



RESTORATIVE JUSTICE AND CHILD JUSTICE

Restorative justice is an evidence-based and increasingly popular intervention for children in conflict with the law. Many children and adolescents experiment with behaviours which sometimes result in crossing lines and regulations. But even when they are more persistent and/or commit serious crimes they should be able to learn from their mistakes and earn a second or third or fourth chance. Re-integration is a core principle of a good child justice system. The UN Convention on the Rights of the Child and other human rights instruments plea for a reaction that is focused on learning and reintegration. Child friendly justice is another term that needs to be addressed. Restorative approaches have become a part of such pedagogical and child friendly procedures that should be prioritised in child justice.

WHAT IS SPECIFIC ABOUT CHILD JUSTICE?

The UN Convention on the Rights of the Child (1989), additional instruments on child justice and the views of the UN Committee on the Rights of the Child in its new General Comment 24 on children's rights in the child justice system (2019) point at:

- Children should learn from their mistakes
- The best interests of the child and child friendly procedures are a primary focus
- Minimum Age of Criminal Responsibility (MACR) should be 14 (CRC General Comment 24)
- Special attention should be paid to development, personal responsibility and evolving capacities of children
- Diversion is to be used where possible, i.e. avoiding the criminal process
- Re-integration of the child back into society is the main goal
- Detention is only used as a measure of last resort
- Attention, protection and care for victims, especially children, are critical

WHAT IS RESTORATIVE JUSTICE?

Restorative justice is an approach of addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved.

Restorative justice is a communication process and an approach to justice in which the child's right to be heard is actively implemented. Restorative justice takes children seriously, creating a safe space for them to take responsibility and involving them in all matters that concern them. Its basic principles are voluntariness, confidentiality and impartiality of the facilitators.

The aim is to create the possibility for the harm doer and the one who is harmed to meet or to share information in order to see if (some) things can be restored and if they can make plans for the future. The focus on harm and undoing injustice is especially important for children and adolescents. In cases of children in conflict with the law, restorative justice interventions are to be prioritised with a focus on reintegration, support and empowerment.

Restorative justice for young people should be done in a child friendly way by specially trained personnel and with additional attention for power imbalances and safety in preparations, during meetings and during aftercare. In practice restorative justice adopts models such as youth victim offender mediations (e.g. in Belgium, the Netherlands), family group conferences (e.g. in New Zealand) and youth conferences (e.g. in Northern Ireland).

RESTORATIVE JUSTICE AND CHILD JUSTICE

The potential of restorative justice in dealing with child justice is extremely relevant and demonstrated in research. Children are the future and communities have a responsibility in supporting their growth. When they make a mistake, they need assistance and/or responses that help them to improve and move forward. International instruments such as the UN Principles of Restorative Practices (2002), the revised Council of Europe Recommendation on restorative justice in criminal matters (2018), recommendations on child friendly procedures, and the binding EU Victims Directive (2012) promote the use of reaction in reaction on crime, also when young people are involved. Meta studies show positive effects on recidivism, on feelings of justice, on less trauma disorders. In general, young people (offenders and victims) are satisfied with restorative justice processes and very often they would recommend it to others. The only crucial condition is that restorative justice must be offered and implemented in a child friendly way by trained practitioners when young people are involved.

THINK ABOUT

When developing a restorative justice programme for young people, think about:

- How to access these groups?
- How to guarantee a safe encounter in cases involving young people?
- How to integrate restorative justice within other existing systems (e.g. criminal justice) and considering the rights of children?
- How to raise awareness and better inform about the potential of restorative justice for children?
- How to encourage cooperation with other services (e.g. schools)?

All restorative justice interventions (from the offer to the process to the follow up of the encounter) must be based on children rights and practitioners must be trained in child friendly procedures by children's rights experts. Additional points of attention are:

- the power imbalances between adults and youngsters;
- the focus on young adults, age 18–25, who may need also specific child friendly restorative justice processes.



RESOURCE KIT

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RESTORATIVE JUSTICE

Restorative justice is an approach of addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved. Its practices (such as mediation, circles, conferencing) have been offered and delivered to address harm in different conflict areas, such as justice, education, peace-building, families, organisations, and communities.

EFRJ

The European Forum for Restorative Justice (EFRJ) is the largest European professional network on restorative justice. We count more than 400 members, including 80 organisations, working on restorative justice practices, research and policy in Europe and beyond. Since our establishment in 2000, we offer support to implement and develop restorative justice through trainings, consultancy, research, advocacy, policy developments and events. Find our publications and more information on www.euforumrj.org.

Author: Annemieke Wolthuis,
European Forum for Restorative Justice,
The Netherlands

Reference: European Forum for Restorative Justice (2020).
Thematic Brief on Restorative Justice and Child Justice. Leuven, Belgium.

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**EUROPEAN FORUM
FOR RESTORATIVE JUSTICE** vzw

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Hooverplein 10 3000 Leuven

0474 656 137 • RPR Leuven

www.euforumrj.org

info@euforumrj.org

Tel. +32 (0)16.373.598

Mob. +32 (0)466.20.91.12



This document was created with the financial support of the Justice Programme of the European Union. The contents of this document reflect the EFRJ's views. The European Union is not responsible for any use that may be made of the document and the information contained herein.