

3. BELGIUM

Area in sq. miles	11,400
Population	7,700,000
Capital	Brussels
Population of Capital	808,000

Belgium has a probation law for minors only, dated 15th May 1912. Age of criminal responsibility, sixteen years (*sans discernement*) nil, sixteen to eighteen years partial.

Probation officers are full-time, State-paid, not trained; also volunteers (several thousands). They have no professional association.

Juvenile court law 15th May 1912 deals with offenders, dependent and neglected children, etc. Specialised judge, children's clinics, observation homes, counsel for the defence of children, *correction paternelle*.

The Ministry of Justice, through its "Office de l'enfance" promotes co-operation between the courts and welfare societies.

Belgian influence has permeated many European courts.

"No children are bad, a few are unfortunate."—Adolphe Prins.

"Belgium was the first European country to adopt legislation inspired throughout by American teachings."—Judge Wets (Brussels).

The information given below was supplied in French by Monsieur Isidore Maus on behalf of the Belgian Minister of Justice, and was dated 25th April 1925. M. Maus is the "Directeur-général de l'office de la protection de l'enfance," and this office is a department of the Ministry of Justice. *The learned Director is a leading European authority on child welfare, and his advice was sought when the Polish Juvenile Court Bill was being drafted.*

1 and 2. We have a law, 15th May 1912, concerning the protection of children, which provides also for probation (*liberté surveillée*).

3. This law is applicable—to the exclusion of adults—only to minors (a) less than sixteen years of age who have been guilty of infractions of the law (*contravention, délit ou crime*), (b) less than eighteen years in the case of vagabondage, begging or of undisciplined and unmanageable children who are referred to the courts by their parents or guardians under *correction paternelle* (see under France, p. 84). The Belgian

judge, however, seems to have greater power than the French judges under this head.)

4. Such delinquent minors may be put on probation under an officer delegated to the work by the children's judge.

5. Generally probation officers (*délégués*) have not received professional training. There are probation officers on the permanent staff at the disposition of the children's judge, and such officers receive monthly stipends borne by the State. The great majority of probation officers are volunteers and receive no pay. In the future permanent probation officers will be selected from helpers trained in the Schools of Social Service.

6. Offenders undergo a physical and mental examination (a) after the decision of the judge: minors committed to a State education establishment, or to a private establishment where there is a department for medico-psychological observation; (b) before the judge's decision: when he has doubts as to the minor's mental condition.

7. The mental and medical clinics are not attached to the court, but to certain State education establishments. There exist in certain large centres of population some special establishments to which judges can send children to be examined from the physical point of view.

8. Examinations of offenders may take place either before or after the judge's decision, as stated in 6 (a) and (b) above.

9. Various kinds of intelligence tests are used: Binet-Simon, Healy, Decroly, Vermeylen, Rossolimo, etc.

10. All minors committed to State educational establishments go through preliminary examinations at the central establishments for observation—the boys are placed in the observation establishment at Moll and the girls at Namur. In addition several private institutions have departments for medico-psychological observation.

11. Schools of Social Service train social workers specialising in several directions, notably for probation officers who assist the judges in the care and guardianship of minors.

12. It is the judge and not the probation officer who sends the delinquent to an observational centre.

13. There is no association of probation officers in Belgium.

14. There are fourteen paid probation officers in Belgium. Only the judges in large centres make use of one or more paid officers. Beyond that a hospital worker is attached to each

jurisdiction of the first class, five in all, viz. Brussels, Ghent, Liège, Antwerp and Charleroi.

There are several thousand voluntary probation officers, who are in most cases members of the societies co-operating with the courts for the protection of children.

(Signed) MAUS,

Director-in-Chief of the Department of Child Welfare (Brussels).

SUPPLEMENTARY INFORMATION

The late Chevalier J. Courtenay Lord, a Birmingham magistrate, England, assisted in the drafting of the Belgian Law for the protection of children.

This law of the 15th May 1912 (*la charte de l'enfance*),* so far as it concerns minors brought before the court, has principally for its objects "the creation of a special jurisdiction for children, and the substitution of measures of guardianship, education and protection in place of the pains and penalties provided by the penal code and repressive legislation." It reached fruition under the beneficent efforts of the present Count Carton de Wiart.

Under this law the Belgian juvenile courts were created. The juvenile court is presided over by one judge, not three as in France. The judge (who is chosen by the King) possesses powers which are perhaps wider and more onerous than in any other continental country. He is empowered to deal with all infractions of the law without distinction as to contraventions, *délits* or crimes of minors under sixteen years of age, and in specified offences of minors under eighteen. He may revise and alter his decisions to meet the subsequent requirements of the case. He is held responsible for all cases coming under his jurisdiction, and at his service there are probation officers (*délégués*) paid and voluntary, together with a whole scheme of patronages or societies engaged in welfare work, each in its own domain. He *must* review triennially his decisions on all cases under him at the time.

The figures here given are for the year 1924. In the cases of 417 children their parents were adjudicated as having forfeited their legal parental authority. 1,052 children were morally abandoned. 12,965 minors were summoned before the courts, a very large number of whom were for trivial offences calling for reprimand only. 325 were placed under detention provisionally by the judge, who wished to have investigations made, and there were 248 who were submitted to medico-pedagogic examinations. The judges made decisions concerning 2,629 children. Ten per cent. were reprimanded and put on probation.

The position on the 31st December 1924 was as follows. There were 13,575 children on probation; 885 placed in families; 2,843 in State institutions or in privately managed establishments. There

* So the Children Act 1908 is called the children's charter.

is a considerable downward curve in the graph of delinquency during the past few years.

An attempt was made during 1925 to raise the age *sans discernement* to eighteen years, but without success.

It is to be noticed that Judge Wets of Brussels made a determined effort at the 1921 Congress of Child Welfare at Brussels to pledge the Association to a resolution in favour of the establishment of a special police for children. (For a note on Children's Police, see Holland, p. 123.)

La Comtesse Carton de Wiart, the heroic wife of a former Belgian premier and herself a probation officer, says that in the arrondissement of Brussels, beyond permanent probation officers, there are over 400 voluntary officers. Usually the latter should not have more than two minors to deal with.

Judge Wets (Brussels) has printed "Le Guide du délégué" for the use of probation officers. He says that Belgian methods were inspired by American conceptions and in some respects even transcended all modern legislative innovations by the audacious generosity under which offending minors under sixteen years of age are presumed to have acted without discernment and are accordingly not susceptible to legal punishment. The judge is therefore able to substitute methods of protection and re-education in place of repression and penalties.

There are more than 100 institutions—official and voluntary—which receive children who come before the judge. They number amongst them a home for preventive detention and homes of semi-liberty where offenders are trained for re-entry into ordinary life. All these institutions are brought officially into co-operation with the courts through the Office for the Protection of Children, a part of the Ministry of Justice.

Judge Van de Rydt said in 1921 that in his arrondissement (Nivelles), consisting of 180,000 population, there were between 200 and 250 voluntary probation officers.

Belgium may well be proud of her contribution to the solution of delinquency problems. Perhaps the wide powers given to the judge of a juvenile court form the special feature. They are so wide that it is not surprising to learn that some emphasis is laid on the right of appeal against his decisions—an appeal that is rarely, if ever, made. Also whilst there are only a few paid probation officers, the voluntary officers run into the thousands, and it seems to be accepted as a principle that those who undertake the work of probation must do so from love of the work rather than from the desire to reap financial rewards.

Belgian principles in regard to juvenile courts and child welfare have largely permeated and prompted Continental European efforts in that direction, notably in Spain, Poland, Portugal and elsewhere.

Belgium had the distinction of inaugurating "The International Association for the Protection of Children"—an organisation which has proved of incalculable benefit in the realm of child welfare. The Bulletin published by the association is a perfect thesaurus of international lore in all phases of welfare work throughout the world.
