

Trauma and Restorative Justice: Discussing international research, practices and exploring the future for Scotland

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What is restorative justice?

Definitions

- Restorative justice is a **process** of independent, facilitated contact, which supports **constructive dialogue** between a **victim and a person who has harmed** (whether this be an adult, a child, a young person or a representative of a corporate or other body) arising from an offence or alleged offence (Scottish Government, 2017).
- Restorative justice refers to **any process** which enables those harmed by crime, and those responsible for that harm, if **they freely consent**, to **participate actively** in the resolution of matters arising from the offence, through the help of a trained and impartial third party. Restorative justice often takes the **form of a dialogue** (whether direct or indirect) between the victim and the offender, and can also involve, where appropriate, other persons directly or indirectly affected by a crime (Council of Europe, 2018).

What is restorative justice?

- Dialogue
- Address the harm experienced, caused
- Provide a safe space to have a voice, ask questions
- A process that can take various forms



Is restorative justice inherently trauma-informed?



- Similar values yet **not** the same approach
- No trauma-informed practice without training
- Needs to be **intentional**, based on specific knowledge
- Requires services and processes to be adapted

Why trauma- and shame- sensitivity matters

- **Trauma widespread globally:** 70% (Anda et al, 2006)
 - Even higher prevalence in prisons; higher than average show post-traumatic symptoms (ISTSS n/d; Briere, Agee, & Dietrich, 2016)
 - Trauma caused by other people → ↑ risk of long-term impact
 - Trauma and shame deeply **affect identity and relationships**
 - Shame bears the risk of turning to violence (Nathanson 1992; Gilligan 1996, 2003)
 - **Facilitators** also carry histories and vulnerabilities → Secondary trauma risk is real (50% helping professionals: Miller 2022, OVC 2024)
- Restorative justice ought to be trauma-informed and shame-sensitive with all participants to be healing and transformative

What does a trauma-informed and shame-sensitive approach look like in RJ? The 5 R's

- **Realise the pervasiveness and impact of trauma:** → recognise that both sides may bring trauma histories that influence engagement and outcomes
- **Recognise the signs and symptoms of trauma:** → understand these as adaptive coping strategies and adapt process accordingly
- **Respond by integrating trauma awareness into all aspects of practice,** from intake and consent to process design and follow-up. Predictable, transparent and supportive procedures help participants feel safe and respected
- **Resist re-traumatisation** by proactively designing processes that minimise triggers. Use sensitive and inclusive language, maintain clear boundaries, offer choices and allow participants to pause or withdraw when needed
- **Recognise the central role of relationships:** → relational safety in practice → empathy, responsiveness and reliability to build trust and the basis for accountability → enabling participants to engage more openly. The quality of relationships is often the most powerful catalyst for meaningful change

What does a trauma-informed and shame-sensitive approach look like in RJ?

Case study 1: Hannah

- International student from Africa
- Assaulted in a late-night robbery
- Previously outgoing and confident, now she's experiencing panic attacks and intense fear outside or even in groups → sense of trust and safety is shattered → anxious and withdrawn

Case study 2: Rob

- Rob suffered abuse and neglect during his childhood and received no support throughout his early years
- Started using substances at a young age to cope with his distress, a strategy that went largely unnoticed
- During his adolescence, he seriously harmed a friend by repeating the pattern of violence he had experienced himself
- Suffered from a lot of shame, self-blame and lack of trust, had a hard time entering into relationships

What does a trauma-informed and shame-sensitive approach look like in RJ?



- Safety must be considered at multiple levels: **physical, emotional, relational and procedural**
- Identify with participants **what 'feeling safe' means** for them and adapt the process accordingly
- Requires clear communication, a **predictable structure**, attention to the physical environment and a calm, consistent presence
- **Hannah:** Facilitators needed to identify with her what it meant for her, to feel safe. This included understanding what potential triggers were for her panic attacks and how the facilitators could support her in these moments. Co-designing the process helped her to regain a sense of control
- **Rob:** emotional safety was key, as his history of abuse and neglect meant that emotional connection felt unfamiliar and therefore risky. The facilitators first focused on creating an atmosphere in which he could experience being listened to without judgement and they paid close attention to their pace, tone, and non-verbal communication, ensuring that the sessions unfolded in a way that he could tolerate

What does a trauma-informed and shame-sensitive approach look like in RJ?



- Trust **grows gradually** through reliability, transparency, and attuned communication → **honour commitments**, clearly **explain boundaries** and **confidentiality**, be attentive to emotional cues, listen actively validate their experiences to counter the disbelief often experienced
- **Hannah** required a gentle and consistent approach with no pressure to discuss the robbery; she needed clear explanations and following through on what had been agreed.
- As **Rob** experienced genuine interest in his story and acknowledgment of his pain without excusing his actions, he started to experience a form of relational safety that was new to him. This trust later enabled him to reflect honestly on the harm he had caused while also work through his own pain.

What does a trauma-informed and shame-sensitive approach look like in RJ?



- Trauma can **erode a person's sense of agency and autonomy** → offer choices regarding timing, location, discussion topics and pacing, while maintaining safety. **Even the smallest choices** can feel significant to a trauma survivor. Choice **signals respect** for participants' agency and fosters engagement.
- For **Hannah**, having a choice was crucial to counter the loss of control experienced → choose the venue and pace of the sessions, co-develop the structure of the dialogue; plan how she could pause or stop the meeting if needed, how the facilitators could recognise signs of panic and how they could support her in those moments
- **Rob** tended to prioritise the needs of others, particularly his victim, and struggled to recognise that his own experiences of harm were relevant. He often deferred to what he thought others wanted or needed. Gradually, he began to understand that his needs were valid and he had the right to make choices within the process → important step in reclaiming his personal agency and self-worth

What does a trauma-informed and shame-sensitive approach look like in RJ?



- **Empowerment restores voice, agency, and dignity** and builds on choice and collaboration. It occurs when facilitators recognise participants' **strengths** and support them in regaining agency and resilience → trusting their ability to contribute meaningfully to the process and reinforcing even the smallest steps towards **self-determination**
- For **Hannah**, empowerment meant rediscovering her confidence and agency → recognise her fear and anxiety as normal responses to trauma, rather than personal failings. When she finally met the offender, she was able to articulate her experience clearly and felt in control of the encounter.
- For **Rob**, empowerment took the form of accountability and self-awareness. Speaking about his own suffering helped him recognise how his pain had fuelled the harm he caused. Realising that he could choose to act differently was profoundly empowering → could see the restorative process as both an act of reparation and a step towards his own recovery.

What does a trauma-informed and shame-sensitive approach look like in RJ?



- Cultural humility **ensures responsiveness to participants' social, cultural and historical contexts** → recognise participants as the experts on their own experiences, maintain an **attitude of curiosity**, and adapt processes accordingly. It **bridges the personal and the systemic** and reminds practitioners that **trauma occurs within networks of social meaning and inequality**, not in isolation. This allows that processes remain inclusive, context-sensitive and responsive to the diverse realities of those involved.
- As an African student living abroad, **Hannah's** coping strategies and expressions of distress were deeply rooted in her cultural background but were unfamiliar to the facilitators. They approached these differences with openness and respect, learning what safety and healing meant for Hannah. This mutual exchange strengthened trust, reinforced her agency, and enriched the process overall.
- In **Rob's** case, cultural humility required recognising how structural disadvantage, neglect and substance misuse had shaped his trauma and offending behaviour. The facilitators acknowledged these contextual factors while holding him accountable for the harm he caused.

What does a trauma-informed and shame-sensitive approach look like in RJ?



- Shame is often hidden, yet can significantly impact engagement in restorative processes. It can manifest as withdrawal, over-compliance, avoidance, or defensiveness
- A shame-sensitive approach can strengthen safety, trust and empowerment, as these painful emotions are not neglected
- **Acknowledging shame:** noticing subtle cues and being aware of one's own biases
- **Avoiding shaming:** by using trauma-sensitive, culturally aware language, tone and non-verbal communication
- **Addressing shame:** enabling safe expression, using gentler terms (e.g. 'embarrassment'), and fostering empathy and connection
- → reduces the risk for retraumatisation and offending behaviour, supports authentic engagement, enhances agency, empathy & accountability
- **4 Steps:** Recognise shame, speak shame, receive and give empathy and practice self-compassion

The need of trauma-informed organisations

- An **often neglected** aspect
- The same as other helping professionals, RJ **practitioners are at risk** of experiencing secondary trauma
- Preventing and addressing this is **not only a task of the individual**, but the organisation
- In organisations, there are easy steps that can be put in place:
 - Cultivate **supportive relationships**: encourage open communication and peer support - normalise conversations about stress, trauma and well-being
 - **Embed trauma-informed principles** in daily practice
 - Make debriefing sessions standard; provide **reflective, restorative supervision**; balance caseloads and include recovery time
 - **Equip facilitators** with the necessary skills and tools: provide training in trauma awareness and reflective practice, offer resilience-building resources, foster peer-support
 - Ensure **trauma-informed leadership** → leaders should model empathy, transparency, and respect
 - Offer **compassionate and dignified exit** processes

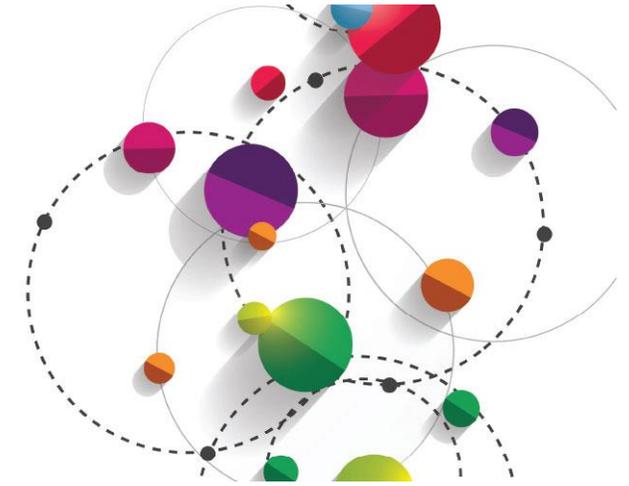


Development of a trauma- informed approach in Switzerland

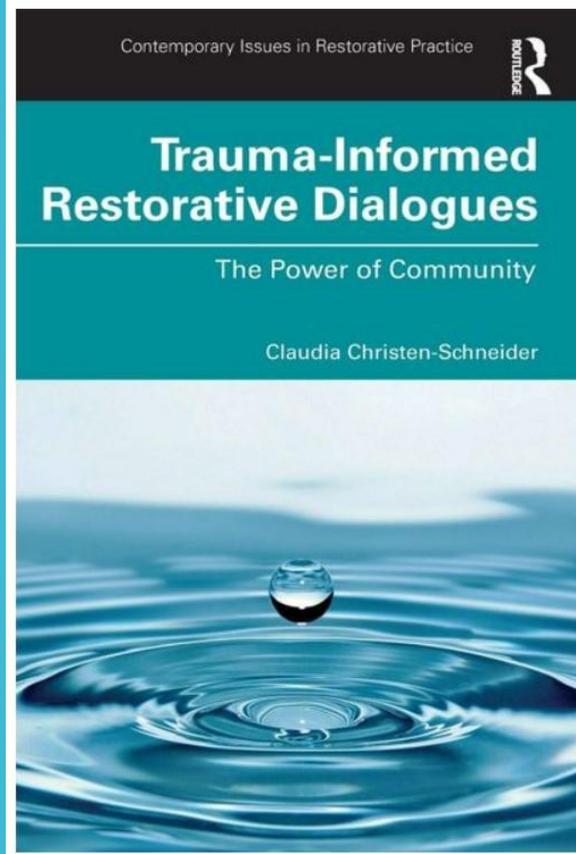
- **Aim:** create holistic services for those affected by serious harm
 - **Guided by Council of Europe recommendation CM/Rec(2018)8:**
 - Not just one method, but diverse processes to support people in addressing harm
 - Available for all affected and interested parties
 - For all types of crime
 - At any stage of the justice process, even outside of the process
- Calls for a **multi-tiered approach**

Three interconnected practices

- Victim-Offender Dialogue (VOD)
- Restorative Dialogues in groups after serious harm (unrelated victims and offenders)
- Re-Entry Circles / Family Circles for incarcerated individuals and their loved ones and/or support persons



Key steps



- Analyse the context, needs, possibilities and risks with participants
- **Decide together**, what best suits their needs and situation and co-design the process
- Whatever approach is used, **work intentionally from a trauma-informed standpoint**, by taking trauma and shame into consideration, **addressing and naming it carefully**, working at the participants' pace
- Extend the trauma-informed approach to **facilitators**

So what makes the difference between trauma-informed and non-trauma-informed RJ?



- Assumes that **trauma may be present** in everyone involved
- Grounded in **specific knowledge** about how trauma affects the brain, body, emotions, memory, behaviour and relationships
- **Intentionally adapts** restorative justice **practice** by modifying processes, communication, preparation, pace, and facilitator responses to prevent overwhelm and promote safety
- **Prioritises safety** (emotional and physical) at every stage of the process, not only during dialogue
- **Attentive to shame, triggers and nervous-system responses**, and understand how these shape participation

So what makes the difference between trauma-informed and non-trauma-informed RJ?



- Seeks to **avoid re-traumatisation** through careful pacing, choice, consent and flexibility
- **Strengthens agency and empowerment** rather than compliance or performance
- **Centres around connection and empathy**, recognises that healing and accountability require emotional safety
- **Takes care of its facilitators**



- Restorative justice is **not inherently trauma-informed** → it requires specific knowledge and training
 - Trauma and shame **shape engagement** for all participants
 - Trauma-informed RJ strengthens:
 - Safe and effective processes
 - Authentic and full engagement
 - Empowerment of participants
 - Wellbeing of facilitators and teams
- A trauma-informed and shame-sensitive approach to restorative **justice can enhance its effectiveness and safety** for all involved