

# Prevention policy and measures by the Belgian judicial system

De Craim Christel

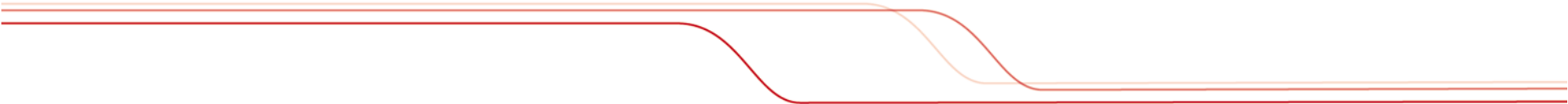
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## Preliminary remarks

1. Jurisdiction regarding the subject of prevention
2. The mission of the Service for Criminal policy

It's mission is to:

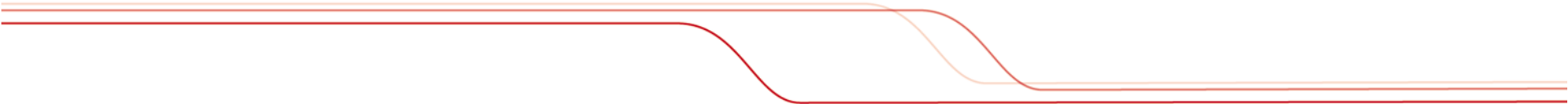
- Collect all useful information
- Establish the evolution of delinquency
- Propose orientations in relation to criminal policy
- Advise about the coordination of a preventive, repressive and penitentiary policy

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- Recommend criteria about structuralizing the exercise of the criminal proceedings
  - Inform in general the magistrates and policemen



## Juvenile protection law

- Juveniles under the age of 18 years have no criminal responsibility (with some exceptions as from the age of 16)
- The juvenile protection law was reformed in 2005
  - It remained a protection law, this means that the judges take measures and not sanctions or penalties when a juvenile has committed a crime
  - According to the principle of subsidiarity first of all restorative measures like a mediation or a family group conference must be proposed before going to court or imposing measures

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- All kind of measures can be imposed by the judge like for ex.:
    - A supervision by the social services
    - Going into therapy
    - Following an education
    - Leaving them in the care of an appropriated facility with the aim of education and treatment
    - A community service of a max of 150 hours
    - Putting them in an open or closed community institution
  - The measures imposed by the judge are being executed by organisations in the Flemish, French or German community



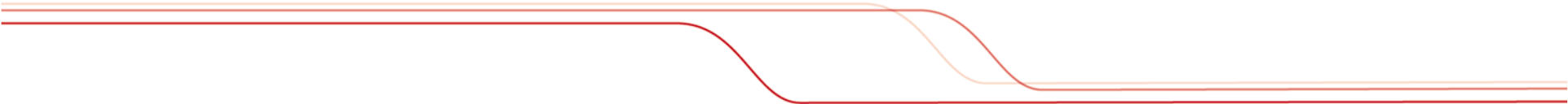
## Judicial system

- Public prosecutor
  - Specialised juvenile prosecutors
  - Specialised prosecutors concerning child abuse and maltreatment
  - Since 2006 criminologists “youth and family”  
support of the juvenile prosecutor in the field of child maltreatment, juvenile delinquency and the problem of skipping school
- Specialised juvenile courts with youth judges

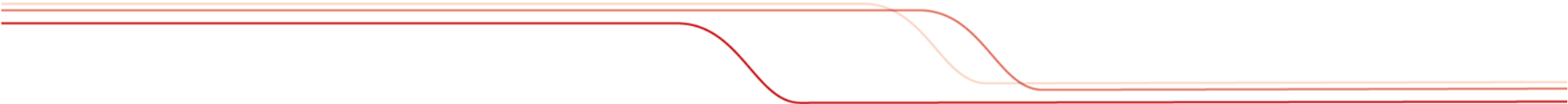


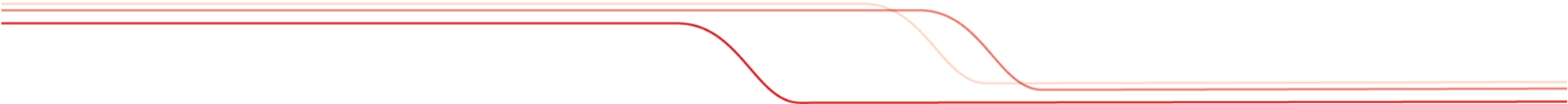
## Prevention policy and measures

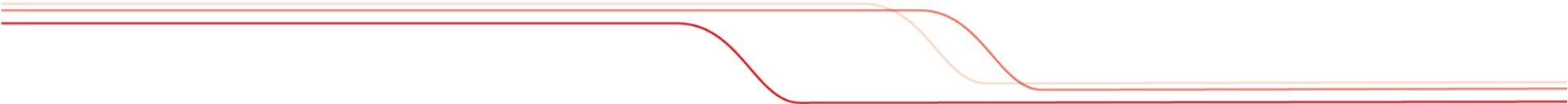
- The juvenile protection law point out in his preliminary part the fact that preventing delinquency is a very important issue for the society. Therefore it is vital to tackle the causes of juvenile delinquency and a multidisciplinary action plan must be elaborated
- On the public prosecution level
  - Warning letter
  - Reminder
    - Support by the criminologist ‘youth and family’
  - Restorative measures

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- The youth judge or juvenile court
    - First of all restorative measures must be considered
    - Secondly the juvenile may present a project of his own
    - Thirdly the measures imposed by the judge or court may never have the intention to sanction or to punish but are measures to educate, rehabilitate, make them take responsibility for their actions...



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- The criminologist ‘youth and family’
    - Advise the juvenile prosecutor regarding the orientation of an individual case
      - Therefore they can have an orientated conversation with the juvenile and his parents or other significant persons
    - Supporting role in relation to the draw up of the warning letter
    - Oral warning by the juvenile prosecutor but contextualisation by the criminologist “youth and family”
    - Skipping school
      - Related to the problem of juvenile delinquency

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- Collect information regarding the situation of the juvenile
  - Reminding the juvenile of his duty to go to school
  - Informing the juvenile and his parents about the assistance they can rely on, on a voluntary basis
  - An evaluation period
  - Advise public prosecutor



The aim of our policy is to prevent the juvenile to commit more crimes in the future by giving him therapy, guidance, education or making him aware of his acts and taking responsibility for it and repair the damage caused to the victim or society.

If the juvenile is skipping school our aim is to prevent that the situation is taking a turn for the worse.



## Prevention measures taken by the communities

- Flemish community
  - Restorative justice measures
  - Youth at risk
- French community
  - Restorative justice measures



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