EUROPEAN **FORUM**
FOR RESTORATIVE JUSTICE

GUIDELINE ON THE PRINCIPLE OF

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IN RESTORATIVE JUSTICE

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EUROPEAN **FORUM** FOR RESTORATIVE JUSTICE

GUIDELINE ON THE PRINCIPLE OF "RESTORATION" IN RESTORATIVE JUSTICE

How the principle of restoration applies in practice

EUROPEAN FORUM FOR RESTORATIVE JUSTICE

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Introduction to Restoration in Restorative Justice

Restoration addresses harm by attending to the emotional, psychological, material and justice needs of all parties involved — victims, offenders, and the community*. In restorative justice, restoration is not just about returning to the status quo but can also be about creating meaningful healing and transformation for everyone involved.

WHAT NEEDS TO BE RESTORED, AND BY WHOM?

Restoration addresses the unique needs arising from the experience of harm, which vary depending on the individual and their role in the incident.

For the Victim

- Need for Information: Victims often seek clarity and details about the crime beyond what the justice system provides (Varona, 2020). Restorative justice can help by providing a platform where the offender offers detailed and truthful information about the incident. This can help victims understand the facts and find meaning in their experience (Bolitho, 2015; Bolivar et al., 2022; Varona, 2020).
- Need for Meaning: Victims want to understand why the harm occurred and the circumstances surrounding it. Restorative justice can create opportunities for the victim to engage with the offender to hear their motivations and reflections. This can shift the victim's perception from seeing the offender solely as a perpetrator to seeing them as a complex individual.
- Need for Acknowledgment and Vindication: Restorative justice promotes a respectful dialogue in which the offender acknowledges their wrongdoing and the victim's experience and expresses remorse. This process demonstrates respect for the victim's dignity by affirming that the harm was unjust and undeserved.
- Need for Agency and Empowerment: Restorative justice can support victims to exercise agency and feel empowered by actively choosing their participation and the extent of it.

**For simplicity, we use the term victim to refer to survivors or those who suffered harm and offenders as those responsible for harm.*

- Need for Relationship or Bond Improvement: In certain cases, involving pre-existing relationships, some victims may wish to mend and strengthen their relationship with the offender or, in other instances, with their family or community. Restorative justice can provide a platform to address concerns about future interactions and coexistence, and to encourage dialogue about how to reintegrate positively into the relationship or community. However, this process must be based on the victim's needs and must prioritise the safety of the victim at every stage.

- Need for Accountability: Victims seek accountability for the specific harm that has been caused, beyond legal measures. Restorative justice provides a framework for offenders to acknowledge their responsibility for the harm caused, thus addressing the personal dimension of accountability.

- Need for Growth and Self-Improvement: Victims seek to overcome negative emotions and thoughts related to the crime, such as resentment, shame, anxiety or fear. Restorative justice can help victims process their emotions and achieve personal closure. The process could involve signposting therapeutic or supportive interventions to help them overcome the negative impacts of the crime (Bolitho, 2015; Varona, 2020).

- Need for Safety and Reassurance that it won't happen again: Restorative justice can provide a space for victims to express these needs and for offenders to commit to actions to ensure safety, such as avoiding contact or taking steps to prevent further harm. Victims often seek reassurance that the harm they have experienced will not be repeated, either against them or others, to help rebuild their trust. This reassurance is crucial to restoring their trust and sense of safety.

- Need for reparation: While restoration is broader than reparation (see discussion below in 1.2.), victims may need material reparation or tangible commitments from the offender.

For the Offender

- Need for Accountability: Restorative justice can help offenders recognise and understand the full impact of their actions. By guiding them through the process of acknowledging the harm they have caused, taking responsibility, and working towards personal change, restorative justice facilitates a deeper sense of accountability and growth.

- Need for Opportunity for Amends: Restorative justice offers offenders the opportunity to identify and take action to address or repair the harm they have caused. This may include apologies, providing restitution or engaging in community service, in alignment with the victim's needs. By personalising

these amends, restorative justice fosters genuine accountability.

- Need for Personal Growth and Rehabilitation: Restorative justice can be transformative for offenders, helping them to develop empathy, understand the consequences of their actions, and commit to personal change and work towards a better life. By addressing the underlying causes of their behaviour and receiving support to change, an offender is less likely to re-offend.

- Need to Rebuild identity and overcome labels: Offenders often struggle with damaged identities, shame and the stigma of being labelled for their actions. Restorative justice offers a way for them to rebuild a more positive sense of self by taking responsibility, making meaningful amends and demonstrating their commitment to change. Through this process, offenders can move beyond the harmful labels associated with their past behaviour and foster a new identity based on accountability, growth and positive contributions to their community.

For the Community

The concept of 'community' in restorative justice is complex and varies depending on the context. In some cases, it refers to a specific geographical area or neighbourhood, while in others it encompasses groups connected to participants through 'communities of care' (Zehr, 2015). This fluid definition reflects the different ways in which individuals and groups form bonds and share responsibilities in a variety of settings. As a result, restoration can take on different meanings depending on the community involved in the process, if at all.

- Restoring Trust: Community involvement in restorative justice strengthens social norms and addresses collective responsibility. Community circles or dialogues can help mend relationships, build understanding and develop strategies to prevent future harm.

- Restoring Community – Reinforcement of social norms: Restorative justice addresses the broader impact of harm, helping heal community wounds and working towards communal restoration. Restorative justice reinforces community values by addressing wrongdoing constructively and contributing to safer societies.

- Restoring relationships – Increased Social Cohesion: Involving the community in restorative justice strengthens relationships and fosters a sense of solidarity and mutual support.

- Restoring Responsibility: The community supports both victims and offenders, ensuring that the burden of restoration is shared and does not fall solely on those directly involved.

HOW DOES RESTORATION DIFFER FROM REPARATION?

Restoration and reparation are often used interchangeably, but they are distinct concepts with overlapping but different aims. Reparation focuses on making amends for harm, which may include restitution, apologies or community service. Reparation is primarily concerned with the material or symbolic aspects of justice, aiming to provide tangible forms of recognition and compensation for wrongdoing.

Restoration, on the other hand, involves a deeper, more holistic process of transformation that addresses both the emotional and relational dimensions of harm. While reparations may satisfy the need for some form of compensation, restoration seeks to rebuild trust, heal relationships, and foster social bonds that have been disrupted by the harm.

Restoration is often described as a process that aims to "return to a situation prior to the crime." However, this idea can be problematic within the restorative justice paradigm. Critics argue that such a focus might overlook the lasting effects of the crime, fail to account for the complexities of victim recovery, or idealise a past state that may never have existed (Pemberton et al., 2018). Furthermore, it may inadvertently prioritise a form of 'erasure' of the effects of the crime, rather than acknowledging and incorporating these changes into a new, potentially more resilient reality.

A more nuanced approach sees restoration as a transformative process rather than a simple return to the past. This perspective recognises that harm fundamentally alters the reality of both those who perpetrate it and those who suffer from it. Therefore, restoration should focus on finding ways to address the harm. The aim is not to return to an earlier state, but to rebuild in a way that acknowledges the experience of harm and uses it as a foundation for growth and strength.

In practice, the process begins by identifying what can be repaired – whether material loss, broken relationships or community harm – and then working towards restoration through ongoing support, emotional healing and community reintegration. This process is akin to Kintsugi, the Japanese art of repairing broken porcelain with gold, where the 'cracks' caused by violence are not hidden but recognised as part of the object's history, adding to its uniqueness and strength. The facilitator's role in this context is to help identify the areas that need attention and to support all parties in determining how they wish to repair and transform their experience.

Practical Pointer

Kintsugi Approach: If appropriate, use the metaphor of kintsugi (mending with gold) to emphasise that restoration acknowledges the "cracks" caused by harm and seeks to mend them, but cannot erase them.

WHAT HAPPENS WHEN REPARATION IS NOT ENOUGH?

When traditional reparation may not be possible — such as the loss of life — restoration takes on a deeper meaning. Here, the key focus is on:

- Emotional and Psychological Healing: Victims may never be fully compensated for their loss or pain, but the process can provide emotional relief through meaningful apologies and opportunities for victims to express their pain. For offenders, understanding the profound impact of their actions and taking responsibility can be a critical step in their personal rehabilitation and transformation.

- Symbolic Acts of Reparation: Encourage offenders to offer acts of symbolic reparation. While symbolic gestures such as apologies can be meaningful, they must be sensitive to the needs and wishes of the victim. Not all victims will welcome an apology, and in some cases it may not contribute to their healing. Symbolic reparations should therefore be tailored to what the victim finds meaningful – this could include actions such as public acknowledgement of the harm, acts of remembrance or contributions to community initiatives. The key is that these gestures are not merely symbolic, but genuinely reflect the offender's accountability and contribute to the victim's emotional recovery.

- Community Support: Communities can help both victims and offenders heal by participating in public dialogues or support groups that address the broader impact of the crime and also strengthen social bonds that help prevent further crime.

In cases of serious harm, such as loss of life, no form of reparation can fully undo the damage. Restorative justice acknowledges this limitation and focuses on what can be done to support healing and transformation.

WHEN DOES RESTORATION TAKE PLACE?
Restoration as an ongoing process

Restoration should be seen as an ongoing process rather than a one-time event. It unfolds over time as needs of all parties evolve, requiring facilitators to remain flexible and responsive to the emerging needs and concerns of all parties. In many cases, both victims and offenders have been seeking ways to restore themselves long before they learn about or engage in restorative justice. These efforts often begin independently and reflect an innate desire for healing, accountability or change.

Restorative justice provides a structured space to clarify what needs to be restored and to identify the actions needed to meet those needs. However, the meeting itself is not the end point of restoration. True restoration comes from the ongoing actions of the parties involved, such as making amends, rebuilding trust and pursuing personal growth. This journey often continues long after the formal restorative process has ended, with individuals and communities taking active steps to address harm and rebuild relationships.

By emphasising that restoration is driven by the actions of those affected, restorative justice recognises their agency and capacity for change, reinforcing the idea that healing and accountability are deeply personal and transformative processes.

Practical Tip

Facilitators should emphasise thorough preparation before the restorative meeting and plan follow-up meetings to support the process as it unfolds. While restorative justice often involves a series of steps over time, it is important to clarify that the process is structured and has a defined conclusion. During preparation, facilitators should explain their role and the timeline of the process, and ensure that all parties understand its limitations. Follow-up meetings can help assess progress and determine whether additional dialogue or support is needed before the process is concluded, maintaining transparency and avoiding misunderstandings about ongoing involvement.

WHO NEEDS TO BE INVOLVED IN RESTORATION?
Going beyond one-on-one processes

While one-to-one processes such as victim-offender dialogues are valuable, they can overlook crucial community elements. In many cases, the harm affects more than the immediate parties – it affects their families, social circles and the wider community, and they can all be involved in the restorative process. In such cases, it may be helpful to implement restorative conferences or circles rather than individual victim-offender dialogues.

Case Example: In one case where a young boy killed another, the offender's sister was ostracised by the community. Despite a successful victim-offender dialogue, the family continued to bear the stigma because the community was not involved in the healing process. Without the broader community present, the offender may not realise the impact on the wider community.

Practical Tip

Involve the community of care in the restorative process. Hold community circles to address the ripple effects of harm, allowing people who were not directly involved to express their concerns, offer support and be part of the healing.

Benefits of community involvement

- **Increasing the scale of impact**
  - Community healing: Involving the community acknowledges their role as secondary victims and creates space for shared healing. This approach promotes solidarity and addresses collective loss and trauma.
  - Broader accountability: Community participation helps perpetrators understand the wider social impact of their actions, fostering a sense of accountability beyond the immediate victim.
- **Deepening understanding of harm**
  - Addressing collective harm: Restorative processes can recognise the harm done to witnesses, neighbours or community members who may experience fear or distress as a result of the offence.

- Rebuilding social trust: By involving the community, restorative justice can rebuild trust and create a safer and more cohesive social environment.

- **Creating opportunities for prevention and support**
  - Crime prevention: Community members can provide insight into the causes of crime and collaborate on strategies to prevent future harm.
  - Support networks: A community-based process provides greater support for victims and offenders, facilitating long-term recovery and reintegration.

- **Supporting rehabilitation and reintegration**
  - Facilitating reintegration: Community involvement helps to build understanding and reduce hostility or suspicion when offenders return to their community.
  - Promoting collective responsibility: Restorative justice emphasises shared responsibility for repairing harm and promoting rehabilitation, which is more effectively achieved through community involvement.

- **Increasing educational and cultural impact**
  - Public awareness: Community processes promote awareness of restorative justice principles and encourage cultural shifts towards constructive conflict resolution.
  - Role modelling: Inclusive processes demonstrate effective ways to address harm and support both victims and offenders, inspiring others to adopt restorative practices.

When planning for community involvement, facilitators should carefully consider any potential risks to the safety and well-being of victims and offenders. Community involvement needs to be carefully designed to ensure that it is safe and beneficial for all involved. In some cases, separate processes with the community may be more appropriate or necessary.

Supporting Restoration in Restorative Justice Practice

FACILITATOR ROLES AT DIFFERENT STAGES OF THE PROCESS

Before the Process – Evaluating Feasibility

Before the restorative process begins, facilitators should avoid making assumptions about how or to what extent restoration will occur. Each case is unique and participants should be given the freedom to define what restoration looks like for them. The facilitator's role is to anticipate potential risks that might hinder the process, but not to impose his or her vision of restoration on the participants.

- Preliminary Meetings: Use early meetings to discuss participants' initial thoughts about what restoration looks like for them and explain the principles and the limits of the process. This will prevent discomfort during the main session and allow expectations to be managed.

- Listening Before Evaluating: Allow participants to fully express their desired outcomes before offering advice or feedback. This will ensure that they feel heard and supported.

- Ask Clarifying Questions: If steps towards recovery seem unclear, facilitate the conversation by asking open-ended questions or offering gentle guidance. Frame suggestions in a way that encourages participants to reflect, explore their options, and take ownership of their choices.

- Laying the foundations for restoration: To facilitate successful restoration in restorative justice, it's important that facilitators lay a clear foundation for what participants can expect. The aim is not just to facilitate a one-off meeting, but to support a meaningful restorative journey that can unfold over time. This begins with ensuring that all parties have a shared understanding of the purpose of the process and how their needs and actions will be involved in achieving restoration.

- Create a safe and respectful environment: Before the restorative meeting begins, facilitators should focus on creating a safe space for all participants where they feel respected, heard and free to express their thoughts openly. This includes clarifying the boundaries, purpose and confidentiality of the process so that participants can trust its integrity.

Main meeting – shaping the restoration plan

During the main meeting, facilitators guide the creation of a restoration or agreement plan, giving participants the opportunity to express their needs and share their visions.

- Facilitate Discussion of Expectations: Allow participants to brainstorm and express their visions for restoration. Encourage creative and feasible suggestions and ensure that any actions taken are clearly detailed in a restorative agreement.

- Drafting the Restoration Plan: The final restoration plan should reflect the participants' vision. Facilitators should ask for feedback and ensure the plan meets their expectations, including timelines and obligations.

Practical Pointer

Facilitator Role: Ensure that the plan is realistic and aligned with participants' abilities and restorative principles, while encouraging accountability and empathy.

Follow-Up: Reflection and Progress

After the initial process, facilitators should schedule follow-up meetings to assess progress and provide additional support as needed.

- Evaluating the level of restoration: Restorative justice is about healing and restoring relationships. However, measuring how restored a person feels is complex, and it is not the role of facilitators to quantify it. Instead, facilitators should focus on creating opportunities for participants to express how they feel and offer ongoing support if needed.

PREPARING FOR OBSTACLES WHILE WORKING TOWARDS REPARATION

Facilitators should anticipate challenges in the process and proactively address them while maintaining fairness, equity, and safety.

Addressing Power Imbalances

One of the major challenges of restorative justice is managing power dynamics. Power imbalances based on factors such as race, age, gender or socio-economic status, or even the nature of the harm, can undermine the restorative process. Facilitators need to recognise and manage these imbalances.

- Creating a Safe, Neutral Space: Establish ground rules that promote equality and respect. Use active listening, reflective questioning, and reframing to ensure all voices are heard.

- Assessment of Power Dynamics: Facilitators should be able to identify and address power imbalances with sensitivity.

- Promoting Empathy and Patience: Encourage participants to express themselves fully, fostering a non-judgmental environment.

Addressing Systemic Inequalities

Restorative justice is about fairness, but systemic inequalities can sometimes undermine this goal. These inequalities may relate to race, gender, disability, linguistic needs or socioeconomic status. To ensure the restoration process is equitable:

- Cultural Competence and Anti-Racist Practices: Providing training in cultural competency and implementing anti-racist frameworks helps ensure that the restorative process is inclusive and just.

- Inclusive Spaces: Facilitators must be mindful of creating environments where everyone feel safe and supported.

- Addressing Financial Barriers: Advise to seek financial support or availability of such support for participants from marginalised communities or in need can help ensure equal participation.

FACILITATOR TIPS FOR RESTORATION

Understanding Needs Throughout the Process

Restorative facilitators play a critical role in exploring the needs and desires of participants. Creating a safe, non-judgmental space where participants can explore what restoration means to them is crucial. This process is ongoing and evolves through the preparatory meetings and the main dialogue itself.

Facilitators should:

- Explore Participants' Needs: Through well-crafted questions, facilitators can help participants articulate what restoration means to them and manage expectations based on what is realistically achievable.

- Tailor Conversations to Individuals: Each participant's motivation and constraints should be explored, recognising that these factors can influence the restoration process.

Balancing Structure with Individualised Timing

Facilitators need to strike a balance between individualising the process for participants and working within the constraints of their organisation. To achieve this, facilitators should:

- Set Clear Boundaries: Be transparent about time limits and other constraints from the outset, while also giving participants space to reflect on their own timelines for restoration.

- Adaptability: Facilitate a process that adapts to participants' evolving needs, ensuring flexibility while adhering to the agreed goals.

Practitioner Style and Impact

Facilitators need to continually reflect on their own approach and its impact on the process, remaining mindful of potential biases and power dynamics.

- Reflect on Approach: Engage in regular reflective practice to ensure your facilitation style supports rather than hinders restoration.

- Be Mindful of Power Dynamics: Acknowledge and address power imbalances that may emerge during the process. Ensure no one dominates the conversation or feels marginalised.

- Fostering a Non-Judgmental Space: Create an atmosphere where participants feel safe to share openly without fear of judgement.

- Empowering Participants: Encourage participants to take ownership of the solutions that meet their needs and address the harm caused.

- Linking Restoration to "Do No Harm" Principles: Ensure that any action taken repairs the harm without causing further harm, emphasising the safety and well-being of all participants.

By using these tools and principles, practitioners can create a space where meaningful restoration is possible, ensuring open communication, fairness and the well-being of all involved.

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