CONDUCTING RESTORATIVE JUSTICE WITH CHILDREN AND YOUTH – FROM THEORY TO PRACTICE

Dr. Tali Gal
Head, School of Criminology
University of Haifa

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THREE ARGUMENTS

1. An integrated needs-rights approach.

2. Young offenders and victims have similar needs-rights.

3. The resemblance is even stronger at a more abstracted level.
WHY NEEDS-RIGHTS?

Rights alone

- PR problems
- “Dilemma of Difference” (Minnow, 1990)

Needs alone

- Paternalism
- Lack of force

Needs-based rights

Needs as diagnosis; rights as platform (Waldron 2000)
Interest theory: a universal need
NEEDS-RIGHTS OF CHILD VICTIMS
STAGE A: HUMAN RIGHTS

- Participation
- Equality
- Rehabilitation
- Protection
- Best interests
- Development
NEEDS-RIGHTS OF CHILD VICTIMS
STAGE B: RELATED NEEDS
NEEDS-RIGHTS OF CHILD VICTIMS
STAGE B: RELATED NEEDS

- Participation
- Procedural justice
- Equality
- Rehabilitation
- Protection
- Developmental victimology
- Control / participation
- Best Interests
- Promoting children's wellbeing
- Development

Promoting children's wellbeing
NEEDS-RIGHTS OF CHILD VICTIMS
STAGE C: IMPLEMENTATION

- Participation
  - Children as partners
  - Listening to children throughout; tailored participation; participating—enhancing techniques; child representation

- Procedural justice

- Equality
  - Equal access to RJ processes; special empowerment for children with special needs.

- Rehabilitation
  - Children's developmental needs & interests shape process, participation & outcomes; welfare considerations shape program

- Protection
  - Promoting children's wellbeing

- Developmental victimology

- Development
  - Best Interests
  - Promoting children's wellbeing

- Promoting children's wellbeing
  - Evidence-based RJ for all types of child victimization; safety as precondition & goal; effective monitoring; specific arrangements

- Best Interests
  - Welfare considerations shape program

- Equality
  - Child representation

- Development
  - Evidence-based RJ for all types of child victimization; safety as precondition & goal; effective monitoring; specific arrangements
NEEDS-RIGHTS RESEARCH


- Piamenta (Forthcoming): *The Perspectives of Young Victims of Sexual Assault regarding the Criminal Process*


- Gal (Forthcoming): *When a Boy Hurts a Girl: Achievements and Challenges in Restorative Justice Conferences following Cyber Bullying among Youth*
NEEDS-RIGHTS OF CHILD OFFENDERS
STAGE A: RIGHTS

Participation → Equality
Participation → Development
Participation → Best Interests
Participation → Due Process+

Equality → Development
Equality → Best Interests
Equality → Humane Punishment
Equality → Due Process+

Due Process+ → Development
Due Process+ → Best Interests
Due Process+ → Equality

Best Interests → Development
Best Interests → Equality
Best Interests → Due Process+

Development → Equality
Development → Best Interests
Development → Due Process+

Humane Punishment → Development
Humane Punishment → Equality
Humane Punishment → Best Interests
Humane Punishment → Due Process+
NEEDS-RIGHTS OF CHILD OFFENDERS
STAGE B: NEEDS

Participation
Procedural justice
Equality
Children as partners
Due process+
Humane punishment
Developmental Youth Justice
Best Interests
Promoting children's wellbeing
Development
NEEDS-RIGHTS OF CHILD OFFENDERS
STAGE C: IMPLEMENTATION

- Participation
  - Accountability taking; reintegrative shaming; active involvement of parents & supporters;
  - Children as partners

- Procedural justice
  - Equality
  - Relational lawyering; parental involvement; cultural adjustments

- Best Interests
  - Development
  - Adjustments for special needs; attention to individual capabilities; dialog as opportunity;

- Due process+
  - Developmental Youth justice

- Humane punishment
  - Promoting children's wellbeing

- Development
  - Ongoing contact; realistic expectations; temporal adjustments
HEURISTICS FOR CONDUCTING RJ WITH YOUTH

Ines K.
WHY SHOULD WE CARE?

- Cross-professional language
- Cross-clientele language
- A theoretical and empirical basis for RJ practices
- A research agenda for future refinement
THANK YOU!

tali.gal.04@gmail.com