In a world with constant wars and conflicts, growing numbers of murders, rapes, and armed attacks, we hope that at least our own home can be a secure refuge from the stress and hardships of life. Yet, for many, this hope is unreachable because the constant source of danger is concealed in their families. According to the Council of Europe meta-study, one in four women experience domestic violence over their lifetimes, and between 6-10% of women suffer from domestic violence annually.1

Over recent years there have been many methods developed on how to address the problem of domestic violence. Some concentrate on social gender stereotypes and domestic violence prevention programmes; some claim that all interventions should be aimed at protecting and healing the victim. Others believe that work must be done with perpetrators to change their behaviour. Despite such diversity of intervention techniques, few are considered effective. Professionals in the field emphasise the complexity and unique dynamics of domestic abuse, which demand an interdisciplinary approach to the problem. Such an understanding leads to the usage of practices that were not initially intended for cases of domestic violence; one of these practices is restorative justice.

What is restorative justice?
Restorative justice is not merely a technique or process; it is a theory and value-based practice that began in the late twentieth century. This approach is totally different from the traditional criminal justice system due to major paradigm shifts in understanding crime, the offender and victim, punishment, and accountability.

To begin with, the understanding of crime itself is different in the two approaches. In the criminal justice system, crime is seen as the violation of the law; so crime is committed against the country. On the contrary, restorative justice defines crime as harm caused to a specific person and to social relationships. From this point of view, the key figures in the process also differ. In the traditional system, the main stakeholders are the state and the criminal; whereas in restorative justice, the main stakeholders are the offender and victim. Such dissimilarities in basic concepts lead to divergent processes. It is obvious that in the criminal justice system the court process is adversarial in nature; whereas restorative programmes denote the cooperation of parties involved. It is evident that the nature of the process greatly influences the emotional state of the key participants. In court, emotions are tense, overwrought, and anxious, and this does not lead to the renovation of the relationships. On the contrary, restorative justice is aimed at reinstating positive connections between human beings, which is possible due to such feelings as forgiveness, love, understanding, encouragement, hope, comfort, and assurance.

Another important aspect differentiating the two approaches is who makes the decisions. In the criminal justice system, professional judges are responsible for the verdict. In restorative

Subscribe to Mozaik by visiting www.wscf-europe.org/resources/mozaik/subscribe/
Tony Marshall, author and researcher from Great Britain, defined restorative justice as:

*a way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which cause it. It is also, more widely, a way of dealing with crime generally in a rational problem solving way. Central to restorative justice is the recognition of the community, rather than criminal justice agencies, as the prime site of crime control.*

Simply speaking, restorative justice is aimed at healing the victim and offering the possibility to all parties involved in the conflict to take an active part in its resolution. Despite their novelty, restorative processes that foster dialogue between the offender and the victim have already shown the highest rates of victim satisfaction, true accountability from the offender, and reduced recidivism.

Restorative justice may take many different forms, but nowadays the most common are three programmes: victim-offender mediation, family group conferencing, and restorative circles. Victim-offender mediation is usually a meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed that crime. Family group conferencing has a much wider number of participants than mediation; among them can be family members of the victim and/or offender, as well as people connected to each side (for instance, friends and professionals). Circles include an even greater range of participants and may include members of community (neighbours, local authorities, and so on). There are many types of restorative circles: healing, sentencing, circles of support and accountability, and others.

Even though these programmes are quite diverse, they have a common process. Victims have the opportunity to express the full impact of the crime upon their lives, to receive answers to any lingering questions about the incident, and to participate in holding the offender accountable for his or her actions. Offenders can tell their story of why the crime occurred and how it has affected their lives. They are given an opportunity to make things right with the victim – to the degree possible – through some form of compensation. Also, great attention is given to crime prevention in the future, and that is where the role of community is crucial.

**Restorative justice and domestic violence**

The integration of restorative justice philosophy and domestic violence/sexual abuse research is not an easy one. Professionals in the social service system continuously


Subscribe to Mozaik by visiting [www.wscf-europe.org/resources/mozaik/subscribe/](http://www.wscf-europe.org/resources/mozaik/subscribe/)
emphasise the complexity and uniqueness of the dynamics of abuse.4 The cycle of violence should be taken into consideration when exploring the possible application of restorative justice practices. There are a few key aspects about domestic abuse that should be especially considered. First, abusive relationships usually occur between people who are in intimate relationships (i.e. marriage, parent/child, etc.), making it difficult to address safety requirements. Therefore, they often need immediate intervention and continuous protection to ensure the safety of the victim. Secondly, such relations involve a power imbalance between the victim and the abuser. Thirdly, domestic violence is an ongoing crime that is deeply ingrained in the relationship and the abuser’s way of thinking, so extensive and complex intervention is required in order for change and healing to occur.

Such characteristics of the domestic violence cycle are often obstacles to the use of restorative justice programmes. For instance, the restorative approach is not applicable when there is an initial imbalance of power or a lack of time, and when the safety of participants cannot be guaranteed. These shortcomings prevent restorative practices from being used solely to deal with family abuse. At the same time, however, restorative justice offers some unique instruments that can be used to overcome the problem of domestic violence in communities. First of all, the restorative justice philosophy is of special importance: the crime is viewed not as some ephemeral violation of the state law but as the harm of the relationship of two people who live in a community. Such understanding shifts the focus of the intervention significantly, giving a more holistic approach to the problem.

It has to be recognised that it is quite difficult to organise restorative justice programmes, mediation for example, in cases of domestic violence for both victim and offender at the same time. However, restorative justice circles still may be of great importance in such cases. For example, a healing circle may be organised for an abused woman to strengthen her, to help her recover, to build a safety net in the community for her, and thus to help her avoid the re-victimisation. Such circles may be organised either for one victim or for a group of abused women.

Likewise, a circle of support and accountability may be organised for the offender; it may help him recognise the problem, find needed services in the community (i.e. anger management, rehabilitation, etc.), and to be held accountable and responsible through means of social control.

Finally, circles may be organised for the community in which incidents of domestic violence occur. The topics for such circles might vary greatly: community values, raising awareness about the problem, services for victims and offenders, ways to help victims, and many others. Such broad community circles might play a tremendous role in domestic violence prevention. Discussing the problem of domestic violence in the community openly breaks the silence and ensures that such cases will not be ignored and that steps will be taken to overcome the violence. Besides, it is possible to talk about long-term effects, such as community-building. In every country where restorative justice is implemented, there are

Subscribe to Mozaik by visiting www.wscf-europe.org/resources/mozaik/subscribe/
clear examples of how these programmes help to bring communities together to solve difficult social problems, like abuse, addiction, etc.

Restorative justice practice in Ukraine was implemented in 2003. The restorative programmes in Ukraine are mainly used for criminal offences committed by juveniles, but they also have been used for family matters, though never in situations of domestic violence. However, there were numerous cases when the restorative approach was used as a community-building technique, either through restorative circles, restorative approach trainings, or restorative programmes in schools.

Restorative programmes in schools have proven to be the most effective. The administration of the schools, where restorative justice practices are carried out as the conflict-resolution method on a regular basis, claim that the students became more disciplined and the number of conflicts involving physical force significantly dropped. This is mainly attributed to the fact that restorative practices teach children and communities to solve conflicts in non-violent ways. There is a higher possibility that as these children grow up and create their own families, they will use the acquired skills of non-violent conflict resolution, which gradually may lead to building safe, healthy families and communities.

To conclude, over recent years domestic violence has been given more attention and this has led to the emergence of new intervention approaches. Even though restorative justice was not originally meant for cases of domestic abuse, certain restorative programmes and principles can be successfully used, for example, healing circles for victims. The experience of many countries demonstrates that restorative programmes can be tools for rediscovering basic human values and strengthening positive relations and community ties; thus they become good methods for violence prevention in society.

Questions and comments are welcome; email nataliepylypiv@yahoo.com.

Nataliya Pylypiv is from Ukraine. She graduated in 2010 with a MA in Social Work (Consulting and Public Administration). Since 2006, Nataliya has worked in the Ukrainian Centre for Common Ground, an NGO which implements restorative practices in Ukraine.

Suggested reading:


Subscribe to Mozaik by visiting www.wscf-europe.org/resources/mozaik/subscribe/


