

Tali Gal: *Child Victims and Restorative Justice: A Needs-Rights Model*

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In *Child Victims and Restorative Justice: A Needs-Rights Model*, Tali Gal aims to create a model for children's rights in the legal system. Gal presents models that center on child victims' rehabilitation and protection in a way that reveals the immense complexities of legal issues, psychological considerations, shortcomings of the criminal justice system, and even the limitations of restoration itself. Gal examines the models and works to establish a human rights discourse to use for children's rights in the legal system, considering the rights of both child victims and child offenders. Gal's main goal is to create a needs-rights model that will aid child victims throughout court process and continue through rehabilitation. The book is organized by examining children's rights, child victims' needs, child victims in the criminal justice system, restorative justice for child victims, and child-inclusive restorative justice. Gal also works to provide a framework for effective restorative justice by looking at successful experiences from different countries.

Although researchers interested in adolescent development have long examined the nature of victimization, especially its effects (see Evans et al. 2012), how such research might find its way to influencing policy and the nature of adolescents' rights largely has remained ignored. Gal provides an important model to follow. Significantly, Gal's text does not relate directly to the adolescent period but greatly speaks to it and exemplifies how research can be used to develop thoughtful responses to victimized youth. The text does so particularly by examining the promises and challenges associated with restorative justice approaches that could serve as models to counter the inadequacies of systems responding to youths' victimization.

The text demonstrates well how the rights of children are difficult to define and implement in the legal system. While children are entitled to basic human rights like any other person, children cannot always exercise these rights. The power to exercise the child's rights lies in the hands of the child's parents, or in special circumstances, the state will step in as the role of the parent. Having the parents or the state act on behalf of a child raises the question of whether they are acting in the child's best interest. Gal uses his background in working as a children's rights lawyer to examine the shortcomings of the legal system in regards to how child victims and their families could exercise the rights of the child. Being considered a highly vulnerable population, children are entitled to having more protection in the legal system; however, that extra protection runs the risk of infringing on children's rights. This concern for potentially infringing on children's rights in the name of protecting them that led to the rise of restorative justice, which began to rise in popularity in the mid-1990s as an alternative or complementing process in the criminal justice system. While research has not fully focused on child victims, data exists showing successful experiences between children and restorative justice's processes. That research serves as the foundation for the book.

In the first chapter, Gal analyzes the effectiveness of his needs-rights model when used for children's rights through the criminal justice system. Gal states that this needs-rights model and current rights rhetoric both empower children structurally and strengthen relationships. Interestingly, Gal recommends, "to educate children and adults on children's rights and to fully respect the rights of the child, including the participation right" (Gal, 2011, p.13). To examine children's right effectively; Gal looks at several discourses and discusses the importance of moving from needs versus rights to needs-rights based models. Gal's reasoning for the

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movement from needs versus rights to needs-rights based is to link the two concepts together instead of having the two work against each other or having to choose one over the other. First, Gal considers international human rights and their significance to children's rights. International human rights incorporate rights provided through the tight framework of American systems as well as what Gal calls "positive" rights that directly correlate with children's social welfare and the importance of societal protection and benefits. Next, Gal examines a relational model of rights, which looks at rights in the context of both children and adults while keeping the notion that children are also human beings and should therefore have equal rights. The factor that hinders the application of these equal human rights are that of the child's not fully developed mental, cognitive, and emotional capabilities. Lastly, Gal considers an empowerment rights model, which understands that children are essentially powerless and rely on their parents; the model works to lessen the inequality of the power within relationship.

The second chapter explores the needs of child victims. After a crime is committed against a child, be it child abuse or any other crime, Gal has identified three major stages: the impact stage or victimization, the recoil or adjustment stage, and the reorganization or resolution stage. All three stages are essential to the healing process of a child and are dependent on the child's rights. Gal mentions several ways of helping a child after victimization including empowerment and control, the use of procedural justice, direct interaction with the perpetrator, group discussion, a support network, and reparation. This chapter further supports Gal's reasoning for a movement towards needs-rights based model for child victims to help establish protection and rehabilitation for the child with focus on best interests, development, equality, and participation.

The third chapter discusses the child victim and the criminal justice system. Gal begins by examining the ways that a child can become distressed or experience hardships while going through the criminal justice system, including testifying in court, waiting for the testimony, courtroom procedures, and the stresses involved with interfamilial crimes. Gal appropriately notes, however, that distress levels may be higher if the crime against the child was a sexual or family crime. To alleviate some of the distress, special reforms have been enacted, such as expediting proceedings, using special waiting areas, videotaping early interviews with the child, limiting the defendant from representing themselves and therefore preventing the defendant from directly cross-examining the child, and even designating specialized courts for sexual abuse cases (Gal, 2011, p. 98). The benefits of a court proceeding is that they are societal based and involve the deterrence of future similar crimes and the validation that crimes against

children are unacceptable. In reference to Gal's needs-rights model, the rights of the child involve the interrelationship of best interest, rehabilitation, protection, equality, participation, and development, while working against the shortcomings of the criminal justice system. Gal states that the criminal justice systems' strength is in protection while its weakness is meeting the developmental needs of the child. Gal also expresses that there is an absence of dialog from the children, which inhibits their ability to participate. This chapter concludes with stating that Gal's needs-rights model works well in theory, but struggles when put into practice in the court systems.

Chapter four examines restorative justice experiences involving child victims and how that system complements Gal's needs-rights model. Gal identifies three major forms of restorative justice processes: offender mediation, conferencing, and circles. Each form of restorative justice suits different societal and familial needs. Offender mediation is a meeting between the offender and the victim, allowing for a restitution agreement. Conferencing entails group discussion with the offender, the victim, and the victim's family and friends. The goal of the conferencing is to form an agreement concerning restitution and rehabilitation between the child and the main influences in the child's life. Gal examines two circles: sentencing circles, which serve as a post-conviction conference-type setting between parties to discuss the crime and the desired outcome of the hearing, and healing circles, which act similarly to a sentencing circle with the exception of the judges being in control of veto power. These three major forms of restorative justice work to give the victim and their family respect, reparation, and participation, as well as the possibility of crime reduction. To exemplify these processes, Gal analyzes cases from New Zealand, Australia, and Canada that reveal successful experiences with conferencing and circles through restorative justice. Importantly, Gal also presents the concerns surrounding conferences and circles, which include the risk of revictimization, children being silenced by adults in the process, children being pressured to forgive, and special considerations for child abuse cases. The goal of restorative justice is to keep the child's perspective in the forefront in order to meet the specific needs of the child. By using the different options of restorative justice, a program can be created for the child on an individual level to provide for the child's best interests while still allowing the child to have a voice in the process.

The book's last chapter discusses child-inclusive restorative justice and ways to create an effective and applicable framework. This chapter delineates several primary principles and creates clusters. The first cluster is based on best interests principles that center on promoting children's wellbeing that is affected by considerations of

their best interests, rehabilitation, and development. This first cluster is shaped by the child's developmental needs and interests, participation and outcomes, and welfare considerations. The second cluster is based on control, which centers on the concept of children as partners that is affected by participation, rehabilitation, best interests, and development. Listening to the children throughout, fixed participation forms, enhancement of participation techniques, and child participation, shapes this cluster. The third cluster centers around procedural justice that is affected by participation, equality, and rehabilitation. This cluster is shaped by equal access to restorative justice processes and the special empowerment of children with special needs. The fourth cluster focuses on developmental victimology that is affected by equality, protection, and development. Evidence-based restorative justice, safety preconditions and goals, effective monitoring, and specific arrangements shape the developmental victimology cluster. The final cluster combines the previous four clusters into one. Since many of the clusters involved the same considerations, the final cluster is webbed in an organized structure. Gal identifies eight heuristics to follow in order to accomplish a needs-rights model like the final cluster: holism, tailor-made process, children as partners, participation as a continuum, liberating children's voices, letting go, restorative process as a goal, and empowering advocacy. In terms of application, Gal asserts that using a needs-rights model would cut costs and improve savings in the court system, as well as the great social benefit.

The main goal of Gal's book *Child Victims and Restorative Justice: A Needs-Rights Model* is to establish a better way of dealing with the difficulties surrounding children's rights. Gal provides a complex analysis of the needs-rights model and emphasizes several benefits of the model as well as realistically listing some potential

concerns. An interesting statement Gal makes is that "rights and needs are connected to principles for action" (Gal, 2011, p. 163). While Gal mentions that there have been applications of a similar needs-rights model that have not been fully successful, he argues that some steps were left out. According to Gal, if all the steps are followed, including the eight heuristics mentioned in the last chapter, there should be a successful conclusion. Considering the evidence provided in the book along with Gal's background as a children's rights lawyer, a needs-rights model seems to be a logical path in providing the best outcome for a child since it can be specially tailored to fit the child instead of it being a "one size fits all" model. Gal ends the book by stating that "an optimistic finale for this book concludes, then, that respect for child victims and for their needs-rights would not only improve the way we react to childhood victimization, but it can also actually make childhood victimization less common" (Gal, 2011, p. 206). This statement provides an interesting proposal that may seem too good to be true. A reader can only hope that it is. Still, Gal's proposal is a forceful one that, given available evidence, deserves to be tested in order to determine whether it does improve child victim's experiences in court systems and, eventually, decrease rates of children's victimization.

References

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