



KATHOLIEKE UNIVERSITEIT  
**LEUVEN**



# Peacemaking circles

**State of affairs of the  
restorative justice practice –  
Belgium**



1. VOM (adults)
2. Mediation in penal matters.
3. VOM (minors)
4. Conferencing
5. Urban administrative sanctions

# VOM (adults)

- Law on mediation (22 June 2005)
  - In criminal cases, known by judicial authorities.
  - Available in all phases of the judicial procedure.
  - Voluntary – confidential – guided by a neutral third.
  - Available to all parties with a **direct interest**.
  - Initiative can come from victim and/or offender.
  - Can be indirect or direct (face2face)
  - Has no (direct) impact on the judicial procedure!
- Mediation by Suggnomè vzw & Mediante asbl
  - Independent organizations.

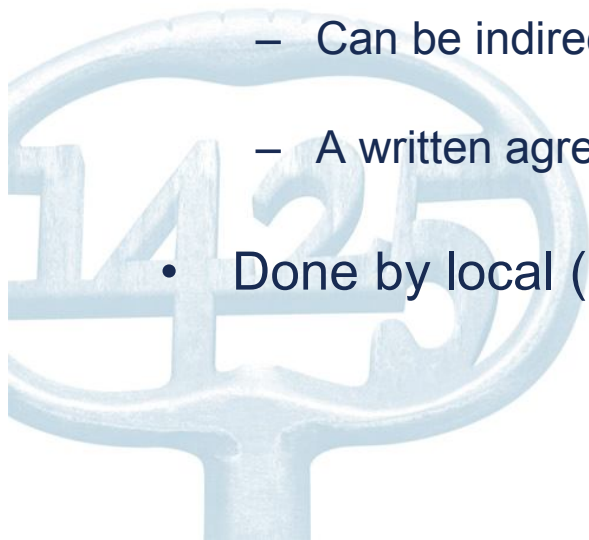
# Mediation in penal matters

- Law of 10 February 1994
  - In criminal cases (with the hypothesized sentence of max. 2yrs)
  - Voluntary procedure.
  - Mediation meeting = part of the procedure.
  - Initiative can only come from the prosecutor.  
& prosecutor can suggest additional measures (e.g. therapy)
  - A way to end the prosecution.

- Houses of Justice

# VOM (minors)

- Youth Justice Act
  - In criminal cases, known by judicial authorities.
  - Pre-sentence.
  - Voluntary – confidential – guided by a neutral third.
  - Available to offender, parents of offender and victim.
    - + others with a direct interest if the above agree.
  - Initiative can only come from the prosecutor or youth judge.
  - Can be indirect or direct (face2face).
  - A written agreement has to be taken into account.
- Done by local (independent) services.



# Conferencing (minors)

- Youth justice act
  - Legally similar to VOM.
  - More attention to the social environment of offender/victim.
  - In practice: police officer present (not stated in the law).
  - Initiative can only come from the judge.
  - Only a direct meeting is possible (victim can be represented).
- Done by local (independent) services



# Urban administrative sanctions

- New urban law 24 June 1988 (adapted 19 May 1999)
  - Cities can punish minor misconduct, including minor criminal offences (vandalism).
  - Available for minors and adults.
  - Initiative comes from administrative sanctioner.
  - Mediation? See definition of VOM adults.
- Done by local government officials.



# Possibilities for PMC

- In the 5 types of RJ-dialogue, PMC could have a potentially added value.
  - focus of research on VOM (adults):
    - Can be on the initiative of victim and offender!
- Implementing PMC under the legal confinement of VOM:
  - + Mediation is not strictly defined.
  - + Direct interest: no solid definition.
  - + Safeguards for equivalence, proportionality, etc.
  - Confidentiality  $\leftrightarrow$  larger group?
  - Confidentiality  $\leftrightarrow$  presence of judicial representatives?