



# Developing restorative youth justice in Europe

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Child-friendly justice & restorative justice

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# Restorative justice in the Recommendation



Restorative justice as a **process** usually involves facilitated dialogue between the victim, offender and other relevant persons (Rule 4)

Restorative justice is based on several **principles**, including stakeholder participation, and the aim of repairing harm to individuals and relationships (Rule 13).

Many jurisdictions seek to apply restorative principles as part of broader reforms to criminal justice e.g. court diversion, reparation, reintegration, relationship building and victim support.

# Restorative justice: the evidence

When involving face-to-face dialogue between victims and offenders...

Restorative justice **reduces reoffending & supports desistance**, including with persistent, serious & violent offenders ([Shapland, et al., 2011](#); [Strang, et al., 2013](#); [Sherman, et al., 2015](#)).

Positive results for **victim satisfaction and recovery**: higher victim satisfaction (e.g. 85% in Shapland, et al., 2011) vs. court & health benefits e.g. significant reductions in post-traumatic stress symptoms ([Angel, et al., 2014](#); Sherman, et al., 2015).

Restorative justice processes are **cost effective**, with eight times as much benefit in terms of the costs of the crimes prevented across 10 studies (Strang, et al., 2013).



# The growing European consensus



“This Recommendation goes further than the 1999 Recommendation in calling for a broader shift in criminal justice across Europe towards a more restorative culture and approach within criminal justice systems.”

*Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters*  
(Council of Europe: Commentary, p.2)

See also: *Mediation Development Toolkit: Ensuring Implementation of the CEPEJ Guidelines on Mediation* ([European Commission for the Efficiency of Justice, 2018](#))



“I suggest to include in EU rules (for instance a revised Victims’ Rights Directive) or to recommend the use of a pre-trial mediation/restorative justice [...]. [This] would ensure higher level of support to victims in seeking restorative justice corresponding to their needs.”

The [Milquet Report](#) to the President of the European Commission, *Strengthening Victims’ Rights: From Compensation to Reparation* (2019, p.56)

See also: [Directive 2012/29/EU](#) of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime



Norway and Finland have public mediation services, covering all types of civil and criminal cases at all stages of the justice process, and operated by lay mediators.



In Norway 2011, agreements were reached in 89% of over 4000 cases, 96% were fulfilled (Sorfjordmo, 2012).

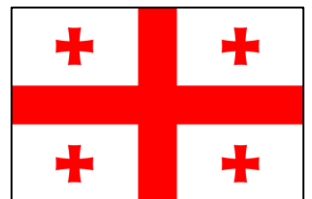


Belgium & Northern Ireland have (near-)mandated pre-conviction & pre-sentence referrals, delivered by NGOs and a public service, respectively, for young offenders.

In Northern Ireland, 2008-13: 1,600-2,100 conferences per year, 76-78% ratified & completed (CJINI 2015).



New juvenile justice codes in Georgia and Albania position RJ as the primary option for juvenile diversion. Georgia’s Diversion and Mediation Programme was accompanied by mass training and promotion of diversion for young people (prosecutions of u18s almost halved 2012-17).



# Challenges for restorative youth justice

- From the concept note for today: 'The crime committed is usually in the center of attention of the traditional criminal justice system. This often leads to neglecting the needs of victims and offenders' – especially detrimental if children!
- Children and young adults may be *both victims and offenders* and have specific educational, social and developmental needs associated with their maturity.
- Restorative justice provides a neutral space where all parties are encouraged and supported to express their needs and to have these satisfied as far as possible.
- Services must balance the child's right to voice and participation, with the best interests of the child in minimising harm, stigma and penal intensity.
- Children require special protections within the RJ process, corresponding with protections for children within domestic legal systems.

# Developing restorative justice in Ireland

## Restorative Justice: Strategies for Change

A [collaborative project](#) between the Maynooth University Department of Law, Restorative Justice Nederland and the European Forum for Restorative Justice.

We aim to encourage the development of restorative justice by identifying, connecting and supporting a small group of persons – the **Core Members** – in each participating jurisdiction. Their role is to develop and implement a **co-created strategy** with a larger group of policymakers, practitioners, researchers, activists and other relevant parties – the **Stakeholder Group** (n = 375 in Ireland).

The purpose of the project is threefold:

- to contribute towards refocusing European criminal justice systems, agencies, policies and practices around restorative principles and processes;
- to share successful strategies used in different countries to develop law, regulation, policy, practice and public awareness around restorative justice;
- and to determine how the [Council of Europe Recommendation](#) CM/Rec (2018) 8 concerning restorative justice in criminal matters, adopted in October 2018, could be used as a vehicle to support this work.

**We would be very interested in collaborating with all member States, and with the Council of Europe, in taking steps to implement the 2018 Recommendation.**



Of possible interest

# Videos of possible interest

## Victim and offender experiences



Laura Coel

[www.youtube.com/watch?v=Z45JCqV3vPc](https://www.youtube.com/watch?v=Z45JCqV3vPc)



Jacob Dunne

<https://www.youtube.com/watch?v=Snz6GawGpV4>



Research evidence and experience from various jurisdictions suggest many ways to help support the safe and effective use of restorative justice, including:

- ✓ Referral/offer to people by default – bring in a legal, policy or bureaucratic requirement to do so?
- ✓ Regular reminders to offer and promotional activities – competing responsibilities can take over.
- ✓ Clear expectations of when and how it should be used, especially where justice agencies are involved.
- ✓ Referral training and a direct line of communication between referrers and providers.
- ✓ Clear and easy referral processes and multiple referral pathways.
- ✓ Providers need direct access to prospective participant contact details, risk information, etc.
- ✓ A multi-agency approach creates buy-in from stakeholders and enables information sharing.
- ✓ Visible, supportive leadership from the top (senior leaders) is paramount.
- ✓ Supportive and educated line and middle managers are also necessary.
- ✓ Performance management approach should support restorative justice best practice.
- ✓ Practitioners must be involved in implementation for legitimacy and ‘reality checking’
- ✓ Innovation and creativity are possible – including through the use of restorative practices for cultural change within criminal justice agencies, supporting family relationships, and community engagement.
- ✓ There is always a risk of bureaucratisation and co-option by existing goals, priorities and rationales.



# Thank you!

Feel free to email me at any time on [ian.marder@mu.ie](mailto:ian.marder@mu.ie) if you would like any more information, or have any questions, about restorative justice, or if there is any way we might collaborate on the implementation of the Recommendation across Europe.