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The Utility of Repeated Diversion-Mediation in Juvenile Justice

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Abstract

Currently, significant emphasis is placed on implementing suitable restorative justice interventions for juvenile offenders. State-led interventions must serve as constuctive tools for crime deterrence while protecting inalienable rights of the youth. Because of its unique nature restorative justice stands out as one of the most impactful and reliable crime deterrent strategy. Nevertheless, following a comprehensive assessment and review of international practices, it must be noted that relying on a single appliaction of diversion is not enough to completely deter and profoundly eradicate the reoffending rates in youth. The paper examines international diversion-mediation frameworks, alongside with international court rulings that positively assess and outlook the ability of repeated diversion-mediation for youth. Ultimately, the research emphasizes the necessity of incorporating internationally recognized most optimal and productive practices into national legislation that can result in successful elimination of the recidivism rates in youth.

Keywords: Diversion-Mediation; Juvenile Justice; Recidivism Rate; Rehabilitation; Restorative Justice

Introduction

Restorative justice can be contemplated as one of the most effective, valuable and ultimate practice of crime prevention. The purpose of

restorative justice in regards to juveniles is to shift the focus from traditional punishment to repairing the harm caused by wrongdoing. If conventional legal systems, essentially prioritise punishment over redress, restorative justice focuses on redressing the damage, engaging accountability and encouraging mediation of opposing parties (Castell-Britton, 2026).

To what extent does application of at least twice-used diversion-mediation ensure the effective resocialisation and rehabilitation of juveniles in conflict with the law and consequently result in significant reduction of recidivism rates, is the research question of the following paper.

Furthermore, the hypothesis of the following research states, that repeated at least twice-used diversion-mediation effectively ensures the resocialisation and rehabilitation of juveniles in conflict with the law resulting in significant reduction of recidivism rates.

However, in order to successfully measure the utility of repetitive diversion-mediation for juveniles in regards to recidivism, a five-year timeframe need to be examined and analysed that the following paper demonstrates. Consequently, the following research paper illustrates that restorative-rehabilitative approaches result to genuine decrease of reoffending rates among juveniles, in three-to-five year as well as significantly higher victim contentment ratio compared to conventional criminal procedures. In regards to juveniles, restorative justice and in particular, diversion-mediation, is ultimately the best solution for reducing recidivism rates in conflict with the law juveniles. The core pillars of restorative justice - diversion-mediation – steer through the resocialisation-rehabilitation of conflict with the law juveniles by substituting retributive criminal legal proceedings with transformative consequences of restorative justice. European and American models of diversion-mediation as the principal mechanisms of restorative justice system are reviewed and discussed in the following paper along with the analyses and evaluation of the judgements made by international courts that played crucial role in the development of repetitive diversion-mediation of juveniles.

Consequently, conducted research outlines that the sole application of diversion is genuinely insufficient for juveniles in conflict with the law in order to effectively prevent future reoffending. The following issue will be discussed in the paper.

Methods

In order to profoundly examine, reflect, analyse and review the utility of twice-used diversion-mediation for juveniles in conflict with the law, the qualitative core of the paper relies on a doctrinal legal methodology, analysing the issue from a dogmatic-theoretical perspective through historical, comparative, and case law analysis. This doctrinal foundation is

then supplemented by a quantitative, empirical layer via legimetric analysis.

The effectiveness of repetitive diversion, in regards to recidivism, in five-year timeframe (2020-2025), is assessed and analysed based on profound examination of traditional court system and restorative justice approach. Evaluation of practice and statistical data of European, American and Canadian models of repetitive diversion-mediation best illustrates the importance of its implementation in Georgia. As research implements legimetric and case study framework, blending qualitative context with quantitative legal metrics, underline the importance of implementation of at least twice-used diversion in regards to reduction of recidivism.

Results and Discussion

The European Models of Repetitive Diversion-Mediation for Juveniles in Conflict with the Law

The practicability of repetitive diversion in juvenile legal structure of Germany is considered to be particularly functional as it is thoroughly integrated through the German Juvenile Court Act (Jugendgerichtsgesetz [JGG], 1953). German outlook clearly prioritises instructive and pedagogic strategy over pure conservative and customary penalty with regards to juveniles in conflict with the law. The following strategy, exclusively intended to ensure successful and complete eradication of recidivism rates in youth, is regarded to be the best strategy and repetitive crime preventing mechanism intended for juveniles in conflict with the law. It is noteworthy that in Germany recidivism rate of juveniles in conflict with the law are less than 30% compared to 75% in the United States of America where multiple application of diversion-mediation is broadly limited (Heinz, 2003; Loudenback, 2022). Sections 45 and 47 of the German Juvenile Courts Act regulate the judicial procedure of diversion (JGG, 1953), that put to an end to the criminal prosecution of juvenile in conflict with the law without conventionally extended trial.

German Juvenile Courts Act not only apply to juveniles but it also extends to minors under the age of 21 (Dünkel, 2016). The advantage of insertion of in conflict with the law juvenile in repetitive diversion-mediation program is extensive, as the inclusion ensures the expungement of any criminal record of minor that enables in conflict with the law juvenile to peacefully pursue life without obstacles curated by criminal liability. However, in order the juvenile to be inserted repeatedly in diversion-mediation program, the basic prerequisites constitute: the voluntarily acknowledgement of liability; minor or restrained responsibility and lack of national concern of carrying out legal proceedings. Mistakes happen, especially during youth, however it is firmly believed that with the help and

right pedagogic approach recidivism rates can be reduced dramatically. The effectiveness of involvement of youth in repetitive diversion-mediation is proven by statistics in Germany. Criminal legal system of Germany deliberately accentuates juvenile's personal and social development as it prioritises instructional and pedagogic approach above retribution, solving around 70% of minorities legal proceedings by means of restorative justice, instead of conventional trials, as shown in Figure 1 at the end of 3.1.1 (Institute of Police and Security Research, 2026).

Exclusive licit intention of juvenile justice is to stimulate the appropriate evolution of juvenile, to restore in conflict with the law juvenile delinquent and to effectively eradicate recidivism via instructive and pedagogic approach. Under German Juvenile Court Act, diversion-mediation can be utilised on numerous occasions in regards to juveniles in conflict with the law. However, it can only be employed repeatedly if it persists to be considered as the most constructive and efficient solution of recidivism prevention by magistrates and prosecutors. Consequently, several previous applications of instructive and pedagogic approaches, do not constitute an obstacle for further educational measures employment.

Concerning in conflict with the law juveniles, Germany endorses rehabilitation and reinsertion mechanisms rather than genuinely conservative retribution. Germany firmly and rightfully believes that the best solution for ensuring thorough eradication of youth recidivism rate is by fostering and educating in conflict with the law juveniles. According to multiple international review of various states criminal policies, restorative justice remains to be exceptionally the most effective crime preventing mechanism targeting exclusively in conflict with the law juveniles.

The inclusion of juvenile offenders in repetitive diversion-mediation programs in Austria is legalised by Austrian Juvenile Court Act (Moak & Kaiser, 2024). Austria firmly believes in the effectiveness of rehabilitation of juveniles in conflict with the law through instructive and pedagogic approach. Ensuring the social evolution of in conflict with the law juvenile by means of proper training and schooling drastically reduces the risk of reoffending. Therefore, Austria imposes no quantitative limitations for inclusion of juveniles in conflict with the law in diversion-mediation programs. Austria rightfully esteems that the multiplicity of inclusion of juveniles in such programs should not constitute a preventive factor in assessing the eligibility of juvenile's involvement in repetitive diversion-mediation programs.

It is noteworthy, that the repetitive diversion-mediation is exclusively accessible for juvenile offenders in Austria. Despite the gravity of the offence, the application of repetitive diversion-mediation programs for juveniles in conflict with the law is feasible in Austria. However, there exist

several limitations, which prohibits the application of repetitive diversion for juveniles in conflict with the law, such as: the denial to assume the accountability; in case of particular severity and upon predetermined, organised, deliberate murder committed by diverted juvenile. Under the Austrian Juvenile Court Act repetitive diversion is highly confined when predetermined deterrent measures fail to suspend in conflict with the law juvenile from pursuing delinquent behaviour. The employment and exclusion of diversion-mediation of juveniles in conflict with the law are regulated under sections 7 and 8 of Austrian Juvenile Court Act (Jugendgerichtsgesetz 1988 [Juvenile Court Act 1988], §§ 7–8). However, despite increasing political and social pressure, Austria preserves the utilisation of repetitive division for juvenile offenders. While assessing and reviewing statistical data, it is noteworthy that in Austria annually the rate of application of diversion-mediation programs along with dismissals among juvenile offenders vary from 70-77% while revealing roughly 14-17% of recidivism rates (Bruckmüller & Schumann, 2015). Consequently, according to statistical data, the application of diversion-mediation, as well as the case dismissals against juveniles in conflict with the law clearly demonstrate the efficiency of restorative justice compared to conventional punitive legal system (see Figure 1, at the end of 3.1.1).

In the Netherlands, solely twice-used diversion-mediation for juveniles in conflict with the law is permitted under article 77 of Dutch Criminal Code (Wetboek van Strafrecht [Dutch Criminal Code], art. 77e). The Halt program (Wilkins, 2025), particularly designed for the Netherlands in 1981 (Vooren et al., 2022), constitute an effective alternative of criminal legal proceeding exclusively drafter for minor delinquents.

The Halt program enables juvenile delinquents, that perpetrated criminal offences of minor severity, to realise, reflect, and analyse what consequences did their actions result for injured party and therefore to truly express the regret for their wrongful conduct by engaging juvenile delinquents in specialised educational or labour activities contributing to their rehabilitation. Furthermore, the successful completion of appropriately selected Halt program vanishes all criminal charges that enables juvenile to pursuit life without obstacles that criminal record creates. Halt is particularly designed program where judge is not at all engaged in diversion procedure and where the decision of engaging or refusing the diversion of juvenile delinquent is under the exclusive discretion of police officer to whom the power is delegated in advance by the prosecutor. However, according to prevailing limitation, the involvement of juvenile delinquent of diversion is only permissible twice where the gap between each application should be at least a year. Furthermore, the reinsertion of juvenile in repeated diversion requires the latest infraction to fall below the gravity of the initial infraction

committed by juvenile in conflict with the law.

Therefore, the feasibility of reinsertion of juvenile delinquent in Halt's diversion-mediation considerably lowers the risk of recidivism. Since 1980s until today, it continues to implement evolving methods that attempts to decrease reoffending rates (Kruissink, 2015). Study shows that insertion rates of juvenile delinquents in Halt ranges roughly 17 000 per year and the rehabilitation rates exceed the average (Pascoe, 2015). In addition, compared to the gravity of committed offences, study shows that juvenile's active involvement in Halt, highly lowers the gravity of the repeated offence. As shown in Figure 1 (at the end of 3.1.1) the rate of committing much severe offences if resolved by the traditional justice system is roughly 42 percent, compared to 20 percent if restorative justice measures are applied (Koss, 2025; Van Delft et al., 2025). Consequently, the outcomes of the utilisation of restorative justice measures are obviously advantageous.

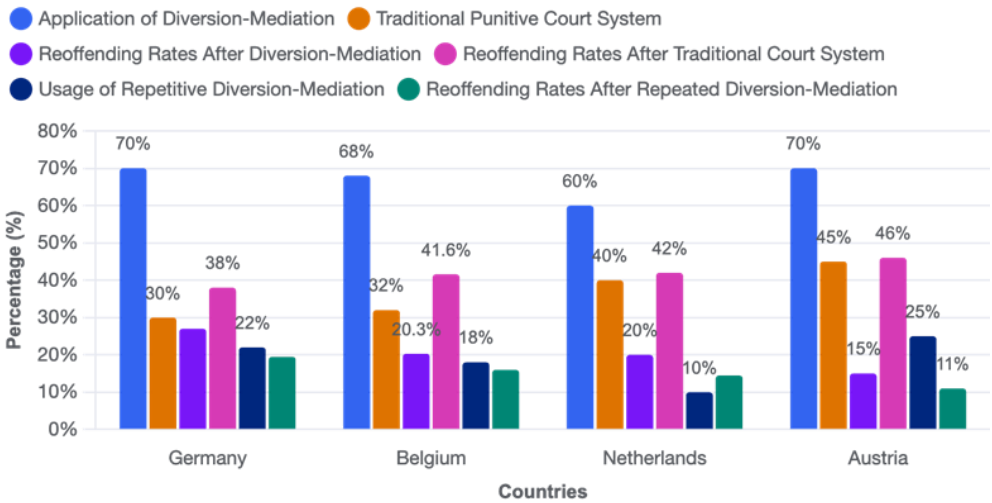
The feasibility of repetitive diversion of juvenile offenders in Belgium is worth exploring. Belgium does not impose any restriction for multiple time applicability of diversion-mediation for juvenile offenders. All cases are studied and assessed individually. However, according to Belgian criminal policy, repetitive diversion of Juvenile in conflict with the law is solely conceivable if juvenile voluntarily acknowledges culpability; if victims face no threat from the juvenile offenders anymore, no subsident severity has taken place and when juvenile in conflict with the law agrees to cooperate and perform beforehand selected restorative justice measure chosen by legal referees, according to the personality of juvenile delinquent and the gravity of the offence (Walgrave, 2003). In Belgium, restorative justice measures can be outlined and manifested through mediation between opposing parties; via dedicated pedagogic and educative special courses or through pre-determined volunteer work. However, the consent of both sides is absolutely necessary for diversion (Kurniawan, 2025). Mediation of the contradictory parties represent the most commonly applied procedure in Belgium, which aims to reconcile conflicting sides with the help of neutral mediator who facilitates to terminate the prevailing tension of parties by concurring the most suitable course of action of restoring damaged caused. Furthermore, in Belgium, the role of judge is extremely active which is reflected in his dynamic involvement in case examination and each interrogation. The transposition of the following approach in national level can be extremely beneficial in developing existing legislation of Georgia in regards to juvenile delinquents.

The feasibility of repetitive utilisation of diversion-mediation towards juveniles in conflict with the law aims rightfully to profoundly eliminate recidivism via ensuring juvenile delinquent to extensively comprehend, reflect and analyse the outcome of wrongful conduct. The following

pedagogic approach serves to provide long term crime deterrent result in juveniles. The transposition of the following approach can also have extremely positive impact on juveniles enabling successful rehabilitation of juvenile as well as quite effective crime preventing mechanism. Nowadays, as shown in Figure 1 (at the end of 3.1.1), more than 68% cases involving juveniles in conflict with the law are dealt with restorative justice procedures (Moriau, 2013).

Thus, the presented statistics illustrate correctively the favourability of diversion-mediation in regards to juvenile delinquents. Moreover, is noteworthy that nearly 42% of conventionally tried juvenile offenders display the increasing tendency towards criminal conduct, following the denial of diversion and subsequent transfer to the adult justice system (Nuytiens et al., 2015). Thus, the effectiveness of diversion and consequently repetitive diversion is beyond doubt increasingly crucial for juvenile offenders' successful rehabilitation.

Figure 1: Juvenile Diversion-Mediation vs. Traditional Court System in Europe (Average of 2020-2025)



Source: (Bundesministerium der Justiz, 2022; Centraal Bureau voor de Statistiek, 2025; Hartmann et al., 2021; Koss, 2025; Van Delft et al., 2025).

To sum up, the following table outlines the high effectiveness of repetitive diversion-mediation for conflict with the law juveniles in several European countries, based on statistical data. After detailed examination of 2020-2025 statistics, it can be deduced that the application of diversion-mediation, and in particular repetitive diversion-mediation in juvenile offenders, resulted in dramatic decrease in reoffending rates. Consequently, the application of repetitive diversion-mediation in juveniles results in extensive reduction of recidivism.

The American Models of Repetitive Diversion-Mediation for Juveniles in Conflict with the Law Based on Legal Precedents

Throughout the examination and evaluation of the utility of twice-used diversion-mediation for juveniles in conflict with the law, the American models of repetitive diversion-mediation for juvenile delinquents merits particular attention. Prevailing juvenile diversion model of the United States of America bypasses conventional court procedure by utilising restorative justice mechanism.

Diversion-mediation along with society's active engagement is indicated under the concept of restorative justice. Accordingly, the repetitive diversion of juvenile offender is feasible according to American legislation. It is noteworthy, that diversion and mediation are commonly considered and applied jointly in order to create individually the most suitable, effective and appropriate rehabilitative programme for each juvenile delinquent.

The Office of Juvenile Justice and Delinquency Prevention intends to lessen recidivism rates of juveniles in conflict with the law by ensuring the liability of juvenile delinquents by means of extrajudicial mechanisms. The juvenile delinquent's absence in the judiciary, aims to diminish stigmatising and detrimental effects of youth's occurrence at legal proceedings. Since the out of court settlement serves to eliminate the risk of psychological trauma development of juvenile in conflict with the law and to contribute in offenders effective resocialisation.

Every single state of America acknowledges and utilises multiple possibilities and models of diversion of juvenile delinquents, however distinctive rules prevail in distinctive states. For example, if in Texas solely unique diversion-mediation of juvenile is conceivable per year (City of Midland, 2025), Washington imposes no rigid quantitative utilisation upper-limit, (Beach, 2026) while the state of Oregon also follows the rigorous regulation by exclusively authorising sole diversion possibility regardless the age of perpetrator (Oregon Youth Authority, 2010).

Juvenile Justice Reform Act, created in 2018 attempts to ameliorate legal system of juveniles via evidence-based, severe distress recovery method to reinforce primary safety of juvenile delinquents and to lessen multicultural inequalities (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2019). United States of America believed for years that sentencing severe punishments were the best preventing mechanisms resulting in considerable reduction of recidivism. However, after detailed examination and analyse of various legal systems and statistics, it is discovered that rehabilitation works best for the reduction of recidivism rates, rather than massive incarceration of juvenile offenders.

Throughout the years, before the dramatic introduction of restorative justice and in particular diversion-mediation rehabilitative measures,

devastating statistics conducted continuously testified the ineffectiveness of severe punishment sentences. An average of 75% of juvenile delinquents demonstrate the emerging tendency and rapid increase of recidivism rates after being released from criminal institutions (Aizer & Doyle, 2015; Mendel, 2023) compared to 37% of diverted – rehabilitated youth (Nam-Sonenstein & Sawyer, 2025). Statistics, confirm the genuine failure of conventional punitive practice compared to favourability, priority and increased efficacy of rehabilitative program. Consequently, repetitive inclusion in diversion-mediation of juveniles in conflict with the law serves the complete eradication of criminal conduct.

Based on the study conducted, it is firmly believed, that no matter how strict the state policy is, it cannot unconditionally ensure effective prevention of juvenile crime. However, as states jurisdictions are variable in the United States, some states still require to overview the existing legislation and make it more lenient as the conducted research finds that rehabilitation can have greater beneficial effect than merely imposed punishment.

The presented cases are the pure demonstrations of strict criminal policies prevailing in the United States towards juveniles in conflict with the law that deserved the review of multiple states jurisdictions. The following cases are significant as they caused important changes in American law.

Case of Felix Rosado also merits particular attention, while discussing the utility of twice-used diversion-mediation of juveniles in conflict with the law. Rosado came from poverty-stricken family, whose extreme financial strain heavily resulted in his active involvement in illicit activities. Under the influence of alcohol and drugs, reckless play with firearm unintentionally resulted in the death that led to life imprisonment of Rosado. Felix Rosado was merely a juvenile when judge sentenced him life imprisonment without the probability of parole. Former juvenile, recalls that severe punishment left him in misery and desperation. Judge sentenced him life imprisonment imposing him excessive time for the reflection and comprehension of his wrongful action. However, judge did not bother to realise, that the following harsh sentence was not requited for Felix as the moment he committed a murder, he immediately regretted his action. He spent 27 years in prison feeling hopeless, begging for second chance in life. The revision of strict states legislation policy, enabling his release, resulted in the creation of exceptionally opportune and promising future that nobody assumed for Rosado. Today after being released, after obtaining respectable education, he coordinates the course of resocialisation-rehabilitation programs destined specifically for minors (Rosado, 2024). He is the pure demonstration that despite the severity of the committed offence, rehabilitation of juvenile offender is completely conceivable through

education that testifies the application necessity and obvious advantage of repetitive restorative justice measures in juveniles in conflict with the law.

Case of Pedro Martinez also deserves particular attention. 14-year-old teenager - Xavier McElrath-Bey - was sentenced 25 years without the possibility of parole by the judge that could not see any promising perspective in juvenile offender. However, Xavier managed and prove the contrary. Adolescent, pursued studies in prison and decided to become the role model of every minor who were at the wrong side of the tracks. Financial hardship, intolerably ferocious upbringing, unbearably abusive father and tremendously violent stepfather resulted juvenile's engagement in criminal activities. Hopeless and abused Xavier attempting to run away from brutal reality, became member of illicit criminal squad that resulted the death of juvenile Martinez, which consequently resulted Xavier's incarceration. Exceedingly harsh and lengthy sentence along with judge's declared outlook made Xavier to reconsider his previously chosen path (Nellie & Fine, 2020; Truesdell, 2022). Despite the fact that Judge could not see any promising perspective in juvenile and consequently, despite the following brutal sentence, Xavier managed to demonstrate that rehabilitation as well as resocialisation is absolutely conceivable if attempted. Being sentenced without parole, he spent years in prison without hope of release. Judge made him loose hope, nevertheless he pursued studies in prison and earned undergraduate degree. The repeal of the law ensured his release and once hopeless child has become successful defendant of children rights ensuring they never lose hope despite the gravity and severity of the sentence. Therefore, the following case demonstrates, that despite the severity and multiple offending, rehabilitation of juvenile is absolutely feasible. The time spent in prison only encourages the desperateness.

Valencia Warren-Gibbs, whose brother was murdered by juvenile delinquent, was one of the first of the few people, who initiated the abolishment of life without parole for juvenile offenders and requested the release of life-sentenced prisoners serving the sentence for crimes they committed during juvenile years. Despite being the closest relative of the victim murdered by juvenile delinquent, she nevertheless wanted life without parole to be outlawed for juveniles in conflict with the law. Valencia firmly and rightfully believed that life sentence without the feasibility of parole constituted extremely brutal and inhumane punishment for juvenile delinquents. She claimed that despite the fierce sentence of juvenile, whose deliberate and direct actions caused the death of her brother, no judgement could have repaired the loss she suffered. Years have passed and only after 25 years she declared that instead of life sentence, she wished to have met with the murderer in order to inquire what happened and what provoked such devastating conduct (Cohen, 2017).

Consequently, after the extensive review, reflection and analyse of above-mentioned cases it must be deduced that victims and their families tend to favour the ability to express feelings freely, exchange sorrow and inquire one another. Hence, as all of the following can be attained by means of restorative justice emphasising the importance of dialogue and the reparation of damage, along with the reinsertion of juvenile delinquent in the society and the eradication of recidivism, the significance of utilisation of diversion-mediation for juveniles in conflict with the law is indubitable. The following cases led the reforms in American law by expanding the restorative justice framework. It is firmly believed that everyone deserves second chance in life, that is why repetitive diversion-mediation should be feasible and accessible especially for juveniles in conflict with the law.

Repetitive Diversion-Mediation of Juveniles in Conflict with the Law in Canada

Canadian model of restorative justice and in particular the repetitive diversion of conflict with the law juveniles has proven its indisputable effectiveness throughout the years since its creation and implementation up to today. Section 4 of Youth Criminal Justice Act authorises conduct of diversion - referred to as extrajudicial measures - along with repetitive diversion for juveniles in conflict with the law (Donnelly & Robb, 2013) to avoid the criminal liability despite previous convictions if particular requirements are met.

Its enactment and implementation lead to remarkable reduction of recidivism rates in juveniles. Therefore, the priority of instructive and pedagogic approach resulted drastic reduction of recidivism rates in juveniles. Juvenile delinquents' successful accomplishment of diversion program has demonstrated considerably favourable and encouraging outcomes in juveniles' rehabilitation (Singh et al., 2025).

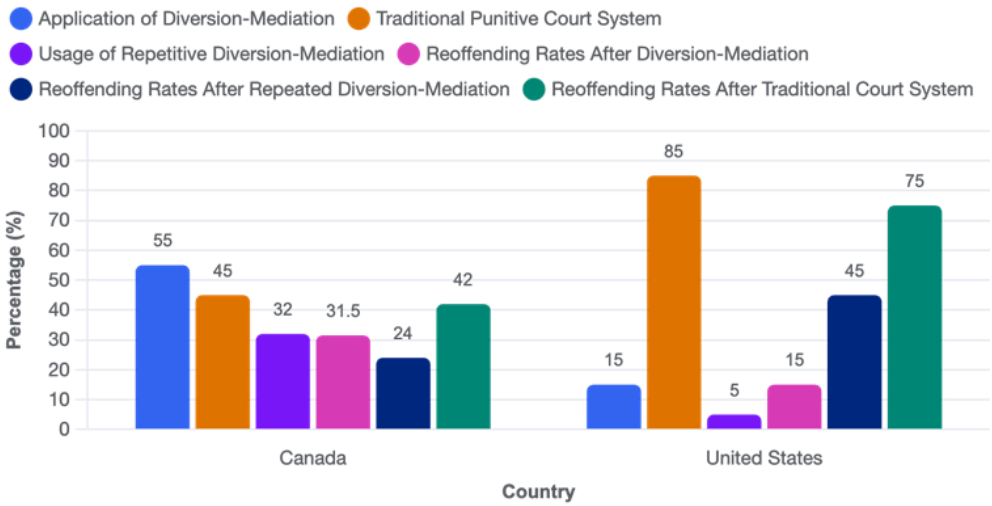
However, there exists several limitations that restrict the utilisation of repetitive diversion of minors such as: the presence of continual failure to obey previously imposed restorative justice measures; the occurrence of particularly aggravated crime; the voluntarily expressed consent of juvenile delinquent along with the accord of victim to involve juvenile offender in diversion (Youth Criminal Justice Act, 2002, s. 4). However, in case of juvenile delinquent's continual failure to terminate committing minor offences, once being diverted, prosecutors nevertheless tend to permit multiple application of diversion in order to ensure the complete eradication of juvenile's tendency towards criminal conduct. The principal intention and objection are to make sure youth undergoes cognitive development that will encourage the elimination of the repeated lawbreaking.

The utilisation of repetitive diversion in juveniles constitutes utterly

positive effect in the community. As for the population resides in more peaceful, developed, well-educated and considerably responsible society. Restorative justice, and in particular, repetitive diversion-mediation of juvenile offenders, encourages prominent sustainable development of youth by eradicating recidivism with the help of cognitive development of immature juvenile. Furthermore, the diversion of juveniles in conflict with the law, results in the considerable reduction of juvenile trials and accordingly eliminates their presence in court that yields the avoidance of emotional and psychological trauma and subsequently facilitates rehabilitation of juvenile delinquents.

The profound analyses of analytical data, indicates that the application of restorative justice and in particular, diversion-mediation programs, result in dramatic reduction of recidivism rates of youth. According to statistics, the reoffending ratio of juvenile delinquents previously involved in rehabilitative programs compose roughly 32% compared to 42% of juvenile offenders who were never involved in restorative justice were handled by conventional justice systems (Wilson & Hoge, 2013). Consequently, the above-mentioned statistics illustrate inclusive favourability and effectiveness of repetitive diversion-mediation in regards to juvenile delinquents.

Figure 2: Juvenile Diversion-Mediation vs. Traditional Justice System in Canada and the United States of America (Average of 2020-2025)



Source: (Department of Justice Canada, 2024; The Sentencing Project, 2024a; The Sentencing Project, 2024b)

To sum up, the repeated use of diversion-mediation for juveniles in the United States of America and Canada once again confirm its significance and high effectiveness in eliminating recidivism rates among juveniles in conflict with the law.

Significant Judgements of The European Court of Human Rights in Regards to Juveniles in Conflict with the Law

The overview of significant judgements of European Court of Human Rights in regards to juveniles in conflict with the law is indispensable in order to profoundly examine the effectiveness of twice-used diversion-mediation for juveniles in conflict with the law.

Several judgements of the European Court of Human Rights such as: T. and V. v. the United Kingdom (1999); Panovits v. Cyprus (2008); Salduz v. Turkey (2008); Güveç v. Turkey (2009); Blokhin v. Russia (2012) and Manjani v. Albania (2026) merit particular attention and will be examined throughout the following research paper.

The research requires the detailed examination, analyse and reflection of the above-mentioned judicial precedents of the European Court of Human Rights in order to completely comprehend the importance of the protection and insurance of conventional rights for juveniles in conflict with the law, despite the severity of the committed delinquency. Furthermore, the above-mentioned judgements played crucial role in the development, implementation and employment of restorative justice for conflict with the law juveniles. The cases T. and V. v. the United Kingdom involved two early adolescents convicted for kidnapping and homicide of toddler, where the European Court of Human Rights found several severe violations of conventional rights in regards to juvenile delinquents throughout the course of prior domestic court proceedings (*V. v. the United Kingdom*, 1999*; T. v. the United Kingdom,* 1999).

In the United Kingdom, judicial proceedings concerning juvenile offenders were not only conducted in adult judiciary, but were also extremely publicised which resulted the exclusion of judicial proceedings closure leading severe breach of juveniles' privacy resulting brutal mental and emotional distress. Consequently, the above-mentioned violations lead the submission of application to European Court of Human Rights concerning the violation of convicted juveniles' rights protected by the European Convention. Throughout the detailed examination of submitted applications court rightfully found in both cases, the violation of fair trial, due to the fact that judicial proceedings were held in adult judiciary, while considering convicted juveniles age, immaturity and mental condition, along with the extensive publicity that led to hinder convicted juveniles' effective involvement in legal proceedings (*V. v. the United Kingdom,* 1999*; T. v. the United Kingdom,* 1999).

Moreover, the case Panovits v. Cyprus is the genuine demonstration that the examination of juvenile in conflict with the law at police department, without the presence of lawyer and legal guardian (*Panovits v. Cyprus,* 2008) results in the violation of right to a fair trial (European Convention on

Human Rights, 1950, Art. 6(1), (3)(c)).

Accordingly, at the judgement of Salduz v. Turkey, Grand Chamber ruled that refusal and a denial to ensure the presence and attendance of a lawyer of accused juvenile during juvenile's detention and examination indicated the breach of conventionally protected right to fair trial (*Salduz v. Turkey,* 2008). In Güveç v. Turkey, the European Court of Human Rights unanimously voted for occurrence of violation of several articles of the European Convention on Human Rights regarding the prolonged detention and trial of juvenile (*Güveç v. Turkey*, 2009). The fact that teenager was put in adult penitentiary for approximately five years was evaluated and assessed by the consisting judges of the Grand Chamber as the cruel and severe conduct resulting the violation of article 3 of the European Convention, along with the violation of fair and impartial legal trial as the juvenile was tried in an adult court. Moreover, the European Court of Human Rights found the violation of article 5 demonstrated in the excessively extended pre-trial detention of juvenile.

The Grand Chamber of the European Court of Human Rights, in judgement of Blokhin v. Russia established the violation of 12 years old adolescent offenders inalienable rights, guaranteed by articles 3, 5 and 6. The court established, that the wrongful and illicit conduct of Russia lead to the fierce violation of human rights while disabling juvenile offender, suffering from mental disorder which was justified by medical documents and respectively well-known for the police department beforehand, and who nevertheless decided to incarcerate juvenile for one month without any medical supervision. However, due to the nature of the disease, juvenile suffering from severe mental illness necessities constant and detailed examination and observation of juvenile's condition. Consequently, its omission and negligence constituted a pure violation of inalienable rights of European Convention guaranteed by article 3. Also, the fact that juvenile was not authorised to actively participate in the proceedings, resulted the violation of article 6 of the European Convention. Furthermore, the negligence towards the decisive factor regarding that adolescent had not reached the age of criminal responsibility and was nevertheless charged and convicted by domestic authorities constituted the severe violation of article 5 of the European Conventional Rights (*Blokhin v. Russia*, 2016).

In the recent case of Manjani v. Albania, the European Court of Human Rights found infringement of article 8 of the European Convention ensuring the safeguard of the personal autonomy due to the fact that domestic court automatically refused the candidacy of rehabilitated offender – previously convicted for minor misdemeanour - for the judiciary (*Manjani v. Albania*, 2026). The restrictive discriminatory approach demonstrate the violation of human rights guaranteed with the European Convention as well

as the following restriction constitutes pure negligence of restorative justice mechanism.

Consequently, the European Court of Human Rights with above-mentioned judicial precedents ensured the feasibility, practicability and indirectly expressed indication towards the implementation of restorative justice practices.

Significant Judgements of International Courts in regards to Juveniles in Conflict with the Law

The review and analyse of significant judgements of international courts in regards to juveniles in conflict with the law is worth considering while conducting the examination of the utility of twice-used diversion-mediation for juveniles in conflict with the law.

The decision number 2002-461 of French Constitutional Council - endorses that youth placed in restricted penitentiary educational institutions must receive mandatory, enhanced educational and psychological mentoring right inside the facility (Conseil constitutionnel, 2002). The following reform aims to decrease the reoffending rates by ensuring access to quality education towards juveniles in conflict with the law. The long-term eradication of recidivism can only be achieved via juvenile's engagement in diversion-mediation programs which serves the elimination of juvenile delinquent's isolation by ensuring their complete reintegration in the society by preventing their social exclusion. In addition to the help of diversion-mediation already education received juvenile can easily comprehend the harm his actions caused for the victim and with the help of mediator, facilitating the dialogue between opposing parties, they can find the best and effective mechanism of conflict resolution resulting mutual advantage of opposing parties.

In widely publicised case of Roper v. Simmons, the Supreme Court of the United States found that the death penalty sentence for juvenile delinquent violated (*Roper v. Simmons*, 2005) Eighth Amendment of the Constitution which forbids the imposition of cruel and unusual penalty for juveniles in conflict with the law due to their immaturity.

Furthermore, the judgement of German Federal Constitutional Court established the rigorous legal standard for the extension of juvenile delinquents detention. German Federal Constitutional Court established the strict rule for the extension of juvenile offender's detention time frame, requiring explicit, unequivocal and unambiguous statutory basis in accordance with statutory rule-of-law requirement. The following judgement is frequently cited while discussing the alternative and probable outcomes for juvenile delinquents imprisonment in contrast with the juveniles inclusion in diversion-mediation program.

In most recent and prominent case of U.S. Supreme Court - Miller v. Alabama, the Supreme Court established that mandatory life sentences without the possibility of parole for juvenile delinquents - who have not reached the maturity - constituted the severe violation of the Eighth Amendment which bans the utilisation of brutal and abnormal punishment (Miller v. Alabama, 2012). The necessity demanded the disclosure of the following judgement which can be assessed and evaluated as the legal extension of previous notable case of Roper v. Simmons. However, unlike the Roper v. Simmons, Miller v. Alabama imposed considerably strict restriction for life without parole sentence, that judges should take into consideration. Judges have to undergo detailed and diligent examination, analyse and assess individually each juvenile in conflict with the law, taking into account their age, maturity, personality, development, household and their rehabilitation possibility before imposing sentences. Therefore, the following judgement establishes primarily juvenile delinquents' involvement possibility in restorative justice procedures.

Furthermore, the recent case of L.A. v. The Director of the Garda Juvenile Diversion Programme, found that in case of juvenile delinquents manifested refusal to involve in diversion, the juvenile's decision has to be rigorously justified (*L.A. v. The Director of the Garda Juvenile Diversion Programme*, 2022).

Consequently, after the detailed examination and review of the significant judgements of international courts in regards to juveniles in conflict with the law, it is deduced, that primarily, juvenile's involvement in restorative justice measure has to be envisaged.

Conclusions

The presented research paper tried to raise public awareness on the utility of twice-used diversion-mediation for juveniles in conflict with the law. Based on review and analyse of the experiences of European countries, American and Canadian practices in regards to resocialisation and rehabilitation of juveniles in conflict with the law, it can be deduced that at least twice-used diversion-mediation for juveniles in conflict with the law should be allowed in order to reduce the recidivism rates.

The detailed examination provided strong evidence in favour of the hypothesis. Based on the research conducted, it is deduced that at least twice-used diversion-mediation effectively ensures the resocialisation-rehabilitation of juveniles in conflict with the law resulting in significant reduction of recidivism rates.

It is highly recommended to expand the sole usage of diversion-mediation of Juveniles at least two times and to extend the application-

implementation of Halt program for conflict with the law juveniles, into other nations jurisdictions.

As Georgian criminal law does not allow the application of repetitive diversion-mediation for already diverted conflict with the law juveniles, depriving juveniles from effective resocialisation-rehabilitation, indirectly resulting in the increase of recidivism rates. Therefore, it is recommended to expand the sole usage of diversion-mediation of juveniles at least two times by introducing amendment in the Juvenile Justice Code of Georgia enabling twice-used diversion-mediation for juvenile offenders.

Consequently, the research paper represented perspective that will contribute to the development of Juvenile Justice system in my country Georgia and lead to its harmonisation with the European standards.

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