Own experience: 9 years, many mediation processes, many stories of victims and offenders...
Content

1. Some figures
2. Some typical cases
3. Similarities and differences
4. Methodological Issues
Some figures

- 10 years experience in Belgium (Flanders)
- VOM parallel to the criminal justice system
- Severe road crashes
- Figures from the last 6 years
Some figures

Applications 2012-2018

- Other: 88%
- RTO: 12%
Some figures

- +/- 250 cases/year
- 98% pre-sentence
- Most mediations in fatal crashes

No differences whether aggravating circumstances or not
Difference effective/ potential
More response in fatal crashes, regardless aggravation circumstances.
Less response in crashes with bodily injury: focus is more on the rehabilitation process.
Some figures: referrals

- 80% of the cases applied after information letter from the prosecutor’s office.
- 40% of all informed offenders react after the letter
- 36% of all informed victims react after the letter
Some figures:

• Direct/indirect

Vgl andere misdrijven: 20% direct
Some figures: outcomes

• Few mediation agreements: between 6 and 17/year
• 75.5% of all mediation processes started are completed entirely.

Vgl alle misdrijven: 61,7% : less drop out
Regardless aggravating circumstances

Focus in on? Let's do a little exercise: since this is an interactive workshop...
Feelings:
- Being harmed, treated unjustly, angry, sad,…
- Needs: admitting mistake, apologize, restore, preventing future mistakes
Feelings: guilty, shame, sad, fear
Needs: willing to apologize, need to restore the harm, support, knowing consequences for the other, forgiveness, ...

All those feelings, all those needs: things that we see and we are working on in the mediations in RTO.
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What is the focus on?
No F2F : to close, to human. It helped him to go on with his life, that he had no good image of the victim. But is was helpful to hear the family did not blame him.
Some typical cases

• Fatal crash – hit and run, drug and alcohol abuse
• Young driver causes fatal crash, on a cross road next to his apartment. Victim is person of the same village. Driver under influence of drugs/alcohol. Does not remember crash, continues his ride. Got caught by police.
• When sober, realizes harm done. Apply for mediation after some time, when under custody.
- Questions: maintain the flowers that were put near the crossroad to commemorate the crash
- Future intentions: therapy, giving testimony of his experience to peers,...
- Police officer
- Between insurance companies
- Insurance company refused to pay advances until liability was proven.
- Fisical: sport, other job,...
Focus on the funeral
Focus on expressing how they feel about the loss of their children/friend. Sharing this with each other.
No focus on liability issues: that happened in a later phase of the mediation.
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The crash: the course, why?
The attitude towards the other party: feelings of guilt (offender), anger (victim), empathy (both)
The damage and the compensation by the offender/insurance company
The non-financial consequences of the crash (for oneself, family and surrounding)
The punishment: expectations
First choice to the victim
Good preparation of the encounter is important
Follow-up of the mediation, not on the agreement. E.g. refer to lawyers, victim support, self-help groups
In other offences: often clear positions of offender and victim. In road traffic offences positions are not fixed, can change during the procedure:
- Take into account during mediation
- Stay out of liability discussion
differs in experience:
- More feelings of empathy toward the other: he’s a victim too
- Differs from person to person: personality, former experiences, influence of family and context,...

- Inner struggle is important theme in the mediation. Sometimes matches between victims and offerders, sometimes not. That’s something to respect
Misunderstandings: about the purpose of VOM: they think the compensations will be handled in the mediation.
RTO banalized, collateral damage, sanctions are often low, Victims ask a powerful sign
In most cases they do not want sanctions like imprisonment or extreme high fines. They often want more “restorative” sanctions: vb. Helping in a rehabilitation hospital, volunteering with Responsible Young Drivers, sensitizing peers,
Methodological issues

- Invest on good working relations
  - Information
  - Referrals
  - Training and coaching
  - Involvement in VOM
- Stay out of liability issues if necessary: judge and insurance
- Respect free choice of participants

Working relations with: police, prosecutors, victimsupport, victimassociations, self-helpgroups, insurance companies, health services, ...

Free choice:
- Participation or not
- Timing
- topics