4.6.3. Restorative circles**

A restorative circle is a restorative response bringing together a diverse group of people directly affected by a conflict/harmful event. It aims at addressing the harm between the groups and at solving the conflict. It can be used when the conflict affects a diverse range of people. In restorative circles conflicting parties and members of the broader community meet in the presence of the third party – 'the keeper' (facilitator), while different rituals are used (e.g. opening ceremony, sitting in the circle, storytelling, using 'talking piece', etc.) in order to come together, through the dialogue, to the possible solutions, contributing to prevention of future victimisations and enhancing the local community.

### **4.6.4. Solution-focused restorative approaches**

A solution-focused restorative approach, which is also focused on positive potentials and strengths of people, can be used in different situations and settings (in schools, family, organisations, neighbourhood, local community), both in the work with individuals (e.g. with a victim, perpetrator, etc.) and in situations when a broader circle of people are affected by a conflict or another problem which needs to be resolved (Bannink and Walker 2014). In this approach the focus is on finding out solutions and on strengthening mutual relations through finding strengths, i.e. positive potentials and competences of the process participants. Participants could be all persons directly or indirectly affected by a conflict or a problem, but also all those interested in solving the conflict/problem and enhancing relationships in a given group/environment. There are two key principles that should be respected during the circle: confidentiality and listening.

Restorative circles have a prominent place in this chapter of the *Manual* as this model, accompanied with the solution-focused restorative approach, was tested by the VDS research team during the action research within the ALTERNATIVE

(Deliverable 6.3, presented in Nikolić-Ristanović, Srna and Čopić, 2015). Apart from these processes, restorative approaches also encompass a wide range of other restorative interventions: techniques of non-violent communication, dialogue, trust building etc. Restorative approaches present an attempt to broaden the framework of restorative justice and to make it applicable for different problematic/harmful situations people face in every-day life and work.

#### **4.7. Preconditions for successful realisation of restorative process**

The following preconditions for the successful realisation of restorative processes are needed:

- Voluntariness.
- Understanding the importance and aims of the restorative process.
- Trust and mutual respect of the conflicting parties.
- Cooperation and understanding.
- Safe space/environment in which the programme is implemented.

#### **4.8. Restorative justice and yoga**

Another important point made in the *Manual* is the link between yoga and restorative justice. It was discovered that yoga can positively influence resolving personal and interpersonal problems. Both restorative approaches and yoga have common denominators: non-violence, peace, a holistic approach, acceptance of differences. The link between restorative approaches and yoga could be best illustrated with the words of Swami Saraswati, a famous Indian theoretician and practitioner of yoga: “We can find the peace only inside ourselves, not at all outside. To create a peaceful world, it is necessary, first of all that we learn to relax and harmonise our body and soul” (Saraswati 1990, 18).

In addition to physical exercise, for enhancing the effects of the conflict resolution several other things are important: breathing exercises, thought

control, mindfulness. These presented core elements of the methodological approach of the VDS's action research in the form of participatory seminars implemented within the ALTERNATIVE project (Deliverable 6.3, presented in Nikolić-Ristanović, Srna and Čopić, 2015).

#### **4.9. The fields of applying restorative justice approaches**

Restorative approaches could be used in different situations, contexts and settings: in the criminal justice system as an alternative way of dealing with the consequences of a crime or as an addition to criminal sanctions; for solving conflicts in schools, at the work place, between neighbours, on the level of the local community; for solving marriage and family disputes, trade/commercial disputes; in prisons, for solving conflicts between inmates and between prisoners and prison staff, as well as in the process of preparing prisoners for release and with regard to repairing/re-establishing relations with his/her family, etc.

##### ***4.9.1. Restorative justice and gender based violence***

Although there are both reasons *pro* and *contra* applying restorative approaches in cases of gender based violence, existing literature and research suggest that gender based violence is considered as one field where restorative justice could be applied, but with some preconditions and necessary standards in order to avoid negative effects on victims, which includes the following:

- Comprehensive preparation and exploring each individual case, its suitability for referral to the restorative process and the estimation of the moment in which the case could be referred to restorative process.
- Informing the victim about possibilities, advantages and shortcomings of the restorative process.
- Avoiding domination, i.e. minimise power imbalance during the process (through preparation of the participants for the process, particularly a victims, enabling a longer duration of the process, enabling support

throughout the process, particularly to the victim, providing assistance while the parties are formulating their interests, etc.).

- Developing security plan for the victim.
- Forgiveness and reconciliation should not be necessary outcomes of the process.
- Encouraging and enhancing social support for the victim and the perpetrator.
- Developing and implementing separate education programmes for those who run/facilitate restorative process in cases of gender based violence (Ćopić 2015).

## **5. Results of the research into the possibilities and the potential of applying restorative justice approaches in practice**

This chapter aims to demonstrate possibilities and the potential for applying restorative justice approaches in practice based on the research so far. This part points to the main results and conclusions of both theoretical and action research of VDS conducted within ALTERNATIVE, but also refers to another research conducted by VDS in 2015 that explored attitudes of citizens and professionals in Serbia about alternative sanctions and restorative justice, which suggests that there is a potential and support for broader use of restorative justice approaches in Serbia.

VDS's research within the ALTERNATIVE started with the theoretical research conducted in 2012, which consisted of a literature review and qualitative research of civil society's and state's dealing with interethnic and related political and intercultural conflicts in Serbia in the period 1990-2012 (Deliverable 6.1). This provided a basis for developing and operationalising the empirical study on conflicts, victimisation and justice in multi-ethnic communities in the border regions of Serbia as a preparatory phase for the action research (Deliverable 6.2). The empirical study was conducted in three multi-ethnic communities in Serbia: in Medvedja (South Serbia, near the border with Kosovo), Prijepolje (South-West Serbia, near the border with Bosnia and Herzegovina) and Bačka Palanka and Bač (North-West Serbia, near the border with Croatia). These are communities which were most affected by ethnic conflicts in the former Yugoslavia during the 1990s. We explored relations and conflicts between Serbs and Croats, Serbs and Bosniaks/Muslims, and Serbs and Albanians. This was followed by the action research, which consisted of two main parts: participatory seminars entitled *From the conflict towards peaceful life in the community* (intervention phase), which were implemented in the same multi-ethnic communities as the empirical study (Deliverable 6.3), and the participatory process of developing the *Manual on best practices of applying restorative approaches in intercultural settings*

(Deliverable 6.4) that should serve for raising awareness and education on restorative approaches in conflict transformation in intercultural settings.

This part of the *Manual* presents some of the main findings of the theoretical and action research conducted by VDS within ALTERNATIVE, which are presented in the previous deliverables (deliverables 6.1, 6.2 and 6.3). This is followed with some of the main conclusions and lessons learnt.

In general, VDS's action research suggested that present-day relationships and conflicts between members of different ethnic groups in Serbia are still very much affected by the legacies of the wars from the 1990s and the way the Serbian state dealt with them. Conflicts existed or still exist in all three multiethnic communities (research sites) on different levels: conflicts between citizens, conflicts between citizens and the state, i.e. state institutions, and conflicts between citizens and state's representatives (e.g. police officers). Conflicts with the state have a prominent place, which is tightly connected to the non-functioning or inadequate functioning of the state and the lack of rule of law. In Serbia, as a post-conflict society, there is a continuity of conflicts from the war to the post-war period, but new conflicts have emerged as well.

Apart from interethnic, there are also intra-ethnic conflicts; thus, conflicts do not only exist along one particular line, e.g. ethnic belonging, so this confirmed the need to speak about 'conflicts in intercultural settings' rather than of intercultural or interethnic conflicts (Foss *et al.* 2012: 24; Vanfraechem 2012: 36). For the security/safety of citizens in Serbia it is necessary to deal both with past and present interethnic, but also other (intra-ethnic) conflicts and problems, while taking care of their very complex interconnectedness and in an inclusive way. Additionally, the research suggests that citizens' perception of security goes much beyond physical safety of people (in terms of freedom from crime, war or violence); it also refers to social, economic, legal and political safety.

Theoretical research conducted at the beginning of the project suggested that in dealing with past and present interethnic conflicts by the state, the security discourse prevails and state institutions focus primarily on judicial mechanisms (legal justice). Therefore, we may argue that justice in post-conflict settings (transitional justice), as is the case in Serbia, is primarily identified with legal approaches (legal justice). However, theoretical research suggested predominance of inefficient and mostly counterproductive use of retributive justice and security discourses in Serbia.

The potential for restorative justice in conflict transformation does exist in Serbia. Both respondents in the empirical research and seminar participants gave relevance to restorative approaches for conflict transformation in their local communities, in particular for those that are based on encounters and dialogue. This is supported by the findings of another research conducted in 2015 by VDS on the attitudes of citizens and professionals about restorative justice and alternative sanctions (research done outside of ALTERNATIVE) (Ćopić, Šaćiri and Radovanović 2015; Ćopić and Šaćiri 2015). This finding is relevant when bearing in mind that the Serbian society is predominantly authoritarian and punitive.

The action research suggests that the ‘Third way’ model of communication as a form of restorative dialogue and the restorative circle model are applicable and appropriate approaches for multiethnic communities in Serbia for conflict prevention and transformation. Their use contributes to changes of communication patterns, allows for mutual respect and trust-building, and contributes to bringing people closer to each other. But all conditions for optimal contact need to be met, which requires, *inter alia*, further strengthening, enhancing and developing the legal, professional and institutional framework. It is also important to continue raising awareness of citizens and professionals on restorative approaches, and to work on developing and implementing education programmes on restorative justice and restorative approaches on different levels. This is exactly where we see the applicability of this *Manual*.

## **6. Restorative justice in Serbia: legal and institutional framework**

After 2000, and particularly since 2005 and the beginning of legal reforms in Serbia, we can notice some hints of a restorative approach. Therefore, this chapter gives a brief overview of the existing legislation in Serbia that contains elements of restorative justice and provides information about the institutional framework for the application of some restorative approaches. It aims at providing information on the situations in which restorative approaches could be applied in Serbia and in which way. It focuses on the possibilities of implementing restorative justice within the criminal justice system, including the juvenile justice system, in family matters, in cases of workplace abuse, discrimination and in labour disputes. A process of mediation, as it is regulated by a separate law, is described, and advantages of mediation over the court procedures are emphasised as well. This chapter ends with a list of useful links where lists of available mediators in Serbia can be found.

### **6.1. Criminal legislation**

Elements of restorative justice are contained in the provisions of the Criminal Procedure Code:

- *Dismissal of criminal offence report against a suspect who fulfilled certain obligations:* the public prosecutor may postpone criminal prosecution for a criminal offence punishable with a fine or imprisonment for up to five years, if the suspect accepts to fulfil one or more obligations provided for in the law. One of the possible obligations refers to removing the consequence of the criminal offence or compensating the damages caused by the criminal offence. This may lead to the material satisfaction of a victim, although it is not necessary for the parties to meet.
- *Settlement of the private prosecutor and the suspect:* in cases of criminal offences prosecuted by a private charge, a judge can call a private

prosecutor and the suspect to introduce them to the process of mediation. If the parties consent, the judge can refer them to mediation. If mediation results in an agreement, the judge will dismiss the case.

Elements of restorative justice are contained in provisions of the Criminal Code:

- *Settlement of the offender and an injured party*: the court may remit from punishing the perpetrator of a criminal offence punishable by up to three years imprisonment or a fine if the offender has fulfilled all his obligations from an agreement reached with the victim. Additionally, the court may also remit from punishing the perpetrator of a criminal offence punishable by imprisonment of up to five years if following the commission of the offence, and before learning that he has been uncovered, the offender eliminates the consequences of the offence or compensates damages caused by the criminal offence. Although it is not necessary for the parties to meet and enter into a dialogue, this provision may result in material satisfaction of a victim.
- *Suspended sentence with protective supervision*: the court may order protective supervision of an offender under suspended sentence during probation, which includes assistance, care and protection measures provided by the law. Protective supervision may consist of one or more obligations. One of the obligations provided for by the law consists of eliminating or mitigating the damage caused by the offence, particularly reconciliation with the victim of the offence, which gives this sentence a restorative character.

## **6.2. Juvenile justice system**

Elements of restorative justice are also contained in the Law on juvenile offenders and criminal protection of minors and juveniles, including the following provisions:

- *Diversion orders*: one or more diversion orders may be applied to a juvenile offender for criminal offences punishable by a fine or imprisonment of up to five years. The relevant state prosecutor for juveniles or a juvenile judge may apply a diversion order to a juvenile. The requirements to apply a diversion order are the juvenile's confession of a criminal offence and his attitude towards the offence and the injured party. The purpose of a diversion order is to avoid initiating criminal proceedings against a juvenile or to suspend the proceeding and/or, by application of the diversion order, to influence the proper development of a juvenile, enhance his/her personal responsibility in order to avoid a relapse into crime in the future. One of the diversion orders includes a settlement with the injured party so that by compensating the damages, apology, work or otherwise, the detrimental consequences would be alleviated either in full or partly. Duration of a diversion order may not exceed six months and may be substituted by another diversion order or revoked during the given period. The choice and application of a diversion order is done in conjunction with the juvenile's parents, adoptive parent or guardian and competent guardianship authority.
- *Alternative sanctioning*: the Court may order one or more alternative sanctioning measures to the juvenile if relevant demands or bans are necessary to influence the juvenile and his behaviour. The Court may order the juvenile, *inter alia*, the following sanctions containing elements of restorative justice: 1) to apologise to the injured party; 2) to compensate for the damages caused, within his personal capacity; 3) to participate, without remuneration, in the work of humanitarian organisations or perform community work of social, local or environmental character.

### **6.3. Mediation in marital disputes**

According to the Family Code mediation in marital disputes encompasses two processes:

- *Process for trying to reconcile the parties (reconciliation)*: reconciliation is regularly conducted in the marital disputes initiated by charge of one spouse. Mediation in this case is based on the principle of voluntariness. Mediation is usually conducted by the court, but if a judge proposes psycho-social counselling to the spouses and they agree to undertake it, the court may refer the case for mediation to the centre for social work or marital or family counselling or another authorised agency. The process of reconciliation is conducted only in cases initiated by the charge for divorce and its purpose is to provide a space for the spouses to solve the conflict without divorce.
- *Process for trying to reach an agreement on a dispute resolution (settlement)*: the process of settlement is conducted in cases of divorce when reconciliation was not successful. The aim is to enable former spouses to solve their conflicts in a peaceful way after divorce, particularly regarding parental obligations and division of their joint property.

#### **6.4. Mediation in cases of workplace abuse**

The law on preventing workplace abuse contains provisions on mediation in cases of workplace abuse. This is one possibility foreseen for getting protection from further abuse at the workplace. The process of mediation is urgent and confidential, public is excluded, but the parties may consent for third parties they decide to be present during mediation. There is a possibility of both direct and indirect mediation. If the process ends with an agreement, the agreement contains measures that aim at stopping the abusive behaviour, but it can also contain recommendations to the employer on banishing situations that may contribute to further abuse.

## **6.5. Mediation in cases of discrimination**

The Law on prohibition of discrimination stipulates that the Commissioner for Equality shall propose a reconciliation procedure, in accordance with the law regulating mediation, before taking other steps in the proceedings. The process of mediation is regulated by a separate law (cf. *infra*).

## **6.6. Peaceful resolution of work related disputes**

In cases of individual work related disputes there is a possibility to address the Republic agency for peaceful resolution of work related disputes in order to solve the conflict in a peaceful way. The agency can be addressed in cases of discrimination at the workplace, workplace abuse, termination of employment and negotiations on minimal salary. The agency is acting on the basis of the principle of voluntariness. Services of the Agency are free of charge. There are two procedures foreseen by the Law on peaceful resolution of work related disputes: reconciliation and arbitration.

## **6.7. Process of mediation**

The process of mediation is regulated by the Law on mediation in resolving disputes. Mediation is defined as a process in which parties are willing to resolve disputes and conflicts in a peaceful way, through dialogue and in presence of one or more mediators. Mediation is particularly possible in property disputes, family disputes, trade disputes, administrative disputes, in disputes for protecting life environment, as well as in other situations in which disputes could be resolved in this way. Provisions of this law are also implemented in criminal and misdemeanour cases with regard to compensation.

Mediation can be used before or after the court procedure. It is characterised by flexibility and informality in comparison to the court procedures and arbitration,

which enables parties to express their opinions and to come together to the most optimal solutions of their problems.

Basic principles of mediation are:

- Voluntariness;
- Equality;
- Personal presence of parties;
- Public is excluded;
- Confidentiality;
- Neutrality of the mediator;
- Urgency.

Mediation can be carried out by one or more mediators. The mediator is a neutral, independent and impartial party, whose duty is to assist conflicting parties to recognise their own needs and interests and to find a solution acceptable to both sides. Mediation can be direct and indirect (shuttle mediation).

Advantages of mediation over court procedures are:

- Mediation decreases antagonism and contributes to preserving good interpersonal relationships.
- It may result in a fair agreement which meets specific needs and interests of conflicting parties.
- Conflicting parties have control over the process and outcomes of a dialogue.
- Time saving.
- Less expensive.
- The dynamics of the mediation depends on the conflicting parties.
- Confidentiality of the information disclosed during the process.

## **7. Examples of best practices of applying restorative justice approaches in intercultural settings in Serbia**

This chapter contains examples of applying restorative approaches in solving different problems, including conflicts, in different fields, settings and situations in Serbia. These examples could serve as inspiration to the professionals of different backgrounds and from different institutions/organisations, but also citizens on the possible ways of using restorative approaches both professionally and in their everyday life. The examples include both formal and informal ways of solving problems, including conflicts. Most examples were gathered from the local communities in Bačka Palanka and Bač, and Prijepolje by the local restorative teams, while some examples came out of VDS's work (e.g. programme based on restorative justice principles in the female prison, testing the restorative circle model at the seminars within the ALTERNATIVE project, restorative justice and victim support).

The examples cover various settings and contexts of social relations and conflicts that might happen and ways of solving them with the use of mediation and other possible restorative approaches, including solving conflicts in pre-school institutions; in marital and family relations; in cases of bullying; for accepting diversity and preventing discrimination; for solving conflicts in the community; the role of peace councils in solving conflicts; implementing restorative justice in prisons; restorative justice and victim support; and community restorative circles.

## **7.1. Applying restorative approaches in pre-school institutions**

### *Solving a conflict between a parent and an educator*

In one preschool institution there was a conflict between an educator and a parent. The father of one child complained to the director regarding the wrongful conduct of an educator, who submitted his child to the ridicule of other children and did nothing to stop it. The conflict was resolved by mediation and the acknowledgment of needs of both sides. The root of the conflict was seen as the lack of open dialogue based on facts, since the father had wrong information about the incident. Both sides have realised that they approached the problem in the wrong way and started to talk openly and directly about the issues. Two years have passed since the mediation and now the father and the child visit the educator sometimes to recount the nice times in the kindergarten.

### *Solving a conflict between children in the kindergarten*

In another preschool institution there was a conflict between children that had roots in prejudices towards a child from a Roma ethnic group. The educator saw that the Roma child was avoided by other children and could only play alone. The problem was solved through a group activity, a facilitated dialogue, where children were made aware of the needs of the hurt child to play with others. The educator also used educative verses from poems, such as “friendships are little wreaths in which people are not divided by skin colour.” After the intervention, all of the children came to the Roma child, apologised and started playing with him. The Roma child was very happy since he became a part of the group.

## **7.2. Applying restorative approaches in marital and family conflicts and disputes**

### *Mediation in the process of determining the contact with children after divorce*

During the divorce process, a conflict between former spouses erupted because the wife went abroad and started a new relationship, which the husband could not accept. The problem escalated when the wife asked to see the children, since the custody was given to her husband by court. The father insisted that she could only see the children in his house, where they would soon start a quarrel. The plan of the case manager from the social work centre, the mediator in this case, was to prepare the parties in conflict with individual talks in order to avoid the discussion about guilt and the reasons that led to the divorce, and to move the dialogue in the direction of the interests of the children and their need for making contact with the mother. Both parents realised that the priorities are the needs of children and not their personal needs. They gradually began to arrange the contacts, their time, place and duration with the help of the case manager.

### *Mediation in a case of conflict between partners*

Older spouses started to quarrel about where they should live: in their house in the town or a smaller village. Other relatives started taking sides and the conflict became deeper with insults and threats of divorce. The wife also wanted to focus more on the children, while the husband thought that the children were old enough to take care of themselves. In this case the social work employee was the mediator and he managed to reconcile the partners through a series of dialogues. The first step was to stop the insults and to let each of them tell their side of the story. After six meetings the spouses reached an agreement that was also supported by their children, on how much time they should spend in the village and how to organise their family life.

### *Mediation in a conflict on an ethnic basis between daughter-in-law and mother-in-law*

A Croat young man married a Serbian girl despite the opposition of his parents, especially his mother. Since they lived with his parents, the conflict started when his mother started insulting her because of her ethnicity. The mother only insulted her while her son was at work. One day the son came home early and witnessed the harassment. In the resulting fight, the mother pushed the daughter-in-law down the stairs, but she did not want to press charges. They both agreed to participate in the mediation process in the centre for social work. The mother apologised for the harassment and the daughter-in-law apologised for not speaking with the mother-in-law too much, since she believed that it was part of the problem. They both agreed to give each other another chance, but the son and his wife started living separately.

### *Mediation in a case of a family dispute in regard the care over an ailing father*

One older man with three sons got sick. Two sons did not want to take care of him, because their wives refused to take on such a burden. There were insults between the three brothers and they stopped communicating altogether. The third son who took upon himself to take care of the father started the mediation process with his brothers, since his wife could no longer do it, because of their small children. The centre for social work managed to invite the two brothers to the mediation process, but in the beginning they did not want to compromise. When they were confronted with the legal duty to take care of the father financially, they agreed to each take care of him for four months. In the end, the father did not feel rejected by anyone.

### *Mediation in a family dispute over the use of a house*

A conflict emerged between brothers about the use of their house after the death of their father, which grew from insults and threats into a physical confrontation, since they are both alcoholics. The older brother wanted to force the younger one

out of the house, but the house belongs to both of them. After they were prosecuted, the police sent them to mediation in the centre for social work. This case is not yet solved, but the brothers agreed to participate in the mediation. The mediator tried to convince them to go to treatment in order to stop abusing alcohol, but they refused. Some progress was made, but the conflicts still erupt because of the alcohol abuse. The current situation is stable, but the process is ongoing.

#### *Restorative approach to the conflict between a child and the parents and the role of the school*

The last example in this context is the conflict between a girl and her parents and the role of the school in this conflict. The girl started missing classes and stopped going to school altogether. The conflict between the parents and the girl started when they forbid her to see her problematic boyfriend from another school. The teacher and the school educator mediated the process of dialogue and the mediation was successful. During the mediation, the necessity of mutual trust and respect of needs was stressed out. The girl apologised to the parents for missing classes and both sides agreed to talk about problems they have, in order to prevent future conflicts. The school agreed to help the girl to finish the school year and she did so with very good grades.

### **7.3. Restorative approaches to cases of peer conflicts**

#### *Peer violence and the use of diversion orders*

There was a peer conflict between two boys in love with the same girl. The school psychologist and the team for combating school violence managed to convince the boys to apologise to one another. Their classmates were also involved and asked to prevent future fights. After another more serious incident, there was a peer mediation and the boy who caused injuries apologised again and expressed regret. He got a diversion order in a form of voluntary activism in a local youth

NGO, which was imposed by the prosecutor for juveniles, because the juvenile justice system was also involved. The municipality also reacted and started a series of workshops on tolerance and peer violence. In the end, the boy perpetrator became part of the peer team for combating violence in the school.

#### *Mediation in a case of peer conflict*

One teacher caught two pupils fighting in the school yard, one of them being much older than the other. The school psychologists and the teachers started a series of dialogues with them and a solution to the conflict was found. They helped the older boy understand how the younger weaker one feels by putting himself in his shoes. The older boys' parents also apologised for his behaviour. After the incident, the school organised workshops, round tables, lectures on solving conflicts in a peaceful way and other ways to combat school violence like promotion of tolerance. The school officials agreed that the problematic pupils should be sent to workshops organised by humanitarian organisations.

#### **7.4. Applying restorative approach with the goal to accept diversity and prevent discrimination**

One boy had negative attitudes towards gay people. He was against gay parades and even stated that he could not be friends with them or be around them at all. His parents brought him to the centre for social work where they played an educational video about a 15 years old girl who tried to commit suicide after she realised that she was a lesbian to change a boy's attitudes towards the gay population. His sister, who was on studies abroad managed to introduce him to her gay friend and he started to see things a little differently. Little by little he started talking to her gay friend at a party where she introduced them. Later they found common topics to talk about like sports. In the end the boy changed his views and realised that gay people are good people too.

## **7.5. Resolving conflicts in the community**

### *Mediation in conflict between neighbours*

In one apartment block there was a conflict between two tenants. One of them cut the trees in front of the building without the consent of other tenants. He was then insulted by the other tenant who argued that the trees provided shade on the bench in front of the building. The chairman of the building committee decided to mediate the dialogue between these two tenants on the next session of the committee. In the end, the conflict was solved by a group discussion and agreement, where the tenants agreed not to do such things on their own initiative without consent of other tenants. The tenant who cut down the trees proposed to move the bench in the shade and the tenants all agreed to give the wood from the trees cut-off to a poor family that will use it as firewood.

### *Restorative approach to the conflict between youth of the Roma community and people from other ethnic groups in a village*

In one village in Vojvodina there were often fights between Roma youth and other ethnic groups. One time, there was a mass physical confrontation in a bar, when a group of young Roma boys and girls came for a drink. The other ethnic groups started a fight with them and chased them to their part of the village. After that, the Roma youth had no contact with other inhabitants. Years later, an activist group started organising dances, theatre forums in the village and then interesting dialogues about stereotypes, prejudices and discrimination, where all inhabitants were invited. After that, the Roma youth and young people from other ethnic groups reconciled and started hanging out together, because they realised that the conflict could have been avoided and that not all of the other inhabitants hate Roma people.

### *Mediation in resolving the conflict between two local businessmen*

A conflict erupted between two businessmen who cooperated in business for many years. One of them claimed that his firm was financially damaged because of a deal and their friendship fell apart after the lawsuit. The process of informal mediation was started by their mutual friends. After several trials, they concluded that the conflict was not nearly over and they tried mediation through their lawyers. Their other business associates were also included in the process. After the real representation of all aspects of the conflict, its consequences and the time required for the eventual resolution of the problem, they were advised to reflect on everything once again. Lawyers particularly stressed to take into account their earlier friendship and successful long-term cooperation. In the end, the two businessmen reconciled.

### **7.6. Peace councils**

Peace councils are bodies usually composed of several (mainly three) respectful members of the local community. The role of these councils is to develop good relations between citizens and to solve conflicts and problems they might have, mostly fights between neighbours. In one case, neighbours had a quarrel about the place where a dog should be tied in the yard since the dog urinated on the house of one of them. The president of the local community gathered a peace council where both parties presented their case. The council decided that the dog should be tied elsewhere and both neighbours agreed with their decision. In another case, neighbours fought about where the border between their estates is, since one of them planted an oak tree close to the border. The council decided not to cut down the tree but for both neighbours to share the nuts. They did not go to court and therefore avoided the potential financial costs of court proceedings, all thanks to the peace council.

### **7.7. Restorative justice in prison**

This group of examples relates to the application of restorative justice in prison, the programme to raise awareness about the impact of the criminal offence on the victim and about restorative justice. The Victimology Society of Serbia organised a first pilot programme in the female prison in Serbia, which consisted of six workshops and were followed by evaluation interviews with six female inmates who participated in the programme. The programme was delivered to a group of female prisoners of different ethnic belonging. It made participants better understand the influence of crime on victims, understanding the consequences that a criminal offence has on victims and their families but also on the prisoners themselves and their families. It enabled acceptance of the principle of restorative justice, particularly restorative dialogue, and the use of relaxation and breathing exercises in order to teach the inmates to learn to relax, to focus on the present moment, to learn to feel and love their body and recognise their own and others' feelings and needs, and to develop a positive attitude towards others, which may help in preventing them from future criminal offences, but also from becoming victims.

### **7.8. Restorative justice and victim empowerment**

Since 2003 within the Victimology Society of Serbia there is a victim support service *VDS info and victim support*. The Service provides support and assistance to all persons directly or indirectly affected by a crime or other wrongdoing or harmful event regardless of their personal characteristics. The Service tries to meet the most frequent needs of victims and provides:

- Information about one's rights and ways of realising them.
- Trust, understanding, empowering support, considering possible solutions of a problem, activating family and social support.
- Information about psychological reactions and the dynamics of the healing process.

- Practical information relevant for re-establishing normal life after traumatic event.
- Referrals to the authorised and specialised institutions/organisations depending on victim's needs.
- Information about restorative justice and the process of mediation.
- Information in regard to possibilities in using restorative dialogue for solving conflicts.
- Information on mindfulness.
- Information about using one's own potentials and capacities.
- Witness support and supporting victims in their contacts with the state institutions.
- Support to the imprisoned women who committed crime after long/term suffering from violence.

As for supporting victims in mediation, the Service offers:

- Detailed information about the mediation procedure;
- Detailed information about reaching an agreement;
- Information about advantages of the mediation for a victim;
- Information about possible risks and possibilities of secondary victimisation during the process of mediation;
- Preparation for entering the mediation process;
- Support during and after mediation.

Victim support is based on the principles that are also principles of restorative justice, including: trust, respect, confidentiality and empowerment.

### **7.9. Community restorative circles**

The last part describes the restorative circle tested at seminars organised by the Victimology Society of Serbia within ALTERNATIVE. The tested restorative circle was designed on the basis of the peacemaking circle model. The case example was

an ethnic insult of a man by a policeman. One man played the role of the victim, one the role of the policeman. Other participants played the support people (e.g. family members), as well as representatives of state agencies and NGOs and other members of the local community. One VDS researcher was the facilitator. A talking piece was used in order to enable that the voices of everyone can be heard. At the beginning, the facilitator would remind the participants about the rules of the restorative circle and communication, the reasons and the aims for the gathering. In the next phase, participants would deal with the problem, where everyone should understand what happened and how the event influenced the direct parties to the conflict, but also other people. Afterwards, there was a phase in which the circle participants made suggestions for possible solutions, i.e. further steps in order to heal the injury and repair the damage, but also what should be done on a broader level, the level of local community, institutions. In the end, the facilitator would sum up all that was talked about, made a short plan about the steps that should be taken and asked the participants if they agree with such a plan and also asked how they feel. The participants showed readiness to solve problems in this way. They also focused on finding the causes of such problems. This exercise shows that restorative circles can lead to better understanding of conflicting parties, ideas for broader actions on the community level, and for the 'perpetrator' to become aware of his actions and to accept his responsibility.

## **8. A look into the future**

We have developed an original restorative approach to conflict transformation, which is defined on the basis of the results of the so far work and experience of the *Association Joint Action For Truth and Reconciliation* and the findings of the research conducted within the ALTERNATIVE. It is envisaged as an approach that would rest upon the following elements/components:

- Conditions for optimal contact;
- Communication framework in the spirit of restorative justice;
- Yoga and mindfulness;
- Peacemaking/restorative circle (a circle format) and a solution-focused approach.

These elements make this approach a unique and original model of conflict transformation in intercultural settings in the region.

## **9. About organisations**

This part contains basic information about the Victimology Society of Serbia-VDS and local NGOs from Prjepolje and Bačka Palanka from which contact persons for these two communities and their local restorative teams are: NGO New vision from Prijepolje, and NGOs from Bačka Palanka - Counselling-educative centre and Society for tolerance.

### **9.1. Victimology Society of Serbia**

Victimology Society of Serbia-VDS is an independent, not-for-profit, and non-governmental organisation, founded in 1997 with the aim to work on development of victimology, improvement of the position of victims of crime, war and human rights' violations, and protection of victims' rights regardless of their gender, religion, ethnicity and other features. VDS is committed to develop

research, theoretical knowledge and education on victims of crime in Serbia in general, and victims of gender based violence in particular. It is VDS's purpose to use its research to create viable policy solutions for Serbian law makers in the field of victims' rights. A gender approach is visible in all its activities. Its mandate includes policy oriented and feminist action research, drafting of laws and advocacy, victim support, awareness raising, education and truth and reconciliation. VDS work is organised within two sections: *VDS centre for research and education* and the victim support service *VDS info and victim support*.

VDS has the following objectives and tasks: to advocate for the development of victimology; to study the causes of victimisation and search for ways for avoiding or alleviating it; to assure practical help to victims; to advocate for better legal protection of victims; to raise public and professionals' awareness about the problems of victims; to co-operate with similar academic and professional organisations such as universities, institutes, specialised state institutions and non-governmental organisations in the country and abroad. The main fields of research, expert work and education of VDS are: domestic violence; violence against women in war; war victimisation; truth and reconciliation; trafficking in human beings; women's crime (especially its connection with domestic violence); women in prison; and victim support services and rehabilitation. VDS also publishes academic journal *Temida* – a journal on victimisation, human rights and gender.

There is a continuity of VDS's work on achieving long-term aims in terms of improving the victim's position, building new institutions, rule of law, crime and conflict prevention and transformation.

VDS is a member of several international and national organisations and associations: World Society of Victimology, Victim Support Europe, ISPAC (International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program), IANSA - The global movement

against gun violence, European Movement in Serbia, Serbian Team for Combating Trafficking in Human Beings, Initiative for legal protection from and forbidding of physical punishment of children, Network “Women against violence” and the Coalition of NGOs which are offering legal aid. VDS is founder and member of the *Association Joint Action for Truth and Reconciliation*. It is also a part of the National Preventive Mechanism of Serbia.

## **9.2. Counselling-educative centre**

Counselling-educative centre – SEC from Backa Palanka was founded in 2014 with the aim of developing and enhancing educational programmes, promotion and inter-sector cooperation in culture, education and social welfare programmes, as well as creation and promotion of possibilities for personal and professional growth and development of individuals and institutions and the community as a whole.

In order to fulfil its goals the centre:

- Organises, sometimes in cooperation with other organisations, professional meetings, seminars, competitions, contests and other forms of education in the areas of education, social welfare and culture on the local, regional and international level.
- Gathers and analyses scientific and professional literature in the areas of education, social welfare and culture and presents them to the public.
- Publishes, prepares and translates books and other publications, including electronic (CDs, DVDs, etc.) regarding topics of education, social welfare and culture, in accordance with the law.
- Organises different programs which are inclusive (in terms of gener, age, ethnicity etc.).
- Cooperates with educational, scientific and other institutions as well as individuals from the country and abroad.

The team of the centre is composed of successful, professional and recognised experts with rich, broad international experience in public, NGO and business sectors.

### **9.3. Society for tolerance**

Society for tolerance from Backa Palanka is a non-profit and non-governmental organisation, which started its activities in 1991 as a peace group. After the founding meeting in 1993 members and activists of the Society for tolerance began a series of activities focused on building trust, peace and tolerance among people, which are the basic areas of Society of tolerance activities. The quality of peace building can be seen in the successfully realised programmes, camps, art colonies and meetings of young people from the region, working together on starting dialogue and building trust. The evidence of quality of work of the Society is also a prestigious 'Peace award' of the German town Aachen, given to the founder and president of the Society for tolerance Zdravko Marjanović in 2009.

The Society publishes the magazine 'Tolerance' and is a founder of the citizen movement 'The bridge of friendship'. Within this movement various meetings like the 'Caravan of friendship' in many places in the former Yugoslavia are organised with the goal of searching for truth through dialogue established on foundations of interethnic trust. Therefore the 'The bridge of friendship' is not just a citizen movement for peace building, but also a movement for life.

### **9.4. New vision**

NGO New vision is a non-profit and non-governmental organisation established in 2001 in Prijepolje. The vision of the organisation is a society of equal, active female and male citizens who nurture tolerance, respect differences, develop partnership relations, promote knowledge and lifelong learning. The mission of the organisation is the advancement of the local community through projects

based on the inclusion of all social groups regardless of gender, nationality and religion, social or any other position or features. New vision is a member of the following national and international networks: SEECRAN (South-East European Child Rights Action Network) – a network of NGOs, institutions and individuals who work on the promotion of the Child Right Convention in Southeaster and Central Europe; the Commonwealth of Independent States and Baltic States (RNC) through networks of organisations dedicated to promotion and protection of rights and welfare of children; International Coalition Members, organised Women’s World Summit Foundation – network of organisations dealing with prevention of violence against children; Federation of NGOs Serbia and YOUTH PEER network.

## **10. Local (restorative) teams**

Here follows the lists of the members of two local (restorative) teams initiated in Bačka Palanka i Bač, and in Prijepolje.

### **10.1. Bačka Palanka i Bač**

1. Ljiljana Žižić, Society for tolerance and Counselling-educative centre, Bačka Palanka;
2. Mirjana Radaković, Centre for social work and Counselling-educative centre, Bačka Palanka;
3. Dragana Čikoš, Pre-school institution „Mladost“ and Counselling-educative centre, Bačka Palanka;
4. Gordana Bjelajac, Cultural-ethnological club ISKON, Bač;
5. Nada Petrović, Association of Roma and Romanians „Mladost“, Vajska;
6. Zoran Duvnjak, Police station, Bačka Palanka;
7. Slobodan Nalić, Secondary technical school „9.maj“, Bačka Palanka.

## **10.2. Prijepolje**

1. Mirsad Duran, NGO New vision, Prijepolje;
2. Nail Kajević, Centre for social work, Prijepolje;
3. Rada Divac, Centre for social work, Prijepolje;
4. Radojka Knežević, Centre for social work, Prijepolje;
5. Olivera Marković-Kečević, Police directorate, Prijepolje;
6. Bahrija Hanić, Secondary school for economy and trade, Prijepolje;
7. Admir Veljović, Youth office of the municipality of Prijepolje.

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## **12. Further reading and useful links**

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Biffi, Emanuela, and Malini Laxminarayan. 2014. *Accessibility and Initiation of Restorative Justice. A Practical Guide*. Leuven: European Forum for Restorative Justice.

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### **Material developed within ALTERNATIVE:**

Publications: [www.alternativeproject.eu/publications/public-deliverables](http://www.alternativeproject.eu/publications/public-deliverables)

Blog: [www.projectalternative.wordpress.com](http://www.projectalternative.wordpress.com)

Films: <http://alternativefilms.euforumrj.org>

Website of the Victimology Society of Serbia: [www.vds.org.rs](http://www.vds.org.rs)

### **Websites on restorative justice:**

European Forum for Restorative Justice: [www.euforumrj.org](http://www.euforumrj.org)

International Institute for Restorative Practices Europe: [www.iirp.eu](http://www.iirp.eu)

International Institute for Restorative Practices (USA):  
[www.restorativepractices.org](http://www.restorativepractices.org)

National Association of Community and Restorative Justice: [www.nacrj.org](http://www.nacrj.org)

Prison Fellowship International: [www.restorativejustice.org](http://www.restorativejustice.org)

Restorative Justice Council (UK): [www.restorativejustice.org.uk](http://www.restorativejustice.org.uk)

Restorative Justice for All: [www.rj4all.info](http://www.rj4all.info)

Restorative Justice Online: [www.restorativejustice.org](http://www.restorativejustice.org)

Restorative Practices International: [www.rpiassn.org](http://www.rpiassn.org)

### **Online films about restorative justice:**

Film „Vaspitni nalozi, korak ka preuzimanju odgovornosti” (in Serbian):  
[https://www.youtube.com/watch?v=6b\\_uZYBLOoE](https://www.youtube.com/watch?v=6b_uZYBLOoE)

Film 'Restorative justice. Inspiring the future of a just society for all':

[www.euforumrj.org/events/short-film-for-the-international-rj-week-2014](http://www.euforumrj.org/events/short-film-for-the-international-rj-week-2014)

Film 'The Woolf Within': [www.youtube.com/watch?v=A1s6wKeGLQk](http://www.youtube.com/watch?v=A1s6wKeGLQk)

Interactive documentary 'Inside the Distance': [www.insidethedistance.net](http://www.insidethedistance.net)