

Around Europe

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Restorative Circles: A Testimony for Justice?

Can justice be done - and if so, how? Throughout our history Friends have often felt challenged by how conventional state justice systems seem to fail at “doing” justice. Tim Newell, in his 2000 Swarthmore Lecture, presented us with a Quaker Vision for Criminal Justice. From his expertise as a prison governor, he warned us of what we should expect from incarceration: more violence, rather than less - and arguably little or no justice. Instead of a Quaker Testimony for Justice, we have often preferred to be more specific and speak about human rights or prison reform. Still, I am convinced we do have a Quaker Testimony for Justice. The following words will, I hope, let the light shine on some of the relevant issues and introduce you to a novel approach discovered in Brazil.

As a framework, I have two suggestions, hypotheses, or preliminary judgements - hopefully provocative enough to enhance our ongoing threshing in this field:

1) What we experience as Justice is a process in which everyone’s needs are heard; and an undertaking to fulfil them is supported. This is often called restorative justice - setting it apart from what might be called retributive justice.

2) Big or small - all justice is interconnected. Promoting justice in one environment will add to justice everywhere else. Undermining justice in one place, or even tolerating its undermining, means less justice everywhere. In this sense ‘family justice’ and Family Courts are immediately interlinked with Criminal Justice and Criminal Courts, as well as with International Justice and International Courts - not to mention Commercial Justice and Commercial Courts.

If it is just as meaningful to start creating justice in minor conflicts - and the conflicts of minors - then I suggest we begin where we are, close to home. We

could test the method, which I will now attempt to describe, in our international centres - or within our Religious Society.

‘Restorative Circles’ are the product of a long journey, undertaken by an Englishman named Dominic Barter. Married to a Brazilian, and living with his young family near one of the favelas of Rio de Janeiro, he experienced the violence in his neighbourhood. He realised how both the official politics and the youth gangs rely on one recipe: ‘more of the same’. He was emotionally engaged enough to eventually go into the favela with the intent to find out about the existing resources and what might really be needed. He tried to spot the (informal) leaders, those whose words might matter in the community.

He asked them how they were satisfied with the current state of their justice system or community conflict resolution system and what he could learn from them. He learned about the strengths of these communities, their eagerness to provide for the shared, basic needs for survival, but also how the communities are affected by the mounting violence. He also talked with state officials. He recognised their sense of responsibility and their intent to stop others from doing harm. He sensed a degree of helplessness on either side, with both failing to see alternatives to ‘more of the same’.

He started listening, experimenting with providing a space for people to tell each

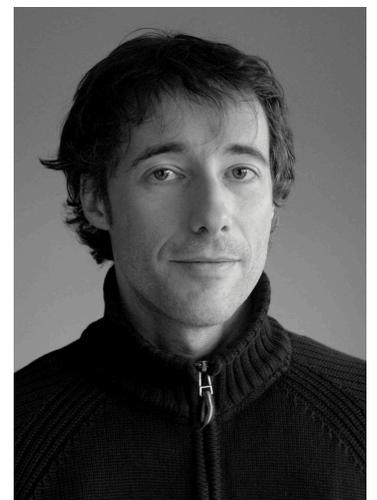


Photo: Dominic Barter

other how they were affected by the situation - and how they felt. That was an all new experience for



most of them - an eye opener. He continued, adding new elements. After years of experimentation, structures evolved. It became clear that Restorative Circles relied upon a restorative justice system being in place.

You can find out more at:
www.restorativecircles.org

Community leaders agreed to help set up such a restorative justice system, belonging to their community. People in the community were trained as facilitators - for a weekend, or more. What the facilitators mostly needed to learn is how to share power, and that their facilitation is needed only to support the community and those in the circle to truly listen to each other, to dialogue, saying what needs to be said - the minimum human connection for a healing process to start. At its most simple, this involves a set of three basic questions, deep silence, and a renewed sense of responsibility.

Every Circle is preceded by a pre-circle in which prospective participants learn about the basic procedure, and describe the one action or one expression that sums up the larger conflict at stake. He or she also learns that participation is entirely voluntary. As a person affected by the conflict, he or she may point out who else in the affected community should be invited to the Circle, as a person who could contribute to positive change. In a post-circle, the original participants come back together to see how individual pledges or agreements have worked out. If they haven't, they will try to find out what was overlooked and what would make a better resolution.

The basic elements of a Restorative Circle are empathy; listening; community; intention; self and collective responsibility; equal respect for every human being and God's creation, and a restorative justice system. The outcome is healing - and justice, as I understand it. The process has been successful in many thousands of Circles in Brazil - why not in London, Brussels, or Geneva?

Björn Rohde-Liebenau
German YM

Introducing our new Programme Assistant

I am a peacebuilding practitioner and I started working for QCEA at the beginning of July. My main work area is the Middle East, specifically examining the European Security Research Programme (ESRP) and the arms trade between Israel and the Member States. I am currently preparing two briefing papers that will be presented to the Members of the European Parliament in order to raise awareness about these challenging topics.

I hold a Masters in Human Rights and Conflict Management and I have worked in the peacebuilding sector in the Democratic Republic of Congo, Nepal, Indonesia and Morocco. During these experiences I met colleagues from different castes, ethnicities, cultural and religious beliefs, and of opposing political opinion. Everybody was committed to building peace and understanding each other's differences. I realized that overcoming stereotypes and prejudices is possible and my greatest aspiration is to work towards achieving this goal.



Working in conflict areas I realized the importance of advocating for peace at the central level, and how many decisions taken in Brussels, Washington or New York change peoples' destiny. I am therefore pleased I can make my small contribution and I'll do my best to support the ongoing efforts of QCEA to call on the EU to maintain its emphasis on peace and to build its external actions and foreign policy on the basis of non-military and non-violent approaches.

Stefano D'Errico



The Universal Declaration of Human Rights: In Pictures

The 1948 Universal Declaration of Human Rights has been translated into 360 languages, but until now there has never been a visual interpretation of all thirty articles despite the fact that currently one in five of the world's adult population cannot read or write. Recognising that 'increasingly fewer of the world's population have the possibility to live their

photography', reaching out to people across all levels of society. The positioning of the exhibition on Brussels' Rue de la Loi, a stone's throw away from the European Commission and Council buildings, demonstrates that artists do not intend to exclude politicians and decision-makers from the images' influence either.

It is imperative that there is a concerted international effort to revive and revitalise the values of this essential document on behalf of the world population in general, but particularly for the many desperately needy who these articles were originally intended to protect.

www.thehumanrightsproject.org

lives secure in the knowledge that, whatever else, they have their Human Rights', a group of artists, in collaboration with the Ithuba Skills College in Johannesburg, have created a series of stark yet stunning 360° 'Picture Stories'. They hope to transcend the limits of the written word through the 'highly emotive and dramatic medium of staged

Naturally, the images speak for themselves, and the best way to visually experience them is in person. Details of the current exhibitions in Brussels and Vienna can be found on the project's website, as can the representations of all the articles of the Universal Declaration of Human Rights.

Joe Casey



Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. (Article 4 / thehumanrightsproject.org / photography Lukas M Hueller / 2009 / www.thehumanrightsproject.org)

Protecting the Human Rights of Prisoners

At the end of June, I attended the second CONNECTIONS Conference on drugs and alcohol in the criminal justice system. The Conference drew delegates and speakers from across the European Union and beyond, and a great diversity of experience, both the successes and the failures, were shared over the course of two jam-packed days at Friends House in London. Despite the diversity and differences between jurisdictions, two constant themes proved pervasive: that drug and (particularly) alcohol rehabilitation and harm reduction services can be delivered more effectively; and that impending budget cuts offer both an opportunity to think again, but also pose a great risk.

The right to health care for everyone, including prisoners, is firmly established in international law.

The UN (1990) Basic Principles for the Treatment of Prisoners emphatically state: 'Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation'. The principle of equivalence is well established, but considering the high health risks associated with prison - overcrowding, needle sharing and unhealthy conditions all dramatically increase the risk of contracting infectious diseases such as HIV/AIDS, hepatitis and tuberculosis - it can be argued that states have a heightened responsibility to those they take into their custody which is not limited to provision of health care, but extends to enabling and promoting healthy living.

The examples I heard at the CONNECTIONS Conference - from Moldova, Portugal, Hungary,



France, Hungary, Lithuania and others - showed the real progress being made in promoting health and harm reduction services in prisons right across the continent, but also revealed the staggering health inequalities that persist. In Lithuania, for example, 76 per cent of HIV patients have been injecting drug users, and 71 per cent of all drug-dependent people have spent time in prison at some point. Studies from across Europe suggest that between 7 per cent and 24 per cent of prisoners who do inject, started doing so once in prison. Needle exchange programmes, although increasingly available in the community, are often not available in prison - security concerns are cited as trumping the right to equivalence. Moldova's experience highlights the danger of not addressing the health implications of this approach. An NGO, called Innovative Projects in Prisons, found one-in-five inmates had or were injecting with needles (sometimes little more than ball point pens) that were being shared between ten to 12 prisoners. As a consequence of their research, the government agreed to allow the organisation to pilot needle exchange and condom distribution on a peer-to-peer basis in prison, significantly cutting rates of HIV transmission. In the ten years since, similar projects have sprung up in 24 prisons across Moldova.

Prison presents an opportunity to reach some of the most vulnerable and disadvantaged members of the community, and even to readdress some of the health

inequalities in society. A high proportion of people with multiple health problems are incarcerated in prisons: for example, in England & Wales, 72 per cent of male and 70 per cent of female sentenced prisoners suffer from two or more mental health problems. Problems that the reality of prison life all too often intensify. The detection of communicable diseases, plus the implementation of effective harm reduction schemes, has benefits not just for the individuals concerned, but the communities to which prisoners will return to upon release. Moldova is one of the few Eastern European countries that has managed to halt the spread of HIV throughout the entire population. Furthermore, good health and physical well-being are crucial to the successful resettlement and social reintegration of ex-prisoners.

Good prison health is good public health. It is important that people do not come out of the prison system in a worse state of health than when they entered, with an increased dependence on the public health and social services. Ultimately though, it is only through the reduction in our overreliance on the use of imprisonment that will limit the damage to individuals, families and communities. The current budgetary constraints being experienced in many European countries is no excuse to demur from our responsibilities, or the broader social aims of criminal justice systems: the rehabilitation and social integration of former offenders.

Joe Casey

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