

# RESTORATIVE JUSTICE

## FOR SURVIVORS OF HUMAN TRAFFICKING

Authored By: Rebekah Layton M.A. Restorative Justice & Human Trafficking Subject Matter Expert  
Consultation by: Mercy Grey Chief Matriarch & Human Trafficking Subject Matter Expert



### PROMOTES CHOICE

Courts do not represent the victim, they represent the local, state or federal jurisdiction. Human Trafficking Victims and Survivors are given very little, if any say in what happens during legal proceedings

### VICTIM CENTERED

Restorative Justice centers the victim by allowing to take back their voice and be a part of the decision making process of what they see as healing and justice.

### PROMOTES PUBLIC SAFETY WHILE SAVING TAXPAYERS

California State Prison cost per person has increased over 90% in the last decade, as of January 2024.<sup>1</sup> Restorative justice reduces recidivism rates as well as overcrowding prisons because it seeks to address the root issues that may have led to the offender's violence.

### SYSTEMIC OPPRESSION

The criminal legal system and carceral forms of punishment, especially in anti-human trafficking efforts disproportionately impact LGBTQIA2S+ and BIPOC communities.

<sup>1</sup>. CalMatters

### CREATING ALTERNATIVE CHOICES FOR SURVIVORS OF HUMAN TRAFFICKING WHO SEEK JUSTICE IN CALIFORNIA

Restorative justice is a process that aims to repair the harm often caused by violence. It focuses on the needs of the victim, offender and the community, emphasizing accountability and sometimes reconciliation instead of solely punishing the offender. Public safety can be achieved through restorative justice, as it addresses the underlying issues that led to the crime, reducing the likelihood of reoffending.

While there are no programs to draw from that directly offer restorative justice as an alternative in human trafficking cases, there are restorative justice processes that have been successful in adjacent anti-violence fields. Restorative justice or similar alternatives have been successful in areas of interpersonal violence such as sexual assault, domestic violence and other crimes that are often considered violent in nature. Communities and jurisdictions throughout the US and Canada, as well as other global actors, are beginning to embrace that western philosophy of crime and punishment are not improving public safety.

“Restorative justice to me, is a way forward. It may not be the path that every survivor chooses, and that is ok!! It can, however, offer a pathway towards healing and justice in a way that can have lasting change and intercept cycles of violence long term”.

- Rebekah Layton M.A. Restorative Justice



#### About

The Sunita Jain Anti-Trafficking Policy Initiative (Sunita Jain Initiative) at...

lls.edu





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## ADVOCACY

Restorative Justice allows for victims to advocate for their needs to feel safe, seen and heard.



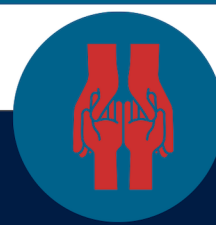
## JUSTICE

Restorative justice has the opportunity to support victims diverse view of what justice means to them.



## REDUCE BIASED SENTENCING

Restorative justice may reduces over-criminalization of traditionally marginalized communities



## ACCOUNTABILITY

Accountability requires those who have caused harm to acknowledge the harm that they have caused. It is NOT soft on crime, in fact it is very difficult to be accountable for harm.

**WHY SURVIVORS MAY WANT RJ PROCESS**  
Restorative Justice offers an opportunity to center victims of all forms of human trafficking, in a responsive call to justice that provides an alternative to punitive and adversarial court and criminal legal systems.

**WHY SURVIVORS MAY WANT RJ PROCESS**  
Courtrooms are cold, hard and intimidating places. With the possibility of a jury and courtroom filled with strangers. RJ puts the process back into the hands of survivors rather than strangers!



**BECOME A SYSTEM THAT SEEKS TRAUMA INFORMED JUSTICE NOT PUNITIVE REACTIONS!**



**RESTORATIVE JUSTICE OFFERS BECOME A SOCIETY THAT IS LESS RELIANT ON THE CRIMINAL LEGAL JUSTICE SYSTEM!**



**BECOME MORE RESPONSIVE TO VICTIM AND SURVIVOR VOICED NEEDS!**



# RESTORATIVE JUSTICE AS A RESPONSE TO HUMAN TRAFFICKING

Centering victims of all forms of human trafficking, in a responsive call to justice that provides an alternative to punitive and adversarial court and criminal legal systems.

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01

## Restorative Justice Is ...

Restorative Justice seeks to hold those who cause harm (perpetrators) accountable, while centering the needs of the victim(s), survivor(s) and their communities. Restorative justice asks: Who caused the harm, who was harmed, what was the impact, what does justice look like for the victim/survivor, and what reparations or amends must be considered.

02

## Restorative Justice offers a more trauma informed, survivor centered approach to seeking justice.

The criminal justice system as it stands was not designed with victims of violence in mind. The criminal justice system relies on shame and harsh punishment in order to isolate offenders from their communities. The Criminal Justice System, in court, represents the jurisdiction (government) not the victim. While victims have specific rights under the law, such as the right to be notified, they have little to no say in what actually transpires in legal proceedings. Often, trials are exceedingly tedious and drawn out over years, and this is especially true for human trafficking cases. Survivors may be well into their healing journey, and often do not want to sit through trial. Survivors of Human Trafficking must hear the intimate details of what they have experienced over and over again, while the opposing side will try to discount as much of the evidence as possible. This may be re-traumatizing for survivors. Restorative Justice offers a more trauma informed, survivor centered approach to seeking justice.

03

## Accountability is NOT soft on crime

Restorative processes and accountability provide a pathway towards intercepting harm, addressing the cause and impact, and seeks to have the offender commit to changing and addressing their behavior. Accountability is not soft on crime; it is hard to be accountable. While not every crime survivor needs or wants an apology. Many want to make sure that this never happens again.

04

## Prison is FAILING victims and survivors

Prison makes people more violent and costs taxpayers billions of dollars every year. According to Cal Matters, as of January 2024 the cost of CA state prison has increased **90%** in the past decade, and continues to estimate that the annual cost of prison per inmate is roughly the same cost as two college degrees (CalMatters)

05

## Race and Gender equity

The criminal justice system displays inherent racial bias against BIPOC and LGBTQIA2S+ individuals, as well as women and girls who use physical self-defense methods influenced by gender norms. Moreover, the system often fails to acknowledge the victimization experienced by boys and men.

06

## Restorative Justice = Choice

While not all survivors of labor and or sex trafficking may choose to seek a restorative process over the traditional legal system, the opportunity to make an informed decision over how they would like their case to proceed would not only give them back some of the choice that was taken from them, but it could also serve as a pathway towards healing outside the confines of the traditional criminal legal system.

