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**RESTORATIVE JUSTICE FOR JUVENILE OFFENDERS IN INDIA,
NORWAY AND NEW ZEALAND: A COMPARATIVE ANALYSIS**- Ankit & Akshat Mishra¹**Abstract**

This comparative research investigates restorative justice practices in juvenile offending in three different jurisdictions: India, Norway, and New Zealand. Through doctrinal analysis, policy evaluation, and empirical synthesis, this study identifies significant differences in institutional structure, procedural process, and alignment with international child rights. India's Juvenile Justice (Care and Protection of Children) Act, 2015 advances rehabilitative principles but lacks structured restorative justice pathways in the context of the controversial provisions to transfer 16–18-year-olds accused of heinous offences to adult courts. Norway's Youth Punishment and Youth Follow-up process, delivered through the National Mediation Service, constitutes a fully developed restorative approach to justice that is focused on conferencing with consent and unique action plans for young offenders. New Zealand's Family Group Conference model, governed under the Children, Young Persons, and Their Families Act 1989 (now Oranga Tamariki Act), constitutes the initial diversion model with legislative victim inclusion. This report found that despite Norway and New Zealand aligning restorative processes to principles enshrined in the UNCRC, India's framework exhibited normative tensions between rehabilitation and retribution. This study has engaged with received literature by proposing specific design transplants for India's juvenile justice system: Youth Conferencing Orders at the Juvenile Justice Board stage, and restorative assessments prior to transfer for serious offences.

Key Words: Restorative Justice, Juvenile Justice, Comparative Law, Family Group Conferences, Child Rights, Victim Participation, Rehabilitation

Introduction

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This comparative examination looks at how the juvenile justice systems in Norway, New Zealand, and India use the concepts of restorative justice. One new paradigm that shifts from conventional punitive approaches to a healing-oriented strategy that prioritizes the needs of victims, offenders, and communities is restorative justice.²By considering crime as harm done to people and communities rather than as a violation of a law, the book emphasizes how this approach differs from retributive justice.³

Juvenile justice systems were historically set up to treating children in a way different from adults, acknowledging their distinct developmental stage and capacity for recovery.⁴Indigenous justice cultures and studies on successful treatments for juvenile offenders had an impact on the restorative justice struggle, which got its start in the late 20th century. Indigenous systems in Australia, New Zealand, and North America that placed an emphasis on community reintegration and communal accountability served as examples for contemporary developments in restorative justice.⁵

In contrast to contemporary retributive techniques, the study contends that systematic restorative justice procedures—such as conferences, victim engagement, and action plans—produce superior results for community safety and child well-being. Because they place a strong emphasis on skill development and healthy relationships, these restorative techniques are in line with child development principles. However, effective models need to be flexible enough to accommodate each jurisdiction's unique institutional capabilities, legal frameworks, and cultural settings.⁶This paper examines the statutory frameworks, institutional architecture, and results in the three jurisdictions using a comparative legal methodology and offers suggestions for institutional change.

3. India: Rehabilitative Aspirations within Institutional Constraints

² The Role of Restorative Justice in Modern Criminal Justice Administration, Park Univ. Blog (Sept. 23, 2024), <https://www.park.edu/blog/the-role-of-restorative-justice-in-modern-criminal-justice-administration/> (last visited Dec. 15, 2025).

³ Univ. Wis. Law Sch. Restorative Justice Project, *About Restorative Justice*, <https://law.wisc.edu/fjr/rjp/justice.html> (last visited Dec. 15, 2025).

⁴ Brooke Hartley, *The Juvenile Justice System: The Impact of Rehabilitation on Juvenile Custody*, Boston Bar J. (Spring 2024), May 17, 2024, <https://bostonbar.org/journal/the-juvenile-justice-system-the-impact-of-rehabilitation-on-juvenile-custody/> (last visited Dec. 15, 2025).

⁵ The Role of Restorative Justice in Modern Criminal Justice Administration, Park Univ. Blog (Sept. 23, 2024), <https://www.park.edu/blog/the-role-of-restorative-justice-in-modern-criminal-justice-administration/> (last visited Dec. 15, 2025).

⁶ U.N. Office on Drugs & Crime, *Topic Two: Overview of Restorative Justice Processes*, Crime Prevention & Criminal Justice Module 8 Key Issues, <https://www.unodc.org/e4j/zh/crime-prevention-criminal-justice/module-8/key-issues/2--overview-of-restorative-justice-processes.html> (last visited Dec. 15, 2025).

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Legal Framework

India's juvenile justice system is guided by the Juvenile Justice (Care and Protection of Children) Act, 2015, which effectively superseded the legislation which was originally implemented in 2000, during very polarizing discourse on how to manage serious juvenile offences.⁷ The Act of 2015 still upholds the value that people under 18 years of age should be dealt with differently than adults, including the focus on rehabilitation and reintegration. However, the legislation provides an important exception, allowing Juvenile Justice Boards to carry out preliminary inquiries in respect of 16–18-year-olds who were charged with "heinous offences" and if warranted could transfer the procedural matter to Children's Courts for trial as an adult.⁸

The Act establishes several key principles aligned with restorative justice philosophy, including the principle of reintegration and rehabilitation, the best interest principle, and the principle of fresh start through non-stigmatizing procedures.⁹ Section 4 emphasizes that institutional placement should be a measure of last resort, prioritizing community-based alternatives. The legislation mandates consideration of the child's capacity to understand consequences and the likelihood of rehabilitation when determining appropriate interventions.

Institutional Architecture

The institutional framework centers on Juvenile Justice Boards composed of a Metropolitan Magistrate or Judicial Magistrate and two social workers, at least one of whom must be a woman.¹⁰ These boards serve as specialized courts with exclusive jurisdiction over children in conflict with law. Child Welfare Committees, comprising five members including a chairperson and four other members, handle care and protection matters for children in need of care and protection.

The District Child Protection Unit serves as the coordinating mechanism at the district level, responsible for monitoring implementation, facilitating inter-agency coordination, and maintaining databases on child protection services. Specialized institutions include

⁷ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016

⁸ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 3.

⁹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 15.

¹⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 4.

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observation homes for temporary custody during inquiry, special homes for children requiring longer-term residential care, and place of safety for emergency placement.¹¹

Restorative Justice Implementation Gaps

Although there is rhetoric about rehabilitation, in India, we have yet to build structured restorative justice practices into the juvenile justice system. The Act does not establish formal conferencing, victim engagement and participation, or formal repair processes. Section 18 allows diversion through community service and counselling, however, the implementation of this approach suffers from inconsistent and poorly structured procedures.¹² The absence of statutory victim inclusion provisions represents a significant gap, as affected parties have limited opportunities for meaningful participation in the justice process.

The amendments made in 2015, which implemented an adult trial for some minors aged 16-18 years, generate core tensions with restorative principles. The pretrial procedure in Section 15 focuses on the seriousness of the offence as opposed to reparative and rehabilitative reporting.¹³ This shift toward selective adult treatment undermines the comprehensive child rights approach advocated by international standards.

Jurisprudential Development

The Supreme Court of India has emphasized rehabilitative principles in juvenile justice jurisprudence. In **Hari Ram v. State of Rajasthan**, the Court emphasized the intent of the legislature to provide reformatory treatment and noted that the benefits of the Juvenile Justice Act should be made applicable retroactively.¹⁴ The decision in *Salil Bali v. Union of India* reaffirmed 18 years as the appropriate age threshold for juvenile treatment, though this precedent was subsequently modified by the 2015 legislative amendments.¹⁵

More recently, in *Sampurna Behura v. Union of India*, the Supreme Court provided detailed directions for improving juvenile justice institution conditions and ensuring proper implementation of rehabilitative programs.¹⁶ However, the jurisprudence has not addressed

¹¹ Juvenile Justice (Care and Protection of Children) Act, Act No. 2 of 2016, § 106 (India).

¹² The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 18.

¹³ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 15.

¹⁴ *Hari Ram v. State of Rajasthan*, (2009) 13 S.C.C. 211.

¹⁵ *Salil Bali v. Union of India*, (2013) 7 S.C.C. 705.

¹⁶ *Sampurna Behura v. Union of India*, (2018) 12 S.C.C. 565.

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restorative justice implementation gaps or provided guidance on victim participation mechanisms.

Current Practice and Outcomes

Empirical evidence suggests significant implementation challenges within India's juvenile justice system. A study by the National Law School of India University found considerable variation in Juvenile Justice Board functioning across states, with limited training for board members and inadequate support services.¹⁷ Many boards continue to operate with traditional adjudicatory approaches rather than adopting child-centred, rehabilitative methods.

Victim participation is low in the current practice; in many cases, things are carried on without constructive victim consultation or involvement. There are no formal processes for repair, which allows financial restitution, community service, and other restorative outcomes to be driven mostly by individual board discretion rather than any organized programming.

4. Norway: Integrated Restorative Architecture

Legal Framework and Policy Foundation

Norway's juvenile justice system exemplifies a holistic integration of restorative concepts within a child welfare framework. The introduction of Youth Punishment (ungdomsstraff) and Youth Follow-up (ungdomsoppfølging) in 2014 was a major development that effectively initiated formal structured restorative approaches for young offenders aged 15-18.¹⁸ These measures operate within the broader context of Norway's child welfare system, which emphasizes support and intervention over punishment.

The legal basis is clear that rehabilitation and reintegration are the first priorities, with detention only to be considered as a genuine last resort. Such measures require the young person to give voluntary consent and aim to meet the underlying causes of offending behaviour through an effective support plan. The framework is firmly rooted in the principles of the UNCRC, especially with respect to the child's right to participate in decisions that affect their lives, with a continuing focus on rehabilitation as opposed to punishment.

Institutional Design: The National Mediation Service

¹⁷ Centre for Child and the Law, National Law School of India University, Research on Juvenile Justice System Implementation.

¹⁸ Dag Leonardsen & Therese Andrews, Youth Justice Reforms in Norway: Professional Support for the Panopticon Society? 19 Youth Just. 247 (2022).

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The National Mediation Service (Konfliktrådet) is the primary institution implementation of restorative justice throughout Norway, including specific programming for youth. Established by local councils, the mediation service is an institution but works in a national coordination system where participation is voluntary, non-judgmental and confidential.¹⁹The service handles both adult and juvenile cases, providing specialized training for youth mediators and developing age-appropriate procedures.

Youth Punishment orders require the establishment of a multi-disciplinary follow-up team including representatives from the mediation service, child welfare services, schools, and other relevant agencies. This coordinated approach ensures comprehensive support addressing education, mental health, substance abuse, and family dynamics as contributing factors to offending behaviour.²⁰

Restorative Mechanisms and Procedures

The Youth Punishment framework is made up of a number of key elements that foster restoration and rehabilitation. Restorative meetings will take place between the offending youth and the victim when both groups agree to such a meeting and both parties will be supported by a trained and experienced mediator using a victim-sensitivity lens when leading the meeting. The meeting will center on the understanding of the harm caused, the acceptance of responsibility for the harm, and a reparative agreement that is appropriate and reasonable.²¹

The individualized Youth Action Plans are the primary planning strategy that is developed together between the youth, family members and their case management team. The plans will respond to reinforced individual and community protective factors and specific risk factors, and provide concrete goals and intervention plans. The action plans will typically include education plan(s), therapeutic interventions, youth-specific community service, and other types of positive developmental activities.

The follow up period is up to two years. During this period, the individual and her family will be monitored regularly and the Action Plan will be updated and modified based on external

¹⁹Konfliktrådet Act (Act relating to mediation in criminal cases), LOV-1991-02-15-3 (Nor.).

²⁰ Morten Holmboe, *Norwegian Youth Punishment—Opportunity or Trap?* 5 Bergen J. Crim. L. & Crim. Just. 37, 37–58 (2017).

²¹Oranga Tamariki — Ministry for Children, Youth Justice Family Group Conferences (Mar. 13, 2017; updated Sept. 28, 2023), <https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences/> (last visited Dec. 10, 2025).

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and individual assessments of progress. If the youth is successfully managing the plan the case will be closed without a charge or conviction of a crime, supporting the motivational value of engaging in meaningful work as well as behavioural change.²²

Alignment with International Standards

Norway's juvenile justice approach demonstrates strong alignment with UNCRC principles and international best practices.²³ The Convention on the Rights of the Child endorses a restorative approach, emphasizing the rehabilitative promise in young offenders. The voluntary nature of Norwegian measures respects young people's autonomy while providing appropriate support structures.²⁴

The emphasis on multi-agency coordination reflects the understanding that youth offending often stems from complex social, educational, and family circumstances requiring comprehensive intervention. The integration of child welfare services ensures that underlying care and protection needs are addressed alongside justice concerns.²⁵

Training and Professional Development

The effective implementation of Norway's restorative justice model involves considerable training for professionals in different domains. The National Mediation Service has developed training curricula for youth mediators that include educational elements of developmental psychology, trauma-informed practice, and cultural sensitivity. Such training curricula usually take place over a number of months and contain both theoretical and supervised practical training.²⁶

Social workers on the Youth Punishment follow-up teams have additional training in risk assessment, and family systems intervention and co-case management. Professionals will have gained an understanding of how their role fits into a multi-disciplinary format of

²²Oranga Tamariki — Ministry for Children, Youth Justice Family Group Conferences (Mar. 13, 2017; updated Sept. 28, 2023), <https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences/> (last visited Dec. 10, 2025).

²³ U.N. Convention on the Rights of the Child art. 40, G.A. Res. 44/25, annex, U.N. Doc. A/RES/44/25 (Nov. 20, 1989).

²⁴ Emily Bauer, Rehabilitative Promise: Why Norway Uses Restorative Justice in Juvenile Law, MSU Int'l L. Rev. Legalforum Blog (Jan. 24, 2019), <https://www.msuilr.org/msuilr-legalforum-blogs/2019/1/24/rehabilitative-promise-why-norway-uses-restorative-justice-in-juvenile-law> (last visited Dec. 15, 2025).

²⁵Marsida Grami, Juvenile Justice and the Restorative Approach in Norway 2–5 (Inst. of Eur. Stud., Univ. of Tirana 2021), <https://iipcccl.org/wp-content/uploads/2021/06/034.pdf>.

²⁶ National Mediation Service (Konfliktrådet), About Us, <https://konfliktraadet.no/en/about-us/> (last visited Dec. 15, 2025)

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intervention while creating expectations through boundaries and mechanisms of accountability. Ongoing supervision and opportunities to consult with colleagues in the field continue professional development and quality assurance.²⁷

When child welfare and justice personnel are integrated it is critical to consider differences in professional cultures and contesting organizational priorities. The model in Norway focuses on shared experiences in order to determine understanding across disciplinary boundaries and interact while respecting professionalism and statutory obligations. The multi-disciplinary approach to professional development has contributed to lower levels of dispute among agencies and greater coordination on complex cases.

Cultural Integration and Community Engagement

Norway's restorative justice model demonstrates a clear recognition of the role of culture in designing and implementing effective interventions. The mediation service utilizes interpreters and cultural liaisons when working with immigrant families to ensure that the integrity of the process and the outcomes are not undermined by language or cultural misunderstandings. Mediators undergo specific training to recognize diverse cultural perspectives on conflict resolution, family hierarchies, and communal healing practices. Indigenous Sami communities in northern Norway have specialized knowledge of traditional justice practices focused on community healing and collective responsibility, and the mediation service has partnered with Sami organizations to offer traditional interventions within restorative processes when the process and participants desire. These partnerships show respect for indigenous knowledge and expand the mediation service's repertoire of potential intervention options.²⁸

Strategies for community involvement include public education campaigns about restorative justice principles and procedures, training for community organizations to advocate for victims, and volunteer recruitment for support roles. These efforts help to establish larger social support for restorative approaches, while at the same time establishing networks of trained community members who can assist in the roles of conference facilitator or in after the conference to make follow-up visits.

²⁷ Restorative Justice and Practice in the Nordic Region: RJNord Expert Seminar 2025, Pub. Norden, <https://pub.norden.org/temanord2025-557/about-the-report.html> (last visited Dec. 15, 2025).

²⁸ Restorative Justice and Practice in the Nordic Region: RJNord Expert Seminar 2025, Pub. Norden, <https://pub.norden.org/temanord2025-557/about-the-report.html> (last visited Dec. 15, 2025)

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Quality Assurance and Continuous Improvement

The National Mediation Service has established quality control systems to ensure that standards are maintained fairly uniformly across local offices, while at the same time allowing for local variation. Resources are invested in the regular review of mediated cases, which looks at compliance with the process, participant satisfaction, and variations in outcomes to participants in settings ranging from individual case reviews to national reports to the more informal mechanisms of best practice and what works, between individuals delivering mediation services. Protocols for quantitative data collection monitor a range of indicators including but not limited to the time taken to process cases, demographic profiles of participants, completion of the agreement and follow on participation in services accessed. The information gathered supports evidence-based policy development, as well as contributing to the identification of systemic issues that may require addressing. Annual reporting processes take centre stage in singling out data-based support on system activities and issues, which promotes public accountability and continued political support.

For participant feedback, NMS conducts some structured interviews, satisfaction surveys, and focus groups which discuss participant experiences in the restorative processes. This feedback can be used to modify curriculum development, framework for meaning and buy-in (buy-in!) and resource allocation. NMS's commitment to continuous improvement recognizes that the process of implementation of restorative practice does not follow an expected and anticipated set of outcomes; rather, it requires continuous adaptation and improvement rather than the implementation of a fixed set of predetermined procedures.²⁹

Implementation Outcomes

As far as we know, the evidence from Norway suggests that its integrated restorative approach has good outcomes, and even the possibility of additional positive outcomes, given the relatively low levels of imprisonment among youth and recidivism rates among offenders. The user-centred, voluntary nature of the process that accompanies the Child Welfare Act tends to lead to higher levels of compliance and lower rates of recidivism compared to punitive measures. As a further indicator of positive outcomes, we know that the mediation

²⁹ U.N. Office on Drugs & Crime, Topic Two: Overview of Restorative Justice Processes, Crime Prevention & Criminal Justice Module 8 Key Issues, <https://www.unodc.org/e4j/zh/crime-prevention-criminal-justice/module-8/key-issues/2--overview-of-restorative-justice-processes.html> (last visited Dec. 15, 2025).

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service reported very high equilibrium levels of victim satisfaction in cases where restorative meetings were held, and most participants reported that an understanding of offending behaviour, as well as the pain caused by the behaviour, was addressed in the meeting process. Victim participation is low for some of the same reasons, relative to public perceptions about the nature of voluntary participation, although generally, visits, outreach and support were offered as well.

5. New Zealand: Family Group Conferences as Foundational Architecture

Legislative Foundation and Reform History

In 1989, New Zealand's juvenile justice system underwent significant reform with the enactment of the Children, Young Persons, and Their Families Act, which has since become part of the Oranga Tamariki Act.³⁰ This legislation established Family Group Conferences as the primary decision-making mechanism for young offenders, representing one of the world's most comprehensive statutory implementations of restorative justice principles.

The reform in 1989 embodied an explicit recognition that conventional court procedures were inadequate in dealing with youth offending and were often damaging through stigma and disruption to family. The 1989 legislation included several important principles that included the paramountcy of the welfare and interests of children and young persons, the authority of family to make decisions, and the preference for community-based responses over institutionalization.³¹

Institutional Architecture: Youth Court and FGC Integration

The New Zealand model functions through integrated institutional arrangements consisting of specialized Youth Courts and Family Group Conference processes.³² The police act as the initial gatekeepers, with discretion to issue warnings, impose formal cautions, or refer cases to the Youth Court. The Youth Court, composed of judges who have been specifically appointed with additional training, can direct Family Group Conferences for most cases prior to the Youth Court formal disposition.³³

³⁰ Children, Young Persons, and Their Families Act 1989, 1989 No. 24 (N.Z.).

³¹ Children, Young Persons, & Their Families Act 1989 §§ 4–5 (N.Z.).

³² Oranga Tamariki—Ministry for Children, Youth justice family group conferences, <https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences/> (last visited Dec. 15, 2025).

³³ District Courts of New Zealand, About the Youth Court, <https://www.districtcourts.govt.nz/youth-court/about-the-youth-court> (last visited Dec. 15, 2025).

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Family Group Conferences meet with the young person, family members (including whānau), the victim(s), police representatives, and other relevant people for the purpose of developing collaborative responses to offending behaviour.³⁴ The Youth Justice Coordinators are responsible for convening the Family Group Conferences, managing the process, and coordinating any necessary follow up. Family Group Conferences proceed on the basis of consensus—a proposed intervention is agreed to by all participants before it is enacted into the future.

Conference Process and Victim Integration

The FGC process consists of several distinct phases that foster understanding, accountability, and repair. In the first phase, known as "information-sharing," each participant is given facts about the offending behavior and its impact. In the "family deliberation" phase, the young person's family may brainstorm possible forms of accountability without other participants having any influence. Lastly, the "decision-making" phase brings everyone together to come to an agreement on what the appropriate interventions are.

According to the United States government, Department of Justice's website, the FGC model adopted out of New Zealand is considered the most substantial innovation for implementing restorative justice processes. Participation by the victims involved is actively encouraged, with services available to assist with transportation, specialized support services, and flexibility with scheduling. If a victim chooses not to attend the FGC conference, they can write an impact statement or have someone that they appoint to act on their behalf to speak during the FGC process.

Conference outcomes typically include acknowledging the wrongdoing, apologizing to victims, agreeing to pay restitution when appropriate, agreeing to provide community service, and other agreed-upon supports or supervision. Once the conference outcomes are agreed upon by the youth, victims, and families, the agreement is formally accepted by the Youth Court and is legally binding, while still reflecting the collaboratively agreed-upon process.

Diversionsary Impact and Case Flow

³⁴ New Zealand Police, Youth Justice: Part 2—Responding to youth offending and related issues (May 7, 2024), <https://policepolicy.nz/policies/youth-justice-part-2-responding-to-youth-offending-and-related-issues/u-zcqx/yj-part-2-responding-to-youth-offending-070524.pdf> (last visited Dec 15, 2025).

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The FGC system achieves substantial diversion from traditional court processing, with approximately 70% of cases resolved through conference agreements without proceeding to formal court disposition.³⁵This diversion reduces system costs, minimizes stigmatization, and allows for more individualized responses addressing specific circumstances underlying offending behaviour.

For approximately the last 30 years, crime has continued to decline in most Western societies, while New Zealand has seen particularly steep declines in overall youth offending since the introduction of the Family Group Conference system. Evidently, a range of factors influence the downward trend in youth offending behaviours, including demographic trends, improved social services, and improved access to education; however, it appears that the Family Group Conference contributes to the trend through improved engagement with family and increased ownership of responsibilities within communities.

Professional Development and Training Framework

The expertise in facilitating conferences and coordinating cases of Youth Justice Coordinators is fundamental to the success of New Zealand's FGC system. After extensive initial training in restorative justice philosophy, family systems, cultural competencies, and facilitation skills, coordinators have several months of supervised practice conferences before holding an independent caseload.

Ongoing professional development includes; supervision, peer consultation groups, and training modules related to emerging themes such as family violence, drug use, and mental health of young offenders. There are continuing education opportunities and process in place for maintaining professional standards by the Ministry of Justice, as well as regular review of performance and assessment of competency.³⁶

Police Youth Aid officers also are provided with focused training on restorative justice principles, principles of youth development, and how to make informatisation of diversion and referral to FGCs. This decreases the likelihood of net-widening, where a young person

³⁵ Philip Spier & Dr Amelia Gill, Intention-to-Charge Family Group Conferences: A Key Diversionary Approach or a Pathway to Court? 2, 6 (Oranga Tamariki Evidence Centre June 2021), <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Intention-to-charge-FGCs/Intention-to-charge-FGCs.pdf> (last visited Dec. 15, 2025).

³⁶Oranga Tamariki—Ministry for Children, Position Description: Youth Justice Coordinator, <https://www.msd.govt.nz/hr/documents/position-descriptions/mvcot/coordinator-youth-justice-position-description.pdf> (last visited Dec. 15, 2025).

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may otherwise enter the IJS, emphasizes early intervention, and the possibility of positive youth development with the right support and accountability.³⁷

Policing and FGC coordinators meet regularly for liaison purposes to ensure uniform practices are being followed for referrals and whether to share information.

Challenges and Limitations

While generally effective, the New Zealand approach continues to struggle with implementation consistency and equity issues. Variations in conferencing quality and outcomes between geographic communities reflect varying levels of coordinator training, resources, and community support structures. In some communities, sanctions for rules imposed on offenders may be inadequate due to the lack of adequate victim services or family support, and this could affect the usefulness of the conference process.

Research suggests that young Māori and Pacific Islander participants have significant differences in conference outcomes, which in part reflects broad social disparities and mismatches that exist between mainstream service delivery and indigenous community expectations. Efforts to address these disparities have included cultural competency training for coordinators and population sampling and allowing for indigenous decision-making processes integrated with the conference process.³⁸

The voluntary nature of the victim's participation limits opportunities for reparation to occur, especially in cases of serious offences in which the victim may not wish or be able to participate in any capacity. Other alternatives, like victim impact panels and surrogate victim programs, are being developed to accommodate the victim's request to participate indirectly while acknowledging the victim's autonomy.³⁹

³⁷ New Zealand Police, Youth Justice: Part 2—Responding to Youth Offending and Related Issues (May 7, 2024), <https://policepolicy.nz/policies/youth-justice-part-2-responding-to-youth-offending-and-related-issues/u-zcqx/yj-part-2-responding-to-youth-offending-070524.pdf> (last visited Dec. 15, 2025).

³⁸ Aroturuki Tamariki—Independent Children's Monitor, Youth Justice Intervention: Outcomes 23/24 (2025), <https://aroturuki.govt.nz/reports/outcomes-23-24/yj-intervention> (last visited Dec. 15, 2025).

³⁹ Evidence Brief: Maximising Victim Participation and Engagement sec. 1 (Oranga Tamariki Evidence Centre Mar. 2020), <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Maximising-victim-participation-and-engagement/Maximising-victim-participation-and-engagement.pdf> (last visited Dec. 15, 2025).

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6. Synthesis and Comparative Evaluation

Convergence and Divergence Patterns

The three systems show significant differences in the models they use for juvenile restorative justice, reflecting their legal traditions, institutional capacities, and political priorities. Norway and New Zealand show considerable similarity in terms of the system of restorative processes, the arrangements for victim inclusion, and the family-focused decisions. Both systems promote voluntary participation, extensive support planning, and diversion from conventional court processing.⁴⁰

India's model is largely different from this, instead having no systematic or staged processes for restorative justice, in stark contrast to their stated commitment to rehabilitation. The 2015 amendments about adult trial for certain juveniles have made it even more difficult for these statements to be aligned with a restorative philosophy. Instead of moving towards a comprehensive includes child rights commitment, India's juvenile justice legislation is leading further to the reality of many families, without any set of restorative processes.⁴¹

The institutional arrangements of juvenile restorative justice differ considerably across these jurisdictions. Norway's model is integrated into existing mediation services, allowing for a level of professional specialization, while also allowing for national coordination, and local flexibility. In New Zealand, the Youth Court model is designed to ensure judicial oversight and legal enforceability while maintaining collaborative processes, central to decision making. In the case of India's juvenile justice system, the Juvenile Justice Board model has judicial authority, and minimal specialized training and/or integration of restorative justice processes.⁴²

Effectiveness and Outcome Comparisons

A word of caution is necessary on contextual and methodological differences across these systems when comparing outcomes. The literature indicates that despite these differences,

⁴⁰ Mediation and Restorative Justice Sanctions in Norway, CEP Probation (2013), <https://www.cep-probation.org/wp-content/uploads/2018/10/DG13CEP-DG-Oslo-2013-Mediation-and-restorative-justice-sanctions-in-Norway.pdf> (last visited Dec. 15, 2025)

⁴¹ Chhavi Thakur, The Juvenile Justice Amendment Act, 2015: An Analysis, The Legal Youngster (2015), <https://www.thelegalyoungster.com/indian-constitution/the-juvenile-justice-amendment-act-2015-an-analysis/> (last visited Dec. 15, 2025)

⁴² Leelavanthi Subramaniam, Protecting Children in Conflict with the Law: An Analysis of India's Juvenile Justice Framework, 5 Indian J. Legal Rev. 1454 (2025), <https://ijlr.iledu.in/wp-content/uploads/2025/04/V5I1165.pdf> (last visited Dec. 15, 2025)

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structured restorative practices have been associated with better outcomes in a number of important areas. For instance, both Norway and New Zealand report high participant satisfaction and young people and families viewed the processes as fair and helpful as opposed to punitive.

Restorative justice is described as "the process by which parties with a stake in a particular offence collectively resolve how to deal with the aftermath of the offence and its implications for the future" and this collective nature seemingly produces higher levels of compliance with agreement compared to court orders. This process develops buy-in and ownership that helps to maintain and, hopefully, change behaviour.

While the recidivism data indicate a slight but meaningful reduction in reoffending for young people processed through restorative processes than through the more traditional court process, the findings should be tempered with the previous note about selection effects, along with other intervention and contextual factors which affect youth development and stopping offending behaviour.⁴³

Victim Participation and Satisfaction

Each of the three jurisdictions presents a different victim experience that is determined by institutional priorities and support structures. In New Zealand, the inclusion of victims in the FGC process is systematic, resulting in relatively higher rates of participation and higher rates of victim satisfaction; still, relatively high numbers of victims do choose not to participate. In Norway, the voluntary mediation model creates meaningful opportunities for those victims who choose to participate; as a result, mediation participation rates are appropriately lower than in New Zealand.⁴⁴ The absence of systemic victim inclusion in India indicates a substantial gap in restorative practice. Current processes of facilitation in India lack systematic consultative mechanisms, a gap that minimizes victim perspectives and needs. These factors impact the legitimacy and capacity for productive interventions.

Child Rights Alignment Assessment

⁴³ Victim Satisfaction with Restorative Justice: A Summary of Findings (Ministry of Justice N.Z. Sept. 2011), <https://victiminfo.govt.nz/assets/Publications/Restorative-Justice-Victim-Satisfaction-Survey-Summary-of-Findings.pdf> (last visited Dec. 15, 2025)

⁴⁴Oranga Tamariki Evidence Centre, Evidence Brief: Maximising Victim Participation and Engagement (Mar. 2020), <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Maximising-victim-participation-and-engagement/Maximising-victim-participation-and-engagement.pdf> (last visited Dec. 15, 2025)

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Evaluating the adherence and quality of implementation against UNCRC norms shows some differences more than others. For example, Norway's model is widely exhibited alignment across several dimensions, such as respect for the child's evolving capacity, family support, and preference for community not institutional responses. The focus on voluntary and collaborative consent and planning indicates a view of children as rights-holders, not simply subjects of intervention.⁴⁵

Similarly, New Zealand's FGC system aligns well with child rights principles, especially concerning family involvement in decision-making and community-based preferences. There are some concerns around power dynamics in conference decision-making and the potential for family pressure to affect young people's engagement.⁴⁶

India's framework is more mixed regard to international standards. While the rehabilitative principles and institutional arrangements provide a suitable foundation for child rights implementation, the provisions for an adult trial of certain 16-18-year-olds represent a clear contradiction to UNCRC principles of treating children age-appropriately and in not involving them in the adult criminal justice system.⁴⁷

8. Recommendations and Conclusion

Statutory and Regulatory Reform Priorities

India's juvenile justice system needs specific changes to introduce systematic restorative justice approaches while strengthening the systems in place. Amendments to the Juvenile Justice (Care and Protection of Children) Act, 2015 should explicitly include Youth Conferencing Orders, provide for victim participation in all processes, and include a structured repair process. Such amendments would provide the legal basis and procedure for restorative interventions while leaving a board discretion as to the individual application of the process.

⁴⁵ Supplementary Report from the Norwegian Human Rights Institution to the UN Committee on the Rights of the Child: 7th Review of Norway in 2025, <https://www.nhri.no/wp-content/uploads/2024/11/CRC-Supplementary-Report-the-Norwegian-Human-Rights-Institution-002.pdf> (last visited Dec. 15, 2025)

⁴⁶ Norway and the UN Convention on the Rights of the Child, regjeringen.no (last updated June 2, 2019), <https://www.regjeringen.no/en/topics/families-and-children/child-welfare/child-welfare-cases-across-national-borders/norway-and-the-un-convention-on-the-rights-of-the-child/id2480148/> (last visited Sept. 21, 2025)

⁴⁷ Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015: India's Constitutional and Restorative Justice Crisis, IJCRT, <https://ijcrt.org/papers/IJCRT2506982.pdf> (last visited Sept. 21, 2025)

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The regulatory process for amending either the Act or through revising the Rules established under the Act should specify procedural issues relating to conference facilitation, sound victim support services, and follow-up on outcomes. There should also be a requirement for training of board members, social workers, and other supporting members, to ensure their competency and to provide quality assurance.

The provisions which permit adult trial for some 16–18-year-olds need to be completely reinspected with attention to international child rights, and restorative justice principles. Different pathways could be taken that provides more enhanced juvenile jurisdiction, which could evidence intensive intervention capabilities, could appropriately help in a way that public safety interests are still met but also knows and understands that child welfare interests must also be addressed.

Institutional Development and Coordination

Successful implementation requires substantial investment in institutional capacity and inter-agency coordination mechanisms. District Child Protection Units could serve as coordination hubs connecting Juvenile Justice Boards with victim services, family support organizations, educational institutions, and community services. Collaboratively established protocols, and resource allocations to help in effective collaboration while maintaining proper detox of roles.

The victim services development portion of the program represents a significant gap of systematic development. Specialized victim advocates, support groups, and consultation mechanisms will enable meaningful participation while supporting the victims' autonomy and safety. Specific funding and organizational leadership offered through developing organization will build on current victim compensation and witness protection programs, while expanding the capacity of victim friendly services.

Roles within justice, social work, and community facilitators will be anticipated professional development programs, including training which builds competencies as to implement restorative practices. Peer support networks Continuous supervision and education will help both maintain a standard and ensure quality while offering ongoing learning opportunities and improvements through the groups.

Future Research and Evidence Development

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The comparative analysis highlights considerable evidence gaps on restorative justice effectiveness, quality of implementation, and equity effects. Future research should prioritize rigorous evaluations of pilot programs, using randomized controlled trials where ethically possible and quasi-experimental designs to compare across systems generally.

In addition, long-term outcome studies that tracked participants over several years could provide insights into sustained effects, and developmental effects. Attention should also focus on monitoring differential outcomes across demographic characteristics, geography, and offence type to identify implementation challenges and opportunities to refine implementation.

Cost effectiveness studies that compare restorative programming with traditional processing, even where quasi-experimental designs are used, could help inform decisions about resource allocations and support advocacy for policy shifts. Cost effectiveness analysis should consider not only direct costs to the system, but also social benefits to victims, benefit to families, and overall community safety.

The move toward systematic restorative justice fits squarely within a discourse of both opportunity and risk for juvenile justice systems around the world. Achieving success hinges on sustained and principled commitment to the rights of children, building institutional capacity, and continuous improvement based on evidence. India's large, diverse juvenile justice system can vastly benefit from meeting the challenge of reform through considered implementation of international best practice models, while considering local context and institutional arrangements.

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