

Restorative Justice: Is It Justice for Battered Women?

Summary of Findings from a Forum

April, 2000

Restorative justice is a process which endeavors to redress harm to victims, to hold offenders accountable for their actions, and which engages the community in a conflict resolution process. Some feel that restorative justice might be a way forward in helping to build the resources of a community. It could act as a vehicle to address issues of collusion, patriarchy, sexism, racism and classism.

Though there may be benefits to the process of restorative justice, when using restorative justice in domestic violence situations there is reason to be cautious. Some of the concerns about restorative justice raised at a forum held by PATHS in 2000 include the following:

- While implementing restorative justice does not preclude incarceration of offenders, there is a concern that it will be used to divert men from jail.
- There is a concern that there will be more focus on healing the offender than keeping women safe.
- In a restorative justice process, women may be expected to be part of the healing of their abuser. Women may not resist this role because of our conditioning as care givers.
- Men may use the process to say what people want to hear, thereby convincing the community that they have changed their behaviour when in fact they have not changed, and will continue to be a danger.
- The restorative justice process may not give as clear a message to an offender that his behaviour is unacceptable as does the concrete measure of incarceration.
- Some communities which engage in restorative justice may not understand or oppose the power imbalance between men and women, and will not take this into account during the restorative justice process.
- It would be a difficult process to determine which domestic violence cases would be appropriate for restorative justice.
- Often in the restorative justice process the offender has a strong support system present of family and friends. The victim must express her wishes in front of a group of people who might be intimidating to her.

Recommendations to Guide the Implementation of a Restorative Justice Process

1. An ongoing web of support services and protection for the victim as well as support services for the perpetrator and their families must be in place.
2. Those implementing restorative justice programs should look at the process through a gendered analysis lense.
3. Trained facilitators, close supervision, tracking and ongoing evaluation of restorative justice processes by battered women and/or their advocates is necessary.
4. An efficient communications and consultation network among interested stakeholders must be developed.
5. Clear criteria and guidelines for a restorative justice process must be drawn up.

Innovative responses to domestic violence may be required, but they should be implemented carefully and they should not be at the expense of the needs of the victim. Any use of restorative justice in cases of domestic violence should take into consideration the above concerns and incorporate the five recommendations into the process

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