Restorative Justice

A Way of Rehabilitating Offenders and Reducing Crime in Europe

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ABSTRACT

In the last twenty years, restorative justice has experienced strong development throughout Europe. However, the scepticism demonstrated by legal practitioners towards these practices has impeded their full implementation. Supranational policy and legislative frameworks have often disregarded the potential of restorative practices. This thesis examines the relationship between restorative justice and the formal criminal justice systems of European states to better understand points of convergence and divergence. The rehabilitative potential of restorative justice and its capability of reducing crime are analysed. The paper presents a general overview of the International and European (Council of Europe and EU) legislative framework in this field; have offenders’ needs adequately been addressed by restorative justice policies and legislation? Issues have also been raised about the compatibility of restorative practices with the human rights of the parties, namely with those of the accused. The informal (or semi-formal) character of restorative initiatives is considered a threat to defendants’ legal rights. Through a detailed analysis of the right to a fair trial I will point out the benefits and risks deriving from the use of these instruments, the gaps existing in current legislation and investigate the possible future role of the EU in this field.
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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADR</td>
<td>Alternative Dispute Resolutions</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<td>CEPEJ</td>
<td>European Commission for the Efficiency of Justice</td>
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<td>ECHR</td>
<td>European Convention on Human Rights</td>
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<td>ECJ</td>
<td>European Court of Justice</td>
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<td>ECtHR</td>
<td>European Court of Human Rights</td>
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<td>EFRJ</td>
<td>European Forum for Restorative Justice</td>
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<td>EU</td>
<td>European Union</td>
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<td>FGC</td>
<td>Family Group Conferencing</td>
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<td>ICCPR</td>
<td>International Convenant on Civil and Political Rights</td>
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<tr>
<td>NGO</td>
<td>Non-governmental Organisation</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>VOM</td>
<td>Victim-Offender Mediation</td>
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