

MEDIATION IN PENAL MATTERS FOR JUVENILES IN GERMANY

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The article shows the development and legal framework of victim-offender mediation for juveniles and young adults in Germany. Based on promising results of victim-offender mediation experienced in model-projects, mediation expanded throughout the country and became legally enacted. Following the reform of the Juvenile Justice Act in 1990 (and later in the Criminal Code and the Code of Criminal Procedure), the number of victim-offender mediation projects increased even more. Today, victim-offender mediation projects have been established nationwide. Latest statistical data from the Federal Statistics on victim-offender mediation involving juveniles and young adults are presented in particular for the years 2006-2009. The findings mainly refer to information on the accused, categories of offences, initiation of victim-offender mediation cases and outcomes of the mediation process. The data show that mediation cases are most often referred by public prosecutors during preliminary proceedings as a diversionary measure. The majority of victim-offender mediation meetings result in a final agreement and have a high fulfilment rate. In overall, the implementation of victim-offender mediation shows positive results. However, there is potential to refer more cases to mediation facilities and to encourage justice officials to apply mediation even more.

Keywords: victim-offender mediation, juveniles and young adults, Germany.