



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

European Comparison on Juvenile Restorative Justice Practices

REVIJ

*Reparation to the victim in the European Juvenile Justice
Systems:*

Comparative analysis and transfer of best practices

JUST/2013/JPEN/AG/4513

Authors:

Cédric Foussard

Sophie Duroy

Angela Seychell

International Juvenile Justice Observatory



TABLE OF CONTENTS:

- I. Introduction**
- II. General Overview of Juvenile Justice Systems**
 - A. Age Range
 - B. Typology of measures
- III. Restorative Practices of Juvenile Justice Systems**
 - A. Principles
 - B. Typology of interventions
 - C. Guarantees enjoyed by victims in criminal proceedings
 - D. Statistical Data
- IV. Analysis of Restorative Practices**
- V. Conclusion**
- VI. Bibliography**



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

Introduction

The International Juvenile Justice Observatory works for the defence of children's rights, focusing on the issues faced by those who are in conflict with the law, caught in cycles of violence and crime or particularly at risk of social exclusion. Involved in a wide range of activities, the Observatory has tackled the theme of restorative justice (RJ) from different perspectives: promoting in depth research on the evolution of the practice at national and regional levels,¹ utilising data from various European States to analyse and compare, and advocating the implementation of its constitutive principles.

In the course of the last four decades, the diffusion of restorative practices has considerably influenced the evolution of justice systems, and especially juvenile justice systems. Even more noteworthy is the transversal nature of this expansion, which has taken place, albeit with different characters, in different continents and across different justice systems. Measures such as victim-offender mediation services or conferencing have officially become an option in the course of criminal proceedings. As they acquired an increasingly important role in justice reforms, they have been increasingly regulated and gained easier access.

Such development has drawn considerable attention to restorative approaches, from academics, policy-makers and international organisations, who have examined the strengths and weaknesses of the emerging services. Since some of those measures allow offenders to be diverted from the traditional criminal system, restorative practices are often analysed in terms of the benefits they could provide to young offenders, who are particularly vulnerable when they come in contact with the justice system². Nonetheless, the consideration of the victim's perspective is also a crucial aspect of the research on restorative justice.

If the advantages of recurring to restorative practices may be more evident from the point of view of the offender, especially when compared to a criminal trial or a

¹ Dünkel, F. Horsfield, P., Parosanu, A. (2015) *Research and selection of the most effective Juvenile Restorative Justice practices in Europe: 28 National Snapshots*, International Juvenile Justice Observatory.

Chapman, T. Aertsen, I. Anderson, M. Gellin, M. (2015) *Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People*, International Juvenile Justice Observatory.

² See the results of the UN (2006) *Study on Violence against Children*.



custodial sentence, they are equally considerable when taking into account the position of the victim. While the criminal proceedings and trial phase in particular are built on an opposition between the State and the offender, and therefore assume the crime as a violation of the system of law and order, restorative justice puts the personal damage suffered by the victim right back at the core of the process. The participation of the victim, his or her suffering, and his or her right to see it recognised and healed are therefore substantial components of a restorative approach.

This chapter aims at presenting an overview of some of the juvenile justice systems in Europe. It will provide a comparison between the systems of five European Union Member States: Spain, Italy, Portugal, France and the jurisdiction of England and Wales. The data and individual analysis for each country has been sourced from official country reports while the analysis in this chapter aims to look at the various forms of restorative justice systems currently being implemented within some EU States. This chapter will bring together the five States' approaches to identify methods, best practices and success particularly relating to victims' guarantees, as well as system weaknesses and areas that need improvement. Among those areas that States need to improve is the collection and dissemination of nation-wide data. This will not only facilitate research but is also essential for the development of better practices.

I. General overview of juvenile justice systems

A. Age range

All EU Member States have a minimum age of criminal responsibility (MACR) which is a specified age below which a child is not considered to be capable of committing a criminal offence and is therefore not subject to criminal procedure or sanctions. This age varies depending on the jurisdiction, but international instruments recommend that it be no lower than twelve.³ There are wide disparities in participating countries, with this age ranging from eight in the UK (Scotland) to 16 in Portugal.

In France, children aged 13 to 18 can be criminally sentenced, including to prison terms, and children aged 16 to 18 can in certain circumstances be subjected to adult sentences. In Italy, children under the age of 14 cannot be held criminally liable for any offence and youth aged 14 to 17 (inclusive) can only be held criminally liable where they have been

³ CRC, General Comment n°10: *Children's Rights in Juvenile Justice*, §§30-35 ; United Nations Standard Minimum Rules for the Administration of Juvenile Justice "Beijing Rules", Rule n°4.



judged capable of forming the necessary criminal intent in relation to the specific offence.

In Portugal, children under the age of 16 cannot be held criminally liable. Youth aged 12 to 16 can however be subject to penalties under the Youth Justice Act Guardianship and Education Law, which allows for the detention of children in closed educational centres.

In Spain, no child can be held criminally responsible for an act committed while under the age of 14, but younger children who carry out what would otherwise be a criminal act can be subject to protection measures.

In the UK, legislation varies depending on the jurisdiction:

In England and Wales, children can be held liable for criminal offences from the age of 10, as is the case in Northern Ireland.

In Scotland, on the other hand, no child under the age of eight can be found guilty of any criminal offence, but no person under the age of 12 may be prosecuted for an offence. Moreover, a person aged 12 or older may not be prosecuted for an offence committed while under the age of 12. The gap between the minimum age of prosecution and the minimum age of criminal liability means that criminal offences committed between the age of 8 and 12 may be included on a child's criminal record, although prosecution may not take place.

In general, EU Member States provide for educational measures for children under the MACR, and generally provide for a different range of measures depending upon the age of the child above the MACR.

B. Typology of measures

In all five participating EUMS, both non-custodial and custodial measures can be imposed on juveniles convicted of an offense. Although juvenile justice systems differ quite significantly in their structures and the availability of measures, some trends are shared by all participating States.

In the UK, young people under the age of 18 cannot be sentenced to adult prisons, but custodial sanctions are available from the age of 15 onwards and in exceptional cases for offenders aged 12 or older. In cases of very serious crimes, children from the age of 10 can be sentenced to long-term detention (up to life imprisonment) by the Crown Court.

In France⁴, the law sets forth a range of age groups that differ in terms of whether educational measures, sanctions and penalties can be applied to them. Juveniles under the age of 10 can only receive educational measures from the juvenile judge or juvenile

⁴ International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: France.



court. Juveniles aged between 10 and 13 can be subjected to educational measures and sanctions from the juvenile court. Young persons aged between 13 and 18 can receive educational measures, sanctions and penalties. In principle, the sentences that juveniles receive are half of what the law provides for adults, except in cases in which the circumstances or personality of the juvenile justify a different response, or the offence concerns a person's life or physical or mental integrity and is a repeat offence.

In Italy⁵, juveniles aged 14-17 can receive the same sanctions that are applicable to adults, including non-liberty depriving and liberty depriving measures, but young offenders can, under certain conditions, benefit from home-custody, probation or serve part or all of their sentence in a semi-open facility. Juveniles serving custodial measures in closed facilities (pre-trial detention and imprisonment) are placed in one of the 17 Youth Detention Centres across the country.

In Portugal,⁶ young persons aged 16 to 21 who have committed an offence fall under the adult criminal law, but are subjected to a Special Penal Regime. In principle, from age 16 onwards, young people can be sentenced to imprisonment in the same detention facilities as adults. Specific provisions refer to the mitigation of sentences and alternative measures to imprisonment, such as for instance corrective measures in determined cases. These measures include: warnings, certain obligations, fines and imprisonment in a specific detention centre (however, these detention centres have not been established yet and therefore the measure cannot be applied in practice). Since 2007, the law has also provided for house arrest (or "home detention"), which includes electronic monitoring, to be applicable to young offenders aged 16 or above. Juveniles aged 12 to 16 can only be subjected to the educational measures provided by the Educational Guardianship Law (LTE), regardless of the gravity of the offence committed. Those educational measures are graded according to their intensity and are divided into non-liberty depriving and liberty depriving measures.⁷

In Spain⁸, if a case comes to court, the law provides for a wide range of measures and sanctions applicable to juvenile offenders. Juvenile offenders can be sentenced to time in a closed detention centres, a semi-open detention centre or an open detention centre. The general maximum limit of these sentences is two years, which the judge has to split into a detention and probation period. Under extremely serious circumstances the detention period can be up to five years for juveniles aged 14 to 15, and up to eight years

5 Gatti, U. & Ceretti, A. (1998). Italian experiences of victim-offender mediation in the juvenile justice system. In Restorative Justice for Juveniles. Potentialities, Risks and Problems for Research (1st ed.). Leuven: Lode Walgrave.

6 International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: Portugal.

7 Article 4 LTE.

8 International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: Spain.



for juveniles aged 16 to 17⁹. Prison sentences can be suspended under probation, and this possibility is often used in practice. In cases of psychiatric disorders or alcohol or drug abuse, juvenile offenders can be sentenced to a stay in a closed therapeutic detention centre or to visit ambulant (non-residential) treatment services. Juvenile offenders can also be sentenced to “weekend-detention” which can be conducted both at the home of the offender or in a special centre.

II. Restorative practices of juvenile justice systems

A. Principles

The Directive establishing minimum standards on the rights, support and protection of victims of crime was adopted on 25 October 2012 (hereafter, the “Directive”). The Directive strengthens the rights of victims and their families to information, support and protection and lays out the procedural rights of victims when participating in criminal proceedings. It expects EU Member States to ensure that professionals are trained on victims’ needs. The EU Member States had to implement the provisions of this Directive into their national laws by 16 November 2015.

Article 12 establishes the right of victims to safeguards to ensure that “victims who choose to participate in restorative justice processes, have access to safe and competent restorative justice services”. Member States must also agree to ensure that victims are offered information on the availability of restorative justice services and that victims who participate in restorative justice services are treated “respectfully, sensitively, professionally and in a non-discriminatory manner”. It further protects victims by requiring that factors such as “degree of trauma, the repeat violation of victim’s physical, sexual or psychological integrity, power imbalances and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim’s ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting restorative justice processes” (recital 46).

The Directive defines restorative justice as “any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of

⁹ More information on these different measures and their application can be found in the national report of Spain.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

matters arising from the criminal offence through the help of an impartial third party” (Article 2).

The proactive attitude of European institutions on children’s rights in general, as well as child friendly justice and victim protection in particular, has created a favourable environment in the EU for justice reform. The Council of Europe Recommendation (2003) concerning new ways of dealing with juvenile offenders and the role of juvenile justice¹⁰ underlines the importance of alternatives to formal prosecution, which should be easily accessible as part of a regular procedure, and based on proportionality and free admission of responsibility. Notably, innovative and effective responses should have a broad scope and address not only minor offences, but also serious, violent and persistent ones. In such cases, it is specified, measures should “where possible and appropriate, deliver mediation, restoration and reparation to the victim.” In this context, restorative justice plays a major role in enhancing guarantees for children and young people involved in the process both as perpetrators and victims of harm.

Research in Europe and in other regions reveals that victims report lower levels of fear and post-traumatic stress symptoms after a restorative justice process. This study shows that at least 85% of victims that have participated in a restorative justice process express satisfaction, and that both victims and offenders associated restorative processes with being treated fairly and with effective conflict resolution. A meta-analysis of both youth and adult studies also demonstrated restorative processes to be associated with greater victim satisfaction over offender compliance with restitution. After a restorative process people who have been harmed say that they are less afraid that the offender would commit further crimes against them. Victims are also less likely to express feelings of revenge, and are far more likely to forgive their offenders after they hear their story.¹¹

If restorative processes are to be satisfactory to people who have been harmed, they must enable them to articulate their particular narrative. The outcomes of such a process must be to restore as much as possible what has been lost, damaged or violated. This may include regaining a sense of safety in their home or on the street, reclaiming control over their lives, being vindicated as a person who has suffered an injustice and reconnecting with a benevolent community, and moving on with their lives. These needs are addressed through victims regaining some power over their lives by having the person who harmed them make himself or herself accountable directly to them, by receiving answers to their questions, and by telling their story of the harm and its

10 Council of Europe (2003). Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

11 Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *Prison Journal*, 85(2), 127-144.



impact. These needs are also met through apology, reparation and compensation. All these processes require communication, preferably face-to-face, between the parties.

It is also important to remember that many people harmed by young people are themselves young people. Such young people may have particular vulnerabilities due to their young age and may also have vulnerabilities associated with the victimisation that they have been subjected to.

The particular vulnerability of young people as victims is referred to repeatedly in the Directive (Article 24). In general, children are far more vulnerable to victimisation than adults due to their developmental immaturity, which means they have limited knowledge, experience and self-control and may also engage in risky behaviours.¹² Children are, therefore, vulnerable to victimisation and their being victimised also increases their vulnerability. A correlation between victimisation and offending has also been highlighted in many studies. Restorative justice processes have been shown to have the potential to yield positive outcomes for people who have been harmed. In this way, restorative justice can be seen as a more holistic response to youth crime in that it addresses the needs of both the perpetrator and the victim of a specific act of harm.

Restorative justice is also a crucial alternative measure to ensure that children's deprivation of liberty is a measure of last resort. Not only does it reduce the risk of secondary re-victimisation and violence during the criminal justice proceedings and while deprived of liberty, but it also reduces the risk of stigmatisation of the child in the community, as recommended by the UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice¹³. Children who participate in community-based restorative justice processes have lower recidivism rates. They are also more likely to complete their education and increase their chances of becoming active and productive members of society. Across the five countries considered in this report, there are a number of principles common to all five juvenile justice systems regarding restorative justice. The three main principles that govern the process of restorative justice in these European countries are: the protection of involved children, the importance of education and the prevention of reoffending.

As a general principle, the juvenile justice systems of all five participating States operate on the premise that ensuring the child's protection should be the main concern throughout all of the proceedings. Following the principles set out by the UN CRC, all five States stress the importance of protecting the child's welfare (including access to mental

12 Finkelhor, D. (2008). *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People*. New York, NY: Oxford University Press.

13 United Nations (2014). *UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

health services) as well as their right to access information and education. In Italy and Portugal, the principle of ‘minimum intervention’ is also a key guideline.

Education implies not only the safeguarding and continuation of the child’s school education and training, but also understanding the consequences of their actions and learning the skills necessary for reintegration into society. In all five participating EU States, this form of rehabilitation is also considered as re-socialisation of the child.

Each country has adopted its own measures to fulfil such objectives regarding education. For instance, the Portuguese juvenile justice system’s education and re-socialisation measures are geared towards helping the youngster “to internalise legal norms” (articles 2 and 7 LTE). In France, education supersedes imprisonment in the decision-making process, while both Italy and Spain encourage the adaptation of measures to each youth by taking into account the unique circumstances and relationships of each child (individual assessment). The juvenile justice system of England and Wales also requires that victims be informed of their choice to participate in the restorative justice processes and should they decide not to comply, their decision is to be respected.

Thus, the principle of education that is a priority for all five States encompasses not only obligatory schooling and/or training, but also the passing on of skills necessary for the child to acknowledge the causes and consequences of their actions, to make amends and reintegrate back into society with the social and personal skills needed to ensure a crime-free life.

The majority of crimes against children take place within a ‘local’ context such as in the family or within their community.¹⁴ The internet¹⁵ has become a modern ‘local’ context in which crimes can be committed, such as sexual exploitation and harassment.

Restorative justice aims to rehabilitate the offender and provide him or her with the tool and framework to make amends to the victim. Thus, such measures aim to reintegrate both offenders and victims back into society by preventing further offending and victimisation. However, bringing the offender and victim together is not always straightforward, as victimisation is often multi-faceted.¹⁶ In addition, there are a number of issues to consider including whether they are related or strangers, from the same community, able to participate and engage in mediation and whether the victims have

14 Crimes against children / Crimes against children / Crime areas / Internet / Home - INTERPOL. (2016). Interpol.int. Available at: <http://www.interpol.int/Crime-areas/Crimes-against-children/Crimes-against-children>

15 Ibid.

16 Department of Juvenile Justice, Ministero della Giustizia, Italy (2010). Restorative Justice and Crime Prevention: Presenting a theoretical exploration, an empirical analysis and the policy perspective. P. 70. Available at: http://www.giustiziaminorile.it/rsi/pubblicazioni/Restorative_Justice_and%20Crime_Prevention_Final%20report_2010.pdf



been victimised once or repeatedly.¹⁷ In addition, adaptations of the classical mediation process will also be needed if the victims were themselves previous offenders.¹⁸

Nevertheless, in all these scenarios, juvenile justice systems should be geared towards preventing reoffending. Victims' protection is based on this principle of 'victim-oriented prevention' that aims to provide both material and emotional restoration to the victim in the forms of reparations and apologies.¹⁹

Statistics have shown that going through the restorative justice process helps decrease victims' fear of secondary victimisation by the same offender but also helps them feel less afraid of crime in general.²⁰ Additionally, statistics also show that victims' situations improve when they take part in the restorative process.²¹

The role of the community is invaluable when it comes to preventing further offending and victimisation. Community can involve family, friends and neighbours i.e. the offender's and/or victim's networks. Involving the community in the rehabilitation process creates or strengthens existing emotional and practical ties, the latter involving schooling, training and/or work among others. These ties between the offender and various aspects of community life occupy the offender's time, commitments and priorities and, when strengthened, help prevent additional offences. Without such ties young offenders can feel alone, bored and without prospects, thus encouraging them to turn to crimes such as theft, vandalism and being part of gangs among others. The role of the community is essential in fostering human connection between the offender and others, and a supportive community is important for the victim's own well-being.

B. Typology of interventions

The main measure of Restorative Justice taken by all five States with a legal basis is the 'victim-offender mediation'. This measure entails rehabilitation, re-socialisation and supervision of the child throughout the whole process.

The five States in this study have adopted a range of different measures within their juvenile justice systems to achieve the goals of child protection, education and prevention of re-offending. Nevertheless, most of these five EU States allow and encourage the adaptation of interventions. All of the countries offer distinctions

17 Dignan, J. (2005). *Understanding victims and restorative justice*. Maidenhead, England: Open University Press. 22.

18 Ibid.

19 Department of Juvenile Justice, Ministero della Giustizia, Italy (2010) *Restorative Justice and Crime Prevention: Presenting a theoretical exploration, an empirical analysis and the policy perspective*, p. 57.

20 Ibid. 59.

21 Ibid. 62.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

between cases which require the deprivation of the child's liberty and the ones which do not. In all instances, however, juvenile cases are treated with less severity than adult ones.

In England and Wales, for example, a third of all juvenile sentences involve 'referral orders.' According to UK law:

A referral order is an order available for young offenders who plead guilty to an offence whereby the young offender is referred to a panel of two trained community volunteers and a member of the youth offending team. It can be for a minimum of three months and a maximum of twelve months. The youth offender panel is headed by two volunteers from the local community and a member of the youth offending team. Referral orders can include reparation or restitution to the victim, for example, repairing any damage caused or making financial recompense, as well as undertaking a programme of interventions and activities to address their offending behaviour.²²

When it comes to measures that do not deprive the child of his/her liberty, the States' juvenile justice systems place focus on ensuring and facilitating access to a number of important factors necessary for the child's development and reintegration. These include access to mental health services to assess and treat any psychological issues as well as helping the child live and settle in a safe community. In addition, most States' systems involve third parties in the process of rehabilitating the juvenile and contributing to his/her development. In Spain, for instance, emphasis is placed on psychological assessments and community help while in the UK there are strong links between the Youth Offending Service, the police and the Crown Prosecution Service with the goal of diverting low-level offenders away from the formal justice system.

Nevertheless, obstacles towards the proper implementation of restorative justice remain and in some instances, effective intervention is hindered by other long-standing judicial practices. In France in particular, measures towards restorative justice are, in reality, "applied very rarely, in particular at the level of court sentencing."²³ In Italy, despite the emphasis on 'victim-offender mediation,' in practice, there is 'an evident lack of restorative justice programmes' partially due to 'territorial' differences within the country (see country report).

22 UK Government, Fact Sheet on Youth Referral Orders, accessible at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322209/fact-sheet-youth-referral-orders.pdf [Last Accessed 24/05/2016]

23 Cario, R. and Dünkel, F. (2015). France. In: F. Dünkel, P. Horsfield and A. Parosanu, ed., *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe*, 1st ed.



There are also different options within the range of measures that restrict young people's liberty. In England and Wales, for instance, there are three types of facilities in which young offenders up until the age of 18 can be held, these being, in order of severity: a Secure Children's Home (SCH), a Secure Training Centre (STC) or a Young Offender Institution (YOI). Spain also offers a broad range of possible interventions ranging from weekend-only stays at specialised units to closed facilities and detention centres of different levels.

C. Guarantees enjoyed by victims in criminal proceedings

In addition to the safeguard for juveniles provided for by the UN Convention on the Rights of the Child, the Riyadh Guidelines²⁴ and the Beijing²⁵ and Tokyo Rules²⁶, victims of crimes are also given guarantees in the domestic law of each of the five States in this study. These States follow in particular the obligations set forth by the Directive 2012/29/EU of the European Parliament and of the Council setting minimum standards on the rights, support and protection of victims of crime, the purpose of which is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.²⁷

The Directive provides for a series of fundamental rights, such as the right to understand and to be understood (Art. 3); to receive information (Art. 4 and 6); to access victim support services (Art. 8); to be heard (Art. 10); to receive legal aid (Art.13) and to protection (Art. 18-24), among others. It is important to note that, according to the Directive 2012/29/EU (recital 19), the victim should always be given the status of 'victim' and the rights that come with it even where the offender is not apprehended. This is reinforced by the wording of Article 2(a) defining a victim as:

- (i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death

24 General Assembly resolution 45/112, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), A/RES/45/112 (14 December 1990), available at: <http://www.un.org/documents/ga/res/45/a45r112.htm>.

25 General Assembly resolution 45/33, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), A/RES/40/33 (29 November 1985), available at: <http://www.un.org/documents/ga/res/40/a40r033.htm>.

26 General Assembly resolution 45/110 United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), A/RES/45/110 (14 December 1990), available at: <http://www.un.org/documents/ga/res/45/a45r110.htm>.

27 Directive 2012/29/EU of the European Parliament and of the Council setting minimum standards on the rights, support and protection of victims of crime, Article 1.



Directive 2012/29/EU also provides specific safeguards for child victims and victims with specific protection needs during criminal proceedings. Article 23 therefore provides for special measures of interviews, the avoidance of harmful contact with the offender, and *in camera* hearings for victims with specific protection needs (victims of sexual violence, gender-based violence or violence in close relationships in particular). In addition, Article 24(1) provides that, when the victim is a child, interviews may be recorded and used as evidence, a special representative may be appointed to represent the child, and that where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, especially where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

In the UK for example, additional guarantees have been put in place for child victims such as filming their cross-examinations away from court. This would remove the additional daunting experience of having to appear in court – an option which is nevertheless still available should they favour it. Such provisions also exist in France, where special secured rooms have been put in place in some cities to interview, assess and medically examine child victims of violence, mistreatment or sexual abuse in hospitals.²⁸

Regarding the rights of victims in restorative justice procedures, Article 12 of the Directive provides for several safeguards:

Right to safeguards in the context of restorative justice services

1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services, subject to at least the following conditions:

- (a) the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;
- (b) before agreeing to participate in the restorative justice process, the victim is provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;
- (c) the offender has acknowledged the basic facts of the case;

²⁸ Called UAMJP (Permanences et Unités d'Accueil Médico-Judiciaires en milieu hospitalier), those units have been implemented by the French NGO « La Voix de l'Enfant » in application of the French law of 17th June 1998 "relative à la prévention et à la répression des infractions sexuelles ainsi qu'à la protection des mineurs".



(d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;

(e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

2. Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral.

In the implementation of restorative justice measures, the participation of the victim is beneficial towards their proper reconstruction and reintegration into society. Including the victim in restorative justice and engaging in mediation or related processes can obviously help resolve the victim's own grievances, allowing them to come to terms with the experience and move on. This contributes to reduced post-traumatic stress, higher levels of satisfaction with the criminal justice system and less fear of repercussions and re-victimisation. Because victims, and especially child victims, are vulnerable much like the juvenile offenders themselves, a number of guarantees have been put in place in all five States that make up this report, following the obligations set forth by Article 12. In most cases, this involves the application of a statutory code that specifies what victims are entitled to, including the minimum level of services that victims should receive. Such a code also tends to oblige those carrying out the restorative justice procedure to inform the victim of the ongoing process and of any development. In addition, such codes help give the victims a voice in courts while also avoiding secondary victimisation.

The aim of Restorative Justice is to bring the victim and offender together to find common grounds for rehabilitation and moving forwards. However, in cases involving juvenile offenders, special provisions have been made for the victim in such proceedings. According to recital 46 of the Directive 2012/29/EU,

Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim's physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting a restorative justice process. Restorative justice processes should, in principle, be confidential, unless agreed otherwise by the parties, or as required by national law due to an overriding public interest. Factors such as threats



made or any forms of violence committed during the process may be considered as requiring disclosure in the public interest.

The involvement of the child victim and his or her family helps the child offender understand the consequences of his/her actions while also making amends to the victim and the community.

The measure known as ‘community resolution’ is one of the methods applied to the resolution of children offending and anti-social behaviour. ‘Community resolution’ entails an informal agreement between the parties involved and the police instead of resorting to the traditional criminal justice process. Community resolution is particularly important in the juvenile justice system of England and Wales. It takes into account the victim’s views and needs so as to reach a fair outcome for both parties, thus establishing a ‘restorative-based commitment’ to the child offender’s development while safeguarding the child victim’s rights and well-being.

In most of the participating States, the victim is involved from the beginning of the pre-sentence restorative justice process, that is, in the pre-trial phase. For example, the UK ‘Victim’s Code,’ created in 2013, obliges authorities to inform the victims of the process of restorative justice (this code also applies to victims of adult offenders), including information about the sentence of the offender.²⁹ The Code sets out a strict requirement that any offer of RJ must be appropriate to the particular case and also makes clear that RJ activities must be conducted in a safe, secure environment with an appropriately trained facilitator according to recognised quality standards.

Some States, such as Portugal, require a Prosecutor’s decision to carry out this kind of process, and will often involve third parties such as the family of the child offender. In addition, a number of conditions must be met before mediation can proceed, such as the victim’s willingness to participate and the offenders’ willingness to make amends. However, data in Portugal shows that the effective implementation of mediation is scarce and that often, victims are not willing to take part in such process.³⁰

An additional facet of the protection of victims’ rights during Restorative Justice processes may include the participation of non-governmental organisations in assisting victims as well as in providing policy recommendations to governments.

In France, there are 177 associations that help victims throughout the proceedings and offer legal, psychological and social assistance, 150 of which form part of the National

²⁹ UK Ministry of Justice (2013). Code of Practice for Victims of Crime.

³⁰ Portugal National Report.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILÉ

Federation for Victims' Aid and Mediation.³¹ In 2012, these Associations assisted over 200,000 victims of crime. When it comes to implementing the 'community resolution' form of Restorative, the EU encourages the active participation of civil society and for States to consult stakeholders and non-governmental organisations. *Recital* 62 of the Directive 2012/29/EU recommends that "public services should work in a coordinated manner and should be involved at all administrative levels — at Union level, and at national, regional and local level." This is so victims' queries are answered as quickly and efficiently as possible by avoiding constant referrals.

Ideally, authorities guarantee that victims can access all the information they need and are entitled to, from a unique place that is convenient to them. Doing so would avoid or minimise delays, costs and prolonging the proceedings for both the victim and the offender. Such an endeavour to create a 'one-stop shop' has been undertaken in the UK to develop the Victims' Information Service into a service "where victims can submit complaints to the relevant agency and provide feedback about their experience, so that the performance of CJS agencies can be judged on their customer ratings." Parallel to this endeavour has been the introduction of both a helpline and an online portal to address victims' concerns when they arise.³²

Spain's Organic Law 5/2000 on the Criminal Responsibility of Minors³³ also offers a comprehensive legal code of the guarantees benefiting victims. Regulations not only address victims' needs but also facilitate proceedings for economic compensation for the victim. Law 4/2015 of 27 April 2015 on the Statute of Victims of Crime, implementing the Directive, refers to the "Rights of the victims" (art. 3.1), and in consequence establishes that 'the victim has the right to protection, information, support, assistance and attention, as well as the right to actively participate in the criminal trial and receive respectful, professional, tailored and non-discriminatory treatment from their first contact with the judicial system, during the implementation of restorative justice services, during the criminal proceedings and for an adequate time after it has ended.'

Other guarantees given to the victim according to Articles 13-16 of the Directive 2012/29/EU include not being made to incur additional costs during the proceedings and that Member States should be required to reimburse the expenses deemed as necessary to the fulfilment of proceedings. In England and Wales, plans to pay compensation to victims upfront have also been made.³⁴ In addition, EU law stipulates that the victim's EU country of residence is to be responsible for ensuring the adequate

31 Fédération Nationale d'Aide aux Victimes et de Médiation. "Les droits des victimes," Ministère de la Justice, Avril 2012.

32 'Our Commitment to Victims' Ministry of Justice, September 2014.

33 Ley Orgánica 5/2000 de Responsabilidad Penal de los Menores (LORPM), 12 January 2000.

34 UK Ministry of Justice, 'Our Commitment to Victims', September 2014.



protection and assistance even if this is not the same State where the crime was committed (Article 17).

While ideally the procedure of Restorative Justice involves the cooperation of both the victim and the offender, if the latter still poses a risk to the victim, he/she cannot be made to comply in order to safeguard their right to be protected and to avoid secondary victimisation in the form of intimidation and/or retaliation. In any case, adequate practical safeguards must be put in place to separate the two parties and provide protection for the victim during trials and other proceedings. In the UK, for example, courts are to be modernised to include separate waiting areas for victims and defendants. In Portugal, the recent approval of the Victim Statute (Law 130/2015), defines victims' rights regarding support and protection: equality, confidentiality, voluntariness and the right to be informed and to be protected.

In order to ensure the ideal implementation of and adherence to victims' rights, Article 25 of the Directive 2012/29/EU calls for proper training of police, prosecutors, lawyers, judges and court staff, to be able to respond to victims' needs and concerns in "impartial, respectful and professional manner". This endeavour has been undertaken especially in the UK.³⁵

D. Statistical data

As mentioned in previous sections, the use Restorative Justice has been declared by virtually all five States to be a guiding principle for the treatment of cases in their juvenile justice systems. However, as highlighted with the case of France and Portugal, sometimes the actual application of Restorative Justice is insufficient or too slow to become a mainstream practice in dealing with juvenile offenders. Such a situation is detrimental towards the proper rehabilitation and re-socialisation of juveniles that come into contact with the law, and prevents victims from benefiting from a process that has been shown to help them grieve and move on.

Therefore, statistical data has an important role to play in presenting a clearer indication of just how much Restorative Justice practices are actually being implemented and how many juveniles they are being applied to. Once such data is made comprehensive and available, it would enable stakeholders to gain a clearer insight into the realities of the juvenile justice system of each State and, from there, it would allow examining how to improve Restorative Justice and identify best practices from each State. In addition, the statistical data for alternative measures, particularly those involving the deprivation of

³⁵ UK Ministry of Justice, 'Our Commitment to Victims', September 2014.



liberty, should also be considered to give a proper overview of which measures are being preferred over others in the five States' juvenile justice systems.

Taking the case of France, statistical analysis has been made difficult as judicial statistics “do not differentiate according to the type of sanctions and measures with regards to mediation and reparation.”³⁶ This creates a lacuna when it comes to understanding how often RJ is used and, from there, how successful it is. However, it has been indicated that “measures of reparation, supervision and community service on average accounted for 9.5% of all sanctions and measures imposed on juvenile offenders”³⁷ which is strikingly low regarding child offenders. Also, it is to be noted that the role of the victim in such measures is, in practice, ‘exceptional.’³⁸

In Portugal, statistical data on the use of mediation are neither accurate nor updated. In fact, the last statistics on victim-youngster mediation in this State date from 2008-2009 (country report). However, there are statistics concerning educational measures, including those who are restorative-based. Such statistics indicate that the main form of RJ applied in the Portuguese Juvenile Justice System is “activities in favour of the community” with an average of 179 measures applied per year for the period 2008-2013.³⁹

As mentioned in a previous section, in England and Wales, a third of all juvenile sentences involve ‘referral orders.’ On the other hand, 1,004 children were in custody as of March 2015⁴⁰. Nevertheless, statistics show a yearly decrease in the amount of children coming into contact with the law in general since 2002. When it comes to the impacts of Restorative Justice, the Ministry of Justice claims that it has contributed to a 14% decrease in reoffending. In addition, 85% of victims involved in Restorative Justice were ‘satisfied’ with the process/outcomes. In fact, 70% of victims chose to engage in mediation and the vast majority of them (78%) would recommend this process to other victims. For comparison purposes, in 2013/14, 33,902 young people were sentenced for offences. 2,226 were sentenced to immediate custodial sentences (87% of which involved detention). In addition, it is estimated that focusing on Restorative Justice in England could lead to saving the criminal justice system £185 million over a two-year period.

36 Cario, R. and Dünkel, F. (2015) "France" In Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States (1st ed., p. 71-74). International Juvenile Justice Observatory.

37 *Ibid.*

38 *Ibid.*

39 Out of an average of 1028 yearly total Restorative Measures (including victim reparation, payment of economic benefits and community activities) for the period 2008-2013.

40 UK Ministry of Justice & Youth Justice Board, Monthly Data and Analysis Custody Report, (January 2015), available at: www.gov.uk/government/publications/youth-custody-data.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILÉ

For other countries, such as Italy, statistical data on the use of restorative justice in practice is non-existent at a nation-wide level. This is because juvenile justice systems tend to be administered through regional mechanisms. In other countries such as Spain, for instance, statistical data on Restorative Justice is disaggregated by region, and important disparities exist due to the power of regions in the administration of juvenile justice systems. In Catalonia for example data show that the use of mediation has increased over the past 25 years, and that in the 2000s, mediation represented an average of 20% of measures issued by juvenile prosecutors.⁴¹ In other regions, only the number of extrajudicial solutions is recorded, with wide disparities between the regions (ranging, in 2014, from around 2% of cases in some regions to more than 35% of cases in others). This data can provide a national estimate at around 20% of juvenile cases being settled through extrajudicial solutions. In Italy, juvenile detention has also decreased since the 1980s when around 7,500 juveniles were detained in prison facilities every year. However, by the 1990s, the numbers dropped to 1,000 per year and since the 2000s, less than 200 youths are sent to prison yearly.⁴²

The lack of nation-wide statistics presents a number of disadvantages. Firstly, it does not allow for a proper overview of the national state of answers to juvenile criminality. In addition, fragmented regional statistics portray unique circumstances, making it harder to identify both best practices and problems. The staunch regionalisation of juvenile justice policies also make it harder to adopt common practices and improve the processes for both offenders and victims as more specific societal and regional issues need to be addressed. However, at the same time, regional differences can give room for the juvenile justice systems to adapt their Restorative Justice processes to the unique social and economic characteristics of the region.

III. Analysis of restorative practices

Analysing restorative practices in the five States that took part in this study involves understanding the statistics as well as the implications and impacts restorative justice measures have had on the rates of juveniles' rehabilitation and risk of reoffending in each of the five States but also collectively to spot trends and good practices.

41 Gimenez-Salinas, E., Salsench, S., Toro, L., & Dünkel, F. (2015). Spain. In *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States* (1st ed., p. 168). International Juvenile Justice Observatory.

42 Nelken, D. (2006). "Italy: A Lesson in Tolerance?" In: J. Muncie and B. Goldson, ed., "Comparative Youth Justice," 1st ed. p.167.



The typology section of this report has shown that common practices and approaches do exist among the five European States. Firstly, the States comply with UNCRC⁴³ in protecting children's rights at all stages of the judicial proceedings whether they are offenders or victims. This guiding principle entails protecting the child from both physical and psychological harm, particularly secondary victimisation, and also ensuring adequate assistance to the child. Such basic but fundamental rights are guaranteed by all five States to both victims and offenders.

Additionally, the principle of rehabilitation of the young offender is a major goal of all five States' juvenile justice systems and, although approaches and practices vary among the five States, all justice systems focus on educating, training and re-socialising the youth. Such efforts involve coordination of services and cooperation among police, educators, social workers and medical professionals.

The statistics of Restorative Justice practices in almost all of the States (bar the ones lacking nation-wide data) indicate positive impacts overall: fewer youngsters are being put through the judicial system each year and, as mentioned in previous sections, reoffending has also been seeing yearly decreases in almost all of the five States.

Statistical data also shows that in some States, judicial obstacles such as regionalisation of judicial systems (as in the case of Italy) or other long-standing judicial practices (as in the case of France), impact the use and effectiveness of RJ particularly when other measures are favoured over RJ during trial proceedings. Moreover, judicial professionals in Portugal highlight that the vagueness of the law and the absence of a 'restorative culture' in the Portuguese judicial system (as well as the lack of training on this subject for magistrates) also constitute important obstacles.

The guarantees awarded to the victim also impact the use and effectiveness of RJ. If a State's legislation adequately protects the victim and, in doing so, encourages him/her to take part in restorative proceedings and mediation with the youth, then the results are beneficial overall, especially when the victim is also a child. However, in order to increase the use and efficacy of RJ, State authorities must boost the victim's role and make the process as safe, easy and quick as possible for them, in particular in cases involving child victims. Judicial systems that are cumbersome, long-winding and do not provide adequate safeguards or compensation for victims are detrimental to RJ overall. Therefore, States need to properly invest in victim-oriented services such as compensation and social services, and provide adequate safeguards for child victims if they are to engage in RJ processes.

43 General Assembly resolution 44/25, Convention on the Rights of the Child, A/RES/44/25 (20 November 1989), available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



IV. Conclusion

This chapter has looked at how restorative justice practices have been integrated in and implemented by the juvenile justice systems of some of the EU's largest member states. The main obstacle that this analysis has had to overcome has been the lack of some States' nationwide data on restorative measures, for example in Italy and Spain. Due to heavy regionalisation, data is often fragmented. Such fragmentation is indicative of the wider discrepancies within the juvenile justice systems of the States. Thus, the harmonisation of judicial approaches, restorative practices and best practices at a national level is strongly encouraged for these States, and can only start with the collection of nationwide data.

This chapter has presented and analysed the juvenile justice systems from both the offender's and victim's perspectives. Measures of restorative justice have become the main tools used by most States' juvenile justice systems and all States have seen successes from shifting to a more restorative approach that favours re-socialisation of young offenders and adequate protection of the young victims. All States in this study have seen decreases in the number of children coming into conflict with the law over the years and this has been linked to the restorative approaches taken to prevent further offending.

The main approach taken by the States' juvenile justice systems is that of mediation. Mediation has the advantage of bringing offenders, victims and third parties together to address the juvenile's crimes, motives and prospects for re-socialisation as well as the victims' own needs and concerns. In all the States in this study, numerous victim guarantees have been put in place in order to make the process of restorative justice easier and faster for the victim. Ensuring that the participating victim receives all the information relating to the case, whenever he/she requests it, helps the victim feel more comfortable within the process and safe *vis-a-vis* the offender. Bringing the victim into restorative justice processes also helps to prevent secondary victimisation and get over the event. Bringing in third parties, including the community, also helps to ensure better prospects for the young offender's rehabilitation. Since most States encourage re-education, training and community service, the juvenile can improve their prospects for a crime-free future.



V. Bibliography

- Cario, R. and Dünkel, F. (2015). France. In: F. Dünkel, P. Horsfield and A. Parosanu, ed., *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe*, 1st ed.
- Chapman, T. Aertsen, I. Anderson, M. Gellin, M. (2015) *Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People*, International Juvenile Justice Observatory.
- Council of Europe (2003). Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.
- CRC, General Comment n°10: *Children's Rights in Juvenile Justice*, §§30-35 ; United Nations Standard Minimum Rules for the Administration of Juvenile Justice "Beijing Rules", Rule n°4.
- Department of Juvenile Justice, Ministero della Giustizia, Italy (2010). Restorative Justice and Crime Prevention: Presenting a theoretical exploration, an empirical analysis and the policy perspective. P. 70. Available at: [http://www.giustiziaminorile.it/rsi/publicazioni/Restorative Justice and%20Crime Prevention Final%20report 2010.pdf](http://www.giustiziaminorile.it/rsi/publicazioni/Restorative%20Justice%20and%20Crime%20Prevention%20Final%20report%202010.pdf) [Last Accessed 26 May 2016].
- Directive 2012/29/EU of the European Parliament and of the Council setting minimum standards on the rights, support and protection of victims of crime, Article 1.
- Dünkel, F. Horsfield, P., Parosanu, A. (2015) *Research and selection of the most effective Juvenile Restorative Justice practices in Europe: 28 National Snapshots*, International Juvenile Justice Observatory.
- Fédération Nationale d'Aide aux Victimes et de Médiation. "Les droits des victimes," Ministère de la Justice, Avril 2012
- Gatti, U. & Ceretti, A. (1998). Italian experiences of victim-offender mediation in the juvenile justice system. In *Restorative Justice for Juveniles. Potentialities, Risks and Problems for Research* (1st ed.). Leuven: Lode Walgrave.
- Gimenez-Salinas, E., Salsench, S., Toro, L., & Dünkel, F. (2015). Spain. In *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States* (1st ed., p. 168). International Juvenile Justice Observatory.
- International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: France, available at: http://www.oijj.org/sites/default/files/baaf_france1.pdf [Last Accessed 24/05/2016].



- International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: Portugal, available at: http://www.oijj.org/sites/default/files/baaf_portugal1.pdf [Last Accessed 24/05/2016].
- International Juvenile Justice Observatory (2014) National Report on Juvenile Justice Trends: Spain, available at: http://www.oijj.org/sites/default/files/baaf_spain1.pdf [Last Accessed 24/05/2016].
- INTERPOL (2016). Crimes against children / Crimes against children / Crime areas / Internet / Home - Interpol.int. Available at: <http://www.interpol.int/Crime-areas/Crimes-against-children/Crimes-against-children> [Last Accessed 26 May 2016].
- Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *Prison Journal*, 85(2), 127-144.
- Ley Orgánica 5/2000 de Responsabilidad Penal de los Menores (LORPM), 12 January 2000.
- Nelken, D. (2006). "Italy: A Lesson in Tolerance?" In: J. Muncie and B. Goldson, ed., "Comparative Youth Justice," 1st ed. p.167.
- UK Government, Fact Sheet on Youth Referral Orders, accessible at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322209/fact-sheet-youth-referral-orders.pdf [Last Accessed 24/05/2016]
- UK Ministry of Justice & Youth Justice Board, Monthly Data and Analysis Custody Report, (January 2015), available at: www.gov.uk/government/publications/youth-custody-data. [Last Accessed 24/05/2016].
- UK Ministry of Justice 'Our Commitment to Victims,' Ministry of Justice, September 2014, available at:
 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354723/commitment-to-victims.pdf [Last Accessed 24/05/2016].
- UK Ministry of Justice. (2013). Code of Practice for Victims of Crime.
- United Nations (2006) *Study on Violence against Children*.
- United Nations (2014). UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.
- United Nations General Assembly resolution 44/25, Convention on the Rights of the Child, A/RES/44/25 (20 November 1989), available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Last Accessed 24/05/2016].



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

- United Nations General Assembly resolution 45/110 United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), A/RES/45/110 (14 December 1990), available at:
<http://www.un.org/documents/ga/res/45/a45r110.htm> [Last Accessed 24/05/2016].
- United Nations General Assembly resolution 45/112, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), A/RES/45/112 (14 December 1990), available at:
<http://www.un.org/documents/ga/res/45/a45r112.htm>. [Last Accessed 24/05/2016].
- United Nations General Assembly resolution 45/33, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), A/RES/40/33 (29 November 1985), available at:
<http://www.un.org/documents/ga/res/40/a40r033.htm>. [Last Accessed 24/05/2016].