

ÖNNUR ÚRRÆÐI EN FANGELSI

Hótel Örk í Hveragerði


Föstudaginn 4. maí 2007 frá kl. 9:00-15:00



Ten years after the Dutroux case in Belgium

**The never ending story of trial and
error to restore the balance**

John Vanacker



In search of restorative justice,
alternatives, less overcrowding and
the courts for the execution of
sentences

Overview

- Introduction
- Victims and restorative justice
- The constantly growing prison population
- Alternatives for prison sentence
- Courts for the execution of sentences
- Conclusion

0. Introduction

A democratic society is permanently subject to a self-investigation that never leads to definite solutions

1. Victims and restorative justice

Justice and sentencing take place in the
triangle
victim-offender-society

1. Victims and restorative justice

- When comparing countries, the crime rate level does not always coincide with the detention rate
- Within the same country, the development of a more severe sentencing culture does not indicate an increasing crime rate
- As the repertory of sentences differs from one country to another, so does the receptivity for restorative justice

1. Victims and restorative justice

Facilitators for RJ and the obstruction if absence of these facilitators

- The presence of autonomous communities
- A low moralising culture with regard to offenders
- Little politicisation of the criminal justice policy
- Little tradition in hard correction
- Divided political power within the government
- Independent selection of practitioners in the criminal justice system

2. The constantly growing prison population

The sky is the limit ?

2. The growing prison population

- Looking at figures in a critical way
- Overcrowding or shortage of capacity ?
- Unrestrained expansion or a moratorium on prison construction ?
- “Penalising social problems or socialising the penal code and the penal system” ?
- Under pressure...

3. Alternatives for prison sentence

Alternative for what ???

3. Alternatives for prison sentence

- The supposed answer to the supposed question
- The increase of alternatives
- And the increase of the prison population
- “Go-as-you-please ticket”
- The prison sentence : an alternative sentence?

3. Alternatives for prison sentence

Three kinds of alternatives :

- Leading to a decrease of the number of entries in prison
- Reducing the duration of detention
- Reducing the part per day spent as a punishment

3. Alternatives for prison sentence

- Alternatives should be real and not virtual
- Creating alternatives causing netwidening and not reducing the prison population
=> counter-indication
- If the alternatives are only an expression of an increased penal culture
=> counter-indication

4. Courts for the execution of sentences

Finally after nearly 120 years...

4. Courts for the execution of sentences

Since February 1st 2007 :

- Sentences > 3 years
- 4 competences :
 - Parole
 - Electronic tagging
 - Limited detention
 - Temporary release in view of expulsion or extradition

4. Courts for the execution of sentences

Criteria :

- social rehabilitation OK
- no risk of committing serious new crimes
- no risk of trouble to the victims
- his/her attitude towards the victims

5. Conclusion





John Vanacker - Belgium
4.mai 2007