

The Role of Restorative Justice in Juvenile Offenses: Lessons from Global Practices

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ABSTRACT

The paper will discuss how restorative justice (RJ) can be used in relation to juvenile offending with its potential of offering a more humane and effective, rights-compliant alternative to existing punitive systems. Informed by the comparative experience in New Zealand, Europe and North America and other jurisdictions, the study examines how RJ focuses on accountability, victim involvement and community reintegration. RJ is supported by the international standards, especially the Convention on the Rights of the Child, as a child-centered approach that focuses on rehabilitation more than on punishment. It has been revealed in the paper that the successful implementation is based on key design principles such as voluntariness, proportionality, cultural sensitivity and robust oversight. Simultaneously, it provides a critical evaluation of the issues of net-widening, unequal access and coercion risks, which may decrease the legitimacy in case of the absence of the safeguards. The analysis finishes by concluding that, though not a panacea, when combined with diversionary frameworks and reinforced with robust legal, social and institutional frameworks, RJ has significant potential to change juvenile justice to a model based on accountability and reintegration.

Keywords: Restorative justice; Juvenile justice; Rehabilitation; Victim participation; Diversion; International standards; Child rights.

INTRODUCTION

The past few decades have seen a phenomenal shift in juvenile justice in the sense that the punitive based models have shifted to models that focus on rehabilitation, reintegration and minimization of reoffending. Restorative justice (RJ) has emerged as one of the most promising paradigms, that reenergizes the dynamics of justice beyond punishment and toward repairing the damage, empowering the victims and encouraging the young offenders to accept responsibility within the framework of this development. This tendency that is oriented to restorative practices is founded, not only on the criminal research studies, but also on the international human rights legislation which accentuates that children who violate the law must be handled in a way that is not only appropriate to their dignity but their developmental needs as well.

The traditional criminal justice framework is prone to subjecting children to the official court and incarceration that has been found to escalate and not to reduce offending behaviors. It has been found that when young offenders are imprisoned, they are frequently subjected to criminogenic factors, education is disrupted and social support networks are diminished, which in turn lowers their likelihood of reentering society (Goldson and Muncie, 2015). This realisation has prompted researchers and policy makers to identify options that are compatible with the concept of child protection and the international legal system, in particular, the Convention on the Rights of the Child (CRC).

Restorative justice tries to address these gaps by paying attention to dialogue, reconciliation and community involvement. Unlike the retributive models, whose goal is to punish, RJ focuses on restoring a relationship broken by the crime and cultivating some sense of responsibility in an offender (Johnstone, 2013). The effect of this is that the victims would be given a participatory role in the justice process and generally the system would bring a lot of satisfaction and closure unlike the traditional systems (Shapland et al., 2011). Better still, RJ mechanisms are not a choice only, but are increasingly being viewed as a component and parcel of the establishment of child-friendly justice systems worldwide.

This paper aims at examining how restorative justice can be used to respond to juvenile offence through the lessons learnt within the global practice. It poses the question: What are the demonstrated results of restorative models with children that are in conflict with the law? What are the ways of incorporating restorative approaches within various jurisdictions and what protections do restorative approaches require to be legitimate? This paper suggests a model by using comparative analysis of New Zealand, England and Wales, North America and Europe models that can be used by jurisdictions, especially developing countries, to overhaul their juvenile justice systems in accordance with international standards.

CONCEPTUAL FRAMEWORK: WHAT IS RESTORATIVE JUSTICE FOR CHILDREN?

Restorative justice (RJ) is best conceived as not a procedure per se but rather a normative system of addressing crime that focuses on being able to repair the damage, restore relationships and reintegrate the offenders back into their communities. The premise of its groundbreaking nature is that crime is not only the violation of the law but also the infringement of relationships between persons and the society (Zehr et al., 2022). In the case of children who are in conflict with the law, RJ approaches have a specific level of salience because they embody developmental psychology knowledge, which indicates that youngsters are more sensitive to rehabilitative and relationship-oriented interventions, as opposed to punitive sanctions (Case & Hazel, 2023).

The main peculiarities of restorative justice are based on three interdependent principles: (a) repairing the harm and needs, (b) engaging all parties in the justice process and (c) changing the role of the state as the punitive judge to the facilitator of dialogue (Braithwaite, 2021). In practice, there are a few forms in which RJ is implemented with juveniles: victim offender mediation, family group conferencing, circles (commonly based on Indigenous traditions) and school-based restorative practices. Both modalities are meant to provide a safe environment where the offender is ready to be responsible, the victim is able to express an experience and both parties can agree on the specific steps to repair the damage.

The United Nations Convention on the Rights of the Child (CRC), specifically Article 40 of the document, has had a strong international impact on the child-specific implementation of restorative justice as it requires States Parties to treat children accused of offenses in a way that complies with their dignity, value and reintegration possibilities (Detrick, 2023). These requirements can be met by RJ appearing to focus its priorities on the building of accountability and resilience instead of punitive justice. UNICEF and UN

Office on Drugs and Crime (UNODC) have since proceeded to argue that restorative practices in the right precautions are best practice in juvenile justice.

Nevertheless, restorative justice is not merely the method, but rather a child-right-based philosophy. It is related to the necessity of ensuring that it is voluntary, and informed consent and procedural fairness are present, and in most cases, children are prone to coercion, which is why RJ should not be applied blindly, and serious offenders should be screened to avoid re-victimization and overuse of this instrument against child criminals (Van Ness et al., 2022a). The RJ conceptual grounding in children is therefore founded on the necessity of striking the right balance among relational repair and protection of rights so that we can have that restorative mechanism as a source of justice and long-term reintegration.

INTERNATIONAL STANDARDS AND POLICY GUIDANCE

International law and policy frameworks strongly endorse restorative justice (RJ) as an appropriate mechanism for addressing juvenile offending, provided that essential safeguards are maintained. The United Nations Convention on the Rights of the Child (CRC) serves as the cornerstone, obligating States Parties to establish measures that emphasize the rehabilitation, reintegration and dignity of children in conflict with the law. Article 37 of the CRC explicitly requires that detention be used only as a measure of last resort and for the shortest appropriate period of time, underscoring the preference for diversion and non-custodial measures (Van Ness et al., 2022a).

Building on this foundation, the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules, 1985) articulate the importance of avoiding judicial proceedings where possible and encourage the use of mediation, counseling and other community-based alternatives (Assembly, 2025). The *United Nations Guidelines for the Prevention of Juvenile Delinquency* (the Riyadh Guidelines, 1990) further stress proactive, child-centered responses that prioritize social integration. Together, these instruments frame restorative approaches as consistent with the principles of proportionality, minimal intervention and best interests of the child.

Subsequent guidance has elaborated on how RJ should be incorporated into national juvenile justice systems. The UN Economic and Social Council's *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (2002) remain the most comprehensive statement. They outline core standards, voluntariness, informed consent, confidentiality and impartial facilitation, while affirming that restorative processes must never be used to deny children due process rights (SBG035–Conflict & Moura, n.d.). Similarly, the UNODC's *Handbook on Restorative Justice Programmes* emphasizes that RJ should be embedded in formal legal frameworks, linked to diversion and systematically monitored (Pali & Maglione, 2023a).

These sentiments have also been reflected by international child protection agencies like UNICEF, who have proposed diversionary restorative measures as a component of child friendly justice. UNICEF states that restorative interventions can be most effective with the inclusion of other welfare and developmental support, including education and psychosocial services (Moraa & Gor, 2023). The overlap of these international standards indicates that RJ is not only a practical approach to the prevention of reoffending but also a normative requirement concerning the rights of children by the international law.

COMPARATIVE CASE STUDIES

New Zealand: Family Group Conferences (FGCs)

Particularly in juvenile context, New Zealand is generally known as the forerunner of restorative justice, largely in its Family Group Conference (FGC) format. Founded and signed under the Children, Young Persons and Their Families Act 1989 (now the Oranga Tamariki Act), and the FGC essentially

reorganized the youth justice system in the country, replacing the majority of hearings in courts with the process of restorative conferencing (Daly, 2023). The legislative framework was an active rejection of an adversarial model of proceedings, moving with a focus on collective decision-making processes among the young offender, the victim, family or whanau, social workers and community representatives.

FGC process has principles that are guided by inclusiveness, accountability, and consensus. It involves obligating the young offenders to acknowledge the responsibility of their acts before the conference which will subsequently act as a platform of discussing the damages done along with agreeing on a course of reparation and reintegration (Wood & Tauri, 2025). Presence of the victim is highly recommended and settlements may involve apologies, community service, restitution or even rehabilitation. Noteworthy, the agreements have legal status, being supervised by the statutory agency and be enforced by the court decisions should the need arise.

Appraisals of the New Zealand model always report its advantages. Research claims that FGCs decrease the use of custodial interventions, enhance greater degrees of victim satisfaction than court procedures and give a more powerful sense of responsibility to youthful offenders (Wood et al., 2024). Additionally, the participatory spirit of the model can also be said to be quite compatible with Māori cultural practices that prioritize collective accountability and the healing of the communities (Martin, 2023). This cultural congruence has made the system more legitimate in the eyes of Indigenous communities although there are still issues of whether the model has gone far enough to address more structural inequalities that impact Māori youth.

However, difficulties have been pointed out. Others observing this point mention that victims might be coerced into the process and the fact that the process is informal poses the risk of inconsistencies in execution (Mousourakis, 2023). Some of them warn that the FGC model has the potential to unintentionally pass on the burden of solving youth offending to families that might not be equipped or able to do so. Nonetheless, FGCs in New Zealand continue to be a world model on applying restorative justice to statutory juvenile justice systems, and provide good insights to those other jurisdictions interested in institutionalizing restorative processes.

DESIGN PRINCIPLES AND SAFEGUARDS

The effectiveness of restorative justice (RJ) in juvenile cases depends on its design and the safeguards embedded within the process. Without adequate protections, RJ risks becoming coercive or symbolic rather than rehabilitative. Comparative experiences reveal several guiding principles.

Voluntariness and Informed Consent.

Participation must be voluntary for both the child offender and the victim. Consent should be based on a clear understanding of the process and its implications. Any form of compulsion, whether by courts, prosecutors, or family members, undermines the legitimacy of restorative outcomes (Joutsen, 2024).

Case Selection and Proportionality.

Screening is crucial to determine which cases are appropriate for RJ. While minor and medium-level offenses are often well-suited, serious violent crimes demand heightened safeguards. RJ should never replace due process, particularly where guilt is contested (Walgrave et al., 2021).

Integration with Social Services.

Agreements should extend beyond restitution to encompass rehabilitation. Linking young offenders with education, counseling and vocational training ensures that restorative measures address the root causes of offending rather than focusing solely on symbolic reconciliation (Mousourakis, 2021).

Skilled Facilitation and Cultural Sensitivity.

Effective RJ requires well-trained, impartial facilitators capable of balancing dialogue and protecting vulnerable parties. In multicultural contexts, restorative processes must respect cultural traditions while remaining consistent with international human rights standards (Quimby, 2021).

Monitoring, Oversight and Accountability.

Successful RJ depends on enforceable agreements and transparent follow-up mechanisms. Independent oversight, data collection and periodic evaluation guard against misuse and ensure that programs achieve their intended rehabilitative aims (Enter, 2022).

CHALLENGES AND CRITIQUES

While restorative justice (RJ) offers a promising alternative to punitive juvenile systems, its application is not without significant challenges and scholarly critique.

Voluntariness in Practice.

Although voluntariness is central to RJ, in practice it is often compromised. Juvenile offenders may feel pressured to admit guilt in order to avoid formal prosecution, while victims may feel compelled to participate due to community or institutional expectations. Such pressures risk undermining both due process and victim autonomy (Zakszeski & Rutherford, 2021).

Reinforcement of Social Inequalities.

Critics argue that RJ can unintentionally perpetuate inequality. Young offenders from disadvantaged backgrounds may struggle to fulfill restitution agreements, while those with greater financial and social resources may comply more easily, producing unequal justice outcomes (Kirkwood, 2022).

The Net-Widening Effect.

Rather than diverting cases from the justice system, RJ programs sometimes extend formal control to minor offenses that might otherwise have been resolved informally. This “net-widening” increases state intervention in children’s lives without necessarily improving outcomes (Boehle, 2021).

Privatization of Justice. By shifting responsibility for resolving offenses to families and communities, RJ may privatize what is fundamentally a public responsibility. This risks obscuring broader structural causes of juvenile crime such as poverty, social exclusion and systemic discrimination (Keenan & Zinsstag, 2022).

Application in Serious Offenses.

The effectiveness of RJ in cases involving serious or violent crimes remains contested. While some studies highlight its potential for fostering accountability and victim healing, others caution that without strong safeguards, RJ may trivialize the seriousness of the offense or fail to protect victims adequately (Van Ness et al., 2022b).

Overall, these critiques do not undermine the value of RJ but highlight the necessity of embedding it within strong legal frameworks, rights-based safeguards and continuous evaluation.

POLICY RECOMMENDATIONS

Comparative lessons from jurisdictions that have successfully integrated restorative justice (RJ) into juvenile systems highlight the importance of a structured, rights-based approach. To ensure effectiveness and legitimacy, several policy directions are recommended:

Embed RJ within Diversionary Frameworks.

RJ should be positioned as the primary diversionary mechanism, consistent with international standards such as the UN Convention on the Rights of the Child (CRC). This placement ensures that detention and prosecution remain measures of last resort (Kilkelly & Pleysier, 2023).

Develop Clear Legal Frameworks.

National legislation should define eligibility criteria, procedural safeguards and oversight mechanisms. Codification helps prevent arbitrary application, ensures due process and guarantees consistency across cases (Perini, 2022).

Invest in Training and Community Capacity.

Facilitators require specialized training in child psychology, trauma-informed practice and cultural sensitivity. Governments should also strengthen community organizations to act as partners in restorative processes (Pali & Maglione, 2023b).

Integrate Social and Rehabilitative Services.

RJ agreements should be designed to address underlying causes of juvenile offending. This requires linking outcomes to education, vocational training, counseling and family support, thereby promoting long-term reintegration (Marsland & Farmer, 2024).

Ensure Independent Monitoring and Evaluation.

Recidivism, satisfaction and compliance with agreements by victims, should be measured by transparent monitoring mechanisms. Partnerships with schools and colleges can create trustworthy information, which will facilitate evidence-based policy-making (Keenan et al., 2024).

Collectively, these solutions can be used to turn RJ into an experimental alternative to a mainstream, rights-compliant model of juvenile justice reform.

CONCLUSION

Restorative justice (RJ) is a major change in the approach toward the juvenile offending, which focuses on repair, reconciling and reintegrate instead of punish. It provides young offenders with a chance to accept the harm, be responsible and restore trust in their communities, as well as to provide victims with an effective part in the justice system. The practice in various jurisdictions has shown that when well-organized, RJ is capable of decreasing recidivism and increasing victim satisfaction and resulting in more robust social cohesion.

Still, RJ does not stand clear. Unless it has protective measures, it may undermine the principle of voluntariness, strengthen social inequities, or make an unwanted step toward state coercion. This is because it is hard to devise structures that uphold the rights of children, safeguard victims and to maintain high and clear standards.

Finally, restorative justice is appealing to international obligations to dignity, fairness and child best interests. With these transparent laws, competent facilitators and supervision, it can turn juvenile justice

systems into something more humane and constructive, able to be both accountable and promise reintegration.

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