



Youth diversion

Joint rapid needs assessment

A descriptive comparison of the design, frameworks and implementation of youth diversion in Greece, Ireland and the Netherlands

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List of Acronyms

Acronym	Definition
BRIDGE	Building a Resourceful International Youth Diversion Group for Exchanging Best Practices across Europe (Erasmus+ KA210-YOU)
CRC Committee	Committee on the Rights of the Child
EACEA	European Education and Culture Executive Agency
EU	European Union
GNYDB	Garda National Youth Diversion Bureau (Ireland)
GYDP	Garda Youth Diversion Programme (Ireland)
JLO	Juvenile Liaison Officer (Ireland)
JMD	Joint Ministerial Decision (Greece)
OM	Public Prosecution Service (Openbaar Ministerie, the Netherlands)
RSJ	Council for the Administration of Criminal Justice and Protection of Juveniles (Raad voor Strafrechtstoepassing en Jeugdbescherming, the Netherlands)
Tusla	Child and Family Agency responsible for the wellbeing of children (Ireland)
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
WODC	Scientific Research and Data Centre for the Ministry of Justice and Security (Wetenschappelijk Onderzoek- en Datacentrum)
YDP	Youth Diversion Project (Ireland)

Key Definitions

Child - A natural person below the age of 18 years, in accordance with Article 1 of the United Nations Convention on the Rights of the Child.

Child in conflict with the law - A child who is alleged as, accused of, or recognised as having infringed criminal law.

Youth diversion - Measures, processes or interventions that redirect children away from formal criminal proceedings at any stage prior to or during criminal proceedings, where appropriate and in accordance with the best interests of the child.

Diversion System - The legal, policy and institutional arrangements through which diversion is organised, including its objectives, legal basis, eligible participants, responsible actors, available interventions and implementation mechanisms.

Restorative justice - An approach for addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved, with the assistance of an impartial third party, where appropriate.

Conditional diversion - Diversion that requires the child to successfully complete specified conditions or interventions, after which prosecution is discontinued or the case is dismissed.

Unconditional diversion - Diversion in which no further legal conditions are imposed after the decision to divert, although voluntary support or interventions may still be offered.

Criminal proceedings - Judicial proceedings initiated by the competent prosecuting authority before a criminal court.

Recidivism - The commission of a subsequent criminal offence following an earlier arrest for an offence. Unless otherwise stated, the term does not imply a specific legal or statistical definition.

Best interests of the child - A primary consideration in all actions concerning children, as established by Article 3 of the United Nations Convention on the Rights of the Child.

Procedural safeguards - The legal rights and protections afforded to suspected and accused persons throughout criminal proceedings, including access to legal assistance, information, participation and fair treatment.

Victim - A natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.

Young Adult - A natural person between the ages of 18 and 24.

Executive Summary



Youth diversion has become an increasingly important component of child-friendly justice systems across Europe. International standards, including the United Nations Convention on the Rights of the Child (UNCRC), recognise diversion as an essential mechanism for preventing unnecessary stigmatization, promoting rehabilitation and ensuring that deprivation of liberty remains a measure of last resort. While many EU countries have introduced diversionary measures, considerable differences remain in how diversion is defined, organised and implemented in practice, highlighting the need for comparative learning and

the exchange of best practices across jurisdictions.

This Needs Assessment was developed within the BRIDGE project, a partnership between Stichting Halt (the Netherlands), Foróige (Ireland) and Terre des hommes Hellas (Greece), funded by Erasmus+. It examines the legal frameworks, policy developments, institutional arrangements and practical implementation of youth diversion in Greece, Ireland and the Netherlands. The report compares how diversion operates in each country and identifies opportunities for mutual learning and policy development.

The Netherlands has established a specialised and highly institutionalised diversion system centred on the Halt intervention. Halt provides a structured educational response to relatively minor offending and is embedded within national legislation, operational guidelines and long-standing cooperation between police, prosecution services and municipalities. Diversion exclusively occurs before prosecution and is characterised by clearly defined eligibility criteria, standardised procedures and nationwide implementation. The Dutch model demonstrates the advantages of a specialised diversion organisation capable of delivering consistent interventions across the country.

Ireland operates the broadest diversion framework of the three jurisdictions. Diversion is available not only before prosecution through the Garda Youth Diversion Programme but also during court proceedings through Family Conferences. In addition to police-led diversion, Ireland has invested extensively in Youth Diversion Projects delivered by community-based youth organisations. These projects provide educational, social and family-oriented interventions that seek to address the underlying causes of offending behaviour while strengthening children's connections with their communities. The Irish

model illustrates how diversion can extend beyond criminal justice agencies through strong partnerships with the youth work sector.

Greece has undergone significant legislative reform in recent years. Amendments to the Code of Criminal Procedure, together with new implementing regulations and the National Strategy for the Prevention of Violence and Combatting Youth Delinquency (2025–2030), have considerably strengthened the legal foundations for diversion. Prosecutorial diversion has become the preferred response to misdemeanours, while new community-based educational, cultural and sports programmes have expanded the range of available interventions. Although many of these reforms are still in an early stage of implementation, they demonstrate a clear policy commitment to reducing reliance on formal criminal proceedings and strengthening diversionary responses.

The comparative analysis identifies several important differences between the three diversion systems. First, access to diversion varies considerably. Whereas Ireland offers diversion opportunities at multiple stages of criminal proceedings, diversion in Greece and the Netherlands is primarily limited to the pre-prosecution stage. Second, eligibility criteria differ substantially. The Netherlands restricts diversion largely to designated minor offences, whereas Ireland adopts a considerably broader approach in which diversion may remain available for serious offences and repeat offending where this is considered appropriate. Greece occupies an intermediate position, providing diversion primarily for misdemeanours while leaving prosecutorial discretion for diverting more serious cases.

The report also highlights important differences in the role of restorative justice. All three systems recognise restoration as an important objective, but restorative practices occupy different positions within diversion. Ireland incorporates restorative principles throughout its family conferencing model and victim participation mechanisms. Greece formally includes mediation and reparation among its available reformatory measures, although implementation remains uneven. In the Netherlands, restorative elements are integrated within the Halt intervention but generally function alongside broader educational objectives rather than constituting separate diversion measures.

Across all three jurisdictions, awareness of the importance of maintaining procedural safeguards within diversion is on the rise. Children generally have access to legal assistance, parental involvement and opportunities to participate in decision-making, although differences remain regarding child-friendly information, the practical accessibility of legal representation and the undesirable implications of requiring admissions of responsibility before diversion can be offered. At the same time, determining the appropriate level of procedural safeguards remains a complex balancing exercise. While robust safeguards are essential to protect children's rights, overly formal or burdensome procedures may undermine one of diversion's central objectives: enabling children to be dealt with outside the formal justice system whenever this is in their best interests. Finding an appropriate balance between effective rights protection and preserving the accessibility and informal character of diversion therefore remains an important area for future development.

Despite their institutional differences, the three countries demonstrate a gradual shift away from punitive responses towards rehabilitation, education and social reintegration where children are concerned. Diversion is increasingly viewed not simply as a mechanism for reducing court caseloads, but as a means of promoting children's positive development, preventing further offending and avoiding the potentially harmful consequences of criminal justice involvement.

The assessment concludes that no single diversion model can be regarded as universally applicable. Effective diversion depends on national legal traditions, institutional structures, available community services and implementation capacity. Nevertheless, the comparative analysis demonstrates considerable potential for mutual learning. Greece's recent legislative reforms, Ireland's extensive community-based diversion infrastructure and the Netherlands' highly standardised implementation each offer valuable practices that may inform future policy development across these jurisdictions and elsewhere.

Building on these findings, the report proposes a series of recommendations aimed at strengthening diversion across Europe. These include expanding access to diversion throughout criminal proceedings where appropriate, adopting more individualised eligibility criteria that move beyond offence-based exclusions, strengthening procedural safeguards and child participation, investing in community-based diversion programmes, improving interagency cooperation and developing broader evaluation frameworks that assess educational, restorative and social outcomes alongside recidivism. Collectively, these recommendations support the continued development of diversion that is effective, child-centred and consistent with international standards on children's rights.

Introduction



"Children differ from adults in their physical and psychological development. Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualized approach. Exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults."

General Comment No. 24 (2019), UN Committee on the Rights of the Child

These developmental and legal insights form the basis for youth diversion: measures designed to redirect children away from the judicial system at any time prior to or during criminal proceedings. Under Article 40(3)(b) of the UN Convention on the Rights of the Child (United Nations, 1989), States Parties are required to promote the establishment of laws, procedures, authorities, and institutions specifically applicable to children in conflict with the law, including the use of diversion whenever appropriate and desirable.

Diversion is considered to be in the best interests of the child, as it aims to minimize the harmful effects that may arise from formal criminal justice procedures. Several review studies on diversion for young people in conflict with the law show that diversion through a warning or a referral to an intervention results in greater reductions in recidivism compared to formal processing (Petrosino et al., 2010; Wilson & Hoge, 2013; Wilson et al., 2018). Furthermore, admission to a diversion programme appears to be associated with lower numbers of youth re-arrests compared to re-arrest rates for children handled by the formal system (Blomberg, 1983; Patrick et al., 2004; Schwalbe et al., 2012). As an alternative justice pathway, youth diversion is crucial in preventing deeper justice system involvement and supporting the reintegration of young people into society. Despite its importance, access to effective diversion programs remains uneven across European jurisdictions, leaving many young individuals at risk of incarceration and social exclusion.

Greece, Ireland, and the Netherlands each demonstrate distinct approaches to youth diversion. A comparative analysis of the design, frameworks and implementation in these countries provides valuable insights, fostering evidence-informed policy development and cross-border learning. These insights are not only relevant at the national level but also contribute meaningfully to the development of a wider European policy framework.

While diversion is increasingly recognized as a promising approach to child offending, policy frameworks often lag behind academic research and the experiences of frontline professionals. Policymakers require empirical data and practical insights to develop evidence-informed policies that produce lasting results.

This Needs Assessment is part of the BRIDGE project, coordinated by Stichting Halt from the Netherlands, Foróige - The National Youth Development Organisation from Ireland and Terre des hommes Hellas from Greece. It aims to examine the policy and legal frameworks, existing gaps, needs and challenges related to youth diversion in Greece, Ireland and the Netherlands. By doing so, it provides a framework for exchange and contributes to shaping future policy discussions.

1. Greece

1.1 Legal and Policy Framework



The legal foundation for diversion in Greece has undergone significant developments in recent years. This framework consists of several interconnected layers: the statutory provisions of the Penal Code and Code of Criminal Procedure, recent legislative amendments introduced through Law 5090/2024, the broader policy direction set by the National Strategy for the Prevention of Violence and Combatting Youth Delinquency (2025–2030), and the implementing regulations adopted through two Joint Ministerial Decisions in 2024 and 2025. Together, these developments reflect an increasing emphasis on diversion, rehabilitation, and social reintegration, while providing the legal and

operational foundations for the implementation of community-based measures for children in conflict with the law (Courakis, 2020; Hamilton, 2022).

1.1.1 Legal Basis for Diversion

Greek legislation does not provide an explicit definition of diversion. Rather, diversion emerges from the interaction between Article 46 of the Code of Criminal Procedure, as amended in 2025 to make it the default response to eligible cases, and the reformatory and therapeutic measures provided by Articles 122 and 123 of the Penal Code.

Article 46 states that:

1. If a minor commits a punishable act that constitutes a misdemeanor, the public prosecutor, after investigating the circumstances under which the act was committed and the minor's overall personality, by order, refrains from initiating criminal proceedings, unless, based on the characteristics of the act, the hearing of the minor or also of those exercising parental responsibility, and the assessment of the report of the competent youth probation officer—which in any case may be requested—**the prosecutor deems prosecution absolutely necessary in order to prevent the minor from committing further criminal offences.**

2. By the relevant order of the prosecutor, which also specifies the deadline for compliance, the minor may be subjected, as conditions for refraining from prosecution, to one or more of the reformatory measures provided for in points (a) to (ia) of paragraph 1 of Article 122 of the Penal Code, or additional measures or obligations concerning the minor's way of life, unless, based on the elements of paragraph 1, **the prosecutor considers that their imposition is not necessary for the minor's upbringing.**

If the minor complies with the measures and obligations imposed, the prosecutor acts in accordance with paragraph 3 of Article 43. Otherwise, the prosecutor initiates criminal proceedings in accordance with paragraph 1 of Article 43

Article 46 establishes **diversion as the preferred response to misdemeanours committed by children in Greece**. Rather than initiating criminal proceedings, the public prosecutor is required to refrain from prosecution unless prosecution is considered absolutely necessary to prevent further offending. The provision grants prosecutors broad discretion to impose one or more reformatory measures tailored to the child's needs and circumstances. Successful completion of these measures results in the case being archived without criminal prosecution, whereas non-compliance may lead to the initiation of formal proceedings. As such, Article 46 embeds conditional diversion measures within the youth justice system by prioritising educational and rehabilitative interventions over judicial sanctions (Papaioannou et al., 2020).

Additionally, Article 122 of the Greek Penal Code establishes a range of reformatory measures aimed at supporting the socialisation and education of children in conflict with the law. These measures include supervision, restorative measures, educational programmes, community service, and participation in cultural or sports activities. Article 123 provides therapeutic measures for children requiring specialised treatment due to mental health conditions, developmental difficulties, or addiction-related problems. Furthermore, Article 124 provides that reformatory measures may be modified, replaced, or revoked where appropriate, allowing the competent judicial authority to adapt interventions to the child's development, individual needs, and compliance with the imposed measures (Katsigaraki et al., 2024).

1.1.2 Recent Legislative Reforms

In February 2024, Law 5090/2024 introduced amendments in the Criminal Code and the Code of Criminal Procedure. Most notably, Article 122 was revised to **include new reformatory measures, such as participation in educational, artistic, cultural, and sport programs**. While this was a positive development, Article 127 was also amended, **expanding the criteria for youth detention**. Children between 15 and 18 years old who commit an act that would be classified as a felony committed by an adult, even in the absence of violence, may now be detained. This has significantly expanded the scope of the law (for

example, now it is applicable in cases of armed robbery) and has increased the number of children in detention.

1.1.3 National Policy Framework

In March 2024, the government launched the *National Strategy for the Prevention of Violence and Combatting Youth Delinquency (2025-2030)*. The strategy focuses on preventing all forms of violence against children, promoting child-friendly justice, and fostering collaboration across sectors and levels of government. To ensure compliance with EU and international legal standards, the Greek government has announced that it will give clear priority to the implementation of a variety of social integration measures that do not involve deprivation of liberty (community measures) and the introduction of new educational and reformatory measures, while custodial measures and sanctions shall constitute the last resort (*ultimum refugium*).

1.1.4 Implementing Regulations

Two Joint Ministerial Decisions (JMDs) in December 2024 and June 2025 (Government Gazette B' 6831/13.12.2024; Government Gazette B' 2860/06.06.2025) established frameworks for the implementation of the new reformatory measures. These include guidelines, eligibility criteria, monitoring tools, and protocols. Both decisions aim to strengthen the rehabilitative and pedagogical orientation of the youth justice system by promoting the social reintegration and psychosocial development of children in conflict with the law through structured and constructive engagement in community-based activities.

The first Joint Ministerial Decision specifies the framework for the application of the reformatory measure relating to participation in sports programmes or membership in sports clubs. The measure applies to children between the ages of twelve and eighteen and defines key terms such as sports programme, sports club, and supervisor. **It is explicitly characterised as pedagogical and non-punitive in nature and must be implemented in accordance with the principles of subsidiarity and proportionality.** These principles require that the measure be applied prior to more restrictive interventions and that its scope and duration correspond to the seriousness of the offence, the child's individual characteristics, and their social circumstances. The decision sets out the rights and obligations of the child, including the duty to attend training sessions, comply with the club's rules, and maintain cooperation with the supervising officer. Non-compliance does not automatically result in prosecution. Instead, Article 124 of the Penal Code allows the competent authority to modify, replace, or revoke the imposed reformatory measure. Where the measure was imposed as a condition of diversion under Article 46 of the Code of Criminal Procedure, persistent non-compliance may ultimately lead to the initiation of formal criminal proceedings. The Decision further regulates practical aspects of implementation, including accident insurance through the national social security agency (e-EFKA) and the assumption by the Ministry of Justice of costs related to equipment, health cards, and travel expenses. Eligible sports clubs must be officially recognised, express formal interest in participation, and conclude a cooperation protocol with the Youth Welfare Service, while the selection of the specific club must reflect the child's preferences and proximity to their place of residence.

The second Joint Ministerial Decision complements the above framework by regulating the implementation of the reformative measure involving the participation of children in educational, artistic, or cultural programmes organised by public, municipal, or private institutions. The measure seeks to facilitate social reintegration and personal development through engagement in creative and educational activities, such as cultural workshops, museum or heritage programmes, and artistic training. As with the sports measure, eligibility extends to children aged twelve to eighteen, and the same principles of pedagogy, subsidiarity, and proportionality apply. The child is required to attend the designated programme, adhere to its schedule, and cooperate with both the programme supervisor and the Youth Welfare Service. In cases of non-compliance, Article 124 of the Penal Code again provides for modification or revocation of the measure. The Decision ensures that children are covered by accident insurance through e-EFKA if they are not otherwise insured, and stipulates that the Ministry of Justice bears responsibility for associated travel and participation costs. Cultural and educational institutions must be registered and approved to host such programmes, and the selection of the specific placement is made by the competent welfare officer, taking into account the child's interests, abilities, and the opportunities available within their local community.

1.2 Design of the Diversion System

1.2.1 Objectives and Rationale

The Greek youth diversion system is designed to promote the socialisation, education and reintegration of children in conflict with the law while preventing further offending. Diversion measures are pedagogical rather than punitive in nature and are intended to address the underlying causes of offending behaviour through educational, restorative, therapeutic and community-based interventions. The system is guided by the principles of subsidiarity and proportionality, meaning that interventions should be no more restrictive than necessary and should correspond to the individual circumstances of the child (Katsigaraki et al., 2024).

Historically, Greek youth justice has emphasised educational and rehabilitative responses over punishment. In 2003, the child justice system underwent significant changes in an attempt to harmonise the criminal law provisions with the UNCRC. This orientation is reflected in the prominent role of reformative measures (*αναμορφωτικά μέτρα*), which are intended to support the child's development and social integration rather than impose retribution. Criminal sanctions and deprivation of liberty are viewed as measures of last resort and are reserved for the most serious cases and only when specific conditions are met (Papaioannou et al., 2020).

Recent reforms have further strengthened this child-centred approach by expanding the range of community-based interventions available to prosecutors and courts and by promoting diversion as an alternative to formal judicial proceedings wherever appropriate. In line with international and European standards on child-friendly justice, the Greek system seeks to minimise children's contact with the formal criminal justice system while encouraging accountability, behavioural change and social reintegration.

Diversion therefore serves not only to reduce unnecessary criminalisation, but also to facilitate access to educational, therapeutic and restorative interventions that address the needs of the child and contribute to long-term desistance from offending.

1.2.2 Diversion Measures

Greek diversion measures can be broadly divided into reformatory measures and therapeutic measures. Article 122 of the Greek Penal Code provides thirteen reformatory measures intended to facilitate the socialisation and education of child offenders. These measures may be imposed individually or in combination and can be grouped into four categories:

Supervision and care	Restorative Justice	Education & Skills	Community measures
Reprimand	Mediation with victim (apology/settlement)	Social/psychological programs	Community service
Custody to parents	Compensation or remedy of harm	Vocational or educational training	
Custody to foster care		Traffic-safety programs	
Custody/supervision by protective agencies or probation officers		Cultural/arts programs	
Placement in suitable institution*		Sports programs	

**These are residential educational and care facilities for children providing supervision, education, guidance and care when a court determines that a child cannot remain in their usual family environment or requires structured support and rehabilitation.*

In addition, Article 123 of the Greek Penal Code provides for therapeutic measures, including placement under the supervision of mental health services, participation in therapeutic programmes, treatment for substance misuse and, where necessary, placement in a therapeutic institution. These measures may be imposed where the child's offending behaviour is associated with mental illness, intellectual disability, addiction or other conditions requiring specialised treatment. In practice, reformatory measures are used considerably more frequently than therapeutic measures.

However, the above measures serve a dual function within the Greek youth justice system. First, pursuant to Article 46 of the Code of Criminal Procedure, the public prosecutor imposes one or more of these measures as conditions for refraining from prosecution, thereby diverting the child away from formal criminal proceedings. Second, where criminal proceedings are initiated, the Juvenile Court may impose the same measures as the judicial response to the offence. Accordingly, the diversionary character of these measures derives not from the measures themselves, but from the procedural mechanism established by Article 46. Given that a youth's case is only dismissed on the condition they have complied

with the imposed reformatory or therapeutic measure, Greece only has conditional diversion measures.

Greek legislation does not prescribe a fixed duration for reformatory or therapeutic measures. Instead, the competent prosecutor or Juvenile Court determines the duration on a case-by-case basis, taking into account the child's individual circumstances, the seriousness of the offence, and the principles of proportionality and subsidiarity. Following article 124 of the Penal Code, these measures may subsequently be modified, replaced or revoked where appropriate.

1.2.3 Eligibility and Target Groups

Diversion per art. 46 applies to children between the ages of 15 and 18. Under Greek law, children aged 12 to 15 cannot be held criminally responsible, but reformatory or therapeutic measures may be imposed. From the age of 15 onwards, children may incur criminal responsibility and, in exceptional circumstances, may be subject to custodial sanctions.

Article 46 of the Code of Criminal Procedure applies to misdemeanours committed by children. In such cases, the public prosecutor must refrain from initiating criminal proceedings unless prosecution is considered absolutely necessary to prevent further offending. Note that in Greek law, all offences committed by children are legally reclassified as misdemeanours. However, Art. 46 refers to misdemeanours as those offences that would be classified as such if committed by an adult, limiting the preference for and application of diversion for children to those cases, with the exception of prosecutorial discretion.

1.2.4 Position in the Justice Process

Diversion in Greece is only possible during the pre-prosecution phase. Before deciding whether to refrain from prosecution, the public prosecutor considers the nature and circumstances of the offence, the child's personality and individual circumstances, and the findings of a social inquiry report prepared by the Juvenile Probation Services. Where prosecution is not considered necessary to prevent further offending, the prosecutor may impose one or more diversionary measures instead of initiating criminal proceedings. Successful completion of the imposed measures results in the case being archived without prosecution, whereas failure to comply may lead to the initiation of formal criminal proceedings (Courakis, 2020; Hamilton, 2022).

Although Greek law does not formally provide for diversion beyond the pre-prosecution stage, diversionary principles may also be applied in practice after prosecution has commenced. In particular, an informal form of "quasi-diversion" has developed whereby reformatory measures may be introduced or agreed upon during the period between the hearing before the investigative judge and the trial. While this practice is not expressly provided for in legislation and depends on judicial discretion, it enables courts in appropriate cases to recognise behavioural change achieved before trial and may result in the dismissal of a case at that start of the trial before the Juvenile Court. While they provide additional flexibility within the system, their use is not systematically regulated and may therefore vary between jurisdictions and practitioners.

1.3 Implementation and Practice

1.3.1 Key Actors

The public prosecutor plays a central role in the diversion process. Following an assessment of the offence and the child's circumstances, the prosecutor decides whether diversion should be applied and determines which measures will be imposed.

It is worth noting that, under the previous version of Article 46 of the Greek Code of Criminal Procedure, which was amended in 2025, the refraining from criminal prosecution was entirely at the discretion of the youth prosecutor, as the earlier wording of the article stated that the prosecutor “may refrain” from prosecution even when the other criteria were met. The latest amendment in principle expands the scope of application of diversion in Greece and is indicative of a broader trend toward avoiding the stigmatization of children, while at the same time alleviating the burden on the courts. If the prosecutor decides to proceed with diversion, he or she may set a deadline by which the child must complete the imposed diversionary measure. The prosecutor retains the power to proceed with prosecution if the child fails to complete the diversionary measure within the timeframe.

The Youth Probation Services are embedded in the children's courts and staffed by professionals from the social sciences. It constitutes the backbone of the youth justice system, as they not only prepare the necessary reports for the judge or the prosecutor, but they also follow up with the child, supporting them throughout the process and trying to ensure that they comply with the diversion measures imposed.

As previously mentioned, since the relevant provision has recently been amended and governmental initiatives have been launched to develop programmes that could serve as diversion measures, it remains to be seen what changes will follow and how the landscape and key actors of youth diversion and criminal justice will evolve.

1.3.2 Referral Mechanisms

Diversion is primarily instigated and led by the public prosecutor. Once a misdemeanour has been identified and sufficient information has been gathered regarding the child and the offence, the prosecutor may impose one or more reformatory measures as a condition for refraining from prosecution.

If the child successfully completes the imposed measures within the specified timeframe, the case is archived. If the child fails to comply, criminal proceedings may be initiated.

1.3.3 *Examples of Diversion Programmes*

In practice, some of the available measures are more often imposed compared to others mostly due to lack of specialised services and programmes. The supervision of the child from the Youth Probation Services is the most common, throughout the country. Minors who commit traffic violations have to attend Road Safety Education courses, whereas minors who commit vandalism may be asked to repair the damage if possible. There are also initiatives for example the Anger Management Program which is implemented by the Youth Probation Services of Piraeus since 2013, but sadly these are not institutionalised and replicated throughout the country. Another one is the “RE:MIND” initiative is an innovative six-month e-learning programme developed by the Ministry of Justice to promote empathy, critical thinking and personal expression among adolescents with mild delinquent behaviour through classical literature, modern texts and creative digital storytelling. Conducted in collaboration with youth probation officers and academic partners, the programme is designed to support social inclusion and positive reintegration and was showcased as a best practice at the Council of Europe.

1.3.4 *Rights and Safeguards*

Children involved in diversion proceedings benefit from a number of statutory procedural safeguards. The right to legal representation is protected by Article 20 of the Greek Constitution and further guaranteed by Articles 91 and 99 of the Code of Criminal Procedure. Following the implementation of Law 4689/2020, children are entitled to legal assistance from the moment they are informed that they are suspects or accused persons, before any questioning or investigative acts take place.

Where decisions concerning deprivation of liberty are being considered, legal representation is mandatory. If neither the child nor the person exercising parental responsibility appoints a lawyer, the investigating judge must appoint one *ex officio*. The competent authorities are required to postpone questioning or other investigative acts for a reasonable period to allow legal assistance to be provided. Only in exceptional circumstances, such as an urgent need to protect life or prevent serious prejudice to criminal proceedings, may temporary derogations be permitted, always subject to the child's best interests and, where applicable, prior approval by the competent Public Prosecutor.

Before deciding whether diversion is appropriate, the public prosecutor must consider the nature and circumstances of the offence, the child's personality and individual situation, and, where appropriate, the views of the child, parents and Juvenile Probation Service.

Despite these safeguards, several implementation challenges remain. Free legal aid is generally subject to financial eligibility criteria, limiting access for some children. In addition, there is no explicit statutory obligation to provide children with comprehensive, child-friendly information regarding diversion procedures, the consequences of participation or non-compliance, and the possibility of prosecution following unsuccessful completion. Access to qualified youth lawyers, interpreters and translated materials also remains uneven, particularly for refugee, migrant, Roma children and children with disabilities.

1.3.5 *Developments, Outcomes, and Challenges*

The Greek youth justice system has undergone a significant transformation over the past two decades, moving away from custodial responses towards educational, therapeutic and community-based interventions. Successive reforms have expanded the use of diversion and reformatory measures while reaffirming deprivation of liberty as a measure of last resort. As a result, diversionary and community-based responses now constitute the primary means of addressing youth offending in Greece.

Although comprehensive evaluations of diversion programmes remain limited, available data suggests that the increased use of reformatory and therapeutic measures has contributed to a substantial reduction in the use of youth detention. Greece has one of the lowest rates of youth detention in Europe, and educational measures are now considerably more common than custodial sanctions (Hamilton, 2022). This development is widely regarded as reflecting the growing influence of child-centred and rehabilitative approaches within the Greek youth justice system (Papaioannou et al., 2020).

The expansion on paper of prosecutorial diversion under Article 46 of the Code of Criminal Procedure has further strengthened opportunities to address offending behaviour without recourse to formal judicial proceedings. In addition, the practice of quasi-diversion enables young people to demonstrate compliance with reformatory measures prior to trial, allowing courts, in appropriate cases, to conclude that the rehabilitative aims of the proceedings have already been achieved and that no further proceedings are required.

Nevertheless, several challenges remain. Participation in diversion requires an admission of responsibility, which may create tensions with procedural rights and safeguards against self-incrimination. The implementation of diversionary measures varies across regions and often depends on the availability of youth probation officers, specialised services and community-based programmes. Therapeutic measures remain relatively underused due to limitations in mental health and treatment infrastructure. Furthermore, despite the growing emphasis on diversion, there is still limited systematic data on completion rates, recidivism outcomes and the long-term effectiveness of individual diversionary measures.

Taken together, these developments indicate a clear policy shift towards diversion, rehabilitation and social reintegration. However, the absence of robust outcome data makes it difficult to assess the effectiveness of specific diversionary interventions, highlighting the need for further research and evaluation.

2. Ireland



2.1 Legal and Policy Framework

2.1.1 Legal Basis for Diversion

Irish youth diversion is primarily governed by the **Children Act 2001**, which establishes both pre-prosecution and court-based diversionary mechanisms. The Act expressly states that, unless the interests of society otherwise require, any child who has committed an offence and accepts responsibility for their behaviour shall be considered for admission to a diversion programme. This principle forms the foundation of the Irish approach to youth diversion.

Pre-prosecution diversion is regulated in **Part 4 of the Children Act 2001 (Sections 17-51)**, which establishes the Garda Youth Diversion Programme. These provisions govern admission to the programme, the administration of informal and formal cautions, victim participation, supervision by Juvenile Liaison Officers, and the use of Youth Diversion Conferences. Section 19 establishes the GYDP, while Section 18 provides that children who meet the eligibility requirements should ordinarily be considered for admission unless the offence is exceptionally serious or diversion would not be in the interests of society. This establishes diversion as the preferred statutory response to youth offending:

18. - Unless the interests of society otherwise require and subject to this Part, any child who has committed an offence and accepts responsibility for his or her criminal behaviour shall be considered for admission to a diversion programme (in this Part referred to as the Programme) having the objective set out in *section 19*.

19.-(1) The objective of the Programme is to divert from committing further offences any child who accepts responsibility for his or her criminal behaviour.

(2) The objective shall be achieved primarily by administering a caution to such a child and, where appropriate, by placing him or her under the supervision of a juvenile liaison officer and by convening a conference to be attended by the child, family members and other concerned persons.

Court-based diversion is provided for separately in the Act. **Part 2 (Sections 7-15)** establishes Family Welfare Conferences, while **Sections 77-87 of Part 8** empower the Children Court to direct Family Welfare Conferences and Family Conferences in criminal proceedings involving children. Specifically, Section 78 discusses when a case might be diverted to a family conference and how:

78.—(1) Where, in any proceedings in which a child is charged with an offence—
(a) the child accepts responsibility for his or her criminal behaviour, having had a reasonable opportunity to consult with his or her parents or guardian and obtained any legal advice sought by or on behalf of him or her,

(b) it appears to the Court that it is desirable that an action plan for the child should be formulated at a family conference, and

(c) the child and child's parent or guardian, or members of the child's family or relatives of the child who in the opinion of the Court could make a positive contribution at a family conference, agree to attend such a conference and to participate in its proceedings,

the Court may direct the probation and welfare service to arrange for the convening of a family conference in respect of the child and adjourn the proceedings until the conference has been held.

(2) The Court may direct that the conference consider such matters relating to the child as the Court considers appropriate.

While Section 83 provides the basis for the Court to dismiss the case upon the successful adherence to the action plan established during the conference, resulting in the complete diversion of the young person:

83.—Where the Court has ordered a child to comply with an action plan and, on application by the probation and welfare officer who convened the relevant family conference, it appears to the Court that the child has, without reasonable cause, failed to comply with the terms of the plan, the Court may resume the proceedings in respect of the offence with which the child is charged.

The broader principles underpinning the Irish youth justice system are reflected in Article 96 of the Children Act 2001, which states that detention should only be used as a measure of last resort, that interventions should promote the child's development, and that the least restrictive response appropriate to the circumstances should be selected.

2.1.2 National Policy Framework

Ireland's contemporary approach to diversion is strongly shaped by the **Youth Justice Strategy 2021-2027**, which positions diversion as the primary response to youth offending and emphasises prevention, early intervention and community-based support. The Strategy adopts a developmental and rights-based approach, recognising that children who offend are often vulnerable and should be supported to address the underlying causes of their behaviour rather than being drawn into the formal criminal justice system. Accordingly, the Strategy seeks to minimise the use of detention, strengthen diversionary responses and promote rehabilitation, social inclusion and positive youth development (Department of Justice, 2021).

The Strategy also expanded the role of Youth Diversion Projects (YDPs). While YDPs historically focused on young people already involved in offending behaviour, the Strategy broadened their remit to include children and young people identified as being at risk of offending. This reflects a shift from diversion as a purely reactionary response towards a more preventative model that aims to intervene before criminal behaviour becomes entrenched. As a result, YDPs now play a central role in both secondary prevention and diversion (which can be considered tertiary prevention) within the Irish youth justice system.

The ability of YDPs to fulfil this role is supported by Ireland's broader youth work infrastructure. The **Youth Work Act 2001** provides the statutory framework for the development, funding and coordination of youth work services throughout Ireland. Although the Act does not regulate diversion directly, it established and strengthened a nationwide network of youth organisations, community projects and youth services that subsequently became important delivery partners for Youth Diversion Projects. Consequently, many YDPs operate through community-based organisations rooted in the youth work sector and draw upon youth work principles such as voluntary participation, personal development, social inclusion and community engagement. The Youth Work Act therefore provides an important institutional foundation that enables diversionary interventions to be delivered through supportive community-based initiatives rather than exclusively through criminal justice agencies.

2.2 Design of the Diversion System

2.2.1 Objectives and Rationale

The Irish youth justice system is characterised by a strong emphasis on diverting children away from formal criminal proceedings wherever possible. It combines elements of welfare, rehabilitation, restorative justice, voluntary participation and reintegration, while recognising the potentially harmful effects that formal criminal justice intervention may have on the development of children and young people. Although the system retains certain traditional criminal justice features, its overall orientation is pedagogical, aiming to support children's social development and future perspectives.

The Garda Youth Diversion Programme (GYDP) forms the cornerstone of this approach. Originally developed as a local initiative in Dublin during the 1960s, the programme was subsequently placed on a statutory footing through the Children Act 2001. The programme seeks to encourage young people to accept responsibility for their behaviour while reducing the risk of reoffending through tailored supervision and participation in community-based Youth Diversion Projects (YDPs). When a child comes to the attention of An Garda Síochána for alleged criminal or anti-social behaviour, Section 18 of the Children Act 2001 provides that they ought to be considered for admission to the Diversion Programme before prosecution is pursued.

A distinctive feature of the Irish youth justice system is the use of family conferencing as a diversionary mechanism. Family conferences may be convened both within the Garda Youth Diversion Programme and, at a later stage, by the courts as an alternative to conviction. Rather than relying solely on punitive sanctions, these conferences bring together the young person, family members, victims and relevant social workers to develop an action plan aimed

at addressing the underlying causes of the offending behaviour and preventing future offending. Successful adherence to the agreed plan may enable the young person to avoid formal prosecution or conviction altogether. In this way, family conferencing extends the diversionary arsenal beyond the initial police response and creates additional opportunities to resolve offending behaviour through collaborative, restorative and community-based interventions.

2.2.2 *Diversion Measures*

The Irish youth justice system provides diversionary responses at both the pre-prosecution stage and within Children Court proceedings. Pre-prosecution diversion is primarily delivered through the Garda Youth Diversion Programme, which may involve an informal caution or a formal caution accompanied by supervision by a Juvenile Liaison Officer (JLO), participation in a Youth Diversion Conference and/or participation in Youth Diversion Projects (YDPs). At the court stage, diversion may occur through Family Welfare Conferences and Family Conferences ordered by the Children Court.

The Garda Youth Diversion Programme

The Garda Youth Diversion Programme constitutes the principal mechanism for diverting young people away from formal criminal proceedings before prosecution is initiated. Young people admitted to the programme may receive either an informal caution or a formal caution, the latter ordinarily involving a period of supervision by a Juvenile Liaison Officer (JLO). Although participation may be accompanied by supervision, guidance and agreed behavioural objectives, these arrangements are not legally enforceable. Failure to engage with supervision or to comply with agreed activities does not result in the reinstatement of criminal proceedings for the original offence. Consequently, the programme is best characterised as a **non-coercive diversion measure**, relying primarily on voluntary engagement and support rather than the threat of judicial consequences.

Informal caution. Young people who commit relatively minor offences, particularly first offences, may receive an informal caution administered by a Juvenile Liaison Officer, usually in the child's home or at a Garda station in the presence of parents or guardians. In principle, no further supervision follows and the matter is concluded.

Formal caution. More serious offending may result in a formal caution. This is accompanied by a period of supervision, generally lasting twelve months, during which the JLO monitors and supports the young person. The level and nature of supervision are tailored to the individual's circumstances and risk factors. Where appropriate, victims may participate in the formal caution process. This enables discussion of the harm caused and provides opportunities for apology, reparation and victim participation.

Youth Diversion Conference. At the request of the JLO, the Director of the Programme may convene a family conference involving the young person, parents and other relevant participants. The purpose is to develop an action plan aimed at preventing further offending. Such plans may include educational activities, restitution, participation in community

initiatives or other behavioural commitments. Although compliance is encouraged, there are no direct legal consequences for failure to complete the agreed plan.

Youth Diversion Projects (YDPs). These community-based projects operated by youth work organisations (like Foróige, Youth Work Ireland, and Crosscare) constitute the principal community-based support infrastructure associated with the Garda Youth Diversion Programme. Funded by the Department of Justice and implemented by local community organisations, YDPs aim to prevent young people from becoming involved in criminal or anti-social behaviour and to support those who have already come to the attention of the youth justice system. Participation is voluntary and projects operate in close cooperation with Juvenile Liaison Officers, schools, social services, families and other community partners. Participation in a Youth Diversion Project is not a condition of admission to the Garda Youth Diversion Programme. Rather, YDPs function as community-based supports that may be offered after a diversion decision has been made in order to reinforce behavioural change and reduce the risk of reoffending.

YDPs provide a broad range of interventions tailored to the individual needs of young people. These may include mentoring, educational support, life-skills training, sports and recreational activities, arts programmes, family support, outreach work and initiatives designed to improve school attendance and social inclusion.

Court-based Diversion

Unlike many diversion systems that operate exclusively before prosecution, Irish youth justice also provides diversionary mechanisms once judicial proceedings have commenced. These diversion measures are all conditional and if the conditions of the measure are violated, proceedings resume.

Family welfare conference. Where the court considers that a young person requires care or protection, it may suspend proceedings and direct the relevant social services to organise a family welfare conference. The conference addresses the welfare needs of the child and may ultimately provide an action plan which, if adhered to, may be an alternative to criminal prosecution.

Family conference. The court may also direct the Probation Service to organise a family conference involving the young person, family members, the victim and other relevant participants. The objective is to agree upon an action plan aimed at addressing the underlying causes of the offending behaviour and reducing the risk of future offending. Action plans may include apologies, restitution, unpaid work, educational activities or other rehabilitative interventions. Successful implementation may result in the dismissal of the charges, whereas failure to comply may lead to the resumption of criminal proceedings.

Taken together, these measures constitute a continuum of restorative, rehabilitative and welfare-oriented responses that remain available throughout different stages of the youth justice process and are supported by an extensive network of community-based interventions.

2.2.3 Eligibility and Target Groups

The Garda Youth Diversion Programme has a broad scope of application. In principle, any child between the ages of 12 and 18 who has committed a criminal offence may be considered for admission. Although the general age of criminal responsibility is twelve years, children aged ten and above may also be prosecuted (and consequently considered for diversion) in cases involving murder, manslaughter and certain serious sexual offences.

Unlike many diversion systems, Irish law does not distinguish between categories of offences for the purpose of eligibility. Young people involved in both relatively minor and serious offences may be admitted to the programme. Similarly, there are no formal restrictions regarding previous offending, and multiple referrals are possible where appropriate. While repeated referrals may influence the assessment of suitability, recidivism does not automatically exclude participation.

Admission to the programme is subject to several conditions:

- the child must accept responsibility for the criminal behaviour;
- the child must have had a reasonable opportunity to consult with their parents or guardians and obtain legal advice;
- the child must consent to receiving a caution and, where applicable, supervision by a Juvenile Liaison Officer (JLO);
- the Director of the Programme must consider the young person suitable for diversion.

In practice, admission may be refused where the offence is considered particularly serious, where the young person persistently reoffends or previous participation in the diversion programme was unsuccessful, where consent for participation is withheld, or where responsibility for the behaviour is denied. The views of the victim may be taken into account, although victim consent is not a formal requirement for admission.

The eligibility criteria described above apply specifically to admission to the Garda Youth Diversion Programme. Separate considerations govern access to the court-ordered family conferences.

Family Welfare Conferences may be directed by the Children Court where a child has been charged with an offence and the court considers that welfare concerns may warrant intervention under child welfare legislation. More specifically, the court must consider that a care order, supervision order or other welfare intervention may be appropriate. The measure is therefore targeted not at a particular category of offence, but at children whose offending behaviour appears linked to significant care, protection or welfare needs. The court may adjourn criminal proceedings and direct the Child and Family Agency (Tusla) to convene a conference if it considers this practicable in light of the child's age, family circumstances and other relevant factors.

Family Conferences are available where criminal proceedings have commenced and the child has accepted responsibility for the offence. The child must also agree to participate in the conference. The court may then adjourn proceedings and direct the Probation Service to convene a conference involving the child, family members, the victim and other relevant

participants. Eligibility is therefore determined less by offence type or prior offending history than by the child's willingness to participate and the court's assessment that a conference may contribute to rehabilitation and accountability

2.2.4 Position in the Justice Process

The **Garda Youth Diversion Programme** operates during the pre-prosecution stage. Following referral by An Garda Síochána, the Director determines whether the child should be admitted to the Programme. Where admission is granted, the matter is dealt with through one or more of the diversionary measures described above, thereby avoiding formal prosecution. Once the process has been completed, the matter is considered concluded, although previous participation may be taken into account in the event of subsequent offending.

Family Welfare Conferences are available after criminal proceedings have commenced. The Children Court may adjourn proceedings and direct the Child and Family Agency (Tusla) to convene a conference where welfare concerns suggest that child protection measures may be more appropriate than immediate continuation of the criminal process. Following the conference, the court determines whether criminal proceedings should resume or whether further welfare intervention is required.

Family Conferences are likewise available after proceedings have commenced but before sentencing. The Children Court adjourns the case while the agreed action plan is implemented. Successful completion may result in dismissal of the charges or another non-punitive disposal, whereas failure to comply allows the court to resume the proceedings in the ordinary manner.

2.3 Implementation and Practice

2.3.1 Key Actors

The implementation of diversion in Ireland involves a combination of criminal justice, welfare and community-based actors. The Garda National Youth Diversion Bureau (GNYDB) is responsible for the strategic management of the Garda Youth Diversion Programme and advises the Director of the Programme on admission decisions. Juvenile Liaison Officers (JLOs) play a central operational role by administering cautions, supervising young people admitted to the programme, engaging with victims and families, and facilitating referrals to community-based supports.

At the court stage, the Children Court, Probation Service and Tusla (the Child and Family Agency) are key actors. The Children Court may direct Family Welfare Conferences and Family Conferences, while Tusla and the Probation Service are responsible for organising and facilitating these processes.

A distinctive feature of the Irish model is the prominent role played by the youth work sector. Youth Diversion Projects (YDPs) are delivered by community-based organisations such as Foróige, Youth Work Ireland and local youth services, working in partnership with An Garda Síochána, the Department of Justice, schools and social services. Additionally, each YDP is overseen by a Project Committee and a Referral Assessment Committee. These bodies bring

together representatives from An Garda Síochána, youth work organisations, schools, Tusla, the Probation Service and other local stakeholders. The Project Committee provides strategic oversight, while the Referral Assessment Committee determines admission to the project, monitors participant progress and decides when engagement should conclude.

2.3.2 Referral Mechanisms

Referrals to diversion occur through different pathways depending on the measure concerned.

Admission to the GYDP generally follows a referral by An Garda Síochána after a young person comes to police attention for criminal or anti-social behaviour. Following referral, a YLS/CMI-SV screening assessment is completed with the consent of the young person's parent or guardian. The assessment informs the Referral Assessment Committee's decision regarding admission. Referrals from Juvenile Liaison Officers and local Garda management are prioritised, particularly where the young person is assessed as presenting a moderate or high risk of offending or reoffending.

Referrals to YDPs may originate from Juvenile Liaison Officers, schools, Tusla, youth organisations, the Probation Service and other statutory or voluntary agencies. Self-referrals are also possible. Following referral, projects typically undertake a needs and risk assessment to determine the most appropriate support plan.

Family Welfare Conferences and Family Conferences are initiated through a direction of the Children Court once criminal proceedings have commenced.

2.3.3 Operational Guidance

The purpose and operation of Youth Diversion Projects are defined in the Garda Youth Diversion Project Guidelines (2002) and subsequent Operational Requirements issued by the Irish Youth Justice Service and Department of Justice. More recently, the Together Stronger framework further clarified the respective responsibilities of Youth Justice Workers and Juvenile Liaison Officers in project planning and delivery.

These documents establish the principles underpinning YDP practice, including diversion from the formal justice system, voluntary participation, proportionality, evidence-informed interventions and collaborative working with families and local communities.

2.3.4 Examples of Diversion Programmes

In practice, Irish diversion extends beyond the administration of cautions and encompasses a broad network of community-based supports. Youth Diversion Projects provide individually

Harder to reach is estimated that approximately 1,000 young people per year engage in serious and/or prolific offending in the State. These young people are often challenging to engage by statutory and community services and have been deemed or may be deemed unsuitable for the Garda Diversion Programme. They typically do not come under the jurisdiction of the Probation Service unless a supervision order has been issued by the courts. The aim of engaging with *Harder-to-Reach young people* is to effectively connect with and support this cohort to reduce recidivism and promote safer communities in line with the Youth Justice Strategy 2021 – 2027.

tailored interventions that may include mentoring, educational support, life-skills development, sports and recreational activities, arts programmes, employment preparation and family support.

Foróige provides a useful illustration of how YDPs operate in practice. The organisation manages approximately 30% of Ireland's YDPs and delivers community-based interventions in partnership with An Garda Síochána and local agencies. In addition to traditional offending-focused work, Foróige projects increasingly provide school-retention support, family interventions, outreach to hard-to-reach young people and early intervention initiatives for younger children identified as being at risk of offending. Some examples of their YDPs are:

2.3.5 Rights and Safeguards

Children participating in diversion measures benefit from a range of statutory safeguards under the Children Act 2001. Admission to the Garda Youth Diversion Programme requires the child to accept responsibility for the relevant behaviour and to consent voluntarily to participation. Before making this decision, children must be given a reasonable opportunity to consult with a parent or guardian and to obtain legal advice. Participation in Family Conferences likewise requires the child's agreement.

Legal representation is guaranteed under the Irish Constitution, while publicly funded legal aid is available where families cannot afford private representation, ensuring broad access to legal assistance for children involved in criminal proceedings. Although legal advice is available before participation in diversion, it appears to be used relatively infrequently in practice.

Parental involvement constitutes an important procedural safeguard throughout the diversion process. Informal and formal cautions are ordinarily administered in the presence of a parent or guardian, while parents and family members play an active role in Youth Diversion Projects, Family Welfare Conferences and Family Conferences.

Ireland has also developed innovative measures to support children's participation in justice proceedings. The Court Accompaniment initiative trains Youth Justice Workers to prepare children for court, explain procedures in child-friendly language, provide emotional and practical support, accompany children during hearings and assist them following court proceedings.

Nevertheless, some challenges remain. Participation in diversion generally requires an admission of responsibility, which may create tensions with procedural safeguards such as the privilege against self-incrimination. Furthermore, children from vulnerable backgrounds may continue to encounter barriers in accessing legal advice and participating effectively in diversionary procedures.

2.3.6 Regional Variation

Although diversion is governed by national legislation and policy, implementation retains a degree of local flexibility. Youth Diversion Projects are delivered by locally embedded organisations that adapt interventions to community needs and available resources. Consequently, the range of activities, local partnerships and service delivery models may vary between projects.

In June 2026, it was confirmed that Youth Diversion Projects achieved nationwide coverage, meaning that all youths who require access to a YDP have at least one in their catchment area, reflecting a significant expansion of diversionary support infrastructure under the Youth Justice Strategy 2021–2027.

2.3.7 Developments, Outcomes and Challenges

The extensive use of diversion and community-based interventions has contributed to Ireland making relatively limited use of youth detention. Detention remains reserved for the most serious cases and is intended to operate as a measure of last resort. Ireland has a single national children's detention facility, Oberstown Children Detention Campus, which accommodates both remand and sentenced children under the age of 18. Official statistics indicate that the number of children detained annually has remained comparatively low and stable over time with daily averages ranging between 31 and 39 detained children between 2020–2024, although recent years have seen increasing occupancy levels and renewed discussion regarding the continued application of the last resort principle (Reddy, 2022; Marder & Forde, 2023; Oberstown Children Detention Campus, 2025; Pleysier, 2025).

The Garda Youth Diversion Programme represents the primary gateway through which young people are diverted from formal criminal justice processes. Recent figures indicate that approximately 17,000 referrals are made annually to the Programme, while only a small proportion of young people ultimately progress to court proceedings. Figures from 2019 indicate that 78% of the children referred were admitted to the Diversion Programme, and received a formal or an informal caution, while 16% were considered unsuitable for admission to the Programme; for the remaining six percent either no further action was taken or they are listed as “other”, including cases where requests for further information were made (Committee Appointed to Monitor the Effectiveness of the Diversion Programme, 2021). Additionally, in 2024, approximately 3,922 children appeared before the courts and 120–150 young people were detained in Oberstown, Ireland's national child detention facility. These figures illustrate the extent to which diversion functions as the dominant response to youth offending within the Irish system.

Annual statistics indicate changing patterns in offending behaviour among young people. For example, referrals for drug offences decreased from 1,881 in 2022 to 1,607 in 2023, while public order offence referrals fell from 2,626 to 2,284 during the same period. Road traffic offences accounted for more than 10% of all referrals in 2023. Together, these figures illustrate the changing profile of referrals to Youth Diversion Projects and highlight the need for diversion services capable of responding to a wide variety of offending behaviours.

The Irish model also places considerable emphasis on restorative and family-oriented interventions. Family Conferences provide opportunities for young people, family members, victims and professionals to jointly develop action plans aimed at repairing harm and addressing the causes of offending behaviour. While this has the potential to represent a more child-friendly procedure (see further Forde, 2018), Probation Service statistics indicate that court-ordered Family Conferences remain rarely used in practice, with only a very small number convened each year (Probation Service, 2021). The Youth Justice Strategy 2021–

2027 has recognised this gap and explicitly seeks to promote the broader use of Family Conferences within the youth justice system (Department of Justice, 2021).

The effectiveness of the Irish model is increasingly assessed through a broader range of indicators than recidivism alone. Policy documents and academic literature emphasise outcomes such as children's engagement with education and community services, meaningful participation by victims and families, and the avoidance of unnecessary contact with the formal criminal justice system. Together with Ireland's comparatively limited use of youth detention, these outcomes reflect a youth justice system that seeks to promote rehabilitation, reintegration and long-term desistance through minimum intervention rather than punishment (Reddy, 2022; Marder & Forde, 2023).

3. The Netherlands



3.1 Legal and Policy Framework

3.1.1 Legal Basis for Diversion

The Dutch legal framework provides three principal mechanisms through which minor offences committed by children may be resolved without formal prosecution: the **police reprimand** (politieprimande), the **police dismissal** (politiepot) and the **Halt intervention** (Halt-aftoening). Together, these mechanisms reflect the Dutch youth justice system's commitment to resolving minor offending outside the formal criminal justice process wherever appropriate, while ensuring that more serious cases remain subject to judicial intervention.

The primary statutory basis for diversion is found in **Article 77e of the Dutch Criminal Code** (Wetboek van Strafrecht) and the **Halt Decree 2024** (Besluit aanwijzing Halt-feiten 2024). Together, these provisions establish the legal framework for the Halt intervention and specify the offences that may be resolved through diversion rather than prosecution. Under Article 77e, a designated police officer may, with the consent of the Public Prosecution Service, offer a child the opportunity to participate in a Halt intervention as an alternative to criminal prosecution. Successful completion prevents the transmission of the police report to the Public Prosecution Service and avoids the creation of a criminal record.

The Halt Decree 2024 further regulates the use of diversion by establishing general eligibility criteria and identifying the offences that may be referred to Halt. In principle, a Halt intervention may only be offered where the offence is of limited seriousness, the facts can be readily established, the young person admits responsibility for the offence and both the offence and the offender are considered suitable for a pedagogical response. The Decree also contains provisions regarding repeat referrals and allows, in exceptional circumstances and with the approval of the Public Prosecution Service, referrals for offences not explicitly listed in the Decree. Halt is available to children aged 12 to 18 years who are suspected of committing eligible offences.

In addition to these statutory provisions, the practical application of diversion is governed by the Instruction on Halt Referrals (Aanwijzing Halt-aftoening) issued by the Board of Procurators General. These prosecution guidelines operationalise the legislative framework by providing detailed instructions on referral criteria, exclusion grounds, repeat offending, procedural safeguards and the respective responsibilities of the police, the Public

Prosecution Service and Halt. As such, they play a central role in ensuring consistency and legal certainty in the implementation of diversion throughout the Netherlands.

Alongside the Halt intervention, the Dutch system provides two additional diversionary mechanisms that enable minor offences to be resolved at an early stage. The police reprimand (*politiereprimande*) is a formal warning intended to keep minor offences outside the criminal justice system. Its legal basis is found in **Article 152(2) of the Dutch Code of Criminal Procedure** (*Wetboek van Strafvordering*), which authorises investigating officers, in accordance with policy rules established by the Public Prosecution Service, to refrain from drafting an official police report in designated cases. Unlike the Halt intervention, the police reprimand does not involve participation in an educational programme or other intervention. Although Article 152(2) applies equally to adults and children, a national working procedure specifically governing juvenile police reprimands entered into force on 1 July 2024. The use of the reprimand is further regulated through the **Framework for Police Reprimands** (*Kader reprimande*) and the accompanying **Operational Instruction** (*Werkinstructie reprimande*), which provide detailed guidance on eligibility criteria and implementation.

A second mechanism is the police dismissal (*politiesept*), whereby the police, acting in accordance with policy rules issued by the Public Prosecution Service, decide not to draw up an official police report or refer a case for prosecution. Like the police reprimand, the police dismissal is based on Article 152(2) of the Dutch Code of Criminal Procedure (*Wetboek van Strafvordering*), which permits investigating officers to refrain from drafting a police report in designated cases. The practical use of the police dismissal is further regulated through prosecution policy. Similar to the police reprimand, it enables very minor offences to be resolved without referral to the Public Prosecution Service or participation in a structured diversionary programme. Together, the police reprimand and police dismissal provide proportionate responses for the least serious offences, while the Halt intervention offers a more comprehensive educational response for cases requiring greater intervention.

Although not constituting the legal basis for diversion itself, the Youth Act (*Jeugdwet*) provides the broader policy context within which Dutch youth justice operates. By emphasising prevention, early intervention and integrated support for children and families, the Act reinforces the pedagogical orientation of diversion and facilitates cooperation between municipalities, youth care providers and criminal justice agencies.

Together, these legislative instruments, prosecution guidelines and operational frameworks create a comprehensive system of diversion that prioritises educational and developmental responses to minor youth offending while minimising unnecessary formal criminal justice intervention. The framework reflects the broader pedagogical orientation of Dutch youth justice, emphasising proportionality, accountability, prevention and the avoidance of criminalisation. It also operates within the broader obligations arising from the United Nations Convention on the Rights of the Child, which encourages States Parties to promote diversionary measures as an alternative to formal judicial proceedings wherever appropriate.

3.2 Design of the Diversion System

3.2.1 Objectives and Rationale

Diversion occupies a central position within the Dutch youth justice system and reflects its longstanding pedagogical orientation. Dutch youth justice is based on the principle that children and adolescents are still developing and should therefore be given opportunities to learn from their mistakes without becoming unnecessarily involved in the formal criminal justice system.

The primary objective of diversion is to prevent criminalisation and stigmatisation while promoting accountability and reducing the caseload of the youth justice chain. By resolving minor offences outside formal court proceedings, diversion seeks to avoid the negative consequences associated with prosecution and criminal records. At the same time, diversionary measures encourage young people to take responsibility for their behaviour, understand its consequences and, where appropriate, repair the harm caused.

This philosophy is most clearly reflected in the Halt intervention, which combines educational and restorative elements with the aim of promoting behavioural change, preventing reoffending and supporting the social development of young people. Diversion therefore serves not merely as an alternative to prosecution, but as an instrument for achieving the broader rehabilitative and pedagogical goals of Dutch youth justice.

3.2.2 Diversion Measures

The Dutch youth justice system provides three principal diversionary responses for young offenders: the police reprimand (*politiereprimande*), the police dismissal (*politiesepot*) and the Halt intervention (*Halt-afdoening*). These measures differ in their level of intervention but share the objective of resolving minor offending outside formal criminal proceedings through proportionate, pedagogical and, where appropriate, restorative responses.

Police reprimand. For minor offences, particularly first offences, the police may issue a reprimand instead of referring the case to the Public Prosecution Service or Halt. The young person receives a formal warning regarding their behaviour, after which the matter is closed. The police reprimand is generally reserved for less serious offences where a warning is considered sufficient to prevent future offending.

Police dismissal. In certain cases, the police may decide not to draw up an official police report or refer the case to the Public Prosecution Service. This decision is taken in accordance with prosecution policy and is intended for very minor offences where further intervention is considered unnecessary. Unlike the police reprimand, which consists of a formal warning, the police dismissal concludes the matter without additional measures. It is primarily intended to avoid unnecessary criminal justice intervention where the circumstances of the offence and the young person do not warrant further action.

Halt intervention. The Halt intervention constitutes the primary diversionary measure within the Dutch youth justice system. Young people who have committed an eligible offence and accept responsibility for their behaviour may be referred to Halt by the police or the Public Prosecution Service. Participation is voluntary and focuses on accountability, behavioural change and learning. Depending on the circumstances of the case, the intervention may include educational assignments, discussions with parents, victim-oriented activities,

restitution of damages, apologies and community-oriented tasks. The intervention may comprise up to twenty hours of activities. Successful completion results in the case being closed without prosecution and without the creation of a criminal record.

Together, the police reprimand, police dismissal and Halt intervention provide a graduated system of diversionary responses in line with the principle of subsidiarity, enabling minor cases to be resolved proportionately according to their seriousness while avoiding unnecessary involvement in the formal criminal justice system.

3.2.3 Eligibility and Target Groups

Dutch diversion measures are intended for young people aged 12 to 18 who have committed relatively minor offences. Eligibility varies according to the diversionary mechanism, the seriousness of the offence and the circumstances of the young person.

A police reprimand may be issued for minor offences where the police consider a formal warning sufficient to address the behaviour. The measure is generally reserved for first-time offenders and less serious forms of offending.

A police dismissal may be applied in designated low-level cases where, in accordance with prosecution policy, the police determine that neither a formal warning nor referral to a Halt intervention is necessary. It is generally reserved for offences of a very minor nature where no further pedagogical intervention is considered appropriate.

Eligibility for a Halt intervention is governed by Article 77e of the Dutch Criminal Code and further specified in the Halt Decree 2024 (Besluit aanwijzing Halt-feiten). Young people must generally be between 12 and 18 years of age, admit responsibility for the offence and consent to participation in the intervention. For young people under the age of 16, parental or guardian consent is also required.

Halt interventions are available for a defined range of offences, including various forms of shoplifting, vandalism, public-order offences, fare evasion, nuisance behaviour, school absenteeism, and certain online offences. The Public Prosecution Service also has the discretionary power to refer young people for offences not explicitly included in the Halt Decree where it considers a Halt intervention more appropriate than prosecution.

Participation in Halt is generally limited to young people who have not previously completed multiple Halt interventions. While a prior referral does not automatically exclude participation, repeated offending may influence the decision regarding suitability. More serious offences, particularly those involving significant violence, serious threats, weapons or substantial harm, are ordinarily considered unsuitable for diversion and are instead dealt with through the formal youth justice system.

3.2.4 Position in the Justice Process

Diversion in the Netherlands takes place exclusively at the pre-prosecution stage of the criminal justice process. Following police contact and, where appropriate, questioning of the young person, the police may resolve the case through a police dismissal, issue a police

reprimand or refer the young person to a Halt intervention. These measures are intended to prevent unnecessary progression into the formal criminal justice system while allowing more serious cases to proceed to prosecution.

A police dismissal concludes the matter immediately without further intervention or referral to the Public Prosecution Service. Similarly, a police reprimand concludes the matter following the issuance of a formal warning. No further action is taken unless new circumstances emerge or additional offences come to light.

Where a young person is referred to Halt, the case is temporarily suspended pending completion of the intervention. If the young person successfully completes the agreed activities, the case is closed without prosecution and without the creation of a criminal record. If the young person refuses to participate, withdraws from the intervention or fails to complete it satisfactorily, the case is returned to the Public Prosecution Service for further consideration.

The Public Prosecution Service retains discretion throughout the process and may decide to prosecute where diversion is considered inappropriate due to the nature of the offence, the circumstances of the offender or the outcome of the intervention.

3.3 Implementation and Practice

3.3.1 Key Actors

The implementation of diversion in the Netherlands involves cooperation between the police, the Public Prosecution Service, Halt and, where appropriate, parents, victims and local support services.

The Police play a central gatekeeping role within the diversion process. Police officers investigate offences, assess their seriousness and determine whether a case may be suitable for a police reprimand or referral to Halt. In many cases, the police are responsible for initiating the diversion measures (police reprimand, dismissal or referral to Halt) and informing young people and their parents about the available options.

The Public Prosecution Service (Openbaar Ministerie, OM) is responsible for overseeing the lawful and appropriate use of diversion. Prosecutors may refer young people to Halt, approve referrals from the police in certain cases and determine how cases should be handled where diversion is unsuccessful or considered inappropriate. They have the discretionary power to refer cases to Halt even when they concern offences that are not listed in the criteria of the Halt decree, if they believe it suits the child's best interests. The OM also issues national policy guidance regarding the use of diversionary measures in youth justice.

The ZSM process functions as an important coordination mechanism for diversion decisions. Within ZSM, the police, Public Prosecution Service, Halt, Victim Support Netherlands, the Probation Service and other partners jointly assess cases shortly after the offence has been reported. The aim is to reach a rapid, proportionate and tailored response, taking into account the nature of the offence, the circumstances of the young person, the position of the victim and any relevant risk or support needs. In this context, ZSM can serve as an important

gateway to diversion, particularly where a decision must be made between a police-level response, referral to Halt or further prosecutorial action.

Stichting Halt is the principal organisation responsible for delivering diversionary interventions. Halt professionals conduct intake assessments, develop intervention plans, supervise participation and determine whether the intervention has been completed successfully. In doing so, they combine educational, behavioural and restorative approaches tailored to the circumstances of the young person and the offence. The Halt workers who deliver the intervention generally have a social work background and are certified by the Youth Quality Register Foundation (Stichting Kwaliteitsregister Jeugd, SKJ) proving that a professional has the required education, continuous development, and competencies to work safely and effectively in youth care or youth protection

Municipal enforcement officers (BOAs) have traditionally played a limited role in youth diversion. However, since June 2026 designated BOAs have been authorised to issue reprimands and refer children to Halt for a wider range of low-level offences falling within their enforcement competence, including offences relating to public nuisance, vandalism, alcohol, fireworks and certain public-order offences. This expansion aims to enable minor youth offending encountered in public spaces to be dealt with swiftly and pedagogically, without unnecessary escalation into the formal criminal justice system.

Parents and guardians play an important role throughout the diversion process. For children under the age of 16, parental or guardian consent is required before participation in a Halt intervention can begin. Throughout the intervention, parents are encouraged to support their child's participation, reinforce behavioural change and engage in discussions with Halt professionals where appropriate. Their involvement reflects the pedagogical orientation of the Dutch youth justice system, which recognises the family environment as an important factor in preventing reoffending.

Victims may also play an active role within the Halt intervention where appropriate and they are willing to participate. Consistent with the restorative orientation of Halt, victims are offered opportunities to express the impact of the offence, receive an apology, agree on restitution or participate in an indirect or direct restorative encounter where suitable. Victim participation is voluntary and tailored to the circumstances of the case. Although not every Halt intervention includes direct victim involvement, encouraging young people to recognise the consequences of their behaviour for those affected forms a core component of the intervention. Where direct contact is not possible or appropriate, restorative assignments (such as writing a letter of apology, completing victim-awareness assignments or making reparations) may be incorporated into the intervention.

Finally, diversion often involves cooperation with **schools, municipalities, youth care providers and other local organisations**. These actors may provide additional support where underlying social, educational or behavioural problems are identified during the assessment or intervention process.

3.3.2 Referral Mechanisms

Diversion referrals in the Netherlands generally originate from the police, the Public Prosecution Service or authorised municipal enforcement officers (BOAs). Following the detection of an offence, the competent authority assesses the nature and seriousness of the behaviour, the circumstances of the young person and the eligibility criteria for diversion. For minor offences, a reprimand may be issued and the case closed. Where a more substantial intervention is considered appropriate, the young person may be referred to Halt.

Referral decisions are frequently made within the ZSM process, which brings together the police, the Public Prosecution Service and other relevant partners to determine a rapid and proportionate response to offending behaviour. Within this process, consideration is given to the seriousness of the offence, the interests of victims, the personal circumstances of the young person and the suitability of diversion.

Following a referral, Halt conducts an intake assessment to determine whether the young person meets the legal requirements for participation and to identify the most appropriate intervention components. The assessment considers factors such as the nature of the offence, the young person's circumstances, parental involvement and any underlying behavioural or social issues. Based on this assessment, Halt develops an intervention plan tailored to the individual case.

Where the young person successfully completes the intervention, the case is closed and no criminal record is created. If the young person refuses to participate, withdraws from the intervention or fails to complete it satisfactorily, the case is returned to the Public Prosecution Service for further consideration within the formal youth justice system.

3.3.3 Operational Guidance

The implementation of diversion in the Netherlands is guided by a combination of legislation, prosecutorial directives and operational protocols. The most important instruments are the Halt Decree 2024 (*Besluit aanwijzing Halt-feiten 2024*), which specifies the offences eligible for referral to Halt, and the Instruction Framework for Sentencing and Prosecution of Juveniles and Adolescents (*Aanwijzing kader voor strafvordering jeugd en adolescenten*) issued by the Public Prosecution Service. Together, these instruments provide guidance on the use of diversion, eligibility criteria and the circumstances under which prosecution remains appropriate.

Operational guidance further emphasises the pedagogical character of diversion and the importance of tailoring interventions to the developmental needs of young people. Police officers, prosecutors and Halt professionals are expected to consider factors such as the seriousness of the offence, the circumstances of the young person, previous offending behaviour and the likelihood that an educational intervention will prevent reoffending.

Within Halt, national protocols and work instructions promote a consistent approach to assessment, intervention and case closure. These protocols provide guidance on the use of educational assignments, restorative activities, parental involvement and victim participation, while allowing sufficient flexibility to tailor interventions to the individual circumstances of each young person.

3.3.4 Examples of Diversion Programmes

The Dutch diversion system combines relatively simple police-level diversionary responses with a structured educational and restorative intervention delivered by Halt. Whereas police reprimands and police dismissals conclude the matter without further intervention, the Halt programme provides an individually tailored response aimed at promoting accountability and preventing reoffending.

Although every Halt intervention is adapted to the circumstances of the young person, it generally combines four core components:

The intervention begins with an **assessment and screening phase**. During intake, Halt professionals explore the circumstances of the offence, identify any underlying behavioural or social problems and assess whether additional support services may be required. Standardised screening instruments are used to identify risk factors, protective factors and possible support needs.

A second component focuses on **reflection and accountability**. Through structured conversations and educational exercises, young people are encouraged to reflect on their behaviour, understand its consequences and identify strategies for avoiding similar behaviour in the future. Particular attention is paid to decision-making, peer influence, self-control and the impact of offending on others.

A third component concerns **restoration and reparation**. Restorative elements are considered a central feature of the Halt approach and may include apologies, restitution, compensation for damages, victim-oriented assignments or, where appropriate, a restorative dialogue between the young person and the victim. The objective is to promote accountability while repairing, as far as possible, the harm caused by the offence.

Where relevant, the intervention may also include **social skills training and behavioural learning activities**. These modules focus on recognising risk situations, resisting negative peer pressure, managing emotions and developing pro-social alternatives to offending behaviour. The precise content is adapted to the individual needs of the young person.

Parental involvement forms another important element of the intervention. Parents or guardians participate in key meetings and are encouraged to support behavioural change, reinforce positive behaviour and address factors that may have contributed to the offending.

Finally, Halt places considerable emphasis on **early identification and referral**. Where underlying educational, social, family or mental health problems are identified, young people may be referred to specialised support services. In this way, the intervention serves not only as a response to offending but also as a mechanism for identifying unmet support needs and facilitating access to appropriate assistance.

Depending on the nature of the offence, interventions may also include offence-specific modules addressing issues such as shoplifting, online behaviour, vandalism, school absenteeism, public nuisance or fireworks offences. Although individually tailored, all

interventions are designed as short-term educational responses aimed at helping young people understand the consequences of their behaviour, repair the harm caused and prevent further offending.

3.3.5 Rights and Safeguards

Children diverted through the Dutch youth justice system benefit from several procedural safeguards established in criminal legislation and policy. Participation in a Halt intervention is voluntary and requires the young person to accept responsibility for the offence. Pursuant to Article 77e of the Dutch Criminal Code and the Halt Decree 2024, participation also requires parental or guardian consent where the child is under the age of sixteen.

Following the implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, children are entitled to consult a lawyer before police questioning and to receive legal assistance throughout criminal proceedings. These rights also apply where a child is considering participation in a Halt intervention.

Parental involvement constitutes a further safeguard within the diversion process. Parents or guardians are generally informed of the referral and are involved throughout the intervention. In addition, the police and Halt are required to provide information regarding the nature of the intervention, the obligations involved and the consequences of successful or unsuccessful completion.

Recent evaluations have nevertheless identified several areas of concern. Participation in the Halt intervention requires the child to admit responsibility for the offence, which may create tensions with procedural rights and the presumption of innocence. In addition, questions have been raised regarding the extent to which children fully understand the legal implications of accepting a Halt referral rather than proceeding through the ordinary criminal justice process. In its 2025 advisory report, the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) argues that the current Dutch diversion system places insufficient emphasis on safeguarding the legal position of children during diversionary procedures. The RSJ highlights the need for children and their parents to receive clear, child-friendly information about the consequences of accepting diversion and recommends that legal assistance should be available at key decision-making moments to ensure that consent is genuinely informed and voluntary. The Council further warns that some children may feel pressured to admit responsibility in order to avoid a criminal record, potentially undermining the voluntariness of participation. These concerns reflect broader international standards, which require diversion to be based on free and informed consent and to respect the child's procedural rights throughout the process (RSJ, 2025).

3.3.6 Developments, Outcomes and Challenges

The Dutch diversion system has undergone several important developments in recent years. One notable trend has been the expansion of diversionary responses to emerging forms of youth offending, particularly online and hybrid offences. Halt has developed specialised interventions addressing behaviours such as cyberbullying, online fraud, online threats,

sexting and the non-consensual sharing of intimate images. In addition, recent reforms have expanded the role of designated municipal enforcement officers (BOAs), who may now issue reprimands and refer young people directly to Halt for certain offences. These developments reflect an ongoing effort to maintain diversion as a flexible and proportionate response to changing forms of youth offending.

Another recent development is the exploration of diversionary responses for young adults. Building on the pedagogical principles of youth justice, pilot initiatives have examined whether elements of the Halt approach can be applied to young adults whose developmental needs resemble those of younger offenders. This reflects a broader recognition that the transition to adulthood is gradual and that punitive responses may not always be the most effective means of preventing future offending.

Diversion constitutes a substantial component of the Dutch response to youth offending. Each year, thousands of young people are referred to Halt as an alternative to prosecution, making it one of the largest diversionary programmes in Europe. The intervention is specifically designed to prevent unnecessary criminalisation by addressing minor offending outside the formal criminal justice system while avoiding the creation of a criminal record. Approximately 12,000 young people annually participate in a Halt intervention.

The effectiveness of the Halt intervention remains the subject of ongoing research. A large-scale evaluation of the former Halt disposal by the Dutch Scientific Research and Data Centre (WODC) found no statistically significant overall effect on recidivism compared with a control group, although methodological limitations, including selective attrition and challenges associated with measuring long-term outcomes, made it difficult to draw firm conclusions regarding effectiveness (Ferwerda et al., 2006). Subsequent work focused on strengthening the intervention's theoretical foundation by identifying evidence-based mechanisms such as parental involvement, restorative practices, motivational interviewing and improved screening and referral procedures (Buysse et al., 2017; Vooren et al., 2023).

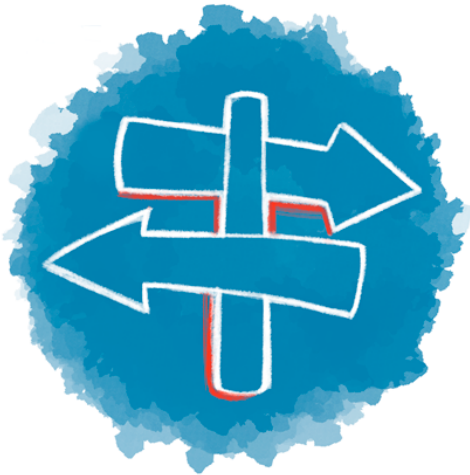
The current Halt methodology is explicitly evidence-informed and draws on several complementary theoretical frameworks, including the Risk-Need-Responsivity (RNR) model, restorative justice principles and cognitive-behavioural approaches. The intervention emphasises early intervention, individualised assessment, parental involvement, accountability, restoration and referral to specialised support services where appropriate (Delft et al., 2025).

To strengthen the evidence base, the WODC is currently conducting a new national effect evaluation of the contemporary Halt intervention using a randomised controlled trial. The study aims to assess not only recidivism but also broader outcomes relating to behavioural change, psychosocial functioning and wellbeing, thereby providing a more comprehensive assessment of the intervention's effectiveness (Delft et al., 2025).

At the same time, several challenges remain. Concerns have been raised regarding the legal position of young people within diversionary procedures, particularly the requirement that participants accept responsibility for the offence before admission to Halt. Questions have

also been raised about whether all young people fully understand the legal implications of accepting diversion. In addition, practitioners continue to face challenges in responding to increasingly complex social and behavioural problems among some young people while preserving the low-threshold and pedagogical character of the intervention.

4. Comparative Insights



This chapter compares the youth justice systems of Greece, the Netherlands and Ireland against key principles and standards set out in General Comment No. 24 on children's rights in the child justice system (2019). It examines the accessibility of diversion, approaches to recidivism, minimum age requirements, provisions for young adults, legal safeguards, and restorative justice practices, assessing the extent to which these systems align with the CRC Committee's recommendations.

4.1 Accessibility of diversion

4.1.1 Access points of diversion

Paragraph 16 of General Comment No. 24 of the children's rights in the child justice system (2019) states that:

"Diversion should be the preferred manner of dealing with children in the majority of cases. [...] Opportunities for diversion should be available from as early as possible after contact with the system, and at various stages throughout the process."

The three jurisdictions demonstrate different levels of alignment with this principle.

Ireland provides the broadest access to diversion. Diversion is regarded as the preferred response to children in conflict with the law, must always be considered before initiating criminal proceedings and remains available throughout multiple stages of the criminal justice process. Even after criminal proceedings have commenced, the Children Court retains the authority to refer a child back to the Garda Diversion Programme, ensuring that opportunities for diversion are not lost because a case has progressed procedurally. In addition, Family Conferences may be convened both as part of the Garda Diversion Programme and, where appropriate, during court proceedings to involve the child, their family, victims and relevant professionals in developing a collaborative plan to address the offending behaviour. Together, these mechanisms demonstrate a system in which diversionary and restorative responses remain available throughout the justice process rather than being confined to a single procedural stage.

By contrast, both **the Netherlands** and **Greece** formally restrict diversion to the pre-prosecution phase. In the Netherlands, diversion is confined to police-level responses and referrals by the Public Prosecution Service, while the juvenile court cannot redirect a case to

a diversionary programme once prosecution has begun. Similarly, Greek prosecutors may impose diversionary measures only before initiating criminal proceedings.

Nevertheless, practice in Greece demonstrates greater flexibility than the statutory framework suggests. Through the aforementioned informal *quasi-diversion* with imposition or agreement of reformatory measures during the period between the hearing before the investigative judge and the full trial. This practice involves introducing reformatory measures shortly after the child appears before the investigative judge, with the aim of demonstrating positive behavioural change before the case reaches the court. Delays in proceedings are often encouraged, or at least not discouraged, to allow sufficient time for the child to comply with the measures and demonstrate progress. If the child successfully completes the imposed measures and the court concludes that no further intervention is necessary, it may refrain from imposing additional reformatory measures or penalties. In such cases, the court considers that the rehabilitative purpose of the youth justice system has already been achieved. Although this practice reflects the rehabilitative philosophy underpinning diversion, it relies on judicial discretion rather than an explicit legal framework and therefore lacks the consistency and legal certainty found in Ireland.

Taken together, these findings suggest that Ireland most closely reflects the approach advocated in General Comment No. 24 by embedding diversion throughout the justice process. The Dutch and Greek systems remain primarily front-loaded, making early intervention possible but providing fewer opportunities to divert children once cases progress beyond the initial stages of criminal proceedings.

4.1.2 Eligible offences and recidivism policy

Eligible offences

Paragraph 16 of General Comment No. 24 of the children's rights in the child justice system (2019) states that:

"Diversion should be the preferred manner of dealing with children in the majority of cases. States parties should continually extend the range of offences for which diversion is possible, including serious offences where appropriate."

Therefore, the CRC Committee discourages restricting diversion solely to minor offences and instead recommends that decisions be based on an individual assessment of the child and the circumstances of the case. The three jurisdictions differ considerably in how closely they follow this approach.

Ireland adopts the broadest eligibility criteria. Diversion is available for virtually all offences except murder and rape, allowing decisions to be based primarily on the child's needs, circumstances and prospects for rehabilitation rather than on offence type alone. **Greece** occupies an intermediate position, with diversion constitutes the recommended response to misdemeanours but supported by broad prosecutorial discretion regarding its application to more severe offences. **The Netherlands** applies the narrowest approach, limiting diversion largely to minor offences listed in the Halt Decree, although prosecutors retain discretion to depart from this list in exceptional circumstances.

These differences reflect contrasting conceptions of diversion. Whereas Ireland treats diversion as the default response to children in conflict with the law, the Dutch model primarily reserves diversion for less serious offending, resulting in a more offence-based system. Greece combines statutory offence thresholds with relatively broad prosecutorial discretion, creating a hybrid model.

Recidivism policy

General Comment No. 24 further emphasises that previous offending should not automatically exclude children from diversion. Here again, Ireland, Greece and the Netherlands adopt markedly different approaches.

Ireland and **Greece** both rely primarily on professional discretion when dealing with repeat offending. Previous referrals may influence decision-making, but they do not automatically exclude children from diversion. This allows practitioners to consider the child's individual circumstances, developmental needs and the reasons underlying repeated offending. Ireland is particularly notable in that unsuccessful completion of diversion does not automatically reactivate criminal proceedings, i.e. the use of unconditional diversion measures, thereby reducing the risk that children become further embedded within the justice system.

The Netherlands, by contrast, applies considerably stricter limits. The Halt Decree restricts the number of referrals to a maximum of two per Article 2 (2) of the Halt Decree. Failure to comply with the agreed conditions after a warning leads to the negative completion of the Halt intervention. This outcome is reported back to the referring authority (such as a municipal enforcement officer, police, truancy officer, or public prosecutor). The referrer then decides on an alternative course of action, which may include the re-opening of criminal proceedings and a judicial record. While the reasoning behind this approach is the promotion of procedural certainty and accountability, it also reduces flexibility in responding to children whose repeated offending may itself indicate unmet developmental or social needs.

Overall, Ireland demonstrates the strongest alignment with the CRC Committee's recommendation that diversion should remain available on the basis of individual assessment rather than previous offending history. Greece similarly relies on discretionary decision-making, whereas the Dutch system adopts a more rule-based approach that places greater emphasis on legal certainty and offence history.

4.1.3 Minimum age and young adults aged 18 to 23

Minimum age

"Over 50 States parties have raised the minimum age following ratification of the Convention, and the most common minimum age of criminal responsibility internationally is 14. Nevertheless, reports submitted by States parties indicate that some States retain an unacceptably low minimum age of criminal responsibility."

Par. 21 of General comment No. 24 on children's rights in the child justice system (2019)

Paragraph 21 of General Comment No. 24 recommends that States establish a minimum age of criminal responsibility of at least 14 years and encourages States with a higher minimum age not to lower it. The three jurisdictions differ considerably in their approach to criminal responsibility and the treatment of younger children.

Greece is the only jurisdiction fully aligned with this recommendation, establishing the minimum age of criminal responsibility at 15 years. Children aged 12 to 15 cannot be held criminally liable, although juvenile courts may impose reformatory or therapeutic measures where necessary. This approach reflects a clear distinction between welfare-oriented interventions and criminal responsibility, recognising that younger children should primarily be supported rather than punished.

By contrast, both **Ireland** and the **Netherlands** maintain a minimum age of criminal responsibility of 12 years, below the threshold recommended by the CRC Committee. In Ireland, even children aged 10 or 11 may still be prosecuted for murder, manslaughter, rape and certain serious sexual offences, whereas no such exception exists in the Netherlands. In both jurisdictions, children aged 12 and older may be subject to diversionary measures or formal criminal proceedings. While both systems retain a strong pedagogical orientation, they expose children to the youth justice system at an earlier stage than envisaged by General Comment No. 24.

Although Greece has the highest minimum age of criminal responsibility, all three jurisdictions provide mechanisms that prioritise educational and rehabilitative interventions over punishment. The principal difference therefore lies not in the availability of supportive measures, but in the age at which children formally enter or run the risk of entering the criminal justice system.

Young adults aged 18 to 23

“The Committee commends States parties that allow the application of the child justice system to persons aged 18 and older whether as a general rule or by way of exception. This approach is in keeping with the developmental and neuroscience evidence that shows that brain development continues into the early twenties.”

Par. 32 of General comment No. 24 on children’s rights in the child justice system (2019)

General Comment No. 24 further encourages States to consider extending child justice principles to young adults whose developmental maturity more closely resembles that of adolescents. Again, the three jurisdictions demonstrate different degrees of flexibility.

The Netherlands has adopted the most explicit legislative framework for young adults. Since 2014, courts may apply juvenile criminal law to offenders aged 18 to 23 where their personality or the circumstances of the offence justify such an approach. However, this flexibility does not extend to all diversionary measures, as referral to Halt remains excluded under Article 77c(2) of the Dutch Criminal Code. Young adults may still receive a police reprimand, but its scope is narrower than for children.

Greece adopts a different model, under which the applicable legal framework is determined by the age at which the offence was committed rather than the offender's age at trial. Consequently, children who offend before turning 18 remain within the juvenile justice system even if proceedings continue into adulthood. Certain educational and therapeutic measures may therefore continue beyond the age of 18, and detention in a special youth institution remains possible for offenders under 21 years old in specific circumstances.

Ireland has no equivalent statutory framework extending juvenile justice to young adults. Once an individual reaches the age of 18, adult criminal law applies. Nevertheless, judges retain broad discretion to take youth and developmental maturity into account as mitigating factors during sentencing, and recent policy discussions increasingly recognise the potential benefits of extending youth justice principles to young adults between the ages of 18 and 24, except in cases involving mandatory sentences such as murder or rape. Recent policy discussions highlight a growing recognition of young adults' distinct needs and responsiveness to rehabilitation. Advocacy groups, such as the Irish Penal Reform Trust, support extending youth justice principles and diversion programs to individuals up to age 24. While lighter sentencing is not guaranteed, judicial discretion allows consideration of maturity and circumstances, often resulting in rehabilitative approaches. Ireland's evolving framework signals a shift toward formalizing age-sensitive sentencing for young adults.

Overall, the Netherlands provides the clearest legislative recognition of emerging adulthood as a distinct developmental stage, whereas Greece prioritises continuity by linking jurisdiction to the age at which the offence was committed. Ireland relies primarily on judicial discretion and evolving policy rather than a dedicated statutory framework in its response to young adults in conflict with the law.

4.2 Legal Safeguards

The CRC Committee in General Comment No. 24, paragraph 49 (2019):

requires States to ensure that the child is guaranteed legal or other appropriate assistance from the outset of the proceedings (i.e. from the moment of apprehension), in the preparations and presentation of the defence and until all appeals and reviews are exhausted.

The CRC Committee emphasises that diversion must be accompanied by robust procedural safeguards. States ought to provide **free legal representation** to all children facing criminal charges and should **not permit children to waive their right to legal representation**. The Committee further emphasises that diversion may only take place on the basis of the child's **free and informed consent**. Before consenting to a diversionary measure, children should receive adequate, child-friendly information about the nature, content and duration of the measure, as well as the consequences of refusing, failing to cooperate with, or failing to complete the intervention. This information should be provided in a manner appropriate to the child's age and level of understanding, enabling them to make an informed decision regarding participation (CRC Committee, 2019, para. 18, read together with paras. 49-50)

The three jurisdictions recognise the importance of legal assistance but differ in the extent to which it is guaranteed and integrated into diversionary practice. **Greece** provides the strongest statutory protection where deprivation of liberty is at stake by making legal representation mandatory, although access to free legal aid remains subject to financial eligibility criteria and implementation is constrained by shortages of specialised youth lawyers. **Ireland** likewise guarantees access to legal representation and publicly funded legal aid, but lawyers appear to play only a limited role in diversionary decision-making in practice. In **the Netherlands**, children enjoy extensive procedural rights during criminal proceedings, yet legal assistance is not routinely embedded within diversionary procedures such as Halt, raising questions about whether children receive sufficient support when deciding whether to accept diversion.

A second area of comparison concerns the provision of child-friendly information. While all three jurisdictions recognise the importance of informing children about diversion, the extent to which this obligation is formalised varies considerably. **Ireland** appears to provide the strongest practical support through close parental involvement, structured guidance by Juvenile Liaison Officers and complementary initiatives such as Court Accompaniment. **Greece** lacks an explicit statutory obligation to provide comprehensive child-friendly information regarding diversion and its consequences, while in **the Netherlands** the RSJ has concluded that existing information provided to children and parents is insufficient to ensure genuinely informed consent.

Finally, all three jurisdictions require children to accept responsibility before diversion may proceed. Although this requirement reflects the educational and restorative objectives of diversion, it also creates similar tensions across jurisdictions regarding the privilege against self-incrimination and the presumption of innocence. These concerns underscore the importance of ensuring that children have timely access to legal assistance, receive information appropriate to their age and level of understanding, and are supported in making genuinely informed and voluntary decisions regarding participation.

Overall, Ireland appears to provide the strongest practical framework for supporting children's participation throughout diversionary procedures, while Greece offers the strongest statutory guarantees in situations involving deprivation of liberty. The Netherlands combines a well-developed legislative framework with an increasingly critical debate regarding the adequacy of procedural safeguards during diversionary decision-making. Further research is needed to identify approaches that ensure meaningful access to legal assistance and informed decision-making for young people while preserving the accessibility, informality and expeditious nature of diversionary procedures. Such approaches could strengthen procedural safeguards by enabling children to better understand the consequences of accepting diversionary measures without unnecessarily formalising or backlogging the process. Across all three jurisdictions, strengthening informed consent and reducing the protecting children against self-incrimination remain important areas for further development.

4.3 Restorative Justice

Restorative justice can be defined as:

“Any process in which the victim, the offender and/or any other individual or community member affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include mediation, conferencing, reconciliation and sentencing circles.”

General Comment No. 24 (2019) on children's rights in the child justice system, UN Doc. CRC/C/GC/24, para. 16.

Restorative justice is recognised internationally as an important component of child justice. The UNCRC Committee encourages States to make restorative processes available wherever appropriate, provided that participation is voluntary, based on informed consent and carried out with appropriate procedural safeguards. Across the three jurisdictions, restorative justice forms part of diversionary practice to varying degrees, reflecting differences in legal frameworks, implementation and professional culture.

Greece provides an explicit statutory basis for restorative justice through Article 122 of the Greek Penal Code, which includes victim-offender mediation as one of the available reformatory measures. Mediation is facilitated by Juvenile Probation Officers and aims to provide both the child and the victim with an opportunity to express their views, acknowledge the harm caused and, where appropriate, restore relationships. Participation is voluntary and depends on both parties agreeing on the facts of the case, although not necessarily on legal responsibility or guilt. Parents are generally involved throughout the process, however, practitioners note that parental involvement may occasionally complicate or undermine the restorative dialogue where parents dominate discussions or inhibit the child's participation.

Ireland adopts a broader restorative philosophy that extends beyond victim-offender mediation alone. Restorative principles are embedded throughout the Garda Youth Diversion Programme and Youth Diversion Projects, while Family Conferences provide a particularly important restorative mechanism by bringing together the child, family members, victims (where willing), professionals and other relevant supporters to develop a collaborative plan for addressing the offending behaviour. Although Family Conferences have considerable restorative potential, they remain relatively underused in practice. Direct victim-offender mediation occurs less frequently. According to practitioners, involving victims can be challenging because of concerns about secondary victimisation, victims' reluctance to participate and the practical demands of preparing both parties adequately for a restorative meeting. Consequently, restorative interventions more commonly focus on indirect forms of accountability, dialogue and family engagement than on face-to-face mediation.

In **the Netherlands**, restorative principles are embedded within the Halt intervention, although restorative justice processes are not systematically available in every case. Halt places considerable emphasis on helping young people understand the consequences of their behaviour and repair the harm caused. This may include restorative practices such as writing a letter of apology, engaging in victim-awareness exercises or, where appropriate,

participating in a restorative dialogue with the victim. Where material damage has occurred, Halt also encourages young people to compensate victims financially or repair the damage. While these reparative measures contribute to addressing victims' losses, they should be distinguished from restorative justice processes, which require the voluntary participation of both victim and offender in a dialogue aimed at repairing harm. Interviews conducted as part of the RSJ (2025) advisory report indicate that victims whose cases were resolved through Halt often felt insufficiently recognised during the process. Although offenders received considerable guidance and support, victims reported that their own needs and perspectives received comparatively limited attention. Practitioners indicate a perceived conflict of interest in balancing the educational needs of the child with the interests of the victim that compromises the impartiality required to facilitate restorative dialogue and can lead to reluctance in actively encouraging victims to participate in restorative processes.

Collectively, the three jurisdictions demonstrate different approaches to integrating restorative justice within diversion. Greece provides the clearest statutory framework for restorative measures, Ireland has developed the broadest restorative philosophy through diversion programmes and Family Conferences, while the Netherlands integrates restorative elements into the Halt intervention but, like Ireland, struggles to consistently provide opportunities for direct restorative dialogue. Across all three jurisdictions, parental involvement is recognised as an important component of restorative and diversionary practice, although its role and effectiveness vary according to the individual circumstances of the case. At the same time, greater attention could be paid to strengthening the participation and support of victims, ensuring that restorative justice remains genuinely victim-centred while preserving its rehabilitative value for children in conflict with the law.

A further point of comparison concerns the voluntariness of restorative justice. International standards require both diversion and restorative justice to be based on the free and informed consent of all participants. In practice, however, restorative interventions that form part of conditional diversion programmes may raise questions about whether children's participation is truly voluntary. In Greece and the Netherlands, failure to complete diversion may result in criminal proceedings being initiated or resumed, meaning that children may feel pressured to participate in restorative activities out of concern that refusal could jeopardise the successful completion of diversion. Although participation remains formally voluntary, the possibility of prosecution may influence children's decision-making and thereby weaken the voluntariness that restorative justice requires. Ireland provides a stronger foundation for voluntary restorative participation, as withdrawal from diversion does not automatically reactivate the original criminal proceedings. This reduces the extent to which children may perceive restorative processes as a condition for avoiding prosecution and more closely reflects the principle that restorative justice should be entered into freely and without coercion.

5. Conclusion and recommendations



Diversion constitutes a cornerstone of child-friendly justice and reflects the principle that children in conflict with the law should be supported towards rehabilitation and reintegration rather than subjected to unnecessary stigmatization and the harmful impact of criminal proceedings. The comparative analysis demonstrates that Greece, Ireland and the Netherlands have each developed distinctive approaches to diversion that reflect the principles of child-friendly justice to different degrees. While all three jurisdictions recognise diversion as an important alternative to formal criminal proceedings, they differ considerably in how diversion is organised, the procedural

safeguards afforded to children, the accessibility of diversionary measures and the extent to which restorative and child-rights principles are embedded in practice. These differences illustrate that there is no single model of diversion, but rather multiple ways of balancing children's rights, rehabilitation, accountability and public safety. By making these approaches visible and comparing their respective strengths and challenges, this report provides a basis for mutual learning and for strengthening the protection of and compliance with children's rights across jurisdictions

The three jurisdictions represent distinct diversion models. Greece relies primarily on a prosecutor-led model in which diversion is closely linked to the imposition of reformatory and therapeutic measures. Ireland has developed a community-based model centred on the Garda Youth Diversion Programme, Youth Diversion Projects and family conferencing, with diversion available throughout multiple stages of the justice process. The Netherlands has established a highly structured intervention-based model centred on Halt, combining pedagogical, restorative and behavioural interventions within a nationally coordinated framework.

A significant difference can be observed in the accessibility of diversion. Ireland provides the broadest access, with diversion available both before prosecution and after court proceedings have commenced. The Netherlands concentrates diversion primarily in the earliest stages of the process and focuses on minor offences, while Greece provides substantial prosecutorial discretion but fewer formal diversion opportunities once proceedings advance. Differences are also apparent regarding repeat participation in diversion. Greece allows considerable flexibility through prosecutorial discretion, Ireland adopts a relatively flexible approach that permits multiple opportunities for diversion, whereas the Netherlands applies more restrictive eligibility criteria and limits repeat referrals.

The comparative analysis further highlights different approaches to restorative justice. Ireland has the most explicit restorative architecture through its use of family conferences and victim participation mechanisms. The Netherlands integrates restorative elements into the Halt intervention through apologies, restorative conversations with direct or indirect victims and learning assignments reflecting on the impact of the harm committed. Greece provides restorative options through mediation within its available reformatory measures, but these are embedded within a broader educational and rehabilitative framework rather than constituting a distinct diversion pathway.

Despite these differences, all three jurisdictions share a commitment to non-custodial and rehabilitative responses to youth offending. Each system seeks to minimise children's contact with formal criminal proceedings and recognises deprivation of liberty as a measure of last resort. At the same time, common challenges remain. Uneven access to legal assistance and child-friendly information, concerns regarding informed consent, regional disparities in service availability, limitations in specialised staffing and persistent gaps in data collection and evaluation are evident across all three countries. Vulnerable groups may face additional barriers in accessing diversionary measures, while practitioners continue to operate within broader societal and political environments that may favour more punitive responses to youth offending.

The analysis also demonstrates that legal reform alone is insufficient. Greece possesses an extensive legal framework for diversion, yet implementation remains dependent on the availability of specialised services and trained professionals. Ireland's success is closely linked to its strong community infrastructure and multi-agency partnerships. The Dutch experience illustrates the benefits of a nationally coordinated diversion programme with clear procedures and consistent implementation. Across all three jurisdictions, the effectiveness of diversion depends not only on legislation but also on the availability of practical implementation mechanisms, community-based support services and sustained institutional commitment.

5.1 What can we learn from each other?

Each jurisdiction offers valuable lessons for policymakers and practitioners seeking to strengthen diversion systems.

From Greece, other countries may draw inspiration from the breadth and flexibility of available diversion measures and the strong legal commitment to educational, therapeutic and restorative responses. The recent reforms establishing diversion as the preferred response to misdemeanours further reinforce this child-centred orientation.

Ireland demonstrates the benefits of treating diversion as the default response to youth offending and embedding it throughout multiple stages of the justice process. Its strong community-based infrastructure, multi-agency cooperation and emphasis on restorative practices provide a model for integrating diversion within broader systems of youth support.

The Netherlands illustrates the advantages of a clear legal framework combined with a highly structured and nationally coordinated intervention. Halt demonstrates how pedagogical, restorative and behavioural approaches can be integrated into a consistent, low-intensity diversion programme that provides an effective alternative to formal criminal proceedings.

A key cross-cutting lesson emerging from all three systems is that effective diversion requires alignment between law, policy and practice. Legal provisions alone cannot guarantee successful diversion; they must be supported by adequate resources, clear procedures, trained professionals and accessible support services.

5.2 Is transferability possible?

One of the central objectives of initiatives such as the BRIDGE project is to facilitate mutual learning and the transfer of promising practices across jurisdictions. However, the findings of this report suggest that diversion models cannot simply be copied from one country to another. Their effectiveness is shaped by broader contextual factors, including the structure of the justice system, institutional capacity, available resources and cultural attitudes towards children in conflict with the law.

Elements of Ireland's community-based model may be transferable where a strong youth work infrastructure already exists. The Dutch Halt model may be replicated where there is sufficient national coordination, clear eligibility criteria and investment in specialised diversion services. The Greek approach demonstrates how legal flexibility can create opportunities for diversion, but also highlights the importance of ensuring that implementation mechanisms and referral pathways are adequately developed.

Transferability is therefore possible, but only through careful adaptation to local circumstances. Successful reform requires not the replication of individual programmes, but the translation of underlying principles into the legal, institutional and cultural context of each jurisdiction.

5.3 Recommendations

Based on the findings of this comparative analysis, the following recommendations are proposed:

1. **Expand the availability of diversion across offence types.** Diversion should be considered for all children in conflict with the law, including those accused of more serious offences, where this is consistent with the circumstances of the case, the child's best interests and public safety. Diversion should not be restricted to minor offences or misdemeanours alone, in line with the principles set out in General Comment No. 24.
2. **Embed diversion throughout the justice process.** Diversion should be available at multiple stages of proceedings, including after prosecution has commenced, where appropriate and in line with the best interests of the child and procedural safeguards. Expanding offence categories per the previous recommendation also requires diversion to be available at the court level of proceedings to guarantee the protection of the child through stronger safeguards.
3. **Adopt a needs-based approach to repeat offending.** Eligibility for diversion should not be determined solely by previous offending history. Decisions should take

account of the individual circumstances, developmental needs and risk factors of the young person, ensuring that diversion remains available where it is likely to contribute to rehabilitation and reintegration.

4. **Strengthen procedural safeguards.** All children should have access to child-friendly information, effective legal assistance and support in making informed decisions regarding participation in diversionary measures.
5. **Invest in implementation capacity.** Diversion systems require adequately trained professionals, sustainable funding and accessible community-based programmes to ensure consistent and effective implementation.
6. **Invest in specialised child justice professionals.** Diversion should be delivered by professionals with specialised knowledge of child development, child psychology, trauma-informed practice, communication with children and children's rights. Working with children in conflict with the law requires a distinct set of competencies from those required in adult criminal justice. States should therefore ensure that police officers, prosecutors, judges, probation officers, diversion practitioners and other professionals involved in diversion receive appropriate initial and continuous specialised training in working with children.
7. **Strengthen multi-agency cooperation.** Effective diversion depends on close collaboration between justice agencies, education providers, social services, youth organisations and local communities.
8. **Develop a continuum of support services.** Diversion should be linked to broader educational, family support, mental health and youth work services in order to address the underlying causes of offending behaviour.
9. **Strengthen restorative justice opportunities.** Diversion systems should incorporate voluntary access to restorative practices both for the victims and the offenders wherever appropriate, including victim-offender mediation and conferencing. Such approaches can promote accountability, victim satisfaction and reintegration while avoiding stigmatization and further victimisation.
10. **Improve monitoring and evaluation.** Governments should establish comprehensive data collection systems to monitor access to diversion, completion rates, child well-being, victim experiences and long-term outcomes, including recidivism.
11. **Promote equitable access.** Particular attention should be given to ensuring that vulnerable groups, including children with disabilities, children from minority backgrounds and children living in remote areas, can access diversionary measures on an equal basis.
12. **Promote cross-border learning and exchange.** Policymakers, practitioners and researchers should strengthen international cooperation and knowledge exchange on youth diversion. Comparative learning can support the identification of promising practices, facilitate evidence-informed reform and help jurisdictions adapt successful approaches to their own legal, institutional and cultural contexts.

In conclusion, diversion reduces harm, promotes reintegration and contributes to safer and more inclusive societies. The central question is no longer whether diversion has a place in youth justice systems, but how it can be implemented effectively, consistently and fairly in accordance with the UNCRC and the best interests of the child. Continued international

cooperation and comparative learning initiatives such as the BRIDGE project provide an opportunity not only to exchange promising practices, but also to critically reflect on how diversion systems can better realise the rights of children in conflict with the law and their victims. In doing so, countries can move beyond legal compliance towards the consistent implementation of child-friendly justice in practice.

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