

CHALLENGES &
OPPORTUNITIES
TO USING

Restorative Justice Frameworks

**FOR GENDER-BASED
VIOLENCE**

Michele Braley, MSW, LICSW

she/her/hers

Michele is the Executive Director of Seward Longfellow Restorative Justice and is experienced in the use of restorative conferences and victim-offender dialogue as ways to respond to harm and crime.

Katie Querna, PhD, LICSW, RYT

she/her/hers

Katie is an assistant professor of social work at St. Cloud State University where she studies gender norms.

According to the Center for Disease Control and Prevention, 90% of women and queer and trans people will experience gender-based violence in their lifetimes. This violence is further exacerbated by racism with black and brown women, queer, and trans people experiencing more violence than their white counterparts. This context of racism and sexism is the backdrop of this study and vital to keep in mind when reading and interpreting findings.

In recent years practitioners in gender-based violence (GBV) and restorative justice (RJ) spaces have received increasing inquiries about how to use RJ practices to respond to GBV. Given the important differences between GBV and situations where RJ is more typically assumed to be appropriate (e.g. property crime), it is imperative to assess the feasibility of using RJ in GBV contexts. People working in both GBV and RJ have often hesitated to use RJ for gender-based violence due to the complexities of the power, sexism, and patriarchy which undergirds contemporary society and fuels gender-based violence. However, the fact remains that people are seeking responses to harms outside the legal system and it is incumbent on the fields of RJ and GBV to explore how to respond in the most just, responsible, victim-centered way to best facilitate healing. Expanding opportunities for those harmed by GBV to participate in RJ requires careful consideration of power dynamics and safety. Accordingly, the University of Minnesota partnered with Seward Longfellow Restorative Justice in a research process to explore this complex and urgent topic.

THIS DOCUMENT AIMS TO RESPOND TO OUR RESEARCH QUESTION AND PROJECT AIMS:

- 1. To gather experts' insight around opportunities, challenges, and best practices using RJ in GBV prevention and response efforts in community contexts.**
- 2. To describe factors that could influence the feasibility and effectiveness of RJ approaches in GBV prevention and response.**

GENDER-BASED VIOLENCE

Gender-Based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power, and harmful norms.

UNHCR (UN Human Rights Council)

RESEARCH METHODS

We gathered data using focus groups and individual interviews with practitioners working in gender-based violence, restorative justice, or related fields to elicit reflection and discussion to more directed questions which we hope can provide insight into the feasibility of using RJ in GBV work to promote healing. We then used thematic analysis to interpret data and group responses. Those directed questions, summations of our interpretation, and illustrative quotes will be included below. This is only a very small portion of the total data gathered. For a number of reasons central to the values that we approach this research with, including the centrality of connection and care, we had intended to gather all data in person. However, the COVID-19 pandemic disrupted those plans and all data collection was done over Zoom.

PARTICIPANT SAMPLE

Seventeen of nineteen participants provided demographic information. When asked their race and ethnicity participants self-described as White/Caucasian, Black, Asian, African, Mixed Race/Multiracial, Native, and Latina. The majority of participants identified as cis-gendered female/woman. Participants also identified as queer, male, non-binary, and gender non-conforming. Participants ranged in age from in their 20s to in their 60s, with almost half of respondents in their 30s. Seventeen participants work in the Minneapolis-St. Paul metropolitan area and two participants live in Greater Minnesota. They described their field of work as law, crime victim services, restorative justice, domestic violence and sexual assault advocacy, public health, and violence prevention. Almost three-quarters of participants had been working in their field for 10 years or less, however five participants have been working for more than 11 years with three of those working more than 20 years in the field.

Why consider restorative justice in situations of gender-based violence:

The criminal legal system is currently the only available infrastructure to respond to GBV. It is inadequate because it often perpetrates further harm, and consequently folks seeking help are often reluctant to use it

How people are getting to restorative justice:

As an alternative to using policing or the criminal legal system

Increased inquiries from folks in specific or smaller communities (ex. college students, older adults, LGBTQ folks)

What is currently working at the intersection of RJ and GBV:

Skilled, equity focused, well-trained practitioners

RJ processes rooted in community, with meaningful participation throughout the process by folks from those communities.

Victim-centered orientation of RJ, including sustained support, accountability, and repair for and from community

What is currently not working at the intersection of RJ and GBV:

Lack of a useful, measurable definition of community impact (a primary tenet of RJ)

Restorative justice within the legal system is usually only available post-conviction

Lack of resources generally to do RJ in response to GBV

What practitioners need to make it work better:

More consistent, flexible funding that is not tied to "traditional" (patriarchal, white supremacist) notions of knowledge, evidence, and effectiveness



SUMMARY OF FINDINGS

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continued

How to center the experiences of BIPOC, queer, and trans folks in this work

Learn from and meaningfully value indigenous traditions whose approaches to community, harm, and healing have informed contemporary RJ

Acknowledge and repair the harm that white communities in particular have had within RJ spaces in the state

Build more relationships with black, indigenous, and other folks of color, and meaningfully involve those communities throughout the process, or as said by one participant, “money and relationships”. More and more flexible funding which could enable training folks from BIPOC and queer and trans communities to help develop and facilitate contextually relevant RJ processes and also paying them for their labor (as circle keepers for example)

Participants’ hope for the research

Continued support from one another and other interested practitioners through consultation, learning, re-imagining possibilities for RJ/GBV

Reform GBV-relevant practice and policy to be victim-centered and participants saw this work as a part of that

Narrative summary: Throughout the data, participants were clear that harm occurs because of the white supremacist and patriarchal conceptions of gender which enable harms to women, femme, queer and trans people. Those harms (which most often go unreported) are then further perpetuated within a criminal legal context which reify the same oppressive gendered norms. Additionally, participants noted that those processes are arduous, costly, and only recognize a minority of GBV harms; moreover, they do not prioritize individual or community healing. Given the alarming and increasing rates of GBV (90% of women and queer/trans people report experiencing some form of GBV in their lifetime, reports of women being killed by intimate partners, an extreme form of gender-based violence, increased threefold in some municipalities in 2020), it is imperative that we respond in ways that seek to heal individuals and communities if we are ever to ameliorate GBV. Further, pervasive inequities in the criminal legal system disproportionately impact people of color with harmful ripple effects that perpetuate inequities.

People who have experienced gender-based violence often don’t report it or engage with the criminal legal system. This may be due to lack of trust in the system and concerns that the system itself will cause further harm. Many forms of GBV are not considered crimes in a legal context. Even when the legal system recognizes a crime such as rape it is still underreported. Estimates suggest that only about a quarter of rapes are ever reported. And of the rapes that are reported, only a quarter are investigated and less than 1% of rape victim/survivors report feeling satisfied with the outcome of a criminal legal proceeding. People are asking for alternatives to address and repair the harms of gender-based violence. While no response is perfect, participants felt hope for the values of RJ to meet the needs of people seeking services from them—namely to feel validated, ensure their own safety, hear an apology and demonstration of remorse, and have a plan to hold individuals and communities to account for healing harms, and ideally co-constructing kinder individuals (especially men/masculine people) and kinder communities.

“In the early 2000s when I began my career as a restorative justice practitioner in Minnesota, I rarely came across other practitioners of color. While I felt the support of my White restorative justice counterparts and mentors, I found it difficult to digest that, even though more practitioners of color were being added to our numbers regularly, we still have been isolated, working in predominantly White systems”

Sheryl Wilson,
*Calling Out Whiteness in
Colorizing Restorative Justice*
(2020)

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Thank you to the Clinical and Translational Science Institute at the University of Minnesota for providing funding for this project and to Dr. Barbara McMorris for her guidance and insight, and to Adrienne Baker and Lydia Pfluger for their diligent, thoughtful research support.

A more detailed research report, including participant quotes and a reference list, can be found at www.slrj.org/gender-based-violence

For questions or to request a hard copy of the report, please contact the authors:

Michele Braley, MSW, LICSW

Executive Director
Seward Longfellow Restorative Justice
612-202-0027
Michele@SLRJ.org
www.SLRJ.org

Katie Querna, PhD, LICSW, RYT

Katie Querna, PhD, LICSW, RYT
Assistant Professor, Social Work
St. Cloud State University
320-308-1608
Katie.Querna@stcloudstate.edu
www.stcloudstate.edu/socialwork/faculty-staff.aspx

