

Nordic Restorative Justice from an International Encyclopaedia of Restorative Justice Perspective

**Nordic expert seminar Restorative Justice and Practice
in the Nordic Region**

Åland, 12-14 May 2025

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Outline

1. What do we consider important in restorative justice?
 2. What is the real picture (in Europe)?
 3. How do the Nordic countries appear in this?
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Restorative justice: the aspiratons

- Facing fundamental challenges of our criminal justice systems
 - 'Punishment is to criminal justice as pesticides are to agriculture' (M. Wright)
 - Meeting the justice needs of victims
 - Participation, voice, validation, vindication, offender accountability (K. Daly)
 - Rehabilitating offenders
 - The role of desistance theory – A Criminology of Trust
 - Supporting local communities and civil society in general
 - Strengthening democratic citizenship
 - Developing criminal justice
 - Developing responsive systems based on relational justice and bridging informal to formal justice mechanisms
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Restorative justice: main challenges

- The implementation gap (under-use in a quantitative way)
 - The challenge of 'institutionalisation' and preserving restorative justice values and principles
 - Criminal justice agencies as gatekeepers
 - A right of equal access for all?
 - Adequately victim-oriented?
 - What kind of community is involved?
 - How to cope with systemic injustices?
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Restorative justice: some current developments

- Extending the field of application
 - Geographically: all regions of the world
 - Types of offences: including road traffic offences, domestic and sexual violence, hate crime, political violence and terrorism, environmental crime, institutional abuse ...
 - Embedding in society
 - Beyond crime and criminal justice
 - The concept of 'restorative cities' – against 'polarisation'
 - Linking to related justice mechanisms (e.g. therapeutic justice and transitional justice), and to human rights
 - Political endorsement: from the local to the global (especially in Europe – e.g. Venice Declaration 2021)
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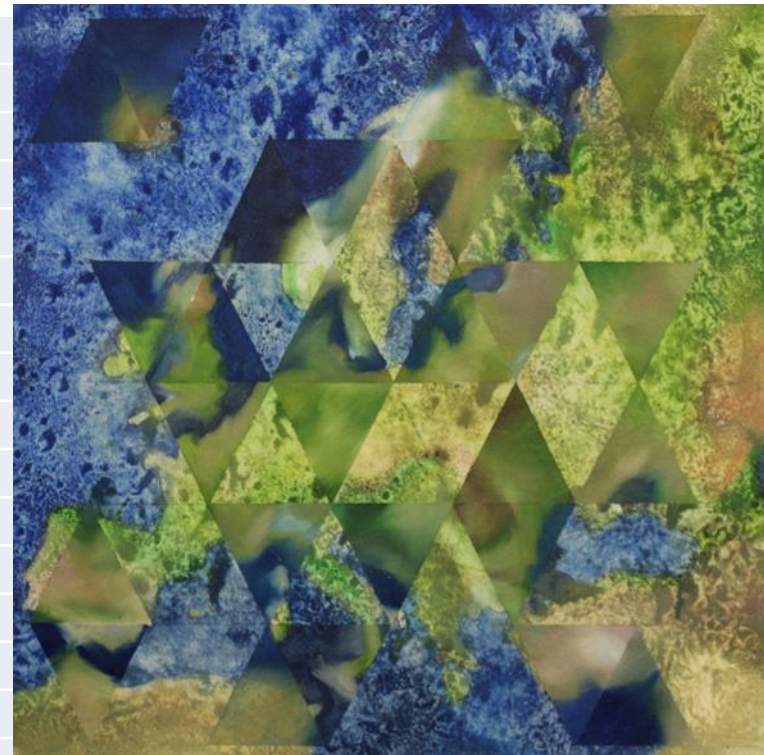
Restorative justice: towards a global picture

- The project of an International Encyclopaedia of Restorative Justice
 - Objectives
 - A common, comparable structure for all volumes and chapters
 - Practically:
 - Six regional volumes: Africa, Asia, Europe, Latin America & Caribbean, North America and Oceania (Australia/New Zealand/Pacific Islands)
 - Six teams of 2-5 regional editors, and two general editors
 - Each volume:
 - Jurisdiction based (national) chapters
 - Thematic chapters
 - Publishing:
 - Time line: 2025/2026
 - Printed, online and e-books
 - Publisher: De Gruyter Brill
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European volume – Countries involved

1. Albania	17. Georgia	33. Northern Ireland
2. Armenia	18. Germany	34. North Macedonia
3. Austria	19. Greece	35. Norway
4. Azerbaijan	20. Hungary	36. Poland
5. Belarus	21. Iceland	37. Portugal
6. Belgium	22. Ireland	38. Romania
7. Bosnia & Herzegovina	23. Israel	39. Russia
8. Bulgaria	24. Italy	40. Scotland
9. Croatia	25. Kosovo	41. Serbia
10. Cyprus	26. Latvia	42. Slovakia
11. Czech Republic	27. Lithuania	43. Slovenia
12. Denmark	28. Luxembourg	44. Spain
13. England & Wales	29. Malta	45. Sweden
14. Estonia	30. Moldova	46. Switzerland
15. Finland	31. Montenegro	47. Turkey
16. France	32. Netherlands	48. Ukraine



European volume – Country outline

Section 1: Origins, aims and theoretical background of restorative justice

1. Overview on forms of restorative justice
2. Reform developments
3. Contextual factors and aims of the reforms
4. Influence of international standards

Section 2: Legislative basis for restorative justice at different stages of the criminal procedure

1. Pre-court/Pre-charge level (police and prosecution service)
2. Court (Trial and sentencing) level
3. Restorative justice elements in the post-sentencing stage while serving prison or other sentences

Section 3: Organisational structures, restorative procedures and delivery

1. Victim-offender mediation
2. Restorative conferencing
3. Restorative circles
4. Reparation, restitution orders etc.
5. Restorative interventions in prison or (closed) youth institutions
6. Others

Section 4: Research, evaluation and experiences with restorative justice

1. Theoretical studies
2. Statistical data on the use of restorative justice processes
3. Findings from implementation research and evaluation
4. Other critical (non-evaluative) research

Section 5: Summarising analysis and perspectives

Table 5 (provisional): Recent reform developments and law reform in the context of restorative justice

Country	Year	Youth justice	Adult crim. justice	Main contents and aims of the reform
Albania	2000 ff.	X		Information and awareness campaign about the concept, theory and practice of restorative justice resulting in 2016 in government initiative for youth justice reform
	2017	X		Juvenile Justice Code: Diversion and restorative justice for juveniles comprise the two main pillars of legislative change
Armenia	2012	(X)	X	Legal and judicial reform strategy paper for the period of 2012-2016 exploring the possibility of using victim offender mediation
	2018	(X)	X	Policy document concerning a penal reform strategy for 2019-2023 after peaceful mass demonstrations: the government explicitly referred to a shift from a punitive penal policy to one that is restorative and rehabilitative (in theory, no restorative practice yet).
	2022	(X) no special youth justice act exists	X	CCP reform expanding diversion beyond private complaints offences to general (minor) crimes, excluding domestic violence. Mediation obligatorily leads to dismissal of the case
Austria	1988	X		Youth justice reform introducing mediation and expanding diversion
	1991, 1999, 2023		X	Mediation also in adult criminal law (pilot projects) Reform of the Criminal Procedure Law; parallel reform of the Probation Law regulating tasks of PO's related to mediation
	2004			Reform CPL improving victims' rights

Table 6 (provisional): Factors influencing the introduction and implementation of restorative justice

Abolitionist thinking; traditional criminal justice system deemed inappropriate forum for resolving conflicts	Albania; Austria; Belgium; Croatia; Finland; Latvia; the Netherlands; Norway; Spain
Strengthening victims' rights; victim's movements	Croatia; Cyprus; Denmark; England and Wales; France; Germany; Greece; Malta, Montenegro; the Netherlands; Norway; Poland; Russia; Scotland; Serbia; Slovakia; Spain; Sweden; Switzerland
Inefficient/overburdened criminal justice system	Bosnia-Herzegovina; Bulgaria; Croatia; Greece; Hungary; Ireland; Latvia; Macedonia; Portugal; Romania; Slovakia; Slovenia; Turkey
Rehabilitation and reintegration over retribution and punishment; expanding diversion and community sanctions	Albania, Armenia, Austria; Belgium; Bosnia- Herzegovina; Croatia; France; Georgia; Germany; Hungary; Iceland, Ireland; Italy; the Netherlands; Northern Ireland; Portugal; Romania; Russia; Scotland; Serbia; Slovenia; Spain; Switzerland; Ukraine
Reforms in particular in the field of Youth Justice or Youth Assistance and Welfare	Albania, Austria; Belgium; Bosnia-Herzegovina; Cyprus; England and Wales; Estonia; Georgia; Germany; Ireland; Italy; Northern Ireland; Norway; Portugal; Romania; Russia; Spain; Switzerland
Curbing custody rates	Estonia; Hungary; Ireland; Northern Ireland; Norway; Poland; Romania; Russia; Scotland; Slovakia; Slovenia; Turkey; Ukraine
Compliance with international standards, EU harmonisation	Azerbaijan, Bosnia-Herzegovina; Bulgaria; Croatia; Czech Republic; Estonia; Georgia; Hungary; North Macedonia; Montenegro; Netherlands; Poland; Portugal; Romania; Slovenia; Serbia; Turkey; Ukraine
Lack of trust in the judiciary following period of transition	Bulgaria; Czech Republic; Georgia; North Macedonia; Northern Ireland

Table 8 (provisional): Restorative justice providers

RJ Service Provider	Countries	
	Young persons (and young adults)	Adults
Community-based mediation/restorative justice organisations/ NGOs (state funded)	Albania, Finland, Italy, Kosovo, Luxembourg, Ukraine	Albania, England and Wales, Finland, Italy, Kosovo, Luxembourg, Ukraine
Non-profit association/association of mediators/central mediation service	Austria, Norway	Austria, Bosnia-Herzegovina, Norway
Mediation centres (private) and/or individual mediators	Belarus, Bulgaria, Cyprus, Moldova, Montenegro, North Macedonia, Poland, Romania, Serbia, Slovenia	Belarus, Bulgaria, Croatia, Moldova, Montenegro, North Macedonia, Poland, Romania, Serbia, Slovenia
community-based organisations/NGOs and public agencies	Belgium, Israel, The Netherlands, Russia, Turkey	Belgium, the Netherlands, Turkey
Probation Services/Probation and Mediation Service	Czech Republic, Georgia (Diversion and Mediation Department), Hungary, Latvia, Malta, Portugal, Slovakia	Czech Republic, Hungary, Israel, Latvia, Malta, Northern Ireland, Portugal, Slovakia
Social welfare centres/social services	Bosnia-Herzegovina, Croatia, Sweden	Sweden
Victim support services	Estonia	Estonia
Youth justice agencies/youth court aid	Germany, Greece, Northern Ireland	
Police (trained officers)/Mediation (impartial) service within the Police	Denmark (impartial service), Iceland (trained officers)	Denmark (impartial service), Iceland (trained officers)
Mixture of services	England and Wales, France, Ireland, Scotland, Spain, Switzerland	England and Wales, France, Germany, Ireland, Scotland, Spain, Switzerland

European volume – Some main findings (1)

- Mainly victim-offender mediation (available in 47 out of the 48 countries), but developing practices on conferencing and restorative justice in prisons
 - 'Although VOM is now widespread, its application remains restrictive, mostly limited to less serious offenses or first-time offenders.'
 - 'This indicates that the theoretical potential emphasized in research is far from exhausted.'
 - In most of Europe, VOM is implemented *within* the criminal justice system – Access is determined through the discretionary decision-making of prosecutors, courts or other criminal justice agencies.
 - But 'the *mediation process* as such generally takes place *outside* the formal criminal proceedings'.
 - Official statistical data sources:
 - Fragmented (in 23 countries/jurisdictions)
 - Entirely lacking (in 16 countries)
 - Comprehensive statistics only in 9 countries/jurisdictions
 - The top 8 countries with a high level of mediation cases (more than 6 per cent of total cases) consist of *Austria* (youth justice), *Belgium*, *Estonia*, *Finland*, the *Netherlands*, *Northern Ireland* (only youth justice), *Norway* (youth justice), and *Turkey* (youth justice).
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European volume – Some main findings (2)

- 'Legalisation and institutionalisation of restorative concepts carry the risk that the original goals of the restorative justice movement may become subordinated to the traditional purposes of punishment or even lost.' (Ex.: community service)
 - 'Extensions and intensifications of sanctions can be observed under the seemingly progressive label of 'restorative'.' – McDonaldization and net-widening
- Lack of acceptance and information among practitioners in the justice system
 - The advantages of restorative justice must be more convincingly communicated to the public, policymakers and, most importantly, to legal professionals
- But 'the last decade has seen a development towards the legal integration of more and more restorative elements across Europe, even though at different speeds and with different emphases. Thus, by 2025 the idea of restorative justice has gained access to the criminal procedure of all countries in Europe albeit still in a heterogenous way.'
- However, 'restorative justice has generally not led to major changes in criminal justice systems, but remains 'at the margins of criminal justice'.'

European volume – Some main findings (3)

- Effects of restorative justice on victims (studies in 20 European countries available):
 - 'There is a growing body of evidence from well-designed reviews that positive changes (e.g. in relation to post-traumatic stress disorder, sense of security or positive changes in emotional state) can be demonstrated in victims after participating in restorative justice procedures.'
 - 'Reasons for cautious optimism: strong movements in civil societies are emerging, creating restorative neighbourhoods, schools, and cities, particularly in parts of Belgium, the Netherlands, Finland, Norway, Italy and the UK.'
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Table 11 (provisional): Statistical data of the use of restorative measures in the criminal justice system

Country	Mediation (& reconciliation)		Conferencing		Restorative circles		Reparation, restitution orders (by police, prosecutor or court)		Restorative justice measures in prisons	
	Youth	Adult	Youth	Adult	Youth	Adult	Youth	Adult	Youth	Adult
Denmark	X (less than 1% of cases)	X	No	No	No	No	X	X	No	No
Finland	XXXX	XXXX	No	No	No	No	XXX	XXX	No	XX
Iceland	X decl.	No	X	No	No	No	No	No	No	No
Norway	XXXX decl.	XXX	XXX	No	X	X	XX	XX	XX	XX
Sweden	XX decl.	No	No	No	No	No	X	X	No	No

Chapter 12: Restorative justice in Denmark

Anette Storgaard

- General context: RJ not a dominant issue in public political debates or among practitioners
 - ADR in civil law, but for crime 'the dominant official approach is to stick to the classical notions of equality, just deserts, fair trial and proportionality'.
 - The role of lay judges in criminal procedures (Constitution)
 - No long-standing tradition of NGOs
- Late and slow development of RJ
 - Crime Prevention Council promoter since 1980s
 - Two pilot phases in 1990s-2000
- Only one real (cfr. CoE) RJ programme: Konfliktråd (Victim-Offender Mediation) - Code on VOM 2010:
 - Central organisational role of the police – VOM coordinator in every police district
 - Police offer identifies case > to coordinator > assigns an independent mediator
 - Can at all stages of proceedings including post-sentence, for all offences and degrees of seriousness (should be offered to the parties in all criminal cases that are found suitable by the coordinator – no explicit restrictions to field of application)
 - VOM *cannot* in any case replace punishment or any other court decision (but might be a mitigating factor – still unclear situation)

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- Mediators: combine jobs – receive about 200 EUR/case (regardless of case complexity or mediation agreement)
 - Mediation styles:
 - Evaluative vs facilitative
 - Narrow vs broad
 - Cost-effectiveness: VOM is extremely cheap, but remains extra cost for state
 - More recently experiment with conferencing
 - 'In spite of more than 10 years' experience with VOM, Denmark has never reached 1,000 cases per year. This indicates either very weak information and motivation from the side of the police or simply an established negative attitude to VOM among offenders and victims. In contrast, people who have tried VOM report it to be a very positive experience.'
 - 'Norway has 10 times as many VOM cases as Denmark'
 - Greenland was to introduce VOM in 2024
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Chapter 15: Restorative Justice in Finland

Tapio Lappi-Seppälä

- Early and steady development (°1983 – national expansion 1990s)
 - Initially:
 - Sources of inspiration: abolitionist thinking, restorative justice theory and examples in NZ and NA
 - Fear of institutionalisation into CJS – sector of social welfare – role of municipalities
 - Predominantly VOM, but also in schools (peer mediation), social mediation (intercultural conflicts), family mediation, workplace mediation, and **civil** court mediation (modelled on experiments in Denmark and Norway) – Finnish Forum for Mediation
 - VOM: provisions in Criminal Code 2004, but Mediation Act 2006:
 - To secure equal access, governmental funding, national management, legal protection, etc.
 - Responsibility of provincial governments: to arrange mediation services in their region, either in co-operation with municipal authorities or with other public or private partners
 - VOM available throughout the entire country
 - Structure:
 - Ministry of Social Affairs and Health (general organising and supervision) (now Justice?)
 - Advisory Board on Mediation in Criminal Cases
 - The mediation office
 - The mediator
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- No restrictions in field of application, but:
 - Mediation Act:
 - General guidelines on which types of cases are more or less suitable
 - Violence in close relationships and minors with specific protection needs
 - In practice:
 - Mainly for younger age groups
 - The police seem to exclude offenders with long criminal histories
 - Clear instructions on some aspects, but on other aspects 'quite flexible and much less formal than the corresponding Norwegian law'
 - Initiation of VOM:
 - In theory possible by all parties, but in practice mainly police (90%) and prosecutor (9%), who refer cases to mediation office
 - Almost no self-referrals or from social services
 - Personal participation required
 - Expansion to prisons and serious offences
 - Volunteer mediators (unpaid) – on average 10 cases/year – 1,400 active mediators
 - Social and informal nature kept notwithstanding strong institutionalisation
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Chapter 21: Restorative justice in Iceland

Helgi Gunnlaugsson

- Much slower (in adoption of RJ) than other Nordic countries, until today marginal application
 - Pilot project in 2001, then in 2006-2008:
 - Police led group conferencing
 - Young offenders (15-21), minor offences
 - Script method, training from US/UK
 - Continuation after 2008:
 - Directives of Public Prosecutor
 - Legal basis: CCP 1991, 2008; CC 2008 (but mediation not explicitly mentioned)
 - Pragmatic approach: push towards RJ mainly from administrative level in CJS, top-down
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- General model:
 - Diversion at pre-charge level
 - Group conferencing
 - Administered by police: identify cases > transfer to PP who decides whether conference can take place > mediator (police officer) appointed > meeting mostly at police station – parties can bring others
 - Gradual decline of number of cases (from 48 in 2011 to 3 in 2019)
 - But overall positive evaluations + international influence
 - ‘This begs the question why restorative justice interventions have not yet been practised more in Iceland’:
 - No widespread public support, grass roots movements or call for restorative measures
 - Envisaged commission (since 2008) not yet operational
 - Narrow conceptualisation of restorative justice (only group conferencing, only police as mediators)
 - ‘Lack of training and apparent unwillingness of the local police’
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Chapter 35: Restorative justice in Norway

Karen Kristin Paus

- Early and steady development (°1981)
 - Initially:
 - Sources of inspiration: Conflict as property - abolitionism - victim and lay person oriented mediation model
 - A general quest for less punitive approaches and more alternatives to prison, broader societal perspective, cross-sector cooperation, victims and children's rights
 - 'To a large degree top-down reforms, inspired by academics, brought into practice by political vision and will, and supported by central legal institutions'
 - Development:
 - NMS Act 1991: penal + civil cases – Role of municipalities
 - 1992-1994: nationwide implementation
 - 2005-2009: new developments: young persons, also for more serious crimes
 - 2014 National Mediation Act: new penal measures (with RJ elements) (Youth Punishment and Youth Follow-up)
 - 2023 new NMS Act (+changes CC and CCP) – into force 1 September 2024: more efficiency and legal protection (for minors) (?)
 - Special attention for violence in close relationships
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□ Structure:

- National Mediation Service (NMS), public body, agency under Ministry of Justice and Public Security, Dept. of Crime Prevention
 - Central Secretariat + 12 regional offices (advisors)
 - 120 NMS staff + 450 local volunteer mediators (modest fee per case – expected two cases per month)
 - Prosecutors, police officers and Police Academy students are excluded (conflicting roles)
 - System of continued training, awareness raising and reflections over experience through local mediator gatherings and seminars
- Director PP Circular letter (2008): defining the relevant areas for referral of cases to VOM (less relevant when prison sentence ...)
- Execution of Sentencing Act (2001): '[t]here must be an offer to undergo a restorative process ...'
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- General model *VOM criminal cases*, including other affected/involved/support persons
 - Personal attendance by the parties! Indirect mediation if the purpose of the mediation service scheme is kept (telephone or video conferencing, or shuttle mediation)
 - NMS Mediator's Handbook (2021)
 - Increasing proportion of cases regarding serious violence, threats, and assault, including sexual assaults and violence in close relationships
 - *Civil cases VOM* = initiated by parties or from within community (including offences)
 - *Restorative conferences*, to start Youth follow-up (YF) and Youth Punishment (YP) – community orientation
 - *Restorative Circles* (bigger – 2 mediators – script)
 - *Restorative practices in civil society*: FGC – peer mediation in schools – street mediation – divided communities (little mutual contact, no forum)
 - Strong focus on civil society - NMS models as a combination of 'a top down' and 'a bottom-up' model of restorative justice + need for developing broad societal culture of dialogue (cfr restorative cities)
 - 'Restorative justice is still not sufficiently known and utilised within the criminal justice sector or in society at large.'
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Chapter 45: Restorative justice in Sweden

Maritha Jacobsson and Lottie Wahlin

- First steps: very recognizable ...
 - Nils Christie
 - First pilot projects 1987
 - 1998: Swedish National Council for Crime Prevention became responsible – 30 projects funded – official govt report (2000) – legislation proposed, but disagreement from other sectors
 - 2002: Act on Mediation in Crime
 - 2003-2007: support offered to municipalities – 6 million EUR – 800 mediators trained
 - Legal basis (2002 Act + Young Offender Act + CC):
 - Mediation to be organised by state or municipality
 - Mainly focused on juveniles
 - Consultation of criminal investigator or PP required
 - Possible at all stages and for all crimes, but in practice only at pre-sentence level, mainly for minor offences (by juveniles) and not for domestic and sexual violence
 - In 2008 the municipalities were obliged 'to be able' to offer mediation to young offenders below 21 years
 - Until 2007: similar development as Finland and Norway, but then very different
 - 2008: most municipalities offered mediation > 2021: 60% municipalities no cases at all
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- **Mediation:**
 - Lay persons or officials (mostly social workers municipality)
 - Police asks the young person if a mediator may make contact > refers to local mediation office
 - Preparatory meetings > direct mediation
 - Mediator informs PP about juvenile's willingness to take responsibility
 - **Mainly evaluative, process-oriented model (active, fixed steps), less transformative, value oriented**
 - **National training disappeared**
 - **No national figures**
 - **'Mediation is a waning activity in Sweden nowadays'. Reasons:**
 - No national coordinator
 - Lack of coordination at local level
 - 2015 police reorganization
 - Mixed roles of social workers/not enough time
 - No political interest
 - Term 'mediation'?
 - **Swedish Forum for Mediation and Conflict Management**
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Crime and RJ policies/focus

	Denmark	Finland	Iceland	Norway	Sweden
General	Early 1990s: shift from expert culture to politicization	1990s: (humane) neo-classicism	Legalistic and formal legal culture (but very low prison rate, positive towards alternatives)	1970-1990s: political vision and will for less punitive approaches and more alternatives to prison, broad societal perspective	Punitive political climate, no political interest in mediation, no victim orientation
RJ	More recently: victim focus resulting in more mediation	Remedy to CJS rigidity, lack of social dimension and victim attention; motivation lay people	Remains marginal	Community dimension, combination of top-down and bottom-up model	'A waning activity'

	Denmark	Finland	Iceland	Norway	Sweden
Total population (million)	5.96	5.6	0.38	5.5	10.55
Reported crimes (million)	0.473	0.511	0.075	0.329	1.45
Reported crimes per 100 inhabitants	9.54	9.12	19.7	5.98	13.80
Annual caseload criminal justice system	129,366 - 162,007 (court processed) (2012-2023)	155,003 (all sanctioned offences) 52,047 (only court) (2021)	2,784 (criminal prosecutions) (2019)	65,600 (criminal prosecutions) (2023)	1,515,586 (investigation /prosecutor processed) (2024)
Annual caseload RJ	406 - 710 (2011-2023)	12,636 (2021)	3 (2019)	8,034 (2023)	??
RJ Application ratio (% of reported crimes) – Figures to be confirmed	0.12%	2.47%	0.004%	2.45%	??