

# Restorative Justice as the mainstream in Future Juveniles Justice?

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# 1. Restorative justice as I see it

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- “An option on doing justice after the occurrence of a crime which gives priority to repairing the harm that has been caused by that crime”.

This is an outcome based definition  
Contrary to most definitions which are  
process based.

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- Priority for deliberative process, as means.
    - Opportunities for healing
    - More adequate assessing of harm and possible reparation
    - More motivating for offender
  - If needed, space for coercion under RJ tent (not necessarily punishment).
  - Option for maximalist version of RJ (graduations in restorativeness).

## 2. Is RJ for juveniles special?

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- Differences in offenders?
  - Do act more in peer groups
  - Parents' involvement (juveniles generally live with their parents, are less solvent)
- Differences in victimisation?
  - More tolerance for juveniles
  - Less serious victimisation
- Differences in response system?  
More rehabilitation oriented

### 3. Why change existing juvenile justice system?

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- Doubtful effectiveness
- Low quality of legal safeguards
- Lack of credibility for serious patterned delinquency
- Neglect of victims' needs and interests

Punitive tendency is landing in a deadlock

## 4. RJ in Response to Juvenile Justice Critics?

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- Effectiveness? Empirical research
- Legal safeguards? Retrospectiveness
- Serious offending?
  - Why not?
  - RJ needed more after serious offences
- Victims? Not self evident

## 5. A look in the Future

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- Towards a three track model?
  - Welfare for children and adolescents with very reduced responsibility
  - Restorative processes and sanctions as the mainstream
  - Incapacitation for serious high risk offenders

# How to maximize RJ in the future?

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- Finding a balanced relation between RJ and the law
- Developing good practice
- Developing good normative and explanatory theory
- 'Zeitgeist' and strategy

A provocative question