

Restorative Justice

Academic Year: (2022 / 2023)

Review date: 19-05-2022

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: FIODOROVA , ANNA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Conflict
 Communication
 Negotiation
 Mediation: features, process, techniques and areas

OBJECTIVES

BASIC SKILLS

- To be able to apply obtained knowledge in solution of problems in new or unfamiliar environments within broader (or multidisciplinary) contexts
- To communicate clearly and unambiguously conclusions, as well as the knowledge and reasons on which they are based, to specialised and non-specialised audiences
- To have the learning skills that enable to continue studying in manner that to the large extent will be self-directed or individual

GENERAL SKILLS

- Ability to identify conflict, its peculiarities and dynamics
- Ability to detect among the methods of conflicts' resolution the one most suitable in each situation and to use it
- Knowledge on the development of mediation procedure, its principles, goals, features and areas
- Knowledge of limits of mediation, its use on national and international level
- Ability to apply in practice different techniques and tools used to manage and to resolve the conflicts
- Ability to detect concepts and elements that are used in different forms of conflict resolution
- Ability to identify correctly and to develop different phases of the process of negotiation and mediation, as well as techniques and tools applied

SPECIFIC SKILLS

- Management of the communication abilities within the scope of Restorative Justice
- To understand theoretical and practical development of the Restorative Justice and the importance of mediation in penal matters
- To know restorative practices and different modalities of the mediation in penal matters
- To acquire theoretical knowledge about the mediation in penal matters, as well as procedures and tools applicable to this type of mediation
- To apply in practice different techniques and instruments of Restorative Justice and penal mediation
- To learn concepts used in different afore mentioned methods
- To synthesise obtained knowledge as a necessary basis for the elaboration of the final paper about specific and subject matter

LEARNING OUTCOMES

- At the end of the subject the student will obtain knowledge necessary to use and to control different techniques of mediation, as well as different tools of communication in the area of Restorative Justice and penal mediation
- Will obtain sufficient theoretical-practical basis to handle restorative process and penal mediation with proper guarantees and taking into account their peculiarities

DESCRIPTION OF CONTENTS: PROGRAMME

- I. Retributive and Restorative Justice
 - i. Traditional Criminal Justice System
 - ii. Basis of the Restorative Justice
 - iii. Restorative practice

- II. Legal regulation and issues
- III. Penal mediation
 - i. Mediation in penal system for adults
 - ii. Mediation with offenders under 18
- IV. Penitentiary mediation
- V. Big conflicts and restorative meetings
- VI. Peculiarities and methodology of the penal mediation
 - i. Mediation process in penal issues
 - ii. The role of penal mediator
 - iii. The agreement or act of reparation
- VII. Practice of penal mediation

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES

- Theoretical classes
- Practical classes
- Theoretical-practical classes
- Student's individual work

METHODOLOGY

- Teacher's presentations in classes (with use of audio-visual and IT tools) in which the main concepts of the subject and the bibliography to complement learning process are given
- Role play
- Resolution individually or in group of practical cases, problems, etc. given by the teacher
- Presentation and discussion in the class (under the moderation of the teacher) of the topics and cases related to the subject
- Critical reading of the texts recommended by the teacher: articles of newspapers, reports, handbooks or academic articles for further discussion in classes or for broadening and consolidation of knowledge of the subject

ASSESSMENT SYSTEM

ORDINARY CALL

- Individual or group work during the course: 40%
- Practical skills: 20%
- Final exam: 40% (TEST)

EXTRAORDINARY CALL

- Exam: 100%

% end-of-term-examination:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

BASIC BIBLIOGRAPHY

- AAVV. Helena Soleto Muñoz (directora); Emiliano Carretero Morales, Cristina Ruíz López (editores) Mediación y resolución de conflictos: técnicas y ámbitos , Tecnos, 3ª ed. 2017
- AAVV. Pedro María Garcíandía González, Helena Soleto Muñoz (directores); Sabela Oubiña Barbolla (coordinadora) Sobre la mediación penal: posibilidades y límites en un entorno de reforma del proceso penal español, Thomson Reuters-Aranzadi, 2012
- Helena Soleto Muñoz, Ana Carrascosa Justicia restaurativa: una justicia para las víctimas, Tirant lo Blanch, 2019
- I. De la Cuesta, I.J. Subijana Justicia Restaurativa y Terapéutica. Hacia innovadores modelos de justicia, Valencia: Tirant lo Blanch, 2017
- P. M. Garcíandía González, H. Soleto Muñoz Sobre la mediación penal, Aranzadi, 2012

ADDITIONAL BIBLIOGRAPHY

- AAVV. Margarita Carmen Pérez-Salazar Resano, Julián Carlos Ríos Martín (Directores) La mediación civil y penal: un año de experiencia, Consejo General del Poder Judicial, 2008
- AAVV. María Pilar Sánchez Álvarez, Margarita Martínez Escamilla (Coordinadoras) Justicia restaurativa, mediación penal y penitenciaria: un renovado impulso, Editorial Reus, 2012
- Armenta Deu, Teresa ¿Justicia restaurativa, mediación penal y víctima: vinculación europea y análisis crítico?, Revista General de Derecho Europeo 44 , 2018
- Barona Vilar, Silvia Mediación penal: fundamento, fines y régimen jurídico, Tirant lo blanch, 2011
- Coord. Soleto Muñoz, Helena, Varona Martínez, Gema Restorative Justice in Terrorist Victimisations:

Comparative Implications: Introduction (Justicia Restaurativa En El Caso De Victimizaciones Terroristas:

Implicaciones Comparativas: Introducción) , Oñati Socio-Legal Series, Vol. 4, No. 3, 2014. , 2014

- De Hoyos Sancho, Montserrat Garantías y derechos de las víctimas especialmente vulnerables en el marco jurídico de la Unión Europea, Tirant lo Blanch, 2013

- Martín Diz, Fernando La mediación: sistema complementario de Administración de Justicia, Consejo General del Poder Judicial, 2010

- Ríos Martín, Julián Carlos (et. al.) La mediación penal y penitenciaria: experiencias de diálogo en el sistema penal para la reducción de la violencia y el sufrimiento humano, Colex, 2008

- Segovia Bernabé, José Luis (et. al.) Mediación penal y penitenciaria: 10 años de camino, Fundación agape, 2010

- Soletto Muñoz, Helena "Aportaciones internacionales al desarrollo de la Justicia Restaurativa en España" en Justicia restaurativa, una justicia para el siglo XXI: potencialidades y retos, Publicaciones de la Universidad de Deusto, 2013

- Soletto Muñoz, Helena "La justicia Restaurativa, mecanismo adecuado para mejorar la reparación a la víctima en el proceso" en Justicia restaurativa y terapéutica: hacia innovadores modelos de justicia penal, Tirant lo Blanch, 2017

- Sánchez Álvarez M. P., Martínez Escamilla, M. Justicia restaurativa, mediación penal y penitenciaria: un renovado impulso, Reus, 2012

- Tamarit Sumalla, Josep María; Villacampa Estiarte, Carolina y Serrano Masip, Mercedes. (eds.), El Estatuto de las Víctimas de delitos: comentarios a la Ley 4/2015, Tirant lo Blanch, Valencia, 2015

- Zafra Espinosa de los Monteros "Los círculos restaurativos como complemento de la justicia", Revista Penal, nº 39, 2017

- Zehr Howard The Little Book of Restorative Justice, -, 2002

BASIC ELECTRONIC RESOURCES

- CONSEJO GENERAL DE PODER JUDICIAL . ¿Guía para la práctica de la mediación intrajudicial¿:

<http://www.poderjudicial.es/cgpj/es/Temas/Mediacion/Guia-para-la-practica-de-la-Mediacion-Intrajudicial/>

- OFICINA DE LAS NACIONES UNIDAS CONTRA LA DROGA Y EL DELITO . Manual sobre Programas de Justicia restaurativa: https://www.unodc.org/documents/justice-and-prison-reform/Manual_sobre_programas_de_justicia_restaurativa.pdf

- OFICINA DE LAS NACIONES UNIDAS CONTRA LA DROGA Y EL DELITO . Manual sobre Programas de Justicia restaurativa 2ª edición (en inglés): http://https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf