

Restorative Justice Strategy 2030

From a pioneering service to a right
of citizens

January 2024





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Table of contents

| | |
|----------------------------------------------------------------------------------------------------------------------------|----|
| Greeting | 4 |
| Forward | 5 |
| Presentation | 6 |
| 1. Introduction | 7 |
| 2. Legal framework | 9 |
| 3. Diagnosis of restorative justice in Catalonia | 11 |
| 3.1. Restorative justice in the field of juvenile justice | 11 |
| 3.2. Restorative justice in the field of adult justice | 12 |
| 4. Horizon 2030: towards universalisation and quality | 15 |
| 4.1. The mission and the vision | 15 |
| 4.2. The basic principles | 15 |
| 4.3. Horizon 2030: restorative justice that is accessible, equitable, with a gender perspective and protection of children | 16 |
| 5. Measures to promote restorative justice 2030 | 17 |
| PHASE 1. 2024-2025. Structuring the grounds for universalisation: dignity, awareness and pilot | 17 |
| PHASE 2. 2026-2028. The transition to universalisation: redefinition based on the pilot programme for adult jurisdiction | 21 |
| STRUCTURAL MEASURES: The consolidation of the restorative justice service | 22 |
| Timeline-summary of Strategy measures | 24 |
| 6. Annex. Participants in the preparation and implementation of the Restorative Justice Strategy 2030 | 25 |

Greeting

These brief lines of greeting are the beginning of the *Restorative Justice Strategy 2030*, a document that captures the ambitious commitment of the Ministry of Justice, Rights and Memory to consolidate and universalise the restorative justice services in Catalonia. As a country, we were pioneers in introducing restorative practices in the field of criminal law: first for the jurisdiction of minors (1990) and later for that of adults (1998). And today we are in the position to take a quantitative and qualitative leap forward. We have enormous theoretical knowledge and practical experience. Political leaders, public officials, legal and judicial operators, academics, and the social fabric have been forging experiences over the course of the years that make us extremely proud. The time has come to activate the full power of these practices, to explore how much we can achieve and – in short – to analyse the multiple complexities of the concept of justice itself.

In parallel, restorative justice emerges as an invitation to *re-conceptualise* the idea of justice in the heart of the 21st century. We must shift from a rationale of confrontation to one of dialogue and agreement and contribute to punitive reduction, and also toward concrete practices that centre on victims' restoration and reparation, with services and experiences in the field of criminal law. The aim of this document is to contribute to advancing in both directions: creating a culture favourable to restoration and victim centred, to create solid and robust services that let us view restorative justice as a citizen right.

This document defines the 2030 horizon as the necessary path to undertake the growth process of restorative justice services in the jurisdiction of minors and of adults. It starts with good foundations and commits from the outset to a pilot programme in Tarragona and Terres de l'Ebre, where universalisation will be tested and experience will be accompanied by monitoring and evaluation. The Strategy also contains 15 measures, which require the support and commitment of several institutions and players. I would like to thank Eduardo Santos, coordinator of the Strategy, for his enormous and valuable work, as well as the several teams from the Ministry involved and all the people, institutions and players who have contributed and will contribute there so that this strategy moves forward.¹

Gemma Ubasart i González
Minister of Justice, Rights and Memory

¹ The Ministry of Justice, Rights and Memory wants to thank the selfless collaboration in the advance of the Strategy and the contributions made by the teachers José Ángel Brandariz, Xulio Ferreiro, Cristina Güerri, Gema Varona; the presidents of the Court of Girona, Adolfo Garcia Morales, and the Court of Tarragona, Joan Perarnau, and the judges Víctor Correas, Carme Guil, Amaya Olivas and Montserrat Raga; the attorney general of Tarragona, María José Osuna, and the Provincial Public Prosecutor's Office of Barcelona; the lawyers Natàlia Farré and Josep Maria Torrent; and mediation and restorative justice experts, and intellectual leaders in the field: Xabier Etxebarria, Roberto Moreno, Jorge Ollero, Esther Pascual, Artur Roman, Clara Serra, Kristian Herbolzheimer, Sara Martínez (International Catalan Institute for Peace) and the Association of Conflict Mediation Professionals of Catalonia (ACDMA).

Forward

I have read the *Strategy of Restorative Justice 2030* with great interest and sincere gratitude, which has made me remember a great idea. An idea that – supported by over 20 years of experience – is aimed not only at achieving a high-quality system of restorative justice that is accessible to everybody, but also, and with a broader vision, to convert it into a citizen right, as we can read in the title.

The reference to Agenda 2030 and, particularly, to Sustainable Development Goal 16 is strong, cross-cutting and guiding in promoting peaceful and inclusive societies in order to achieve sustainable development, providing access to justice for all persons and developing effective, responsible and inclusive institutions at all levels. International sources are the inspiration for justice that truly intends to be fair, sustainable and respectful of all parties.

From these premises, the document sets out its standards, highlights current needs and is planned towards a possible future. Above all, it identifies a mission and a vision and foresees concrete actions to attain them.

The mission points us towards where we must go: the active participation of all the involved actors, including the community, so that, together, we can ‘humanise’ criminal justice.

Quoting Howard Zehr, the vision consists of a change of focus: considering the crime (whatever it may be) as a problem for which all parties, none excluded, can work to reinstate justice, collective security, trust.

The continuous reference to the community, a crucial player in the expected change, is especially valuable: the communities that suffer because they are affected directly by injustice and those that are the object of systemic discrimination. But the community the Catalan Strategy looks at in terms of awareness-raising, promotion and interconnection, is not only the one that has experienced an injustice, it is also the community that must be capable of comprehending the real scope of the restorative vision to overcome common ideas based on prejudices, and that is the one that can learn to prevent injustice, such as schools.

The Catalan Strategy is driven by this awareness. Section 4.3 is an eloquent summary (Horizon 2030: accessible and equitable restorative justice, with a gender perspective and protection of children), which places universality and quality as governing criteria.

Regarding this objective, the Strategy is based on the very important journey that preceded it and that is alive in its pages. Thinking of the future, the path forward will be constructed, made of co-participation, dignity, awareness, promotion, national coordination and international comparison.

I like to think of the document, *Restorative Justice Strategy 2030: From a pioneering service to a citizen right*, like a vision and a source of inspiration also for other regions and other European countries, so that restorative justice is finally and universally recognised as a citizen right.

Thank you.

Patrizia Patrizi
President of the European Forum for Restorative Justice

Presentation

Restorative justice is simultaneously a philosophy and an implementation strategy for the criminal justice systems that has become a comparable and effective reality in many countries in our surrounding area.

Its method includes at least some relatively informal type of process that seeks to involve victims, aggressors and other persons intimately related with them or with the crime, and it puts the focus on empowering the ordinary people whose lives have been affected. It also requires the efforts of decision makers and those who facilitate decision-making processes to promote a less stigmatising and punitive response to the offender. And all of based on practising values such as showing respect, avoiding or minimising violence and coercion towards other people, and choosing inclusion over exclusion.

Its concrete implementation must fulfil the objective of offenders' reintegration into the community by taking responsibility for their actions, respect for all the guarantees of fair process but, in parallel, it must meet the need of reparation for victims, generating realistic and effective reparation methods, and the need for the community to feel protected.

For this reason, even though today restorative justice is still an evaluable, broad, internally complex and open concept that continues to be developed through experience, at this time it is already likely that public powers will take it into account when designing and applying specific policies in the field of justice.

Indeed, that is the direction revealed in Directive 2012/29/EU of the European Parliament and Council of 25 October 2012, transposed to Spanish law through Law 4/2015 of 27 April, in the Statute on Victims of Crime, and Recommendation CM/Rec (2018)8 of the European Council concerning restorative justice in criminal matters, in addition to the 2021 Venice Declaration by the Ministers of Justice.

After 25 years of experience on restorative justice in Catalonia, the Government of Catalonia, by driving forward this strategy, takes a decisive step forward in its implementation, respecting the essence of restorative justice, while at the same time avoiding a vision of a radical alternative that could cause it to be restricted only to juvenile justice or to insignificant crimes.

This translates into the option for a model of justice with a restorative perspective at the service of 21st century citizens, for which a series of realistic policies with progressive implementation are being structured. Their purpose is to establish our own model that universalises and standardises services, commits to regional cohesion and equity, involves universities and the government itself in training, producing increasingly more professionals and more capacities, and, in short, promotes a community culture for the peaceful and more suitable resolution of conflicts.

Advances are thus being made in a programme that delves deeper into democracy when imparting justice and that, therefore, promotes participation with a voice based on maximum respect and the guarantee of the fundamental rights that could be affected.

The country thus stands at the forefront of the best international practices, which are the basis for comparison, defining the path of feasible policies, with a decidedly transformative vision and increasing the catalogue of citizen rights through the organisation of a public service with universal guarantees of access.

Eduardo Santos Itoiz
Coordinator of the Restorative Justice Strategy 2030

1. Introduction

Restorative justice initially emerged as a complement to ordinary justice, with the idea of offering a space to victims, to offenders and to the affected community to talk about the crime and its consequences. The objective is to repair the damage caused by committing the crime, as well as to delve deeper into the perpetrators of crimes taking responsibility. The appearance of restorative justice emerges as a need that many victims have of being better assisted and listened to when faced with the current system that is almost exclusively based on punishment and not on reparation.

The approach also includes the protective premise in which judicial, criminal and prison interventions must be minimised. The resolution of conflicts and social problems cannot lead only to punitive measures. Further, the focus on punishment can end up creating greater complexity and to the situation becoming chronic. The exploration of alternative methods than the punitive one, either unique or complementary, can contribute added value to resolving the case and to building a safer and more cohesive society.

The ordinary system of rights and guarantees that leads to the rigorous application of the law –and the establishment of fair and proportional sentences– is an inalienable achievement of democratic states and the rule of law, but in the midst of the 21st century, we must go further. It is essential to move from retributive and punitive based justice to justice that is more restorative and humanist and that puts victims and their needs at the centre of the system. The main innovation that democratic justice systems will face in upcoming years is to ensure that criminal proceedings are reparative and, therefore, higher quality. This inevitably happens so that restorative justice becomes a normal and usual response to crime.

Restorative justice represents returning the conflict to victims and giving them the possibility of participating in its resolution and being effectively repaired for the damage they have suffered. Criminal justice is abstractly for society, not for the victims. Restorative justice puts the victims and the community in the centre.

According to the United Nations, restorative justice promotes the safe participation of victims in the criminal process, and offers people who accept responsibility for the damage caused an opportunity to be accountable to those they have harmed. Unlike the ordinary system, where conflict resolution is externalised to a third party – the judge – the restorative justice paradigm allows, through different methodologies, that the affected parties become the true protagonists of the process. Therefore, the restorative approach contributes to constructing a more social and democratic justice, propitiating the agreed resolution of conflicts within the structural framework of solid criminal guarantees, and from a focus of protecting the victims. The Council of Europe defines restorative justice as follows:

[Restorative justice refers to] any process which enables those harmed by crime and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party – the “facilitator”.

In Catalonia there has been a restorative justice service since 1998, even though the restorative experiences in juvenile justice started to be developed starting in 1990. Thus, we have been a pioneering country in this field. During 2022, the Government of Catalonia conducted 2107 restorative processes with adults, of whom 1323 (63 %) fulfilled the viability criteria. During 2023, 1728 programmes were concluded in the area of juvenile justice, with a satisfactory result in 82.6 % of the cases. From among the methodologies used, they highlight indirect mediations, joint mediations, the restorative circles and reparative interviews with victims. The Government of Catalonia does enormous work to repair the greatest number of victims, to involve the largest number of offenders, and to restore social cohesion and harmonious coexistence in the communities affected by the crime.

Despite these numbers, both regarding the lack of knowledge of the service and the material inability to resolve a larger volume of cases, today victims cannot be ensured access to restorative justice programmes as a universal and quality citizen right. Thus, it is necessary **to promote restorative justice in all phases of the criminal process and for all types of crimes, victims and offenders, throughout the Catalan lands**. This means that restorative justice is shaped as another citizen right. This plan aims to do precisely that: **take a qualitative and quantitative leap forward in the restorative justice services of the Government of Catalonia** so that, with a horizon of very few years, all victims who want can exercise effectively their right to be repaired, and with these, that restorative justice becomes a normal and usual response to crime. In this framework, the objectives of the Restorative Justice Strategy 2030 are to:

- Have the means that guarantee restorative justice services to all Catalan citizens
- Promote the quality and efficiency of the restorative justice services
- Reduce the punitive trend in conflict resolution and social problems
- Prevent conflicts at a community level, and promote peaceful solutions through dialogue when they occur, removing social potential for conflict from the judicial system
- Foster a sense of responsibility and rehabilitation of people who have committed crimes
- Repair the harm caused to victims of crime, as well as restoring social harmony to the affected community

The attainment of these objectives will have a significant impact in society as a whole, in terms of reducing conflictive situations and building a fairer and more peaceful society with greater civil coexistence. In a context of increasing extremisms and intolerance, as well as violent conflicts, the restorative paradigm offers an answer suitable for the crime and fosters the culture of peace among citizens. Thus, the present strategy sketches the steps to attain the universalisation of the restorative justice service in Catalonia and, with this, to improve civil coexistence and to strengthen the country's social cohesion.

2. Legal framework

The most important legislative guidelines about restorative justice have their origin in the United Nations and the Council of Europe, on the one hand, and in Directive 2012/29/EU of the European Parliament and of the Council, on the other. Regarding the UN, Resolution ECOSOC 2002/12 encourages the member states to establish models and standards on restorative justice that fit with Sustainable Development Goal 16, the promotion of fair, peaceful and inclusive societies. For its part, the Council of Europe promoted the significant Venice Declaration in 2021, signed by the ministers of justice of its member states, which urges them to implement and promote restorative justice. This declaration continues the path set out by Recommendation (2018)8, of 3 October, concerning restorative justice in criminal matters. Moreover, the 2020 revision of the European Prison Rules (deriving from Recommendation (2006)2 of the Council of Europe) establish that prisoners who consent to do so may be involved in a restorative justice programme and make reparation for their crimes (Section 103.7). In parallel, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners (Section 56.2).

Services and care for victims from a restorative viewpoint has also been the object of binding European legislation through Directive 2012/29/EU of 25 October, which establishes minimum standards on the rights, support and protection of victims of crime. The directive adopts a broad concept of restorative justice that includes mediation, restorative circles and family group conferencing. The directive was transposed to Spanish law through Law 4/2015 of 27 April, on the standing of victims of crime.

Regarding Spanish legislation, the advances made on the matter in question are a consequence of the progressive assimilation of international recommendations. This assimilation has not translated into a sufficient regulation on criminal and procedural laws. So, we find partial regulations in the areas of juvenile justice, adult criminal justice, criminal procedural law and the protection of victims of crime. The first field – juvenile justice – is where there is the most extensive and consistent regulations on this matter.

International standards and state legislation on juvenile justice establish their educational purpose. Article 19 of Organic Law 5/2000 of 12 January, which regulates the criminal responsibility of minors, establishes the possibility to halt the processing of the case for conciliation or repair to the victim, assigning the technical team with mediation functions between the minor and the victim. If this is not possible, due to the severity of the offences, and the judicial proceeding has to be continued, the restorative process can still be conducted in a complementary way. Article 51.3 refers to restorative justice in the execution phase and mentions the possibility of vacating the measure imposed if reconciliation takes place between the minor and the victim (and the minor meets other complementary conditions).

In the area of adult criminal justice, we must refer to the terms of the Penal Code (hereinafter PC) to find references to restorative mechanisms. The clearest reference is that the judicial authority can suspend the execution of the sentence imposed when the agreement reached by the parties through mediation is fulfilled (Art. 84.1 PC) or community service works can be done, especially when they serve as symbolic reparation (Art. 84.2 PC).

Regarding criminal procedural legislation, there are features such as ‘conformatat’, or the possibility to reach agreements with reduced and/or alternative sentencing in cases where the sentence is not greater than six years of prison, and after negotiation between the plaintiff and the defence (Articles 787, 784 and 801.2 of the Criminal Procedure Act). Moreover, there is some legal margin for imposing alternative sentences to prison that are taken by considering the agreements stemming from restorative justice processes.

To conclude, the approval of the 2015 Statute of Victims of Crime regulates victims’ rights of participation in the criminal process and foresees the existence of restorative justice services, albeit

only in passing. More precisely, it includes the right of victims to be informed of the restorative justice services available (Articles 5.1, 14 and 27), to access these services (Art. 15) and to receive respectful, professional, individualised and non-discriminatory treatment during these services (Art. 3.1).

3. Diagnosis of restorative justice in Catalonia

3.1. Restorative justice in the field of juvenile justice

In 1990, the Catalan Ministry of Justice promoted the first experience of criminal mediation in the jurisdiction of minors. The Centre for Legal Studies and Specialised Training (CEJFE) took on the task of training the teams, always aimed at designing policies to reduce internment. The objective of the model was to design a more humane criminal policy that was more approachable for families, more integrating, more educational and, especially, less punitive. Moreover, Law 4/1992 on the competence and proceedings of courts for minors provided a legal foundation for the development of mediation and reparation programmes. With the approval of Organic Law 5/2000, which regulates the criminal responsibility of minors, the system was entirely implemented.

Since this historic milestone, mediation in juvenile justice is structured as an independent branch in the restorative justice services offered by the Ministry of Justice, Rights and Memory. This is because, unlike ordinary criminal jurisdiction, there are several clear and specific regulations in the jurisdiction of minors that regulate and promote the criminal mediation and reparation. The service that the Government of Catalonia offers is publicly run, meaning that the staff is civil servants. During 2023, 1728 programmes concluded in which 1622 minors participated, 75 % of them male. 80 % of the processes had physical victims, of whom 56 % were males. 54 % of the victims of physical harm were minors. 55 % of the victims were acquaintances of the minors. 15 % of the processes had victims of legal rights, and 5 % were victimless crimes. Victims take part in 63 % of the processes, and in 46 % of these processes the parties meet directly, in 45 % there is indirect mediation, and in 9 % there is reparation at the initiative of the parties. When the victims do not participate (32 % of the processes), educational activities are conducted in 45 % of the cases, reparative tasks in 21 % of the cases, and reflection work is done in 35 %. Throughout the year, some 2000 restorative justice interventions are done with minors. Most minors referred to criminal mediation who take part in restorative processes are investigated for bodily harm crimes (32.5 %) and against property (29.1 %). In 82.6 % of the cases, criminal mediation is satisfactory to the parties. The following table summarises these data and their evolution in recent years.

Table 1. Juvenile justice population in mediation proceedings on the last day of the year

| | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------------------------------------|------|------|------|------|------|------|------|------|------|
| Programmes completed | 1396 | 1351 | 1350 | 1428 | 1408 | 1288 | 1499 | 1653 | 1728 |
| % Mediation with positive result | 84.7 | 81.9 | 84.1 | 83.2 | 81.7 | 82.5 | 82.8 | 81.4 | 82.6 |
| Sex and age of victims | | | | | | | | | |
| Women | 52 | 65 | 69 | 92 | 56 | 71 | 49 | 63 | 72 |
| Men | 197 | 210 | 203 | 218 | 288 | 236 | 251 | 233 | 295 |
| Average age | 16.7 | 16.2 | 16.1 | 16.0 | 16.5 | 16.2 | 15.8 | 16.2 | 15.9 |
| According to the main crime | | | | | | | | | |
| % Property | 51.9 | 41.2 | 39.1 | 39.3 | 34.6 | 34.4 | 38.9 | 41.8 | 29.1 |
| % Bodily harm | 22.1 | 29.2 | 31.9 | 30.8 | 31.5 | 34.2 | 29.1 | 36.0 | 32.5 |
| % Freedom | 5.5 | 8.6 | 10.2 | 7.8 | 11.1 | 11.6 | 7.5 | 13.1 | 9.9 |
| % Collective safety | 9.6 | 11.0 | 7.2 | 6.4 | 9.4 | 9.7 | 6.8 | 11.8 | 7.6 |
| % Honour | 0.3 | 0.1 | 0.2 | 0.0 | 0.0 | 0.1 | 0.2 | 0.0 | 0.0 |

Regarding the functioning of these programmes, unlike restorative justice for adults, legislation does not foresee that the parties can initiate a criminal mediation process on their own initiative. Due to the nature of the same criminal process for minors, legislation foresees that, even though the parties can suggest participating in a mediation process, the Public Prosecutor's Office must make the referral. This process can be conducted either before or after sentencing, in execution. Therefore, the Public Prosecutor's Office becomes the main referral source to mediation.

The Government of Catalonia has knowledge of all cases opened in juvenile justice, since the public prosecutor has the duty to request an advisory report. Regarding primary offenders, they are first attended to by a mediator who offers them the possibility of participating in a restorative process. Regarding recidivists, it is the professional who already knows the minor from the previous offence who assesses the advisability of offering them mediation again.

In the diagnosis of restorative justice services for minors, three big areas for improvement have been detected in the system: work overload and staff instability; insufficient training, supervision and evaluation of the system; and lack of information by legal operators. In relation to the first point, one of the problems with restorative justice in minors is the high demand in relation to the resources available. Problems with staff instability have also been detected: for several years due to stabilisation processes, retirements, and difficulties in filling vacancies and leaves agilely.

In parallel, one of the main needs detected is the training of these professionals, and a large dose of willingness makes up for the lack of specialisation. Nowadays, no training on mediation or restorative justice is required to access these jobs, and this training is not even considered a merit when preparing job transfer exams. The main jobs are for social workers and psychologists, and the selection of professionals is done by the ordinary selection procedure for civil servants. The lack of specialised training is replaced through informal supervision and accompaniment by people who have been in the service for the most time. In relation to this, a lack of external supervision is also observed due to the cuts that occurred several years ago. This point, added to the lack of consistent evaluation, represents a demand of the teams to improve the system.

To finish, there is also quite a lot of ignorance detected among both the legal profession and citizens on the restorative justice processes that can be implemented with minors. Sometimes passive or even relatively contrary attitudes are observed to conducting these experiences because of this lack of knowledge. The greatest difficulty in starting and achieving restorative justice processes occurs in the execution phase of the measures imposed by sentences. In this sense, a lack of referrals from the professionals who accompany minors during the execution phase is observed.

3.2. Restorative justice in the field of adult justice

The mediation and reparation programme in criminal jurisdiction with adults started as a pioneering pilot experience in Spain in 1998, based on the success of these techniques around minors. The initiative emerged from an interest in introducing new ways to empower the victims with greater prominence – relegated to a practically nonexistent role in the criminal process – and of incorporating the paradigm of reparative justice over traditional justice, which is essentially punitive. Unlike the jurisdiction of minors, adult restorative justice does not have clear and specific legislation, beyond occasional references in diverse regulations such as the Penal Code and the Statute of Victims of Crime. A possible revision of the Criminal Procedure Act should be expected, so that it contains a regulation on restorative justice during the investigation, judgement and even criminal execution phases. The approval of the law of procedural efficiency, which is under discussion in the Spanish Parliament, can open up a regulatory route in this area.

In 2023, the Government of Catalonia's restorative justice service received 1973 requests for programmes, and finished 2246 – 64 % successfully. A total of 2496 victims and 1809 offenders finished a restorative justice process. Most victims (53 %) and offenders (67 %) are men. The most

used restorative techniques are indirect mediations (52.9 %), through which the facilitator meets with each party separately. Joint mediation, which includes the presence of both parties, is used in 18.3 % of the cases. In 25 % of the matters, the intervention is done with the reparative interview technique with the victim. Restorative circles, in which the whole of the affected community participates, are held in 3.8 % of the cases. On average, the programme lasts 58 days. The waiting time to access them is 87 days. The following table shows some of these data and their evolution in recent years:

Table 2. Annual data on the restorative justice programmes completed with adults

| | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Programmes completed | 1968 | 2123 | 2773 | 3206 | 2884 | 2169 | 2579 | 2108 | 2246 |
| % Positive restorative process | 62.5 | 45.9 | 47.8 | 52.6 | 60.7 | 58.3 | 57.1 | 62.9 | 63.8 |
| Sex and age of victims | | | | | | | | | |
| Women | 774 | 1047 | 1406 | 1676 | 1399 | 1051 | 1259 | 1043 | 1156 |
| Men | 838 | 1258 | 1647 | 1852 | 1718 | 1291 | 1429 | 1299 | 1323 |
| Most common age bracket | 31-40 | 31-40 | 41-50 | 41-50 | 41-50 | 41-50 | 41-50 | 41-50 | 41-50 |
| Time | | | | | | | | | |
| Days waiting to start | 66 | 72 | 79 | 88 | 96 | 86 | 79 | 108 | 87 |
| Completion time (days) | 28 | 44 | 51 | 52 | 63 | 69 | 51 | 58 | 58 |
| Techniques used | | | | | | | | | |
| % Indirect mediation | 47.9 | 48.5 | 49.4 | 56.2 | 56.5 | 61.1 | 58.6 | 53.9 | 52.9 |
| % Joint mediation | 52.1 | 51.5 | 50.6 | 43.8 | 40.9 | 19.7 | 19.7 | 20.8 | 18.3 |
| % Reparative interview | - | - | - | - | - | 19.2 | 21.7 | 23.8 | 25 |
| % Restorative circle | - | - | - | - | - | - | - | 1.6 | 3.8 |
| By the main crime* | | | | | | | | | |
| % Property | 14.2 | 19 | 23.9 | 23.5 | 20.8 | 22.4 | 26.6 | 27 | 25.2 |
| % Bodily harm | 20.5 | 35 | 42 | 45 | 46.6 | 38.4 | 37.7 | 39.2 | 47.6 |
| % Against freedom | 23.8 | 46.7 | 43.4 | 44.8 | 42.9 | 46.1 | 44.8 | 48.9 | 44.4 |
| % Family relations | 16.2 | 1.7 | 0.7 | 0.7 | 0.7 | 0.6 | 0.5 | 0.4 | 0.5 |
| % Honour | 8.1 | 2.8 | 1.9 | 2.7 | 1.5 | 0.6 | 1.4 | 1.5 | 1 |

* Percentages exceed 100 % because, in some cases, the offender had committed more than one crime.

In the case of restorative justice for adults, the initiative to access the service can come from the parties affected by the crime – victims and/or offender – from the lawyers of both parties or the corresponding legal body through the Public Prosecutor's Office. At present, in most cases (96.44 %) the judicial authority is the party making the referral, a fact that reveals scarce knowledge about the potentiality of the service or its usefulness for citizens and for the legal profession. The programme is governed by the basic principles of being free of charge, willingness to participate throughout the entire process, confidentiality, flexibility to adapt the process and the methodology to the needs of people involved, bilaterality – all parties have the opportunity to express themselves – and the neutrality of the facilitating technical staff.

The restorative justice service is outsourced to an external entity through a service agreement, but the follow-up, control and technical drive is done by the Department of Reparation and Support for Victims of the Government of Catalonia's Ministry of Justice, Rights and Memory. The teams are trained by professionals with great experience and qualifications. The facilitators have diverse university degrees, but they all have specific training in conflict management. The reception of new professionals and ongoing training processes, including supervision, are taken care of and promoted.

Despite this excellence, the number of professionals is insufficient to develop and to spread the full potential of restorative justice throughout the territory and in all phases of the process. There is also a lack of intervention in the prisons of Catalonia: in 2022, only 10 restorative justice processes took place in Catalan prisons. Thus, there is still a long road ahead in this field. There is also room for improvement in the interventions for serious crimes, since in these cases the judiciary and legal operators are reluctant to drive forward referrals. In parallel, the different parties involved in the system repeat the need to foster a restorative culture to motivate the participation of the judicial parties and operators.

Moreover, there are two areas that need to be improved in terms of quality and internal coordination. First, in the Ministry people can advance with greater standardisation of the ongoing training of professionals, as well as with assessment tools and the quality of the service. Second, restorative justice is treated as if it were an airtight compartment in the Ministry, even though there are several services and teams that work with people in the criminal field with many points of connection with the restorative justice programme: the Department of Alternative Criminal Measures, the victim support offices, the criminal technical advisory teams and the prison treatment teams during the execution phase of the sentence. Following the idea that people act from a single paradigm, better coordination among these services would offer people comprehensive service when restorative justice could be viable.

4. Horizon 2030: towards universalisation and quality

4.1. The mission and the vision

The **mission** of this strategy is to produce cultural and social changes in the way that criminal disputes are understood, so that the accent is placed on repairing the consequences of crime and restoring civic coexistence through formulas that give a voice and ensure that everyone participates in the process, with all the inherent guarantees – the victims, the offenders and the community – within the framework of the humanisation of criminal justice.

The **vision** of this strategy is to consolidate restorative justice as a normal and usual response to crime in the scope of Catalonia, that there is greater interest in repairing the damage caused to victims of crimes, as well as in the communities where the crimes occur and that offenders take responsibility, in all phases of the criminal process, including execution, and for every class of crimes, so that both victims and offenders contribute to social cohesion and creating collective conditions of trust, respect and care, so that the community manages the conflicts that may emerge in their initial stages.

4.2. The basic principles

The design and application of restorative justice programmes will have as a regulatory basis the United Nations Handbook on Restorative Justice Programmes; Recommendation CM/Rec (2018)8 of the Committee of Ministers to member states concerning restorative justice in criminal matters; the basic principles on the use of restorative justice programmes in criminal matters of 2002 of the Economic and Social Council; and the principles contained in Law 4/2015 of 27 April, on the Statute of Victims of Crime; and the terms set out in Royal Decree 1109/2015 of 11 December.

Restorative justice processes will be developed following the following governing principles, in accordance with the aforesaid applicable legislation:

- Voluntary nature: The people who intervene in these processes are free to take part in it, and to desist from it at any time.
- Equality: Participants should act under an equal opportunity plan, and the facilitator of the process must ensure that there is balance between the parties, and pay close attention to equality between men and women and respect for sexual and gender diversity.
- Confidentiality: The processes and all the information obtained there verbally or in documents are confidential, unless participants expressly waive this obligation in writing or it is ordered in a legal provision.
- Impartiality and neutrality: The person in charge of the process cannot start or has to abandon the process when there are circumstances that affect his or her impartiality, and the principles set out in applicable legislation must be followed. Likewise, the person in charge of the process has to remain neutral to the parties' wishes throughout the process.
- Good faith and mutual respect: Participants and the person in charge of the process will perform according to the requirements of good faith and reciprocal respect.
- Flexibility: Participants and the person in charge of the process can organise the processes in the way they consider most suitable according to the characteristics of the case and to existing needs, provided that the essential principles established in applicable legislation are fulfilled.
- Technical competence: The people in charge of the processes must have suitable technical preparation.

4.3. Horizon 2030: restorative justice that is accessible, equitable, with a gender perspective and protection of children

The Restorative Justice Strategy 2030 is working to ensure that in this horizon the Government of Catalonia's restorative justice services meet the requirements of universalisation and quality as set out in international recommendations.

- **Universal accessibility:** The services and programmes must guarantee universal accessibility for persons with disabilities in the spaces in which they are held, the use of sign language and the means to support oral communication, braille, touch communication or any other system that allows people with disabilities to fully participate under equal conditions. The people who work with specific support needs who make communication possible in the sessions may also be present during the processes, and they remain subject to the principle of confidentiality.
- **Territorial equity:** The Government of Catalonia must guarantee access to restorative justice programmes throughout the territory in the closest way possible to people.
- **Social equity:** The Government of Catalonia must promote access to these services and programmes to persons and especially vulnerable groups due to personal, family, social or legal reasons, and has to offer them personalised service that ensures it is aware of and takes into consideration these needs. In this sense, the supports necessary to overcome the practical obstacles that make it difficult to access these services and programmes must be enabled.
- **Child protection:** Minors can participate in the cases and with the rights that regulate their participation and protection according to current legislation. The necessary measures must be promoted so that the services and programmes are adapted to their needs, ensuring their safe and full participation.
- **Gender and multicultural perspective:** The services and programmes have to guarantee the introduction of the gender perspective, with an intersectional approach and a multicultural focus.
- **Electronic media:** Pursuant to applicable legislation, the actions of these services and programmes must be able to be carried out electronically when physical presence is not possible.

5. Measures to promote restorative justice 2030

To advance towards this horizon of service universalisation and quality, the Strategy defines 15 measures, structured temporarily in three phases, which should entail a qualitative leap in the system: from a pioneering service to a citizen right. The measures have different natures: regulatory, effect on training, increasing personnel, reorganisation, etc.

These measures are promoted from the Ministry of Justice, Rights and Memory, which is the competent ministry to drive and promote restorative justice in the criminal area. However, in many of these measures the implementation of the work will be done jointly with other ministries, administrations, judicial and legal operators, and the social fabric.

PHASE 1. 2024-2025. Structuring the grounds for universalisation: dignity, awareness and pilot

In this first phase, the foundations for the future universalisation of the service throughout the country must be consolidated, with a commitment to quality, efficacy and efficiency, along with extending the involvement of other services of the administration, legal operators and citizens, establishing coordination and cooperation within the framework of national and international networks.

1. Working to achieve legal recognition of restorative justice in ordinary jurisdiction at a state regulatory level

Like in the field of juvenile justice, we must have regulatory recognition of restorative justice for adults. This formalisation has to facilitate and promote the use of restorative justice in adult jurisdiction, also enabling the reduction of sentences in cases that make this advisable as the process evolves.

Several political groups and autonomous community governments are working for the inclusion of an additional provision that gives a greater scope to restorative justice in the future organic law that will unify the contents of organisational and procedural draft bills that have been waning in anticipation of state elections. This law was already agreed with the Spanish government in the last legislature and it would amend the Criminal Procedure Act.

Timeline: 2024

Budget: no

Other players: political groups, autonomous community governments, Ministry and GEMME

Jurisdiction: ordinary

2. Consolidating the introduction of the Government of Catalonia in national and international networks to promote restorative justice, as well as working for its promotion

The Donostia Declaration: For a restorative culture, signed by the ministers of justice of the Basque Country, Navarra and Catalonia on 21 November 2023, creates a space for debate, coordination and work between the three territories with the most advanced restorative justice practices in Spain. Among other functions, this network promotes the creation of a legal framework suitable for the promotion of these initiatives. Continuing to work further on this coordination is an objective of the Strategy.

Moreover, public institutions must promote the restorative paradigm, although we can also find a series of private and community players who employ or work on restorative practices. In order to strengthen and consolidate this social framework, the Government of Catalonia will contribute to the creation of a Catalan restorative justice network that integrates different stakeholders to develop and promote these practices in the country. It will be important to explore in greater details the relationships with restorative practices in the municipal, school and discrimination fields.

The Ministry of Justice, Rights and Memory will work to be present with high-ranking delegations in international networks to promote restorative justice (European Forum for Restorative Justice, Europris, etc.) to be able to learn good practices from international exchanges, as well as highlighting Catalan experiences to the international community.

Timeline: 2024-2025

Budget: own

Other actors: autonomous community governments, European Forum for Restorative Justice, GEMME, and Catalan Ombudsman

Jurisdiction: minors and ordinary

3. Improving training for restorative justice teams

The teams that practice restorative justice in the juvenile field are made up of civil servants who may not have specific knowledge in mediation and restorative practices, and neither are they obligated to carry out ongoing training. Thus, CEJFE must promote specialised training in this field, and adapted to those professionals (to their profiles and needs), as well as fostering and motivating them to decide to take these training courses. In parallel, continue promoting training among peers when new personnel is hired to the service. In this regard, explore the hiring of external expert facilitators who can help with this socialisation of knowledge within the teams themselves (like what happens in the adult field).

The teams that implement restorative justice with adults are workers from a third sector organisation. Their profile is multidisciplinary (with professionals of criminology, sociology, jurists, political scientists, anthropologists, psychologists, etc.) with specialised training in mediation and restorative practices. Despite having specialised training, the challenge of including new personnel is to transfer the expertise of the team itself, the socialisation of the practical knowledge these teams have (a knowledge hub of national and international reference). Facilitating the existence of responsible coordinators when the teams grow, who put an emphasis on this training is an objective of the Strategy.

Timeline: 2024-2025

Budget: own and plan it in the contract

Other actors: third sector experts and organisations

Jurisdiction: minors and ordinary

4. Improving the monitoring and assessment of the activity done by the restorative justice teams

Both the restorative justice teams in juvenile and adult justice identify the need to improve monitoring and assessment of the actions taken by the teams themselves.

The adult restorative justice teams have an external expert that monitors the team meetings, fostering the training of experts, building shared learning, and establishing a group feeling. It is about an experience that works and should be extended and reorganised with the growth of the teams. This experience should then be extended to the teams that work with juvenile justice.

As inputs of the programme monitoring meetings, the team has started to share notes on the resolution of cases, training and good practices that they share in these meetings. This exercise is halfway between monitoring and assessment. Its formalisation can be a good way to advance in this path.

The adult restorative justice service is prepared – due to its training of professionals and accumulated experience – to advance in building an assessment tool for restorative justice practices through research-action methodologies. Within the framework of the pilot project of Tarragona and Terres de l'Ebre, an engine group is available that is made up of the Deputy Directorate, the AGI Foundation,

CEJFE and a UAB research group that is developing a model for the quantitative and qualitative evaluation of the restorative practices associated with the pilot that should be employed as a future model. The team leaders spending part of the workday on this purpose could be assessed. The possibility of creating a restorative justice observatory will also be put under consideration.

Timeline: 2024-2025

Budget: own

Other actors: universities

Jurisdiction: minors and ordinary

5. Dignifying the working conditions of adult restorative justice service employees and expanding the team from the time of starting a new contract with the third sector

In April 2024 the new restorative justice service contract with the AGI Foundation enters into force. This new contract has made it possible to increase wages so that employees' purchasing power can be recovered, as well as also increasing the number of staff who will work in the service.

Timeline: 2024-2025

Budget: € 1.6M (2 years)

Other actors: AGI Foundation

Jurisdiction: ordinary

6. Starting a pilot plan for the universalisation of the adult restorative justice service in Camp de Tarragona and Terres de l'Ebre

The Government has laid the cornerstone for the universalisation of the restorative justice service with a pilot plan in Camp de Tarragona and Terres de l'Ebre with the aim of developing and evaluating the full potential of restorative justice in a specific region. The objective is the reparation of the maximum number of victims, the involvement of the maximum number of offenders and performing an impact assessment on participants and also on the judicial system and on criminal execution. This is not only a quantitative but also a qualitative objective. The aim is to also end up intervening in serious and complex crimes, as well as medium rank crimes, and to explore organisational, training and evaluation improvements to ensure that the quality, efficacy and efficiency of the service keep advancing.

This pilot programme has expanded from 4 to 17 professionals, with an extraordinary investment of € 800,000 that covered the entire territory. The strengthening and building up of the service will be accompanied by a dissemination plan for judicial bodies and legal operators, with the objective of increasing case referrals significantly, as well as prioritising cases in which restorative justice can generate an important added value, contributing to creating a restorative culture and consolidating restorative justice as a normal and usual response to crime in the region. This pilot programme will be evaluated after its first year of operation, and the conclusions arising from this evaluation will be employed to study extending the pilot to the rest of Catalan regions.

Timeline: 2024-2025

Budget: € 800,000 (2 years)

Other actors: other Ministry services, judicial operators, the legal profession, social fabric

Jurisdiction: ordinary

7. Preparing a cross-cutting intervention protocol for alternative criminal measures and for prison administration

There is room for improvement in extending the programme to criminal execution and, in particular, to the area of alternative criminal measures and to prisons. However, we are not starting from zero. Prisons have done occasional activities on restorative justice. There are also protocols specific to

criminal mediation and other restorative practices at the Lledoners, Ponent and Juvenile Prisons. However, their experiences still involve only a small number of cases.

Recommendation (2018)8 of the Council of Europe on restorative justice establishes the need to incorporate the restorative principle into all areas of criminal execution. Thus, a protocol will be prepared that establishes a comprehensive intervention framework in areas of non-custodial sentences and at prisons, starting its most intensive implementation within the framework of the pilot programme in Tarragona and Terres de l'Ebre. These interventions will be coordinated by a restorative justice service that exceeds the vision of intra-judicial criminal mediation and the performance of restorative processes with victims, offenders and community in all phases of criminal execution.

In the case of juvenile restorative justice, there is a programme prepared to implement restorative justice in the execution phase with the experience of some cases, but a plan must be designed to promote its widespread application.

Timeline: 2025

Budget: no

Other players: other ministry services, legal operators, the legal professional, social fabric

Jurisdiction: minors and ordinary

8. Preparing and agreeing on a new case referral protocol with the judiciary

Lacking applicable state-wide procedural legislation in ordinary jurisdiction, the referral of cases to restorative justice by the judicial authorities is regulated through a protocol agreed upon between the judiciary and the Government of Catalonia. The last protocol was signed in 2018. The time has come to update the protocol and to refer to the latest advances set out in international law instruments – above all Recommendation 2018(8) of the Council of Europe – which have updated the concept of restorative justice and have broadened the scope of action.

Timeline: 2024

Budget: no

Other players: judiciary

Jurisdiction: ordinary

9. Starting up a dissemination campaign for restorative justice and simplifying entry circuits

The greatest difficulty in starting and achieving restorative justice processes is found in the lack of knowledge or mistrust of them among some legal operators. In this sense, an ambitious dissemination campaign for restorative justice will be promoted among judicial authorities, the legal profession and other judicial professions that could promote these experiences. We will also work to increase knowledge of restorative justice among society as a whole. It will start in the region that includes the pilot programme of Tarragona and Terres de l'Ebre with adults and it will then be spread to all of Catalonia for both jurisdictions.

Work will be done to simplify access to restorative justice services, as well as to victim support offices, criminal technical advisory teams, comprehensive assessment forensic units, etc. Greater coordination among them and clear examples can help judicial and legal operators to use them better. Work will be done for better coordination with the 'Conformitats' Service (for reduced and alternative sentences) of the Public Prosecutor's Office. Coordination and relations with third-sector organisations and local institutions will also be facilitated with services and processes in this field.

Timeline: 2024-2025

Budget: own

Other players: other ministry services, legal operators, the legal professional, social fabric
Jurisdiction: minors and ordinary

PHASE 2. 2026-2028. The transition to universalisation: redefinition based on the pilot programme for adult jurisdiction

In this second phase, the regulatory framework must be consolidated, with a Catalan law, equipping the service with specialised professionals and redefining the service based on the pilot programme to make universalisation possible: so restorative justice becomes the norm and not the exception.

10. Drafting a Catalan restorative justice law

Restorative justice is hardly regulated in Spain: the only law about the matter was approved in Navarra on 9 March 2023. So, Catalonia can become a pioneering region, collecting the best international recommendations and making restorative justice ironclad as a citizen right. Catalan legislation should precisely regulate the services that are provided extensively, in benefit of the victims and establishing the theoretical framework and the applicable methodologies. This regulation should go beyond legal proceedings with the objective of repairing victims regardless of their procedural status, and also, in relation to offenders, as a type of rehabilitation and prevention of recidivism. Before drafting it, with the aim of it having as much potentiality as possible, an assessment would be necessary to determine how the future bill would end up effectively incorporating restorative justice.

Timeline: 2026-2027

Budget: no

Other actors: political groups, judicial operators, schools and professional associations, social fabric

Jurisdiction: minors and ordinary

11. Standardising the training requirements of professionals pursuant to minimum standards

Today, there are several training centres and universities in Catalonia that offer training on criminal mediation and restorative justice. However, there are not common training criteria that establish the competences that facilitators must have. For this reason, a quality seal will be promoted, based on minimum standards established by the administration and the recommendations of experts. This measure will ensure that all restorative justice professionals will attain a series of basic and quality competences to be able to perform their work successfully.

Timeline: 2025-2026

Budget: no

Other actors: universities, schools and professional associations, social fabric

Jurisdiction: minors and ordinary

12. Creating the figure of the conflict management expert at the Government of Catalonia

Today, civil servants who undertake mediation and/or restorative services at the Government of Catalonia – especially in the area of the juvenile justice – do not necessarily have to verify specific training in this subject. In the medium term, the Secretary's Office of Administration and Public Function of the Government of Catalonia should have the role of conflict management expert among the portfolio of professions recognised for accessing specific jobs. The term *conflict management* can include diverse professional profiles in multiple work sites of the Catalan Administration, related to fields such as mediation, other ADRs (alternative dispute resolution), community revitalisation and criminal restorative justice. The inclusion of this role will highlight the knowledge, experience and work done to date, and will also ensure that restorative justice can be promoted and consolidated in the Administration itself and in the judicial system.

Timeline: 2025-2026

Budget: no

Other actors: Public Function

Jurisdiction: minors and adults

13. Redesigning the adult restorative justice service based on the conclusions of the pilot programme

The pilot programme of Tarragona and Terres de l'Ebre must be used to redesign the restorative justice service in the entire country, primarily for ordinary jurisdiction, but also to provide tips and clues to reconsider juvenile and adult justice. It is not about taking a simple incremental strategy, but of evaluating in which direction to build a service that could give a significant boost to the restorative justice practices in our system.

In this sense, the pilot will be employed to prepare a classification of cases, according to the severity and type of crimes, the complexity of the case, the profiles of the victims and offenders, etc. The in-depth analysis of the pilot, whose deployment will be handled by EAPC, CEJFE and the UAB, should provide guidance on the most efficient and effective intervention methods, whether on techniques or the types of professionals required or the organisational mechanisms, protocols and circuits.

Moreover, after assessing the needs, the practices and the results in Tarragona and Terres de l'Ebre, as well as the estimations that can be made with the rest of the country, it will be necessary to resize the service by introducing new experts to the system.

Restorative justice services, as the name suggests, contribute the added value of the restorative practice to judicial processes in the criminal field. The teams, with great theoretical and practical expertise, should be able to concentrate their actions on cases that require this intervention. For this reason, it is very important that the pilot programme helps delimit the type of cases in which interventions are needed, preventing restorative justice services from performing functions not typical of their competence that would lessen the potential to concentrate on the cases where their expertise will represent an improvement with respect to the starting point.

The Administration has to be source of entry of cases and where an initial study is conducted that assesses the viability of being treated by the service, or ruling out intervention or opting to refer to other services or devices.

Timeline: 2026-2027

Budget: own

Other actors: universities and experts, schools and professional associations

Jurisdiction: minors and adults

STRUCTURAL MEASURES: The consolidation of the restorative justice service

So that centrality can be given to the suitable management of conflicts and to a resized restorative justice service, the creation of an independent organisation should be explored, as a general management body that is in charge of these matters. Also, after the service is universalised, the ongoing structuring of monitoring and assessment should be continued, as well as innovation and training processes to keep endowing the system with added value. In parallel, the attraction of projects and the stable introduction of restorative justice in expert networks would be interesting.

14. Creating an independent organisation, with the status of a general directorate, or a general directorate for appropriate conflict management

Because of the importance and centrality taken on by suitable conflict management and restorative justice, exploring a reorganisation of the Ministry's organisational structure becomes necessary. An independent organisation or general directorate could assume the coordination and leadership of the public policies to promote mediation, other ADRs, and restorative justice or, in other words, conflict prevention and management practices.

Timeline: 2024-2025

Budget: own

Jurisdiction: minors and adults

15. Consolidating the evaluation of services and restorative programmes, and also structuring the introduction and promotion of national and international networks

The strategic management of restorative justice services will include the periodic evaluation of the functioning of the restorative programmes and their quality. Beyond process assessments, very necessary to be able keep adapting implementation, strategies should be developed to determine the victims' needs and whether their participation in restorative justice programmes satisfies them, which methodologies, which measures, etc. Qualitative and quantitative indicators will be established to evaluate the results and to propose improvements and strategic lines.

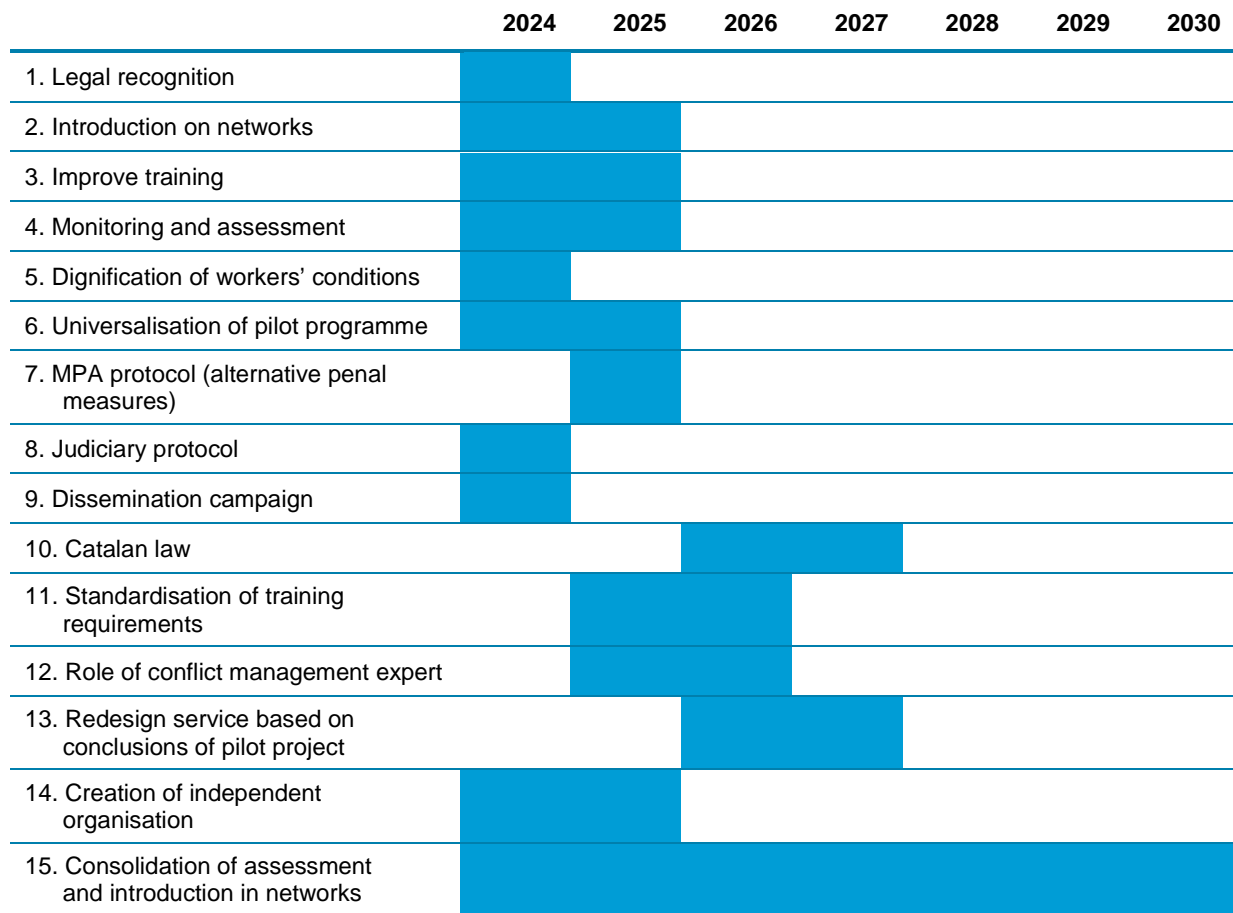
The Government of Catalonia will have personnel specialised in attracting projects, talent and funding at a state and European level to make restorative justice move forward in our country. Likewise, the Government of Catalonia will promote, organise and join state and international expert networks in order to acquire and share knowledge on the matter, as well as disseminating information among experts, professionals and the interested general public.

Timeline: 2024-2030

Budget: own

Jurisdiction: minors and adults

Timeline-summary of Strategy measures



6. Annex. Participants in the preparation and implementation of the Restorative Justice Strategy 2030

Eduardo Santos, Coordinator of the Restorative Justice Strategy 2030

Jordi Martinoy, Secretary General

Cabinet of the Minister

Eloisa Piñeiro, Cabinet Head

Carles Ferreira, Advisor

Secretariat for Criminal Measures, Reintegration and Victim Support

Amand Calderó, Sector Secretary

Directorate General for Criminal Execution in the Community and for Juvenile Justice

Gisela Torns, Managing Director

Marta Ferrer, Deputy Director General for Reparation and Criminal Execution in the Community

Lídia Serratusell, Head of the Area of Reparation and Victim Support

Luis Javier González, Deputy Director General of Juvenile Justice

Lídia Ayora, Head of the Juvenile Justice Mediation Service and Expert Assessment

Directorate General of Prison Affairs

José Maria Montero, Managing Director

Gemma Torres, Deputy Director General of Rehabilitation and Health Programmes

Jordi Camps, Head of the Rehabilitation Service

Secretariat for the Administration of Justice

Iolanda Aguilar, Sector Secretary

Directorate General for Law, Legal Entities and Mediation

Imma Barral, Managing Director

Centre for Legal Studies and Specialised Training

Encarna Bodelón, Director

Marc Cerón, Deputy Director General for Training and Research