

Revij Project Overview

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- The REVIJ project Reparation to the victim in the European Juvenile
 Justice Systems: Comparative analysis and transfer of best practices aims to
 conduct a comparative analysis of the measures provided to the
 victims of offenses committed by youngsters and administered by
 European Juvenile Justice Systems.
- · This project is oriented to understand both:
 - European compliance with Directive 2012/29/EU of the European Parliament and The Council;
 - Partners practices' on restorative justice regarding juvenile justice field and victims' rights.

Revij Project Overview Aims: 1. Obtain a shared vision about restorative justice services to the victim in the field of Juvenile Justice System; 2. Analyze compliance with Directive 2012/29/EU of the European Parliament and of The Council regarding victims' rights, support and protection; 3. Compile a compendium of best practices; 4. Propose guidelines that can be used by professionals and policy makers.

The Portuguese Youth Justice System

General Overview



Youth Justice Act

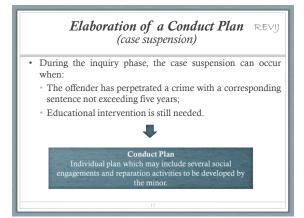
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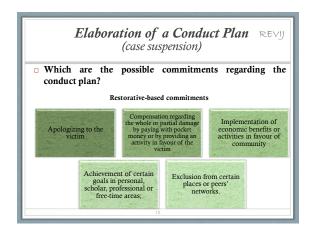
(Law no. 166/99; rev. Law no. 4/2015)

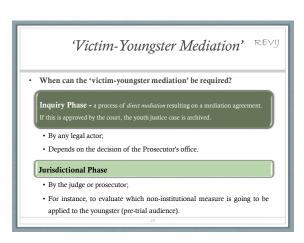
- A Youth Justice Measure can be enacted when a
 youngster between 12 and 16 years old has
 perpetrated an act legally qualified as crime and
 when he/she needs to be educated to law compliance;
- When several offenses are perpetrated, different measures can be enacted, according to the specific need of minor's education to the right.

Youth Justice Act (Law no. 166/99; rev. Law no. 4/2015) • Two phases • Inquiry phase • Jurisdictional phase

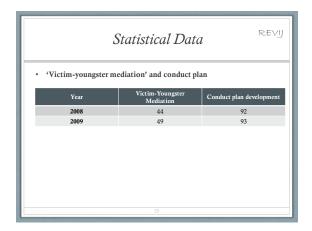
Restorative Practices in the Portuguese Youth Justice System • Elaboration of a conduct plan (inquiry phase – case suspension) • Victim-youngster mediation (inquiry and jurisdictional phases) • Restorative-based measures (jurisdictional phase)

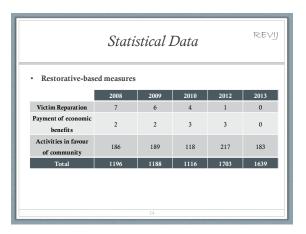


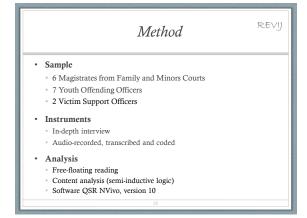


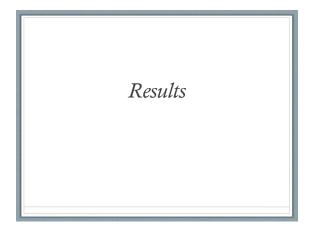


Restorative-based measures • Victim reparation • Apologizing for the damage caused, in the presence of the judge and the victim; • Economic compensation related to the property damage, which can be paid (in the whole or in the part) exclusively through goods or funds available to the minor; • Developing of an activity related to the caused damage in favour of the victim. • Payment of economic benefits • Paying to a non-lucrative entity a certain amount of money. • Activities in favour of the community • Developing an activity in favour of a non-lucrative entity (maximum of 60 hours).









Definition of Restorative Justice (RJ)

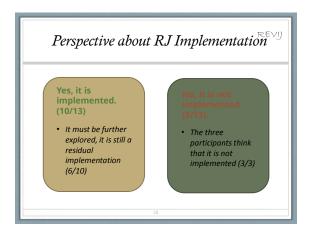
 Re-education and rehabilitation of the young offender (3/12)

 Reparation and minimization of the damage caused to the victim (7/12)

 Reconciliation of interests to resolve conflicts (8/12)

 Conflict resolution out of court (3/12)

 Non-punitive (2/12)



Restorative practices with higher and lower application Higher application Apologizing to the victim Activities in favour of the community Payment of economic benefits Developing an activity in favour of the victim

Constraints and Limitations to the implementation of RJ

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- Insufficient resources (8/13);
- Lack of preparation and specialization of the existing structures (6/13);
- Lack of preparation and specialization of professionals (9/13);
- Unclear, inadequate or non-existent implementation procedures (5/13);

Constraints and Limitations to the implementation of RJ

- Lack of culture and appreciation of RJ in Portugal
- Absence of an autonomous youth justice system (1/13);
- Lack of other restorative measures in the law (1/13);

Constraints and Limitations to the implementation of RJ

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- Difficulties or failures in the practical implementation of the existing restorative measures (4/13);
- Trend and conformism to always apply the same measures (2/13);
- Lack of incentives for entities that receive young people who are complying a measure (e.g., activities in favour of the community) (1/13)

Constraints and Limitations to the implementation of RJ

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- Lack of suitability of restorative measures in certain types of crime (5/13);
- Unavailability of one of the parties, or both, to participate in the process (3/13)
- Lack of coordination between the services involved (1/13)

Favourable Conditions to the implementation of RJ

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- The law is adequate and includes restorative-based measures (7/13);
- There is a change in the paradigm, towards a higher consideration of the victim (4/13);
- There is a need for an alternative model (2/13);
- There is predisposition of the justice agencies to implement restorative measures (2/13)

34

Favourable Conditions to the implementation of RJ

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- There has been investment in the training of professionals, namely in mediation (1/13);
- There are examples of success in Portugal and other countries (4/13);
- There is effort and cooperation between the entities involved in implementing the measures (2/13)
- The work of the teams in the field is good (2/13)

Conclusions

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- Most of the participants consider that RJ is implemented in the Youth Justice System. Nevertheless we should be aware to the fact that 6 of the participants consider that this implementation is still residual and 3 participants agree that restorative justice is nothing implemented.
- The implemented restorative measures seem to be almost always the same - Apologizing to the victim and Activities in favour of the community, compared to others that are never applied - Victim-Youngster Mediation, Payment of economic benefits and Developing an activity in favour of the victim.

Conclusions

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- Several limitations to the implementation of restorative justice were identified, and in fact they are more in number and are identified by a larger number of participants than the favourable conditions for implementation.
- · The limitations are pervasive and of several types.

Conclusions

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- However, some of the favourable conditions seem very relevant, such as the obvious need for an alternative model of youth justice, the change in the justice paradigm and the fact that the Youth Justice Act already contemplates restorative-based measures.
- Data analysis is still in progress.

THANK YOU VERY MUCH FOR YOUR ATTENTION!