

## RESTORATIVE ELEMENTS IN CRIMINAL LAW

*Contact hours/week:* 2

*Assessment of studies:* essay or written exam

*Credits:* 4

*Semester:* autumn/spring

*Tutor:* Prof. Dr. Ilona Görgényi, Department of Criminal Law and Criminology

### *Description of the subject*

The course focuses on restorative justice theory and practice in criminal matters. History of 'compositio' goes back to the ancient time. From second half of last century activities and documents of the Council of Europe, the United Nations, the European Union and other international organizations exercised influence on restorative justice movement. Restorative justice is an old and new paradigm. The course offers the opportunity to deal with definitions, forms and principles of restorative justice, especially victim-offender mediation. Restitutive concept of sentencing and mediation in relation to criminal law are fundamental questions to be addressed in the framework of the course.

### *Topics of the subject:*

1. Restorative justice as an old and new paradigm in the case of criminal matter
2. The history of restorative justice
3. The role of international organisations: Council of Europe, United Nations, European Union, especially to the 2001/220/JHA: Council framework decision of 15 March 2001 and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
4. Notion and types of restorative justice
5. Principles of restorative justice
6. Community conferencing, family group conferencing and sentencing in criminal matters
7. General characteristics of victim-offender mediation (VOM)
8. International comparative aspects of VOM
9. Principles of mediation and connection with principles of criminal law
10. The regulations of VOM inside and outside the Penal Code and the Procedure Code
11. Connection between restorative justice and community sanctions
12. Community work as a symbolic form of restorative justice
13. Restitution by the offender as a condition of suspension of imprisonment or parole
14. Restorative justice in prison

*Documents and literature:*

- ECOSOC Resolution 2002/12 of the Basic principles on the use of restorative justice programmes in criminal matters, United Nations
- Recommendation R(99) 19 on the mediation in penal matters and explanatory memorandum, Council of Europe
- Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters. CEPEJ (2007) 13
- Julien Lhuillier: The quality of penal mediation in Europe. CEPEJ-GT-MED (2007) 8
- Council framework decision 2001/220/JHA on the standing of victims in criminal proceedings
- Directive 2004/80/EC on compensation to crime victims
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
- Victim-Offender Mediation in Europe. Ed.: The European Forum for Victim-Offender Mediation and Restorative Justice. Leuven University Press, 2000
- Reparation in Criminal Law. International Perspectives. Ed.: Albin Eser, Susanne Walther. Max-Planck-Institut für ausländisches und internationales Strafrecht, Freiburg i. Br., Volume 1, 1996; Volume 2, 1997; Volume 3, 2001
- Restorative Justice – A New Paradigm in Criminal Law. European Journal of Crime. Criminal law and Criminal Justice. Vol. 6/2, 125-139, 1998
- Theo Gavrielides: Restorative justice theory and practice: addressing the discrepancy. HEUNI, Helsinki 2007
- Ilona Görgényi: Restorative elements in the circle of alternative sanctions. In: New Tendencies in Crime and Criminal Policy in Central and Eastern Europe. (Eds.: Katalin Gönczöl, Miklós Lévy), Bíbor Publishing House, Miskolc, 2004. 210-220. o.
- Ilona Görgényi: Future Mediation with Serious Offences in Hungary. In: Tanulmányok Dr. Földvári József professzor 80. születésnapja tiszteletére (szerk.: Gál István László, Hornyák Szabolcs) Pécsi Tudományegyetem, Állam- és Jogtudományi Kar, Pécs, 2006, 77-85. o.
- Ilona Görgényi, Judit Jacsó: The Country Reports on Restorative Justice – Hungary. In: A. Pitsela, E. Symeonidou- Kastananidou(Eds.):Restorative Justice in Criminal Matters. Comparative Research in 11 European Countries. Sakkoulas Publication, Athens-Thessaloniki, pp. 125-155, 2013

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