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# Conferencing in Belgium

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# Introduction

- Finding the conferencing model
  - Introducing conferencing in Flanders, Belgium
  - The action research
  - Some research results
  - Introduction in the 2006 Youth Justice Act
  - Conclusion
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# 1. Finding the conferencing model

- Sabbatical of Prof. Lode Walgrave
  - Two conferencing models
    - New Zealand: FGC, private time, presence police
    - Wagga Wagga: scripted real justice model, Braithwaite's RIS
  - Our restorative justice framework: maximalist model
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## 2. Introducing conferencing in Flanders

- Policy priority of the Flemish Ministry of Welfare => agreement for action research
  - New Zealand model: for serious offences
    - Mediation existed
    - Including the police
    - At youth court level
  - Training of mediators in five judicial districts by Allan MacRae
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## 3. The action research (1)

- Set-up of the project:
    - One FT researcher at KU Leuven
    - Methodology group
    - Steering group
    - Local steering committees
  - Specificity of the continental European justice system:
    - Role of the police
    - Judicial framework
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## 3. The action research (2)

- Specificity of the Flemish project:
    - Implementation at the level of the youth court
    - Serious crimes
    - No script
    - Youth protection system
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## 3. The action research (3)

- Developing a handbook throughout the years:
    - Referral by the youth judge, who will ratify the youngster's "declaration of intent"
    - Serious crimes, or a series of less serious crimes ("serious offender")
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# 3. The action research (4)

- Handbook (continued) :
  - No script, but nevertheless a certain framework:
    - A circle, no fixed seatings, police in between the parties
    - Introduction by facilitator
    - Police reads out the facts
    - Victim story
    - Offender story
    - Networks
    - Private time
    - Proposal by the YP
    - Discussion



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## 3. The action research (5)

- Description of the role of professional actors in factsheets:
    - Social worker of the youth court
    - Lawyer of the YP and possibly victim
    - Police
    - Victim support
  - Importance of handbook for implementing practice after Youth Justice Act 2006 (cf. *infra*)
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## 4. Some research results (1)

- Applicability of the project in practice
    - The procedure: a space was found for conferencing in the existing system
    - Conferences had been held (53 conferences for 58 YP; 26 + 10 conferences victim presence)
    - 1-11 support people for the YP (3-4 at average)
    - Victims feel supported by each other
    - Satisfaction of the participants
    - Procedural justice
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## 4. Some research results (2)

- Presence of the victim remained a challenge:
    - Importance of timing
    - Impersonal victims
    - Non-participating victims = no conference
    - Restoration of the damages: awaiting the execution of the agreement (who to follow up and how long)
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## 4. Some research results (3)

- Closed institutions: a combination would be possible
    - Conference as an alternative
    - Or as a way forward to reintegration and restoration
  - Importance of training facilitators
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## 5. Introduction in the 2006 YJA (1)

- 2004-2005: some practice continued
    - 39 conferences for 51 YP
    - 32 + 2 conferences with a victim (representative)  
=> more experienced facilitator = more victim presence?
  - Research report + final conference
  - Already many years a long-lasting discussion on youth protection system
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## 5. Introduction in the 2006 YJA (2)

- 2006: new youth justice act
  - RJ as priority: mediation and conferencing
  - Role of the police? Of the lawyer?
  - Youth judge can only dismiss when outcome is against social order
  - Thus: a success story!
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## 6. Conferencing: a success story? (1)

- Priority, numbers did go up but remain marginal...
  - Research 2007-2010 (Flanders):
    - 335 YP referred (compared to 58)
    - Mostly to previous services
    - But these saw their numbers going down again in 2010
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## 6. Conferencing: a success story? (2)

- Research 2007-2010 (cont'd):
    - 64,8% of referrals no conference, mostly because of victims (67,3%)
    - When conference starts, often agreement is reached
    - 16,9% without victim presence
    - Mostly no support people for YP besides parents
    - Police (92,4%) and lawyers (82,2%) present (although not included in law)
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## 6. Conferencing: a success story? (3)

- Possible explanations according to the actors:
    - Procedure too complicated for prosecutors (i.e. selection to be done by mediation services)
    - Mediation widely implemented
    - Conferencing still unknown
    - Criteria for a conference unclear
    - Too few conferences thus cases not always fit
    - Lack of concrete info on conference
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## 6. Conferencing: a success story? (4)

- Possible explanations according to the youth judges:
    - Other measures to be taken
    - Mediation was offered before
    - Conferencing unknown
    - Procedure too complicated
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## 6. Conferencing: a success story? (5)

- Possible explanations according to the youth judges (cont'd):
    - NOT because of
      - Negative experiences
      - No view on content
      - Participants' dissatisfaction
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## 6. Conferencing: a success story? (6)

- Possible explanations according to us:
    - RJ in CJS: an impossible fit?
    - Training of facilitators
    - Mediation as a priority: no room left for conferencing at youth court level?
    - ...
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## 6. Conferencing: a success story? (7)

- Open questions:
    - Numbers since 2010?
    - Difference mediation – conferencing?
    - Difference Flanders – Wallonia?
    - Importance of continued follow-up?
    - Priority in law insufficient?
    - ...
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