Restorative justice in Chile

A very recent and challenging adventure

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Thailand Institute of Justice

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The Chilean context

- Dictatorship 1973-1990 – human rights violations
- Transition to democracy 1990-1994
- Democracy: Since 1994

- Legal procedural reform (2000): from an inquisitive to an adversarial system
What do we have at the moment?

• In the past: local, small and disconnected / interrupted initiatives with adult offenders and very minor serious crimes

• In the present:
  1) Pilot projects (2 + 1) focused on young offenders
  2) A project of law under discussion in the Parliament to reform our juvenile justice system
Pilot projects

- Young offenders
- Diversionary nature
- Implemented from public services – independent of the CJS
- Three cities in three years
Cases referred in Santiago during the first year (2017)

Number of cases selected: 97 – Number of cases actually referred: 27

<table>
<thead>
<tr>
<th>Categorías de delitos</th>
<th>Primera etapa</th>
<th>Segunda etapa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesiones</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Robos</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Robos no violentos</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Hurtos</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Cuasidelito</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Delitos Contra la Libertad e Intimidad de las Personas</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Otros delitos contra la propiedad</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Otros delitos</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10</strong></td>
<td><strong>17</strong></td>
</tr>
</tbody>
</table>
Model implemented: Victim-offender mediation

- Pre Mediation: Referrals
- Mediation: Direct and indirect
- Follow up: Compliance of the agreement

Voluntariness, confidentiality, neutrality

Balanced model of RJ
Introduction of RJ in Chile: Facilitating factors

Political interest
- Key actors of the Ministry of justice take initiative

Role of the academia
- Supervision
- Pilot evaluations

International interest and support
- Networks with other countries and organizations
- Eurosocial

Regional collaboration
- Policy makers / professionals / academics
Key strategies

- Pilot projects
- Open seminars
- Progressive implementation

- Strong sensibilisation /involvement of professionals and justice authorities
- Independent evaluation
Achievements

• Chilean experience - expertise
• Chilean evidence
• Progressive involvement of justice actors
• Development of quality standards – Involvement of supervision and evaluation as part of the structure of the service
• Progressive support of public and political actors
Main lessons learned

- Relevance of international supervision
- Action-research
- Relevance of reflective practice
- Communicational and training strategies
- Agreements and protocols at national level
- Permanent feedback with all stakeholders
- Evaluation as part of (initial) implementation
Next steps / challenges

• National implementation
  o Territory
  o Training
  o Supervision
• Cultural diversity
• Victim participation
• Involvement of judicial authorities
• Improve / increase referrals
Thank you
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