



KATHOLIEKE UNIVERSITEIT
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Peacemaking circles:

Lessons learned from the background research



Expert interviews

1. Term
2. Implementation
3. Circle conduction
4. VOM
5. Other

Connotations of Term “PMC”

- Too vague
 - United Nations? Hippies? Pastoral?
- Unease
 - The term peace.
 - Sounds too soft.
- Conferencing?
- Peace = peace of mind => term is OK
- Find a Dutch term?



Implementation of PMC

1. Case selection
2. Chances, possibilities & suggestions
3. Risks, problems, doubts
4. Legal, practical & context factors



Case selection

- Cases with a direct link to the community
 - Severe cases \leftrightarrow minor cases?
- Cases where the justice department doesn't find a solution
 - Neighborhood conflicts
 - Minor crimes (vandalism, etc.)
 - Repeat offenders
- Specific characteristics of cases



Chances, possibilities & suggestions

- Chances:
 - Realization that the classic judicial system has its limits.
- Possibilities:
 - Implementation in mediation in penal matters?
 - Alternative to court hearings?
- Suggestions:
 - Have a real impact on the judicial proceedings.
 - Embed it in a larger project.
 - Have clear, objective results (evaluation: cost-time, recidivism, etc.).

Risks, problems & doubts

- Invading the privacy of victim/offender.
- (Breaching) the secrecy of judicial investigation.
- (Breaching) the professional confidentiality.
- Competitor of VOM?



Legal, practical & context factors

- Law
 - Not necessary to create a separate law, but there are benefits.
- Workload of judicial authorities!
- PMC = something new.



Circle conduction

1. Personal risks & benefits for participants & of including broader community
2. Risks & benefits of including judicial representatives.
3. Risks & benefits of including additional actors.
4. Impact of ... on circle meeting.



Personal risks & benefits for participants & of including broader community

- Widening the view:
 - Bring the conflict in the open.
 - Halt isolation of offenders/victims.
 - Creating a network.
 - Strengthening existing network.
 - Mentally: not alone.
 - Confronting the offender with broad impact.
 - Social control.
 - Voice an opinion not heard in the traditional court.



Personal risks & benefits for participants & of including broader community

- Privacy victim/offender
 - Informed consent!
- Motivation of community?
- Broadening = less confidentiality?
- Participants are not a representation of society.



Risks & benefits of including judicial representatives

- Defining the role?
- Judge can't be present, prosecutor can.
- Risks:
 - Secrecy of judicial investigation.
 - Breach of confidentiality of the meeting.
 - Less open discussion.
- Benefits:
 - Impact on judicial proceedings.
 - To learn from community and vice versa.



Risks & benefits of including other actors

- Lawyers?
- Political parties/movements
 - YES: represent a (larger) part of the community.
 - NO: not always looking for solutions.
- Others: specific from case to case.



Impact of ... on circle meetings

- Obligation to report new crimes (theory vs. practice).
- Judicial groups: (perceived as) equal or not?
- In general: none saw a large (negative/positive) impact.



VOM

1. Mistakes to be avoided/persisting problems
2. Lessons learned
3. Aim/reasons for referral



Mistakes to be avoided

- Little information about VOM
 - Content of actual mediations.
 - Costs? Effectiveness?
- Focus on confidentiality \leftrightarrow working together.
- Implementation of VOM:
 - From a too dependant position.
 - Too formal => distance from practical level.



Lessons learned

- SENSITISATION!
- Steering committees & cooperation protocols



Aims for referral

- That the victim gets to know more about his offender.
- That both parties can give a place to the crime and go on with their lives.
- Restoration for both parties.
- To make communication between victim and offender possible.
- To aid the victim in re-finding his balance in life.
- To prevent the offender from reoffending.
- To answer the question of the victim: “why?”
- To let people have the chance to find an agreement.

- Ceremonies/rituals
 - In judicial proceedings:
 - Create equality.
 - Confirm position of judicial authorities.
 - Idea of using ceremonies = positively received!
- Representation of interests of all parties
 - Intentions of victim/offender.
 - Adequate time & safety (→ support persons).

