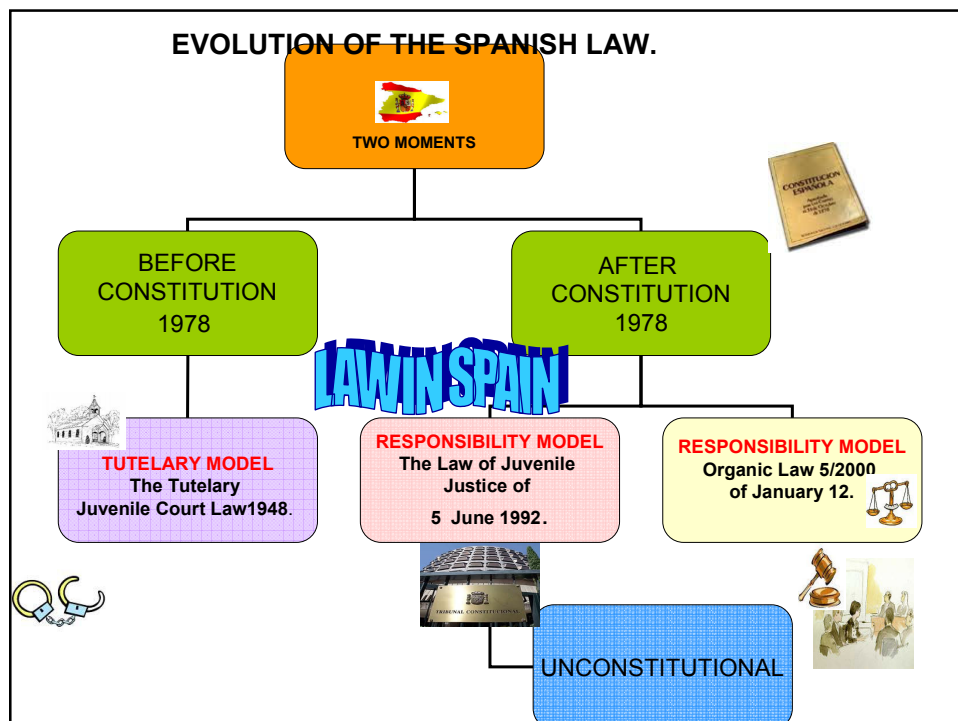


JUVENILE JUSTICE IN SPAIN



Concepción Rodríguez González
del Real.



Organic Law of Criminal Responsibilities of Minors 12 of January 2000.



In acording with international recommendations.

- Convention on the Rights of the Child (20 November 1989).
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice, (Beijing) 20 November 1985.
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty, (The Habana Rules) 14 December 1990.
- United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) 14 December 1990.
- United Nations Rules for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 14 December 1990.



CHARACTERISTICS

- Justice for juveniles must be administered by a separate system within the general legal system.
- With its own specific and specialized court (Juzgado de Menores) .
- Jurisdiction of the juvenile court is determined by the offender's age and his or her conduct .
- The system is exclusively a penal responsibility system.
- The legislators' intention was to make young persons responsible for their criminal acts and at the same time, to protect young and adolescent delinquents.
- The government established a vacatio legis of one year.



CHARACTERISTICS

- Therefore, juvenile justice is concerned only with those who commit acts that are defined as crimes according to adult criminal law.
- It does not include children who are in poverty, neglected or abused, or those who are unruly or are in risk of becoming offenders. Those juveniles are the concern of another jurisdiction.
- The minimum and maximum age limits of the previous law were established at 14 and 18 years, respectively. Biological criterion.
- Only specific measures regulated in the art7 can be imposed.
- All the measures chase the purpose of reeducation and rehabilitation of the minor.



CHARACTERISTICS

- The rule is flexibility in the imposition and execution of the measures.
- No measure could be more seriously or duration to imposed on an adult.
- The measure not only has in account the gravity of the fact but also the personal and social circumstances of the minor.
- The measures can be modified during the fulfillment. Always for better.
- Specify custody centers separate and different from the adults.
- Every measure of internment goes with it a time at liberty monitored.
- The implementation of the measures is the competence of the Autonomous Communities and the Autonomous Cities of Ceuta and Melilla.

MEASURES.



CUSTODY MEASURES



CUSTODY MEASURES



In a closed centre

In a half-open centre

In an open centre

Therapeutic custody:

Weekend Custody



CLOSED

HALF-OPEN

OPEN



Non-custody Measures.

- Community therapeutic treatment.
- Attendance at a 'Day Centre'.
- Probation.
- Prohibition to approach, or communicate with, the victim.
- Living with another person, another family or educative group.
- Community Service.
- Educational task.
- Ban from driving mopeds and motor vehicles, or other administrative licence.
- Absolute disqualification.
- Reprimand/admonition .

Educational task.

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"Since this is your first offense,
I sentence you to clean your room!"

search ID: jha0019

Educational task.

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Juvenile Court



"I hereby sentence you to
 three years of piano lessons."

AGE/ KIND OF CRIME	SERIOUS CRIMES	MURDER, HOMICIDE, SEXUAL ASSAULT AND TERRORIST CRIMES
14-15 year olds.	<ul style="list-style-type: none"> ▪Duration: until 3 years ▪Community service: until 150 hours. ▪Weekend – Custody: until 12 Weekend 	<ul style="list-style-type: none"> ▪From 1 to 5 years of custody in a closed centre + 3 years of probation
16-17 year olds.	<ul style="list-style-type: none"> ▪Duration: until 6 years ▪Community service: until 200 hours. ▪Weekend – Custody: Until 16 Weekend. *Extreme gravity: From 1 to 6 years of custody in a closed centre + 5 years of probation . the sentence cannot be modified until 1 year 	<ul style="list-style-type: none"> ▪From 1 to 8 years of custody in a closed centre + 5 years of probation (the sentence cannot be modified until half the measure of custody has been served)

MAXIMUM TIME

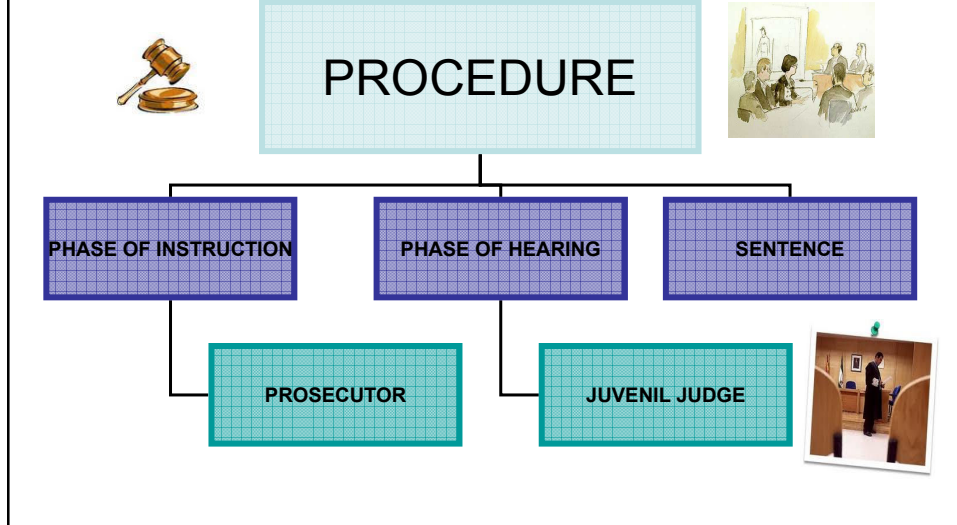
From 1 to 8 years of custody in a closed centre +1 to 5 years of probation (the sentence cannot be modified until half the measure of custody has been served)

PLURALITY OF INFRACTIONS
UP TO 10 YEARS.

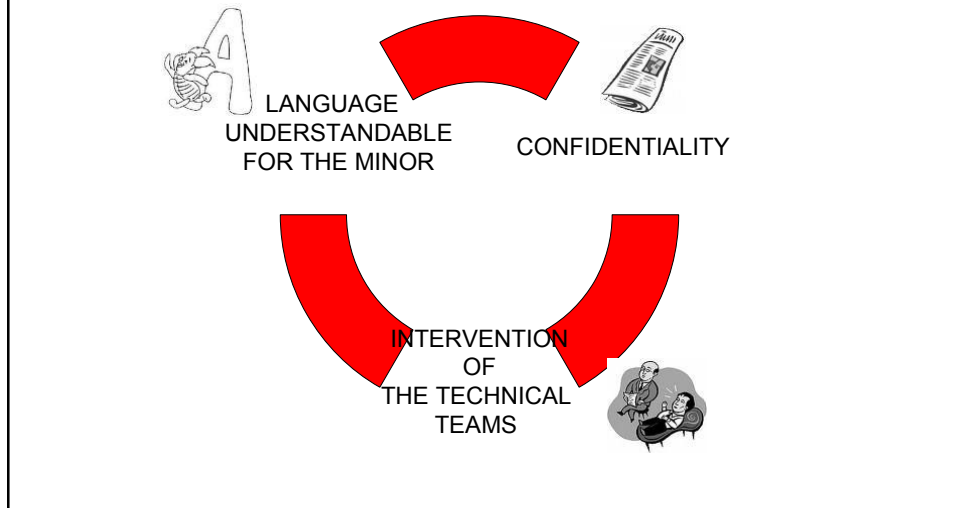
THE PROCESS.

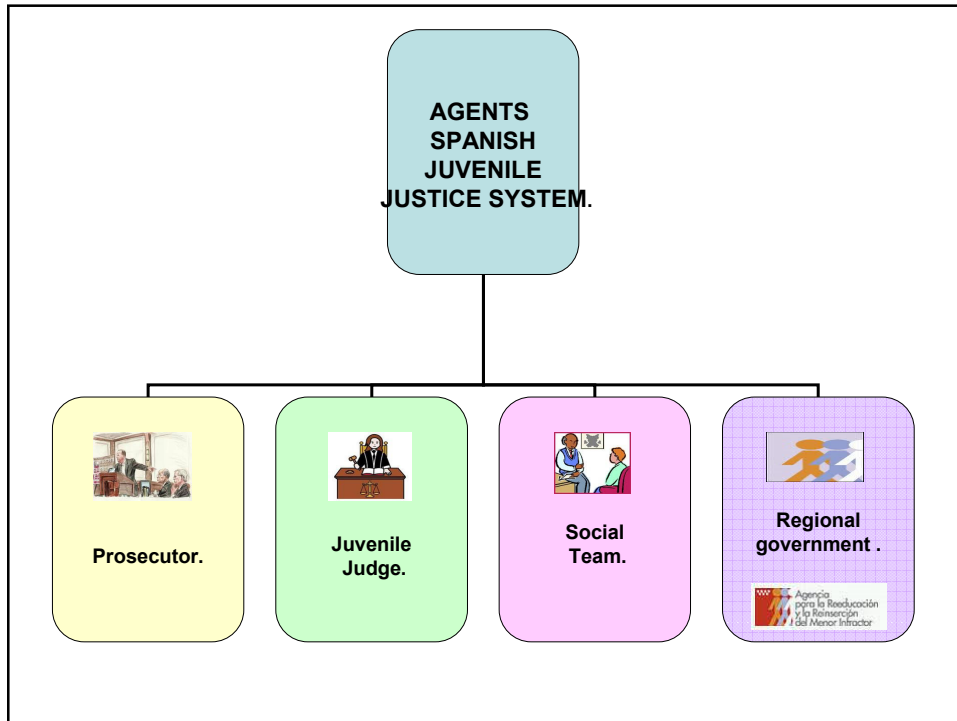


ESTRUCTURA DEL PROCESO PENAL DE MENORES.



SPECIALITIES OF THE PROCESS.





Prosecutor.

- Investigation of the facts and participation in criminal acts.
- Only this law that attributes the investigation to the prosecutor.
- But the juvenile Judge is responsible for safeguarding the rights of the person under investigation.



Juvenile Judge

- **Guarantee Judge** of the juvenile's rights.
- **Sentencing Judge** during the procedure at the hearing .
- **Enforcing Judge** when the measure is carried out. He must make sure that the Administration executes the sentence.
- **Civil Judge** when sentence civil responsibilities.



Social Team.

- Psychologists, social educators and social workers.
- Functions:
 1. Realize reports and offers. Not binding.
 2. To be heart.
 3. De-judicialization and mediation of the proceedings.
 4. Social and psychological assistance while the juvenile is detained.



Regional governments

- They are implementing the measures with the control of the juvenile judge.
- But autonomous communities and the cities of Ceuta and Melilla can celebrate Agreements of collaboration with other entities public such as state, autonomous and local administration or non-profit private.
- In Madrid Agencia de Reinserción y Reeducación del Menor infractor ARRM



MINIMAL LIMIT OF AGE IN CENTRAL AND SOUTH AMERICA



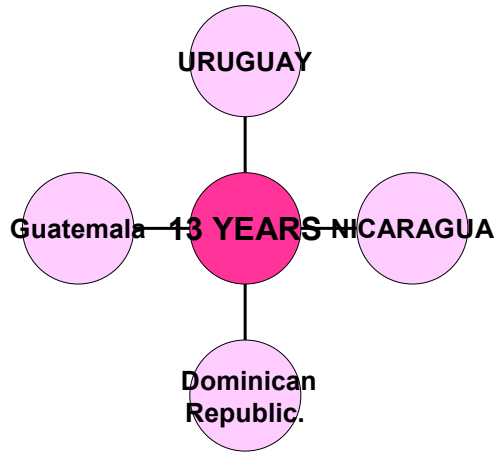
Limite mínimo en Centro-América y Sudamérica.

- Honduras 12 years.
- El Salvador 12 years.
- Jamaica 12 years.
- Brazil 12 years.
- Mexico 12 years.
- Venezuela 12 years.
- Panama 12 years*.
- Bolivia 12 years.
- Costa Rica 12 years.
- Dominican Republic 13 years.
- Guatemala 13 years.
- Nicaragua 13 years.
- Uruguay 13 years.
- Peru 14 years*.
- Paraguay 14 years.
- Colombia 14 years
- Chile 14 years

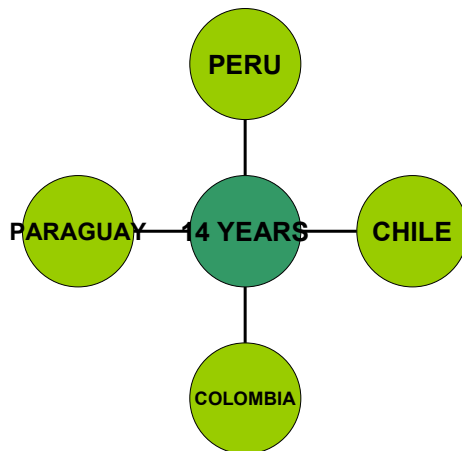
12 YEARS.



13 YEARS.



14 YEARS.



DIFFERENCES IN THE EU



DIFFERENCES IN THE EU

- Responsibility system.
- Concept of a minor, criterion for the determination of age, minimal limit of the penal minority.
- Different treatment for criminal irresponsible minors, and to young adult delinquents.
- Concept of crime and punishable conducts.
- Judges' jurisdictional nature and specialized courts.
- Sanctioning regime, application of a catalogue of specific measures or attenuated character punishment for adults.

DIFFERENCES IN CENTRAL AND SOUTH AMERICA.



SITUACIÓN EN AMÉRICA.

- Se pasa de la situación irregular a la protección integral.
- Homogeneidad en el concepto de “adolescente”, en el criterio de determinación de la edad y en la fijación del límite mínimo de la minoría de edad penal entre 12, 13 y 14 años, en Europa de 7 a 16 años.
- Sistemas de justicia juvenil mas homogéneos que en Europa, todos responden a la Convención, con jueces y tribunales especializados, jueces especializados en ejecución de sanciones penales juveniles, procedimiento específico, catalogo de medidas. Centros distintos y separados de los mayores de edad.
- Superación del tradicional término menor, salvo en El Salvador, por el concepto de “adolescente”, mas específico y sin connotaciones negativas.
- En algunos países Códigos que regulan protección y reforma, en otros en Leyes especiales .

CENTRAL AND SOUTH AMERICA.

- From the irregular situation to the integral protection.
- Responsibility system.
- System more homogeneous than in Europe, with its own specific and specialized court, sometimes specialized Judges in execution of penal juvenile measures, responsibility system, only specific measures, specify custody centers different from the adults.
- Overcoming of the traditional minor term for teenager, except El Salvador.
- In some countries Codes that regulate protection and reform, in others in special Laws regulate only reform.

Thank you for your attention

