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Restorative justice training for judges and public prosecutors in the European Union: what is on offer and where are the gaps?

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Abstract

Judges and public prosecutors across Europe continue to be the main source of referral of cases to restorative justice programmes organised in the context of the criminal justice system. As a result, the training of these two groups of legal professionals regarding what restorative justice is and what it can offer to victims, offenders and the community has for many years been identified as a priority for the development of restorative justice in the European Union (EU). However, little information is available about what actually exists in terms of judicial training on restorative justice within the national judicial training institutions responsible for the initial and/or continuous training of judges and/or public prosecutors. Therefore, we developed an online survey on judicial training on restorative justice and invited 38 judicial training institutions operating in the (then) 28 EU Member States to participate in our study. We were able to make relevant observations regarding the reasons for the non-existence of restorative justice training in most of the judicial training institutions studied and identify important elements of the architecture of the restorative justice training offered by the judicial training institution of Czech Republic.

Keywords: restorative justice, judicial training, judges, public prosecutors.

1 Introduction: the restorative justice training needs of judges and public prosecutors in the European Union

The training needs of judges and public prosecutors in the EU regarding restorative justice, and mediation in particular, have been continuously highlighted by multiple European organisations and bodies as well as by previous projects funded by the

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European Commission for approximately twenty years (at least since the Council of Europe Recommendation concerning mediation in penal matters (Recommendation No. R (99) 19)). By 2007 the report titled *The quality of penal mediation in Europe* (Lhuillier, 2007: 11, 13) prepared by the working group on mediation (CEPEJ-GT-MED of the European Commission for the Efficiency of Justice – CEPEJ) observed:

in all member states, there is still limited awareness of the possibilities offered by penal mediation ... public prosecutors and occasionally even judges ... not always fully ... aware of the potential advantages of mediation.

In this context, the report pointed out how mediation was ‘often seen as a sort of favour’ and therefore judged as inadequate by judges and public prosecutors in the case of more serious offences (Lhuillier, 2007: 14). In the same vein, another European project¹ identified as one basic, key underlying problem the legal culture, including the ‘mentality, stereotypes and resistance towards change’ presented by many professionals working in the criminal justice system across Europe (Delattre & Willemsens, 2004: 5).

Furthermore, in the context of the project JLS/2006/AGIS/147, Casado Coronas (2008) focused on the development of restorative justice in the south of Europe. In the final report *Restorative justice: An agenda for Europe part 1. Meeting the challenges of introducing restorative justice in southern Europe*, Casado Coronas (2008: 82, 84-85) identified as one of the major factors hindering the implementation of restorative justice the ‘lack of knowledge and information about restorative justice’ among the professionals working in the criminal justice system in southern Europe, which has often led to ‘misconceptions regarding the values and goals that restorative justice really promotes’. In this context, the actions recommended included the development of ‘training programmes customised to the needs of the professional groups’ that focused not only on the transfer of knowledge but also on the development of new skills and attitudes regarding restorative justice and the building of trust relations with restorative justice services, creating the right conditions to nurture future cooperation (Casado Coronas, 2008: 134).

However, by 2014, the research project JUST/2011/JPEN/AG/2977 – *Developing judicial training in restorative justice: Towards a European approach* – found that 22 of the 25 judicial training institutions operating within the EU still referred to ‘the “lack of comprehensive restorative justice principles and practices” as the main obstacle to organise judicial training courses’ on restorative justice (Varfi, Parmentier & Aertsen, 2014: 26).

In the following sections of this article we frame our empirical study theoretically. The aim of this study was to map the current judicial training offer on restorative justice in the EU. Towards this goal we review the insights from the EU

1 Project JAI/2003/AGIS/129 - *Working towards the creation of European training models for practitioners and legal practitioners in relation to restorative justice practices: The development of training modules for prosecutors and judges.*

Victims' Directive and Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters regarding the specific training needs presented by judges and public prosecutors on restorative justice. We then present an overview of the main principles and best practices currently available in the judicial training methodological literature.

1.1 The restorative justice training needs of judges and public prosecutors in the context of the European Union Victims' Directive

The Victims' Rights Directive 2012/29/EU, according to Article 4, para. 1, al. j), establishes as mandatory that victims are given information about the restorative justice services available to them. According to Article 4, para. 2, the degree of detail of the information transmitted must follow a *tailor-made approach* to the specific needs of the victim and the type or nature of the crime. Articles 10 to 17 describe the victims' right to participation in the process of justice. In this context, Article 12 addresses the right to safeguards when participating in restorative justice processes as a part of the right to have access to justice. According to Article 12, para. 2, EU Member States must facilitate the referral of cases to restorative justice services as well as the establishment of procedures and guidelines. EU Member States must also ensure that measures are taken to safeguard the victim from secondary and repeat victimisation, from intimidation and retaliation when providing restorative justice services, and, moreover, specific conditions must be respected when restorative justice is offered to the victim (including informed consent and the voluntary and confidential character of the participation) (Art. 12, para. 1).

Finally, the Victims' Rights Directive explicitly requires

that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims (Art. 25, para. 2)

and enable them to recognise victims in their daily work and deal with them in an impartial, non-discriminatory, respectful and professional manner (Art. 25, para. 1). Therefore, emanating directly from the spirit of the Victims' Rights Directive, there are specific training needs of judges and public prosecutors connected to the referral of cases to restorative justice services. These specific needs relate to the following:

- 1 Knowledge of restorative justice in all its aspects;
- 2 Skills to assess the suitability (or making use of criteria) of offering restorative justice in a certain case;
- 3 Skills on how to inform victims (and offenders) about the possibility/offer of restorative justice in an adequate and effective way and how to refer involved persons to restorative justice in an effective way, including developing adequate cooperation with restorative justice service providers;

- 4 Knowledge and skills on how to use or integrate the restorative justice values and process and outcomes of restorative justice in their further judicial decision-making processes;
- 5 Adopting an open, appropriate attitude to make use of restorative justice.

The assessment report by the Ex-Post Evaluation Unit of the European Parliamentary Research Service (EPRS) (PE 611.022 December 2017) provides one of the first assessments of the European application of the Victims' Rights Directive 2012/29/EU. The analysis was focused on a sample of 12 EU Member States (Austria, Belgium, Czech Republic, Germany, Spain, Finland, France, Hungary, Italy, Lithuania, Poland and Sweden). Regarding the application of Article 25 of the Directive, the question under study was: 'Are practitioners (judges, prosecutors, police, administration etc.) sufficiently trained in line with the requirements of the directive?' The authors observed that 58 per cent of the respondents argued that there is insufficient training and concluded that the 'need for further training programmes at EU level is of paramount importance, not only for students in police academies and judicial colleges, but also as training for experienced practitioners'.

Furthermore, the IVOR Project, another assessment study of the European application of the Victims' Rights Directive, 'identified conceptual misunderstandings about restorative justice as well as practical problems to grant access to restorative justice services' (Biffi et al., 2016: 133). The authors concluded that 'most countries are not familiar with the term restorative justice, even if they have adopted the specific method of victim-offender mediation' and, as a direct consequence, 'restorative justice seems not to take yet a concrete position for strengthening victims' rights and fulfilling victims' needs' (Biffi et al., 2016: 141). Also, in 2017 the European Forum for Restorative Justice (EFRJ) launched a survey to map the breakthroughs and the challenges restorative justice services in Europe currently face with the regulation of the Victims' Rights Directive in the background. Based on a sample of 18 respondents from Spain, UK, Belgium, Austria, the Netherlands, Denmark, Lithuania, France, Poland, Bulgaria, Ireland and Cyprus, Pali (2017) identified as one of the main challenges to the development of restorative justice the sceptical and often negative and biased attitudes of the legal professionals responsible for the referral of cases to restorative justice. In this context, one of the main conclusions regarding future directions was the diagnosis that the professionals working in the criminal justice system still need training on restorative justice.

In the same vein, both the Report on the implementation of Directive 2012/29/EU² by the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (Jiménez-Becerril Barrio & Mlinar, 2018) and the European Parliament resolution of 30 May 2018 on the implementation of Directive 2012/29/EU³ recommend the development of new training programmes at the EU level as of 'paramount importance for the

2 RR\1152972EN.docx PE618.057v03-00.

3 P8_TA-PROV(2018)0229.

harmonisation and standardisation of procedures across the Member States and for ensuring equal treatment for European citizens'. In particular, the resolution stresses the need to provide 'training programmes and guidelines for all professionals involved in dealing with the victims of crime', including public prosecutors and judges, in order to 'prevent the further victimisation or secondary victimisation experienced by the victims of crime' and 'to provide victims with information about their rights and the services which they can access'. As Bahr and Melum (2017: 18-19) reflect, to bring in a significant change in the legal culture within the European criminal justice system, general and specialised training is a key requirement, although probably not the only one as other organisational conditions can also be important, such as the recruitment policies and human resources management on the ground.

1.2 The restorative justice training needs of judges and public prosecutors in the context of the Council of Europe Recommendation CM/Rec(2018)8

In 2016, within the Council of Europe, the Council for Penological Co-operation (PC-CP) was entrusted by the European Committee on Crime Problems (CDPC) to revise the 1999 Recommendation on mediation in penal matters. As it is referred to by the explanatory report of the Recommendation CM/Rec (2018)8 concerning restorative justice in criminal matters, and against what is explicitly required in Article 12 of the Victims' Directive 2012/29/EU, currently

many countries have some capacity to deliver restorative justice services, but do not make the most of this by informing victims and offenders systematically of their ability to engage in restorative justice, or by referring cases systematically to restorative justice services.

As a result, in quantitative terms, restorative justice processes remain clearly underused in the 36 European countries analysed by Dünkel, Grzywa-Holten and Horsfield (2015, in the same line Marder, 2018; Pelikan, 2019). One of the main reasons for the present state of affairs, according to the explanatory report, 'is that the professional gatekeepers remain unaware or unsupportive of restorative justice' and

in many countries, the judicial authorities are under no obligation to inform victims and offenders about their ability to request restorative justice, nor to refer potentially suitable cases to restorative justice services.

Considering the fundamental role of the judges and public prosecutors in making restorative justice a general accessible service, in rules 42, 55 and 57 it is stressed that 'criminal justice professionals who refer cases for restorative justice need to receive appropriate and specialised training on the principles of conflict resolution and restorative justice' in order to enable the development of a 'common understanding of the meaning and purpose of restorative justice' and to be able to apply these in their daily work. The explanatory report also stresses, with respect to rule 55, that since restorative justice remains a recent concept in many European

countries, 'there is a need to demonstrate that restorative justice brings additional qualities to the criminal justice procedure' and that in order to promote the awareness of judges and public prosecutors to these positive results there should be 'regular contact between representatives of restorative justice services, the criminal justice system and relevant government departments'.

However, an important gap identified in the literature on the restorative justice training needs of judicial actors in Europe is the lack of clarity and specificity regarding what is needed, or, in other words, what actually already exists or does not exist in terms of restorative justice training offered to judges and public prosecutors. In this context, the present study attempts to answer the following research questions: 1) which EU Member States have and which do not have regular restorative justice training provided by their national judicial training institutions? 2) what are the reasons associated with the non-existence of restorative justice trainings in the national judicial training institutes? And, finally, 3) what are the main conceptual and methodological characteristics of the restorative justice training offered?

2 Judicial training in the European Union

Judicial training, which has a history of approximately 50 years in Europe, can be conceptualised as a tool to promote the continuing professional development of judges, public prosecutors and other court personnel. According to Pacurari, Hirvonen and Hornung (2015: 72-73), empirical evidence shows that good judicial training is focused on the development of new skills:

judicial training must go way beyond the procurement of (legal) knowledge ... it should be focused on sustainably improving the attendees' professional capacities and skills, and thus enhancing personal as well as institutional changes.

Effectively, as explicitly acknowledged by the European Judicial Training Network (EJTN) Handbook on Judicial Training Methodology in Europe,

judicial training does not only include legal and judicial knowledge, but also all kinds of (multidisciplinary) knowledge, of the capabilities and skills a good judge and prosecutor needs to possess for the proper execution of their tasks (Hornung & Pacurari, 2016: 2).⁴

A legal basis for the regular organisation of judicial training on civil and criminal matters can be found in the Lisbon treaty of 2009 (Pacurari, Hirvonen & Hornung,

4 The EJTN was created in 2000 with the mandate to promote the construction of a common legal European culture in the fields of civil, criminal and commercial law. In this context, the EJTN promotes the development of judicial training programmes and exchange of know-how and experiences between judges and public prosecutors from across Europe (Retrieved from www.ejtn.eu/About-us/Mandate/ (last accessed 14 July 2021)).

2015: 71). However, the organisation of judicial training differs significantly among the EU Member States. In some jurisdictions, one single judicial training institution provides training to both judges and public prosecutors (e.g. Portugal, Czech Republic), while in others different judicial training institutions provide training to the two target groups (e.g. Spain, Scotland). Moreover, in some jurisdictions the judicial training institution focuses primarily on the entrance-level training of new judges and public prosecutors, while in others it focuses primarily on in-service requirements (Alikakos, 2015: 116). A combination of both entrance-level and ongoing in-service training is also provided by some judicial training institutions.

The training offer of the judicial training institutions is frequently organised in accordance with yearly training needs assessments. In these training needs assessments, the users of the judicial training institutions, judges and/or public prosecutors express their perceived training needs through the completion of surveys and questionnaires and/or the participation in interviews and/or focus groups (Cooper, 2015: 52).

2.1 Judicial training methodology

According to the *EJTN Handbook on Judicial Training Methodology in Europe*, in the traditional approach to judicial training the trainer had ‘the power to know everything, the trainee being looked upon as a passive participant, metaphorically, as a container to be filled up by the trainer’ (Hornung & Pacurari, 2016: 23). This approach has, however, been progressively replaced, considering that judges and public prosecutors, especially those participating in in-service continuous training, have an adult learning style. Adult learners are self-directed, they expect the knowledge transmitted in the training to be immediately applicable in practice and, owing to their accumulated experience, are able to actively contribute to the training, creating conditions for a more participatory, collaborative learning environment (Dawson, 2015: 107; Hussain, 2015: 55; Pacurari et al., 2015: 76). In this context, the EJTN presents the participatory approach as the best practice in European judicial training (Hornung & Pacurari, 2016). The *EJTN Handbook* stresses that a participatory training architecture is learner-centred and ‘builds upon: one’s critical thinking, examining one’s values, attitudes and professional orientations, “unfreezing” set notions and set patterns of behaviour’ (Hornung & Pacurari, 2016: 23). In a very practical way ‘attending a training event does not mean participating in it. Participatory training design means that everyone is involved and active’ (Hornung & Pacurari, 2016: 26).

This key methodological option relates to the question of who should be involved in the design and delivery of the training as a trainer. Research seems to suggest that judicial training should preferably be provided by judicial actors (Cooper, 2015: 50; Dawson, 2015: 107). According to Cooper (2015: 64), the EC study on the best practices in the training of judges and prosecutors in EU Member States clearly suggested that ‘judges and prosecutors are best placed to train judges and prosecutors or at least to plan ... their training’. In addition, regarding the delivery format of judicial training, although the traditional approach was residential, face-to-face training, in more recent times ‘e-Learning is becoming increasingly important to the development of judicial training in Europe’ (Cooper,

2015: 55). E-learning occurs via a course management system (CMS), which is an online learning environment. In this CMS the participants can access web lectures and self-study materials such as supporting papers of different training modules, participate in group discussions and other learning activities (e.g. participate in quizzes). As main advantages, e-learning ‘makes it easier for judges to reconcile their professional duties with attendance at training sessions’ and ‘can ensure a high standardisation of content’ (Cooper, 2015: 55). However, according to the *EJTN Handbook* (Hornung & Pacurari, 2016: 45), e-learning should never completely replace face-to-face training in the context of initial or basic training. In such cases, the approach should be one of *blended learning*, which

offers the potential to create effective training, to save training institutions both time and money, to make training more engaging and convenient for learners, and to offer learning professionals the chance to innovate (Hornung & Pacurari, 2016: 45).

Participatory judicial trainings can use a variety of methodologies and techniques. One of them is the brainstorming technique, in which the group of judges and public prosecutors tries to develop different ideas around a specific subject. Traditionally, the trainers also deliver a certain number of lectures in which core ideas and theoretical frameworks are explained to the participants. This method, strongly focused on knowledge transfer, is especially suitable for large groups but implies a significantly more passive role for the trainee. As a result, this type of lecture is, ideally, complemented with group work. Group work usually implies that pairs or groups of three or four participants are asked to discuss a certain topic and report the result back to the larger group (Hornung & Pacurari, 2016: 33).

Another relevant methodology for participatory judicial training is the simulation or role-play exercise (Cooper, 2015: 53). According to the *EJTN Handbook on Judicial Training Methodology in Europe*, ‘it is a training technique that either demonstrates the theory or helps trainees to put in practice what they have learned’ (Hornung & Pacurari, 2016: 35). In addition, the debate is another methodology that can be used. Typically, this methodology entails that at least two participants discuss two different positions regarding the problem, presenting their arguments in an orderly and respectful manner (Hornung & Pacurari, 2016: 34). Furthermore, an additional method relevant in the context of judicial training is the practical demonstration. As the *EJTN Handbook* describes,

in skill-based training when using the demonstration method, the trainer shows the logical step-by-step procedures in doing the job, the principles that apply, and any related information (Hornung & Pacurari, 2016: 36).

In addition, the use of case studies can be particularly relevant in participatory judicial training (Hornung & Pacurari, 2016). Finally, participatory judicial training can organise experiential exercises, during which the trainees are placed in situations identical to the problem in real-life settings. The main aim is that the

participant goes through a learning experience ‘through reflection on doing’ (Hornung & Pacurari, 2016: 38).

Regarding the application of participatory methodologies in the delivery of the training content to the trainees, according to Cooper (2015: 64-65), one of the main conclusions of the EC study on the best practices in the training of judges and prosecutors in EU Member States was that ‘the use of multifaceted training methods that integrate a wide variety of training tools into one programme’ is the ‘best long-term framework for training judges in the modern world’. In the same vein, according to the *EJTN Handbook*, ‘any training programme should make use of a variety of training formats’ and ‘the approach should be “tailor-made” ... because of the diversity of needs’ (Hornung & Pacurari, 2016: 11, 16). Finally, the literature highlights the importance of debriefing the judges and public prosecutors at the end of the judicial training. The debriefing can be realised through a reflection on the overall training experience and represents a final opportunity for the trainers and trainees to exchange ideas (Hornung & Pacurari, 2016: 39).

2.2 Judicial training evaluation

Evaluation is key for the continuous development and improvement of judicial training. As the result of methodologically sound and rigorous evaluation, evidence can be gathered regarding the positive and/or negative impact of the judicial training for its participants (Edwards, 2013: 113-114). This evidence can then be used to support the continuation of the training in the training offer of the judicial training institution. The evidence collected may, for example, help to secure ongoing funding mechanisms and acquire new funding streams. Moreover, evaluation will also help to identify what needs to be adapted and improved in the training as time goes by.

According to Kirkpatrick’s evaluation model, the evaluation of judicial training can encompass four different levels (Hornung & Pacurari, 2016: 68-72):

- 1 Level one: ‘examines participants’ reaction to the training process’ (their level of satisfaction);
- 2 Level two: Learning is ‘checked and tested to prove that training is adapted to the needs of the judicial system and individuals’;
- 3 Level three: ‘concerns the extent to which trainees have changed their behaviour, based on the training they received’;
- 4 Level four: ‘is about the effect that the work of judges and prosecutors has on citizens and on the functioning of the courts and prosecution offices’.

However, the evaluation of most judicial training programmes organised within the EU only addresses level one, or in other words, it captures only the level of satisfaction of the participants with the training (Hornung & Pacurari, 2016). It measures the degree of satisfaction regarding the individual’s learning goals, the organisation of the training event, the facilities or venue of the training event, the competences of the trainers and the training methodologies used. Level two of evaluation would at least require the participants’ knowledge and skills targeted by the training to be measured after attendance at the course. A more rigorous assessment would require the participants’ knowledge and skills targeted by the

training to be measured at the beginning of the course and again after attendance at the training (through, for example, the completion of before and after surveys). Ideally, the experimental method would also require the study of a comparison group during the same period. Level three of evaluation would require, for example in the case of restorative justice training, to analyse the number of cases sent by the public prosecutors and judges to restorative justice services during a certain period before and after attendance at the restorative justice training. Ideally, the experimental method would also require the study of a comparison group of judges and public prosecutors (who do not participate in the restorative justice training) during the same time frame.

Finally, regarding the methods of data collection used, judicial training programmes organised within the EU are most frequently evaluated through surveys filled in by the trainees and/or through interviews with or reports by the trainers (Pacurari et al., 2015: 80).

3 Method

3.1 Data

The participants in this study are national judicial training institutions operating in the EU and members of the EJTN. As was explored in section 2, some judicial training institutions provide training to both judges and public prosecutors (e.g. Portugal, Czech Republic), but in other jurisdictions different institutions provide training to the two target groups (e.g. Spain, Scotland). As a result, we aimed to map the existing judicial training offer on restorative justice in the EU by collecting data from 38 judicial training institutions operating in the (then) 28 EU Member States and members of the EJTN. An invitation and information email was sent to each of the institutions with a link to the online survey. Most of the email contacts were retrieved from the EJTN website and the websites of the national judicial training institutions themselves. As an exception, the email contacts of the judicial training institutions operating in Malta and Bulgaria were obtained through contacts with leading academics and professionals working in the criminal justice system in these jurisdictions.

The first invitation and information emails, containing a link to the online survey, were sent on 15 April 2019. The survey was open for 15 weeks and closed on 31 July 2019. Despite the long time frame and several reminder emails, the response rate was low (21.05 per cent).

The link to the online survey led the respondents to an informed consent question on the first page. This question was inserted as a mandatory response field, meaning that if the respondent did not provide the informed consent, he or she was immediately redirected to the end of the survey. As the survey was filled in in an online environment the respondents did not have to sign an informed consent document but had to check a number of boxes asking for their informed consent regarding the following aspects:

1. Our Judicial Training Institute understands the nature of the study as detailed in the invitation email; 2. Our Judicial Training Institute understands that it can withdraw at any time, without any penalty or consequences; 3. Our Judicial Training Institute understands what will happen to the data at the end of the project, including duration of storage and publication; 4. Our Judicial Training Institute received the information on who to contact for questions regarding this research; 5. Our Judicial Training Institute agrees to participate in this study and confirms participation on a voluntary basis.

We received 23 responses from 20 jurisdictions (respondents from England & Wales, Finland, Slovenia, Cyprus, Greece, Portugal, Croatia, Latvia, Estonia, Austria, Scotland, Ireland, Lithuania, Bulgaria, Hungary, Italy, Czech Republic, Malta, Poland and Germany).

From the total of 23 responses, eight respondents did not give their informed consent and, as a consequence, were redirected to the end of the survey (respondents from England & Wales, Slovenia, Latvia, Poland, Ireland, Hungary, Malta and Germany). Moreover, seven respondents provided their informed consent but did not complete and submit the survey (respondents from Poland, Latvia, Italy, Cyprus, Portugal, Austria and Estonia).

As a result, the final European sample studied was only composed of eight judicial training institutions from eight EU Member States, which gave their informed consent to take part in this research and submitted a completed survey (respondents from Finland,⁵ Croatia,⁶ Estonia,⁷ Scotland,⁸ Lithuania,⁹ Bulgaria,¹⁰ Greece¹¹ and Czech Republic¹²).

3.2 Measurement

The online survey of judicial training in restorative justice was created purposively for this research and did not involve the use of measurement instruments previously developed by other researchers. This survey was created and distributed using the *Qualtrics* platform. The different questions and response routes were influenced by the review of the literature on the restorative justice training needs

- 5 In Finland, the National Courts Administration provides training to judges, and the National Prosecution Authority (the Office of the Prosecutor General) provides training to the public prosecutors.
- 6 In Croatia, the Judicial Academy is the central national judicial training institution, providing initial and continuous training to judges and public prosecutors.
- 7 In Estonia, the training department of the Supreme Court of Estonia provides training to judges, and the Office of the Prosecutor General provides training to the public prosecutors.
- 8 In Scotland, the Judicial Institute for Scotland provides training to the judges.
- 9 In Lithuania, the National Courts Administration provides training to judges, and the training division of the Office of the Prosecutor General provides continuous training to the public prosecutors.
- 10 In Bulgaria, the National Institute of Justice is the central national judicial training institution, providing initial and continuous training to judges and public prosecutors.
- 11 In Greece, the National School of the Judiciary is the central national judicial training institution, providing initial and continuous training to judges and public prosecutors.
- 12 In Czech Republic, the Judicial Academy is the central national judicial training institution, providing initial and continuous training to judges and public prosecutors.

of judges and public prosecutors and on judicial training methodology and our research questions.

The first fundamental question in the survey is whether the judicial training institution offers training in restorative justice. On the basis of their response (1. Yes/ 2. No), the participants are directed to one of the two main branches of the survey: if no, a group of follow-up questions that aims, on the one hand, to capture the associated reasons for the non-existence of restorative justice training programme and, on the other hand, the perceptions of the judicial training institution regarding the relevance of restorative justice training programme; if yes, a group of questions that aim to capture the defining elements of the restorative justice training offered.

3.2.1 *Follow-up questions for judicial training institutions with no restorative justice training*

On this branch of the survey, respondents are asked whether there are any future plans to have restorative justice training in their judicial training institution (1. Yes/2. No). Moreover, participants are asked to indicate the main reasons for the absence of restorative justice training in their institution (1. lack of sufficient funding mechanism/means; 2. absence of a legislative basis at the national level for the referral of cases to restorative justice processes; 3. difficulties recruiting expert trainers on restorative justice; 4. low priority assigned to restorative justice by the professional groups of judges and public prosecutors; 5. scepticism by the professional groups of judges and public prosecutors regarding the inclusion of restorative justice as part of the training offer of the judicial training institution; 6. other). Multiple responses are allowed for this question. Next, participants are asked how relevant they think restorative justice training is for the professional group of judges and for the professional group of public prosecutors. These two items are measured on Likert scales ranging from 1 (not at all relevant) to 5 (very relevant).¹³ In addition, participants are asked how beneficial they think the restorative justice training of judges and public prosecutors would be for victims of crime. The item is measured on a Likert scale ranging from 1 (not at all beneficial) to 5 (very beneficial).¹⁴

Finally, participants are asked to report their perceptions regarding the relevance of restorative justice training that focuses on: a) knowledge transfer – the suitability of restorative justice processes considering different types of crime (e.g. domestic violence), seriousness of the offence and different stages of the criminal justice procedure; b) development of skills – connected to the communication of the restorative justice offer to victims and offenders and c) change of the attitudes of the legal professionals towards restorative justice. This set of items is measured in Likert scales ranging from 1 (not at all relevant) to 5 (very relevant).

- 13 Full Likert scale: 1. Not at all relevant; 2. Not very relevant; 3. Slightly relevant; 4. Somewhat relevant; 5. Very relevant.
 14 Full Likert scale: 1. Not at all beneficial; 2. Not very beneficial; 3. Slightly beneficial; 4. Somewhat beneficial; 5. Very beneficial.

3.2.2 *Follow-up questions for judicial training institutions with restorative justice training*

On this branch of the survey, respondents with regular restorative justice training sessions in their training offer are asked what restorative justice processes are discussed during these sessions (1. victim-offender mediation; 2. restorative conferences or family group conferences; 3. peacemaking circles; 4. other). Multiple responses are allowed for this question. Respondents are also asked about the seriousness of the offences, based on which the suitability of the restorative justice processes is discussed during the training (1. crimes punishable with sentences up to 2 years of imprisonment; 2. crimes punishable with sentences up to 5 years of imprisonment; 3. crimes punishable with sentences up to 10 years of imprisonment; 4. crimes punishable with sentences longer than 10 years of imprisonment). Multiple responses are allowed for this question. Participants are also asked about the frequency of the restorative justice training (1. less than once a year; 2. once a year; 3. twice a year; 4. less than 5 times a year; 5. 5 or more times a year). Respondents are asked whether there are collaborations with other institutions for the organisation and delivery of the restorative justice training (1. academic institution; 2. restorative justice services; 3. victim support services; 4. other) and if so, to identify the name of their specific partner. In addition, the respondents are asked who are the trainers who actually deliver the restorative justice training (1. restorative justice academic expert; 2. restorative justice practitioner; 3. judge and/or public prosecutor; 4. collaboration between restorative justice academic and practitioner; 5. collaboration between restorative justice academic, judge and/or public prosecutor; 6. collaboration between restorative justice practitioner, judge and/or public prosecutor; 7. collaboration between restorative justice academic, restorative justice practitioner, judge and/or public prosecutors; 8. other). Next, respondents are asked about the format of delivery of the restorative justice training (1. Face-to-face sessions; 2. e-learning; 3. blended learning (a combination of face-to-face training and e-learning)).

3.2.3 *Follow-up questions for the sub-group choosing face-to-face sessions or blended learning*

On this sub-branch of the survey, respondents are asked where the face-to-face training sessions are delivered (1. judicial training institute headquarters; 2. regional offices of the judicial training institute; 3. university; 4. court facilities; 5. other). In addition, respondents are asked regarding the average distance the trainees have to travel to the training venues (1. less than 20 kilometres; 2. between 20 and 50 kilometres; 3. between 50 and 100 kilometres; 4. between 100 and 200 kilometres; 5. between 200 and 300 kilometres; 6. between 300 and 400 kilometres; 7. more than 400 kilometres). Respondents are also asked whether the accommodation and travel expenses associated with the attendance at the training are covered by the funding entity of the restorative justice training (1. Yes / 2. No (the accommodation and travel expenses are covered by other funding mechanisms) / 3. No (the trainees cover the accommodation and travel expenses privately)). Finally, in this sub-branch of the survey, respondents are asked what is the average size of the groups in the face-to-face sessions (1. fewer than 10 participants; 2. 10

or more but fewer than 20 participants; 3. 20 or more but fewer than 30 participants; 4. 30 or more but fewer than 40 participants; 5. 40 or more but fewer than 50 participants; 6. 50 or more participants).

Additionally, all respondents with restorative justice training (either face-to-face sessions, e-learning or blended learning) are asked which entity funds the training. Respondents are also asked whether the contents of the training sessions are uniform for the professional groups of judges and public prosecutors (1. Yes; 2. No (restorative justice training contents are prepared uniquely for each of these two groups of professionals)). If yes, respondents are also asked whether the training sessions are delivered in mixed groups (1. Yes; 2. No).

All respondents with restorative justice training are asked to indicate the objectives of the training (1. to acquire knowledge of the fundamental values and principles of restorative justice; 2. to acquire knowledge of the different models of restorative justice or one specific practice such as victim-offender mediation; 3. to acquire knowledge of the evaluation of restorative justice programmes supporting the positive effect of restorative justice processes for victims and offenders, considering different types of crime, seriousness of the crime and different stages of the criminal justice procedure; 4. to develop skills to evaluate the suitability of restorative justice on individual cases considering the needs of different types of victims and offenders; 5. to develop skills to communicate the offer of restorative justice services to victims and offenders in a respectful and safe manner; 6. to discuss the beliefs and attitudes of the legal professionals towards restorative justice; 7. to develop a new set of attitudes (pro) restorative justice). Multiple responses to this question are possible.

Next, respondents are asked whether the restorative justice training is made available to judges and/or public prosecutors as a) part of initial entrance-level training or as b) part of in-service continuous training to judges and/or public prosecutors working in the criminal justice system or as c) both. In either case, the respondents are asked whether the participation in the restorative justice training is 1) voluntary or 2) mandatory. If the participation is voluntary, respondents are then asked how prospective participants are informed about the restorative justice training (1. formal invitation through letter or email; 2. newsletter; 3. website of the judicial training institution; 4. conversation with colleagues; 5. other). Next, participants are asked which training methodologies are used in the face-to-face training sessions and/or in the e-learning component of the restorative justice training (1. brainstorming; 2. presentations by the participants; 3. lectures by the trainers; 4. group work; 5. debate; 6. role-play exercises; 7. practical demonstrations; 8. problem-solving; 9. case studies; 10. experiential exercises; 11. other). Multiple responses are allowed. Finally, respondents are asked whether the participants are properly debriefed at the end of training (1. Yes, 2. No).

3.2.4 *Follow-up questions regarding the evaluation of the restorative justice training*

On this sub-branch of the survey, the first question focuses on whether the restorative justice training offered by the judicial training institution is evaluated (1. Yes; 2. No). If yes, respondents are asked which entity is responsible for conducting the evaluation (1. Judicial Training Institute; 2. external entity (and in

this case which entity)) and the evaluation methods used (1. interviews with and/or reports of the trainers that delivered the restorative justice training; 2. survey concerning the participants' satisfaction with the training course applied at the end of the restorative justice training; 3. survey concerning the participants' knowledge of restorative justice applied at the end of the restorative justice training; 4. surveys applied at the beginning and at the end of the training concerning the participants' knowledge of restorative justice; 5. surveys applied at the beginning and at the end of the training concerning the participants' knowledge of restorative justice with comparison group; 6. survey concerning the participants' skills targeted by the restorative justice training applied at the end of the training course; 7. surveys applied at the beginning and at the end of the training concerning the participants' skills targeted by the restorative justice training; 8. surveys applied at the beginning and at the end of the training concerning the participants' skills targeted by the restorative justice training with comparison group; 9. analysis of the number of cases referred to restorative justice processes before and after the restorative justice training by its participants; 10. analysis of the number of cases referred to restorative justice processes before and after the restorative justice training by its participants with comparison group; 11. other). Next, respondents are, for example, asked about the average satisfaction level of the trainees at the end of the restorative justice training (if they report option 2. in the previous item). This item is measured on a Likert scale ranging from 1 (extremely dissatisfied) to 7 (extremely satisfied).¹⁵ Respondents can also be asked to describe the results of the restorative justice training in terms of knowledge acquisition by the trainees at the end of the training (if respondents report options 3, 4 or 5 concerning the evaluation methods used) or asked to describe the results regarding the development of specific skills by the trainees at the end of the training (if respondents report options 6, 7 or 8 regarding the evaluation methods used).

4 Findings

The first research question of our study focused on which EU Member States have and which do not have regular restorative justice training provided by their national judicial training institutions. As shown in Figure 1, from the studied sample of eight judicial training institutions from eight EU Member States, seven respondents reported not having any restorative justice training in the training they provide to judges and/or public prosecutors (respondents from Finland, Croatia, Estonia, Scotland, Lithuania, Bulgaria and Greece), and only one respondent reported having restorative justice training in the current training that they provide to these professional groups. This was the case of the Judicial Academy in Czech Republic, which provides training to both judges and public prosecutors.

15 Full Likert scale: 1. Extremely dissatisfied; 2. Moderately dissatisfied; 3. Slightly dissatisfied; 4. Neutral; 5. Slightly satisfied; 6. Moderately satisfied; 7. Extremely satisfied.

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Figure 1 *European sample studied*



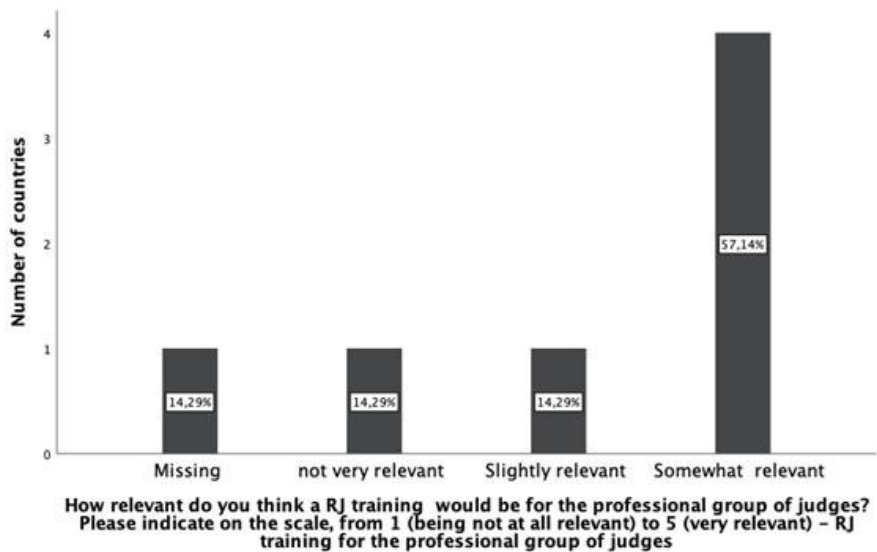
4.1 *The group of seven judicial training institutions from seven EU Member States with no restorative justice training*

The second research question of our study focused on the reasons associated with the non-existence of restorative justice training in the national judicial training institutes. The reason most frequently identified by the judicial training institutions was the low priority attributed to restorative justice by their clients: the judges and/or public prosecutors. About 57.1 per cent of the respondents with no training on restorative justice – respondents from Greece, Lithuania, Croatia and Scotland – identified this reason. The judicial training institutions adapt their training offer to their clients' reported needs in yearly training needs assessments. In the case of restorative justice this situation may reflect a kind of catch-22 predicament: restorative justice training is needed to change the attitudes of judicial actors towards the use of restorative justice, but, given the low priority assigned to restorative justice by the judges and/or public prosecutors, the judicial training institutions do not organise such training. As this question allowed for multiple reasons to be identified, we also observed that lack of sufficient funding mechanisms was identified by 28.6 per cent of the respondents with no training on restorative justice, namely the respondents from Bulgaria and Croatia. The absence of a legislative basis at the national level for the referral of cases to restorative justice processes was also cited as a reason for the non-existence of restorative justice training by two respondents, from Greece and Bulgaria. Difficulties recruiting expert trainers on restorative justice were reported by two respondents, from Greece and Croatia. Lastly, the respondent from Estonia reported that the topic of

restorative justice had been covered in broader, more general, training, and the respondent from Finland reported, as the reason for the omission of restorative justice training in their judicial training institution, the fact that the 'Ministry of Health and Social Welfare presides in these matters when it comes to mediation of smaller criminal cases'.

Furthermore, we also aimed to understand the perceptions of the judicial training institutions answering the survey regarding restorative justice training despite the current non-existence of one and the reasons explained previously. As described in Figure 2, regarding the perceived relevance of restorative justice training for the professional group of judges ($M = 3.50$; $Min = 2$; $Max = 4$), most of the judicial training institutions with no restorative justice training actually perceived such training as at least slightly or moderately relevant for judges. The respondent from Lithuania (14.3 percent) reported perceiving the restorative justice training as slightly relevant, and respondents from Bulgaria, Croatia, Finland and Greece (57.1 per cent) reported perceiving the restorative justice training as somewhat relevant. Only the respondent from Scotland (14.3 per cent) reported perceiving the restorative justice training as not very relevant for the professional group of judges. The respondent from Estonia (14.3 per cent) did not answer this question.

Figure 2 Perceived relevance of restorative justice training for judges

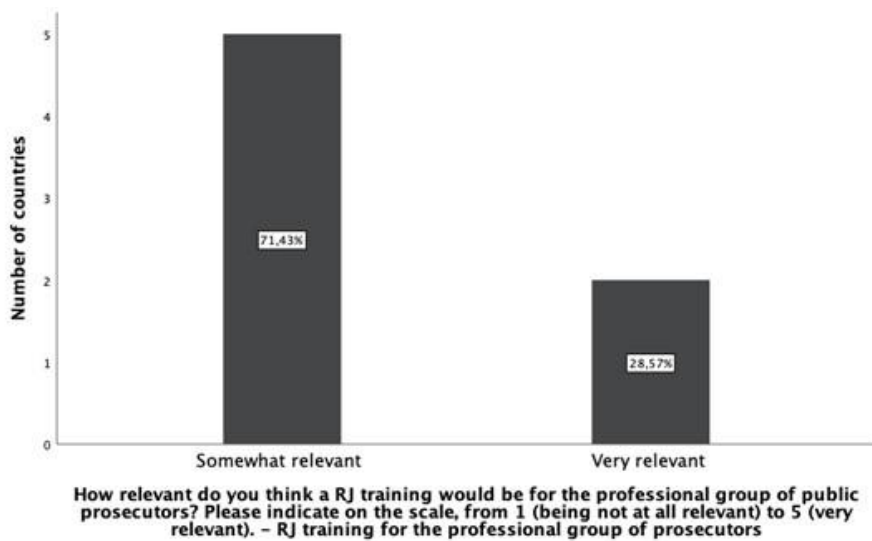


The perceived relevance of restorative justice training for public prosecutors was even greater. All seven respondents with currently no restorative justice training in their training offer reported that such training is relevant for this group of professionals ($M = 4.29$; $Min = 4$; $Max = 5$). As described in Figure 3, respondents from Bulgaria, Croatia, Finland, Greece and Lithuania (71.4 per cent) reported that

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they perceived restorative justice training as somewhat relevant, and respondents from Estonia and Scotland (28.6 per cent) reported that they perceived restorative justice training as very relevant for public prosecutors. The restorative justice training of judges and/or public prosecutors was also perceived as beneficial for the victims of crime ($M = 4.43$; $Min = 4$; $Max = 5$) by all seven judicial training institutions with no restorative justice training. Respondents from Bulgaria, Croatia, Greece and Lithuania (57.1 per cent) reported that they perceived it as somewhat beneficial, and respondents from Estonia, Finland and Scotland¹⁶ (42.9 per cent) reported that they perceived it as very beneficial.

Figure 3 *Perceived relevance of restorative justice training for public prosecutors*



Finally, regarding the existence of plans (at the moment of completion of the survey) to introduce restorative justice training in the regular training offer of the judicial training institution in the future, three respondents (42.9 per cent) reported plans in the offing to organise restorative justice training (respondents from Bulgaria, Lithuania, and Estonia). Four respondents (57.1 per cent) reported not having any plans to introduce restorative justice training in their regular training offer (respondents from Greece, Finland, Croatia and Scotland).

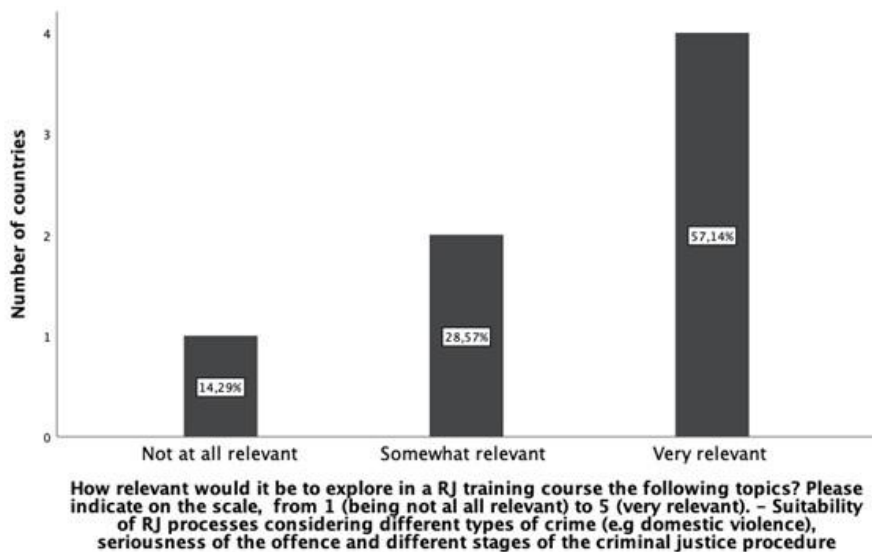
4.2 The perceived relevance of knowledge transfer, development of new skills and attitudes in restorative justice training

Regarding the knowledge transfer component, the respondents, on average, perceived restorative justice training exploring the suitability of restorative justice

16 In the case of Scotland, the judicial training institution perceived the restorative justice training of public prosecutors as very beneficial for victims of crime.

processes considering different types of crime (e.g. domestic violence), seriousness of the offence and different stages of the criminal justice procedure relevant ($M = 4.14$; $Min = 1$; $Max = 5$). As shown in Figure 4, respondents from Bulgaria, Estonia, Finland and Greece (57.1 per cent) reported that they perceived restorative justice training exploring such a subject as very relevant. Respondents from Croatia and Lithuania (28.6 per cent) reported that they perceived restorative justice training exploring this topic as somewhat relevant. Only the respondent from Scotland (14.3 per cent) reported that restorative justice training exploring this topic would not at all be relevant for the professional group of judges.

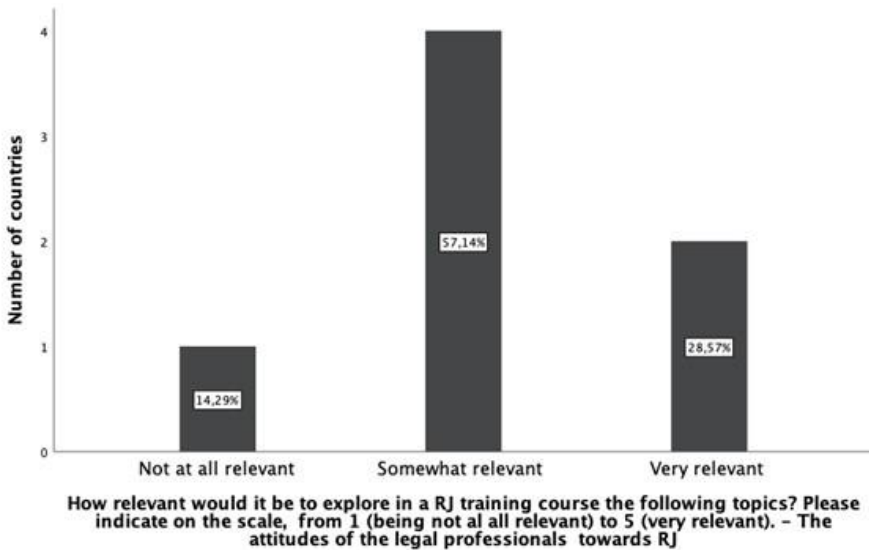
Figure 4 *Perceived relevance of restorative justice training exploring the suitability of restorative justice processes considering different types of crime, seriousness of the offence and different stages of the criminal procedure*



Regarding the development of new skills connected to the communication of the restorative justice offer to victims and offenders, most of the respondents with no restorative justice training reported that they perceived such restorative justice training as relevant ($M = 3.71$; $Min = 1$; $Max = 5$). Respondents from Estonia and Finland (28.6 per cent) reported that they perceived restorative justice training exploring this topic as very relevant, and respondents from Croatia, Greece and Lithuania (42.9 per cent) reported that they perceived such training as somewhat relevant. The respondent from Bulgaria (14.3 per cent) reported that a restorative justice training exploring this topic would be only slightly relevant. Only the respondent from Scotland (14.3 per cent) reported that restorative justice training exploring this topic would not be relevant at all for the professional group of judges.

Finally, as shown in Figure 5, respondents from Bulgaria, Estonia, Greece and Lithuania (57.1 per cent) reported that they perceived restorative justice training exploring the attitudes of the legal professionals towards restorative justice as somewhat relevant, and respondents from Croatia and Finland (28.6 per cent) reported perceiving restorative justice training exploring this topic as very relevant. Again, only the respondent from Scotland (14.3 per cent) reported perceiving restorative justice training exploring this topic as not relevant at all for the professional group of judges.

Figure 5 *Perceived relevance of restorative justice training working on the attitudes of the legal professionals towards restorative justice*



4.3 Judicial training institution with restorative justice training offer: the case study of Czech Republic

The third and last research question of our study focused on identifying the defining elements, or, in other words, the main conceptual and methodological characteristics of the restorative justice training offered by the judicial training institutions operating in the European Union. As indicated previously, the Judicial Academy in Czech Republic was the only respondent in our sample that reported having training in restorative justice as part of their regular training offer to judges and public prosecutors. In this context, the present study can only give a modest contribution to the answer of this third research question by presenting a descriptive analysis of the restorative justice training offered by the judicial training institution of Czech Republic. Effectively, victim-offender mediation, court

mediation¹⁷ and restorative conferences are the processes explored during the training. The suitability of cases to restorative justice processes is discussed considering crimes punishable with sentences of up to 2 years of imprisonment; crimes punishable with sentences of up to 5 years of imprisonment; crimes punishable with sentences of up to 10 years of imprisonment; and crimes punishable with sentences longer than 10 years of imprisonment.

The training objectives also include the discussion of the fundamental values and principles of restorative justice and of the positive impact of participation in restorative justice processes for victims and offenders according to the evaluation literature. Moreover, the training objectives include the development of skills to analyse the suitability of restorative justice processes in concrete cases, considering how restorative justice may fit the needs of different types of victims and offenders (e.g. juvenile offenders and adult offenders) and skills to communicate the restorative justice offer to victims and offenders in a respectful and safe manner. The attitudes and beliefs of the legal professionals regarding restorative justice processes are also explored, and a final objective of the training is to promote the development of mutual trust among the professionals/agencies involved in restorative justice in Czech Republic.

Training sessions are provided five or more times per year and are conducted by restorative justice academic experts, practitioners and judges and public prosecutors. The organisation of the restorative justice training results from collaborations with academic institutions, the victim support service *Injustitia* and the Ministry of Justice. The training is fully funded by the state and includes the accommodation and travel expenses of the trainees. The training is offered to judges and public prosecutors as part of their initial entrance-level training and as part of the in-service continuous training offered to judges and public prosecutors working in the justice system. In both cases the restorative justice training is voluntary for the two professional groups. The two target groups are informed about the offer of the restorative justice training through the website of the judicial training institute.

The training is delivered through face-to-face sessions, and the average size of the groups is between 20 and 30 participants. The sessions are conducted at the Judicial Academy headquarters and their regional offices. On average, the judges and public prosecutors travel 50 to 100 kilometres to the training venues.

The content of restorative justice training is uniform for judges and public prosecutors, and the sessions are conducted in mixed groups. Regarding the training methodologies, the respondent reported the use of lectures by the trainers, group work, debate, practical demonstrations, problem-solving and case studies and a debriefing component for the participants at the end of the training session.

The restorative justice training is evaluated, and the entity responsible for the evaluation is the Judicial Academy, which evaluates the participants' satisfaction

17 Respondents with regular restorative justice training in their training offer are asked what restorative justice processes are discussed during these training programmes (1. victim-offender mediation; 2 restorative conferences or family group conferences; 3. peacemaking circles; 4. other). The respondent refers to court mediation, or, in other words, mediation at the court level, in option 4, 'other'.

with the training at the end of the course through a satisfaction survey. On average, the participants report being moderately satisfied with the restorative justice training.

5 Discussion and conclusion

On the basis of our initial overview of the European training projects on restorative justice carried out over the past two decades, as well as of the recent international reports and key legal instruments such as the European Union Victims' Rights Directive 2012/29/EU and the Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters, the general diagnosis regarding the training needs of judges and public prosecutors on restorative justice at the EU level seems to be relatively straightforward: in the words of Pelikan (2019: 7), we are 'still left with the task to win the hearts and minds of the protagonists of those agencies, of judges and of prosecutors.' However, the overview that was conducted revealed a gap in the literature regarding the concrete identification of what exactly exists or does not exist in terms of restorative justice training provided to judges and public prosecutors in the EU. In this context, this study tried to shed some light on the question of which EU Member States have and which do not have regular restorative justice training provided by their national judicial training institutions. Moreover, the study focused on the features of the existing judicial training on restorative justice in terms of their objectives, contents, methodologies and evaluation. Our goal was ambitious: we aimed to map the existing judicial training provided on restorative justice in the EU by collecting data from 38 judicial training institutions operating in 28 EU Member States. But despite the long time frame during which our online survey on judicial training in restorative justice was open, the response rate was low, and the final European sample studied comprised only eight judicial training institutions from eight EU Member States. This represents the most important limitation to our study, significantly impacting the degree to which our conclusions can contribute to fully answering our research questions. At best, our descriptive analysis can modestly contribute to partly answering the research questions we formulated.

However, we also believe that one of the main outputs of this research is the conception of a data collection instrument that can be used in future studies in the EU and beyond. In this sense, at the methodological level, the low rate of participation ultimately leaves us with an important question and reflection for the future: will a written survey or even a qualitative telephone interview be a better methodological option than an online survey to collect this type of data?

As one could hypothesise considering the general diagnosis referred to previously, we observed in our sample that seven of our eight respondents reported not having any restorative justice training in their training offer to judges and/or public prosecutors. As described in detail in section 4.2, only the Judicial Academy in Czech Republic reported to have in their regular training offer a restorative justice training component for both the group of judges and the group of public prosecutors. However, the results of our research suggest that, even with no

restorative justice training component in their training offer, the judicial institutions responsible for the training of judges and public prosecutors recognise the relevance of restorative justice judicial training. In order to tap into that potential and simultaneously overcome funding difficulties (identified by 28.6 per cent of the respondents as a reason for the non-existence of restorative justice training), a valuable strategy could consist in the establishment of international partnerships, under EU training project calls, between relevant actors such as academic institutions and restorative justice services and the national judicial training institutions. Through such collaborations, new restorative justice training components could be organised and introduced, at least in a pilot format, in the training provided by several judicial training institutions operating in the EU. An example of such a strategy is the RE-JUSTICE¹⁸ project. Indeed, the field of judicial training in restorative justice is developing further, and new experiences and findings can be expected from more recent initiatives, such as the 2021 training by the Italian judicial training institute: two training sessions on restorative justice were provided, and many candidates had to be refused because of the overwhelming interest from public prosecutors and judges all over the country. Similar developments could happen in Spain and Greece, where the training in the context of the RE-JUSTICE project is still to take place at the moment this article is being written.

This type of collaboration between different relevant actors has also been observed in the case study of Czech Republic. The participation of restorative justice academic experts and practitioners in the conduct of the training and the collaboration of the victim support service Injustitia in the organisation of the training illustrate how the restorative justice training in Czech Republic promotes the cooperation between different relevant actors in the restorative justice field. Moreover, the restorative justice training in Czech Republic involves the active participation of judges and public prosecutors in the conduct of the restorative justice training as trainers. These methodological options illustrate how restorative justice training can be built from the beginning in accordance with the fundamental restorative values of participation and inclusion, while also being in line with the best practice identified in the EC study on the best practices in the training of judges and prosecutors in EU Member States (Cooper, 2015: 64). Furthermore, the reported objectives of the restorative justice training offered by the Judicial Academy in Czech Republic seem to be in line with the specific training needs of judges and public prosecutors emanating from the Victim's Rights Directive, covering knowledge of restorative justice, the development of specific skills to assess the suitability of restorative justice in individual cases and appropriate communication of the offer of restorative justice to victims and offenders, and, finally, the adoption of open attitudes towards the application of restorative justice.

Furthermore, the restorative justice training in Czech Republic seems to incorporate important insights from the training modules for judges and public prosecutors developed in the context of the European project *Working towards the creation of European training models for practitioners and legal practitioners in relation*

18 www.euforumrj.org/en/re-justice-2019-2021 (last accessed 29 July 2021).

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to *restorative justice practices*¹⁹ (Delattre & Willemsens, 2004). In the context of this project, the development of restorative justice training was only a theoretical exercise because the project duration could not accommodate pilot deliveries of the training (Delattre & Willemsens, 2004: 17). However, it seems to be possible to identify mirrored elements of the modules proposed in the restorative justice training currently offered to judges and public prosecutors in Czech Republic. As examples, the question of cooperation in the organisation of the restorative justice training and the participation of judges and prosecutors as trainers:

it is important that the team consisting of mediator, judge and prosecutor should prepare the course together. Participants must experience that they are co-operating (Delattre & Willemsens, 2004: 13).

Moreover, in line with the participatory training methodologies described as best practice in the judicial training methodological literature (Hornung & Pacurari, 2016), training methodologies used in the restorative justice training in Czech Republic includes practical demonstrations, group work and case studies. The use of practical demonstrations, for example, matches 'Module 4: Meet a prosecutor and a judge' of the restorative justice training proposed by Delattre and Willemsens (2004: 15):

a prosecutor and a judge who have experience with mediation tell how they use it, how they work with such cases and present legal issues connected with them. They present the selection and referral procedures and the way mediation is integrated in judicial decision making.

Additionally, the use of group work and case studies matches 'Module 9: Case-study exercise', in which participants would be divided into working groups, receive copies of real files and be 'asked to discuss the indications for sending cases to mediation' (Delattre & Willemsens, 2004: 16). The debriefing carried out by the end of the restorative justice training in Czech Republic seems to be in line with 'Module 7: Food for thoughts', in which participants would be given an overview of the topics covered during the training and be encouraged to exchange some thoughts about it (Delattre & Willemsens, 2004: 16). Finally, the training provided by the Judicial Academy in Czech Republic is conducted in mixed groups, which, again, matches the methodological choice defended by Delattre and Willemsens (2004: 13):

judges and prosecutors would follow the course together. Both judges and prosecutors ... have gone through the same education and work in the same system. They should be interested in optimising the co-operation between them ... and in developing similar standards for dealing with meditation in criminal matters.

19 Project JAI/2003/AGIS/129.

A final remark may be in order regarding the evaluation of the restorative justice training provided by the Judicial Academy of Czech Republic: although the training covers the three key components of knowledge, skills and attitudes, the evaluation conducted by the Judicial Academy captures only the satisfaction level of the participants by the end of the training, corresponding to a level one evaluation in Kirkpatrick's evaluation model. In this context, we believe a significant step forward would be the introduction of evaluation instruments designed to observe whether the training is fulfilling its objectives of transferring knowledge on restorative justice and developing new skills among the judges and public prosecutors (level two evaluation in Kirkpatrick's model). A level three evaluation in Kirkpatrick's model, or, in other words, the scientific evaluation of the number of cases referred to restorative justice processes by the legal professionals, would require significantly higher investments but could also prove to be an ideal means of objectively observing the change of attitudes of judges and public prosecutors regarding the use of restorative justice, following attendance at restorative justice judicial training.

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