# ACCESS TO RESTORATIVE JUSTICE FOR SURVIVORS OF VIOLENCE & OPPRESSION

*According to the Restorative Justice Exchange, restorative justice is a response to wrongdoing that prioritizes repairing harm and recognizes that maintaining positive relationships with others is a core human need. It also seeks to address the root causes of crime, even to the point of transforming unjust systems and structures.*

## Why Should Restorative Justice Be Offered to Survivors of Violence?

- Data indicates that survivors of violence overwhelmingly lack faith in the U.S. criminal legal system, stemming from prior mistreatment by the system and its actors.
- Survivors routinely describe having their rights as victims of crime ignored, which in turn discourages them to report violence to law enforcement or assist with ongoing investigations.
- Criminalization plays a huge role in this mistrust, as survivors commonly describe how having a preexisting criminal record was used to disregard their potential victimization and/or to coerce them to participate in the criminal prosecution of the person who has committed the harm against them.
- The criminal legal system is often only responsive to those whose experiences appear to fit within the narrative of the "perfect victim." According to Miriame Kaba, this narratives strips survivors of their humanity and silence the complexity of their experiences. More importantly, it frequently results in denying access to justice for those who will rarely, if ever, be seen as victims, such as those who trade sex, use drugs and/or alcohol, or who are have committed violence against another.

## Example of Use of Restorative Justice in the Courts: Common Justice's Model

Supporting Those Harmed: Effective restorative justice programs should offer survivors the opportunity to have their needs validated and addressed, to participate in shaping the consequences for the harm they survived, to co-create and carry out a wraparound service plan, and to develop strategies to cope with and come through the trauma they experienced.

Restorative Justice Circles: Restorative justice "circles" provide those most affected by a crime with the power and opportunity to address questions, impacts, needs, and obligations, in order to heal and foster accountability. Circle participants can work to reach agreements about what the responsible party can do to make things as right as possible.

Accountability without Incarceration: Accountability may include restitution, extensive community service, and other commitments over the course of the violence intervention program. Punishment doesn't always lead to security, and many survivors may seek to repair rather than sever communal ties after experiencing a crime.

Healing Communities: Accountability and healing are interconnected, not mutually exclusive. Just as we seek to hold people accountable for the violence they commit, so too must we take collective accountability for the conditions that give rise to the violence committed. A successful restorative justice program therefore aims to address the underlying causes of violence and helps foster a long-term process of transformation for individuals and communities.

**This tip sheet was created as part of the Human Trafficking Prevention Project (HTPP), a collaboration between the University of Baltimore School of Law and Maryland Volunteer Lawyers Service. Recommendations here are adapted from the HTPP webinar:**

**"Access to Restorative and Transformative Justice for Survivors of Violence and Oppression," featuring guest presenters Jessica Peñaranda with Common Justice and Justice Rivera with Reframe Health & Justice.**

**To view the webinar or for more information on the HTPP, please visit www.mvlslaw.org/ht or contact:**

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