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Imagine a Just Community



Positioning Victims in Restorative Justice

Conceptual Foundations and Practice Considerations

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Introduction and Research Questions

This literature review will explore conceptual foundations and practical implications for increasing awareness and access to restorative justice (RJ) for victims of crime. The intention of this review is to support victim-serving organizations across Canada in strengthening victim-initiated referral responses to RJ. Based on this purpose, the following two questions were selected to guide the positioning of this inquiry:

1. How are victims conceptualized and positioned within RJ frameworks?
2. What best practices support victim-initiated referrals to RJ processes?

Section 1: Conceptual Foundations

Guiding Question:
How are victims conceptualized and positioned within RJ frameworks?

Understanding the role of victims in RJ requires a thorough exploration of both the theoretical and practical dimensions of victimization. This section lays the groundwork by examining how victims are conceptualized and positioned within the broader criminal legal system (CLS). It then traces the foundations and evolution of RJ, highlighting how these frameworks have increasingly recognized victims as active participants in the legal process. This section also explores key approaches identified for engagement of victims in RJ processes to lay the foundation for the following practical recommendations.

1.1 – The Concept and Experience of Victimization

Victimization is a foundational concept within victimology and is widely understood as a multidimensional experience extending beyond the immediate commission of a criminal offence. In Canada, the *Criminal Code* defines a victim as, "an individual who has suffered physical or emotional harm, property damage, or economic loss as the result of the commission or alleged commission of an offence" (*Criminal Code*, R.S.C., 1977, c. 16, s. 187). While this legal definition establishes a framework for recognition within the CLS, scholarly literature notes that victimization encompasses a range of physical, psychological, social, and existential harms that may persist long after the initial incident.

Victimology literature commonly distinguishes between primary, secondary, and tertiary forms of victimization. Primary victims are those who directly experience criminal harm (Nascimento et al., 2023). Secondary victims include individuals who witness the victimization of others or are closely connected to primary victims; such exposure can be a significant source of stress and has been associated with trauma-related outcomes, including post-traumatic stress disorder and acute stress disorder (Nascimento et al., 2023). Tertiary victimization refers to indirect exposure to crime at the community or societal level, such as residing in high-crime environments, which may contribute to broader feelings of insecurity and fear of crime within

communities (Nascimento et al., 2023). These categorizations reflect the recognition that the effects of crime extend beyond direct victims to families, social networks, and communities.

The terminology used to describe those affected by crime has also been subject to scholarly discussion. Some authors argue that the label "victim" carries negative connotations associated with passivity, suffering, and sacrifice, leading some individuals to prefer the term "survivor" (Moore, 2022; Paul et al., 2017; Pemberton, 2019). While these critiques are well documented, the literature also conveys that victimization experiences are a necessary precursor to survivorship and that acknowledging victimization is essential for understanding harm, healing, and justice processes (Shapland et al., 2022). Moreover, victimology as a discipline comprises a broad range of experiences, including those of individuals affected by crime even when an offender has not been identified or sentenced.

The impacts of victimization are highly nuanced and complex in nature. Documented consequences include emotional distress, depression, sleep disturbances, and social difficulties such as impaired functioning at work or school and challenges in interpersonal relationships (Bargen et al., 2018; Wemmers et al., 2023). Financial consequences, including lost income and costs associated with recovery, further exacerbate these harms (Canadian Resource Centre for Victims of Crime [CRCVC], 2022). Social difficulties following victimization may intensify its impact, as strained relationships and social isolation can compound feelings of distress and marginalization (CRCVC, 2022).

Research also indicates that the nature of the relationship between the victim and the offender influences the victimization experience. Victimization perpetrated by someone known and trusted is often reported as more distressing and confusing than victimization by a stranger, due in part to experiences of betrayal and disrupted trust (Blondé et al., 2023). At a broader level, victimization has been conceptualized as a challenge to fundamental beliefs about the self.

In addition to this conceptualization, some scholars' view victimization as an "ontological assault," describing it as a fundamental disruption to an individual's way of being in the world (Pemberton & Letschert, 2022). From this perspective, healing is not understood as a return to a pre-harm state but rather as a process of narrative reconstruction or "re-storying," through which the experience of harm and its consequences are intentionally integrated into one's life narrative (Pemberton & Letschert, 2022). This conceptualization stresses the depth and enduring nature of victimization and carries important implications for how victim needs and responses are understood within justice and support systems.

1.2 – Victims' Rights and Needs

The recognition of victims' rights within the Canadian CLS has developed incrementally over several decades. Prior to the enactment of the *Canadian Victims Bill of Rights* (*CVBR*) in 2015, a set of basic principles concerning the treatment of victims was introduced in 1988 and later revised in 2003. These principles addressed issues such as privacy, access to information, safety, representation, and respectful treatment (CRCVC, n.d.). The adoption of the CVBR marked a significant shift by formalizing victims' rights and requiring their consideration within criminal justice processes across Canada.

At the same time, the CVBR explicitly limits the scope of these rights. The legislation includes a limitation clause specifying that victims' rights must be applied reasonably and must not interfere with police or prosecutorial discretion, cause undue delay, compromise investigations or prosecutions, or result in a stay of proceedings. Moreover, the CVBR does not grant victims, or those acting on their behalf, the legal status of a party, intervener, or observer in criminal proceedings (Trauma-Informed Oregon, n.d.). These limitations reflect an ongoing tension between the formal recognition of victims' interests and the traditional structure of the CLS, which remains primarily oriented toward the adjudication of offender guilt and the protection of due process rights.

Scholarly literature increasingly frames victims' rights within a broader human rights-based and victim-centered approach. Recognizing victims' interests in criminal justice processes is understood as essential to an authentic response to victimization (Nascimento et al., 2023). This approach has been described as analogous to the presumption of innocence afforded to accused persons. While suspects are treated as not guilty to protect their rights, victims' interests are advanced by treating them as if the crime did occur (Biffi et al., 2016). This framing communicates respect, recognition, and responsiveness to victims' experiences without predetermining legal outcomes.

Research further suggests that victims' perceptions of justice are shaped by the outcomes achieved and the quality of the processes they experience. This focus on process is commonly captured by the concept of procedural justice, which refers to perceptions of fairness derived from how justice processes are conducted rather than solely from their results (Laxminarayan, 2015). Procedural justice literature highlights four core features which influence individuals' perceptions of fairness: 1) being treated with dignity and respect, 2) having an opportunity to express one's views, 3) experiencing decision-making as neutral and transparent, and 4) perceiving decision-makers as motivated by trustworthy intentions (van Sluytman, 2020). Within RJ contexts, this body of research suggests that equal attention should be given to victims' experiences of the process itself, in addition to any substantive outcomes that may result (Gavrielides, 2015).

Studies examining victims' experiences of RJ protocols further identify common needs and priorities. Drawing on interviews with victims and advocates, van Sluytman (2020) reveals recurring themes, including the need for clear and accessible information, emotional support and acknowledgement, validation and vindication, opportunities to contribute to offender accountability, the restoration of trust and safety, having a heard voice, the availability of choice, reparation or compensation, attention to the victim–offender relationship where relevant, and support for recovery from the impacts of crime. These findings demonstrate the diversity and complexity of victims' needs and caution against overly narrow conceptions of justice outcomes.

Several theoretical frameworks seek to explain why justice processes recognizing victims' voices and experiences may be acutely significant. One such framework conceptualizes victimization as a form of moral injury, whereby the commission of a crime communicates a message of devaluation or contempt toward the victim (Bargen et al., 2018). From this perspective, crime constitutes an expressive injury undermining the victim's moral standing.

Building on this concept, Wenzel et al. (2008) describes the concept of "value restoration" which emphasizes the need for justice processes to rebalance the power dynamics disrupted by crime through affirming the victim's worth and condemning both the harm and its moral implications. These concepts are further discussed in the *Serving Crime Victims Through RJ* report written by Bargen et al. (2018):

> ... These elements – that victims sustain a moral injury through victimization, that the power dynamic in committing the crime elevates the status of the offender at the expense of the victim, that the power dynamic must be re-balanced in a justice process by elevating the victim, and that the community plays an important role in this re-balancing by vindicating the victim and denouncing not only the harm but the moral injury – are what Wenzel, et al. (2008) call value restoration (p. 38-39).

In parallel, some scholars argue that victims' needs in the aftermath of crime should be understood as independent from offender-focused justice processes. The concept of "parallel justice" conveys victims require access to safety planning, therapeutic support, relocation assistance, and other rehabilitative services regardless of whether an offender is identified or held accountable (Mcdonald et al., 2018). In this case, RJ processes linked to the CLS may be inherently limited in their capacity to fully address victims' needs. Because RJ relies on the participation of offenders and stakeholder communities, it cannot, on its own, respond comprehensively to the broader and often long-term needs of victims (Mcdonald et al., 2018).

International frameworks further contribute to this discussion through the articulation of victim-sensitive approaches. The United Nations defines a victim-sensitive approach as one that prioritizes listening to victims, avoids re-traumatization, and systematically focuses on victims' safety, rights, well-being, and needs (Blondé et al., 2023). Such approaches aim to restore a sense of control to victims wherever possible and foreground empathetic, non-judgmental engagement throughout justice and support processes (Blondé et al., 2023). These ideas provide a coalescing lens through which victim-centered, procedural justice–oriented, and rights-based approaches can be understood within both criminal and RJ contexts.

1.3 – Victims within the Criminal Legal System

Scholarly literature situates the role of victims within the CLS as the outcome of a long historical evolution. Wemmers (2009) traces this development from the 11th century, when victims played a central and active role in initiating and pursuing justice, to the emergence of monarchal systems in the 13th century, which marked a shift from victim-led to state-led justice. This transition continued through the 18th century, when criminal justice became firmly established as a matter of societal order rather than a personal dispute between individuals. By the late 20th century, the marginalization of victims within formal justice processes had become increasingly apparent, contributing to the emergence of the Victims' Rights Movement in the 1970s and the subsequent introduction of mechanisms such as the Victim Impact Statement.

Wemmers (2009) identifies several benefits associated with the introduction of the Victim Impact Statement, including enhanced opportunities for victims to communicate the impact of crime and to feel acknowledged within the justice process. At the same time, the literature highlights limitations of the Victim Impact Statement, predominantly because of its placement at the final stages of criminal proceedings (Wemmers, 2009). As a result, victims may remain largely excluded from earlier decision-making processes and experience recognition only after critical determinations regarding prosecution and sentencing have already been made.

Decision-making authority within the CLS largely remains with state actors. Victims retain a degree of influence through their decision to report a crime; however, the authority to prosecute rests with public prosecutors, who act on behalf of the state rather than individual victims (Nascimento et al., 2023). Prosecutorial decision-making is informed by a range of considerations beyond victims' personal wishes, including public safety, the offender's criminal history, and the seriousness of the offence. This structure reflects the continued framing of crime as an offence against the state, rather than as harm primarily experienced by individual victims.

Some scholars argue that this institutional arrangement contributes to the ongoing marginalization of victims within the CLS. Victims are characterized by van Sluytman (2020) as peripheral to a legal system in which their needs are treated as secondary. In this vein, victims are positioned as contributors to legal processes rather than as central stakeholders with independent interests. Historical analyses similarly observe that as the state assumed responsibility for prosecution, the victim's role was transformed from that of an active participant to that of a witness, with criminal acts redefined as violations of state authority rather than personal harms (Bolitho, 2015; Bolívar, 2012). While RJ has been presented as an alternate approach to this state-centered focus, critics suggest that even restorative approaches may instrumentalize victims by accentuating their role in facilitating offender reform rather than fully addressing their own needs and experiences (van Sluytman, 2020).

The literature also highlights differential impacts of crime and the implications of these differences for victims' experiences within the CLS. Victims who experience more severe or enduring harm may be particularly vulnerable to secondary victimization through their interactions with justice processes. This vulnerability challenges the validity of "victim hierarchies" based solely on offence categories, as the psychological and social consequences of crime do not always align neatly with legal classifications (Biffi, 2016). Such findings reveal the limitations of offence-based approaches to assessing victim impact and needs.

Finally, some scholars draw a conceptual distinction between "doing justice" and "countering injustice." Pemberton (2019) argues that traditional legal approaches tend to advance the application of fixed legal definitions and procedural outcomes, whereas countering injustice centers the lived experience of those who have been harmed. This distinction has been compared to the difference between curing a disease and healing the root cause of an illness, suggesting that formal legal resolution may not fully address the broader consequences of victimization. Here the CLS is understood as well suited to determine legal responsibility, but more limited in its capacity to respond comprehensively to victims' experiences of harm.

1.4 – Restorative Justice: Definitions, Models, and Implementation in Canada

RJ is broadly defined as "an inclusive approach of addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired, relationships maintained, and justice achieved" (Blondé et al., 2023, p. 89). This definition accentuates the participatory and relational nature of RJ, distinguishing it from traditional retributive models of justice focusing primarily on administering punishment and enforcing the interests of the state (CRCVC, 2022). RJ moves toward establishing concrete processes for establishing problem-solving, accountability, and the restoration of relationships, with attention to the social and economic contexts of the offence (Baudouin-Naneix and Altan, 2022; European Forum for Victim Services, 2003; Garbett, 2016).

Comparative analyzes of the retributive and restorative paradigms highlight several distinctions. Retributive justice centers on assigning guilt and imposing punishment, often resulting in permanent stigma for the offender, passive roles for both victims and offenders, and narrow legal definitions of the offence (CRCVC, 2022). In contrast, RJ focuses on addressing harm, facilitating offender accountability through understanding the impact of their actions, enabling active participation by victims, and recognizing both parties' roles in meaning making (Williams & Ioane, 2021).

RJ programs in Canada encompass a range of models, each incorporating varying degrees of victim and offender participation. Common program types include Circles of Support and Accountability, Peacemaking Circles, Healing Circles, Sentencing Circles, Community-Assisted Hearings or Releasing Circles, Community Conferencing or Family Group Conferencing, Community Justice Forums, Victim-Offender Mediation Programs (VOMPs), Healing Lodges, and Surrogate Victim/Offender RJ Dialogues (CRCVC, 2022). While most programs require voluntary offender participation and acknowledgment of responsibility, victim involvement varies depending on program design, stage of the criminal justice process, and regional implementation. For example, Circles of Support and Accountability primarily serve high-risk offenders reintegrating into the community, with no mandatory victim participation, whereas Sentencing Circles actively involve victims in dialogue and decision-making regarding sentencing outcomes (CRCVC, 2022).

Victim-Offender Mediation Programs (VOMPs) bring forward active and voluntary engagement by both the victim and the offender. In these types of programs, trained mediators facilitate structured dialogue empowering victims to communicate the impact of the crime, ask questions, and participate in developing reparative solutions, while offenders can acknowledge harm, apologize, and contribute to restitution plans (CRCVC, 2022). Such interactions are designed to promote understanding and closure without imposing predetermined outcomes (CRCVC, 2022).

Research suggests that while victims value the participatory and personalized aspects of RJ, they also wish to retain the formal recognition of crime and the enforcement of accountability through the state (Banwell-Moore, 2024; Wemmers, 2009; Van Camp, 2016). Wemmers (2009) identifies three approaches to embedding RJ within the CLS: 1) abolitionism, replacing traditional criminal justice with RJ, 2) adding or integrating RJ programs alongside the

existing system, and 3) integrating restorative values within the CLS. The third option, often modeled by international institutions such as the International Criminal Court, is often regarded as the most feasible and balances restorative principles with legal frameworks (Wemmers, 2009).

Although RJ has been widely adopted, several structural factors appear to hinder accessibility in relation to its placement within the CLS. Bazemore (2007) identifies eight barriers to RJ implementation which include availability, legislation, exclusion criteria, attitudes, trust, awareness, cooperation, and costs. Concerns regarding co-option and institutionalization of restorative programs have also been raised, suggesting that while integration within the CLS may enhance legitimacy, it may simultaneously constrain the participatory and victim-centered principles foundational to RJ (Mika et al., 2002; Olson & Sarver, 2021; Pemberton, 2019).

In Canada, RJ is widely implemented but unevenly distributed, with the highest concentrations of programs found in Ontario, British Columbia, and Québec (CRCVC, 2022). Programs span both youth and adult populations which reflects ongoing efforts to tailor restorative practices to diverse community needs and offender positionalities (CRCVC, 2022). Overall, RJ embodies a distinct paradigm which promotes participation, relational repair, and accountability in context, while its integration within the CLS continues to navigate tensions between implementation of restorative practices within formal justice systems.

1.5 – Victim Participation in RJ Processes

The impact of RJ on victims has been conceptualized and evaluated in diverse and sometimes competing ways within the literature. Victim experiences of RJ are not uniform and are shaped by how victims are positioned within restorative processes, the motivations underpinning participation, the design of programs, and the broader criminal legal context.

1.5a – Conceptualizations of Victims within RJ

Garbett (2016) identifies three primary ways victims are positioned within RJ: 1) as justice stakeholders, 2) as active agents in achieving justice, and 3) as stakeholders who contribute to negotiating outcomes. These conceptualizations reflect the varying degrees of agency and influence afforded to victims. While framing victims as active agents aligns with restorative ideals of empowerment, Garbett (2016) cautions against grounding victim engagement solely in a human rights framework. Instead, the author argues for an individual needs-based approach, suggesting that rights-based models may insufficiently capture the diverse and evolving needs of victims across different contexts and stages of the restorative process.

Johnstone (2017) highlights a persistent tension in RJ regarding the purpose of victim participation. In one respect, victim involvement is often justified instrumentally, as a means of promoting offender accountability and rehabilitation. In contrast, RJ is presented as an opportunity for victims' own healing and justice needs. Johnstone (2017) argues that this tension is frequently underacknowledged and raises a question as to whether barriers to victim participation are inherent to RJ itself or arise from how RJ is implemented within existing CLS.

1.5b – Victim Needs, Safety, and Changing Priorities

While RJ may address many victim needs, it may also inadvertently conflict with others. Laxminarayan (2015) notes that a victim's need for protection and safety may be compromised by direct contact with offenders, highlighting the importance of voluntariness, preparation, and choice in RJ design. Victim needs are also not static; Paterson (2018) finds that the relative importance of specific needs may change or vary from pre-process to post-process, which highlights the necessity of flexible and responsive restorative practices in real-time.

Shapland et al. (2007) depicts victims' mixed feelings about meeting offenders; their evaluation of Justice Research Consortium cases indicates that although many participants ultimately agreed to participate in conferencing, a substantial minority initially expressed reluctance. Programs offering only direct encounters limited victim choice, whereas those providing both direct and indirect mediation formats appeared to accommodate varying comfort levels. Some victims who initially preferred indirect mediation later reported interest in direct contact, suggesting that gradual engagement and cautious facilitation may support evolving victim readiness (Shapland et al., 2007).

1.5c – Barriers to Victim Participation

Multiple studies identify factors contributing to limited victim participation in RJ. These include perceptions that RJ is "soft on crime," fears of being pressured to forgive, concerns about offender safety and sincerity, lack of information, low public awareness, triaging by justice professionals, and skepticism toward referring agencies (Canadian Intergovernmental Conference Secretariat, 2018; Wemmers et al., 2022). Additional barriers relate to social and cultural norms, fear of re-traumatization, and doubts about whether RJ is worth the emotional investment required (Mcdonald et al., 2018; Van Camp & Wemmers, 2016). The perceived offender-centric orientation of RJ has also been cited as a deterrent where victims feel their participation primarily serves institutional or offender-related goals (Artinopoulou et al., 2018).

1.5d – Factors Supporting Victim Participation and Satisfaction

In contrast, factors encouraging victim participation include strong protections for safety and rights, clear and accessible information (including concrete examples of RJ processes), ongoing assessment of offender suitability, and genuine social support from facilitators or networks (Wemmers et al., 2022; Van Camp & Wemmers, 2016). Altruistic motivations, such as a desire to prevent reoffending or helping others avoid similar harm have also been noted as reasons victims choose to engage in RJ processes (Van Camp, 2016).

Victim satisfaction with RJ appears closely linked to process quality. Dissatisfaction has been associated with inadequate preparation, feeling pressured to participate or forgive, lack of facilitator skill, exclusion from decision-making, and experiences of re-victimization (Choi et al., 2012; Olson & Sarver, 2021). Structural issues, such as having to independently seek out RJ rather than receiving proactive referrals further undermines satisfaction (Bazemore et al., 2007).

1.5e – Impact and Variability of RJ on Victims

A substantial body of research has examined the effects of RJ processes on victims, with findings generally indicating positive outcomes across emotional, procedural, and relational dimensions. Meta-analyses and program evaluations consistently report higher levels of victim satisfaction with RJ compared to conventional criminal justice processes (Angel et al., 2014; Shapland et al., 2007; Sherman et al., 2005). These findings are often attributed to the quality of victims' experiences as they go through the cycle of restorative processes.

One of the most frequently documented impacts of RJ on victims is enhanced procedural justice. Victims participating in RJ commonly report feeling treated with greater dignity and respect, having authentic opportunities to express their experiences, and perceived facilitators as more neutral and trustworthy than traditional legal actors (Gavrielides, 2015; Sherman et al., 2005). These features align with broader procedural justice theory, which asserts perceptions of fairness are shaped primarily by process rather than outcome (Laxminarayan, 2015). Within this contextualization, RJ appears to address dimensions of justice which may be absent or underdeveloped in conventional court-based processes.

Another documented impact concerns victims' sense of voice and validation. Studies indicate that the opportunity to recount the personal and emotional impacts of the offence in settings where the offender listens and responds can contribute to feelings of acknowledgment and vindication (Rugge, 2010; Shapland et al., 2007). This is significant given research showing that victims often feel marginalized or instrumentalized within the CLS, where their primary role is reduced to that of witness (van Sluytman, 2020). RJ processes, by contrast, may offer a structured forum in which victims' narratives become central rather than peripheral.

RJ has also been associated with emotional and psychological benefits, including reduced anger, anxiety, and fear, as well as increased closure and emotional relief (Angel et al., 2014; Gavrielides, 2015). For some victims, direct communication with the offender facilitates understanding, answers unresolved questions, or challenges assumptions about the offender's intentions or likelihood of reoffending (Sherman et al., 2005). These outcomes are relevant in cases where uncertainty or lack of information exacerbates ongoing distress.

Several studies report that RJ participation may enhance victims' sense of safety and control, especially when processes are carefully prepared and supported. Victims frequently cite the ability to influence the pace, format, and content of the process as having a high impact, even when they do not control final outcomes (Bazemore et al., 2007; Gavrielides, 2015). This perceived agency stands in contrast to conventional justice processes, where decision-making authority rests largely with state actors.

Some research highlights altruistic or forward-looking impacts of RJ participation. Victims may derive meaning from contributing to offender accountability, preventing future harm, or making a difference beyond their own case (Shapland et al., 2007; Van Camp, 2016). While these intentions may not be universally present amongst victims, such motivations can shape how victims evaluate their experiences and may partially explain the high satisfaction rates reported in some studies.

In terms of variability, the impact of RJ differs significantly depending on contextual, relational, and procedural factors. One key conditional factor is the nature of the victim–offender relationship. Álvarez et al. (2015) found that victims who had a prior relationship with the offender reported lower levels of satisfaction with RJ. The authors suggest that pre-existing relationships may involve enduring conflicts, power imbalances, or emotional complexity extending beyond the specific offence which results in making resolution more difficult.

The severity of harm and level of trauma experienced by victims also shapes impacts. Victims who experience greater psychological harm from the offence may be more vulnerable to secondary victimization during poorly designed or inadequately facilitated RJ processes (Biffi et al., 2016). While RJ can support healing for some highly impacted victims, the literature cautions against assuming suitability based solely on offence type or legal categories, as only this information cannot reliably predict psychological consequences (Biffi et al., 2016).

Another critical determinant is process design and victim choice. Research consistently shows that victims benefit most from RJ when they are offered choices regarding participation, including whether to engage at all, the timing of engagement, and the format of interaction (Shapland et al., 2007; Wemmers et al., 2022). Programs restricting victims to a single model risk alienating those who are ambivalent, fearful, or not yet ready for direct contact. Evidence from mediation-based programs suggests indirect forms of communication can serve as an important transitional option and may, in some cases, increase later openness to direct encounters (Shapland et al., 2007).

Facilitator competence emerged as central condition for increasing RJ impact as well. Studies link dissatisfaction and harm to inadequate preparation, perceived pressure to forgive, emotional containment, or adherence to rigid timelines (Choi et al., 2012; Olson & Sarver, 2021). Conversely, skilled facilitation demonstrating empathy, transparency, and attentiveness to power dynamics was associated with greater victim satisfaction and perceived safety (Gavrielides, 2015). These findings suggest that RJ's impact on victims is mediated less by the restorative model itself than by the quality of the delivery of the process.

The institutional positioning of RJ within the CLS further conditions impacts. When RJ operates as an adjunct to conventional justice victims may perceive their participation as instrumental rather than intentional (Bazemore et al., 2007). This perception aligns with concerns that RJ, when embedded in punitive systems, may reproduce offender-centric priorities and replicate harms experienced in traditional processes (Mika et al., 2002).

Section 2: Practice Considerations

Guiding Question:
What best practices support victim-initiated referrals to RJ processes?

Building on the conceptual foundations established in the preceding section, this section examines practice considerations and recommendations for supporting victim-initiated referrals to RJ processes. Existing research evidence shared in the first section affirms the potential benefits of RJ for victims and the conditions under which harms may arise; the scholarship also confirms RJ is formed and influenced by systemic and procedural factors.

This section of the literature review synthesizes research and practice-based information related to awareness and engagement, referral pathways, decision-making support, victim-sensitive process design, and organizational and systemic conditions. Rather than treating participation as an individual choice made in isolation, the discussion also includes the relational and structural dimensions which may impact a victim's ability to access RJ through voluntary and informed mechanisms. The aim is to identify considerations enhancing the responsiveness of RJ to diverse victim needs while maintaining the integrity of restorative principles.

2.1 – Awareness and Engagement

2.1a – Public Education and Messaging

Victims consistently reiterate the importance of being informed and having the autonomy to make their own decisions about whether to engage in RJ (Wemmers & Van Camp, 2011; Van Camp, 2016; Van Camp & Wemmers, 2016). A fundamental prerequisite for being informed as a victim, is knowing RJ exists. Yet many people, including victims, have never heard of RJ or hold inaccurate assumptions about what it is and what it aims to accomplish. This is a frequently noted barrier in the literature about victim participation, where they are not made aware that RJ process could be helpful for their circumstances (Bargen et al, 2019; Blondé et al., 2023; Laxminarayan, 2015; Robinson & Banwell-Moore, 2023). For those who are aware of RJ's existence, victims' first impressions are often that RJ is designed to alleviate consequences for offenders and make the CLS run more efficiently. For example, experts interviewed for a listening project conducted by Bargen et al. (2019) state, "victims can naturally make assumptions that because the program may save court time, and because the offender may clearly benefit from the judicial outcome, their own participation is superfluous" (p. 39). Some experts consulted for the project also noted how a general lack of public awareness about RJ "contributes to skepticism and a public credibility problem," which can lead to a feeling of social isolation or being misunderstood for victims who do choose to participate (Bargen et al., 2019, p. 35). All of this highlights the need for broader public education efforts and community-level campaigns increasing awareness of RJ to clarify its purpose. Many researchers, practitioners, and victims alike confirm the need for public initiatives to increase understanding of what RJ is, its relevance to both individual and social issues, and its potential benefits (Baudouin-Naneix & Altan, 2022; Gavrielides, 2015; Robinson & Banwell-Moore, 2023).

Notably, no service can be considered fully accessible if the service users it's intended to support are not made aware of its availability (VSE, 2022). Public education efforts could take many different forms, for example provincial pamphlets (Bargen et al., 2018); online resources, email, and multimedia such as video or audio (Gavrielides, 2015); or storytelling in popular media (Bargen et al. 2018; Bazemore et al., 2007). Victim advocates and RJ researchers suggest sharing these materials through public institutions like schools and universities, as well as professional networks that are likely to encounter victims, such as social work, legal, and healthcare professionals (Laxminarayan & Wolthuis, 2015; VSE, 2022). A listening project participant in Bargen et al. (2019) speaks to this directly:

> It's important for everyone to know that RJ is an option, and to know what the outcome and follow-through is. For example, hearing about a crime issue in the media, but not knowing there was a restorative outcome. This good outcome should be publicized too. So, a focus on public education for the community, and perhaps justice system stakeholders as well (p. 35).

According to the literature, the aims of such initiatives should be threefold: 1) to raise awareness of victimization and its impacts more broadly; 2) to inform the public that RJ is available to victims; and 3) to help dispel common misconceptions about what RJ is and how it works. Manuals by VSE on better supporting and communicating with victims emphasize that improving public awareness in these ways can also strengthen informal support networks for victims, as more people will have the knowledge and tools to help a friend or family member who has experienced harm (Baudouin-Naneix & Altan, 2022; VSE, 2022).

2.1b – Collaboration in Consistent Messaging

To affirm credibility and recognition, RJ messaging should be consistent across organizations and sectors. Thus, there is a need for RJ practitioners and their collaborators to develop shared definitions of restorative principles and practice (Mika et al., 2002; Robinson & Banwell-Moore, 2023). This was a point highlighted by the authors of a report titled, *Taking Victims and Their Advocates Seriously Listening Project* (2002), aimed to address RJ's failings in relation to victim participation, who found that consistent definitions and victim-sensitive language "is often missing in RJ literatures" (Mika et al., 2002, p. 15). Messaging directed at victims should also use clear, engaging visuals to help explain the process and how it fits within the broader CLS (Bargen et al., 2019). Moreover, practicing out flexibility and choice for victims is of paramount importance. As Bargen et al. (2019) express, "demonstration that the program incorporates options and choices... may help signal to victims that RJ is indeed for them" (Bargen et al., 2019, p. 39).

Those crafting public education messaging should carefully incorporate victim-sensitive language and themes. As Bargen et al. (2018) describe in their practitioner guide *Serving Crime Victims,* these might include themes about offender accountability, community concern for victims' well-being, and the kinds of justice and healing needs that RJ is best equipped to

support, such as access to information, opportunities for voice, and the ability to make choices. Messaging should also be mindful of language or imagery that may feel alienating, such as emphasizing "forgiveness" or assuming RJ involves face-to-face meetings (Bargen et al., 2019, van Sluytman, 2020). Even the word "victim" itself should be used with care. As one participant in (Bargen et al., 2019) explained, "the term "victim" is very uncomfortable, because there's a running narrative that says, "don't be a victim"" (p. 36). The authors of Mika et al. (2002) also caution that, "the technique of mediation also presumes a "dispute" and a "relationship" between victim and offender, and for many victims, this trivializes the nature of deep harms and the character of their relationship to offenders" (p. 8).

For these reasons, it is crucial that victim-serving organizations be involved in the development of shared messaging to certify tone, framing, and language are truly sensitive to victims' experiences. This is further denoted by Bargen et al. (2018): "Communication, marketing and outreach is... [an] area where having victims and their service providers in your leadership can be of benefit. They have experience of knowing what communication resonates with victims and their service providers and therefore can provide significant input into how to communicate your programs' work" (Bargen et al., 2018, p. 67-68).

2.1c – Inter-Agency Awareness

Another essential piece of this work is increasing awareness and clarity about RJ among CLS actors, victim-serving organizations, and other adjacent professionals (Biffi et al., 2016, Laxminarayan & Wolthuis, 2015). While some legal professionals may be aware of RJ in a general sense, many hold misconceptions about how it works and what it is meant to accomplish (Banwell-Moore, 2024; Laxminarayan & Wolthuis, 2015). These misunderstandings can create significant barriers to broader RJ adoption. For example, a 2015 paper by Laxminarayan & Wolthius used qualitative data from referral bodies and RJ practitioners to examine how, despite evidence of RJ's benefits, many legal professionals fail to refer cases, demonstrating how the punitive ethos of legal culture create barriers to RJ access. Thus, the authors attest, "providing information on the backgrounds, methods and effects of RJ [to the judiciary] is crucial... When the need to change comes from within, namely that judges and prosecutors are convinced that they should support and encourage RJ, a change in culture will become more rapid" (Laxminarayan & Wolthuis, 2015, p. 43–44).

In other words, ensuring that every victim knows about RJ from the outset of their victimization experience requires that this possibility is given validity and support by those they meet. To support this shift, Laxminarayan & Wolthius (2015) propose strategies such as forming cross-sector working groups between RJ and legal system professionals, holding regular inter-agency meetings, and offering observation or shadowing opportunities to build understanding and trust (Laxminarayan & Wolthuis, 2015).

2.2 – Referral Pathways and Barriers

2.2a – Barriers and Gaps in Access

The *CVBR* (2015, Section 6b) states that victims have the right to request information about services, including RJ. Biffi et al. (2016) express, "the presence of RJ... in national legislation does not automatically imply that services are available and/or competent" (p. 133). Based on this information, it should not be assumed that just because victims legally have a right to information about services, that they are able to effectively access those services. Obligations set forth in the *Victims Bill of Rights* (2015) provides victims information about RJ (van Sluytman, 2020). In addition, it has been proposed that Section 6b) of the *Victim Bill of Rights* be amended to remove the "upon request" language, which reflects victims should have the right to receive information about available RJ programming.

In order to increase victim participation in RJ processes, it must be acknowledged that many victims are not offered the opportunity to participate. In some cases, this is because the harm they experienced is not formally recognized as a crime. As Garbett (2016) emphasizes in her assessment of victim-friendly principles of RJ, being offered the opportunity to participate in RJ depends on being imbued with a "victim identity" (Garbett, 2016). In other situations, the case may be eligible, but no offer is made (Johnstone, 2017). This point was aptly made by Gaudreault (2005):

> There is a tendency to forget that "restorative" action in its various forms rarely springs from the wishes of victims themselves or victim support organizations. Most of the time, the action centres on the offender. It is often set in motion by services that work with offenders – minor and adult alike – in the context of probation, alternatives to incarceration or parole. …Although responding to the needs of victims is not absent from their concerns, it will not be at the forefront (Gaudreault, 2005, p. 5).

Characteristics or factors related to the offender may also inadvertently exclude many victims. For example, as the authors of *Safe Justice for Victims of Crime*, a VSE (2022) report, note, "recidivism is also used as an exemption criterion, since it is argued that repeat offenders cannot truly recognize the harm caused by them. This means that victims of crime committed by a repeat offender may be prevented from accessing RJ, without having a choice in the matter" (Blondé et al., 2023, p. 91). Likewise, the victims of offenders who are considered inappropriate for an RJ program because of a lack of accountability, or who are unwilling to participate, may also be left without access to RJ (Johnstone, 2017). As Garbett (2016) states:

> To become a stakeholder as a victim in RJ, a person has to "enter" the process. That entry may be dependent upon... decisions made by personnel such as the police, prosecutors or judges or RJ mediators... It is also dependent upon the decisions of the offender... The decision of whether a victim can participate, and

> so "benefit" from such practice, thus lies in the hands of the offender and not simply the victim (p. 9).

Geographic inconsistency is another major factor. RJ services are not uniformly available across regions, leaving some communities without access (Gavrielides, 2018). This disproportionately affects racialized and marginalized groups, including Indigenous communities, who may already face inequitable treatment by police or court staff. A victim participant in Bargen et al. (2019) pointed out that prejudicial attitudes may also lead to discretionary decisions not to refer certain cases to RJ at all. Compounding this is the reality, as put forth by the European Forum for Victim Services (2003) in their *Statement on the Position of the Victim within the Process of Mediation,* that many marginalized victims do not report the harm they've experienced, often due to deep mistrust in police. Even when victims do report, their experiences may not be taken seriously. As the authors of Mika et al. (2002) point out, "the needs of those who are harmed by offenders who have not been identified or arrested are going to be ignored" (p. 8).

It is reasonable to engage in some triage of received cases, as RJ professionals have a duty to prevent further harm to those who have already been victimized. This means that certain criteria should be considered including occurrence of domestic or sexual violence, to determine the likelihood of further harm occurring. For example, the *UK Victims Directive* (Article 12c) includes the following as factors that should be considered when referring a victim: "the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim's physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim" (Biffi et al., 2016, p. 140).

Though triaging may be motivated by concerns for victim safety and a desire to avoid re-traumatization, research suggests these restrictions can be counterproductive (Shapland et al., 2022). For example, the Scottish government that investigated how RJ facilitators assess and manage risks in complex cases, the authors concluded, "the risks of not engaging in RJ may outweigh the risks of doing so" (Shapland et al., 2022, p. iv). This is echoed in the voices of victims themselves. For example, studies exploring the thoughts of victims around proactive versus protective approaches found that victims of serious offences generally prefer to be allowed to make their own decision, rather than someone triaging the offer (Álvarez et al., 2015; Van Camp & Wemmers, 2016). Even if they decline, victims generally want to be given the choice rather than not be contacted or consulted at all (Álvarez et al., 2015).

Although triaging may itself be a cause of further harm to some victims. Some scholars have even argued that systematically denying sexual violence survivors' access to RJ can amount to a form of re-victimization (Wemmers et al., 2022). For instance, a study on the use of restorative practices in response to sexual violence in Canada found in cases where victims are already on their own healing journey, and are not seeking to reestablish a relationship with the offender, RJ can be an important component of victim support to assist them with regaining a sense of control and confidence (Wemmers et al., 2022). Viewing RJ in this way, as victim

support as opposed to as an alternative to traditional justice, reframes RJ as "a response to victimization, rather than a reaction to crime" (Wemmers et al., 2022, p. 481).

Many researchers and practitioners attest that RJ opportunities should be available to victims of all types of crimes, including the most serious (CRCVC, 2022; Why Me?, 2019). As argued by Bargen et al (2019), "RJ is another thing we can offer a victim…to give people choices because when people are traumatized, they need to have choices" (Bargen et al., 2019, p. 23-24). While special measures need to be taken, evidence suggests that RJ can be extremely effective for victims of severe violence or in especially complex cases (Gavrielides, 2015; Umbreit et al., 2006).

Umbreit et al. (2006) found that, even in cases as serious as murder, the vast majority of victims reported that the meeting was "very helpful" and that they were "very satisfied" with their involvement in the program (Umbreit et al., 2006). Some research, such as a report by the UK Ministry of Justice examining the experience of victim and offender participants in three different types of RJ programs, suggests that the likelihood of RJ being experienced as effective may be higher with more serious offences (Shapland et al., 2007). RJ may also be beneficial for victims experiencing post-traumatic stress disorder (Angel et al., 2014; Why Me?, 2019). For example, the effects of face-to-face RJ facilitated by police officers, post-traumatic stress symptoms scores were significantly lower in those randomly assigned to the RJ plus traditional justice condition, compared to those assigned to traditional justice only (Angel et al., 2014).

A different kind of issue is presented by the over-inclusion of minor offences. For example, some researchers have argued that low-level offences are less likely to involve a clear sense of accountability or victim need, which can dilute the depth or integrity of the RJ process (Hoyle & Rosenblatt, 2015; Suzuki & Wood, 2017). Victims of minor offences may also be less inclined to participate (Batchelor, 2015). A 2017 study involving surveys, interviews, and a focus group with victims and practitioners in London, UK, found that "the more complex and serious the crime is, the more likely victims would opt for RJ" (Gavrielides, 2018, p. 272). As Mika et al. (2002) also explain there is a troubling irony in the fact that while the CLS often fails victims in the wake of their trauma, it also acts as a triage process that may prevents those who have experienced the deepest harms from accessing RJ (Mika et al., 2002).

2.2b – Referral Timing and Versatility

Even for victims who are offered an RJ opportunity, the timing with which a referral is made can make a big difference in terms of willingness to participate. The literature indicates that the timing of a referral matters, though its influence is nuanced and may depend on other factors (Batchelor, 2015). For example, some research suggests that for more serious offences, a longer passage of time is associated with greater victim engagement, whereas for less serious offences, the opposite tends to be true (Batchelor, 2015; Moore, 2022). One of these studies, which used data from 256 cases to examine how offence seriousness and the timing of an RJ offer influence victims' choices about participation, found that the passage of time had the greatest effect on victims of "medium-seriousness" crimes, compared to both low- and high-seriousness crimes (Batchelor, 2015). In this research, intervening time between offence and

referral influenced the level of involvement victims chose, with involvement diminishing over time for medium-seriousness crimes but not for high-seriousness crimes (Batchelor, 2015).

The stage of criminal proceedings represents another important factor. For example, in the *Making the Balanced Approach Between Victim and Offender a Reality: Integrating a Proactive Approach Towards the Victim* report, Álvarez et al. (2015) argue that the pre-trial stage may not be ideal for either victims or offenders:

> It can be the case that under such stress the offender is not fully prepared to focus on others' harm and needs, but rather only ready to pay attention to his/her own situation. On the other hand... we may find [victims] also in a stressful situation albeit for different reasons. They may be still coping with the aftermath of the crime and in the midst of complying with all the judicial requirements (p. 113).

Other researchers argue that the effect of the stage of criminal proceedings depends on offence seriousness, with more serious crimes being better suited to referrals in later stages (Bolitho, 2015; European Forum for Victim Services, 2003). It was noted in Bolitho's (2015) mixed-methods study of 74 post-sentencing victim-offender conferences for serious crimes in Australia that referrals for serious cases may be best suited to post-sentencing, in contexts where dialogue is not tied to court outcomes (Bolitho, 2015). The European Forum by Victim Services (2003) also speaks to this point in their *Statement on the Position of the Victim*:

> The timing of the offer of mediation and the point at which it occurs in the process of the victim's recovery will make a significant impact on the ability of the victim to respond. Therefore, mediation as a diversion process may be more appropriate in cases of minor assaults or property crime than in cases of serious violent crime. The most serious crimes are usually more suited for mediation after the criminal justice process has been completed including during a prison sentence (p. 4).

Most researchers and practitioners agree that entry points to RJ should be flexible and accessible at all stages of the justice process, not just at specific milestones (Bargen et al., 2018; Gavrielides, 2015; Shapland et al., 2022; VSE, 2022). Gavrielides (2015) mentioned the need for RJ to be offered as an indefinite, rather than one-time or time-limited, process. Providing victims with choice around timing is one way to restore a sense of empowerment and agency, rather than reinforcing feelings of powerlessness. This point is fiercely made by Margot von Sluytman (2020), who in her paper on the "Sawbonna" model of victim-led RJ, observes how, "power is intrinsically related to imposed timelines" (p. 11). Achieving this flexibility would require collaboration with legal system partners to expand entry points, in addition to creating opportunities for referrals from other agencies or self-referrals, as recommended by Bargen et al. (2018; 2019). There is considerable research indicating that most victims do prefer receiving an

RJ offer sooner rather than later, and this appears to hold true across offence types (HM Inspectorate of Probation, 2025; Shapland, Robinson, & Sorsby, 2011; Van Camp, 2014).

2.2c – Offer Approach and Framing

RJ researchers and practitioners express that simply receiving an RJ offer can be of value to victims, regardless of whether they ultimately decide to participate (Bargen et al., 2019; Paul & Schenck-Hamlin, 2017; Why Me?, 2019). For instance, in their study investigating factors that influence victims' willingness to participate in victim-offender conferences, Paul & Schenck-Hamlin (2017) speak to how receiving an offer may help victims consider justice outcomes they were previously unaware of. Moreover, RJ offers may support victims' healing by restoring a sense of choice (Bargen et al., 2019). Studies indicate that many victims feel better for having been given the opportunity, even if they decide not to take part (Bolivar, 2012; Wemmers & Van Camp, 2011).

The literature on victimology consistently states that referrals should be direct and automatic, rather than leaving victims to act on information themselves (Banwell-Moore, 2024; Blondé et al., 2023; Carmo, 2020; VSE, 2022). In this service provider engaged model, the professional who first meets the victim passes their contact information to the RJ agency, whose representative then contacts the victim to explain the offer and answer questions (VSE, 2022). It is noted as a best practice to establish first contact for the referrals and require RJ services to follow up with victims within a set timeframe (Carmo, 2020). The rationale is that many victims, specifically those from marginalized groups, may not reach out for help on their own due to the effects of trauma, self-blame, or lack of understanding about available options (Carmo, 2020).

Referrals may be more effective when they include contextual details about the victim and their circumstances; for example, information about the offence, family situation, socio-economic status, migration status, or previously assessed support needs (Carmo, 2020). However, transparency is essential as victims should always be informed about what information is being shared, with whom, and why (Carmo, 2020). Clear agreements should also exist between organizations around their referral policies and processes (Carmo, 2020).

Those making the initial RJ offer should be well-informed about victims' justice and healing needs and the ways RJ may meet those needs (Mika et al., 2002; Shapland et al., 2007). Shapland et al. (2007) note that many of the victims they interviewed, "thought the RJ event was primarily for the other party, rather than themselves" (Shapland et al., 2007, p. 19). However, even well-intentioned focus on victim needs can be problematic when practitioners assume or generalize these needs. Bargen et al. (2018) recommend those making offers should use concrete examples of benefits from those who have experiences RJ, rather than generalized promises.

Finally, whomever makes the offer of RJ can influence its reception. For example, a policy briefing by the RJ Council, advocating for legislative amendments to the UK *Victims and Prisoners Bill*, warns that if police or other justice system officials make the offer, they may lack sufficient understanding of RJ and risk miscommunication (Simon & Harbour, 2024). In a contrasting perspective, research suggests that information from legal actors may increase the perceived legitimacy of RJ (Biffi et al., 2016). Some victims themselves report preferring the

offer to come from someone they already know and trust which can increase the likelihood of participation because the source is seen as supportive and aligned with the victim's needs (Gavrielides, 2018; Williams & Ioane, 2021).

2.2d – Referral Triage and Collaboration

Referral practices may be shaped by the goals of the CLS rather than by restorative or victim-focused values (Suzuki & Wood, 2017). Because RJ programs operate within this system, they may be pressured to focus on outcomes that matter to the judiciary, even when those outcomes do not align with the needs of the victim. As a result, justice system professionals' priorities can sometimes override the needs and preferences of victims (Suzuki & Wood, 2017). For example, in a study of RJ conveners (Suzuki & Wood, 2017), some magistrates were reluctant to refer serious crimes. At the same time, organizations were under pressure to meet referral quotas to justify program costs, which occasionally led to referrals of unsuitable cases (Suzuki & Wood, 2017). In the same study, police reluctance to cooperate was also noted as a likely factor contributing to low victim participation rates (Suzuki & Wood, 2017). Actors like police, judges, and youth workers often hold the power to decide which cases are referred, which can limit access for victims or distort the purpose of RJ.

As a result, some propose that referral authority should be shifted away from traditional justice actors and instead placed with trained RJ professionals, who can assess case suitability using restorative criteria (Suzuki & Wood, 2017). It is recommended that the referral of RJ cases not only be completed by judicial authorities, but also by the parties themselves (ex. self-referrals) and by victim service providers who regularly support victims (Blondé et al., 2023). They also advocated for legislation requiring that RJ consistently be offered, and that RJ practitioners play a central role in determining which cases move forward (Suzuki & Wood, 2017):

> The greater the cooperation between, and the more specialized training of, all those interacting with victims (ex. police, courts of law, medical facilities, NGOs etc.), the greater the likelihood that victims will be aware of existing support services, and be more confident in accessing them to have their needs met (Carmo, 2020, p. 39).

2.3 – Information and Decision-Making Support

2.3a – Format and Accessibility of Information

One of the most consistently advocated changes to better support victims is improving how information is provided (Bargen et al., 2018; 2019; Baxter, 2024; Biffi et al., 2016; Carmo, 2020; CRCVC, 2022; Laxminarayan, 2015). Effective information provision not only creates a sense of safety by offering clarity and predictability but also serves as an expression of respect when information is shared patiently, transparently, and through personalized mechanisms.

Receiving full and accurate information is also an aspect of procedural justice, which refers to justice experienced as fairness of process (Laxminarayan, 2015).

Although access to information is widely recognized as a fundamental right of victims (Baudouin-Naneix & Altan, 2022, *Canadian Victims Bill of Rights*, 2015), a lack of accessible and clear information remains one of the most pervasive barriers to victim participation (Bargen et al., 2018; 2019; Paul & Schenck-Hamlin, 2017). For example, the authors of Bargen et al. (2019) describe a strong theme in interviews with victims who wanted more information up front or repeated to them to support decision-making as, "there was generally a perceived lack of available information about the criminal justice system and RJ options" (p. 15).

Victims may decline participation simply because they have not been given enough information about what to expect, how the process might meet their needs, or because the information they received was difficult to access or understand. Conversely, victims have reported that receiving clear information can be a significant motivator in deciding to participate (Biffi et al., 2016; Bolivar, 2012; De Mesmaecker, 2011; Umbreit et al., 2008). As noted in Bargen et al. (2019):

> It may be concluded based on the listening sessions that there is no such thing as too much information for victims navigating the criminal justice system, and similarly for navigating RJ. As one RJ practitioner reflected, 'We have 30-40 years of research on what victims of crime need – information! Yet so few of the people in [this listening session] had the information they needed (p. 16).

Improving information provision is a relatively achievable change as it does not require overhauling entire systems. Progress can be made by revisiting and refining how information is communicated with victims. As Baudouin-Naneix & Altan (2022) state, "looking at how to maximize the access to information to victims, two objectives arise: 1) ensuring victims effectively understand information provided and are able to act on it... and 2) achieving more consistency and coordination in the way it is provided, to avoid gaps and confusion" (p 74). Some suggested strategies include:

1. *Using multiple formats* for information, including oral, written, and visual (Bargen et al.; 2019; Baxter, 2024; Biffi et al., 2016; CRCVC, 2022; Shapland et al., 2007). For example, a suggestion from victim interviewees in Bargen et al. (2019) was, "to create clear visual aids, such as diagrams, for participants to understand RJ processes and their place within the judicial process" (p. 36). Moreover, while some information may be organization-specific, cross-sector collaboration can reduce the number of places victims must look for information. One good practice identified in Biffi et al. (2016) is to create a "one-stop-shop" website for victims, with diverse resources in multiple formats.
2. *Providing more information up front* about how the process could unfold and what different outcomes might look like (Bargen et al., 2019; HM Inspectorate of Probation, 2025; Mika et al., 2002). According to HM Inspectorate of Probation (2025), this should include, "a detailed explanation of the offer of support, the role of the [organization/staff]

in safety planning and keeping the victim safe, referral to other services, restorative activities, and reparation opportunities" (p. 60).

3. *Clearly explaining participation options* and supporting victims in understanding and navigating these options (Bargen et al., 2019; CRCVC, 2022; Robinson, 2022). Victims should have detailed information about all stages of the process and available choices to inform their decision (CRCVC, 2022).
4. *Repeating key information when helpful* and recognizing that trauma can affect a victim's ability to absorb details (Bargen et al., 2019; Carmo, 2020). As Carmo (2020) notes, "individuals experiencing trauma immediately after a crime are not likely to digest information, so information must be continuously repeated" (p. 20).
5. *Using plain language* that avoids jargon while still offering enough detail to be clear and respectful (Baxter, 2024; Biffi et al., 2016; Dereškevičiūtė et al., 2018; Gavrielides, 2018). Some authors even extend this to avoidance of the phrase "RJ" itself (Baxter, 2024), as many will not be familiar with the term or fully understand its meaning. As the authors of Dereškevičiūtė et al. (2018) write:

   > The right to understand and to be understood is one of the key needs of victims... Information provided in a simple and easy to understand manner helps victims to regain self-confidence and trust in the people around them... It is also essential to provide information in an uncomplicated and understandable manner. Most victims are unfamiliar with the terminology used in criminal proceedings and may find these unfamiliar terms unintelligible and unclear (p. 24).

6. *Ensuring victims have access to interpretation or translation* when they are being provided with information (Blondé et al., 2023; HM Inspectorate of Probation, 2025). This should include both literal and cultural translation (Blondé et al., 2023). Proactively translating written materials into multiple languages can also better support trauma-informed knowledge sharing practices (Blondé et al., 2023).

2.3b –Framing, Tone and Delivery

In addition to what is communicated, the way information is framed and delivered can have a significant influence on whether victims feel safe and empowered to participate. Key suggestions emerging from the literature related to information communication included:

1. *Creating opportunities for face-to-face, personalized engagement*. Victims often value the chance to speak directly with program staff, and for some, it may be helpful for this to take place in a familiar setting. For example, optional home visits during the intake stage may be beneficial. As noted in CRCVC (2022), "victims were appreciative that staff were prepared to visit them at home and take the time to talk through their concerns and answer their questions" (p. 11).
2. *Supporting true informed consent.* This includes both providing clear information and allowing sufficient time to reflect on the decision and consider the potential risks and benefits (HM Inspectorate of Probation, 2025; Gavrielides, 2018; Van Camp, 2016). The

authors of Dereškevičiūtė et al. (2018) recommend a minimum of three weeks for decision-making. On the other hand, Suzuki & Wood (2017) alongside Van Camp (2016) highlight how court-imposed timelines can create pressure and reduce opportunities for meaningful participation.

3. *Emphasizing ongoing voluntariness.* Victims should be assured that they are entirely free to decline participation at any point throughout the process. Conversely, they should have the option to reconsider and opt-in after initially saying no (Umbreit et al., 2006; Van Camp & Wemmers, 2016).
4. *Avoiding persuasion or pressure to participate.* Initial contact should be informational rather than promotional. As victims in Gavrielides (2018) assert, outreach should not feel like a "sales pitch" (p. 27). When information is delivered in a way that feels like pressure, victims may be dissuaded from taking part (Gavrielides, 2018). In the words of Bargen et al. (2018), "the goal of initial engagement with victims is to provide information and validation and exploration of options; a responsive approach would discourage trying to convince victims of the merits of a restorative approach" (p. 74).
5. *Being transparent about both possibilities and limitations***.** Victims appreciate honest communication about what the process can and cannot offer. In Van Camp (2016), victims interviewed, "specifically appreciated having received clear and honest information. Support and honest information not only allowed informed choice about participation but also helped create realistic expectations" (p. 690–691). This includes acknowledging when certain requests cannot be met and explaining both why and what is possible instead. As noted in HM Inspectorate of Probation (2025), when victims' wishes cannot be fulfilled, "they should still feel listened to, their needs should be heard, and the reasons why it is not possible to meet their needs should be explained, alongside an explanation of what is possible" (p. 60).
6. *Using storytelling, testimonials, or real-life examples to communicate benefits.* Sharing the experiences of past participants can help build trust and make the RJ process more relatable (Gavrielides, 2018). Bargen et al. (2018) suggest that stories are often more effective than abstract or vague concepts, which may not resonate with victims and can feel presumptive. Additionally, Baxter (2024) recommends using a specific storytelling model, based on the "vision–problem–solution" framework. In this framework, the vision is a universal aspiration (ex. we want victims and survivors to feel as though they have a voice in the process), the problem identifies a barrier to that vision (ex. unfortunately, victims often feel overlooked in traditional criminal justice processes), and the solution presents how the program aims to address that gap (ex. our program exists to give victims a chance to speak their needs and desires and to be listened to).

2.3c – Supporting Informed, Values-Based Decision-Making

All too often, victims have been explicitly or implicitly expected to align themselves with offender-oriented goals to benefit from RJ. This is why it is essential that initial conversations about RJ take an open, curious stance which supports victims in exploring their own values and

goals, and equips them with clear, comprehensive information to make informed decisions about how the process may serve those aims (Bargen et al., 2018; 2019; Baxter, 2024; Van Camp, 2016). The following are recommendations from the literature for supporting victims through a values-based and informed decision-making process:

1. *Inquire into each victim's unique needs and use these as the starting point for discussion* (Van Camp, 2016). While familiarity with common needs that support healing and justice is important, facilitators should remain open to the fact that individual needs may evolve over the course of the RJ process (Bargen et al., 2018). Initial victim contact should also include exploration of the victim's physical and emotional safety needs (HM Inspectorate of Probation, 2025).
2. *Help victims distinguish between their own personal needs and any altruistic motivations they may hold.* Some victims may initially express a desire to participate to help the offender. As one expert in Bargen et al. (2019) expresses, "this is a risk in my mind, because none of us have control over the offender" (p. 34). When this occurs, facilitators should help victims explore how the process might also serve their own needs, since there are no guarantees when it comes to how an offender may respond or change their behaviour (Bargen et al., 2018; 2019).
3. *Encourage victims to reflect on the external supports they may need and offer options for accompaniment.* Wherever information is being provided to victims, it should be provided alongside an offer of support, or at least referrals to available supports (Baudouin-Naneix & Altan, 2022; Gavrielides, 2018). Victims should be reminded that they are welcome to involve trusted personal or professional supporters. In Bargen et al. (2018), specific examples of helpful questions facilitators might ask include, "who do you go to when you need to talk about difficult subjects?", "who are the people that bring out the best in you?" and "who are your greatest sources of support?" (p. 93). However, facilitators should keep in mind that social networks are extremely impactful in the aftermath of crime in ways that can be either stabilizing or harmful (VSE, 2022). Given this situation, it is also essential to ensure victims are aware of the support they will receive from facilitators and of opportunities for referrals to wraparound services (Bargen et al., 2018).

2.4 – Victim-Centered RJ Processes

2.4a – Choice, Control, and Participation

A key component of trauma-informed practice with victims is adopting a stance of empowerment, which is an approach affirming their voice matters and that they remain in control of whatever service they are engaging in (Substance Abuse and Mental Health Services Administration, 2014). This stance is critical in preventing secondary victimization, which, as discussed earlier, refers to the additional harm that can occur in the process of seeking help and is a major challenge victims face after the initial victimization and/or while navigating processes.

RJ workers can embody empowerment in several ways. One way is through offering multiple modes of participation, rather than expecting victims to conform to a pre-determined process. This is one way RJ programs can differentiate themselves from mainstream justice processes. As Gavrielides (2018) cautions, "any RJ service falling into the trap of replicating the impersonal treatment of users by justice officials, would end up becoming yet another machine with which victims... will unlikely engage" (Gavrielides, 2018, p. 272).

Instead, processes should be flexible and tailored to the individual, enabling victims to determine for themselves what type of process will be most helpful. As Shapland et al. (2022) note, "following the choices and wishes of the parties is possible as long as it is safe and possible to accommodate and sometimes it is important to explain to them why it might not be adequate. Openness and honesty about the process are crucial in this context" (p. 33). Addressing barriers to participation, including adapting processes to each victim's personal circumstances can also beneficial (HM Inspectorate of Probation, 2025).

An approach not requiring offender participation is to facilitate victim-victim contact. For example, through a victim support group (Bargen et al., 2019). Victims consulted in *Crime Victims' Experiences of RJ* (2019) described this as highly valuable, sharing that "participation in the Listening Project session [where they had the opportunity to connect with other victims] had a bigger impact on their well-being than the RJ process itself" and that "this kind of connection had been a missing piece in their journey to wholeness since the crime" (p. 43).

There are many other ways, in addition to participation options, that RJ programs can offer flexibility and choice to victims. These include choice around the format of communication (ex. direct, indirect, mixed); whether to bring support person(s) and who they will be; meeting location and number of meetings; how dialogue is structured (ex. who speaks first); and the types of agreements or resolutions that might be pursued (Bargen et al., 2019). The authors of Bargen et al. (2018) offer examples of reflective questions facilitators can use to assess the extent of victim involvement such as, "In what order are participants invited to speak? Who is invited to participate in the dialogue? What questions are explored?" (p. 75).

Moreover, programs might consider implementing a policy whereby all meetings begin with the victim by default, as a way to restore power to victims. Fully embracing victims' agency may even involve situations where exclusion criteria suggest ending a process, yet the victim wishes to proceed. Facilitators should remain mindful of the potential disempowerment caused by triaging, even when motivated by concern for the victim, and should be transparent about any such concerns. As described by Bargen et al. (2018):

> While we as facilitators need to feel confident before moving forward with a dialogue, we also need to self-reflect about any instinct we have to protect victims by limiting their choices. If the victim has accurate information about what to expect in the dialogue, and is prepared for this reality, the process can be fruitful even if the conditions do not objectively appear to be ideal. Before making any decisions about terminating a process in the interests of the victim,

> an important first step is to have a transparent conversation with the victim about the concerns (p. 101).

Similarly, Bolitho (2015) reminds us that the fundamental goal in any victim-led RJ process is to meet the needs of that specific individual, which may not align neatly with pre-determined exclusion criteria:

> ... Where the motivations of key participants are well understood, safe encounters can be designed to specifically address these needs... explicitly prioritizing victim needs can inform the application of core assumptions in RJ practice, for example that an offender must present with a certain level of responsibility taking. Where a victim has a very specific unmet justice need... and where the RJ practice is explicitly victim-oriented and designed to meet unmet justice needs, it is possible to bring the parties together... to address those needs even when the offender does not meet the RJ ideal (p. 276).

Embedding choice and empowerment across these areas aligns with the principles of procedural justice discussed earlier. These are practices influencing victims' sense of justice based on how they are treated, regardless of whether they perceive justice in the outcome. Garbett (2016) stresses that as much attention should be given to victims' experience of the process as to the outcome. For example, in discussing the CLS more broadly, Heather Strang and Lawrence Sherman (2003), as cited in Garbett (2016), observe that while it is often assumed victims' satisfaction depends solely on sentencing outcomes, "evidence shows that the main factor influencing satisfaction with the sentence is the perception of fairness with the sentencing process" (p. 24). Garbett (2016) recommends "to consider whether RJ is victim-friendly, it is therefore necessary to engage with the structures and enactment of its substantive practices and not just satisfaction of its outcome" (p. 11–12).

2.4b – Preparation, Follow-up, and Emotional Safety

Thorough preparation is one of the most consistently highlighted requirements for a victim-sensitive RJ process (Bargen et al., 2018; Choi & Severson, 2009; Gavrielides, 2018; Pemberton, 2019; Shapland et al., 2007; 2022; Umbreit et al., 2006). In their report to the Scottish Government, Shapland et al. (2022) identify preparation, specifically in the form of pre-meetings held individually with each participant before any contact between victim and offender as the single most important safety measure for mitigating risk. Victims interviewed in Gavrielides (2018) echoed this view, stating that "being well prepared and knowing what will happen throughout the process is important for confidence and reducing anxiety about participating" (p. 271). Likewise, survey data from the same study identified "a high degree of preparation before any meeting takes place so that each party knows what to expect" as a key indicator of success for a victim-led RJ process (Gavrielides, 2018, p. 268).

Setting expectations is central to effective preparation. Victims should be briefed on dialogue topics, the structure of meetings, and the communication styles that may emerge (Umbreit et al., 2006). In some cases, this includes preparing them for possible communication challenges on the part of the offender. Shapland et al. (2007; 2022) discusses creative alternatives where needed, such as using art in place of verbal exchange. In line with this, comprehensive preparation may require facilitating conversations in advance to prevent potentially distressing surprises. As the authors of Bargen et al. (2018) note:

> …Participant[s] should not be hearing new information for the first time during a dialogue if that information is likely to cause alarm, confusion, or heightened tension. When the offender's account of the crime or his/her responsibility for it differs significantly from what the victim expects; the victim's hopes for reparation or restitution are out of step with what you know the offender will be willing or able to offer; and/or, the offender has cognitive or other impairments that would affect how s/he will communicate with the victim (p. 95).

Additional preparation may be needed when participants are strangers, to alleviate the anxiety of unknown factors. Where possible, programs should provide basic information beforehand (Bargen et al., 2019). Preparation should also address timeline expectations, allowing victims as much control as possible. This includes early and open discussion of their needs and preferences, alongside a clear explanation of what is realistically achievable (Bargen et al., 2019). Victims should likewise be prepared for the possibility that the process may never reach dialogue if for example the offender is unwilling to participate. As CRCVC (2022) notes:

> Victims should also be prepared for frustration and disappointment should the offender in their case be uninterested or unwilling to participate in a restorative program... [which] may be devastating to a victim who thought they might finally be able to receive answers to their lingering questions about the crime (p. 15).

Notably, preparation is not only for victims, offenders must also be thoroughly prepared. This includes coaching them to hold realistic expectations about victims' responses (Choi & Severson, 2009; Dhami, 2016). A qualitative study of a U.S. youth Victim–Offender Mediation program conducted by Choi & Severson (2009) found that offenders perceived sincerity may have been undermined by anxiety linked to their court case and anticipated victim reactions. The authors warn that insincere apologies can contribute to re-victimization, and recommend preparing victims as well, so they understand how an offender's mental state may affect apology delivery (Choi & Severson, 2009). Similarly, a 2016 experimental study led by Dhami (2016) examined the impact of different victim responses to apologies and found that victims who rejected or ignored an apology were sometimes viewed negatively or became targets of offender anger which reduced the potential for the mediation to facilitate healing. The authors therefore

recommend preparing offenders for the possibility that an apology may not be accepted immediately and helped them avoid negative assumptions about the victim in such cases.

Alongside thorough preparation, proper follow-up procedure is consistently identified as one of the most crucial elements of victim-sensitive practice, and one of the most common sources of victim dissatisfaction when poorly implemented (Bargen et al., 2018; 2019; Canadian Intergovernmental Conference Secretariat, 2018; Dereškevičiūtė et al., 2018; European Forum for Victim Services, 2003; Gavrielides, 2018; HM Inspectorate of Probation, 2025; Robinson & Banwell-Moore, 2023; Robinson, 2022; Shapland et al., 2007; 2022). A report by the UK-based, victim-led RJ organization *Why Me?* (2019) on barriers to victim access highlights that keeping victims informed may be just as important to their well-being as the process itself. Victim interviewees in the study reported that the benefits they experienced were "both as a result of the direct impact it had but also the extent to which they were kept informed throughout the process," and that "even when they did not get the outcome they desired, victims still reported high satisfaction levels and credited the consistent updates as being a significant factor" (Robinson & Banwell-Moore, 2023, p. 50). Similarly, participants consulted for *Crime Victims' Experiences of RJ* (2018) expressed "finding great value" in being followed up with by RJ providers and in having "ongoing information about the status of the offender" (Bargen et al., 2019, p. 16).

Within this context, follow-up includes both ongoing updates during the process and information provided after its completion such as the status of agreements and the post-process circumstances of offenders. Monitoring is identified in Bargen et al. (2018) as a core element of effective agreements, referring to how updates on progress will be conveyed to victims. *Mitigation and Risk* (2022) also reinforce this practice, emphasizing that "having a plan on how to close cases and making sure participants are aware of it are just as key to successful delivery as the initial preparatory stages are" (Shapland et al., 2022, p. 69). Beyond monitoring, effective follow-up also requires clear consequences for lack of follow-through (Bargen et al., 2019; European Forum for Victim Services, 2003; Dereškevičiūtė et al., 2018). As described in Bargen et al. (2019), victims stressed that:

> … While no one... should be forced to undertake facilitated dialogue, there must be recourse and assurance that the offender will be held accountable in some manner by the justice system... Having demonstrable avenues of recourse when offenders do not complete agreements may assist in alleviating this potential perception of RJ and evoke confidence in victims (p. 39).

As noted in Bargen et al. (2018), follow-up plans should be collaborative and individualized, developed with victims to determine: 1) the type of follow-up they would find most helpful, 2) the format (ex. phone call, email, face-to-face), 3) the timeline, 4) who should initiate the contact, and 5) what would signify the conclusion of follow-up. Without this clarity, victims may end up feeling re-victimized rather than empowered by their RJ participation. In victim-sensitive practice, thorough preparation and consistent follow-up are not isolated steps, they form part of a

broader framework aimed at establishing emotional safety, consistent with a trauma-informed approach (Trauma-Informed Oregon, n.d.). Complementary measures to strengthen this sense of safety could include building the victim's support network and ensuring victim-facing staff consistently embody validation and trustworthiness.

Recognizing and responding sensitively to the likelihood of trauma is fundamental to effective victim-sensitive practice, and to RJ more broadly (Gavrielides, 2018; Moore, 2022; Shapland et al., 2022; VSE, 2022). At the same time, practitioners should avoid making blanket assumptions and remain attuned to the nuances of each person's individual story, including experiences prior to the crime. Some organizations have put forth checklists that RJ programs can use to assess their emotional safety practices. For example, the CRCVC includes prompts such as, "are victims asked if they feel safe, and what would make them feel safer? and does your program offer the victim the opportunity to have an advocate, probation officer, or other support person present" (CRCVC, 2022, pp. 10–12).

Victims should be made aware of their right to be accompanied by personal or professional supporters (Bargen et al., 2018; Blondé et al., 2023; CRCVC, 2022; Dereškevičiūtė et al., 2018; Mika et al., 2002; Shapland et al., 2022; VSE, 2022), including opportunities for ongoing legal support (Dereškevičiūtė et al., 2018) and communication assistance, such as interpreters (Shapland et al., 2022). When no personal connection is available or appropriate, facilitators should help connect victims to an external support person (Bargen et al., 2018). Programs may consider offering specialized victim support persons or victim mentors to walk alongside victims throughout the process. One expert in Bargen et al. (2019) described this role as "a powerful contributor to the quality of the experience, and sometimes even transformative in assisting the participant to develop an understanding of their individual needs in the aftermath of the crime" (p. 18).

This type of specialized support can also be implemented for offenders. From a victim-sensitive perspective, the value of this support lies in helping the offender take accountability without placing the burden on the victim to advocate for it. Participants in Bargen et al. (2019) suggested that "RJ programs consider how to maximize this potential, in particular with victims who would like to participate but are reluctant to speak up for themselves" (p. 38).

Minimizing the need for victims to repeat their story is another way to promote emotional safety and reduce the risk of secondary victimization (Blondé et al., 2023, Gavrielides, 2018). In traditional justice processes, it has been suggested that victims be given the option to record their account to reduce the number of times they have to retell it (Blondé et al., 2023). While this may not always be appropriate in an RJ context, it is considered good practice to provide victims with one main point of contact in the program, so they do not have to repeatedly recount their story (Gavrielides, 2018). The physical environment of RJ meetings should be arranged with trauma-informed considerations in mind. For example, allowing the victim to sit closest to the door with the exit in view may help reduce anxiety (European Forum for Victim Services, 2003).

2.4c – Facilitator Qualities and Power Awareness

Across the literature, qualities often highlighted in effective facilitators included acceptance, openness, groundedness, and authenticity. For example, Jung Jin Choi (2009), in his review of the literature, identified a "nondirective and unobtrusive style… being empathetic, respectful, patient, calm [and] treating participants fairly…[and] fostering empathy, a sense of shared humanity" as among the most important facilitator qualities (cited in Bargen et al., 2018, p. 40). In addition, in Bolitho (2015), a study of 74 post-sentencing victim-offender conferences for serious crimes in New South Wales, Australia, which reported a 95% success rate in terms of meeting victims' self-expressed needs for healing and justice; the authors noted that certain facilitator qualities appeared to contribute to this high level of satisfaction. These aligned with Carl Rogers' (1959) three core conditions for therapeutic growth which include: 1) empathy (an embodied effort to truly understand another's world, grounded in the facilitator's own sense of security), 2) congruence (a genuine, human demeanour rather than a "role"), and 3) positive regard (acceptance of the person, separate from their actions) (Bolitho, 2015).

At the same time, Bargen et al. (2018) explain facilitators also require a degree of assertiveness to uphold a victim-sensitive approach and assure victims that their needs will be protected: "Victims need to know they are entering into a process where they will be safe from any further harm. It is important that they sense in you as a practitioner a quality of assertion, the ability to set clear limits toward others in order to provide emotional protection or "amplify" the victim's voice if needed" (p. 83).

Building on these underlying qualities, experts also point to certain stances or approaches supporting victim sensitivity. One is adopting a responsive rather than prescriptive mindset (Bargen et al., 2018). A responsive mindset, the authors of Bargen et al. (2018) explain, "means being able to prioritize the language and goals of victims themselves ahead of what we or others might believe is good for them" (p. 74). In contrast, a prescriptive mindset would set the goals or process in advance such as deciding the topics of conversation or meeting location before first exploring the victim's preferences.

Closely related is the distinction between "person-centered" and "process-centered" facilitation (Bargen et al., 2018). A process-centered approach assumes a standard sequence (ex. suitability assessment, preparation, or dialogue), whereas a person-centered approach begins with an open exploration of the victim's situation, needs, and potential next steps, without a predetermined trajectory:

> The goal of a process-centered meeting is to assess the victim's willingness to participate in a dialogue and help them feel ready for the experience. The goal of a person-centered meeting is to understand the harms and needs of the victim and provide support and options to them as they consider their next steps (Bargen et al., 2018, p. 88).

Another important consideration is the notion of facilitator neutrality. While neutrality is often taught as a professional standard Bargen et al., (2018) expresses that framing one's stance

as neutral can be problematic because: 1) true neutrality is impossible for human beings, 2) it can imply detachment or a lack of compassion, and 3) it may suggest to victims that the facilitator does not acknowledge the moral wrongdoing of the offender. Instead, they recommend that practitioners "embody a caring community, joining with the community in denouncing acts of violence and harm and vindicating the experience of the victim" (Bargen et al., 2018, p. 77). This does not imply dehumanizing offenders; rather, "offenders are encouraged toward accountability through a recognition of their own human dignity and worthiness" (Bargen et al., 2018, p. 78).

Related to this is the use of "active" rather than "passive" language when naming the harm caused by an offender (Bargen et al., 2018). Active language directly acknowledges the person and their actions (ex. Quinton stole from Reema) rather than using a detached, passive form (ex. Reema's money was stolen). Similarly, Bargen et al. (2018) cautions against conflating "conflict" with "injustice." Referring to a situation as a "conflict" can imply mutual responsibility, which risks invalidating the harm and may contribute to re-victimization:

> Conflict is interactive, suggesting a mutual contribution to a miscommunication or disagreement. Injustice is perpetrated unilaterally as an act of domination by one person or group over another... If a violation is understood and treated as a conflict, this may signal to the victim that they are responsible for some part of the harm… and can lead to their re-victimization (Bargen et al., 2018, p. 78-79).

Margot van Sluytman, founder of the "Sawbonna" philosophy of victim-led RJ (2020), similarly urges practitioners to reflect on what it means to facilitate a respectful conversation. This includes asking whether facilitators are trained to allow the full range of human emotions or whether they tend to stifle them. The writer van Sluytman (2020) calls for making space for greater expression while still holding a safe-enough container, arguing that a humane approach requires "the acceptance of intense emotions, abundant questions, tears, laughter, expletives, and a powerful knowing that the process of engagement guides the interactions" (p. 16).

Continual monitoring of power dynamics is also critical for victim-sensitive facilitation. This should include attention to layers of relationships: 1) between facilitators and the victim participant, 2) between the victim and offender participants, 3) between the victim and any supporter participants, and 4) the broader social and structural dynamics influencing the process. In the facilitator-victim dynamic, one of the most frequently cited causes of victim dissatisfaction is a sense of being pressured, making it a key area for facilitator awareness (Bargen et al., 2018; Choi & Severson, 2009; Dhami, 2016; Gavrielides, 2018; HM Inspectorate of Probation, 2025; Umbreit et al., 2006). This pressure can take various forms; for example, pushing a victim to proceed on a specific timeline or to suppress strong emotions (Bargen et al., 2018). It can also occur when victims feel encouraged, implicitly or explicitly, to accept an offender's apology, regardless of whether facilitators intend this. Such pressure can lead to re-victimization, especially if victims sense an expectation to accept an apology they do not find sincere (Choi & Severson, 2009; Dhami, 2016). Instead, facilitators should openly acknowledge that some harms

may be irreparable (Pemberton, 2019) and should avoid imposing personal agendas around forgiveness, which should never be an expectation (Gavrielides, 2015).

Transparency is another important dimension of power dynamics. For instance, facilitators should clearly explain the purpose of any questions they ask or the reasons for collecting specific information. As one victim in Gavrielides (2018) expressed, "victims are always asked for all the details of their lives as if people are entitled to it without saying why they need it" (p. 271). Transparency should also extend to any information or reports shared with CLS officials. As noted in Shapland et al. (2007), failing to show participants such reports before they are sent can foster distrust:

> If the victim or offender were unaware of the content of any reports that the [program] produced for criminal justice practitioners or were not shown such reports… [this] tended to cause suspicion… Where a report or outcome agreement is sent to others, it needs to be shown to participants first (p. 47).

Facilitators must also account for power dynamics between victim and offender participants. The most obvious safeguard against harmful dynamics is thorough preparation and ongoing monitoring of offenders which entails "gauging the risks of possible re-victimization through exploring and understanding offender motivation, responsibility-taking and levels of remorse" (Bargen et al., 2018, p. 17). During dialogue, facilitators should remain alert to, and intervene in, any power-claiming behaviours that could undermine the victim's sense of voice or validation (Bargen et al., 2018). Strategies suggested in Bargen et al. (2018) include first addressing the issue generally (ex. I know there's a lot to be said here, but it's important that we slow down so everyone gets a chance to speak), and, if necessary, speaking directly to the person in a way that is both humanizing and assertive (ex. Could we pause for a moment? We will make space for your point in a moment, but I don't think they were finished). If the behaviour continues, facilitators may need to call a break, and ultimately, if escalation persists, end the meeting altogether.

Assessment should also include awareness of any protected characteristics of the victim, and consider the unique needs or barriers faced by members of specific populations (HM Inspectorate of Probation, 2025). For example, gender can influence procedural fairness and satisfaction; women may feel less safe or less able to express themselves freely (Garbett, 2016). An intersectional lens is essential, as multiple marginalized identities, such as identifying as both a woman and a person with a disability can compound and create barriers that are more than the sum of their parts (Crenshaw, 2022). Garbett's (2016) critique of the assumption that RJ is inherently victim-friendly highlights the importance of moving beyond a generalized human-rights framework. As Garbett (2016) notes, "an assessment of the victim-orientated nature of RJ through an identification of its attribution of rights to (all) persons may not... capture the limitations or difficulties that particular persons or groups encounter in accessing or using this justice approach" (p. 14). Where appropriate, co-facilitation models can help enhance safety and shared power in these contexts (Shapland et al., 2022). While a deep exploration of this topic is

beyond the scope of this work and could warrant an entire manual in itself, facilitators must remain continually attuned to the impact of identity in their practice. Without this awareness, they risk inadvertently perpetuating the power imbalances RJ seeks to equalize.

2.4d – Physical, Cultural, and Structural Accessibility

The VOCIARE Project, funded by the European Union to review implementation of the *Victims Directive*, recommends that accessibility be considered through several dimensions. These include: 1) physical ease of access, offering victims the choice to visit the program's office, have a staff member visit them in their own space, or access services remotely, 2) the removal of other barriers, such as limited or unclear hours of operation and restrictive eligibility criteria, and 3) ensuring victims are aware of the service, which requires regular, long-term awareness-raising and information-sharing at local and national levels (VSE, 2022). Meeting spaces themselves should be accessible, neutral, calming, and designed to meet different needs. As one RJ provider in Shapland et al., (2022) described, "... we've tried to make [our rooms] softer with paintings on the wall, colour, and soft toys… We did research on it with mental health services as to what would have a calming effect. We also have a one-way mirror system for victims who don't feel safe" (p. 51).

Cultural accessibility is equally important. Victims' cultural needs should be explored early and integrated throughout the process including exploration of the location and layout of the space, to the use of practices such as smudging or talking pieces, to decisions about who should be present, whether food should be shared, and any members of the cultural community (ex. Elders) who should be consulted in designing the process (Bargen et al., 2018; 2019).

Practical accessibility must also be addressed. This includes childcare, transportation, and financial compensation for expenses related to participation (Bargen et al., 2019; CRCVC, 2022; Gavrielides, 2015; Shapland et al., 2007). Victims may need support covering the cost of time off work, babysitting, and travel (Bargen et al., 2019; Shapland et al., 2007). In Bargen et al. (2019) victims brainstormed the idea of a "victory fund" to cover these costs or provide restitution in cases where the offender is unable to do so (p. 37). When restitution is considered, participants in Mika et al. (2002) stressed the need to give equal financial consideration to victims' circumstances, "involv[ing] efforts to fairly represent the financial situation of the victim including the predicament and challenges caused by a criminal event" (p. 10–11).

2.5 – Organizational and Systemic Considerations

2.5a – Policy, Privacy, and Structural Safeguards

Well-articulated policies are critical for victim-sensitive RJ. This includes both developing new policies where gaps exist and revisiting existing ones to ensure they meet victims' needs. Without clear guidance, facilitators and participants may be left navigating key issues inconsistently. The *Youth Justice Services: Good Practice Guide* (2022) developed by Why Me? recommends that RJ programs adopt a dedicated victim and RJ policy containing

accessible, regularly updated guidance on contacting victims, making offers of participation, referral mechanisms, data collection and storage, obtaining consent, and soliciting feedback.

Some existing policies related to maintaining confidentiality may require revision to better protect and empower victims. The European Forum for Victim Services' *Statement on the Position of the Victim in Mediation* (2003) argues against blanket confidentiality rules that prevent participants from discussing their experience:

> We believe that victims and offenders should be free to discuss the process they have been involved in with friends, relatives and other supporters. They should not feel isolated by being unable to share such a significant experience... If issues of a particularly sensitive nature arise during the course of mediation the level of confidentiality to apply to those issues can be negotiated between the parties (p. 6).

Privacy protections are another key policy area. Victims' personal data must be handled in full compliance with data protection law, and victims should clearly understand how their information will be used especially at times when they may be feeling their most vulnerable (Carmo, 2020; HM Inspectorate of Probation, 2025). This includes developing safe inter-organizational referral mechanisms and secure systematized approaches to sharing information with legal counsel (Blondé et al., 2023). Programs may consider implementing a review and approval policy before any victim information is shared externally (Blondé et al., 2023).

Clear policies should also define screening criteria and contraindicators. While these help confirm offender accountability and victim safety, care must be taken to avoid triaging processes which would unnecessarily blocks victim access, as discussed in previous sections (Bargen et al., 2019; Canadian Intergovernmental Conference Secretariat, 2018; Garbett, 2016; Nascimento et al., 2023; van Sluytman, 2020). The authors of Shapland et al. (2022) argue that only two factors should be considered true contraindicators: 1) "where the person responsible is unable or unwilling to acknowledge harm" and 2) "where either party is unable to comprehend the proceedings, usually because of substance use or severe mental disorder" (p. iii).

These circumstances should not automatically end the possibility of RJ. They may instead indicate the process should be delayed or revisited later. Moreover, serious offences such as sexual violence or domestic violence may require specialized training and preparation. Thus, rather than specific types of crimes, it is recommended that special consideration be given to specific factors like prior relationships, power differentials, and dominance dynamics (Shapland et al., 2022).

Programs may use these factors as part of an informal tailored risk assessment process. While formal criminal justice risk tools are not necessarily suitable in RJ due to the uniqueness of each case, a combination of professional judgment, context-specific checklists, consultation, and transparent discussion with participants can help identify potential risks (Shapland et al., 2022). An important structural safeguard for victim-sensitive RJ is to house services in neutral organizations and, where possible, independent from government bodies (Blondé et al., 2023;

HM Inspectorate of Probation, 2025). If full neutrality is not possible, partnerships with complementary victim-service organizations can help maintain balance.

2.5b – Facilitator Standards, Training and Evaluation

As discussed in an earlier section, the competence, professionalism, and personal integrity of facilitators are among the most critical safeguards for ensuring victim-sensitive RJ (Bargen et al., 2018; Canadian Intergovernmental Conference Secretariat, 2018; Dereškevičiūtė et al., 2018; Suzuki & Wood, 2017; Umbreit et al., 2006). From a broad, organizational perspective, this begins with building a diverse pool of facilitators so that individuals can be selected for each case based on the best fit of skills, knowledge, lived experience, and personal characteristics. As outlined in The Canadian Intergovernmental Conference Secretariat's *Principles and Guidelines for RJ Practice in Criminal Matters* (2018), "facilitators should be recruited from a variety of backgrounds and should understand the local cultures and communities in which they are working. They should also understand the history and effects of colonization in Canada" (Section 12).

A common concern in the literature is the ad-hoc manner in which facilitators are trained since the absence of comprehensive and standardized training can undermine both the safety and legitimacy of RJ (Biffi et al., 2016; Mika et al., 2002). To address this, programs should ensure facilitators receive extensive preparation, ongoing mentoring, regular opportunities for practice and self-reflection, and periodic assessment (Bargen et al., 2018; Gavrielides, 2018; Nascimento et al., 2023; Shapland et al., 2022; VSE, 2022). Training should explicitly address victim-relevant issues, including the impacts of trauma, safety considerations, victims' role in the CLS, victims' rights, available community supports, effective communication with victims, and approaches for working with specific victim populations (ex. 2SLGBTQIA+ participants and Indigenous communities) (Bargen et al., 2018; Canadian Intergovernmental Conference Secretariat, 2018; VSE, 2022). In line with taking a collaborative approach with the victim community, organizations should consider inviting independent experts in victims' issues to design or deliver this training (European Forum for Victim Services, 2003).

Specialized preparation may be especially important in cases where participants have close prior relationships. For example, European Forum for Victim Services (2003) recommends training that equips mediators to address the broader family, neighbourhood, or community dynamics that may be influential in these processes. The lack of formal accreditation in the RJ field has also been identified as a gap (Blondé et al., 2023; Mika et al., 2002). Some recommend establishing RJ as a registered profession and requiring practitioner registration to help strengthen trust in both victims and the general public (Mika et al., 2002; Simon & Harbour, 2024; VSE, 2022). However, even without formal regulation, organizations should ensure that standards for good practice are clearly articulated and consistent across programs (Mika et al., 2002). As highlighted by victims and advocates consulted in Mika et al. (2002), these standards are best developed collaboratively with the victim community, through "structured community dialogue... the purposes of which are to define terminology, identify program models and promising practices, [and] develop appropriate evaluation criteria" (p. 18).

2.5c – Inter-Agency Coordination and Partnerships

Strategic coordination between victim-serving agencies (ex. victim support services, police, and courts) is important for creating clear, accessible, and victim-sensitive communication from the first point of contact. An effective collaboration strategy should define what information will be provided, by whom, when, and how, to certify it meets agreed-upon quality standards for availability, accessibility, timeliness, and adaptation to the person's needs. (Blondé et al., 2023).

In building such systems, each organization should understand the competencies, roles, and capacities of its partners, and how these align with and complement victims' needs (Carmo, 2020). Developing a Memorandum of Understanding (MOU) can help formalize these partnerships, setting out shared objectives, defined roles, and clear agreements on information-sharing (Carmo, 2020). The HM Inspectorate of Probation's *Youth Justice Inspections: Case Assessment Rules and Guidance* (2025) explicitly expect RJ organizations to partner with victim-serving agencies to offer proactive communication and information-sharing.

Partnership-building must also include repairing relationships with victim communities where trust has been damaged due to past negative experiences with RJ (Mika et al., 2002). Bargen et al. (2018) suggests starting with open dialogue to surface any misconceptions or prior harms, followed by co-creating a shared vision, assessing the current program against this vision, and revising it together. This process can also provide safeguards in cases where RJ programs are run by offender-specializing organizations that risk perceived or actual bias (VSE, 2022).

Collaboration efforts can also extend to police, with the aim of enhancing victim trust and improving coordination in information-sharing. Strengthening these relationships can increase the credibility of police referrals to RJ (Robinson & Banwell-Moore, 2023). Given their role in provide critical information to victims, police should be trained in victim-sensitivity including the impacts of crime, available victim services (RJ among them), and suitable practices for follow-up (Biffi et al., 2016).

2.5d – Data, Evaluation, and Transparency

Building public and victim trust, increasing awareness among CLS professionals, and identifying service gaps all require careful systematic data collection. This should include both quantitative and qualitative measures covering a wide range of factors, such as:

1. Self-referral numbers, facilitator training, and the ratio of successful to unsuccessful cases (Biffi et al., 2016);
2. Victim and victim/offender characteristics (ex. significant age differences), which can help identify which cases are most likely to benefit both parties and when special preparation or support may be needed (European Forum for Victim Services, 2003);
3. Satisfaction levels among victims who choose not to participate in RJ (European Forum for Victim Services, 2003);
4. Victims' perceptions of fairness, emotional intensity, trauma-related symptoms, reparation outcomes, extent to which they felt seen, heard, and validated (by both

facilitator[s] and offender), adequacy of preparation, facilitator–victim relationship (Bargen et al., 2018); and,

5. The degree to which their healing and justice needs were met (Bargen et al., 2018).

Assessment practices should span the entire duration of the process, from first point of contact to the final outcome. This includes how victims are informed of RJ opportunities, whether external supports (ex. victim advocates) are included, perceptions of procedural fairness, follow-up on outcomes, and the manner in which victims exit the process (Garbett, 2016). Referral mechanisms should also be evaluated for victim safety, adherence to procedures, timeliness, and satisfaction, as well as quantitative measures such as number of referrals and subsequent engagement rates (Carmo, 2020). Methods of evaluation for this can include checklists, questionnaires, and assessment checks (Carmo, 2020).

The question of which measures to use in RJ evaluation is important for consideration (Bazemore et al., 2007; Bazemore & Green, 2007; Olson & Sarver, 2021). Using core RJ principles including as repair, participation, and transformation as the basis for evaluation keeps programs accountable to their stated values. Evaluating whether these principles are upheld also avoids the possibility of misrepresenting a program as RJ when in reality, its practices do not align with RJ fundamentals (Bazemore et al., 2007). As Bazemore et al., (2007) express, "an intervention may be very high in restorativeness on one principle domain, yet weak in another; most importantly, we should be willing to see how a strength on one dimension along with a weakness on another affects specific outcomes" (p. 369).

Developing an evaluation measure of restorativeness itself could strengthen funding and implementation of under-recognized RJ strategies while also providing a metric to help facilitators remain aligned with the organization's core values (Olson & Sarver, 2021). Olson & Sarver's (2021) Restorative Index is one such tool, which assesses key areas of inclusion, encounter, amends, reintegration, and transformation, as these appear in both a program's mission and its implementation.

Evaluation processes must also be trauma-informed to avoid secondary victimization, and sensitive to potential social desirability bias in participant responses (VSE, 2022). Evaluation should not occur in a vacuum; rather, it should embrace collaborative approaches. For example, VSE (2022) recommend a collective evaluation strategy developed in consultation with victims and victim advocates which incorporates long-term strategic planning, community needs assessments, impact analyses, and ongoing feedback mechanisms. The authors of Mika et al. (2002) further propose inter-agency evaluation teams, including both RJ and victim-community stakeholders to provide input to local initiatives.

Victims must also be able to provide independent feedback at any stage of the RJ process; victim-serving organizations should therefore maintain a visible, accessible, and victim-oriented complaint system (Gavrielides, 2018; VSE, 2022). In evaluating RJ effectiveness, VSE (2022) suggests key priorities of "visibility, accessibility, responsiveness, objectivity and fairness, confidentiality, remedy, review, accountability, and continuous improvement" (p. 48).

2.5e – Addressing Systemic Constraints

Co-option or institutionalization of RJ is noted as a significant concern in the literature (Johnstone, 2017; Mika et al., 2002; Olson & Sarver, 2021; Pemberton, 2019; Suzuki & Wood, 2017). This refers to the reality that RJ programs, by operating inside the CLS, may end up serving CLS goals rather than restorative goals like healing, accountability, and inclusion (Suzuki & Wood, 2017). While RJ was originally conceived as an alternative to the CLS, it often becomes embedded within the same system (Johnstone, 2017). This tension has been called the "imitor paradox" (Pavlich, 2005, as cited in Suzuki & Wood, 2017, p. 6).

Pemberton (2019) offers an astute analysis of this reality in his lecture *Time for a Rethink: Victims and RJ*, arguing that RJ too often reproduces CLS logic, limiting its responsiveness to a victim's lived experiences. In practice, this can mean victims are denied RJ in cases where it could be most beneficial while other cases may go forward despite being poorly suited. For example, even though RJ is voluntary, offenders may feel pressured to participate if told it could improve their court outcome. As one interviewee in Suzuki & Wood (2017) described, their program was sometimes "forced…to deal with cases that were inappropriate... for example cases where a young offender lacked an appropriate level of remorse" (p. 10). RJ has been "allowed to operate on the margins of criminal justice, offsetting the central tendencies without much changing the overall balance of the system" (Suzuki & Wood, 2017, p. 3).

To counter this tension, programs should clearly differentiate their goals from those of CLS referral sources; effective partnerships with victim-oriented organizations can help in this regard (Bargen et al., 2018). Cultivating stronger knowledge and awareness can further reduce co-option; suggestions include holding regular meetings between the two groups, creating multi-agency steering groups to get people from all sectors involved and motivated, and reporting back to referral bodies about how the case progressed after the referral" (Laxminarayan & Wolthuis, 2015, p. 42). These discussions could also explore what would be required to offer RJ in all crime types, addressing needs such as targeted funding, specialized training, and stronger system coordination (Bargen et al., 2019). Ideally, referral authority should shift from traditional justice actors to trained RJ staff, who can assess case suitability from a more restorative lens (Suzuki & Wood, 2017).

However, RJ programs positioned as diversionary measures may not meet this condition. If participating in RJ leads to the withdrawal of charges, victims' involvement can effectively end the offender's engagement with the justice system (Van Camp & Wemmers, 2016). It also breaches one of the two guiding principles related to informed consent given in European Forum for Victim Services (2003) that the invitation must be free from pressure. To address this, the European Forum for Victim Services (2003) proposed that where diversion is considered, there should be an alternative option, so the offender's outcome does not hinge on victim participation. In these cases, if mediation is court-referred, any sentence reduction should still apply if the offender was willing, but the victim declined. For these reasons, inter-agency discussions between RJ programs and the CLS should explicitly address this issue. RJ programs should advocate for greater independence from court outcomes to protect victims' consent and ensure their participation is free from pressure.

Conclusion

This literature review examined how victims are conceptualized and positioned within RJ frameworks and identified best practices supporting victim-initiated referrals to RJ processes. Conceptually, RJ offers an alternative framework which can empower victims as informed and active agents in justice processes. Also note is the persistent tensions regarding how victims are treated within RJ processes, specifically when programs are entrenched within the Canadian CLS. While RJ frameworks affirm inclusion, dialogue, and repair, victims' participation may be constrained by institutional priorities, triaging practices, and offender-centric objectives. As a result, victims may be conceptualized as stakeholders in the process, contributors to offender rehabilitation, or rights-holders; each of the lenses carries with it distinct implications of power, agency, and expectations of participation. Without explicit attention to victim autonomy, safety, and choice, RJ risks further marginalizing victims.

In addressing the second guiding question, the literature identifies a range of interrelated best practices, considerations, and recommendations for supporting victim-initiated referrals to RJ. These include proactive and accessible sharing of information, consistent messaging across sectors, and enhanced inter-agency awareness among justice and victim-service providers. Referral pathways are most effective when they are flexible, transparent, and not dependent on narrow eligibility criteria or discretionary triaging. The way RJ is offered was also noted as significant, with evidence suggesting victims are more likely to engage when RJ is presented as a voluntary option prioritizing their needs rather than as an adjunct to offender processing or system efficiency.

The literature further asserts the central role of high-quality information and decision-making support in enabling victim participation. Victims benefit from information that is clear, accessible, and responsive to diverse communication needs, as well as from opportunities to engage in values-based decision-making honouring their priorities, boundaries, and changing needs over time. At an organizational and systemic level, supportive policies, specialized training standards, inter-agency collaboration, and transparent evaluation practices are distinguished as key for sustaining victim-centered RJ initiatives.

Taken altogether, the findings of this review suggest that supporting victim-initiated referrals to RJ requires more than the availability of restorative programs; it necessitates a broader cultural and structural shift in how victimization, justice, and participation are understood and operationalized across systems. For organizations in Canada, this requires increasing awareness of RJ and advocating for practices respecting victim autonomy, balancing power, and confirming engagement in RJ remains a genuine option rather than an implicit expectation. The viability of RJ as a response for victims' rests on whether referral pathways operationalize victim-centered principles through consistent, transparent, and system-wide processes. The promise of RJ lies in the processes it offers and the choices it protects. In the end, RJ achieves its greatest potential when the system's role shifts from directing victims toward justice processes to affirming they have the power to define it for themselves.

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