

RESTORATIVE JUSTICE

For Sexual Violence Toolkit



Learn what restorative justice is, how it applies uniquely to sexual violence, and where you can learn even more or access services. Designed by the directors of Respect(Ed) Peer Education Program, a consent and sexuality peer-education nonprofit.



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INTRO, HISTORY, & CONTEXT

Introduction

Restorative justice is a collection of ideas and practices for resolving conflict. Under the restorative justice model, “crime” and other forms of wrongdoing damage the relationships between people and communities. In order to repair this damage, communities must come together to discuss the incident, hold those who have done harm accountable, make amends to those who have experienced harm, and collectively heal.

First and foremost, restorative justice is about addressing the needs of the community and the person or people who have been harmed. Victims, survivors, and those who have been harmed must have a voice in restorative justice practices. It is not a strategy for everyone or every situation, but restorative justice can be extremely effective in a variety of circumstances and settings, including in police departments, principal’s offices and schools, court systems, families, and neighborhoods. At Respect(Ed), we encourage and discuss restorative justice in terms of sexual violence, but see the need for it in other situations as well.

Forgiveness and reconciliation are not typically the focus of restorative justice practices, although these are common outcomes to these processes. Rather, restorative justice addresses the needs of the person or people harmed and their community. Additionally, restorative justice practices give opportunity for offenders to take accountability for their actions and make things right with the person harmed and their community. These processes can make it easier for the offender to integrate back into their community and take responsibility with dignity. Through the restorative justice process, facilitators can engage those affected, offenders, and communities using practices that prioritize dignity, safety, and respect for all involved.

"Restorative Justice is a set of principles and practices rooted in indigenous societies. Restorative justice can be applied both reactively in response to conflict and/or crime, and proactively to strengthen community by fostering communication and empathy."

- [The Restorative Justice Institute](#)

In this toolkit, we will talk a little more about what restorative justice is and how it came about, the ways in which restorative justice practices are particularly relevant to situations of sexual violence, and how you might use restorative justice practices in real life conflict situations

History of Restorative Justice

The term “restorative justice” (it has also come to be known as “transformative justice” and “circle justice”) was first used by Dr. Albert Eglash, an American psychologist who worked with incarcerated youth and adults in the 1950s. In his work, Eglash highlighted the difference between “retributive justice,” which focuses on punishments for offenders, and “restorative justice,” which focuses on restitution for victims. He proposed an alternative, more humanitarian criminal justice system in which offenders were helped to make amends for their crimes.

In his 1990 book *Changing Lenses—A New Focus for Crime and Justice*, American criminologist Howard Zehr took Eglash’s ideas a step further, describing restorative justice as a system for repairing the harm caused by crime, as opposed to imposing punishments on criminals. Zehr’s theory suggests that crime should be seen as an injury done to others, instead of a violation of the law. Therefore, justice should focus on repairing harm done and healing interpersonal relationships.

While Eglash and Zehr are credited with popularizing this idea, restorative justice practices have existed for centuries, particularly among indigenous societies in the Americas and Oceania. The Māori communities of New Zealand in particular are known for continuing to practice traditional methods of conflict resolution that focus on community healing, recognizing and honoring harm caused, taking personal responsibility, and solutions designed to prevent future harm while allowing for reconciliation.

[Read an account of a Māori community justice process in a sexual violence case](#) - content warning for rape, incest, rape of a child

What is Restorative Justice?

Even among those who practice, promote, and study it, there is not universal agreement as to what exactly restorative justice is. More anarchist frameworks emphasize the total exclusion of the state in restorative justice processes, while others see the New Zealand government’s Family Group Conferences for juvenile offenders as a model for how restorative practices might be integrated into existing criminal justice systems. Indigenous restorative justice practices look different in different indigenous communities, each ideology rooted in history and culture of the people who practice it. For many, restorative justice is very much still a work in progress. With that said, this toolkit aims to present not one definition of restorative justice, but a set of foundational ideas, adapted from a number of different communities and organizations within the RJ world. We invite you to add to and build on these ideas yourself, within your own community.

"Restorative justice addresses the needs of those who have been harmed, while encouraging those who have caused harm to take responsibility."

- [The Restorative Justice Institute](#)

GUIDING PRINCIPLES

The Five R's of Restorative Justice

Restorative justice practices utilize Five R's as foundational tenets. These principles help in conceptualizing the importance of restorative justice as well as facilitating its practices in everyday situations.

Relationship

Restorative justice practices recognize that **crime and conflict is, on a fundamental level, an issue of relationships**. When a wrong occurs, individuals and communities feel violated and hurt. The damage to these relationships is of primary importance, and this becomes the basis for restorative justice practices, dealing with healing instead of punishment. By building strong relationships utilizing restorative practices, people experience more fulfilling lives, and communities become places where we all want to live. Relationships can be mended through the willingness to take accountability for one's actions and to repair the harm done.

Respect

Ultimately, **respect is the reason why we participate in restorative justice and what keeps the process safe**. It is essential that everyone is treated with respect throughout restorative justice processes. The restorative justice process is always optional, so everyone is expected to show respect for themselves and others. This requires deep listening and an attempt to understand all perspectives and experiences.

Responsibility

At the end of restorative justice practices, responsibility for one's actions must be taken. **Each person needs to take responsibility for any harm that they caused to another**, admitting where they were wrong, even if it was unintentional. Everyone needs to be willing to accept responsibility for their behavior and the impact it had on others and the community as a whole.

Repair

Another hoped outcome of restorative justice is to repair the harm that was done, as well as the underlying causes, to the fullest extent possible. Once the person or people involved have accepted responsibility and taken accountability for their actions, and they have heard about how others were harmed by these actions, they should attempt to repair their relationships to the best of their ability. All stakeholders should be involved in identifying the harm and determining how it will be repaired. It is through taking responsibility, repairing personal and community relationships, and potentially making amends with the person or people harmed that the offender(s) may regain or strengthen their self-respect and respect within the community.

Reintegration

Reintegration is fundamental to the restorative justice process, as it decreases the likelihood that a person becomes a repeat offender. For the restorative justice process to be complete, **the person or people who may have felt alienated must be accepted into the community.**

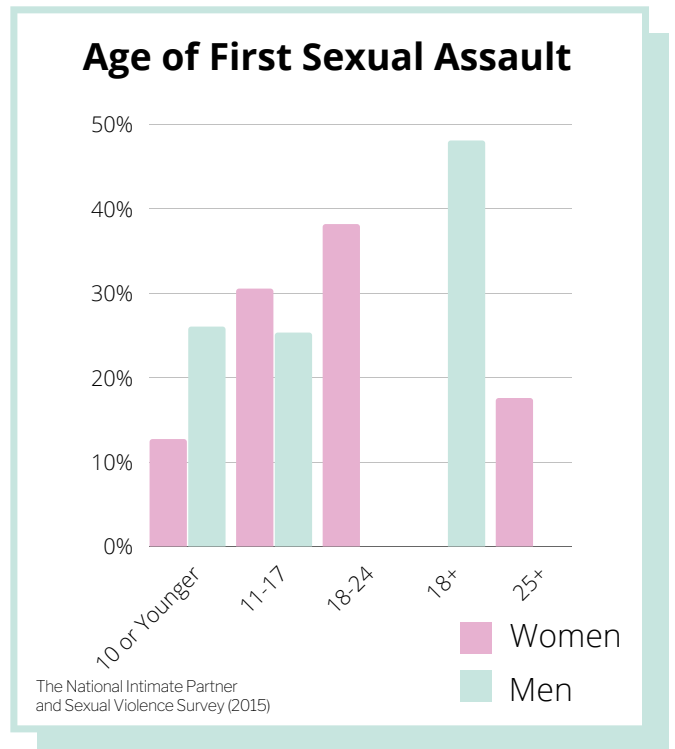
Reintegration allows for people who have hurt or caused harm to the community to enter into a new role without punishment, revenge, or judgment. After accepting responsibility for their actions and taking steps to repair the harm they have caused, offenders can be reintegrated into the community in a meaningful and effective way.



DIFFERENTIATING SEXUAL VIOLENCE FROM OTHER CRIME/HARM

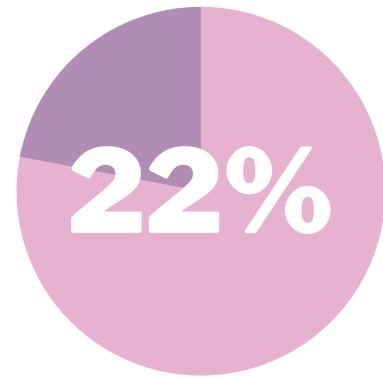
The Reality of Sexual Violence

Before we get into how restorative justice applies specifically and uniquely to instances of sexual violence, we want to clarify what most instances of sexual violence actually look like and debunk some common misconceptions. First and foremost, we want to note that 44% of women and 25% of men experience sexual violence at some point in their lives.



Our cultural image of sexual violence, particularly rape, is overwhelmingly false: we imagine perpetrators as physically violent, and strangers to their victims. We assume that victims always clearly say no, that they would fight back or physically resist their assaulter. We think that all assault is intentional and that both people involved know it is assault. In reality, sexual violence is almost never this clear-cut.

We also want to acknowledge that the rates of sexual violence are highest against multiracial and indigenous women and assigned female at birth transgender and nonbinary people.

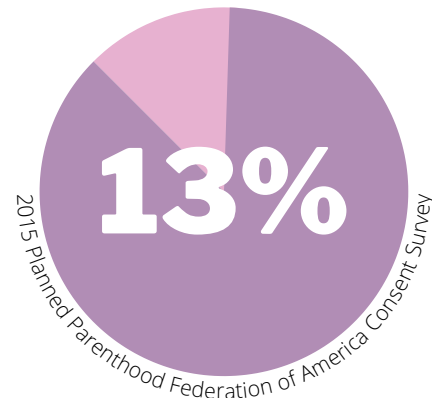


of college students think
engaging in foreplay or not
saying no is consent

Consent & Sexual Violence

In most instances of sexual violence, there is not a shared definition/understanding of consent. This lack of shared understanding is one of the primary causes of sexual violence. If people do not know what consent is and what it looks like, they cannot recognize whether it is or is not present. That disconnect is why many cases of sexual violence were unintentional on the part of the perpetrator. If you do not know how to do something right, it is hard to know if you are doing it wrong.

Our working definition of consent uses Planned Parenthood’s FRIES model and requires every component to constitute consent. We do not believe that consent necessarily has to be verbal or formal, only that verbalization and formalization increase its reliability. Additionally, we often discuss a second ‘S’ for FRIES that further describes consent as sober. This is not to say that every sexual act where both parties aren’t “stone-cold” sober is assault, only that the addition of intoxicants muddies the waters and increases the likelihood of assault, particularly accidental assault.



of college students
strongly disagree

CONSENT

Freely Given
Reversible
Informed
Enthusiastic
Specific

Planned Parenthood®

How Sexual Violence Differs from Other Crimes

Our intention here is not to make any large, philosophical point about crime, but to explain how sexual violence and most crime differ and therefore dealing with them is also different. Crime is generally understood to be caused by scarcity, disenfranchisement, lack of education, and poverty. Many crimes can be linked to particular socio-economic classes, levels of education, and similar related metrics. Sexual violence, on the other hand, is very consistent across demographics when you look at perpetrators. The groups that are more likely to experience sexual violence are groups who have been culturally marginalized, are perceived more as “victims” culturally, and have less power to report, retaliate, or seek justice. While men make up the overwhelming majority of perpetrators of sexual violence, the demographics of those men do not vary greatly and are reasonably similar to population make up. The large majority of male perpetrators can be attributed predominantly to the cultural view/role of men as sexually dominant and responsible for taking initiative. That cultural role and view of men is part of what is often referred to as toxic masculinity.

How Restorative Justice Applies Uniquely

Restorative justice practices are often especially applicable to sexual violence because, unlike most causes of harm or crimes that can result in harm to others, sexual violence is very commonly perpetrated unintentionally and can be done without the perpetrator knowing they caused harm. Incidents of sexual violence caused by miscommunication or intoxication (without additional violence) are frequently, especially good candidates for restorative justice approaches. Even unintentional actions require accountability, and in those instances a punitive approach does not make as much sense as the harm inflicted being explained to the perpetrator and the perpetrator repairing that harm directly to the individual and/or the community. There absolutely are more intentional, violent, or especially traumatizing instances where a survivor or community may find direct accountability and discussion helpful and depending on the attitude of the perpetrator, that can be a productive way to proceed or it may not be the right path for the situation. In many instances of sexual violence, restorative justice practices can allow a survivor to feel a sense of repair or closure and can not only hold a perpetrator accountable in that instance, but ensure that they do not harm others moving forward.

IN-PRACTICE & EXAMPLES

Here are some examples of what effective restorative justice practices look like and some situations where it may or may not apply.

This [document](#) gives an example in which restorative justice was useful in supporting the survivor, as well as the perpetrator through their transformation.

Scenario 1

There is a serial rapist within a college community. Many students know about the incident, and the community has been warned to “stay away” from them, but the perpetrator has never been reported to the school or police. An anonymous person breaks into their Instagram account and posts screenshots of conversations exposing this person’s behavior. The survivors remain anonymous, as well as the hacker, but the community is still called to respond. Is this a form of restorative justice?

We think yes! While there was never a formal mediation strategy, the hacker made the community aware of harm and called upon them to take action. In doing so, the hacker has initiated a restorative justice process in which the perpetrator can take responsibility for their actions and work to repair relationships.

Scenario 2

A sexual violence survivor reports their perpetrator to the police, who mention they can choose to participate in a mediated session with their perpetrator. They don't want to, and fear for their safety when around their perpetrator. Is restorative justice appropriate here?

This is not a situation where restorative justice would be appropriate. At the end of the day, the survivor should make the final decision on what processes they feel comfortable participating in.

Scenario 3

There is an unspoken rule in a particular fraternity where the brothers feel they can drug and attempt to intoxicate partygoers. It is well known by most students, but ignored because of fear of being banned from the frat house. What could be a restorative justice intervention?

Bystander intervention! Intervening in the situation, either to support the person being targeted or to stop the harassment directly (by confronting the perpetrator), could help to mediate the situation and restore accountability within the community. It helps to define the relationship between the community and perpetrators and asks the perpetrators to take responsibility for their actions, work to repair these relationships, and ultimately change their behavior.

Scenario 4

A survivor asks their perpetrator to participate in a mediative session, to which the perpetrator responds that they do not believe their actions were wrongful. Would restorative justice be effective here?

Restorative justice, especially in situations involving mediation, can only be truly effective if the perpetrator takes responsibility. If the perpetrator cannot take responsibility for the harm they have caused in their relationships and does not want to engage in restorative justice practices, then the process is not going to be effective. In order to support the survivor and hold the perpetrator responsible for the harm caused, the community should take an active role in social accountability and repair by the perpetrator.

Scenario 5

Two people had sex after a party where they consumed drugs and alcohol. One person did not think the situation was consensual, and the other did. They are in the same friend group, have classes together, and interact on a regular basis. Would restorative justice be effective here?

Probably! If they care about the relationships they've built within that community and are committed to working to repair the harm caused by the perpetrator, restorative justice would likely be helpful, probably in the form of a mediated discussion between the two people involved.



SOURCES & RESOURCES

Sources

[Accounting for Ourselves: Breaking the Impasse Around Assault and Abuse in Anarchist Scenes](#) - CrimethInc.

[Albert Eglash and Creative Restitution: A Precursor to Restorative Practices](#) - Laura Mirsky, The International Institute for Restorative Practices Graduate School

[Beautiful, Difficult, Powerful: Ending Sexual Assault Through Transformative Justice](#) - The Chrysalis Collective

Changing Lenses – A New Focus for Crime and Justice - Howard Zehr

[Ending Child Sexual Abuse: A Transformative Justice Handbook](#) - generationFIVE
A guide to childhood sexual abuse and how to combat it through transformative justice tactics. We found the final two sections particularly helpful for learning how to put these concepts into practice in situations of sexual violence.

[Family Group Conferences: Still New Zealand's Gift to the World?](#) - New Zealand Children's Commissioner

The Five R's of Restorative Justice - Beverly Title

Title, founder of [Resolutionaries](#), created the Five R's tool to present, resolve, and transform challenging behavior. We found this framework helpful to understanding restorative justice at large, as well as within the sexual violence context.

[The Little Book of Restorative Justice](#) - Howard Zehr & Ali Gohar

National Crime Victimization Survey, 2010-2016 (2017)

[The National Intimate Partner and Sexual Violence Survey](#) (2015)

[Planned Parenthood Federation of America Consent Survey](#) (2015)

Repeat Rape and Multiple Offending Among Undetected Rapists - Lisak et al. 2002, *Violence and Victims*

Restorative Justice Initiative

Restorative Justice in a Māori Community - Kim Workman, E-Tangata

A journalistic account of a Māori community resolving an incident of sexual violence using traditional restorative justice practices.

Revolution and Restorative Justice: An Anarchist Perspective - Peter Kletsan, *Abolition Journal*

Local Resources

Bradley Angle

Portland – emergency housing and support for victims of domestic violence, with specific programs for Black, queer, and HIV+ individuals

→ Call 503-232-1528

→ Visit 5432 N. Albina Ave

Call to Safety

Crisis line and resources for victims of domestic and sexual violence in Oregon

→ Call 1-888-235-5333

→ Call or text 503-235-5333

Canyon Crisis and Resource Center

Mill City – crisis line and services for those experiencing sexual violence, domestic abuse, homelessness, teen pregnancy, etc.

→ Call 503-897-2327

The Center for Dialogue and Resolution

CDR aims to transform conflict and to facilitate positive communication to build more peaceful communities. They offer mediation, restorative justice services, trainings, and educational resources.

Oregon Coalition Against Domestic & Sexual Violence

A masterlist of local resources for those experiencing abuse in the state of Oregon

Proyecto UNICA

Portland – English and Spanish language crisis line and services for victims of sexual and domestic violence

→ Call 503-232-4448

Local Resources

Restorative Justice Coalition of Oregon

A coalition of restorative justice services and resources across Oregon.

SABLE House

Dallas – crisis line, advocacy, and housing for victims of sexual and domestic violence

→ Call 503-623-4033

Saving Grace

Deschutes County – help line, advocacy, counseling, and housing for victims of sexual assault and intimate partner violence

→ Call 541-389-7021

→ Visit 422 NW Beaver Street (Prineville)

→ Visit 35 SE C Street, Suite B (Madras)

→ Visit 412 SW 8th Street (Redmond)

Sexual Assault Resource Center

Beaverton – crisis line, counseling, and education for victims of sexual violence

→ Call 503-640-5311 or 1-888-640-5311

Sexual Assault Support Services (SASS)

Eugene – counseling and resources for survivors of sexual violence

→ Crisis line: 1-844-404-7700

→ Business Line: 541-484-9791

→ Office/Drop-in Center: 591 W. 19th Ave.

→ Drop-in hours: 9am-4pm, Tues-Thurs

National Resources

ACLU Title IX & Sexual Assault

Information on how to use Title IX protections to hold your school accountable for sexual assault. While specifically aimed at college students, most of this information applies to high schools as well.

Loveisrespect

Talk line, education, and advocacy for youth in unhealthy relationships

→ Call or text “LOVEIS” to 1-866-331-9474

National Resources

National Domestic Violence Hotline

Talk line, education, advocacy for people in unhealthy relationships or who think they might be abusers

National Sexual Violence Resource Center (NSVRC)

A hub for sexual violence-related resources, support, and education.

Rape, Abuse, and Incest National Network (RAINN)

Crisis line, services, and education for survivors of sexual violence

→ Call 800-656-4673

Resilience

Provides therapy, legal advocacy, and other forms of support for survivors of sexual violence.