



# REPARATION COMMISSION

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INSTITUTIONAL LIABILITY FOR SEXUAL VIOLENCE IN A PUBLIC  
SCHOOL IN BARCELONA

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**SINDICATURA  
DE GREUGES**  
DE BARCELONA

## BACKGROUND TO THE REPARATION COMMISSION

The **Barcelona Ombudsman' Office** (Sindicatura de Greuges de Barcelona) is an independent body that oversees municipal administration and protects the fundamental rights and civil liberties of all people in the city, whether they are residents or not. Among its priorities is the right to a life free from violence, particularly violence affecting women, children, and adolescents.

In 2021, the Ombudsman's Office became aware, through media, of allegations of sexual abuse, harassment, and rights violations committed over more than twenty years at a public school (the Escuela Barcelona) by a physical education and extracurricular activities teacher. The incidents, which took place between the 1980s and the early 2000s, were revealed thanks to a journalistic investigation that collected more than sixty testimonies from adults who had been victims in their childhood.

Given the seriousness of the allegations, the Ombudsman's Office initiated an ex officio investigation on 14 December 2021, with the aim of clarifying the institutional response of the responsible educational bodies. In addition, it received direct complaints from three victims in the days that followed.

The testimonies agreed that the school's management was aware of the abuse and, far from taking action, denied and downplayed the incidents, even going so far as to reprimand students for reporting it and, in some cases, urging them to apologize to the perpetrator. These actions constitute a form of institutional violence and a serious form of re-victimization.

Although the Mossos d'Esquadra (Catalan police force) referred 19 complaints about the incidents to the court, these were dismissed on 31 December 2021, due to the statute of limitations on the offences, which prevented the initiation of legal proceedings. However, the Barcelona Ombudsman's Office emphasizes that institutional responsibility does not disappear with the statute of limitations, and that institutions must act in accordance with the principles of due diligence and non-revictimization, as well as from the perspective of restorative justice and reparation for harm.

As other cases of sexual assault in educational establishments perpetrated over decades show, violence against children and adolescents at the Escuela Barcelona could hardly have been committed and/or perpetuated for years without the collusion of the school's management. Thus, the victims not only had to endure various forms of violence throughout their school years, but also

lived in constant proximity to an abuser who was omnipresent and highly regarded within the school for more than twenty years.

At the Ombudsman's Office, we are convinced that, beyond the possibility intervention by the criminal justice system, institutions must work within the framework of restorative justice and reparation for harm, as set out in General Comment (GC) No. 13 on the right of the child to be free from all forms of violence, issued by the United Nations Committee on the Rights of the Child in 2011.

Likewise, the Convention on the Rights of the Child, ratified by Spain in 1990, considers any form of sexual violence to be a violation of human rights, and requires States Parties to take measures to prevent, investigate, punish, and redress such acts.

The Ombudsman emphasizes that failure to act diligently in situations of violence constitutes institutional violence, whether it stems from a single serious act or practice, from the repetition of acts or practices of lesser severity that generate a cumulative effect, from failure to act when the existence of a real or imminent danger is known, or from practices or omissions that result in revictimization.

Institutional violence is legally recognised at both regional and national levels: in Catalonia, Law **5/2008 on women's right to eradicate gender-based violence** expressly incorporates this form of violence and defines it as the actions or omissions of public administrations or their staff which, **through lack of diligence, inappropriate conduct or neglect, violate women's rights or hinder their access to protection services and mechanisms**; simultaneously, at the national level, Organic Law 10/2022 on the comprehensive guarantee of sexual freedom also recognises institutional violence by establishing the obligation of public authorities to act with due diligence and avoid practices that lead to revictimization, lack of protection or the effective denial of victims' rights, thereby consolidating a common legal framework for institutional accountability.

## ESTABLISHMENT OF THE REPARATION COMMISSION

The Barcelona Ombudsman's **Office** issued a ruling (exp. 21OF000040) on 9 May 2022 in relation to the allegations of sexual abuse and harassment that occurred at the educational centre.

This ruling concluded with a series of specific proposals aimed at investigating the facts, acknowledging institutional responsibility, redressing the harm caused, and preventing similar situations in the future.

- To recommend to the Department of Education that, in compliance with the commitment made by Barcelona City Council [in the institutional declaration adopted by the municipal plenary session in December 2021], the necessary measures be taken to ensure that an in-depth investigation is carried out into the events that occurred at the Barcelona School with the aim of establishing the truth and providing adequate redress to the victims.
- To recommend to the Department of Education that it urge the Barcelona School and the responsible authorities represented in the Barcelona Education Consortium (Barcelona City Council and the Government of Catalonia) to go beyond condemning the events and showing solidarity with the victims, and also offer the reparative apologies that the former students deserve.
- To recommend to the Department of Children, Young People, Older People, and People with Disabilities, and the Department of Education to promote the creation of a commission to investigate violence against children and adolescents, which will inspect and review all cases that have occurred and may occur in city's services and spaces aimed at children and adolescents, and which will have the capacity to implement appropriate reparatory mechanisms.

Months after this statement, and in the absence of response from the City Council, as well as the lack of action regarding the announcement of an investigation made by the Minister of Education in December 2021 – which ultimately did not take place – the Barcelona **Ombudsman's Office** decided to initiate the creation of a Reparation Commission on its own initiative.

This initiative received the support of the specialized working group that the Ombudsman's **office** maintains to improve support for victims of sexual violence in the city. This group is composed of

experts in the field from various disciplines such as healthcare, social work, law, and journalism, all with experience in the local context of Barcelona.

**Throughout the process, the Barcelona Ombudsman's Office maintained constant dialogue with the Public Protector's Office in order to ensure respectful and non-revictimizing access to justice for those who decided to report the incidents to the courts, as well as to coordinate referrals of any cases not yet time-barred.**

## OBJECTIVES AND FUNCTIONING OF THE REPARATION COMMISSION

In May 2023, the Barcelona **Ombudsman's Office** launched the Reparation Commission. This is an independent and interdisciplinary body whose purpose is to address **victim's** needs for reparation. Its work focuses primarily on the institutional sphere, insofar as its remit is confined to this area. All of this is carried out in accordance with international human rights standards and existing experiences in this field, both locally and internationally.

Its operation has been developed through a comprehensive protocol. Its objectives are as follows:

- To seek mechanisms for redressing harm, in dialogue with the survivors receiving support and the authorities with institutional responsibilities.
- To organize a private restorative justice event in which the responsible institutions can listen to the survivors and offer reparative apologies.
- To encourage further reflection on how to improve the prevention of such incidents, in collaboration with Barcelona City Council and the Education Consortium.

The Reparation Commission composes as follows:

- Victim support team, comprising professionals specialized in violence (a psychologist, a doctor and a lawyer).
- Advisory group: made up of specialist advisors who support the process.
- Coordination and leadership: Team from the Barcelona Ombudsman's Office.

The actions of the Reparation Commission were as follows:

- Conducting private interviews by the support team, either in person or online in cases where the person being assisted did not reside in the city. The purpose of the interviews was twofold:
  - to provide an institutional space for active listening, and
  - to understand reparation or reparations requested by the people receiving support.
- During the sessions, initially the experts explained the role of the Reparation Commission and the extent of its powers. The conversation then turned to the type(s) of reparation sought by the those receiving support, based on the impact of their experience in various

areas (personal, psychological, family, social, academic, financial, etc.). The results of these interviews have been compiled into individual reports.

- The Reparation Commission has established itself as an institutional space for active listening, and the feedback of the support received by all those assisted has been very positive.
- Based on the reports resulting from the interviews, the support team prepared a summary document, which sets out the forms of reparation expressed by the survivors.
- The summary document was shared with the Advisory group of the Reparation Commission to validate its content based on the experience and knowledge of each of its members.
- An official communication was sent to the Barcelona City Council and to all the educational authorities in the autonomous community and the municipality, accompanied by the summary document prepared by the Reparation Commission. This communication detailed the reparations requested by the victims of the Barcelona School and announced the intention to hold an institutional reparation ceremony.

## REPARATION CEREMONY

Following the active listening process carried out by the Reparation Commission, it was identified that one of the most frequently repeated demands by the victims/survivors was the acknowledgement of responsibility by public institutions, particularly the school, as well as an apology for failing to adequately protect the students.

In response to this demand, the Barcelona Ombudsman's Office, together with the Reparation Commission, decided to organize an institutional act of reparation in which the authorities would acknowledge responsibility for the institutional violence perpetrated and apologize for the harm caused by the sexual violence committed by a teacher at the Barcelona School over more than two decades.

The event was held on 20 November 2024, in the Saló de Cent at Barcelona City Hall, and was attended by victims/survivors, the mayor of the city, and the highest educational authorities of the autonomous community and the municipality. Also in attendance were the director of the Barcelona School at the time of the incident and the Compliance Officer of FC Barcelona, given that the teacher in question worked as a physical education teacher and scout for the club, using his connection to the organization to gain the **students'** trust.

The organization of the event was based on international human rights standards regarding reparations<sup>1</sup>, including:

- Participation of victims/survivors in the organization: two group meetings and several individual meetings were held prior to the event to gather their opinions on aspects such as whether the event should be public or private, who to invite, the possibility of recording, the content of the speeches, and the seating arrangement for the audience in the hall. Subsequently, a meeting was held to evaluate the event.

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<sup>1</sup>Report of the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, Fabián Salvioli, "International legal standards underpinning the pillars of transitional justice" (A/HRC/54/24); Report of the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-repetition, Mr. Fabián Salvioli, "Apologies for gross violations of human rights and serious violations of international humanitarian law" (A/74/147); Resolution 60/147 of the United Nations General Assembly on "Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law"; Judgment of the Inter-American Court of Human Rights in the Case of the Massacres at El Mozote and Surrounding Areas v. El Salvador, among others.

- Choice of venue and date: the Saló de Cent, an iconic venue in Barcelona City Council, was chosen. The date chosen, 20 November, coincides with International Children's Day, which commemorates the adoption of the Universal Declaration of the Rights of the Child (1959) and the approval of the Convention on the Rights of the Child (1989).
- Participation of the highest authorities and officials: the Mayor of Barcelona, the Secretary for Educational Improvement of the Department of Education of the Government of Catalunya, and the Headmaster of the Barcelona School all took part.
- Institutional acknowledgement of the harm: speech proposals were drafted for the participating authorities, with the advice of the psychologist on the Reparation Commission who had interviewed the victims. The authorities followed these proposals almost in their entirety, including the admission of institutional responsibility, the recognition of the harm caused, a sincere and unreserved statement of regret, and a commitment to non-repetition.
- Active participation of victims and survivors: several people shared their experiences and directly put forward their demands to the authorities present. This process was supported by the psychologist on the Reparation Commission, with the aim of preventing possible situations of re-victimization. The participants were offered the option of remaining anonymous, although none of them chose this route. On the contrary, they expressed the desire to sit together, be visible and receive a direct apology from the authorities.
- A private meeting between the victims/survivors and the authorities prior to the public event.

It was also inspired by and drew on the act of reparation organised by the Government of Navarre for victims of sexual abuse in Catholic schools during the Franco regime, which took place on 8 June 2022 in Pamplona.

# ANNEX: INPUT FROM IOI MEMBER INSTITUTIONS ON RESTORATIVE PRACTICES IN CASES OF SEXUAL VIOLENCE

## FEDERAL OMBUDSMAN OF BELGIUM

### 1. A society-shaking documentary

The documentary **“Godvergeten” / “Les oubliés de Dieu” (“Godforsaken”)**, aired on Belgian public broadcasters VRT and RTBF, exposed sexual abuse within the Church and religious organisations. It sent shockwaves through Belgian society and sparked a public debate on the issue in late 2023.

This debate led to the creation of two parliamentary inquiry committees: one within the Flemish Parliament and one established by the Federal Chamber of Representatives, with the aim of investigating abuse within and outside the Church.

During the debate in the Chamber of Representatives on the proposal to set up a federal parliamentary commission of inquiry, it was emphasised that the documentary highlighted the long-term institutional neglect of victims, extending well beyond the time of the abuse. It was also outlined that the establishment of the parliamentary inquiry committee aimed to acknowledge the suffering of victims of sexual abuse, to bring the truth to light, and ultimately bring about genuine change. (DOC 55 3617/002, p. 3)

### 2. The Federal Parliamentary Committee of Inquiry on Sexual Violence and the temporary mandate of the Federal Ombudsman

On 17 November 2023, the Federal Parliamentary Committee of Inquiry on Sexual Violence (hereinafter the PCI) issued a call to victims to come forward and testify about how allegations of sexual abuse were handled in the past.

The PCI entrusted the Federal Ombudsman with a temporary mandate to receive these testimonies, given his independence, his experience in confidential complaint handling and his commitment to accessible reporting.

On its website, the Federal Ombudsman provided information about the PCI’s **call and the** temporary mandate he had been given in this context. Victims were able to contact the Federal Ombudsman in writing, either by email or post. All witnesses who submitted their testimony via

email received an acknowledgement of receipt from the Federal Ombudsman, informing them that their testimony would be forwarded to the PCI and drawing their attention to the possibility of seeking professional support.

On a weekly basis, the Federal Ombudsman compiled the testimonies and transmitted them to the PCI in a structured and secure manner.

The PCI heard around sixty victims in person. It made clear from the outset in its call for testimonies that time constraints meant not all victims could be heard. All written testimonies submitted via the Federal Ombudsman were nevertheless analysed. The PCI also assured that written testimonies were given the same weight as those provided in person.

After 31 January 2024, the PCI no longer received any testimonies. Accordingly, the **Federal Ombudsman's temporary mandate** relating to the parliamentary inquiry into sexual violence ended on 1 February 2024, as announced on its website.

Between 17 November 2023 and 31 January 2024, the Federal Ombudsman received 242 emails and letters containing testimonies of sexual violence, corresponding to a total of 207 witnesses. These accounts concerned unwanted sexual contact and sexual violence within the Church, as well as within family or intimate relationships. A small number of testimonies referred to sexual violence in other contexts, such as youth organisations or sports camps.

### 3. Publication of the final report of the Federal Parliamentary Committee of Inquiry into Sexual Violence and of the Federal Ombudsman

The PCI concluded its work in May 2024 with a final report setting out 137 recommendations. It identified a strong need for continued follow-up and recognition, alongside independent scientific research into sexual violence, both within and beyond the Church.

**The Federal Ombudsman's report** of 21 March 2024 on his temporary mandate was included as Annex 3 of the **PCI's final report (from page 549 onwards)**.

## COMMONWEALTH OMBUDSMAN (AUSTRALIA): REDRESS FOR ABUSE IN THE AUSTRALIAN DEFENCE FORCES

Since 1 December 2016, the Commonwealth Defence Forces Ombudsman of Australia has administered a reparations scheme for individuals who suffered abuse whilst serving in the Australian Defence Force. The programme covers various forms of abuse, including, amongst others, sexual abuse.

To date, the institution has assessed nearly 5,000 reports of abuse, resulting in the payment of approximately 80 million Australian dollars in reparations by the Department of Defence, based on **the Ombudsman's recommendations.**

The scheme was deliberately designed with a low standard of proof: reparations may be recommended where the institution considers it reasonably likely that the abuse occurred. It is important to note that the process does not require applicants to have legal representation, in order to reduce barriers to access. Financial reparations are capped at a maximum of 50,000 Australian dollars per person.

The reparations scheme operates in parallel with the judicial system. Survivors retain the right to bring legal proceedings before the courts to claim damages without any legal limit. In this regard, most Australian jurisdictions have removed the limitation periods that previously restricted the filing of claims for past sexual abuse.

In addition to financial compensation, the scheme offers access to psychological counselling services and provides participants with the opportunity to take part in a restorative justice process. This process includes a formal apology from a senior military officer. Those who have participated in these restorative processes have consistently described the experience as deeply meaningful, powerful and healing.

However, despite these positive outcomes, the majority of participants have chosen to focus exclusively on the financial component of the scheme. Several explanations have been put forward for this trend. On the one hand, it is thought that people with a military background may find it difficult to express the need for an apology or recognition of the harm suffered. On the other hand, there is concern that some individuals may have been advised by external intermediaries—who seek to obtain a share of the financial compensation—to prioritise financial outcomes over restorative options.

In 2023, coinciding with the scheme's **closure**<sup>2</sup> to new claims, the Commonwealth Ombudsman published a comprehensive report setting out the main conclusions and observations regarding its operation. Following this closure, the institution has continued to assess claims submitted before the deadline.

The Defence Ombudsman continues to receive reports of abuse, including sexual abuse, from individuals currently serving in the Australian Defence Force. Although it is no longer possible to recommend financial reparations for these more recent cases, the **Ombudsman's office can still** offer psychological support, facilitate restorative justice processes and make systemic recommendations aimed at preventing future harm.

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<sup>2</sup> *Defence Abuse Reparation Scheme: Insights and observations report* (Commonwealth Ombudsman, 2023). [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0013/301531/Defence-Abuse-Reparation-Scheme-Insights-and-observations-report.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0013/301531/Defence-Abuse-Reparation-Scheme-Insights-and-observations-report.pdf)

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