Criminal law: European network of national contact points for crime victims. Initiative Belgium

2002/0821(CNS) - 19/09/2002 - Legislative proposal

PURPOSE : to present the Belgian initiative with a view to the adoption of a Council Decision setting up a European Network of National Contact Points for Restorative Justice. CONTENT : at Community level, several initiatives have been initiated on the protection of victims such as the adoption of a Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings and the initiative of the French Republic and the Kingdom of Sweden to set up a European crime prevention network, which resulted in Decision 2001/427/JHA. These are excellent examples of how the Member States can cooperate on a stable basis on certain topics. The inclusion of mediation with juveniles and social mediation in the first working programme of the European Crime Prevention Network proves the growing interest in alternative ways of exercising criminal law. However, it should be stressed that the possible preventive capacities of mediation in particular and of restorative justice, in general are only one aspect of the much broader approach of restorative justice, which applies to crime, criminal justice and criminal justice procedure as a whole. Restorative justice denotes a broad approach in which material and immaterial reparation of the disturbed relationship between the victim, the community and the offender constitutes a general, guiding principle in the criminal justice process. Although thus far restorative justice has mainly found expression in different forms of mediation between victims and offenders (victim-offender mediation), other methods are increasingly being applied, as for example family group conferencing. Governments, police, criminal justice agencies, specialised authorities, victim aid and support services, offender aid services, researchers and the public are all involved in this process. This initiative was taken in consultation with the European Forum for Victim-Offender Mediation and Restorative Justice, a non-governmental organisation experienced in the field of restorative justice. This proposal stipulates that a European Network of national contact points for Restorative Justice. Network national representatives shall ensure the proper functioning of the Network in accordance with this Decision. For the purpose of this Decision, restorative justice refers to a comprehensive view of the criminal justice process, in which the needs of the victim are prioritised and offender accountability is emphasised in a positive manner and covers a body of ideas that is relevant to various forms of sanctioning and conflict handling in the successive stages of or in connection with the criminal justice process. As regards the objective of the Network, it shall contribute to developing, supporting and promoting the various aspects of restorative justice within the Member States as well as at the European Union level. For this objective, legislative and logistic support to criminal justice authorities is an important instrument. With a view to achieving the objectives, the Network shall have in particular the following tasks and activities and consequently it shall: - be an information point: the Network shall collect, analyse and evaluate information and data on existing restorative justicepractices and on their development in the Member States, in order to contribute to the development of standards of best practices and to support future national and European initiatives. The Network shall also assist the Council and Member States with questionnaires on restorative justice practices; - develop mechanisms to distribute and to make available the above mentioned information and data to authorities on a national, regional, European and international level and to other governmental or non-governmental organisations, groups, networks or fora working in or interested in the field of restorative justice; - facilitate mutual exchange of information, experience and contacts between European, regional, national and local authorities, institutions, agencies, groups, networks and individuals concerned with the topic of restorative justice; - promote research on the topic of restorative justice and to that aim the Network shall contribute to identify and develop the main areas for research in the field of restorative justice; - contribute to identify and develop the main areas for training and evaluation in the field of restorative justice; - organise conferences, seminars, meetings and other activities to promote restorative justice practices and to

stimulate and improve the exchange of experience and best practices; - develop cooperation with applicant countries, third countries and international organisations and bodies; - provide its expertise to the European Parliament, the Council and to the Commission where necessary and upon request, with a view to assisting them in matters concerning restorative justice; - report to the Council on its activities each year, through the competent working bodies, and indicate the areas for priority action in its working program for the following year. The Council shall take note of and endorse the report and forward it to the European Parliament. The concrete interpretation, fulfilment and development of the tasks and activities mentioned will be subject to and will depend on the voluntary contributions of the Member States. With regard to cooperation, because of the inherent community orientation and the grass-root level of the restorative justice development, the Network shall pay in particular attention to the cooperation and the stimulation of exchanges with NGOs working in the field of restorative justice. To enable the Network to achieve its aims in the most efficient and valuable way, the Network can decide to call upon the know-how and experience of those NGOs working in the field of restorative justice and even decide to cooperate in a more structured way. As regards the composition of the Network, it shall consist of contact points designated by each Member State. The Commission and candidate countries for accession to the European Communities may also designate a contact point. Each Member State shall designate three contact points, at most. These contact points shall include at least one representative from the national authorities competent for restorative justice in its many aspects. Members States may also designate researchers, restorative justice practitioners or other actors in the restorative justice field as contact points. Member States shall ensure that researchers, restorative justice practitioners and other actors in the restorative justice field, such as local authorities and non-governmental organisations, are involvedthrough the designated contact points. Each Member State shall ensure that its contact points have sufficient knowledge of at least one other official language of the European Union, to facilitate the practical operation of the Network and in particular the contacts with the other contact points. The Network shall meet at least once every six months, on the invitation of the Presidency-in-Office of the Council. A representative of the Member State which is holding the Presidency of the Council at that time, shall chair the Network national representatives meeting. The Network may decide to confer to a national contact point the Secretariat of the Network. The Network national representatives shall decide on the Network's annual programme, including a financial plan. In particular, they shall decide: - the priority fields to be examined with a view to an action plan; - the main specific actions to be carried out (conferences, seminars, research programs, training programs); - the creation, the structure and the development of an electronic information exchange system and a web-site.