



RESTORATIVE JUSTICE IN CASES OF VIOLENT EXTREMISM

A POLICY PAPER BY THE
EUROPEAN FORUM FOR RESTORATIVE JUSTICE
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ABSTRACT

People affected by terrorist acts have often few options and many questions, because of the general emphasis on punishment instead of on individual and collective needs in the aftermath of the attacks. Indeed, for professionals with responsibility for protecting the public, it appears that the only solution is to increase surveillance and punishment of offenders. Despite these measures the number of terrorist acts show no signs of abating nor do they respond to the pain felt by victims and communities in the aftermath.

Restorative justice proposes unique processes, tailored to the needs of its participants, to enable constructive dialogue (between victims, offenders and other affected people) in conflict and post-conflict situations. Guidance about best practices is based upon values, principles, and applied examples. Trained practitioners offer, prepare, facilitate and evaluate the process, following high quality practice standards for protecting and empowering participants.

Research proves that when given the choice many victims (independently of the seriousness of the harm) opt for restorative justice, but often that choice is taken out of their hands by policy-makers and professional gate-keepers. For offenders, punishment alone can harden their resolve and deepen their affiliation to the cause, while research proves that restorative justice may lead to desistance from crime. Clearly, some unique features and challenges arise in identifying justice responses to acts of extreme violence.

This policy paper complements the practice paper "[Restorative Justice in cases of violent extremism and hate crimes](#)" published by the Working Group on Violent Extremism of the European Forum for Restorative Justice (2021). Both of these publications **call for additional ways to respond to the harms caused by violent extremism, terrorism and, more generally, hate and polarisation.** They do not promise a definitive solution, but they propose an optimistic approach to invite everyone who has been affected by the violence (either suffering it or causing it) to address their needs. Restorative approaches treat everyone involved as human beings with the potential to deal with matters that directly involve them. Restorative justice practitioners support the engagement of the parties by guiding them through the process, so that they can identify their needs and ways to move forward and discourage violence from happening in the future.

INTRODUCTION

Violent extremism in this context refers to ideological views that justify violence to support a certain cause or to disseminate a certain belief. This extreme and destructive expression of anger and hate is often the result of perceived or actual experiences of injustice, exclusion, distrust and oppression. The consequence of the violence has an individual, collective and social dimension impacting different types of victims. In addition to the targeted direct victims, violent extremism creates a wider group of harmed people. This can include the first emergency responders to the scenes, family members and friends of the victims and survivors, those people who witnessed in first person what happened, ordinary people who feel affected by what happened, and even the community members of the offenders.

The "us versus them" stance of these opposing groups not only feeds the ideology that may lead to acts of violent extremism, but it further deepens division, polarisation and hate in the aftermath of the attacks. In a bid to discourage further acts of violent extremism, most criminal

justice system responses are highly punitive and security-oriented. This approach may serve some societal aim of accountability, but it ignores critical nuances of the shifting roles of victims and offenders. It also fails to address the impact that these crimes have on members of the wider communities, and it does not offer a positive way forward.

International and European instruments for preventing and combating terrorism (see annex) mostly focus on investigations, offender rehabilitation, victim support and commemorative events for communities in the aftermath of the violent act. These are highly significant and important steps to restore some feelings of safety and justice in communities. Still, addressing the causes of the extremist acts and identifying societal (not only individual) responsibilities may serve to find ways to stop the cycle of violence and punishment, while saving lives and reducing costs.

Restorative justice approaches offer ways of “undoing injustice” for those who have been harmed by acts of violent extremism by involving those who have been directly responsible for such harm and those they have harmed. In such cases, restorative practices may involve a wider group of participants, such as community members (including young people, who act as the future’s bearer), who wish to engage in the process of revealing and listening to each individual’s truth and experience in an inclusive, respectful and supportive way.

When restorative justice has been used in cases of violent extremism (such as in the aftermath of the political violence in Italy, Basque Country and Northern Ireland), practitioners and participants were able to develop key strategies to help individuals and communities understand the positive potential of such processes:

- Restorative justice plays a vital role in supporting offenders’ **desistance from crime**. Research shows that, in addition to other rehabilitation and reintegration activities, restorative justice encourages offenders to voluntarily admit individual responsibility and become actively involved in the reparation of the harm. Additionally, in cases of violent extremism, restorative justice can address the collective liability of a terrorist act and encourage the collective transformation of the group.
- Restorative justice can be of great **benefit to victims** (as stated in Recital 46 of the EU Victims’ Directive, 2012). Research shows that victims may feel more satisfied with the outcome compared to the criminal justice process, for a variety of reasons including perception of fairness in the process; recognition of their status; feelings of safety and control; reduced feelings of fear; positive changes of their world view. However, more empirical research is needed regarding the impact of restorative justice on victims of violent extremism.
- Restorative justice may **involve the wider communities** affected by the harm, such as targeted citizens suffering the consequences of the attacks, family members and friends supporting and representing victims and offenders, first responders and other professionals, and young people who may fear the future. This restorative approach builds common understanding of the existence of different truths, and can lead to a shift in strongly held beliefs of the “other” person as an objectified enemy.

This policy paper is especially directed at European policy-makers and civil servants (European Union and Council of Europe) and European network organisations (e.g. Victim Support Europe, Europris, CEP- probation, European Forum for Urban Security, Radicalisation Awareness Network) concerned with addressing violent extremism. For these institutions, which are in a position to influence regional, national and international policy and to offer services, restorative justice provides a positive and healing intervention. Restorative justice has a complementary role to traditional criminal justice systems, and its approaches can be applied also in other settings to support wider communities affected by violence (e.g. peacebuilding).

EVIDENCE AND RESEARCH

This section presents general research findings on the use of restorative justice in cases of serious harm. More empirical research is needed regarding restorative justice responses to violent extremism, although many initiatives took place in different regions.

Desistance and benefits of restorative justice

Desistance, the path towards leading a crime-free life, is an active and dynamic process which includes not only the avoidance of crime but also the pursuit of a positive life. Many individual, social and political factors influence the process of change. People living and operating on the margins of (or outside) conventional law-abiding society can have an identity linked to deviance and feel stigmatised. Therefore it can be easier for people who commit crimes to remain embedded in deviant subcultures rather than to negotiate the obstacles they face when trying to participate in conventional society.

Changing one's life successfully in such circumstances requires changes at the individual and social level. It is therefore key to create opportunities for change that may pull people towards desistance. Family and friends and professional practitioners provide critical support by offering opportunities for change for the individual. At the social level, desisters need opportunities which help to distance themselves from the past and to invest in a pro-social lifestyle in the present. **There is little research regarding restorative justice and desistance in cases of violent extremism**, thus the findings listed below refer to cases of serious harm.

Research shows that restorative dialogue, as organised through victim-offender mediation and restorative dialogue circles, can have a positive influence on a person's desistance journey. While restorative justice may trigger desistance, it can also provide support for change that is already taking place. Sometimes restorative justice plays a central role in the process of desistance, while at other times it is one element in a chain of events.

Factors of restorative justice which desisters indicate to be helpful are the non-judgmental attitudes of the facilitators, the fair and respectful treatment of everyone involved, whether victim or offender, the open communication, the listening to the stories of victims or survivors in a facilitated meeting and the fact that the pace and agenda of the process are tailored to the participants' needs. Also, reparation plans can help them to change their attitudes and behaviour, as well as help victims and their families to move forward with their lives.

The restorative process can instil desisters with hope, strengthening their will to change and supporting their belief that they are able to change. Such hope is vital for desistance to occur. The restorative process further helps desisters to deal with feelings of shame and guilt while strengthening their prosocial identity. Restorative dialogue may also enhance reflections about societal norms and can sometimes repair relationships with significant others, such as family and friends.

Victims assistance and benefits of restorative justice

Restorative justice is an opportunity for victims to be involved in their own justice process. In the criminal justice system, victims are often addressed only because of their experience and knowledge of what happened, considered as precious witnesses present at the crime scene. Also, victims have many more questions and needs that go beyond what victim support services may provide (i.e. medical, psychological, material or financial assistance). The question "Why me?", which may not be important for criminal investigations, is a typical question that victims need to ask directly to their offender.

Still, many jurisdictions restrict access to restorative justice to certain victims, either because of their own individual characteristics (e.g. children, people with mental health issues) or because of the type and seriousness of the crime (e.g. domestic violence, sexual abuse, violent extremism). In this case, the vulnerability of the victim and/or the seriousness of the offence may forbid certain people to access restorative justice programs on a voluntary basis. Still, research shows that when victims are given this opportunity there is at least a 85% satisfaction rate and over 77% would refer other victims to such a program (see EFRJ, 2017).

Before an actual restorative justice encounter occurs several phases happen, during which there is detailed preparation and victims are given the choice to continue or withdraw. Already receiving the offer and being able to say "yes" or "no" to such an option is a way to listen to the needs of and empower the victim. An important part to stress is that it is not expected of the victim to forgive the offender and such a pressure should never be exerted on the victim.

Also, since restorative justice practices are tailored to the needs of its participants, the dialogical process can take different forms and it does not have to necessarily end with a face-to-face encounter (e.g. shuttle mediation, letters, videos are possible ways to engage into a dialogue within the safety borders of the participants' needs). Importantly, restorative justice works productively alongside other forms of victims assistance (such as therapy) and practitioners should engage in a multidisciplinary team to work on each case.

When working with the victimisation experiences in the aftermath of a violent extremism act, restorative justice may include the primary victims (present at the scene), secondary victims (such as family members and close friends) and tertiary victims (i.e. ordinary people affected by what happened, including the communities representing either the victims or the offenders). Much attention is given to treating the acts of violent extremism as acts affecting individuals, instead of treating them purely as offences against other communities or ideologies.

Role of communities and benefits of restorative justice

Restorative justice practices may also include the wider communities involved by the act of violence. **This is particularly important in cases of violent extremism, when the wider society is affected in different ways.** The communities belonging to the victims' side may feel threatened, feeling unsafe and a sense of injustice. The communities belonging to the offenders' side may experience hate, discrimination, exclusion, distrust, and thus also feel unsafe and a sense of injustice. Restorative justice gives the opportunity to these voices to be heard by facilitating inclusive dialogues (e.g. through restorative circles).

In other cases, restorative circles and other practices have been included in wider "restorative-oriented" initiatives. In **Italy**, for example, a group of 60 people (including victims of terrorism, ex-combatants, young people, professionals with an important role in Italian public opinion, and 3 mediators) have met over more than 10 years in residential settings, where restorative encounters take form in more formal settings by usual methods (such as mediations, circles, dialogues sessions) and more informal ones (while walking, cooking, watching films together). When they decided to further enlarge the circle (beyond the 60 of them) they went public with the book *"Il libro dell'incontro"*, telling about their unique encounters. In the **Basque Country**, "restorative walks", "workshops of coexistence" and different practices of commemoration became the means to reflect about the meaning of violence, war and terrorism talking about crucial events in the Spanish history. The walks were attended by different people, including victims, former combatants and young students and became an opportunity also to look at a different future. In **Northern Ireland**, more than 100 community members, prisoners and activists, trained in restorative justice practices by Ulster University, engaged in many community projects to challenge the culture of violence. In some cases, political prisoners

participated in training to become restorative practitioners to facilitate restorative encounters in their communities, when needed.

While the examples above are just a few existing methodologies to involve communities in restorative justice, what is important here is to keep in mind the specific need that communities have to gather together, express feelings and reconstruct in the aftermath of acts of violent extremism.

Restorative justice in cases of violent extremism

Over the last 20 years experienced professionals have successfully brought victims and offenders together in restorative meetings following ideologically motivated crimes. The evidence proves that restorative justice results in the majority of victims feeling highly satisfied although experiences are unique and may sometimes not meet all needs. Offenders realise the damage they have done and may renounce violence altogether. Also, restorative justice enables the participation of the wider community affected by the act(s) of violence and can help in identifying positive steps towards rehabilitation and reconciliation of society as a whole. The EU Victims Directive (2012) states that member states should make information about safe and high quality restorative justice and how to access services. However, victim awareness and take-up remains low. Implementation of the Directive provisions would improve accessibility of RJ services, as research and practice has consistently shown that lack of information about RJ is one of the main obstacles and reasons for its underuse, as shown by the the [EFRJ survey 2021 on the evaluation of implementation of RJ provisioned in the VD](#).

Restorative justice has central principles of the **multiparty¹** of the **facilitator** and the **voluntary nature of participation**. It has to be made absolutely clear to all participants that there are no guarantees about the outcome of an encounter; indeed, all parties should be able to withdraw at any time. Confidentiality is negotiated at the start and revisited during the restorative process to ensure that everyone is in agreement. The approach taken in restorative justice is to **focus on the needs of the participants** and how they can be met without harming the other party. **Careful and often lengthy preparation over months** or even years ensures that all parties are ready. The preparation process itself can be restorative and enable people to process their feelings. The participants, not the facilitators, decide on the outcome. The facilitators encourage dialogue and ensure the meeting is safe and that people remember to say what they have prepared.

There was particularly strong evidence of the power and potential of restorative justice when 14 restorative encounters were organised with 12 direct victims of ETA violence in the **Basque Country** in 2011-2012. The observation from participants was that the meetings can deeply humanise both victim and offender. Some of the victims who participated were highly satisfied especially when they observed positive behavioural change in the offenders. In turn, offenders appreciated the opportunity to participate and some went on to become proponents of deradicalisation with their peers. However it is difficult to assess the impact as it can evolve over time and may be very different from one participant to another. Also, there is a need for more empirical research to conclude that these restorative processes contributed to the reconciliation process in the Basque country².

¹ Multiparty is used here to describe the mediator's role which is not neutral/ impartial but takes all sides in an equally balanced way. The term is more commonly used in mainland European services.

² The Basque experience of restorative justice is documented, among many other publications, in the book "*Los Ojos Del Otro: Encuentros restaurativos entre víctimas y ex miembros de ETA*" (Pascual Rodríguez, 2013). Also some artworks have been dedicated to these experiences: the theatre play "*La mirada del otro*" (Proyecto 43-2, 2016) and the film "*Maixabel*" (Bollain, 2021).

Another form of restorative encounter was undertaken in **Italy** to address the harm caused by the 1960–80s terrorist attacks in that country. A group of people affected by the violence started meeting in 2007 and since then a series of discussions and encounters have taken place and continue to do so to this very day. These encounters were shown to help participants (about 60 people, including victims, former combatants and community members) recover and move forward with their lives. This process in Italy demonstrates how the longterm effect of terrorism requires long-term reparative measures involving all those affected³.

Restorative approaches have been used successfully with people imprisoned for politically motivated offences in **Northern Ireland** representing both sides (Protestants and Catholics), and thus acting as victims and offenders at the same time. Over a series of group meetings, the restorative practitioners found that the prisoners were able to reflect on their ideology and reflect about the impact of their acts on victims. They wanted to redeem themselves with their families and communities. While they did not renounce violence, they did concede that it was only justified in very narrow circumstances. Some further engaged in restorative work by becoming restorative practitioners to prevent violence in their neighbourhoods⁴.

In some cases (e.g. **Belgium, France**), "indirect" restorative justice processes have been facilitated for victims and offenders affected by the same type of crime but not exactly by the same offence. In this case, "surrogate" participants have the opportunity to share their experience with others in a circle format where everyone has the opportunity to explain what happened, how they have been affected and what they would need to move forward. This methodology is particularly important to respond to those parties who wish to encounter the other, but the other prefers not to engage in such dialogue, or maybe the other is not even identified yet by criminal procedures.

The examples above demonstrate the flexibility of restorative justice in meeting the unique needs of the participants involved in each situation and country. It is really important that victims and offenders have the right to be referred to restorative justice services to explore options and decide for themselves if such programmes meet their needs.

Increasing interest from practitioners and policymakers in restoratively addressing the harm caused by terrorism has been shown in recent years by the Radicalisation Awareness Network, the European Forum Restorative Justice, the Confederation of European Probation, and the European Organisation of Prison and Correctional Services, among others. These networks have already invested time and resources in research and the exchange of good practices to better support those affected by acts of extreme violence.

³ The Italian experience of restorative encounters can be read in the book "*Il libro dell'incontro*" (Bertagna, Ceretti and Mazzucato, 2015). A book review in English is available online: "*Restorative Justice and Political Violence in Democratic Societies: Book review*" (Ragazzi, 2016).

⁴ The Northern Irish experience is documented, among many other publications, in the EU funded project "*ALTERNATIVE - Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies*" (KU Leuven, 2012–2016).

POLICY RECOMMENDATIONS

The EFRJ recommends that restorative justice is considered in every case of violent extremism in order to help victims cope and recover, offenders rehabilitate and communities heal and repair.

Our recommendations are:

- To include restorative justice in relevant European (EU and CoE) legal and policy documents to promote access to restorative practices in cases of violent extremism.
- To include restorative justice in policy initiatives that support the rehabilitation and reintegration process of the offender and to support desistance from crime.
- To include restorative justice in policy initiatives addressing victims' needs and rights by promoting the use of restorative practices to support their healing process and empowering them to overcome the impact of the harm caused by the act of terror.

The table below gives specific recommendations for each responsible agency.

Which body	Policy or legislation or guidance	Recommendation	By when
European Commission (EC Commissioner for Justice & EC Coordinator for Victims' Rights)	EU Victims' Rights Directive 2012/29/EU (VRD)	<ul style="list-style-type: none"> — To consider in the revised VRD (to be adopted by the European Commission by the end of 2022) the right to access restorative justice services, in addition to the right to information, and to provide financial support to restorative justice services as foreseen by the EU Strategy on Victims' Rights. — To include in the revised VRD the recommendations concerning restorative justice as proposed by the EFRJ to the European Commission in this position paper (May 2021): www.euforumrj.org/sites/default/files/2022-06/EFRJ_Position_Paper_on_the_revision_VRD.pdf 	By end of 2022
European Commission EC Home Affairs Commissioner	Counter – Terrorism agenda for the EU	<ul style="list-style-type: none"> — To include restorative justice in the Counter – Terrorism Agenda 2024 – 2028 (as a service for victims and offenders) and to foresee appropriate financial support for its practical implementation. — To issue guidelines to Member States to provide more tailored guidance on rehabilitation and reintegration of radical inmates, including after release by promoting the access to restorative justice services. — To include restorative justice and to promote the EFRJ's participation in decision making processes in the work of the EU Centre of Expertise for Victims of Terrorism and in the EU Knowledge Hub on prevention of radicalisation for policy makers, practitioners and researchers. 	To be included in the 2024 – 2028 agenda
EU Member States	National policies and guidance	<ul style="list-style-type: none"> — To write a policy on the use of restorative justice in the aftermath of acts of violent extremism, reflecting the recommendations of this EFRJ policy paper and in line with the (to be revised – see above) VRD. — To envisage national funding to support restorative justice services in practices dedicated to prevent and counter violent extremism, and to support research to evaluate the (social) impact of restorative justice in these case. 	By December 2023

Victim Support Europe (VSE) and the other partners of the EU Centre of Expertise on Victims Rights	Future documents of the EU Centre of Expertise on Victims Rights (est Jan 2020)	<ul style="list-style-type: none"> — To consider the potential of restorative justice to address all five categories of victims' needs (i.e. Recognition; Support; Protection; Access to Justice; Compensation and Restoration) and to collaborate with the EFRJ to fulfil such needs. — To develop together with VSE and the EU Centre of Expertise on Victims Rights with support from EFRJ clear and comprehensive guidelines on how to use restorative justice and include these among the documents published by the Centre. 	
Council of Europe	CoE Counter-Terrorism Strategy (2018-2022) Counter-Terrorism Strategy (2023-2027)	<ul style="list-style-type: none"> — To include evidence of the use of restorative justice in data collection activities foreseen in the CoE Counter - Terrorism Strategy, by taking into consideration EFRJ publications such as practice and policy papers and briefs. — To include restorative justice in the Counter-Terrorism Strategy 2023-2027 as one of the ways supporting de-radicalisation and re-integration of offenders as well as promoting the recovery of direct and indirect victims. 	By end 2022 By beginning 2023
European Forum for Restorative Justice (EFRJ) and its Working Group on Violent Extremism (WGVE)		<ul style="list-style-type: none"> — To develop guidelines and training programmes, share examples and case studies and organise dissemination events and awareness campaigns to ensure that victim support services and legal professionals have all information needed to communicate effectively about (and refer cases, when applicable) to restorative justice services. — To share evidence to support the use and application of restorative justice in cases of violent extremism. In terms of information sharing, the EFRJ can present the WGVE publications and work to EU Knowledge Hubs, the Cities against Radicalisation, the World Society of Victimology and other relevant events. In terms of capacity building, the EFRJ develops practice guidelines and proposes training programs focusing on the specificities of restorative justice in cases of violent extremism, and it advocates for the inclusion of training modules on restorative justice in the curricula of legal professionals, probation and prison officers. 	Ongoing

Annex I – Further reading

Here is a list of relevant resources used to write this paper:

- Biffi, E. (2021). *The potential of restorative justice in cases of violent extremism and terrorism*. Radicalisation Awareness Network. Retrievable here: https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/publications/potential-restorative-justice-cases-violent-extremism-and-terrorism-2021_en
- Biffi, E. (2016). *Practice Guide for Restorative Justice Services: The Victims' Directive – Challenges and opportunities for restorative justice*. Leuven: European Forum for Restorative Justice. Retrievable here: www.euforumrj.org/sites/default/files/2019-11/practice-guide-with-cover-page-for-website.pdf
- Biffi, E. (2020). *The role of restorative justice in preventing and responding to violent extremism*. Radicalisation Awareness Network. Retrievable here: https://ec.europa.eu/home-affairs/system/files/2020-01/ran_rvt-exit_role_of_restorative_justice_dublin_3-4_122019_en.pdf
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Annex II – Relevant instruments

Additional information on the International and European framework on restorative justice and/or on violent extremism

In 2002, the UN adopted the Basic Principles on the use of Restorative Justice Programmes in Criminal Matters and in 2006 the Handbook on Restorative Justice Programmes was published (in 2020, the UNODC released the [Second Edition of the Handbook on Restorative Justice Programmes](#) that integrates the potential of restorative justice in dealing with serious crimes). Since then, the field of restorative justice has gone through a significant development to enhance the rule of law and access to justice. In the last few years, in fact, significant progress has been made in the provision of restorative justice by international and European instruments.

European Union (EU)

The [EU Victims' Rights Directive 2012/29/EU](#) (VD) has provided restorative justice in Europe with a more solid position and a clear victim orientation. It introduces an obligation for the Member States to inform victims as to the availability of restorative justice services and to facilitate referrals to these services, and provides safeguards for victims of crime in relation to restorative justice. The VD recognises on the one hand the benefits of restorative justice for victims of crime, and on the other hand focuses on important safeguards to prevent secondary and repeated victimisation. Recently (June 2020), the European Commission (EC) adopted a new [EU Strategy on victims' rights \(2020 – 2025\)](#) that recognises the role of restorative justice in achieving the first objective of the Strategy itself, namely empowering victims of crime, for them to participate in criminal proceedings and to recover. It further states that *"restorative justice services provide victims with a safe environment to make their voice heard and support their healing process"*. It moreover considers that *"the potential benefits of such services depend on the availability, accessibility and quality of restorative justice services in the Member States"*. One of the EFRJ recommendations to the EC is to provide EU funding to national victim support organisations and relevant community-based organisations to provide information, support and protection for victims, and to promote restorative justice services.

The EU Strategy recognises (as done by the VD) "victims of terrorism" within the most vulnerable victims who require specialist and integrated support. As a key action for the EC, it calls to facilitate cooperation between Member States to improve support for victims of terrorism, particularly in cross-border cases; it recommends Member States to exchange of best practices on support and protection; to take actions to ensure that victims of terrorism are recognised, (e.g. consider setting up memorials, museums and medals); to ensure that fair and appropriate state compensation for victims of terrorism is reflected in the national budgets.

In 2021-2022, the European Commission revisited the VD, first with an evaluation of its implementation and then by working on a proposal for a revision. With the contributions of its members, the EFRJ contributed to the revision of the VD with a position [paper with several concrete recommendations for a better inclusion of restorative justice in the revised VD](#). Its main argument is that one primary goal of the VD (concerning restorative justice) should be the guarantee of equal access to effective restorative justice services to all victims of crime who freely wish to participate. The European Commission plans to adopt a proposal of revision of the VD by the end of 2022.

In 2020, the EC adopted the [Counter –Terrorism agenda for the EU](#). In this document, the EC sets out various key actions to develop and finance measures, based on a four pillar strategy:

Anticipate, Prevent, Protect and Respond. Even if restorative justice is not directly mentioned in this strategy, its practices and approaches could definitely serve to achieve some of its priorities. In particular, under the pillar Prevent, the EC lists several priorities relevant for restorative justice such as supporting local actors for more resilient communities (i.e. "EU Cities against Radicalisation", Commission's Civil Society Empowerment Programme). A specific priority is dedicated to "prisons, rehabilitation and reintegration". By building on the insights of the Radicalisation Awareness Network Rehabilitation Manual, the EC foresees supporting Member States to provide more tailored guidance on rehabilitation and reintegration of radical inmates, including after release.

With regard to restorative justice, the [RAN Rehabilitation Manual – Rehabilitation of radicalised and terrorist offenders for first line practitioners](#) states that: *"to avoid the negative impact on the rehabilitation process, but most importantly, to prevent harm for the victim, measures of restorative justice can be applied. On condition that the offenders have already accepted their previous crimes as wrong, and provided that the victims agree, such measures should be carried out as early as possible. Victims can be influential actors for community cohesion"*. Restorative justice is also mentioned as an alternative/ additional correctional measure for young offenders.

Moreover, for the consolidation of knowledge and support, the EC foresees to provide guidance on early rehabilitation and reintegration and the setting up an EU Knowledge Hub on prevention of radicalisation for policy makers, practitioners and researchers. By referring to the EU strategy on victims' rights (see above) the pillar Respond is partly dedicated to support victims, including victims of terrorism. In January 2020, the EC set up an [EU Centre of Expertise for Victims of Terrorism](#) as a two-year pilot project. The Centre assists Member States and national victim support organisations with the application of EU rules, by providing guidelines, training activities and acting as a hub of expertise. In 2021, the Center published the EU Handbook on Victims of Terrorism where restorative justice is explicitly mentioned as part of the needs of the victim (i.e., compensation and restoration).

Regarding this last point, the EFRJ welcomes the paradigm shift proposed in the [Milquet report "Strengthening victims' rights: from compensation to reparation"](#), which embraces a holistic approach that recognises "in kind" compensation, such as recognition, restitution, support and care, as valuable reparations to support victims to cope with the harm caused by crime. Since repairing the harm caused by a crime lies at the core of restorative justice, the EFRJ appreciates that in this new frame of reparation, the Special Adviser recommends restorative justice *"to enhance victim's re-adaptation to society and act as a form of offender compensation"* and that a legislative change or recommendation is proposed in this regard (Recommendation N°33).

Council of Europe (CoE)

The [Council of Europe Recommendation CM/Rec\(2018\)8](#) concerning restorative justice in criminal matters, adopted on 3 October 2018, reflects new developments and a broader concept of restorative justice approaches. It is the most advanced and innovative international legal instrument in the field of restorative justice. The Recommendation provides evidence-based standards for implementing and delivering restorative justice in practice. This Recommendation aims to *"encourage Member States to develop and use restorative justice with respect to their criminal justice systems. It promotes standards for the use of restorative justice in the context of the criminal procedure, and seeks to safeguard participants' rights and maximise the effectiveness of the process in meeting participants' needs. It also aims to encourage the development of innovative restorative approaches – which may fall outside of the criminal procedure – by judicial authorities, and by criminal justice and restorative justice agencies"* (Rule 1).

It further states that *"restorative justice should be a generally available service. The type, seriousness or geographical location of the offence should not, in themselves, and in the absence of other considerations, preclude restorative justice from being offered to victims and offenders"* (Rule 18). Thus no offence types are considered inherently unsuitable, in the absence of other considerations. The key criteria are the willingness of the perpetrator and the victim to meet or communicate in some other way, and the need for the process to be safe and voluntary for all parties. It states also that restorative justice should be available at all stages of the criminal justice process (Rules 6 and 19). It calls for all victims and offenders to be offered restorative justice and outlines how the restorative principles can be used to inform a wide range of interventions for both parties. The Recommendation recognises a balanced approach towards the needs of the victim and the offender: *"restorative justice should not be designed or delivered to promote the interests of either the victim or offender ahead of the other. Rather, it provides a neutral space where all parties are encouraged and supported to express their needs and to have these satisfied as far as possible"* (rule 15).

In December 2021, the CoE adopted the ["Declaration of the Ministers of Justice of the Council of Europe Member States on the role of restorative justice in criminal matters"](#) (so called Venice Declaration). The Venice Declaration fully endorses the CoE Recommendation CM/Rec(2018)8 on restorative justice and calls upon the Council of Europe to further support Member states to implement it by underlining the importance and advantages of restorative justice. Member states – among others – are encouraged to consider granting the right of access to restorative justice and to actively raise awareness of restorative justice nationwide. It also explicitly refers to United Nations Sustainable Development Goal 16: promoting just, peaceful, and inclusive societies. It does not just consider restorative justice *"as a simple tool in the framework of the traditional approach to criminal justice, but as a broader culture that should permeate the criminal justice system based on the participation of the victim and the offender on a voluntary basis, as well as other affected parties and the wider community in addressing and repairing the harm caused by crime"*. Reference is made to the empirical evidence on the positive impact of restorative justice and its benefits both for criminal justice systems and for society at large.

The Committee of Experts on Terrorism (CODEXTER) also worked to improve assistance and reparation to victims of terrorism. It drafted the CoE Convention on the Prevention of Terrorism, which calls on Member States to ensure financial assistance and compensation for victims of terrorism and their close family members (art. 13). It also contributed to the elaboration of the Guidelines on the protection of victims of terrorist acts (adopted in 2005 and revised in 2017). According to these guidelines, States should provide fair, appropriate and prompt compensation regardless of the nationality or residency of the victim. The Guidelines also invite Member States to consider other forms of reparation than the payment of compensation (art. VIII).

In 2018, CODEXTER became the CoE Counter-Terrorism Committee (CDCT). The CDCT is the main body of the CoE dealing with violent extremism. It adopted its first [CoE Counter-Terrorism Strategy \(2018–2022\)](#) designed to address criminal law aspects of the phenomenon of foreign terrorist fighters and returnees. One of the activities of this Strategy is the collection of best practices with regard to de-radicalisation, disengagement and social reintegration. Building upon this document, the new CoE Counter-Terrorism Strategy (2023–2027) is under preparation. In 2019, the CDCT decided to set up a [Network of Single Contact Points for the exchange of procedural information regarding the legal standing of victims of terrorism](#). The information exchanged between the Single Contact Points concern mainly procedural information on the legal standing of victims of terrorism, their right to medical and other relevant assistance and financial compensation.



This policy paper is especially directed at European policy-makers, civil servants and network organisations concerned with addressing violent extremism. It complements the practice paper published in 2021. Both of these publications call for additional ways to respond to the harms caused by violent extremism, terrorism and, more generally, hate and polarisation.

RESTORATIVE JUSTICE IN CASES OF VIOLENT EXTREMISM

A POLICY PAPER BY THE
EUROPEAN FORUM FOR RESTORATIVE JUSTICE
WORKING GROUP ON VIOLENT EXTREMISM



This policy paper has been published in October 2022, edited by Lucy Jaffe, Emanuela Biffj, Laura Hein, Katrien Lauwaerts and Graziella Fourez. It is the result of a collaborative project between the members of the Working Group on Violent Extremism of the European Forum for Restorative Justice.