## 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 contruction ?
- "Penalising social problems or socialising the penal code and the penal system"?
  - Under pressure…

Alternative for what ???

- 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?

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

- 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

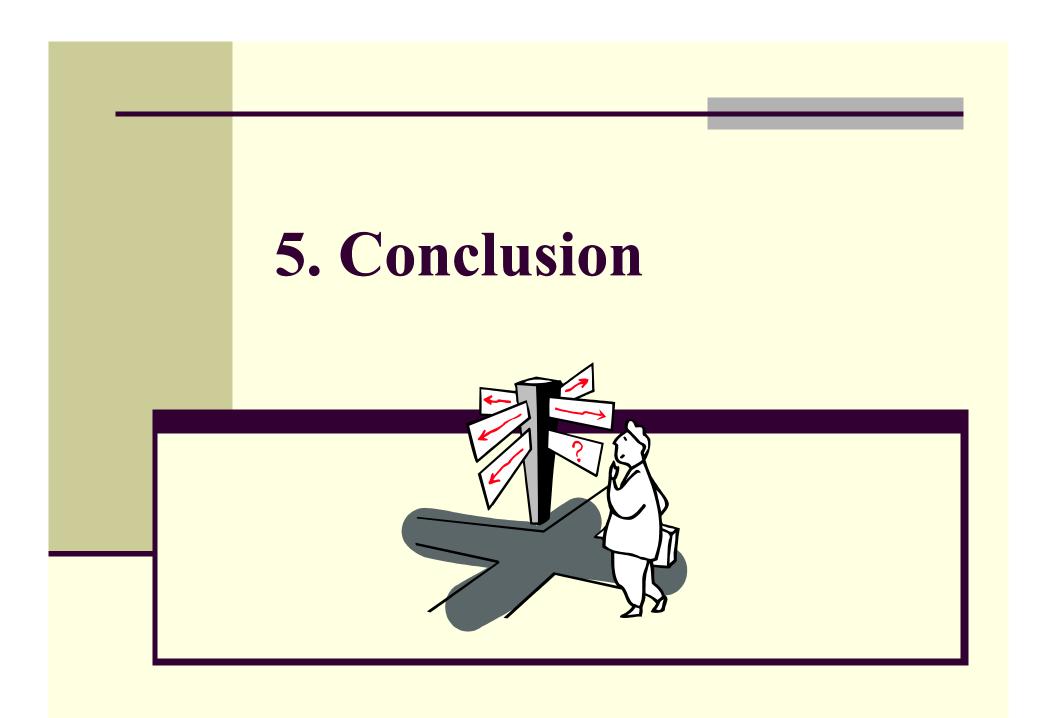
Since February 1<sup>st</sup> 2007 :

- 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





John Vanacker - Belgium 4.mai 2007