

# Can restorative justice address victims of cybercrime?



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# What is restorative justice?

*Restorative justice is an 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 and justice achieved.*

*Rather than keeping people apart or excluding those perceived as a threat, restorative processes restore safety and security through **bringing people together** to undo injustice, repair harm and alleviate suffering **through dialogue** and agreement.*

European Forum for Restorative Justice (2018). *Connecting people to restore just relations: Practice guide on Values and Standards for restorative justice practices*. Retrieval on [www.euforumrj.org/publications/research-reports](http://www.euforumrj.org/publications/research-reports)



## Values

- Justice
- Solidarity
- Responsibility
- Respect
- Truth

## In practice

- Mediation, Conferencing, Circles
- Direct or indirect
- Innovative methods
- Voluntary participation, trained facilitators, meticulous preparation

## Application

- Justice
- Security
- Peacebuilding
- Education
- Families
- Organizations
- Neighborhoods

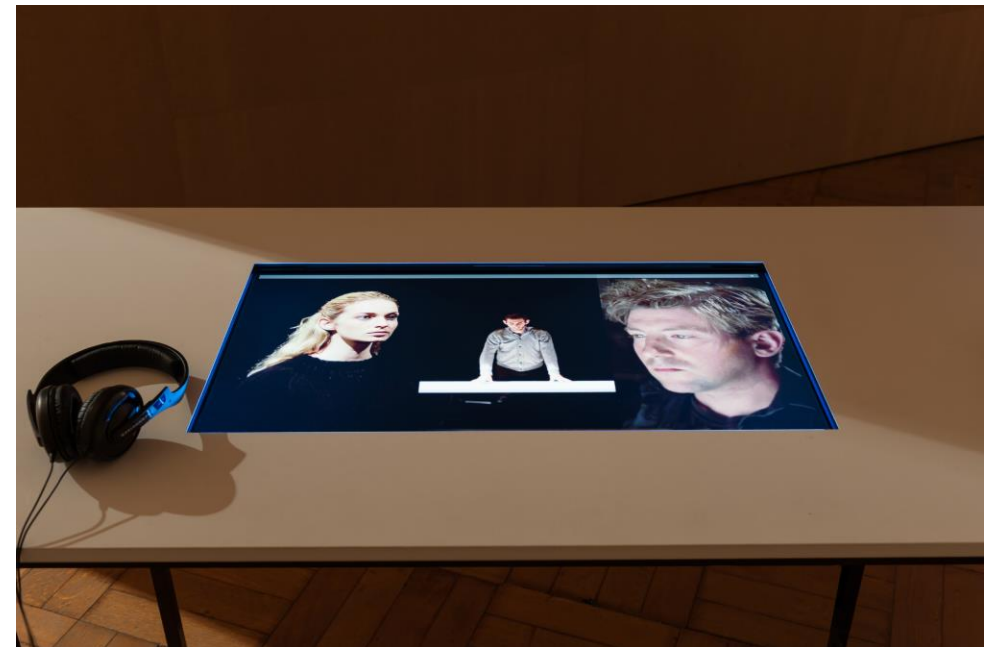
European Forum for Restorative Justice (2018). *Connecting people to restore just relations: Practice guide on Values and Standards for restorative justice practices*.  
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*After the trial, the conflict is over – or so it appears at a distance – but not for the victim or for the offender – the act, the crime, brought them into a relationship that is, as yet unresolved.*

*They each have questions – why me? What have I done? What actually happened? How did I react? Who am I in this case?*

*Paradoxically, they need each other's help to find the answers.*



Sharon Daniel (2013). *Inside the Distance*. <https://insidethedistance.net/>



# Victims

- Recognition: being heard
- Emotional restoration: feelings of respect and dignity
- Reparation of the harm, when possible
- Empowerment: feelings of control
- Fear reduction: feelings of safety
- Positive changes on oneself
- Perception of fairness in the process

# Perpetrators

- Active role in repairing the harm
- Opportunity to tell one's story
- Opportunity to hear the other's story
- Disengagement from criminal activity
- Positive changes about view of oneself
- Contribution to safer societies

European Forum for Restorative Justice (2017). *Effectiveness of restorative justice practices. An overview of empirical research on restorative justice practices in Europe.*  
Retrievable on [www.euforumrj.org/publications/research-reports](http://www.euforumrj.org/publications/research-reports)



# Victims of cybercrimes & restorative justice

- Anonymity & no contact
- Minimisation
- Not forgotten
- Wider public
- Mirroring real life issues
- Social inequalities and discrimination
- Prevention and education (restorative schools, organisations, families)
- Mediation, conferencing, circles
- Indirect dialogues/ surrogate parties

Alma Zizzola (forthcoming 2022). Blog piece on restorative justice in cases of cybercrimes to be retrieved on <https://www.euforumrj.org/en/restorative-blog>



# Case studies

## Sexting in school (USA)

- Restorative group conference with 40 people (students, parents, school admin, teachers, investigators)
- After sexually explicit images were disseminated
- Signed agreement (unanimous consensus)
  - Written school paper
  - Promise of immediate reporting
  - Parents phone monitoring
  - Educational workshop for all

Riestenberg, N. (2014). *Restorative Group Conferencing and Sexting: Repairing Harm in Wright County, Cyberbullying Research Centre.*  
<https://cyberbullying.org/restorative-group-conferencing-and-sexting>

## Online hate speech (Finland)

- Victim-offender mediation with 2 adult Finnish men
- After Turku attacks (2017), a journalist was threatened to death in an online forum
- Signed agreement
  - Joint article on hate speech and their mediation experience

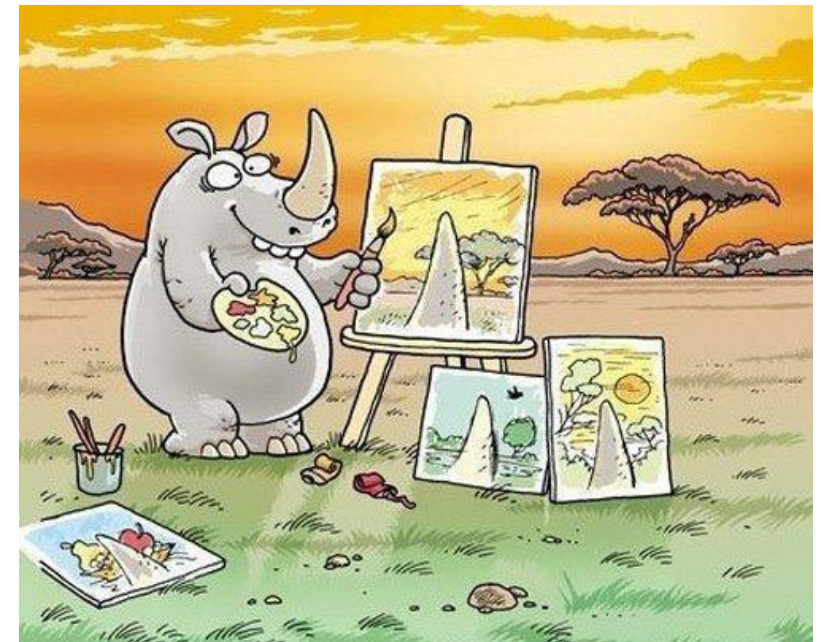
Koivisto Sami (2019). *Face-to-face with a man who wished an asylum seeker would kill my family: The scariest thing is he's just a regular Finnish guy.* <https://yle.fi/aihe/artikkeli/2019/11/06/face-to-face-with-a-man-who-wished-an-asylum-seeker-would-kill-my-family-the>.





# What can be the added value of restorative justice in cases of cybercrimes?

- As preventive measures as well as concrete responses to harm
- A bridge between parties in conflict, breaking the anonymity, focusing on harm, stopping repetition
- Values and practice principles applicable to different target groups and in different cases
  
- Little research on potential for cybercrimes
- Possibility to facilitate restorative encounters in online settings (covid-19 experiences)
- No “best practice”







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