



Editorial: shaping the future of restorative justice: insights from Leuven and anticipation for Pamplona

Dear members, old and new friends,

Pamplona and Leuven, two distinct cities in different countries, share a profound connection through their engagement with restorative justice. While Leuven hosted the first EFRJ Winter Academy, serving as a catalyst for learning, collaboration and the exchange of practices, Pamplona eagerly awaits the upcoming 12th International EFRJ Seminar in Pamplona while celebrating the recent approval of the new Ley Foral of restorative justice, mediation, and community restorative practices.

Both events stand as powerful demonstrations of the global reach and impact of restorative justice, bringing together practitioners, experts, policy makers and enthusiasts from diverse backgrounds and cultures. As we transition from the enriching experiences in Leuven to the anticipation of the Seminar in Pamplona, we recognise the interconnectedness of these gatherings, fostering a sense of community, knowledge sharing and collective commitment to advancing restorative justice.

This Newsletter aims to summarise the main highlights from the Winter Academy in Leuven and anticipate the key elements of the upcoming seminar in Pamplona, hoping to serve as an inspiration and motivation to all readers. As in the previous Newsletter, in order to make the information accessible to a wider public, the Editorial Committee attempts whenever possible to provide articles not only in English; for this edition, some of the pieces are also available in Dutch (through an external publication) and Spanish.

Leuven: empowering restorative justice practitioners

Leuven, a city known for its rich history and commitment to restorative justice, provided an ideal backdrop for the first Winter Academy organised by the EFRJ. The positive atmosphere, combined with the plenary dialogues and common learning activities, created a sense of community and collaboration that enriched the learning experience for all participants.

Contents

Editorial	1
Voces from the Winter Academy	2
Hannah Dehertog	3
Ellen Valkenborgs	4
Elena Lindholm Belloso	5
Introducción a las entrevistas	7
Introduction to the interviews	7
Eduardo Santos (Español)	7
Eduardo Santos (English)	10
Jorge Ollero Perán (Español)	12
Jorge Ollero Perán (English)	15
Maite Virto (Español)	17
Maite Virto (English)	20
Calendar	22
Events	23
Call for submissions	23
Not an EFRJ member yet?	23

Through practice-oriented workshops, field trips and shared experiences, participants from around the world deepened their understanding of sensitive and complex cases, victim-centred approaches and restorative practices in educational and institutional settings. In this Newsletter you will find three articles

written by participants of the Winter Academy which reflect their experiences and thoughts during and after the event: Hanne Dehertog, one of the working group trainers, Ellen Valkenborgs, a mediator from Alba and Elena Lindholm Beloso, an EFRJ intern.

Anticipation for Pamplona: a beacon of restorative justice

Looking ahead to the seminar in Pamplona ‘Policy matters in restorative justice’, the restorative justice community eagerly anticipates the insights, discussions and opportunities that lie ahead. With the approval of the new Ley Foral of restorative justice, mediation and community restorative practices, Navarra has emerged as a pioneering region in Spain and Europe. This legislation establishes Navarra as a beacon of restorative justice, positioning Pamplona at the centre of one of this year’s main European restorative justice events. The upcoming seminar will bring together experts, policymakers and practitioners to explore the changing landscape of restorative justice, share best practices and shape the future of the field. If the ‘[10 Good Reasons to Attend the EFRJ Seminar in Pamplona!](#)’ were not enough for you, you will find further information and an incentive in this Newsletter, as we have collected three inspiring interviews with local professionals. Renata Soares Ramos Falcão and Pablo Romero Seseña interviewed Eduardo Santos (Minister of Migration Policies and Justice

of the Government of Navarra since 2019), Jorge Ollero Perán (Director of the Restorative Justice Service of Navarra) and Maite Virto (Coordinator of the Restorative Justice Service of Navarra).

Through continued knowledge exchange, innovation and collaboration, these events serve as catalysts for promoting a more just and inclusive society. By harnessing the collective knowledge, experiences and dedication of practitioners, policymakers and experts, restorative justice can play an integral role in addressing harm, fostering healing and building resilient communities. The transformative potential of these events holds the promise of a brighter future, where restorative justice principles guide our collective approach to justice and reconciliation.

We wish you a pleasant read and we are always happy to receive any kind of feedback from you!

With our best regards,

Emily Molinari

Assistant Coordinator of the International Peace Bureau (IPB)
Binational Master’s student, ‘Conflict, Memory and Peace’
emilymolinari96@gmail.com

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
Master’s student in Criminology (KU Leuven)
renata.soaresramosfalcão@student.kuleuven.be

Voices from the EFRJ Winter Academy

From January 30th to February 3rd, 2023, the European Forum for Restorative Justice (EFRJ) organised the very first [Winter Academy](#) in Leuven, Belgium. It was a week filled with inspiring workshops, field trips and encounters among 45 participants from 14 different countries.

Three practice-oriented courses were included:

1. ‘[Sensitive & Complex Cases in Restorative Justice: Domestic Abuse](#)’ trained practitioners to handle complex domestic abuse cases restoratively, with a focus on prioritising victims’ needs. It incorporated research and victim experiences to inform the restorative process and it was led by Tim Chapman and Anna Halonen.
2. ‘[Victims’ Needs and Restorative Justice: Good Practices and Safeguards](#)’ focused on enhancing the skills of professionals working dir-

ectly with crime victims or involved in the practical implementation of victims’ rights. Led by Peter Crory and Lisa Walters, the course aimed to deepen participants’ understanding of how restorative justice meets the diverse needs of victims and to provide guidance on improving assessment, referral and access to restorative justice services.

3. ‘[Restorative Approaches for Young People: In Education and Institutions](#)’ provided participants with insights and strategies for transforming relationships and managing conflicts,

bullying, challenging behaviours and disruption in educational and youth settings. Led by Dr Belinda Hopkins and Hanne Dehertog, the course emphasised the importance of restorative and emotionally literate approaches in promoting positive outcomes for young people.

We will now hear from three individuals who will share their reflections on the Winter Academy:

- Hanne Dehertog, one of the working group trainers,
- Ellen Valkenborgs, a mediator from Alba, and
- Elena Lindholm Belloso, an EFRJ intern.

Their insights provide valuable perspectives on the event.

Reflections on the Winter Academy by Hanne Dehertog

The European Forum for Restorative Justice (EFRJ) organised its Winter Academy in Leuven from January 30th to February 3rd. I had the privilege of participating in this event as a co-trainer from [Arktos](#) with Belinda Hopkins in the course ‘Restorative approaches for young people: in education and institutions.’ Additionally, the courses ‘Sensitive & complex cases in restorative justice: domestic abuse’ and ‘Victims’ needs and restorative justice: good practices and safeguards’ were also offered.¹

The Winter Academy provided a new international learning opportunity for those interested in restorative justice and its applications in various contexts.

Three parallel practice-oriented courses, led by experienced trainers, were offered. These courses invited participants to (further) develop and strengthen their skills, gain practical experience, tackle complex questions and be inspired. The event also included shared learning activities (such as plenary dialogues, discussions, film screenings and study visits), facilitating interdisciplinary exchange and creating a shared learning experience.

It was the very first time that the EFRJ had organised a Winter Academy and they chose their home town, Leuven, for various reasons. Leuven is internationally renowned for its substantial contribution to research on, and the practice of, restorative justice. It is also recognised worldwide for creating societal support for the use of restorative approaches in both criminal justice and the broader society. The EFRJ was established within the [Leuven Institute of Criminology](#) (LINC) at KU Leuven, which has its own research line on restorative justice and has remained an important partner. Several restorative justice services are present in the city and available to local residents. The [Leuven Restorative City](#) (LRC) project gathers and connects organisations and institutions committed to working according to restorative principles, supporting efforts throughout the city

to employ non-violent and restorative responses to crime and conflicts. Together, these initiatives make Leuven a symbolic city for restorative justice.

Around 50 participants from diverse sectors and various countries within and outside Europe attended the Winter Academy. This contributed to highly inspiring exchanges during the courses and plenary activities. Participants evaluated the Winter Academy as a positive learning experience. The host city, Leuven, was highly appreciated, as well as the study visits to places such as the [Moderator](#) office in Leuven and [Don Bosco Groenveld](#) school. Personally, I visited the latter and was deeply inspired by their work and captivated by the passionate presentation by Wim Hanssens and Natalie Francq.

Personally, it was a great honour and a captivating experience to be a trainer at this event.

Personally, it was a great honour and a captivating experience to have the opportunity to be a trainer at this event. I was trained a few years ago by Belinda Hopkins in her Transforming Conflict model as a trainer from Arktos. It was a highly interesting and enriching experience to co-teach the course with her. It was valuable to share this model with an international audience and discover how it resonates in different contexts. Additionally, I enjoyed representing a part of the LRC steering group at this international event.

Guiding the ‘Restorative approaches for young

people: in education and institutions' course, participating in the plenary activities of the Winter Academy and particularly the study visit to Don Bosco Groenveld, further enthused and motivated me to engage in the process of establishing a 'restorative school' together with LRC, schools and organisations in Leuven.

I strongly believe that Leuven's schools and organisations already possess a wealth of experience and expertise and exchanging ideas on this topic would

be incredibly valuable.

Hanne Dehertog

Trainer at Arktos
hdehertog@arktos.be

Notes

¹The original article was published in Dutch on the LRC March Newsflash.

Reflections on the Winter Academy by Ellen Valkenborgs

As a mediator at alba (a non-profit organisation active in integrated youth care in Flemish Brabant and Brussels), I had the opportunity to participate in the Winter Academy organised by the European Forum for Restorative Justice on behalf of Leuven Restorative City (LRC).²

For five days, Leuven hosted 45 participants from 15 different countries, exchanging experiences on three themes: domestic violence, the needs of victims (my chosen topic) and youth. During the 'official' opening of the Academy, chairs were immediately pushed aside and we were invited to take sides based on where we came from, how many people we knew, whether we tended to be outspoken or reserved in workshops and more. It became clear right away: learning about restorative justice doesn't happen in a formal setting, sitting on the sidelines, but rather requires active and engaged participation.

... learning about restorative justice doesn't happen in a formal setting, sitting on the sidelines, but rather requires active and engaged participation.

From the very beginning, we were awakened to the content as well. We learned that there is significant mistrust among victims regarding restorative justice. This led us to embark on the week with a call for modesty: as practitioners of restorative justice, we don't have all the answers for victims. Instead, we should primarily listen to their needs before promoting our practices. I certainly acknowledge the risk of instrumentalising a victim in order to obtain an appropriate response for an offender.

I certainly acknowledge the risk of instrumentalising a victim in order to obtain an appropriate response for an offender.

After a week, I had experienced an intense five-day journey. Mediators, probation officers, researchers, policy officers, victim support workers — based on our own experiences, we collectively reflected and experimented on how to address the suffering caused by crimes and how to create a safe space to accommodate it. It felt as if I was young again and had gone to camp, experiencing the sense of togetherness and energy that arose from exchanging ideas with people who shared the same beliefs from different perspectives. It reaffirmed the value of investing in restoration.

It reaffirmed the value of investing in restoration.

Ellen Valkenborgs

Mediator at alba
ellen.valkenborgs@alba.be

Notes

²The original article was published in Dutch on the LRC March Newsflash.

Reflections on the Winter Academy by Elena Lindholm Belloso

This year, the European Forum for Restorative Justice, launched its first in person [Winter Academy](#) and I, as an intern of the EFRJ, had the chance to help with the organisation and to participate in this inspiring and insightful event. The Winter Academy 2023 took place in Leuven (Belgium) from the 30th of January until the 3rd of February and it was a valuable opportunity for people all around the world interested in learning more about restorative justice to come together and deepen their understanding of this approach.

The event consisted in three parallel practice-oriented courses led by experienced trainers. These courses gave the opportunity to participants to learn from professionals from the field, to develop and strengthen their skills, to get a hands-on experience of good practices and to get challenged by complex questions and inspired by innovative methods. The fact that the courses offered were linked to restoratives justice — victims' needs, restorative justice in schools and restorative justice in cases of domestic violence — indicates that the organisers recognised the diversity of applications of this approach and the importance of tailoring it to the specific needs of different contexts.

A trauma-informed approach is not a treatment but a practice that consistently takes into consideration emotional wounds that may make people act irrationally occasionally.

I had the great opportunity to be attending the course on restorative justice in cases of domestic violence, led by Tim Chapman (Northern Ireland), a restorative justice practitioner and trainer, facilitator and an independent researcher and Anna Halonen (Finland), a trainer and practitioner in restorative justice. The course consisted of two modules. The first module was two online preparatory meetings, which introduced key considerations around the subject and focused on understanding domestic abuse and its systemic context, complexity and traumatic impact. In this module I learned about the trauma-informed approach and how to use it in a restorative meeting by restoring the connection that the trauma caused. A trauma-informed approach is not a treatment but a practice that consistently takes into consideration emotional wounds that may make people act irrationally occasionally. Emotional wounds can have a huge impact for example on learning, on how a person takes care of his/her own health, on their experience of pain and on their fear of the restorative process. In a trauma-informed approach the facil-

itator needs to understand how trauma influences a person's ability to manage their life. The facilitator should express acceptance, ensure safety and believe in the possibility of supporting the person. This requires facilitators to have self-awareness of their own emotional and bodily reactions.

The second module took place in Leuven and it focused on the practice, on how to design and carry out a safe process together with the parties. I was pretty much interested in knowing more about restorative justice in cases of domestic abuse and gender-based violence given the prevalence and complexity of the cases. Cases of domestic abuse are complex and sensitive due to various factors. Domestic violence normally involves long-term patterns of repetitive violent or oppressive behaviour and there are very established dynamics of power and control between victim and perpetrator. It also causes a harm that violates people's identities more directly and personally than most crimes. Moreover, there are many variations in types of domestic abuse as well as a diversity of victims and perpetrators; domestic abuse can happen anywhere and to anyone regardless of social class, age, or wealth.

... to what extent does the criminal justice system protect victims of domestic abuse and at what point in this system can victims exercise choice?

It is a challenging topic and I was willing to learn more about how to address and understand these sensitive cases from a restorative justice perspective. In some countries, like Spain, it is forbidden to perform a restorative process in such types of cases. Restorative justice may not always be the solution for cases of domestic abuse, but there are some reflections with which I stay: to what extent does the criminal justice system protect victims of domestic abuse and at what point in this system can victims exercise choice?

On the first day of the second module of the course, the trainers gave the participants the opportunity to introduce themselves. It was nice to see people from different countries and backgrounds coming together with a shared interest in restorative justice. As a

group, we also had to agree on certain commitments in order to generate an effective and safe space to learn from each other. These commitments, which included values such as respect, humour, confidentiality, safety, openness, non/judgment, participation, support, honesty and empathy, likely served as a foundation for creating a sense of trust and mutual understanding among participants. By agreeing to these commitments, the group set the tone for an environment that would facilitate open and honest communication, constructive feedback and a sense of safety and respect for everyone's experience and perspectives. We immediately created a sense of community and everyone was actively engaged and respectful of each other. This positive atmosphere contributed to a more productive and enriching learning experience for everyone involved. When the course came to an end, we felt a sense of sadness, as the bonds formed during the week were strong and meaningful.

Besides the courses, the event also offered common learning activities such as plenary dialogues, discussions, a film screening and field trips for all the participants in order to allow cross-disciplinary exchange and shared learning experience.

The plenaries were interesting and provided a space for participants to exchange ideas from the other courses and to share their insights and experiences. I specially liked the opening plenary, that included some activities to break the ice and help participants to get to know each other a little better before starting with the week. The questions used to divide the participants into different groups, such as morning person or night person and the statements used to identify with a particular group were engaging and creative ways to allow everyone to connect and exchange ideas in a fun way.

I also found the screening of the documentary '[Another Justice](#)' an engaging activity to do. I was happy that some of my friends, for whom the concept of restorative justice was something new, also joined. They found the topic very interesting and intriguing and after the documentary we kept discussing it. It is always nice to have someone from 'outside' this word with a critical eye. This highlights the importance of promoting awareness and education about

restorative justice, as it is a relatively new concept for many people.

The event allowed participants to create a safe space for learning and exchanging ideas, fostering a sense of community and collaboration among everyone.

Overall, the Winter Academy was a very pleasant experience and I am very grateful that I have been able to take part, both in the organisation of the event and in participating in the courses and activities. The event allowed participants to create a safe space for learning and exchanging ideas, fostering a sense of community and collaboration among everyone. It also provided an opportunity for networking and building relationships with other people interested in restorative justice. These networks could lead to collaborations and partnerships that could further advance the development and implementation of restorative justice practices in the future. It was very well organised and efficient; in general, everything went smoothly. A nice atmosphere was created, we had fun, we socialised and everyone took care of each other and had a great attitude.

The Winter Academy was an intense week full of powerful insights and reflections and I would love to repeat this experience again. However, I think it is also important to take breaks and have time for relaxation and reflections, as well as time for networking and socialising outside of the event venue. Some participants also agreed that the days could have been a bit shorter, to have the opportunity to explore the beautiful city of Leuven, connect with the people outside the event and rest in order to be refreshed for the next day. Finally, I want to add that without doubt I think Leuven is the perfect place to do it again, not only because of the charm of the city and its easy access, but also because it is where the European Forum for Restorative Justice was founded. See you next year!

Elena Lindholm Beloso

Training and Events Organisation Intern
European Forum for Restorative Justice
elelindbe@gmail.com

Introducción a las entrevistas

Navarra ha sido una de las regiones más fructíferas de España (y de Europa) en términos de desarrollo de la justicia restaurativa durante los últimos veinte años. Recientemente, con la aprobación de la nueva [Ley Foral de justicia restaurativa, mediación y prácticas restaurativas comunitarias](#), y la celebración del próximo [XII Seminario Internacional del EFRJ en Pamplona](#), Navarra vuelve a estar en la cresta de la ola en este ámbito. Esta nueva ley se erige como un elemento pionero a nivel español, siendo el único elemento legislativo específico sobre justicia restaurativa en el país, mientras que la celebración del Seminario contribuye a situar a Pamplona y Navarra en el foco de atención como organizadores del principal evento europeo de justicia restaurativa de este año.

En este artículo, entrevistamos a tres profesionales que trabajan en diferentes niveles del ámbito de la justicia restaurativa en Navarra para profundizar un poco más sobre cómo ha cambiado el contexto recientemente en la Comunidad Foral, así como cuales son las principales expectativas de cara al próximo seminario del EFRJ en Pamplona.

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
y

Pablo Romero Seseña

Policy Intern
European Forum for Restorative Justice

Introduction to the interviews

Navarra has been one of the most fruitful regions in Spain (and Europe) in terms of restorative justice developments during the past twenty years. Now, with the approval of the new [Ley Foral of restorative justice, mediation, and community restorative practices](#) and the celebration of the upcoming [12th International EFRJ Seminar in Pamplona](#), Navarra is again on the cutting edge. This new law stands as a pioneering element at the Spanish policy level, being the only specific restorative justice legislation in the country, while the celebration of the Seminar contributes to situating Pamplona and Navarra at the centre of this year's main European restorative justice event.

This blog piece is part of a series of interviews done with three professionals working at different levels of the restorative justice field to delve a bit more into how the context has changed recently in Navarra, as well as what they expect from the upcoming EFRJ event in Pamplona. You can find the link to the other interviews [here](#).

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
and

Pablo Romero Seseña

Policy Intern
European Forum for Restorative Justice

Entrevista con Eduardo Santos

Eduardo Santos es Consejero de Justicia del Gobierno de Navarra desde 2019. Con formación como abogado penalista, cuenta con una dilatada trayectoria en el ámbito de la justicia restaurativa, siendo miembro de la [Asociación Navarra de Mediación \(ANAME\)](#) desde sus inicios, y

formando parte de varios grupos de trabajo y comisiones sobre justicia restaurativa y mediación penal en Navarra y Euskadi. Como curiosidad, fue uno de los facilitadores que realizaron el primer encuentro de mediación víctima-infractor en Navarra en el año 2006.



Eduardo Santos

¿Cuáles fueron tus inicios en el ámbito de la justicia restaurativa? ¿Qué te llamó la atención para dedicarte a ello?

Yo vengo del mundo de la abogacía, sobre todo del ámbito penal y penitenciario. Entonces con una serie de personas que teníamos inquietudes en ese sentido, pues apareció alguien que estaba en ese momento trabajando en temas de mediación familiar. Te hablo del año 2002 o 2003. Y entonces lo que se nos ocurrió a nosotros, de forma autónoma, es que podríamos tratar de trasladar estos mecanismos de la mediación familiar al ámbito penal. Fue algo espontáneo y sin tener demasiado contacto con nadie a nivel internacional, y que vino generalmente marcado porque no estábamos dando respuestas satisfactorias ni para víctimas ni para victimarios en estos ámbitos.

Y entonces lo que se nos ocurrió a nosotros, de forma autónoma, es que podríamos tratar de trasladar estos mecanismos de la mediación familiar al ámbito penal.

A partir de ahí planteamos la creación de una serie de Grupos de reflexión, que fueron muy útiles para generar los primeros protocolos en España sobre

mediación penal. En ese sentido fue esencial la colaboración con los Tribunales Superiores de Justicia y también la administración pública en el ámbito de la justicia. Luego se creó la asociación que lleva los casos (Asociación Navarra de Mediación; ANAME).

De hecho, como dato curioso, yo personalmente hice primera mediación penal en Navarra. Fue un trabajo lento de generación de documentos, protocolos, estructuras, etc.

Cuando el gobierno vasco se plantea crear un servicio estable de justicia restaurativa, también empezamos a trabajar nosotros allí, en Gipuzkoa. En ese punto yo creo que pasé un poco del activismo a la práctica y la gestión de este tipo de recursos, donde fue vital la colaboración entre las distintas administraciones, nosotros, y el poder judicial.

Esa experiencia se mantuvo durante muchos años; también participé en los procesos de encuentros restaurativos con víctimas y victimarios de ETA en los años 2009 y 2010, que fue una experiencia muy relevante.

En 2014 entro en una etapa más política, primero como portavoz de justicia en un grupo político en el parlamento de navarra, donde tratamos de impulsar alguna iniciativa relacionada con la justicia restaurativa, pero que no salió adelante por dificultades para establecer un marco común debido a la inestabilidad política.

Desde que entro como consejero de justicia en 2019, empezamos a trabajar de una forma más estable este tema. No tenemos marco estatal para la regulación de la justicia restaurativa, por lo que creímos necesario primero generar un marco teórico para el establecimiento de la nueva ley; la idea era generar esa estructura de justicia restaurativa de la que te hablaba antes. En ese sentido, la creación del [servicio de Ejecución Penal y justicia restaurativa](#) es un paso importante, ya que se crea un servicio independiente y específico de justicia restaurativa que se extiende con un marco común a todo el territorio de la región. Después de esta estructura, se empiezan a revisar, crear y actualizar los diferentes protocolos que son necesarios para la justicia restaurativa en colaboración con el poder judicial. Una vez se hizo esto, ahí fue cuando nos planteamos legislar y crear la nueva ley. Navarra, como comunidad autónoma, no tiene competencias en materia procesal penal, pero con esta ley sí que podíamos marcar unas bases y unos

requisitos para garantizar el acceso a la justicia restaurativa en Navarra, y que esta sea de calidad y bajo unos estándares mínimos de formación.

... la ley lo que pretende es principalmente asegurar la calidad y la formación de los servicios y profesionales que trabajen en estos servicios ...

Así pues, yo diría que la ley lo que pretende es principalmente asegurar la calidad y la formación de los servicios y profesionales que trabajen en estos servicios, así como poder extender la filosofía restaurativa a prácticas comunitarias que permita la participación activa de la ciudadanía en la resolución de conflictos. Para todo ello hay elementos a tener en cuenta como la creación de un Registro de Mediadores, un Sello de Calidad del Gobierno de Navarra, o diferentes Estrategias y medidas de estandarización para la evaluación y la formación de los profesionales.

Se plantea también la creación de un subgrupo específico de justicia restaurativa en el marco del Consejo de Justicia de Navarra, que es un órgano consultivo del Gobierno de Navarra.

¿Qué impacto esperáis que pueda tener esta nueva ley en Navarra?

Creo que puede suponer un cambio de mentalidad. Hasta ahora siempre hemos pensado que los conflictos los tiene que solucionar un tercero, generalmente el poder judicial. Y con esto yo creo que podemos ir introduciendo una nueva concepción para que sean las propias personas las que sean capaces de resolver sus conflictos de una forma mucho más autónoma. Esto puede permitir que las personas participen de forma activa en la creación de justicia, haciendo honour a lo que dice la Constitución sobre que «la justicia emana del pueblo». La idea es poder democratizar los métodos de resolución de conflictos. Somos conscientes que esto es complicado y no esperamos un cambio radical a corto plazo; esta es una ley con la mirada puesta en el futuro, que poco a poco puede permitir ir generando un cambio de mentalidad en la sociedad para poder avanzar en este sentido. Esta ley es un primer paso, es empezar a caminar en esta dirección, que creemos que es la adecuada. Pero somos conscientes que el camino no está exento de obstáculos, y tendremos que ver cuál es el contexto para ir avanzando.

¿Cuales pueden ser las implicaciones de la ley tanto a nivel regional, como nacional e internacional?

Pues, en primer lugar, esperamos que pueda tener un impacto positivo a partir del acuerdo para introducir una enmienda que pueda modificar la ley de enjuiciamiento criminal para introducir la justicia restaurativa desde un punto de vista procesal.

También hemos visto interés de otras regiones y comunidades en la ley, y de hecho estamos compartiendo nuestro trabajo con algunas de ellas porque sí que vemos que hay una voluntad clara de poder trabajar en este sentido. Yo creo que nuestra aportación aquí es que hemos abierto un poco el camino para que otras regiones valoren que dentro de las comunidades hay espacio para regular y legislar en materia de justicia y de justicia restaurativa. Es un poco lo más interesante, porque ahí sí que Navarra ha sido pionera.

También es cierto que hay que adecuar la regulación a cada región o territorio y a partir de ahí valorar qué y cómo puede mejorarse.

También es cierto que hay que adecuar la regulación a cada región o territorio y a partir de ahí valorar qué y cómo puede mejorarse. Por ejemplo, en el caso de la reciente ley en Schleswig-Holstein se ha regulado la justicia restaurativa, pero como parte de lo que entendemos por *probation*. Por lo tanto, esto significa que solo es de aplicación a aquellos casos intra judiciales. Nosotros hemos querido ir más allá porque creemos que en Navarra había espacio e interés para dar un margen más alto para trabajar; lo que quiero decir es que cada región o país debe valorar conforme a su marco legal, contexto y situación cuales son los aspectos en los que una regulación de las prácticas restaurativas puede ser más útil.

Sobre el próximo seminario del EFRJ en Pamplona, ¿Por qué creéis que puede ser interesante/útil para vosotros la celebración de este evento en Navarra?

Para nosotros el ámbito europeo es importantísimo. Ha sido nuestro marco de referencia y nuestra guía. Sin el trabajo y colaboración de organizaciones como el Foro, nosotros no hubiéramos llegado donde hemos llegado. Es una referencia fundamental, y para nosotros es un honour que venga el EFRJ a nuestra tierra. Nosotros propusimos Pamplona porque el gobierno de Navarra es un gobierno que ha apostado por la justicia restaurativa.

... creo que lo más interesante de este evento es que podamos trabajar todos de forma conjunto, tanto con el Foro, como con los participantes que asistan.

Para nosotros la presencia del EFRJ aquí es un honour porque es un reconocimiento al trabajo que venimos haciendo aquí en Navarra. Quizás no tanto para exponer nuestro trabajo, sino para trabajar conjuntamente y hacer avanzar el campo de la justicia restaurativa en Europa. Nosotros podemos aportar la experiencia en policy making, pero creo que lo más interesante de este evento es que podamos trabajar todos de forma conjunto, tanto con el Foro, como con los participantes que asistan.

¿Por último, que mensaje te gustaría compartir con la red del EFRJ a modo de invitación para este evento?

Yo diría que Navarra es una tierra de acogida, donde todo el mundo es absolutamente bienvenido, es

una tierra maravillosa para vivir y para visitar. Tanto por su gente como por su gastronomía, su paisaje, su cultura y sus lenguas. Esta inmersión en un mundo muy ancestral, si quieren disfrutarlo. Nosotros como gobierno estamos encantados de acoger a todas las personas que vengan al seminario, estamos seguros que va a ser una experiencia muy gratificante y enriquecedora para todos.

Eduardo Santos

Ministro de Políticas Migratorias y Justicia
Navarra

fue entrevistado por

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
y

Pablo Romero Seseña

Policy Intern
European Forum for Restorative Justice

Interview with Eduardo Santos

Eduardo Santos has been Minister of Justice of the Government of Navarra since 2019. With a background as a criminal lawyer, he has vast experience of restorative justice, being a member of the Navarra Association of Mediation (ANAME) since its inception and of several working groups and commissions on restorative justice and criminal mediation in Navarra and Euskadi. As a curiosity, he conducted the first victim-offender mediation encounter in Navarra in 2006.

How did you begin in the restorative justice field? What caught your attention to make you dedicate yourself to it?

I come from the ‘lawyer’s world,’ especially from the criminal and penitentiary jurisdictions. And I used to work with a group of people who all had concerns in this regard and, well, someone who was working on family mediation appeared. I’m talking about 2002 or 2003. So we noticed, independently and without knowing anything of restorative justice, that we could try to transfer these mechanisms from family mediation to the criminal sphere. It was something spontaneous and without much contact with anyone at international level and it caught our attention because we, as part of the justice system, were not giving satisfactory answers to either victims or perpetrators in these areas.

... we noticed, independently and without knowing anything of restorative justice, that we could try to transfer these mechanisms from family mediation to the criminal sphere.

At that moment, we proposed the creation of a series of Reflection Groups that were very useful for generating the first protocols in Spain for criminal mediation. In this sense, the collaboration with the Autonomous Community Courts of Justice as well as with public administration in the justice field was essential. Soon the association that handles the cases (Asociación Navarra de Mediación; ANAME) was created.

In fact, by the way, I personally did the first criminal mediation in Navarra. It was a slow process of generating documents, protocols, structures, etc.

When the Basque government considered creating a stable service for restorative justice, we also started

to work in Gipuzkoa. At that point, I believe I moved a bit from activism to practice and management of this type of resource, where the collaboration between the different administrations, us and the judicial authorities was vital.

This experience continued for many years; I also participated in the processes of restorative encounters with victims and perpetrators of ETA in the years 2009 and 2010, which was a very relevant experience.

In 2014, I entered a more political stage, first as spokesperson for justice in a political group in the Navarra Parliament, where we prompted some initiatives related to restorative justice, but it did not go ahead due to difficulties in establishing a common ground because of political instability.

Since I became the Justice Minister in 2019, we began to work on this issue in a more stable way. We did not have a state framework for the regulation of restorative justice and so we thought it was necessary first to generate a theoretical framework for the establishment of the new law; the idea was to generate the restorative justice structure that I was talking about before. In this sense, the creation of the [Criminal Execution and restorative justice service](#) was an important step since, through this, an independent and specific restorative justice service was created which extends a common framework to the entire territory of the region. With this structure established, it was possible to begin to review, create and update the different protocols that are necessary for restorative justice in collaboration with the judiciary. Once this was done, that was when we considered it relevant finally to legislate and create the new law. Navarra, as an autonomous community, does not have powers in criminal proceedings policies, but with this law we could establish some foundations and requirements to guarantee access to restorative justice in Navarra and that it would be a quality service and based on minimum training standards.

... what the law intends is mainly to ensure the quality and training of the services and professionals who work in these services ...

Thus, I would say that what the law intends is mainly to ensure the quality and training of the services and professionals who work in these services, as well as being able to extend the restorative philosophy to community practices that allow the active participation of citizens in conflict resolution. For all this, there are elements to take into account such as the creation of a Register of Mediators, a Quality Seal

of the Government of Navarra, or different strategies and measures of standardisation for the evaluation and for the training of professionals.

The creation of a specific restorative justice subgroup is also proposed within the framework of the Navarra Justice Council, which is a consultative body of the Government of Navarra.

What are the main expected outcomes that can happen through this new Law in Navarra?

I believe we can expect a change of mentality. Until now, we have always thought that conflicts should be solved by a third party, usually a judicial authority. And with this new law I believe that we can start to introduce a new concept, so that the people themselves can be the ones capable of solving their conflicts in a much more autonomous way. This can allow people to participate in an active way in the creation of justice, honouring what the [Spanish] Constitution says that 'Justice emanates from the people.' The idea is to democratise the methods of conflict resolution. We are aware that this is complicated and we don't expect a radical change in the short term; this is a law with an eye on the future, which little by little can allow us to generate a change of mentality in society in order to advance in this direction. This law is a first step; it is the start of walking in this direction, which we believe is the right one. But we are aware that this path is not free from obstacles and we need to see the context so that we keep moving forward.

What can be the consequences of the law at regional level as well as national and international?

Well, first of all, we hope that it can have a positive impact from the agreement to introduce an amendment that can modify the criminal procedure law to introduce restorative justice from a procedural point of view.

We have also seen interest from other regions and communities in the law and in fact we are sharing our work with some of them because we do see that there is a clear willingness to be able to work in this way. I believe that our contribution here is that we have opened the way for other regions to recognise that within communities there is room to regulate and legislate in matters of justice and restorative justice. This is most interesting, because, in this, Navarra has been a pioneer.

It is also true that regulations must be adapted to each region or territory and from there assess what and how things can be improved. For example, in the

case of the recent law in Schleswig-Holstein, restorative justice has been regulated, but as part of what we understand by *probation*. Therefore, this means that it is only applicable to criminal justice cases. We wanted to go further, because we believe that in Navarra there is space and interest in setting a wider boundary for this work; what I want to say is that each region or country must assess according to its legal framework, context and situation which are the aspects in which a regulation of restorative practices can be most useful.

Regarding the upcoming EFRJ Seminar in Pamplona, why do you think holding this event in Navarra could be interesting/useful for you?

For us, the European sphere is very important. It has been our frame of reference and our guide. Without the work and collaboration of organisations such as the Forum, we would not have reached where we have. It is a fundamental reference and for us it is an honour that the EFRJ is coming to our homeland. We proposed Pamplona because the government of Navarra is a government that has opted for restorative justice.

... I think the most interesting thing about this event is that we can all work together, both with the Forum and with the participants who attend.

For us, the presence of the EFRJ here is an honour because it is recognition of the work we have been

doing here in Navarra — perhaps not so much to publicise our work, but to work together and advance the field of restorative justice in Europe. We can contribute with our experience in policy making, but I think the most interesting thing about this event is that we can all work together, both with the Forum and with the participants who attend.

Finally, what message would you like to share with the EFRJ network as an invitation to this event?

I would say that Navarra is a receptive place, where everyone is absolutely welcome; it is a wonderful place to live and visit, as much for its people as for its gastronomy, its landscape, its culture and its languages. It is an immersion in a very ancient world, if you want to enjoy it. We as a government are delighted to welcome all the people who are coming to the seminar; we are sure that it will be a very rewarding and enriching experience for everyone.

Eduardo Santos

Minister of Migration Policies and Justice
Navarra

was interviewed by

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
and

Pablo Romero Seseña

Policy Intern
European Forum for Restorative Justice

Entrevista con Jorge Ollero Perán

Jorge Ollero Perán es actualmente el Director del Servicio de Ejecución Penal y Justicia Restaurativa del Gobierno de Navarra y, como algunos de ustedes sabrán, también es miembro de la junta directiva del EFRJ. Tiene formación en derecho y se ha desempeñado en diferentes cargos en el ámbito penitenciario. Esta experiencia le hizo reconocer que una justicia penal punitiva difícilmente puede satisfacer las necesidades de la ciudadanía, aumentando su interés por el movimiento de justicia restaurativa a medida que conoció experiencias, como por ejemplo los encuentros restaurativos entre ex miembros de la banda terrorista ETA y familiares de sus víctimas.

... tenemos un sistema que genera mucho sufrimiento y no satisface a nadie, ni a las víctimas ni a quienes las han dañado.

¿Qué te hizo interesarte por la justicia restaurativa?

Tras estudiar Derecho comencé a trabajar en prisión. Allí vi el enorme sufrimiento que el encierro conlleva

para las personas presas y sus familiares y, al mismo tiempo, que las víctimas también permanecían llenas de dolor, sin que el encarcelamiento de sus victimarios ayudara a aliviar su padecimiento. Por tanto, pensé, tenemos un sistema que genera mucho sufrimiento y no satisface a nadie, ni a las víctimas ni a quienes las han dañado. Tiene que haber alternativas, tiene que haber otra manera de hacer las cosas. Y entonces conocí la experiencia de los encuentros restaurativos entre miembros de ETA y sus víctimas y me dije «Esto es. Si puede funcionar en delitos tan graves, deberíamos poder usarlo de forma generalizada en los delitos más frecuentes: robos, lesiones, etc, y quizás construir una alternativa al sistema punitivo y así reducir el uso de la prisión».



Jorge Ollero Perán

Desde entonces, no he dejado de estudiar y trabajar para impulsar la justicia restaurativa, con la idea de que sirva para reducir el sufrimiento en nuestras sociedades, tanto el que producen los delitos como el que produce la respuesta estatal a esos delitos.

¿Por qué Navarra? ¿Qué puede esperar en términos de justicia restaurativa la comunidad del EFRJ viiniendo a Pamplona?

Las personas que acuden al Seminario en Navarra van a encontrar una comunidad muy ilusionada e implicada con la justicia restaurativa. Es una sociedad con una larga tradición en la autogestión de sus

propios conflictos, al mantener altos niveles de auto gobierno y de búsqueda pactada de soluciones a los problemas sociales. Los navarros y navarras forman una ciudadanía muy comprometida e implicada con el feminismo, el ecologismo, la interculturalidad y, por supuesto, con un modelo de justicia no punitiva, democrática y participativa. De hecho, fue la sociedad civil navarra la que inició uno de los primeros proyectos pilotos de justicia restaurativa en el Estado español y, ahora, con el impulso de la *Ley Foral de justicia restaurativa, mediación y prácticas restaurativas comunitarias*, el Gobierno de Navarra ha convertido ese proyecto piloto en una política pública de pleno derecho.

¿Cuál era el contexto previo de la justicia restaurativa en Navarra y cómo puede esta ley mejorarlo?

En España la única mención legal a la justicia restaurativa es la que hace el Estatuto de la Víctima (transposición de la Directiva Europea de derechos de las víctimas). Esta Ley dice que las víctimas «podrán acceder a los servicios de justicia restaurativa disponibles», pero no establece la obligación de que existan estos servicios. Esto conlleva que en la mayoría del Estado no haya servicios de justicia restaurativa garantizados públicamente. En Navarra sí que se ofrecía este servicio, pero no había base legal que lo garantizara ni que estableciera los principios de calidad y de funcionamiento. Ahora, con la Ley, existe un derecho de todas las víctimas y de todos los victimarios a acceder a este servicio y, además, tiene que funcionar con criterios de calidad y formación elevados.

Ese énfasis en lo comunitario me parece una de las aportaciones más interesantes de la Ley ...

Otro aspecto que me parece importante es que la Ley señala que la justicia restaurativa debe estar orientada por unos principios determinados que, en línea con la Recomendación del Consejo de Europa, son la participación, la reparación, la responsabilidad, la reinserción de los victimarios, la protección de las víctimas, la equidad y el enfoque social y comunitario. Ese énfasis en lo comunitario me parece una de las aportaciones más interesantes de la Ley, pues trata de superar el paradigma metodológico individualista que forma parte del sistema penal y muchas veces permea la intervención restaurativa.

Una vez aprobada esta nueva ley, ¿Qué es lo siguiente?

La Ley es muy ambiciosa en su desarrollo, por lo que nos queda mucho trabajo por hacer. Hay que diseñar un Plan Estratégico y un Plan de Calidad. Estos planes señalarán medidas concretas, entre las que, sin duda, estará la evaluación y supervisión externa, así como el análisis de los datos estadísticos y la promoción y divulgación ciudadana.

¿Cómo tenéis prevista pasar de la ley a la práctica del día a día? ¿Cómo creéis que va a ser este proceso de implementación de la nueva Ley Foral?

De lo que se trata es de realizar estos Planes anteriormente señalados con la participación directa de las instituciones y entidades más relevantes y que son protagonistas en el desarrollo de la justicia restaurativa en Navarra: la [Asociación Navarra de Mediación \(ANAME\)](#), los Colegios de Abogados, Psicólogos y Trabajadores Sociales y, por su puesto, con los jueces y fiscales. Para ello vamos a crear un grupo de trabajo dentro del Consejo Navarro de Justicia, que es el órgano consultivo de colaboración, estudio, debate, participación y asesoramiento a fin de promover la mejora de la calidad del servicio público de Justicia en la Comunidad Foral de Navarra.

Además, tenemos la suerte de que durante el Seminario del EFRJ se van a organizar dos workshops, coordinados por Ian Marder, de la Universidad de Maynooth, en los que se va a dar formación sobre cómo elaborar planes estratégicos, usando Navarra como caso de estudio.

¿Cuales crees que son los aspectos más relevantes de esta nueva ley?

Creo que, aparte de lo que ya he señalado, otra de las cuestiones más interesantes de la Ley es la inclusión de las prácticas restaurativas comunitarias, que definimos legalmente como «herramientas de prevención y resolución de conflictos no judicializados, así como de promoción de la cohesión social, que buscan generar condiciones colectivas de confianza, respeto y cuidado, de forma que los conflictos que puedan surgir se gestionen en sus estadios iniciales de forma espontánea por la comunidad».

Según tenemos entendido es la primera vez en Europa y quizás en el mundo que se regulan las prácticas restaurativas comunitarias y con esta Ley apoyamos su desarrollo mediante la realización de cursos formativos y la subvención a entidades sociales.

¿Cuáles crees que pueden ser las implicaciones de esta nueva ley en las políticas tanto locales como nacionales e internacionales?

Creo que es necesario señalar que la Ley foral no hace ningún tipo de cambio a nivel procesal, es decir, no regula los efectos que la justicia restaurativa puede tener en las penas o en la interrupción del proceso (*probation*), pues ello es competencia exclusiva del Estado. Sin esa regulación, que actualmente no existe en España, el desarrollo de la justicia restaurativa estará algo limitado, pero sin la implicación de las Comunidades Autónomas tampoco puede funcionar. Es decir, que hace falta que las Comunidades Autónomas garanticen la provisión de servicios de justicia restaurativa de calidad, por un lado, y que el Estado regule los efectos que la justicia restaurativa tiene sobre el proceso penal, por el otro. En este sentido, Navarra ya ha hecho su parte y estamos esperanzados porque sabemos que el Gobierno de España apuesta por la justicia restaurativa y es posible que veamos cambios procesales positivos en el futuro.

... la Recomendación de 2018 y la reciente Declaración de Venecia han sido nuestras referencias a la hora de elaborar la Ley, ...

En cuanto al nivel internacional, es importantísimo. Los avances que se han producido en España han sucedido en gran parte gracias al impulso de la Unión Europea y el Consejo de Europa. En este sentido, la Recomendación de 2018 y la reciente Declaración de Venecia han sido nuestras referencias a la hora de elaborar la Ley, y sabemos lo relevante que ha sido la labor del EFRJ en que salieran adelante estos textos tan avanzados.

Sobre el próximo seminario del EFRJ que se celebrará en junio en Pamplona, ¿Por qué es útil/interesante para vosotros celebrar este evento en Navarra?

Para Navarra es un honour y una gran satisfacción albergar el Seminario del EFRJ. Nos va a permitir aprender mucho de los colegas europeos (and beyond) que seguro que nos inspirarán con prácticas innovadoras, debates interesantes y desafíos que puede de que aún ni siquiera nos hayamos planteado. Cuando hablas con gente que viene de lugares diferentes aprendes a poner en perspectiva tus aciertos y dificultades y consigues encontrar maneras imaginativas de construir un mundo mejor. No tiene sentido una Navarra restaurativa si no es en relación con el mundo,

en intercambio, en mestizaje y en conexión con otras raíces y culturas. Así que tenemos muchas ganas de recibir a los colegas que nos visiten y esperamos también poder inspirarles a ellos con nuestras prácticas y reflexiones.

¿Qué mensaje de bienvenida o invitación te gustaría compartir con la comunidad del EFRJ de cara a este próximo evento?

Pues que además de participar en un evento en el que van a poder escuchar ponencias muy interesantes y participar en talleres sobre las últimas innovaciones en justicia restaurativa, van a disfrutar de una ciudad como Pamplona que es hermosa, llena de historia y de naturaleza y, sobre todo, llena de gente acogedora

y divertida.

Jorge Ollero Perán

Director

servicio de Ejecución Penal y justicia restaurativa
fue entrevistado por

Renata Soares Ramos Falcão

Communication Intern

European Forum for Restorative Justice
y

Pablo Romero Seseña

Policy Intern

European Forum for Restorative Justice

Interview with Jorge Ollero Perán

Jorge Ollero Perán is currently the Director of the Restorative Justice Service of Navarra (Servicio de Ejecución Penal y Justicia Restaurativa del Gobierno de Navarra) and, as some of you may know, also a board member of the EFRJ. He has a background in law and has worked in different positions in the prison field. This experience made him acknowledge that a punitive criminal justice can hardly satisfy anyone's needs, growing his interest in the restorative justice movement as he had experiences such as the restorative encounters between former ETA members and victims' relatives.

... we have a system that generates a lot of suffering and does not satisfy anyone, neither the victims nor those who have harmed them.

What made you interested in restorative justice?

After studying law, I started working in prison. There, I saw the enormous suffering that confinement entails for prisoners and their families and, at the same time, I saw that the victims also remained full of pain, without the imprisonment of their perpetrators helping to alleviate their suffering. Therefore, I thought, we have a system that generates a lot of suffering and does not satisfy anyone, neither the victims nor those who have harmed them. There have to be alternatives; there has to be another way of doing things. And then I learned about the experience of restorative meetings between ETA members and their victims and I said to myself, 'This is it! If it can work in such serious crimes, we should also be able to use it in a general way in the most frequent crimes: robberies, injuries, etc. and perhaps build an alternative to the punitive

system and thus reduce the use of prison.'

Since then, I have not stopped studying and working to promote restorative justice, with the idea that it serves to reduce suffering in our societies, both the one caused by crimes and the one produced by the state response to those crimes.

Why Navarra? What can the EFRJ Community can expect in terms of restorative justice by coming to Pamplona?

The people who attend the seminar in Navarra will find a community that is very enthusiastic and involved in restorative justice. It is a society with a long tradition of self-management of its own conflicts, maintaining high levels of self-government and the agreed search for solutions to social problems. Navarrese men and women form a citizenry that is highly committed and involved with feminism, environmentalism, interculturality and, of course, with a non-punitive, democratic and participatory model of justice. In fact, it was the civil society of Navarra that initiated one of the first restorative justice pilot projects in Spain and, now, with the impulse of the *Ley Foral of restorative justice, mediation, and commu-*

nity restorative practices, the Government of Navarra has turned that pilot project into a full-fledged public policy.

What was the previous context regarding restorative justice in Navarra and how can the new law improve it?

In Spain, the only legal mention of restorative justice is made in the Victim Statute (transposition of the European Directive on Victims' Rights). This law says that the victims 'will be able to access the restorative justice services available,' but it does not establish the obligation that these services exist. This means that in most of the country, there are no publicly guaranteed restorative justice services. In Navarra, this service was offered, but there was no legal basis to guarantee it or to establish the principles of quality and performance. Now, with the Law, there is a right for all victims and perpetrators to access this service and, in addition, this service has to work with high quality and high training standards.

This emphasis on the community seems to me one of the most interesting contributions of the Law ...

Another aspect that seems important to me is that the Law indicates that restorative justice must be guided by certain principles that, in line with the Recommendation of the Council of Europe, are participation, reparation, responsibility, reintegration of the perpetrators, protection of victims, equity and the social and community approach. This emphasis on the community seems to me one of the most interesting contributions of the Law, since it tries to overcome the individualistic methodological paradigm that is part of the penal system and often permeates restorative interventions.

After the approval of the law, what's next?

The Law is very ambitious in its development; so we still have a lot of work to do. A Strategic Plan and a Quality Plan must be designed. These plans will indicate concrete measures, among which, without a doubt, will be external evaluation and supervision, as well as the analysis of statistical data and the promotion and dissemination to the public.

How do you plan to move from law to day-to-day practice? How do you think this implementation process of the new Ley Foral will be?

The main work now is to work on the aforementioned plans with the direct participation of the most

relevant institutions and entities that are the main participants in the development of restorative justice in Navarra: the the Navarra Association of Mediation (ANAME), the Bar Associations, Psychologists and Social Workers and, of course, with judges and prosecutors. For this we are going to create a working group within the Navarra Justice Council, which is the consultative body for collaboration, study, debate, participation and advice, in order to promote the improvement of the quality of the public justice service in the Autonomous Community of Navarra.

In addition, we are lucky that during the EFRJ Seminar, two workshops will be organised, coordinated by Ian Marder, from the University of Maynooth, in which training will be given on how to develop strategic plans, using Navarra as a case study.

In your opinion, what would you say are the most interesting aspects of the new law?

I believe that, apart from what I have already stated, another interesting issue of the Law is the inclusion of community restorative practices, which we legally define as 'tools for the prevention and resolution of non-judicial conflicts, as well as the promotion of social cohesion, which seek to generate collective conditions of trust, respect and care, so that conflicts that may arise are managed spontaneously by the community in their initial stages.'

As we understand it, it is the first time in Europe and perhaps in the world that community restorative practices are regulated and with this Law we support their development by conducting training courses and subsidising social entities.

What could be other reflections on policy work from regional to national to international and vice versa?

I believe it is necessary to point out that the Foral Law does not make any type of change at the procedural level, that is, it does not regulate the effects that restorative justice can have on penalties or on the interruption of the process (*probation*), since this is an exclusive competence of the State. Without this regulation, which currently does not exist in Spain, the development of restorative justice will be somewhat limited, but without the involvement of the Autonomous Communities it cannot work either. In other words, it is necessary on the one hand for the Autonomous Communities to guarantee the provision of quality restorative justice services and on the other for the State to regulate the effects that restorative justice has on the criminal process. In this sense, Navarra has already done its part and we are optimistic

because we know that the Government of Spain is committed to restorative justice and it is possible that we will see positive procedural changes in the future.

... the 2018 Recommendation and the recent Venice Declaration have been our points of reference when preparing the Law ...

As for the international level, it is very important. The advances that have occurred in Spain have happened largely thanks to the initiatives of the European Union and the Council of Europe. In this sense, the 2018 Recommendation and the recent Venice Declaration have been our points of reference when preparing the Law and we know how relevant the work of the EFRJ has been in bringing these highly advanced texts forward.

Regarding the upcoming EFRJ Seminar in Pamplona, why is it interesting for you to host a EFRJ event in Navarra?

For Navarra, it is an honour and a great satisfaction to host the EFRJ Seminar. It will allow us to learn a lot from our European colleagues (and beyond), who will surely inspire us with innovative practices, interesting debates and challenges that we may not have even considered ourselves yet. When you talk to people who come from different places, you learn to put your successes and difficulties into perspective and you manage to find imaginative ways to build a better

world. A restorative Navarra makes no sense if it is not in relation to the world, in exchange, in integration and in connection with other races and cultures. So, we are very much looking forward to receiving colleagues who visit us and we hope that we can also inspire them with our practices and reflections.

Finally, what invitation/message would you share with our network to invite them to come to Pamplona?

Well, in addition to participating in an event in which they will be able to listen to very interesting presentations and participate in workshops on the latest innovations in restorative justice, they will enjoy a city like Pamplona that is beautiful, full of history and nature and, above all, full of welcoming and fun people.

Jorge Ollero Perán

Director

Criminal Execution and restorative justice service
was interviewed by

Renata Soares Ramos Falcão

Communication Intern
European Forum for Restorative Justice
and

Pablo Romero Seseña

Policy Intern
European Forum for Restorative Justice

Entrevista con Maite Virto

Maite Virto es facilitadora y coordinadora del Servicio de Justicia Restaurativa de Navarra. Tiene experiencia en trabajo social y mediación, encontrando la conexión entre las dos disciplinas a través de la justicia restaurativa y su punto en común de oposición a la cultura del castigo. Ha trabajado en diferentes temas relacionados con la atención de personas con drogodependencias, así como en el ámbito de los derechos de las personas internas en centros penitenciarios ([Asociación Salhaketa](#)), hasta que se incorporó a ANAME en 2012.

¿Cuáles fueron tus inicios en el ámbito de la justicia restaurativa? ¿Qué te llamó la atención para dedicarte a ello?

En primer lugar, comentar que soy trabadora social, y siento que lo soy de vocación. Entonces conforme he ido teniendo más experiencia en mi profesión he ido viendo más conexión entre mi ámbito y la justicia restaurativa. Al final el trabajo social tiene como objetivo promover cambios sociales por medio del

desarrollo de una sociedad cohesionada, que se responsabiliza colectivamente para afrontar los conflictos sociales y que así se produzca una transformación social. Siempre he trabajado desde un enfoque participativo. Entonces ahí veo que hay mucha relación con la justicia restaurativa y la propia cultura de la paz.

A nivel personal, cuando terminé la carrera realicé un máster en mediación, más orientado a la media-

ción familiar (tema civil), pero que también tenía una asignatura de mediación penal. Ahí me acuerdo que nos presentaron un caso de una mediación penal, con un vídeo del encuentro entre la madre de una víctima asesinada y el victimario y eso me marcó mucho. Porque yo personalmente no creo en la cultura del castigo, y creo que el paradigma restaurativo es mucho más útil que no el castigar sin más.

La cultura del castigo no disminuye la reincidencia ni previene el delito, ni hace un trabajo reflexivo con la persona ofensora y mucho menos escucha y repara a las víctimas.

Además de eso también he trabajado en temas de atención a personas con drogodependencias, y con la asociación Salhaketa, que se ocupa de aspectos relacionados con la reinserción y los derechos de las personas presas. Y esto me ha hecho darme cuenta también que es muy útil que exista esa posibilidad de poder reparar a las víctimas, ¿no? La cultura del castigo no disminuye la reincidencia ni previene el delito, ni hace un trabajo reflexivo con la persona ofensora y mucho menos escucha y repara a las víctimas.

Esta fue un poco mi trayectoria ... hasta que el año 2013 me ofrecieron participar en la asociación ANAME ([Asociación Navarra de Mediación](#)) en el servicio de mediación penal. Y hasta ahora.

¿Cuál ha sido el contexto de la justicia restaurativa en Navarra hasta la fecha?

A nivel histórico, la secuencia es la siguiente: en 2005 se impulsa un primer proyecto piloto en un juzgado de Pamplona (Instrucción 3), apoyado por el Consejo General del Poder Judicial, que tiene resultados muy positivos. A partir de ahí, el año siguiente se crea un primer embrión de lo que es el programa de mediación penal en la jurisdicción de adultos, y en 2007 se amplía a otras zonas de Navarra, operado siempre por ANAME. Yo creo que uno de los motivos principales del éxito de este servicio ha sido la colaboración que hemos tenido aquí entre la administración pública, el estamento judicial y la organización que ha llevado el servicio. Después de unos años de actuación, en 2017 se abre ya como servicio público con todas las garantías, dependiendo entonces del Servicio de Atención a la Víctima del Gobierno de Navarra. En 2022, y tras la entrada de Jorge Ollero, se crea el servicio público de justicia restaurativa, ya integrado en la Dirección General de Justicia, y pasamos también a trabajar de forma que intentamos superar esa concepción de la mediación penal como única herramienta

de la justicia restaurativa, abriendonos a otros tipos de prácticas restaurativas como los círculos, las conferencias, o las prácticas restaurativas comunitarias, aunque desde ANAME ya veníamos formándonos e interviniendo con dichas herramientas.

¿Qué opinión te merece esta nueva ley?

... es importante también que la ley prevé la existencia de programas y servicios que incluyen también las prácticas restaurativas, incluso a nivel comunitario.

La propia existencia de una ley específica de justicia restaurativa en Navarra es algo pionero a nivel nacional, esto quiere decir que estamos en primera línea en este ámbito a nivel estatal. Entonces, yo creo que es muy importante tener un marco normativo al que podemos acudir y en el que podamos basar nuestra actividad profesional. También garantiza la existencia de los servicios de justicia restaurativa como servicios públicos. Por otro lado, es importante también que la ley prevé la existencia de programas y servicios que incluyen también las prácticas restaurativas, incluso a nivel comunitario. Es decir, no se limita únicamente a aquellos casos que están dentro de un proceso judicial. Vemos que existe el derecho de la ciudadanía a poder participar en este tipo de procesos, y esto es muy importante porque significa que gobierne quien gobierne a nivel político, este servicio se va a mantener y va a ser algo estable amparado por una norma legal.

¿Cuáles crees que son los aspectos más interesantes de la misma?

Creo que uno de los aspectos más interesantes de esta nueva ley es que se da un impulso a aquellos procesos restaurativos que van más allá de la propia mediación penal. El hecho que se recoja y se hable de las conferencias, de los círculos, etc. Esto es muy importante porque nos dota de herramientas innovadoras y nos equipa a otros países y regiones que llevan años de ventaja en estos aspectos. También el hecho de que se contempla el desarrollo de procesos restaurativos comunitarios desde una perspectiva más preventiva, hace que se le pueda dar voz a la sociedad. Vemos que esta voz se está impulsando desde la propia administración, y fomenta que los barrios, los vecinos y vecinas, puedan tener este espacio para expresarse y para contribuir, generando más cohesión (en lugar de que sean los barrios los que tomen la iniciativa). También destaca la necesidad de incluir en los servicios de justicia restaurativa aspectos tan

importantes como la perspectiva de género, la atención a la diversidad, a la discapacidad. Esto es super importante porque también garantiza que los y las profesionales que trabajamos en este ámbito estamos formados en estos aspectos y somos sensibles ante distintas realidades. Por poner un pero a la nueva ley, echamos en falta quizás que se hable también de dotar a los diferentes servicios restaurativos de un carácter intercultural.

Por otro lado, también creemos que es muy importante que se incluyan estándares de calidad y de formación, y que esa formación pueda venir de un marco común y sea la misma para todos los y las profesionales que operamos en este ámbito. La evaluación y la monitorización de los servicios puede ser algo muy útil para nosotras, porque nos permitirá aprender y mejorar nuestra práctica.

Otro aspecto que creemos muy interesante es todo lo relacionado con la divulgación del servicio y de su actividad. Esto es relevante porque la ley hace mención al derecho de la ciudadanía de acceder a estos procesos restaurativos desde la existencia del conflicto, lo que significa que no tiene por qué haber una denuncia. Nos ampara a poder trabajar de forma preventiva, desde las oficinas de atención a la ciudadanía o incluso desde la derivación de casos a través de la policía. Incluso trabajando de forma proactiva por nuestra parte.

¿Cómo crees que afectará a tu práctica profesional?

... al existir unos criterios y estándares comunes en el ámbito de la justicia restaurativa, esto va a hacer que todas las personas que trabajamos en este ámbito podamos avanzar en la misma dirección y de forma conjunta.

A nivel práctico creo que la principal mejora va a ser la seguridad profesional que nos va a dar la nueva ley, al tener un marco normativo al que poder acudir. También al existir unos criterios y estándares comunes en el ámbito de la justicia restaurativa, esto va a hacer que todas las personas que trabajamos en este ámbito podamos avanzar en la misma dirección y de forma conjunta. A nivel de mejora, poder contar con mecanismos de evaluación también va a ser algo muy positivo, y nos va a servir de guía para poder mejorar tanto nuestra práctica profesional a nivel individual, como a nivel de servicio.

Por otro lado, también hay algún aspecto que nos genera una cierta inquietud en cuanto a trasladarlo a nuestro día a día. En este sentido, el voto que la

Ley establece para los casos de violencia de género nos plantea algunas dudas a nivel metodológico y práctico sobre como trasladar esto a la realidad en la que trabajamos. Veremos cómo se desarrolla y qué implicaciones tiene en el futuro ...



Maite Virtó

Sobre el próximo seminario del EFRJ que se celebrará en junio en Pamplona, ¿Por qué Navarra? ¿Qué puede esperar la comunidad del Foro de este evento en términos de justicia restaurativa?

Entendemos que en Navarra hay un desarrollo amplio en el ámbito de la justicia restaurativa, somos pioneras en este sentido y creo que eso se ha valorado para la organización del seminario y es muy interesante para nosotras. También, obviamente, el desarrollo de la nueva ley nos ha vuelto a situar en el punto de mira, ya que ahora es la propia ley la que nos ampara y alinea con los objetivos del EFRJ. A nivel divulgativo, creo que es una gran oportunidad para nosotras, en aras de que se disemine y se conozca el trabajo que se hace desde Navarra. Y también para que a nivel nacional pueda servir para que otras regiones de España, además de Euskadi y Cataluña, puedan sumarse a los objetivos de lo que plantea la nueva ley. Por todo el trabajo y buenos resultados que hemos ido cosechando, así como la confianza que hay en el servicio y sus profesionales, creo que somos una muy buena ubicación para este seminario.

Por qué creéis que puede ser interesante/útil para vosotros la celebración de este evento en Navarra?

Siempre es enriquecedor un encuentro de profesionales, el poder compartir la experiencia que tenemos

desde aquí, y poder generar sinergias con la experiencia de otras personas de otros países siempre es algo muy interesante. Todo lo relacionado con compartir conocimiento, y con poder recibir la experiencia de otras personas siempre es muy positivo y gratificante.

¿Por último, que mensaje te gustaría compartir con la red del EFRJ a modo de invitación para este evento?

Estoy segura que se ha preparado con mucho cariño e ilusión la organización de este seminario, y animaría a la gente a venir porque seguro que va a ser muy enriquecedor en términos de aprendizaje. Además, se van a encontrar con una ciudad maravillosa, muy fácil de conocer, con una gastronomía increíble y que

tendrá un ambiente vibrante por la proximidad de las fiestas de San Fermín.

Maite Virto

Coordinadora

servicio de Ejecución Penal y justicia restaurativa

fue entrevistada por

Renata Soares Ramos Falcão

Communication Intern

European Forum for Restorative Justice

y

Pablo Romero Seseña

Policy Intern

European Forum for Restorative Justice

Interview with Maite Virto

Maite Virto is a facilitator and the coordinator of the Restorative Justice Service of Navarra. Her background is in social work and mediation, finding the connection between the two disciplines through restorative justice and an opposition to the punishment culture. She worked on different issues related to attention of substance abuse users and inmates' rights ([Salhaketa Association](#)), until she joined ANAME in 2012.

How did you begin in the restorative justice field? What caught your attention to make you dedicate yourself to it?

First of all, I am a social worker; that is my vocation. So, as I have gained more experience in my profession, I have seen more connection between my field and restorative justice. In the end, what social work wants is to be able to transform society, generate social changes that can improve society, uniting it and making it advance in a more positive way. So, there I see that there is a lot of relationship with restorative justice and the culture of peace itself.

The culture of punishment does not reduce recidivism or prevent crime, nor does it reflectively work with the offending person, much less listen to and repair the victims.

On a personal level, when I finished my degree I took a masters degree in mediation, more oriented to civil matters but which also included a subject on criminal mediation. There I remember that they presented us with a case of criminal mediation, with a video of the meeting and that impressed me a lot, because I personally don't believe in the culture of

punishment and I think that the restorative paradigm is much more useful than just not punishing.

In addition to that, I have also worked on issues of care for people with drug addiction and with the Salhaketa association, which deals with aspects related to reintegration and the rights of prisoners. And this has also made me realise that sometimes it is very useful that there is the possibility of being able to repair the victims, right? The culture of punishment does not reduce recidivism or prevent crime, nor does it reflectively work with the offending person, much less listen to and repair the victims.

This is a summary of my career ... until 2013 when I was invited to participate in the [Navarra Association of Mediation \(ANAME\)](#) in the criminal mediation service. And I am still there.

Until now, what has been the restorative justice context in Navarra?

Historically, the sequence is as follows: in 2005, a first pilot project was promoted in a court in Pamplona (Instruction 3), supported by the General Council of the Judiciary, with very positive results. From there, the following year the first draft of what today is the criminal mediation program in the jurisdiction of adults was created and in 2007 it was

extended to other areas of Navarra, always operated by ANAME. I believe that one of the main reasons for the success of this service has been the collaboration that we have had here between the public administration, the judiciary and the organisation that has run the service. After a few years of operation, in 2017 it opened as a public service with all the guarantees, then depending on the Victim Care Service of the government of Navarra. In 2022 and after the entry of Jorge Ollero, the restorative justice public service was created, already integrated into the General Directorate of Justice and we also began to work so that we tried to overcome that conception of criminal mediation as the only tool of the restorative justice, opening ourselves to other types of restorative practices such as circles, conferences, or community restorative practices.

What's your impression of the new Law?

... it is also important that the law provides for the existence of programmes and services that also include other restorative practices, apart from mediation, even at the community level.

The very existence of a specific restorative justice law in Navarra is something pioneering at the national level; this means that we are at the forefront in this area at the state level. So, I think it is very important to have a regulatory framework that we can turn to and on which we can base our professional activity. It also guarantees the existence of restorative justice services as public services. On the other hand, it is also important that the law provides for the existence of programmes and services that also include other restorative practices, apart from mediation, even at the community level. That is, it is not limited exclusively to those cases that are within a judicial process. So the law provides the right for citizens to be able to participate in this type of process and this is very important because it means that it won't depend so much on the political situation.

What would you say are the most interesting aspects of the Law?

I think that one of the most interesting aspects of this new law is that it gives a boost to those restorative processes that go beyond criminal mediation itself. The fact that conferences, circles, etc. are included is very important because it provides us with innovative tools and puts us on the same level as other countries and regions that have years of advantage in these aspects. Also, the fact that the development

of community restorative processes is contemplated from a more preventive perspective makes it possible to give a voice to society. We see that this voice is being promoted from the administration itself and encourages civil society to have this space to express themselves and to contribute to a more cohesive society (instead of neighbourhoods taking the initiative). It also highlights the need to include in restorative justice services such important aspects as a gender perspective, attention to diversity and disability. This is super important because it also guarantees that the professionals who work in this field are trained in these aspects and are sensitive to different realities. As a caveat to the new law, we miss perhaps the inclusion of provisions related to different restorative services with an intercultural approach.

However, we believe that it is very important that quality and training standards are included and that this training can come from a common framework and be the same for all the professionals who operate in this field. The evaluation and monitoring of services can be very useful for us, because it will allow us to learn and improve our practice.

Another aspect that we believe is very interesting is everything related to the promulgation of the service and its activity. This is relevant because the law mentions the right of citizens to access these restorative processes from the existence of the conflict, which means that there has to be a complaint. It helps us to be able to work preventively, from the citizen service offices or even from the referral of cases through the police. Even working proactively on our part.

How do you think it will affect your professional practices?

... as there will be common criteria and standards in the field of restorative justice, this will mean that all of us who work in this field can move in the same direction and together.

On a practical level, I think the main improvement will be the professional security that the new law will give us, by having a regulatory framework to which we can turn when needed. Also, as there will be common criteria and standards in the field of restorative justice, this will mean that all of us who work in this field can move in the same direction and together. Being able to count on evaluation mechanisms is also going to be something very positive and it will serve as a guide to be able to improve our professional practice both at the individual level and at the service level.

On the other hand, there are also some aspects that generate a certain concern in terms of transferring it to our day to day practice. For example, the veto that the Law establishes for cases of gender-based violence raises some doubts at a methodological and practical level about how to transfer this to the reality in which we work. We will see how it develops and what implications it has in the future ...

Regarding the upcoming EFRJ Seminar in Pamplona, why Navarra? What can the EFRJ community expect from this event in terms of restorative justice?

We understand that in Navarra there is extensive development in the field of restorative justice — we are pioneers in this sense — and I think that this has been valued in the organisation of the seminar and is very interesting for us. Also, obviously, the development of the new law has put us back in the spotlight, since now it is the law itself that protects us and aligns us with the objectives of organisations such as the EFRJ. At an informative level, I think it is a great opportunity for us, in order to disseminate and make known the work that is done from Navarra. And also so that at the national level it can serve so that other regions of Spain, in addition to the Basque Country and Catalonia, can join the goals of what the new law proposes. For all the work and good results that we have been obtaining, as well as the confidence that there is in the service and its professionals, I think that we are a very good location for this seminar!

Why is it useful/interesting for you to host a EFRJ event in Navarra?

A meeting of professionals is always enriching, being able to share the experience we have from here and being able to generate synergies with the experience of other people from other countries is always something very interesting. Everything related to sharing knowledge and being able to receive the experience of other people is always very positive and rewarding.

Finally, what invitation/message would you share with our network to invite them to come to Pamplona?

I am sure that the organisation of this seminar has been prepared with great care and enthusiasm and I would encourage people to come because it will surely be very enriching in terms of learning. In addition, they will find a wonderful city, very easy to visit and know, with incredible gastronomy and a vibrant atmosphere due to the proximity of the San Fermín festivities.

Maite Virto

Coordinator

Criminal Execution and restorative justice service
was interviewed by

Renata Soares Ramos Falcão

Communication Intern

European Forum for Restorative Justice
and

Pablo Romero Seseña

Policy Intern

European Forum for Restorative Justice

Calendar

12th Seminar of the EFRJ 22–23 June 2023
Pamplona, Spain Further details from the [EFRJ](#).

EFRJ Restorative Trainers Retreat 24–28 June 2023 Roncesvalles, Spain (In person, in English.) Further details from the [EFRJ](#).

EFRJ Summer School on prisons and restorative justice 24–28 July 2023 Varna, Bulgaria (In person, in English.) Further details from the [EFRJ](#).

CJPE Summer Course: Mental health issues in criminal justice 4–7 July 2023 CEJFE, Bar-

celona Further details from the [EFRJ](#).

EFRJ Member Events

EFRJ members organise many more events at the local level. If you wish to keep posted, subscribe to our bi-monthly [Newsflash](#), which includes news on upcoming events, new publications, policy initiatives, call for projects and much more. The archive of past newsflashes is available on the [EFRJ website](#).

Events

Please let us know about upcoming restorative justice related conferences and events. We are happy to share this information via the [Newsflash](#).

Call for submissions

Articles

Each edition we will feature a review of the field of restorative justice, reflections on policy developments and research findings/project outcomes. Please consider sharing your perspective with colleagues.

Book reviews

We very much welcome reviews of books and articles from our membership. If you have published a book and would like to submit it for review, please send it to the [Secretariat](#).

Not an EFRJ member yet?

Join forces with other restorative justice professionals throughout Europe and beyond and sign up via [our website](#). (If you are a member but have not yet renewed for 2021, you can use the same link.) The process only takes five minutes. You can also email the [Secretariat](#) or use the address below.

As a member you will receive:

- three electronic newsletters a year



Funded by the
European Union

- regular electronic news with interesting information
- reduced conference fees and special book prices
- the opportunity to publicise your book and/or advertise your event in the regular EFRJ Newsflash — contact [Bálint Juhász](#)
- opportunities to learn from, meet and work with restorative justice colleagues
- reduced subscription fee to *The International Journal of Restorative Justice*
- and much, much more ...

Editorial Committee:

Publisher: EFRJ [Coordinator: [Bálint Juhász](#) (Belgium), E-mail: balint.juhasz@euforumrj.org]

Guest Editors: Emily Molinari, Renata Soares Ramos Falcão E-mail: newsletter@euforumrj.org

PDF version layout: Robert Shaw

Members: Acconcia Anna, Claudia Christen-Schneider, Renata Soares Ramos Falcão, Heidi Jokinen, Kim Magiera, Emily Molinari, Laura Schmidt, Sofia Vasileiadou, Robert Shaw

The views presented in this Newsletter are the views of the authors and do not necessarily represent the views of the EFRJ.

EUROPEAN FORUM FOR RESTORATIVE JUSTICE VZW

Hooverplein 10, 3000 Leuven, Belgium

www.euforumrj.org

info@euforumrj.org

Tel. +32 (0)16.373.598

Mob. +32 (0)466.20.91.12