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Restorative Approaches in Juvenile Justice: Innovation and Good Practices

23.20.24

Restorative Approaches and Youth Justice: examples and lessons

Dr Jonathan Hobson
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Context



Examples



Evidence



Context...



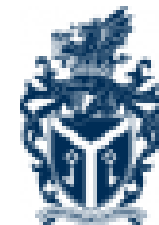
An tSeirbhís Phromhaidh
The Probation Service



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE



EUROPEAN
FORUM FOR
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All Party Parliamentary Party Group for Restorative Justice



(see: APPG-RJ 2024)



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European Legislation

- **EU Victims' Rights Directive** (2012/29/EU) (REF) - explicitly mentions restorative justice as a tool for supporting victims
- **The Venice Declaration** (2021) supports the integration of restorative justice practices in member states' criminal justice as a complement or alternative to criminal proceedings.
- **EU Strategy on Victims' Rights** (2020-2025) recognizes the role of restorative justice in empowering victims and promoting recovery.
- **The European Commission's Action Plan on Restorative Justice** (2018-2021) provides guidance and support for the development of restorative justice programs in both juvenile and adult criminal justice systems.
- **Council of Europe Recommendation CM/Rec(2018)8:** encourages member states to develop and use restorative justice within their criminal justice systems.
- **Council of Europe's Guidelines on Child-Friendly Justice (2010)** encourages the use of restorative justice approaches specifically tailored to children and young people.



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A restorative process is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.

(United Nations, Handbook on Restorative Justice – [link](#))

‘Restorative justice’ means any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.

(European Union – [link](#))

Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

(Restorative Justice Council, UK – [link](#))



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Restorative Justice

- **Face-to-face (direct)**
- **Non face-to-face 'contact' (indirect)**
- **Potentially overlapping processes**
- **Separate processes**



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Examples

Criminal Justice involvement

Before

During

After

Often 'informal'

Diversionary

Developmental

Formal

**Alongside a
legal response**

**As the legal
response**

**Formal or
informal**

Reparatory

reintegration



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UK: Restorative Youth Forums

YOUNG PERSONS SAYS:

I JUST WASN'T TAKEN SERIOUSLY AS SOON AS I TURNED UP WITH AN ADULT ALL OF A SUDDEN IT MATTERED

THEY WERE RUDE NO EXPLANATION THEY SHOUTED WE DON'T A NEED WARRANT

THEY CAN JUST DO WHAT THEY WANT

POLICE OFFICERS ARE A LAW UNTO THEMSELVES

THE YOUTH FORUMS



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Restorative Gloucestershire

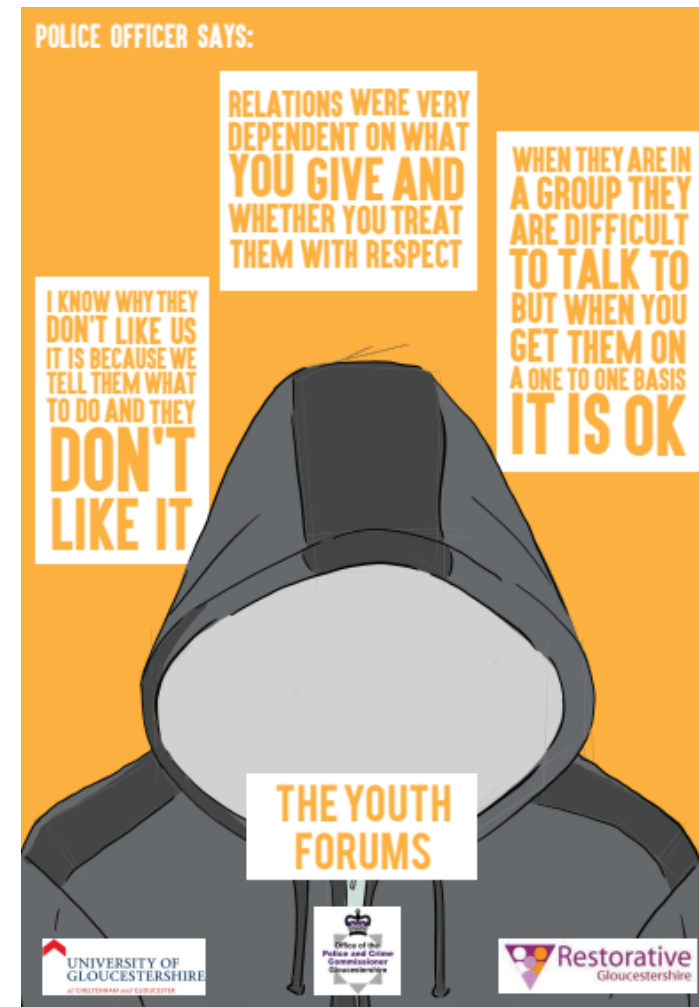
POLICE OFFICER SAYS:

RELATIONS WERE VERY DEPENDENT ON WHAT YOU GIVE AND WHETHER YOU TREAT THEM WITH RESPECT

WHEN THEY ARE IN A GROUP THEY ARE DIFFICULT TO TALK TO BUT WHEN YOU GET THEM ON A ONE TO ONE BASIS IT IS OK

I KNOW WHY THEY DON'T LIKE US IT IS BECAUSE WE TELL THEM WHAT TO DO AND THEY DON'T LIKE IT

THE YOUTH FORUMS



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YOUNG PERSONS SAYS:

**DON'T JUDGE BY
UNIFORM
TAKE
POLICE OFFICERS
AT FACE
VALUE**

**I LEARN'T THAT THE MEDIA DO NOT
TELL THE FULL STORY
ABOUT THE POLICE
I KNOW NOW THAT I SHOULD
NOT BE SCARED
TO GO UP TO THE POLICE AND
TALK TO THEM**

**I LEARNED THAT I
SHOULD NOT
STEREOTYPE
POLICE OFFICERS
THEY ARE
NOT AS SCARY
AS IT IS
MADE OUT**

**POLICE OFFICERS ARE
NOT ALL THE
SAME
AS I USED TO
THINK**

**THE YOUTH
FORUMS**

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Restorative Gloucestershire

POLICE OFFICER SAYS:

**I'VE LEARNED THAT EVERYBODY ABSORBS
INFORMATION DIFFERENTLY
AND WE NEED TO ADAPT
OUR APPROACHES TO MAKE SURE
SOME YOUNG PEOPLE DO NOT DEVELOP
NEGATIVE VIEWS
OF THE POLICE**

**I'VE LEARNED THAT
ASSUMPTIONS
ARE DANGEROUS
WE SHOULD
ENGAGE MORE ON
AN EQUAL
AND LEVEL
PLAYING FIELD
AND WELCOME
ENGAGEMENT**

**PERCEPTIONS OF HOW WE
LOOK TO YOUNG PEOPLE
ARE IMPORTANT
I DIDN'T KNOW THAT
WE LOOKED
INTIMIDATING TO
YOUNG PEOPLE**

**THE YOUTH
FORUMS**

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(see: Payne et al, 2016 & 2021)



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Belgium: Victim Offender Mediation



- **Law:** Youth Justice Act (YJAct) 2006 - assist the young person to assume responsibility, take victims' rights into account, keeping a rehabilitative and (re)education focus
- **Availability:** RJ is available for all types of crime, at all stages of the criminal justice process, for both children and adults
- **Actions:**
 - pre-court level, assessment and referral for Victim Offender Mediation (not Conferencing at this stage)
 - youth court level: restorative offers prioritised over other measures (VOM or conferencing) at every stage of the proceedings. Judges can still order further measures or impose special conditions.
- **Delivered by:** NGOs (like Elegast) by professional, employed practitioners

- **Law:** The Act on Mediation in Criminal and Certain Civil Cases (Mediation Law) 2006
- **Availability:** any type of crime In principle; in practice, less likely for serious crimes like manslaughter, not for sexual violence.
- **Actions:** Victim or offender can initiate; schools, police, social service, parents can refer (only police in domestic violence)
- **Delivered by:** National Institute for Health and Welfare oversees process, which is delivered by municipalities or NGOs (c.90 employed and 1200 voluntary mediators)

Law: Victims Code of Practice

3.4 If the offender is an adult, you have the Right to receive information about Restorative Justice from the police and how to access Restorative Justice services in your local area. If the offender is under the age of 18, you have the Right to receive information about Restorative Justice from the Youth Offending Team. [\[footnote 23\]](#)

Delivered by: Youth Offending Teams

KPI 9 - Victims

The number of victims engaged in restorative justice opportunities as a proportion of the total number of victims who consent to be contacted



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Albania, Romania, and Greece



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Restorative Justice in Cases Involving Child Victims

i-Restore European Research Report

(see: UK Ministry of justice, 2024; Banwell Moore, 2022)



Restorative Justice Programs: Mediation and restorative circles have been implemented, offering alternatives to detention through community service and un-remunerated work.

Reintegration for Offenders: multidisciplinary approach to reintegration, involving public services, NGOs, and educational institutions. Initiatives such as "Barnahus" promote child-friendly legal justice and rehabilitation.

Restorative Justice in Cases involving Child Victims in Romania



December 2020

Prepared by
Cecilia POPA

Victim Support: Romania is moving towards improving victims' access to justice, and there has been a noted decrease in minors entering prison, with community and probation services increasingly being used.



Restorative Justice in Cases involving Child Victims in Albania



December 2020

Prepared by
Prof. dr. Mariana SEMINI-TUTULANI

Programs: Code of Criminal Justice for Children (2018); emphasizes reintegration and rehabilitation through educational programs. Ministry of Justice has created institutions like the Crime Prevention Centre and the Institution for Educating and Rehabilitating Children, designed to offer support without isolating minors.

Reintegration for Offenders: Programs focused on reducing recidivism through education, vocational training, and community reintegration. Agreements with local authorities and NGOs provide support services to ensure successful reintegration.

Victim Support: A guided mediation service fosters a restorative outcome.

(see: I-Restore Albania, 2020)



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Restorative Justice in Cases involving Child Victims in Greece



December 2020

Prepared by

Effie PAPAIOANNOU, Martha CHATZOPOULOU,
Dimitra MOUSTAKA and Cecilia POPA



Terre des hommes
Helping children worldwide



restorativejustice.nl



Restorative Justice Programs: Special provisions in the penal code allow for victim-offender conciliation, especially in cases involving juveniles.

Reintegration for Offenders: Juvenile probation officers to develop action plans for reintegration, focusing on rehabilitation and re-education. Officers propose interventions, including mediation, based on a assessment of the child's social history.

Victim Support: Victim-offender mediation involves both psychological and legal support for child victims, ensuring their rights are protected while offering restorative resolutions

(see: I-Restore Greece, 2020)



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Evidence...

Benefits

For offenders/Harmers:

- reductions in reoffending;
- more likely to take responsibility;
- stronger sense of guilt and concern for the harm caused;
- sometimes described as “re-sensitisation”.

For Victims / Harmed:

- higher levels of empowerment;
- improved feelings of self-worth;
- better communication skills;
- greater awareness of personal strengths.



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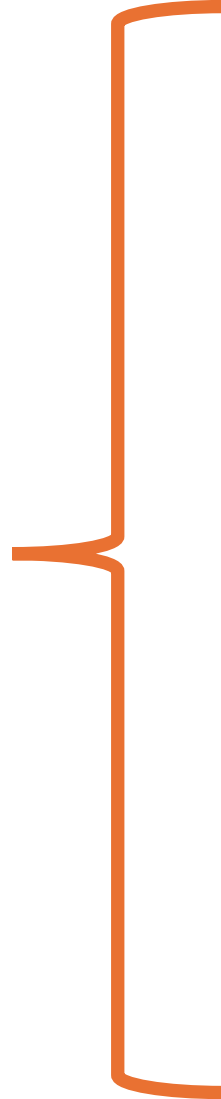


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Effective



- 1. Multi-Agency Cooperation:** Successful programs often involve Whole-system approaches with collaboration between various agencies, including the police, social services, schools, and community organizations.
- 2. Integration into formal Youth Services:** Youth Offending Teams (YOTs) have restorative principles embedded in practice, ensuring that community sentences and interventions focus on rehabilitation and reparation. These teams have been effective in reducing reoffending rates and supporting young offenders in their reintegration into society.
- 3. Specialized Programs for Serious Offences:** Restorative justice has been particularly effective in addressing serious offences, including harmful sexual behaviours (HSB). Programs that involve collaboration between restorative justice practitioners, child psychologists, and social workers have shown significant benefits in improving outcomes for both victims and offenders.



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