

RESTORATIVE JUSTICE TRAINING IN SERBIA

by Marian Liebmann

At first glance RJ and Serbia are not words that automatically spring to mind together. But all over the world governments and voluntary organisations are looking at the possibility of using RJ to re-make their youth justice systems. In Serbia's case, the youth justice system has fallen into disrepair through the war in which NATO bombed Belgrade and the ten-year period of sanctions when they were isolated from all other countries. Serbs still cannot travel as they need visas for almost every country.

My work has been sponsored by UNICEF and is currently funded by a 3 year grant from the Swedish Government. It involves training criminal justice professionals in RJ and victim-offender mediation for three pilot projects - one in Nis, a city of 400,000 in the south of Serbia, one in a juvenile correctional institution in Krusevac in central Serbia and one in Montenegro. I delivered a basic victim-offender mediation course to the Nis group in March 2003, to the Krusevac institution in September and to a Montenegro group in November. I also ran a refresher course and cultural diversity training for the Nis group. The groups have been very different.

Community based group in Nis

The Nis group was very well prepared by Carol Conragan, an American legal consultant who worked in the Balkans for several years. She did a thorough survey for UNICEF of all the youth justice agencies and institutions in Serbia, found them starved of resources and isolated from recent European developments, and engaged the group in Nis in discussing ways forward. Out of this came their wish to look at RJ as a more humane yet accountable way of working with young people at a time of rising concern about youth crime. My invitation to undertake this assignment came via the Center for Restorative Justice and Peacemaking of the University of Minnesota.

The training was enthusiastically received, a tribute to all the work Carol had done with the group. Care had been taken to include all the local agencies, the university and also young people - students of law and psychology, and

two young people living in children's homes (one a young ex-offender). This group has since done a lot of work towards setting up a mediation centre and some individuals (especially the police) have undertaken some successful mediations. The refresher course resulted in some more participants saying, 'I can see myself doing this work for real now.'

One of the legal issues in Serbia is the age at which such measures can be used. The age of criminal responsibility is 14, but up to now, there has been no provision for RJ or victim-offender mediation. So in Nis in March, we confined our case scenarios to those involving young people under 14. Despite the stories of escalating youth crime, in volume and seriousness (for example, street children performing many violent street robberies), the case scenarios offered by the group seemed quite low key and similar to those one might hear of in a British urban environment.

The cultural diversity training was seen as necessary because Serbia has a diverse population from all the countries surrounding it (Bulgaria, Hungary, Albania as well as the ex-Yugoslavian countries), and Nis especially has a large Roma population, most of whom are very poor and are discriminated against almost as a matter of course. Many of the young offenders who would be involved in RJ were from the Roma community. I was apprehensive about this training, given the events of the last ten years in the Balkans, but it seemed possible to discuss prejudice and ways of working with it. Most participants thought the course had helped them to recognise their prejudices, the first step on the road in this field.

Juvenile Correctional Institution Krusevac

The training in the juvenile correctional institution in Krusevac took a different turn. The group had been prepared by Jasna Hrcic, a forensic psychologist, and care had been taken to include members of the three staff groups working there: educational officers (with a mentoring role), teachers and guards. One of the aims of the training was to get these groups working together in a more constructive way. Although they had asked for victim-offender mediation training (and I thought they were looking to implement this in respect of the crimes committed by victims in the community), they were keener to look at how they could resolve offences and disputes within the institution itself. The physical facilities were very poor and run down, with dormitories and other areas open to bullying and gang conflicts, and the staff very much wanted to introduce a constructive way of handling these incidents. Despite their poor

conditions, all the staff seemed very dedicated to the young people in their care (aged 14-23). At the end of the week's training, they had already made plans for setting up the mediation service in a set of quiet rooms above the education block. Jasna also arranged further in-service training and scheduled a refresher course and diversity training for March 2004.

Montenegro

The training in Montenegro was different again. Montenegro (population 600,000) is the last of the Yugoslav republics to remain in federation with Serbia, and it has almost the same justice system. They were awaiting a new youth justice law providing for alternatives for the age group up to 21, so the case scenarios concerned 14-21 year olds. They were even more keen to gain entry into Europe (they already use Euros whereas Serbia still uses dinars for currency), and saw the course as a step along the European route.

However, one big difference lies in the way in which Montenegrin officialdom handles such courses. Whereas in Serbia people were selected/invited for their known interest in the training and the philosophy of RJ, in Montenegro the government ministries chose the participants. This meant that no preparation was possible, as the choice was made only shortly before the course. For instance, two senior teachers in high schools were telephoned on the Friday evening and simply told to report to the hotel on the Sunday evening - they had no idea what for. Naturally the UNICEF staff member in Montenegro found this difficult and so did I! We spent the first two days overcoming natural resistance to being 'volunteered' and helping people to work out why they were there. Fortunately enthusiasm grew over the week, as the role plays demonstrated the possibilities.

One of the Montenegro participants told me of a traditional use of mediation there. When someone is killed in a traffic accident or crime, members of the local peace council go to the bereaved family to check if they will accept the perpetrator and family at the funeral, then they go to the latter to persuade them to attend. This custom was started to help heal the hurt and to prevent vengeance killings.

Problems for the project

I may have given the impression that all of this had been accomplished with the greatest of ease – far from it! In Serbia resources are in short supply, politics influence everything and changes are frequent and shrugged off. So the Nis pilot ran into difficulties concerning accommodation for the

Mediation Service, originally promised by the council – which then rented out the rooms to earn much-needed commercial revenue to shore up its shortfall. Then the mediators asked to be paid, but this had not been budgeted for. Vesalinka Cuk at UNICEF has taken over responsibility for the Nis project, and is trying to resolve this issue.

In the Juvenile Correctional Institution at Krusevac, while we were training in October, the governor was being removed and replaced, as the new Minister of Justice did not like him. Jasna put a lot of work into getting to know the new governor and eliciting his support for the Mediation Service, only to find the former governor reinstated after the recent elections and change of government.

In Montenegro there is still discussion about where to set up a pilot mediation service. One of the places proposed sounds very promising, although quite small – but no-one from there was included on the basic training course! I am waiting to see what the outcome is before doing the refresher course there – maybe I will need to repeat the basic course instead. Or maybe another pilot site will be chosen. Meanwhile the funding body sent a consultant to visit who did not have much knowledge of restorative justice, and queried the emphasis on it, requiring Vesalinka to gather information on its effectiveness. This seemed strange to me, as the grant was originally made for a restorative justice project.

Criminal Justice Issues

UNICEF has been lobbying the Serbian ministry of justice to include RJ and mediation in the new draft law, and it looks as if this will soon become law. If it does, it will be one of a list of alternatives in a strengthened community supervision provision. Interestingly I read this draft law just after reading the UK ‘Youth Justice - Next Steps’ which included a very similar proposal for an enhanced Action Plan Order with a list of options, including RJ and victim-offender mediation. One wonders who has been copying whom - but this is what is fascinating in the now global network.

Training Issues

Of course I have to work through an interpreter, on whom I am totally reliant. I have been lucky to work with three different interpreters, all excellent. Their knowledge of criminal justice jargon is really important. On one occasion I discovered that, whereas the British word ‘crime’ encompasses all illegal acts, there are two words in Serbian - ‘contraventions’

for lesser crimes and ‘crimes’ for more serious crimes. One of the interpreters had used the Serbian word for serious crime, which left participants rather doubtful about mediation.

I have also learnt a (very) few words in Serbian by now. Just ‘dobar dan’ (‘good day’) goes a long way towards building rapport. I have also been helped greatly by organisers with training skills able to write up group feedback directly on to a flipchart in Serbian. And they have helped me to organise the role plays and manage the numbers - usually 20 (the maximum number I ask for) but on occasion as many as 37 (the Nis group). For the most part the training venues have been quite suitable (off-season hotels) but one venue had a huge and immovably heavy U-shaped board table that was a trainer’s nightmare!

There have been times when I have wondered who I am to be exporting knowledge - criminal justice professionals in Serbia were amazed how punitive the UK is towards young offenders in terms of prison; and surprised that many of the problems they are working with are also problems in the UK, for example, young people leaving care. Although many facilities there are still not working very well, I reflected that they don’t work that well in the UK either - returning via Heathrow, the bus station lift was out of order and the tea service on the bus had been cancelled.

A Final Word

There is still huge hurt from past events, in Serbia especially - with reminders in the form of unrestored bombed buildings - and resentment about the way they are reliant on foreign aid. There is also fear that this aid will dry up under the pressure of the fresher needs in Iraq. But there is also enthusiasm to rebuild the country and the institutions within it - and the groups involved in RJ training see this as one very hopeful way forward.

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