




RESTORATIVE JUSTICE AND FEMINISM: A TRANSFORMATIVE DIALOGUE IN THE FIGHT AGAINST GENDER-BASED VIOLENCE

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ABSTRACT

The present research seeks to analyze the application of Restorative Justice in cases of gender violence, exploring potentialities and challenges within the feminist context. The research aims to examine how restorative practices can contribute to the promotion of gender equality and the empowerment of victims of domestic and family violence. To achieve this objective, a qualitative methodology was adopted, with a bibliographic review of theories on Restorative Justice and feminism, as well as data analysis on the application of these practices. The work showed that Restorative Justice is a valuable tool to promote a more humanized model of justice, by allowing the victim to play an active role in repairing the damage and holding the aggressor accountable. The work suggests that the implementation of these practices should be closely monitored by specialized technicians to ensure that they are effective and safe for victims.

Keywords: Restorative Justice. Feminism. Gender Violence. Gender Equality.

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INTRODUCTION

Restorative Justice emerges as an alternative to traditional methods of conflict resolution, seeking to promote the replacement of the damage caused, the accountability of the offender and the protagonism of the victims. This model dialogues directly with the principles of feminism, which proposes reflections on gender inequalities and the social structures that perpetuate violence, especially against women. In this context, it is essential to investigate whether restorative justice can meet feminist demands for justice in cases of gender-based violence, considering the complexities and specificities of these situations.

A central problem that arises is the tension between the objectives of Restorative Justice and the specific needs of women in vulnerable situations. Can restorative justice, by prioritizing dialogue and reconciliation, in some cases reproduce the unequal power dynamics that feminism seeks to deconstruct? Or is this an effective mechanism to empower women and address the structural causes of violence?

Among the hypotheses, it is listed that Restorative Justice is compatible with feminist demands because it promotes active listening to women, expands the role of victims and offers a safe space for the replacement of damages, going beyond the limitations of the traditional punitive system. Restorative justice, by focusing on mediation and dialogue, can promote inequalities of power, especially in contexts of gender-based violence, placing women in situations of greater emotional and social vulnerability.

This work is relevant to explore the interface between two perspectives of social transformation: Restorative Justice and feminism. While seeking to promote a more humane and inclusive model of conflict resolution, feminism challenges the power structures that perpetuate inequalities. Discussing how these two paradigms can complement or tension each other is key to improving justice practices and building more effective and equitable responses to gender-based violence.

Among the objectives is to analyze the intersections and contradictions between Restorative Justice and feminism, focusing on its application in cases of gender violence. In addition to identifying the principles and practices of Restorative Justice related to confronting gender violence. To evaluate the contributions of feminism to the improvement of restorative practices. Investigate the risks and challenges of applying Restorative Justice in contexts of gender inequality.

The work will be developed through a qualitative research, with a bibliographic review of authors who address Restorative Justice and feminism. In addition, case studies and secondary data on the application of Restorative Justice in situations of gender-based

violence will be analyzed. The research will seek to cross theoretical and practical perspectives to offer a critical and in-depth analysis of the theme.

THE FOUNDATIONS OF RESTORATIVE JUSTICE AND ITS CONNECTIONS TO FEMINISM

Restorative Justice is a model of conflict resolution that moves away from the traditional retributive paradigm, prioritizing the restitution of the damage caused, the accountability of the offender and the active involvement of victims in the process. According to Silva and Zacarias (2020), this model is based on values such as empathy, dialogue, and social reintegration, seeking to build more humane and transformative responses, instead of simply punishing. The focus is on restoring social relations affected by conflict and addressing the structural causes of violence.

The principles that guide Restorative Justice converge with the guidelines of feminism. According to Koller and Narvaz (2006), feminism, as a political and theoretical movement, questions the power structures that perpetuate inequalities and oppressions, especially those based on gender. The feminist proposal is the deconstruction of systems that silence women and other marginalized groups, highlighting empowerment, social justice, and equality. In this context, it is observed that Restorative Justice and feminism share the objective of transforming social structures that produce injustice and exclusion.

One of the main connections between Restorative Justice and feminism lies in the centrality of active listening and the protagonism of the parties involved. In the context of gender-based violence, the traditional justice system often disregards women's needs and narratives, prioritizing a punitive approach that does not address the root causes of the problem. Restorative Justice, on the contrary, seeks to create safe spaces where victims can express their experiences, be heard, and actively participate in the definition of solutions that promote their components and autonomy (Oliveira and Santos, 2017).

In addition, feminism warns of the need to consider the intersectionalities present in women's experiences. Gender oppressions do not operate in isolation, but are intertwined with other forms of discrimination, such as race, class, and sexual orientation. Restorative Justice, by considering the particularities of each case and the underlying power dynamics, offers a potential to address these intersectionalities in a more sensitive and effective way than the traditional justice system (Koller and Narvaz, 2006).

However, some important limitations also stand out. According to Bandeira (2014), critical strands of feminism question whether restorative justice can be fully effective in contexts where structural inequalities are so deep that they make the balance of power

necessary for dialogue and fair negotiation unfeasible. In situations of gender-based violence, in which the aggressor often uses his power to intimidate or manipulate, it is essential that the restorative process be carefully structured so as not to reproduce these oppressive dynamics.

Thus, the relationship between Restorative Justice and feminism is complex and full of potential. Both paradigms unite the vision of a fairer society, but disable adaptations and dialogues so that their practices complement each other effectively. The construction of a restorative approach that integrates feminist principles can not only strengthen the response to gender-based violence, but also contribute to a broader social transformation, guided by equality and respect for differences.

CHALLENGES AND POTENTIALITIES OF RESTORATIVE JUSTICE IN CASES OF GENDER-BASED VIOLENCE

The application of Restorative Justice in cases of gender-based violence is a topic that arouses deep and often polarized debates. On the one hand, its potential as an alternative approach that places the victim at the center of the process is highlighted, valuing their demands and promoting a more humanized replacement. On the other hand, significant challenges arise, especially when considering the complexity of the power dynamics involved in situations of gender-based violence and the risk of revictimization (Bandeira, 2014).

The application of Restorative Justice in cases of gender-based violence faces the challenge of dealing with the asymmetry of power relations between the victim and the aggressor. Gender-based violence is often marked by structural imbalances and control dynamics that go beyond the specific act of aggression (Silva and Demenjour, 2020). These elements can hinder egalitarian and safe dialogue, which is essential for the success of restorative processes. Without clear protection and mediation mechanisms, the victim may feel pressured to forgive or reconcile with the abuser, even in worrying emotional conditions. Silva and Zacarias (2020) highlight the importance of ensuring a safe and secure environment to avoid such a situation.

Another relevant challenge is the possibility of instrumentalizing Restorative Justice as a replacement for the traditional justice system. In some contexts, there is a risk that this approach will be used to mitigate punishments or minimize the severity of gender-based violence, which can result in a sense of impunity for the perpetrator and the delegitimization of victims' demands for justice. To avoid this problem, Oliveira and Santos (2017) defend

the need to complement Restorative Justice with formal accountability measures, especially in more serious cases.

While challenges exist, restorative justice also has significant transformative potential. In contrast to the punitive system, which often depersonalizes the process and marginalizes victims, the restorative approach creates a space where women can narrate their experiences and actively participate in building solutions. According to Pranis (2011), this protagonism contributes to the repair of emotional and social damage, strengthening the victim's self-esteem and empowerment.

Another positive aspect is the ability of restorative justice to address the structural causes of gender-based violence. By involving the community in the process, the discussion about the values and social norms that sustain gender inequalities is promoted. According to Oliveira and Santos (2017), restorative practices have the potential to produce a broader impact, going beyond the resolution of the specific conflict, contributing to the cultural transformation necessary to prevent new occurrences of violence.

In addition, Restorative Justice Freedom provides opportunities to tailor practices to the specific needs of each case. Procedures such as restorative circles, mediations with mediators specialized in gender, and dialogue dynamics with psychosocial support can be improved to ensure a safe and equitable environment. Such practices, when successful, can mitigate the risks of re-victimization and provide more overwhelming outcomes for both victims and the communities involved (Pranis, 2011).

Therefore, the application of Restorative Justice in cases of gender-based violence requires a careful balance between potentialities and challenges. It is necessary that restorative practices are structured with sensitivity to gender inequalities and with robust support mechanisms for victims. Only in this way will it be possible to ensure that this approach not only meets individual needs, but also contributes to the transformation of a society still marked by gender oppression.

4 RESTORATIVE JUSTICE AS A TOOL FOR FEMINIST SOCIAL TRANSFORMATION

Restorative Justice, when applied in cases of gender-based violence, takes on a transformative role by challenging patriarchal structures that perpetuate inequality. His proposal is not limited to reparation for individual damages, but seeks profound changes in the social dynamics that sustain gender oppression. According to Morais and Rodrigues (2016), by placing the victim at the center of the process, this model breaks with a retributive logic that often marginalizes women, making them the protagonist of their trajectory of overcoming and empowerment.

In the context of domestic violence, which often involves repeated aggression by men against women, violence manifests itself not only as an isolated act, but as a reflection of unequal and structural gender relations. According to Oliveira and Santos (2017), domestic violence is characterized by habituality and the affirmation of a gender position, being a concern deeply rooted in the power relations between men and women. This dynamic often results in physical, psychological, and sexual distress for the victim. In this sense, violence against women is amplified by a cultural and historical context of subordination and inequality, and it is essential that the power relations that sustain this cycle of abuse be considered (IBDFAM, 2013).

This model enables an environment where women can express their experiences and directly face the effects of violence, without the exclusive intermediation of state representatives. According to Vigano and Laffin (2019), this reflects a feminist perspective, as it gives women a voice and validates their experiences in a system that has historically been silenced. In addition, by holding aggressors accountable in a more humane and direct way, Restorative Justice questions the cycle of revictimization that the traditional penal system can strengthen, offering alternatives that aim to build more equitable social relations.

By moving away from the traditional punitive model, it is characterized by an approach that prioritizes the replacement of the damage caused by the crime, seeking social pacification through dialogue between the parties involved. According to Oliveira and Santos (2017), this model, based on intersubjective practices and multiple theories, offers a space where the victim can be heard, the aggressor takes responsibility for the act, and both parties collaborate to resolve the conflict, promoting the recovery and reintegration of those involved. In the scenario for female emancipation that aims to reduce social, cultural and historical inequalities between those involved. By creating a space where the victim has a voice and autonomy, Restorative Justice promotes empowerment, allowing women not only to narrate their story, but also to reappropriate their own narrative, moving away from the feeling of vulnerability and stigmatization. This process allows victims of family violence to regain their autonomy and self-esteem, while at the same time emphasizing the responsibility of the aggressor, offering a more humanized and integrated solution to the reality of both involved (Oliveira and Santos, 2017).

Another transformative aspect is the capacity of restorative practices to involve the community, raising awareness about the structural roots of gender-based violence. This community approach can catalyze cultural change, promoting values of equality and respect. At the same time, feminism contributes by demanding that Restorative Justice be

sensitive to the inequalities of power that permeate cases of gender-based violence, ensuring that practices are safe and do not reproduce oppression (Silva and Zacarias, 2020).

Thus, Restorative Justice aligns with feminist agendas by seeking not only the resolution of conflicts, but also the transformation of society. In contexts of domestic and family violence, its application not only empowers the victim, but also challenges the cultural foundations of patriarchy, promoting gender equality and a more inclusive citizenship for women. Thus, it is not only an instrument of justice, but an essential tool for feminist social transformation.

FINAL CONSIDERATIONS

The present work aimed to analyze the intersections between Restorative Justice and feminism, especially in the fight against gender violence. The research showed that Restorative Justice, by prioritizing the restitution of damages and the protagonism of victims, presents itself as an alternative model to the traditional penal system, often criticized for marginalizing women and perpetuating patriarchal structures.

It has been shown how restorative practices can empower women, by giving them a voice and promoting self-determination, and how feminism contributes to the adaptation of these practices, requiring a sensitive approach to power inequalities, despite presenting significant challenges, can be a powerful tool to promote gender equality and break the cycle of violence. It is concluded that, by prioritizing the protagonism of women and offering a humanized space for pieces, it contributes to female empowerment and social emancipation.

It was also highlighted the risk that, without proper care, Restorative Justice can reproduce oppressive dynamics or place victims in situations of emotional vulnerability. This reflection brought to light the need for trained technicians and strict monitoring to ensure the safety and effectiveness of the process. On the other hand, it became evident that, when applied sensitively, Restorative Justice not only promotes individual solutions, but also encourages broader social change, aligning with feminist goals of gender equality and cultural transformation.

However, an essential criticism falls on the need for greater regulation of restorative practices, in order to avoid their trivialization or involving application. Without careful planning and specific training for mediators, there is a risk that restorative practices will be used as a palliative rather than a transformative solution. Therefore, the consolidation of



Restorative Justice as a feminist tool requires continuous efforts to integrate the principles of equality, security, and social transformation into its implementation.

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