

DECLARATION OF THE MINISTERS OF JUSTICE OF THE COUNCIL OF EUROPE MEMBER STATES ON THE ROLE OF RESTORATIVE JUSTICE IN CRIMINAL MATTERS

on the occasion of the Conference of the Ministers of Justice of the Council of Europe “Crime and Criminal Justice - the role of restorative justice in Europe”

(13 and 14 December 2021, Venice, Italy)

Venice Declaration on the Role of Restorative Justice in Criminal Matters

The Ministers of Justice of the Council of Europe member States,

1. Underlining the importance of the work already carried out by the Council of Europe in the restorative justice area and noting with great satisfaction that the Ministers taking part in the Venice Conference fully support the objectives of Recommendation CM/Rec(2018)8 of the Council of Europe’s Committee of Ministers concerning restorative justice in criminal matters and reiterate the standards and principles therein;
2. Emphasising that, according to the above Recommendation, restorative justice is a process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to actively participate in the resolution of matters arising from the offence, through the help of a trained and impartial third party (usually called mediator or facilitator);
3. Stressing that this process often takes the form of a (direct or indirect) dialogue between the victim and the offender, which presupposes the prior recognition of the criminal factors by the author, and can also involve, where appropriate, other persons affected by the crime, especially family and, where appropriate, the community to which they belong;
4. Underlining the relative advantages of the restorative justice processes, with particular reference to the voluntary nature of these processes and the possibility to interrupt or stop them at any time, underscoring equal concern for the needs and interests of all parties involved, and reiterating that the focus of the process lies on reparation of material and immaterial damages, voluntariness, participation, confidentiality, reintegration of offenders, impartiality of the third party, and thus reducing the risk of stigmatisation;
5. Recognising that restorative justice has received a growing interest in a number of Council of Europe member States, and its further development and efficient use can be seen both as an opportunity and a positive challenge for ameliorating the European criminal justice systems while observing that, overall, the development of restorative justice should be considered as an important part of the global sustainable development process as it also contributes to the United Nations Sustainable Development Goal 16: promoting just, peaceful, and inclusive societies;
6. Observing that the Venice Conference, which gathered Ministers of Justice of the Council of Europe member States, senior governments’ officials and professionals, proved to be an instrumental and timely platform for the exchange of knowledge, information and good practices, and for discussing challenges in this area;

7. Emphasising the duty of public institutions to foster constructive interventions towards juvenile delinquency and provide further chances to young offenders, given their young age and the need to reintegrate them into society, and paying particular attention to the way restorative justice processes should be used in cases involving children (victims or perpetrators of crime) and reiterating in this respect the relevance of the standards and principles contained in the Committee of Ministers Guidelines on Child-Friendly Justice (2010) and its Recommendation CM/Rec(2008) 11 on the European Rules for juvenile offenders subject to sanctions or measures;
8. Highlighting that the need for the provision of adequate training in the implementation of restorative justice was discussed at large and supported at the Venice Conference;
9. Considering that, in a growing contrast between different levels of society, restorative justice can represent an important tool for addressing conflicts arising from criminal acts and for fostering social cohesion by solving such conflicts and for looking at conflicts not as an occasion for further social divisions;
10. Considering restorative justice not only 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;
11. Affirming the positive impact of restorative justice on reducing recidivism and noting the ample empirical evidence which proves that restorative justice is effective and produces satisfactory results for the parties of the conflicts concerned and, beyond that, for a community as a whole;
12. Observing the possible positive impact of restorative justice paths also on countering the radicalisation of individuals;
13. Underlining that the proper use of restorative justice can contribute to using more efficiently and in a personal and socially inclusive manner the criminal justice processes, and contributes in this way also to improving the way our societies deal with offenders and victims and therefore requires adequate financial and human resources, which should be seen as an investment in the future and conducive to the safety and well-being of our societies;
14. Considering that the Council of Europe is uniquely placed to take the lead on further work in this area, and that the follow-up to this Declaration might take different forms, based on the three-pronged approach of the organisation, namely through standard-setting, monitoring and co-operation/awareness-raising activities aimed at achieving a greater unity and harmonisation between the Council of Europe member States;
15. Invite the Council of Europe to encourage and assist its member States to:
 - i. Develop national action plans or policies, where necessary, for the implementation of Recommendation CM/Rec (2018)8 on restorative justice in criminal matters, by ensuring inter-agency co-operation nationwide, adequate national legislation and funding, while reflecting on the idea that a right to access to appropriate restorative justice services for all the interested parties, if they freely consent, should be a goal of the national authorities;
 - ii. Promote a wide application of restorative justice for juveniles in conflict with the law, as one of the more valuable component of child-friendly justice according to the Guidelines of the Committee of Ministers on Child-Friendly Justice (2010);
 - iii. Stimulate in each member State a wide implementation of restorative justice, its principles and methods as a complement or, where suitable, as an alternative to or within the framework of criminal proceedings aiming at desistance from crime, offenders' reintegration and victims' recovery;
 - iv. Consider restorative justice as an essential part of the training curricula of legal professionals, including the judiciary, lawyers, prosecutors, social workers, the police as well as of prison and

probation staff and to reflect on how to include the principles, methods, practices and safeguards of restorative justice in university curricula and other tertiary level education programmes for jurists, while paying attention to the participation of civil society and local and regional authorities in the restorative justice processes and addressing the Council of Europe when in need for co-operation programmes and training of its officials implementing restorative justice;

v. Raise the awareness of restorative justice processes nationwide, and put into practice projects aiming at a widespread communication of the role and benefits of restorative justice in criminal matters, by providing a response beyond penal sanctions;

16. Call upon the Council of Europe to:

- a) Carry out a comprehensive study of models of restorative justice currently covered by national legislations and implemented by member States' governments, in order to facilitate exchange of knowledge, best practices, experiences and genuine scientific research on this topic, while recognising national specificities;
- b) Elaborate "Council of Europe High-Level Principles on Restorative Justice", proposing a set of measures through which member States will endeavour to apply these principles;
- c) Continue, through the European Committee on Crime Problems (CDPC), to regularly assess the implementation of Recommendation (2018)⁸ and the principles annexed thereto, in the light of any significant developments in the use of restorative justice in member States and, if necessary, revise it, according to Rule 67 of the Recommendation.

Venice, 14 December 2021