



## Advocacy & Justice

Today, as we find ourselves within the #MeToo cultural shift, we are faced with an unprecedented level of public and private dialogue and disclosures of sexual assault. It can be overwhelming to interact with this additional layer of discussion of sexual violence as people who work with survivors on a daily basis. Rooting ourselves in and reaffirming **the philosophy of survivor-centered and individualized advocacy** can be a helpful way to navigate this climate.

Simply put, we believe survivors. We believe survivors deserve justice and healing. We believe that each survivor has inherent knowledge about their needs and we understand that exercising control and choice is integral to trauma recovery.

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"It is justice, not charity, that is wanting in the world." --Mary Wollstonecraft

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This necessitates that survivor-centered services be engaged in broader thinking related to the experiences of justice as defined by survivors. There are diverse ways that each survivor we meet with will want to see and experience justice without, beyond, or in addition to, jail time for the one who perpetrated abuse.

This Advocacy Station is intended to be not just a beginning look at some alternative justice processes how we can support survivors in discovering and choosing forms of justice that are right for them.

## Concepts of Justice

Often the terms related to justice feel abstract and uncertain. It helps for us to start with looking at different justice concepts to locate our role as advocates while working with survivors who might be engaged in various processes, both structured and informal. Justice is a culturally-specific concept which means that not all survivors experience justice from the same systems or practices.

## **Criminal Justice in the United States**

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“The criminal justice system is the set of agencies and processes established by governments to control crime and impose penalties on those who violate laws.”  
–The National Center for Victims of Crime

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Criminal justice:

- intervenes when someone has broken a rule rather than caused harm.
- punishments are generally pre-determined and enshrined in law or policy.
- the State is deemed the offended party (police, courts, prisons).

A survivor may choose not to interact with a criminal justice process for many reasons, including but not limited to:

- A feeling that the process removes or limits their survivor agency, process is controlled externally.
- The burden of proof is placed on survivors.
- The process requires the survivor to recall, remember, and retell their assault which may lead to further traumatization.
- The requirement that the survivor establish a linear narrative in their telling, which can be complicated by neurobiological reactions to trauma.
- The process inadvertently blames the survivor.
- A low success rate (conviction).
- The limiting of survivor privacy due to open court, public records, media attention, etc.

## **Restorative Justice**

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“Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders. This can lead to the transformation of people, relationships and communities.” -- Centre for Justice & Reconciliation

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The process of restorative justice is intended for the one who caused harm to give back or restore. Restorative Justice processes can be community-based but also can be used as alternatives to incarceration sometimes in connection to criminal justice or conduct processes in schools and other programs.

The aim of restorative justice is to hold individuals, not systems, responsible for harm caused and to ultimately restore those harmed to as close to pre-harm status as possible. While these types of processes give survivors more opportunities to participate and do incorporate survivors more directly, restorative justice does not necessarily take into account broader systems of oppression. This can result in an inequitable dynamic from the beginning wherein the one who caused harm has more social, cultural and political power than the one harmed. Long term consequences of the harm done may be irreparable or even cumulative due to the survivor's lived identities, ex: LGBTQ, women, people with disabilities, People of Color, Immigrant status, and more.

### **Transformative Justice**

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"The story for transformative justice is still being written..." --AORTA

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Similar to restorative justice, the purpose of transformative justice is to hold individuals responsible for harm caused, however transformative justice strives to take into account broader systems of oppression. In addition to asking the survivor what they need to experience justice and healing, it also looks into why the harm was committed, and explores the root causes of such harm for further community work and activism.

Transformative justice examines behaviors and systems as opposed to simply the individual actor. Further, a transformative justice process would work to address power and privilege both in the community and in larger

systems in relation to the specific harm and with broader community prevention in mind. It involves a willingness by communities to deeply question the status quo, and asks for imagination beyond current systems.

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"The framework of Transformative Justice proposes a different story about harm, healing, power, and relationship. It is in some ways a more difficult story, but also a story that more closely reflects what we know about the realities of sexual violence against children."

—Generation Five

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\*It is important to acknowledge that long before European colonization of the U.S., Indigenous communities held concepts and models of transformative justice in various forms. These methods have also been used in Communities of Color, Queer communities, faith communities, and activist communities today.

## **Advocacy in Practice**

Rooted in this same philosophy, we can support survivors as they strive for self-determined political or intuitive methods to experience feelings of justice.

### **Exploring the concept of justice with survivors.**

The feeling of justice is a very personal one. While for some a guilty verdict in a criminal justice process can ease the fear of not being believed, survivors report that it often doesn't feel like **justice**. A survivor's feelings about the outcomes of a justice process are connected to their expectations. As is true for healing, justice is not a linear process like we might see on TV. We are all influenced by external concepts of justice. This information drives our expectations. In advocacy, it is helpful to discuss the survivor's personal, expansive definition of justice. This is one mode by which we can empower survivors to define and manage their expectations.

Some tips for this work with survivors (individually or within a support group) include:

Explore the following prompts in a format that the survivor feels works best for them such as: talking, journaling, collaging, drawing, mind-mapping, and more.

- What does justice feel like? What does justice look like? Even, what does it sound like, taste like, smell like?
- From who or from where do you need justice?
- What needs to happen for me to experience justice?
- What words or images come to mind when I think about justice?
- What do I need right now to move forward? What will I need next year to move forward still?
- What can justice provide me that I am missing?
- How is justice connected to my healing?

- Other terms to explore related to justice: accountability, closure, revenge, forgiveness, fairness, punishment.

With a clearer concept of justice in mind, a survivor may feel able to choose tangible justice actions or systems that make sense to them. It is good to remember that ideas don't often fall neatly into one of the previously defined categories of justice. For example, a survivor might:

- Express a need to be believed, which could be achieved through telling their story in a public, supportive space.
- Want something that feels official that shows what happened to them, which might be achieved by having a Protection Order granted, even if safety is not their ultimate goal.
- Want to "out" their abuser in shared community, seeking confrontation, apology, and/or accountability.
- Want abuse, in general, not happen to anyone else, which might be addressed through prevention work, activism, or lobbying.
- Want the perpetrator to literally "pay", which could be accomplished through a civil lawsuit.

#### What is an advocate's role in alternative justice seeking?

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"Restorative justice's beauty and effectiveness flow from people feeling free to tell the truth, and being welcomed to do so." -- sujatha baliga

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Just as advocates do not facilitate interviews with law enforcement, we would not, in an advocacy role, facilitate a restorative justice process. (That would be beyond individual advocacy and into a more structured program or project.) However, there are many ways we can support a survivor who might be choosing partial concepts or whole structured processes of restorative justice.

Advocacy support can be integral in many of the ways a survivor may identify as part of their pursuit of justice and healing. In a criminal justice case, for example, we might support a survivor as they work on their victim impact statement. In fact, a victim impact statement might be something that is useful to a survivor to write and possibly share as part of their personal healing process.

As advocates we also benefit to keep in mind that some survivors may find justice through more direct confrontation. For example, Nancy Schwartzman created a documentary, "The Line," in which she confronts the man who raped her and films it in an attempt to move through the trauma of her experience and achieve a better understanding of consent and coercion. If this kind of approach is what a survivor might be considering, prepare to avoid injecting your own bias or ideas about this kind of justice-seeking and think about ways that you as an advocate can discuss harm reduction and safety issues instead. Some prompts for this discussion could be:

Is it...

- An in-person meeting?
- An in-person meeting with an ally or other mutual friend?
- An email?
- A letter?
- A community gathering?

We can explore what feels safest for a survivor based on what they want to do and who they want involved, and then collaborate with the survivor on developing a safety plan. We may also be able to refer survivors to restorative justice facilitators if available in our area.

At times, survivors are not looking for justice to be done to the offender, but rather, to those they depended on to keep them safe or believe them. Many survivors of child sexual abuse need accountability from their guardians or community.

For example, Aishah Shahidah Simmons is an anti-rape activist and incest survivor who confronted her divorced parents about their lack of response to her being sexually abused as a child. "Simmons signed 'Love WITH Accountability' in virtually every communiqué to them. In doing so, Simmons was emphasizing that her deep love for her parents could not shield their lack of accountability for the sexual violence she endured as a child and their subsequent 30-year cover up." In essays published on The Feminist Wire, Simmons wrote about the impact of incest and her mother acknowledged her complicity and the ways she failed to protect her daughter (Simmons, 2016).

Finally, and importantly, advocates can be helpful to survivors by honoring seemingly small experiences of justice.

When CSA survivors disclose about their abuse, often doing so when they are children and youth, and are believed—that is a small victory in a world where most survivors of sexual violence are not believed at all when they come forward.

When a family or family member not only believes a survivor about their abuse, but also supports them against the common backlash from family, friends and/or communities—that is a small victory in a world where many survivors face such backlash on their own.

When an abuser acknowledges the abuse they've done—that is a small victory when so many abusers deny the violence they've done and worse, often blame survivors and bystanders (Mingus, 2016).

Engaging with both simple creative solutions as well as expansive ideas of justice can help a survivor in their healing process and be a powerful tool in an advocate's toolbox. A critical part of advocate engagement is developing an awareness of how justice and healing map differently across cultures. As advocates, let's stay committed to exploring and learning about new modes of justice that might look different from what we are personally familiar with. Doing so helps us grow in our profession as well as in our capacity to serve a diversity of survivors with competency.

## References

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- Schwartzman, Nancy. (2010). The Line. Media Education Foundation.

## Reading, Resources & Tools

### WCSAP Resources:

- Transformative Justice Approach to Child Sexual Abuse  
<https://www.wcsap.org/resources/publications/tips-guides/advocacy-therapy/transformative-justice-approach-child-sexual>

### Additional Resources for Exploring Alternative Justice Concepts:

- Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence  
<http://www.creative-interventions.org/tools/toolkit/>
- A Different Path for Confronting Sexual Assault  
<https://www.vox.com/first-person/2018/10/10/17953016/what-is-restorative-justice-definition-questions-circle>
- Navigating Justice for Sexual Abuse Survivors, When You're a Prison Abolitionist and a Survivor  
<https://afropunk.com/2017/12/navigating-need-justice-sexual-abuse-survivors-youre-abolitionist-survivor/>
- Small Seeds  
<http://livingbridgesproject.com/blog/2016/8/11/small-seeds>
- Hollow Water  
This documentary profiles the tiny Ojibway community of Hollow Water. Based on traditional practices, this unique model of justice reunites families and heals both victims and offenders. The film is a powerful tribute to one community's ability to heal and create change.  
[https://www.nfb.ca/film/hollow\\_water/](https://www.nfb.ca/film/hollow_water/)
- Transform Harm  
<https://transformharm.org/>