

Master Thesis

Exploring why victims refuse victim-offender mediation: Does saying no to VOM empower victims?

Rubian Reijerink S1777548

May 2018



Faculty Behavioural Management and Social Sciences (BMS)

Master Psychology Conflict, Risk and Safety

Supervisors

Dr. S. Zebel

J. Jonas - van Dijk, MSc



UNIVERSITY OF TWENTE.



ABSTRACT

Restorative justice aims to facilitate voluntary forms of mediation between victims and offenders of criminal offenses, which can have advantageous outcomes for both parties. Given the voluntary nature of victim-offender mediation (VOM), a subject of interest in the restorative justice field is why victims may refuse to participate in VOM and which effects such refusal may have on them. Continuing on this, this research consists of two studies which were focused on enhancing knowledge about why victims refused participation in VOM, whether and how refusal was associated to the mediator's approach, and to what extent victims experience a sense of restoring power as a potential effect of refusing VOM. The first study was aimed to answer all three research questions, in which in-depth interviews were held with 11 victims who refused VOM in the Netherlands. In line with our expectations, victims gave either offender-oriented reasons such as doubts about the sincere regret of the offender, or self-oriented reasons for refusing VOM such as a not seeing the added value of meeting the offender. Against expectations, victims did not refuse as result of not being fully and timely informed by the mediator about VOM. Findings confirm that although it was a minority, some victims do recover part of their sense of control as they refuse VOM. A second study was conducted with mediators as research participants, to further explore the influence of the mediator's approach on victims who refused VOM in the Netherlands. And to predict which factors may contribute to refusal. In this study 19 mediators filled out questionnaires about several mediation cases which they handled themselves, resulting in information about 136 casefiles. Logistic regression analysis of these case data with victims refusing participation (yes versus no) as the criterion indicated that, as expected, victims were less likely to refuse when mediators informed them via a proactive approach, which refers to giving full and timely information about VOM. Against expectations, findings did not show that victims of more serious offenses were less likely to refuse when the protective approach was implemented, in which information was not systematically provided. However, the protective approach was preferred when offenses were estimated as very harmful. Overall, the findings suggest that despite the various reasons for and effects of victims refusing VOM, victims have a strong need to be fully and clearly informed about mediation, such as about its influence on the court trial. VOM programs can further optimize their approach by giving victims the opportunity to be fully informed at all times. This will ultimately contribute to ensuring that victims find their access to VOM.

Word count: 431

SAMENVATTING

Herstelrecht heeft als doel om bemiddeling tussen slachtoffers en daders mogelijk te maken wat gepaard gaat met voordelige uitkomsten, zoals afname in boosheid. Met betrekking tot de vrijwilligheid van slachtoffer-daderbemiddeling (SDB), een veelbesproken onderwerp binnen herstelrecht is waarom slachtoffers weigeren in SDB en welke effecten kan het weigeren opleveren. Het huidige onderzoek gaat hier verder op in, bestaande uit twee studies gericht op de redenen van slachtoffers voor het weigeren van deelname, de rol van de bemiddelaar hierop, en of slachtoffers een gevoel van controle ervaren als gevolg van het weigeren. De eerste studie was gericht op alle deze aspecten, waarbij diepte-interviews zijn afgenomen onder 11 slachtoffers die SDB weigeren in Nederland. In overeenstemming met onze verwachtingen gaven slachtoffers dader-georiënteerde redenen zoals twijfels over de oprechtheid van spijt, of zelf-georiënteerde redenen zoals het niet zien van de toegevoegde waarde voor het ontmoeten van de dader. Tegen de verwachtingen in, was geen effect gevonden dat slachtoffers weigeren doordat zij onvolledig en niet tijdig geïnformeerd waren over SDB door de bemiddelaar. Bevestiging is gevonden dat sommige slachtoffers hun mate van controle herstellen wanneer zij SDB weigerden. Een tweede onderzoek, met bemiddelaars als deelnemers, was uitgevoerd om de invloed van de werkwijze van de bemiddelaar op de bereidheid van slachtoffers die SDB weigerden in Nederland verder te onderzoeken. En om te voorspellen welke andere factoren bijdragen aan weigering. 19 bemiddelaars hebben vragenlijsten ingevuld over meerdere zaken die zij behandelden, wat resulteerde in data van 136 bemiddelingszaken. Een logistische regressie analyse van deze zaken met slachtoffers die bemiddeling weigeren als criteria (ja versus nee) liet zien dat slachtoffers minder vaak weigerden wanneer bemiddelaars een proactieve werkwijze hanteerde, waarin volledig en tijdig geïnformeerd werd. Geen bewijs werd gevonden dat slachtoffers van ernstige zaken minder vaak weigeren wanneer de beschermende aanpak werd ingezet (niet systematisch verstrekken van informatie). Echter, kwam wel naar voren dat deze aanpak de voorkeur had in zaken met een hoog ingeschatte emotionele impact. Over het algemeen suggereren de bevindingen dat ondanks de verschillende redenen en effecten van het weigeren van SDB, slachtoffers vooral volledig en duidelijk geïnformeerd willen worden over bemiddeling. Zoals de invloed van de strafzitting op SDB. SDB programma's kunnen hun aanpak optimaliseren door slachtoffers te allen tijde de mogelijkheid te geven om volledig geïnformeerd te worden. Dit zal uiteindelijk ervoor zorgen dat slachtoffers hun weg vinden naar SDB.

Aantal woorden: 389

INTRODUCTION

Worldwide, restorative justice policies and programs are frequently implemented in criminal justice systems for repairing damage caused by a criminal offense (Braithwaite, 2002; Daniels, 2013; Umbreit, Coates & Vos, 2004; Zehr, 2015). Restorative justice is focused on the impact, needs and obligations of both the victim and the offender in order to achieve justice and healing to the best extent possible. It has the purpose of actively involving both parties in the (mediation) process (Daniels, 2013; Rossner, 2011; Zehr, 2015) and can occur before, during or after the criminal justice process (Larsen, 2014). The moment when restorative justice takes place may differ depending on which restorative justice policy or program is implemented. One of the most known forms of restorative justice that occurs voluntarily and is used for every point of the criminal justice process is victim-offender mediation (VOM) (Umbreit et al., 2004). In VOM there are three different forms in which communication between both parties can take place: directly via face-to-face meetings, indirectly via letter exchange or shuttle mediation in which messages are exchanged between the involved parties (Umbreit et al., 2004; Van Burik et al., 2010; Van Camp & Wemmers, 2016). Depending on the wishes of both parties, one of the mediation forms will be chosen.

Successfully completing VOM can result in beneficial outcomes for both parties, in terms of emotional recovery, satisfying informational needs and reducing the chance of recidivism in the future (Umbreit et al., 2004; Zehr, 2015). Several studies indicate that for victims, participation in VOM contributes to positive psychological consequences. VOM can reduce feelings of anger and fear towards the offender, as they experience feelings of fairness and control over the situation (Sherman et al., 2005; Strang et al., 2006; Umbreit et al., 2004; Zebel, 2012). In addition, mediation allows victims to gain insight into the motives of the offender, which can contribute to developing feelings of forgiveness towards the offender (Choi, Bazemore & Gilbert, 2012; Strang et al., 2006; Zehr, 2015). For the offender, VOM can help to process feelings of guilt and contribute to a better understanding of the impact of the offense. This can eventually result in reducing the chance of reoffending among the offender (Umbreit et al., 2004; Zehr, 2015).

However, these benefits do not occur when one of the parties is not willing to participate in VOM. In the meta-analysis of Umbreit et al. (2004) it appears that in 40 to 60 percent of cases where VOM is offered worldwide, victims and/or offenders are not willing to participate. This also holds for VOM in the Netherlands, where victims more often refuse VOM than offenders (M. Elbersen, personal communication, June 26, 2017). The motivation

of victims to participate or refuse VOM is a topic of interest within restorative justice practices (Bolivar, 2013; Umbreit et al., 2004). In addition, due to the voluntary nature of VOM, the mediator's approach to inform victims about VOM might also play a role in their refusal. Until now, little is known about why victims refuse mediation in relation to the approach of the mediator, as well as about the potential costs and benefits of refusing VOM for victims (Van Camp & Wemmers, 2016; Weistra, 2016).

This paper offers insights into these issues, with the purpose of identifying the reasons for and effects of victims refusing participation in VOM. Enhancing knowledge about victims who refuse participation is crucial for better understanding the victims' motives in relation to VOM. Such knowledge can be useful in the future for VOM agencies to optimize their policy and approach with the goal of increasing the access of victims to VOM.

Victims' reasons for refusing VOM

Research shows that victims may hold different reasons for refusing participation. Therefore a first research question is formulated: *'Why do victims refuse to participate in VOM? (1)'*.

Several studies indicate that the reasons of victims who refuse mediation are associated with the feelings towards the offender or the offense, and/or with the usefulness of mediation for the victim themselves (Bolivar, 2013; Bolivar, Aertsen & Vanfraechem, 2015; Umbreit et al., 2004; Weistra, 2016).

Offender- or offense-oriented reasons

Reasons for not taking part in VOM might be related to having negative feelings towards the offender or certain needs as a result of the offense. Negative feelings that prevent victims from participating refer to feelings of anger or fear which are related to the possibility of meeting the offender (Bolivar, 2013; Umbreit et al., 2004; Weistra, 2016). For example, the victim might experience a strong trauma, because the offender threatened the victim with a knife. As a result, the victim is afraid of feeling threatened again when facing the offender and therefore chooses not to participate in VOM. Furthermore, previous findings of Wyrick and Costanzo (1999) and Zebel, Schreurs and Ufkes (2017) suggest that the seriousness of the offense together with the time elapsed after an offense, predicts whether or not victims participate in VOM. Implying that, victims of very serious cases who are still too vulnerable to face the offender are less likely to participate when mediation is offered too quickly after the offense. This, in contrast to offenses that inflicted less harm, whereby the willingness to participate decreased as more time elapsed after the crime (Zebel et al., 2017). Research of

Umbreit et al. (2004) and Weistra (2016) argue that in these cases victims refuse because they had already processed the offense.

Another reason for not participating in VOM may be a result of the absence of specific needs that can be associated with victimization. A relevant theory for understanding the victims' needs for reconciliation with offenders after a crime or conflict is the 'Needs-Based Model of Reconciliation' (Shnabel & Nadler, 2008). This model supposes that victimization may lead to impaired feelings of power. In order to fulfil this need to restore power, victims want offenders to acknowledge their responsibility for the injustice that they have caused. This promotes the victims' willingness to reconcile with the offender (Shnabel & Nadler, 2008). For mediation this can imply that victims who suffer emotionally have the need to restore power, which can lead to the need to meet the offender which results in participating in VOM. Kippers (2013) conducted an empirical study testing these propositions of the model of Shnabel and Nadler (2008) in relation to VOM, and found no support that the need to restore power influences the need to meet the offender and participation in VOM. However, Kippers (2013) did find support for emotional suffering being a predictor for having the need to meet the offender, which resulted in victims being more willing to participate in VOM. Importantly, this effect was only found when victims had a low need to restore power. This may imply that a high need for restoring power poses a barrier instead of works to stimulate participation in VOM among victims. Given these findings, we therefore assume that the presence of a high need to restore power may predict that victims refuse participation in VOM. Refusal may as well be predicted by the absence of emotional suffering and the need to meet the offender among victims in VOM.

Self-oriented reasons

A self-oriented reason for not taking part in VOM is victims having a lack of seeing the added value of having mediation with the offender (Bolivar, 2013; Van Camp & Wemmers, 2016; Weistra, 2016). For example, victims may have already formed an explanation about why the offense had taken place or have no desire to understand the offenders' motives. The opposite findings were found for victims who participated in restorative justice programs. Victims who did participate wanted to show the offender the impact that the offense had on them, they also had the desire to receive an apology, and had questions about the offense (Bolivar et al., 2015; Laxminarayan, Lens and Pemberton, 2013; Umbreit et al., 2004). In addition, Van Camp and Wemmers (2016) assume that not seeing the added value of mediation might be the result of victims not being fully informed by the mediator, which might result in non-

participation. This finding shows that the extent to which mediation programs inform victims about VOM may explain the reason for victims to refuse VOM. This third category for refusal is further discussed below.

Overall, in line with findings of Laxminarayan et al. (2013) about the victims' motivations for participating in restorative justice programs, we assume that victims more often refuse due to reasons attributed to themselves, than reasons attributed to the offense or the offender.

The mediator's approach and refusal

Another reason for refusal among victims is associated to the mediator's approach. The mediator's approach refers to the manner in which the mediator approaches the victim and offers the victim information about the mediation process. The qualitative research of Van Camp and Wemmers (2016) with victims who did participate in mediation indicates that the approach during the mediation process might play an important role in the willingness of victims to participate. In their research, victims were informed by victim support workers. Research of Weistra (2016) supports this assumption, as it indicated that informing victims about the rights and services might affect whether or not victims want to participate. There are, however, also indications that might suggest that the mediator's approach does not affect the victim's willingness to participate. Findings show, that victims do participate in mediation despite the fact that they are not well informed about mediation or felt coerced into mediation by having a different idea of the purpose of mediation (Choi et al., 2012; Umbreit et al., 2004). Does this mean that prior to the contact with the mediator, victims have already made a choice to participate or not? Or does informing about mediation actually matter? Systematic, empirical research about the effect of the mediator's approach on victims refusing VOM is however scarce. Therefore, a second research question is formulated: *'To what extent does the mediator's approach play a role in refusing participation among victims in VOM? (2)'*.

The way and extent to which mediators inform victims can differ per mediator. In this research three mediator's approaches are discussed: 1) the protective approach, 2) the proactive approach, and 3) the personalized approach, which are based on findings of Van Camp and Wemmers (2016) and knowledge from the practice of the Dutch mediation agency *Perspectief Herstelbemiddeling* (Eng. and hereafter Perspective Restorative-mediation).

Protective-, proactive-, and personalized approach

Research of Van Camp and Wemmers (2016) indicate that victims receive information about mediation either via a protective- or proactive approach. The protective approach is characterized by the reluctance to provide information about mediation, with the aim of protecting victims from possible risks for the emotional wellbeing (such as an increase in stress or anxiety). It is based on the legitimate belief that victims first have to make some recovery before they are stable enough to meet the offender (Van Camp & Wemmers, 2016). We assume that among mediators, information is only fully provided when mediators estimate that victims are emotionally capable enough to enter into a mediation process. Depending on the emotional wellbeing, mediators can decide to inform victims step by step or that it might be better for the victim to start mediation at a later time. On the other hand, the aim of the proactive approach is to systematically and fully inform the victim about VOM, whereby victims do not have to make any effort to receive the information given to them. It should be noted that it is not clear what Van Camp and Wemmers (2016) exactly mean with fully informing the victim. We assume that mediators immediately and completely inform victims, regardless of anything else such as considerations about their psychological well-being.

Besides the two described approaches of Van Camp and Wemmers (2016), we postulate that there is a third approach ‘the personalized approach’ which is based on what is known from the practice of Perspective Restorative-mediation. The personalized approach is characterized by providing information in consultation with the victim. The mediator tries to adapt the personalized approach based on the questions that victims have and the attitude for receiving information (M. Elbersen, personal communication, June 26, 2017). This approach differs from the other approaches, because victims are able to decide for themselves whether they want to receive information about VOM instead that it is up to the mediator to decide. For example, when the victim is psychological traumatized by the offense and want to ask questions to the offender. Mediators who work via the personalized approach would directly inform this victim, whereas mediators who prefer the protective approach probably would not.

Findings of Carr, Kim and Maier (2003) and Van Camp and Wemmers (2016) showed that the proactive approach is preferred over the protective approach, because victims have a strong need for clear and timely information. We believe that fully informing about the rights, services and voluntary nature of VOM ensures that victims are satisfied with the method of informing which may positively affect the willingness to participate. Thus, we expect that victims are less likely to refuse when mediators adapt the proactive approach. Furthermore, in line with Van Camp and Wemmers (2016) we expect that the protective approach is preferred

when victims are involved in very serious offenses. In this research, we assume that the seriousness of the offense is determined by the emotional impact of the offense on the victim (the harmfulness) and the moral reprehensibility of the offense (the wrongfulness). Carefully approaching victims may possibly ensure that victims are less resistance towards VOM. Therefore, we expect victims of very serious offenses to be more open to mediation when the protective approach is implemented.

Potential effects for victims who refuse participation

Much research has looked at the benefits of participating in restorative justice (Choi et al., 2012; Strang et al., 2006; Umbreit et al., 2004; Zebel, 2012; Zehr, 2015). However, less is known about the potential effects that refusal can have on victims.

There are some findings which can give some insight into this unknown research area, such as the ‘Needs-Based Model of Reconciliation’ of Shnabel and Nadler (2008). This model suggests that being a victim affects the victim’s sense of control and resilience, which results in the need for wanting to regain power over the situation (Shnabel & Nadler, 2008). Other findings suggest that feelings of victimization and powerlessness trigger victims to restore these feelings (SimanTov-Nachlieli, Shnabel & Nadler, 2013). In addition, Pemberton, Winkel and Groenhuijsen (2006) suppose that experiencing a sense of control can help with processing the aftermath of the offense. Combining these findings, we might suppose that an (beneficial) effect for victims who refuse mediation might be that they recover part of their sense of control, as they refuse the request of the offender. Therefore a third research question is formulated: *‘To what extent do victims experience a sense of restoring control, when they refuse participation in VOM? (3)’*.

Present research

The present research is carried out in collaboration with Perspective Restorative-mediation previously called *Slachtoffer in Beeld* (Eng. Victim in Focus), which is a Dutch initiative that facilitates VOM in criminal matters in the aftermath of a criminal offense, sexual abuse, a medical incident, or a traffic accident. The agency offers mediation for victims, offenders, witnesses, relatives and causers of traffic accidents (Slachtoffer in Beeld, 2016). With this research, Perspective Restorative-mediation wants to increase their knowledge about the motives and effects of victims refusing participation in VOM, and how this is related to the mediator’s approach. These issues are recognized by several researchers in the field of restorative justice (Bolivar, 2013; Umbreit et al., 2004; Van Camp & Wemmers, 2016). The

present research is designed to answer these questions by identifying the reasons for and effects of refusing participation in VOM among victims.

This research consists of two studies: 1) telephone interviews with victims who refuse VOM and 2) online questionnaires with mediators of Perspective Restorative. The first study is focused on enhancing in-depth knowledge about all three research questions; why do victims refuse, the influence of the mediator's approach on refusal, and the sense to restore power as a potential effect of refusing.

With mediators as research participants, the second study examines the role of the mediator's approach on victims who refused VOM further (research question 2). The second study also tests whether other factors predict refusal (research question 1). This systematic study is relevant because victims can be unaware of the differences in the approaches for informing, making it hard to draw conclusions about the role of the mediator based on the first study alone. For example, the first study only includes victims who refuse participation. This makes it possible that victims are not completely informed, allowing victims to have a limited view of the mediator's approach. In addition, each victim is informed by one mediator, which means that they cannot experience any differences in the approach of informing. By including mediators as research participants, inaccuracies can be prevented.

STUDY 1

Method

Participants

The sample consisted of 11 victims of criminal offenses who refused VOM and were recruited from half July till November 2017. Ten mediators of the Dutch VOM agency Perspective Restorative-mediation were selected to recruit victims in current VOM cases in which they acted as mediator. However, in October 2017 it turned out that the response rate of the interviews was low, from this period all remaining mediators were asked to approach victims of recently closed cases which they handled themselves. In these cases mediators provided victims with general information about the research and asked if the researcher may contact them. This method ensures that mediators were relieved as much as possible in approaching victims. For victims this method may give some time to process the request to VOM which they refused, which may positively affect the response rate in the current study. When a victim was interested in participating, the victim received a letter with more concrete

information about the nature of the research (appendix A). After that, the mediator contacted the researcher about the recruited participant, who then approached the aspirant in two weeks.

In this study, respondents should be at least 18 years, participate on a voluntary basis and agreed with the terms of the Informed Consent Form. However, due to the low initial response rate during the first phases of this study, the inclusion criterion for the age of the participants has been adjusted to include under-aged participants (< 16 years). In total 14 victims were approached for the interviews, of which three victims did not participate because they were too occupied. Eventually, 11 victims participated, including six males and five females. The ages ranged from 14 to 71 years, with an average age of 32 years. For three victims that were under the age of 18 the interview was taken with one of the parents, because they did not want to burden their child with the research, or because the victim was under-aged (< 16 years). This means that the victim's parent tried to answer the questions from the perspective of the victim. However, sometimes the victim's parent spoke from its own perspective; these cases were taken apart in the data analysis.

Of the 11 respondents, three were the initiator and withdrew during the preparatory process. And eight participants were not the initiator and refused the offender's request for mediation. The interviews were held with victims of violent and non-violent crimes. Six offenses were registered as psychological harm without injury offenses, such as a threat. Four respondents were victim of physical violence with injury offenses, such as an armed robbery or a physical attack. In another case, the respondent was the victim of a theft (categorized as property crime without injury). The time between the offense and the day on which victims refused VOM varied between 37 and 1753 days, with an average of 322.5 days which is just below one year ($SD = 489.1$).

Design of the interview scheme

The interviews were prepared with a set of open- and closed ended questions, which were based on the recommendations of Weistra (2016). The main objective of the semi-structured interview was to enhance knowledge about the information provision, the reasons for refusing participation and the effect of refusing participation on victims. These topics represented the structure of the interview in the same order. Every topic started with a short introduction followed by open- and closed ended questions. An open ended question was for instance: "What was the most important reason for you to refuse VOM?" Whereas closed ended questions were for example: "Do you still think the same about this?" Follow-up questions were also prepared to collect as much data as possible. Such as, "Can you give an example of

this?”, or “Can you explain this further?” See appendix B for the complete list of prepared interview questions. All interviews were recorded, transcribed and analysed. The duration of the 11 interviews varied from 23 to 51 minutes ($M = 32$ minutes).

Procedure

The participants were approached via telephone by the current author of the research, one to two weeks after the participant was approached by the mediator. In this contact, participants received information about the purpose and expectations of the interview. The confidential and anonymous handling for data processing was also explained. Moreover, the participant had the option to withdraw at all times during the research. After that, it was asked whether the participant wanted to have the interview taken.

In the beginning of the interview, participants were informed that the interview will be recorded. This was necessary for analysing the data. At this point, the aforementioned aspects like the confidentiality and the non-traceability of the personal data were explained.

Participants could only proceed with the interview if they agreed with the Informed Consent Form. After that the interview was held. First questions were asked about the information provision, then about the reason for refusing VOM, and at the end about the effect of refusing for the victim. Given the fact that it is an informal interview, additional questions could be asked. At the end of the interview participants were thanked for their participation, and asked if they wanted to receive the research outcomes. The interviews were taken in the period from early September 2017 to early December 2017.

Data-analysis

The data was analysed using the qualitative data-analyse program ATLAS.ti version 8.0. The interviews were first transcribed and screened on relevant data for the research in Word-Office. After that, the transcripts were imported to ATLAS.ti in which the inductive method was used for analysing the data; the code names were determined during the analysis (Burnard, Gill, Stewart, Treasure & Chadwick, 2008). Through open coding initial categories were identified. Then all categories were compared with each other on similarities, attempting to recode categories or create new categories in such a way that no similarities could be observed. Subsequently, sub-labels were formulated and recoded within all categories with the split code function in ATLAS.ti. After that, the sample was divided into the two types of VOM refusal, (1) victims who were not the initiator in VOM and refused the request and (2) victims who were the initiator and withdrew during the preparatory process. Next, the

intensity of the codes was calculated via ATLAS.ti and exported to Excel.

Results

The results of the interviews with the 11 participants are divided in four categories which are based on the research objectives: 1) victims' reasons for refusing participation, 2) the effect of the method of informing and the mediator's approach, 3) the sense to restore power as a potential effect of refusing VOM for victims, and 4) additional findings. In the results below, a distinction was made between the initiator for VOM. In three cases the victim was the initiator (initiating victim, hereafter IV) and in eight cases the offender was the initiator (and it was thus not the initiative of the victim, hereafter NIV). Three respondents of the NIV group were also the victim's parent and answered the questions in name of the victim; these respondents were explicitly mentioned in the results.

Reasons for refusing participation

The reasons participants gave for refusing participation in VOM can be subdivided into two topics: 1) the most important reasons for refusal, and 2) circumstances under which participants would be willing to participate.

Most important reasons for refusing VOM

During the interview, respondents were asked to describe their main reason(s) for refusing participation. In the table below an overview of all described main reasons for refusal between both groups is shown¹. Overall, it can be stated that most respondents gave offender- or offense-oriented motives as main reason for refusal, while some respondents mentioned self-related reasons.

Most participants of the NIV group (62.5%) mentioned that they refused due to reasons that were associated to having negative feelings towards the offender. Participants, including one victim's parent, stated that it was not possible to have a useful conversation with the counterparty, or found the actions of the offender unacceptable. In addition, three NIV participants (37.5%, including one parent of the victim) refused because they had the impression that the offender had a different intention for entering VOM. For instance one of these participants, who also refused out of self-oriented motives, mentioned:

¹ Two respondents of the NIV group described two motives for refusing VOM.

“In my view, the only reason that he wanted mediation is that he would get better off after the judgment of the criminal justice process. (...). I had no faith that the offender was genuinely sorry to have an honest conversation with me.”

The other two participants mentioned that they were convinced that the offender wanted to get revenge through VOM. This is an interesting finding since victims are only approached if the offender wants to come into contact in order to restore damage caused by the offense; this information was also mentioned in the letter that both participants received (see also appendix C). Besides the offender- or offense-oriented reasons for refusal, three NIV participants (37.5%, including one victim's parent) mentioned self-oriented reasons. These participants explained that they did not see the added value of meeting the offender, or had no desire to receive information about the offense.

When comparing the NIV group with the IV group it appears that the NIV group did experienced more negative feelings towards the offender. Some similar findings were observed, with regard to having doubts about the remorse of the offender and the practical reasons for refusal. On the other hand, one IV respondent (33.3%) mentioned having a high desire to receive an explanation and an apology from the offender. As a result one had the impression that the VOM process of the agency took too long and organized a meeting with the offender themselves.

Table 1

Most important reasons non-initiating victims (NIV, N=8) and initiating victims (IV, N=3) gave for refusing VOM; NIV victims gave multiple reasons for refusal

Reason refusal	Frequency (% of total)	NIV group		IV group	
		N (% of total)	% NIV	N (% of total)	% IV
(Negative) feelings towards the offender	5 (45.5%)	5 ¹ (45.5%)	62.5%		
Doubts about the offender's real intention for VOM	4 (36.4%)	3 ¹ (27.3%)	37.5%	1 (9.1%)	33.3%
Impression that the VOM procedure takes a long time	1 (9.1%)	-	-	1 (9.1%)	33.3%
Self-oriented	3 (27.3%)	2 ¹ (18.2%)	25%	1 (9.1%)	33.3%

Note. ¹ reflects the interviews held with the victim's parent

Willing to participate if there was less offense- or offender-related negativity

During the interviews, victims were asked under which circumstances they would be willing to participate. Three NIV respondents and two IV respondents described multiple aspects that would affect their willingness positively. In general, it can be said that the conditions under which participants were willing to participate in VOM vary considerably. For example, some respondents found it important that the behaviour of the offender can be regarded as acceptable, while other respondents indicated that the timing of the request will positively affect the willingness to participate. Overall, it seems most participants indicate that their willingness would increase when less negativity was experienced towards the offense or the offender. In the table below an overview of these motives is shown.

Table 2

The circumstances under which victims would have been willing to participate in VOM, a distinction was made between the non-initiating victims (N=8) and the initiating victims (N=3), victims could give multiple answers

	Frequency (% of total)	NIV group		IV group	
		N (% of total)	% NIV	N (% of total)	% IV
Offense occurred differently	3 (27.3%)	3 ² (27.3%)	37.5%	-	-
Offender have had psychological help	2 (18.2%)	1 (9.1%)	12.5%	1 (9.1%)	33.3%
Relationship with the offender	3 (27.3%)	3 (27.3%)	37.5%	-	-
VOM could take place anonymously	1 (9.1%)	1 (9.1%)	12.5%	-	-
Offender's motivation to participate	2 (18.2%)	1 (9.1%)	12.5%	1 (9.1%)	33.3%
Timing of the request	4 (36.4%)	3 ¹ (27.3%)	37.5%	1 (9.1%)	33.3%
Stolen item had more emotional value	1 (9.1%)	-	-	1 (9.1%)	33.3%
Offender was not in prison	1 (9.1%)	-	-	1 (9.1%)	33.3%

Note. ¹ reflects the amount of interviews held with the victim's parent

Regarding the NIV group, three participants (37.5%, of which two were the victim's parent) indicated that they were willing to participate if the offense was less serious and if the offender's behaviour was more acceptable. Furthermore, three of the eight NIV participants said that the willingness to participate is related to their relationship with the offender. For example, two participants indicated that their willingness would increase if they had not known the offender. The interviews suggested that knowing the offender ensured that participants had their own impression of the offender's motives for committing the offense, which caused that the informational need was already fulfilled. In contrast, another NIV participant found it important that the offender was recognized during the offense, because

this participant had the impression that the offender wanted to know who the victim was to get revenge. The same participant (12.5%) also indicated to be willing to participate if VOM could take place anonymously, whereby the name and face could be made irretraceable.

Furthermore, the timing of the request seems also related to the willingness to participate. Two NIV participants (25%, of which one was the victim's parent) indicated that the request came too early; the request came within one month after the offense occurred. For them the willingness to participate would increase if the time elapsed since the offense was longer. For example, one participant says:

“The request for mediation was too early, because my neighbour (the offender) has psychological health issues what makes it impossible to make agreements. First he must be helped, and then I will probably be willing to participate.”

On the other hand, one participant (12.5%) stated that the request for mediation was too late, because shortly after the offense the participant wanted to talk about the offense with the offender, and now after two years this need was no longer present. It should be noted that this offense concerned a theft with violence.

A few similarities and differences were observed in the IV group. Similarities were observed in one IV participant (33.3%) being more willing to participate if the information about mediation was offered earlier; within two weeks. It is interesting that a VOM initiator (IV) indicated that mediation was offered too late, while the data base of the agency confirms it was initiated seven months after the offense. Furthermore, two IV participants (66.7%) mentioned different reasons than the NIV group. One of these motives is that mediation would have taken place via the agency, if the offender was not in prison, because then the respondent would be too anxious to contact the offender herself.

The effect of the method of informing and the mediator's approach

Besides the main reasons for refusal, victims evaluated to what extent the information about VOM and the mediator's- and agency's approach affected their willingness to participate in VOM. These results can be subdivided into three aspects: 1) the experience of the request for VOM, 2) the impression of the information about VOM, and 3) the influence of the mediator on refusal.

Most victims positively experienced the request for VOM

Respondents were asked how they experienced the request for VOM. All in all, most victims (63.6%) were satisfied with how the request was brought. Regarding the NIV participants who were satisfied (62.5%), one respondent explained:

“It was a pleasant way to receive the request via a letter which I could read quietly in my own time. So I did not feel overwhelmed with the request.”

On the other hand, two of the eight participants (25%, of which one victim's parent) were displeased with the request to VOM. It is striking that one of them (12.5%) had both positive and negative experiences. This participant explained that the request had a high emotional impact, whereby it was indicated that a letter was the best way to receive the request to VOM. Furthermore, three of the eight NIV participants (37.5%), of which two were the victim's parent, mentioned being surprised with the request for mediation. These participants indicated that this caused one to be confronted with the offense.

Regarding the IV participants, two respondents (66.7%) mentioned to be satisfied with the approach and contact with the agency. One participant did not mention the experience of making the request. Compared to IV participants, some NIV participants mentioned that the request had a negative or unexpected effect.

Either positive or negative impressions of the information

Regarding the impression of the information the following questions were asked ‘What do you remember from the information that you received?’, ‘To what extent did you experience the opportunity to make a decision yourself about participation?’, and ‘Did you miss something in the information that you received that could be important for making an informed decision whether to participate or not?’. In general, all participants were satisfied with the voluntary nature of the information, there was no such thing as coercion. Among the participants groups, NIV participants experienced more ambiguities in the information compared to the IV participants who did not. This can possibly be explained by the fact that IV participants took the initiative for VOM themselves and therefore preceded in a different information procedure than NIV participants (see also appendix D).

Besides the positive impressions of the content of the information, some NIV participants mentioned negative aspects. Two NIV participants (25%), who were also the victim's parent, thought that VOM affected the criminal justice process. In the standardized

letter sent to these participants, it is not mentioned to what extent the contact with the offender influences the criminal justice process. However, in the brochure sent with the letter it is mentioned that VOM can occur before, during or after the criminal justice process. It is possible that for participants it is not entirely clear in how far this will influence the outcome of the criminal justice process. It is also possible that participants did not precisely remember all information of the letter and brochure. Furthermore, a respondent (12.5%, who answered the questions in name of the victim) mentioned that the information in the letter and brochure was too much focused on having a face-to-face mediation and on the offender. It might be possible that the participant could not recall the information about the other mediation forms, which were explained in the brochure. Another explanation is that the participant has only read the letter in which an example of a face-to-face meeting is given. The same participant mentioned that the information was too much focused on the offender. In the letter the information is focused on the offender as well as the victim. However, it should be noted that the letter starts with two paragraphs that are aimed at the offender (appendix C). Perhaps this can explain the participant's response. Another participant (12.5%) who was also the victim's parent indicated that it was unclear who the initiator of the request was, this participant had the impression that the request came automatically from the public prosecutor.

No influence of the mediator on refusal

Besides the content of the information, participants were also asked to indicate to what extent the mediator had a positive or negative influence on their choice to refuse VOM. In both NIV and IV groups the same results were observed. Except for one NIV participant who could not recall the contact with the mediator, all participants (including two victim's parents) indicated that the mediator had no influence on their choice to refuse participation. Some explained that the choice was already made before the mediator contacted them or that the choice was respected by the mediator. Despite this positive finding, it can be difficult for victims to objectively assess the mediator, since socially desirable behaviour is possible.

Refusing VOM has negative, positive or no effects on victims

Another aspect explored during the interviews was the effect(s) of refusing participation. Therefore respondents were asked if saying no to VOM had yielded any positive or negative effects. Except for one NIV participant, all participants of both groups described what refusing participation meant to them, below an overview is given. Overall, it can be stated that most respondents did not experienced any positive or negative effects of refusal.

Table 3

Effects of refusing VOM for the non-initiating (NIV) and initiating (IV) victims

Effect of refusing	Frequency (% of total)	NIV group (N=8)		IV group (N=3)	
		N (% of total)	% NIV	N (% of total)	% IV
No negative or positive effect	6 (54.5%)	4 ¹ (36.3%)	50%	2 (18.2%)	66.7%
Negative effect	1 (9.1%)	1 (9.1%)	12.5%	-	-
Positive effect	3 (27.3%)	2 ¹ (18.2%)	25%	1 (9.2%)	33.3%

Note. ¹ reflects every interview that is held with the victim's parent

Half of the participants of the NIV group, including one parent of the victim, mentioned that refusing did not result in a particular effect or feeling. However, three of the eight NIV participants (37.5%) did experience a negative or positive effect of refusing VOM. For example, one participant of the NIV group mentioned a negative effect by being afraid of the offender's reaction, because they had a relationship in the past. In contrast, the other two participants (including one victim's parent) said that refusing gave a sense of control, which was a positive experience of refusal.

Furthermore, two participants of the IV group (66.7%) mentioned that they did not experience additional effects of withdrawing. These findings were similar to those of the NIV group. However, one participant from the IV group (33.3%) indicated that refusing had a positive effect which resulted in more rest. Refusing participation contributed in closure, one did no longer have to deal with the aftermath of the offense.

Additional findings

A number of additional findings emerged from the interviews. These findings consist of three categories: 1) the relation to the offender, 2), feelings towards the offender after refusing VOM, and 3) points for improvements for the agency. These findings may further explain the motives of the participants and may influence the willingness to participate and the effect of refusing VOM.

Relation to the offender

The relationship between the victim and offender may affect the victim's willingness to participate in VOM. It appears that the majority of the NIV participants who refused participation (62.5%, including one victim's parent) knew the offender prior to the offense.

The remaining NIV participants did not know the offender (25%, including one victim's parent), or did not mention anything about the relationship with the offender during the interview (12.5%).

Similar findings were observed within the IV group in which most participants (66.7%) knew the offender and one participant (33.3%) did not. It is an interesting finding that overall most of the victims indicated to know the offender, while over the past few years it appeared that in 79 to 86% of the cases victims and offenders did not know each other (M. Elbersen, personal communication, April 12, 2017).

Feelings towards the offender prior to VOM

During the interviews, several participants (except one NIV and one IV participant) mentioned some positive or negative feelings towards the offender that were already present prior to the mediation offer and in some cases reinforced during the mediation offer. All in all, when comparing IV with NIV it can be said that the participants of the NIV group experience more negativity against the offender than participants of the IV group. Six of the eight NIV respondents (75%, including two victim's parents) mentioned having negative feelings towards the offender. These feelings varied from anger to not wanting to forgive the offender for his or her actions. In addition, one participant (12.5%) showed positive feelings towards the offender; one was willing to forgive the offender. In the case of the IV group, the opinions were divided. One of the three participants (33.3%) indicated some positivity towards the offender, while one other participant (33.3%) experienced negativity.

Points for improvement for the agency

Participants were asked to indicate to what extent they had points for improvements for the agency. Except for one IV participant, all participants gave their opinion about this topic. In general, it can be said that most victims mentioned that the letter, the aftercare or the promotion of VOM can be improved. Most participants of the NIV group (75%, including three victim's parents) mentioned some points for improvement for the letter. It has been mentioned that the approach can be more focused on the role of the victim, by first focussing on the victim and from that basis bringing the request of the offender. In addition, the various forms in which mediation could occur may appear more clearly in the letter, the same is applicable for the offender's motive to participate. This is an interesting finding, since both aspects were mentioned in the letter. Furthermore, two participants (25%) mentioned that

after refusing participation more attention may be paid to the completion of the case in which the aftercare for the victim may be explicitly named. For example, one participant mentioned:

“When I was called by the mediator it was unclear what information would be given back to the offender. The offender may know why I refused participation.”

In addition, one NIV participant (12.5%) was dissatisfied. This person mentioned that two mistakes were made that could have been prevented. These mistakes included the incorrect spelling of the name and the limited knowledge about the type of offense. However, two of the eight respondents had no negative points for improvement for agency's work procedure at all. Of these participants one participant who was also a victim's parent, indicated that the existence of VOM may be more promoted. In the IV group similar results were observed with regard to having no improvements for the general work method and the promotion of the awareness of VOM.

Discussion

This study was focused on better understanding the reasons for refusing participation, the role of the mediator's approach in refusal, and the sense to restore power as potential effect of refusing among victims who decline participation in VOM in the Netherlands.

‘Why do victims refuse to participate in VOM?’ In line with our expectations, victims indicated having either offender- or offense-oriented motives, or self-oriented motives for refusing VOM. However, in contrast to Laxminarayan et al. (2013), Weistra (2016) and our expectations, the interviews showed that most respondents gave offender- or offense-oriented motives as main reason for refusal. For example, victims could not accept the actions of the offender (see also Bolivar, 2013; Umbreit et al., 2004; Weistra, 2016), or it was not possible to have a proportional and useful conversation with the counterparty. Findings revealed that victims find it important to be able to trust the offender's request for entering VOM, which corresponds to research of Bolivar (2013). Besides the offender- or offense-oriented reasons, some victims refuse due to self-oriented reasons. In line with Bolivar (2013), Van Camp and Wemmers (2016) and Weistra (2016) victims did not see the added value of meeting the offender or had already formed an explanation about the offense. Furthermore, in line with Van Camp and Wemmers (2016) the willingness to participate will be promoted when mediation can be offered at a time that is most suitable to the victim. This means that it should remain possible for victims to start mediation on a later moment. In addition, results indicated

that next to the offender-oriented reasons and the self-oriented reasons, knowing the offender prior to VOM can also be an important reason for refusing participation. In accordance with Bolivar (2013), victims who already knew the offender tend to have their own explanation for the offender's motives for committing the offense. This may result in victims having no need for information about the offense. On the contrary, knowing the offender may cause victims to tend to view the offender more negatively. These negative perceptions may have repercussions on the willingness to meet the offender.

'To what extent does the mediator's approach play a role in refusing participation among victims in VOM?' Against expectations, victims did not refuse as result of not being fully and timely informed by the mediator about VOM. Victims also did not have the impression that the mediator influenced their choice for refusing participation. Despite the fact that victims do not directly attribute refusing VOM to the mediator's approach, there are assumptions that the mediator's approach can indeed have an influence. For example, victims had the desire to receive information about the offender's motivation for mediation. Findings also showed that some victims were provided with incomplete information, such as that VOM affected the criminal justice process, or that VOM only could take place via face-to-face meetings. This could have been a lapse of memory to recall the information that victims received. Another explanation is that not all victims were fully informed about VOM, because they refused quickly in the preparatory process.

'To what extent do victims experience a sense of restoring control, when they refuse participation in VOM?' Although it was the minority, there were victims who experienced a sense of control as result of refusing the request of the offender. This might indicate that saying no towards the offender may empower victims to restore feelings of victimization and powerlessness (see also SimanTov-Nachlieli et al., 2013). According to Pemberton et al. (2006) this might in turn contribute to processing the aftermath of the offense. However, in most of the times victims did not experience a sense of control as they refused. In contrast to Shnabel and Nadler (2008) this may imply that not every victim wants to restore their sense of control due to feelings of powerlessness.

Furthermore, the main differences between the IV and NIV group were observed in the experience of the request (more positive vs. negative), the impression of the information (no ambiguities vs. ambiguities) and the feelings towards the offender (more positive vs. negative). For future research it is important to take into account the strengths and limitations of this study. One of the strengths is the commitment and motivations of mediators for recruiting and approaching participants for this research. This ensured that participants who

refused mediation were actually willing to participate in this research. Besides the strengths, this study has its limitations. Firstly, three interviews were conducted with a parent of the victim where the parent answered the questions in name of the victim. Although the findings of these respondents correspond with those of the other respondents, it is important to take this into account in future research. Secondly, this study consists of a relatively small sample with 11 participants whereby more cases were selected in which the offender was the initiator (N=8, NIV) compared to cases in which victims were initiators themselves (N=3, IV). Although this was the highest number possible in the time period of this study, this makes it hard to draw conclusions. A recommendation for future qualitative research is to recruit participants over a longer period of time, for example over one year. Thirdly, victims can have an incomplete picture of the mediator's approach for informing, making it hard to draw conclusions about the second research question. For example, victims could not recall the information that was provided, or the mediator was not able to fully inform victims about VOM. This means, that the results may deviate from reality. Therefore, a second study with mediators as research participants is carried out to control for possible inaccuracies.

STUDY 2

This second study aimed to examine the role of the mediator's approach on victims who refused VOM further. Mediators can give in-depth information to better understand the motives for informing victims and the different approaches of informing. For example, a mediator withholds information from the victim because the victim is very angry. With this knowledge restorative justice practices are able to optimize their method of informing victims in VOM. Correlational analyses were performed between preselected VOM casefiles and the results of questionnaires among mediators. This makes it possible to make predictions about the influence of the mediators approach on refusal on a larger sample than study 1, and to make comparisons between victims who refused participation and victims who participated in VOM. This will increase the generalizability of the target group.

We assume that victims are less likely to refuse when mediators informed via the proactive approach, and via the protective approach in more serious cases (Carr et al., 2003 for the first one; Van Camp & Wemmers, 2016). In addition, attention is also paid to factors that may predict refusal in VOM (research question 1). We expect that absence of emotional suffering of the victim and the need to meet the offender leads to more refusal. Another expectation is that a high need to restore power leads to refusal among victims.

Method

Design

The online questionnaire, conducted among mediators, has a correlational-design in which there is tried to predict the willingness of victims to participate (dependent variable) with the proactive-, protective- and personalized mediator's approach (independent variables). In this way the effect of the approach of the mediator on the willingness to participate in VOM can be explored. Furthermore, for predicting the victim's willingness additional variables were also measured, such as the mediator's estimation of the impact and wrongfulness of the offense, the estimation of the victim's need for contact with the offender and the need to restore power, the initiator in the case, and the time elapsed since the offense. These additional variables are further discussed in the results section.

Casefile selection

The casefiles selected for this study concern applications for mediation that have been made in response to an offense or traffic accident. The cases were retrieved from the registration database of the Dutch VOM agency Perspective Restorative-mediation. In order to analyse the variables and prevent self-selection, the questionnaire was linked to five to eight preselected casefiles per mediator. The assigned cases were selected on the basis that there was minimal contact between the mediator and the victim, by telephone, email, Whats-App, SMS or face-to-face. In some cases close friends or family of the victim were involved in the VOM process. For example, when the victim was under-aged a family member or guardian of the victim was involved. Sometimes mediation had taken place with the relatives of the victim, because the victim past away after the offense. The casefile selection was based on actuality; all cases have been closed in the period from February to November 2017. This allowed the mediator to recall the cases.

Furthermore, the cases were selected on three main criteria; (1) the willingness of the victim to participate (willing or unwilling), (2) the initiator in VOM (the victim or the offender), and (3) the moment of the request for VOM parallel to the criminal justice process (before, after or there was no criminal prosecution). All data of the main criteria derived from the registration system of the agency. In total 164 cases were preselected in which the three aforementioned main criteria were proportionally divided. Of all preselected cases, 136 cases (82.9%) were completed with the questionnaires which resulted in victims willing to participate (47.1%, the cases resulted in: face-to-face-mediation [28.7%]; letter exchange [2.2%]; shuttle mediation [6.6%]; or refusal of the offender [9.6%]) or victims not willing to

participate (52.9%). Including these case results makes it possible to get a deeper understanding of the aspects that may affect the willingness of victims. Since the case selection was based on the willingness, the initiator, and the moment of the request, it was not entirely possible to create an equal distribution between the case results (see figure 1).

When comparing the preselected cases (N=164) with the final cases (N=136) some small differences were observed. With respect to the willingness to participate, in the final case selection fewer cases were selected in which the victim participated in VOM compared to cases in which the victim refused (figure 1). Furthermore, the division of cases of the initiator in VOM was unaltered; casefiles in the preselection and final selection were evenly distributed. With regard to the timing of the request, a small shift was observed. In the preselected cases there was an equal distribution of the cases that had taken place before the criminal prosecution and the cases that occurred after the criminal prosecution (both 41.5%, in the remaining cases [17%] the criminal prosecution was not registered). In 17.6% of the final cases, cases were not registered; in 39% mediation was offered before the criminal prosecution, and in 43.4% after. Meaning that in the final case selection slightly more cases were selected that occurred after the criminal prosecution.

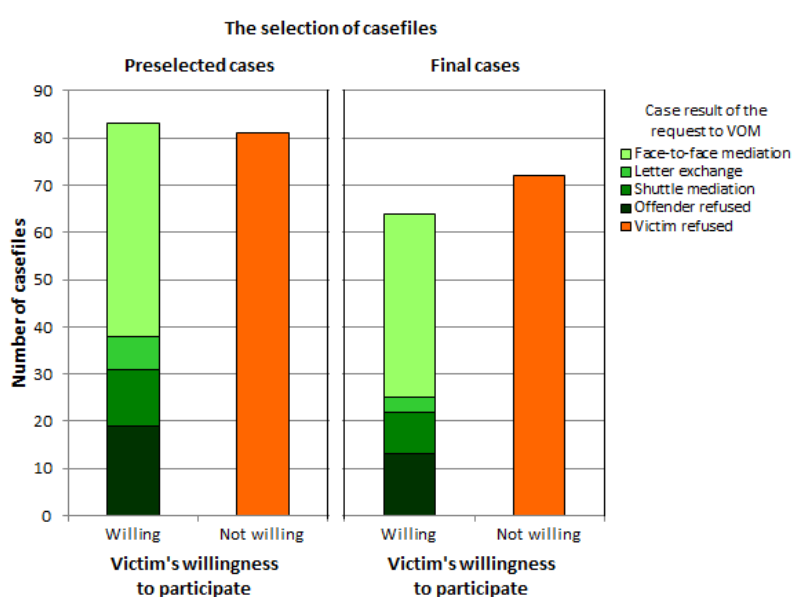


Figure 1. Overview of victims participating or refusing participation in VOM between the preselected cases (N=164) and final cases (N=136).

Selection of mediators

The participants of the questionnaires were all higher or universal educated mediators working at Perspective Restorative-mediation. In total all 22 mediators were approached, of which 3 mediators (13.6%) did not participate due to personal circumstances or being too

occupied. Eventually 19 mediators (86.4%) participated, of which one mediator did not complete four questionnaires of the pre-selected cases because one was too occupied. In total 3 males (15.8%) and 16 females (84.2%) participated, with the age between 32 and 65 years ($M = 53$, $SD = 9.5$). The mediators had been working for Perspective Restorative-mediation between 1 and 12 years ($M = 8.68$). All mediators were approached by email via Perspective Restorative-mediation, in which they were asked if they wanted to participate in the study or not. When mediators wanted to participate, the author contacted the mediator with the invitation of the questionnaires by email.

Materials

The design is a self-created questionnaire based on previous research (see Kippers, 2013; Shnabel & Nadler, 2008; Van Camp & Wemmers, 2016), which was focused on the mediator's approach for informing victims and the mediator's perspective of the impact and needs of the victim. Firstly, the questions about the mediator's approach refer to the information given during the contact moments with the victim and the three mediator's approaches (personalized-, proactive- and protective approach). In the questionnaire, a maximum of four contact moments was set to describe. Practice shows that this amount is sufficient to provide victims with information in order to make an informed-decision (Perspectief Herstelbemiddeling, 2017). For the contact moments, multiple choice questions were given followed by two open questions. The open questions aimed to better understand the mediator's motives for the information provision towards victims. For example, "Can you indicate why you did or did not give certain information during the contact with the victim?" See appendix E for the questionnaire.

Secondly, for the three mediator's approaches a Likert scale was used. An example of a question about the proactive approach was: "To what extent was it your intention to fully inform the victim about mediation?" An example of a personalized approach question was: "When informing the victim, to what extent did you take the victim's emotional wellbeing into consideration?" The statements together represent the total score of the mediator's approach, and a score of which approach affects refusing participation the most. Furthermore, some statements were given about the mediator's estimation of the impact and wrongfulness of the offense, and the contact- and control needs of the victim (see appendix E). These statements were based on the 'Needs-Based Model of Reconciliation' (Shnabel & Nadler, 2008) which might explain refusal among victims further. The total duration was about 30 to 45 minutes per questionnaire.

Reliability and validity of the scale constructs

Some data have been adjusted or removed and were not included in further analyses. First of all, data about the contact moment was adjusted in which it turned out that mediators named aspects which were not filled in by the multiple choice questions about the same topic. For example, a mediator indicated that the impartiality was explained, while the multiple choice option of the same topic was not filled in. Second, contact moments that gave no additional information about the mediator's approach for informing the victim were considered as irrelevant for this study and removed (see appendix D for the VOM process). This concerns the following descriptions: the reaction of the offender on the request to VOM, the preparation for the mediation form, the execution of the mediation itself, and the evaluation of the mediation process. Third, data in which it appeared that the victim was also the offender was not included for the harmfulness scale, moral wrongfulness scale, and the need to restore power scale. Of all constructs we expect that these were most related to victimization, which may obscure the outcomes, because the victim has a dual identity. Fourth, all scaling questions have the option to fill in 'not applicable'; this option is to prevent mediators from filling in untruthful answers. The category 'not applicable' is considered as missing data and was not included in further analyses.

Consistency and reliability tests were performed for the scale constructs. Regarding the first construct the personalized-, the proactive- and the protective approach, the principal component analysis (PCA) shows two factors (eigenvalue >1) for measuring the mediator's approach. These factors explain more than 58% of the variance. The pattern matrix shows that the coherence of the proactive approach is confirmed, all three items were measured by the same underlying factor. The second factor includes all items of the personalized- and protective approach, this makes it unclear whether a distinction can be made between these approaches. Both approaches have in common that information is adapted to the victim. However, they differ in the manner in which the victim is involved in the information provision or not. In the personalized approach, victims can decide for themselves to what extent they want to be informed, whereas in the protective approach it is up to the mediator to determine which information is provided. We assume that this difference in information provision can play a role in the willingness of victims to participate or not. Therefore, all three approaches were used in further analysis. The personalized approach indicated a moderate reliability (3 items, $\alpha = .63$). The protective approach (3 items, $\alpha = .72$) and the proactive approach (3 items, $\alpha = .85$) showed sufficient reliability.

With regard to the seriousness of the offense, the factor analysis indicates two underlying factors (eigenvalue >1), which explains 83% of the variance. The first factor is formed by the items 'emotional impact' and 'suffering', which may indicate the harmfulness of the offense towards the victim. The harmfulness measures a strong correlation (2 items, $r = .89$). The items 'intention of the offender' and 'moral rejection' was measured by another overarching factor, which may indicate the wrongfulness of the offense. A moderate correlation was measured for the wrongfulness of the offense (2 items, $r = .38$). Both harmfulness and wrongfulness represent different aspects of the seriousness of the offense, therefore both constructs were included separately in further analysis.

Mediators were also asked to give an estimation of the victim's need for contact with the offender and the need for restoring power. Both scale constructs were combined in the PCA with oblique rotation, to see if the constructs have sufficient distinctive character. The analysis confirms two underlying factors (eigenvalue >1) for measuring the victim's needs, which explains more than 72% of the variance. The pattern matrix confirms that the six items of the need to restore power strongly correlated to the same factor (all factor loadings $>.79$), and measures a high reliability (6 items, $\alpha = .94$). The four items of the contact needs also had one overarching factor, and gave a reliable representation of the scale construct ($\alpha = .75$). One of the items, the recoded item 'punishment of the offender', shows a relatively low factor loading (.44) compared to the other three contact items ($>.74$). Punishment of the offender is inherent in whether or not the victim wants to contact the offender; this item has not been removed because it is relevant in terms of the research aim.

Procedure

The questionnaire was developed and distributed using the online software program Qualtrics. With this program participants were able to fill in the questionnaires using a link per questionnaire. Before the questionnaires were distributed, one questionnaire was pilot-tested by one mediator of Perspective Restorative-mediation. This occurred by letting the mediator fill in the questionnaire and by interviewing (by telephone) the mediator afterwards. The goals were (1) to explore if the mediator understood the questions and feel comfortable by the questions and (2) to indicate how long it would take to fill in one questionnaire. After the pilot-test, the feedback was discussed and some minor adjustments were made. The open questions were adjusted, because they were very broad formulated in which the goal of the questions was not clear. Furthermore, the introduction text of the proactive approach was adjusted by explaining what was meant with directly informing.

All participants received five to eight similar questionnaires depending on the number of preselected cases per mediator. At first, every participant received an email with information about the questionnaires, the link per questionnaire and the preselected casefile number. It was also communicated that participants could contact the current author of the research and the policy members of Perspectief Herstelbemiddeling for questions and comments about the questionnaires. Second, when starting the questionnaire participants first read information about the purpose of the research, the duration, how the data is handled, and that they can withdraw from the research at any time. At this point the Consent Form consent was also explained and asked. The participants could only proceed to the actual questionnaire if they agreed with the Consent Form. Then they filled in the questionnaire and at the end the participants received information about where to find the eventual research outcome and be thanked for their participation. The research outcome was announced within Perspective Restorative-mediation and by email. All mediators completed the questionnaires in working hours. The questionnaires were distributed and completed in the period from November 2017 to January 2018.

Data analysis

In SPSS (version 23) different analysis were performed to estimate the relationship between refusing participation and the mediator's approaches. The correlations between all variables were measured, followed by a paired samples t-test to measure the differences between the proactive-, personalized-, and protective approach. For testing the coherence between the independent and dependent variables a regression analysis was performed. Furthermore, the answers to the open questions were analysed with ATLAS.ti, in similar fashion as described in study 1.

Results

Exploration of the case characteristics

Of all 136 cases, 56.6% of the victims were male and 43.4% of the victims female, with an age between 6 and 87 years ($M = 36.49$, $SD = 18.75$). With regard to the offenders, 80.9% were male and 19.1% were female, with an age between 11 and 82 years ($M = 29.94$, $SD = 15.46$). The cases consisted of five different types of offenses: (1) 30.9% of the offenses were registered as psychological harm without injury (such as a threat), (2) property crimes without injury, like a theft, were represented in 17.6% of all 136 cases, (3) in 29.4% the offense was seen as physical violence with injury, for example if someone was beaten up, (4) sexual

violence offenses, such as rape or sexual assault, were registered in 9.6% of the cases, and (5) the remaining 12.5% of the offenses can be explained due to traffic accidents or traffic crimes.

Furthermore, in table 4 an overview is given of the frequencies of the main variables of the data. In 47.1% of the cases victims were willing to participate and in 52.9% victims refused participation in VOM. Of the victims who were willing, a small majority of the victims initiated VOM (64.1%), offenders initiated in 35.9% of the cases. The opposite applies to the cases in which the victim refused mediation, in which in 63.9% the offender was the initiator and in 36.1% the victim. With regard to timing of the request to VOM and the criminal justice process, there were overall slightly more cases in which the request for mediation had taken place after the criminal justice process.

Table 4

Frequencies of the case characteristics: Victims willing or refusing participation in VOM, the initiator in VOM and the timing of the request in relation to the criminal justice process

Main variables	All selected victims	Victim's willing	Victim's not willing
Victim initiator	67 (49.3%)	41 (64.1%)	26 (36.1%)
Offender initiator	69 (50.7%)	23 (35.9%)	46 (63.9%)
Total	136 (100%)	64 (100%)	72 (100%)
Before criminal justice process	53 (39%)	25 (39.1%)	28 (38.9%)
After criminal justice process	59 (43.4%)	30 (46.9%)	29 (40.3%)
Not registered	24 (17.6%)	9 (14.1%)	15 (20.8%)
Total	136 (100%)	64 (100%)	72 (100%)

Exploration of the motives for informing victims prior to VOM

In the questionnaire, mediators were asked to describe the moments in which they informed the victim about VOM in order to make a well-informed decision about whether or not to participate in VOM. This may give a broader view of the mediator's approach and the explanation why certain information was given. A maximum of four contact moments was set to describe, including contact via telephone, e-mail and face-to-face contact. The described contact moments also include one-sided contact where the victim was informed by letter, for example when the request for mediation was brought (see appendix D for the general work approach). In all cases, it was indicated that prior to VOM the mediator had contact with the victim. Of all 136 cases, most mediators indicated that there were two contact moments prior to VOM (53.7%). In 16.2% of the cases the mediator had one contact moment, in 23.5% three, and in 6.6% four.

The goal of mediators in informing victims prior to VOM

Mediators were asked what they considered most important in the contact with the victim. With regard to the first contact moment, mediators indicated that getting in touch with the victim and making an appointment for an intake was most important. After that, mediators mentioned that arousing the interest for VOM and explaining the basic principles of VOM, like the impartiality of the mediator, were also aspects that were taken into account during the first contact. During the second contact moment, the importance of discussing the victim's willingness for participation was mentioned most often. With regard to the victim's decision to participate or not, it appears that most of the times victims made this choice during the second contact (see table 5). This indicates that mediators have the opportunity to inform victims about VOM, because most victims decide whether or not to participate in VOM during the second contact moment.

Table 5

Percentages of the number of contact moments that mediators had prior to VOM with victims who participated (N=64) compared to victims who refused participation (N=72)

	Willing to participate	Refusing participation
1. One contact moment	9.4%	22.2%
2. Two contact moments	65.6%	43%
3. Three contact moments	17.2%	29.2%
4. Four contact moments	7.8%	5.6%
Total	100%	100%

With regard to the third and fourth contact moment the importance of fully informing the victim was most often mentioned, in comparison with the first and second contact moment in which mediators were mostly focused on approaching the victim.

In addition, similarities were observed between the aspects that mediators consider important in the contact with victims prior to VOM and elements of the proactive- and protective approach. The minority of mediators mentioned to fully inform the victim during the first contact, which corresponds to the principles of the proactive approach, whereby fully and directly informing stands central. With regard to the protective approach, some mediators indicate the importance of adjusting the information to the victim's situation during the first and second contact moment.

Mediator's motives for the extent and intensity of informing victims

Besides the most important reasons for giving information about VOM, mediators (N = 19) were asked to describe why they decided to provide or not provide certain information (see table 6 for the overview). In every case, mediators gave information about the voluntariness, impartiality and confidentiality of mediation. Overall, reasons for not providing information were mentioned most often, compared to reasons for providing information. The mediator's motives for providing or not providing information was related to one of the following aspects: the seriousness of the offense, the victim's need for information, emotions of the victim, the victim's willingness to participate, and the mediators' personal preferences for approaching. These motives confirm the presence of the elements of the protective-, personalized- and proactive approach in practice.

Table 6

The motives that mediators had for providing or not providing information to victims prior to VOM

Mediator's motives	Providing information	Not providing information
Mediator indicates offense as less serious	X	
Mediator indicates offense as serious and harmful		X
Victim had a high need for information	X	
Victim was angry and not open for receiving information		X
Victim had doubts about participation		X
Victim decided to participate	X	
Victim had decided not to participate, or the mediator had the impression that the victim was not willing		X
Taken into account the confidentiality with the counterparty		X
Gaining trust from the victim		X
Difficult to plan a follow-up appointment with the victim	X	
Mediator prefers a conversation in person		X
Mediator indicates that certain information pressurizes the victim's choice to participate		X
Being transparent; letting the victim independently decide	X	
Mediator is mainly focused on the victim and its situation		X

Note. The X represents the motives that contribute to information provision, or non-provision of information.

In cases where the offense was considered as less serious, such as a theft, mediators prefer to provide victims with information. The opposite was reflected in cases that mediators estimated as serious and harmful, like a sexual assault, in which mediators prefer not to provide too much information about the motivation of the offender, the role of mediation in the criminal justice process, or the (dis)advantages of mediation.

In addition, mediators indicate that the extent and intensity of informing depends on the victim's need for information and contact with the offender. For example, victims were provided with information when they were open for mediation, and were not further informed when mediators estimated that victims were not open to receive information. Furthermore, mediators also indicate that informing was based on transparency in which victims were fully informed. Mediators explained that fully informing about VOM enables victims to make an informed decision about participation in VOM. This means that victims do not have to make any effort to receive information about VOM.

Descriptives and correlations of the data

Besides the motives for informing, the factors related to the three mediator's approaches (independent variables) and victim's refusing VOM (dependent variable) were also examined. In table 7, an overview is given of the variables, the number of cases, the mean scores, the standard deviations and the inter-scale correlations.

The time between the offense and the application for VOM varied between 0 and 5256 days, with an average of 295.5 days which is just below 10 months. Overall, except the protective approach, all scale construct variables were on average above the midpoint of the 0 to 4 point Likert scale (see table 7). The proactive approach had on average the highest score of the mediator's approaches ($M = 2.63$, $SD = .96$). A paired samples t-test was performed to test if mediators prefer the proactive approach over the other informing approaches. The analysis showed that the mean of the proactive approach was significantly higher than the mean of the personalized approach, $t(132) = 2.01$, $p = .02$, and the mean of the protective approach, $t(131) = 6.99$, $p = <.01$. Indicating that, of all three mediator's approaches the proactive approach was most favourite among mediators.

Some significant positive and negative correlations were found for the personalized-, proactive-, and protective mediator's approach (table 7). As expected, the proactive approach correlates negatively with the personalized- and protective approach ($p = <.01$). This means that when the mediator scored high on the proactive approach, the other two approaches were reported to a lesser degree. In addition, in contrast to the proactive approach, the personalized- and protective approach were both positively correlated to victims refusing VOM (both $p = <.05$). This may imply that the approach itself contributes to refusal among victims in VOM. Thus, informing based on adapting information to the questions, attitude or emotional wellbeing seems related to refusal among victims. However, the personalized- and as expected the protective approach were more often used in offenses with a high emotional

impact, which could lead to more anxiety and anger among victims, which may lead to refusal. Another interesting finding is that compared to the proactive approach, the personalized- and protective approach were negatively related to the mediator's estimation of the contact needs of the victim ($p = <.05$; $p = <.05$; $p = <.01$). This indicates that the personalized- and protective approach often goes together with a lower need for contact among victims, whereby victims were more likely to refuse VOM.

Furthermore, the protective approach was next to the harmfulness of the offense also positively correlated with the mediator's perspective of the victim's need to restore power ($p = <.05$). The proactive approach correlates negatively with the time elapse between the offense and the application for VOM ($p = <.05$). Indicating that, the proactive approach was preferred when there was a short time between the offense and application.

Some additional findings were also found. As expected, the mediator's estimation of victim's need to restore power correlates significantly positively with the harmfulness of the offense ($p = <.01$), showing that when the offense had a large emotional impact the victim was more likely to wish to restore feelings of power. Both the mediator's estimation of the harmfulness and the wrongfulness of the offense, which are both indicators of the seriousness of the offense, correlate significantly positively with the time between the offense and the application for VOM (both $p = <.01$). This means that a long time elapse after the offense was related to the mediator's estimation of the seriousness of the offense. In addition, knowing the offender was also positively correlated with the seriousness of the offense, as estimated by the mediator (harmfulness $p = <.01$, wrongfulness $p = <.05$). Thus, cases in which victims knew the offender prior to VOM were often seen as harmful and moral wrongful.

Besides the general impression of the aspects that are related to the mediator's approaches, it is also interesting to see whether the mediator's approaches actually predict (refusing) participation when multiple variables are taken into account.

Table 7

Descriptives and Pearson correlations of victims refusing participation, the time elapsed since the offense, the mediator's estimation of the harmfulness and moral wrongfulness of the offense, the mediators perspective of the victim's need to restore power and the need for contact with the offender, and the mediator approaches.

	N	M	SD	1	2	3	4	5	6	7	8	9	10
1. Refusing participation	136	-	-	-	.								
2. Knowing the offender	133	-	-	-.05	-								
3. Time in days between the offense and the application for VOM	131	295,50	755.06	.07	.12	-							
4. Harmfulness of the offense	119	2.49	1.34	.01	.39**	.26**	-						
5. Moral wrongfulness of the offense	123	2.22	1.20	.09	.18*	.26**	.11	-					
6. Need to restore power	105	2.46	1.17	.12	.19	.13	.35**	.19	-				
7. Contact needs towards the offender	119	2.04	1.18	-.55**	.13	-.11	.13	-.08	.15	-			
8. Personalized approach	133	2.34	.99	.19*	.13	.04	.30**	.08	.09	-.26**	-		
9. Proactive approach	136	2.63	.96	-.18*	-.06	-.19*	-.12	.01	.01	.19*	-.29**	-	
10. Protective approach	132	1.58	1.04	.19*	.08	.14	.34**	.06	.25*	-.23*	.48**	-.48**	-

Note. * $p < .05$; ** $p < .01$. Variable 1 is the DV with the parameters willing and refusing; variable 2 had the parameters not knowing and knowing the offender; variable 3 varied from 0 to 5256 days; the variables 3-10 ranged on a scale from 0 to 4; variables 4-7 were the mediators' estimations. N represents the cases in which missing data was removed; when the data of the offense was unknown and when mediators indicated that a statement was not applicable.

Hierarchical regression analysis of the willingness and all independent variables

A hierarchical regression analyses was conducted to predict, whether independently of various factors, the mediator's approach has an effect on the willingness to participate, with (refusing) participation as dependent variable (1 = willing, $N = 44$; 2 = refusing, $N = 35$). After including all variables that were considered relevant for this study, it appeared that 79 cases of the initial 136 cases were left for analysis. Most missing values were observed in cases in which the victim refused (43 missing values).

In total, 16 independent variables were divided over three models (as discussed below), in which the sequence was based on the order of the correlation matrix (table 7). The first model contains demographic- and case characteristics: the gender of the victim and offender, the age of the victim and the offender, the initiator for VOM, knowing or not knowing the offender prior to VOM, the moment of the request for mediation parallel to the criminal justice process, the time frame between the date of the offense and the notification for VOM, the harmfulness of the offense, and the moral wrongfulness. Model 2 concerns the victims' needs to restore power and the needs for having contact with the offender, as estimated by the mediator. Furthermore, the third model contains the main variables of this study; the personalized-, the proactive-, and the protective approach of the mediator. The interrelationships between the predictors and the dependent variable within each model were expressed in odds ratios, standard equations, and p -values (table 8).

In model 1, the demographic- and case characteristics of the registered casefiles were added to test the predictive power towards (refusing) participation. The logistic regression model was statistically significant, $X^2(11) = 24.05$, $p = .01$, Nagelkerke $R^2 = .351$. Results show that refusal was significantly positively correlated with cases in which the offender was the initiator ($\text{exp.}\beta = 17.07$, $SE = 0.84$, $p < .01$). This means that it is more likely that victims refused participation when the offender was the initiator, compared to cases in which the victim self was the initiator. A positive relationship with non-participation was also observed in cases in which there was no court trial, such as by traffic accidents ($\text{exp.}\beta = 7.29$, $SE = 0.94$, $p < .05$). In other words, victims were less willing to participate if the court trial did not take place compared to victims who received the request for mediation before the criminal justice process. This was different when mediation was offered after the court trial, in these cases there was found a positive relationship whereby victims were more likely to participate in VOM compared to cases in which mediation was offered before the court trial ($\text{exp.}\beta = 0.25$, $SE = 0.69$, $p < .05$).

Table 8

Hierarchical regression including the significance levels of the model, the odds ratios, standard equations and p-values of the predictive variables, with victims (refusing participation 0 = participating, 1 = refusing) as dependent variable (N = 79)

Model	Variable	Model 1			Model 2			Model 3		
		(exp)β	SE	p	(exp)β	SE	p	(exp)β	SE	p
1. Case characteristics	Gender victim ¹	2.13	0.73	.302	2.69	0.96	.303	0.99	1.13	.997
	Age victim	0.99	0.02	.483	0.96	0.02	.119	0.95	0.03	.070
	Gender offender ²	0.51	0.83	.422	0.49	1.11	.517	0.74	1.33	.823
	Age offender	1.04	0.02	.091	1.02	0.02	.327	1.05	0.03	.091
	Knowing the offender ³	0.47	0.62	.221	0.91	0.81	.910	0.88	0.94	.893
	Initiator ⁴	17.07	0.84	.001	9.76	1.05	.031	12.89	1.16	.028
	Request parallel to court trial ⁵	0.25	0.69	.043	0.10	1.03	.027	0.03	1.44	.011
	Request parallel to court trial ⁶	7.29	0.94	.035	10.65	1.25	.059	6.79	1.41	.175
	Time elapse since the offense	1.00	0.00	.482	1.00	0.00	.820	1.00	0.00	.878
	Mean harmfulness	0.73	0.28	.262	0.83	0.35	.603	1.16	0.43	.728
	Mean moral wrongfulness	1.51	0.29	.153	1.62	0.43	.262	2.68	0.58	.090
2. Victim's needs	Mean need to restore power				1.49	0.37	.278	1.56	0.42	.287
	Mean contact needs				0.13	0.54	.000	0.08	0.75	.001
3. Mediator's approach	Mean personalized approach							0.66	0.57	.465
	Mean proactive approach							0.28	0.59	.033
	Mean protective approach							0.35	0.69	.126
X ²		24.048			54.660			61.117		
Nagelkerke R ²		.351			.669			.721		

Note. ¹⁺² Gender: ref = male, 1 = female; ³ Knowing the offender: ref = knowing the offender, 1 = not knowing the offender; ⁴ Initiator: ref = victim, 1 = offender; ⁵⁺⁶ Request parallel to court trial: ref = before, 1 = after, 2 = not applicable.

In the second model, the predictive variables the victim's need to restore power and the need for contact, as estimated by the mediator, were added. The analysis indicates that these variables improved the model significantly, $X^2_{change}(2, 13) = 30.61, p = <.01$, Nagelkerke $R^2_{change} = .318$. This model showed a decrease in significance (from significant to marginal significant) for cases that had no court trial ($exp.\beta = 10.65, SE = 1.25, ps = .06$). As expected, a significant negative relationship was found for the mediator's estimation of the contact needs of the victim ($exp.\beta = 0.13, SE = 0.54, p = <.01$). Showing that, victims who had a low need for contact with the offender were less likely to participate, compared to victims who experienced this need to a higher extent.

Then, the mediator's approaches were added in model 3. This model shows a significant improvement of the model as well, $X^2_{change}(3, 16) = 6.46, p = <.01$, Nagelkerke $R^2_{change} = .052$. By adding the approaches, a marginal relationship was observed in the age variables. The age of the victim correlates negatively with the unwillingness to participate, which indicates that it is more likely that the willingness to participate increases when the age of the victim also increases ($exp.\beta = 0.95, SE = 0.03, ps = .07$). The opposite effect was observed in the age of the offender, refusal was more likely when the age of the offender increased ($exp.\beta = 1.05, SE = 0.03, ps = .09$). In addition, a marginal negative correlation was observed in the mediator's estimation of the wrongfulness of the offense ($exp.\beta = 2.68, SE = 0.58, ps = .09$). When the mediator estimated that the wrongfulness of the offense was high, victims refused more often. In line with our expectations, a significant relationship was found for the proactive approach, which correlates negatively with victims refusing participation ($exp.\beta = 0.28, SE = 0.59, p = > .03$). Thus, the chance of refusing participation in VOM decreases when mediators scored high on the proactive approach. Unexpectedly, the personalized- and protective approach had no effect on (refusing) participation, this in contrast to the relationship found in the correlation matrix earlier (see also table 7).

A multilevel-analysis was performed to test whether the individual differences of scoring between mediators and the individual score per mediator may explain these differences. The analysis showed that the model did not significantly changed, meaning that that the outcomes for predicting refusal among victims did not significantly changed due to the individual differences of scoring between mediators², and the score per mediator³.

² Note: $\chi^2_{Change} = 2.29; df_{Change} = 1$. The Chi-square should be between 3.84 and 6.64 to be significant.

³ Note: $\chi^2_{Change} = 3.57; df_{Change} = 15$. The Chi-square should be between 24.99 and 30.58 to be significant.

Discussion

With mediators as research participants, this study was aimed to explore the role of the mediator's approach on victims refusing participation in VOM, and factors that may contribute to these variables. The data was analysed based on preselected casefiles and questionnaires completed by mediators.

'To what extent does the mediator's approach play a role in refusing participation among victims in VOM?' In general, support was found that elements of the proactive-, protective- or personalized approach to inform victims about mediation were present. First of all, as expected refusal was less likely when the proactive approach of fully and directly informing was implemented. It turned out that the proactive approach plays an important role in the willingness of victims to participate in VOM, even after controlling for all demographic factors, the case characteristics, the seriousness of the offense, and the victim's needs. However, no effect was found for the predictive power of the personalized- and protective approach on refusal. Against expectations, findings did not show that victims of more serious offenses were less likely to refuse when the protective approach was implemented. On the other hand, in correspondence with our expectations, mediators prefer the protective approach when offenses were estimated as very harmful (Van Camp & Wemmers, 2016). Does this mean that this protective approach is effective in approaching victims in serious cases? For example, by taking into account the emotional capability of victims, victims are more open to receive information. Or is the aim of the protective approach to start mediation on a later moment, when the victim is emotional capable enough to meet the offender. Follow-up research into the effect of the protective approach on the seriousness of the offense and the willingness to participate is therefore advisable. Furthermore, characteristics of the personalized approach were also observed in this research. Mediators indicate to inform based on letting the intensity of informing depend on the victim's need for information about VOM (M. Elbersen, personal communication, June 26, 2017). For example, mediators mention to provide information when victims wanted to receive information. All in all, we should bear in mind that the proactive approach promotes participation among victims in VOM.

'Why do victims refuse to participate in VOM?' In this study, it was tested which factors may also promote refusal among victims. Based on the 'Needs-Based Model of Reconciliation' of Shnabel and Nadler (2008), it was expected that the presence or absence of victims' needs for reconciliation with the offender would play a role in refusing participation (see also Kippers, 2013). Results confirm that the absence of the need to meet the offender is a predictor of refusal. Against expectations, no evidence was found that refusal was predicted

by the absence of emotional suffering by the victim or the presence of a high need to restore power. Furthermore, findings revealed that after considering all factors, refusal among victims was more likely in cases in which one of the following aspects were present; the offender was the initiator, mediation was offered before court trial, or when the mediator estimated that the offense had a high moral wrongfulness. In this study, no evidence was found that knowing or not knowing the offender predicts refusal among victims. However, findings revealed that the seriousness of the offense was related to knowing the offender, which may lead to a higher moral wrongfulness which may in turn lead to refusal. In addition, it seems that younger victims were less willing to participate in VOM compared to older victims, and victims were less willing as the age of the offender increased.

The strengths and limitations of this study must also be named. One of the strengths is the proportional distribution of the various case characteristics, which makes it possible to identify differences and similarities. However, there are also some limitations. The main limitation of this study is the moderate construct validity of the personalized- and protective approach. One way to increase the validity is by further delineating the items from both approaches. For example, by taken into account the main differences of the approaches; providing information in consultation with the victim (personalized approach), and unilaterally informing based on the estimation of the impact on the well-being of the victim (protective approach). On the contrary, due to the many observed similarities between the approaches, it is expected that the validity will also increase by combining the elements of both approaches into one approach. This merged approach can have the aim to adapt the information to the victim. Another limitation that should be taken into account is the mediators' estimation of the seriousness of the offense and the needs variables of victims, which victims can experience differently. For example, research of Folsche (2016) showed that mediators tend to estimate an offense as less serious and harmful than the researcher.

DISCUSSION

Victim-offender mediation (VOM) is often implemented to make emotional recovery between parties possible by bringing victims and offenders into contact (Umbreit et al., 2004; Zehr, 2015). However, in practice it regularly happens that victims refuse mediation, which eliminates the potential benefits of participating in VOM (Umbreit et al., 2004). This raises crucial questions such as why do victims refuse, or does the mediator (unconsciously) influences the victim's choice? And, can refusing participation be of benefit to the victim?

Worldwide, little is known about this research area (Bolivar, 2013; Umbreit et al., 2004; Van Camp & Wemmers, 2016). This research is focused on identifying the reasons and effects of refusing participation in VOM among victims in the Netherlands. For exploring these issues, two studies were conducted, with in-depth interviews among victims on the one hand and questionnaires that were linked to casefiles among mediators on the other.

In general, in study one it was expected that victims more often refused VOM due to self-oriented reasons than offender-oriented reasons. However, this turned out to be the other way around; offender-oriented reasons were most often mentioned. In addition, against expectations, victims did not refuse as result of not being fully and timely informed about VOM. Furthermore, support was found for victims recovering part of their sense of control as they refuse the request of the offender, even though it was a minority. In the second study, evidence was found that the proactive approach plays an important role in the willingness of victims to participate, which was also expected. In addition, it was expected that victims of serious offenses were more open to mediation when the protective approach was implemented. As expected, the protective approach was preferred in cases that were considered as serious. On the other hand, no evidence was found that victims of serious offenses refuse less often when the protective approach was implemented. With regard to factors that may predict refusal, as expected, the absence of the need to meet the offender was a predictor of refusal. Against expectations, no evidence was found that refusal was predicted by the absence of suffering by the victim or the presence of a high need to restore power.

Explanations of the findings

The importance of fully informing victims about VOM

Regardless of whether or not victims are willing to participate in VOM, both studies indicated that victims have a strong need to be promptly and fully informed, which corresponds to findings of Carr et al. (2013). Findings revealed that, irrespective of taking into account many factors, the proactive approach was also found most effective in promoting the victim's willingness to participate. This finding even emerged when victims were involved in a serious offense such as a sexual assault, or when they knew the offender prior to the offense. For practice, this is an important finding, since the approach of informing can play an important role in the victim's consideration process of deciding whether or not to participate in mediation (Perspectief Herstelbemiddeling, 2017). If the mediator's approach does not play a role in refusing participation and victims want to be fully informed; why not implementing

the proactive approach standard? And will the proactive approach be just as effective in serious cases as in less serious cases?

It turned out that mediators prefer the protective approach when the offense was estimated as very harmful. The protective approach has the aim of protecting victims from possible risks for the emotional wellbeing, in which mediators are reluctant in providing information. This may imply that victims of serious offenses deal with a lot of emotions, such as anger or fear. These feelings may also be stronger when the request for mediation takes place shortly after the offense. This can make it harder for mediators to approach and inform these victims. Victims may be able to offer less resistance when the information is not systematically provided, in which the protective approach can be more effective. However, one should bear in mind that victims have a strong need to be fully and timely informed. Is it appropriate to determine for victims which information would or would not be good for them? Van Camp and Wemmers (2016) indicate that victims want to be able to determine for themselves whether they are capable enough to meet the offender, but that mediators can help them making this decision. For example, by saying that one is concerned about the vulnerability of the victim in which it is advised to continue mediation at a later moment. Therefore, restorative justice practices should give victims the opportunity to be fully informed, even in serious cases. Due to the voluntary nature of VOM, they have this right.

The personalized- and protective approach as one approach

In this study, many similarities were observed between the personalized- and protective approach. This resulted in a number of interesting findings. It appeared that both approaches were often used for victims who have a lower need to meet the offender. Does this mean that when mediators estimated that victims had no desire to meet the offender, a protective- or personalized approach is chosen? Or does this mean that the need of the victim for wanting to meet the offender is a consequence of one of these approaches? In this study, support was found for the former. Mediators indicated that the extent to which the victim is informed depends on the victim's willingness for contact with the offender. In study 1, victims indicated that they made their choice regardless of the mediator's approach. With regard to the latter, it is possible that mediators decide not to fully inform the victim, due to the questions and attitude of the victim, or the vulnerability of the victim. As a result, victims who have a strong need for clear and timely information (Carr et al., 2003) can be dissatisfied with the work approach, which may negatively affect the victim's need for contact with the offender.

These findings show that regardless the difference in involving victims by the information provision (mediator decides/victim decides), both approaches indicate to have many similarities. This raises a question, what would happen if both approaches were merged? Both approaches have in common that the information is tailored to the victim's emotional capability, the attitude and informational needs of the victim. It may be that the way in which victims are involved in the preparatory process of informing show more similarities than expected. It is possible that mediators who put the emotional capability of the victim first, also provide information in consultation with the victim. For example, by mentioning that they are worried if the victim is emotionally capable enough to meet the offender, whereby it is up to the victim to decide whether or not to receive further information about mediation. Based on the findings in study two, it is expected that the adaptive character is even more pronounced. Therefore, it is also expected that the differences with the proactive approach emerge even more clearly.

Strengths and limitations

This is one of the few studies in which victims who refuse mediation were actually part of the research group. In addition, the exploration of the influence of the mediator's approach on the victim's willingness to participate is also not often discussed in literature. Besides the unique character of this research, by doing similar research one should bear in mind the time investment for approaching respondents. As mediators filled in several questionnaires, it was not surprising that an email with a reminder notification was frequently sent to mediators. Regarding the victims, much effort was made for finding a moment in which victims were available to be interviewed. In addition, there was one victim who changed the interview appointment several times. Eventually it appeared that this person did not want to take part in the research. An advice is could be to explicitly state that participation in the research is a voluntary choice, one can withdraw from the research at any time.

In addition, as discussed earlier this research has its limitation. In general, for both studies, the social desirability should be taken into account. This may apply, for example, to the question for victims to describe to what extent the mediator affected their final choice for participation in VOM. Victims know that the research is carried out in collaboration with Perspective Restorative-mediation, which may contribute to social desirable answers. On the other hand, mediators can get the impression that the individual functioning was tested in the questionnaires. Despite the fact that the interviews and questionnaires were both focused on the concept of showing and creating trust in order to obtain open and honest answers, it is

important to take into account social desirability in doing future research. One way to reduce social desirability is to increase the anonymity of the research (Ong & Weiss, 2000). Another way is to use direct and indirect questions in the interview or questionnaire. This makes it possible to observe differences between the questions about the respondent itself and questions about the other person (King & Bruner, 2000). However, according to McCrae and Costa (1983) social desirability remains a complex issue that occurs consciously or unconsciously, which can never be entirely prevented.

Recommendations for future research

For future research, it would be relevant to look if the same findings will emerge when a different data collection method is used. An alternative way of collecting data is by allowing mediators to carry out an additional operation in the registration system during a certain period of time, which for example is focused on obtaining answers from the method of informing. As research method, a casefile research can be implemented.

Another recommendation for future research is to pay attention to the extent to which the same mediator's approaches come forward in approaching offenders, and how offenders experience the mediator's approach in relation to their willingness. Does the proactive approach among offenders also turns out as favourite? And to what extent do the factors regret, shame and the motivation of the offender play a role in the mediator's approach? This information is particularly relevant for organizations in which insight can be gained into the extent to which the mediator's approach is compatible with offenders, and which aspects of the approach predict the willingness to participate. It is interesting to know which differences and similarities come forward in informing victims and offenders.

For follow-up research it would also be interesting to see whether mediators combine multiple approaches, or only use one approach during the case. When do mediators choose which approach? Perhaps in vulnerable cases the most effective way of informing victims is a combination of the personalized-, proactive-, and protective approach. For example, in the first contact mediators choose to adjust the information (personalized/protective approach), and in the second contact the mediator fully informs the victim (proactive approach).

Practical implications for VOM agencies

Overall, victims who refused participation were very satisfied with the standard way of approaching. In line with the principles of VOM and the Dutch agency Perspective

restorative-mediation, victims experienced the voluntariness to make an informed decision themselves (Perspectief Herstelbemiddeling, 2017; Umbreit et al., 2004).

However, some aspects should be taken into account when informing victims about VOM. Findings revealed that a few victims assumed that VOM influences the criminal justice process. An advice is to pay extra attention to explaining the influences of VOM on the court trial during the first or second contact. Despite that VOM can occur in different forms, there are assumptions that victims believe that mediation can only take place by having a face-to-face meeting. It can be recommended to pay more attention in the letter to the indirect forms of VOM. Furthermore, victims also experienced that during the first contact with the mediator too much attention was paid to the offender, instead of the victim. Depending on who receives the letter, it can be recommended to first focus on the victim and from that basis bring up the offender's request. Victims indicate that in this way they are more open to receive information about VOM. Besides informing prior to VOM, it is advisable to pay sufficient attention to the aftercare of the completion of the case. Thus, that it is clear to victims which information may be returned to the offender. This makes it possible for victims to find closure in the aftermath of the offense.

In summary, despite the fact that victims refuse VOM due to offender- or self-oriented reasons, there is a strong need for complete and timely information about the influence on the court trial and the indirect forms of mediation. VOM programs can further optimize their approach and policy by giving victims the opportunity to be fully informed at all times. This will ultimately contribute to ensuring that victims can make a well-informed decision and find their access to VOM.

REFERENCES

- Bolivar, D. (2013). For whom is restorative justice? *Restorative Justice*, 1(2), 190-214. doi: 10.5235/20504721.1.2.190
- Bolivar, D., Aertsen, I., & Vanfraechem, I. (2015). *Victims and restorative justice: an empirical study of the needs, experience and position of the victim within restorative justice practices*. Oxford: Routledge.
- Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford: University Press.
- Burik, van. A., Heim, M., Hooegeveen, C., de Jong, B. J., Slump, G. J., & Vogelvang, B. (2010). *Evaluatie slachtoffer-dadergesprekken: Een onderzoek naar de landelijke implementatie van slachtoffer-dadergesprekken*. Woerden, the Netherlands: Van Montfoort.
- Burnard, P., Gill, P., Stewart, K., Treasure, E., & Chadwick, B. (2008). Analysing and presenting qualitative data. *British dental journal*, 204(8), 429-432. doi: 10.1038/sj.bdj.2008.292
- Camp, T. van., & Wemmers, J. (2016). Victims' Reflections on the Protective and Proactive Approaches to the Offer of Restorative Justice: The Importance of Information. *Canadian Journal of Criminology and Criminal matters*, 58(3), 415-442. doi: 10.3138/cjccj.2015.E03
- Carr, J.P., Kim, A.L., & Maier, S. (2003). Keep me informed: What matters for victims as they navigate the juvenile criminal justice system in Philadelphia. *International Review of Victimology*, 10(2), 117-136.
- Choi, J.J., Bazemore, G., & Gilbert, M.J. (2012). Review of research on victims' experiences in restorative justice: Implications for youth justice. *Children and Youth Services Review*, 34(1), 35-42. doi: <https://doi.org/10.1016/j.childyouth.2011.08.011>
- Daniels, G. (2013). Restorative justice: Changing the paradigm. *Probation Journal*, 60(3), 302-315. doi: 10.1177/0264550513493370
- Folsche, L. (2016). De invloed van waargenomen ernst van een delict op de werkwijze van slachtoffer-daderbemiddeling (Master's thesis). Retrieved from essay.utwente.nl
- King, M.F., & G.C. Bruner. (2000). Social Desirability Bias: A Neglected Aspect of Validity Testing. *Psychology and Marketing*, 17, 79-103.
- Kippers, L. (2013). *Verschillende wegen, dezelfde bestemming* (Master's thesis). Retrieved

from essay.utwente.nl

- Larsen, J. J. (2014). *Restorative justice in the Australian criminal justice system. Research and Public Policy Series 127*. Canberra: Australian Institute of Criminology.
- Laxminarayan, M., K. Lens & A. Pemberton. (2013) Victim-offender encounters in the Netherlands. In: D. Bolívar, I. Aertsen & I. Vanfraechem (Eds.), *Victims and Restorative Justice: An empirical study of the needs experiences and position of victims within restorative justice practices*. Leuven: European Forum for Restorative Justice.
- Lens, K.M.E., Pemberton, A., & Bogaerts, S. (2013). Heterogeneity in victim participation: A new perspective on delivering a Victim Impact Statement. *European Journal of Criminology*, 10(4), 479-495. doi: 10.1177/147737081246985
- McCrae, R.R., & Costa, P.T. (1983). Social desirability scales: More substance than style. *Journal of Consulting and Clinical Psychology*, 51, 882-888.
- Ong, A.D., & Weiss, D.J. (2000). The Impact of Anonymity on Responses to Sensitive Questions. *Journal of Applied Social Psychology*, 30, 1691–1708.
- Pemberton, A., Winkel, F. W., & Groenhuijsen, M. S. (2006). Op weg naar slachtoffergerichte theorievorming in het herstelrecht. *Tijdschrift voor Herstelrecht*, 6(1), 48-64.
- Perspectief Herstelbemiddeling. (n.d.). *Mediation in strafzaken*. Retrieved from <https://www.perspectiefherstelbemiddeling.nl/Overige-Paginas/Bemiddeling-in-strafrecht/>
- Perspectief Herstelbemiddeling. (2017). *Jaarverslag 2016*. Utrecht: Perspectief Herstelbemiddeling.
- Rossner, M. (2011). Emotions and Interaction Ritual: A Micro Analysis of Restorative Justice. *British Journal of Criminology*, 51(1), 95-119. doi: 10.1093/bjc/azq075.
- Sherman, L.W., Strang, H., Angel, C., Woods, D., Barnes, G.C., Bennett, S., & Inkpen, N. (2005). Effects of face-to-face restorative justice on victims of crime in four randomized, controlled trials. *Journal of Experimental Criminology*, 1(3), 367-395. doi: 10.1007/s11292-006-9006-9
- Shnabel, N., & Nadler, A. (2008). A needs-based model of reconciliation: satisfying the differential emotional needs of victim and perpetrator as a key to promoting reconciliation. *Journal of personality and social psychology*, 94(1), 116-132. doi: 10.1037/0022-3514.94.1.116

- SimanTov-Nachlieli, I., Shnabel, N., & Nadler, A. (2013). Individuals' and groups' motivation to restore their impaired identity dimensions following conflicts: Evidence and implications. *Social Psychology*, 44(2), 129-137. doi: 10.1027/18649335/a000148.
- Slachtoffer in Beeld. (2016). *Jaarverslag 2015*. Utrecht: Slachtoffer in Beeld.
- Strang, H., Sherman, L., Angel, C. M., Woods, D. J., Bennett, S., Newbury-Birch, D., & Inkpen, N. (2006). Victim evaluations of face-to-face restorative justice conferences: A quasi-experimental analysis. *Journal of Social Issues*, 62(2), 281-306. doi: 10.1111/j.15404560.2006.00451.x
- Umbreit, M.S., Coates, R.B., & Vos, B. (2004). Victim-Offender Mediation: Three Decades of Practice and Research. *Conflict Resolution Quarterly*, 22(1-2), 279-303. doi: 10.1002/crq.102
- Weistra, D. (2016). *Keuzevrijheid in Herstelrecht, een verkennend onderzoek naar niet deelnemende slachtoffers*. Tijdschrift voor herstelrecht, 1, 44-58. doi: 10.5553/TvH/1568654X2017017001005
- Wyrick, P., & Costanzo, M. (1999). Predictors of client participation in Victim-Offender Mediation. *Mediation Quarterly*, 16 (3), 253-257. doi: 10.1002/crq.3890160305
- Zebel, S. (2012). *Een quasi-experimenteel onderzoek naar de effecten van de Nederlandse slachtofferdadergesprekken*. In Weijers, I. (Ed.), *Slachtoffer-dadergesprekken in de schaduw van het strafproces* (21-44). Den Haag: Boom Lemma.
- Zebel, S., Schreurs, W., & Ufkes, E.G. (2017). Crime Seriousness and Participation in Restorative Justice: The Role of Time Elapsed Since the Offense. *Law and Human Behavior*. doi:10.1037/lhb0000242 (in press)
- Zehr, H. (2015). *The Little Book of Restorative Justice: Revised and Updated*. New York: Skyhorse Publishing.

APPENDIX

Appendix A: Information that victims received prior to the interviews



Beste meneer/mevrouw,

Zojuist heeft u contact gehad met een bemiddelaar van Perspectief Herstelbemiddeling. De bemiddelaar heeft gevraagd of u wilt meewerken aan een onderzoek over slachtoffers die nee zeggen tegen bemiddeling. Met dit bericht willen wij u graag informeren over het onderzoek.

Waar gaat het onderzoek over?

Samen met Slachtofferhulp Nederland doet Perspectief Herstelbemiddeling onderzoek. We willen graag weten waarom slachtoffers nee zeggen, en welke effecten het nee zeggen op slachtoffers kan hebben. Met uw hulp kunnen we in de toekomst bemiddeling beter op de wensen van slachtoffers afstemmen. Voor het onderzoek worden telefonische interviews gehouden. Dit betekent dat onze onderzoeker Rubian Reijerink u belt om vragen te stellen voor het onderzoek. Het interview duurt ongeveer 35 minuten.

Wat gebeurt er met de resultaten?

De informatie die uit het interview naar voren komt wordt alleen gebruikt voor dit onderzoek. Alleen de onderzoekers kunnen de gegevens zien. De gegevens blijven geheim voor anderen. Dit betekent dat het onderzoek nooit informatie zal geven waarmee u als persoon bekend wordt. Daarnaast kunt u zich op ieder moment terugtrekken uit het onderzoek, zonder hier uitleg over te geven.

Wanneer hoort u van ons?

Over 1 tot 2 weken neemt onze onderzoeker Rubian Reijerink telefonisch contact met u op over het onderzoek. Uw telefoonnummer ontvangt zij van de bemiddelaar die u gesproken heeft. Heeft u in de tussentijd vragen over het interview, of heeft u zich toch bedacht? Neem dan gerust contact op met [REDACTED] U kunt haar bereiken via: [REDACTED]

Slachtofferhulp Nederland en Perspectief Herstelbemiddeling willen u alvast bedanken voor uw medewerking.

Met vriendelijke groet,

[REDACTED]

Beleid, Perspectief Herstelbemiddeling

Rubian Reijerink

Student onderzoeker, Perspectief Herstelbemiddeling



Appendix B: Interview schedule in Dutch

VRAGEN

AFSPRAAK / VOORBEELD DOORVRAGEN

1. Introductie

(Begroeting.) Van mijn collega (naam bemiddelaar) heb ik begrepen dat u wel wilt deelnemen aan een interview dat zich richt op mensen die nee zeggen tegen bemiddeling, klopt dat? Wat fijn dat u mee wilt werken aan dit interview.

Eerst wil ik u wat meer informatie geven over het onderzoek. Samen met Slachtofferhulp Nederland doet Perspectief Herstelbemiddeling, onderzoek naar wat de redenen en ervaringen zijn van slachtoffers die nee zeggen tegen bemiddeling. Deze informatie is belangrijk om in de toekomst bemiddeling beter op de wensen van slachtoffers te kunnen afstemmen.

Tijdens dit gesprek ga ik u eerst een aantal vragen stellen over hoe u geïnformeerd bent over bemiddeling door Perspectief Herstelbemiddeling. Daarna wil ik u iets vragen over waarom u nee heeft gezegd tegen bemiddeling. Vervolgens ga ik u enkele vragen stellen over wat het nee zeggen voor u betekend heeft. En tot slot is er ruimte om vragen te stellen. Het gesprek zal ongeveer 30 tot 45 minuten duren.

De informatie die uit dit gesprek naar voren komt wordt alleen gebruikt voor dit onderzoek. Alleen onderzoekers kunnen de gegevens zien. De gegevens die naar u als persoon wijzen worden anoniem gemaakt, zodat de gegevens geheim blijven voor anderen. Dit betekent dat de uitkomsten van dit onderzoek nooit informatie zal geven waarmee u als persoon bekend wordt. Daarnaast kunt u zich tijdens het gesprek op ieder moment terugtrekken zonder dat u hier uitleg over hoeft geven.

Graag wil ik vragen of u het goed vindt om dit gesprek te mogen opnemen, zodat ik het gesprek zo goed mogelijk kan uitwerken voor het onderzoek. De opnames worden alleen voor dit onderzoek gebruikt.

- Mondelinge opname informed consent

1. Gaat u hiermee akkoord? (evt. verwijzen naar website ‘privacy reglement’)

2. Zijn er verder nog vragen voor we beginnen?

2. Informeren

Als eerst ga ik een aantal vragen stellen over de manier waarop u geïnformeerd bent over bemiddeling, door Perspectief Herstelbemiddeling.

1. Wist u voordat u contact met Perspectief Herstelbemiddeling had wat herstelbemiddeling was?

- Zo ja, kunt u vertellen waar u deze informatie vandaan heeft?

2. Hebt u voordat u ‘nee’ zei tegen bemiddeling informatie gehad over wat bemiddeling is? **(Zo nee, ga verder bij vraag 8!)**

Antwoordkeuze ‘ja’ bij vraag 2:

3. Hoe heeft u deze informatie gekregen? (folder, internet, mondeling)

4. Kunt u kort aangeven wat u zich nog herinnert van deze informatie?

- Wat vond u van deze informatie?

5. Wat vond u van de manier waarop deze informatie gebracht werd? (hoe kwam het binnen)

- Kunt u daar een voorbeeld van geven?

6. Heeft u nog tips hoe wij dit (brief) kunnen verbeteren? (of is een andere manier van benaderen beter)

- Kunt u aangeven hoe dit er volgens u uit moet zien?

7. In hoeverre had u het gevoel dat u voldoende ruimte had om zelf een beslissing te maken om wel of niet mee te doen aan bemiddeling? (vrijblijvend/druk)

- Kunt u daar een voorbeeld van geven?

8. Hebt u iets gemist in de informatie die u kreeg over bemiddeling dat wel belangrijk kon zijn voor het wel of niet meedoen aan bemiddeling?

9. Op het moment dat u informatie had gekregen over bemiddeling, wat was uw verwachting van herstelbemiddeling?

Antwoordkeuze ‘nee’ bij vraag 2:

10. Had u het prettig gevonden om deze informatie wel te krijgen?

11. Zo ja, op welke manier had u deze informatie willen ontvangen?

12. In hoeverre denkt u dat dit uw keuze om niet mee te doen had beïnvloed?

- Kunt u dat verder uitleggen?

- Wat vindt u hier prettig aan?

3. Redenen geen deelname

Nu volgen een aantal vragen over waarom u niet (meer) wilde deelnemen aan bemiddeling.

1. Wat was voor u de belangrijkste reden om niet (meer) deel te nemen?

- Kunt u dat verder uitleggen?

2. Denkt u hier op dit moment nog steeds hetzelfde over?

- Kunt u dat uitleggen?

3. Denkt u dat uw verwachting van herstelbemiddeling van invloed is geweest in uw besluit om niet (meer) deel te nemen?

- Kunt u hier iets meer over vertellen?

4. Denkt u dat de bemiddelaar daar een rol in kan hebben?

- Kunt u hier een voorbeeld van geven?

- Zo ja, wat had de bemiddelaar anders kunnen doen?
- Waarom is dit belangrijk voor u?
- Had dit voor u iets veranderd?

- Kunt u dat verder toelichten?

5. Hoe zou u het vinden als u na een bepaalde periode contact had met de bemiddelaar om de mogelijkheid tot bemiddeling nog eens te bespreken?

- Kunt u een voorbeeld geven hoe dit eruit zou moeten zien? (tijd, benadering van bemiddelaar, initiatiefnemer in het contact)

6. Denkt u dat dit uw keuze om wel of niet mee te doen aan bemiddeling zou beïnvloeden?

7. Kunt u aangeven onder welke omstandigheden u 'ja' had gezegd tegen bemiddeling met de dader?

8. Wat had er dan anders moeten zijn?

4. Effect van nee-zeggen op verwerking

Nu volgen een aantal vragen over wat het nee zeggen voor u betekend heeft.

- | | |
|---|--|
| 1. Hoe vond u het dat u gevraagd werd om mee te doen aan bemiddeling? | • Wat deed dit met u? Kunt u dat uitleggen? |
| 2. Hebt u, nadat u nee had gezegd, nog wel eens aan bemiddeling gedacht? | |
| 3. Welke gedachten kwamen er bij u op? | |
| 4. Hoe was het voor u om 'nee' te kunnen zeggen tegen de dader? | • Kunt u hier iets meer over vertellen? |
| 5. Wat waren voor u positieve ervaringen om 'nee' te kunnen zeggen? | • Kunt u dat verder toelichten?
(controle/touwtjes in eigen handen) |
| 6. Wat waren voor u negatieve ervaringen om 'nee' te kunnen zeggen? | • Kunt u dat verder toelichten? |
| 7. Denkt u dat het nee zeggen tegen bemiddeling iets voor u heeft opgeleverd? | • Kunt u dat verder toelichten? |

5. Afsluiting

Hiermee zijn we aan het eind gekomen van dit interview.

- Zijn er nog vragen of toevoegingen?

We verwachten dat het onderzoek begin februari afgerond is. Wilt u de uitkomsten van het onderzoek van ons ontvangen?

- Zo ja, hoe wilt u deze ontvangen? (per brief, email, telefonisch)

Wij willen u heel erg bedanken voor uw deelname!

Appendix C: Example of the Dutch approach letter for non-initiating victims

Note. The approach letter is not a standardized letter. In every case the letter is tailored to the victim.

Mevrouw [INITIALEN EN ACHTERNAAM SLACHTOFFER]
[NAAM INSTELLING] [ADRESREGEL]
[POSTCODE] [WOONPLAATS]

Utrecht, [HUIDIGE DATUM]

Onderwerp: contact met de dader
Zaaknummer: [PROJECTNUMMER]

Beste mevrouw [INITIALEN EN ACHTERNAAM SLACHTOFFER],

Op [DATUM], heeft u aangifte gedaan van [BESCHRIJVING INCIDENT]. De dader heeft zich bij ons aangemeld voor herstelbemiddeling. Dit betekent dat u, als u wilt, onder mijn begeleiding met haar kunt praten of schrijven. Ik werk als bemiddelaar bij *Perspectief Herstelbemiddeling*. Dit is een onafhankelijke organisatie die slachtoffers en daders met elkaar in contact brengt. In deze brief leg ik u hier meer over uit.

Waarom heeft de dader zich aangemeld?

Ik heb met [NAAM DADER] gesproken. Zij wil proberen om iets van het leed dat zij u heeft aangedaan, te herstellen. Ook [ANDERE REDEN]. Daarom wil zij graag met u praten of schrijven over wat er is gebeurd, en naar u luisteren.

Wanneer kan een dader contact hebben met het slachtoffer?

We zoeken alleen contact met het slachtoffer als de ander wil inzien dat haar daden gevolgen hebben. En als [NAAM DADER] erkent dat zij degene is die daar verantwoordelijk voor is. In het gesprek met [NAAM DADER] heb ik gemerkt dat zij dit wil inzien. Ook heeft [NAAM DADER] beloofd dat zij zich wil inzetten om het contact met u zo goed mogelijk te laten verlopen.

Hoe zou het contact u kunnen helpen?

Het is voor iedereen verschillend hoe contact met de ander kan helpen. Onze ervaring is dat het veel slachtoffers helpt om wat er is gebeurd een plek te geven. Ze hebben bijvoorbeeld vragen aan de dader. Soms zijn ze bang en wordt deze angst minder door het contact.

Op welke manieren kunt u contact hebben?

U kiest zelf of u contact wilt. Het contact is dus altijd vrijwillig, voor u en voor de ander. U kunt bijvoorbeeld een gesprek hebben. Ik bereid dit gesprek samen met u voor en ik zit erbij als u en de dader elkaar spreken. In de folder bij deze brief leest u over andere manieren om contact te hebben.

Wat vraag ik van u?

Wilt u erover nadenken wat u hiervan vindt? Als u wilt meewerken, wilt u mij dat dan binnen [TIJDSAANDUIDING].

Wilt u meer weten?

In de folder leest u meer over contact tussen daders en slachtoffers. Ook op onze website vindt u meer informatie: www.perspectiefherstelbemiddeling.nl. Natuurlijk kunt u mij ook bellen als u vragen heeft. Mijn telefoonnummer is [REDACTED].

Met vriendelijke groet,

[VOLLEDIGE NAAM BEMIDDELAAR]

Bemiddelaar [DIVISIE]

Wij hebben uw naam en adres van het Openbaar Ministerie gekregen. Het Openbaar Ministerie geeft uw gegevens alleen aan ons, zodat we u kunnen vragen of u mee wilt doen aan herstelbemiddeling. Wij geven uw gegevens aan niemand door. Op www.perspectiefherstelbemiddeling.nl leest u meer over onze regels hierover.

Appendix D: General work method of Perspective Restorative-mediation in Dutch

1.Aanmeldfase > 2.Intakefase > 3.Vorbereidingsfase > 4.Uitvoeringsfase > 5.Afsluitingsfase

1. Aanmeldfase

Een bemiddeling start met de aanmelding (door verwijzer of door de dader of het slachtoffer zelf (zelfmelder)). Dit kan via de website, telefonisch, of door middel van een brief. Het aanmeldpunt op het hoofdkantoor van Perspectief vraagt vervolgens gegevens op van beide partijen. Daarna wordt de zaak naar een bemiddelaar uitgezet.

2. Intakefase

Algemeen: De intakefase start als de zaak is uitgezet bij een bemiddelaar en eindigt als partijen en de bemiddelaar een keuze gemaakt hebben over wel of geen deelname aan een vorm van bemiddeling.

Doel: Het vergaren en uitwisselen van informatie die partijen nodig hebben om te komen tot een weloverwogen besluit tot wel of geen deelname aan een bemiddeling en het betrekken van relevante personen/instanties hierbij.

3. Vorbereidingsfase

Algemeen: Deze fase start wanneer beide partijen gekozen hebben voor een vorm van bemiddeling en eindigt op het moment van de daadwerkelijke uitvoering van de bemiddelingsvorm. Dit vraagt allereerst om een reflectie naar aanleiding van de intake fase. Dit is één van de redenen dat intake- en voorbereidingsgesprekken niet op dezelfde dag plaatsvinden.

Doel: Het voorbereiden van alle deelnemers op de bemiddeling en het scheppen van de benodigde voorwaarden voor een zo goed mogelijke uitvoering van de bemiddelingsvorm. De bemiddelaar onderzoekt de behoeften nog verder en brengt deze samen.

4. Uitvoeringsfase

Algemeen: Deze fase bestaat uit het uitvoeren van de daadwerkelijke bemiddelingsvorm.

Doel: Zorg dragen voor een goede procesbegeleiding, waarbinnen de deelnemers zo optimaal mogelijk hun wensen en doelen in de bemiddeling kunnen behalen.

5. Afrondende fase



Algemeen: Deze fase start nadat de bemiddelingsvorm geheel is uitgevoerd en eindigt wanneer alle contact met partijen is afgesloten en de zaak in het registratiesysteem is afgesloten.

Doel: Komen tot een goede afronding voor partijen en een volledige registratie van de zaak.

Algemene werkwijze van de intakefase

Weigering van deelname aan SDB kan tijdens stap 2 tot en met 6 van de intakefase plaatsvinden, waarbij de initiatief nemende partij (stap 2 en 3) zich terug trekt, of de niet-initiatief nemende partij (stap 4, 5 en 6) het verzoek tot deelname weigert. Indien de persoon aangeeft niet te willen deelnemen, dan wordt dit omkleed met een reden.

	Stap 1. Indien de persoon aangemeld is via een aanmeldende instantie	Stap 2. Initiatief nemende partij benaderen¹	Stap 3. Persoonlijke intake met initiatief nemende partij
Manier van contactlegging	Telefonisch benaderen van de aanmeldende instantie	Bemiddelaar neemt telefonisch (of indien geen telefoonnummer bekend is schriftelijk) contact op met initiatiefnemer	Face-to-face gesprek
Contactlegging bij onbereikbaarheid	1. Na 2x bellen een e-mail sturen 2. Na 1 week geen reactie, dan neemt de bemiddelaar zelf contact op met de initiatiefnemer, zie stap 2.	1. Na 2 keer bellen, gegevens controleren bij het aanmeldpunt of bij de aanmeldende instantie 2. Na 2 keer bellen geen gehoor, dan schriftelijke benadering met antwoordformulier	
Aspecten die centraal staan in het contact	<ul style="list-style-type: none"> - Informatie over SDB en Perspectief geven - Inwinnen van informatie - Praktische zaken bespreken 	<ul style="list-style-type: none"> - Basisprincipes van SDB² - Verdieping/vervolg op vragen van het aanmeldformulier - Behoeftes inventariseren - Afspraak maken voor persoonlijk gesprek 	<ul style="list-style-type: none"> - Aanvullende informatie geven, zodat de persoon volledig geïnformeerd is. - Basisprincipes van SDB² - Mogelijkheden van SDB contactvormen - Voor en nadelen SDB - Behoeftes en motivatie verder onderzoeken en vaststellen - Verwachtingen bespreken - Impact van het delict in kaart brengen - Bespreken en toestemming vragen voor informatie-uitwisseling van instanties. - Bespreken van steunfiguren van de persoon

Stap 4. Benadering niet initiatief nemende partij ¹		Stap 5. Contact niet initiatief nemende partij		Stap 6. Persoonlijke intake niet initiatief nemende partij
Manier van contactlegging	Schriftelijke benadering met informatie folder	Heeft de bemiddelaar binnen 1 week telefonisch contact met de niet initiatief nemende partij? <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> Ja  </div> <div style="text-align: center;"> Nee  </div> </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">Telefonische intake</div> <div style="text-align: center;">Korte herinneringsbrief en de eerste brief met antwoordformulier en retourenvelop</div> </div>		Face-to-face gesprek
Aspecten die centraal staan in het contact	<ul style="list-style-type: none"> - Voorleggen van verzoek tot SDB - Basisprincipes SDB² - Mogelijkheden van SDB contactvormen - Momenten waarop SDB naast het strafproces kan plaatsvinden - Voordelen hoe contact kan helpen - Aankondiging dat binnen 1 week telefonisch contact wordt opgenomen - Contactgegevens voor vragen 	<ul style="list-style-type: none"> - Voorleggen van verzoek tot SDB - Afspraak maken voor persoonlijk gesprek - Basisprincipes van SDB² - Behoeftte en motivatie voor deelname aan SDB - Indien van toepassing, toestemming vragen voor contact met begeleidende instantie. Deze wordt geïnformeerd over het aanbod tot deelname aan SDB 	<ul style="list-style-type: none"> - Voorleggen van verzoek tot SDB - Basisprincipes SDB² - Verzoek om binnen 2 weken het formulier terug te sturen, indien geen reactie wordt de zaak afgesloten. 	Aanvullende informatie geven, zodat de persoon volledig geïnformeerd is. <ul style="list-style-type: none"> - Basisprincipes van SDB² - Mogelijkheden van SDB contactvormen - Voor en nadelen SDB - Behoeftes en motivatie verder onderzoeken en vaststellen - Verwachtingen bespreken - Impact van het delict in kaart brengen - Bespreken en toestemming vragen voor informatie-uitwisseling van instanties. - Bespreken van steunfiguren voor de persoon

¹. Enkele uitzonderingen op de algemene werkwijze voor het benaderen van partijen: wanneer de partij jonger is dan 16 jaar worden de ouders telefonisch of schriftelijk benaderd door de bemiddelaar. Personen tussen de 16 en 18 jaar worden telefonisch of schriftelijk benaderd, waarbij de ouders op de hoogte gebracht worden. Wanneer de initiatiefnemer in de PI verblijft, wordt eerst de casemanager benaderd en daarna de initiatiefnemer via een benaderingsbrief met folder. Bij initiatiefnemers in de TBS wordt eerst de behandelaar benaderd en daarna de initiatiefnemer via een benaderingsbrief met folder of telefonisch. Wanneer de initiatiefnemer aangemeld is bij SHN wordt eerst de casemanager benaderd en daarna de initiatiefnemer via de telefoon.

². De basisprincipes van bemiddeling zijn vrijwilligheid, meerzijdige partijdigheid en vertrouwelijkheid.

Appendix E: Dutch questionnaire about the mediator's approach

Beste bemiddelaar,

Deze vragenlijst is onderdeel van een onderzoek voor de Master Psychologie Conflict, Risico en Veiligheid aan de Universiteit van Twente in samenwerking met Perspectief Herstelbemiddeling. Met behulp van deze vragenlijst willen we kijken naar de wijze waarop bemiddelaars slachtoffers informeren over bemiddeling. Dit is van belang om in de toekomst de benadering van slachtoffers voor bemiddeling verder te kunnen optimaliseren.

De vragenlijst bestaat uit vijf onderdelen. U heeft van ons per e-mail één zaaknummer ontvangen. In de vragenlijst wordt gevraagd om voor deze zaak, waarin u heeft bemiddeld, een aantal vragen te beantwoorden. U mag zich daarbij inlezen in de desbetreffende zaak. Wij vragen u om de vragen zo eerlijk mogelijk te beantwoorden. Er zijn geen goede of foute antwoorden mogelijk. Alle informatie is belangrijk en nuttig voor het onderzoek. Het invullen van de vragenlijst duurt ongeveer 30-45 minuten. Het is mogelijk om de vragenlijst tussentijds af te sluiten en hier op een later tijdstip mee verder te gaan, zonder dat uw antwoorden verloren gaan.

De ontvangen gegevens worden vertrouwelijk en anoniem verwerkt en zullen daarmee niet identificeerbaar zijn naar u als persoon. Omdat deelname vrijwillig is, is het op elk moment toegestaan om te stoppen met de vragenlijst, zonder een reden hiervoor aan te geven. De resultaten van het onderzoek worden omstreeks februari 2018 binnen Perspectief Herstelbemiddeling bekend gemaakt.

Lees alstublieft de instructies voorafgaand aan de vragen goed door.

Wij zullen het heel erg waarderen als u de tijd wil nemen voor het invullen van deze vragenlijst.

Ik heb de voorafgaande informatie doorgelezen en stem toe dat mijn geanonimiseerde data voor wetenschappelijk onderzoek gebruikt mogen worden.

☐ Ja

☐ Nee

Verder

De vragenlijst begint met een aantal algemene vragen.

Wat is uw geslacht?

☐ Man

☐ Vrouw

Wat is uw leeftijd in jaren?

Sinds wanneer werkt u bij Perspectief Herstelbemiddeling (voorheen Slachtoffer in Beeld)?

Verder

U heeft van ons een e-mail ontvangen met één zaaknummer. Hieronder kunt u het zaaknummer invullen.

Zaaknummer:

[Terug](#) [Verder](#)

De volgende vragen gaan over het contactmoment/de contactmomenten die u met het **slachtoffer** in zaak [] had **voordat** er uiteindelijk wel of geen bemiddeling plaats vond met de andere partij. Wanneer u geen enkel contact heeft gehad met het slachtoffer in deze zaak, kunt u 'niet van toepassing' (n.v.t.) aanvinken.

Geef aan via welk medium u de eerste keer in deze zaak contact heeft opgenomen met het slachtoffer.

- ☐ Brief
- ☐ E-mail
- ☐ Face-to-face
- ☐ Telefonisch
- ☐ Whatsapp
- ☐ SMS
- ☐ Anders namelijk:
- ☐ N.v.t.

Wat wilde u in dit eerste contact ter sprake brengen? U kunt meerdere antwoorden aanvinken.

- ☐ Uitleg geven over de vrijwilligheid van bemiddeling
- ☐ Uitleg geven over de meerzijdige partijdigheid van bemiddeling
- ☐ Uitleg geven over de vertrouwelijkheid van bemiddeling
- ☐ De mogelijkheden van de bemiddelingsvormen schetsen
- ☐ Het belang aangeven van de aanwezigheid van een steunfiguur bij het bemiddelingstraject
- ☐ Uitleggen dat de bemiddeling in principe geen invloed heeft op het strafproces of het vonnis
- ☐ Toestemming vragen om contact te leggen met de begeleidende instantie
- ☐ Toestemming vragen om informatie uit te wisselen met de begeleidende instantie
- ☐ Vertellen dat er altijd een feitelijke terugkoppeling wordt gegeven naar de aanmeldende instantie
- ☐ Toestemming vragen voor het maken van een inhoudelijk verslag n.a.v. het bemiddelingstraject, welke verstuurd wordt naar afgesproken instanties en/of personen
- ☐ Mogelijke voordelen van bemiddeling
- ☐ Mogelijke nadelen van bemiddeling
- ☐ Anders namelijk:
- ☐ N.v.t.

Zou u hieronder in enkele zinnen willen omschrijven wat het belangrijkste is geweest in dit contact met het slachtoffer?

Kunt u aangeven waarom u bepaalde informatie juist wel of niet in het contact gegeven heeft?

Heeft u na dit contact vaker contact gehad met het slachtoffer?

- ☐ Ja
☐ Nee

[Terug](#) [Verder](#)

Antwoordkeuze 'ja': vragenlijst gaat verder met de vragen over de contactmomenten.

Antwoordkeuze 'nee': vragenlijst slaat vragen over de contactmomenten over en gaat verder bij de Likertschaal.

Geef aan via welk medium u de tweede keer in deze zaak contact heeft opgenomen met het slachtoffer.

- ☐ Brief
☐ E-mail
☐ Face-to-face
☐ Telefonisch
☐ Whatsapp
☐ SMS
☐ Anders namelijk:

☐ N.v.t.

Wat wilde u in dit tweede contact ter sprake brengen? U kunt meerdere antwoorden aanvinken.

- ☐ Uitleg geven over de vrijwilligheid van bemiddeling, en de grenzen hiervan
☐ Uitleg geven over de meerzijdige partijdigheid van bemiddeling, en de grenzen hiervan
☐ Uitleg geven over de vertrouwelijkheid van bemiddeling, en de grenzen hiervan
☐ De mogelijkheden van de bemiddelingsvormen schetsen
☐ Het belang aangeven van de aanwezigheid van een steunfiguur bij het bemiddelingstraject
☐ Uitleggen dat de bemiddeling in principe geen invloed heeft op het strafproces of het vonnis
☐ Toestemming vragen om contact te leggen met de begeleidende instantie
☐ Toestemming vragen om informatie uit te wisselen met de begeleidende instantie
☐ Vertellen dat er altijd een feitelijke terugkoppeling wordt gegeven naar de aanmeldende instantie
☐ Toestemming vragen voor het maken van een inhoudelijk verslag n.a.v. het bemiddelingstraject, welke verstuurd wordt naar afgesproken instanties en/of personen
☐ Mogelijke voordelen van bemiddeling
☐ Mogelijke nadelen van bemiddeling
☐ Anders namelijk:

☐ N.v.t.

Zou u hieronder in enkele zinnen willen omschrijven wat het belangrijkste is geweest in dit contact met het slachtoffer?

Kunt u aangeven waarom u bepaalde informatie juist wel of niet in het contact gegeven heeft?

Heeft u na dit contact vaker contact gehad met het slachtoffer?

- ☐ Ja
☐ Nee



[Terug](#) [Verder](#)

Antwoordkeuze 'ja': vragenlijst gaat verder met de vragen over de contactmomenten.

Antwoordkeuze 'nee': vragenlijst slaat vragen over de contactmomenten over en gaat verder bij de Likertschaal.

Geef aan via welk medium u de derde keer in deze zaak contact heeft opgenomen met het slachtoffer.

- ☐ Brief
☐ E-mail
☐ Face-to-face
☐ Telefonisch
☐ Whatsapp
☐ SMS
☐ Anders namelijk:

☐ N.v.t.

Wat wilde u in dit derde contact ter sprake brengen? U kunt meerdere antwoorden aanvinken.

- ☐ Uitleg geven over de vrijwilligheid van bemiddeling
☐ Uitleg geven over de meerzijdige partijdigheid van bemiddeling
☐ Uitleg geven over de vertrouwelijkheid van bemiddeling
☐ De mogelijkheden van de bemiddelingsvormen schetsen
☐ Het belang aangeven van de aanwezigheid van een steunfiguur bij het bemiddelingstraject
☐ Uitleggen dat de bemiddeling in principe geen invloed heeft op het strafproces of het vonnis
☐ Toestemming vragen om contact te leggen met de begeleidende instantie
☐ Toestemming vragen om informatie uit te wisselen met de begeleidende instantie
☐ Vertellen dat er altijd een feitelijke terugkoppeling wordt gegeven naar de aanmeldende instantie
☐ Toestemming vragen voor het maken van een inhoudelijk verslag n.a.v. het bemiddelingstraject, welke verstuurd wordt naar afgesproken instanties en/of personen
☐ Mogelijke voordelen van bemiddeling
☐ Mogelijke nadelen van bemiddeling
☐ Anders namelijk:

☐ N.v.t.

Zou u hieronder in enkele zinnen willen omschrijven wat het belangrijkste is geweest in dit contact met het slachtoffer?

Kunt u aangeven waarom u bepaalde informatie juist wel of niet in het contact gegeven heeft?

Heeft u na dit contact vaker contact gehad met het slachtoffer?

- ☐ Ja
☐ Nee

[Terug](#) [Verder](#)

Antwoordkeuze 'ja': vragenlijst gaat verder met de vragen over de contactmomenten.

Antwoordkeuze 'nee': vragenlijst slaat vragen over de contactmomenten over en gaat verder bij de Likertschaal.

Geef aan via welk medium u de vierde keer in deze zaak contact heeft opgenomen met het slachtoffer.

- ☐ Brief
☐ E-mail
☐ Face-to-face
☐ Telefonisch
☐ Whatsapp
☐ SMS
☐ Anders namelijk:

☐ N.v.t.

Wat wilde u in dit vierde contact ter sprake brengen? U kunt meerdere antwoorden aanvinken.

- ☐ Uitleg geven over de vrijwilligheid van bemiddeling
☐ Uitleg geven over de meerzijdige partijdigheid van bemiddeling
☐ Uitleg geven over de vertrouwelijkheid van bemiddeling
☐ De mogelijkheden van de bemiddelingsvormen schetsen
☐ Het belang aangeven van de aanwezigheid van een steunfiguur bij het bemiddelingstraject
☐ Uitleggen dat de bemiddeling in principe geen invloed heeft op het strafproces of het vonnis
☐ Toestemming vragen om contact te leggen met de begeleidende instantie
☐ Toestemming vragen om informatie uit te wisselen met de begeleidende instantie
☐ Vertellen dat er altijd een feitelijke terugkoppeling wordt gegeven naar de aanmeldende instantie
☐ Toestemming vragen voor het maken van een inhoudelijk verslag n.a.v. het bemiddelingstraject, welke verstuurd wordt naar afgesproken instanties en/of personen
☐ Mogelijke voordelen van bemiddeling
☐ Mogelijke nadelen van bemiddeling
☐ Anders namelijk:

☐ N.v.t.

Zou u hieronder in enkele zinnen willen omschrijven wat het belangrijkste is geweest in dit contact met het slachtoffer?

Kunt u aangeven waarom u bepaalde informatie juist wel of niet in het contact gegeven heeft?

[Terug](#) [Verder](#)

Nu worden een aantal stellingen voorgelegd die ingaan op de benadering van slachtoffers voordat er eventueel bemiddeld contact met de andere partij plaats vond. Geef voor de volgende stellingen op een schaal van 'helemaal niet' tot 'heel erg' aan in hoeverre de stelling wel of niet overeenkomt met de manier waarop u het **slachtoffer** in zaak [] geïnformeerd heeft. Indien het antwoord niet van toepassing is vink dan 'n.v.t.' aan.

De volgende vragen gaan over in welke mate u informatie gaf aan het slachtoffer op basis van zijn of haar houding en de vragen die hij of zij had voordat er wel of geen bemiddeling plaats vond. Probeer de stellingen zoveel mogelijk naar waarheid in te vullen, er zijn geen goede of foute antwoorden. Alle informatie is nuttig voor dit onderzoek.

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. In hoeverre liet u de mate van informatie afhangen van de vragen en de houding van het slachtoffer?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. In hoeverre gaf u eerst algemene informatie over bemiddeling, en liet u specifiekere vervolg informatie afhangen van de vragen en de houding van het slachtoffer?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. In hoeverre kon het slachtoffer zelf bepalen of hij of zij volledig werd geïnformeerd?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[Terug](#) [Verder](#)

De volgende stellingen gaan over in welke mate u het slachtoffer direct volledig geïnformeerd heeft over bemiddeling in zaak []. Direct volledig informeren betekent dat het slachtoffer meteen tijdens de eerste contacten volledig geïnformeerd wordt. Probeer de stellingen zoveel mogelijk naar waarheid in te vullen, er zijn geen goede of foute antwoorden mogelijk.

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. In hoeverre was het uw intentie om het slachtoffer in deze zaak direct duidelijk en volledig te informeren over bemiddeling?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. In hoeverre heeft u het slachtoffer <i>direct volledig geïnformeerd</i> , ongeacht het emotioneel welzijn van het slachtoffer?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. In hoeverre heeft u het slachtoffer <i>direct volledig geïnformeerd</i> , ongeacht de moeite die het slachtoffer deed voor informatie?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[Terug](#) [Verder](#)

Onderstaande vragen dienen om inzicht te krijgen in hoeverre het emotioneel welzijn van het slachtoffer een rol speelde in uw werkwijze van informeren in zaak []. Probeer de stellingen zo eerlijk mogelijk te beantwoorden. Alle informatie is nuttig en bruikbaar voor dit onderzoek.

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. In hoeverre zou volgens u het volledig informeren van het slachtoffer in deze zaak negatieve gevolgen hebben gehad voor het emotioneel welzijn?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. In hoeverre nam u het emotioneel welzijn van het slachtoffer in deze zaak in overweging bij het informeren?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. In hoeverre heeft u het slachtoffer minder geïnformeerd in deze zaak, omdat u dacht dat dit in het belang van het emotioneel welzijn van het slachtoffer beter was?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

De volgende vragen geven inzicht in de schade en impact van het delict op het slachtoffer in zaak []. Geef op een schaal van 'helemaal niet' tot 'heel erg' aan in hoeverre u het wel of niet eens bent met de vragen. Indien het antwoord niet van toepassing is (of als u het niet weet) vink dan 'n.v.t.' aan.

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. In hoeverre had het slachtoffer veel emotionele schade door het delict?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. In hoeverre leed het slachtoffer door het delict?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. In hoeverre was het de intentie van de dader om het delict te plegen?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. In hoeverre kan dit delict als moreel verwerpelijk worden gezien?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Terug Verder

Onderstaande stellingen dienen als maatstaf om inzicht te krijgen in de concrete behoeften van het slachtoffer voorafgaand aan het wel of geen bemiddelde contact met de dader in zaak []. Geef op een schaal van 'helemaal niet' tot 'heel erg' aan in hoeverre u het wel of niet eens bent met de onderstaande stellingen. Indien het antwoord niet van toepassing is (of als u het niet weet) vink dan 'n.v.t.' aan.

In hoeverre had het slachtoffer in deze zaak behoefte aan ...

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. Informatie van de dader over het delict	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. De dader de impact van zijn of haar acties laten inzien	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Contact met iemand verantwoordelijk voor het delict	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Bestrafing van de dader	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

De volgende stellingen geven inzicht in welke mate het slachtoffer bepaalde behoeften aan herstel ervaart voorafgaand aan het wel of geen bemiddelde contact met de andere partij in zaak []. Indien het antwoord niet van toepassing is (of als u het niet weet) vink dan 'n.v.t.' aan.

In hoeverre had het slachtoffer in deze zaak behoefte aan herstel van ...

	Helemaal niet (0)	(1)	(2)	(3)	Heel erg (4)	N.v.t.
1. Een gevoel van controle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Zich sterk voelen tegenover de dader	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Zeggenschap	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Invloed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Weerbaarheid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Controle over eigen handelen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

☐

[Terug](#) [Verder](#)

Heeft u naar aanleiding van de voorgaande vragen over zaak [] nog aanvullingen die voor het onderzoek van belang kunnen zijn?

☐

[Terug](#) [Verder](#)

Bedankt voor het invullen van de vragenlijst. Omstreeks februari 2018 worden de onderzoeksresultaten binnen Perspectief Herstelbemiddeling bekend gemaakt. Voor tussentijdse vragen over het onderzoek kunt u terecht bij Manon Elbersen.

☐