



**Mandate for  
Ukrainian Center for Common Ground  
and  
Swiss Development and Cooperation Office in Ukraine**

**Report mission Anne C. Salberg**

**Phase II – Part I  
Training for Trainers  
"Implementation of the Mediation Techniques  
on the Pre Trial Stage of the Criminal Process"**

**Kyiv, May 20-24, 2008**



**Summary:** in the phase II of the project, mission 1, the consultant provided a three-days training to 14 participants of Universities, Academy of Prosecutors and Prosecutor's Office. The participants produced a lot of written material in order to introduce mediation in criminal cases into Prosecutor's work and to elaborate training material for prosecutors.

Seven recommendations were made by the participants.



## **I. ORGANIZATION**

The Ukrainian Academy of Prosecution, the Prosecutor General's Office and the Ukrainian Center for Common Ground Centre (UCCG) organized, with the financial support of Swiss Development and Cooperation Office (SDC) in Ukraine, a 3-days training for legal trainers and Prosecutors.

## **II. TERMS OF REFERENCE**

The Terms of reference stated that:

- The consultant provides support to the implementing organization in the training course development for tutors of law education institutes within the project.
- The consultant develops the program of the training course with the account of the participants' expertise and the project's needs.
- At every stage, the Swiss consultant will work in close cooperation with the implementing organization (Ukrainian Centre for Common Ground).
- Ukrainian Centre for Common Ground will provide the consultant with required support, as well as with the related project and methodological materials.

## **III. ACTIVITIES**

### **Preparation**

The consultant prepared a 3 days training in French. The training material has been translated into Ukrainian by UCCG.

The consultant made the hypothesis that all that has been done in Phase I of the project was already known by the people attending this training.

Because of the short delay between the signature of the contract and the training, the consultant could not consult enough with UCCG in order to be sure that the prepared training would be adequate with the needs of UCCG.

### **Participants**

Due to an administrative bug in the General Prosecutor's Office, some participants of the regions could not attend the meeting. Others did not know anything about mediation and Restorative Justice.

With UCCG, we discovered the final list of the 14 participants on the first day of the training.

Two UCCG members took partially part in the training. SDC coordinator attended half a day of the training. Some participants left the training before the end of it and some only attended for few hours.

The consultant had therefore to deal with a very heterogeneous group and a moving number of attendants.

The consultant worked with a very competent translator. She did a great job and it was extremely pleasant to work with. Part of the success of the training was due to her highly professional commitment.

### **Training**

The training had three parts:

- Share of pedagogical tools to introduce mediation techniques
- Interactive workshop: How to introduce mediation in criminal cases into Prosecutor's work?



- Elaboration of training material for prosecutors

### *1. Share of pedagogical tools to introduce mediation techniques*

The consultant presented a one day training "introduction to mediation". The program introduced the participant to role play, conflict, communication, amicable conflict management methods, ethic of mediation and methodology of mediation.

Instead of a theoretical top down approach, the consultant did the training for the participants. They first practiced the pedagogical activity and then reflected on the presented tool. For each part of the training, they received a document about the pedagogical goal and the methodology.

The approach of the consultant is an interactive student oriented learning, based on the resources of the participants. It reflects the philosophy of mediation and restorative justice.

### *2. Interactive workshop: How to introduce mediation in criminal cases into Prosecutor's work?*

The consultant led an interactive workshop to identify projects of action. Two groups worked on two projects. The methodology was first to identify favourable factors and problems; then imagining a strategy, defines goals and expected results; describe the main steps and identify the partners.

Two projects were elaborated, one called "cooperation" and the other one called "information".

The produced written material has been given to UCCG.

### *3. Elaboration of training material for prosecutors*

On the last day of the training, the participants worked in 2 groups to produce guidelines for training.

Two projects of training were prepared:

- one for the regular curriculum program within the University standards : 1 ETSC (36 hours) about Restorative Justice and mediation
- one for prosecutors : master class, round table, seminars, conferences

The produced written material has been given to UCCG.

## **IV. RESULTS AND RECOMMENDATIONS**

### **Results**

The participants produced a lot of written material in Ukrainian and Russian. All documentation has been given to UCCG who is responsible for the following up.

The participants were very active and involved in the training. They took the following recommendations:

1. Improve the information for Prosecutors about mediation and RJ on the website and in the journal every Prosecutor receive (Guennadi Sumko and Svitlana Fil).
2. Favor regular contacts between prosecutors and mediators.
3. Integrate the Ministry of Education in the projects in order to maintain RJ programs in the curriculum.
4. Introduce a standard about RJ training for the law school.
5. Promote RJ training in the initial training for prosecutors although there is no law at the moment, in collaboration with UCCG.



6. In the future, lawyers will be trained in mediation. Organize a seminar with the trained lawyers in collaboration with UCCG, the Ministry of Education and the Ministry of Interior.
7. The Criminal Procedure Code has no regulation about RJ and amicable regulations. Make a proposal to introduce mediation into the Criminal Procedure Code.

## Evaluation

A written evaluation of the training has been made in Ukrainian. It shows the high level of satisfaction of the participants:

**1. Usefulness of the Training for the respondents.** On the scale from "1 to 5", only three participants rated usefulness of the Training as "4", the rest of participants marked "5". So the Training was very useful for its participants. The following quotations support this idea: *"the knowledge I've gained will be used practically", "it was very useful, because in order to explain the advantages of mediation to others, you have to understand it well yourself", "training was very interesting and useful"*.

**2. Level of professionalism of the trainer.** All respondents highly evaluated the work of the trainer by putting 5 points on the scale from "1 to 5". The quotations of the participants in this category were the following: *"Super!", "trainer skilfully managed the audience", "highly professional and communicative", "high professional skills"*.

**3. Actuality of the discussed topics.** All participants agreed that the discussed topics were very actual and present-day. On the scale from "1 to 5", only three respondents rated actuality of the discussed topics as "4", the rest of participants marked "5". None of the respondents commented this category.

**4. The most actual issue that was discussed.** In this category the participants were asked to point out the issue, the discussion of which was the most useful and important. Respondents gave the following answers: *"All questions that were discussed are very actual and important"; "implementation of the mediation in Ukraine on the legislation level"; "how to help prosecutors to refer criminal cases for the mediation", "educational programs for the students and practicing lawyers", "personally for me, the most interesting was the question about 4 stages of communication process that mediator goes through with the sides", "the program was very intensive and all topics included were interesting and actual", "recommendations to the state bodies concerning the implementation of the restorative justice programs"*.

**5. General level of the Training organizing/logistics.** Only two respondents gave "4" points for the organization of the Training, the rest rated level of the Training organizing as "5". The comments of the participants in this category included: *"the organization of the Training was on the highest level, time and intensiveness of the program were skilfully divided", "Training was organized on high professional level", "I was feeling very comfortably. Thank you!"*

**6. Additional comments.** In this category respondents had a chance to write any additional comments that weren't covered by previous questions. Participants submitted following comments and propositions: *"It is necessary to continue organizing such trainings for the prosecutors", "Such training should be conducted regularly, and not only when foreign trainers can be invited, but definitely with the consideration of their methods", "In general it was good, but I would like to participate in such training regularly", "I think it is important to organize one more meeting with the same participants concerning the results of the implementation of the developed programs", "it is necessary to conduct similar training in the nearest future with the involvement of wider audience of the prosecutors", "the practical exercises were the most interesting"*.

Although the consultant faced some organizational challenges, the result seemed to be useful for the participants and UCCG.



### **Consultant recommendations**

The consultant wishes UCCG had more time to be present all the time, because it does not know the Ukrainian context. Every time UCCG could give example of their practice it was very useful for the participants.

It would be of the greater importance to prepare the second mission in a closer collaboration with UCCG. The consultant's work has to be useful for the Ukrainian organization and shall fulfill its needs. It would be interesting to assess the results of the implementation of the developed programs with the same participants.

The result of the evaluation showed that such training should be conducted more often, on regular basis. This kind of training favours a clear change of perspective on mediation for the participants.

The goals of this mission have been mainly achieved.

As for the phase I, the consultant really appreciated the work in collaboration with the Academy, the Prosecutor's office and UCCG and look forward working for mission 2.

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