

RESTORATIVE JUSTICE FOR MINORS



Free translation

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Introduction

This guide to implementing restorative justice with minors, particularly those under the care of the Judicial Youth Protection Service (PJJ), is the result of work carried out between 2017 and 2021 with professionals from public sector services and the accredited associative sector. This work was based on a working group and on national experiments conducted with the support of a steering committee.

It is the result of reflections, exchanges and testimonies of professionals who have been involved in experiments, with the support of the ENPJJ, associative federations, training organizations and offices of the sub-directorate of judicial protection and education missions of the DPJJ, in order to define the scope and content of this new practice.

In addition to the methodological guide published by the National Restorative Justice Committee in November 2020, this document aims to answer the questions of professionals on the meaning of restorative justice, its interest for the minor public and its added value in professional practices.

It also offers those who are considering developing restorative justice measures in their area a methodological and practical reference framework that complements the essential contributions of the training. The implementation of restorative justice measures is based on a strong partnership commitment, which includes the signing of agreements and the formalization of the methodological framework.

This guide is also a working tool that allows services and professionals to gradually understand the construction of restorative programs. Since partnership arrangements can sometimes take a long time to set up, service professionals can thus grasp the different methods available to them and adapt them to the expectations of their clients, their partnerships and the particularities of their territories.

Finally, the guide provides hyperlinks or appendices to documents drafted during the experiments, which reflect a specific territorial approach (partnership agreement, specifications), as well as standard documents of national value, which are inspired by the documents drafted by the services during this period.

Restorative justice, a paradigm shift

The framework and principles

Inspired by the conflict regulation practices of indigenous peoples and particularly developed in Anglo-Saxon culture countries, restorative justice was introduced into the code of criminal procedure (Article 10-1) by the law of August 15, 2014, relating to the individualization of penalties and strengthening the efficiency of criminal sanctions.

The ministerial circular of March 15, 2017 promotes a broad application of restorative justice while securing its implementation framework. It specifies the offences targeted, the public concerned and sets out the principles of autonomy and confidentiality of the measure.

It also clarifies the prerequisites and means of its exercise and indicates the need for control, judicial authority and evaluation of the systems.

Based on principles of reparation and social inclusion, restorative justice is designed as a complementary intervention to the judicial process. By relying on the capacities of individuals to participate in resolving the consequences of the offence, restorative justice changes the representation of the place and role traditionally assigned to the perpetrators, the victims and the community.

Its implementation requires :

- Complete information to the victims and perpetrators of the crime,
- Acknowledgement of the facts by the author,
- The free consent to engage in the measure, which is proposed and not ordered, in order to respect the principle of gratuity,
- Facilitation by a neutral, multi-partial² third party (who is not in charge of the follow-up of the perpetrator or the victim in the civil or penal framework) and who has received specific training,
- The confidentiality of the exchanges, which cannot be the subject of a written report to the magistrate or of information to be given to the professionals in charge of the follow-up of the perpetrators and the victims within the framework of the criminal procedure.

The National Committee on Restorative Justice (NCRJ): its mission and work

A national committee has been set up in accordance with the implementation circular. It brings together representatives of the Ministry of Justice³ and aims to inform the public and encourage professionals in the public sector, the voluntary sector⁴ and the courts to take ownership of restorative justice. Its ambition is to deploy these mechanisms throughout the country for the benefit of a broad public. To this end, the committee has developed information and reference tools: an information poster and brochure, a [methodological guide](#)⁵ for implementation that can be consulted on the intranets of the Ministry of Justice, and the organization of events to promote restorative justice during its international week⁶.

Restorative justice practice: a particular interest for the PJJ public

- Progressive appropriation in the context of national experiments.

In order to encourage the appropriation of restorative justice by a majority of professionals in the public sector and associative services, the DPJJ has carried out since 2017 a set of works⁷ allowing to identify the specificities of an implementation with the minor public. A period of national experimentation, carried out in ten territorial directorates, has made it possible to validate the pertinence and to refine the conditions and modalities of the deployment of this new practice.

- The inclusion of restorative justice in the code of criminal justice for minors, a lever for the deployment of this new practice.

On the basis of these initial experiences, the DPJJ wanted the drafting of the code of juvenile criminal justice (CJPM) to be an opportunity to include restorative justice in the general principles of juvenile criminal justice. This consecration is in line with the primacy of education over repression, a founding principle of juvenile criminal justice. Indeed, restorative justice allows the work of becoming aware of the scope of the acts committed, the development of recognition and respect of the other as a subject, and thus empathy and appeasement. It thus contributes to desistance⁸, to the prevention of recidivism⁹ and is part of a process of social reconciliation.

1. The term "measure" is to be understood in a broader sense than the one usually used in the judicial context: written into the law and the circular, the DPJJ has chosen to continue using this terminology, which can be replaced by the terms "project", "device", "process", "program" or "practice".

2. This notion of multi-partiality has been described by Jacques SALZER, creator of the mediation training at the CNAM: The professional respects the principle of equity between the parties, is concerned with the interests and needs of the perpetrator as well as the victim, with a non-judgmental view of the facts and the participants' experiences.

3. Directorates of Prison Administration (DAP), Judicial Protection of Youth (DPJJ), Criminal Affairs and Pardons (DACG), and the Service for Access to Rights and Assistance to Victims (SADJAV).

4. Services of the authorized associative sector (SAH) of the PJJ and victim assistance services or associations (SAV/AAV).

5. Associative services that do not have access to the ministry's intranet can request, in addition to their federations, the interregional directorates of the PJJ, the central administration of the DPJJ or the SADJAV to have these documents sent to them.

6. International Restorative Justice Week is usually held during the ^{third} week of November.

7. DPJJ working group (October 2017/January 2018) resulting in a summary document and recommendations (sent to the DIRs in August 2018); National experiments (January 2019/January 2021); [Proceedings of the day of 21.01.2020 Restorative justice, a shared experience](#); Assessment of the national experiments carried out by the SERC (2022)

8. The process of getting out of delinquency

9. At the international level, several reports highlight a positive impact of restorative justice on recidivism rates: a meta-analysis conducted in 2007 showed higher rates than criminal justice regarding the absence of recidivism (Sherman and Strang-2007, cited by www.gip-recherche-justice.fr). In 2017, according to a report by the OIP (Observatoire international des prisons - section française), there was about 30% less recidivism for mediation participants than for non-participants; 38% less for youth who participated in a restorative conference than for the control group (source: justicerestaurative.org)

Principles to be adapted to minors

Specificities applicable to minors

Professionals wishing to implement a restorative justice measure must ensure that the minors to whom it is proposed understand and adhere to the principles of confidentiality and gratuity: the perpetrator must not expect any consideration in the criminal proceedings for his or her involvement in the restorative justice measure. On the other hand, the perpetrator's refusal to participate in the process cannot be held against him or her in the current proceedings.

For adult offenders, recognition of the facts (or of a problematic/conflictual situation) is the primary condition for the offender's involvement in a restorative process. For a minor offender, the fact that he or she feels concerned by the commission of the offence and does not deny the facts and their repercussions may be enough to initiate a restorative process. The preparatory interviews will allow the offender to work on his responsibility for the offence and his attitude towards the victims. Otherwise, the restorative justice measure can be interrupted at any time, including at the initiative of the facilitators of the measure.

The youth's involvement in this type of pre-trial program does not constitute an admission of guilt.

The organization of the procedure into two distinct stages (guilt hearing and sentencing hearing) provides an opportunity for information and referral to restorative justice measures. The rapid judgment on guilt, while ruling on the victim's compensation, should remove the obstacles to implementation at the pre-trial stage.

Finally, when dealing with minors, it is necessary to inform and obtain the consent of their legal representatives before implementing restorative processes. Their possible participation in restorative processes, such as family group conferencing, is an opportunity to strengthen and enhance their role and parental posture with respect to their child and also with respect to the victims.

The absence of a judicial mandate but the existence of a framework

The restorative process, which is complementary to but independent of the criminal procedure, is nevertheless subject to a framework and a protocol duly established and validated by the local COPIL.

This committee brings together, at least once a year, the institutional and associative actors who contribute locally to the implementation of restorative justice: representatives of the judicial court (TJ), the judicial protection of youth (PJJ), the penitentiary administration (AP), and the associative sector. It may also include representatives of the bar, the municipality, the

The COPIL draws up and signs an annual agreement that describes the role and resources committed by each member. It appoints a project group responsible for drafting specifications. The members of the COPIL agree on the guarantees to be respected in order to implement restorative justice measures, to ensure the safety of the measures and to protect the people involved (training of facilitators, collection of consent from the people, organization of the monitoring of the measure). In support of the annual assessment, they ensure the evaluation and envisage the adaptations necessary for the sustainability of these measures.

An extrajudicial measure, possible at all stages of the criminal process

Restorative justice can concern all types of offences, before or after judgment, or be conducted in parallel with a measure pronounced as an alternative to prosecution. It can also promote the resolution of problems arising from cases that have not been prosecuted, such as certain acts of violence committed in the school or institutional context that have given rise to an administrative response, if applicable, or that have been dismissed or dropped. In this case, the terms of intervention of the restorative justice service are to be defined within the COPIL.

By referring to the framework set out in the multiparty agreement and the specifications, validated by the local COPIL, the facilitators of the measure determine, with regard to the elements in their possession and the expectations expressed, the appropriateness of the restorative process as well as the type of system likely to meet the needs and physical and psychological safety requirements of each individual.

Within the framework of the restorative justice measure, the support provided by professionals from the public sector and the PJJ's authorized associative sector can last beyond the intervention period set by the judicial measure during which the restorative process was proposed. It is indeed important to give the persons who commit themselves the possibility to finalize their approach.

Autonomy of the measure and control of the court

One of the founding principles of restorative justice is its autonomy from the judicial process. It allows for the respect of the principle of gratuity: the commitment of the perpetrators or victims is all the more sincere as there is nothing to expect in terms of criminal law. The confidentiality of exchanges is a guarantee of the autonomy and gratuity of the commitment.

Nevertheless, the circular of March 15, 2017, specifies that the judicial authority shall exercise control prior to the exercise of the measure

restorative process to ensure that it does not interfere with the criminal process.

Within the framework of the local COPIL, the representative of the court exercises a control of legality which consists in ensuring that the implementation modalities are in conformity with the agreement and the specifications:

- application of the legal conditions and the circular of May 15, 2017,
- type of processes and facts involved,
- training of professionals who will lead restorative justice measures.¹⁰
- collection of the minor's and legal representatives' consent, etc.

Before implementing a measure, the facilitators check with the court that the proposal can be reconciled with the ongoing criminal proceedings. This vigilance makes it possible to :

- to preserve the word of the parties, particularly at the investigation or inquiry stage,
- ensure the protection of victims of physical and psychological violence, particularly in situations of control,
- Verify that no prohibition imposed by a magistrate, before or after judgment, prevents the author's participation in the type of process proposed (prohibition of contact or appearance).

Therefore, for each restorative measure involving a direct meeting between the perpetrator and the victim of the same offence, particularly at the investigation stage¹¹, the facilitators send the public prosecutor (or the magistrate in charge of the proceedings) a liaison or shuttle sheet¹² to inform them of the restorative justice project, the type of process envisaged and to collect the information necessary for its implementation (contact details of the persons, current prohibitions). If the court's opinion is unfavourable, it must be justified by the strict requirements of the investigation, the prohibitions imposed in the context of the investigation or in the context of the judgment.

The method of transmission, the time limit for processing by the courts and the return to the facilitator are determined by the local COPIL and formalized in the agreement or the specifications.

10. The facilitator may be a service provider involved in the criminal justice system, however, he/she cannot intervene as such if he/she knows the perpetrator or the victim.

11At the investigation stage, indirect meetings should be preferred or, in the case of direct meetings, it would seem desirable that only individual preparatory interviews take place, with the meeting(s) being scheduled after the judgment (or after the closure of the judicial investigation).

12 To be found in the appendix or in [the CNJR methodological guide](#)

A new practice with multiple effects

Who is Restorative Justice for?

To the victims:

- minors or young adults accompanied by public sector services or authorized associations within the framework of civil or penal measures,
- minors or adults, whether or not they are accompanied by victim support services or associations,
- their loved ones if necessary.

To the authors:

- minors or young adults followed by public or associative services in the penal or civil framework, or referred by common law services,
- their loved ones if necessary.

Minors or young adults, followed in the penal framework for the offences committed, may have been victims on other occasions. As such, they may also be interested in a restorative justice process.

What are the effects on the participants?

Restorative justice belongs entirely to the people who use it, it has no other objective than to promote their well-being by resolving the difficulties related to the commission of the offence.

Moreover, the possibility of free and mutual expression can satisfy needs that the legal process (or lack thereof) has not been able to meet: speech constrained by time and the procedural framework, defense and accusation strategies that sometimes affect the authenticity and sincerity of the statements. By (re)giving a voice to victims and perpetrators, by allowing the expression of emotions, by facilitating access to the other and therefore to oneself, restorative justice reinforces the capacity of individuals to act. It can enable people affected by an offence and its consequences to transcend the status and emotional state in which the transgressive act, whether committed or suffered, has trapped them.

While giving victims and perpetrators the opportunity to regain control of their lives, it helps perpetrators to understand the significance of their actions, to make links with their own history, to better manage their emotions and their actions. By promoting awareness, the deployment of restorative justice should therefore encourage the desistance and reintegration of juvenile offenders, in a restored relationship with themselves and with society.

What are the impacts on professional practices?

Restorative justice strengthens multi-stakeholder relationships

The implementation of restorative justice combines the efforts of many actors, and therefore has a federating effect that contributes to the decompartmentalization of services, whether they belong to the public sector or the associative sector, and whether they usually take care of an adult or a minor.

The construction of a common framework and a shared practice favors relationships of trust and makes it possible to go against representations. These representations can exist on the missions, practices and needs of partner services and associations, but also on the particularities, real or supposed, of their public, whether they are adults or minors, perpetrators or victims of crime.

During the period of national experimentation, some services welcomed their partners during immersion days to better understand the work carried out and the public supported. This approach appears to be a good practice to promote better knowledge between services.

The training time is also a vector of cohesion between the actors. In this respect, equal access to the ENPJJ training (also open to the associative sector) has favored the same level of training for the facilitators, the building of a relationship of trust and has made it possible to federate around the same project the teams involved in the implementation of these measures.

Restorative justice promotes the development of new skills

Thinking about restorative justice, systematically informing people of their right to benefit from it, facilitating processes whose content and purpose belong only to those who participate in them, can constitute an upheaval in work habits¹³. This change in professional posture is essential to understanding the mechanisms of this type of process. Training is a necessary step in this respect.

The professionals who lead these measures must take a "step aside" from the missions implemented in the framework of the judicial prescription. This exercise requires them to move away from the role and place usually occupied in the relationship with the user. Professionals develop their capacity to listen actively, free from judicial issues and therefore

13. See the film *Restorative Mediation* of the STEMO of Brétigny/UEMO of Juvisy
See also the *video* shot in November 2020 with professionals and young people followed by the STEMO PJJ of Thionville and the Association Mosel- lane

more neutral. Restorative justice places the facilitator in a position of "multi-partiality"¹⁴ with respect to the parties, consisting of "being with" in a successive or concomitant manner. With each of them, the facilitator welcomes the word, respects its rhythm, its silences and the expression of emotions without influencing the person concerned.

Restorative processes are an innovative way of approaching offenses, and they allow for the work of putting into words the act, the feelings, the sentiments, the inhibited or expressed needs of both victims and offenders. This know-how permeates all professional practices and is illustrated in particular in interview techniques which, in the context of judicial follow-up, are less directive and more attentive to the rhythm and possibilities of each person to express themselves at a given moment.

Restorative justice is also an opportunity to take an interest in the contributions of victimology in the care of victims, to better understand the consequences of trauma on their life course: impacts on the development of self-esteem, social relations or the ability to undertake projects for example. This knowledge also allows us to take an enlightened look at the consequences of intra-family violence in the structuring of the personality of children and adolescents and their implications in transgressive or aggressive acts.

What training for professionals?

The ENPJJ is committed to informing and raising awareness of restorative justice among all professionals working in the field of juvenile justice: this topic is addressed in initial training (for educators, managers, psychologists, etc.) and during thematic days or short sessions organized in continuing education in the territorial training centers (PTF). Most of these training activities are open to child protection workers.

In addition, the school is concerned with equipping and strengthening the skills of PJJ professionals so that those who wish to do so can put restorative justice into practice and become facilitators themselves. To this end, it has created a training course¹⁵ specifically dedicated to this practice with minors entitled: *"Practicing restorative justice with child and adolescent victims and/or perpetrators"* which is composed of a basic module of 36 hours and several complementary modules.

This course is based on a partnership which includes actors involved in the field of research and training in restorative justice but also in the care of perpetrators and victims: ARCA, France Victimes, Fédération Citoyens et Justice, but also FFCRIAVS, Question de justice, GACEP (Brussels service offering restorative justice measures), and others.

restorative justice). They are used during the basic modules and/or as part of the complementary modules, to develop the trainees' specific skills for the different systems, for certain types of offences and for a better knowledge of victimology. At the end of the training, the ENPJJ issues a certificate. This certificate validates a set of skills enabling professionals to implement restorative justice measures in their services and with the public they support.

In addition, each year the ENM and the ENPJJ offer a 3-day awareness-raising training course, open to both court and socio-educational service professionals, in order to promote the development of a common culture. These days are an opportunity for the training of local managers whose knowledge of the meaning of restorative justice and its issues is an essential lever for its deployment.

The joint training of the different actors (SP/SAH/other partners) in charge of a project favors the inter-knowledge and mutual trust, which is essential for the animation of measures. It allows for a sharing of knowledge and a form of acculturation that will promote the development of restorative practices.

14. The term is explained in ndbp 4

15. Brochure to be found in annex

The terms of implementation of the measure

Restorative justice measures can be implemented from any type of facility, including detention, provided that:

- the duration of the minor's or young adult's incarceration allows for the finalization of his or her accompaniment within the framework of the restorative process,
- the arrangements made by the services involved in detention provide for the possibility of continuing the restorative process after the minor's release.

They are therefore more frequently implemented by professionals in open services, in close collaboration with placement or detention facilities, where appropriate.

Steering is needed to raise awareness and support the commitment of the players

In the interregional directorates (DIR) and territorial directorates (DT), the involvement of the hierarchical and functional line in the support and management of these new systems is essential.

The interregional directorates are responsible for :

- to promote awareness among the actors during regional conferences on juvenile justice and thematic days organized for professionals of the PJJ services, associative and institutional partners, professionals under the jurisdiction of the courts of appeal and the TJs, especially when they are not well informed or reserved about this practice,
- to encourage the setting up of a COPIL and the signing of a partnership agreement,
- encourage the allocation of resources (FTEs, financial) to support the development of this new practice,
- Establish and lead an inter-regional resource group to promote the adoption of restorative justice principles in the various services of the inter-region,
- to promote, from the first experiments, the deployment of coherent partnership projects, respectful of the principles of restorative justice implemented with a minor public,
- to promote the deployment of this new practice in the annual strategic reports and to transmit the qualitative and quantitative evaluation of the measures deployed in the territories (number of professionals sensitized, professionals trained, people referred, measures closed, effects on the participants via the implementation of evaluation indicators).

The accompaniment by the territorial direction (DT), allows to :

- inform and raise awareness of this new practice among judges, lawyers, institutional partners and associations, and ensure that

understanding the role and place of each person,

- to promote the meeting of professionals from the public and associative sectors around the development of a restorative justice project; to respond to the initiatives of local partners to this effect,
- ensure the organization of local COPILs, lead them if necessary, participate in the drafting and validation of partnership agreements, in conjunction with the DIR, as well as the content of the specifications. The associative services as well as the various partners must necessarily be present in the local COPILs,
- ensure, within the COPIL, the quality control of the proposed measures,
- to promote and validate training projects for service professionals, if necessary in conjunction with the associative sector; to determine, with local managers, the resources required (FTEs, material resources) to implement these new systems,
- ensure that the measures are recorded in the PARCOURS software and that the annual evaluation of the restorative systems is transmitted to the DIR.

The involvement of service directors (SDs), educational unit managers (EMUs) and heads of service in the voluntary sector makes it possible to :

- continuously mobilize the agents under their direction to participate in awareness days and training, individually or collectively,
- support the deployment of the systems, notably by participating in the project group and the local COPIL,
- Encourage the inclusion of a restorative justice system in the service project and the unit's pedagogical project as an innovative and unifying practice (evaluate the availability of professionals for training, the creation of the project and then its implementation, while guaranteeing the continuity of service for missions related to the judicial mandate, and evaluate its deployment and evolution each year),
- encourage more systematic use of restorative justice by ensuring that the public is well informed. This information can be provided through forum theater, video workshops, poster contests and any expression workshop developed within the framework of collective actions, citizenship courses or reparations,
- identify, within the framework of multidisciplinary team meetings (situation study) and action points, the minors who could be oriented towards these devices.

A collective commitment

The restorative justice project is based on a team approach and the professionals involved must be assured of the team's support. Indeed, the *turnover* of professionals and the feeling of isolation can be obstacles to the development of a project based on an innovative practice. Its deployment implies an

The training of several professionals offers a guarantee of investment, visibility and access to the public: the restorative justice facilitator cannot be the referent of the minor he or she is following in the criminal justice system. Thus, the training of several professionals offers a guarantee of investment, visibility and access to the public: as the facilitator of the restorative justice measure cannot be the referent of the minor he/she is following in criminal proceedings, the training of several professionals allows a greater number of minors to benefit from it.

entitled to do so

A multi-partner approach requiring a coordinated implementation

Restorative justice measures can be carried out by the public or voluntary sector of the PJJ or another voluntary service - such as a victim support service or association - in a complementary manner. Their implementation encourages a plural commitment of the actors as well as a pooling of human and material resources by relying on existing partnerships and networks. This pooling of resources and its prior evaluation must lead to a quantification of the needs in terms of resources necessary for the implementation of the project.

The implementation of restorative mechanisms requires prior work by the facilitators to raise awareness and mobilize all the identified partners: courts, victim assistance services, community services, but also potentially municipal or national police, gendarmerie, local mission, community centers, EN, child protection services, etc. A proactive partnership network facilitates the installation of the project group, the local COPIL and the supervision system.

Multi-stakeholder implementation also promotes a shared understanding of the meaning and value of restorative justice, the building of a relationship of trust between stakeholders and the efficient involvement of different service professionals. It also provides a greater opportunity for referrals.

Identification of needs and estimation of means

The realization of a restorative justice project requires a significant availability of professionals (in the DIR, in the DT or in the services) in charge of its impetus and its implementation.

The estimation of the human and financial resources dedicated must take into account :

- the needs in terms of public information and awareness of the actors and partners. This indispensable step will produce effects in the long term,
- the involvement of the court in the promotion and impetus of the restorative measure,
- the means used by the SAH and its partners to raise awareness among stakeholders and inform the public,
- training needs and the identification of professionals from the public and associative sectors, whether or not they are

The terms of implementation of the measure

to share their practices to facilitate restorative processes,

- the human resources committed by the services to the implementation of restorative justice (management time, secretarial support, implementation of measures, supervision or debriefing, psychological support, etc.),
- access to a dedicated space by :
 - The provision of a space that may need to be adapted to meet the needs of the public,
 - The search for a room allowing occasional access, possibly made available by a service or a partner institution, the question of its adaptation in order to secure and reassure the participants must be anticipated.
- the possible support means :
 - In terms of communication: provision of information materials on restorative justice, opening of a dedicated telephone line, creation of a specific e-mail address, etc,
 - in terms of travel: availability of a vehicle to compensate for the lack of public transport in rural areas, financing of a cab or a transport ticket to encourage and secure the victims during their travels.

The drafting of support documents

The partnership agreement

A contractual document, the agreement is drafted and signed by the various actors involved in the implementation of restorative justice in the territory: DTPJJ, SPIP or penitentiary establishment, judicial court (president of the court and public prosecutor, designated restorative justice referee), bar association, victim support service or association, criminal reparation service, etc.

It can also involve local players who are involved in providing information and guidance to the public or in making suitable premises available for preparatory interviews and meetings: town hall services, the school board, police or gendarmerie services, local mission, neighborhood association, etc.

The partnership agreement recalls in the preamble the legal framework, the objectives of the agreement, the commitment of each of the parties and the means implemented. It is an opportunity to determine the role of the steering committee and the project group and to specify the frequency of meetings. It describes the procedure for implementing the restorative justice measure, including the orientation of the public, the methods of informing the court so that it can exercise control at the pre-sentence stage in particular, and the methods for evaluating the measures.

The agreement is reviewed each year at the annual COPIL meeting.

The March 15, 2017 circular includes a sample partnership agreement in Appendix 2.

The specifications

The specifications are drafted by the project group or the operating department and submitted to the local COPIL for validation in order to verify that they meet the conditions and objectives set. It is a reference document that recalls the guiding principles, specifies the content of the project and its conditions and details its operating mode. It serves as a support for the evaluation of the restorative mechanisms deployed during the year.

The [CNJR's methodological guide](#) includes, for example, the specifications drafted in 2019 by the STEMO PJJ of Thionville-Sarreguemines and the AAESMO.

The shuttle sheet¹⁶

The shuttle form, filled out by the facilitators of the measure, makes it possible to inform the court of the restorative justice project.

In return, the jurisdiction informs:

- the identity and contact information of the other party to facilitate contact,
- the legal qualification of the facts, the procedural stage, the possible prohibitions pronounced,
- any useful information or observations.

This exchange of information allows facilitators to determine the most appropriate process for the victim and the perpetrator.

The shuttle form must be returned to the department within a predetermined timeframe as part of the COPIL.

Collection of consent from the perpetrators/victims and legal representatives¹⁷

A consent document for the perpetrators and victims, as well as their legal representatives if they are minors, must be presented and signed during the information interview or before the restorative justice measure begins.

In the case of the placement of the perpetrator or victim by the juvenile judge, either in civil or criminal proceedings, the service may request the judge to authorize the implementation of the restorative measure if the legal representative(s) cannot be contacted or if their refusal appears abusive or unjustified and is clearly detrimental to the minor's interests.

¹⁶. Standard document to be found in the appendix

¹⁷. Example to be found in the appendix

Public information, an essential lever

Information for victims

- By magistrates (public prosecutor, investigating judge, juvenile judge, president of the juvenile court, judge for the application of sentences) at all stages of the procedure, when this measure seems possible (article D1-1-1 of the code of criminal procedure and L.13-4 of the code of criminal justice for minors),
- By the judicial police officers (OPJ) and judicial police agents (APJ) to the victim (article 10-2 1° of the CPP).

It can also be issued :

- In police stations, gendarmeries, as well as justice and law centres and courts, via poster campaigns and the provision of national information leaflets,
- By lawyers, psychologists, social workers and volunteers from victim support services and associations,
- By lawyers and bar associations in court, by public prosecutors (during notices of hearing), by judges at the time of investigation or hearings to examine guilt or to pronounce the penalty,
- The professionals of the medical-psychological units,
- By professionals from local missions, the national education system, the reception or placement establishment, hospital services and health centers, etc. They can rely on the national brochure developed by the Ministry of Justice or any other information document sent to them by the services that implement these processes (posters, brochures, videos, orientation sheet),
- By the services responsible for the judicial follow-up of the perpetrator and competent to propose restorative justice measures, through the victim assistance service or association, through their lawyer, or by mail possibly followed by a phone call¹⁸, when the perpetrator has already expressed his wish to benefit from a restorative measure (sending a standard letter completed with a proposal for a phone appointment or a home visit)

The experiments have highlighted the difficulty that PJJ services have in gaining access to victims but also in obtaining their consent to engage in this process. As restorative justice is still little known to the general public, the proposal of exchanges or even meetings with the perpetrator may arouse fear and even incomprehension on the part of the victim or his or her entourage, who may advise against taking part in such an approach.

While waiting for the paradigm shift to infuse more widely the representations of all, some services are considering proposing restorative justice as a way of resolving conflicts or violence committed within the services and establishments of the PJJ, either in the form of mediation between a perpetrator and an identified victim or in the form of restorative conferences, involving several people, whether perpetrators or victims, young people or professionals, directly or indirectly impacted by the commission of the acts.

Information for authors

By magistrates: public prosecutor, investigating judge, juvenile judge, president of the juvenile court, judge in charge of the application of sentences) at all stages of the procedure, when this measure seems possible (article D1-1-1 of the code of criminal procedure and L. 13-4 of the code of criminal justice for minors)

Through general information at the Judicial Tribunal, in the open environment services or in the maisons de justice et du droit :

- Posting and making available brochures and other information materials, particularly at the open environment service, but also at the court or in the justice and law centres, for example (posters, comic books, video)¹⁹,
- An oral presentation and information in the welcome booklet that is given at the first interview with the open environment service,
- Collective information offered on the occasion of alternative measures to prosecution and penal composition, reparation modules and internship sentences (the forum theater offers an interesting support in this sense).

19. The Ministry of Justice's information brochure is attached.

See also here the [video](#) made in 2020 by the Ministry of Justice. In 2021, the DPJJ, in partnership with the Cité de la bande dessinée in An- goulême, will produce information materials in the form of comics for minors.

Through more accurate information by the mandated open environment service:

- By the educator in charge of the minor's follow-up, the psychologist or the ASS, at any time during the educational intervention,
- By the restorative justice referral person identified in the service or territory or the restorative justice facilitators.

In judicial placement or detention:

- By posting and providing access to information brochures,
- During the first interview on arrival in the establishment (for information purposes),
- Through collective information, repeated from time to time (discussion groups, role-playing, video support²⁰),
- In individual interviews according to the reactions observed in the minors during the group sessions.

Is there an appropriate time to provide the information? Professionals sometimes question the appropriateness of informing perpetrators and victims of their right to use restorative justice: would such information not be likely to distress or disturb people to the point of thwarting their follow-up or their support in the criminal justice system?

*Although these concerns may reflect a desire for protection, they should not prevent the provision of information as a matter of right: **the decision whether or not to become involved in a restorative process rests solely with the individual.** Each person can have their own understanding of restorative justice and its effects, but they do not need to lend it to others. By trusting people to know what is good for them and whether the time has come to take advantage of it, service professionals, whoever they may be, must provide this information and accompany interested people in the best possible way to the restorative mechanisms that exist in the territory. The preparatory interviews, prior to a possible meeting, will allow people to define their expectations and needs and to decide whether or not to pursue their approach.*

On the other hand, a referral at the transfer stage does not seem the most appropriate for minors. The conditions of the police custody and then of the transfer are conducive to stress and confusion. The minor perpetrator and his or her parents may tend to accept any proposal that they think might favourably influence the magistrate's decision, without understanding the subtleties of the principles of restorative justice, particularly that of gratuity. It would seem more appropriate to provide information at a later date, when the service is presented or during the initial meetings with the minor and his or her family.

*However, after having been informed of their right to remain silent about the facts, the interview carried out during the RRSE (as part of the referral or summons) may be an opportunity to observe in some young perpetrators a feeling of guilt, the expression of remorse or a particular concern for the victim. This may be an opportunity to inform the young person of the possibility of participating in a restorative justice measure (for example, by giving them an information leaflet). However, to avoid any confusion between restorative justice measures and measures ordered by the judge, it is important to explain the extrajudicial framework of restorative justice: it is initiated by the participants, it is confidential and has no impact on the decision that the judge may make. **It is not useful to include in the RRSE a proposal for referral to restorative justice since it is not a decision by the judge.** However, it may be interesting to mention that the measure has been presented to the minor and, if applicable, the how he received this information.*

²⁰. See the [video](#) made in 2017 by the youth incarcerated at the EPM of Porcheville.

Orientation to a restorative process

Team meetings can be an opportunity to discuss the appropriateness of referring a minor or young adult to a restorative justice measure. During their intervention or follow-up, the partners may also identify minors or young adults, perpetrators or victims, who may benefit from such a measure.

According to the procedures determined by the COPIL²¹, the professionals contact the project group or the referent identified in the territory so that the latter can propose an initial interview to the minor (and his/her legal representatives) or young adult.

They provide full information and obtain written consent.

The association of parents or relatives

Following the information interview, a period of reflection for the minor and his or her legal representatives is sometimes necessary. Indeed, the proposal of exchanges and meetings between the perpetrator and the victim may seem disconcerting at first and may provoke an initial reaction of distancing or even a categorical refusal, particularly on the part of the parents or relatives. Therefore, a second exchange can help to verify that the conditions and modalities of this type of process have been understood. In the same way, the judge could not reproach the offender for not wanting to engage in a restorative process or for having interrupted it.

While post-adjudication referrals can avoid these pitfalls, there is a risk that the minor or young adult will want to "turn the page" and not want to be involved in this type of process.

While parents or relatives of perpetrators may feel ashamed of their child's actions and relieved at the prospect of being able to apologize, or parents and relatives of victims may have a lot to say about what they and their child have experienced, care must be taken to ensure that their expectations do not overlap with or substitute for those of their child's legal representatives and relatives can participate in discussions and meetings within the framework of family group conferences.

The place of lawyers

It is important to involve lawyers in the court's jurisdiction, especially those who specialize in juvenile cases. A lack of clear information about what restorative justice involves may prevent a clear understanding of the principles of gratuity and confidentiality and lead lawyers to advise their clients against using restorative justice or, on the contrary, to want to use it for judicial purposes.

This association of lawyers involves raising awareness and providing information about restorative justice projects in the area and proposing participation in the local COPIL. Lawyers can be signatories to the partnership agreement, and thus commit to :

- inform their client (explain to the minor and his relatives the scope of these devices and reassure them that their interests will be preserved during the criminal proceedings),
- facilitate the transmission of their client's contact information to enable the services implementing these measures to contact them,
- support their clients during the process, even if it is understood that they cannot participate in the meetings and are bound by confidentiality rules, preventing the exploitation of the exchanges in the judicial framework.

Beyond this necessary mobilization of the bars, it should be noted that the circular of March 15, 2017, allows lawyers to implement restorative justice measures, if necessary, provided that they are trained in them. If lawyers wish to implement these measures, they must not be in charge of the case or have had knowledge of it in the criminal proceedings.

21. The referral procedures are defined in the specifications and sent to all PJJ services and their referral partners.

Conducting Restorative Justice Processes

Processes best suited to the minor audience

There are many restorative approaches, more or less developed and tested depending on the country, the history and the place of the community (or civil society) in conflict resolution. They can consist of individual meetings between perpetrators and victims of different offences, support groups and circles of responsibility, or direct mediation between perpetrators and victims of the same offence. This is the type of offer that the PJJ tends to make, both because of the characteristics of the minor public and the time frame in which the services are required to carry out their missions. The [methodological guide](#) published by the CNJR lists the main restorative methods mentioned above, which the services may also wish to try out with minors.

Restorative mediation or author-victim mediation

After individual preparation with each of the participants, it consists of organizing the conditions for an exchange or a meeting between the perpetrator and the victim of the same offence. It aims to find appropriate solutions in response to the difficulties caused by the commission of the offence, particularly on an emotional or relational level. It tends to calm people down and rebuild social ties (in the family, the neighborhood, the school, etc.). The benefits are found both in the preparation phase and in the meeting phase, if it takes place. The session is led by one or two facilitators, also called "facilitators", who are professionals from the PJJ's public or associative sector and associated partners (professionals from the prison administration, victim support services and associations (AAV), or any other specifically trained partner). These facilitators are not in charge of the follow-up of the perpetrator or the victim, in the civil or criminal context.

Restorative Conferencing or Family Group Conferencing Beyond the victim and the perpetrator, an offence often impacts the entire family, group and/or community. Restorative conferencing allows parents to be involved, This method, which relies on the group and its dynamics, makes it possible to: (a) identify the perpetrator and the victim, (b) identify the perpetrator and the victim's family and friends, and (c) bring together several people affected by the offence (for example, if the offence was committed in a school or in a community (neighborhood, village)). This modality, which relies on the group and the dynamics associated with it, makes it possible to :

- Identify and value the support that group members or relatives can provide to the primary stakeholders, especially when they are minors,
- encourage the expression of emotions and feelings by the perpetrator's and victim's relatives (shame, guilt, anger, sadness), all of which weaken relationships within families and groups, but also self-esteem,
- to allow an awareness of the difficulties, potentials and responsibilities of each person in the repair of people and the social link.

Preparation interviews

The preparatory interviews ensure that the participants have fully understood the proposed process and the principles that govern it. They are an opportunity for participants to express their questions, needs and expectations, and for facilitators to answer participants' questions. Rather than trying to transmit a large amount of information, the facilitators encourage the emergence of speech (emotions, doubts and expectations, projections). The planning of a calendar of preparatory meetings also allows participants to better project themselves into the possibility of a meeting with the perpetrator or the victim.

If there are no specific rules concerning minors, it seems reasonable to plan an average of three individual interviews. A rhythm of two to three weeks between interviews allows participants time to mature and to work on their emotional development, which gives the process its full meaning. The facilitators adapt their protocol to the capacities, individual rhythms and availability of the participants. These interview "times" (number, spacing between appointments, etc.) are to be adapted according to the needs and possibilities of the persons concerned by the restorative justice measure.

The length of the interviews must also be adapted to a minor audience whose attention span and capacity for mobilization may be less than that of adults. At the request of the participants, and in agreement with each of them, the facilitators can integrate parents or relatives and adapt the process (direct mediation or family conference, for example) to the needs and expectations, which are sometimes changing, of the perpetrators and victims.

The conditions of a meeting

The meeting between the perpetrator and the victim takes place in a safe and confidential place, ideally neutral, identified and prepared beforehand: a prior visit allows each of them to identify the place, to become familiar with the proposed space, to better project themselves into the actual meeting. In this way, it is easier for the perpetrator and the victim to channel their possible apprehensions about the meeting.

The facilitator reminds everyone that they can end the meeting at any time if they wish.

If the restorative process does not result in a meeting, this does not mean that it has failed. The preparatory talks are sometimes enough to satisfy the needs of the persons, to bring appeasement to the victims, to relieve the perpetrators. The facilitators have a role as "passers" (questions, emotions, intentions, etc.). An exchange of letters or a sign of special attention between the victim and the perpetrator can sometimes conclude a process.

The conduct of restorative justice measures

An interview within 6 months of the end of the process facilitates the evaluation of the effects of the measure: changes in the impact of the trauma, changes in emotions, self-esteem, the way in which others are viewed, the quality of family ties, the resumption of a personal, educational or professional project, etc.

Psychological support for participants

Individuals who engage in a restorative process should be able to receive psychological support if they feel the need. The protocols provide for the possibility of mobilizing persons or spaces that can quickly respond to an emerging need for personal support, using their internal or external resources. This may be the psychologist who knows or has previously known the perpetrator or victim, the service psychologist, a private psychologist identified for this purpose or a medical-psychological consultation area.

The notion of gratuity, which should be understood as the fact of not expecting any judicial benefits from one's involvement in the restorative process, can by extension encourage services to facilitate access to the restorative process as much as possible. This support, known as the "social safety net", can, for example, take the form of funding for transportation or childcare during interviews and meetings. In this way, the aim is to relieve the people involved of material or psychological concerns (such as the fear of travelling alone or in the evening, for example) which could prevent them from taking part in the measure. The value of this type of arrangement and the resources it requires must be discussed in advance by the COPIL.

Supervision of facilitators

It allows for an analysis of the restorative processes implemented and a look at their effects on both the participants and the facilitators. It provides guidance and helps the facilitators to consider solutions to resolve the difficulties encountered. Supervision provides a reassuring framework for the beneficiaries, since the supervisor ensures that the process respects the steps and principles set out in the circular, but also for the facilitators, since the supervisor constitutes a resource person and a debriefing space.

It can take two forms:

- technical supervision, which consists of advising and accompanying the concrete implementation of restorative justice, from the building of the partnership to the implementation of the measures,
- clinical supervision, which leads the facilitator to take a step back from the situations he/she encounters and aims to take

awareness and to prevent the effects of transference and counter-transference. Indeed, restorative justice involves relational processes between the participants and also with the facilitators.

Supervision is typically conducted by:

- seasoned professionals (in this respect, the resource groups set up within a territory or interregion can facilitate the identification of professionals likely to provide this supervision),
- schools such as ENPJJ, federations (such as Citoyens et justice, CNAPE or France victimes),
- training organizations such as IFJR and ARCA.

Evaluation

The objectives of the evaluation

The methods for evaluating the restorative systems are set out in the specifications and agreements signed by the local players, but also in the service and unit projects.

The evaluation of each measure measures the gap between the participants' expectations at the beginning of the process and their satisfaction at the end. It gives victims and perpetrators the opportunity to reflect on their own experience.

The evaluation of the programs allows professionals to highlight the difficulties, levers and areas for improvement in order to develop their practices and adapt them to the needs of the participants.

In addition to the interest for the services in analyzing elements relating to the deployment of a new practice and its effects on participants, the data collected in the context of the evaluations make it possible to add to the research on the effects of restorative justice and to justify the continuation of its deployment, in particular through the provision of dedicated resources.

In addition, many countries and international bodies (the UN or the European Council, among others) are interested in the development of restorative justice, are themselves experimenting with it or promoting its various practices. It is important that the directorates of the Ministry of Justice and the associative services that are involved in these measures be able to promote at the international level the systems and practices developed, the number of people they have affected and their impact on them.

The persons competent to evaluate

The evaluation is carried out by the restorative justice facilitators during the various stages of the restorative process, using the PARCOURS software (while respecting the confidentiality of the content of the processes) and by using questionnaires and/or evaluation grids completed by them and/or submitted to the participants.

The evaluation elements collected are compiled and analyzed by the facilitators or the project group and then transmitted to the local COPIL, one of whose objectives is to identify and monitor the indicators. The COPIL thus relies on tangible elements to evaluate the relevance of the restoration programs proposed in the territory and their necessary evolution.

The registration of elements related to restoration programs in the PARCOURS software also contributes to data collection and exploitation at the territorial, interregional and national levels.

Evaluation indicators

There are different types of indicators:

Objective indicators:

- has the youth received general information, if so in what context?
- has the youth received complete information, if so in what context?
- the youth is engaged in a restorative process,
- the family supports and accompanies the young person in his or her process,
- the type of facts,
- the type of process,
- the number of interviews,
- the process is finished

The following information is also collected to assess program deployment and identify potential barriers:

- the number of young people informed in general about the number of young people followed by the service,
- the number of youth fully informed out of the number of youth generally informed,
- the number of youth engaging in the process out of the number of youth who received the full information,
- on the number of young people involved in the process, the proportion of young victims and young perpetrators

Subjective indicators

Restorative justice is a personal process based on the expression of emotions and feelings. The evaluation of restorative justice therefore relies in part on subjective indicators. Thus, the questionnaires used with the participants must be simple and accessible to the youth: emotional scales, emojis, multiple choice answers are to be preferred but do not exempt those who wish to do so from the possibility of writing in free expression,

It is a question of listing the different emotions with the participants, which allows them to better identify them: sadness, fear, anger, disgust, anxiety, shame, guilt, surprise, appeasement, hope, serenity, etc.

It is possible to organize several questionnaire sequences

This will be done after the information phase, then after 3 or 4 interviews, and then at the end of the process, possibly several months later. This approach will make it possible to evaluate the progression of emotions and the effects of the measure on the well-being of the participants and the impact on their life course.

With regard to the impact on participants and their families, it may be difficult to clearly determine whether the minor's personal or family development is directly related to his or her participation in a restorative justice measure, or whether his or her development benefits more broadly from his or her support in the criminal justice system. It is nevertheless interesting to observe whether, at the end of a restorative process, the minor re-offends or reiterates, whether he or she manages to invest in a personal or training project, whether his or her relationship with himself or herself, with others and with health seems to have improved, or whether family and social ties have been re-established.

Operational indicators

The evaluation can also look at the impacts on professional practice, identifying :

- the number of professionals sensitized,
- the number of professionals trained in animation,
- impacts on practices: evolution of interview techniques, better approach to the victim, enrichment and quality of partnership work, etc.

The modalities of ownership and management are also a source of information. The following points can be taken into account:

- setting up and monitoring COPILs, signing agreements, and raising awareness among stakeholders,
- the necessary HR resources,
- the financial means available,
- the participation of the judiciary,
- mobilization of partnerships,
- the formalization of cooperations.

Tools

The question of process evaluation is integrated into the training modules for the animation of restorative justice measures. To this end, tools developed by schools or training organizations are proposed to the professionals who will lead the measures. In the appendix, questionnaires aimed at evaluating restorative processes are proposed for information purposes, both quantitatively (e.g., by questioning the number of young people informed, the number of young people involved in a process, etc.) and qualitatively (e.g., by questioning the way in which the participants experienced the process), as well as the effects observed at the end of the restorative process (by the participants themselves, by their legal representatives and by the professionals who accompany them):

- a questionnaire for beneficiaries,
- a questionnaire for legal representatives,
- a questionnaire for facilitators,
- a proposal for indicators to measure the impact on participants and professional practices.

These documents can be used as they are or adapted to specific needs within the framework of local COPIL or project groups.

APPENDI — CES



MINISTÈRE
DE LA JUSTICE

*Liberté
Égalité
Fraternité*

Restorative Justice

VICTIM,
PERPETRATOR,
YOU CAN APPLY TO PARTICIPATE IN A
RESTORATIVE JUSTICE PROCESS

Contact the office
Victims' Assistance Office (VAO)
of the judicial court.

Contacts:



Testimonials



"The reason I went was so I could say what was on my mind, things I couldn't say..."

An author



"We're more in a supportive, helping role when the need arises."

A representative of the community



"I feel free of the weight of shame."

The mother of a young author



"Behind the stolen purse, there was a person... I didn't think of that at the time."

A young author



"It's the first time I've seen so many people who are caring about me, really worried, concerned about how it's going to go, how it's going, how it's going to go, and if at some point it doesn't go: no worries, you stop everything."

A victim

For more information



Contact

The telephone platform
116006*
victim assistance number
(free service and call 7 days a week)
*Outside metropolitan France,
dial +33 (0)1 80 52 33 76 (not surcharged)

If you have committed an offence, you can contact the service in charge of your judicial follow-up or the competent court in your area.

If you are a victim of an offence, you can contact a victim assistance association, or contact :
At the **victim assistance office (BAV)** of the Tribunal de Grande Instance (TGI).

Ministère de la Justice

Restorative Justice

YOU OR ONE OF YOUR CLOSE TO YOU, ARE OR HAVE BEEN A VICTIM OF A CRIMINAL OFFENCE OR ITS REPERCUSSIONS

YOU HAVE COMMITTED A CRIMINAL OFFENCE

YOU CAN ASK FOR TO PARTICIPATE IN A RESTORATIVE JUSTICE MEASURE



Find us on :
www.justice.gouv.fr



What is restorative justice?

Restorative justice is a complementary practice to the criminal justice system, based on dialogue between victims and offenders. It can be a dialogue between victim(s) and perpetrator(s) involved in the same case, or between victim(s) and perpetrator(s) who are unrelated but involved in the same type of crime.

It offers the possibility for perpetrators and victims, accompanied by a neutral and trained facilitator (mediator, animator), to exchange in a secure setting. These exchanges, which focus for example on the consequences of the offence, make it possible to address the questions of "why" and "how", and to participate in the resolution of the resulting difficulties. The objective is to achieve appeasement and reconstruction of each person, as well as the restoration of social ties.

What are the benefits?

If you have been a victim: tell what happened to you, express your questions, your expectations and your needs, make sure that the offender (the one that concerns you or another) understands the consequences of his or her act, determine how to repair the harm caused.

If you have committed a criminal offence: tell what happened, take responsibility for the act, know the impact on everyone involved, participate in determining what can be done to repair the harm done.

What are the conditions and guarantees?

- / The offender must acknowledge the facts or feel concerned by the commission of the offence;
- / The approach of both the perpetrator and the victim must be voluntary, as each can leave the system at any time;
- / Participation in the measure has no consequences for the criminal proceedings, the execution of the sentence or the victim's rights to compensation (no settlement sought);
- / Participants are accompanied by a team of **specifically trained, caring and impartial professionals**;
- / The services offered are free and the exchanges are **confidential**.

Examples of Restorative Justice Measures

Direct" measures (victims and perpetrators know each other)

/ Restorative mediation or author/victim mediation :

It consists, after a more or less long preparation time, of exchanges and/or a meeting between the victim and the offender, with the support of a facilitator, with the aim of discussing the facts committed, their consequences and their repercussions in all areas.

/ Restorative or Family Group Conferencing:

In addition to the meeting between the victim and the offender, it proposes the participation of the victim's relatives and confidants, or any person who can provide support. It thus makes it possible to envisage the methods of assistance that the family and social environment is likely to provide to the persons concerned.

Indirect" measures (victims and perpetrators do not know each other)

/ Restorative meetings or author-victim meetings :

They are based on the creation of a space for discussion between a group of convicted persons and a group of victims (3 to 5 people per group), who do not know each other but who are affected by the same type of crime. With the help of facilitators and in the presence of members of the community (civil society), they discuss the repercussions of the offence committed in all areas, during a session of 5 to 6 meetings.

/ Circles of Support and Accountability and support and resource circles :

These programs are designed for convicted offenders who are at high risk of re-offending, especially since they are living in great social isolation. They benefit from the support of volunteers and trained professionals in order to promote reintegration.

Other types of measures exist and can be proposed to you.

Restorative justice...how does it work?

Testimonials



"I needed to understand, to see who he could be and what made him at a given moment in his life break other lives."

A victim



"On a personal level, I think that...it took away the clichés that I might have had about victims."

An author



"The two facilitators have the function of making sure that each participant can speak and that the exchanges can be done in a respectful manner."

A facilitator



"Me, I was able to really get to the bottom of what I had to say and...it was a powerful moment for me, well...in terms of my resentment eh then, afterwards, appeasement because I was able to tell them exactly what a victim felt."

A victim

Additional information

For any further information, you can contact :

Janique LEPAGE, Trainer, psychologist

Janique.lepage@justice.fr

Jessica FILIPPI, Criminology researcher

Jessica.filippi@justice.fr



Partners



L'École nationale de protection judiciaire de la jeunesse (ENPJJ)

The National School for Judicial Youth Protection (ENPJJ) provides professional training for those involved in juvenile justice, statutory and continuous training for PJJ public service agents and multi-institutional training activities open to all child protection actors.

It develops research, documentation and publishing activities to support professional practices in the field of vulnerable children and adolescents.

Located throughout France, as close as possible to the places where professionals work, the School is made up of a central site, set up in Roubaix in 2008, 9 territorial training centers (PTF) and 2 overseas missions (Antilles-Guyana) and Reunion-Mayotte).

Find the ENPJJ online at:
www.enpjj.justice.fr

Ministère
de la Justice

Pratiquer la
Justice Restaurative
auprès des enfants
et adolescents
victimes et / ou
auteurs



Basic module

Central site and P.T.F

in the catalog and in

reactivity **Complementary**



modules Central site from

2021



Justice restaurative

Restorative Justice is generally defined as any process that allows people affected by an offence to actively participate, if they freely and voluntarily consent, in the resolution of difficulties resulting from the offence. Autonomous from the judicial process and based on the expectations and needs of the participants, Restorative Justice aims at restoring the social link. Consecrated in France by the law of August 15, 2014, This one is developing with the dissemination of the circular of March 15, 2017 of the Keeper of the Seals. This text requires that it be implemented by a "trained independent third party".

Completion of the "basic module" offered by the ENPJJ is necessary and sufficient to practice Restorative Justice with child and adolescent victims or perpetrators. It allows access to additional training modules.

Basic module: 36 hours

This training, coordinated by the ENPJJ, in partnership with IFJR, Citizens and Justice and ARCA, proposed in 2

The purpose of these two inseparable sessions is to allow participants from the public and voluntary sectors to experiment with restorative justice in their services and institutions and to provide feedback.

Objectives:

- To appropriate the philosophy and the main principles of Restorative Justice
- Know the various possible modalities of Restorative Justice
- Implement, as a facilitator, Restorative Justice with children and adolescents, victims or perpetrators

Un parcours de formation en justice restaurative

Contents:

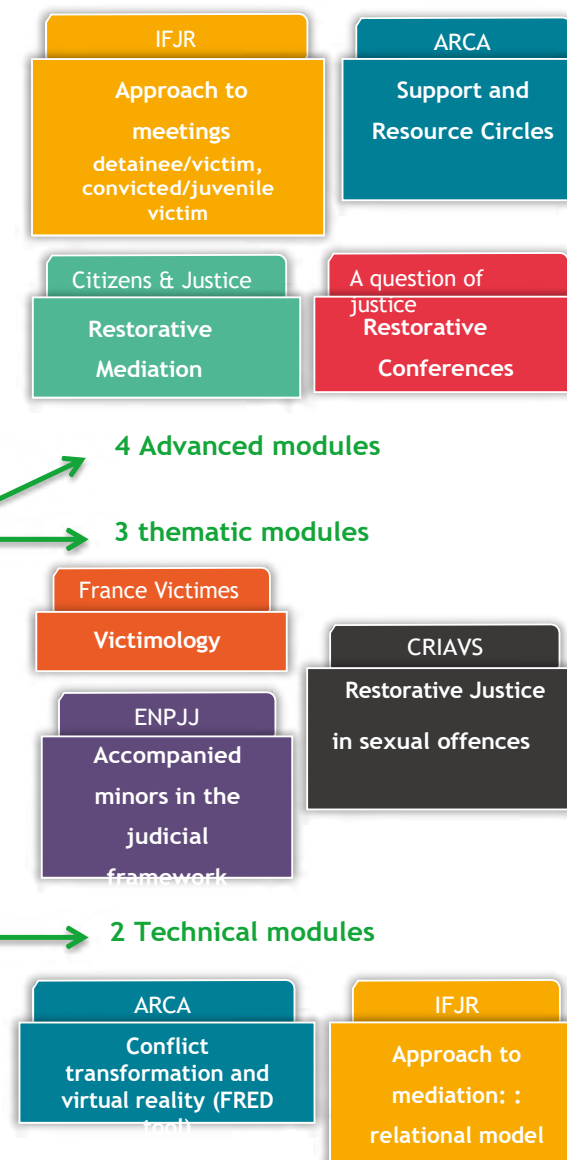
- Origins and definitions of Restorative Justice - The Basics of RJ
- Legal Framework for Restorative Justice for minors
- Integrating Restorative Justice into a service project - Steering
- Forms of Restorative Justice
- Assessment of participants' restorative motivations and satisfactions
- Expectations and needs of the author and the victim
- Restorative Justice Process: Stages of the Process

Pedagogical methods:

- Presentations, theoretical contributions
- Ownership of the process by bids in situation
- Experience feedback

Additional modules

Depending on their initial training, their experience and the project in which they are involved, all professionals who have completed the basic module can choose from the modules below in order to build their individualized path.



Orientation sheet

You are concerned by the commission of an offence and you are interested in a restorative justice approach.

By filling out this form you authorize the facilitators to contact you to propose an appointment and to give you all the necessary information. This does not commit you to a restorative justice process.

Last
name:

First
name:

Date of birth:

Address:

If the person is a minor, Full name of the legal representative(s) :

Phones:

Email addresses:

If applicable, the name of the service and professional who is referring

you : Date and signature of the person concerned:

This form is to be returned to :

By mail to :

By mail :

Information mail (victims or perpetrators)

.....Ms
..... Sir
..... Restorative Justice Referrers
..... C/O Mrs/Mr
..... Director of
..... À
..... Dear Sir/Madam

Mrs./Mr., young person's first name

You were the victim/perpetrator/alleged perpetrator of a crime classified as during the year 20

You have the possibility of participating in a restorative justice measure (article 10-1 of the Code of Criminal Procedure and 13-4 of the Code of Criminal Justice for Minors).

This process is independent of any legal proceedings and your participation will not have any consequences on the sentencing or possible compensation. It is a voluntary, personal process that allows the perpetrator(s) and victim(s) of an offence to discuss the facts and their repercussions, in a dynamic of understanding, responsibility and appeasement.

Thus, we propose you to meet us:

The à h

Address:

This meeting will be an opportunity to give you information on the measure.

The perpetrator/victim will not be present.

If the date of this appointment is not convenient for you or if you have any questions, you can contact
Mrs/Mr and

by phone
or at the following email address @

We can also, if you wish, come to your home or another place at your convenience.

In anticipation of a meeting, you can find more information on restorative justice in the attached brochure.

You can also see the video made by the Ministry of Justice to present the restorative justice measure at the link below: <https://www.youtube.com/watch?v=tYsLXPNTxPI>.

Please accept our sincere greetings, Mrs./Mr./First name of the young person.

Signatures:

Collection of consent of participants

The objective of restorative justice is to create a space in which the perpetrator and victim of an offence can talk freely and thus participate in the resolution of the difficulties arising from the commission of the offence.

Restorative justice is implemented by one or more specially trained facilitators who are responsible for facilitating preparatory discussions and exchanges between participants.

These exchanges take place with respect for the rights and dignity of each person. At any time, participants are free to :

- Discontinue their participation in the measure,
- Request free one-time psychological support,
- Request material assistance to get to the interview site.

I, the undersigned,.....

- ☐ Agrees to participate in this restorative justice measure.
- ☐ I acknowledge that I have been fully informed of the terms and conditions of the restorative justice process and declare that I am making an independent and voluntary commitment.
- ☐ Declare that I have been informed that my participation will not affect the judicial treatment of the crime.
- ☐ Acknowledge that I have been informed that the exchanges will be confidential, unless otherwise agreed by the participants and except in cases where an overriding interest linked to the need to prevent or repress offences justifies that information relating to the progress of the measure be brought to the attention of the public prosecutor (Article 40 of the CCP).

À..... on

Signature:

Collection of consent legal representatives



The objective of restorative justice is to create a space in which the perpetrator and victim of an offence can talk freely and thus participate in the resolution of the difficulties arising from the commission of the offence.

Restorative justice is implemented by one or more specially trained facilitators who are responsible for facilitating preparatory discussions and dialogue between participants.

Exchanges take place with respect for the rights and dignity of each person. At any time, participants are free to interrupt their participation in the program.

I, the

undersigned,.....

Madam Sir.....

in my capacity as a parent, authorizes participation in this
restorative justice measure.

I acknowledge that I have been informed

- ☐ the methods of organization of the measure
- ☐ that participation in the restorative justice process will have no benefit on sentencing or possible compensation.
- ☐ that exchanges will be confidential, unless the parties agree otherwise and except in cases where an overriding interest related to the need to prevent or repress offences justifies the transmission of information to the judicial authority (article 40 of the CCP)

À on

Signature(s)

Service- jurisdiction shuttle sheet

The shuttle form, the principle and procedures of which are validated in advance by the local COPIL, allows a public or associative sector service that is considering implementing a restorative justice measure with adults or minors to inform the court in order to gather the elements that will allow it to determine the most appropriate measure for the perpetrator(s) and the victim(s). This shuttle sheet must be returned to the service within the timeframe determined by the COPIL.

Part to be completed by the requesting department

Date of request

Service requested for the implementation of a Restorative Justice measure (*address, phone, email*) :

☐ Service of the PJJ (SP or SAH) Association.....

☐ or service of assistance to victims Other

☐

Identity of the person wishing to benefit from an RJ measure:

Last

name

First

name

Status:

☐ Author1

☐ Victim

☐ Victim's family member (*specify relationship*)

Contact details

Home address2

If placed, address and nature of accommodation (*individual housing, placement facility, third party accommodation*)

.....

In case of detention, prison

Facts involved (*as described by the applicant*):

.....

.....

.....

Date of events (*approximate if applicable*)

Relationship of the parties to each other :

☐ None (*the parties did not know each other before the facts*).....

☐ Acquaintances/relatives (*specify*

☐ relationship) Family (*specify*

☐ relationship) Other (*specify*).....

- 1 This is to clarify the status and not to presume a possible decision of guilt.*
- 2 It is possible for the victim to be domiciled with a third party.*

Measure requested or envisaged (*indicate the Restorative Justice measure envisaged if known at this stage*)

Part to be completed by the judicial authority

Date:

- ☐ This case has not been identified by the court This
- ☐ case is being followed by another court
- ☐ This case is or has been followed by the court (stage of the case: closed/ investigation/ investigation/ awaiting judgment/ execution of sentence/ no case/ acquittal):

Identity of the other party involved in the case:

Name First

Name

Phone

Mail

Personal address

Other

accommodation

Legal status of this party in the relevant proceedings:

- ☐ Respondent (*no prosecution/ investigation in progress/ case closed/ acquittal/ statute of limitations*)
- ☐ Under investigation (*judicial inquiry in progress*)
- ☐ Defendant (*awaiting trial*)
- ☐ Convicted perpetrator
- ☐ Victim or civil party
- ☐ Victim's family

Special measures:

- ☐ Contact ban
- ☐ Residence/appearance ban
- ☐ Other

Observations (*developments on the appropriateness or not of a restorative justice measure, on the presence of several proceedings concerning the same party and not allowing for a clear identification of the case concerned by the measure, presence of other perpetrators or victims in the case concerned, particular dangerousness...*)

Questionnaire for of participants

You recently participated in a restorative justice measure.

Through this questionnaire, we wish to collect your opinion, your impressions and your degree of satisfaction concerning this one.

Your responses will remain anonymous and confidential. They will help us to evaluate and improve restorative justice measures.

You are :

- ☐ Author
- ☐ Victim
- ☐ Minor
- ☐ Major

Date you fill in this questionnaire

On the presentation made to you on Restorative Justice (RJ)

By whom or how were you informed of your right to a restorative justice measure?

.....

.....

.....

.....

Would you have liked to have been informed earlier about the possibility of participating in a restorative justice measure?

- ☐ YES NO
- ☐

Please answer these questions by checking the box that most closely corresponds to your point of view: *not satisfied/moderately satisfied/satisfied/very satisfied*

	Not satisfied	Moderately satisfied	Satisfied	Very satisfied
The information and presentation you have had about the measure of restorative justice were clear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The presenter answered your questions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

At that time, what did you expect from this measure? :

.....

.....

.....

Questionnaire for participants

On the location chosen to conduct the restorative justice measure

Please indicate below by checking the box that most closely matches your point of view: whether you *(not at all/somewhat/well/completely)* agree with the following statement:

	Not at all	Somewhat	Well	Completely agree
The place where the individual interviews take place is pleasant and reassuring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify your answer (indicate what you liked and disliked about it and if you would have preferred it to be in another place):

.....

.....

.....

.....

On the course of the measure

How many preparatory interviews have you done in the framework of this Restorative Justice measure?

Can you specify in the table below, how you felt throughout the measure by checking the corresponding box (*you can check several boxes per period*)?

	At the beginning	During	At the end
Curious	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At ease	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relieved/sooth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ed Serene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Confident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uncomfort	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
able Angry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anxious	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disappoint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ed			
I do not know	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you wish, you can add a comment:

.....

.....

.....

Questionnaire for participants



If the restorative justice process resulted in a meeting, was it a meeting?

- ☐ Direct (victim and perpetrator in the same case)
- ☐ Indirect (exchanges between participants involved in different cases)

If there was no meeting with the other person involved, can you indicate why?

- ☐ The preparatory interviews were sufficient
- ☐ You or the other person did not want it
- ☐ The measure was interrupted (by one of the participants or the measure facilitator)

Please answer these questions by checking the box that most closely matches your point of view if you (*not at all/somewhat/well/completely*) agree with the following statement:

	Not at all	Somewhat	Well	Completely agree
The restorative justice experience that you have just had has met the expectations that you had before you start.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It had other effects you didn't expect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you wish, you can add a comment:

.....

.....

.....

.....

Do you have any suggestions for improvement on the overall measure?

.....

.....

.....

.....

Thank you for participating in this survey.

Questionnaire for legal representatives



Your child, a minor, has participated in a restorative justice process. In this questionnaire, we would like to know your opinion, your impressions and your degree of satisfaction with this process.

It should only take a few minutes to complete and your responses will remain anonymous and confidential. Your responses will be used to help evaluate and improve restorative justice measures.

Your child participated as:

- ☐ Victim
☐ Author

Date

On the presentation made to you on Restorative Justice (RJ)

By whom or how did you find out about your child's eligibility for RJ?

.....
.....
.....
.....

At that time, what did you think it would do for him?

.....
.....
.....
.....

On the realization of the measure

How do you think the restorative justice process has affected your child?

Positive

Negative

No effect

Don't know

☐

☐

☐

☐

Specific observations (*e.g., your child regains confidence, regains sleep and appetite, resumes an activity, seems calmed, is more aware of his actions, gains in maturity, etc.*)

.....
.....
.....
.....

Questionnaire for legal representatives



If you have participated to the Restorative Justice measure, what were the effects for you?	Positive	Negative	No effect	Don't know
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Specific observations (e.g., you feel more peaceful, you were able to ask questions and express your emotions, family relationships are better, other)?

.....

.....

.....

.....

Would you recommend this measure to your friends and family? Why or why not?

.....

.....

.....

.....

Thank you for participating in this survey.

Questionnaire for of professionals

You are a facilitator of restorative justice measures or you are concerned by their implementation (manager, team member, associative or institutional partner). The questionnaire below aims to identify the obstacles and levers for the deployment of this new practice with minors and to measure its impact on young people and on professional practices. Your answers will vary according to your place and role.

You are :

- ☐ PJJ professional
- ☐ Professional of the associative sector
- ☐ Victim services professional or volunteer Other partner
- ☐

Please specify your function:

.....

.....

Advice on training to facilitate measures Restorative Justice or awareness training

By which organization(s) was your restorative justice training provided? *(Multiple answers possible)*

- ☐ ARCA
- ☐ Citizens and Justice
- ☐ IFRJ
- ☐ Justice Issues ENAP
- ☐ ENM
- ☐ ENPJJ
- ☐ Other:

What type of training did you receive?

Awareness, basic module, advanced modules, other :

.....

.....

.....

.....

What type of measurement have you been trained in?

.....

.....

Questionnaire for professionals



In what areas would you like to be further trained?

.....

.....

On the impact of the restorative justice process on your professional practice

What impact has restorative justice training (or awareness) had on your professional practice?

.....

.....

.....

How has your role as a Restorative Justice facilitator changed your professional practice in general?

.....

.....

.....

Steering and tools

In your role as facilitator, you were able to rely on	Yes	No	Comments
A local COFIL			
A partnership dynamic			
A space for supervision			
Another debriefing space (within the team or a resource group)			
Material resources (vehicle, telephone, other)			
Adapted premises			
Other			

Questionnaire for professionals



On the impacts of restorative justice (RJ) for participants

If so, what effects of the RJ measure have you observed on participants?

	participant 1	participant 2	participant 3	participant 4
Undertakes introspective work				
Undertakes work on otherness				
Undertakes work on accountability and harm				
Develops better self-esteem				
Find relief and regains confidence				
Verbalizes emotions, asks questions				
Overcome your fear and if necessary, overcome the trauma				
Resumes an interrupted activity or relationship				
No effect or negative effect (<i>specify</i>)				
Other				

Additional comments regarding training or practice

.....

.....

.....

Thank you for participating in this survey.

Model for an Evaluative Framework for the Effects of Restorative Justice on Participants and Professional Practices

Elements to be collected through questionnaires or interviews with participants, their legal representatives, facilitators or teams.

Identity of the department(s) responsible for the project:

1. Quantitative indicators

Number of youth informed generally:

- Ratio of the number of youth informed generally to the number of youth tracked:
- Methods of disseminating information (display/leaflet/individual/collective) :

Stage of court proceedings where RJ was proposed:

- Prosecutor's Office, at the time of delivery:

- ☐ A dismissal of the case An
- ☐ alternative to prosecution

- Jurisdiction at the hearing:

- ☐ Of guilt Of
- ☐ punishment

- By professionals during follow-up

- Other setting (please specify):

Number of youth fully informed:

- Ratio of the number of youth engaged to the number of youth fully informed :

Number of shuttle cards returned by the court

- With approval:
- With unfavorable opinion:

Number of youth involved in RJ process

- Ratio of the number of youth engaged to the number of youth monitored:

Model for an Evaluative Framework for the Effects of Restorative Justice on Participants and on professional practitioners

Fact Type:

Type of restorative process: Number.....

of preparatory interviews :

Number of closed RJ measures

- By a meeting:

- No meeting

Effect on participants

	participants 1	participant 2	participant 3
Undertakes introspective work			
Undertakes work on otherness			
Undertakes work on accountability and the harm caused			
Develops better self-esteem			
Is more peaceful			
Resume an activity			
Expresses well-being			
No effect or negative effects (specify)			
Other :			

Model for an Evaluative Framework for the Effects of Restorative Justice on Participants and on professional practice

Family buy-in:

Number of legal guardians who supported the process (signed parental authorizations):

.....

Number who refused:

Number attending family conferences:

Do the legal representatives express positive or negative feelings about this approach?

.....

Are the holders of parental authority a force to be reckoned with during the process?

.....

Impacts on the practice of all professionals:

Number of professionals reached :

Number of professionals trained in device facilitation :

The team makes suggestions for referrals to RJ:

The content of the interviews conducted in the penal framework is evolving (the place of the victim, the expression of emotions, the work on the act are more addressed):

.....

