



Mediation

in prison isolation

Mediation is a voluntary agreement between the aggrieved party and the perpetrator - in the presence of a neutral and impartial mediator (a person not involved in the conflict) - aimed at obtaining a satisfactory solution by the parties that takes into account their needs.

- In practice, the dispute is milder and more often it is resolved by the people involved, without the help of others. On the other hand, conflicts are often built over the years and consist of individual disputes. The parties involved usually have problems solving them on their own

This is the moment when the victim can express their feelings, expectations and needs, and has the opportunity to forgive. The perpetrator, on the other hand, gives the opportunity and a chance to understand how his negative action influenced the other person. He also has the opportunity to express remorse and apologize, and to accept responsibility for the consequences of the crime and to take action related to the crime.

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- Mediation is one of the forms of restorative justice in which a constructive response to a crime is emphasized by actively involving the aggrieved party and the perpetrator willing to take responsibility for their actions.

- In criminal justice, on the other hand, the focus is mainly on the crime and the criminal. There is not much room for the aggrieved party in it. Breaking the law is compensated by punishing the perpetrator.



The idea of mediation is therefore a symptom of modernizing the criminal process.

Restorative justice advocates emphasize that punishment does not solve anything in the long run. The convict is not responsible for his actions, because all decisions about what will happen to him are made by others - the court. As a result, the perpetrator does not understand the meaning of his actions and does not learn to see the consequences of his actions, but how to better mask himself in order to receive the lowest penalty.

It should be remembered that the Court only resolves the dispute, in other words, it decides who is right, while mediation serves to settle or alleviate this dispute.

▪ Mediation as a specific form of conflict resolution is gaining more and more recognition among people working with conflict. Every citizen has the right to mediation, so this right is undoubtedly also enjoyed by convicts who are serving a sentence of imprisonment. Therefore, mediation with the participation of prisoners in conditions of prison isolation should not be ruled out. It is in this aspect that it acquires a special meaning.

▪ Persons serving a sentence of absolute imprisonment may participate in mediation in criminal cases, in family matters and in the so-called post - judgment mediation.



The Prison Service is primarily obliged to conduct penitentiary and rehabilitation interventions towards people who are serving a sentence of imprisonment.

It is mainly penitentiary employees who implement individualized influences towards inmates. However, for the rehabilitation of convicts to be effective, it must be implemented under conditions of acceptance and understanding, with the active participation of various institutions and trustworthy persons. Prisons, in order to perform their functions, must be open to initiatives supporting their activities, and especially to people ready to help inmates as part of voluntary work.

Since the subject of interest is a person imprisoned in solitary confinement, it is also worth considering what tasks are faced by volunteers in supporting the process of rehabilitation of the convicted person.

Persons serving a sentence of imprisonment are characterized by a low level of willingness to compensate the victims of crimes committed by them, which means that they do not feel the need to take corrective action against them. It is worth emphasizing, however, that one of the goals of imprisonment is to arouse the will of inmates to cooperate aimed at shaping socially desirable attitudes, and especially at taking responsibility for their own actions. Participation in mediation proceedings of these people may become a tool supporting the rehabilitation process. However, in order for inmates to be able to use this constructive method of conflict resolution, not only the knowledge provided by penitentiary educators about mediation is needed, but also proper preparation of the convict to participate in mediation proceedings.



▪ Thanks to appropriately selected programs, volunteers can help in: "implementing convicts to shape a sense of responsibility, self-control and self-discipline", "indicating socially accepted methods of resolving conflict situations" and "providing assistance to convicts in conflict situations".

▪ Attempts are made to implement programs targeted at inmates by raising the awareness of inmates in terms of cases, needs, positions, issues of victims and restorative justice. Volunteers can also conduct meetings or classes developing empathy (targeted at crime victims) in convicted persons. Which will be related to the main goal, which is to increase the level of readiness to redress persons serving prison sentences, in order to prepare them for participation in mediation sessions.



Certainly, the first joint meeting is not easy for the parties to the mediation proceedings. It is at this point that it is so important to prepare the inmate who will be ready to conduct a difficult, but conscious and effective conversation. Thanks to proper insight into oneself and through the competences acquired through programs and meetings, the inmate will try to find a solution to the conflict between him and the victim.

Such learning may also make it easier for him to use constructive conflict resolution in the future.

In addition, volunteers can provide assistance in a wide-ranging information campaign on mediation, eg through leaflets and publications about mediation, information meetings with inmates about alternative dispute resolution. They can also help in the implementation of various types of competitions bringing closer the essence of mediation and restorative justice

. The above actions are guided by one goal - to increase awareness that everyone has the right to mediation, and the exercise of this right depends on the good will of both parties to the dispute.

Thank you for your attention

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