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i-RESTORE

Better Protecting Child Victims
Rights through Restorative Justice



A material issued within the "i-RESTORE – A better protection, by means of restoring justice, of the rights of children who are victims" project, co-financed through The European Union Justice Program (2014-2020). The content of this material solely represents the opinions of the authors and it is in their responsibility: the European Commission doesn't take any responsibility for the usage of the information it contains.

What is restorative justice?

Restorative justice creates a link between the victim and the perpetrator, helping both parties to heal wounds and it offers solutions so that they get over the difficult event in which they were involved. In a restorative approach, it is easier for adults to interact with young people/children in difficult situations, so that parents, teachers, police or other adults involved understand the context in which the young person or child was involved in a conflict situation or against the law.

It DOES NOT replace the classic justice system, but it can work in a complementary way. Depending on the country and the fact, the sanction may be influenced by a restorative procedure (e.g. the parties reconcile or the judge may grant mitigating circumstances)

Why? What are the benefits?

- Reduction relapse among children and young people;
- Reducing bullying in schools;
- The possibility for the victims to find answers to their questions and to overcome the trauma/difficult moment;
- Readmission in the society of young people who have committed crimes;
- A friendlier judicial system for children and young people.

Who?

The victim

The person who suffers an injury due to the perpetrator, by mistake or will, which affects their life or physical and/or emotional integrity.

The perpetrator

The person who causes harm to the victim, accidentally or intentionally, so that it affects both the life of the victim and their own life or that of others.

Facilitators

People who apply restoring practices in an attempt to resolve the conflict between the victim and the perpetrator. They explain to those in conflict what the stages of the restoration process are, offer them support and encourage them to discuss what happened, the consequences and how the harm done could be repaired, finding solutions for the future.

The school counselor

The person in the school environment that children can come to if they have personal issues, offering advice and helping the child to get through a difficult situation.

Supporters

Persons who may or may not have been involved in the conflict and who come to the aid of the victim or perpetrator. These can be relatives, friends or other supporters (probation counselors, social workers etc.) and their presence should be equal on both sides so as not to favor one side or the other.

When?

- Restorative approaches can be applied to different types of conflicts and crimes;
- Restorative justice can be applied immediately after the incident, at any time during the trial (before, after or during it) or even after several years after the occurrence of the conflict;
- It is very important that both parties want to participate and feel ready to go through this restorative process, so they can interrupt the meetings at any time if they feel too affected or if they cannot understand each other.

How?

Meetings between the victim and the perpetrator take place voluntarily and they may take place before, during or after the trial, in various forms, such as:

Mediation

This is for the purpose of amicably solving the conflict between the victim and the perpetrator and reparation for the harm caused by the conflict/crime, the mediator being the one who permanently guides the whole process.

Restorative conference

In addition to the victim and the perpetrator, it also includes supporters; the purpose being for the parties to discuss what happened and to find solutions for the future.

Restorative circle

It is another form of restorative practice in which, in addition to the parties mentioned in the case of the restorative conference, there may participate other members of the community indirectly affected by the crime/conflict created. The goal is not only to discuss what happened, but also to strengthen the community or even a nation.



Community meetings for young people

We find them mainly in the United Kingdom of Great Britain and Northern Ireland and they are applied in cases where young people who have committed crimes appear in front of commissions made up of members of the community, where what happened is discussed. This approach helps the judge to make a decision regarding the young perpetrator.

Where?

In a comfortable space agreed upon by the parties involved together with the facilitator/mediator:

- as part of the justice system (probation services, educational and detention centers, non-governmental organizations)
- in the child protection system (headquarters of social assistance offices, non-governmental organizations)
- in the community (block association, community centers)
- in school, to prevent situations of violence and conflict between children, to create a safe space for them and to make them responsible

Adult-children relationship

- Children will have the opportunity to express their worries and uncertainties in order to be understood;
- The prejudices against the good child and the bad child in the action are eliminated, there are only children who have needs and problems that make them act as a defense system against those;
- Adults will be able to communicate more easily with young people/children and they will be able to help them;
- Restorative practices will no longer make the perpetrator feel the weight of the sanction, but to understand what they did wrong, and the adults to help them create a better life.







This brochure was created with the help of the children who participated in the consultations of I-RESTORE project, implemented in Romania by the Terre des hommes Foundation.

The I-RESTORE project (Better Protecting Child Victims Rights through Restorative Justice) aimed at better protection of children victims, with the help of restorative justice. Its activities have promoted the use of restorative justice in cases where children victims are involved, by improving knowledge among national stakeholders on child-friendly and victim-friendly restorative justice and empowering children to advocate for better protection of children victims.

I-RESTORE is implemented by Terre des hommes - Hungary, Terre des hommes - Romania, Terre des hommes Hellas - Γη των ανθρώπων, European Forum for Restorative Justice, Restorative Justice Netherlands, Terre des hommes - Albania



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