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27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

Yerevan (12-13 October 2006)

**VICTIMS:
PLACE, RIGHTS AND ASSISTANCE**

Report presented by the Ministry of Justice of

AUSTRIA

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The Austrian Delegation to the 27th Conference of the European Ministers of Justice (Yerevan, 12 – 13 October 2006), recalling Resolution No. 2 of the 26th Conference of the European Ministers of Justice in Helsinki on the the Social Mission of the Criminal Justice System - Restorative Justice, presents the following contribution as possible guidelines for the carrying out of future work by the Council of Europe, in the context of developing a more victim-oriented criminal policy, noting that more attention should be paid to all forms of restorative justice and their development. It considers that any such work should pay particular attention to the following:

1. to explore consensual and restorative means for preventing and solving conflicts;
2. to establish a broader diversity of social and penal reactions to illegal behaviour;
3. to promote active participation of the parties directly involved with a view to contributing to reconciliation and conflict resolution;
4. to enhance the role of victims in criminal proceedings with a view to improving information, taking account of their specific interests and furthering restitution, compensation, reconciliation and rehabilitation;
5. to promote different forms of restorative justice, in particular victim-offender-mediation and conferencing, out of court as well as at the pre-trial, sentencing and post sentencing stage;
6. to provide for an outcome of proceedings more reasonable and understandable, in particular for young people and first offenders;
7. to develop specific models for cases of domestic violence and intimate partner violence;
8. to explore appropriate modes of co-operation between government agencies and the providers of restorative justice and victim-offender-mediation services;
9. to work for the institutionalisation of restorative justice models suitable for the social and legal conditions and traditions of national societies;
10. to develop and support transborder exchanges of experiences and strategies of restorative justice;
11. to work for a common European understanding of the basic principles of restorative justice;
12. to take into account the work of the European Forum for Victim-Offender-Mediation and Restorative Justice;
13. to identify good practice and successful examples of restorative justice and to aim at an integrated policy;
14. to entrust a consultant with the task of elaborating an inventory/a survey of regulations and practices of restorative justice in member states;
15. to consider, on the basis of such an inventory/survey of existing programmes and good practice, updating Recommendation No. R(99)19 on mediation in criminal matters and possibly to broaden its scope by including other forms of restorative justice.

