



Reimagining Justice for Women Survivors of Gendered Violence: The Restorative Justice Paradigm

Dr. Mary Jyothi Joseph

Assistant Professor in Law,
Government Law College, Thrissur, Kerala

Abstract

‘Restorative Justice’ emerged as a possible alternative within the criminal justice system in the seventies. However, it is to be noted that it is not entirely a novel concept, as restorative justice processes were historically prevalent among various indigenous communities, notably the Māori tribal clan of Australia. This approach can be explained as an intermediate path between the retributive and rehabilitative theories; both of which primarily focus on the offender and their integration into the system. In contrast, restorative justice emphasises addressing the needs of the victims rather than concentrating solely on the offender. Further, ‘Gender-based violence’; particularly against women, predominantly involves sexual offenses. These offenses have frequently sparked significant debate among legal scholars and feminists regarding the inadequacies of the current criminal justice system. Although not a fool proof solution, restorative processes offer solace in cases where victims feel neglected and where the procedural complexities of the legal system further victimise them. To ensure that restorative justice functions effectively, it needs to be integrated into the system with sufficient procedural frameworks to avoid disorder and misunderstandings due to the absence of established procedures.

Key Words: Restorative Justice, Gendered Violence, Sexual Violence, Women

Introduction

“The world is starting to grasp that there is no policy for progress more effective than the empowerment of women and girls. And ... no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.”

Former United Nations Secretary General Kofi Annan

Restorative justice encompasses addressing victims’ needs and establishing a victim-centric criminal justice system; facilitating both offender and community rehabilitation. Illustratively it involves compensating for property damage or personal harm, such as repairing windows or teeth and reinstating safety (McLaughlin et al., 2003). The beginning of current restorative justice initiatives can be attributed to the efforts that arose in North America in the early 1970s. The latest ingenuity to emerge at this time was the process of using an assisted victim-offender conversation to explore the damage inflicted by the offending and to determine what should be done to establish accountability and foster rapprochement and reconciliation. When the founders depicted crucially on the relational interactions and ethical foundation of this practice, an entirely new model for visualising the nature of crime and the meaning of justice was moulded (Marshall, 2020). It is a process whereby all parties with a stake in a certain offence come together to resolve cooperatively how to deal with the aftermath of the offence and its implications for the future (Larsen, 2014). (Grimsey Jones et al., 2023) Restorative approach is mainly used to settle disputes outside of court; promoting fairness but for this method to work well, restorative justice must be part of legal education (Sodiqin, 2021). Restorative justice emphasises the significance of interpersonal relationships, examining the impact of wrongdoing on individuals and their connections. This approach contrasts with the conventional legal system, which primarily

concentrates on the violation of laws and the identification of responsible parties(J. Llewellyn, 2021).Restorative justice has been integral to traditional societies, including indigenous peoples in the Americas, Australia and New Zealand. Although in the 1980s it gained prominence in Western societies the concept is not novel. It is associated with the traditions of Māori, Celts, Samoans and other indigenous groups and has foundations in various religious communities(Leonard, 2022).

Effectiveness of Restorative Process

In the restorative justice settings; the offenders, victims and the community engage in structured dialogues to determine an appropriate response following a criminal act. Subsequently, the offender participates in rehabilitative activities aimed at facilitating their reintegration into society. It is posited that through these restorative processes, individuals begin to perceive themselves as law-abiding citizens, thereby ceasing their engagement in criminal activities(Lloyd & Borrill, 2020).Scholars like Braithwaite and Zehr have characterised restorative justice as a remedy to punitive systems' deficiencies, advocating for relationship restoration and individual dignity. Braithwaite's reintegrative shaming theory indicates that shaming offenders within a supportive context facilitates societal integration and accountability without stigma(Adebobola Omowon & Alaba Samson Kunlere, 2024a).Restorative Justice Conferences constitute a cost-effective approach to mitigating the rates of recidivism(Sherman et al., 2015).Restorative justice might help victims more than traditional justice systems; it also can benefit offenders and communities(Lanterman, 2021).

Research on restorative justice practices has indicated that both victim-offender mediation (VOM) and victim-impact training (VIT) not only decrease the probability of recidivism but also improve satisfaction and trust among all parties involved in the criminal incident(Hwang, 2020).Participation in restorative justice programs following sentencing can significantly decrease the likelihood of recidivism and alleviate the emotional distress experienced by victims(Grimsey Jones et al., 2023).In the United Kingdom, there is a growing demand for the expanded application of restorative methods to address the challenges of adolescent aggression. The Independent Commission on Youth Crime and Antisocial Behaviour has recommended that restorative justice be adopted as the primary strategy for addressing all but the most serious offenses committed by children and young people(Hobson et al., 2022).In Indonesia, restorative justice is implemented within the juvenile justice system to protect children in legal conflicts. This approach aims to safeguard children, both victims and offenders to secure their future. Indonesia implements this through the Regulation of the Indonesian National Police Number 8 of 2021 on restorative justice-based crime management and the Attorney General Regulation Number 15 of 2020 on prosecution cessation based on restorative justice(Lanterman, 2020).

RJ takes time and resources in mental health settings and may not work for everyone; it is a process used to fix harm, even in tough situations without a lot of loss and damage; However, it can help by rebuilding confidence, reducing distress and promoting resilience. It is useful for dealing with trauma that needs to be acknowledged and resolved(Moore, 2022).Restorative Justice is a mental health approach that helps people who have caused harm; it focuses on those who have been through trauma. RJ helps them feel in control again and build connections with others in their community(Sedillo-Hamann, 2022).Restorative justice can aid by supporting victims and stopping victim-blaming and it also lets offenders take responsibility for their actions(Jeffries et al., 2021). Integrating restorative justice (RJ) with local community values is essential for resolving criminal disputes in ways that reflect societal legal ideals and align with national character(Lanterman, 2020). Integrating the proponents emphasise voluntary participation, skilled facilitation and tailored approaches(Adebobola Omowon & Alaba Samson Kunlere, 2024b).

Gendered Based Violence Against Women

Gender-based violence (GBV) includes acts of aggression directed at individuals based on their gender or that disproportionately affect certain genders due to power imbalances. This violence includes intimate partner violence, domestic abuse, physical assault, emotional abuse, sexual violence, technological violence, forced marriage, human trafficking and witch killings(Van Daalen et al., 2022).The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) even though it did not directly mention gender-based violence (GBV); however , in 1992, the CEDAW Committee's General Recommendation No. 19 described GBV as "violence against a woman because she is a woman or that affects women more." This idea was expanded in General Recommendation No. 35 in 2017, using the term "gender-based violence against women." The Istanbul Convention (2014) by the Council of Europe is seen by the European Institute for Gender Equality (EIGE) as the key international law for fighting gender-based violence. It specifically deals with gender-based violence against women(Graaff, 2021); all over the world many women and girls face high

levels of violence from their partners. This problem has gotten worse since the COVID-19 lockdowns in 2020 (World Health Organization 2013)(Dunn, 2020).

Gender-based violence (GBV), also known as violence against women and girls (VAWG), affects one in three women worldwide in their lifetime and it is one of the most common human rights abuses. During COVID-19, GBV cases have risen, with one-third of women finding it hard to get help. When people had to stay at home, about 15 million more GBV cases happened globally every three months and this led to more deaths and illnesses from other diseases (Javed & Chattu, 2020). “Gender-based violence” (GBV) often means the same as “violence against women” (VAW) and it includes sexual violence, domestic abuse and the killing of women (Buiten & Naidoo, 2020). Gender-based violence constitutes a specific category of violence among various forms. The World Health Organization (WHO) defines, “violence as the intentional use of brute force or power, whether threatened or actual, against oneself, another person or a group or community; such actions can result in or have a high likelihood of resulting in, injury, death, psychological harm, developmental impairment or deprivation” (World Health Organization, 2002, para. 2)(Kerr, 2022).

A 2016 European Commission survey showed that most Europeans perceive gender-based violence as occurring mainly in domestic environments. About 86% of respondents indicated violence against women occurs in domestic settings. In contrast, fewer respondents identified other locations: 19% cited public spaces, 19% mentioned online platforms, 17% referred to workplaces and 8% indicated public transportation (Hearn et al., 2025). Direct violence against women constitutes the most egregious manifestation of gender inequality, as it dehumanises women and undermines social cohesion (Minnich, 2020). Gender-based violence (GBV) arises from and perpetuates traditional gender roles, which confer greater power to men than to women. This dynamic often renders women financially and socially dependent and vulnerable (Leon-Himmelstine et al., 2025). GBV policies need to aim both sexes; consciousness needs to be raised to ensure that GBV in conflict is affirmed and tackled in post-conflict restoration and that local capacity to provide psychological counselling is fortified to reach all actors involved (survivors, survivors’ families, witnesses and perpetrators) (Bouta et al., 2005).

Restorative Justice to Aid Victims of Gendered Violence

Restorative justice programs have to be developed specifically for victims of sexual violence to be useful. These initiatives emphasise the importance of employing trained personnel, meticulous case selection, ensuring the safety of survivors and addressing power imbalances. Notable examples include the RESTORE Program in Arizona, United States and Project Restore in New Zealand; (Antonsdóttir & Lewis, 2023) highlight its relevance. Restorative justice empowers victims by offering resolution choices and acknowledging their needs. Victims can opt for therapeutic or restorative approaches that align with their comfort levels. Domestic violence affects various relationships, some less intimate. When parties have minimal history, working together might be more effective than protection orders. When survivors stay with partners, collaboration can help ensure victim safety (Johnsen & Robertson, 2016). In light of the potential for coercion in family mediation involving victims of domestic violence, it is imperative that court mediation programs prioritise the identification of abuse victims to ensure they receive specialised treatment. The United States has implemented procedures for screening domestic violence victims, as delineated in the Model Standards of Practice for Family and Divorce Mediation (Model Standards 2001) (Murphy & Robinson, 2005).

A study showed that the Restore program in Arizona greatly reduced the number of people diagnosed with post-traumatic stress disorder among survivors. Most participants agreed or strongly agreed that their preparation for the conference met its goals. All survivors who attended said they were satisfied with the conference (Gang et al., 2021). Rachel Muers, a feminist theologian, argues that restorative justice frameworks offer insights beyond criminal and political contexts. Advocates of restorative justice emphasise its ability to identify and address harms by empowering victims; fostering justice and accountability. It proposes reforms; enhance reintegration while reducing revictimisation and facilitates apology, healing and reconciliation (Guth, 2015). Restorative justice is a different way to handle sexual and gender-based violence (SGBV) instead of using the prison system. The usual system sees crime as breaking the law. Restorative justice sees crime as harm to people and relationships. It tries to fix this harm. It asks, “What harm happened?” and “How can we fix it?” The aim is to comprehend how the offender’s actions affected the survivor and the community. It seeks to repair and stop harm (Habliston, 2024).

Prosecuting rape and sexual assault through criminal charges may not be the most effective approach. Alternative legal avenues may prove more suitable, based on case specifics and victim preferences. Civil proceedings or harassment prevention strategies may yield beneficial outcomes. Protection orders, family mediation and restorative justice initiatives can be advantageous through public or private services. The traditional criminal justice limitations have increased interests in innovative and restorative approaches to sexual violence (Larcombe, 2017). Some experts think that restorative justice meetings can help solve problems. These meetings allow people to talk about what is right and wrong, which can be more effective than punishment. Unlike courtrooms that use complex language and prisons that hide the impact of actions, restorative meetings make justice easier to understand. This shows that prisons often fail to communicate well (Ievins, 2023). The strategic integration of restorative justice and deterrence can enhance both approaches' efficacy. Restorative justice can augment deterrence in crime prevention, while deterrence enhances restorative justice's effectiveness. These underscore developing a comprehensive crime control strategy by leveraging both methods' strengths to address their limitations (Braithwaite, 2022).

RJ offers acclaim and amends for the specific harms suffered through interdependence integral to individualistic construction. The RJ provides the possibility for trauma survivors to share their perspectives; which can contribute to restructuring of oneself. In terms of official authentication, RJ offers something different from criminal justice (Godden-Rasul, 2017). Further, it has been noted in case of women exploited for sex trade that the criminal-restorative approach mixes punishing crimes with helping the community. Police use fear to control the sex trade and direct people to help programs but forcing people into these programs and punishing them for not following rules goes against helping. Ignoring the views of those called offenders and victims goes against focusing on those who cause and suffer harm (Riley, 2017). The AIM¹ initiative in Manchester helps young people who have committed sexual offenses. They use restorative methods after these young people are referred by the youth justice system. The Project has shared guidelines on how to use restorative justice in cases of sexual violence. Their experience shows that people involved find it helpful to talk about the harm and consequences of abuse (McGlynn et al., 2012).

Conclusion and Recommendation

The integration of Restorative Justice (RJ) into the criminal justice system can yield significant benefits, particularly when applied to both procedural and substantive legal frameworks. This approach is notably effective in addressing violent offenses against women as these crimes are frequently committed by individuals who are either close relatives or part of the victim's immediate social circle. RJ contributes as it has considerable psychological impact for the victims. RJ processes have the potential to produce more sustainable outcomes where procedural laws may be inadequate. Nonetheless, it is imperative that both the offender and the victim engage voluntarily, with well-defined guidelines established to prevent any potential misuse.

REFERENCES

- Adebobola Omowon & Alaba Samson Kunlere. (2024a). Restorative justice practices: Bridging the gap between offenders and victims effectively. *World Journal of Advanced Research and Reviews*, 24(3), 2768–2785. <https://doi.org/10.30574/wjarr.2024.24.3.3978>
- Adebobola Omowon & Alaba Samson Kunlere. (2024b). Restorative justice practices: Bridging the gap between offenders and victims effectively. *World Journal of Advanced Research and Reviews*, 24(3), 2768–2785. <https://doi.org/10.30574/wjarr.2024.24.3.3978>
- Antonsdóttir, H. F., & Lewis, R. (2023). Beyond restorative justice: Survivors' calls for innovative practices in Iceland. In M. Lundqvist, A. Simonsson, & K. Widegren (Eds.), *Re-Imagining Sexual Harassment* (1st, First Edition eds., pp. 172–192). Bristol University Press. <https://doi.org/10.2307/jj.30945973.17>
- Bouta, T., Frerks, G., & Bannon, I. (2005). *Gender-Based and Sexual Violence: A Multidimensional Approach* (Gender, Conflict, and Development, pp. 33–48). World Bank. <https://www.jstor.org/stable/resrep02478.10>
- Braithwaite, J. (2022). Minimally sufficient punishment. In *Macrocriminology and Freedom* (1st ed., pp. 431–500). ANU Press. <https://www.jstor.org/stable/j.ctv2bks5gq.14>

¹ 'Assessment Intervention Moving On' project in Manchester, UK.

Buiten, D., & Naidoo, K. (2020). Laying Claim to a Name: Towards a Sociology of “Gender-Based Violence.” *South African Review of Sociology*, 51(2), 61–68. <https://doi.org/10.1080/21528586.2020.1813194>

Dunn, S. (2020). Technology-Facilitated Gender-Based Violence: An Overview. *Articles, Book Chapters, & Popular Press*. https://digitalcommons.schulichlaw.dal.ca/scholarly_works/773

Gang, D., Loff, B., Naylor, B., & Kirkman, M. (2021). A Call for Evaluation of Restorative Justice Programs. *Trauma, Violence & Abuse*, 22(1), 186–190. <https://www.jstor.org/stable/27011100>

Godden-Rasul, N. (2017). *Repairing the harms of rape of women through restorative justice | 2 |* (First). <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315630595-2/repairing-harms-rape-women-restorative-justice-nikki-godden-rasul> (Original work published Routledge)

Graaff, K. (2021). The Implications of a Narrow Understanding of Gender-Based Violence. *Feminist Encounters: A Journal of Critical Studies in Culture and Politics*, 5(1), 12. <https://doi.org/10.20897/femenc.201700>

Grimsey Jones, F., Jaffé, L., Harris, L., Franklin, J., Allam, L., & Shapland, J. (2023). An economic evaluation of restorative justice post-sentence in England and Wales. *Frontiers in Psychology*, 14. <https://doi.org/10.3389/fpsyg.2023.1162286>

Guth, K. V. (2015). Doing Justice to the Complex Legacy of John Howard Yoder: Restorative Justice Resources in Witness and Feminist Ethics. *Journal of the Society of Christian Ethics*, 35(2), 119–139. <https://www.jstor.org/stable/24615213>

Habliston, R. E. (2024). Beyond Bars: Exploring Alternative Possibilities to Address Sexual and Gender Based Violence. *The Journal of Criminal Law and Criminology (1973-)*, 114(3), 677–711. <https://www.jstor.org/stable/48803972>

Hearn, J., Strid, S., Humbert, A. L., Bondestam, F., & Husu, L. (2025). *Gender-based violence in higher education and research performing organisations: Three steps in critique and reconceptualisation*. <https://doi.org/10.1332/23986808Y2025D000000093>

Hobson, J., Twyman-Ghoshal, A., Banwell-Moore, R., & Ash, D. P. (2022). Restorative Justice, Youth Violence, and Policing: A Review of the Evidence. *Laws*, 11(4), 62. <https://doi.org/10.3390/laws11040062>

Hwang, A. (2020). Restorative Justice: A Better Alternative for Reducing Recidivism? *The Sociological Imagination: Undergraduate Journal*, 6(1). <https://ojs.lib.uwo.ca/index.php/si/article/view/10514>

Ievins, A. (2023). Judging Prisons: The Limitations and Excesses of Denunciatory Punishment. In *The Stains of Imprisonment* (1st ed., Vol. 10, pp. 145–156). University of California Press. <https://www.jstor.org/stable/j.ctv32bm1kh.11>

J. Llewellyn, J. (2021). Transforming restorative justice. *The International Journal of Restorative Justice*, 4(3), 374–395. <https://doi.org/10.5553/TIJRJ.000096>

Javed, S., & Chattu, V. K. (2020). Patriarchy at the helm of gender-based violence during COVID-19. *AIMS Public Health*, 8(1), 32–35. <https://doi.org/10.3934/publichealth.2021003>

Jeffries, S., Wood, W. R., & Russell, T. (2021). Adult Restorative Justice and Gendered Violence: Practitioner and Service Provider Viewpoints from Queensland, Australia. *Laws*, 10(1), 13. <https://doi.org/10.3390/laws10010013>

Johnsen, P., & Robertson, E. (2016). Protecting, Restoring, Improving: Incorporating Therapeutic Jurisprudence and Restorative Justice Concepts into Civil Domestic Violence Cases. *University of Pennsylvania Law Review*, 164(6), 1557–1586. <https://www.jstor.org/stable/24753661>

Kerr, G. (2022). What Is Gender-Based Violence? In *Gender-Based Violence in Children’s Sport*. Routledge.

Lantermann, J. L. (2020). Training partner selection and quality assurance in restorative justice for the criminal justice setting. *Contemporary Justice Review*, 23(4), 544–562. <https://doi.org/10.1080/10282580.2019.1700369>

Lantermann, J. L. (2021). MODELS VERSUS MECHANISMS: THE NEED TO CRACK THE BLACK BOX OF RESTORATIVE JUSTICE. *British Journal of Community Justice (BJCJ)*, 17(1), 60. <https://openurl.ebsco.com/contentitem/gcd:150267835?sid=ebsco:plink:crawler&id=ebsco:gcd:150267835>

Larcombe, W. (2017). Rethinking Rape Law Reform: Challenges and Possibilities. In R. Levy, M. O'Brien, S. Rice, P. Ridge, & M. Thornton (Eds.), *New Directions for Law in Australia* (pp. 143–152). ANU Press. <https://www.jstor.org/stable/j.ctt1ws7wbh.16>

Larsen, J. J. (2014). *Restorative justice in the Australian criminal justice system* (AIC Reports No. 127; Research and Public Policy Series). Australian Institute of Criminology. <https://www.aic.gov.au/sites/default/files/2020-05/rpp127.pdf>

Leonard, L. J. (2022). Can Restorative Justice Provide a Better Outcome for Participants and Society than the Courts? *Laws*, 11(1), 14. <https://doi.org/10.3390/laws11010014>

Leon-Himmelstine, C., Rodriguez, D. J. T., Sisodia, A., & Marcus, R. (2025). *Gender-based violence against girls and young women* (Gender Equality, Disability and Social Inclusion Analysis in Latin America:, pp. 28–53). ODI. <https://www.jstor.org/stable/resrep72236.9>

Lloyd, A., & Borrill, J. (2020). Examining the Effectiveness of Restorative Justice in Reducing Victims' Post-Traumatic Stress. *Psychological Injury and Law*, 13(1), 77–89. <https://doi.org/10.1007/s12207-019-09363-9>

Marshall, C. D. (2020). Restorative Justice. In P. Babie & R. Sarre (Eds.), *Religion Matters* (pp. 101–117). Springer Singapore. https://doi.org/10.1007/978-981-15-2489-9_7

McGlynn, C., Westmarland, N., & Godden, N. (2012). 'I Just Wanted Him to Hear Me': Sexual Violence and the Possibilities of Restorative Justice. *Journal of Law and Society*, 39(2), 213–240. <https://doi.org/10.1111/j.1467-6478.2012.00579.x>

McLaughlin, E., Fergusson, R., Hughes, G., & Westmarland, L. (2003). *Restorative Justice: Critical Issues*. SAGE.

Minnich, J. M. (2020). *Societal Violence Against Women & National Insecurity: The Need for Gendered Security* (HINDSIGHT, INSIGHT, FORESIGHT, pp. 67–88). Daniel K. Inouye Asia-Pacific Center for Security Studies. <https://www.jstor.org/stable/resrep26667.10>

Moore, E. (2022). Trauma and Restorative Justice. In *Trauma-Informed Forensic Practice*. Routledge.

Murphy, J. C., & Robinson, R. (2005). Domestic Violence and Mediation: Responding to the Challenges of Crafting Effective Screens. *Family Law Quarterly*, 39(1), 53–85. <https://www.jstor.org/stable/25758277>

Riley, K. (2017). Empowering Justice: An Intersectional Feminist Perspective on Restorative Justice in the Sex Trade. *The American Journal of Economics and Sociology*, 76(5), 1157–1190. <https://www.jstor.org/stable/45129522>

Sedillo-Hamann, D. (2022). Trauma-Informed Restorative Justice Practices in Schools: An Opportunity for School Social Workers. *Children & Schools*, 44(2), 98–106. <https://doi.org/10.1093/cs/cdac004>

Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. J., & Ariel, B. (2015). Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review. *Journal of Quantitative Criminology*, 31(1), 1–24. <https://doi.org/10.1007/s10940-014-9222-9>

Sodiqin, A. (2021). Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System. *AHKAM : Jurnal Ilmu Syariah*, 21(2). <https://doi.org/10.15408/ajis.v21i2.22675>

Van Daalen, K. R., Kallesøe, S. S., Davey, F., Dada, S., Jung, L., Singh, L., Issa, R., Emilian, C. A., Kuhn, I., Keygnaert, I., & Nilsson, M. (2022). Extreme events and gender-based violence: A mixed-methods systematic review. *The Lancet Planetary Health*, 6(6), e504–e523. [https://doi.org/10.1016/S2542-5196\(22\)00088-2](https://doi.org/10.1016/S2542-5196(22)00088-2)