

# Thesis: Mediation makes positive impact on suspects in criminal cases

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The Ph.D. research of UT researcher Jiska Jonas-Van Dijk shows that mediation can positively impact suspects in criminal cases. She will defend her thesis at Maastricht University on Wednesday 7 February.

In more and more criminal cases, [victims](#) and defendants are using mediation. That mediation reduces the likelihood of a suspect reoffending (recidivism) was already known. It was unclear why mediation worked so well. For her Ph.D. research, Jonas-Van Dijk investigated the underlying mechanisms of this effect. With this, she not only hopes to develop mediation further but also that it will lead to the structural application of mediation in criminal cases.

During mediation, the victim and defendant have a conversation in the presence of trained mediators. Those mediators deliberately remain aloof so that the suspect and victim resolve their dispute themselves. Because the two parties really engage in conversation, participating defendants take more responsibility.

"After mediation, the suspect has more [empathy](#) for the victim and is more aware of his or her moral failings than when a suspect does not participate in mediation," Jonas-Van Dijk says.

Three main working mechanisms emerged in her research. The first mechanism is the learning effect of mediation. In the conversation, the suspect learns what the consequences of the offense are for the victim. "Suspects can, therefore, become more aware of the victims' suffering," says Jonas-Van Dijk. During mediation, the suspect can learn what they can do differently in the future. Thus, the suspect learns new problem-solving behavior.

Mediation can also be humanizing. In [criminal law](#), defendants are more likely to experience being labeled criminals. That feeling can increase the likelihood of recidivism. "Mediation is less stigmatizing. Suspects are more likely to feel they are given a second chance. They can tell their side of the story without being dismissed as a person," says Jonas-Van Dijk.

The victim's attitude does seem to be important there. Which is also the third underlying mechanism. "For the psychological impact on the suspect, it seems important that the victim is open to any expressions of regret and apologies and listens sincerely and actively to the suspect," Jonas-van Dijk says.

Policymakers can use these findings to achieve the structural application of mediation in criminal cases. Mediators can use the three mechanisms mentioned above during their [mediation](#). This would increase the likelihood of a positive [psychological impact](#) on [defendants](#), potentially reducing the likelihood of recidivism.

Provided by University of Twente

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