



HUMAN RIGHTS & RESTORATIVE JUSTICE

Theo Gavrielides, Editor



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TABLE OF CONTENTS

Notes on contributors 4

Introductions & Acknowledgements 7

Dr. Theo Gavrielides, Founder and Director of The IARS International Institute and the Restorative Justice for All institute; Adjunct Professor at the Centre for Restorative Justice of Simon Fraser University; Visiting Professor at Buckinghamshire New University.

Living in a relational and moral universe 8

Prof. Daniel Van Ness, Executive Director of the Centre for Justice and Reconciliation, Prison Fellowship International, Adjunct Professor at Pepperdine University School of Law, USA

Reconstructing and Restoring Human Rights 13

Prof. Colin Harvey, School of Law, Queen's University Belfast, Northern Ireland

Bridging Restorative Justice and Human Rights for Youth Justice 28

Dr. Theo Gavrielides, Founder and Director of The IARS International Institute and the Restorative Justice for All institute; Adjunct Professor at the Centre for Restorative Justice of Simon Fraser University; Visiting Professor at Buckinghamshire New University.

Justice, Education and Human Rights: Partnerships, Policies and Progress in the UK 48

Prof. Richard Grimes, Faculty of Law, Charles University, Prague (Czech Republic), and Access to Justice consultant

The Position of Young Offenders in Hungary: Policy and Practice on restorative justice and human rights 65

Dr. Tunde Andrea Barabas, Head of Department, National Institute of Criminology, Hungary

An Approach to Empathy Building and Reconciliation: Turkish, Greeks and Cypriots 92

Prof. Maria Hadjipavlou, Department of Social and Political Science, University of Cyprus, Cyprus

Restorative Justice and Human Rights in a Democratic Society 112

Prof. Lode Walgrave, Professor of Criminology at Katholieke Universiteit Leuven, Belgium, and chair of the International Network for Research in Restorative Justice for Juveniles

The Standardization of Restorative Justice 132

Prof. Gerry Johnstone, Professor of Law, University of Hull, Director, MA in Restorative Justice Research Director, University of Hull Law School

Notes on contributors



EDITOR

Theo Gavrielides, PhD, is an international expert in restorative justice, human rights and youth justice. He is the Founder and Director of The IARS International Institute, a user-led NGO that empowers marginalised groups to influence social policy and law internationally. He is also the Founder and Director of the Restorative Justice for All Institute (RJ4All) as well as Adjunct Professor at the School of Criminology of Simon Fraser University and a visiting professor at Buckinghamshire New University. Professor Gavrielides is an expert advisor to the European Commission's criminal justice and equality projects, and has worked with many governments on justice reforms. He has worked as the Human Rights Advisor of the UK Ministry of Justice as well as researcher at the London School of Economics, and he is the Principal Investigator of numerous EU, UN and UK funded research programmes.

Dr. Gavrielides has published extensively in the areas of restorative justice, youth policy, human rights, and criminal justice. He is the Editor of numerous collected editions as well as the Founder and Editor-in-Chief of the Youth Voice Journal and the Internet Journal of Restorative Justice. He is also the Editor of the International Journal of Human Rights in Healthcare.

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Dan Van Ness has been immersed in criminal justice issues for 35 years, as a lawyer, restorative justice advocate, and teacher. After six years' poverty law practice on the West Side of Chicago, he worked with a national justice reform organization lobbying for changes in sentencing and victim rights issues in the US.

His interest in restorative justice began in 1982 when he met Howard Zehr and Mark Umbreit while promoting expansion of community corrections in Indiana. Dan has worked with Prison Fellowship International's Centre for Justice and Reconciliation since 1996. Dan was a primary architect of the United Nations of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters. He is the author of articles, papers, and several books on restorative justice, the most recent of which are Restoring Justice, 4th edition (co-authored with Karen Heetderks Strong) and Handbook of Restorative Justice (co-edited with Gerry Johnstone).

Prof. Maria Hadjipavlou, Department of Social and Political Science, University of Cyprus, Cyprus

Maria Hadjipavlou is an associate professor at the Department of Social and Political Sciences, University of Cyprus. She teaches Comparative Politics, Gender Studies, Conflict Resolution, International Peace and Security, and the Cyprus Conflict from a multi-disciplinary perspective. She was educated in Cyprus, the United Kingdom and the United States. She has a Ph.D in Social and Political Change, Boston University, U.S.A (1987). She was a post-doctoral student at Harvard University (1991-93). She was a visiting scholar at the school of International and Public Affairs (SIPA), Columbia University, U.S.A, (1996-97), where with Dr. Andrea Bartoli founded the Centre of International Conflict Resolution (CICR) and she continues to be a senior research associate and supervisor to graduate students who work on Cyprus. She has facilitated and designed numerous conflict resolution workshops among different social groups from both Cypriot communities. She is a founding member and president for ten years of the non-governmental organization, the Cyprus Peace Centre (1999-2008); a founding member of the first independent Cypriot Women's NGO, "Hands Across the Divide" (2001) and its current president. She is a consultant and member of expert teams at the Council of Europe on issue of inter-cultural dialogue and equality between men and women. She is a trainer for UNFPA and

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Richard Grimes qualified as a solicitor in 1977 and, since then, has followed a career both in academia and legal practice, in the belief that one informed the other. His work as practising lawyer has been in provincial law firms and in law centres, with a focus on litigation (criminal and civil) and social welfare law. He was a member of the (then) Law Society's Children Panel. He also acted as an approved member of the Duty Solicitor scheme operating in Magistrates Courts and Police stations.

He has worked in and with a number of universities including at Keele, Manchester, Sheffield, University College North Wales and University College Cork, Ireland. While at Sheffield Hallam University he established an in-house legal practice where students, under the supervision of professionally qualified staff, conduct real casework as part of their studies. He was seconded to work with the University of the South Pacific in 1995 and there established, and was the Associate Professor and Director of, the Institute of Justice and Applied Legal Studies. On his return he was appointed as Professor of Legal Education and Head of Law at the University of Derby and visiting Professor at the University of Sunderland. He joined The College of Law in 2000 as Professor and Director of Pro Bono Services.

In 2006 he left to establish a consultancy service – Talkinglaw – and has since worked with educators, governments, donor agencies, law firms, the judiciary and the not for profit sector, in improving access to justice and developing human rights and legal education programmes. Much of this has been overseas, including recently in Afghanistan, Iran and Nigeria.

Over the past 10 years he has worked with a large number of schools and colleges discussing youth justice issues and has produced an interactive teaching guide, in conjunction with the National Centre for Citizenship and the Law and a leading international law firm, on the working of the civil and criminal justice systems.

He moved to the York Law School at the University of York in August 2010, as Director of Clinical Programmes, to further develop their unique problem-based approach to learning and to contribute to the School's Centre for Applied Human Rights. He is a founder member of the Global Alliance for Justice Education and is on the editorial board of the International Journal of Clinical Legal Education. He served on the (then) Department of Constitutional Affairs Task Force on Public Legal Education.

His main research interest is in access to justice including the public funding of legal services (Legal Aid) and legal literacy. He is also committed to hands-on, experiential, learning. He has published widely on these and other matters.

Dr. Tunde Andrea Barabas, Head of Department, National Institute of Criminology, Hungary

Dr. Andrea Tünde Barabás is a lawyer and a criminologist. She is the head of department at the National Institute of Criminology. She graduated in 1988 from Eötvös Loránd University's (ELTE) Faculty of Law. In 1989, she won a scientific scholarship from the Hungarian Academy of Sciences (HAS) and started working at the Chair of Criminology of Eötvös Loránd University. In 1990, she pursued a year for postgraduate studies at the Criminal Law Department of the University of Fribourg with supporting of the Swiss Confederation Fellowship. She wrote her PhD thesis on the restriction of imprisonment and its alternatives. In 1995, she travelled to South Korea for a scientific study tour with the supporting of the Sasakawa Young Leaders Fellowship Fund. In 2005, she won the research fellowship of the Max Planck Institute in Freiburg. In 2008, she won the Hungarian Academy of Sciences's Bolyai János research fellowship to study the possibilities of extending the application of mediation and of regulating mediation in prison. She is a founding member and the vice-chair of the Restorative Justice section of the Hungarian Society of Criminology. She teaches criminology at a number of universities in Hungary. Over the past few years, she has participated in a number of international research projects funded by the European Union, such as the Crime Prevention Carousel (CPC) research within the framework of the AGIS.

Prof. Colin Harvey, Head of School of Law, Queen's University Belfast, Ireland

Dr Colin Harvey is Professor of Human Rights Law and, since 1 August 2007, the Head of the Law School at Queen's University Belfast. From 2005-2008 he was the Director of the Human Rights Centre at Queen's and a Director of Research. From 2000-2004 he was Professor of Constitutional and Human Rights Law, School of Law, University of Leeds. He has been appointed to visiting professorships at the London School of Economics, University of Michigan, and Fordham University. Professor Harvey was appointed by the Minister for Employment and Learning (NI) to the Northern Ireland Higher Education Council from 2002-2006. He was appointed by the Secretary of State (NI) to the Northern Ireland Human Rights Commission in June 2005 and took up his position as a part-time Commissioner from 1 September 2005, he was re-appointed for a further three years in September 2008. He has recently been appointed by the Higher Education Funding Councils of the UK to be a member of the Research Excellence Framework 2014 Panel for Law. He has published extensively on human rights law and politics in academic and more popular formats (including national newspapers and magazines in Ireland and the UK). He is the General Editor of *Human Rights Law in Perspective*, published by Hart Publishing, Oxford (a new Series which he founded in 2001). He is on the editorial board of *European Human Rights Law Review*, *Human Rights Law Review* and the *Northern Ireland Legal Quarterly* and is the Case Editor for the *International Journal of Refugee Law*. He was Principal Investigator on a major research project 2008-2010 (£243,000) on "Budget Analysis and the Advancement of Socio-Economic Rights in Northern Ireland" (2008-2010), and has a record of securing funded research from the Nuffield Foundation and British Academy among others.

Prof. Gerry Johnstone, Professor of Law, University of Hull, Director, MA in Restorative Justice Research Director, University of Hull Law School

Gerry Johnstone is Professor of Law at the University of Hull. He is the author of *Restorative Justice: Ideas, Values, Debates*, now in its second edition (Routledge, 2011), and co-editor (with Daniel Van Ness) of *Handbook of Restorative Justice* (Willan, 2007). He is the founding director of the University of Hull's online MA in Restorative Justice. Johnstone is the Academic Lead of an ESRC funded Knowledge Transfer Partnership between the University of Hull and Hull City Council, which is developing a research tool that can be used to assess the 'restorativeness' of a practice or service. His latest book (co-authored with Tony Ward) is *Law and Crime* (Sage, 2010).

Prof. Lode Walgrave, Professor of Criminology at Katholieke Universiteit Leuven, Belgium, and chair of the International Network for Research in Restorative Justice for Juveniles

Lode Walgrave is Emeritus Professor in Criminology at the K.U.Leuven (Belgium), where he teaches Youth Criminology and Theoretical Criminology, and directed the Research Group on Youth Criminology, doing research on youth crime, prevention and youth justice.

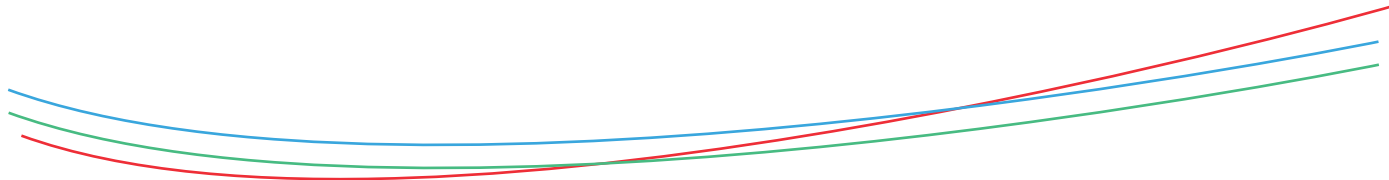
He was a member of the Research Council of the K.U.Leuven from 1996 till 2002.

Lode Walgrave chaired the International Network for Research on Restorative Justice, bringing together most of the leading restorative justice scholars from all over the world, and of the International Association for Criminology of Youth. He was invited as a guest professor or a fellow for a longer period of time in Montreal, Canberra and Philadelphia. He has given key notes to conferences, guest lectures and conferences in almost all parts of the world, and in most European countries. Currently, his main field of research is restorative justice. He has conducted several empirical projects. The conferencing project with serious juvenile offending has grounded the legal introduction of restorative justice conferences in Belgian Youth Justice. His current theoretical work focuses on the social-ethical underpinnings of restorative justice, and its relation to the law. He published more than 300 titles in Dutch, which is his mother tongue, in English and in French. Translations are published in Chinese, German, Korean, Portuguese and Russian. He contributed chapters to most of the recent international readers on restorative justice. Titles that may be most relevant for this volume are (1999) *Restorative Juvenile Justice. Repairing the Harm of Youth Crime* (with Gordon Bazemore), (2004) *Restoration in Youth Justice, in Youth Crime and Youth Justice. Comparative and Cross National Perspectives* (edited by Michael Tonry & Anthony Doob), and (2008) *Restorative Justice, Self-Interest and responsible Citizenship*.

In 2008, Lode Walgrave received the European Criminology Award.

INTRODUCTIONS & ACKNOWLEDGEMENTS

Dr. Theo Gavrielides, *Founder and Director of The IARS International Institute and the Restorative Justice for All institute; Adjunct Professor at the Centre for Restorative Justice of Simon Fraser University; Visiting Professor at Buckinghamshire New University.*



It is not often that the disciplines of human rights and restorative justice are brought under the same roof. And yet, they share common principles such as empowerment, inclusion, participation and individual responsibility. When put in the context of our everyday realities, their relationship becomes clear.

This volume asks how we move on from isolated intellectual debates to making human rights and restorative justice really count for anyone affected by conflict, independently of political belief, cultural circumstances and country of origin. When I first conceived this book, I wanted to achieve at least one objective, i.e., to open up the debate on evidence-based justice policy by challenging current thinking. I was aware of the intense debates on what constitutes 'evidence.' Although some chapters used quantitative analysis of original data, I also accepted that the qualitative research structures adopted by other contributors were equally acceptable. The contributors were also clear that it would be a methodological oversight to claim that international and intellectual debates such as the ones engaged in this volume can construct a unified model of policy and practice. They do illustrate, however, that through the human rights and restorative justice values, we find the tools that can construct an active citizen who is able to fully participate in everyday life and take control of their lives, including the conflicts and harms that revolve around them. However, without the right environment to develop and flourish, human rights and restorative justice will remain in the books. The volume argues that their successful implementation within the justice field can only be achieved within a truly participatory democracy where laws, policies and practices are not detached from our everyday realities, but grounded in our needs and wants. The very foundations of human rights and democracy are to be found in the true empowerment of citizens.

I am grateful to all the authors who believed in the book's vision, and entrusted me with its editing. Many thanks to Rita Seneca for designing the RJ4All books as well as all the interns and volunteers who dedicate their time to support the Restorative Justice for All (RJ4All) Institute

The book is dedicated to my father who passed away while the book was being conceived, as well as my son who inspires me to stay on course.