

Restorative Justice

Academic Year: (2023 / 2024)

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

Coordinating teacher: SOLETO MUÑOZ, HELENA

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Judicial System
Criminal Procedure
Penal Law

OBJECTIVES

BASIC SKILLS

1. To get knowledge and understanding that provide a basis or opportunity for originality in developing and/or applying ideas, often within a research context
2. To be able to apply obtained knowledge in solution of problems in new or unfamiliar environments and within broader (or multidisciplinary) contexts
3. To be able to integrate knowledge and to handle complexity of formulation of judgments based on information that, being incomplete or limited, include considerations on social and ethical responsibilities related to the application of their knowledge and judgments
4. To communicate clearly and unambiguously conclusions, as well as the knowledge and reasons on which they are based, to specialised and non-specialised audiences
5. To have the learning skills that enable to continue studying in a manner that to the large extent will be self-directed or individual

GENERAL SKILLS

1. To draft high-quality legal reports
2. To demonstrate that the knowledge on basic research methods and principles of criminal procedure area has been acquired.
3. To manage information sources of the Criminal Justice.
4. To elaborate scientific-legal texts and to carry out efficiently their analysis.
5. To apply knowledge about criminal and procedural institutions in performance of legal functions

SPECIFIC SKILLS

1. Ability to identify applicable judicial procedure and its legal consequences
2. Development of the ability of critical analysis through the analysis of Retributive Justice vs Restorative Justice
3. Practical knowledge necessary to analyse criminal conflicts and the mediation between victim and author
4. Ability to determine and to evaluate penological consequences of criminal deeds
5. Ability to formulate own conclusions on the basis of study of penal proceedings, its objectives and legal regulation
6. Ability to identify consequences of criminal deed and persons involved: victim, author and other parties
7. Practical ability to act as legal professional and facilitator in criminal conflicts
8. Abilities of communication necessary for Restorative Justice
9. Skills to manage specific techniques of mediation and other mechanisms of alternative dispute resolution

LEARNING OUTCOMES ACQUIRED BY THE STUDENT

- Ability to analyse the advantage of the alternative dispute resolution methods in particular case and to

manage them

- Ability to develop legal activities related to the Restorative Justice and to act as facilitators in methods of alternative dispute resolution
- Ability to inform about viability of restorative agreements and their legal course in particular cases

DESCRIPTION OF CONTENTS: PROGRAMME

1. RETRIBUTIVE JUSTICE VS RESTORATIVE JUSTICE
 - 1.1. Traditional Criminal Justice System
 - 1.2. Restorative Justice
2. THE RESTORATIVE PRACTICE
 - 2.1. Victim Offender Mediation
 - 2.2. Other instruments of Restorative Justice
3. LEGAL BASIS OF THE RESTORATIVE JUSTICE
 - 3.1. International and European regulation
 - 3.2. Internal legislation and protection of the victim
 - 3.3. Legal tools of current criminal system
4. METHODOLOGY AND PRACTICE OF THE RESTORATIVE JUSTICE
 - 4.1. Approximation to the techniques
 - 4.2. Restorative procedure and related documents

LEARNING ACTIVITIES AND METHODOLOGY

On-line part: presentation of theoretical material, case study and analysis of the case law using sincronised clases, presentations, videos, notes, forums and on-line tutorships.

In-person part: seminar with invited speakers, resolution of doubts.

INDIVIDUAL WORK

-Elaboration of individual papers about the precise topics of the subject

TUTORSHIPS:

-Teachers will conduct permanent monitoring of interventions made by the student and will ensure quick response to any doubts or questions

ASSESSMENT SYSTEM

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

ORDINARY CALL:

- Case study or report- 45%
- Participation in forums - 15%
- Multiple choice test - 40%

The student must have at least a note of 3 out of 6 in the continuous evaluation, and 1.8 out of 4 in the exam. If the student does not obtain this score, he/she will be **SUSPENDED** and must attend the extraordinary meeting.

EXTRAORDINARY CALL

- 100% Exam

BASIC BIBLIOGRAPHY

- De la Cuesta, J.L.; Subijana I.J.; Soleto, H.; Varona, G., y Porres, I. Justicia Restaurativa y Terapéutica:Hacia Innovadores Modelos de Justicia, Tirant lo Blanch, 2017

- Garciandía González, P.M.; Soleto Muñoz, H. (Dir.); Oubiña Barbolla, S. (Coord.) Sobre la mediación penal: posibilidades y límites en un entorno de reforma del proceso penal español, Thomson Reuters-Aranzadi, 2012
- Neils Christie Conflict as Property, The British Journal of Criminology, January 1977
- Soleto Muñoz, H. (Dir.) Justicia Restaurativa: una Justicia Para las Víctimas, Tirant lo Blanch, 2019
- Soleto Muñoz, H. (Dir.); Carretero Morales, E. y Ruíz López, C. (Eds.) Mediación y resolución de conflictos: técnicas y ámbitos , Tecnos, 2017
- Villacampa, Carolina Justicia Restaurativa en supuestos de violencia de género en España: situación actual y propuesta político-criminal, Polít. Crim. Vol. 15, Nº 29 (Julio 2020), Art. 3, pp. 47-75, 2020

ADDITIONAL BIBLIOGRAPHY

- Barona Vilar, Silvia Mediación penal: fundamento, fines y régimen jurídico, Tirant lo blanch, 2011
- Leight Goodmark Restorative justice as feminist practice, The International Journal of Restorative Justice 1(3):372-384, 2018
- Martín Diz, Fernando La mediación: sistema complementario de Administración de Justicia, Consejo General del Poder Judicial, 2010
- Ríos Martín, Julián Carlos Justicia restaurativa y mediación penal , Icade: Revista de las Facultades de Derecho y Ciencias Económicas y Empresariales, nº 98, 2016
- Tamarit Sumalla, Josep Maria El lenguaje y la realidad de la justicia restaurativa , Revista de Victimología, nº 10, 2020
- Zafra Espinosa de los Monteros, Rocío Los círculos restaurativos como complemento de la justicia, Revista Penal, núm. 39, 2017

BASIC ELECTRONIC RESOURCES

- . Guía para la práctica de la mediación intrajudicial del Consejo General del Poder Judicial: <http://www.poderjudicial.es/cgpj/es/Temas/Mediacion/Guia-para-la-practica-de-la-Mediacion-Intrajudicial/>
- UNODC . Handbook of Restorative Justice Programmes: https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf