

Family and Community Group Conferencing in Thailand

Thailand has a long tradition of using community-based mechanisms for resolving disputes of all types. Recognizing the multiple benefits of community-based problem-solving, the Ministry of Justice, with the support of UNICEF, introduced Family and Community Group Conferencing (FCGC) in 2003. The goal of FCGC is to divert children involved in low-level offences away from the formal judicial system and to restore social harmony among the victim, child offender and the community at large. The FCGC process incorporates aspects of international restorative justice models into traditional Thai community-based dispute resolution values and practices. As such, FCGC reflects a hybrid process that aims to create a unique and culturally-specific form of diversion.

Children who are arrested by the police are now taken to a Juvenile Observation and Protection Center where a social enquiry is conducted. Based on the results of the enquiry, they can be diverted to a FCGC rather than formally prosecuted, provided: the alleged offence is punishable by five years imprisonment or less, it is the child's first offence, the child is willing to admit guilt and take responsibility for the crime, and the victim consents.

Participants in the FCGC include the victim, the child offender, the parent/s and relative/s of the child, a psychologist, a social worker, one or more representatives of the community, the director of the protection centre, the police investigator, a prosecutor and the conference facilitator. Both the victim and the young person have an opportunity to explain the circumstances that led to the child's arrest and to share their feelings and point of view. The group then must reach a consensus as to what the young person is required to do to repair the harm. Options typically include: an apology to the victim, community service, financial compensation and supervision by Juvenile Observation and Protection Centre, which can last up to two years and which generally requires periodic contact with a social worker or probation officer. Other creative agreements resulting from conferencing can include the child's ordination as a novice Buddhist monk, writing essays on the consequence of the harm inflicted and promises to stay away from certain activities or people. In addition to what the child may be required to do, the parents may also be a party to the agreement and be required to take several steps to address the issues that brought the case into the system.

Since its inception, FCGC has resulted in more than 10,369 children being diverted from the juvenile justice system.