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Restorative Justice Training in Intercultural Settings in Serbia, and the Contribution of the Arts

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This paper describes restorative justice training courses the author delivered in Serbia and Montenegro in the period 2003-2006, set in the context of the post-conflict situation, and reflects on the intercultural elements added to this course. The author also makes reference to recent work on hate crime and restorative justice in the UK as an extreme example of intercultural conflict. The final two sections discuss the potential of the arts in providing an extra (non-verbal) tool in this work, using as examples two courses the author ran in Serbia.

Key words: restorative justice, diversity, art, conflict, hate crime, mediation.

Introduction

This paper is a reflection on restorative justice trainings held in Serbia, and the way they took account of the intercultural settings in Serbia. The basic restorative justice training is described, and then the way in which training in diversity issues came to be seen as necessary and were included through a supplementary course. Role plays in this course were based on intercultural scenarios brought by course participants. Between the practitioner courses and the Training for Trainers, participants were asked to mediate five cases before attending the Training for Trainers course. Several of these cases involved intercultural issues, and show how participants adapted their training to work successfully with these.

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This paper aims to show how restorative justice training can be adapted to work successfully with intercultural issues in Serbia. It also demonstrates the use of the arts in providing a non-verbal channel to enhance understanding and provide another dimension of communication.

Restorative justice training in Serbia and Montenegro 2003-2006

This was a project of UNICEF in Belgrade. An independent consultant was working with youth justice professionals in Niš (in south-east Serbia) after the conflict in former Yugoslavia, and they identified restorative justice as the practice they wanted to bring into the youth justice system. So, the first pilot training course (one week long) was for that group – lawyers, social workers, teachers, social pedagogues, psychologists and some school students and residents in care homes. This first course was very successful and enabled UNICEF to obtain funding from the Swedish government for a three-year project. In all, I trained 180 victim-offender mediators, and trained 50 of these to be trainers. New groups were identified as the project progressed, and in the end there were six pilot projects.

A sensitive venture was the training at the Juvenile Correctional Institution, Kruševac, as this included a group of guards as well as teachers and social workers, not a usual combination. All went well, and there was substantial follow-up support from a UNICEF consultant. The head psychologist at the institution set up a mediation service, with its own rooms, and it has continued to function up to the present, handling about 20 cases a year.

Two training courses were carried out in Montenegro, the first in the capital Podgorica, the second in Bijelo Polje, a small town in the north of Montenegro – this was because of a change in the decision of site for the pilot project.

Another strand was to provide training for 15 mobile teams of social workers, with four workers attending from each district, mainly social workers and psychologists. These mobile teams consisted of state social workers helped by NGOs to provide help for families affected by the conflict, e.g. providing clothes and shoes for children in remote districts so that they could attend school. Restorative justice skills were seen as helpful for the many cases of young people in trouble with the law. Finally, I trained social workers

in Belgrade and also postgraduate students undertaking a mediation course at Belgrade University (Liebmann, 2005a).

The complete training included: a) 5 days victim-offender mediation training, including role plays; b) 2 days refresher course addressing gaps and specific points, with more role plays; c) 3 days diversity training, focusing on working with minorities, especially Roma; d) 5 days training of trainers, including preparation of course sections with feedback from others.

Mediation and cultural diversity course

The need for cultural diversity training arose from the first pilot course with the Niš group. It was seen as necessary because Serbia has quite a diverse population from all the countries surrounding it (Bulgaria, Hungary, Albania as well as the ex-Yugoslavian countries), and many towns and cities have a large Roma population, most of whom are very poor and are discriminated against almost as a matter of course. Many of the young offenders who were to be involved in restorative justice were from the Roma community, so it was important to treat them with respect. I was quite apprehensive about this training, given the events of the previous ten years in the Balkans, but it seemed possible to discuss prejudice and ways of working with it. Most participants thought the course had helped them to recognise their prejudices, the first step on the road in this field. They also recognised the need to involve adults from the Roma population in the organisation of the service and maybe to train as mediators. The few minority participants in this course were initially very quiet, but when asked to contribute, had very relevant contributions to make. The course was based on materials from National Family Mediation in UK (with permission), and additional material developed by me. The course included the following topics: 1) Pre-course task: cultural autobiography; 2) Sharing cultural objects; 3) Definitions of culture; 4) Cultural messages from family of origin; 5) Groups in society experiencing prejudice; 6) Feelings (a) experiencing prejudice (b) being prejudiced; 7) Challenging prejudice; 8) Feelings of being in a minority; 9) Minorities' needs in mediation; 10) How inequalities can affect mediation; 11) Working with cultural diversity; 12) Communication barriers, conscious and unconscious; 13) Perceptions based on partial knowledge; 14) Working with interpreters; 15) Next steps.

Role plays

Role plays were based on real cases brought by participants, e.g. a) assaults arising from racist insults, mostly from Serb boys to Roma boys; b) mediations between Roma and Serb boys which included insulting comments; and c) theft from an Albanian bakery resulting in conflict between communities

Mediation cases resolved

Between the Practitioner Courses and the Training for Trainers, participants were asked to mediate five cases, and write up one of them. This defined eligibility for attending the Training for Trainers course. Some of these cases included cultural issues: 1) theft of music keyboard by Roma youth; 2) burglary of tools from poor family of German descent; 3) fight between Serb and Roma boy, escalated by Roma boy's cousins; 4) large-scale fight based on prejudice, involving IDPs, Roma, Albanian, Croatian and Kosovo participants; and 5) discussion of peace councils in traditional areas, mediating after a death to prevent vengeance killing.

Case study: Large-scale fight based on prejudice

In a region of Serbia where there was ongoing conflict between Serbs, Bosnian Muslims and Kosovan IDPs, a Roma family of Albanian ethnicity from Kosovo had been settled as IDPs in a centre. They complained of persistent discrimination against them. One day in a café a local resident who was drunk provoked them; a local man stood up for them but a brawl ensued, which escalated to about 100 people. The drunk man was injured and lost his mobile phone. The police arrested many people. Another Roma man (of Croatian origin) tried to make things better. The police asked the Mobile Teams to help and mediators visited all parties. They mediated between the drunk man and the local man who stood up for the Roma family; and between these and the Croatian Roma. The family from Kosovo took the offer of a move to another area they hoped would be more tolerant of minorities. In this way the mediators managed to resolve conflict between parties of different cultures and ethnicities – otherwise intercultural conflicts would have escalated into violence.

Case study: Burglaries in a rural neighbourhood

A family of German descent lived in a rural area, and because they were from a different culture, kept themselves to themselves. They had four children and were very poor - they received some basic help from the social services. The mother had suffered from mental illness for 20 years and did not leave the house. The father and two older sons had committed minor thefts in the past. The third son contacted the Mobile Team for help when he was charged with several burglaries from neighbouring summer cottages of food, tools and cleaning materials. The police recovered all the goods, neatly stacked in a room in the boy's house. Court proceedings had already started, but the judge agreed to mediation taking place alongside. Although there was no expectation of any impact on the court, the offender said he wanted to meet the victims. His father accompanied him. There were three victims, all elderly people who were not well off and had worked hard on their cottages, hoping to move there eventually. They wanted to see who had committed the burglaries. Because of the difference in cultures, neither side had had much contact with each other.

The boy started his story tearfully, and said his father had been involved. The father confessed that he was indeed the real thief; he had just taken his son along for company. He was horrified to find that he knew the victims and said he would never have stolen the things if he had known they were the owners. An agreement was made, and when this was presented to the court, the judge dismissed the case against the son, and started a case against the father.

The agreement included: apologies from father and son, the father to take a more responsible position as a role model, a promise that in future difficulties the family would seek help instead of harming others, and a promise not to re-offend. Not in the agreement but equally important was the fact that they had met and begun to build a relationship. Mediators had helped an intercultural dialogue into being (Liebmann, 2005b).

Case study: Fight between Serb boy and Roma boy

A Serb boy and a Roma boy, both 16, had a fight in which the Roma boy, as the smaller one, got beaten up. Two older cousins of the Roma boy then beat up the Serb boy. Meanwhile the Serb boy was expelled from school for

his behaviour. Groups were asked to make suggestions as to who should be involved in the mediation process and why. The groups came up with several possibilities:

- Include everyone - the four young people, all their parents, three representatives of the school (including the principal if possible), including two mediators - making a group of about 17.
- Include just the two original boys, as 16-year-olds could handle mediation independently of their parents (although parents' permission might be needed). If mediation is successful, then work out a mechanism for communicating with everyone else, or hold a larger meeting as above.
- Include the four boys (three Roma and one Serb) and two more to support the Serb boy.

All these would be viable and good ways of approaching this case. In each case mediators would use their skills to elicit the intercultural issues between the Serb and Roma boys, and help them to address these without violence. In this way they could help develop better intercultural understanding (Liebmann, 2003).

Restorative justice and hate crime

Hate crime is the expression of prejudice or bias against the group that the victim is seen to be part of, e.g. violence against black people, Jews, Muslims, gay people, disabled people, etc. – just because they are members of these groups. As such, it is a manifestation of failure of intercultural dialogue. Hate crime perpetrators often commit crimes out of prejudice, which may be based on ignorance. For instance, a paediatrician in the UK received a firebomb through her house letter-box because the offender thought she was a paedophile – he did not know the difference. Research in the UK has shown that restorative justice can help with hate crime by: a) lowering anxiety, anger and fear; b) increasing understanding; c) resolving conflicts; and d) stopping hate behaviour. Independent community-based services do better than statutory services, because they are able to spend more time with participants and also do not label them (Walters, 2014).

The following case studies from my home city, Bristol, UK, show the work of two organisations in this field.

Case study: Racist comments about a black student

A black student discovered racist comments on two white flatmates' computers. She was very upset and reported it to the police, but they were unable to take action as it was considered a 'private conversation'. The police and SARI (an NGO working against racism and inequality) worked together and contacted the university, exploring the possibility of a restorative approach. The victim's family was involved. All parties were visited by the police and SARI to explain the approach. A restorative conference was held for all concerned, and the victim was able to ask why her flatmates had used racist abuse against her, an opportunity she would not have had if the case had gone to court. The flatmates offered a heartfelt apology and the three students resumed their friendship and continued sharing their flat. This case shows how RJ facilitators were able to help participants rebuild an intercultural relationship which had broken down because of the prejudiced behaviour of one party.

Case study: Alleged racism, threats and intimidation

This case was passed on from SARI to Bristol Mediation, a community mediation service, because it did not have a clear victim and offender – it involved two men who both alleged racism, threats and intimidation, based on their different cultures. Many agencies had been involved without success. However, both parties said they wanted to resolve the issues between them. English was a second language for one of the parties, so an interpreter was arranged who was also a mediator. Mediators visited both parties, who spoke about the effect of the situation on them. The mediators explored their anxieties and helped them plan what they wanted to say to each other. At the joint meeting, they were able to talk about these things. They became angry at times, but an extra room had been arranged, so that mediators could continue to work with them separately until they were ready to come back together. They made a written agreement, which the mediators followed up to see if it was working. Both parties were extremely grateful. Thus mediators

were able to help two people of different cultures to understand each other better and to stop their threatening behaviour towards each other (Liebmann, 2015).

The potential of the arts

Most dialogue in intercultural work takes place through verbal means. However, sometimes words are an inadequate medium for the issues and feelings that need to be expressed. The examples below show two different ways in which I used arts methods in conflict resolution work.

Picturing truth and reconciliation

I contributed to a conference in Belgrade in October 2004 run by the Victimology Society of Serbia on *'Truth and reconciliation in the former Yugoslavia: Where are we now and where to go?'* I ran an art workshop for participants to express thoughts and feelings about the past and hopes for the future. The participants were from several different backgrounds and cultures in Serbia. The structure of workshop was as follows:

- Introductions
- Warm-up activity
- Looking at the past
- Hopes for the future
- Final comments

The results of these were: 1) introductions – important for participants to choose own level; 2) warm-up activity – 'completing scribbles' – playful and relaxing; 3) looking at the past – emotional portrayals of loss; 4) hopes for the future – good coming out of bad, stability, bright colours, houses for all; and 5) final comments – enjoyment, surprise, relief, ability to express themselves. Even in such a short workshop, it seemed that it was possible to share difficult areas of the past, and move on to looking at hopes for the future. The use of art materials seemed to facilitate the expression of aspects difficult to put into words, and provide another way of bringing people together, as they shared their pictures (Liebmann, 2004).

Art and conflict courses

These workshops use simple art materials to explore conflict issues (Liebmann, 1996), and include different art exercises according to the group and time available, from the following menu:

- Conflict – first reactions and quick pictures;
- Symbols/ metaphors of conflict – that sum up the essence of an aspect of conflict;
- Painting conflicts – sometimes leading to a realisation of the first step towards resolving it;
- Visual mediation – starting with a picture of conflict, a partner acts as ‘mediator’ and draws another picture using the same elements but rearranging them slightly to show a different way of looking at the conflict;
- Squiggles – pair exercise in completing drawings, often leading to surprises and realisation of assumptions made;
- Sharing space with a partner using art materials in silence – a metaphor for the many kinds of sharing, often involving conflict – personal, group, international;
- Passing round drawings – interpreting what is already on the paper and adding a contribution;
- Visual whispers – a visual version of the whispering game where a message gets progressively distorted as it travels around the group;
- Group picture – showing group dynamics, which may involve conflict;
- Drama tableaux – based on conflict pictures, using ‘body sculpts’ to work from conflict to resolution and find steps in between;
- Reflections on work done over the whole workshop, and any discoveries.

The course I ran in Serbia in 2006 was for a mixed group of therapists and mediators – these two groups turned out to have fairly different professional cultures, which caused some conflict in the group. The exercise on symbols of conflict resulted in pictures of an explosion, a brick wall, a broken world (but showing how it could fit together again), and a cracked egg (but showing the birth of a chicken, something new to come out of a breakage). These are shown in figures 1-4 below.

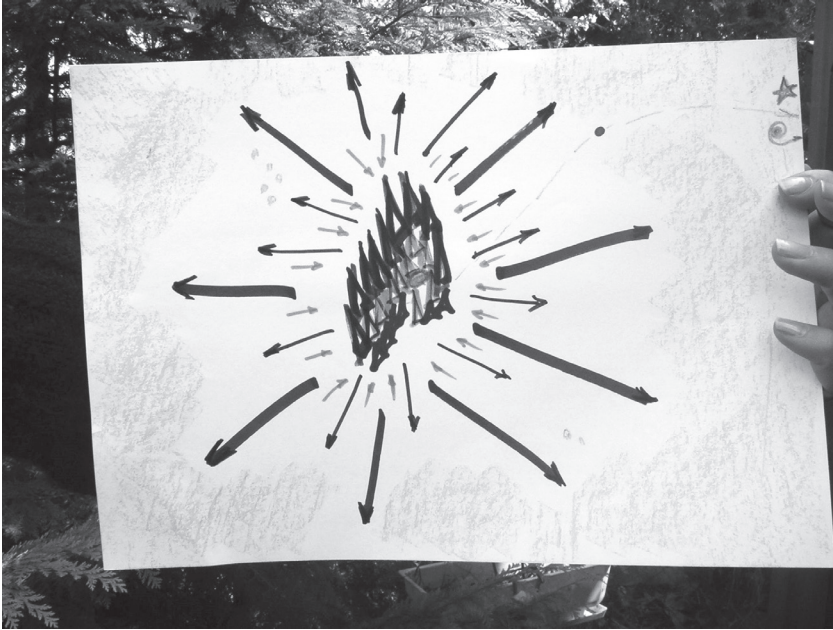


Figure 1: *Explosion*

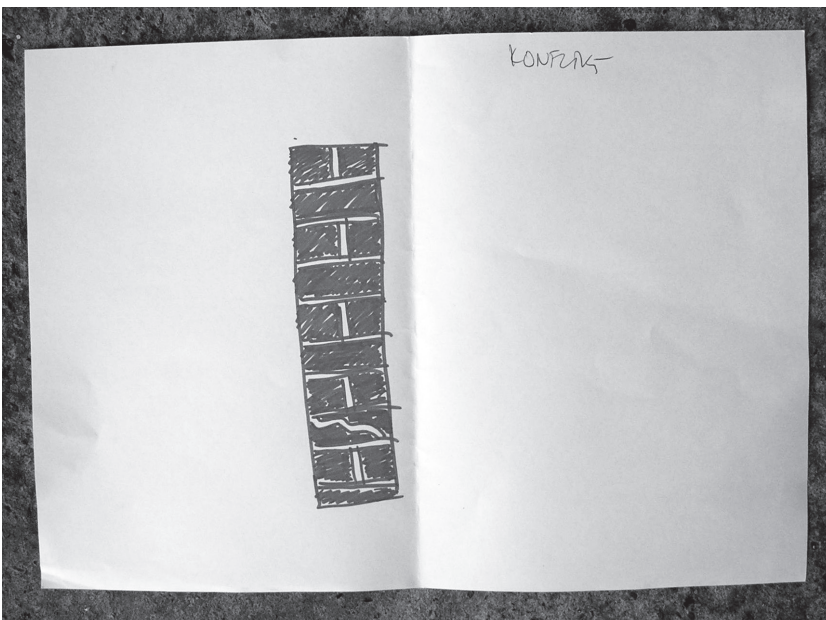


Figure 2: *Brick wall*

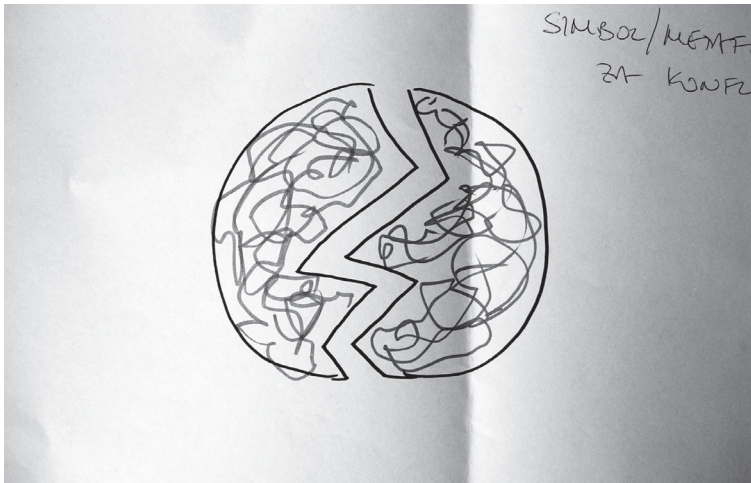


Figure 3: *Broken world*

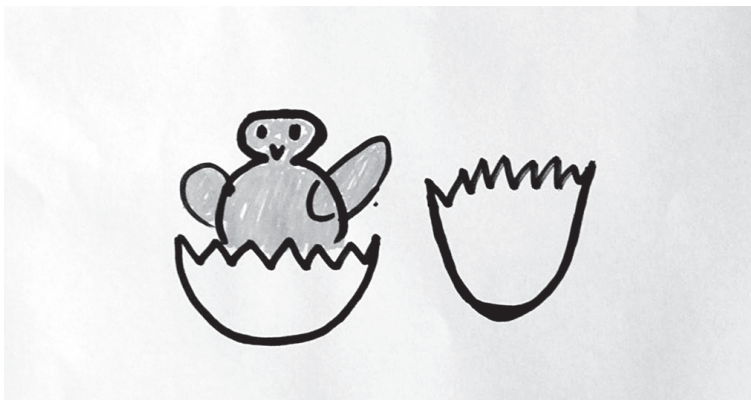


Figure 4: *Cracked egg*

In the visual mediation exercise (see above for details), one set of pictures showed a rearrangement of bottles giving less prominence to the broken one (see figure 5). This change was then translated back to the 'real life' situation of the participant.



Figure 5: *Visual mediation*

We also used simple drama techniques, such as drama tableaux, a way of freezing body postures, to show conflict situations and the resulting emotions (Fine, Macbeth, 1996; Thompson, 1996). A drama tableau of one conflict situation moved from a scenario of everyone displaying aggressive gestures – to relaxing these – to holding hands – to a big hug. This led to discussion of the steps needed to resolve that conflict in real life.

These arts exercises can result in participants ‘seeing’ new ways of dealing with conflicts in their lives. Many conflicts have a cultural component to them, sometimes unconscious, and arts can make them visible in a non-threatening way, leading to new perspectives on the conflicts and issues.

Conclusion

In this paper I have tried to demonstrate the way in which restorative justice can help with intercultural conflicts. This requires the skills of restorative justice and awareness of intercultural aspects of conflict. My work in 2003-2006 used mediation as the method, with the addition of cultural awareness. The contribution of the arts can add a further dimension to the verbal work and extend the possibilities of creating empathy and understanding.

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Trening o restorativnoj pravdi u interkulturalnim sredinama u Srbiji i doprinos umetnosti

U radu su opisani treninzi o primeni restorativne pravde, koje je autorka sproveda u Srbiji i Crnoj Gori, u periodu između 2003. i 2006. godine. Treninzi su smešteni u kontekst post-konfliktnog društva, pri čemu je poseban akcenat stavljen na interkulturalne elemente. Takođe, u radu se ukazuje na skorije bavljenje zločinima iz mržnje, kao ekstremni primer interkulturalnog konflikta i primene restorativne pravde u ovim situacijama u Ujedinjenom Kraljevstvu. U poslednje dve celine rada, na primeru dve obuke sprovedene u Srbiji, analizira se potencijal koji ima umetnost kao dodatna (neverbalna) alatka u primeni restorativne pravde u interkulturalnim sredinama.

Ključne reči: restorativna pravda, različitost, umetnost, konflikt, zločini iz mržnje, medijacija.