



Editorial

Dear readers,

Only through our connectedness to others can we really know and enhance the self. And only through working on the self can we begin to enhance our connectedness to others.

Harriet Lerner, 2009

We are pleased to present to you the third edition of this year's newsletter, which focuses on restorative justice and young people. We are excited to present contributions from different perspectives and continents. In a time when the Covid-19 crisis still has a firm grip on the world — and makes it difficult to meet and share personally — it is a special privilege to have the chance to hear and learn, at least virtually, from the experiences of friends and colleagues located in different corners of the world.

Precisely because of these current circumstances, it was also a unique and timely experience that Martin Howard, a restorative justice practitioner from Australia, organised a worldwide virtual restorative justice conference: the [RJWorld 2020 eConference](#) — in which the EFRJ was also significantly involved. While so many of us are still (or again) very limited in our movement, the conference allowed an international exchange between hundreds of restorative justice practitioners and other interested participants. It was a very touching experience of building bridges and establishing connections at a time when we are called to maintain social distance. In this way, the conference made it possible, despite all distances, measures and restrictions, to still reach out and share with one another.

To feel connected is one of the basic needs of human beings and a key issue in restorative justice. In fact, interconnectedness and community seem to be at the core of restorative justice, as we will be reminded by some contributions in this issue. The feeling of belonging, being connected with the people around them and experiencing that there is a community that cares for them is also essential for children and young people — and even more so when harm has occurred. Both minors who have suffered

harm and those who have caused harm often yearn for relationships and people they can trust. In most cases, there are countless needs on both sides, and it takes a great deal of sensitivity and specific skills on behalf of the professionals to respond appropriately to these needs. In such situations, restorative approaches can be truly beneficial, as we can also read in the following contributions.

Caroline Petrilla from the US reminds us in her article how important it is for children and young people to feel cared for and that there is a need to have multiple services in place that can support these young ones and their families. Among other services, she introduces the 'wraparound philosophy' and what a difference it can make for young people to receive this kind of support and what a critical role community plays in the healing process of children and youth. She explains the essential role of NGOs in providing such services and presents the tools such organisations often have at hand and outlines how important these are.

Jessica Filippi critically analyses the implementation of restorative justice in France, especially in juvenile justice, since the 2014 legislation. She outlines the changes that have been made since then and raises important questions emerging from these

changes. She also questions how the philosophy of restorative justice is applied.

Arti Mohan is a lawyer from India who works with children. Based on her own professional experience, she provides a fascinating insight into her practice and describes a variety of child-friendly restorative tools for children who have been harmed or have harmed. Arti presents different forms of restorative approaches that can be beneficial for children and explains how these should be adapted to the needs of children and ought to be flexible, safe and creative in order to meet their needs.

i-Restore is a project implemented by [Terre des Hommes Hungary](#) in Romania, Greece and Albania, in partnership with the [European Forum for Restorative Justice](#) and [Restorative Justice Netherlands](#), co-funded by the [Justice Programme of the European Union 2014–2020](#), which aims to promote the use of restorative justice in cases involving child victims. The aim is to improve the knowledge of national stakeholders in child-victim friendly restorative justice and to empower children to advocate for better protection of child victims. Besides an interesting interview, this contribution from a young person involved in the project also provides a fascinating insight into children's thoughts on restorative justice.

And last but not least, Branka Peurača from Croatia and Nicola Preston from England have collaborated on a book review of *The Little Book of restorative teaching tools*, by Lindsey Pointer, Kathleen McGoey, and Haley Farrar. The little book presents games as an effective and dynamic tool to teach restorative justice practices. Branka and Nicola share their unique perspectives as restorative justice practitioners, both of whom have worked in very different contexts for many years.

We hope you enjoy this thematic issue that provides a variety of insights.

The Editorial Committee wishes you all the best and that you stay safe and take care during these very challenging times. We hope very much that we'll soon be able to connect again at a personal level.

With our very best wishes and warm regards,

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NGO roles in promoting restorative juvenile justice programmes

Introduction

Crime and recidivism among young people are global challenges with complex roots. Young people involved in juvenile justice often face poverty, systemic racism, family dysfunction and fragmentation, homelessness, neglect and abuse, community violence, commercial and sexual exploitation, juvenile and criminal justice system involvement of themselves and/or their parents and mental and behavioural health concerns including substance use (Fazal, 2014; Petrilla et al., 2020). Traditional retributive and rehabilitative juvenile justice approaches often fail to address the distinct yet interconnected needs of victims, offenders and communities, with retributive approaches even being linked to increased recidivism rates (Umbreit et al., 2004; Bergseth and Bouffard, 2007; Bouffard et al., 2016).

Numerous studies support the increasing popularity of restorative justice.

Restorative Justice is a process whereby parties with a stake in a specific offence

collectively resolve how to deal with the aftermath of the offence and its implications for the future (Marshall, 1999, p. 5).

It is grounded in the concept that humanity is interconnected and crime is interpersonal (Maruna, 2016). When one person is harmed, the entire community suffers (Zehr, 1990, 2015b). Restorative justice increases participants' satisfaction and decreases the likelihood of recurring offences (Umbreit et al., 2004; Bergseth and Bouffard, 2007; Bouffard et al., 2016; Hansen and Umbreit, 2018). Through restorative justice, there is a rich opportunity for individual and communal healing (Petrilla et al., 2020).

Restorative justice should reflect and integrate community and cultural competence.

Restorative justice should reflect and integrate community and cultural competence. Top-down approaches risk betraying its community roots, undermining its responsiveness and even threatening its very survival (Gavrielides, 2016). Nongovernmental organisations (NGOs) are therefore critical players in ensuring the integrity and success of restorative justice initiatives.

The United Nations recognises the major role NGOs play in the development and implementation of restorative justice programmes worldwide, primarily because they are closer to communities than those operating from criminal justice systems and oftentimes more trusted than the police, public prosecutors and judges (United Nations Office on Drugs and Crime, 2006, pp. 75–76). Less bureaucratically and politically compromised and indoctrinated with fewer external restraints than government institutions, they can champion innovative, client-sensitive interventions while maintaining fidelity to the core healing principles of restorative justice (Petrilla et al., 2020). This article focuses on some key roles NGOs can play in promoting restorative juvenile justice.

NGO Roles

Champion restorative justice policies and research

Advocacy efforts expand restorative justice initiatives on international, national and local fronts. The European Commission has funded hundreds of NGOs, governmental bodies and charities to research and implement restorative justice, keen on contributing to the development of its evidence base (Gavrielides, 2013). The [European Forum for Restorative Justice](#) is an example of a global NGO that raises public awareness, influences policy, and improves

the quality of restorative justice practices through research. [The Crime Prevention and Criminal Justice Alliance](#) also assists the UN 'in the identification of existing and emerging crime and justice issues' and supports restorative justice practices.

In the U.S., the American Bar Association and the [National Association of Community and Restorative Justice](#) are among many nonprofits advocating for restorative justice-based approaches (Pavelka, 2016). Locally led restorative justice approaches to youth crime and conflict include community and faith-based organisations such as those offering violence prevention and intervention for young people involved in gangs. NGOs are well-positioned to influence change from the bottom-up, informed by the experience of those impacted (Johnson et al., 2015; Petrilla et al., 2020). Through sharing valuable outcome data and evaluations of restorative justice practices with policymakers and by collaborating with like-minded organisations, they can effectively advocate for critical, restorative policy reform (Petrilla et al., 2020).

Empower self-advocacy

The lessons of restorative justice need not be confined to the realm of the courtroom.

Through mobilising self-advocacy groups, NGOs empower persons in vulnerable situations while pursuing positive change.

The lessons of restorative justice need not be confined to the realm of the courtroom; NGOs offer another great avenue for revitalising meaningful forms of citizen participation in a democracy (Braithwaite, 2004).

For example, [Youth Advocate Programs, Inc. \(YAP\)](#) Center for Policy and Advocacy advocates for systemic juvenile justice reforms that reduce reliance on institutionalisation, engaging young people and their families in a variety of activities such as:

- providing legislative testimony,
- meeting with legislators,
- presenting at conferences, and
- organising letter-writing campaigns.

Provide direct programme administration and facilitation services

NGO partnerships carry much of the principal responsibility in the implementation and innovation of restorative justice in most EU member states (Gavrielides, 2016). Even in the U.S. where the courts and government agencies administer many restorative justice initiatives, 43% of Victim Offender Mediation (VOM) programmes are offered by private, non-profit community-based organisations (Umbreit et al., 2004). ‘Specialised service’ mediators, whose focus is mediation rather than court, parole or social services, are the optimal providers and usually emanate from non-governmental and non-profit organisations (Weitekamp, 2001). Their neutrality, combined with mediation specific experience and expertise, help them navigate the sensitive balance needed in such processes as VOM (Petrilla et al., 2020).

Prepare and educate participants

Preparation is key to fostering productive exchanges critical to successful restorative justice efforts. It helps assuage victims’ fears and prevent revictimisation, increases communication skills and awareness of language landmines and helps to moderate the expectations of all parties (Umbreit and Greenwood, 1997; Gavrielides, 2007b). Careful preparation has been identified as important to the success of victim-offender mediation programmes (Umbreit and Greenwood, 1997; Wellikoff, 2004). This helps create an atmosphere more conducive to genuine sharing and the cultivation of empathy and forgiveness (Gavrielides, 2007b; Petrilla et al., 2020).

NGOs also serve numerous education roles. Many restorative justice programmes rely on volunteers to serve as facilitators and other roles (Souza and Dhimi, 2008). NGOs can offer volunteers culturally sensitive, skills-based training (Petrilla et al., 2020). They can use their community connections to educate the public. Public education, including media relations sensitive to the confidentiality of involved parties, is a challenging balancing act in promoting restorative justice initiatives (Gavrielides, 2007b). NGOs can promote programmes while ensuring, when possible, the confidentiality of the parties involved. Confidentiality is compatible with the healing nature of restorative justice and particularly important for young offenders (Petrilla et al., 2020).

Support and mentor meaningful youth participation

Though victim support persons are typical for most restorative justice programmes (*Office of Justice Programs*), some programmes also allow for support persons in addition to parents/guardians for juvenile offenders (Bradshaw and Roseborough, 2005). These individuals differ from legal counsel, primarily encouraging, engaging and empowering the young offender. They help address power imbalance concerns particularly apparent in conference models facilitated by police or probation officers (Petrilla et al., 2020). These individuals should be culturally competent, improving their efforts to bridge programme-related comprehension and communication gaps.

NGO mentors can also play critical roles in preparing young offenders to better understand and participate in the process.

NGO mentors can also play critical roles in preparing young offenders to better understand and participate in the process (Petrilla et al., 2020). Young people exhibiting high-risk behaviours often lack skills necessary for successful adulthood transition including working with others, understanding themselves, communicating and making decisions (Boyd et al., 1992; Modecki et al., 2017; Petrilla et al., 2020). The mentor aids in the development of these skills while avoiding interjecting his or her values. Good preparation focuses on helping young people to elucidate their feelings, clarify their purposes, and cultivate the skills needed to pursue their own goals (Marshall and Merry, 1990; Gavrielides, 2007b).

The value of mentoring extends beyond the young person’s preparation for and engagement in the restorative justice processes. Mentoring is founded on the universal premise that all children need caring adults in their lives (Jekielek et al., 2002, p. 1). Mentoring is identified by Johnson et al. (2015) as an important component of a model restorative justice community collaboration. It nurtures life skills and self-advocacy that empower and sustain young people moving forward (Petrilla et al., 2020; Silva et al., 2020).

Provide culturally competent wraparound supports

The philosophical underpinning of family engagement in the restorative conferencing process is consistent with various theories NGOs use to serve vul-

nerable young people. There are constructive overlaps between rehabilitation and restorative justice. Rehabilitation within restorative justice is relational, extending beyond the individual. It requires the capacity and experiences of an extended community network to effectuate the bonding needed for sustainable change (Bazemore, 1998; Petrilla et al., 2020). This concept aligns with a high-fidelity wraparound approach geared at cultivating critical formal and informal community supports to sustain positive youth development (Petrilla et al., 2020; Silva et al., 2020).

Wraparound is a philosophy of care that includes a definable planning process involving the child and family and results in a unique set of community services and natural supports that are individualized for the child and family to achieve a positive set of outcomes (Burns et al., 2000, pp. 294–295).

A 2016 randomised pilot study of wraparound services for first time juvenile offenders found statistically significant improvements for young people receiving wraparound services (McCarter, 2016). In both wraparound and restorative justice, community plays a critical role in the healing process (Petrilla et al., 2020).

Create and monitor restitution opportunities

Most VOMs result in agreements (Umbreit et al., 2004). These agreements are often considered secondary to the dialogue exchange in addressing victims' healing needs, developing victim empathy in the offender and reducing the chances of offence recurrence. Still, they serve an important role for participants in repairing harm and ensuring offender accountability — core concerns of the juvenile justice system (Petrilla et al., 2020).

Restitution should be monitored throughout implementation and reporting phases.

VOM and other restorative justice agreements often share common components such as apologies, restitution and community service (McCold, 2001, p. 45). The young offender may repair the harm imposed or service may be geared to address other victim-specific needs. Restitution should be monitored throughout implementation and reporting phases. Non-governmental, community-based

organisations have the expertise, experience, cultural competence and connections to provide these critically needed supports for young people to honour their reparation commitments (Petrilla et al., 2020).

Community service is another restitution option. Though its restorative nature is debated, appropriately and collaboratively crafted it can play an important role in a restorative justice approach (Karp and Conrad, 2005; Petrilla et al., 2020; Zehr, 2015b). As community collaborators, NGOs can coordinate meaningful community service opportunities, identify potential roadblocks to implementation and empower young people to overcome them. Young offenders should be mentored and monitored throughout their give-back experience to ensure accountability, optimise teachable moments and address safety concerns. Successful restitution completion builds young people's confidence while helping to heal the victim and community (Petrilla et al., 2020).

Through any of the restorative justice processes, agreements may include training for young offenders, including instruction in communication skill-building, anti-bullying, anti-theft and anger-management. NGOs are often leaders in the community in developing culturally competent educational initiatives. In New Jersey, the nonprofit YAP provides Juvenile Conference Committees with remedial workshops for young people in response to a range of common juvenile charges. The trainers are recruited from impacted areas and are sensitive to the challenges and strengths of offending young people and their communities (Petrilla et al., 2020).

Trigger innovation

NGOs are typically less politically and bureaucratically restricted than governmental entities, uniquely positioning them to champion evolutionary thinking. They are in the trenches with young people and families and can identify emerging crises and restorative responses. Integration of re-entry circles among transitioning juvenile populations exemplifies just one potential NGO supported innovative application of restorative justice (Petrilla et al., 2020).

NGOs can model innovation through integrating restorative justice principles and practices within their organisations.

NGOs can model innovation through integrating restorative justice principles and practices within their organisations. Goodstein and Aquino advance

the need to more fully research and explore workplace opportunities where ‘making amends, forgiveness and reintegration’ can play critical roles in the restoration of relationships in employee disputes (2010, p. 625). NGOs can also encourage employees’ civic responsibility to volunteer and donate to restorative causes and consider integrating restorative justice principles and practices in problem-solving their own internal client disputes (Petrilla et al., 2020).

Conclusion

NGOs have the grassroots connections, cultural competence, expertise, legitimacy, and passion to bring the community full circle in the restorative healing process, particularly in working with young people and families facing complex needs and challenges.

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Restorative Justice in France: which approaches for juvenile offenders?

Introduction

In scientific literature, definitions of restorative justice are presented around its process, its

purpose, or both. According to Tony Marshall, restorative justice is ‘a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future’ (1999, p. 5). In such a process-centered definition, negotiation or consensualism become key criteria for restorative justice, an approach that belongs to minimalist or purist movements.

The concept then attaches little importance to the purpose of restorative justice, namely the repair or even the restoration of the wrongs suffered. For Bazemore and Walgrave, defenders of a maximalist approach, restorative justice cannot be reduced to its process and aims at the restoration of its participants affected by the offence. It is

every action that is primarily oriented towards doing justice by repairing the harm that has been caused by crime (Bazemore and Walgrave, 1999, p. 48).

Even if it may concern only the offender, it is an approach that favours, in a formal or informal process, whether imposed or in the context of a negotiation process, the reparation of the harm caused by the offence.

Minimalists believe that restorative justice and coercion are opposed and cannot coexist since this would hinder the participants’ restoration process.

Beyond the definitions, sources of tension between these two models thus revolve around the intervention framework for restorative justice and its place in the criminal justice system. Minimalists believe that restorative justice and coercion are opposed and cannot coexist since this would hinder the participants’ restoration process. Maximalists, on the other hand, see a restorative role in punishment and coercion (such as a measure of reparation, or other criminal justice measures). Walgrave argues that duress can be an integral part of restorative justice. He states:

We [maximalists] opt for accepting coercion when voluntariness is not achieved and when it is deemed necessary to respond to the offence (Walgrave, 2000, p. 422).

The maximalists believe that offenders need a framework, a structure, and can participate in repairing the harm they have done. Finally, the maximalist and minimalist currents of restorative justice ‘clash’ in their institutionalisation within the criminal justice system. On the one hand, purist theorists consider

the development within the criminal justice system of restorative justice while guaranteeing the rules of procedure. The institutionalisation of restorative justice is then seen ‘outside’ the criminal justice system (London, 2003, p. 177). On the other hand, maximalists believe that restorative justice can align with, integrate and transform the criminal justice system.

Legal framework of restorative justice between maximalist and minimalist approaches

If restorative practices existed before the ‘restorative justice’ Law No. 2014-896 of August 15, 2014, relating to the individualisation of sentences and strengthening the effectiveness of criminal sanctions (Journal officiel de la République française (JORF), 2014), their current implementations are coloured by successive judicial reforms and young offender management policies. Many youth services are compelled to follow a rapid pace in the effective implementation of young offending measures, thus altering the approach towards the offender as well as that of his/her treatment. More particularly, the measure of penal reparation, although it is part of the maximalist movement of restorative justice by its ‘objective’ to ‘repair,’ sees its approach diverted because of the successive reforms of managerial policies (short time frames of treatment and intervention).

Reparation focuses more on the act than on the consequences and repercussions of the offence.

Thus, the young offender is apprehended according to the act committed and, accompanied by his/her supervisor, performs a ‘activity of reparation.’ For the same category of offence, several offenders can happen to be in the same ‘activity of reparation.’ Reparation focuses more on the act than on the consequences and repercussions of the offence. Reparation does not include all the dimensions of the harm caused by the offence: damage, psychological and relational suffering caused to the victim and to the community in relation to the offence and the social harm

that the offender causes to himself (Filippi, 2015).

Since Law No. 2014-896 came into force on October 1, 2014, restorative justice ‘measures’ have found a place in article 10-1 of the *Code de procédure pénale* (CPP). The presentation of restorative justice measures therein is part of the maximalist movement. They are presented through their purpose, oriented towards the restoration and reparation of the consequences of the offence:

A restorative justice measure constitutes any measure allowing a victim along with the perpetrator of the offence to participate actively in the resolution of the difficulties resulting from the offence, and in particular in reparation for the harms of any kind resulting from its commission (Gouvernement de la République française, 2020b, Article 10-1).

... the objective of the Circular is to develop the implementation of restorative justice practice in professional practices ...

Three years later the Circular of March 15, 2017 (Ministère de la justice, 2017), concerning the implementation of these measures at all stages of the judicial procedure was published. Entitled ‘implementation of applicable restorative justice immediately following from articles 10-1, ...’, the objective of the Circular is to develop the implementation of restorative justice practice in professional practices (magistrate, lawyer, youth worker, social worker and psychologist) with adults and juvenile offenders. In the introductory paragraphs, restorative justice is presented according to the maximalist approach theorised by Walgrave. It is

... a model of justice complementary to the criminal process which consists in restoring the social ties ...

... in order to understand the totality of the personal, family and social repercussions linked to the commission of the acts, ... (p. 1)

and it assimilates, to a certain extent, educational judicial measures such as penal mediation and penal reparation

If restorative justice is presented, in the Circular, according to its purpose, it is also considered as taking place within the criminal justice system with the

express consent of the participants, independently and confidentially (p. 3).

Confidentiality is put forward as a requirement but can nevertheless be breached under two conditions:

if the parties otherwise agree and in cases where a higher interest linked to the need to warn of or prevent offences justifies ... (Gouvernement de la République française, 2020b, Article 10-1).

Through this confidentiality, the autonomy of restorative justice in relation to criminal procedure is ensured. Even if its complementarity is mentioned (effects), its autonomy is just as valued. The Circular therefore takes a minimalist approach, arguing that:

The innovative nature of this measure rests on its autonomy from criminal proceedings. It constitutes a route offered to the parties, optional, and without consequence for the progress of the criminal proceedings which is exercised in parallel (p. 2).

This autonomy is confirmed by the ‘Chinese wall’ (*imperméabilité* p. 4) between the two arrangements,

ensured by the absence of any element relating to the restorative justice measure in the criminal records, to avoid any risk of influencing the decision to begin legal proceedings, the pronouncement of sentence, the amount of damages or the granting of a reduced sentence (p. 4).

... the measure of restorative justice has no effect on the award of possible harms due to the civil party (Coustet, 2019).

Its place ‘in’ the criminal procedure is peripheral.

Vigilance can be exercised about what to send or not to the magistrate.

If the discourse of the Circular was part of a maximalist approach, the criminal procedure for young offenders could, while preserving the confidentiality of the exchanges, envisage the integration of restorative justice within it. While in the Circular, the role of the magistrate at the origin of the proposal for the restorative justice measure is to exercise control over the legality of the ‘measure,’ it may be necessary, in the maximalist approach, to inform the magistrate about its progress. Vigilance can be exercised about what

to send or not to the magistrate. The welfare model, characterised by a desire for education and empowerment, could envisage the creation of a succinct report on the commitments of the participants and its transmission to the magistrate. It would ensure that this did not infringe the interests of the young person and ensure their empowerment. In this situation, it is legitimate to think that this information will influence the magistrate since he/she will be aware that a young person is participating in restorative justice or that he/she has announced his/her participation in such a process during a hearing. The idea could therefore be that participation or not in a restorative justice process should not be disadvantageous for young people. Restorative justice in this maximalist perspective would extend the restorative objective till the judicial outcome (Filippi, 2018).

Tomorrow in the Juvenile Criminal Justice Code (JCJC)

Restorative justice appears twice in the forthcoming *Code de la justice pénale des mineurs* (JCJC) (Journal officiel de la République française (JORF), 2019); first of all, at the beginning of the new code in article L13–4 and then, in Chapter II: Judicial educational measure, where Article L112–8 makes provision for

1. A voluntary activity or reparation in respect of the victim or for the benefit of the community;
2. Mediation between the young person and the victim.

In the first formulation, the proposal for restorative justice is located in the common provisions, thus demonstrating the importance accorded to this philosophy in the welfare model. Article L13–4 presents the possibility of using restorative justice at any stage of the procedure:

It can be proposed to the victim and the perpetrator of the offence that they have recourse to restorative justice, in accordance with article 10–1 of the code of criminal procedure, at the time of any procedure concerning a minor and at all stages of it, including during the execution of the sentence, provided that the facts have been recognised. Restorative justice can only be implemented if the degree of maturity and the capacity for discernment of the minor allow it, and

after having obtained the consent of the legal representatives.

This wording refers to article 10–1 of the code of criminal procedure and the 2014 law. The use of the concept of restorative justice makes it possible to cover all of the ‘measures’ at the penal level as envisaged by the Circular of 15 March 2017. Nevertheless, this is perhaps where recommendations in the formulation of this article should be made in order to be as close as possible to the European Recommendation published in October 2018 (Council of Europe, 2018) on restorative justice in criminal matters which confirms the desire to develop a maximalist approach (Filippi, 2020).

It is no longer the judicial authority, but the designated service that assesses the feasibility of mediation and the capacity of the minor to take part in this process.

The second formulation presents the mediation measure within an educational framework, offering mediation through the ‘reparation module’ (L112–8, 9 and 10). The context for the use of mediation seems to be in contradiction with the Circular of March 15, 2017 (Ministère de la justice, 2017). In these provisions, mediation between the minor and the victim is considered as obligatory. The judicial authority orders the reparation module in which there is mediation. Also, the judicial authority needs feedback from the reparation module because of the legal issues related to the pronouncement of the sanction. The service or authorised associative sector ‘informs the judicial authority of the implementation of the module reparation.’ In the context of this reform, it will be necessary to define mediation as a voluntary process. Also, it will be necessary to record the intervention of a third party in finding a reconciliation and/or solutions between the parties. It is no longer the judicial authority, but the designated service, that assesses the feasibility of mediation and the capacity of the minor to take part in this process.

In conclusion, restorative justice integrates a large network of professionals of justice; for this, the service in charge of mediation would draw up a document of joint care which formalises the modalities of communication, coordination and exchange of information between this service and that of the judicial authority which authorises the judicial educational measure. Whereas the wish has been, since 2014, for the autonomy of the process from the judicial procedure, the service in charge of the aforementioned

mediation, in addition to informing the other collaborators responsible for the educational follow-up of the minor, informs the judge about significant difficulties and can request a modification of the order or its revision. In France, are we in a ‘twin track’ of restorative justice with juveniles?

Conclusion

If the first text of the reform presents the delicate balance of minimalist and maximalist approaches to restorative justice. In the second formulation (L112-8, 9 and 10) which concerns mediation in the reparation module, two observations should be made:

- the first is that these judicial measures are the equivalent of measures of prejudicial supervised liberty, and concern mostly audiences with high risk of recidivism — what about the proposal for first-time offenders (would this be the general device that would come into play?).
- the second amounts to questions raised about the respect for the empowerment processes that characterise restorative justice. Will the offenders, the victims and the communities have a choice in time, procedure and form of restorative justice? It seems not.

The fragile balance found in the 2017 Circular no longer seems to be in the new JCJC especially for the most at-risk juvenile profiles.

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Child-friendly restorative tools: reflections from working with children in conflict with law and children who've been harmed

Restorative interventions beyond restorative justice

Restorative justice and other restorative processes are increasingly being offered to children and young people across the world (see, for example, Chapman and Welzenis, 2020; Terre des Hommes, 2020). They can offer children a justice process that meets their needs and prevents the retraumatisation that existing legal systems often inflict (United Nations Office on Drugs and Crime, 2020).

While restorative justice can be beneficial for children, children who come into contact with the legal system (either as victims or perpetrators) can also benefit from other restorative processes. These include restorative circles for children in custodial homes or in protective shelter as well as restorative dialogues or circles with their adult carers (see, for example, Hopkins, 2009; Wachtel, 2013a).

Children are children first

Apart from honouring and fulfilling children's rights, restorative work has the potential to cater to the distinct needs of children ...

Working with children involves adapting restorative skills to work with children (Terre des Hommes, 2020, recommendation 5b) and remembering that children, whether victims or perpetrators, are first and foremost, children (International Juvenile Justice Observatory, 2018; Terre des Hommes, 2020). While offering restorative processes to children, we must remember that children are unique in terms of their levels of physical, cognitive and emotional development, and, as a result, their needs. Garbett (2016, citing Shapland (2006)) speaks about how restorative processes' ability to respond to individual needs is what renders them unique. Apart from honouring and fulfilling children's rights, restorative work has the potential to cater to the distinct needs of children, including recognising and catering to their evolving stages of physical, cognitive and emotional development.

This piece discusses tools that can be used with children to cater to children's evolving needs, based on learning from designing and holding restorative circles for children in conflict with the law or children who've experienced harm and their families, while working towards holding restorative justice processes.

Tailor-made, creative and flexible processes

To cater to children's differing and evolving needs, the processes must be tailor-made, creative and flexible (Terre des Hommes, 2020). This means that instead of creating specific models, practitioners offer restorative interventions based on the needs of the child they're working with. We've offered a range of restorative interventions to the children we work with while recognising that not every child may need a restorative justice process but may benefit from another restorative intervention such as a process with their own families.

Safety

Several international instruments outline safeguards for offering restorative justice (for example, United Nations Economic and Social Council, 2002; Council of Europe, 2018). Specific to children, the International Juvenile Justice Observatory (IJJO) has published *Practical guide: implementing restorative justice with children* which recommends that safety must be ensured during the restorative process (International Juvenile Justice Observatory, 2018). They emphasise that restorative justice programmes must ensure that they are designed and delivered in the best interests of the child, so that all the processes, whether restorative justice or not, comply with international child rights standards and procedural safeguards, including voluntary participation, informed consent and the right of the child to be heard, and take all necessary steps to protect the child from further harm.

It is helpful to tell children the purpose of the meeting at the beginning and to explain the facilitator's role, including what they can do and what they can't do (Hopkins, 2009). Fostering a sense of safety involves offering choice and predictability (Pali and Randazzo, 2018). At all our preparatory sessions

and restorative processes, we share the structure, purpose and duration and ensure that we talk about how the space is optional for everyone present, including the extent to which they engage with the process. Mandating participation or conversation or suddenly being put on the spot can cause the limbic brain to kick in (the fight, flight freeze brain) and result in a reduced ability to think (Davis, 2008).

While asking prompts during circles, we remind everyone that we can pass without answering and silence is welcome in the circle. Safety also involves ensuring the well-being of the child and looking out for any signs of distress and often checking-in with the child to see how they're doing and taking their opinions regularly (Pali and Randazzo, 2018).

Tools for sharing one's unique perspective

Restorative practices are premised on the principle that each one of us has a unique perspective (Hopkins, 2011) and aim to create space to share this perspective. Restorative work is communication-intensive and requires verbal skills (Hayes and Snow, 2013) for sharing this perspective including a narration of the incident, the emotional impact and the ensuing needs. Children may not always be comfortable using verbal means of communication or may not yet be equipped with the vocabulary to express themselves. Research shows that many young people have difficulty expressing themselves and in conveying basic information related to the harm (Beckett et al., 2004; Riley and Hayes, 2018). In addition to age, traumatic experiences also affect the ability to provide a verbal narrative owing to the impact on memory.



A child in conflict with the law drew out his story

The *Practical guide: implementing restorative justice with children* recommends that restorative processes use a child-sensitive approach which involves

catering to the child's unique needs including their need for communicating through a means they are comfortable with (Terre des Hommes, 2020). Instead of solely relying on direct verbal communication, facilitators can offer indirect communication as well as art and play tools for children to express themselves, to work towards their meaningful participation.

Storyboarding is one such tool that can help children to share their perspective (Vansereven and Hopkins, 2019). It offers children the opportunity to draw out different aspects of what happened in stages, similar to different parts of a comic strip, and dispense with the need for verbal communication.

This creates the perception that they're not talking about themselves ...

Play dolls can also be an effective tool for children to tell their stories (Vansereven and Hopkins, 2019). Children can choose different dolls/characters to represent different people involved in the incident and then talk about the incident using the dolls while maintaining a distance from it. This creates the perception that they're not talking about themselves and can help them feel safer (Camilleri, 2007). Children may also visually re-create the incident more effectively while using such toys.

For children who do choose to tell their story verbally and share this perspective during preparation sessions with the facilitator, it is effective to use a language with which the child is comfortable, ask open-ended questions and give them space to tell their story on their terms, without asking questions as they speak. Hopkins (2009) offers a set of encouragers that can help convey that facilitators are listening and are interested, without taking them away from the course of their story or from sharing what's important to them. She also talks about the 'echo tool,' which involves repeating some words said by the child and which often helps the child to feel heard and even to share more deeply (Hopkins, 2009).

While the above tools are effective in one on one conversations with children, the format of the circle process itself creates space for children to share their story on their own terms, without being interrupted or asked questions which may take them off course. In addition, we've also offered art tools during circles for children to communicate more comfortably.

Thoughts and feelings influence behaviour

The restorative lens recognises that thoughts and emotions influence behaviour (Hopkins, 2011). Restorative work involves equipping children to identify, understand and express their emotions, whether they're victims or perpetrators. Often, when we began working with a child and ask them how they're feeling, they use vocabulary limited to 'good' or 'bad' and, perhaps, 'angry.'



Emoticon chart

During circles and in individual interactions, we've used varied tools for equipping children to identify emotions. Emotion or feeling charts provide pictorial representations of different emotions and children can identify different emotions from such emoticons (Oleszkiewicz et al., 2017). Over time, these charts have also helped children to learn the vocabulary for their feelings and informed their understanding of their experience of the incident. Along with using tools for identifying emotions, we've also used tools for children to express varying levels of intensity in emotional experiences, including emotional temperature scales (Vansereven and Hopkins, 2019), emotional rulers or traffic signals (Friedberg et al., 2009).

Analogy-based prompts can also create space for them to talk about their emotions. Questions such as 'If your feelings right now were a weather report, what would that weather report be?' Hopkins (2009) helps children to express themselves in terms of whether they are feeling 'sunny,' 'cloudy,' 'stormy' etc. Using metaphors and/or pictorial representations of questions is also helpful with older children. For instance, we can use a prompt such as, 'Imagine you could save your laughter in a jar for a time when you need it. When do you want to have heard it?' along with a picture of laughter bottled in a jar (see [Make Beliefs Comix](#)).

Unmet needs <—> harmful behaviour

The restorative lens recognises that unmet needs can result in harmful behaviour and being harmed also gives rise to unmet needs. Working with children requires perceiving their behaviours as expressions of dealing with unmet needs. In addition, using creative art tools or needs cards to guide children to work through exploring what they needed at the time they behaved in the way they did or what they have needed since they've been harmed is also important for restorative work.

Strengthening relationships

The restorative lens recognises the importance of relationships for one's well-being. For institutionalised children effectively to reintegrate post-release, it is imperative that they have social support, as this plays an important protective role (Culpepper, 2014). However, the experience of institutionalisation adversely impacts children's social support networks and hampers relationships. One child we were working with said that, since he has come into the custodial setting, no one has talked to him. Others spoke about how their family members were very angry at them.

This can pave the way for children to have conversations with their grown-ups ...

We've worked with children on identifying who 'their people' are and, in some instances and after consulting with them, contacted the grown-ups and created space for a restorative dialogue for all of them. This can pave the way for children to have conversations with their grown-ups to address the impact of the child being involved in the legal system and can help plan for the future.

In addition, during circles, we've created space for children to reflect on their relationships and ways in which their behaviour has ripple effects in these relationships, beneficially and otherwise. The analogy of a stone thrown into water which creates ripples in the environment around it and how human behaviour is similar to that (Hopkins, 2009) can create space for children to think through how they impact others. This can help children with reflecting on their relationships and can empower them to address conflict in ways that build relationships.

Restorative spaces also enable practising relationship building skills. During circles, we've played

games such as ‘feeling charades’ (one person acts out a feeling and the others guess) (Feuerborn and Tyre, 2009) which help children understand others’ emotions more effectively. These techniques can help to practise the ability to read body language, facial expressions and other cues exhibited in personal interactions, increasing their ability to be socially aware and to empathise with others, as well as improving relationships.

Tools for managing emotions

Apart from expressing themselves, practising tools for identifying emotions over time in restorative circles or prep sessions helps children to work on better self-awareness and management and to develop an ability to then regulate emotions, thoughts and behaviours in different situations.

We often bring in child-friendly mindfulness to the circle including animal breathing where children imagine themselves to be different animals and take deep breaths imitating flapping wings or growling or where they imagine blowing out candles while breathing. Self-calming tools like progressive muscle relaxation (Friedberg et al., 2009) can also be collectively practised within a circle.

Tools for dealing with anger in circles include practising the pause and breathe strategy, using the analogy of a tortoise going into its shell, crinkling paper or offering children varied coping cards to pick one strategy they’ll try using the next time they’re angry. We often bring in grounding exercises within the circle and drop in a line about how we can all try these out the next time we feel overwhelmed.

In ending

The core idea is that children are children first ...

Restorative work with children involves ensuring that children’s rights are fulfilled at all times, procedural safeguards followed (see, Eliaerts and Dumortier, 2014) and that we work to catering to their needs to the best possible extent. Children are children first and we engage with them as children in ways that meet their age-based and individualised needs. When we offer tailor-made processes and creative tools while interweaving an understanding of child development, trauma and social-emotional learning, we create spaces for healing for children through the restorative lens and restorative spaces.

Gratitude for learning

Tali Gal’s work on the needs-rights of child victims in the context of restorative justice (Gal, 2011) and Belinda Hopkins’s book on restorative work with children (Hopkins, 2009) have significantly informed my learning. Dr Frida Rundell from the International Institute of Restorative Practices extensively mentored me on the use of trauma-informed tools, crisis interventions for children and social emotional learnings, tools which I’ve since interwoven in the design and facilitation of our circles. More recently, the European Forum for Restorative Justice’s summer school on [Child friendly restorative justice](#) facilitated by Belinda Hopkins and Bie Vanseveren was an incredible learning experience of using tools to work with children during preparatory sessions with children (Vansereven and Hopkins, 2019).

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My perspective on the need for restorative justice

i-Restore: Protecting Child Victims through Restorative Justice is a project implemented by Terre des Hommes Hungary in Romania, Greece and Albania, in partnership with the European Forum for Restorative Justice and Restorative Justice Netherlands, co-funded by the Justice Programme of the European Union 2014–2020. The project aims at promoting the use of restorative justice in cases involving child victims by improving knowledge amongst national stakeholders on child-victim friendly restorative justice and empowering children to advocate

for better protection of child victims. By adopting an innovative approach — the Child Advisory Boards (CAB), the project empowers children to become stronger advocates to better protect child victims’ rights. Besides that, i-Restore proposes to look at restorative justice from the perspective of children and empower them to understand and practice restorative justice values.

How did I get engaged in the project?

In the i-RESTORE project I helped the author of the research ‘Restorative Justice in Cases involving Child Victims in Romania’ transcribe the interviews and tried to contribute where I could see fit with relevant questions, comments and suggested specialists to be interviewed who could have had a relevant opinion on restorative justice.¹ Having the opportunity to work with interviews carried out by the Terre des hommes researcher with judges, mediators, lawyers and other specialists in the justice field, I was able to find out about their direct experience in restorative justice. I had the opportunity to see different facets of a main idea with which all specialists agreed, at least in part: restorative justice is beneficial to all parties involved and affected.



Ruxandra Dorobanțu

This study, ‘Restorative Justice in Cases involving Child Victims in Romania’ is aimed at identifying gaps and synergies concerning applying restorative justice in cases involving child victims in Romania. The first part of the report addresses the history of restorative justice in Romania and the second part comprises an empirical study, based on interviews carried out with 40 professionals and 20 children on:

¹The interviews were conducted in the form of two focus groups where the young people had to read two case studies and discuss them. The quotations in this article are extracts from the transcript of these focus groups.

- restorative work with child victims,
- the challenges identified in working with children,
- best practices in working with children,
- the existence and the frequency of training in restorative and juvenile justice, and
- the children’s opinions and understanding about restorative justice.

As part of the research consultation, children were also trained in restorative justice to better understand its values and possible impact in their lives and communities.

What did I learn from the experience of participating in the project?

The i-Restore project gave me the opportunity to see the possibility of resolving conflicts through a considerably less dehumanising method.

One must be lucky to meet people who want to help him/her. I think people who have committed crimes are much harder to recover on their own. They must be helped by someone. And restorative justice is the context for that to happen.

In Romania, the situation of both victims and offenders is sinister, especially for minors. When a minor offender is treated as if there is no way back on the right path for him/her, why would he/she bother to search it?

It is important that abusers/perpetrators be put in the place of the victim.

And as a victim, when no one takes into account the sensitivity of the trauma and the need to reconcile with the situation, can a purely punitive system satisfy you?

I think you should give them something to lose because criminals usually have nothing left to be lost and that's why they end up doing these things. They think they have no family, no wealth, they have nothing to lose, so they can do these things. And you must give them something to lose ... if they go to prison, they lose their freedom, the last thing left ...

I had the opportunity to learn in the i-Restore project that restorative justice comes with solutions better suited to both parties, so that rehabilitation is a priority for the offender, and not only the legal, but also the psychological management of the conflict is fair for the victim.

What is my understanding and thoughts about restorative justice?

In my opinion, restorative justice goes hand in hand with mediation and these are two methods that ensure that following a conflict or aggression, there is a low probability of a conflict being reborn from unresolved tensions. For me, restorative justice understands that in addition to being victims or offenders, those involved are people who most likely find themselves in situations of unbalance, and that it cannot only

address the current conflict, but the source of the conflict to prevent its recurrence.

I think criminals would benefit more from restorative justice, because I believe this process would make them realise 'look what I did to him,' 'look at what stage I brought him,' 'I can be in this situation too,' and would realise better what they did.

I believe that one of the greatest benefits of restorative justice is the subsequent adaptation of the aggressor, which ultimately leads to a lower probability of recidivism and overall benefits for the whole community. Not only that, but mediation is an additional option given to the victim to overcome their possible trauma.

If you want to evolve, yes, you go for restorative justice.

I believe that restorative justice is a need in Romania, and projects such as i-RESTORE contributes to feed this need.

Ruxandra Dorobanțu

Volunteer, member of the Child Advisory Board
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Books

Pointer, Lindsey and McGoey, Kathleen and Farrar, Haley (2020) *The Little Book of restorative teaching tools: games, activities, and simulations for understanding restorative justice practices* New York: Skyhorse Publishing ISBN: 978 1 68099 589 3

Introduction

This is a refreshing and welcome addition to the 'Little Book' series which, in relation to restorative justice, has a rich and distinguished history in the justice and peacebuilding context. This series started with the *Little Book of Restorative Justice* in 2002 by Howard Zehr and has covered a wide range of important topics and contexts. This 'Little Book' on restorative teaching tools makes great connections

between theory and practice and has a very clear rationale and purpose for its style of teaching.

The two reviews that follow come from restorative practitioners and researchers based in Croatia and the United Kingdom (UK). The reviews give individual perspectives on the contributions of this 'Little Book' to theory and practice including the acknowledgment of the importance of restorative teaching and experiential learning for social transformation in different cultures and contexts.

A review from Croatia

The authors connect with the readers by asking direct questions in the introduction and establishing a common ground between readers' and authors' individual experience. They keep this thread throughout the book; it is evident that every page was written

with the focus on its use to those in teaching and helping roles who wish to teach and at the same time to empower and enable the learners, especially those learners whose voice is less heard. That is why it will be useful not only to the narrow circle of experts teaching restorative justice, but also for those teachers aiming at creating a respectful and participatory learning environment.

The authors prepare their readers for such an endeavour by introducing them to an easy-to-follow theoretical framework for establishing relationships of trust that lead to a sense of safety and by setting a framework for dialogue that provides the opportunity for meaningful conversation. They stress the importance of broader contextual factors and the way societal structures benefit some at the expense of the others; taking them into account enables the teaching to contribute to greater structural and social transformation. In this way, games and activities leading to experiential learning are not seen just as another set of tools for creating a participatory learning environment, but also as a way of working with the learners that is grounded in restorative values, acts in an empowering way and leads to greater social transformation.

The timing of the book's publication in early 2020 in USA is both fortunate and unfortunate. On one hand, as everyday classroom situations become more complex and challenging at a time of the tensions and violence in a divided society, the need for a different approach to education becomes more evident. On the other, in such complex and challenging situations, the stakes become higher, and thinkers, authors and teachers are required to extend their work beyond the relatively safe boundaries of their papers, classrooms or workshops without concrete examples to 'walk the talk' in everyday life. In that context, I would be very curious to learn what Fania Davis or bell hooks, whose work the authors mention with respect, would advise to those of us willing to 'walk the restorative talk' not only in their work with the learners, but also with all the stakeholders involved in the learning process.

I do not have any doubt that this book will have many editions. I am hoping that the next edition will include a much-needed section on how to use one's own position 'on the benefiting side of society's harmful power structures' not only as writers and teachers telling the audience how things should be done, but also as team members or colleagues initiating co-working or co-authoring opportunities for those who until now were on the other end of those structures.

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A review from the United Kingdom

The authors highlight in the introduction the importance of games as an entry point for developing trusting relationships and respectful dialogue. They suggest that by having fun, as well as engaging and informing participants, games can lead to deeper and more impactful learning. This learning is as important for the teacher as it is for the learners and the book provides interesting and insightful guidance on the need for self-reflection when facilitating restorative learning experiences. The guidance on thinking about our own bias and assumptions is thought provoking and crucial to the contribution that we as restorative practitioners can make to the creation of safe learning environments and communities.

As a teacher and special educational needs coordinator (SENCo) in primary (4–11 yrs) schools in the UK and a former police officer when restorative justice was introduced to the UK (into police cautioning), the relevance of rituals and games to the disruption of hierarchies has great meaning. The authors provide a very pertinent reminder of some of the opportunities for the restorative justice movement to disrupt the hierarchies and power structures that often exist within institutions. They provide excellent reasons as to how the use of games and the development of relationships and trust can allow for each voice to be heard and all participants to be valued equally. As they state,

social institutions often serve to reinforce existing power structures, elevating the voices of those who are already heard and further marginalising those who are not (p. 3).

My own experiences in criminal justice and education support this assertion for adults and young people.

The book is very clearly structured taking the reader through the rationale for this style of teaching and how this links pedagogically with restorative values and principles. There is a well evidenced link between theory and practice and the book is relevant to any practitioner wanting ideas on how to create a positive experiential learning environment.

Chapters 5–8 are very practical and guide the reader through the preparation for teaching as well

as design ideas for activities to help understand restorative philosophy as well as to develop skills and build relationships.

I am now a senior lecturer in a UK University, teaching undergraduate students around the topic of inclusion and special educational needs and post-graduate students who come from a range of professions linked to the development of inclusive practice. I have shared this book with my academic teaching colleagues, SENCOs I train on the National Award in SEN Co-ordination and colleagues working with young people in mental health, criminal justice and social care. Many of them knew very little about restorative practices but have found the book a really useful addition to their practice. This seems to me to be a great recommendation for the development of a greater and wider understanding of restorative practice without having to justify, define or defend

the principles.

The book fills an important space in supporting the development and confidence of practitioners to create safe and engaging learning environments and ultimately healthy and positive relationships.

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Calendar

Winter Academy 12–15 November 2020 Online
Introduction to Restorative Justice More information from [EFRJ](#).

Winter Academy 24–27 November 2020 Online
Restorative responses to serious harm More information from [EFRJ](#).

20th anniversary of the EFRJ 1–5 December 2020 Leuven, Belgium, including a Winter School, seminars and the [REstART](#) Art festival.

EFRJ Conference 24–26 June 2021 Conservatorio Luigi Canepa Sassari, Sassari, Sardinia, Italy. More information from [EFRJ](#).



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The views presented in this Newsletter are the views of the authors and do not necessarily represent the views of the EFRJ.

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