

**CONFLICT RESOLUTION, MEDIATION, RESTORATIVE
JUSTICE, AND THE POLICING OF ETHNIC MINORITIES IN
GERMANY, AUSTRIA AND HUNGARY
(COREPOL)**

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First steps of the project

The preliminary steps of the **COREPOL** project, No. 285166, FP7-SEC-2011.6.5-1 were taken in summer 2010, when Prof. Dr. Joachim Kersten, the Head of the Department of Social Sciences at the German Police University of Munster, proposed to start a joint project between Hungary, Austria, and Germany funded by the European Union.

The personal ties of the Austrian, German, and Hungarian partners originated from a much earlier time. Due to the same professional interests and activities, the project partners had met at several CEPOL conferences and workshops prior to this application for EU funding. At a meeting held in Budapest, we outlined the ideas and potential partners while discussing the possible issues as well as the expected results of the project. Finally, we agreed on a common project theme, namely a method (mediation, restorative justice), and on a further research activity to find possible solutions concerning emerging ethnic conflicts which are becoming intense in all three countries.

In Western European countries, the main problem is migration; while Eastern European countries are struggling with Roma conflicts. These two issues are similar in form and content: namely both result in conflicts between minority groups, the police, and revolved around the problems of integration of minorities and ethnic minorities.

We agreed that the title of the application to be submitted would be "***Conflict resolution, mediation, restorative justice, and police activity among ethnic minorities in Germany, Austria and Hungary***".

The partners were the following institutions: The German Police University (DHPOL, Germany) from which Prof. Joachim Kersten was delegated as a project coordinator, the Police College (RTF, Hungary, Faculty of Law Enforcement of the National University of Public Service), Science Academy of Safety, Science and Research Institute (.SIAK, Austria), Institute of Sociology of Law and Crime (IRKS, Austria); and the European Research Services Inc. (ERS, Germany).

Since we have had a long term professional relationship with the partners due to the CEPOL conferences and workshops, we accepted the request for participation in the project. The necessary documents were signed and sent to the German partners on June 17, 2011.

The project received an EU grant in November 2011 for a duration time of 36 months, i.e., it was running from January 1, 2012 and terminated on December 31, 2014. The official project document was signed in Brussels in December 2011.

The project

The aim of the project is to enhance the cooperation of three EU countries (Austria, Germany, and Hungary) concerning the training institutions of police officers. The main scope of the project was to examine how the police can effectively use mediation, restorative justice in law enforcement; how this method can be used in conflicts between minorities (Turks, Africans, or Roma people). We had anticipated and we were eager to prove that tools of restorative justice can improve the relations between majority and minorities everywhere from the school, to the local neighborhood, and in the entire justice system.

We were convinced that the vulnerability of both the majority and minorities can be effectively treated with understanding and humane methods of conflict management and only this can lead to peaceful society. According to various surveys, the majority of society thinks that the role of the government is to protect the social order, and it has to ensure that citizens adhere to the norms of social coexistence.

It is also agreed that state must act strictly against perpetrators of serious crimes. Nevertheless, alternative solutions should be sought against those who committed less serious offenses.

Nowadays, the new alternative method of conflict resolution and mediation is becoming well-known in several countries. More and more people are aware that this method is faster, cheaper, and it can significantly reduce the Court's workload. Moreover, it can be successfully used for prosecution to terminate the judicial process, the victim restitution can help to reduce the pain and losses due the committed crime, and the parties of the convict can feel more personal treatment and can more easily accept the verdict.

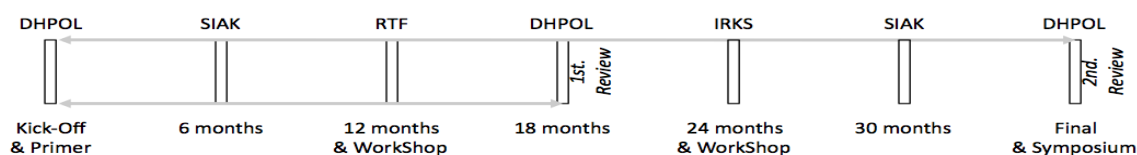
The co-operation, inclusive and integrative measures will strengthen the community ties that are essential for crime control in the area and can avoid further victimization.

The goal is that all the victims, as well as the convicted perpetrators, could be reintegrated into the community. We are convinced that social awareness fostering community mediation can enhance cooperation and reconciliation.

The participants of the project – apart from the Austrian Institute of Sociology and Criminal Law (IRKS) – were police officer training institutions.

One of the aims and major tasks of the project was to carry out research focusing on the professional education of key competencies such as *empathy, responsibility, tolerance, problem solving, confidence in professionalism, efficiency, collaboration, openness, respect, and the recognition of different values, communication skills, and creativity*. All of these skills are essential for those working in law enforcement and highly essential in any democratic country throughout the European Union.

The following figure shows the planned monitoring points in the workflow schedule.



The work-packages

There were 6 work-packages (WP) defined according to the main tasks stated in the project

The WP leaders were to coordinate, manage, monitor and control the activities within their own work-package and to liaise with the permanent members of the project. They were also responsible for ensuring a smooth transfer of results between the different work packages. Special attention was given to use the database in coordinated fashion by entering coherent input data so that the various restorative justice approaches (legal, justice, minority problems) could be comparable in different countries. We followed the same methodology and principles of the least "common denominator" during data collection and processing. The work package leaders guaranteed high quality work, rigorous deadlines, and budgets for compliance. All the teams, staff and representatives of minority groups were keen to maintain trust, confidence in the police force and in case of disagreements, we agreed to pursue immediate jointly dialogue. All of these tasks demanded frequent exchange of information between the members of the project, work package leaders, and the coordinator.

The responsibility of the **WP1** was to coordinate the scientific work which had to be ensured during the entire project period. The task of the **WP2** was to collect literature on restorative justice, to carry out a comparative analysis of the theoretical and practical approach by interviewing experts, and then to present the results on a two-day high profile workshop organized by the WP leader. The **WP3** contained mainly field work, which was actually the most important part of the project. The responsible manager for WP3 was the Hungarian partner focusing on minorities and carried out related research including different participating countries. The **WP4** was to investigate the role of the police, to prospect and explore the duties of the police, and to provide comparative analysis of the activity. The **WP5** focused on the dissemination of the results. The data to be collected was about the names of the researchers and places, times and what scientific conferences and meetings attended, what publications have appeared on the subject, and what our plans are for the future. The **WP6** included technical, financial, administrative, and ethical responsibilities, which are relevant for the project and had to be maintained.

The fieldwork related to WP3

The results were obtained by the Hungarian team (with Andrea Kozáry Project leader, Petra Arnold, András Déri, Gábor Héra, and Erik Uszkiewicz) according to the interview outlines which were accepted by all the participants and prepared according to the interview outline agreed by all the other parties of research in Germany, Austria

and minority problems in Hungary regarding the representation of a comprehensive, multi-perspective viewpoint.

In these three countries, the police conduct on minorities is one reason for the growing political and ethnic conflicts. The work package focused on a specific analysis of the situation concerning three targeted minorities, examining the relationship between the law enforcement and minorities for the participating countries of the study. The primary objective of the consortium was to gain information from the results of field research concerning restorative justice programs affecting these minority populations and to find out whether the police units participated in these programs or not.

In each of the three countries the same interviews were prepared and issued. In Hungary the interviews were administered in six villages of Nógrád county (Mátaverebély, Bátonyterenye, Mátraterenye, Sósartyán, Húgyag and Drégelypalánk). In addition to these villages, some urban areas of Miskolc and the 13th district of Budapest were researched. In Germany interviews were conducted in Berlin, Hamburg, and Mannheim while in Austria interviews were conducted in Vienna and Graz.

In first place the interviews with members of ethnic minorities focused on everyday life, and questions about security and protection were asked. We inquired the family's situation, how many people lived in the same household, what school qualifications the members of the family had, whether they were employed, how they spent their free time, how safe and protected they felt in their environment and we asked the interviewees about their conflicts and treatments.

Later we asked about their experiences with the police, the image of the police, personal experiences, potential conflicts, and asked whether they could propose any solutions to the problems.

We tried to get primary information from the local police representatives, officers and non-commissioned officers, local authorities and members of the local governance systems using qualitative interviews, who could be considered as a participating party dealing with minorities within the administrative authorities: for example educational institutions, representatives of non-governmental organizations, etc.

The main problem was to find out whether the attitude of the police was acceptable or not and the main focus was to find out what comes from experience.

The outline of the police interview first contained questions about the professional situation (what was his or her rank, for how many years the officer was working in the body, what responsibilities the officer had, and when and how he had direct contact with the public). It was followed by questions concerning the perception of minorities, professional experience, the most typical cases, the procedure and the progress of the conflict, what measures and solutions were used in these situations, etc.

The WP3 gave an overview of the socio-economic status of minority communities, described the way in which the law enforcement institutions were managed and we focused on the methods that were used by the law enforcement agencies related to restorative justice while dealing with minorities: if the police were involved in the existing programs of restorative justice, and if so, what experiences they had.

The following three summary tables show the numerical data obtained from interviews with minorities, police and representatives of various organizations in Hungary, Austria and Germany.

Overview Data Collection Hungary



| Spatial settings | Minority | | Police | | Other stakeholders | Σ (no double-counting) |
|------------------|--|---|--------------------------------------|-----------------------------|--------------------|----------------------------------|
| | Persons from minority in total (men/women) | Thereof Representatives of Minority Organizations | Police officers in total (men/women) | Thereof in leading position | | |
| Nograd county | 13 (7/8) | 3 | 10 (6/1) | 1 | 3 | 26 |
| City of Miskolc | 11 (7/6) | 2 | 10 (5/3) | 2 | 3 | 24 |
| City of Budapest | 10 (3/5) | 1+1 | 11 (7/3) | 3 | 9 | 30 |
| Σ | 34 | 6 | 31 | 6 | 15 | 80 |

Overview Data Collection Austria



| Spatial settings | Minority (=M) | | Police | | NGOs | Politicians/representatives of authorities | Σ (no double-counting) |
|------------------|---|---|--------------------------------------|-----------------------------|-------------------|--|----------------------------------|
| | Persons from minority in total (men/women) | Thereof Representatives of Minority Organizations | Police officers in total (men/women) | Thereof in leading position | | | |
| Vienna | 21 (12/9) + 3 women with children with one African parent | 6 | 24 (16/8) (incl. 2 M) | 8 | 12 (incl. 4 M) | 3 | 57 |
| Graz | 20 (14/6) | 4 | 17 (14/3) | 7 | 6 (incl. 2 M) | 3 (incl. 1 M) | 43 |
| Σ | 41 + 3 | 10 | 41 | 15 | 18 | 6 | 100 |

Overview Data Collection Germany



| Spatial settings | Minority | Police | | NGOs | Politicians/representatives of authorities | Σ (no double-counting) |
|------------------------|--|--------------------------------------|-----------------------------|------|--|----------------------------------|
| | Persons from minority in total (men/women) | Police officers in total (men/women) | Thereof in leading position | | | |
| Berlin | 8 | 7 | 1 | 4 | | 19 |
| Mannheim | 7 | 8 (7/1) | 3 | 2 | 1 | 17 |
| Hamburg (supplemental) | 7 | 5 | - | 4 | | 16 |
| Σ | 22 | 20 | 4 | 10 | 1 | 52 |

There was a two-day international conference held in Budapest on January 14-15, 2014 related to the closing of WP3 work package on "Police and ethnic minorities". One representative from each of the three countries presented the results achieved in the previous year, and described the work of the police and members of ethnic minorities (Roma, Turks, and Africans) which contained more than 230 interviews and comparative analysis of the cases.

The keynote was addressed by Dr. Joanna Goodey, the Head of Department of the Fundamental Rights Agency (EU Agency for Fundamental Rights), who reported about their research, their results, and the latest publications. The other three speakers (Gabriella Benedek from Foresee, Nick Seymour from Transparency International, and Erik Uszkiewicz from ELTE) contributed to the conference theme with theoretical and practical examples. We discussed the ongoing reforms of community police, the corruption, and the implemented mediation practice in the town called Kakucs. The evening program was the performance of Romani Platni group in the 9th district of Budapest which was followed by the visit to the Roma community center, where we enjoyed authentic Roma music and a short program about the life of the Roma community.

The keynote speaker of the second day of the conference was Prof. Mike Hough, Professor of University of London, who presented his research about the police and highlighted the perspectives of procedural justice. The speakers were: Michaela Strapatsas mediator from Graz and Gerhard Haberler department chair from the Austrian Ministry of the Interior, Dr. Branko Lobnikar from the University of Ljubljana in Slovenia, János Wagner from Partners non-governmental civil organization from Hungary.

There were roundtable discussions attended by national and foreign academics, social scientists, criminologists, sociologists, lawyers, and practicing police officers. They talked about their personal experiences and the police emphasized the roles of communities, adequate communication, and mediation tools – as the first step in solving the problem of minorities and gave a credit for mediation.

The lectures of the January workshop were published in a separate volume with the title of "Police - minority relations: Policing - Ethnic minorities. Restorative Justice in police practice" edited by Andrea Kozáry, published by L' Harmattan, Budapest (2014)

On December 4, 2014 we reported our 36 months of project work activity in Brussels to the representatives of the European Commission, where we stressed that the project requirements have been met and the research objectives have been achieved.

The joint research results on the practices of the three participating countries have been presented in various scientific studies, papers, reports, interviews, and they were summarized on workshops, national and international conferences.

Publications have been prepared about the results using the methods other social sciences (history, law, sociology, communication, political science, criminology) in such a way that these could be used in academic curriculums as well. ("Policing minority communities: Restorative Justice Approaches and its embeddedness in Austria, Hungary and Germany" edited by Joachim Kersten, Ansgar Burchard, Catharina Decker, DHPOL, Munster, 2014.)

We gave a detailed overview and history of mediation and restorative justice and the development of different models of continental justice, and their changes.

Our intention was to prove that the restorative justice approach is a rather complex system, whose primary aim was restoring the damage created by criminal offense.

Mediation is an existing judicial approach in Europe and it has been increasingly used in practice to negotiate the case and solution between victim and perpetrator.

The mediation process represents a new kind of judicial culture in which the parties' main goal is not merely a victory over each other, but the final aim is to reduce tensions and to understand each other, build trust and respect and to seek a joint solution acceptable to all.

This is an alternative dispute resolution method which transforms the relationship between the parties, providing more opportunities to understand each other with a form of a dialogue, which is extremely important in conflicts where the parties need to work together to resolve the dispute.

Mediation can be considered as a "success sector" and it is an area where the government does not act like an authority, but only supports and encourages partners to enter the conflict management process. This is why the project participants considered this as an essential method and urged that more and more people become familiar with this method both in theory and in practice.

Literature

Police - minority relations: Policing - Ethnic minorities. Restorative Justice in police practice. Edited by Andrea Kozáry, published by L' Harmattan, Budapest 2014

Policing minority communities: Restorative Justice Approaches and its embeddedness in Austria, Hungary and Germany. Edited by Joachim Kersten, Ansgar Burchard, Catharina Decker, DHPOL, Munster, 2014.

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