



# Tools for implementing Restorative Measures

at Girona's Non-discrimination Service





This Guide has been developed as part of the "Commit to Rights" project for the creation and improvement of public policies for Equality of Treatment and Non-Discrimination in the city of Girona. Project funded by the European Union under the CERV-EQUAL-2023 call, coordinated by the City Council of Girona, in collaboration with the University of Girona, the SERGI Foundation, the Girona Region of Knowledge Foundation, the Fondazione E-35 and the City Council of Reggio Emilia.

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# Tools for implementing Restorative Measures

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## 1 Introduction

This document we present to you '**Tools for the application of Restorative Measures of the Non-Discrimination Service**' is part of the toolkit of the House of Non-Discrimination in Girona and aims to complement the 'Intervention Protocol of the Non-Discrimination Service in Girona' by delving specifically into the **restorative measures** aspect.

This is a document conceived as a **support guide** for professionals from the various municipal services and for city organisations that are part of the Non-Discrimination House network and wish to incorporate the restorative approach as part of the comprehensive support for people affected by discrimination.

This document has been developed from reference documents and conceptual frameworks related to the approach to discrimination, psychosocial support and the restorative approach, particularly in the field of human rights and social intervention.

**The Non-Discrimination Service** in Girona arises as an initiative of the Girona Council for Cohesion and Social Services at the end of 2024; as part of the 'Commit to Rights' project. This project is the result of a participatory process with organisations and services in the city. Furthermore, the service responds to the mandate of Law 19/2020 on Equal Treatment and Non-Discrimination, which establishes the need to deploy effective instruments to prevent, remedy and sanction episodes of discrimination.

**The Non-Discrimination Service**, called the House of Non-Discrimination, is a local public-community public policy model, with shared governance and management between the public administration and local entities. It proposes coordinated work between public services and specialised entities on the different axes of discrimination, facilitating decentralised support across the city and bringing it closer to the public.

**The restorative approach** is situated within a non-punitive framework and seeks to repair the harm, restore violated rights and secure a commitment not to repeat it. The emphasis is on creating societies and contexts that act not only to defend rights once they have been violated, but also to actively and effectively promote the guarantee of rights and equality of treatment.<sup>1</sup>

In the context of restorative measures, there are no fixed formulas; rather, they must be tailored to the needs and particularities of each case. The document aims to provide a guiding framework, with guidelines, indications and limits, bearing in mind that the task of applying and monitoring the measures will have to be carried out in coordination with the technical team that coordinates the Non-Discrimination Service.

<sup>1</sup> In the document "Protocol for Intervention by the Non-Discrimination Service in Girona", you can find a glossary of concepts such as victim or affected person, harm, discriminating party/offender, etc.

## 2 The restorative approach to tackling discrimination

### 2.1. General framework

The Non-Discrimination Service, in applying restorative measures, is guided by three main approaches: **the community lens, the restorative approach and the intersectional perspective.**

#### The community perspective

complements and reinforces the restorative approach. It understands, on the one hand, that the causes of discrimination are structural; therefore, it is essential to work with the community that 'allows' or tolerates discrimination so that it does not reproduce dynamics of oppression and takes responsibility for repairing the harm. Considering that the effects of discrimination are not only felt by the individual but by the entire collective, it is important to take the community into account in reparation processes. Strengthening community bonds and cohesion will be key to building safer environments that help to prevent, detect and address discrimination collectively.

#### The intersectional perspective,

indispensable for understanding that the axes of discrimination are not found in isolation but interact with one another, creating particular situations of oppression that must be addressed by understanding their full complexity.

#### The restorative approach

considers that the discriminating party – person, group or institution – who has committed the discrimination should take responsibility for their actions, accept liability, repair the damage caused and commit to non-repetition. A process that seeks to re-establish bonds, rebuild trust and contribute to a profound change in the social dynamics that sustain inequalities.

In terms of rights violations, we could say that the restorative approach is aimed at restoring the violated right and guaranteeing that it will not be repeated. However, the process should not focus solely on the individual experience but on ensuring that no person or group is subjected to hate or discrimination.



## 2.2 The restorative approach

One of the main starting points is to understand the **difference between the punitive logic** – focused on punishment (of the offender, and thus at the risk of forgetting the objective of repairing the harm caused)- **and the restorative logic** – focused on repairing the harm – and therefore placing the focus on the person who has experienced the discrimination and what they and their environment or community need to repair the harm, as well as the restitution of the violated right.

One of the key authors; Howard Zehr contributed a new perspective, first in relation to the criminal act, highlighting the limitations of the penal system. He demonstrated shortcomings in its functioning for victims – who do not see their needs met, nor th reparation of the harm – and for offenders – since it does not foster genuine accountability for their actions.

From a restorative perspective, one says 'no' to the behaviour but 'yes' to the person, with the idea that the person is much more than their behaviour. For this reason, the core value proposed by authors such as Zehr for **any restorative intervention is respect for all those involved**. At the same time, the offender's accountability for the consequences of their actions and the impact on the person or people affected will be key. The person affected will have the opportunity to say what they need and what they would like to happen in order to feel that justice has been done. The restorative approach, in turn, personally challenges us because it impacts our core beliefs, inviting us to reflect and identify our own violence and power dynamics.<sup>2</sup>

One offshoot of this approach is **restorative justice**, which is concerned with moving beyond punishment. As can be seen in the following table, the restorative perspective is characterised as one that focuses on the conflict underlying the crime or offence. It grounds the procedure for managing the offence in dialogue and communication, and therefore in the meeting between people. This process is respectful, dignified and non-stigmatising, prioritising the needs of the people involved. It returns the focus to the affected individuals (not the broken rule), who take an active role in a process that seeks a positive and restorative outcome.



<sup>2</sup> As explained in *'The Little Manual of the Global Restorative Approach in the Educational Field: A Change of Perspective and Key Ideas'*, Department of Education, 2023.

## Difference between Punitive Approach and Restorative Approach

	<b>PUNITIVE APPROACH</b>	<b>RESTAURATIVE APPROACH</b>
<b>Focus</b>	Focuses on the crime or offence	Focused on the conflict, the underlying oppression, the harm caused. Focused on the needs of the person affected.
<b>Process</b>	Adversarial Confrontation between the norm (the Law) and the person who has violated it, forgetting the person affected.	Dialogue and communication Meeting between people. A respectful, dignified and non-stigmatising process.
<b>Priority</b>	The offender is the centre of attention, the person affected is ignored.	The process is guided by the needs of the people taking part.
<b>People involved</b>	Risk that only people familiar with the law will participate.	All affected people, and the relevant community.
<b>Offender</b>	They adopt a passive attitude towards the state's accusation. They 'receive the punishment' but do not take responsibility.	The offender takes an active role, assumes responsibility and commits to non-repetition.
<b>Affected person</b>	Revictimisation. There is no space for listening.	The affected person takes an active role, not a victimised one.
<b>Consequences of the solution</b>	Stigmatisation and exclusion by the surrounding community of the offender (and occasionally) of the person affected.	Reintegration of the offender into the community, and strengthening of bonds and support for the affected person and their circle.
<b>Final objective</b>	The objective is to 'restore' the norm.	The objective is to repair the harm, restore the violated right and strengthen the community.

Fig. 1. Adaptation from 'The Little Handbook of the Global Restorative Approach in the Educational Field: A Change of Perspective and Key Ideas', Department of Education, 2023.

Carrying out this process requires the necessary training in key skills such as listening and Non-violent Communication, among other facilitation tools, for both those who will support the implementation of restorative measures and for everyone in the community.<sup>3</sup>

<sup>3</sup> In the school context, for example in Catalonia, the Global Restorative Approach in Schools (ERG) has been developed. Department of Education, Generalitat of Catalonia.

## Key questions

Punitive Paradigm	Restorative Paradigm
It focuses on the violated rule and punishment	They focus on seeking a reparative and accountability-based response
· Which rule has been broken?	· What happened?
· Who is to be blamed?	· Who has been affected?
· How should they be punished?	· What are their needs? · Who is responsible for putting things right?
· What punishment will they receive?	· How can restitution be achieved?

Fig. 4. Adaptation from Zehr (1990)

## 2.3 Discrimination as harm

From a restorative perspective, situations of discrimination and hate crimes cannot be understood solely from a legal standpoint, as a breach of regulations, inappropriate conduct or an isolated incident. Discrimination causes profound harm that must be viewed in its complexity, affecting different dimensions of people's lives and often having medium- and long-term consequences.

- **Emotional harm:** psychological impact, feelings of insecurity, fear, anger or sadness.
- **Material harm:** deprivation of access to necessary goods, services or resources
- **Relational harm:** impact on personal, work or community relationships.
- **Symbolic harm:** violation of dignity, identity or belonging.
- **Community harm:** impact on the collective or reference group.



## 3 Restorative measures

### 3.1 Definition

Restorative measures are a set of actions, practices and processes aimed at **recognising, repairing and transforming the harm** caused by a situation of discrimination.

Restorative measures and practices aim to rethink the way we traditionally understand offences and punitive justice; **they focus on the harm caused, the needs expressed** and agreed by the parties, and the obligations and **commitments** that arise from this process.

### 3.2 General principles of restorative measures

#### Centrality of the affected person

The affected person is the starting point and the centre of the process. Their needs, wishes and boundaries guide the restorative support. No measure should be applied if it does not serve their interests and well-being.

#### Voluntariness and informed consent

Participation in restorative measures is always voluntary. The people involved (both those affected and the offenders) must have clear, understandable and sufficient information to be able to decide freely whether to explore this type of response, knowing that they can withdraw from the process at any time.

#### Non-revictimisation and the principle of not reproducing harm

Restorative measures must avoid any dynamic that could reproduce the harm, generate pressure or increase the suffering of the person affected. Emotional and relational safety is a priority at all stages of the process.

#### Contributing to the non-repetition of discriminatory situations

through processes of raising awareness and changing practices. Promoting individual, institutional or community-level changes to prevent further discrimination.

#### Intersectional and holistic perspective

Restorative measures must take into account the intersection of different axes of discrimination and the multiple dimensions of the harm.

#### Recognition of the power imbalance

Situations of discrimination involve a structural, social or institutional power imbalance. Restorative measures must explicitly acknowledge this imbalance and work to avoid both invisibilising and neutralising it.

## Accountability of the person who caused the harm

The restorative approach does not seek to justify or minimise discrimination, but rather to enable the person who caused the harm to recognise the impact of their actions and take responsibility for the repair, and commit to non-repetition.

## Confidentiality

Information shared within the framework of restorative processes must be treated with respect and confidentiality, in accordance with legal limits and with the consent of the person affected and all those involved in the process.

## Community participation, where appropriate

Understanding that the harm has a collective or community dimension, it is recommended to incorporate broader participation spaces, where possible.

Restorative measures are **not limited to a single model or a closed methodology**. They can range from indirect actions of acknowledgement and repair to more complex processes involving restorative encounters.

**Not all restorative measures involve direct contact** between the person affected and the person or institution that has caused the harm.



### 3.3 Restorative measures in contexts of discrimination

**Restorative measures do not replace other avenues of redress** (administrative, sanctioning or judicial), but rather complement them, especially in those cases where the affected individuals express the need to be heard, acknowledged and compensated. They form part of a range of possible responses and must always be offered in an informed and voluntary manner.

We understand restorative measures in a context of discrimination as a **process through which the parties involved in a specific offence collectively decide how to address the consequences of the incident and its future implications.**

The basic objectives can be summarised as follows:

- **Fully address the needs of the affected people,**
- **Empower the people who have committed the offence (discrimination)** so that they can actively take responsibility for their actions and prevent reoffending by reintegrating them into the community,
- **Create a working community** that supports the rehabilitation of both the offenders and the victims, that is, a community that is active in the prevention of crime and discrimination,

#### **Difference between restorative measures and mediation.**

Restorative measures focus on repairing the harm caused to the victim and the community, addressing the causes and consequences of a conflict to restore relationships. Mediation, in general terms, primarily seeks a mutual agreement between two equal parties. Although they share some tools and skills, in situations of discrimination:

- There is no symmetry between the parties. We are not talking about a symmetrical conflict.
- There is a structural or social power imbalance.
- The focus is not on reaching an agreement, but on repairing the harm.

Restorative measures recognise this imbalance and place responsibility and the repair of harm at their core. They do not seek to neutralise the narrative or apportion blame, but to ensure that the person affected is not placed in any situation that could lead to revictimisation or any form of negotiation.

## 4 When it is appropriate to propose them

There are no fixed formulas for applying restorative measures in addressing discrimination; rather, an approach is required that takes into account the context, the type of harm, the needs of the affected person, the resources for support, among other things.

As a general criterion, whenever violence is exerted against a person or group of people, we can implement practices and measures aimed at repairing the damage caused. Although there may be cases where certain risks are present, some authors argue that it is always important to offer those affected the opportunity to make an informed decision.

When tools are lacking, we have a responsibility to create or foster them, from care to the promotion of institutional policies and practices.

The application of restorative measures may be proposed when, cumulatively or progressively, the following conditions are met, summarised as follows :

- **Expressed willingness of the person affected** to explore avenues of redress beyond (or in parallel with) other institutional responses.
- **Absence of risk to the physical**, emotional or social safety of the person affected.
- **Possibility of the harm being acknowledged by the offender or by another person acting on their behalf**, even if there is no initial explicit acknowledgement by the person or institution responsible for causing it.
- **Professional availability** to support the process with guarantees (time, training and coordination).

**Restorative measures should be conceived as a process**, and therefore with a clear roadmap and implementation (as explained below), and at the same time they can also be conceived as specific interventions at different stages of the support process.

**It is important to respect personal paces**, primarily those of the affected persons or victims, but also those of the offender(s) and of the other people involved in the process. Respect these paces and do not rush the proposal.

There are situations in which, if the aforementioned conditions are not met, it is not appropriate to propose them. **Restorative measures will not be proposed when:**

- The affected person does not want it or does not feel ready. Or the other people involved are not willing.
- There are situations of violence or other breaches of the rules.
- There is an unaddressable relationship of dependency or subordination.
- The process may lead to revictimisation.

In these cases, other protective and support measures must be prioritised.

**Furthermore, it will be necessary to:**

- Clearly inform the victim or affected group of the conditions and timescales of the process
- Institutional and/or community involvement, where appropriate.

<sup>4</sup> Guia **SOS Racisme Catalunya (2021)**. Guia per a la incorporació dels enfocaments psicosocial i restauratiu en l'acompanyament a víctimes de discriminació.

## 5 Types of restorative measures

Restorative measures are neither hierarchical nor mutually exclusive; they can be combined or adapted throughout the process.

### 5.1 Indirect restorative measures

**Indirect restorative measures** are those that do not involve direct contact between the person affected and the person or institution that has caused the harm. They are often the most suitable in initial stages, in situations of greater vulnerability or when safety conditions for a meeting do not exist. It should be understood that these practices can be carried out at one point in the process and then supplemented by other measures. The following are recommended:

- When the affected person needs acknowledgement of the harm but does not wish to confront the offending person or institution.
- When there is a high power imbalance.
- When the institution or service is the agent causing the harm; mechanisms can be found to convey apologies.

#### Examples of indirect measures:

- Formal and explicit acknowledgement of the harm caused.
- Institutional or personal written apologies.
- Documented commitments to change practices or protocols.
- Symbolic acts of reparation.



## 5.2 Direct restorative measures

We call **direct restorative measures** those that involve some form of restorative encounter between the person affected and the person or institution responsible for the harm, and the possibility of participation by the relational networks of both parties; always with professional facilitation support.

### Examples of the most widely implemented restorative encounters;

#### • Meetings, dialogues, encounters between victim and offender.

They can take the form of a dialogue, meeting or encounter between the two parties. They are based on conversations facilitated by a third party. People from both parties' networks of relationships and trust may also participate. The aim is to set out the reasons or motives for the meeting and to invite joint reflection on how to transform the conflict into something positive, agreeing reparative actions to achieve this.

#### • Family conferences or restorative circles.

Spaces with a format similar to restorative encounters; the difference is that in these spaces, in addition to the victims and offenders, their families and representatives from the judicial system or the relevant administration may also be present.

#### • Restorative circles.

Restorative circles are collective processes that aim to frame the conflict, create a safe space and support the people involved in the process.

In circles, it is not necessarily required that all three parties involved (victim-offender-community) participate. The aim of the circles is to reach solutions for all parties, from a broad perspective, understanding that it is the community as a whole that has been harmed.



## 5.3 Other experiences, tools and resources, some examples: <sup>5</sup>

### ■ Affective declaration:

To facilitate the affected person in recounting their experience, describing the emotions and thoughts it has generated. The facilitator listens to the request – which involves being confronted with pain and harm – providing a safe space for its expression through acknowledgement. The aim is to bring about change in everything that may have motivated the harm.

### ■ Educational and pedagogical activities, workshops:

These represent a highly valued source of reparation and transformation; the victim can decide the degree of their involvement. In the school or administrative setting, being able to convey the message of 'never again' is a very powerful tool for building trust.

### ■ Publicising discrimination:

This can take the form of a denunciation or an account. Seeing one's own story and suffering made visible for a purpose of transformation can help in some cases. Discriminatory acts usually occur in a private setting, creating the impression—for those who do not experience it—that they are occasional or constitute "isolated cases".

By exposing them with a view to transformation, it is possible to highlight their structural nature. In this type of action, it is important to avoid re-victimisation, focusing on the violation rather than the victim(s). The media can be involved, as well as the entity's or social movement's own channels for dissemination, etc.

### ■ Artistic interventions:

Creative spaces can be an opportunity for conflict management. They can take place without the direct participation of victims and perpetrators, as an expression of (and from) the community. The results of the process, once communicated, also constitute a declaration of delegitimisation and rejection of discriminatory violence.

### ■ Spaces of remembrance:

As the most important forms of collective and historical reparation. From a restorative perspective, these spaces, as well as being a right, must be understood as an obligation towards victims, especially when personal, social and/or political harms are irreparable. They constitute a recognition and a declaration of the illegitimacy of violence on behalf of the victims and the values of the community.

### ■ Participation:

In spaces such as collectives, victim support groups, support for relatives, and work groups among offenders. These are spaces where both the victim and the aggressor can find their own way to repair the harm through participation.

### ■ **Community action:**

When the affected person does not want to or cannot participate in a reparation process, collective reparation processes can be initiated with members of their group or community (people from the same collective, organisations, social movements, neighbours, etc.), thereby recognising the collective dimension of the harm.

At the same time, the aggressor can undertake some form of community action without it being seen as a 'punishment', but rather as the result of reflection.

### ■ **Narrative work:**

Both on a personal and a collective level, working with the narrative of the traumatic situation allows the person who has experienced it to turn the account into a demand for reparation, thereby valuing their perspective.

### ■ **Meetings of victims and affected people:**

These are collective spaces aimed at socialising aspects related to the process of reporting and reparation. They take the form of groups and gatherings where, in a participatory manner, the process is worked through, from reflections to concrete proposals for addressing the violations and their causes.

### **All these techniques:**

- They can be carried out either in parallel with a judicial process or in its absence.
- The proposal must be very carefully considered and implemented after a delicate process of understanding the situation and what it represents for the victim, especially in cases of serious offences or offences.
- Above all, the process must be viable and make sense for all the actors involved.

The privacy and confidentiality of the process must always be maintained; however, the agreements can remain private or be made public, as agreed between the parties.

Finally, the fact that perpetrators do not recognise themselves as responsible is a difficulty, but it does not prevent the application of reparative measures. In these cases, the institutions to which they belong can assume responsibility and promote reparative actions, which can have a significant impact on rejecting violence, even more so than individual remorse.



## 6 The role of professionals in its application

The change in perspective that restorative justice proposes regarding the role of professionals who accompany, compared with the traditional, more punitive approach, means taking into account elements such as: the underlying beliefs, the role of the professionals, the explanation of the behaviours that have led to the discrimination, the thoughts, prejudices, and stereotypes that generate the behaviours, the responses and the experience of the people who have experienced the discrimination, including the harm and rights that have been violated.

### 6.1 General considerations

In this section, within the framework of the Service for Non-Discrimination, we will refer to the roles and functions that professionals accompanying the process of applying restorative measures must take into account. This will be subject to joint and coordinated work with the technical team of the House of Non-Discrimination and with professionals from the various services and organisations.

We understand that the professionals who accompany restorative processes act as:

- Points of trust and safety for the person affected and those involved. **One of the** fundamental values of restorative processes is the credibility they can have, both for the person affected and for the offender; since in reparation is not imposed by a third party, but rather the parties themselves – with the support of professionals – reach reparative agreements.<sup>6</sup>
- **Facilitators of the process**, and mindful of the relationship and connection with the individuals. Although the person accompanying them from an entity or institution, it is important to maintain a relationship that is as symmetrical as possible-
- **Guardians of rights**. As the foundation of any accompaniment, we must ensure equal treatment through support based on respect, defence, promotion and guarantee of their rights. They do not impose solutions; rather, they accompany, guide and support.

### 6.2 Working guidelines and principles

Taking into account that every experience is unique, protocols must also be adapted to each case. Working methods must be tailored to each person's needs; depending on the situation, we must also adapt our ways of working.

Based on the experience of teams in psychosocial care and restorative approaches in contexts of discrimination, the following guidelines are recommended

**Observe:** maintain a receptive stance of understanding and empathy, recognising that one can never truly feel or know exactly what another person is experiencing or has experienced. Pay attention to non-verbal language to gauge how the person is approaching you: possible emotions, fatigue, signs of the journey they have been on, and cues that can guide our intervention.

<sup>6</sup> Based on SOS Racism Catalonia (2021). *Guide for the incorporation of psychosocial and restorative approaches into support services for victims of hate incidents and hate crimes and discrimination.*

**Listen:** allow space for both words and silence. Be comfortable with the narrative (and/or recognise what conflicts us and share it with the team). Maintaining distance and professionalism and rigor in the face of situations of violence does not mean being cold or distant. Being able to contain the pain and/or frustration that the other person conveys is a great sign of confidence and security.

**Connecting:** it is not necessary (nor often possible) to "understand" what the person is going through. On the one hand, because of the difficulty in expressing extreme experiences of violation; on the other, because of the misunderstanding that can arise from not having lived through that suffering. What is necessary is to take on board the request and expectations without prejudice, and to connect them with the resources and intervention pathways available. Understanding the complexity of these phenomena provides the keys to finding solutions.

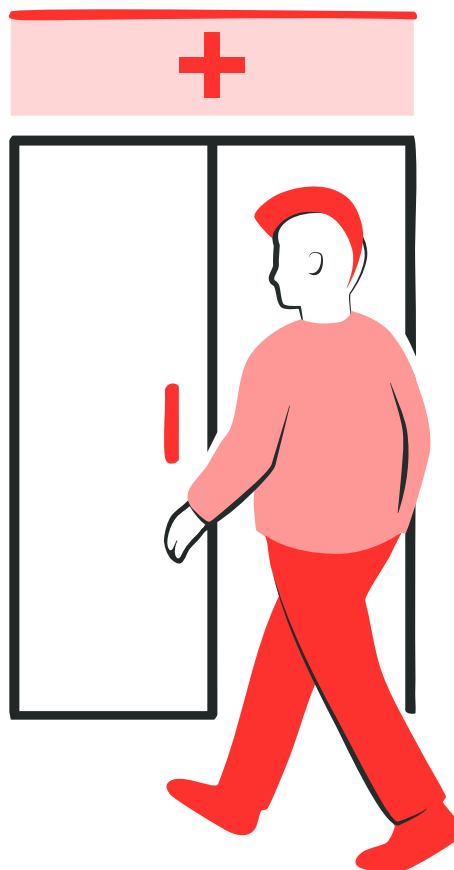
**To accompany:** to intervene from a position of symmetry, assuming a role as a facilitator of the process.

### 6.3. Specific care needs

In some cases, specific attention may be necessary to address particular demands, without this meaning that the focus is removed from comprehensive care. Belonging to a specific group and the grounds for discrimination will determine the areas, methods and possibilities of intervention.

#### Recommendations:

- In specific areas (racism, LGBTI+phobia, aporophobia...), it is advisable to **involve people from the relevant community in the process** as active participants in the care. The community's knowledge will enrich the process, improving the rapport and the care provided.
- **Identify risks** for the people being supported – whether arising from discrimination or their current situation – and **activate protection mechanisms**.
- "Do not open processes that cannot be supported." Martín Beristain (2012) 8:



<sup>8</sup> Martín Beristain, C., *Acompañar los procesos con las víctimas*, UNDP, 2012

# 7 Phases and process of application



This chapter outlines the usual phases that can guide the process of applying restorative measures, understood as a flexible, non-linear itinerary adaptable to each case, situation and context.

## 7.1 Welcome and initial attention and throughout the process

The welcome and initial attention is a key moment, as it lays the foundations for the bond and for the possible restorative process for all parties involved, and it is important that the person; the team providing the initial attention or contact, takes them into account.

### Recommendations on how to conduct the first listening and accommodate the request.

- **Provide a welcoming space and a safe environment that respects confidentiality.**
- **Offer active, respectful and non-judgemental listening to the account**, recognising their experience and **validating** the emotions expressed. From the very first moment, support and/or alleviate the stress and potential distress arising from the events being recounted.
- **To anticipate and prevent risks**, such as those that may arise from recounting traumatic experiences, and to avoid revictimisation.
- **Identify immediate needs** (emotional, practical or protective). Assessing and distinguishing between specific needs and other structural ones.
- **Maintain a relationship** that is as symmetrical as possible
- **Recognise their autonomy, resources and capacity** to influence these experiences and their environment. Respect decision-making.
- **Approach the other person** from a place of recognition, promoting their comfort (considering factors such as dress, physical or visual contact, non-verbal language) and other aspects that might cause discomfort.

Remember that recounting traumatic experiences can trigger intense emotions in the person that must be allowed to be expressed. It is recommended to allow space for emotion, the expression of pain and anger, and to be prepared to support them.

<sup>9</sup> Based on the Guide from SOS Racism Catalonia (2021). Guide for the incorporation of psychosocial and restorative approaches into support services for victims of hate incidents and hate crime and discrimination.

## 7.2 Analysis and assessment of harm

The assessment of harm is essential to understand the extent of the violence and to guide the processes of reparation, both to recognise the impact and to design appropriate responses.

Discrimination causes **profound harm that must be considered in its complexity**, affecting different dimensions of people's lives (emotional, material, relational, symbolic and community) and often having medium and long-term consequences.

In many cases, the harm extends beyond the person directly affected and also **impacts the collective or community** with which they identify.

This harm is not homogeneous nor does it manifest in the same way for all individuals. It depends on the context, the type of discrimination, the repetition of the acts, the individual's life stage, and any pre-existing situations of vulnerability.

From this perspective, the approach to discrimination cannot be limited to identifying responsibilities or applying sanctions, but must include **responses that recognise, repair and transform the harm caused**.

## 7.3 Defining restorative objectives

The definition of objectives must take into account that the restorative approach involves: using inclusive and collaborative processes, involving all those affected, the offenders and the community, focusing on harm and needs (not on the norm) and addressing responsibilities.

Before designing a specific measure, it is important to define it jointly, taking into account the different dimensions of the harm:

- What does the person affected need for the harm to be repaired.
- What boundaries they do not want to cross.
- What their needs are and what they expect from the process.
- The needs of the offender, and other people involved.

Often, those affected do not identify themselves as 'victims', due to the stigma associated with this category – linked to a position of passivity or disempowerment – or because of defence mechanisms against harm, such as denial. Sometimes their circle minimises the situation with comments that delegitimise or trivialise the experience. At the same time, perpetrators often do not recognise themselves as such and justify their actions by appealing to differences of opinion, culture or other arguments. This is important to bear in mind when addressing the process.

On the other hand, the concept of 'victim' may prove insufficient to describe everyday, ongoing discrimination. Understanding a victim solely as someone who suffers a one-off incident **can render the structural and repeated dimension of the violations invisible**.

## 7.4 Design of the restorative measure process

Once the objectives have been established, a proposal can be made as to which measure or measures are to be applied in combination. This design is carried out collaboratively with all the parties involved, placing the person or affected group at its centre.

As each measure can vary depending on the context, situation and needs, specific instructions cannot be given for each one; however, general guidance can help to outline the process, and may include:

- The type of measure. [See section 3. Restorative measures](#)
- The people, parties involved.
- The degree of participation or involvement.
- The timing and pace of the process. It is possible to plan the process, in order to also have an idea of its duration.
- Specific requirements, limits or requests for the different parties.
- Meeting spaces, time and personnel resources, and collaborations with other collectives and institutions that will be required (if foreseeable).

## 7.5 Implementation of the measure

The implementation of the measure will depend on the objectives set from the outset, and also on how the steps unfold during the process. It is important to begin by identifying the needs of the person affected first, and of the other parties involved, and to have the capacity to be flexible and adapt to what the process demands.

Remember that processes are not static, but change and are also influenced by events or facts that occur in the context of the community and territory.

## 7.6 Monitoring

Whatever measure has been put in place, the team of professionals responsible for the victim's care process, or for referring them to specialised services, must oversee the process and ensure its conclusion.

It will be a strategic decision for each person, entity, service, etc. to determine the closure criteria and how to manage it. It will be necessary to establish times for subsequent contact or a 'follow-up' assessment, once some time (months) has passed after the process has been closed.



## 7.7 Closing the process and evaluation

On a technical level, the end of a restorative process occurs when the person feels restored. However, one of the objectives of any process that seeks to restore a right should be that the process has restorative value in itself, regardless of the final "outcome".

Sometimes the expected reparation is not, or cannot be, possible for various reasons: such as the offender's refusal, the lack of mechanisms to enforce the reparation, its illegality, among others. The reparation of the harm will depend on the victim's expectations, but also on the capabilities of the actors facilitating the process and on the socio-legal and political context in which it takes place.

Therefore, expert organisations advise that it is **'useful to consider alternatives to the initial idea of reparation'**, which could be redirected depending on the resources available, without ceasing to recognise and legitimise the original desire expressed by the victim'.

It should be borne in mind that at times it will not be possible to meet the victim's expectations, but that does not mean that reparation cannot be made on some level. However, if during the support process the harm caused has been acknowledged and care and intervention committed to reparation have taken place, even if this has not been provided by the aggressor, social organisations (or the various spaces that can provide support) can be agents of reparation. (for the role they have played during the process).

It is important to remember that the energy, disposition and priorities of the person being supported can also vary during the process, and this is something we must consider from the outset. The fact that the restorative process cannot be completed should not be interpreted as a failure of reparation, provided we have been guided by everything set out above.

### The closure should include:

- Joint assessment of the experience with the affected person and, secondly, with the other people involved.
- Recognition of the journey and the steps that have been taken, appreciating everything that has occurred in pursuit of repair, restitution of the violated right and a commitment not to repeat it.
- Identification of the lessons learned.

**This model of care seeks to destigmatise the traumatic experience and focuses on the coping that each person can do to recover. Seeking to reinforce the experience and support mechanisms (familial, community, etc.) as part of the reparation. miliar, comunitari, etc.) com a part de la reparació.**

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at Girona's Non-discrimination Service

