



**CONVERGENCE BETWEEN REINTEGRATION AND
RESTORATION PROCESSES IN THE PRISON
SYSTEM: ENSURING IT NEVER HAPPENS AGAIN**



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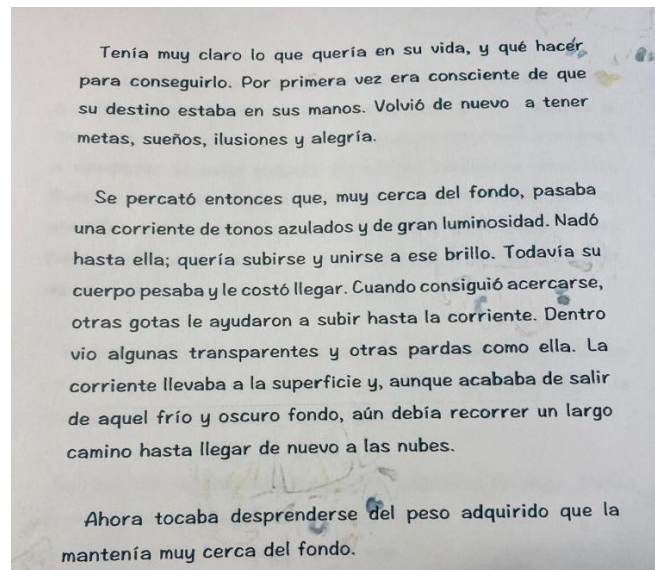
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INTRODUCTION



Source: Excerpt from the story *Como dos gotas de agua* (Like Two Drops of Water), written by inmates and volunteers from the Prison Ministry and Cáritas Diocesana de Burgos in 2022. It was presented by an inmate who participated in its creation during the summer course organized by IVAC/KREI in July 2024 at the Donostia/San Sebastián prison. The aim of the story is to capture, from the inmates' own experience of participating in restorative processes, the creation of a story that conveys their values in the form of a tale.

It is an exercise in listening. In other words, it is about creating a common ground. It is about putting oneself in the other person's shoes and, once there, taking responsibility for one's own responses
(definition of restorative justice by a prison inmate who has participated in it)¹

This work is the result of action research carried out by the IVAC/KREI Laboratory of Theory and Practice of Restorative Justice (LTPJR)² on the application of restorative justice in the Basque prison system. To this end, studies in the internal and comparative fields (i.e., Hagemann, 2012; Szegő & Fellegi, 2013; Brennan & Johnstone, 2019; Ríos, 2021) that have been cited in previous publications, with the necessary updates (i.e., Han et al., 2021; Gómez Liñares, 2024; Tudor, 2024). This is a research project funded by the Basque Government's Department of Justice that began in 2023 with the aim of developing a data collection template to evaluate, in all its complexity, restorative justice programs in different settings, including prisons (LTPJR, 2024).

¹ It is an exercise in listening. By listening to others, we realize that we are all one. We empathize with each other's pain and take responsibility by acknowledging our own role in that pain.

² See the activities of this Laboratory, including online tools, publications, podcasts, videos, and documents, on its website at <https://www.ehu.es/es/web/ivac>.

As will be explained in one of the chapters, this led to the development of a tool called *Estimatu*, designed in Basque, Spanish, and English. Throughout 2024, following the proposal made in 2023 (LTPJR, 2024, p. 97), efforts were made to disseminate it; assist in its application and adaptation, with technical support made available; and improve it, where appropriate, by simplifying the tool so that its application could be tested. To this end, several meetings were held in line with the Basque Forum on Restorative Justice⁽³⁾ promoted by the Basque Government as part of the Basque Strategy⁽⁴⁾. Likewise, a questionnaire was distributed via *Google Forms*, developed in the summer of 2024, in order to gather *feedback* on the tool beyond the *ad hoc* face-to-face meetings.

Based on this fieldwork, and incorporating the most relevant recent bibliography, this text presents a series of reflections to facilitate and contextualize the use of this tool. Firstly, noting that it is necessary to clarify a series of terms, principles, and ideas that are often confused in some theoretical works and restorative justice programs, Alberto Olalde makes various considerations about the differences between mediation and restorative justice in the prison environment. Secondly, Idoia Igartua explains the improvements made and the steps taken to disseminate and apply the *Estimatu* tool⁽⁵⁾ both within and outside the Basque Country. Thirdly, exploratory research is presented with the voices of facilitators on the horizon of restorative programs in prisons, both inside and outside the Basque Country, which can be linked to the fieldwork carried out in 2023 (LTPJR, 2024). Fourthly, it describes a new, online, open-access tool designed to support restorative justice programs, both inside and outside prisons, called *Perdonare*⁽⁶⁾ produced in Basque and Spanish. These last two chapters, like this introduction, were written by Gema Varona. The appendix includes a

³ See the three documents produced (on the map of restorative justice in the Basque Country, norms and values, and facilitators, respectively), which are the result of the monthly meetings of this Forum, launched in September 2023 and continuing until September 2024, at the time of completion of this work. at <https://www.ehu.eus/es/web/ivac/laboratorio-de-teoria-y-practica-de-la-justicia-restaurativa/publicaciones>.

⁴ See at https://www.justizia.eus/contenidos/documentacion/20221110_inter_doc_sjr/es_def/adjuntos/220726_EstrategiaVascaJusticiaRestaurativa_2022-2025.pdf.

⁵ See, including a video and an explanatory podcast in the corresponding section of IVAC/KREI, all documents and related downloads on the open-access monographic page created at <https://www.ehu.eus/es/web/ivac/estimatu>.

⁶ See <https://www.ehu.eus/es/web/ivac/per-donare>.

Systematic review of the evaluation of restorative justice, presented in the Spanish university network on criminology, Empiric+.

Resolution 77/232 of the United Nations General Assembly in 2022 and Resolution 2024/10 of its Economic and Social Council in 2024, both entitled

"Reducing recidivism through rehabilitation and reintegration." Point 8 of the report of the expert group that met in Vienna in 2022, following up on Resolution 77/232, expressly states that:

The effectiveness of restorative justice programs in reducing recidivism was highlighted, both as a referral measure and as an alternative or complement to existing criminal justice interventions at all stages of the criminal justice process. It was stated that, since cases are often referred to restorative justice programs by judges and magistrates, awareness and knowledge of the availability of such programs, including how to access them, was essential. It was also noted that restorative justice programs, which were implemented in contexts other than criminal justice (e.g., schools), played an important role in gaining community support for the development of restorative justice.

Organizations collaborating in this expert group include the World Society of Victimology, the European Forum for Restorative Justice, and the prestigious Raoul Wallenberg Institute of Human Rights. The latter:

Highlights the potential role of victims in reducing recidivism and the possibility of restorative justice initiatives at all stages of the criminal justice process, including through specialized training for facilitators and an inter-agency agreement for their participation at all stages. The Basic Principles on the Use of Restorative Justice Programs in Criminal Matters and materials such as the UNODC Handbook on Restorative Justice Programs provide valuable guidance in this regard, although it must be recognized that in many jurisdictions it may be difficult to establish the relevant facilitation capacity and resources must therefore be allocated.

The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, a member of the expert group, also referred to the role of restorative justice with minors and adults in several countries, with tools that enable better implementation and evaluation.

In line with the findings of the most recent empirical research on restorative justice in other countries (Hobson et al., 2024; van Mastrigt et al., 2024; Shem-Tov et al., 2024; Gaffney et al. 2024; Suzuki, 2023; Nascimento, Andrade, and de Casto Rodrigues,

2023; Islam, Li & Anderson, 2023)⁷, this body of work reaffirms the criminological evidence that reintegration is linked to learning, support, and social ties (Cid Moliné, 2024; Crispi, 2024), taking into account the specific needs of each person in their context. This is also a constant concern in restorative justice processes, as reflected in the assessment of the dimensions at play in the *Estimatu* tool. Furthermore, there are indications that restorative justice, in terms of participation and social transfer, can be associated with society's perceptions of procedural justice (answering the question of when we feel we are treated fairly), as well as trust in institutions and legal operators (Rödel, 2024). In this sense, and in order to avoid institutionalizing restorative justice in a way that causes it to lose its transformative and questioning power, it is necessary to make explicit the relationship between restorative justice and social justice, with evaluations that allow for longitudinal consideration, in the short, medium, and long term, of the changes that occur in individuals, communities, processes, institutions, and systems, so that the impact on some groups more than others can be assessed (Procter-Legg, Hobson, & Quimby, 2024; Nicolás, 2024).

Finally, always in line with international standards⁸, this study aims to contribute to the creation of restorative and therapeutic ecosystems where restorative justice can work with different programs and approaches, both inside and outside prison, but always attentive to unexpected dysfunctions or harmful impacts. The ultimate goal, reflected in the title of this collective work and originating from a victim of terrorism who participates in restorative processes, is to promote "*never again*" or, if you prefer a more modest approach, "*almost never again*," within a horizon of multiple and interrelated changes (Suzuki, 2024).

In any case, this implies being aware of what it means to work with restorative justice in a system as complex as the criminal justice and prison system, and of the

⁷ See also the work, to be published in 2024, of the Encyclopedia of Restorative Justice, promoted by the Restorative Justice Forum, with data from many countries on all continents, including detailed information on the prison system, with approaches that are more or less victim-centered, and at different stages of life in prison or post-prison.

⁸ With special consideration of the four tools, in Excel format, created by the European Forum for Restorative Justice (<https://www.euforumrj.org/>) for the evaluation of the activity of facilitators, participants, public policy managers, and organizations that develop restorative programs or processes.

impossibility of doing so without sustained external research and evaluation, in line with what Crawford and Pineda (2024, p. 407) remind us:

This suggests, first, the inevitability of unintended consequences that require not only experimentation and learning in a context of uncertainty, but also (political) leadership to embrace learning through experimentation; secondly, greater clarity in the definition of restorative justice policies and practices that face anticipated contradictory outcomes and caution in taking for granted a multiplicity of social benefits; and, thirdly, the need to regulate the self-organizing and self-sustaining capacities of criminal justice systems that tend to perpetuate their own dominant logics.

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PRISON SOCIAL WORK AND RESTORATIVE JUSTICE IN SPANISH PRISONS: MULTIPLIER CONNECTIONS

Alberto José Olalde Altarejos⁹

1. Introduction

This chapter explores the connections between prison social work and restorative justice as complementary tools for promoting re-education and social reintegration in the Spanish prison system. Through theoretical and practical analysis, it addresses the challenges inherent in the prison system as a total institution, the principles of restorative justice, and the collaborative dynamics between the two disciplines. In addition, a specific intervention experience at the Seville II Prison is presented, illustrating how social work can act as a bridge between prisoners, their families, and restorative programs, promoting accountability and reparation for harm. The chapter highlights the need to overcome tensions between punitive and restorative logics, emphasizing the transformative potential of these approaches when properly integrated into the prison system. Finally, it emphasizes the role of social work in humanizing prison intervention, facilitating processes that promote personal change, social cohesion, and transformative justice.

Social work as a profession in prison social action aims to solve the problems that arise for inmates and their families as a result of imprisonment and contributes to their comprehensive development¹⁰. Beyond the mere management of resources, social work professionals promote the empowerment of individuals, generating motivation and an attitude of change through various social intervention programs with the goal of re-education and social reintegration. The manual of social work procedures in prison institutions sets out the functions of social work as participating in the design, implementation, and evaluation

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¹⁰ In accordance with Article 227 of the Prison Regulations.

of the individualized treatment program, as well as in other treatment programs applying methods and techniques specific to their specialty.

Restorative justice in prison provides a framework for integrating the reality of victims and communities affected by criminal acts. Restorative intervention programs, which are still growing and constantly evolving in our socio-legal environment, allow prisoners to face processes of accountability for the harm done to victims. We believe that the connection between prison social work and the various restorative justice programs can generate multiplier processes that feed back into each other, while respecting the essence and difference of each psychosocial intervention.

2. Restorative justice and prison: a difficult and complex pairing

Linking restorative justice and prison is no easy task, especially given the epistemological and ethical distances that exist between the two. It is therefore appropriate to reflect briefly on this issue.

2.1. Prison: a total institution

Prison is an institutionalized system of social exclusion that prioritizes punishment over the goals of resocialization. As a total institution, it subjects its inmates to a regime of strict regulation and supervision, keeping them isolated from society. This context favors the generation of dehumanizing dynamics, mainly through processes of stigmatization. This "total dimension" generates, as is well known, an atmosphere of hostility and aggression and can sometimes contribute to dynamics of abuse and neglect on the part of prison staff.

For society in general, the words prison, jail, penitentiary, incarceration, etc., have a clearly negative connotation. Prison is always identified as a dark, gloomy, hostile, dangerous place...generating fear, anxiety, sadness, and mental illness. For society in general, prison does not fulfill its purpose, the mandate entrusted to it: for some, it fails in detention and custody, and for others, it fails in reintegration and social re-education (Iparraguirre, 2017:91).

Prisons can hold inmates in closed regimes (Art. 91.2 RP), generating consequences that are incompatible with the principles of human dignity and rehabilitation, among which we highlight (Ríos, 2024):

- Psychological and emotional deterioration: extreme isolation generates feelings of hopelessness, anxiety, anger, and depression. Monotony stimulates disorders such as hallucinations and delusions, as well as learned helplessness, where prisoners feel they have no control over their situation.
- Impact on physical health: restrictive conditions, such as long periods of confinement in small cells and lack of physical activity, negatively affect the physical health of inmates.
- Dehumanization and desocialization: The closed regime limits social interaction and fosters a sense of objectification, which hinders reintegration and perpetuates conflictive behaviors in a vicious cycle.

From a structural perspective, prison reinforces dynamics of inequality by primarily affecting people from disadvantaged socioeconomic backgrounds. It also encourages stigmatization, which reduces opportunities for employment and social acceptance after incarceration. In the long term, this system, far from fulfilling rehabilitative purposes, reinforces patterns of recidivism and exclusion, calling into question its effectiveness as a tool for justice and social transformation (Gallego, Ríos, and Segovia, 2010).

Prison infrastructures tend to be overcrowded, and the excessive number of staff dedicated to security, custody, and surveillance, to the detriment of the few technical staff dedicated to social sciences and humanities, contributes to a breeding ground that "reduces the effectiveness, efficiency, and quality of social intervention in prisons." As a result, the time spent serving a sentence is often wasted time (Curbelo and Yusta, 2021). Added to this is a social and legal tendency to increase penalties as a "magic" solution to criminal conflicts (Ollero, 2021). "If a longer prison sentence may not be the most effective means of responding to the interests and needs of all victims, we must continue to

asking ourselves why there is unanimous support for incarceration" (Bernuz, 2024:188).

Abolitionists remind us that prison is an institution that is ineffective in achieving its objectives (it does not usually meet its goals) and can lead to human rights violations. There are much more effective alternatives (such as more community-based and restorative measures), and it represents a kind of relic of social and punitive models of the past that do not fit with current social realities and human rights (Feest and Scheerer, 2018).

On the other hand, the situation of women in prison deserves special mention. There is evidence of serious invisibility and structural vulnerability. Despite representing only 7% of the prison population, women face added hardship in their sentences due to gender stereotypes, separation from their families, and a lack of adequate infrastructure, as only three of the country's 63 prisons are exclusively for women. This context reflects a system designed for men that perpetuates inequalities and makes it difficult to adapt to the specific needs of women prisoners, conditioning their access to rehabilitation and resocialization programs (Rodríguez and Pascual, 2022).

In terms of treatment and conditions, women suffer a triple penalty: social reproach, loss of family ties (particularly serious given that they are often the pillar of family units), and disadvantage in access to prison resources. Furthermore, the system largely ignores the gender perspective, exacerbating inequalities. This situation is aggravated by the lack of sex-disaggregated data in many studies, which further obscures the needs and rights of women in prison (ibid.).

2.2. The contribution of restorative justice to prisons

Restorative justice can be seen as a new social movement, an alternative approach to resolving conflicts and responding to crime, a tradition based on a set of values and principles, a series of programs complementary to the criminal justice system, or a cutting-edge social theory of justice. Today, we consider it to be a constantly evolving movement that is emerging throughout the world as an accepted approach in almost all phases of the criminal justice system

(Zinsstag, et al., 2011). And it comes with a long-standing demand: the restoration of the role of victims in the resolution of criminal conflicts, without forgetting the offender and their social context¹¹.

The restorative paradigm emphasizes the fact that the offender has responsibilities to fulfill towards the people they have harmed, not only by making reparations, including symbolic ones, but also by repairing the damaged social relationships between themselves and the victim(s), and where appropriate, the community.

Restorative justice programs in prisons are still in their infancy, and we have little evidence of their results. The SORI (Supporting Offenders through Restoration Inside) program implemented in England and Wales offers us some empirical evidence (Beech and Chauhan, 2013):

1. Greater empathy towards victims: participants showed a significant increase in concern for victims, reflecting a change in awareness and empathy towards the impact of their crimes.
2. Motivation for change: the program encouraged a transition in participants from the contemplation stage to action in the behavioral change model. This indicates an increase in their willingness to modify criminal behavior and take an active role in their rehabilitation.
3. Recognition of the impact of crime: through meetings with indirect victims and group activities, offenders were able to reflect on the harm caused, which encouraged introspection and a desire to take responsibility.
4. Public commitment: At the end of the program, offenders made public statements of responsibility and committed to specific tasks to repair the damage, strengthening their sense of "taking charge" in front of their communities.

¹¹According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of November 29, 1985. "Art. 1. 'Victims' means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, as a result of acts or omissions that violate the criminal law in force in Member States, including those that prohibit the abuse of power. Art. 2. (...) The term 'victim' also includes, where appropriate, the immediate family members or dependents of the direct victim and persons who have suffered harm by intervening to assist the victim in danger or to prevent victimization." See also Directive 2012/29/EU.

5. Potential reduction in recidivism: although not directly measured, it is suggested that the combination of empathy, reflection, and motivation for change contributes to greater desistance behavior in the future.

However, the program showed limitations in terms of changes in locus of control, probably due to its short duration and the lack of opportunities to practice these changes in a restrictive environment such as a prison. In addition, the need to include a control group to strengthen the validity of the findings is suggested (Beech and Chauhan, 2013).

Another English study conducted in four prisons found that disciplinary processes in prisons could greatly benefit from the integration of a restorative justice approach. This would allow conflicts to be resolved in a more participatory and solution-focused manner that restores relationships and minimizes tensions. In addition, restorative processes could increase inmates' perception of the legitimacy of the disciplinary system, which would help reduce internal conflicts and improve the prison climate. Participation in restorative procedures allows both inmates and prison staff to learn constructive ways of resolving conflicts, improving interpersonal relationships and strengthening social cohesion within the institution (Butler and Maruna, 2016).

However, the inclusion of restorative justice in the prison context faces serious theoretical and practical limitations. Conceptually, there is an inherent contradiction between the punitive model represented by prisons and the principles of restorative justice, which focus on repairing harm, reconciliation, and reintegration. Inclusion in this context faces multiple challenges stemming from the coercive nature of prisons. Nevertheless, its implementation has the potential to contribute to the humanization of these institutions, strengthen the principles of community justice, and facilitate more effective social reintegration for persons deprived of liberty. This approach promotes comprehensive preparation for their return to society as a planned and continuously worked-on process from the beginning of their period of incarceration (Edgar and Newell, 2006).

While prisons perpetuate a logic of punishment and exclusion, restorative justice seeks to build collaborative and community-based solutions, creating irreconcilable tensions between the two approaches. In practice, Ollero points out that prisons impose significant restrictions on the active participation of the parties involved.

involved in restorative processes. Imprisonment limits the possibility of establishing genuine dialogue between victims and offenders, affecting the quality of interventions. Furthermore, the hierarchical and coercive structure of prisons does not foster the environment necessary for the development of dynamics based on trust, mutual respect, and responsibility (Ollero, 2017).

Another important challenge is the limited impact of restorative justice programs in prison compared to extra-penitentiary interventions. Ollero emphasizes that these programs are often costly and difficult to implement, often with modest results in terms of transformation and reintegration. Therefore, it is proposed to prioritize preventive and extrajudicial strategies that reduce incarceration and promote restorative alternatives from the outset (*ibid.*).

In this sense, prisons are also no strangers to this lack of a restorative culture, as "they must change the prison culture from an atmosphere of mistrust and hostility to a place of learning for respect and democratic citizenship" (Van Garsse, 2014:31).

The most important opportunities for restorative justice in prisons can focus on repairing the harm done to victims and social reintegration. The restorative paradigm promotes accountability among offenders and mutual understanding between them and other affected individuals belonging to their respective social and community networks. These programs help develop emotional and social skills, promoting improvement in rehabilitation and social reintegration processes, as they contribute to desistance from crime. Restorative tools contribute to preparation for social reintegration by reinforcing key social skills such as effective communication, empathy, and peaceful problem solving. and beyond the restorative processes between the individuals involved, a structural impetus is generated by challenging the retributive foundations of prisons, proposing a model focused on people's needs and on rebuilding community ties broken by crime (Barabás, Fellegi, and Windt, 2010).

Finally, in this section on the contribution of restorative justice to prisons, we would like to highlight the ethical challenge of ensuring the voluntary nature and free participation of prisoners and the sustainability of the program itself in the face of

punitive culture of the prison itself. Furthermore, victim participation is a major challenge in terms of enabling victims to understand its benefits and opportunities (Varona et al., 2024). Without an ethical perspective, we may be faced with possible dynamics of co-optation of the principles of restorative justice, which could be absorbed by the disciplinary logic of prisons, transforming them into tools for controlling inmates rather than promoting genuine restoration (Ollero, 2017).

3. Prison social work

Prison social work is an essential professional discipline in contexts of deprivation of liberty, focusing on the re-education and social reintegration of prisoners and support for their families. This field is based on the Spanish Constitution and the General Prison Law of 1979, which establish the orientation of sentences towards reintegration, moving away from purely punitive approaches.

3.1. Concept and purpose

Prison social work is defined as a discipline that, based on social justice and human rights, acts to improve the living conditions and promote the social reintegration of persons deprived of liberty. It focuses on addressing the psychosocial needs of inmates, promoting their re-education and facilitating their reintegration into the community. It also serves as a link between prison institutions, families, and external resources, promoting social cohesion. Today, we consider its work essential to humanizing the prison system, given that, among other functions, it connects prisoners with the social space to which they must return. In addition, it collaborates in multidisciplinary teams with treatment staff from the fields of psychology, social education, and law, both in prisons, social integration centers, and sentence management and alternative measures services.

Its basic functions are as follows (Tamayo, Filardo, and Sánchez, 2024):

- *Social assistance upon admission and during imprisonment, in open prisons, on parole, and under alternative measures.*
- *Participation in collegial decision-making.*
- *Support for families.*

- *Acting as a liaison with the outside world for people who are granted leave, access to open prison, or parole.*
- *Participation in social reintegration programs (participation and collaboration with multidisciplinary technical teams).*

The diversity of functions and roles of social work professionals, studied in 18 Latin American countries, shows us that they "work in multidisciplinary teams" and "carry out interventions with the families of prisoners; acts as a bridge (or *gatekeeper*) in terms of benefits for prisoners and/or their families; gives talks and runs workshops to promote specific content; follows up on cases; and, to a lesser extent, assists in the process of receiving new inmates" (Valdivia, Sanhueza, and Alarcón, 2024:24).

Within prisons, it carries out social work with prisoners and/or convicts in correctional facilities and provides support to their families. Outside prisons, it carries out social work with people serving sentences in social integration centers or alternative sentencing and management services, as well as providing support to their families.

Social work arrived in Spanish prisons in 1983 with the creation and incorporation of the first class of 79 social workers (Tamayo, 2024), abandoning the welfare concept (prison social assistance) to move towards the concept of intervention, accompaniment, helping relationships, expert work, diagnoses, assessments, and evaluations of the prison itinerary of inmates (Iparraguirre, 2017). For more than 40 years, the profession has worked to consolidate its place within the prison system, with a clear commitment to promoting change, development, social cohesion, and the strengthening and reintegration of prisoners. This work is carried out in close multidisciplinary collaboration with educators and psychologists, who are integrated into the technical teams, enriching and strengthening the intervention in this context.

One of the most important pioneers of prison social work in Spain, Concepción Arenal, understood it as a deeply humanistic endeavor, focused on dignity, reintegration, and respectful treatment of persons deprived of liberty.

She believed that prisons reflect social inequalities and that the main objective should be rehabilitation, not revenge. Arenal promoted the professionalization of those who worked with prisoners, advocated for decent facilities, and defended the opening of prisons to society. She believed in people's capacity for change, emphasizing education, psychological support, and opportunities as essential means of preventing recidivism and promoting harmonious social coexistence (Gallizo, 2012). Arenal advocated for humane treatment that went beyond mere punishment, promoting social reintegration through education and work. Her innovative approach influenced the incorporation of ethical and humanistic principles in the prison system, highlighting the responsibility of the state and society in transforming living conditions in prisons. Her legacy remains relevant today as a basis for understanding social work as a tool for justice, equity, and social change (Capilla, 2001).

In order to comply with the constitutional mandate, Article 59.1 of the General Penitentiary Law defines treatment as "the set of activities directly aimed at the re-education and social reintegration of prisoners." Prison social work is linked to treatment through an important objective set out in Article 227 of the Prison Regulations, which emphasizes that "social action shall be directed towards solving the problems arising for inmates and their families as a result of imprisonment and shall contribute to their comprehensive development."

*The ultimate goal of our intervention is the **re-education and social reintegration** of inmates. In this way, all our interventions will be aimed at helping the person to develop their positive skills and abilities that enable reintegration into society, encouraging inmates' contacts and participation in society through social ties, support networks, and community resources as fundamental tools for reintegration (de Dios and Filardo, 2019:162).*

The following priority objectives are highlighted (Carrión, 2024:63):

1. To achieve the reintegration of the individual so that they become aware of and identify the circumstances that led to their criminal behavior and the consequences of imprisonment.

2. Promote the resocialization and reintegration of persons deprived of liberty, helping them to understand the causes and consequences of their criminal behavior and providing the necessary support to develop the skills and competencies that will enable them to rebuild their lives in a positive way once they regain their freedom. This involves helping persons deprived of liberty to become aware of and understand the circumstances that led them to commit the crime, as well as the consequences of their deprivation of liberty.
3. The social integration of persons deprived of liberty focuses its efforts on intervening in those situations and problems of the prison population generated by their imprisonment and which fall outside the objectives and scope of general social services. The objective of social work intervention is to promote, strengthen, or maintain the inmate's ties with society.

3.2. The situation of the prison social work profession in Spain

In 2023, the first study was published that gave us an overview of the profession in Spanish prisons. The questionnaire was given to 88 professionals out of a total of 544 social workers active in prisons. We want to highlight some evidence of their situation (Mustieles, 2023):

1. Characterization of staff: the profile of prison social workers in Spain reveals a predominantly female group (78.41%) with considerable experience: 76.14% have been in the system for more than 10 years, and 21.59% have more than 30 years of service. Signs of fatigue are detected in the group.
2. Functions performed and their relationship to the profession: the tasks assigned often deviate from the competencies of the profession. Only 9.09% of respondents perform research tasks, while 84.09% do not perform evaluation functions. Planning and prevention are also rare, performed by only 38.64% and 26.14%, respectively. Bureaucratic functions, perceived as unrelated to the profession, account for 57.96% of activities. 96.51% of professionals perceive an increase in administrative tasks, deviating from essential functions such as reintegration and social support.

3. Professional recognition and relevance: there is low social and professional recognition of prison social work compared to other disciplines within the prison system and to social workers in other sectors. More than 90% of respondents consider their influence in key areas, such as decision-making or the design of guidelines and treatment programs, to be insufficient. The lack of information about the specific functions of social work contributes to this perception.

Despite these limitations, prison social work is establishing itself as a crucial bridge between inmates, their families, and the community. This approach allows for a comprehensive approach to the needs of persons deprived of liberty, promoting their re-education and reintegration. However, it is urgent to implement measures that reduce the bureaucratic burden, improve training in key areas such as mental health and immigration, and promote coordination with other resources, without prejudice to adjusting the ratio of inmates per social worker (Tamayo, 2024).

These changes are essential to ensure that professionals can meet the constitutional objectives of rehabilitation and social justice (ibid.), understood as the search for a balance between individual and collective rights within a society, which implies a fair distribution of resources, opportunities, and responsibilities, considering not only economic and legal structures, but also the psychological and cultural dynamics that shape perceptions of justice (Sabbagh and Schmitt, 2016).

In Spain, prison social work has its own important methodological tools for carrying out its tasks, which have evolved over the last 40 years and have transformed the profession in recent years. Without attempting to be exhaustive, we would like to highlight the Manual of Social Work Procedures in Prison Institutions (General Secretariat of Prison Institutions, 2018) and the guide to social work intervention in prison treatment programs – the Alianzas program: socio-family and community intervention (Tamayo et al., 2022), which, in our opinion, have led to a significant repositioning of its intervention in relation to other disciplines. As a computer tool, the *Helena* social work application stands out, generating greater systematization and processing of social information and the possibility of generating future research from a social work perspective.

It is important to note that within the context of prison treatment, social work offers awareness and sensitization workshops (Sánchez, 2024; Tamayo, Filardo, and Sánchez, 2024):

- Taseval Workshops – Road Safety Awareness.
- Convivir Workshop – 10 basic tools for living in community.
- Regener@R Workshop – 10 keys to achieving equal relationships.
- Restorative dialogues workshop.
- Family Intervention Workshop – Bonds and Pillars.

There are also specific treatment programs (ibid.):

- Addiction intervention: alcoholism. Substance abuse. Pathological gambling. Smoking.
- Intervention with special groups: people with mental illness (*PAIEM*). People with disabilities. People with intellectual disabilities in alternative measures (*INTEGRA*). Mothers. Young people. Women. Foreigners.
- *EPYCO* program for job placement.
- Program for people with mental illness in an open environment (*PUENTE*).
- Drug addiction awareness program (*COUNT ON ME*).
- Program for people with mental illness in alternative measures (*EXTENDIDO*).
- Program for the prevention and treatment of gender violence against women (*Sermujer.eS*).
- Program for job placement in alternative measures (*FEMA*).
- Intervention program against online sexual crimes against minors (*FUERA DE LA RED*).
- Intervention based on the etiology of the crime: sexual crimes (*PCAS*); child pornography; gender violence (*PRIA and PRIAMA*); intervention in violent behavior (*PICOVI*); *ENCUENTRO* program – family violence in alternative measures –; economic crimes (*PIDECO*¹²); hate crimes and discrimination (*DIVERSIDAD*). Intervention in other types of crime:

¹² It is worth highlighting the possibility of applying restorative justice to these crimes in accordance with this program (Ávila et al., 2021).

Social skills; intervention, awareness-raising, and re-education in social skills (*PROBECO*); psychoeducational intervention program in road safety (*PROSEVAL*). Other restorative interventions.

- Modular interventions (modules on respect; intervention for appropriate participatory coexistence).
- Interventions related to the prison environment (suicide prevention; preparation of permits; dialogue-based conflict resolution).

However, its evolution is still far from what the professional community desires, which mainly has to do with reforming prison social work (trapped by bureaucracy, protocols, regulations, and far removed from direct, human action), with a high incidence of burnout, with a welfare mentality due to a lack of human resources, an excessive workload of an average of 100 cases per professional, a wage gap compared to colleagues in technical teams, a concrete ceiling that prevents progression, inequality with the rest of the technical staff, and no access to positions of responsibility in most of Spain, according to the Association of Prison Social Work (Tamayo, 2024).

The most important development and demand of the group has to do with equalization in the employment relationship with the Prison Administration, moving from employment contracts to civil service status, except in those communities such as the Basque Country and Catalonia where powers have been transferred. As a result of the scenario described above, "in the drafting of all these regulations, data collection has taken precedence over social intervention, which has led to a lack of scientific development of the profession within the institution, distancing us from the evolution that it has undergone in other areas of activity (social services, mental health, drug addiction, childhood and family, etc.) (Verdú, 2024).

4. The arrival of restorative justice in Spain and its connection with prison life

Restorative justice programs in Spain are still young and have only recently been created. The first documented experience is linked to the restorative meetings held in the Nanclares de La Oca prison (Vitoria-Gasteiz) for terrorism offenses in 2011 (Pascual, 2013). This seminal experience probably contributed to the

Launch of several programs led by the associative movement in favor of restorative justice and supported by the General Secretariat of Penitentiary Institutions: (General Secretariat of Penitentiary Institutions, 2020a, 2020b). The restorative dialogue workshops were launched by entities of the Spanish Federation of Restorative Justice: the Andalusian Mediation Association (AMEDI), the Navarre Mediation Association (ANAME), the Association for the Professional Management of Solutions (SOLUCION@), the Association for Mediation for Pacification and Conflict Management (AMPC), the Spanish Prison Fellowship (CONCAES), and the University Center for Conflict Transformation Association (GEUZ). Restorative prison meetings were launched by the Association for Mediation, Encounter, and Listening (AMEE). In Nanclores de la Oca prison, the Berriztu Association has been running a restorative justice program since 2013 (BERRIZTU, 2021). At Burgos prison, the restorative justice program "Reconexión" (Reconnection) was launched under the direction of the Scientific Society for Restorative Justice (Domingo de la Fuente, 2021). In the field of educational therapeutic units, there is a proposal for a program to introduce the restorative approach in prisons in four areas of action: processes of accountability for problematic consumption, processes of reparation to victims, processes of family mediation and community reparation, and processes of internal conflict resolution in the educational therapeutic unit (Bascones and Ollero, 2021).

The General Secretariat of Penitentiary Institutions highlights Service Order 2/2022 on "Procedures for Restorative Justice in the Penitentiary System," which reinforces the "Restorative Dialogue Workshops" and "Restorative Encounters."

As can be seen, there has been uneven development in a short period of time, linked to the associative fabric and the third sector of social action in a growing dynamic and still with little empirical evidence of its results.

5. The contribution of social work to restorative justice

It is widely recognized in the specialized literature that restorative justice is an approach that draws on multiple disciplines such as law, criminology,

victimology, psychology, education, pedagogy, legal sociology, peace studies, and social work itself (Olalde, 2017).

The practice of restorative justice is richer if it is multi-professional, understood as a concept and working practice that builds bridges between complementary disciplines and professions that are not subordinate to one another. Being complementary, it results in the effective use of particular knowledge, facilitates greater understanding and awareness of the real needs of the individual, enriches appreciation, enables a redefinition of objectives, and contributes to a strong mutual understanding when co-facilitation is practiced.

Restorative justice and social work seek to promote positive change in individuals and societies. Social work focuses its greatest efforts and contributions on improving the living conditions of individuals, groups, and communities. At the same time, the demand for a more egalitarian and just society has been and remains a hallmark of our professional identity.

The social view of crime has been aptly noted by criminal law expert Claus Roxin, who points to reparation and perpetrator-victim compensation agreements as a means of social conflict resolution.

The inclusion of material and immaterial compensation for victims in the criminal justice system means that criminal law is moving away from abstract ideas and turning towards social reality (Roxin, 1999:13).

We can observe the following reasons as a driving force for understanding the link between social work and restorative justice (Bradt, 2009; Galaway, 1988):

1. A long-standing tradition in social work is that people have the right to be active participants in matters that affect them and in the search for solutions to their problems. Restorative justice programs provide opportunities for direct participation by victims, offenders, and affected communities.
2. Traditional social work has emphasized the importance of working with the strengths of the people served, with the optimism that their problems can be solved and change can occur. In restorative justice, the view of offenders includes recognizing their strength to engage in

meetings and negotiations, where mutual reparations and solutions can be sought and implemented.

3. Social work has sought to counteract the construction of mutual stereotypes between offenders and victims. Those who have committed crimes often develop neutralization techniques to deny responsibility for their actions. Restorative processes are an effective mechanism for challenging the offender's rationalization by providing concrete information about the harm caused. Victims have the opportunity to compare the views of those who harmed them with reality and the truth. Social workers have historically supported efforts to improve communication between people and promote mutual understanding and respect. Restorative processes are also active communication processes that promote individualization and reduce mutual stereotypes.
4. In social work's quest to meet human and social needs, restorative processes allow victims to talk about their experiences and reactions to the crimes they have suffered, as well as to ask direct questions of those who have caused them harm. The psychological and social benefits of recounting what happened, in this case to the person who caused the harm, are widely recognized in comparative international perspectives (Umbreit et al., 2005).

In the field of prison social work, connections with restorative justice can be made through the Alianzas program itself. We will highlight an experience that connects with restorative justice through social intervention. At the Tenerife Prison, for example, social worker Oneida Duberguel tells us about the experience of fellow social workers characterized by implementing actions aimed at the families of workshop participants and carrying out some of the training activities outside the prison. The program is aimed at people convicted of public health crimes (drug trafficking), especially those who are repeat offenders of the same type of crime and who have served a quarter of their sentence. The program has two objectives (Duberguel, 2024):

- *To encourage people imprisoned for public health crimes (drug trafficking) to analyze and reflect on the crime they have committed, as well as*

encourage each participant to develop new attitudes, values, and social and occupational alternatives that will have a positive influence on their social reintegration.

- *To include the socio-family and community perspective in the intervention carried out with each participant, because we understand that family, support persons, and the community are networks that can promote and strengthen re-education and social reintegration.*

Well, within the course and phases of the intervention, divided into five work blocks, we have the fifth one, which seeks to involve convicted persons in actions aimed at restoring the damage done, revitalizing the community, or social volunteering.

This specific experience demonstrates the possibility of incorporating the restorative ethos into the intervention programs carried out by prison social work.

6. The multiplier effect of social work with restorative justice: an experience recounted from the Seville II Prison (Morón de la Frontera)

Having explored the prison context and addressed the essential concepts of social work and restorative justice in prison, we now turn to a specific experience of a prison social worker who has collaborated with a restorative justice program in a Spanish prison.

6.1. The context of the intervention

The restorative intervention at the Seville II Penitentiary Center was initiated by the Andalusian Mediation Association (AMEDI), which launched the program in collaboration with the General Secretariat of Penitentiary Institutions. It was a pilot experience called "Restorative Processes in Penitentiary Enforcement" (Castilla and Capecci, 2021).

The intervention in which the social worker is collaborating focuses on this program, which offers convicted persons an opportunity to understand the impact of their crime, connect with the experience of the person who has suffered as a victim of the consequences of the crime, and feel the need to seek ways of making amends with the victim and within the social context in which the crime was committed (General Secretariat of Penitentiary Institutions, 2020a).

The restorative justice workshop in Morón is run by the Prison Service, while in Seville it is supported by the General Council of the Judiciary, the Seville Public Prosecutor's Office, with the full involvement of Chief Prosecutor Luis Fernández Arévalo, the Victim Support Service (SAVA) and Amedi. An identical workshop has been held at the Seville I prison with 18 other inmates and at the women's prison in Alcalá de Guadaira with nine inmates. The 45 inmates in Seville—another program is underway in Valladolid—are in the second degree and are serving sentences for various crimes. Those convicted of gender violence, sexual crimes, and the mentally ill have been excluded. They have had to give up prison benefits (Morcillo, 2020).

6.2. The first-hand experience of Manuela, a social worker at the Seville II Prison

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Below, we offer Manuela's account of her experience, as shared with this researcher. We have decided to maintain the literalness of the narrative as elaborated by the social worker, maintaining a criterion of rigor and honesty with what she wanted to express and allowing the interviewee herself to personally verify it before this chapter is published.

The researcher conducts an interview in the form of an open conversation, following Manuela's narrative thread as she shares her professional experience, her view of the connection with the restorative justice program, and her experiences of accompanying and listening to the inmates participating in the restorative justice program.

I was teaching a module on respect and was asked to collaborate in the restorative justice program with outside lawyers belonging to the Amedi Association.

I have never been present during the workshops held in prison. I accompanied the inmates and sought them out, because we had to select who could participate, who would participate voluntarily, who wanted to participate, and we

¹³We would like to thank Myriam Tapia, Restorative Justice Coordinator for Penitentiary Institutions, for her help in this research, and especially Manuela for her availability, kindness, and openness in sharing with this researcher her multiplier experience in relation to the restorative justice program with which she has collaborated. Her good practice has been positively assessed by the Secretary General of Penitentiary Institutions at the 5th National Congress on Penitentiary Social Work, held in Cuenca on October 24 and 25, 2024, and organized by the Association of Penitentiary Social Work.

He explained that this was to meet with the victims or relatives of the victim on the street. I was in charge of preparing this, seeing which inmates were eligible for leave, because this was done on a leave permit, so I made a list of fifteen to twenty inmates. Once the list was made, I talked to them and we scheduled when they would be leaving. The mediators held the sessions in an auditorium.

For me, the most important and meaningful thing as a social worker who is close to the inmates is that they felt my closeness. They told me everything, they told me about their experiences and what they had been through, they sought me out to share it with me, I felt that they needed it.

The preparations for the meetings with the victims were very long, sometimes taking up to a whole year. The mediator would usually transfer me if he saw someone who was more prepared than others to participate in the meetings.

Sometimes the inmates would come to me to tell me the date they wanted to leave so that they could have these restorative meetings outside.

I remember one very special case, as this inmate was imprisoned for a very serious crime, for a stabbing at the Seville Fair: he was released and met with the parents, who forgave him. He had several meetings with them and told me about them periodically.

For us, it was important that there was no instrumental objective in participating in these meetings, that there was a sincere desire to participate honestly. It is about giving prominence to the victim and their family.

The inmates came to me to share their experiences in the context of our helping relationship. I always stayed on the sidelines of the workshop so that they would feel more free. Confidentiality was very important. However, I want to emphasize that they shared their emotional experience with me.

I began to be amazed by everything that happened to them, their emotions, and I almost identified with them, given the seriousness and depth of the damage they had caused.

My closeness generated a trust that even surprised me, because they sought me out to share their experiences.

For me, the relationship we can develop with inmates as social workers is extremely important, because when it works, they seek you out. In my professional experience, after being transferred to another unit, the officers sought me out because they wanted to speak directly with me.

I really like what I do, I truly love it, and the relationship with the inmates is what makes me happiest.

I joined in 2008, in a group of 13 new social workers, and since then, the helping relationship with inmates has been a priority for me, despite being in a very cold, harsh, and security-conscious environment such as prison.

What surprised me most about the program was its aim to bring victims closer to their abusers. I couldn't quite understand it. I couldn't get my head around the idea that victims (with all they have suffered!) would be able to look someone who has caused them so much harm in the face. I thought it was impossible to achieve. I saw it as a utopia.

After that year of preparation, the meetings begin to take place, and thanks to this, the reality of the victim begins to reach us, opening us up to a new world.

What happens begins to amaze me, even the naturalness with which the inmates talk about their experience, with what I perceive to be a very healthy intention to make amends. They seek me out to tell me about it.

At first, with the collaboration of my colleagues in social education and psychology from the technical team, I selected the inmates who were eligible to participate in the program. I interviewed them one by one, assessing their attitude to ensure they did not want to use this for any specific benefit. I opened their eyes to what they could do and tried to understand if they wanted to do it from within.

The connection between prison social work and restorative justice programs is very clear. I became a kind of ally to the program, building bridges between the mediator and the inmates themselves.

I helped the inmates to express their stories, share and unburden their emotional experiences with me, and I helped the mediator on a more technical level, so that when he arrived at the auditorium, everything was ready and I could provide him with any materials he needed.

The meetings were always held outside, and the mediator would also tell us a little about how it had gone, without giving us too many details. The inmates used to tell me much more about their experience.

The professional bond with the inmates becomes a hinge that connects their experience with my specific social work.

As part of my social work, I connect the inmate's participation in the program with their family and share this information—with their permission—which often becomes an incentive for the inmate themselves. Families always react positively to the fact that their relative is participating in the restorative justice program. It takes a lot of education to explain the characteristics of these processes and convey their relative's desire

to participate in restorative justice. Once they understand, they become allies in the process because they encourage their imprisoned family member.

Since this program began, there has been a constant daily sharing of experiences and emotional encounters. It is difficult to single out one specific experience. If there is one thing that strikes me, it is the inmates' own need to share with me. Perhaps I am repeating myself, but this is really what stands out most to me.

A beautiful bond and connection is formed with the inmate, which contributes greatly to closer social work.

Sometimes in prison social work, we are a catch-all for everything. For me, the great contribution we make is to accompany the experiences of the inmates themselves, and I would like to emphasize that we can contribute to protecting the restorative process. We also facilitate the work of mediators and their technical needs. I gather the emotional experience that each inmate wants to share in the context of the relationship and share with the family their participation in the processes from the perspective that it can strengthen the path that the inmate has chosen to look at the pain of their victims.

Throughout my experience, I have not had any negative experiences, except on a few occasions when inmates were unable to continue with the program because, according to the mediator, they were not ready.

I included the inmates' participation in the program in my field diary so that I could report to both the Treatment Board and the Prison Supervision Court whether they were attending the program.

7. Conclusions

Life in prison is marked by dynamics that make it difficult to express emotions, intimate confessions, or remorse, as these can be interpreted as signs of weakness. In prison, the implicit rule dictates that it is necessary to appear strong in order to protect oneself from possible attacks, both physical and emotional, and to maintain a delicate balance in order to cope with prison life. The prevailing culture in these environments does not encourage the assumption of responsibility or remorse, as these processes are often perceived as an added emotional burden, even heavier than the sentence itself (Castilla, 2022).

Manuela's experience tells us the opposite, an inmate's openness to his emotional world and connection with reparation to his victim.

The case study shows us the work of the social worker in collaboration with the technical team in selecting, preparing, and accompanying inmates for their voluntary participation in meetings with victims or their families, held outside the prison during furloughs.

This process, which involved extensive and meticulous preparation, sought to ensure genuine participation, free from instrumental interests, and focused on repairing the damage caused. Her professional intervention focused on building trust with the inmates, strengthening their family ties, and facilitating the work of the mediators through technical and logistical preparation.

The restorative meetings revealed the transformative power of this approach, both for victims and perpetrators. Despite her initial skepticism about the possibility of reconciliation, this social worker witnessed the healing and emotionally meaningful power of these experiences, which strengthened her professional relationship with the inmates and enriched her practice as a social worker in the complex and challenging environment of prison.

If an incarcerated person is willing to take responsibility and accept the consequences of their actions, and if victims are willing to participate in a restorative justice process, prison administrations should provide them with the opportunity to do so. There is a justified fear that victims of serious crimes may face further victimization, either because the restorative process is manipulated by the incarcerated person or simply because of the physical environment of the prison. Restorative dynamics perceive justice as a process that actively compensates for suffering and repairs harm. However, it must also be understood that justice is a legal construct, and adequate legal safeguards must be in place to protect victims from further victimization.

It is essential to strike the right balance. The experience of visiting a prison, characterized by a focus on minimizing risk and ensuring security, is often uncomfortable even for the most neutral observers. However, excluding victims of serious crimes from restorative justice procedures carries an equally significant risk: perpetuating their victimization by depriving them of the opportunity to participate in a process designed to address the personal, emotional, and social consequences of the crime, allowing them to rebuild their lives.

rebuild their lives. The challenge lies in implementing a model that balances these dynamics and guarantees its effectiveness

The potential of restorative justice programs in prisons to generate social processes of accountability and reparation for victims is undeniable. Their connection to prison social work is indisputable. And their coexistence with prison and punitive logic is undoubtedly complicated and demanding. The two are fundamentally opposed, with compassion on one side and stigmatization on the other. We do not want to be naive; we live in a society that requires spaces to protect people who commit crimes. But we know from evidence that the challenge of humanizing them has to do with dignified treatment and treatment, psychosocial, and educational programs that are robust enough (in human and technical resources) to ensure that time spent in prison is not wasted. Spanish prisons still have significant shortcomings in this regard.

Prisons are not conducive to successful treatment, as they are harsh environments characterized by submission, punishment, involuntariness, and pain. Various studies in the fields of sociology and psychology confirm this, pointing out that deprivation of liberty in a total institution such as a prison causes serious harm to prisoners and to all those who inhabit that environment on a daily basis, including those who work there ⁽¹⁴⁾ (Martínez et al., 2021:98).

Most restorative justice programs in prisons tend to focus on preparing inmates to engage in restorative dialogues with their victims. However, it is worth noting that restorative justice can go far beyond these direct encounters and the preparations for them. Today, the challenge of making the pain of victims visible is present for an institution that has no legal mandate or responsibility to do so. Victim panels, restorative circles, and other new restorative justice programs that include communities affected by serious crimes have yet to be developed in line with their own values and principles

¹⁴ (Goffman, 2013; Valverde, 1997; Zimbardo, 2012)

¹⁵ See, in this regard, the experience led by Virginia Domingo with the *Ave Fenix* individual restorative justice program for victims of sexual violence, gender-based violence, and hate crimes, and the individual program for prisoners—reconnection (Domingo, 2024).

In the Basque Country, research has been conducted on how restorative justice can be transformative in the face of the risk of seeking "suitable" victims in the prison system and the risk of not collaborating with victims of all kinds, which could undermine the participatory and community potential that defines restorative projects (Varona et al., 2024).

In the case studied, we found that the work of the prison social worker, from a technical point of view, is a bulwark of the restorative process being carried out by the inmate. Their closeness and listening skills generate a support that we consider essential for accommodating the emotional outpouring that comes with participating in these processes. This task can undoubtedly be carried out by any other member of the technical team (educators, psychologists) who have developed important helping relationships with the inmates. As in the case studied, this search for someone to listen will probably occur naturally in order to provide emotional relief and support to the inmate.

Those responsible for restorative justice programs must be mindful of the challenges of overcoming institutional resistance and the mistrust of victims who may perceive these processes as a way of diminishing the seriousness of the crime or unfairly benefiting offenders.

Restorative processes must consider the needs of victims, especially their safety, recognition, and reparation. This requires clear, accessible, and honest communication, with an approach that combines restorative justice and psychosocial support, adapted to the prison environment.

In this regard, while participation in a restorative process should not automatically result in direct benefits for inmates, we do believe that it should be taken into account in some way:

Although the offender's participation cannot be conditional in the prison environment, nor can any kind of compensation be expected, nor any prison or regimental benefit, the truth is that the positive evolution of an inmate who successfully completes a process of this nature deserves and should be taken into account by the decision-making bodies of the prison administration and also by the judicial bodies that control the execution of sentences (Gómez, 2024:528).

Prison social work faces several challenges. In addition to contractual and salary equality in Spain (except in the autonomous communities of Catalonia and the Basque Country), new social realities are emerging that require more specialized and adaptive interventions in response to the diversity of the prison population, along with problems such as aging, mental illness, and new family models. Likewise, the integration of digital tools and artificial intelligence represent both opportunities and challenges. It is crucial to ensure the ethical use of these resources, avoid bias, and promote applied research that supports transformative practices (Filardo et al., 2024).

In this sense, prison social work can contribute to what we have already studied, providing essential support and listening to inmates who want it. But the opportunities do not end there. Prison social work in Spain is developing countless workshops and treatment, awareness, and sensitization programs. The restorative perspective can be included in them, as we have described in the Tenerife experience. The Alianzas program is one example: it can be included as a cross-cutting line of work, participating in actions aimed at repairing the damage done, including to the community. This involves the introduction of a restorative dimension with sufficient methodological and ethical flexibility.

Programs such as Alianzas, designed from a social work perspective, have the potential to foster, in the long term, a greater willingness to collaborate on the part of inmates, something that is often limited due to the impact of punishment associated with imprisonment. These programs seek to raise participants' awareness of the harm caused, reducing as much as possible the coercion inherent in the prison environment. When a person is incarcerated for committing a crime and is also given the opportunity to express themselves, be heard without moral judgment, and receive support for their emotional self-care, their motivation and desire to repair the damage caused is strengthened, thus promoting their process of personal transformation.

Restorative justice programs in Spain are still in their infancy and their development is fraught with inequalities, given that, unfortunately, they are not available in all Spanish prisons. In this regard, "The General Council of Spanish Lawyers has called for prisoners to have access to restorative justice services in all autonomous communities, as it is a necessary tool for addressing the damage caused by crime **and** making prison treatment effective

penitentiary treatment"¹⁶. Its implementation is also a right of all victims in accordance with Article 15 of the Victims' Statute.

Restorative justice programs require leadership that is full of hope and humanity. In addition, we must recognize the harm caused by the prison systems themselves to prisoners and their families. Therefore, we advocate for transformative and restorative justice options beyond the punitive system. We recognize that there is no one-size-fits-all approach to justice. We believe in justice that is centered on victims and informed by trauma. We know that dehumanization and punishment will not lead us to a world free of violence.

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¹⁶ Available at <https://www.abogacia.es/actualidad/noticias/la-abogacia-reclama-el-acceso-de-los-presos-a-los-servicios-de-justicia-restaurativa-en-todas-las-comunidades-autonomas/> [Accessed 12/12/2024].

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ESTIMATU: INNOVATION AND CHALLENGES IN THE QUALITATIVE EVALUATION OF RESTORATIVE PROGRAMS

Idoia Igartua

1. Introduction

For years, victimology research has highlighted experiences of revictimization and secondary victimization in many crime victims in their contact with the justice system. When asked about their needs in relation to their experience as victims, they repeatedly point to the need for a more humane justice system, capable of addressing fundamental demands such as recognition, truth, memory, reparation, and guarantees of non-repetition (Varona et al, 2024).

Given the limitations of traditional institutional responses, restorative justice emerges as an alternative (and sometimes a complement) that, without seeking to create unrealistic expectations and aware of its limitations (Leonard, 2022), can address some of these concerns by combining, from an inclusive and balanced perspective of the rights of those affected, the commitment to care and respect for human rights, without prejudice to the ethical asymmetry derived from the crime.

Its principles are based on the consideration of crime as an injustice that causes social, personal, and community harm. Through voluntary dialogue between those directly affected by the crime, it facilitates the identification of the harm and the joint search for responsible solutions for its reparation (Ríos, 2021), with the community as a responsible partner in its achievement.

From a dual perspective, both descriptive and implicitly demanding, this is recognized in Directive 2012/29/EU of the European Parliament and of the Council of October 25, 2012, establishing minimum standards on the rights, support, and protection of victims of crime (Article 12 and Recital 46): "Restorative justice services provide victims with a safe environment in which their voices can be heard and support their recovery process." However, practical reality shows that there is widespread ignorance among the general public and legal practitioners about the restorative justice programs that exist in their environment. Recognizing this reality, the European Union, in its Strategy on Victims' Rights, 2020-

2025, identifies the high quality of restorative programs as a key factor in their practical development, for which it holds Member States responsible.

2. Context and need for assessment tools in restorative justice

Both academia and international organizations emphasize the importance of integrating evaluation as an institutionalized practice in the design and development of public policies. Not surprisingly, evaluation—understood as a systematic and reasoned process of knowledge generation based on the codification, monitoring, analysis, and interpretation of information, aimed at understanding public action from a global perspective as a necessary step for its empirical assessment from the perspective of the relevance of its design and the harmony of its development—makes it possible to measure its *effectiveness*, that is, to assess whether the objectives set out in them were achieved (Subirats et al, 2008)⁽¹⁷⁾ ;to assess *efficiency*, that is, to analyze whether the resources employed were used optimally in relation to the results obtained⁽¹⁸⁾ ;to assess the *social impact* (Paula, 2021)¹⁹ , or in other words, identifying the effect generated by the policy in question, determining, where appropriate, the changes generated, whether sought or not (Aguilar Villanueva, 2006)²⁰ ; analyzing its *sustainability*, as a cross-cutting criterion of any evaluation, weighing up whether the effects of the policy can be maintained in the long term without compromising future resources²¹ ; ensuring the

¹⁷ Article 129 of Law 39/2015 on Common Administrative Procedure for Public Administrations establishes that public policies must be justified on grounds of effectiveness. In the context of the Autonomous Community of the Basque Country (CAPV), Law 3/2022 of May 12 on the Basque Public Sector, in Article 65, emphasizes the importance of efficiency and effectiveness in the organization of public administration itself. Along the same lines, Subirats, J. et al (2008) identify effectiveness and efficiency as key criteria in evaluation, pointing out their relevance in justifying the sustainability of policies. In the same vein, see European Forum for Restorative Justice (2017). *Efficiency and Effectiveness of Restorative Justice*, <https://www.euforumrj.org/sites/default/files/2019-11/a.2.7.-effectiveness-of-restorative-justice-practices-2017-efrj.pdf>.

¹⁸ Article 31.2 of the Spanish Constitution states that public spending must be carried out efficiently, a principle developed by the General Budget Law (Law 47/2003), which promotes the evaluation of spending.

¹⁹ See, among others, European Forum for Restorative Justice (2021). *Conference on Measuring, researching, narrating: discussing the (social) impact of restorative justice*, November 5; and Cátedra Impacto Social. (2021). *Proposals for measuring and managing social impact*. ICADE.

²⁰ Royal Decree 951/2005, which regulates the general framework for improving quality in the General State Administration, includes impact assessment as a key element. Aguilar Villanueva (2006) considers impact assessment to be a critical tool for measuring the effectiveness and social transformation produced by public policies.

²¹ Law 19/2013 on Transparency, Access to Public Information, and Good Governance refers to the need to ensure sustainability in public decision-making. Along the same lines, the United Nations 2030 Agenda for Sustainable Development (2015), a document that details the Sustainable Development Goals, adopted by Spain as a reference for the evaluation of public policies.

relevance and significance, assessing whether the policy responds to current social needs²²; promoting *accountability*, ensuring that public institutions inform citizens about results and the use of resources²³; and promoting *continuous improvement*; providing information to optimize future policies and decisions²⁴.

3. Theoretical and regulatory foundations: alignment with international standards

The culture of public policy evaluation permeates various areas of action, including justice in the broad sense, or criminal justice and corrections (Fanega, 2021) in a more specific context. In this context, the evaluation of public policies on restorative justice is no exception.

The international regulatory framework developed to date includes it as a duty of restorative programs. This is the case in the 2020 edition of the United Nations Handbook on Restorative Justice Programs (final chapter), or

²² Article 22.2 of Law 50/1997, whose main purpose is to ensure that government actions are carried out in accordance with the principles of efficiency, legality, accountability, transparency, and service to the general interest, requires periodic review of public policies to adapt them to social demands.

²³ Law 19/2013 on transparency, access to public information, and good governance establishes the obligation of public administrations to be accountable for the impact and management of resources in public policies.

²⁴ Royal Decree 951/2005, which establishes the general framework for improving quality in the General State Administration, stipulates that evaluations must be geared towards the continuous improvement of public services and programs.

²⁵ Understood as a set of actions aimed at satisfying the general interest or solving a public problem or need, in any of its forms of deployment in rules, strategies, plans, programs, measures, or any other equivalent designation.

²⁶ To give a few examples, there are evaluations of legal aid and free legal assistance, evaluations of equality plans in the judicial sphere, and evaluations of judicial digitization or data protection plans.

²⁷ To cite some of those carried out by members of the Laboratory of Theory and Practice of Restorative Justice (LTPJR) of the Basque Institute of Criminology (IVAC/KREI) of the University of the Basque Country (UPV/EHU): Varona, G., Igartua, L., and Galarraga, A. (2018). *External evaluation of the Gakoa program of educational and therapeutic work with men convicted of gender-based violence. An appreciative approach from perspectives of integrative justice*. Basque Government. ISBN. 978-84-09-05853-2; Varona, G. (2018). *External evaluation of the impact of the Basque Collaborative Law Association (ADCE). The possibilities of a non-confrontational concept of justice*. ADC. ISBN. 978-84-09-10107-8.

²⁸ Thus, in the context of the LTPJR itself, Varona, G. (2008). *External evaluation of the Barakaldo Criminal Mediation Service (2007)*. GEUZ, at www.justizia.net (114 pp., open access); Varona, G. (2009). *Restorative justice through Criminal Mediation Services in the Basque Country (October 2008 - September 2009)*, at <http://www.justizia.net> and www.ivac.ehu.es (in the articles/publications section) (360 pp., open access); Varona, G. Mercé Pedrola; Idoia Igartua; Alberto Olalde. (2016). *Evaluation of the cost of restorative justice integrating quantitative and qualitative indicators*. Basque Government (144 pp.). ISBN: 978-84-457-3387-5; Igartua, I., Varona, G. et al. (2024). *External evaluation of the restorative justice program in Navarre*. Barcelona: Huygens, ISBN: 978-84-17580-44-5.

Recommendation CM/Rec(2018)8 of the Committee of Ministers within the Council of Europe (principles 39 and 66); or Directive 29/EU of the European Parliament and of the Council of October 25, 2012 (Articles 28 and 29); and, from an internal perspective, Law 4/2015 of April 27 on the Status of Crime Victims (Article 32 and the first additional provision) and Royal Decree 1109/2015 of December 11, which implements it (Articles 10.3.f) and 11).

Ensuring quality in restorative justice programs and services (Hobson and Payne, 2022) requires implementing comprehensive evaluations that analyze their design, operation, impact, and the satisfaction of those who participate. These evaluations not only strengthen learning and continuous improvement processes, but also promote the well-being of those involved. Moving toward models of restorative justice that are more committed to responsibility and full respect for victims' rights is an unavoidable necessity, in accordance with Directive 2012/29/EU and international standards.

To this end, we must find clear and accessible ways of accountability that not only improve the perception of the value of the work carried out by restorative justice professionals—such as facilitators, collaborators, and other involved agents—but also promote its understanding by society in general (Igartua, 2022a). It is crucial to develop innovative methods that reflect the positive impact of these services on victims (Lugo-Graulich, 2022), the community, and the criminal justice and prison systems (Cervelló, 2022, and Chaves, 2018), thus making their relevance and contribution clearly visible and tangible.

Having identified the relevance and necessity of evaluation, its practical implementation in relation to restorative programs has, however, been limited to date for several reasons. The first reason stems from the lack of an evaluation culture in public policy, reflected in the absence of any mention of evaluation in program design, such that it would seem sufficient (given the budgetary effort involved) to launch a well-intentioned program, with no apparent need for further monitoring. Thus, programs generally have limited material, financial, and human resources for the task of facilitating processes within them, and none or insufficient resources for coding and monitoring tasks, which are crucial because the aforementioned accountability depends on them (Varona 2024). The second stems from the resulting deficiency (due to partiality, heterogeneity, inconsistency in the

time) or non-existent coding and monitoring of many restorative programs (Fisk, 2023), with the consequent impossibility of subsequent evaluation. The third stems from the traditional suspicion of evaluation processes, which are perceived as controlling, if not threatening, to the future of the program and associated jobs. The fourth correlates with the eminently quantitative nature of the data matrices used: number and types of cases referred to the program, nature of the crime, source of referrals, time needed to prepare the case, proportion of direct meetings, start percentages, agreement percentages²⁹, etc.), thereby ignoring the analysis of their social impact (Pali and Matczak, 2022). And finally, and in connection with the above, the assumption of indicators of supposed success outside the restorative paradigm, related to the interests of speed and decongestion of the public administrations responsible for the programs.

4. *Estimatu's objectives within the framework of restorative justice in the Basque Country*

Given this reality, without prejudice to other valuable initiatives promoted in the comparative and internal spheres mentioned above (Grané et al, 2023), in order to evaluate certain aspects interrelated with the practical development of the restorative paradigm, the Laboratory of Theory and Practice of Restorative Justice (LTPJR) of the Basque Institute of Criminology (IVAC/KREI) of the University of the Basque Country/Euskal Herriko Unibertsitatea (UPV/EHU), based on decades of applied research and with funding from the Basque Government's Department of Justice, proposed the design and technical development of a freely accessible, user-friendly, and adaptable tool—a computer application—with Basque programs as its main target audience, without prejudice to its universal vocation (accessible in three languages: Basque, Spanish, and English), for any entity, whether public or private, interested in recording its activity in accordance with good practice parameters. The aim of this tool is simply to enable real-time evaluation, from the perspectives of justice, learning, health, and dialogue, of the opportunities and strengths, as well as the weaknesses and possible threats of the programs; in short, to identify the impact of their development (expected and unexpected, tangible or intangible) in quantitative terms.

²⁹ Along these lines, the proposal contained in the aforementioned United Nations Manual.

as well as qualitative, in terms of relevance, efficiency, coherence, and added value (Varona et al, 2024).

The name of the tool, *Estimatu* (to appreciate in Basque), reveals the appreciative nature of its methodology, which takes a participatory approach to integrating victims and other key players.

5. Design and Development of *Estimatu*

Any evaluation of actions aimed at satisfying the general interest or solving a public problem or need, such as restorative services or programs, requires the design of a matrix or database that, by integrating quantitative and qualitative variables, allows for comprehensive, comparable, and sustained monitoring of the program in accordance with international standards of good practice. Once the variables have been coded, they need to be monitored (Igartua, 2022b), and the matrix needs to be fed with the results of the processes developed in a given program or context, which requires technical, material, and human resources.

Similarly, the European Forum for Restorative Justice highlights the importance of designing databases for restorative services that are accessible and easy to use, structured with methodological rigor, and aligned with the international standards of good practice established by the UN. In short, databases that provide information that goes beyond simply counting signed agreements, offering a more comprehensive and meaningful view of the scope and effectiveness of restorative justice.

To this end, in 2023, following an exhaustive analysis that included a review of relevant literature, program protocols, previous evaluations, and interviews with key stakeholders, the LTPJR, based on the work of Varona (2023), developed an application that is currently undergoing testing. This design is part of a participatory action research methodology, actively involving both program management entities and facilitators.

- a. Technical characteristics: open access, adaptability, and key functionalities.

From a technical standpoint³⁰, using Microsoft Access and requiring basic software such as Microsoft Access 2016 or higher (to use the database) and Microsoft PowerBI Desktop (to view the data collected in the *dashboard*³¹), the initial configuration of the tool was carried out through three downloadable modules (plus a fourth that serves as a user manual): the first for data entry, the second for data storage, and the third for data visualization³².

Subsequently, based on observations made by Basque program management entities during the testing process, and with the aim of simplifying its use for program users, a second simplified technical version of the tool was enabled in Microsoft. With the option of modification—adaptability to the specific program to be evaluated—it can be used from any terminal, including a mobile phone without the need for prior download.

Both versions of the *Estimatu* tool have been designed with a focus on data privacy and security. In both versions, the server hosting the results is exclusively that of the restorative program using it, with no possibility of external access. This design ensures that all information collected, both quantitative and qualitative, remains under the direct control of each entity, thus ensuring the confidentiality of the results and fully respecting the principles of data protection and privacy of the individuals involved.

- b. Dimensions of evaluation: therapeutic, educational, dialogical, and perception of justice.

The evaluation of a public policy on restorative justice, in any of its forms, requires a prior analysis of the context in which it was designed, since the structural, institutional, functional, and procedural characteristics of the environment

³⁰ Developed by Iulen Ibañez, based on previous theoretical work by Arkaitz Arteaga.

³¹ A *dashboard* is a document that uses a combination of visualizations and summary information to graphically display relevant data about a particular process.

³² Freely accessible, it is hosted, among others, on the LTPJR website, <https://www.ehu.eus/es/web/ivac/estimatu-es>

³³ Also freely accessible on the LTPJR website.

(Varona et al, 2011)³⁴ directly influence its formulation and expected results. This approach makes it possible to identify the objectives that were intended to be addressed, the specific needs of the target population, and the initial constraints that may have conditioned its implementation. Understanding this contextual framework is essential for a comprehensive evaluation of the program that goes beyond a superficial analysis of results, that is, determining whether the policy was appropriate, whether it managed to adapt to changes in the initial conditions, and whether the results obtained reflect a real impact or are the consequence of unanticipated external factors.

From an appreciative perspective, the aim is not only to measure its effectiveness (Alcoceba, 2022) in terms of the achievement of objectives or its efficiency in the use of resources, but also to analyze the real impact (González, 2019) it has on the people and communities involved (Sevilla and Gallardo, 2022). In addition, this approach allows for an assessment of the program's long-term sustainability, its relevance in relation to the specific issues it addresses, and its relevance within the regulatory, cultural, and social framework in which it operates.

Based on Varona's aforementioned work (2023), the tool was structured around four key, interrelated dimensions: therapeutic, educational, dialogical, and justice.

The *therapeutic* dimension aims to assess the impact on the health and well-being of the people/agents involved in the process. It combines open-ended questions, designed to identify the needs of each participant, with closed-ended questions, linked to a predetermined scale, related to the experience of impact in the area of health. The *educational* dimension includes questions aimed at assessing the pedagogical or learning impact of participation.

³⁴ The reference work offers a proposal for structuring the contextual analysis through four interrelated dimensions, each of which is made up of its corresponding indicators, components, and evaluation tools. Thus, the *structural* dimension analyzes the socio-legal context in which it is applied, considering indicators such as the regulatory framework, financing, institutional coordination, citizen participation, and media coverage. For its part, the *institutional* dimension quantitatively and qualitatively evaluates the relationships between professionals and agencies involved, addressing aspects such as financial planning, the status of facilitators, cooperation between institutions, and socialization of the program. On the other hand, the *functional* dimension collects quantitative data on its operation, including case profile and volume, participant profile and characteristics, results, and subjective perception of the processes and results. Finally, the *procedural* dimension focuses on qualitatively analyzing the restorative process, its effectiveness, and its impact on relationships, considering factors such as voluntariness, motivation, risks for participants and the program, attention to underlying circumstances, legal advice, and public trust.

in a process. Through open-ended and closed-ended questions, it explores perceptions of training in conflict management (conflict prevention and self-awareness). The *dialogic* dimension focuses on assessing the impact of conversational logic in terms of listening, understanding, participation, and commitment. The *justice* dimension is designed to assess the impact on the perception and experience of justice among participating individuals/agents. Again, through open-ended and closed-ended questions, it inquires into perceptions of closeness, participation, and accountability in this inclusive form of justice.

The design of the dimensions and their respective units of analysis aims to identify the plurality of participants' experiences, recognizing that each individual may experience the process differently depending on their role, perspective, and personal context. This tool uses a common questionnaire designed to capture a variety of experiences, feelings, and perceptions of all actors involved, whether they are people who suffered injustice, those responsible for it, facilitators, or other relevant agents. The use of the tool facilitates the analysis of similarities and differences in experiences, which enriches the evaluation and provides a comprehensive view of the impact of the process. In this way, it promotes a more inclusive, accurate, and representative evaluation that can guide improvements in programs and in addressing the needs of all participants equitably.

6. Presentation and testing of *Estimatu*

Throughout 2024, various initiatives have been carried out to raise awareness of the assessment tool. These actions began with its presentation in spring to the members of the Basque Forum for Restorative Justice³⁵ (FVJR), as a stakeholder group, followed by a second presentation in September. Given the lack of testing of the tool by restorative programs in the criminal and prison jurisdictions of the Basque Autonomous Community, dissemination continued with the presentation of a simplified version, adapted from the initial version, in response to the

³⁵ In order to coordinate, promote, and monitor the actions included in the Basque Restorative Justice Strategy (2022-2025) of the Basque Government's Justice Department, the need was identified to create a Basque Restorative Justice Forum, as an advisory working group composed of various key institutions involved in its development, such as the administration of justice, the public prosecutor's office, the legal profession, universities, justice collaboration services, and victims' and social reintegration associations. Throughout 2024, the Forum has held regular meetings to establish a service map and model and to set minimum quality and training standards in the Basque Autonomous Community.

observations on accessibility conveyed by entities managing public restorative programs in the Basque Country.

The main difficulties identified during the dissemination and testing process were, on the one hand, the complexity of managing a shared server that would allow all professionals and users, regardless of their location, to upload data centrally; and, on the other hand, the coexistence of two databases to manage: the original program database, which was quantitative in nature, and *Estimatu*, which was qualitative. Both technical limitations identified at that September meeting had viable solutions. Regarding the first, three alternatives were proposed: the use of *SharePoint* as a Microsoft cloud service; a shared folder on the organization's server; or, more simply, the use of *Microsoft Forms*, with the possibility of conducting face-to-face or virtual tests for its implementation. As for the duplication of databases, it was pointed out that it was possible to integrate other data sources into the *Business Intelligence* tool, through specific programming adaptations for each organization, ensuring its functionality without duplicating efforts. Personalized technical support was offered to assist teams interested in implementation and resolution of any incidents. However, despite these proposals and the explicit willingness to collaborate, no response or follow-up request was received from the programs involved.

In the meantime, and subsequently, several communications have been sent to FVJR members reminding them of the technical IT support available to resolve any incidents, as well as the accessibility of materials on the LTPJR website, which includes simplified questionnaires, a short explanatory video, and a podcast about *Estimatu*. However, these actions have not resulted in effective use or testing of the tool, at least not in the Basque Autonomous Community, where the expected scope has not materialized, highlighting a disconnect between dissemination efforts and the practical integration of the tool into local processes.

³⁶ Cloud-based service, hosted by Microsoft, where team members (in this case, a restorative program) can create sites to share documents and information with other members.

At the same time, numerous actions have been carried out to disseminate and present the tool, which are detailed below:

- ✓ Joint work with university students studying for a degree in Criminology on work placements at IVAC/KREI and with students who developed final degree or postgraduate projects in Social Work, the double degree in Business Administration and Law, the university specialization degree in Working with Victims of Traumatic Experiences, and the Master's Degree in Law and Advocacy at the University of the Basque Country/Euskal Herriko Unibertsitatea, promoting the tool in this academic context. Training has also been provided to pre-doctoral researchers developing projects focused on the evaluation of restorative programs in prisons, taking advantage of their research stays at IVAC/KREI to actively collaborate with the LTPJR.
- ✓ Dissemination in public services and organizations: The tool was presented and disseminated throughout the year in various public restorative justice services and in the organizations that manage them, especially in Catalonia, Navarre, and Madrid. It was also presented at the European Forum for Restorative Justice, highlighting that both the original and simplified versions are available in three languages, including English (along with the official languages of the Basque Autonomous Community).
- ✓ Training and publications: The tool was presented in training activities aimed at undergraduate and postgraduate students, as well as legal practitioners—members of the judiciary, the public prosecutor's office, the bar, and solicitors—and facilitators. These presentations were accompanied by related publications to reinforce their dissemination.
- ✓ Participation in conferences and seminars: The tool was included in the program of various conferences and seminars scheduled throughout 2024, expanding its reach among different audiences interested in restorative justice, including:

³⁷ Among others, see Olalde, 2023.

³⁸ Among others, see Romero, 2023.

³⁹ In particular, AMEE, Association for Mediation and Listening, <https://asociacionamee.org/amee/> Mediation, Meeting Meeting

- Presentation of *the Plan to Reduce Prison Incarceration*, organized by the Department of Justice, Rights, and Memory of the Generalitat de Catalunya (Barcelona, January 19).
- Working sessions of the *Empiric+* network ⁴⁰ which brings together the main university institutions that carry out criminological research (Malaga, January 12, and Barcelona, September).
- Training session at the Office for *Equal Treatment and Non-Discrimination* of the Government of Catalonia (Barcelona, January 29).
- *Restorative Justice, Criminal Procedure, and Minors* Conference⁴¹ , part of the research project *New Challenges and Pending Reforms in Juvenile Criminal Justice* (R&D PID2021-125718NB-I00) by the Barcelona Faculty of Law and the Ministry of Science (Barcelona, February 1).
- *Justice Innovation Summit* international conference⁴² , organized by the University of Hawaii (USA, February 16-19), with the participation of members of the European Forum for Restorative Justice.
- Conference on *Science and Public Policy* at the Congress of Deputies (Madrid, April 4-5).
- 12th International Conference of the European Forum for Restorative Justice entitled *Restorative Justice Responses in Dark Times*⁴³ , held in Tallinn (Estonia, May 29-31).

⁴⁰ See further information at: <https://www.uma.es/instituto-andaluz-de-criminologia/info/146508/red-empiric-actividades/>

⁴¹ More information available at:

https://www.ub.edu/portal/documents/620105/0/Justicia+Restaurativa+y+Proceso+Penal_1+y+2+feb+2024_v3.pdf/49ca3cdf-ab74-668e-f449-f7e72c30e5e2

⁴² This is an international conference that brings together different interrelated disciplines such as restorative justice, transformative justice, transitional justice, therapeutic jurisprudence, victimology, and peacebuilding in indigenous communities. For more information, please visit the website at the following link: <https://justiceinnovationssummit.org/>

⁴³ With the participation of more than 400 people from around the world—professionals in the fields of justice administration, prisons, and research—it focused on the potential of restorative justice at a time when conflict, war, and violence are present or threaten most nations, regions, and communities. More information is available on the EFRJ website, <https://www.euforumrj.org/events/conference-tallinn-2024>

- UPV/EHU Summer Course entitled *Paths to Explore in Victimology: Impact and Reparation in Sexual Victimization in Cyberspace, Victimization in Institutions, Non-Human Victims, and the Environment*⁴⁴ included references to restorative justice in different case studies (Donostia, June 17-18).
- UPV/EHU Summer Courses for inmates at the Donostia Penitentiary Center: *Mutual Learning* ⁴⁵(Donostia, July 18-19).
- 18th International Symposium on Victimology, entitled *Forensic and Contemporary Perspectives on Victimology and Victim Assistance*⁴⁶ , organized and hosted by the National University of Forensic Sciences in Gandhinagar, Gujarat (India, September 1-5).
- International Congress entitled *Sexual Violence at University: Prevention, Detection, and Treatment*⁴⁷ , organized by Carlos III University (Madrid, October 17-18).
- XXVI National Meeting of University Ombudsmen ⁴⁸ , with a specific working group on restorative conflict management (Huelva, October 23-25).
- Conference on *Restorative Justice and Therapeutic Justice: Analysis of the Psychological Aspects Involved and Proposed Actions in the*

⁴⁴ See for more information about its description, objectives and methodology, <https://www.uik.eus/es/curso/caminos-explorar-victimologia-impacto-reparacion-victimizacion-sexual-ciberespacio>

⁴⁵ More information available at: <https://www.uik.eus/es/curso/cursos-verano-centro-penitenciario-donostiasan-sebastian-aprendizajes-mutuos>

⁴⁶ Gema Varona was appointed president of the World Society of Victimology, which is a well-deserved recognition of her long, fruitful, and committed professional career in criminology and victimology as a researcher, teacher, and director of the Basque Institute of Criminology at the University of the Basque Country (UPV/EHU), and coordinator of the LTPJR, among many other roles.

⁴⁷ More information is available at the following link: https://drive.google.com/file/d/1VHdB2AYg8tT2mZTDC2KJij6rES-sY_sy/view

⁴⁸ The University Coexistence Law introduces the possibility of managing infractions in the university context through non-punitive approaches, which requires exploring and defining in depth the viable alternatives for implementing this model. In this context, restorative culture is positioned as a fundamental pillar for guiding these options, ensuring compliance with regulations. More information is available on the following website: <https://eventos.uhu.es/119732/detail/xxvi-encuentro-estatal-de-defensorias-universitarias.html>

*university community*⁴⁹ , organized by the University of Seville's Equality Unit (Seville, October 29).

- 12th Conference of the World Mediation Forum⁵⁰ , held in Salvador de Bahía, under the title *Mediation in the face of contemporary violence: an impossible challenge* (Brazil, November 4-7).
 - Conference entitled *Restorative Narratives. The promise of restorative justice in a polarized world*⁵¹ , organized by the Directorate of Justice of the Government of Navarre (Pamplona, November 18).
 - 14th Victimology Conference in honor of Professor Antonio Beristain, entitled *Translational Victimology: Knowledge Transfer in the Field of Victimology*⁵² (Donostia, November 19).
 - First Congress on Appropriate Means of Dispute Resolution⁵³ , organized by the Gipuzkoa Bar Association, which addressed, among other topics, restorative justice (Donostia, November 28-29).
- ✓ At the same time, a presentation was given to the Basque public as part of the screening of the film *The Meeting*⁵⁴ , within the 2024 Film and Victimology Cycle⁵⁵ (Donostia, May 9) and the opening of the FVJR⁵⁶ to the public (Bilbao, September 13)⁵⁷ .

⁴⁹ For more information, see <https://igualdad.us.es/wpblog/jornada-justicia-restaurativa-terapeutica/>

⁵⁰ The World Mediation Forum (WMF) is an international non-profit organization that supports facilitators around the world, promoting an interdisciplinary approach. Its main mission is to foster the development and exchange of knowledge, information, and skills in the field of mediation as a restorative tool, especially through the international conferences it has been organizing regularly for more than two decades. More information is available at the following link: <https://fmm2024.openum.ca/es/>

⁵¹ See the information available

⁵² Available at the following link: <https://www.ehu.eus/es/-/xiv-encuentro-antonio-beristain>

⁵³ Detailed information at the following link: <https://www.icagi.net/es/formacion/cursos.php?id=1083>

⁵⁴ More information on the website: <https://themeetingfilm.com/>

⁵⁵ More information about the film series is available at the following link: https://www.sociedadvascavictimologia.org/_files/ugd/db0d40_09032bb8b9814d10b1167170951c871e.pdf

⁵⁶ <https://www.irekia.euskadi.eus/mobile/eu/events/95405>

⁵⁷ During these sessions, it was emphasized that the tool, available under a *Creative Commons* license, is accessible to any organization interested in restorative justice, thus promoting its accessibility and open use to foster reparation and dialogue in various contexts (De Diego, 2020).

The numerous outreach and presentation initiatives described for the *Estimatu* tool, developed over the last year, have succeeded in consolidating its presence and relevance within the field of restorative justice. From academic collaborations and specialized training to its dissemination at national and international conferences and public institutions and programs, these actions have allowed the tool to be recognized as a useful and accessible methodology. Its multilingual design and free access facilitate its adoption by various organizations, positioning it as a key resource for enabling the qualitative evaluation of restorative programs in accordance with international standards of good practice in different intervention contexts.

7. Recap and reflections for the future

As argued throughout this text, the evaluation of restorative justice should focus on the qualitative depth of its processes, recognizing the voluntary nature of participation, its commitment to an ethic of care, respect for the time of its participants, and, consequently, its artisanal character. Unlike traditional punitive justice, whose evaluation items correlate with mostly quantitative parameters —number of cases filed, resolved, and pending in each judicial body, ratio of cases per judicial unit, average time to resolve cases in different jurisdictions, compliance with legally established procedural deadlines, resolution rates, pending case rates, among others— restorative justice operates under different principles and objectives that make this comparative approach unfeasible. Key differences, such as mandatory versus voluntary participation, universal access to the former and conditional access to the latter (EFRJ, 2021; GEMME, 2023), the material and human resources allocated, the objectives pursued, and respect for the personal time of those who suffer injustice, require an analytical framework adapted to its nature.

Evaluating restorative justice involves exploring its impact on the health and well-being of participants, its ability to transform conflicts, its growth in skills such as listening and empathy, and the perception of having experienced authentic justice. Only an approach that is sensitive to these dynamics can capture the transformative value that this model offers in comparison to the punitive approach.

The Basque Government's Department of Justice, aware of the need to reflect the complexity and comprehensive impact of restorative justice, in line with the provisions of the Basque Restorative Justice Strategy 2022-2025⁵⁸ and the Donostia Declaration for a Restorative Culture: Basque Country, Navarre, and Catalonia, Restorative Territories⁵⁹, decided to commission the LTPJR to develop a tool that would allow the programs under its responsibility to incorporate qualitative and intangible aspects into their reports, which are difficult to capture using objective data. This decision was based on the recognition that the evaluation of restorative processes must go beyond traditional metrics, integrating the narrative dimension and the subjective experiences of justice experienced by the parties involved. To this end, it was considered essential to have an instrument that would capture the essence of restorative processes, allowing their depth and effectiveness to be measured in terms of personal and social transformation, always within the framework of respect for the principle of confidentiality.

To this end, and in line with the LTPJR's mission to transfer theoretical learning and empirical research findings into everyday practice, members of the LTPJR designed the *Estimatu* tool, which has been promoted extensively throughout the year.

The dissemination process has identified certain difficulties in its implementation. On the one hand, there appears to be a certain persistence of misinformation among institutions, entities, and leading professionals, or a perception of a lack of immediate usefulness in their daily practices. One hypothesis is that unfamiliarity with the tool may generate disinterest or resistance to change if it is not accompanied by clear motivation.

Similarly, difficulties have been identified in practical integration, i.e., obstacles in programs to integrate the tool into their existing systems. Compatibility with the software or databases used by these programs is a challenge, and adapting their processes to a new tool requires time and, probably, additional IT resources, which may be unattractive if no immediate benefits are perceived.

⁵⁸ Available at:

https://www.justizia.eus/contenidos/documentacion/20221110_inter_doc_sjr/es_def/adjuntos/220726_EstrategiaVascaJusticiaRestaurativa_2022-2025.pdf

⁵⁹ Available at: <https://www.ehu.eus/documents/d/ivac/declaracion-de-donostia-jr>

At the same time, it is inevitable that programs will be aligned to some extent with the primary objectives of the administration they serve—reducing the backlog of cases and speeding up their resolution (Olalde and Igartua, 2017). This is clearly reflected in the program reports, which focus on accountability in quantitative terms, to the detriment of qualitative indicators, which conditions the attractiveness of using a tool focused on this type of data.

Nor would it be surprising if there were a certain perception of mistrust towards the tool, seeing it as an instrument of control or, in some cases, as a threat, even though its appreciative nature seeks to highlight intangible aspects that have been invisible until now, in line with good practice parameters. It cannot be ruled out that the use of the tool may even be experienced as an additional administrative burden or unnecessary bureaucracy, especially if it is not perceived as an opportunity for significant improvement in professional development and program evaluation. If the entities managing the programs are not convinced that the tool will really add value to the evaluation of the programs, their resistance to implementation is foreseeable.

There is no doubt that the Basque public administration's initiative to develop an accessible and user-friendly evaluation tool for Basque restorative programs reflects its commitment to highlighting their transformative potential and to seeking their continuous improvement from the perspective of social impact and respect for the uniqueness of each program.

However, for comprehensive evaluation to become institutionalized as an essential practice in the design and development of public policies related to restorative justice, the public administration needs to implement several additional strategies, including:

- ✓ First, that tenders for restorative programs—in the broad sense of the paradigm—include as a requirement the use of tools such as *Estimatu*, which facilitate program development and accountability based on both quantitative and qualitative indicators.
- ✓ Second, the administration, as the ultimate authority responsible for these programs, should provide them with a comprehensive analysis matrix that covers both dimensions (ensuring a comprehensive evaluation of their impact) and is linked to

to a server owned by the administration, which would securely host, in accordance with data protection regulations, the records generated by restorative programs (sustainability and comparability of evaluations over time). In the absence of this comprehensive matrix, the administration should ensure that tools such as *Estimatu* are easily refundable in the systems already used by the programs, so that their use does not hinder daily work routines.

- ✓ Fourth, provide personalized and ongoing support during the implementation phase of the new matrix. This includes technical support to resolve IT issues and practical advice to help entities integrate the tool into their daily processes.
- ✓ Fifth, generate incentives for using the matrix, either in the form of recognition or visibility within the public administration or the restorative justice community.
- ✓ And sixth, provide constant feedback to the programs that test the tool, i.e., collect comments and suggestions to improve the tool according to the real needs of the entities.

In summary, a comprehensive approach is needed that combines training, technical support, motivation, integration with existing processes, and clarity about the benefits of integrating the qualitative dimension into the evaluation of restorative programs.

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VOICES OF RESTORATIVE JUSTICE FACILITATORS IN PRISON: COMMITMENT AND CONCERN

Gema Varona

1. Introduction⁶⁰

Other studies, both domestic and comparative (Laboratory of Theory and Practice of Restorative Justice in Prison, 2023), have highlighted the profound challenges involved in developing restorative justice in prisons. On the one hand, there is the issue of access and voluntariness, in an environment with limited resources and where restorative justice, although it may be related to treatment, should not be configured solely as such, as this would imply a certain instrumentalization of victims (direct or indirect; linked or vicarious), figures traditionally overlooked in the prison environment. Nor can it be an obligation for inmates⁽⁶¹⁾. In line with this, restorative justice raises the possibility of active accountability⁶², an issue that, in the most recent literature, finds common ground with the idea of encouraging desistance or, as expressed in the title of this work, "never again" or steps towards that "never again," in a preventive sense through reparation, understanding people's motivations in their broader community and structural contexts. Here, we are once again faced with the challenge of how to promote responsible living in freedom within contexts such as prisons, where autonomy is limited.

⁶⁰ We deeply appreciate the generosity of the facilitators who participated in our study, and we greatly value their daily work in restorative justice processes that contribute to social coexistence, based on solidarity and professionalism, with a high level of commitment that is not always recognized institutionally and socially.

⁶¹ Without prejudice to the effort made to participate. According to the General Secretariat of Penitentiary Institutions (2020), in the enforcement of custodial sentences, the criminal code considers restorative justice as a tool that enables other avenues of social reintegration. In addition to other possible avenues of entry, for example, Article 90.2 establishes that participation in damage repair programs should be taken into account when calculating parole eligibility.

⁶² Cf., in another sense, the concept of self-responsibility in Instruction IIPP 4/2024 on open prison regimes.

<p>Fuente: Klaassen sobre el programa <i>Building Bridges</i>, desarrollado como piloto en 7 países</p> <p>Cfr. Brennan, I. and G. Johnstone, G. (2019). <i>Building Bridges: Prisoners, Crime and Restorative Justice</i>. The Hague: Eleven.</p>	<p>Víctimas vinculadas (directas o indirectas) Ventajas</p> <p>Específicas del delincuente</p> <p>¿Más impactante?</p> <p>Pedir perdón</p> <p>Víctimas vicarias/indirectas. Ventajas</p> <p>Más fácil de reclutar</p> <p>Múltiples perspectivas de las víctimas (hasta 8 por grupo)</p> <p>Un cierto grado de separación puede ser positivo</p> <p>Víctimas vinculada (directas o indirectas). Desventajas</p> <p>Ira residual</p> <p>Defensa del ego</p> <p>Difícil de reclutar - número reducido</p> <p>Víctimas vicarias/indirectas. Desventajas</p> <p>¿Es más difícil relacionarse con ofensores?</p> <p>El tipo de delito puede ser demasiado abstracto</p> <p>Las víctimas pueden no coincidir con los perfiles específicos de las víctimas reales</p>
	<p>¿Ayuda a que la persona que se responsabiliza del daño piense en la víctima en términos reales y no abstractos, sin vergüenza estigmatizante?</p>

Illustration 1: Some challenges identified in research on victim participation in restorative justice programs in prison

In order to continue testing the parameters used in the *Estimatu* tool⁶³, as part of a qualitative study, seven questionnaires were administered to restorative justice facilitators in prisons, both inside and outside the Basque Country, throughout 2024. This exploratory field research sought to highlight how the confidentiality of restorative processes has nothing to do with their analysis for research purposes, emphasizing once again the need for social transfer and accountability. This is vital not only because of the investment of public money in restorative programs, but also because knowing how they are developed and what their results are allows restorative justice to be made known to a wider audience, the target audience for these programs, whose involvement must be sought, since, by definition, restorative justice is community-based and only in this sense can the social support that is essential for the processes of reintegration and reparation be understood.

At the same time, this exploratory study sought to delve deeper into the meaning of active *accountability* as a process of inter-level transformation (micro-meso-macro). Following a recent study by Wood & Suzuki (2024),

⁶³ In addition to the corresponding chapter in this collective work, see, including a video and an explanatory podcast in the corresponding section of IVAC/KREI, all documents and related downloads on the monographic page on *Estimatu*, created openly at <https://www.ehu.eus/es/web/ivac/estimatu>.

The active accountability that occurs, in a complex and longitudinal manner, in restorative processes involves three aspects:

- a)* Accountability (providing information relevant to the victims' narrative truth).
- b)* Taking responsibility (recognizing the harm or risk caused with specificity in the lives of different people: the victims, their families, society, and oneself).
- c)* Reparation/prevention (feeling compelled to change, seeking the necessary help).

Within prisons, these three aspects can be linked to the development of a climate of trust (Waite, 2024) and to programs that encourage prosocial interests, such as the Kaizen program, which takes into account the RNR model and the so-called good life model (Valois, 2024).

2. Methodology

Exploratory qualitative research (Swedberg, 2020) aims to identify key issues for future in-depth studies on the challenges of restorative justice in prison. Following previous research, this study uses phenomenological analysis to explore the personal experiences of facilitators (Smith, 2019). Open-ended questions allow for an analysis of the understanding of the challenges of restorative justice in prison.

Using a qualitative methodology, within the constructivist theory of grounded theory, the transcripts of the responses to the questionnaires provided are analyzed within a hybrid thematic analysis (Swain, 2018). Hybridity allows for systematic flexibility and is defined as a basic initial top-down, deductive, and theoretical process (in line with the research objectives, literature review, and semi-structured questionnaire used) and, subsequently, a bottom-up, inductive, and data-driven process for thematic analysis (Boyatzis, 1998) to be read, in the end, in comparison with other research in the field and, specifically, with documents relating to the meaning of certain central principles in restorative justice, such as voluntariness, confidentiality, and accountability.

Due to the wide variety of experiences, a broad range of direct quotations are used in the following section. The systematization is carried out using individual index cards with a word processor (Basit, 2003). In order to respect methodological integrity and to take into account the implicit or explicit units of analysis related to the research objectives and the basic literature review, the a priori themes were based on the themes considered in the questionnaire. The a posteriori or emerging themes are extracted by taking into account the repetition of key ideas in the stories collected in the transcripts. This is done by searching for patterns of meaning construction used by the experts interviewed (Charmaz, 2014).

In relation to the a priori themes, a recent study with interviews of prisoners about their potential participation in restorative justice programs highlighted the relationship between voluntariness and accountability. In addition to structural and organizational issues, both voluntariness and accountability are mediated by the motivations and expectations of the participants. For example, some of these motivations on the part of the offender may be the desire to seek forgiveness, express recognition or respect for the victim, explain their own situation (with mutual understanding, although this does not imply justification), and, where appropriate, strengthen or renew relationships (Peleg-Koriat & Weimann-Saks, 2024). Also, in that study, offenders expressed obstacles such as fear of victims' reactions, lack of confidence in the possibility of being forgiven by them, if applicable, or unwillingness to include supportive people in the process. In a previous study by the same authors (Peleg-Koriat & Weimann-Saks, 2021), it was highlighted that offenders' feelings of guilt were later positively associated with accountability, but not so with feelings of shame⁽⁶⁵⁾.

In addition, these authors indicated that it was necessary to pay more attention to the processes of forgiving oneself, as preliminary or simultaneous work in restorative programs, which included, in certain circumstances, the victims as well. This is an issue that we will address in the following chapter, entitled *Per donare*, with reference to the latest

⁶⁴ Consider the use of motivational interviewing in restorative justice. See Armour and Sliva (2018) and Braithwaite (2019).

⁶⁵ Braithwaite (1989) distinguishes between reintegrative shame and stigmatizing shame, relating the former to restorative justice processes and the latter to classical criminal justice.

works by Suzuki and Jenkins (2020, 2023; 2024), who prefer to talk about intrapersonal forgiveness. These notions are also related to what is known as affective accountability, which refers to people's ability to recognize, accept, and assume the emotional consequences of their actions and decisions. This accountability involves being aware of how our emotions affect ourselves and others, in order to commit to managing them in a healthy or less harmful way (Carrascosa, 2024). As future lines of research, it should be emphasized that feelings of gratitude (Sacks, 2015) associated with participation in restorative processes and their capacity as agents of change (Aldington, 2021; Walker, Tarutani, & Furman, 2017; Armour et al., 2005) have been little studied.

Temporal and geographical contextualization of the fieldwork

The fieldwork was carried out during September, October, and November 2024 through five oral telephone interviews and two written interviews, following the sending of a questionnaire with open-ended questions by email. Based on the objectives related to the application of *Estimatu* and the review of the state of the art, prepared at the end of 2023 and updated in 2024, the question protocol was drawn up and potential interviewees were contacted, giving priority to comparisons with people working inside and outside the Basque Country as facilitators of restorative justice in the prison system, whether in closed or open regimes.

Profile of participants and type of data

The facilitators, three women and four men, aged between 20 and 60, with experience in prison facilitation (in various forms of restorative justice), ranging from two to more than twenty years of experience (some of them as volunteers), carried out their activities in Madrid, Andalusia, Navarre, and the Basque Country. In the latter case, people belonging to various programs funded by the Basque Government were included. Most of the people interviewed combine their facilitation work with other activities over time, and some with restorative processes in the criminal and prison spheres, but also in other jurisdictional or social areas.

⁶⁶ In 2024, the Government of Navarre developed a training program to involve volunteer facilitators, in line with its pioneering cross-cutting legislation on restorative justice. See the extensive experience in this field in other countries, such as Norway and Finland, in Slögs and Paus (2024).

The seven experts interviewed were selected for the interviews based on their participation in previous activities with the Basque Institute of Criminology at the University of the Basque Country. Therefore, without the objective of representativeness, but rather of significance, convenience sampling was used as a non-probabilistic method. The experts were selected for inclusion because they were easily accessible to the researcher, due to the time constraints of this action research. The only inclusion criterion was to be an active facilitator of restorative justice in prison. All the experts contacted agreed to participate, after obtaining their informed consent and ensuring anonymity and non-traceability, and answered four open-ended questions related to their knowledge and experience. The introductory question concerned their sociodemographic profile and professional experience.

This fieldwork complied with the basic and updated ethical criteria of the social sciences (European Federation of Academies of Sciences and Humanities, 2023), as well as, specifically, the principles of the Code of Ethics of the Spanish Society for Criminological Research (2016).

The main limitations of this study are the possible effects of social desirability in relation to the small number of interviews. Furthermore, this study did not take into account important variables such as the gender of the experts⁶⁷.

3. Results

Below, we transcribe relevant excerpts, in accordance with the objectives of this study, from the responses provided by the facilitators.

A. What concerns you about the current development of restorative justice in the prison/post-prison field?

-I am concerned that restorative prisons⁶⁹ are still a desideratum that we have not yet achieved; there is a long way to go. It is necessary to infuse restorative justice into prisons, that is, everyone involved with the prison system, whether inside or outside (including the courts, not just the prison surveillance system, or governments, etc.) must understand that a restorative vision of prisons has many social benefits for many people.

⁶⁷ See the protocol on gender perspective in restorative justice, developed for the Restorative Justice Service of Navarra (currently being published in the *Revista de Victimología/Journal of Victimology*, issue 20, 2025).

⁶⁸ In some cases, they have been minimally adapted to facilitate understanding or ensure non-traceability.

⁶⁹ In England and Wales, there are two "restorative prisons" that attempt to integrate restorative justice into all areas of their work (Hobson et al., 2024).

actors. There is no such infusion, there is still reluctance, and when civil servants learn about it, there is resistance, fear, and a significant element of disbelief. This is what happened with mediation fifteen years ago, when judges and lawyers said that they were already mediators. This also happens particularly with technical teams, treatment boards, etc. The fact that we are external agents is fundamental, but we are also seen as outsiders. In any case, the third sector offers freedom and credibility for internal staff, which helps a lot.

Another point that concerns me is the way in which treatment boards sometimes exploit our work or the work done by the individuals themselves with our support. Treatment boards evaluate the restorative justice process in whatever way they see fit (positive, negative, or neutral). This assessment is good, but I also believe it is instrumentalized. And this also happens on the part of inmates: "If I join the restorative justice program, the Board will take it into account and I will be able to start enjoying early release, grade reviews, access to parole"... I don't like that instrumentalization either, and although we try to avoid it, it can be present in inmates. Later, when the benefit is much more holistic and profound, which is what happens with reflection, the restorative act, the meeting... then it can be forgotten. But sometimes people approach us without much interest in reparation or accountability, they keep passing the buck, and we use all the techniques we have to redirect the situation, but there are people with whom, under those conditions, it is not possible.

Another thing that concerns me, to be clear, is funding. If we want to create restorative prisons, as established in the Basque plan, I don't think operating with subsidies is the best way to give teams stability and confidence. If some places have intrajudicial restorative justice services, we should have prison restorative justice services with similar funding characteristics, an agreement to provide stability, substance, and recognition for the work being done (E1).

I am very concerned that restorative justice will burn out. Committing a crime is a serious matter that affects the victim, the perpetrator, friends of both, and, of course, society. If we do short workshops that are not evaluated and coincide with the working hours of the participants, including the perpetrators, when they are also asked to work, this can only have negative consequences for everyone and for restorative justice.

I think we need to take care in preparing those who run the workshops, offer the workshops to small groups of people, never more than ten participants, and always have a facilitator and someone else to help write or express anything that a participant needs or to help them at any point when they may feel uncomfortable.

I also think we need to follow up with participants after six months, a year, two years... It's not that we're spending resources on people who don't deserve it, but I'm afraid, terrified, for the victims, that we're playing at being modern and not putting enough resources into it, because people who believe that justice should be "an eye for an eye and a tooth for a tooth" would be reinforced (E2).

-Some of the difficulties I have identified in professional practice are that there are obstacles in the coordination between associations working in the field of restorative justice to coordinate with judges and prison surveillance prosecutors for restorative meetings. In terms of accountability, everything works more or less well. There is good coordination with the treatment board, the processes already have a certain significance, they are maintained over time, and there is already a culture of accountability. What happens when we get to the restorative meetings? In order to meet with the victim and inform them, the victims' details are either missing or hidden. On the other hand, there are restraining orders and protective measures that prevent any kind of meeting, although there are countries, such as Belgium, where it is understood that the interest of the meeting outweighs such measures, which could be suspended for that moment because it would be a safe process that does not put the victim at risk. In the case of sentences that do not have restraining orders, the process with the supervisory judge and the prosecutor's office is not formalized; it is not part of their usual practice, and the tendency is, to a greater extent, to arrange meetings with unrelated victims, which is also relevant because these are victims who cannot meet with their aggressors and, in this sense, it has a very positive impact on them, although it is true that with direct victims we do not have the procedure or the mechanisms (E3).

-Perhaps for me, the unfinished business with regard to restorative justice is the approach taken with victims, which is still not well defined. It is much more difficult to initiate processes with victims, or at the initiative of victims, or with the guidance and perspective of victims. It is easier to do so from the perspective of inmates because they are in the process of serving their sentences. I am realizing that this part of the work with victims is the most difficult and still needs to be done, with the establishment of processes and dynamics that allow access from the victim's own situation and do not necessarily have to be incorporated into processes already open with convicted persons (E4).

-There is one issue that is of immediate concern, and that is mental health. We know that there is trafficking in anti-anxiety drugs and that, on occasions, some of them are medicated. Another thing we have detected is the issue of malpractice by some officials who make them wait a long time to move to certain modules⁽⁷⁰⁾ Perhaps this is only the inmates' perspective, but we have also discussed this with other people. On the other hand, it is also

⁷⁰ Cf. Güerri & Larrauri (2022). Cf. Auty and Liebling (2024). See Marder et al. (2024). On the importance of having inmates ("wounded healers") who have participated in restorative processes, cf. Albert (2024).

very important to do post-work. Our work is aimed at change, but not only within the center; it is work that takes years and is aimed at reintegration, but it must have continuity outside. Many feel alone when they leave, particularly when they try to avoid toxic environments... They themselves say that there are no reintegration or transition policies when they leave; some have nothing, no contact with their family, no job... Some have no family in Spain and no emotional network (E5).

-While it is true that restorative justice in the prison system, led by various specialized organizations, has been going strong for many years and, in my opinion, with very good results, I still perceive a certain reluctance and lack of knowledge among some prison staff. In my opinion, this has a negative impact on the work carried out by these associations, as it is necessary for restorative justice not to be limited to 10 sessions, but to continue on a daily basis in prison. I do not mean to discredit the work of IIPP officials, but it is true that through restorative justice, healthier bonds and relationships can be created, based on listening, without confrontation or beliefs of power and status between officials and inmates, where conflicts are resolved through dialogue. In fact, many IIPP workers, surprised, used to ask afterwards what we were doing in there (in the room where we met) to make all the inmates look forward to the day when it would happen again. The truth is that no one stops to listen to them, from the moment they are charged, through the courts, until they finally enter prison, no one or very few people ask them how they are. How many times do we just need someone to ask us how we are? But sincerely, not just a perfunctory "how are you?" to get out of the way, but one that is truly meant. In these circles there is truth, sincerity, love, understanding, and that is what we often need, but the system fails. I am concerned that we forget, that instead of moving towards more restorative practices, punishment, sanctions and practices prevail which, throughout history, we already know are worthless and insufficient, but, of course, they are the easy and quick solution. However, I do believe that, despite these being times when there seems to be a lot of social fear and with it a great thirst for revenge, violence, and more punishment, I also believe that we are questioning ourselves. The younger generations are gaining access to practices such as restorative justice, as well as to information, a wide variety of reading material, and spaces, mainly promoted by associations and universities, where reflection is encouraged and enriching ideas are shared (E6).

-I am concerned about the ideological and practical stagnation in the application of restorative justice in prisons today. There is confusion between the application of restorative justice in the context of criminal enforcement, which sometimes requires contact with the offender in a prison setting because they are incarcerated, and the vision of restorative justice in conflicts that arise within the prison environment. In turn, the latter are often confused in practice with workshops or coexistence mechanisms (with a more or less restorative vision) in an environment in which, in addition,

Due to its very nature, coexistence has a highly disciplinary cultural perspective, due to a limited understanding of what good order in the institution means, which is usually translated in terms of security. It is therefore necessary to define what is restorative in the context of coexistence within prisons, defining strategies that change this disciplinary conception so that restorative justice does not become a mere instrument at the service of the internal regime. Furthermore, restorative justice within prisons is defended with a strong "educational" component in conflict resolution and, therefore, an element of "reintegration," sometimes requiring prisoners to follow models of behavior in dealing with conflicts that go beyond what we demand of the rest of the citizenry, except, of course, for criminal acts that have been subject to criminal punishment. We do not know if we want a model of coexistence, for which we need to influence a change in prison regulations, a generic or specific treatment program (an example of the latter is facing up to responsibilities in white-collar crime or cases of corruption), or a paradigm of post-crime confrontation of responsibilities towards victims. Or all of the above at once (E7).

B. How can we talk about culture and restorative interventions beyond specific meetings or workshops? In other words, what coordinated, cross-cutting, or complementary links would be necessary, and how can we articulate them to co-construct a true restorative culture in prison or post-prison so that it does not remain isolated interventions?

-Prison justice services do not have to be the ugly duckling of restorative justice or the most marginal aspect of restorative justice within our justice system... Furthermore, restorative justice must reach open grades but also people who have already served their sentences and are continuing with their restorative justice processes. This also has to do with the issue of funding and recognition. It takes time because the government's plan is one thing, but the reality is another, specifically that prison officials have a number of characteristics. This activity is somewhat marginal in prison and is not felt by many officials as something that belongs to them. There is still a lack of understanding that we are part of the prison community. We have to be part of that community, and we are not yet. We need greater momentum, new blood, and belief in a new paradigm, as well as a greater level of understanding and referral. One of the things that is happening to us is that people apply to join the program and the treatment board, for whatever reason, decides that they should not do so when, from our restorative perspective, what this shows is that they do not know what restorative justice is. But I want to be optimistic about the future. It is a horizon that goes beyond prison because, in addition, in our processes the deadlines are more flexible and there are people going through their reintegration processes, or integration processes because they have never been integrated, and they ask us for our intervention, a restorative intervention, not an educational or social one, on the damage, on repairing it, on acquiring tools... (E1).

-I can think of some absolutely necessary actions to ensure that people who have committed a crime make a real commitment. First, a commitment to mental health centers to treat, for as long as necessary, people who have committed a crime. I already see many people who have had disorders as minors and have not been treated. Second, a commitment to adult night schools to achieve certain academic levels and also a commitment to vocational training centers. Third, commitments with employers so that no worker with a criminal record can be dismissed for this reason and can be given permission to attend a psychologist or a learning center. It would be something like giving them an incentive, as is the case with the employment of people with functional diversity. Fourth, workshops for in-depth growth, setting a mandatory number for the duration of the criminal record to do something positive during that time. Fifth, mandatory courses in companies for managers and workers in general on the culture of peace, the importance of reintegration, and conflict resolution. Some courses could be taught by retired people, as the Psychology and Law Associations, among others, have forums for veterans. Sixth, sufficient educational inspectors to ensure that coexistence plans are carried out in educational centers. Seven, attendance at compulsory lectures and workshops at the university on the culture of peace; without these workshops, degrees could not be obtained. Eight, posters in parks, neighborhoods, and city centers alluding to the importance of peaceful coexistence and social reintegration... in short, to improving the quality of life of all people and making this visible to the entire population. Nine, local councils should promote debates on the culture of peace on the radio, etc. Ten, mandatory time should be set aside in each session of the Congress of Deputies for the participation of organizations that defend a culture of peace (E2).

-Prison dynamics pit the philosophy of restorative justice against a culture of control, security, disciplinary measures, and mistrust of inmates. It's the first thing you see when you enter a prison. Depending on the prison, in more specific terms, these regimented dynamics hinder the process. For example, if you conduct a process during the morning shift, which is the only time inmates can go to the commissary. Other times, inmates are not called on time and you have to start the process later, which entails additional costs for us. It would be very interesting to train all prison staff, from guards to the treatment board itself, on the values and functioning of restorative justice, not because they are facilitators or will intervene, but so that they know how to work with offenders and victims and the meaning it has for these people because, when we take a victim to a prison, the officers treat them very well, but this needs to be explained to each officer. In addition, the post-prison period is very interesting because there are facilitators who continue these reintegration processes after the restorative meeting, and there are others who do not. What has emerged from a Spanish study on restorative justice is the need for social transfer, that is, that everything they have experienced is

They need to share this with society and make it visible during their reintegration phase. Along with this, there is also a great need for social and labor reintegration on the part of inmates after their release from prison. In relation to this, one of the benefits of restorative justice, which was not initially one of its objectives but has been achieved, is that it greatly improves self-esteem, self-perception, social ties, family ties, etc. This means that when inmates are released, the effects of imprisonment are reduced and their reintegration is improved. If they have been able to face the most serious consequence of their crime, which is the harm done to the victim, this greatly empowers them to make that personal change. This is a clear benefit, whether or not accompanied by facilitators, in reducing the negative consequences of incarceration and promoting ties with families. They become aware of the harm they have also caused their families and strengthen their ties, which we know is a factor in crime prevention (E3).

-Restorative justice is not developing slowly. I think the process is going well, considering that it represents a significant paradigm shift from the existing system, but efforts are indeed being duplicated or tripled because they are not coordinated; there is no network that coordinates them at the institutional and interdisciplinary level. Initiatives are emerging from governments, entities, universities, etc., which are working in an uncoordinated manner, and the objectives that are achieved, although important, arise in an uncoordinated manner with additional efforts. It is necessary to develop networks to work on the establishment of programs, quality criteria, etc. There is still a lot of individualism in restorative justice (E4).

-There needs to be more coordinated work. There are many organizations working in this field, and it seems that this is related to the decrease in the level of conflict in prisons. This work must be supported in a coordinated manner. On the other hand, we carry out work that is highly intense and emotionally charged, which deserves to be taken care of (E5).

Restorative justice and criminology have taught me that things are not black and white; that, in order to draw conclusions and make decisions, it is necessary to pay attention to people and circumstances; that human beings are capable of reinventing themselves over and over again; and that labels are very dangerous. We must promote restorative spaces in schools, universities, work environments... because the truth is that conflicts are inevitable as social beings, but what is important is how we want to resolve and learn from these situations. These restorative spaces also promote active listening, empathy, help, solidarity, among other things. As I said in the previous question, in order for these circles to ultimately be more than just that, it is important that public institutions, and especially IIPP, promote these practices along with more training and education for staff working in this field. I think the important thing is to be clear that restorative justice contributes to the system and to people (E6).

-I think it is important, in line with what I said in the previous point, to define what we want. Subsequently, we need to create genuine coexistence committees, beyond disciplinary committees, within prisons, which address conflicts from a restorative perspective. We should move towards a legal change in the regulations regarding sanctions, incorporating a restorative approach, with proposals for new legislation (the current regulations date from 1980 and many are directly contrary to the principle of legality and inapplicable). Many others are also subject to "creative" interpretations. Back in 2003, we wrote about conflict resolution workshops that should be part of the "welcome" after admission to prison, even in a reduced version. And, of course, we should continue to enable the introduction of restorative justice services for working with victims or the implementation of restorative circles as part of stable and specific programs within prisons (E7).

C. How can we assess the impact of restorative justice on people who take responsibility?

We cannot assess the impact solely with the main actors; we must assess it with all secondary and community actors, using various tools (interviews, writings, call recordings, videos, drawings, informal conversations, reparatory acts, etc.). There are many ways to do this, but the impact should not be assessed only individually, but also with the environment (E1).

-I only have short-term data, and generally, when they participate, some time has passed since the crime and the sentence. Most of them have already begun to change their lives. The impact of the workshop is always very positive, more because of the atmosphere it creates than because of the content, which cannot always be worked on. The participants themselves say that this process would have been very useful to them before, and now too, but they already have their lives on track (E2).

-There are different ways of doing this, with pre-tests and post-tests, as a tool that can be used in the prison system, based on an ecological model of accountability for the harm they have done to themselves, victims, families, and society. Where the most change is really perceived is in the perception of the harm done to their family and the victim, and they identify more ways of making amends. All of this contributes to reintegration in a very clear way (E3).

The assessment of the impact must necessarily come through monitoring, not so much the monitoring of the results of the agreements reached. This would be one aspect, another element to highlight would be the potential lack of recidivism, as more observable elements, but the qualitative impact would have to be worked on through monitoring the situation and evolution of the people who take responsibility. Once they have served their sentence, it is quite difficult. Therefore, it would require, during the process, work on

Involvement of individuals in their own restorative process. We know that there is a certain tendency, sometimes self-serving, to participate in these processes either when they are pending trial or, subsequently, when individuals are deprived of their liberty. We should look for ways to encourage self-involvement and proactive participation in follow-up processes, perhaps in community-based restorative processes, which would allow us to evaluate and assess the reality of what they are experiencing and the vital outcome of the restorative process. Surveys may be useful and allow us to objectively assess certain parameters, but they do not facilitate a medium- or long-term analysis of that change or transformation (E4).

Our job sometimes consists of pushing them to a certain limit so that they reconsider; these are very difficult stories. Sometimes it is very slow work, but I believe it changes them. In addition, our methodology is based on emotions, which brings us down to the human condition. No matter what the person's cultural profile is, you strike a chord that works, and every two weeks you see how they open up and change. Sometimes, the more rational side is used as an excuse not to talk about what you feel and your own responsibility, and to say that you are a victim of the system or that others are to blame. We have placed a lot of emphasis on the concept of responsibility. I would say that there are two schools of thought among civil servants: those who talk about guilt and say that inmates are there because they deserve to be, and those who talk about responsibility and believe in rehabilitation and second chances. We have people who have committed very serious crimes. We also use the concept of emotional responsibility. It would be very good to do a follow-up once they leave the center. We have had cases of attempts to write a letter to the victim, but if there are restraining orders or prohibitions, they cannot do so, or if they do, they must do so through their lawyers, but lawyers are not normally trained for this role. This has happened to us in a couple of cases (E5).

-Based on my experiences, I can say that the impact in terms of accountability has been very significant and rewarding. It is true that many of them have been reflecting on what they have done while in prison. Unfortunately, they have too much time to suffer the consequences of their actions, so the process helps them to sort out that inner chaos and the constant guilt they blame themselves for. However, there are others who are not fully aware of the impact of their actions. They often think that there is only one victim or one harm in their actions, but the processes help them to broaden their perspective and realize that there is more. As an anecdote to clarify what I mean, I met an inmate who had been involved in drug trafficking for years, and on the day we were discussing the concept of victims and the types and damage caused, he claimed that his crime had no victims. Of course, it is curious because we always hear about direct victims, but when the facilitator made him reflect on the impact that drugs had on society and on the victims who consumed what he trafficked, as well as the types of harm that this then caused to the victims, the

At the end of the session, the inmate said that he had never thought about it that way and that I was absolutely right. So, of course there is responsibility, and it is extremely significant, because we don't know what life will hold for this inmate once he is released from prison, but perhaps he will stop and think or reflect next time. On the other hand, if that reflection had never come, he would surely not have stopped to think.

It is also very common for them to use so-called neutralization techniques during the trial and afterwards, and we work on that too. We all use these techniques in our daily lives and that's okay, they are like mechanisms we have to defend ourselves, but it's not a bad thing if we are then able to reconsider, reflect, and rewind. When we work on this, inmates are able to accept that they have used it thousands of times, especially in trials, and are then able to take responsibility. As I said, human beings are capable of doing and undoing, but we need facilitators and people to guide us (E6).

-Responsibility must be assessed in the context of punishment, of course, as part of the modulation of the punishment or its execution, which may be suspended or not carried out. In the assessment of "bad behavior," to the extent that it serves to deny permits, grade progressions, or other prison benefits. The granting of special pardons may also be considered. In the treatment sphere, it should be considered positively in the evolution of those aspects that influenced the commission of the crime, insofar as it implies a change of attitude leading to greater responsibility. In the post-prison criminal sphere, it should also be assessed positively in relation to the circumstances surrounding grade progression or the granting of prison permits (E7).

D. Any other comments or ideas related to the above are very welcome and appreciated⁷¹

-A restorative view of prison is more than just prison and also goes elsewhere, to people who have suffered, people who, from the prison world, have always been forgotten. I think it is also very important that prisons are aware of this and that, together with prisons, the administration of justice promotes the possibility of restorative processes for victims, that is, that there is a proactive approach when it comes to contacting those who have been harmed, the victims. This continues to be a reality: there are other victims whom we cannot reach, perhaps even with the help of the administration, even though there is good communication between services. We need to go beyond victim support services; we also need to coordinate with judges, prosecutors... This is still failing us (E1).

-In order to continue with restorative justice in prisons, although it should be a public service, as it is in other phases outside of enforcement, there is no such service in prisons. And prison staff do not have their own personnel for this. Therefore, there should be more sustained funding, with

⁷¹ In the case of interviewee number 2, no further comments were added.

time, preventing us from having to carry out this work with our own private funds in order to do so. Ultimately, this should be a right for everyone. One of the things that should be changed in Article 15 of the Victims' Statute is its almost exclusive focus on mediation and the judicial process, forgetting that there are still needs for reparation for victims in prison and post-prison phases. It is essential to promote the effect that restorative justice has in reducing incarceration and fostering self-esteem, autonomy, and empowerment among participants, through the re-education that involves the accountability of inmates and their reintegration (E3).

-As already indicated, it is necessary to work with victims in specific processes to encourage their participation in the processes, and it would also be necessary to promote the creation of interprofessional and interdisciplinary networks for the socialization of restorative justice, working in a more systematic way. The way in which restorative justice is developing is somewhat chaotic and disjointed, resulting in little rationalization of efforts and very scattered results. We need to pause for a moment and begin to define strategies for establishing joint networks to develop coordinated restorative justice programs (E4).

-The issue of children is also important: how children react when their father is in prison and what feelings of guilt inmates have in relation to this. In cases of gender violence, there are also contact bans. More specialized work would be needed to assess the change. On the other hand, it is very interesting when they compare our work with interviews with psychologists, for example, they tell us that when they talk to psychologists they are not asked how they are, this does not happen in all cases, but it does happen sometimes. Inmates do not perceive a genuine interest in their well-being, they notice a coldness, a distance, even though psychologists have a different opinion. On the other hand, although it may seem paradoxical, there is something positive about being in prison. Being disconnected from their cell phones gives them more time for themselves to think, for those who want to do so, to do personal work that they cannot do outside because they did not have time for it. This has always been the case, but perhaps now more so. Finally, they are in an extreme context and the friendships they form change, in the case of men, their concepts of masculinity because they experience shared affections or emotions that did not usually occur outside... In addition, we are part of the circle and we also contribute with our experiences, which is appreciated. When something very personal is shared, the rest act as a mirror because they see themselves reflected in it. There is an encounter with the other who can recognize that emotion, and that is when that sense of community arises... and seeing how that emotion can be enhanced when it is positive and, if it is negative, seeing where it comes from and how it can be transformed. Of course, you can use reason, but in the face of strong emotions such as fear, shame... reason is sometimes used to justify or avoid taking responsibility, and that is why working from emotions can help... In

In this regard, it is important to note that we sit in circles and that there are adequate spaces for these processes to take place⁷² (E5).

-Having the opportunity to attend these sessions has been a turning point in my life and my professional career. When I walked into that room on the first day, I never imagined the emotional journey, experiences, fun, and sadness that all those sessions would bring. Living in society is complicated. Unfortunately, not all of us have the same opportunities, and even if we are the luckiest people in the world, one day everything can go wrong and we can do something we never thought we would do because it seemed so far removed from our lives. The truth is that we begin to be questioned, judged, and reproached, and we end up in an unfamiliar place, feeling fear, anger, tension, guilt, a lot of guilt, and no one listens to us. Thus, we go from being part of society to being the bad guys and outcasts of it. Few believe in us, and we believe in ourselves even less because they have taken it upon themselves to repeat over and over again that we are bad and that this was our destiny. But few tell us that this is not a justification but an explanation; that people are not bad or good, we are people; that no one is a divine being and no one is an evil being; that change is possible; and that there are people who do believe in us and want to help. I always think that if I were ever in that situation, I would love for someone to come and say to me, "I do believe in you." As the sessions went by, I realized the great potential that each of them had, their enormous capacity for self-reflection and responsibility. On many occasions, they shared super interesting ideas and thoughts, and I always wondered, how far could they have gone? One day I read that it was not a question of justifying actions, but of giving us an explanation, an explanation that will help us move forward as a society, and that is where restorative justice comes in. Finally, for me, the most exciting moment was during the last session, when we gave the inmates personalized letters in which we each chose what had most caught our attention about each of them. The result was incredible. I still remember those excited and happy faces. I remember one of them saying, "Wow, so many compliments! I didn't know I had so many positive qualities!" (E6).

-It is necessary to submit a proposal covering all these aspects to the prison administration, as a basis for adopting a restorative justice strategy in prison, because this is largely overlooked in practice. (E7)

4. Analysis of the results

We can summarize the content analysis of the above illustrative excerpts on the topics raised for discussion in the following table.

⁷² This is an aspect that has also been little explored in restorative justice, in relation to so-called sensory criminology, see Herrity, Schmidt & Warr (2021), and the conditioning between spaces for the development of restorative justice, perceptions, emotions, and changes. In previous research, this aspect has been addressed in LTPJR publications on restorative pathways as forms of restorative justice (see various publications on their website).

ANÁLISIS TEMÁTICO

FACILITACIÓN DE JUSTICIA RESTAURATIVA EN PRISIÓN

D-C

El diálogo en el contexto de la prisión

- Dificultades sistémicas, culturales, estructurales y profesionales
- Precariedad de medios
- Falta de coordinación
- Falta de apoyo postpenitenciario
- Desigualdades en el acceso
- Falta de evaluaciones

J

Justicia

- Confluencias de procesos de reinserción, prevención y reparación a las víctimas
- Indefinición del papel de las víctimas
- Involucración de la comunidad
- La responsabilización activa como un proceso complejo individual y comunitario

T

Terapia

- Efectos terapéuticos de la JR: perdonarse a uno mismo y posibilidades de cambio y transformación
- Relaciones confusas con la noción de tratamiento y su impacto en la vida en prisión
- Relevancia de la voluntariedad

P

Pedagogía social

- Transferencia social pendiente
- Entendimientos restrictivos de la confidencialidad

Laboratorio de Teoría y Práctica de
Justicia Restaurativa (UPV/EHU)

5. Discussion and conclusions

In line with previous comparative studies on the effects of restorative justice in prisons, highlighting the evaluation of the *Building Bridges* program in restorative justice in the prison environment, facilitators emphasize that it is a task with social, institutional, and professional implications, where, even with limited resources and constraints, positive impacts are noted in terms of the potential to bring about desirable changes in people who have committed crimes and to counteract the harm of victimization. Based on what criminological research tells us about punishment, prison sentences, and their alternatives, and adding what victimological research tells us about victims' rights and needs, we can say that the facilitators interviewed point out that restorative justice processes are processes of convergence for the recovery of all participants, with a positive impact in overall terms of public health and human rights.

These reflections converge with the results of previous studies (LTPJR, 2024), which we reproduce and update here, where it was already pointed out that there are four forms of productive rehabilitation intervention that we must always consider and that, very often, must be combined if we want to achieve the goal of reintegration (Burke, Collett, and McNeill, 2018; McNeill and Graham, 2020):

a) Personal rehabilitation, which aims to develop new or existing motivation for change, as well as to create new skills, abilities, and aptitudes for living differently.

b) Judicial rehabilitation as a process of formal and legal "de-labeling" that restores, in practice, the affected rights of the citizen. It guarantees the end of punishment.

c) Moral and political rehabilitation is more informal and focuses on dialogue between the citizen, civil society, and the state: a civic and civil conversation that goes beyond examining the offense to explore what lies behind it, as well as the harm done and how it can be repaired.

d) Social rehabilitation refers to the individual's social position, in all its interdependencies, and to their social identity.

In short, both the processes of reintegration and victim recovery and reparation have to do with the (re)establishment of positive connections and resources for this purpose; in short, with the help and welcome they need from other citizens and the community on the path to reintegration or recovery of lives in all their potentialities (McNeill, 2021). Sometimes, this also involves acknowledging feelings of shame for what has been done or experienced, as an element that promotes disconnection, in line with the theory of resilient shame that allows these experiences to be transformed into commitment and change (Barefoot & Chitty, 2019).

For his part, Gavrielides (2025) urges us to reconsider the most widespread model of rehabilitation (*Risk Need Responsivity Model*), which sometimes ends up favoring exclusionary social control that causes more harm and contributes to dehumanization. Combining the perspectives of prevention, intervention, and reparation, Gavrielides contrasts this deficient model with a positive resilience model called RJiNEAR (inspired by a previous project, iNEAR) to foster capacities and

rebalance power in the continuum of violence. Gavrielides presents examples that allow us to grasp its complexity, with hundreds of participants over the years, many of them from minorities who suffer intersectional discrimination and other forms of abuse of power. Recognizing some limitations in his methodology and results, and based on more than seven years of hard work, six case studies in different countries lead us to self-reflection (including the alchemy of what the author calls "pain in restorative justice") to apply, or rather, recreate the proposed model that encompasses emotions, affects, and consciousness in participatory and inclusive activities that reinforce relational autonomy and interdependence, in short, confluence (de Azevedo, 2024).

The assessment of restorative justice as a provocation of "never again" with the help of victims as co-constructors of conversations for reparation is more related to desistance as a progressive abandonment of criminal victimization than to the binary variable of recidivism, as we have already pointed out in other works, citing experts on this subject such as Maruna (2016) or, more recently, Mannozi (2024) and Shachaf-Friedman and Elisha (2024).

In short, desistance is not a linear process. It often involves interruptions and setbacks. As experts point out, we need to find ways to use these as learning opportunities, supporting people in that learning so that they comply with the rules, rather than rushing to apply punitive measures (McNeill, 2021). Furthermore, according to the specialized literature, desistance is a process of personal development that each person experiences differently. Studies have explored differences related to gender and ethnicity, for example, as well as those related to different social and cultural contexts. We therefore need to individualize the forms of support we offer, respecting diversity, which restorative justice seems to do well.

Desistance is associated with the development of hope and a sense of agency, or increasing control over the direction of one's own life, again aspects that are identified and worked on in restorative processes. Therefore, we must work in ways that nurture hope and enable relational autonomy, for example, by involving people in planning their lives and helping them develop the necessary skills to do so (McNeill, 2021).

Relationships are fundamental to desistance, particularly what is known as tertiary desistance (McNeill & Schinkel, 2024), with changes in the perception of belonging to the community. We must therefore also work with families, friends, and communities to find ways to support people through desistance, which could be achieved through conferences, panels, and restorative circles, including reentry circles. Desistance involves constructive changes in people's routine activities and social networks. This means that we need to provide practical support for such changes, for example, through public assistance to cover financial needs, housing, health services, education and training, etc.

Recognizing people's efforts to change has a reinforcing effect. Conversely, if the attitudes, language, and practices of criminal justice professionals and communities undermine change (e.g., by reinforcing criminalization and exclusion), then they will undermine change. We must recognize and appreciate change (McNeill, 2021).

As recommendations for future lines of applied research, there is a need for case studies of restorative processes in prisons (Gavrielides, 2017), with critical reflection on their challenges and potential as an evaluated instrument of change, to involve professionals and citizens and expand access to restorative justice.

Finally, it should be noted that, for the sustainability of tools such as *Estimatu* or others, whose use may be required to carry out restorative programs, the assessment of restorative justice programs in prisons could be coordinated with different broader research projects. For example, it can be related to *Prison Insider's* Prison Life Index⁷³. This index is an analysis tool,

⁷³ See <https://www.prison-insider.com/es>. As we have mentioned in other works (LTPJR, 2024), criminologist Alison Liebling of the University of Cambridge has done some of the most important work on the factors that limit and promote personal development in prisons, based on a careful and sophisticated combination of ethnographic research and surveys in multiple research locations in many jurisdictions around the world. Liebling concludes that the "big five" dimensions of prison quality that influence personal development, and which could be reinterpreted victimologically, are as follows (Auty & Liebling, 2024):

- Bureaucratic legitimacy: that is, the transparency and responsiveness of the prison and its moral recognition of the individual.
- Humanity: that is, an environment characterized by kind consideration and concern for the person.
- Professionalism of staff: trust and competence of staff in the use of authority.

Launched on December 5, 2024, and based on the main international instruments on prisons (Nelson Mandela Rules, Bangkok Rules, etc.), which establish minimum standards against which respect for the fundamental rights of prisoners will be assessed. To develop the analytical framework for this index, more than 35 international standards were combined with 65 complementary sources. It consists of five dimensions, which, in addition to basic needs such as food and hygiene, medical care, and safety, include being active and being connected. The latter two can be related to active accountability for repairing damaged relationships within restorative justice programs, as long as the relational perspective of victims, in all their diversity, is included. Furthermore, it would allow restorative justice in prison to be considered in all its complexity, so that harmful impacts (Crawford & Pineda, 2024) or shortcomings, as pointed out by the facilitators interviewed in this chapter and other similar studies, can be corrected, all in line with what was noted in the introduction to this monograph, always taking into account the complexities of prison systems. This last reflection should also serve to promote comparative research, both within and outside our country, to highlight why restorative justice works with different impacts, even within the same system or similar systems⁽⁷⁴⁾.

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- Help and assistance: means support and encouragement to [address] problems (including drugs and healthcare) and to be able to manage them and get on with life.

- Organization and consistency: meaning clarity, predictability, and reliability of the prison regime (McNeill, 2021).

⁷⁴ See Viñas, Soletto, and Hernández (2024), who point out that: "factors such as the different trends in *common law* and *civil law* procedural legal cultures, conservative resistance to cultural change among legal professionals, difficulties in professionalizing restorative justice practitioners, the lack of a support structure for restorative justice services, the lack of an evaluation system for restorative services, and the lack of a statute for facilitators to ensure ethical conduct mark the uneven progress and take-up of restorative justice in Western European countries and even within the same country" (p. 489).

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MEN'S CIRCLES. ALSO RESTORATIVE?
REFLECTIONS ON A PROJECT ON MASCULINITIES IN PRISON MADRID V⁷⁵

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*To "Mery," Lucia, "Bea," and Luis Carlos for always facilitating and supporting
this project in the prison. To Alex,*

*Alfon, and Victor for supporting me on this personal and militant
journey.*

*To all the state technicians and lawyers who have worked tirelessly since 1978 on prison
policies and laws aimed at reintegration so that a project like
this can be carried out today.*

1. Introduction

This text is intended to be an autoethnographic essay⁷⁶ on the experience of a men's circle in Madrid V prison. It is a three-year project involving inmates from almost all wings of the prison, of different ages, serving preventive sentences. The two-hour sessions are held every two weeks in one of the treatment classrooms. From the outset, I would like to highlight the difficulty of this exercise. It is challenging to theorize and analyze such an emotional and subjective experience, but one that is clearly restorative, both for the participants and for the facilitators, who are also, according to our methodology, active participants in the Circle.

In other research and publications, I have been able to study concepts such as forgiveness, guilt, justice, and grief, which are complex philosophical concepts in themselves. However, sitting down with the perpetrator, working for and with them to analyze their own subjectivity and behavior from the theoretical assumptions of these circles is undoubtedly a challenge, as it challenges and even questions some learned assumptions about the human condition. At the same time, from a scientific perspective, it is a veritable sociological and human laboratory. In any case, above all, we experience it as a work of treatment, accompaniment, a n d

⁷⁵ This text was originally published in the collective book, currently in press, entitled *Criminología conversacional (Conversational Criminology)* (2025, Comares publishing house).

⁷⁶ See an example definition in Gil-Mateu (2023).

questioning with inmates about their/our condition of masculinity. This is something that affects both the men who are inmates and those of us who come from outside. This shared condition of being men in this changing and turbulent 21st-century society, with all its problems, helps us in our work to treat learned behaviors such as violence in its various forms, fear, loneliness, affection, care, vulnerability, and work on responsibility.

Masculinity in its generic conception is understood as a social construct, not a biological one (Sambade, 2020, p. 261). However, the aim is to "unlearn" this masculinity, referred to as toxic or "hegemonic patriarchy," which, when analyzed from a feminist perspective, has been characterized by the pursuit, use, and abuse of power and, therefore, control and domination over women. This hegemonic masculinity has had and continues to have negative consequences for both women and men. For women, it means gender-based violence in all its forms and with terrible consequences: physical, symbolic, vicarious, economic violence, or social inequality with clear and harmful sexual objectification. At this point, and given the seriousness of gender violence and femicides that we suffer in Spanish society today, we present some figures that "speak for themselves" and that should undoubtedly help collective reflection:

21.5% of women in Spain have suffered physical violence.

13.7% of women in Spain have been sexually abused at least once in their lives.

62% of homicides in Spain are committed by men against other men. 7% of homicides are men killed by women. 3% of cases involve women killing other women.

Seventy-seven percent of suicide deaths in Europe are men.

For men, emotional repression, frustration, and violence arise, among other causes, from frustration at the impossibility of meeting the demands of patriarchy. For all these reasons, the work of men's circles and all work related to masculinity or "new masculinity" is aimed (at least according to the methodology we practice in our collective) at building a new model based on the ethics of care, co-responsibility, and gender equality.

Considering the above, by way of contextualization, in this text I will attempt to answer several questions: Are men's circles truly restorative? Does the perpetrator tell us the truth during the sessions or does he falsify his story to gain our approval? Are these sessions effective in changing the perpetrator?

⁷⁷ Sources: *2019 Macro Survey on Violence against Women* by the Spanish Ministry of Equality and Eurostat's *National Report on Homicide in Spain*, cited in Roiz and Priante (2021).

Similarities can be drawn between treatment in a Men's Circle and restorative justice based on the following argument:

These dialogue-based meetings resemble Restorative Circles—specifically, Restorative Dialogue workshops—due to a number of common characteristics. First, because they improve the community—in this case, the prison—in that this project is open to everyone and has clear benefits for those who attend: it increases personal involvement in all areas and the degree of participant satisfaction. Second, they work "with the individual" and not "against them." Third, the space and the topics discussed are confidential. Fourth, the responsibilities of the offenders or guilty parties are discussed, and they are given the option to show their feelings and emotions. It has been found that talking and verbalizing one's emotions is undoubtedly healing. Fifth, every conflict represents a learning opportunity. There are also other features that link them to restorative processes. Attendance is not mandatory and does not result in a reduction of the offender's sentence or material benefits.

Based on this premise, the following paragraphs will delve into these common characteristics, as well as reflect on how working in these Circles, based on the male condition and emotions, can help individuals change their behavior through deep and conscious reflection on the harm they have caused, both to themselves and to others. Therefore, this individual change has and aims to have a very clear impact on society as a whole, as the work carried out during their time in prison has a clear objective: to help in this reflective change and, therefore, in action "in the now" in prison, but also to ensure that this transformation is maintained in their reintegration into society in order to improve it, because no one like those who "have gone down to hell and come back to tell the tale" is better qualified to teach and show others that change is possible.

2. The circles and their method

2.1. The origins

Internationally, the social movement for the study of men and masculinities emerged in the United States in the late 1960s and early 1970s, driven by feminist and gay liberation movements, both of which were supported by the American civil rights movement. Another factor that had a profound influence on American society was the failure of the Vietnam War, "which led to a questioning of the patriarchal power structures and masculine behaviors fostered by World War II and the Cold War" (Armengol, 2022, p. 29). Given the enormous weight that men have had as representatives of power and strength in this broadly and historically warmongering society, "the recurring images (much more visible than in previous wars) of mutilated veterans, with their bodies pierced, castrated, or wounded, called into question the masculinity and virility of the soldier" (Armengol, 2022, p. 31). All these

events helped to question the prevailing masculinity represented until then by white, heterosexual men and thus "awakened interest in the analysis of masculinity." (Armengol, 2022, p. 31).

In our country, according to various sources (Armengol, 2022; Men for Equality Program, 2024; Claudio Naranjo Foundation, 2024), this movement arrived in the early years of our democracy, consolidating itself in the mid-1980s as a clear response to the dominant "patriarchy," already referred to as such, in a clear stance in support of feminism and as a position taken from the male gender. The dynamic has been referred to in various ways: "men's groups," men's circles, masculinity workshops, etc. It should be noted that there are international men's networks, such as *MenEngage Alliance. Working with men and boys for gender equality*, an international network with more than 1,000 members in 92 countries around the world that aims to transform unequal power relations and dismantle patriarchal systems by:

- Transforming patriarchal masculinities and rigid and harmful norms around "being a man."
- Working with men and boys on gender justice through intersectional feminist approaches.
- Establishing inclusive collaborations at the local, regional, and global levels.
- Developing joint actions in collaboration with women's rights, gender equality, and other social justice movements, and being accountable for them⁷⁸.

As Pinilla, Boira, and Tomas (2014) point out, this phenomenon has been little studied in Spain but has nevertheless grown significantly over the last decade as a conscious response to the rise of feminism and its struggles. Thus, it can be said that: "this movement has played a significant role in denouncing situations of gender violence and promoting equality between men and women by promoting and highlighting emerging and alternative 'models' to hegemonic masculinity" (Pinilla, Boira, Tomas, 2014, p. 395) and "transversal machismo" (Salazar, 2018, p. 29).

In terms of their demands and motivations, as the authors cited also point out, there are programs or models oriented toward political struggle that are different from those that mainly play a "therapeutic role." In my personal experience with this movement, it can be said that, at present, there are many more groups or circles focused on personal work than those that are purely political or activist. In any case, the boundary is blurred if we follow the clear message defended by some feminists: "the personal is political." In a clearly "militant" sense, of denunciation and vindication.

⁷⁸ See their website at <https://menengage.org/>.

public figures such as Salazar, Armengol, and Bacete have spoken out. The latter reports on the first demonstration by men "against sexist violence" in 2006 (Bacete, 2017, p. 198).

In terms of its organization in our country, there are well-known and long-standing public projects supported by public institutions and a large network of citizen associations. The public project in Jerez, "Men for Equality," has been working for 25 years from the municipal public space against sexism and for gender equality. In the public university sphere, we must highlight the work of the Observatory of Masculinities at Miguel Hernández University ⁷⁹.

As already noted, there is a clear consensus in all the studies consulted on the beginning of this movement that these dynamics, therapies, or encounters are beneficial, reactive, and transformative for the male participant. This is something I can corroborate, with all its limitations, within this autoethnographic reflection.

Finally, as in other social movements or the feminist movement itself, there are currents, schools, and divergences within the masculinity movement in terms of working methodologies and objectives. For example, within the movement itself, there are mixed circles of men and women, associations more oriented toward training and less toward transforming toxic or unequal male behaviors. There are also groups that declare men to be victims and may promote anti-feminist discourses or discourses close to the Manosphere⁽⁸⁰⁾. Controversial statements such as "Soccer is the only place where men can cry without being judged" (La Voz de Galicia, 2024) discredit the personal work of transformation of hundreds of men whose goal is to address the so-called "crisis of masculinity," that is, "the need to reconstruct masculinity in order to face the new challenges that men are confronted with due to social, economic, and mindset changes" and, ultimately, "heal emotional wounds, overcome destructive patterns, and improve their quality of life" (Asociación Círculos de hombres, Manifiesto 25N, 2023).

3. The work of the Circles and their context in the center of Madrid V: Methodology

⁷⁹ The observatory on masculinities emerged after the 2019 International Congress on Masculinities and Equality, organized by the ECULGE research group at Miguel Hernández University in Elche (Spain). Based on this meeting and with the aim of taking advantage of and continuing the networks and synergies generated, the observatory is configured as a broad space that aims to address the male issue at different levels, such as scientific-academic, activist, professional, and social, from a gender perspective and with a feminist approach. See its website at <https://observatoriomasculinidad.umh.es/presentacion/>.

⁸⁰ This noun refers to misogynistic digital cultures, as a conglomerate of subcultures characterized by the use of misogynistic discourse and fueled by anti-feminist conspiracy theories.

Firstly, I must refer to the specific work context. At the Madrid V center, we work with around thirty NGOs of all kinds⁸¹. This is a fact that deserves to be highlighted, not only in quantitative terms, but also because of the importance of civil society's penetration into a public service entity such as a prison, which is *a priori* so opaque and little known to the public in terms of its functioning and objectives. On the other hand, the work of dozens of volunteers within the center, who are not part of the civil service, allows for a certain degree of "regulation" and "observation" of the conditions and functioning of the center.

Furthermore, it has a direct impact on the functioning of the prison. During the last social council meeting, the head of security and deputy director of the center, a woman, pointed out the importance of low conflict levels, thanks to the work of the various entities that work in its treatment classrooms and other units, some of them for two decades. Due to the limitations of this chapter, I cannot elaborate on the relationship and importance between gender and the prison staff, but it should be noted that, at least in the Madrid V center at the time this work refers to, all the social workers are women, as are all the psychologists, with the exception of one man. Again, this is not a minor fact that should invite reflection.

On the other hand, one impression I have noticed over the course of these three years of work is that there are (or at least this is how we have perceived it in our relationship with the center's staff) two quite distinct currents or subjective views of the inmates. On the one hand, there are more "punitive" officials or technicians who speak about inmates in clear terms: "They deserve to be here!" and in their discourse they always refer to the guilt of the perpetrator. On the other hand, there is another group that openly defends all work done towards reintegration and always speaks of responsibility, not guilt, differentiating between the two notions.

As for our work at the center, according to our association's philosophy and based on our experience as facilitators and trainers for more than fifteen years, a men's circle "is a space among peers that aims to empower men to feel emotionally mature, powerful, and compassionate in order to heal their own wounds and help others. It is a firm commitment to one's own personal development." This is a broad definition that I will break down in the rest of the text through the analysis of my experience in prison, so this work and its ideas are carried out on a personal basis, without prejudice to occasional comparison with other people and bibliography.

⁸¹ Organizations as diverse as Narcotics Anonymous, Fundación 26 de Septiembre, Perros y Letras, Fundación Atenea, Red Cross, Hijas de la Caridad, Remar, Solidarios por el Desarrollo, Fundación Horizontes Abiertos, Cesal, Concaes, and the Real Madrid and Atlético de Madrid Foundations.

⁸² See <https://circulosdehombres.wordpress.com/>.

In principle, the dynamics and benefits in any Circle, both inside and outside prison, are as follows:

- Being listened to by other men with respect and closeness, without any judgment being passed.
- Learning to express and communicate emotions, feelings, fears, and painful experiences.
- Work on your own identity, whatever it may be.
- Learning to ask for help and advice.
- Form a supportive brotherhood.
- Learning to listen compassionately.
- Allow yourself to be vulnerable.
- Develop greater self-confidence.
- Clarify life goals.
- Develop a firm commitment to oneself and others. Be responsible, respectful, and honest with one's own emotions and needs.
- Work on and update aspects related to masculinity.

We apply a methodology based on three concepts, or in other words, the rule of the three *Rs*: *Recognition, Responsibility, and Reparation* (Molina, Muñoz, Sánchez, 2023, p. 61). Without a doubt, the most difficult of these is reparation, which can be achieved, where appropriate, through forgiveness. In several of our treatment sessions, we have addressed the issue of conscious forgiveness, that is, the task of writing a letter to the victim, whether or not it is sent. We have also addressed the difficult issue of forgiving oneself.

I spent so much time inside my head trying to understand her that I ended up losing her. (...) Learning to forgive ourselves so that we can remain calm and at peace with ourselves. Even though the damage has been done and we have been able to ask for forgiveness and restore the damage inflicted, we sometimes feel that this damage, this guilt, will remain with us until the end of our days, with no possibility of this burden being lifted. And this construct or learning that is so deeply ingrained in us also needs to be dismantled and transcended (Dialogues, 199-200).

An example of the development of the Circles methodology could be the following:

Emotional suffering or health will depend, to a large extent, on the type of internal dialogues we have. Feeling rejection from some part of ourselves is not the problem. The problem lies in how we reject ourselves. For example, after revealing a friend's secret in front of others, it is not the same to say to yourself, "You are an impulsive fool, you will never change, you are horrible. I'm going to end up with no friends," as it is to say to yourself, "I made a mistake in talking about so-and-so like that, I'll apologize to my friend and be careful not to speak so impulsively and disrespectfully next time."

In the first case, the internal dialogue is based on contempt, misunderstanding, and self-demand (executioner/victim). In the second case, there is recognition of one's own mistake, but also an intention to forgive oneself, understand oneself, and repair the damage.

In any case, each person's circumstances challenge us session after session: what is the moral reflection and feeling that a parent facilitator might have when they learn that the perpetrator sitting in front of them has abused a child the same age as their own? This question was part of an internal exercise for the facilitators and was presented to the Circle in one of the sessions. How do we feel about this? How do we address it? To what extent does our condition affect our view of the perpetrator?

We encounter recurring themes in the Circles such as fear, loneliness, anger, helplessness, and sadness, as well as feelings such as forgiveness and guilt. And, of course, violence in all its forms. At the same time, to complement the above, there are certain rules for participating in the Circles that can help us better explain the work and its methodology. The specific functioning of the Circles requires the following commitments:

1. Biweekly attendance is voluntary.
2. Occasional or permanent participation in the Circles does not exempt one from punishment.
3. Speak always in the first person.
4. Speak always "from the emotions," not from rationality.
5. Others are not judged.
6. No advice is given to other participants.

These commitments are always aimed at individual and personal work. These six basic rules are geared toward exercising individual responsibility, avoiding "stepping outside ourselves" to look for excuses "outside ourselves." Therefore, point three, where we talk and share our emotions and feelings, is vitally important for the work.

"We have seen hundreds of times how what we feel is shared by others, but it had never been confessed. For fear of showing ourselves to be vulnerable and therefore not wanting to share with others in confidential spaces. Men's Circles are above all that, spaces of trust where we take off our masks. The character disappears and the person appears" (Molina, Sánchez, 2023).

For all these reasons, it is worth asking what it means in our context to speak in the first person. We often say in the Circles that when one of us narrates or confesses an intimate emotion, the rest act as a mirror, nodding and confirming. You see yourself reflected in the other. The most extreme, most human otherness appears. And in that precise shared moment, community appears in its most sensitive form, revealing our insecurity. To paraphrase the feminist slogan: "You are not alone!" In this case, not as an invisible victim, but to realize

of our vulnerability as men. In other words: there is someone here! Ten other men who have felt or are feeling the same thing that embarrasses you. This fact "creates community" in its most essential sense, as it is not a deception, even though we sometimes deceive ourselves by denying it. We are talking here about the concept of community in its classical sense (Weber, 2002), but also as an affective community (Halbwachs, 2004).

4.1. Mourning lost freedom and the repercussions on the inmate

Without attempting to analyze the complexity of the range of feelings and emotions that have arisen in the Circles over the past three years, it is worth highlighting one that is interesting and has been little addressed methodologically: grief for lost freedom and all that this entails for an inmate in terms of their behavior and reflections. Starting from the general definition: "Mourning is, as a rule, the reaction to the loss of a loved one or an abstraction that takes its place, such as one's homeland, freedom, an ideal, etc." (Freud, 1917). The specialist Miñarro (2012) goes a little further and conceptualizes it as a term connected with pain. Now, considering that life is full of losses that require personal work to overcome, where does this acute pain come from? According to the author cited, its intensity does not depend on the nature of what has been lost, but on its significance or value, which implies the emotional investment made in it (Miñarro and Morandi, 2009). Therefore, the stronger the bond, the greater the pain. Consequently, since individual freedom is a fundamental right, we can understand the impact of its deprivation. On the other hand, in the work of any grief process, "there is a moment of questioning the subject's behavior. Feelings of guilt arise, as the person assumes that they should have done something different from what they did so that the trauma would not have affected them. Added to this are the blaming social discourses" (Hernando and Almudena, 2023).

It is interesting how this feeling has been addressed from the perspective of philosophy applied specifically to the prison environment. This can help people understand pain, not as an enemy to be avoided, but as an integral part of existence that can lead to growth and transformation. The BOECIO⁸³ project of applied philosophy in the prison environment talks about personal transformation as a process of "grief." That is, the need for individual and collective transformation to overcome the problems of today's world. This process of transformation can be seen as a kind of "grief" in the sense that it involves leaving behind old ways of thinking and acting to embrace new perspectives and ways of life (Betés and Juez,

⁸³ Within the University of Seville, the BOECIO center is a platform that brings together individuals and institutions interested in promoting philosophical skills (such as critical thinking, self-control, and communication) among people at risk of social exclusion. See <https://institucional.us.es/boecio/que-es-el-centro-boecio/>.

2006). "To live is to lose," writes François George, and that is why grief is the normal state of living beings (Comte-Sponville, 2001; Betés and Juez, 2006).

In our attempt to identify certain behaviors of prison inmates and, therefore, a series of emotions and feelings derived from them that we can then work with, we have noticed certain common behaviors throughout this year of work that can be adjusted to the five stages of grief: denial, anger, bargaining, depression, and acceptance. Within the broad spectrum of grief, grief for lost freedom is an accepted and studied classification. It is important, first of all, to define these five stages of grief in order to encourage reflection on the behaviors of inmates.

1. Denial

Denial of loss is a very common reaction immediately after the loss, often accompanied by a state of shock or emotional and even cognitive numbness.

2. Anger

The end of denial is associated with feelings of frustration and helplessness regarding one's ability to change the consequences of the loss. This frustration in turn leads to anger and rage, as is generally the case, not only during mourning.

3. Bargaining

In the bargaining stage, the person holds out hope that nothing will change and that they can somehow influence the situation. A typical example is patients who are diagnosed with a terminal illness and try to explore treatment options despite knowing that there is no possible cure, or those who believe that they will be able to get back together with their partner if they start behaving differently.

4. Depression

The fourth stage of Kübler-Ross's model of grief is depression. During this period, the person begins to definitively accept the reality of the loss, which generates feelings of sadness and hopelessness along with other symptoms typical of depressive states, such as social isolation or lack of motivation.

5. Acceptance

After the stages of denial, anger, bargaining, and depression comes acceptance of the loss and a state of calm associated with the understanding that death and other losses are natural phenomena in human life. (School of Mediation.)

Secondly, according to the classification of various psychologists (Calderón and Salcedo, 2018, p. 43), we can talk about different types of loss:

* Losses of health:

- Sensory deprivation
- Physical deterioration
- Sleep and appetite disturbances
- Illnesses without timely care

- Adoption of unhealthy habits
- High incidence of mental disorders, such as adjustment disorder, anxiety, depression, and psychosis
- Increased risk of suicide
- Relational losses:
 - Breakdown of family ties
 - Difficulty exercising parenthood
 - Restriction of sexual activity
 - Discrimination, stigmatization, and isolation upon release from prison
- Material losses: Loss of control over property.
- Invisible losses:
 - Depersonalization
 - Loss of privacy
 - Loss of self-esteem
 - Loss of control over one's own life
 - Absence of expectations
 - Cognitive and emotional disturbances

Something we have undoubtedly detected is depression and anger. Sometimes, these manifest themselves through complaints about the functioning of the center and certain behaviors towards fellow inmates or staff. Depression or some of its symptoms are evident in many people and are recognized by most of them at some point during their sentence. In inmates who have been there for less time and agree to participate in the Circles, we have also clearly detected denial, with expressions such as "I shouldn't be here" or "this is a mistake." Without a doubt, the most interesting and extraordinary thing is acceptance. Some inmates have adapted so well to the prison that they have even expressed happiness at being there. Regarding this feeling of happiness, we must be rigorous and strict and take this analogy with caution, as several factors may influence it: a specific phase of medication, a complicated situation outside the center, etc. However, some of them, when they have returned from leave, have felt a sense of "coming home." In short, we must focus on this behavior in order to draw attention to the care and follow-up that must be done after several days of leave, in order to work with these feelings in view of the third degree phase or total freedom. We wonder whether the inmate is really ready for this phase of freedom or whether they would benefit from regulated support for a period of time within a clearly restorative process. This is something I will return to in the section on proposals.

4.2. Responsibility and emotional responsibility

If words are loaded with meaning, in this delicate context where we work and faced with the dichotomy of working with the person from a place of guilt or responsibility, we must choose between guilt and accountability. Guilt is inaction; we tend to "stay in it." Fixed or immobilized in that harmful maxim of "bearing the guilt," the subject remains in inaction, in shame, in displeasure, or in anguish. However, getting out of that requires action, which would be responsibility, assuming the consequences, where there is a degree of choice and action. Guilt leaves you in resignation. It is negative, while accepting responsibility is empowering. Applied to our case, we could hypothesize that those inmates who remain in guilt, without further work, could commit other crimes upon leaving prison because there has been no work to enable another consciousness, another reflection, and therefore other actions. We can often fall into the trap of good intentions or subterfuge. As Reyes Mate (2016) points out: "Help, solidarity, and charity are one thing, but justice and responsibility are quite another." Any human action, good or bad, "has a series of consequences that affect third parties and that we usually call *collateral damage*." But there is something else we must always think about: "the consequences of the action affect the present and the future." That is why its ethical, political, and social value "transcends us." As Gema Varona points out, the European Forum for Restorative Justice has responsibility as one of its fundamental values, along with justice, solidarity, dignity, truth, humility, and dialogue. (Varona, 2023, p. 143). This author quotes Alberto José Olalde Altarejos, in the prison context: "Prisoners participating in the restorative process have a lot of time for solitude, reflection, and awareness of how they wish to express their responsibility." The problem is how to do this and, above all, whether deep reflection prior to the act is necessary. In our case, we think and work in the Circles to try to make this happen.

From the model of reconstructive ethics (Palop, 2013, p. 124), the duty to assume our responsibilities is very present. It is a matter of "recognizing that if we were unable to peacefully resolve the problems of coexistence, we did something wrong. Not everything is the other person's fault" (Mate, 2021). The process of reconciliation must also be based on this maxim of having to look at our own responsibility" (Varona, 2023, p. 278). In this sense, as is also done in several chapters of this book, it is important to refer to responsibility in relation to post-conflict reconciliation. In any case, on this occasion, we refer to it not only in relation to others, but also to ourselves. From the methodology we apply in the Circles, there is a clear message: we cannot forgive and ask for forgiveness from others if we have not forgiven ourselves first.

Our association defines affective responsibility⁸⁴ as "the ability to recognize that our behavior affects the emotions of the people with whom we have a relationship. It is a type of awareness that allows us to consider the feelings of others before acting or making a decision that affects them." On the other hand, and with regard to this term, Gestalt therapist Cristina Pascual extends its scope beyond personal relationships. Emotional responsibility is made up of several indivisible factors:

Becoming aware, through action and explicitly through your own emotional register, of what is happening to you in the emotional sphere.

Be aware of how your emotions impact others; and be able to actively communicate this to them, taking responsibility for that impact.

Be able to listen actively and empathetically to the emotional world of others, validating their feelings.

And taking all of the above into account, take active responsibility for fostering open and empathetic communication and promoting positive emotional relationships and connections.

This requires self-observation, practice, and listening, and undoubtedly results in the building of deeper and more satisfying relationships and connections with others, as well as greater self-regulation and a sense of well-being⁸⁵.

Along these lines, and from our Circles, we work with emotional responsibility in reference to the fact that "our actions have consequences on other people and, therefore, we must pay attention to how we relate to each other, how we react to others, applying the respect, communication, empathy, and care that each relationship requires. Any relationship." For our project and method, it also has to do with full awareness of the decisions we make in relation to others and their possible impact, positive or negative, on them.

Emotional responsibility has a prior subjective condition: "realizing," being aware or becoming aware of the consequences of emotional behavior. This applies to both good and negative actions. Therefore, if emotional management has an effect on the self, it can only be understood that it has an effect on others. The key is that it is a choice, an ethical action, if you will.

⁸⁴ In the project, we regularly talk and work with inmates on emotional responsibility. This concept is relatively modern, appearing around the 1990s, and has sometimes even been linked to the so-called culture of polyamory. It has been fueled by interest in and dissemination of emotional intelligence and education. "In general terms, emotional responsibility is not a quality that one has, but rather a way of behaving toward those around us. We are emotionally and affectively responsible when we are aware that our actions, attitudes, gestures, and behaviors can hurt other people." International Mediation School. See <https://institucional.us.es/boecio/que-es-el-centro-boecio/>

⁸⁵ Personal conversation with therapist Cristina Pascual Orive. We thank the therapist for sharing her knowledge on this point.

The methodology applied by the facilitators in the sessions has been outlined above, taking care to ensure that members' interventions are made from the perspective of the self. From "how do you feel about this or that?" This method aims to work on the concept of individual responsibility and has several sub-objectives. We should not "always shift the blame or responsibility for what happened there onto the other person" and, therefore, "we should focus on finding our responsibility in those actions that have led us to where we are now." And also, "let's feel for those we have left out because of our actions (...) not because we feel guilty, but because we feel responsible." (Molina, Muñoz, Sánchez, 2023, p.62). Working with the perpetrator under these premises is difficult, to say the least. In our work, when we address a proposed topic, the facilitator asks a question and one of the inmates answers from their own perspective, but the rest listen and feel challenged, even if they remain silent at that moment. The level of listening that takes place in a Circle is very intense. At another time or in another Circle, the other people will be the ones to speak, but only after reflecting on what they have heard. In short: "We seek movement and responsibility, not just questioning and pointing fingers. We think not only about what happens in the circle but also about how we leave the circle and what we take away with us." (Molina, Muñoz, and Sánchez, 2023, p.115).

This characteristic is complex, yet interesting, when analyzed from a theoretical perspective. Obviously, individuals always speak rationally, sensibly, if you will, but in order to avoid talking about their feelings, they hide behind excuses, usually blaming "the other." The responsibility lies with the other person. What we try to do in the sessions is to get them to work on what they are feeling at that moment: fear, helplessness, rage, loneliness, anger... Based on that recognition, on expressing that emotion, we work with them toward the origin of it, that is, where that feeling may come from. Sometimes, something they have experienced has triggered an emotional reaction in them. Asking themselves why that event has provoked that reaction in them, and perhaps not in their partner, can be the beginning of deep personal work.

5. Conclusions and proposals

Being aware that, given the limitations of this chapter and its autoethnographic nature, which does not allow for generalizations, there remain many questions that need to be addressed in more ambitious research or appreciative evaluations. Regarding the main question

In my opinion, men's circles are indeed restorative, at least partially. Furthermore, during the circles themselves, we have had at least three episodes of reconciliation between two inmates, one of which involved a somewhat violent conflict (always verbal) that, due to the context (being in front of an officer or other inmates), could not be resolved due to a lack of privacy. In the Circles, inmates find the privacy they need to talk. It is an emotional or affective privacy, with concrete support, which they cannot find anywhere else in the prison. There are, therefore, principles and elements of restorative justice that are shared (voluntariness, inclusion, commitment, confidentiality, respect, accountability, etc.). Applying other paradigms of restorative justice to our case, Mixed Circles (men and women) would undoubtedly fulfill this function, as doing the emotional work around forgiveness, for example, face to face with the victimized gender of women would undoubtedly be healing on many levels. But we will see this in future texts and projects. On the other hand, in our Circles we can talk about intergenerationality because, although certain age groups predominate, we find men, including facilitators, of various ages, albeit shaped by structures that are more or less common throughout time and define masculinity.

In any case, there is a fundamental element that we pointed out at the beginning, which has a profound moral significance: in the Circles, there is no judgment. Our job is not to "re-judge" them for what they have done. Sometimes inmates feel judged not by the judge himself, but by the staff at the center, whether they are guards or technicians. The moral issue, we believe, is "from where" we judge or are judged. In that "from where" lies our responsibility as individuals, civil servants, or volunteers who work and live with inmates. From where we look at the other. The origin of the word prejudice is from the Latin *praeiudicium* ("prejudgment, premature decision"). Let us look at the synonyms established by the RAE for this word: prevention, suspicion, scruple, mistrust, apprehension, obsession, conventionalism. According to the dictionary, in its second meaning, it is a "preconceived and tenacious opinion, usually unfavorable, about something that is poorly understood." Let us emphasize the latter for our own reflection as judges, politicians, prison officials and technicians, or simply fellow citizens: it is "something that is poorly understood."

Our work is based on active listening from a shared emotion. That is why we cannot be oblivious to their pain. Beyond the feelings derived from deprivation of liberty, many of these emotions are shared by us, as they are inherent to human beings (in relation to fears and vulnerabilities). It is from this shared point that we begin the work of reflection towards change. And the first step is to become aware of the acts committed. With very few exceptions, they do not have this vulnerability or emotional openness with any other staff at the center. Nor do they normally have it with other inmates, at

at least not with the same intensity, since the center itself is designed for surveillance and control of the individual. Let's say that the space created in the Circle is a space of emotional and affective freedom fostered by shared emotion and confidentiality. For all these reasons, the extension of these Circles to all prisons, as well as to community service and post-prison work, can be recommended.

In relation to this last idea, given the restorative nature of the Circles, this work should be followed up outside prison to facilitate the transition back into society. We know from former members who have been through the Circle how devastating loneliness can be in a world that is no longer what it used to be. Or rather, it has ceased to be so for a few years. Therefore, Circles should be held for those inmates who have achieved the third degree, with follow-up for approximately one year. Reintegration work should not only focus on restoring material conditions, but also emotional ones. People change when they leave prison and, in some cases, supporting and sustaining this work can lead them to choose the easy way out, i.e., returning to the same context that led to their imprisonment. If they choose to break away and start a new life elsewhere, they must be accompanied on that path.

Finally, as has been reiterated throughout this text, working in a men's circle within a prison is not an easy task, either methodologically or emotionally. The level of exposure in this last point is high. Facilitators are also part of the Circle, and our participation is just one more, not exempt from emotional disturbances, whether due to the reception of others' pain (sometimes heartbreaking due to the inmate's mental health) or the exposure of our own. This has consequences: exposure to our own pain (essential to understanding the pain of others) and to the pain of others. In relation to so-called vicarious trauma or related issues, we share a common question among emergency response teams: who cares for the caregiver? As noted by clinical psychologist Esperanza López, who specializes in disasters, one relevant issue detected in our work appears among the symptoms identified. This is known as "compassion fatigue," also called "*empathy exhaustion*," which is a natural behavior that occurs when learning about a traumatic or painful event experienced by another person. It is a specific disorder affecting those involved, which manifests itself with the same symptoms as the population they serve (somatization, anxiety, mood swings, etc.) and which, when it acquires certain characteristics, can be defined as vicarious trauma. It is difficult to identify because it appears insidiously, but recovery is possible with rest and support (López, 2016). In relation to this, and as a proposal for action and improvement of our work, our protocols should include care and supervision after each session or several sessions, with the intervention of people outside the team itself for greater effectiveness.

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***PER DONARE: AN ONLINE APPLICATION FOR WORKING ON THE
SOCIO-LEGAL VALUE OF FORGIVENESS INSIDE AND OUTSIDE
PRISON***

Gema Varona Martínez

There is no set time for forgiveness. Nor is it a goal that must necessarily be achieved. The possibility of asking for forgiveness and of forgiving requires time, but not time that is limited to "passing" externally, but must pass internally, allowing emotions to come and go emotions that arise at each moment and allow us to integrate the past.

This means that, although it does require time (and a certain internal disposition), it is never too late or too early to forgive. When forgiveness is recommended because it is considered that enough time has passed, the victims are hurt again.

(Olga Belmonte, 2024)

1. Background

This open online application⁸⁶ allows anyone who wishes to do so, in their case who wants to participate in a restorative program, to reflect—with empathy and responsibility—on their situation and on the possibilities of recovery/reintegration/restoration through the possibility of forgiveness⁸⁷ or apologies⁸⁸.

An example of this can be found on the website developed by psychiatrist Ben Furman (Helsinki Brief Therapy Institute) and Lorenn Walker (American lawyer and facilitator) at http://www.apologyletter.org/let_go2/letgo-00.php. A few years ago, the LTPJR collaborated on the Spanish translation of this page, which can be compared to the test offered by the website of the *International Journal of Victimology* of the Center for Comparative Criminology in Montreal (Canada). In the case of Montreal, there is also a section that provides information to potential victims (direct or indirect), as well as to professionals who work with them (<http://www.jidv.com/>). In the field of minors, see the page https://www.kidsskills.org/WP-fin/?page_id=601. In general, the material developed by *The Forgiveness Project* (<https://theforgivenessstoolbox.com/>) should also be mentioned. Likewise, for the development of *Per donare*, the work being carried out by different

⁸⁶ See <https://www.ehu.eus/es/web/ivac/per-donare>.

⁸⁷The term *per donare* is adopted for its etymological meaning, sometimes disputed, of giving in abundance (Malo, 2012). See, in relation to the complexity of definitions of forgiveness and apologies in different contexts, Lacey (2024), McAlinden (2024), Umaña (2021), and Merhej and Rahme (2024).

⁸⁸For this application, these terms will generally be used as synonyms, without prejudice to being aware of the differences, in accordance with the specialized literature, as will be pointed out in a later section.

organizations within and outside the prison system and some academic works such as Capecci, V., & del Moral Arroyo, G. (2021). Letters of forgiveness in the field of restorative justice: experts' perceptions of how to deliver letters, different types of victims, and benefits. *Revista de Victimología/Journal of Victimology*, (12), 35-62.

Our tool is based on these initiatives and the work carried out over the last ten years by various students on the postgraduate course "Working with Victims of Traumatic Experiences" at the Basque Institute of Criminology, developed by the Basque Institute of Criminology at the University of the Basque Country. In the future, we are considering translating it into several languages, beyond Basque and Spanish, and also adding audio control to facilitate access for people with functional diversity.

In relation to restorative justice, and not only for offenders, the tool allows different forms and dimensions of forgiveness and apologies to be worked on, always in collaboration with professionals who can provide further help or support, where appropriate. As already indicated in another chapter of this work, different authors prefer to refer to intrapersonal forgiveness, rather than talking about self-forgiveness or forgiving oneself, to avoid the risk of blaming the victim. According to the conclusions reached by Suzuki and Jenkins (2024):

a) Intrapersonal forgiveness is as compatible with restorative justice as interpersonal forgiveness;

b) Intrapersonal forgiveness precedes interpersonal forgiveness and facilitates it in restorative justice;

c) Unlike interpersonal forgiveness as an emergent value, intrapersonal forgiveness can be adopted as a maximizing value in restorative justice; and

d) Intrapersonal and interpersonal forgiveness can serve, respectively, as catalysts for victim recovery and crime desistance in restorative justice. It is a daily path of self-reflection and self-acceptance that has to do with self-concept, self-acceptance, self-esteem, and self-efficacy (Peleg-Koriat and Weimann-Saks, 2024). Although they are very different processes, this need to forgive oneself can be present in both victims and offenders.

2. Content and characteristics of *Per donare*

The person who accesses the tool, through Microsoft questionnaires, does so anonymously and confidentially, and it serves as a means of self-awareness to reflect on traumatic situations (whether they are a victim or a person who has caused harm. This includes crimes or penalties that have expired, but with unmet needs for truth and reparation).

The data collected is only available to the person who downloads and completes the questionnaire, which can also be printed and used on paper. That person may decide to share it with others or seek their support in completing it, always on a free and informed basis. In addition, the questionnaire can be modified to suit each context and needs.

The tool seeks to accompany and support in a simple and accessible way, without prejudice to the difficulties of computers and the Internet in prison, facilitating the overcoming of obstacles of schedule and travel for people participating in restorative programs, respecting international standards of good practice, as well as basic ethical principles.

3. Questionnaires

There are two types of questionnaires, with open-ended questions, each of which includes a questionnaire for victims and another for perpetrators.

1) Type *Simple self-assessment of the process of victimization, restoration, and forgiveness*, both by the person who has suffered harm and by the person who has caused it (initial phase).

2) Type: *Drafting of a letter of apology* (without the need for it to reach the victim if they do not wish it to or if it is not possible) by a person who has caused harm *or granting of forgiveness by the victim* (second phase).

The questions are detailed below.

METHOD 1: SIMPLE SELF-ASSESSMENT

- **a) I consider that I have suffered harm from a person or group of people.**
- **b) I believe that I have caused harm to a person or group of people.**

IF YOU HAVE CHOSEN OPTION A) (VICTIM):

1. To what extent has the damage suffered affected you?

2. In what way has the damage suffered affected you?
3. What impact has the harm suffered had on your daily life?
4. Which people or actors have helped you in your recovery process?
5. What kind of support do you feel you need in order to progress in your recovery process?
6. Do you think there will come a time when you feel fully recovered?
7. How do you feel about the person who hurt you?
8. Would you like to know what led the person who harmed you to commit that act?
9. Would you be willing to meet face-to-face with the person who hurt you?
10. If you answered no to the previous question, why?
11. If you answered yes to question 9, what would you say to them?
12. Would you be willing to accept forgiveness from the person who hurt you?
13. What do you think you would need in order to hear that request for forgiveness?
14. Do you feel capable of drawing any positive conclusions, however small, from the process by which you suffered the harm and its subsequent consequences?
15. What advice would you give to someone who has just gone through a situation similar to yours?
16. If the person who committed the acts was someone you loved, how would you help them?
17. Is there anything else you want to express or feel?

IF YOU CHOSE OPTION B) (PERSON WHO CAUSED THE HARM):

1. What were the reasons for causing the harm?
2. How did you feel after doing it?
3. Are you aware of the harm that was caused?
4. Do you consider yourself responsible?
5. Would you be willing to meet, directly or indirectly, with the person or persons you hurt?
6. If you had the opportunity, what would it mean to you to apologize or ask for forgiveness from the person(s) you hurt?
7. Why would you be willing to show remorse and/or ask for forgiveness?

8. Would you be willing to accept responsibility and/or repair the damage caused by your actions?
9. Do you think you have learned anything from this experience?
10. Would you commit the same or similar harm again?
11. Think of a member of your family whom you truly admire and respect. How do you think they would feel after learning that you had caused harm?
12. If the harm you have committed had been done to someone you love very much, how would you react?
13. To what extent are you a different person from the one who committed the harm?
14. Is there anything else you want to express or feel?

METHOD 2: WRITING A LETTER OF FORGIVENESS OR OFFERING FORGIVENESS

After considering Method 1, if you imagine yourself as a person who has been harmed and the person responsible apologizes to you sincerely and with concrete initiatives for reparation, how would you respond? Would you respond differently if it were someone close to you whom you care about?

After considering Method 1, if you imagine that you have the opportunity to send a letter to the person you have harmed, including harm to yourself, what would that letter be like? How would you explain what happened and how it has changed you, particularly after reflecting on the consequences and looking to the future?

The online questionnaire ends by acknowledging the effort made, thanking you for using the tool and evaluating it, and inviting you to write to an email address for further information or comments. It also points out that the work carried out by the Laboratory of Theory and Practice of Restorative Justice can be seen on the website <https://www.ehu.eus/es/web/ivac/sarrera>.

4. Final considerations for a greater contextualization of the request for apology or forgiveness as a legal-criminal instrument and its use to build coexistence in cases of serious harm⁸⁹

⁸⁹Since this line of research has been open within the work of IVAC/KREI for more than a decade, finally and partially reflecting its results in the *Per donare* tool, this section, included here as a more general contextualization of said tool, comes from the corresponding chapter by the author in the book *Resilience and Post-Traumatic Individual and Social Growth*:

Recognizing, naming, and repairing what happened, that is, delving into the past, means committing to the present and promising oneself a different future (Olga Belmonte, 2024).

There is a growing body of comparative studies on apologies that covers not only non-criminalized interpersonal relationships, but also serious crimes or victimization in a broad sense, and specifically includes secondary victimization committed by public and private institutions in their treatment of victims after a crime has been committed, as well as the consequences of so-called adverse events in relation to organizations that provide public and private services. Despite the current interest in many countries (Brutti, Carroll, and Vines, 2021), in Spanish law, specifically in the criminal field and in relation to organizational cultures, there is no theoretical or practical relevance of the institution of apology or forgiveness. In contrast, the aforementioned comparative line of research addresses the relationship between countries in what has been termed "political apologies" (Zoodma et al., 2021), as well as "apologetic diplomacy" (La Porte, 2012), intergroup forgiveness in transitional justice contexts (Blatz, Schumann, & Ross, 2009; Bobowik et al., 2017), and "shame management" in relation to the demand for truth, accountability, and transformation of the conditions that made institutional abuse and negligence possible (McAlinden, 2021).

According to the dictionary of the Spanish Language Academy, the term apology means a reason given, or cause alleged, to excuse or purge guilt. Apologizing or excusing oneself would therefore be equivalent to giving those reasons. However, as will be discussed later, it should be noted from the outset that the current victimological interest in apologies in the legal sphere is not so much about excusing oneself, but rather, on the contrary, about assuming responsibility and the willingness to make amends, morally and symbolically, where appropriate. It is also important to differentiate between apology and forgiveness. In the second meaning of the term "forgiveness," the same dictionary defines it as the "remission of deserved punishment, of the offense received, or of some outstanding debt or obligation." In any case, both terms, apology and forgiveness, are related in this dictionary to the idea of indulgence. However, in the Anglo-Saxon world, the meaning of *apology*, at least according to the Oxford Dictionary, has broader connotations and implies the expression of regret:

the echo of restorative justice, particularly for victims of terrorism and political violence (2022), although some nuances and updated references have been included.

It implies a word or statement of regret for something that has been done wrong or causes a problem.

The current interest in apologies contrasts with what some authors have termed the ontological incompatibility between apologies and law (Brutti, 2021, p. 2; de Gamboa, 2014; Echano, 2009; Chaparro, 2007), in that the former would be situated on a private interpersonal level, in this case ethical (Brooks, 2021), and the latter in a public system of binding legal norms, without prejudice to the freely disposable nature of some elements in certain jurisdictional orders. Undoubtedly, and as argued in this chapter, the law can encourage apologies as a mechanism for social coexistence, as well as for the recovery of the person who has committed the harm and the person who has suffered it, but it does not seem to make sense that apologies can be forced, much less that they can be accepted, because this would condition their sincerity and, therefore, could humiliate or cause further harm to those involved, which would also happen if they were conceived as merely opportunistic or strategic. The sincerity of apologies, notwithstanding the difficulty of proving or guaranteeing it, has to do with prior issues: the (re)construction of trust and the acknowledgment of responsibility for an undeserved wrong that is regretted, regardless of the time elapsed or the death of the direct victim, and which, in the case of serious crimes, must be accompanied by meaningful gestures of reparation in line with basic human rights standards (European Center for Constitutional and Human Rights, 2021; Cehajic-Clancy and Brown, 2019; Gobodo-Madikizela, 2008). Such preparation and reparation, related to apologies within or outside the criminal justice system, would require restorative approaches (United Nations, 2020).

In any case, questioning the incompatibility between law and apologies, without diminishing the difficulty of regulating the possibility and legal effects of the latter, it cannot be denied that apologies have deep ties to theories and the idea of justice, particularly in connection with the concept of reparation at the interpersonal, intergroup, and social levels (Cohen, 2020; Smith, 2014). With the idea of apologizing—as an act distinct from acceptance and forgiveness—there would be no dialectic, at least not directly, between forgiveness and justice, which some authors have considered to be apparently opposed, understood as two mutually exclusive discourses depending on the adjective that follows the term justice (Riojas, 2020). Compared to "forgiveness," the term "apology" can avoid religious connotations and allow for

greater autonomy, parallel to its potential legal value, between the actions of requesting and accepting apologies. However, questions about whether apologies entail an unjust act or are something that is deserved cannot be answered in general terms, but rather in context, as we will try to point out in the following sections.

The notion of apology in Spanish criminal law and its relationship with restorative justice

There is no legal definition or extensive bibliography on the concept of apologies in the Spanish legal system. The concept of "apologies" does not appear in the Spanish Criminal Code or in the Spanish Criminal Procedure Act. We do find references to requests for forgiveness (Varona, 2009) in articles 90. 8 (in relation to parole for terrorism and organized crime offenses); 92.2 (on the suspension of reviewable life imprisonment for such offenses); and 130.1.5 (as extinction of criminal liability for a minority of offenses).

Nor is there any reference to apologies in the Law of June 18, 1870, establishing rules for the exercise of the power of pardon, or to apologies or forgiveness in Law 4/2015, of April 27, on the Statute of Victims of Crime. The latter is the only Spanish legal text that expressly refers to "restorative justice," although Article 15 on the subject refers to "moral reparation" and the offender's recognition of "the essential facts from which his or her responsibility derives." For its part, Article 12.1(c) of Directive 2012/29/EU on victims' rights, which transposes the aforementioned Statute, refers to the fact that "the offender must have acknowledged the basic facts of the case." It should be noted here that facilitators of restorative meetings often work with people who wish to make amends to their victims, not only on the recognition of the basic facts, which is essential to initiate a restorative process, but also on the recognition of harm and responsibility (United Nations, 2020).

In the field of juvenile jurisdiction, it is possible to differentiate between an apology, which does not always reach the victim, and reconciliation. Point 13 of the Explanatory Memorandum to Organic Law 5/2000 of January 12, regulating the criminal responsibility of minors, in relation to Article 19.2, states:

Reparation for the damage caused and reconciliation with the victim have the common denominator that the offender and the victim of the offense reach an agreement, the fulfillment of which

the minor ends the legal conflict initiated by his or her actions. The purpose of reconciliation is for the victim to receive psychological satisfaction from the minor offender, who must repent for the damage caused and be willing to apologize. The measure will be applied when the minor effectively repents and apologizes, and the offended person accepts this and grants forgiveness. In reparation, the agreement is not reached solely through psychological satisfaction, but requires something more: the minor fulfills the commitment made to the victim or injured party to repair the damage caused, either through community service or through actions, adapted to the needs of the subject, whose beneficiary is the victim or injured party themselves.

If we recapitulate current Spanish legislation from a historical perspective, it can be said that pardon, a legal instrument that is in principle as powerful as *ius puniendi*, has been declining in relevance in the Spanish legal system, particularly when it has been allowed at the initiative of the victim with legal effects (Tomás y Valiente, 1961; Alonso, 2012; Varona, 2021). In some cases, this has been done to correct its harmful use to achieve impunity for the aggressor, for example, in certain crimes traditionally referred to as "against the honesty of women" and, in any case, due to an understanding of the public nature of the notion of crime as opposed to an understanding of forgiveness as something private. However, curiously, in terms of criminal offenses, Spanish criminal law only specifically refers to the request for forgiveness as an obligation for persons convicted of organized crime, including terrorism, with regard to the enforcement phase of the sentence. This regulation has been widely criticized by most criminal lawyers on the grounds that it is discriminatory towards persons convicted of these crimes, within an already very harsh legislation, by imposing more requirements on them than on other convicts and allowing the victim to participate in the enforcement phase, a phase in which the interest of the convicted person's resocialization should take precedence (Nistal, 2015). However, this last criticism does not really hold up if we consider that the role of victims is rather residual, since all decisions will be made by the judge, not by them, although in their case they must be heard and may appeal certain judicial decisions (Article 13 of Law 4/2015 on the Victims' Statute). Furthermore, Spanish law does not in any way oblige victims to be informed of the existence or content of the request for forgiveness, which is somewhat inconsistent. In addition, on first reading, the inclusion of the request for forgiveness in terrorism offenses could be interpreted as meaning that its express mention is conceived as a simple way of proving the abandonment of the

terrorist activity, something that also seems to be disjunctive in nature, rather than cumulative in terms of the requirements demanded.

On the other hand, it is assumed that most victims will be interested in knowing, years later, about the process of executing the perpetrator's sentence and, where appropriate, will show punitive attitudes. This is not an obvious issue, which is why the restorative meetings (Pascual, 2013; Olalde, 2014) held between people convicted by ETA, within the so-called Nanclores route, and victims of terrorism, which took place from 2010 to 2012 and resumed in 2021, are so relevant. However, only a minority of ETA prisoners have reflected deeply on the harm caused to victims (Gago and Ríos, 2021), with different positions on the part of the victims, without prejudice to due respect for the law in force. In any case, it is within the restorative framework that the processes of apologizing for this type of crime and other serious crimes can best be developed, without prejudice to the fact that forgiveness or apology are not the main objective of restorative justice, which pursues more diverse and modest horizons of material and symbolic reparation.

Interpersonal or public apologies and the notion of the ideal victim: Beyond burden or liberation

Although no one has apologized or asked for forgiveness, Ortega Lara, a prison officer kidnapped by ETA for 532 days in a very damp, windowless room located under the floor of an industrial warehouse, measuring 3 meters long by 2.5 meters wide and 1.8 meters high inside, tells us about unilateral forgiveness: "When I decided one day to forgive, I did so in order to continue living as a person, not as a caged animal. You turn the page and live with dignity and joy. I refuse to poison my soul all day long with these things" (Escrivá, 2021, p. 32). Many authors have written in this field about the link between ethics and the therapeutic effects of forgiveness on the victim, the perpetrator, and society, allowing for a new beginning based on the memory of the past (Mate, 2011; Echeburúa, 2013). By asking for or granting forgiveness, the victim regains a sense of security, dignity, and confidence. Fariña, Oyamburu, and Vázquez (2020) refer to forgiveness as a virtue and psychological strength that improves personal health and well-being, making it highly relevant to the concept of therapeutic justice, including forgiveness granted to oneself as a victim who irrationally blames oneself or as a perpetrator.

(Rekarte, 2015). This type of self-forgiveness, which has great therapeutic or personal value, would be difficult to assess in legal terms, although it would undoubtedly have social value if, in the case of the perpetrator, it led to an attitude of reparation and non-repetition. For this reason, in this text we refer mainly to apologies that have a public echo or at least are made on an interpersonal basis. However, it is also impossible to consider the measurement of victims' needs, which are very diverse in themselves (Bolitho, 2015), as the only important value in criminal justice systems that justify, for example, the establishment of mandatory apology systems (Geeraets and Veraart, 2021).

Given the lack of victimological research and the everyday functioning of stereotypes about victims, both among legal practitioners and investigators and in society at large in this field, it is easy to see the danger of thinking about apologies in relation to an ideal victim (Christie, 1986; Maglione, 2017) who, according to the community of reference, will be generously interested in apologies or will associate them with impunity and lack of justice, in relation to their potential penological effects, particularly in serious crimes and transitional contexts.

Despite the evident interest of some victims, perpetrators, human rights activists, politicians, and academics, we do not know much, either theoretically or practically, about apologies and forgiveness. It is an extremely complex issue due to its intimate and personal implications, but also its public and social implications. We need more studies to help us clarify the terrain in order to contribute to coexistence, the recovery of perpetrators, and, in particular, the well-being and reparation of victims, many of whom seem interested in apologies and forgiveness, understood in very diverse and contradictory ways, particularly in serious or very serious crimes due to their emotional implications. Although an apology may have value in itself and be unilateral, accepting it and, where appropriate, forgiving, are acts of generosity or gratuitousness on the part of the victims, which many of them may not want or need at the moment when that possibility arises. Therefore, their timing must be respected, as well as the diversity of opinions and interests within the different members of a family. At the same time, the world should never be divided into vengeful or conciliatory victims without understanding the impact of trauma and the personal, interpersonal, family, social, and political damage caused. To do so would be to oversimplify. Care must be taken to ensure that the desire for reconciliation on the part of society (Renner and Spencer, 2012) or activist or political groups does not lead to secondary victimization.

in the form of stigma or burden for victims or perpetrators, as if reparation and reconciliation were not essentially social and long-term tasks, without prejudice to individual criminal responsibility and moral guilt. The possible obligations arising from a peace process will always be social, which includes structuring processes of active accountability on the part of individual perpetrators in order to recognize and attempt to repair the damage caused to society, to specific victims, and to themselves, as their own humanity has been affected (Mate 2011).

In criminal cases, and in general in cases of serious harm, the following potential risks related to apologies, some of which have already been mentioned above, should be avoided: 1. Revictimization and secondary victimization, particularly if victims are not well informed about the process surrounding the apologies and their effects. 2. Manipulation of the process by perpetrators who may excessively trivialize, excuse, justify, or reduce their responsibility. 3. Pressuring victims to accept certain outcomes or forcing them to forgive. 4. Apologies that are merely opportunistic, formal, or not accompanied by effective reparation or guarantees of non-repetition. 5. Humiliation of the person requesting the apology and lack of support in their reparation process. These risks can be mitigated by working within restorative justice frameworks that promote aspects of procedural justice related to the idea of relational autonomy and cooperation, within the basic human needs of agency, participation, and control (Pacherie, 2007), as well as solidarity.

In any case, within the meaning of the apology request for victims, the following two questions should be raised for future research since, in our own research (Varona, 2009; 2021), we have found very diverse answers, concluding that restorative approaches would allow no type of harm to be excluded *a priori* from access, always with the necessary guarantees.

Apologize for what damages? Is the term apology trivial for serious victimization?

This question has already been addressed, also throughout literary history, from the idea of the unforgivable (Derrida, 2017; Hib, 2017). The answer must take into account that the damages to which the apologies refer include personal, interpersonal, social, and political damages that may occur in different crimes and

contexts, in their physical, material, and emotional dimensions. Such harm can affect different areas of different people's lives, directly and indirectly, and in most cases has a cumulative effect that also occurs in the interaction between primary and secondary victimization processes.

How and with what actions can an apology be related?

A distinction must be made between the different types of apologies depending on the contexts in which they occur, answering the specific questions of who, how, when, where, why, and for what purpose they occur. For example, as with forgiveness, there are implicit and explicit apologies; apologies can be requested unilaterally, but in order to be received and, where appropriate, accepted, there must be an exchange with the victim, whether direct, indirect, vicarious, or diffuse; apologies can be requested by public institutions and by specific perpetrators; Different phases can be distinguished within apologies; and some experts establish the requirements for considering what constitutes an "adequate" apology—although this will depend on the person to whom it is addressed and the context. Within this adequacy, there seem to be two fundamental keys: sincerity (Bandes, 2013) and consistency. All this diversity has an impact on the political and legal-criminal debate on the social and penal effect of asking for (and granting) forgiveness.

In search of a basic common understanding, apologies can be related to the following actions, as defined in the dictionary of the Spanish language:

-Repentance: Feeling regret for having done or failed to do something.

-Remorse: Uneasiness, inner regret that remains after doing what is considered a bad deed.

-Rectify: To correct mistakes in something already done, to amend (change the course of) one's actions or behavior.

-Repair: To make amends, correct, or remedy; to appease or satisfy the offended party. Repairing also means to look carefully, to pay attention.

Apologies cannot be merely formal or empty of content. Nor can they be inconsistent with the actions of the individual or legal entity apologizing, in terms of acknowledging the past and making amends for the future. Nor can they be based on a blurring of responsibility that

implies falling into victimhood or failing to recognize one's own responsibility, without prejudice to its historical and relational nature (Ricoeur, 2004). Apologies can question violence as a driving force in history and human relations. Apologies allow us to recognize that suffering was neither natural nor inevitable and to question the values and motivations that were brought into play and prioritized, as well as the costs of doing so. Apologies, if sincere, can enable new ways of being, with oneself or as an institution, and with others, particularly with those who have been violated in a context of abuse of power, which must involve, to the extent possible for each affected agent, a change in the conditions that made such abuse possible (Mate, 2011).

Apologizing implies recognizing and valuing others, and can only be done through an exercise of trust, where the constructive and the traumatic can be reconciled in a voluntary search, without ignoring the emotional and collective aspects, with a reflective reinterpretation of the damage caused. Recognizing and repenting fall within the sphere of the perpetrator. However, rectifying, repairing, and apologizing or accepting apologies explicitly or implicitly involve several people. Even when done internally and unilaterally, they involve thinking about "the other": the victim or the person who caused the damage, as the case may be. In relation to the victim, reference can be made to the concept of "transitional anger," far removed from retribution and its narcissistic focus, which imprisons victims and is counterproductive, both individually and socially (Mojica, 2018), as opposed to a restorative vision of the future toward the common good (Nussbaum, 2015, 2016, 2021). Apologies could find a place in this transition documented from narrative perspectives.

Narrative criminology and the confluence, around apologies, of the processes of desistance and reparation on the part of the perpetrator.

Probably, only from a narrative criminology approach can we grasp the complexities of the apology processes for perpetrators, victims, and society. Narrative criminology allows us to critically reflect on harm and resistance to it, as well as on responsibility (Presser and Sandberg, 2019). In this sense, the mechanisms of recovery for victims, but also for perpetrators, have to do with mechanisms of transformation, on an individual and social scale, as well as the ongoing construction of meanings about harm and suffering (Green, Calverley, and O'Leary, 2021), also at the academic and practical levels

practice in justice systems. Narrative criminology opens up the possibility of a conversational criminology to understand and build common goods, beyond individual stories, in a culture of accountability and future reconciliation (Nussbaum, 2021).

Walgrave, Ward, and Zinsstag (2021) emphasize the need for a criminology of trust with regard to the joint work of those responsible for and affected by victimization or harm, so that it does not focus so much on a model of risk and needs management, but rather follows, in a complementary manner, the model of good lives (Ward and Brown, 2014) -supported by individualized prosocial motivational values- and that of restorative justice (Stubbs, 2007; Carlen, 2012; Pemberton, 2014; United Nations, 2020). Both models are related, in turn, to procedural justice (Tyler, 2006) and the theory of restorative shame (Braithwaite, 1989). The starting point is the question of what helps each person, what is needed to reflect on the harm done and, where appropriate, to apologize, understanding that there are basic needs common to all human beings. This reaffirms the moral agency of every human being to take responsibility and apologize, each with their own strengths and interests, without prejudice to the duties of solidarity. Apologies would make it possible to create or restore trust and hope in a common future between the perpetrator and the victims, both direct and indirect, including society in a broad sense. In this sense, reinterpreting Walgrave, Ward, and Zinsstag (2021, p. 457), apologies should be based on inclusion, motivation, and persuasion, not on intimidation or coercion to request them and, even less so, to accept them, which would undermine the idea of trust.

Although restorative justice does not necessarily require an apology, but rather the willingness to meet for reparation, on a restorative level, working on apologies can facilitate changes in the offender towards themselves (Suzuki and Jenkins, 2020), their family and loved ones, and towards the victim and society (Meléndez, 2021; Bolívar, Aertsen, and Vanfraechem, 2013; Peterson Armour and Umbreit, 2006). Therefore, before reaching an agreement, working on the apology can serve as a form of prior reflection and preparation. In this regard, it is interesting to refer, by way of illustration, to the questions used on some websites, to be answered privately by those who have been harmed or who have caused harm, adapted to each specific case by the facilitators or mediators of restorative programs. In this regard, at the beginning of this paper, we recommended the website

Developed by Finnish psychiatrist Ben Furman and American facilitator Lorenn Walker.

Summary

There is a growing body of comparative literature on the legal impact of apologies, with regard to evidence and their reparative function, particularly in alternative dispute resolution systems, as well as on their specific use in ethical or professional regulatory systems. This raises questions already mentioned about apologies in relation to the reparation of secondary victimization, conceptualized in part as a betrayal of institutional trust (Smith and Freyd, 2014), understood in this case as institutional cowardice (Brown, 2021) to evade responsibilities beyond the individual and, in a more interrelated and profound way, understood as abuse of power and impunity (Nussbaum, 2021), which would lead to directing the criminological gaze not only towards interpersonal crimes, but also towards crimes committed by public institutions and towards secondary victimization which, without prejudice to not being a crime, may require restorative justice mechanisms.

Beyond its conceptualization, for the victim, the perpetrator, and society, as a burden or liberation, apologies involve very personal aspects, but also power relations. This chapter ends by returning to the beginning of the meaning of the term apology. The concept is problematic if it is literally interpreted as the dissolution of guilt or excuses for assuming it. However, if it is done voluntarily and honestly, where appropriate, within a basic regulatory framework that promotes access to restorative justice, at different times and in accordance with international standards, the apology, as recognition of the victims and responsibility towards them and towards society, is a mechanism of great interest, without detracting from its complexity.

Throughout these pages, reference has been made to the emerging interest in apologies in different jurisdictions, including serious victimization in criminal law, without ignoring the limits that may arise from the juridification or positivization of apologies as a socio-legal instrument (Garrido-Rodríguez, 2008). In this sense, the term apology may be more appropriate than forgiveness, although cultural aspects of its use must be considered. Without prejudice to its civic and educational value (Dans-Álvarez-de-Sotomayor and Muñoz-Álvarez, 2021), the contribution of different religions and spiritual conceptions and the reality of interests

individuals, apologies within the legal system must be used under the umbrella of a democratic, secular state based on human rights and the common good. Under no circumstances should sin be confused with crime, nor should apologies be thought of as exoneration from guilt or an ethical imperative, as it is a voluntary, reflective process (Zamora, 2012; Bernuz, 2012). Some victims find value in asking for an apology in the sense of justice (Wenzel and Okimoto, 2010), but others do not. At the same time, avoiding falling into notions of ideal victims, victims who forgive "the unforgivable" in the eyes of society or most of it cannot be stigmatized (Eaton, Olenewa, and Norton, 2021; Okimoto, Wenzel, and Hedrick, 2013). Similarly, forgiveness or apologies cannot be imposed on perpetrators, nor can those who do not want to take this step, which will always require self-criticism, complex personal reflection, and critical social support, be stigmatized or denied other avenues of reintegration. On the other hand, when it is state institutions that apologize (Igea, 2021) for primary or secondary victimization, it is necessary not to create hierarchies of victims and to offer those apologies to all interested victims, along with other mechanisms of justice.

In short, both in the offering and possible acceptance of apologies, a very complex process that can cause secondary victimization if it is not ensured within restorative justice contexts that take into account the difficulties of any rectification process, as well as the impact of trauma on victims and secondary victimization, in relation to the legitimate interests of those affected, in terms of procedural justice (Tyler, 2006). From a legal perspective, in order to avoid contradictions in the current Spanish regulatory system, particularly in the field of criminal law for minors and adults, two fundamental elements surrounding apologies should be considered and regulated, where appropriate:

1. The right to equal access to the request (receipt and granting) of apologies, in compliance with the Directive and Statute on victims' rights in relation to restorative justice, for all types of crime, facilitating access to restorative justice services for interested parties. If victims are not interested, as is sometimes the case in the juvenile and adult justice systems, access should be provided to restorative services that work with vicarious or diffuse victims, in the case of supra-individual or collective legal rights.

2. The right to adequate information on the processes and legal effects (procedural and penal) of participation or non-participation in restorative programs that include the possibility of apologies as moral or symbolic reparation. Again, this would include information on the possibility of restorative processes where the perpetrator can make an apology to society, always with legal and ethical guarantees.

If the law wishes to include forgiveness or apologies within the framework of a (desirably restorative) process, it is foreseeable that it will do so by providing guarantees for the persons affected and in a conditional, minimally objectifiable manner, if this entails a procedural or penal impact in terms of serious damage. Without falling into idealism, it is not a question of promising more than the law can guarantee in different jurisdictions (Vines and Akkermans, 2020). Therefore, in a difficult balance, more feasible in contexts of restorative justice, apologies would not mean shaming by stigmatizing or evading responsibility, but quite the opposite: naming, taking responsibility, and making amends (Felstiner, Abel, and Sarat, 1980). This requires willingness and a commitment to the truth, the possibility of change, and encountering the other (Ibáñez, 2013; Lacey and Pickard, 2015; Montero, 2012), values that we do not always find in legal-criminal systems and in society itself.

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Estándares de evaluación de programas de justicia restaurativa

Research Brief

Síntesis de evidencia científica para informar políticas a través de la aplicación de los resultados de la investigación mediante herramientas digitales en abierto

EMPIRIC+

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<https://www.uma.es/instituto-andaluz-de-criminologia/info/146295/red-empiric/>

Sep 26, 2024

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UPV/EHU)

Índice: I. ¿Qué es la justicia restaurativa? II. ¿Cuál ha sido su fundamentación y contraste empírico?- III. ¿Cuál ha sido su evolución? IV. ¿Qué se quiere evaluar y cuáles son los estándares? V. ¿Cuáles son los indicadores y cómo se recogen? VI. La propuesta de una herramienta digital, participativa, adaptable a diferentes contextos y fases penales, y en abierto. VII. Conclusiones y recomendaciones. VIII. Recursos en abierto.





*Note: This research summary is based on and reproduces excerpts from the bibliography referenced in the works cited in the resources section, all of which are open access, as well as the links within the text.

I. What is restorative justice?

There is no single academic or legal agreement on the definition of restorative justice. The table below highlights the key aspects of definitions provided by four different institutions. The first, from the European Union, is a legally binding text. All the definitions shown have in common the idea of restorative justice as a complex process,

⁹⁰ Published openly at <https://www.ehu.eus/es/web/ivac/estimatu>, following its discussion at Pompeu Fabra University in Barcelona on September 26, 2024, within the state network and criminological research Empiric+. Consider the approval of the Organic Law on measures relating to the efficiency of the Public Justice Service, of 2024, which modifies the LECrim to introduce basic regulation of restorative justice (LO not published in the BOE at the time of completion of this study).

dialogical and participatory, focused on the reparation of a crime or damage, and centered on the needs of those affected, in their different individual, interpersonal, and social dimensions.

 <p>European Commission</p>	<p>cualquier <u>proceso</u> que permita a la víctima y al infractor <u>participar activamente</u>, si dan su <u>consentimiento libremente</u> para ello, en la <u>solución de los problemas resultantes de la infracción penal</u> con la <u>ayuda de un tercero imparcial</u> (Directiva 2012/29/UE, art. 2. 1 d). Cfr. Ley 4/2015 Estatuto de la Víctima (art. 15). Ley foral navarra 2023.</p>
 <p>Handbook on RESTORATIVE JUSTICE PROGRAMMES SECOND EDITION</p>	<p>un <u>enfoque</u> que <u>ofrece</u> a los infractores, las víctimas y <u>la comunidad</u> una <u>vía alternativa</u> a la justicia. Promueve la participación <u>segura</u> de las víctimas en la resolución de la situación y ofrece a las personas que aceptan la responsabilidad por el <u>daño</u> causado por sus actos la oportunidad de <u>rendir cuentas</u> ante aquellos a quienes han perjudicado. Se basa en el reconocimiento de que el comportamiento delictivo no sólo viola la ley, sino que también perjudica a las víctimas y a la comunidad (Manual de la ONU, 2020).</p>
 <p>COUNCIL OF EUROPE</p>	<p>cualquier <u>proceso</u> que permita a aquellas personas <u>dañadas</u> por el delito y a las personas responsables del daño <u>participar activamente</u>, si dan su <u>consentimiento libremente</u> para ello, en la resolución de las consecuencias resultantes del delito, con la ayuda de un <u>tercero independiente y cualificado</u> (en lo sucesivo, el "facilitador") (Recom. 2018(8)).</p>
 <p>EUROPEAN FORUM FOR RESTORATIVE JUSTICE</p>	<p>es un <u>enfoque</u> que aborda el <u>daño o el riesgo de daño</u> implicando a todos los <u>afectados</u> para que lleguen a un <u>entendimiento y un acuerdo</u> sobre cómo <u>reparar</u> el daño y hacer <u>justicia</u> (https://www.euforumrj.org/en).</p>

II. What is its theoretical basis and empirical contrast?

Restorative justice is based on principles that differ from those of traditional criminal justice: voluntariness, direct participation, recognition, dialogue, encounter, confidentiality, the needs of individuals above the processes and timelines dictated by the criminal justice system, the search for alternatives to punishment and penalties, etc. For this reason, it is not easy to understand it as a complement or alternative to criminal justice, although restorative justice seems to be more accepted by legal practitioners in cases of time-barred crimes, when there is no known perpetrator or the perpetrator has died, or, where appropriate, the closest community can participate in restorative processes that minimize secondary victimization, regardless of the severity of the harm.

Restorative justice has been extensively evaluated using mixed methodologies. The results of the most relevant research seem to indicate, although we do not have general certainties regarding a broad spectrum of impact for all types of victims, perpetrators, crimes, or contexts, that restorative justice allows, always with respect for voluntariness, without punitivism, but also without identifying with trivialization, impunity, therapy, or forgiveness, to cross paths of victim recovery and reparation with social reintegration through an understanding of

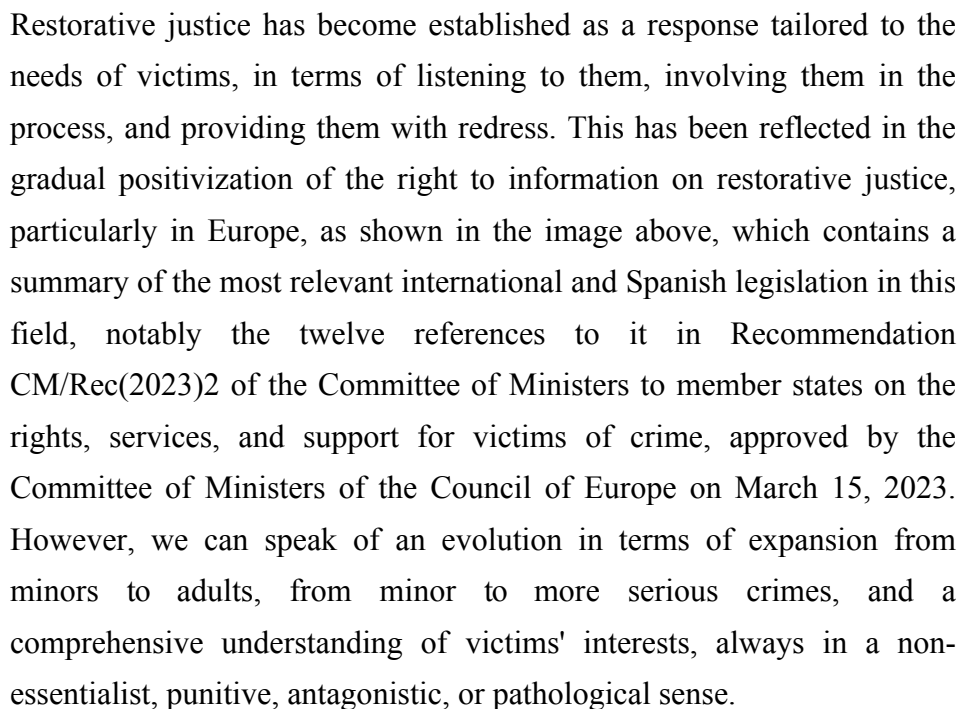
Reparation as positive general and special prevention. This is precisely because it enables greater participation and coordinated support for those responsible for the harm and those affected by it, integrating individual, interpersonal, and social or structural aspects, always from a humanistic perspective, which is sometimes dismissed as utopian.

Fundamentación teórica (criminológico- victimológica)	Evaluaciones empíricas
<ul style="list-style-type: none"> -Conflictos, protagonismo y reducción de daños (Christie, 1976) -Pacificación y cambio de lentes/paradigmas (Zehr, 1990) -Justicia procedimental (Lind y Tyler, 1988) y relacional (Vaandering, 2013) -Justicia terapéutica y tribunales enfocados en la solución de problemas (de fondo) (Weisler, 1999) -Vergüenza reintegrativa y regulación adaptada o receptiva (Braithwaite, 1989; 2002) -Desafío (Sherman, 1993) y desistimiento (Maruna, 2001) -Interés propio común y confianza (Walgrave, 2008) -Victimología. Necesidades de las víctimas (participación; voz; validación; responsabilidad activa del ofensor) (Dignan, 2005; Pemberton, 2015; Daly, 2017; Holder, 2018). Wemmers, Van Camp, Bolivar... (intereses prosociales, riesgos y JR) FUNDAMENTACIÓN EN LA DOGMÁTICA PENAL: Teorías mixtas de la pena, Claus Roxin y la tercera vía (proyecto oficial alemán de 1966) 	<p>Sherman y Strang (2007) subrayaron en su trabajo comparado que ninguna otra alternativa a la visión de la justicia clásica pone a la víctima tan claramente en el centro de una comunidad, en la cual todos somos interdependientes, como lo hacen los programas restaurativos.</p> <p>En el contexto de la prisión, como alternativa a la prisión o a parte de la misma, así como elemento dentro de programas de tratamiento, limita el efecto de institución total y la prisionización inherentes en cualquier sistema penitenciario y posibilita un mejor entendimiento y aplicación del principio de humanidad que resulta más ético y rentable socialmente.</p> <ul style="list-style-type: none"> -Robinson, G. & Shapland, J. (2008). Reducing recidivism: a task for restorative justice?. <i>The British Journal of Criminology</i>, 48(3), 337-358. -Sherman, L. y Strang, H. (2007). <i>Restorative Justice: The Evidence</i>. Londres: Smith Institute. -Guardiola Lago, M. J., Alberti Cortés, M., Casado Coronas, C., Martins Da Silva, S. & Susanne, G. (2012). ¿Es el conferenciado una herramienta útil para los programas de mediación en el ámbito penal del Departamento de Justicia? Barcelona: Generalitat. -Varona Martínez, G. (2009). Justicia restaurativa a través de los servicios de mediación penal en Euskadi. Evaluación externa de su actividad (octubre 2008-septiembre 2009). Donostia/San Sebastián: IVAC/KREL.

III. How has it evolved?

In its origins in the mid-1970s in the Anglo-Saxon context, restorative justice focused on criminal acts not classified as serious, regardless of their subjective dimension, committed by minors or young people. However, as shown in summary form in the following images, since the 1980s it has spread to many countries and to the adult jurisdiction, including particularly serious crimes, although its trajectory and impact on the criminal justice system vary from one country to another and even within the same country and according to the type of crime.

The European Forum for Restorative Justice, the world's largest academic and professional organization in this field, is currently compiling an encyclopedia on the global development of restorative justice across five continents. For its part, the European Union's justice portal offers a comparison of its application in the Union (https://e-justice.europa.eu/content_mediation-62-es.do). Regarding developments in the Spanish context, without confusing restorative justice with criminal mediation, see the GEMME mediation map



EL ENTENDIMIENTO DE LA EVOLUCIÓN DE LA JUSTICIA RESTAURATIVA

De 1974 en Ontario a 2024 en España

- La distinción reciente entre justicia restaurativa (JR) y prácticas restaurativas
- Cuestionamiento de límites y objetivos (la entrada de las víctimas)
- Justicia penal de menores y adultos
- Tipos de delitos y fases del procedimiento
- Del debate teórico sobre la selección e idoneidad a la constatación empírica de la adaptabilidad y flexibilidad
- Reconocidas por un corpus jurídico internacional creciente, en equilibrio con las garantías jurídicas

In addition to the precedent set by criminal mediation projects involving minors, restorative justice in Spain began to develop in the adult jurisdiction in the 1990s at the Victim Support Office in Valencia, thanks to the contact between its director, Fely González, and professors Antonio Beristain (UPV/EHU) and Tony Peters (University of Leuven), pioneers in restorative justice in Europe. However, it was in Catalonia and the Basque Country where the projects took root and began to be conceptualized as public services within the administration of justice (see Restorative Justice and Restorative Justice Service). A point worth highlighting, as the region is a pioneer in specific legislation, is the approval of Navarre Regional Law 4/2023 on Restorative Justice, Mediation, and Restorative Community Practices (Advice on intrajudicial mediation and restorative justice), with regulations currently being drafted. Likewise, with the support of the Ministry of the Interior and the Catalan and Basque justice departments, there has been a noticeable promotion of restorative justice in prisons in recent years (see, for example, the brochure from the Ministry from the Interior,

https://www.interior.gob.es/opencms/pdf/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/instituciones-penitenciarias/Justicia_restaurativa_126200570_web.pdf).

More generally, restorative practices are currently being promoted beyond criminal justice within the restorative cities movement, which would make it possible to have trained facilitators, both professionals and volunteers, to respond to the peaceful resolution of different conflicts of coexistence, not only crimes, in a more preventive and restorative manner ([European Forum for Restorative Justice](#)).

However, the extent and impact of restorative justice in criminal justice systems are limited, as they are conditioned by the lack of basic and specialized training in the legal professions, the lack of knowledge and perceived mistrust in society and in legal and professional cultures, in general, as well as by the principle of voluntariness that governs it and the limited resources available to hire trained facilitators in sufficient numbers and on a stable basis, among other issues. In addition, there are some criticisms of its possible punitive use or its lack of transformative potential in an unjust social system.

For all these reasons, the need to evaluate restorative justice policies, services, programs, and processes is fundamental to all public policy and is also vital for organizations that implement projects and wish to obtain public and private funding in order to convey to society the more or less tangible impact in the short, medium, and long term.

IV. What do we want to evaluate and what are the standards?

Beyond traditional quantitative measurements of the effectiveness of criminal justice responses, this section includes a *scoping review* or exploratory systematic review, understood as a synthesis of evidence to summarize the results of highly heterogeneous research. Given the intangible results

intangible results of restorative processes and the wide variety of programs and contexts across countries, it is not appropriate to transpose generalized criteria for assessing the effectiveness of restorative justice. Rather, this review, which must always be updated, may be useful for analyzing which standards are appropriate and, where appropriate, considering which dimensions are commonly used with respect to the results, processes, and impact of restorative justice.

When evaluating restorative justice, the complexity is immense because we are talking about people—with whom it is difficult and ethically questionable to carry out experimental or quasi-experimental studies—in this case victims or those involved in the criminal justice system, but also systems and relationships that interact with each other on contentious issues, where diverse and changing interests converge over time, making it very difficult to isolate the different variables at play. Added to this is the fact that restorative processes take place in controlled contexts of confidentiality. For all these reasons, the answers to questions about how restorative justice works, where, when, for whom, and with what impact are always inconclusive, even if we start from the positive nature of the results of most of the research carried out to date, both in the comparative and internal spheres.

With regard to the intangible results of restorative processes, which make it difficult to assess and use quantitative "success criteria," it should be remembered that all restorative processes must be carried out in accordance with the principles detailed below, without overlooking their difficult implementation.

¿QUÉ PRINCIPIOS/VALORES GUÍAN LA PRÁCTICA DE LA JUSTICIA RESTAURATIVA (adaptación de United Nations, 2020, p. 6. Cfr. 3)? Artículo 2. 1 Directiva 2012/29/UE y Artículo 15 de la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito: Servicios de justicia restaurativa.

- 1) Reparación:** Enfoque en el reconocimiento y reparación del daño físico, emocional y económico causado por el delito y en responder a las necesidades de las personas afectadas.
- 2) Respeto:** Tratar a todos los participantes con dignidad, compasión e igual consideración.
- 3) Voluntariedad:** Garantizar la voluntariedad de la participación de las víctimas, ofensores y miembros de la comunidad, basada en un consentimiento libre, informado y continuo.
- 4) Inclusión (Participación):** Promover y apoyar la participación significativa de aquellas personas afectadas, incluidas las víctimas, los ofensores, sus amigos, sus familias y sus comunidades.
- 5) Autonomía relacional:** Permitir a los participantes comunicarse abierta y honestamente y tener un rol activo para determinar cómo responder a sus necesidades, tal y como ellos las ven.
- 6) Seguridad:** Prestar atención a la seguridad física, emocional, cultural y espiritual y al bienestar de todos los participantes. La participación en justicia restaurativa no debería ocasionar un daño mayor a ningún participante.
- 7) Hacerse responsable (accountability):** Ayudar a aquellos que han causado un daño a reconocer y responsabilizarse por el daño y la reparación.
- 8) Transformación:** Proporcionar oportunidades para el entendimiento, el remedio ("healing") y el cambio y contribuir a la restauración y reintegración de las víctimas y los ofensores.

In particular, if we focus on assessing the positive impact or what is commonly referred to as the benefits of restorative justice, we can

consider the following aspects compiled by the United Nations and which are normally included in questionnaires for participants.

IMPACTO POSITIVO DE LA JUSTICIA RESTAURATIVA Y MINIMIZACIÓN DE RIESGOS POTENCIALES

Complejidad a la hora de la evaluación porque confluyen intereses diversos:

¿Cómo funciona y para quién?

Dieu, E., Hirschelmann, A., & Blatier, C. (2021). Supporting Engagement in Restorative Justice: Towards an Understanding of "Ambivalent Proportionate Interest" (API) and the "Window of Tolerance" Through a Classification of Participants' Motivations and Satisfactions. *Journal of Organizational Psychology*, 21(6).

- 1) Proporcionar un acceso a la justicia más amplio y adecuado temporalmente para víctimas y ofensores.
- 2) Facilitar que las víctimas tengan voz, una oportunidad de ser oídas y una oportunidad de entender (escuchar) al ofensor.
- 3) Proporcionar a las víctimas y a las comunidades respuestas, atendiendo a su derecho a saber y a su derecho a la verdad.
- 4) Proporcionar a las víctimas con una oportunidad de reparación material y simbólica (también prestacional).
- 5) Facilitar a las víctimas su recuperación y aliviarles los efectos del delito emocionales y, en su caso, traumáticos.
- 6) Proporcionar alternativas viables a los procedimientos penales.
- 7) Reducir la frecuencia y la severidad de la reincidencia (desistimiento), particularmente cuando forma parte de un enfoque más amplio de tratamiento.
- 8) Evitar la estigmatización de los ofensores, victimización terciaria y contribuir a su reintegración efectiva en la comunidad.
- 9) Mejorar la participación pública y la confianza pública en el sistema penal.
- 10) Incrementar el compromiso comunitario.
- 11) Dirigirse hacia iniciativas locales de prevención del delito más efectivas.
- 12) Mejorar las relaciones de la comunidad con la otros agentes del sistema penal.
- 13) Reducir costes en el sistema penal.

(United Nations, 2020, p. 10)


In addition, in order to evaluate correctly, other fundamental elements of restorative programs must be considered, as detailed in the following image.




In addition to all the complexities mentioned above, which are fundamental to

understanding the limits of any evaluation, considerations regarding evaluability must be added from a methodological perspective, in terms of available data sources and their characteristics.


¿Cómo evaluar, valorar, apreciar la justicia restaurativa en el sistema penal? Si no se incluye esta mirada desde el inicio de un proyecto, este pierde legitimidad y oportunidad de mejorar



Contar (sobre) las víctimas y el resto de protagonistas



Contar con las víctimas y el resto de protagonistas

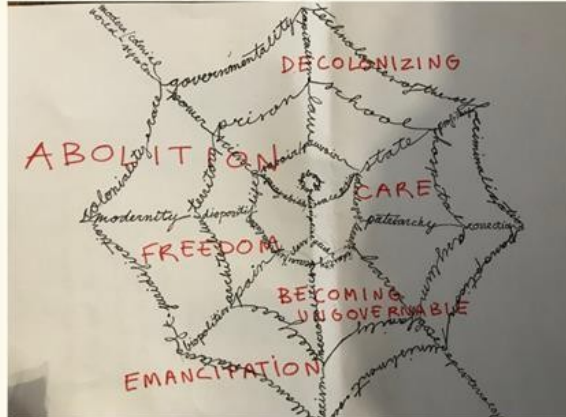


Comparar de forma sostenible el impacto esperado o inesperado

RB: Gang, D., Loff, B., Naylor, B., & Kirkman, M. (2021). A call for evaluation of restorative justice programs. *Trauma, Violence, & Abuse*, 22(1), 186-190.
Hartman, A. et al. (2021). *Täter-Opfer-Ausgleich in Deutschland*. Berlin: Ministerio de Justicia.

On a broader systemic level, restorative justice must also be assessed in terms of its (actual or potential) transformative value for criminal justice, as shown in the following image.

¿Puede conservar la justicia restaurativa su potencial cuestionador, emancipador, transformador del sistema penal si se inserta en el mismo?



Fuente: Caligramas de los estudiantes del Máster Internacional de Sociología Jurídica 2021-2022

The potential benefits identified by the United Nations offer us clues as to what to evaluate in relation to the criminal justice system, but not as to how to assess, more broadly, the impact of restorative justice

on the criminal justice system itself and on society.

As already indicated and as set out in current regulations, if an evaluative or appreciative approach is not included from the outset of a restorative program, it will not be possible to work on gathering information, and legitimacy and opportunities for improvement will be lost, preventing programs from continuing with greater support. Any evaluation carried out with a restorative approach must also strive to be

participatory and involve victims and other stakeholders, as well as consider meso and macro impacts in the short, medium, and long term. Where appropriate, this involves comparing the expected or unexpected impact in a sustainable manner between periods, services, and territories.

Integrated evaluation frameworks can be used, both for processes and for impact (a preferable term to results), which manage to appreciate all the diversity inherent in restorative justice in terms of the people involved and the dynamics, helping us to understand how restorative justice works, for whom, and why.

V. What are the indicators and how are they collected?

With regard to the regulatory basis for the need to collect certain data for specific evaluation in restorative justice and the prior obligations that this entails, in the context of the Council of Europe, Recommendation CM/Rec(2018)8 of the Committee of Ministers to member states on restorative criminal justice establishes the following in its principle 39:

Restorative justice services should develop adequate data recording systems that enable them to collect information on the cases they handle. At a minimum, the type of restorative justice that has been applied or the reasons why some cases have not progressed should be recorded. Anonymous data should be collected at the national level by a competent authority and made available to interested parties for research and evaluation.

Furthermore, Principle 66 of the Recommendation states:

Member States should promote and enable research on restorative justice, as well as support it, and

facilitate the evaluation of any programs or projects they implement or fund. Restorative justice services of all kinds should allow for independent evaluation of their service and cooperate in this.

For its part, the United Nations Handbook on Restorative Justice Programs, in its second edition of 2020, devotes the final chapter (pp. 103-110) to the need for evaluation and makes repeated reference to the European Recommendation. The Handbook notes that, despite the proliferation of restorative justice programs around the world in recent decades, there are few evaluation studies and recalls that these are necessary to identify the conditions that favor or limit the effectiveness of programs and to further develop practices based on real information to guide the development and implementation of new programs. Therefore, the Manual reminds us that in order for an evaluation to be possible, the data necessary for the evaluation must be identified and collected systematically and continuously, from the early stages of program development, even before the program is launched. Objectives and monitoring mechanisms must be established, and the use of mixed quantitative and qualitative methodologies is recommended.

The statistical information that the Manual specifically mentions as needing to be collected includes:

- The number and types of cases referred to the restorative program (including the nature of the offense committed).
- The sources of referrals.
- The frequency with which reported/convicted individuals and victims agree to participate in the program.
- The reasons for refusing to participate in the program.
- The time required to prepare the case.
- The proportion of face-to-face meetings.
- The participation of each party.
- The time required to carry out the restorative process.
- The nature and content of the agreements reached during the process.

- The percentage of agreements reached.
- The rate and type of recidivism among those reported/convicted who have participated in restorative processes.
- The number of volunteers and the hours of volunteer work contributed to restorative processes.
- Information on costs.
- The profiles (e.g., age, gender, ethnicity) of participants, community members involved in restorative processes, facilitators, etc.
- Participants' perceptions and satisfaction with their experience of the process and its outcomes.

With regard to qualitative data, as indicated in the Manual, this can also be collected through observation of the restorative process and through interviews or focus groups with participants, professionals, and other agents involved in the restorative process.

In short, according to the aforementioned text, restorative justice programs must develop data collection systems that allow them to gather information on the cases they accept, the people involved, the services they provide, and the results obtained.

However, if we want to assess the impact of restorative processes, once again, it is not so much a question of concluding what works, but how and why, within a given context, nor should we forget why and for whom this assessment is intended, aimed at citizens and those involved in the restorative justice service as a tool for joint learning.

It should be noted that a more comprehensive evaluation considers several units of analysis in different dimensions, from a general social impact approach, which is defined by the International Impact Evaluation Association as potential or actual changes in one of the following areas:

- People's way of life.
- Their culture.

- Their community.
- Their political or organizational systems.
- Their environment.
- Their health and well-being.
- Their rights.
- Their fears and aspirations.

Next, to illustrate the complexity of including the various aspects mentioned above, we will look at some tools that have been developed openly so that they can be downloaded and adapted for better evaluation.

FEJR open assessment tools

The FEJR Values and Standards Committee has developed what it calls restorative justice quality review tools as self-assessment and monitoring tools, based on the committee's new "Guide to RJ Practice Standards." There are four tools in English, available on the FEJR website:

1. Self-assessment for restorative justice practitioners;
2. Self-assessment for organizations;
3. Quality review tool with user comments;
4. Quality review tool for policymakers.

With regard to the specific work of facilitators, the first tool clarifies that there is no single model of good practice, although international standards based on available evidence must be respected. Specifically, the focus is on: (i) reparation for harm; (ii) voluntariness; (iii) active participation; (iv) commitment of participants; and (v) confidentiality. This Forum tool proposes focusing on a series of elements of each of these principles, articulating them in seven thematic blocks and allowing for a numerical self-assessment using an Excel format. Below is a summary and interpretation of these blocks.

A. With regard to reparation or restoration, this touches on the sense of dignity, respect, and security with respect to the damage, including relationships. It must be ensured that all stakeholders, in a broad sense, can identify the damage, its impact, and the needs that arise, as well as the actions for reparation and prevention of future damage. Pressure (particularly time pressure), lack of honesty, or lack of participation by those involved can be obstacles to the implementation of the principle of reparation or restoration.

B. Voluntariness requires an absence of coercion, with no negative consequences if a person decides not to participate, and with complete and understandable information, both about the potential process and its outcome, for all those involved. Furthermore, this voluntariness must be respected throughout the entire process.

C. Active and inclusive participation means that the process is designed according to the needs and contexts of the people most involved, taking into account their diversity and, where appropriate, inviting support persons to minimize secondary victimization or stigmatization, and creating restorative systems of trust and risk assessment and minimization.

D. An atmosphere of respect will encourage participants to maintain the necessary trust, co-created by well-trained facilitators who adequately prepare the process through deep listening, objectivity, and honesty, so that, preferably in a face-to-face meeting, participants can express themselves freely in their own words or even through objects or other tools, ensuring that people are not exploited for other purposes, including systemic ones.

E. The values of solidarity and shared responsibility come into play in the commitment to seek understanding. It is not necessary to reach agreements for the process to be considered to have been carried out properly, but, where appropriate, it is necessary to support the commitment to try to implement those agreements (or update them), as well as to provide restorative supervision, valuing the efforts made and offering alternatives in the event of difficulties. In addition, referral to treatment and appropriate coordination with judicial authorities or other legal operators may be necessary.

coordination with the judicial authorities or other legal operators.

F. Confidentiality allows for the creation of a space that feels safe enough for honest or sincere dialogue to encourage the expression of the harm caused and the assumption of responsibility and, in general, a mutual understanding that allows for the sharing and interpretation of the information, emotions, and values at stake. Efforts to participate should be appreciated, valuing small gestures, and treating everyone with respect.

G. Finally, there must be protocols, codes of ethics, and procedures for sufficient, specific, and ongoing training, selection, and evaluation of facilitators and processes, also considering diversity and good coordination with the criminal justice system, where appropriate.

Open assessment tools for associations: The example of Why me?

In relation to cost-effectiveness studies, the UK organization *Why Me?*, which develops restorative justice programs with a focus on victims, published a report in 2022 on the economic evaluation of restorative justice, based on a comparison with the traditional criminal justice system. Version 5.7 of the *Manning Cost-Benefit Tool* was adapted, also in English, using an Excel format. The report focuses on post-sentence restorative interventions for adults and young people in England and Wales, concluding that restorative justice, given the existing data on its longitudinal effects (both in direct and indirect encounters), reduces recidivism. Likewise, the social cost-benefit ratio of restorative justice was £14 for every pound invested, considering economic benefits and the increase in the well-being of victims and society. The report concludes that, if resources were increased to refer more cases to restorative programs, although costs would increase, in the medium and long term, in terms of cost-efficiency, many more benefits would be achieved, including significant savings in the criminal justice system.

Selection of other recent research whose conclusions have not

yet been used to provide open assessment tools

Although their conclusions have not led to open assessment tools, we do have comparative quantitative, qualitative, and mixed studies that allow us to estimate the economic impact of intangibles such as the well-being of participants and society over time, although they do have a number of limitations. To consider all types of costs, if we focus on assessing the well-being of participants (which could include family members), it would be advisable to compare the information that can be collected on motivations before starting the process with subsequent assessments of the process. In relation to the willingness to participate in a restorative process, other authors highlight the difference between motivation and subsequent satisfaction with the process. In some ways, motivation/expectations and satisfaction seem to be mediated, from a psychological point of view, by their cognitive interest in participating, considering the perception of the seriousness of the harm suffered and the emotions of what is at stake in a future encounter, in relation to past events and present repercussions.

This means that facilitators must take into account the participants' so-called window of tolerance when planning and preparing a meeting, identifying and considering their specific needs, as we are faced with an ambivalence: if potential participants consider the event to be insignificant, they may not be interested in participating, and if they consider it to be very significant, despite their cognitive interest, the fear of an encounter may also cause them to reject the possibility of participating. However, the concept of the window of tolerance and the application of the growth or learning mindset, where appropriate, could also be applied to the expectations of legal practitioners and the criminal justice system itself towards a restorative process and the people involved in it. It should also be noted that recent studies have positively assessed restorative justice in terms of therapeutic justice or health outcomes, and its effect on desistance processes.

In terms of quantitative measures for program evaluation

Restorative approaches, which necessarily take a longitudinal or long-term view, should focus more on the concept of desistance than on recidivism because they allow for an assessment of the cognitive, emotional, and psychosocial needs at stake for people who have committed a crime (something that is very present in restorative programs) and involve assessing a gradual decrease in reoffending over time and in the type of offenses, in terms of their severity, and where it is also necessary to talk about motivations and not just risks and needs, as well as the interaction of agency (individual and group) and structure issues. With regard to the interaction between agency and structure, studies cited in the literature conclude that treating people who have committed a crime with more humanity, in many cases, also allows them to react with more humanity and confirm their prosocial identity, as well as promoting learning in how to deal with conflicts or negative emotions.

In short, there are many elements that can be considered in an evaluation of restorative justice as a process. Thus, some authors configure restorative spaces considering their socio-political dimension (improving coexistence), physical dimension (adequate facilities and furniture), and economic dimension (sufficient resources), and study various cases in which the assessment of each dimension differs. For their part, some studies differentiate between top-down and bottom-up services. While the former have problems of legitimacy in engaging the community, the latter have problems obtaining sufficient resources for their development and being recognized by institutions, although both types of restorative justice services or programs are complementary, in their case to promote access to it, through different mechanisms and timescales, an aspect traditionally overlooked in evaluations.

Finally, it is also worth mentioning a comparative study that includes observation of facilitation in Navarre and other autonomous communities, regarding the consideration and impact of the gender perspective in restorative processes, which concludes with the need to deepen an intersectional understanding of access to and the impact of restorative justice on people affected by different

Exclusion categories.

Specific challenges of assessment in the prison environment

Although a judicial truth already exists in the prison system, given that there has been a conviction, at least for those who have already been sentenced, and there are no time limitations typical of restorative justice during the investigation and trial phases, it is also true that the time needed to assimilate what has happened intersects with the conflicting timelines of the victims, on the one hand, and the administration of justice, on the other. This raises the question from the victim: "Why now?", directed at an environment—the prison system—that, historically and culturally, has never worked directly with victims (of the harm caused by convicted persons). At the same time, many convicted persons—rightly or wrongly—feel that they are victims of the criminal justice system itself and consider that they are already "paying" for what they have done and owe nothing to their victims. For their part, some victims seek greater social integration into a society that tends, in their case, after high-profile trials, to forget them (indifferent position), exploit them politically (utilitarian position), label them as punitive (reductionist accusatory position of moral superiority), or overly emotional (paternalistic or maternalistic therapeutic position). On the other hand, the question arises as to the effectiveness of a possible restorative program in the prison environment to enable, in a collaborative manner, desirable changes in people who have committed crimes and to counteract the damage of criminal victimization, also in a sense of social and institutional responsibility of the prison environment.

In relation to all of the above, adapting specialized literature on reentry processes, we could conclude that, on occasions, the processes of reparation and devictimization can be combined with other interventions. To this end, the following must be allowed the combination and creation of new skills, abilities, and aptitudes, valuing basic ethical principles, but without falling into moralism; the possibility of change without labeling; the possibility of dialogue between the most affected person, civil society, and the state (a civic and civil conversation that is not limited to examining the offense, but what lies behind it, and that explores the damage and reparation); and the possibility of social connection and concrete support. Once again, it is a matter of bringing together processes of change,

hope, accountability, and individual, interpersonal, and social learning, respecting diversity without ignoring complexity.

In this regard, it is worth asking to what extent restorative justice could be evaluated within the context of prisons offering restorative programs that improve quality of life, or how participation in such programs does so for people who remain in prison, all in conjunction with the promotion of victims' rights to truth, justice, and reparation in a restorative manner, and the objectives of a more humane and rights-based prison system.

In relation to the above, and by way of example, an evaluation of restorative justice processes in Spanish prisons for the re-education and reintegration of prisoners is currently being carried out. This evaluation considers the consequences of imprisonment, moral identity, and

The functioning of the prison is evaluated, and the impact of the accountability process (with pre- and post-tests) and the satisfaction of victims and perpetrators with the restorative program are assessed. Support for convicts is evaluated to help them become aware of who they are, based on what has happened, "to understand their past and present, to face the future with hope and confidence in their resources and in the power and responsibility they have with regard to what will happen in their lives." Support is also provided to victims through the expression of their "needs arising from the crime, promoting a framework where they can be heard from their status as victims to a comprehensive view of themselves in order to achieve their personal restoration, as well as reparation for the harm suffered." In the work on accountability, understood as a gradual process, the convicted person works on expectations, biographical work, empathy with the victim, guilt, shame, and sadness. Later, in the work of reparation, there may be a meeting with the victim, whether related or unrelated, or social reparation through voluntary work.

In the Basque Country, research has been conducted on how restorative justice can be transformative in the face of the risk of seeking "suitable" victims in the prison system and the risk of not collaborating with victims of all kinds, which could undermine the potential for participation.

and community that defines restorative projects, which would probably require the involvement of properly trained volunteers and shift the focus away from the initial expectation of an encounter. In order to have more tools to address the objectives with victims, these studies have proposed exploring the following questions from the victims' perspective on the purpose of restorative justice:

- Its ideal outcomes (i.e., in a perfect world, what do you want to achieve?).
 - o In a perfect scenario, this is what I would like to achieve (having a voice, being treated fairly, receiving information, not being a victim again, no more victims, helping to bring about change...). I am aware of the difficulty, but it would be good.
- Its expected outcomes (i.e., if the process goes reasonably well, what do you hope to achieve through your participation?)
 - o These are my main objectives. I hope to achieve them by participating in the program, but I am aware that there are no guarantees.
- Your essential outcomes (i.e., the victim does not want to participate unless certain issues are resolved).
 - o I do not want to participate unless I can achieve a series of very specific things, always within reason.

VI. The proposal for a digital, participatory tool that can be adapted to different contexts and stages of criminal proceedings, and is open source.

Based on the results of the aforementioned research, given the need to understand restorative justice as a diverse process adapted to each case, we can say that participatory evaluation is essential as an approach for evaluating policies, programs, services, and processes, considering not only ethical issues but also compliance with regulations on restorative justice, victim care, and public policy evaluation. Community participatory evaluation, as indicated by various authors:

1. Guarantees justice and equity. An inclusive evaluation model ensures that all members of the community of practice have equal opportunities to contribute and be recognized for their efforts. It avoids bias and promotes equity in the evaluation of the performance and impact of individuals and the community as a whole.
2. Promotes diversity and inclusion. An inclusive evaluation model takes into account diverse perspectives.
3. A responsible evaluation model holds both individuals and the community accountable for their actions and results.
4. It establishes clear expectations and measures for evaluating the effectiveness and impact of community activities and practices.
5. A responsible evaluation model provides valuable information and insights that can be used to improve activities and practices.
6. It helps identify strengths, weaknesses, and areas for development, enabling continuous learning and growth.
7. It ensures that the values of the service or program are aligned with its activities and practices.
8. It provides verified information that can inform decision-making processes, helping to identify and assess areas where results are positive and those that require attention or improvement, guiding future actions and resource allocation.

In addition, change theory is useful for assessing intangible impacts. It serves to identify: specific evaluation questions, especially in relation to those elements for which there is still no substantial evidence; the relevant variables that should be included in data collection; the intermediate results that can be used as indicators of success in situations where the impacts of interest will not occur within the time frame of the evaluation; the aspects of implementation that need to be examined; and the contextual factors that could be relevant and that should be addressed in data collection and analysis, in case patterns or trends are detected.

relevant and should be addressed in data collection and analysis, in case patterns or trends are detected.

Considering these aspects, the IVAC/KREI (UPV/EHU) Laboratory of Theory and Practice of Restorative Justice, based on decades of applied research carried out at the Institute, a digital tool has been made available, which can be downloaded free of charge from its website (<https://www.ehu.eus/es/web/ivac/sarrera>) and from the website of the Sociedad Sociedad of Victimology (<https://www.sociedadvascavictimologia.org>), for any public or private entity interested in collecting data for real-time evaluation and visualization through *dashboards*. This facilitates the preparation of general descriptive reports, preliminary, intermediate, and final reports, comparative reports on different cases, and case study reports, always in an anonymized and untraceable manner. This tool, called *Estimatu*, to highlight its appreciative evaluation nature, has been funded by the Basque Government's Department of Justice.

Estimatu allows for the monitoring of restorative program activity, with a broad perspective in terms of its scope of action, standardizing methods and areas of research for evaluation, while allowing flexibility for adaptation, including qualitative information through media such as images or audio. It aims to improve the quality of the information collected so that it is as complete as possible, including with regard to less tangible elements of restorative processes. In addition, it aspires to comparability with other programs and sustainability over time for more longitudinal analyses. At the same time, it has been designed to be an agile tool that facilitates learning and reflection while responding to the questions raised. Simultaneously, following the example of other programs, this tool aims to help entities that develop restorative justice to support their requests for better funding.

Among other things, *Estimatu* allows for the assessment of changes in attitudes and behaviors, as well as perceptions of well-being and safety, in an interaction of dimensions (individual, interpersonal, family, and social).

Although it currently has a fundamentally retrospective and synchronic perspective, it is hoped that the tool can be improved in the future to include a diachronic integration of data, at a more longitudinal level, to assess different moments of information entry (at the beginning, during, at the end, and several months after the end of the restorative process).

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After offering an initial training day and providing personalized IT support, this tool was tested throughout 2024, mainly in organizations that are part of the Basque Forum for Restorative Justice, promoted by the Basque Government, but it has also been offered to professionals in the Community of Madrid and Catalonia who work in restorative justice services.

. In addition, it has been offered to the European Forum for Restorative Justice, highlighting its English version.

Noting its limited use, in July 2024, IVAC/KREI offered a more simplified tool in the form of a Microsoft questionnaire to overcome some of the obstacles to its use, as expressed in a specific evaluation of the tool's use through an online questionnaire and a meeting of the Basque Government's Basque Restorative Justice Forum in September 2024, where some professionals and volunteers pointed out its complexity, the lack of time and resources for integration into their daily work, duplication with other databases, suspicions about its cost-effectiveness and understanding, etc.

The new version has taken into account the presentation and discussion of *Estimatu* in various forums throughout 2024, including the IV Conference-Workshop on Science and Public Policy, held at the Congress in Madrid on April 4; the FEJR Conference in Estonia, May 29-31; the UIK summer course on "Paths to Explore in Victimology," June 17-18; the film forum at Bizkaia Aretoa on *The Meeting* with Prof. Marie Keenan on September 13; the Empiric+ Conference at Pompeu Fabra University in Barcelona on September 26; and the 14th Antonio Beristain Meeting on November 19, 2024. Finally, its application has been considered in other projects on restorative justice in areas such as sexual violence and, in general, in institutional or organizational contexts, with discussion of *Estimatu* in various forums and seminars.

Estimatu content

The *Estimatu* tool has worked on four dimensions, without forgetting others that were already structured in a poster presented by the Laboratory of Theory and Practice of Restorative Justice at the Congress of the Spanish Society for Criminological Research in 2012, also available openly on the IVAC/KREI website.

In summary, *Estimatu* aims to estimate or assess the following dimensions, always understood as interrelated, and to expand the work of internal service reports in order to recognize the craftsmanship involved in restorative justice services, given that each process is different as it adapts to the needs at stake, without prejudice to the inherent limitations.



More precisely, *Estimatu* distinguishes between dimensions related to context and dimensions related to impact, in both cases with their respective units of analysis, where appropriate in the form of indicators.

Contextual dimensions

a) Structural contextual dimension

This includes qualitative data on the socio-legal reality of each territory, extracted from the following *sources*: regulations, official documents, protocols, agreements with institutions, internal and external evaluations, sociological and opinion studies, news analysis, interviews with experts, etc.

Among others, *indicators for analyzing* the organizational framework include the public or private nature of the program (agreement or contract), the presence of volunteers in its activity (characteristics, number, functions, training, and supervision), financing (public, private, mixed), the

dependence and coordination with other bodies (organizational dependence, organizational chart), the presence of an external evaluation agency (existence, nature, frequency, scope), the existence of regulations on evaluation and impact (binding or advisory nature), institutional, citizen, and media participation and involvement (sociocultural characteristics of the territory, degree of knowledge and social acceptance of restorative justice, presence in the media) and capacity building for the management of coexistence and the prevention and resolution of conflicts between community members (citizen initiatives to promote a culture of peace, restorative justice, training activities, cultural activities, participation of people from the community fabric, joint responsibility initiatives in the construction of community coexistence).

b) Institutional contextual dimension

The institutional dimension compiles quantitative and qualitative data on the relationship between different professionals, obtained from the following *sources*: analysis of internal documentation of restorative programs, direct observation of their activity, questionnaires and discussion groups with facilitators and legal operators, analysis of news, and analysis of the organization of training initiatives. *Indicators* include planning and financial support (provision of material, human, and institutional resources), the status of facilitators (professionalism, control, ethics, ratio, gender, training, role, evaluation, supervision, and working conditions), inclusive cooperation (formalization of referral and coordination protocols between the administrations involved), socialization and dissemination of the program (awareness-raising, dissemination, and training sessions for all agencies involved), a coordination agency, technical support, supervision, and evaluation (coordination protocols, technical support, evaluation, and supervision), and participation dynamics between promoting, financing, and executing agencies and legal operators (characteristics of participation dynamics, presence of legal operators, criminal justice professionals, restorative justice program professionals, victim care professionals, care for those who take responsibility, local authorities, police forces, government bodies of the

judiciary, the public prosecutor's office, and professional associations).

c) Functional contextual dimension

For its part, the functional dimension draws on quantitative data on its operation, mainly extracted from *sources* such as internal and external reports, with *indicators* referring to: data on types of crimes subject to restorative intervention, the sociodemographic profile of participants, case volume, activity volume, productivity criteria (ratio of restorative processes/facilitator, number of interventions), type of restorative processes, outcome, nature of agreements, type and level of compliance, duration of the restorative process, response to non-compliance with a possible agreement, framing of a possible agreement within the criminal justice system, and subjective connotations of the process/agreement (opinions about them).

d) Procedural contextual dimension

The fourth and final contextual dimension corresponds to the procedural dimension. The focus here is on the analysis of processes, each of which is unique in a diverse and dynamic reality, even when sharing the same criminal or social context, mainly in reference to individual and interrelational qualitative data, extracted from *sources* such as in-depth interviews, questionnaires to participants and follow-up after a period of time, case studies, and observation of processes. *Indicators* include willingness, motivation, attitude, and support for participation (analysis of motivation, possibility of accompaniment), attention to underlying circumstances (flexibility in addressing conflict, referral to other care systems), attitude of participants and possible risks (regarding victims and those convicted), risks to restorative justice programs themselves (bureaucratization, violation of the principles of access and equality, deviation from international standards), availability of legal advice, public confidence in restorative justice (understanding and sharing the conditions and philosophy of the program), influence on relationships and their connection to the opportunity for encounter (restoration/pacification of relationships, appreciation of the encounter, empathy, understanding), style of the process

(aimed at agreement, reconciliation, empowerment, conflict transformation, reparation), process methodology (role of the facilitator(s), gender ratios, co-facilitation, interdisciplinarity), time of the restorative process (accompaniment of the personal process, pressure from administrative deadlines), place where the process takes place (individual and group interviews), prevention from the perspective of offending behavior (accountability, understanding of consequences, personal resources, sincerity, motivation, preparation, and reintegration), prevention from the perspective of victimization (reparation, satisfaction, protagonism, personal resources, sincerity, motivation, preparation, and reintegration), prevention from the community's point of view (participation of other people, social cohesion, learning or social competence), and the exclusionary/complementary/integrative nature of restorative and/or criminal/social intervention.

The units of impact analysis

After considering this contextualization, the assessment of the impact of a restorative process is structured around complex axes or itineraries, based on the specialized literature on the subject and on the values and standards of good practice of the European Forum for Restorative Justice, where the processes of devictimization, reintegration, and pacification and coexistence can converge.

It involves codifying and interrelating cognitive, emotional, and behavioral aspects—of a micro, meso, and macro nature—around four therapeutic, pedagogical, justice, and dialogical axes or dimensions that underpin the impact of restorative justice as a process (temporal variable), without overlooking the intersectionality with participants' previous experiences, the severity of the harm suffered, and existing resources and support.

a) Therapeutic or health impact dimension

This axis correlates with breaking the cycle of violence or freeing oneself from the logic of violence. Specifically, it correlates with its potential to minimize the damage suffered to people's health, to help them recover their well-being and, in the long term, to integrate what has happened into their

biographical trajectories, so that it does not prevent them from continuing to live life to the fullest. Although we cannot attribute a therapeutic nature and vocation to restorative justice, this does not prevent us from recognizing the therapeutic effects of its development in certain processes, particularly with regard to personal damage of a psychological, emotional, and ethical nature, from not only an individual perspective, but also an interpersonal, group, or social one.

b) The dimension of pedagogical, educational, or learning impact

Local and comparative practical experience shows that participating in a restorative process with guarantees has the potential to acquire new personal tools for managing conflicts of a very diverse nature in the face of overprotective attitudes that deny the capacity for agency of individuals, communities, also in scenarios of serious victimization, however dramatic the experiences they have gone through may be, which seem to confuse victimhood, vulnerability, and incapacity as synonymous concepts, all without detracting from the understanding of the processes of devictimization and reintegration as profoundly social with the obligations that this entails in a social state governed by the rule of law.

This dimension correlates with the acquisition—or reinforcement, where appropriate—of cognitive, emotional, and behavioral variables required in the unique and non-transferable processes of de-victimization and personal reintegration. Particularly in contexts of serious victimization, they enable personal growth in terms of knowledge about other people and self-knowledge, generating social bonds, even between different people, and deactivating violence.

c) The impact dimension of justice

Perhaps overly optimistically, some authors attribute to restorative justice an aspiration to transform social justice, without renouncing the classic principles of criminal justice. Its development enables other forms of justice, specific and non-transferable to those who suffered and perpetrated violence or harm, from a perspective that is reintegrative, more restorative and accountability-based,

resulting in social trust in institutions—particularly those that are the object of suspicion, if not rejection, in the case of the administration of justice and the prison system—and in a strengthening of community relations between discriminated populations and control agencies.

d) The dimension of dialogic impact

The dialogic dimension is the backbone of the previous dimensions. Dialogue, speech, and listening—carefully facilitated and supported by the facilitators—are identified as pillars for addressing reparation as an instrument of change and individual and social accountability.

In this dimension, facilitators must ensure that participants are prepared in advance and supported throughout the process—including the agreement follow-up phase—paying attention to variables related to the interculturality and diversity of participants, linked to connection and inclusion, where respect and the value of reparation to reframe the facts and the humanity of those who were objectified or reduced to a fact and its consequences, also from a community perspective.

Detailed technological characteristics in the creation and use of Estimatu

Estimatu was created with the aim of facilitating the systematization, codification, analysis, and evaluation of restorative processes in different areas. Its design responds to several previously identified needs, specifically:

- Simple and intuitive handling, so as not to overload a program that is already limited in terms of personal and material resources.
- Coding of quantitative information in closed and open response formats, through extracts (verbatim where applicable) and even audio and images.
- Main information management tool that, by monitoring and analyzing a sample, easily generates frequency tables, graphs, etc., so that key indicators can be visualized for subsequent follow-up.
- Allow, with a common registration number or file number where appropriate, the cross-referencing of information with other possible databases, such as, for example, analysis of

criminal withdrawal, cost-benefit analysis, among other possibilities.

- Collect indicators on restorative justice as a process with intangible elements that are difficult to evaluate using standard indicators.
- Respecting the confidentiality required in restorative justice, as well as privacy and ethics in data collection for evaluation and research.
- Adaptable to new needs that may arise, ensuring its integrity, whether due to changes in the units of analysis, intervention processes, etc.

In the initial design of the tool, the need for a correct interpretation of reality at the first level of abstraction was emphasized, since otherwise this could lead to future problems of data redundancy, internal inconsistency of the system and, in the most serious cases, the establishment of inadequate management processes and protocols. The platform initially chosen to meet the requirements established at the outset was a solution based on Microsoft Access 2016 or higher, due to its ease of use, future scalability, ability to migrate to other database management systems (if necessary), and, above all, because it allows the database and application to be combined in a single download. Likewise, in order to view the data collected on a control panel or *dashboard*, as a tool that allows the data collected to be organized, controlled, and analyzed visually, it is necessary to install and use the Microsoft Power BI Desktop application, which is free and downloadable from the official website of Microsoft (<https://www.microsoft.com/es-en/download/details.aspx?id=58494>).

As previously indicated, the conceptual model of the assessment tool combines various analytical entities that are related to each other through complex relationships. Three related entities—indicator, item, and dimension—converge in the tool's model (N:M), such that any of these entities can be correlated in multiple ways with the others, with the complexity that this entails.

The initial *Estimatu* application consists of five files, whose description, developed and detailed in the manual prepared for this purpose in several languages and available on the IVAC/KREI website, is summarized as follows:

- ESTIMATU_fe.accdb. Data entry.
- ESTIMATU_be.accdb. Data storage.
- ESTIMATU_db.pbix. Data mining.
- ESTIMATU_db_EUS.pbix. Data mining.
- ESTIMATU_db_ENG.pbix. Data mining.

a) ESTIMATU fe.accdb

Developed in Microsoft Access, this is the part of the tool where program users *will complete the experience questionnaires*, as the only data available to them in relation to their own opinion, not that of others.

The tool combines the analysis of contextual dimensions—shared and/or differentiated—as a starting point for the subsequent analysis of the personal and community impact trajectories or axes of the restorative processes developed within it.

Thus, based on a principle of reality that combines the ideal with the possible in relation to the therapeutic, educational, justice, and dialogical dimensions, the tool comprises several questions:

Therapeutic dimension

What were the needs before starting the restorative process or what needs could you identify?

What impact has participation in this process had on your well-being?

And what about your loved ones?

At the moment, are there any other outstanding needs?

Educational dimension

Has your participation helped you improve your self-awareness to prevent violent conflicts?

Has your participation helped you recognize and express needs and emotions or manage them?

Justice dimension

How were you treated during the criminal/prison process?

How were you treated during the restorative process?

To what extent have you been able to appreciate that your participation contributes to a more accessible justice system?

To what extent have you been able to appreciate that your participation contributes to a more participatory justice system?

To what extent have you been able to appreciate that your participation contributes to a more accountable?

What type of reparation or reparative commitments have been proposed or would you like to propose?

What kind of follow-up to the process, or to the agreement, if applicable, have you considered or would you like to consider?

Would you like to share your experience with others?

Would you like to volunteer to help others participate in restorative processes?

Dialogic dimension

With regard to the damage caused, how do you assess the impact of restorative dialogue in terms of understanding (not justification)?

With regard to the damage caused, how do you assess the impact of restorative dialogue in terms of opinion, participation, and commitment?

With regard to the damage caused, how do you assess the impact of restorative dialogue in terms of building a positive response to violence/harm?

How do you assess the information provided before, during, and, where applicable, after the restorative process?

Did you participate freely?

Do you believe that all participants had the same opportunities during the restorative process?

Did you feel used for a process unrelated to your interests?

Do you believe that there is the necessary confidentiality to ensure honesty in the restorative process?

Could you give an example of what you have learned in this process?

b) ESTIMATU be.accd

Developed in Microsoft Access, this is the part of the tool that *stores the data* entered by the program's users.

It has a series of tables and a relational model that establishes the relevant connections between the tables.

c) ESTIMATU db.pbix

Developed in Microsoft PowerBI, this is the part of the tool that is responsible for *exploiting the data* entered by users of the program.

It is a *Business Intelligence* tool that allows conclusions to be drawn from the data provided by users of the program.

d) ESTIMATU db EUS.pbix

Basque version of the previous tool - ESTIMATU_db.pbix-, for *the exploitation of data* used by users.

e) ESTIMATU db ENG.pbix

English version of the ESTIMATU_db.pbix tool, for *exploiting data* used by users.

In any case, as already indicated, following testing in 2024, it was decided to simplify the tool, including all the dimensions and questions indicated, while maintaining anonymity and privacy at all times, since the database can only be downloaded by the person responsible for the entity using it, as well as its open and adaptable nature. The new simplified version is available in three languages (Spanish, Basque, and English) at [Estimatu - Basque Institute of Criminology \(IVAC-KREI\) - UPV/EHU](#). IVAC/KREI will continue to test the use of this tool, both within and outside the criminal justice system, with a view to improving it.

VII. Conclusions and recommendations

Reflection on the importance of assessment reflects the need for

move from the traditional, suspicious, and purely quantitative approach to evaluating public policies to one that assesses their broader social impact and includes community debate, at least during and after the evaluation. It is not a question of evaluating only the number of cases referred and agreements reached in restorative justice. Voluntariness as an unavoidable prerequisite is simultaneously the greatest potential and the greatest limitation of restorative justice. This, together with the available resources and the control of *gatekeepers* (people who facilitate or hinder access), explains its marginality in criminal justice systems, albeit with differences between countries, territories, and periods. The need for cultural and organizational changes to ensure access to restorative justice, given the social interest and largely positive evaluation of its processes, results, and impact (tangible and intangible).

Drawing on conclusions already made about the evaluation of restorative justice and the use of the *Estimatu* tool, three ideas are worth highlighting:

1. Research should continue: (i) to examine and evaluate the scope and effectiveness of collaboration between various public agencies and community-based organizations at different stages of the criminal justice process in the broad sense, to promote awareness of the possibility of accessing restorative justice and what this means, particularly in relation to the individuals involved, whose opinions on the appropriateness of the timing and manner of being invited to participate must be taken into account; (ii) an assessment of the long-term impacts of restorative justice, recontacting participants over a period of five to ten years. This would allow for an assessment of aspects such as cessation of crime and social integration; (iii) a specific, more in-depth investigation could be carried out on those individuals who did not find the intervention beneficial, seeking to explore why and how. way. The reasons why restorative justice does not work for some people could be analyzed in greater depth; (iv) combine case study research with participatory observation, always with a view to joint learning, safeguarding confidentiality, and with a dyadic or even trilateral or multiperspective approach, in order to integrate the different perspectives of the most involved subjects, including the surrounding community. This approach would also allow

also narrate, as is done in Ireland, illustrative cases on the website of restorative justice programs that also serve to raise awareness and provide information about restorative justice, with all its diversity and complexity.

2. It should be borne in mind that the legal context in which the programs are developed (with fixed time frames and the identification of agreement as the main indicator of success) conditions the development of restorative programs, affecting the risk of prioritizing the needs of the system in which they are framed (filing of court cases, achievement of criminal settlements, etc.), to the detriment of people's needs, thus moving away from international standards.
3. For comparison purposes, restorative justice developed in the juvenile and adult jurisdictions in different communities and countries should be studied, taking into account the different legal cultures and types of crime.

Finally, based on the experience gained, a number of recommendations are made for initiating an assessment in restorative justice, whether or not the *Estimatu* tool is used.

Recommendations for a working plan to initiate an assessment

Researchers	Experienced researchers who are familiar with restorative justice, the context, and the methodology for evaluating it in interdisciplinary teams.
Context	Consideration should be given to whether policies, programs, services, and/or processes are being evaluated. The context in which the evaluation will take place must be well understood, as must the professional culture, with its written and unwritten rules, and any defensive or suspicious attitude towards unwanted supervision or fear that the principle of confidentiality will not be respected must be overcome. All of this can be smoothed over by including the need for evaluations with certain specific elements in the minimum requirements for grants or contracts in advance.
Objectives	The objectives must be defined jointly by all the protagonists of an evaluation, with common interests.
Key questions	There must be a common understanding of the terms that define restorative justice and its evaluation.
Scope and reach	The public/people affected/stakeholders to whom the evaluation is addressed, where appropriate, with separate reports to highlight different points.

Timeline	Key dates, realistic but flexible, should be provided for design, data collection, comparison, dissemination, etc.
Collaborators	People should feel that they are collaborating in the evaluation, also so that they can express their critical opinions and contribute to the final report, without prejudice to the basic rigor of a participatory methodology. The possibility of integrating students doing internships in criminology and other degrees, under the supervision of the research teams, should be considered.
Methodology	It must be participatory and appreciative, consistent with restorative principles. Again, if fears about unwanted supervision, lack of perceived usefulness, lack of time, or danger to the principle of confidentiality are not overcome, the objectives cannot be achieved.
Budget	Every evaluation must have an adequate budget. It is not possible to evaluate without resources, although it is possible to adapt the scope of the evaluation to existing resources and establish advantageous partnerships.

VIII. Open resources

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