

## **Introducing Restorative Justice in Serbia and Montenegro**

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This article is about my involvement in the process of training and helping to establish Restorative Justice in Serbia and Montenegro. It outlines how I got involved, and how the project evolved over a period of two years. The project is not finished yet, so it is very much about ‘work in progress’. This work has involved many colleagues in Serbia and Montenegro, who are implementing the project and to whom I have shown this article before making it public.

As with many such projects, I got involved by chance through a friend and colleague. UNICEF Belgrade had been working in the field of child protection in Serbia and Montenegro for some years, and had become aware that the children needing most protection were often also those in trouble with the law. They decided to start a pilot project looking at improving the circumstances of those young people being sent to institutions for criminal offences. Carol Conragan, an American human rights lawyer, was asked to write reports on these institutions and the state of the criminal justice system in general, and to make recommendations. Her reports described run-down institutions, escalating youth crime and public concern that nothing was being done.

Out of these reports came a decision to focus on Nis, a city of 400,000 in south-east Serbia, and Carol brought together key people in the criminal justice system to discuss ways forward. Magistrates, judges, prosecutors, teachers, university lecturers and social workers were involved – and also students of law and psychology, and two young people living in children’s homes.

As part of their deliberations, they became interested in Restorative Justice, and decided that this was the way forward. Carol began to look for a trainer, and trawled the internet, where she came into contact with Annie Roberts from the Centre for Restorative Justice and Peacemaking, University of Minnesota. She asked Annie if she knew of anyone rather nearer than Minnesota, and Annie mentioned my name.

So I got a surprise invitation to do a week’s training for the Nis group in March 2003. I suggested victim-offender mediation because I was most familiar with that, but also because it is the model used by most countries in Europe. Preparations involved much e-mailing about the course and what would be needed, then sending the whole course and handouts to be translated – most of it by e-mail and the rest by fax and post. Carol also produced a set of overhead projector transparencies in Serbian.

Right up to the last day, I wondered if I would actually get there. There were long forms to be filled in for UNICEF. The week before the course, Djindjic was assassinated, and the Serbian authorities introduced new requirements for visas, then at the last minute this was relaxed.

The course itself (held in a winter sports hotel in the mountains) went really well – participants in Serbia had been cut off from the rest of the world by sanctions for ten years, and were avid consumers of new ideas, and loved the participative style of the course – something new for them, as most seminars there are academic lectures. My

interpreter was wonderful and we also had a UNICEF staff member who wrote up group feedbacks on the flipchart at the same time as my interpreter translated for me. Scenarios for role plays were developed from their own experiences; I noticed that most of these reflected the same spectrum of petty offences as in the UK, rather than the horror stories in reports and the media.

The legal situation was very unclear. A new criminal justice law for juveniles (14-18) was imminent, but in the meantime they felt they could only undertake mediation with children under the age of criminal responsibility (14). So all our role plays involved children of 11 to 13. Two years on, the law is still not in place, though drafts suggest it will be like the proposed new youth justice bill in the UK, where restorative justice is one of several options on the menu of a generic community sentence. Or it may be one of several options allowing diversion from court.

At the beginning of the course, the four working groups made reports on their progress so far, and then at the end they made plans for the next steps. They had already decided that they really needed a Mediation Centre, to have neutral premises not allied to an existing organisation. Discussions with the municipality of Nis resulted in a promise to provide premises free of charge. So participants hoped that these would be ready soon so that they could start mediating.

I was also asked to comment on next steps they might take. During the course I noticed that there were fairly negative attitudes towards Roma people, and wondered if this might be an area needing some work, as many of the young people in trouble with the law are from a Roma background (Nis has a large Roma population). Tentative plans were made to include this at a later date.

I was asked to keep two weeks free in the autumn, in case they obtained a grant to continue the work. If not, then that would be the limit of my involvement. In the event, Carol managed to obtain a large grant from the Swedish Government, for three pilot projects over three years, to be managed by UNICEF, from Autumn 2003 to Autumn 2006.

UNICEF was thus able to plan to introduce restorative justice in two more pilot schemes: a young offender institution in Serbia and a community-based project in Montenegro. So my next visits were concerned with providing the basic course to these. At the same time, as it was now over six months since the Nis project had received their training, they felt in need of a refresher course; and UNICEF also wanted to take up my suggestions of training in mediation in situations of cultural diversity. These took place in October and November 2003 over a period of four weeks. This visit also included some days in the UNICEF office in Belgrade helping to prepare for the courses, and helping to induct a Serbian project leader who had taken the place of Carol Conragan (who had returned to the US).

The course for Junior Correctional Institution Krusevac (JCIK) had a different focus from the community-based courses. The aim was to work more restoratively with the offences that took place within the institution, rather than with the original victims of the young people's offences. JCIK caters for about 250 young people aged 14-23, mostly boys and young men, but also a small number of girls and young women in a separate section. As in any closed institution of this type, bullying and crimes of all

sorts are rife – and in many cases there are two sides to the story, so that often both parties are victims and offenders. So the mediation skills role plays needed to take this on board.

The course was held in a hotel in a spa town about an hour's travel from JCIK. The group of participants had been arranged to include equal numbers of personal officers, teachers and guards, so that the project was seen as belonging to the whole institution. Just to get these groups working together was an achievement in itself. Dr Jasna Hrcic was the UNICEF person in charge of this pilot project, and arranged a seminar on RJ before the training, and this was very helpful in laying some groundwork. During the course I was also taken to see JCIK – it was physically very run-down but there was a warmth and dedication from the staff to the children that was very observable.

By the end of the course, roles had been identified to take forward the organisational aspects of the mediation service, and Jasna Hrcic arranged regular seminars and meetings to continue this. This enabled the JCIK project to be the first of the pilot schemes to become operational, with its own suite of mediation rooms, library of materials, rota of mediators and coordinator.

The course in Montenegro was very challenging, mainly because the system of recruiting participants involved UNICEF writing to the government ministries, who appointed people to attend. I remember a conversation with two young women working in schools on the pastoral side, the evening before the course started, as we arrived in a seaside hotel. I asked them (through my interpreter) what their interest was in the course. Their reply was, 'We were telephoned on Friday evening and told to arrive at this hotel on Sunday evening. We don't know what the course is.' The result was that there was a general resistance to the course, compounded by some difficult personalities and a lot of ribald comments from the men about the women.

Another stumbling block was the mis-translation by one of my interpreters of the word 'crime': Serbian/ Montenegrin has different words for petty offences and serious offences, and she used the one for serious crime. As the general plan is for a diversionary RJ scheme, this did not go down too well. However, things improved as we sorted out the misunderstandings and moved on to the role plays, so that generally the course was well received. Most of the participants were from Podgorica, the capital of Montenegro, and the mix of professionals was similar to that of the Nis group. Prime movers were two participants from the Ministry of Justice.

Montenegro is the last of the ex-Yugoslavian countries to remain in federation with Serbia, and has a population of about 600,000. Their legal system is similar but not identical to the Serbian one. They too were waiting for a change in the law, but decided to role play scenarios involving 14-18 year old offenders in anticipation of the changes. Participants were also keen to tell me about traditional Peace Councils which have mediated in incidents where someone has been killed, to prevent vengeance killings.

The two-day refresher course for the Nis group took place in Nis at the university, in one of the board rooms. Role plays were difficult to manage around an immovable heavy boardroom table, but the five-course lunch surpassed all other meal

arrangements. Again, participants were overjoyed to see me return, and very keen to start mediating – however, the promised venue from the council had been sold/ let for commercial purposes to bring some money into depleted municipal coffers. So the Nis group and UNICEF Belgrade had to start negotiations with the council again. The refresher course allowed space for those participants who had managed to undertake mediation (e.g. police and social workers in the normal of their duties) to tell others their stories.

The Mediation and Cultural Diversity course for the Nis group took place in a hotel in Belgrade. I was somewhat worried about taking such a course to a country with a recent history of ethnic tension, but I tried to approach the topic gently to enable them to discuss prejudice and communication difficulties in a non-judgemental atmosphere of enquiry. It helped that I had been part of a cross-cultural team working with National Family Mediation on these issues in the UK. Again, role plays led to the best learning.

I was asked to provide the refresher and cultural diversity training for the other two pilot projects in Spring 2004. This training took place in March for JCIK, and we planned it as a course ‘all in one’ because of the nature of the institution. For the refresher course, I included some specific exercises on bullying, and more space for discussion of the two cases they had already completed (and one in progress), together with the dilemmas raised by these.

The refresher and cultural diversity course for Montenegro was scheduled for June 2004. However, as the time drew near, it became clear that the chosen site for their pilot project had switched from Podgorica to Bijelo Polje, a town of 60,000 inhabitants in the north of Montenegro, and chosen for its forward looking social agencies and good inter-agency relationships, as well as being one of the pilot sites for the forthcoming implementation of community work as a penal option for young people. So it was pointless doing a refresher course when there was nothing to refresh. We decided to repeat the basic course with the Bijelo Polje group. Although composed of a similar cross-section of professionals, this group was totally different in feel – cooperative and enthusiastic, probably because they had volunteered rather than being drafted.

September 2004 was scheduled for the refresher course with the cultural diversity course – I thought for the Podgorica group trained the previous November, as the Montenegro Ministry of Justice wanted to keep both groups in the running. To my surprise, the group that arrived was the one from Bijelo Polje, which had only completed the basic course in June, and with the summer holidays intervening, had not had any chance to implement their skills. The same training for the Podgorica group took place in November 2004.

The Montenegro group, led jointly by the Ministry of Justice and UNICEF Montenegro, also asked me to provide a Training for Trainers course, so that they could be self-sufficient in training their own mediators. We discussed possible dates in Spring 2005, to give them time to gain experience in mediation first. Then I received an e-mail asking me to do it in November, immediately after the second refresher course. They explained that they needed to complete all their training before

the end of the year, to present themselves as a competent body in the eyes of the Ministry of Justice and other legal authorities.

With some misgivings I wrote a course tailored to their needs (adapting material I had developed previously for Uganda and for an international Ismaili group, and writing new material), and this took place in November, with participants drawn from both the previous courses. Most of the participants were in positions where they had experience of training, so were fairly competent at the training aspects. They also said how useful this course was in revising concepts and practice a third time.

Colleagues in Serbia were shocked at this. They are taking the slower steadier route of requiring mediators to complete a certain number of mediation cases before undertaking the Training for Trainers course. I have found these issues difficult to resolve – should I insist on the Montenegrins waiting till they have more experience, or respect their reasons as reflecting a different situation from Serbia?

It is difficult starting RJ and victim-offender mediation from scratch – inevitably there are times when I feel that what I am doing may be compromising RJ principles. For instance, almost always the motivation to engage in RJ comes from an offender perspective, and it takes time to introduce a victim perspective. Concerning the time scale leading to self-sufficiency, I had previously been involved in a Ugandan project which consisted of one week training three local groups; a second week training one of these groups to be trainers; and a third week coaching the new trainers delivering their first course to a local group. This seemed entirely appropriate for Uganda, where paying a trainer to come several times was simply not an option.

Then a new strand of work emerged in Serbia. UNICEF Belgrade is responsible, together with a local voluntary organisation, Amity, for Mobile Teams of social workers who work with people in their homes with a remit of child protection. They work in conjunction with Centres for Social Work, which have too many statutory duties to visit people or provide practical help. Mobile Teams were started by Nadezda Sataric during the recent the time of war, when many refugees fled to Serbia, often without accommodation, clothes or provisions for their children. Mobile Teams now operate in 15 out of over 200 municipalities in Serbia. UNICEF thought that mediation training for the Mobile Teams would be helpful, especially as many of their cases now involved young people in trouble with the law.

They asked me to train two groups of 32 people in December 2004. This took place at a hotel in the outskirts of Belgrade, as participants came from all over Serbia. Participants came in groups of four from each area covered by Mobile Teams, two employed by Amity, and two employed by Centres for Social Work, so that there would be a group to implement mediation in each area. Again, they were very enthusiastic and well motivated. Their plans for implementation at the end of the week looked energetic but realistic – including one team that was already able to identify premises for a local mediation centre. There were also proposals for networking between groups of mediators, as by now over 120 mediators had been trained in Serbia (and 40 in Montenegro).

On the weekend between the two courses in December, I was asked to meet with the Nis group, six of whom travelled to Belgrade for a meeting with UNICEF and the

Ministry of Justice, and another meeting with me to discuss mediation dilemmas. The meeting with the Ministry raised questions about the implementation of the new law (still 'imminent'!) and also about standards. While they were understandably interested in accreditation of mediators, I explained that this process is not yet established even in the UK. I have been very careful to ensure that the wording on certificates is couched in terms of attendance rather than competence, as there is not time in one week to accomplish the latter; there are also issues around the fact that I have to work through interpreters so can never hear directly what a mediator is saying. A certification process for competence would require a bureaucratic effort (portfolios, etc) and trainer presence (to assess competence) quite beyond the resources available. And it is not how other mediation services have started. In the end we settled for attendance at a basic course as the minimum requirement to be a certified mediator. This at least ensures that mediators will have done some training – and it is where most of us started. I encouraged them to develop their own accreditation system later.

The meeting with the Nis mediators was very encouraging. Some of them are tackling quite complex cases, even including groups of young people, also taking the work into schools. It was good to hear them discuss the cases like seasoned mediators, applying restorative principles rather than just following techniques. They now have premises, a warehouse which is being partitioned into offices, but there has been a change in local government, and the new mayor has not yet met with UNICEF to sign the agreement concerning office furniture. Politics always affects things, but in Serbia and Montenegro more so. So they are still waiting.

In addition to running the training courses, I have tried to provide information as needed – including documents, books and leaflets from the UK. I have also passed on contacts from neighbouring countries – Slovenia, Croatia, Bosnia & Herzegovina, Albania – as it is very difficult still for most Serbs to travel, and they are still quite isolated. The European Forum for Restorative Justice and Victim-Offender Mediation held its conference in October 2004 in Budapest, not too far away, and provided free places for participants from Central and Eastern Europe. Four people (from the two Serbian projects) attended, including one of the young people living in a children's home. They also presented their work in the young offender institution.

So what is there left to do? I will probably be asked to provide the refresher and cultural diversity courses for the Mobile Teams, when they have had a chance to practise their skills. And then a Training for Trainers course for Serbia. By then hopefully the legal situation will have been clarified, and the local mediators and trainers can provide help to others in Serbia as they implement the law country-wide.

Meanwhile the really hard graft is being undertaken by UNICEF and Amity in conjunction with local people – presenting RJ to their colleagues, to prosecutors and judges, to the general public. They are also working on how to implement mediation within or outside the structures they already have. And they have to find ways of doing this within available resources. But the enthusiasm and understanding is there, so I am optimistic about their capabilities.