

Prof. dr hab. Dobrochna Wójcik

Dr Beata Czarnecka-Dzialuk

We are working in the Institute of Justice in Warsaw, and our research field is, inter alia, restorative justice and victim-offender mediation. We have learned that recent draft of an amendment to the Austrian Criminal Code contains clauses excluding the use of diversionary measures in cases of offenses committed with violence. We have understood that it can result with the termination of the victim-offender mediation practice in cases of domestic (intimate) violence.

We are not in the position to make amends concerning criminal law system or policy in Austria. However we would like to underline, that Austrian practice in mediation in domestic violence cases is highly appreciated. It was shared with Polish justice system practitioners already in 1997 and 1998 during international seminars organized by the Council of Europe and our Institute (followed with bilingual publication of the materials).

We are currently carrying out a research on the programmes for those sentenced for domestic violence offenses. We are impressed with several research carried out in your country – their methodology and results, showing beneficial effects especially for women victims and for preventing further violence. Recently we have learned on the report on the European project Restorative Justice in Cases of Domestic Violence, Best practice examples between increasing mutual understanding and awareness of specific protection needs (JUST/2013/JPEN/AG/5487), coordinated by the Verwey-Jonker Institute in the Netherlands. Austrian experiences are quoted there several times as best practices example (<http://www.euforumrj.org/news/first-comparative-report-rj-cases-domestic-violence-2/>).

Therefore we would like to express hope, that the law-makers would develop such legal means that would allow to keep and develop well-established Austrian practice of victim-offender mediation in intimate violence cases. The interests and rights of the victims should well protected; those, who would like to try the chance to gain possible beneficiary effects of mediation, should not be deprived of it.


