

## ARTICLE

# Restorative justice, refugees and criminal harm in places of asylum

Steve Kirkwood\*

## Abstract

*People who have had to flee their homes and seek asylum are often vulnerable and experience harm and trauma. Restorative justice offers a way of addressing the criminal harm that people of a refugee background may experience in places of asylum, and yet there is very little literature or visible practice on this topic. This article presents an exploratory study to address this issue, reviewing existing literature and presenting an analysis of interviews with restorative justice practitioners, representatives from organisations supporting refugees and asylum seekers, and people of a refugee background. Findings suggest restorative justice is a potentially beneficial response to address harms experienced by people of a refugee background, as it can be responsive to trauma, facilitate understanding and connection and address racism and antagonism. Barriers and challenges for restorative justice in this context include language, communication, interpretation, mistrust, insecure immigration status, the impact of trauma, and access to basic resources. Cultural difference ought to be taken into consideration, but it was not considered to be a barrier to engagement in restorative justice. The potential for restorative justice to address the structural issues that impact on people of a refugee background requires further exploration.*

**Keywords:** refugees, asylum seekers, migrants, restorative justice.

## 1 Introduction

The global population of people directly affected by forced migration is estimated to exceed 100 million (UNHCR, 2023). Many experience significant harms and trauma, including the effects of persecution, war and conflict, such as violence, loss

\* Steve Kirkwood, Senior Lecturer in Social Work, The University of Edinburgh, UK.

Corresponding author: s.kirkwood@ed.ac.uk.

Acknowledgments: this research was supported by funding from the Leverhulme Trust (RF-2022-366). I would like to thank all of those who supported me with this research, participated in interviews, and suggested potential contacts. I presented this work at the European Society of Criminology Annual Conference in Florence, Italy, September 2023, and would like to thank the audience members for their helpful responses. Thanks also to Lucy Jaffe and the anonymous peer reviewers for helpful comments on an earlier version of this article.

Steve Kirkwood

of life, loss of loved ones and destruction of homes and property (Carswell, Blackburn, & Barker, 2011; Hynes, 2004; Kling, 2016). Those who make it to an allegedly safe country often experience further harms, but these may not come to the attention of formal justice institutions or are unaddressed. Such harms include crime, racism, harassment and isolation (O’Nions, 2010; Rundell, Sheety, & Negrea, 2018). Asylum systems can cause further harm and compound trauma, such as through experiences of detention, deprivation and prolonged uncertainty regarding immigration status, all of which increase vulnerability (British Red Cross & Refugee Survival Trust, 2021; Canning, 2019a, 2019b; Rotter, 2016). Refugees and asylum seekers may face challenges in reporting crimes to the police, due to a lack of knowledge about the police, language difficulties, previous negative experiences of police in their countries of origin or fears over the impact on their legal status (Vidal & Nisbet, 2023). Although equal access to justice is guaranteed by several international legal instruments, asylum seekers and refugees often face barriers to accessing justice (Wilson, 2018). Asylum seekers and refugees therefore may be particularly vulnerable to criminal harm in countries of asylum, and their experiences of trauma, often insecure immigration status, possible language and cultural differences and likely barriers to formal justice institutions mean it is important to understand how they can be provided with an effective justice response.

Restorative justice, as a voluntary, trauma-informed process that aims to address harm through facilitating safe and respectful dialogue between those responsible for and harmed by crime, offers an approach for addressing harms experienced by people of a refugee background in places of asylum (United Nations, 2020). Asylum seekers and refugees may be targets of racism, and restorative justice also provides a promising response to racially motivated hate crime (Walters, 2014). However, people from minority ethnic groups, and people who are not fluent in the local language, are likely to encounter barriers to accessing such services (Albrecht, 2010; del Campo, Vilà, Martí, & Vinuesa, 2012; Törzs, 2014). As yet, very little has been written about restorative justice as a response to criminal harm in countries of asylum.

To address this important issue, the present article provides a scoping review of existing literature and findings from an exploratory research study into the potential of restorative justice as a way of addressing criminal harm experienced by people of a refugee background in places of asylum. This article focuses on both general crime and harms of a racist nature experienced in the communities within which asylum seekers and refugees come to reside. It examines the potential barriers and challenges that may be particularly relevant for people of a refugee background accessing restorative justice and how these may be overcome.

### ***1.1 Scoping review of existing literature on restorative justice and refugees in places of asylum***

Existing literature on restorative justice with refugees and asylum seekers in places of asylum includes commentary and theoretical work on the potential of restorative justice with refugees, case studies, and research into the use of restorative justice or related practices with people of a refugee or migrant background, including the

views of migrants, refugees and practitioners. As the amount of literature on restorative justice with refugees as a response to crime in places of asylum is very limited, some closely related work is also discussed. This includes pieces on restorative practices in refugee centres (Rundell et al., 2018), mediation practices in relation to antagonism against asylum seekers (Attias, 2020), and penal mediation with people of a migrant background (del Campo et al., 2012).

Some authors have outlined the rationale for restorative justice with refugees and the potential forms it may take. For instance, Wilson (2018) argued that restorative justice has the potential to help address the justice needs of refugees through being attentive to people's cultural needs and experiences of trauma. Nöthe (2020) argued that restorative processes can help convey that the harm or conflict is taken seriously, while their use as alternatives to more serious criminal justice sanctions may be particularly important for people who have insecure immigration status. More broadly, Pali (2015) highlighted that dehumanising rhetoric and policies regarding asylum seekers and refugees stimulates fear and hatred. In this context, restorative justice offers ways to build solidarity, recognise common humanity and, through processes of encounter and dialogue, build trust and community to support human rights and social justice.

Some studies examined the potential of restorative justice for refugees of particular cultural backgrounds. For instance, Laxminarayan and Pemberton (2012) explored the justice experiences of Bhutanese refugees living in Nepal. The authors explained that the typical justice response to criminal harm among this population involved informal processes, along the lines of restorative justice. They found people were most satisfied with the justice response when they had a voice in the process and the justice response repaired the harm or reduced the likelihood of further harm. The authors suggested that the preferences of Bhutanese refugees are at least partly explained by the collectivist nature of their culture, within which informal collective processes focused on respect and relationships are preferred over formal responses to harm and conflict.

In considering the potential of restorative justice with refugees and migrants of an Arab or Muslim background, Pely and Luzon (2019) made the case that *Sulha* is a form of restorative justice that originates from Arab and Muslim culture, and which can be drawn upon, in combination with contemporary Western restorative justice processes, to create a hybrid form of alternative dispute resolution. They noted that restorative justice theory and practice often draw on notions of shame – notably reintegrative shaming (Braithwaite & Mugford, 1994) – and argued that, in contrast, honour is the key focus within *Sulha* and, therefore, hybrid responses ought to prioritise people's honour and frame the processes in ways that would restore honour. They suggested that to manage potential shame, it is important to allow 'private' conversations between the person responsible for the harm and the person harmed, the results of which can then be discussed within a wider restorative justice meeting, with supporters or community representatives present. Although the cultural backgrounds of refugees are highly diverse, this suggests there is potential for restorative justice as an appropriate response to harm, possibly adapted to people's backgrounds and needs.

Steve Kirkwood

Rundell et al. (2018) argued that responses to refugees need to consider the way trauma affects how people think and deal with their situations, including heightened fear and anxiety, and that a restorative approach helps to do this through focusing on building trust and relationships. They outlined how restorative practices were used in a refugee camp in Western Europe. These included proactive circles – which are used to build relationships and a sense of community – and responsive circles – which are used in response to specific harms or conflicts. The practice of circles is described as involving ‘compassionate witnessing’ and, through the use of talking pieces and restorative questions, allows people to talk about situations, how they are being affected by them and what could be done to address them. The authors illustrated how such approaches help empower people, restore their dignity and respect and find culturally appropriate responses that reduce harm and conflict and promote better-connected and caring communities.

Mediation and restorative practices may also have a role to play where conflict is occurring in local areas where asylum seekers and refugees are living. For instance, Attias (2020) reported on conflict around, and violence directed towards, refugees in Finland and how a restorative and community mediation approach was taken to ‘depolarise’ the situation, engaging both with refugees and those who held strong anti-refugee views. She described listening as a ‘radical act’ that has the potential to help defuse high levels of tension, reduce the use of physical violence and build towards mutual understanding and peaceful coexistence.

Language is commonly cited as a potential challenge for restorative justice with refugees (Albrecht, 2010; del Campo et al., 2012; Nöthe, 2020; Pali, 2017; Törzs, 2014). Limited ability with the local language can make restorative justice services less accessible, as well as disadvantage people in the process, while different communication styles and culturally bound ways of talking have the potential to hamper expression and understanding. del Campo et al. (2012) studied young migrants in Catalonia, Spain, who had experienced penal mediation due to committing an offence. They argued that there were power asymmetries in the process, because the person harmed by the offence was prioritised in the process over the young person, and tended to be older, while the young people were usually less competent in their language ability and had less understanding of the criminal justice context and processes. They described one of the consequences as being an ‘excess of ambiguity’ (504) in the process. Albrecht (2010) suggested that such disadvantage, as well as fear of other possible legal outcomes, may pressure people to agree to unfavourable outcomes.

The use of interpreters was commonly cited as a way to address language barriers. However, this could have financial implications and slow down restorative processes, as well as complicate matters, especially if the interpretation was not done correctly (Albrecht, 2010; Nöthe, 2020; Törzs, 2014). While the use of informal interpreters, such as family members, was an option, this can cause other problems, including their interference with the restorative justice process (Pali, 2017). However, it was also noted that nonverbal communication – such as where someone looked, crying, facial expressions and handshakes – helped with mutual understanding (Pali, 2017).

There are different views on whether cultural differences impact on the suitability of restorative justice for refugees. For instance, a survey of mediators found only a minority thought culture would be an issue for restorative justice (Törzs, 2014). Pali (2017) suggested that the common claim that culture was not a problem was indicative of restorative justice being an inclusive practice, where avoiding describing people of certain cultures as ‘problematic’ was part of practitioners displaying anti-racist attitudes. However, there may be unconscious or hidden practices that create barriers to people of diverse cultural backgrounds fully engaging in restorative justice. Some practitioners suggested that restorative justice may be more accessible for people of some cultural backgrounds, where addressing harm and conflict through dialogue is normative, whereas in some cultures it is not normative to admit guilt, which is often a prerequisite for a restorative process (Albrecht, 2010; Nöthe, 2020; Törzs, 2014).

Del Campo et al. (2012) noted that where practitioners were of a different cultural background from the participants, this could reinforce power asymmetries, which also made it harder to develop trusting relationships. Cultural diversity among practitioners was generally encouraged, as it broadens the cultural frames for understanding people’s perspectives and behaviours, but ‘matching’ the cultural background of practitioners to a particular case could be problematic, as it might not be possible, might be unwelcome or might unintentionally create other unhelpful dynamics in the process (Pali, 2017; Törzs, 2014). However, Törzs (2014) suggested that ‘co-mediation’, with two practitioners resembling the backgrounds of the different groups, helps balance needs and power.

Several authors argued that restorative justice currently shows limited potential to address wider issues of racism and structural issues, including overrepresentation of migrants and people of ethnic minority backgrounds in the criminal justice system, and the wider social, economic and political contexts in which migrants and refugees live (Albrecht, 2010; del Campo et al., 2012; Pali, 2017). Overall, restorative justice shows potential for responding to criminal harms experienced by asylum seekers and refugees in places of asylum, although many questions remain regarding how it might best address their needs, including overcoming issues of accessibility, dealing with language needs, responding to cultural diversity and addressing potential mistrust. The present study attempts to build on the limited existing literature by further exploring the potential and challenges for restorative justice in response to criminal harm experienced by people of a refugee background in places of asylum.

## 2 Methodology

Given that the existing practice and evidence base on restorative justice with refugees in places of asylum is currently so limited, the present research study was exploratory in nature, based on a scoping review of existing literature, recorded interviews with practitioners and people of a refugee background, and informal conversations with researchers and practitioners with knowledge of the field. I would like to state that I am not of a refugee background, but I am a migrant of

Steve Kirkwood

European heritage living in Scotland, and my own personal, professional and cultural experiences shape my perspective.

### **2.1 Literature review**

I searched Google Scholar and Clarivate Web of Science Core Collection for books and articles relating to restorative justice and forced migration. My main search terms were 'restorative justice' and 'refugee' or 'asylum' or 'forced migration' or 'migrant' or 'immigrant' or 'migration' or 'immigration'. I also drew on related literature, such as on restorative justice and transitional justice, and research exploring restorative justice in relation to racism, hate crime and ethnic diversity. I included additional 'grey' literature (including blog posts) and webinar recordings. The literature most closely relating to restorative justice with people of a refugee or migrant background is discussed in the literature review above.

### **2.2 Interviews**

To explore the current and potential use of restorative justice with people of a refugee background, I interviewed representatives from five restorative justice providers based in England, three professionals using restorative practices with asylum seekers in Belgium, two representatives from organisations addressing refugee justice issues in Scotland and two people of a refugee background living in Scotland (a man and a woman, both of Black African background).

Most of the interviews were conducted via Microsoft Teams and transcribed using the inbuilt transcription function. The others were conducted in-person, digitally audio-recorded and transcribed by a professional, confidential transcription service. Participants were provided with written information sheets and completed consent forms. Participation was voluntary and identifying details have been anonymised or kept confidential. Participants of a refugee background received a voucher worth £30 as thanks for their participation. The project was approved via the ethics approval process at my institution.

### **2.3 Data analysis**

To analyse the data, I first listened to the audio recordings and checked the transcriptions for accuracy. I imported all transcripts into NVivo qualitative data analysis software. I read through the transcripts, coded them thematically and extracted the data coded to specific themes for closer analysis. For the purposes of the present article, I focused on content related to the benefits of restorative justice for responding to criminal harm experienced by refugees in places of asylum, barriers to access to restorative justice, strategies for addressing barriers and enabling access, and the use of restorative justice in addressing racism and hate crime.

## **3 The benefits and potential of restorative justice**

Interviewees discussed a range of potential benefits and areas where restorative justice could be used in relation to harm experienced by people of a refugee

background in places of asylum. These mainly related to the benefits of restorative justice as a response to criminal harm and its potential to address racism and antagonism from local communities and humanise relationships between people.

### ***3.1 Facilitating greater understanding in response to criminal harm***

Several respondents stated that restorative justice has the potential to facilitate greater understanding and humanise aspects of the response to criminal harm. Respondents highlighted that it was a more constructive response to crime than the standard criminal justice process, facilitating understanding, enabling people to make amends and helping people to change. An interviewee of refugee background gave the following account of his own experiences:

In terms of restorative justice itself, I think it's a very good concept because... a lot of things have been tried. I've been through the criminal justice system and, I tell ya [...] [in prison] I saw people leave and come back. So, some parts of the criminal justice system are really not working. And so there needs to be some other way of sorting things out, if you can... People that burgle houses and all sorts of things, you know, maybe if they could, you know, see what harm they are actually doing. Because they are not only harming the people that they're taking stuff off, they're also harming themselves and harming themselves in a very, very, very big way [...] I got clean and I tried to make amends. I went and saw a lot of people that, you know, in the past, and that was the most satisfying... Some people won't take it, but those that do, it is the most liberating thing and it... Yeah. I sobbed many times, I cried, two or three people that I'd harmed... and it was really beautiful to get to sit down, talk together, have a pint and that forgiveness, that mutual coming together and understanding, it is the most powerful thing that can ever happen. (Person of refugee background)

Here the potential of restorative justice is in addressing the shortcomings of the standard criminal justice response through its potential to enable people to take responsibility for their actions, make amends, increase mutual understanding and potentially experience forgiveness. It should be noted that this was not facilitated by a restorative justice practitioner but something the individual did unaided, which may also speak to the inaccessibility of restorative justice services. Some interviewees emphasised that restorative processes help restore some voice and control to people harmed by crime:

The main thing that comes across with all people who've been harmed is the vulnerability and the lack of control and the lack of power. And, you know, the integral principles of restorative justice are that, you know, you empower people, you help them to be the ones directing the work. (Restorative justice practitioner)

Rather than reinforcing vulnerability, restorative justice responds by empowering people and restoring a sense of control. Some interviewees emphasised that the

Steve Kirkwood

justice response to harm suffered by people of a refugee background, particularly harm of a racist nature, has the potential to communicate that what they suffered is wrong and that society supports them.

I think them recognizing and saying actually what's happened to me here isn't acceptable. It is being taken seriously. And as a country and as a society, we actually want to hear, and from you as the victim of this, we feel you are one of the most powerful voices in actually stopping that again. And, again, one of the common things for victims is they don't want it to happen to somebody else. And what we know works, because it's one of the few interventions with offenders what's been proven to reduce reoffending, is if the offender hears from the victim directly, the chances of them committing the same offence diminishes greatly. And so that's what they're gonna get. They themselves get to be empowered in a sense of they're playing a part in formally being part of this justice process. (Restorative justice practitioner)

Restorative justice then provides several benefits, which include signalling that criminal harm, especially harm of a racist nature, is not acceptable and that members of society stand with people of a refugee background who are harmed. By empowering people to take part in a restorative justice process, they are provided with a way to address these harms and see how people take responsibility to address such harms and make amends, which has the potential to help them connect with society.

### **3.2 Addressing hate crime, racism and antagonism towards refugees**

Several interviewees argued that restorative justice would be useful in responding to hate crime and harm of a racist nature, with benefits for both those responsible for and those harmed by such crimes. They suggested it could help people who had committed racist hate crimes to gain a better understanding of their behaviour and the harm caused, encouraging people to change for the better.

I think restorative justice would work brilliantly there [hate crime against asylum seekers or refugees]. Because... a hate crime, it starts off by, the words that come out eventually or whatever, are sparked by a feeling, an idea, a thought that, yeah, someone is like this. If people could then get together after, yeah... I always say that many times I've had, 'You black bastard, go back where you came from.' If, like, the police could get us to sit together and, you know, chat about this, about things, I think it would change communities. (Person of refugee background)

It's often that the person who's caused the harm has no idea of just the extent of the consequences of what they've done. So I think that, you know, when they're brave enough, you know, to, and courageous enough, to take part in the process. And, you know, they are able to hear just how much it's affected someone and just, you know, and see the other person was a person. And again it sounds clichéd, but I think that, you know, that is the beauty of this, is that



when they see that they're not a group of people, they are one person, who's got needs and who, you know, who they can identify with in some way. You know, the impact is huge and you really do feel like that, you know, the person who's caused the harm is so much less likely to cause the harm again. (Restorative justice practitioner)

The majority of offenders who commit hate crimes are not, you know, right wing extremists. They're just people who use nasty language. More often than not because they've been brought up that way. They don't actually realise what the language they're using, where it comes from, what it's connotations are. They just know it's a slur, they throw it around like it's nothing. And when they sit down with somebody and they realise the harm that it causes, you know, they change their behaviour. (Restorative justice practitioner)

As these quotes highlight, many racist hate crimes were seen to be connected to people's lack of understanding – about asylum seekers and refugees, about the nature of racist speech and behaviour or about seeing people as individuals – and restorative justice holds the potential to help people gain an understanding of the effect their behaviour has as well as learn more about people and humanise them. Some interviewees emphasised that the benefits were not only for the person responsible for the harm but also for people harmed by racist hate crime.

The benefit is two-way because, yes, of course the obvious place for that is in enlightening and opening up the awareness and understanding of the perpetrators to the reality of the people they're causing harm to. But we've seen just as much effective benefit for those people targeted with that hostility. In seeing the harmers as humans. Humans who got it wrong. (Restorative justice practitioner)

To have already gone through the trauma that you've been through and finally get here and then to be, you know, if you were then caused harm by people, you know, saying 'go back to your country' or, you know, getting harm from people here. I just think that, you know, to then be able to realize that, you know, there are people who will change their opinion once they know them and who understand them. It'll make them feel much more welcome, much less suspicious, and help their recovery process if, you know, if it's not harm upon harm, but at least one layer of the harm is being addressed. (Restorative justice practitioner)

Here restorative justice is treated as holding the potential to help asylum seekers and refugees who are harmed by racist crime to humanise those who harmed them; to gain a better understanding of their situation; and to build human connections, with the scope to help them overcome the harm and rebuild a sense of trust and safety.

Beyond behaviour that might meet the definition of criminal harm, several interviewees suggested that restorative justice, restorative practices or related

Steve Kirkwood

processes of mediation or community engagement could help to address racism and antagonism from members of local communities towards asylum seekers and refugees. They argued that it does this by helping increase people's mutual understanding and thereby address misconceptions and fears.

I think there is an element of fear from local communities about big numbers of men moving into their communities. It's fear. Whether it's rational or irrational is irrelevant. It's around fear. And restorative justice quite often addresses feelings of safety. That's often a very big part of a positive outcome that somebody walks away feeling less anxious and safer. (Restorative justice practitioner)

There's so much ignorance about refugees and asylum seekers and, you know, however much we feel like we're a tolerant country in some ways, it's disturbing to think that people who come in with such needs won't have their needs understood by the general population. So that's why I think that, you know, you work on the one-to-one examples here where people have caused harm and then meet the person and then they'll see that, you know, the needs of people. And I think restorative justice and restorative practice can be a way of getting tolerance towards this issue in a sort of small way. (Restorative justice practitioner)

The interviewees highlighted that this understanding could address people's fears, misconceptions and anxieties at an individual level but that this held the potential to help shape broader attitudes and relations among communities. One interviewee agreed restorative practices had the potential to improve attitudes towards asylum seekers and refugees among the general public, by addressing racist myths and humanising people, but that engagement with groups or individuals with more extreme views could be difficult.

With the [far right organisation], when they're so extreme, I don't even know what their intention is if they would come to the dialogue. I think it would be even more harm to asylum seekers, than beneficial because... first, it is a process of them changing their perspective and their attitude and their narrative, for them to even be accepting of a dialogue. Maybe, I don't know, it could be helpful if it's facilitated right without causing further harm to people, who've already been through enough. (Refugee organisation representative)

Overall, then, the interviewees suggested that there was scope for restorative justice to respond effectively to racist harm, to improve understanding and attitudes towards asylum seekers and refugees at the individual level, and potentially within the wider community, but that there might be serious challenges for doing so in cases of more extreme views.

## 4 Barriers and challenges for restorative justice

Interviewees were asked their views on issues that could constitute barriers or challenges for providing restorative justice to refugees. The most cited issue related to language and communication; other potential challenges included mistrust, insecure legal status, the impact of trauma, access to basic resources, and cultural differences.

### 4.1 *Language, communication and interpretation*

Language and issues around interpretation and translation were mentioned by most interviewees. Language could act as a barrier to access to the service; for example, limited ability or confidence in the local language might mean that people did not respond to services' initial attempts to make contact.

Quite often, particularly if somebody needs an interpreter, they tend not to answer the phone unless there's somebody in the house who speaks English. So that's the first barrier. (Restorative justice practitioner)

In this way, language could be a form of hidden barrier to accessing a service. Another way that language created a barrier related to understanding documentation, including leaflets, consent forms and data sharing policies.

One of the biggest things, I think the very first stumbling block is paperwork. (Restorative justice practitioner)

Trying to explain GDPR [General Data Protection Regulation] rules [...] is difficult at the best of times. Trying to explain that to somebody where English isn't their first language, and then trying to get the leaflets and literature printed in different languages. (Restorative justice practitioner)

Interviewees explained that people might not be able to read and understand the printed information and also that some of the policies, especially regarding data sharing and management, might put people off engaging with the service, particularly if they had insecure immigration status or were worried about official institutions, such as the police.

A further challenge related to understanding during a restorative justice meeting. Interviewees provided slightly varying responses on this issue, especially regarding how easy it would be for the emotional dimensions to be conveyed across languages.

If you're a victim of crime and you're trying to relay... you know, a lot more than a sentence. Your thoughts, your feelings. You're talking about feelings of kind of hurt, guilt, fear, shame even possibly as a victim. How does that translate across languages? Very, very, very difficult. Body language is very, very important. (Restorative justice practitioner)

Steve Kirkwood

When you've got a free-flowing restorative meeting, people can react in real time and actually relying on an interpreter what might be giving you the actual what's being said, but not necessarily... you're trying to pick up on what are the body language cues. And things like that so. As a practitioner, you're always trying to do that, you're trying to read body language, and you're trying to read and understand how somebody's feeling as well and how they are processing the information they've just received. (Restorative justice practitioner)

Here the interviewees suggest that conveying complex emotions and feelings may be challenging in the context of restorative justice meetings if people are not fluent in the same language. However, they also imply that body language has the potential to convey meaning in ways that might transcend verbal language abilities.

The restorative justice services generally had at least some experience of working with language interpreters, and some had established connections with trusted interpreters. Generally, they suggested that the involvement of interpreters added another dimension to restorative justice encounters and meant they took longer but that they were otherwise manageable.

We'd have to make sure that we knew that the translator was translating exactly what we were saying. Because we'd need to check that they weren't putting their own slant on restorative justice. Because we'd need to, yeah, we can't make sure that it's impartial, and there's no further harm to the person, if we don't know that our words have been translated exactly. So it would have to be a reputable translator. (Restorative justice practitioner)

As this interviewee suggested, accurate translation was considered important in conveying participants' feelings in the context of restorative justice meetings. However, another interviewee, who worked as both an interpreter and a restorative justice practitioner, suggested that there was more to interpreting than strictly translating the words of participants from one language to another.

I would try to understand what they're saying is not just, you know, translating what they said and that's it. Just trying to really get to the core of the message and as well coming back with the reply from the professionals or the victim. Because they might nod and they might say, 'Did you understand?' [...] I would say, 'May I ask them again, please, if they really understood? May I ask them if they can explain what they understood?' Because I know this is the job of the professionals, but as an interpreter I've seen that sometimes professionals would just take an answer and that's it. And it's very detrimental to the meeting. (Restorative justice practitioner)

This suggests that ensuring understanding is occurring is crucial for successful restorative justice processes. Some interviewees mentioned that preparation was key to ensuring the restorative justice encounters worked well if there were potential language challenges.

I don't think it [live interpreting] would affect it that much because I think that the... you would still be able to feel the emotion of it, and, you know, we'd also have done the preparation. (Restorative justice practitioner)

RJ preparation is key. You know, the preparation would iron out a lot of these challenges, but of course it would take time. You should expect to kind of take half as long again to do a meeting with an interpreter. (Restorative justice practitioner)

Overall, then, interviewees suggested that language could be a potential barrier to accessing or engaging with restorative justice services, and this needed to be considered when providing information and attempting to engage with people of a refugee background. They also suggested that the use of interpreters could be an effective way to facilitate restorative justice encounters where language was an issue and that preparation, time and the involvement of appropriately skilled and trusted interpreters were important.

#### **4.2 Trust and mistrust**

Some of the interviewees suggested that refugees and asylum seekers might be mistrustful of official institutions, especially the police, and this could extend to restorative justice services and be a barrier to access. Interviewees highlighted that people they engaged with often displayed mistrust and, therefore, services had to take the time to develop relationships and build trust.

That can be quite scary for somebody, especially if you're somebody from a different country who's newly involved with the police. You know, there's... I would go so far as to say no degree of trust there. (Restorative justice practitioner)

If we're working with people [...] that for legitimate reasons don't have trust in authority. There's more that perhaps us as a field need to do, as a service need to do, to build that trust. And in the current climate that's particularly challenging, given the Casey report<sup>1</sup> et cetera. Being so closely affiliated to the police has huge advantages but huge disadvantages. (Restorative justice practitioner)

As these interviewees highlighted, people of a refugee background might be distrustful of official institutions, especially the police, which is often related to not only their experiences of persecution or abuse in their countries of origin but also the way they may have been treated by institutions, including the police, in the host society. Some restorative justice services are delivered by police staff and other types of service providers who are closely associated with the police; there are still others who may be completely independent service providers but still associated with the police or other parts of the justice system in people's minds.

1 The review of the Metropolitan Police, which covers most of Greater London, identified serious structural problems, including institutional racism, misogyny and homophobia (Casey, 2023).

Steve Kirkwood

Therefore, building trust and conveying the nature of restorative justice in relation to other aspects of the justice response was important.

I think people who've been in the care system a lot or have had a lot of adults they don't trust, possibly been the subject of abuse. Initially when we come in, I think they think we're just another service. You know, they don't want to tell us much, don't trust us. And so in these cases, it takes a lot longer to build up the relationship. (Restorative justice practitioner)

As noted by this interviewee, there can be range of reasons why people are mistrusting, including because they have been abused or had other negative experiences with institutions; therefore, restorative justice services needed to take time to build trusting relationships and be aware of not expecting or requiring people to disclose too quickly any sensitive information about themselves or the harm they had suffered.

#### ***4.3 Legal status, trauma and access to resources and support***

Some of the interviewees highlighted that there may be issues relating to asylum seekers' and refugees' situations and resources that could imply specific needs, challenges or potential barriers for engaging with restorative justice. Some, for instance, suggested that someone's immigration status could present a challenge for engaging in restorative justice, especially if they had no legal status to remain in the country or, potentially, if their immigration status was uncertain (e.g. if they were awaiting the outcome of an asylum application).

Lots and lots of difficulties, I think, that everybody, all offenders face, but are heightened because of their status. (Restorative justice practitioner)

Relatedly, one interviewee suggested it would be important to check whether their basic needs were met, so they were in a place to engage in restorative justice, and some highlighted that potential trauma must be considered.

Have all their basic needs been met? You know, are they in stable accommodation? Are, you know, have they got enough food and resources? And, you know, do they need referral to all those agencies first for advice? Because we want people to be stable enough to be able to cope with the emotional challenge of our work. So yeah, to make sure housing and, you know, benefits. [...] And then, like I said, the trauma needs. So sometimes we find that people are too, the trauma is overwhelming and too much to be able to do the work. So we might refer someone to counselling first, put the work on hold until they're, you know, they have been a bit more stable. (Restorative justice practitioner)

Another interviewee highlighted that trauma needed to be taken into account and indeed that restorative justice could help address trauma.

We also see that with refugees it's, and trauma, it's a lot about control. And sometimes we try to give the control back, and that's also restorative practice for me because you are in an equal relationship. I'm not saying what you're gonna do or have to do. We are talking about what can we do and what is good for you. (Restorative justice practitioner)

Some interviewees suggested that engaging with specialist support and organisations that support refugees would be useful or necessary to engage with people of a refugee background.

I don't think we could take on a significant piece of work without having the support of a specialist organization. (Restorative justice practitioner)

Overall, the interviewees suggested that people's situations needed to be considered, especially their access to resources, feelings of stability, the impact of trauma they have experienced, and the support required to help address their needs. Working in partnership with organisations that specialise in supporting asylum seekers and refugees was recommended.

#### **4.4 Cultural difference**

Most interviews involved a discussion about whether cultural differences might create challenges for engaging in restorative justice. While some interviewees suggested cultural difference was relevant, they generally suggested it should not constitute a significant barrier to restorative justice and that it usually came down to people's individual views on justice and willingness to engage in a restorative process.

I'm not sure that that's necessarily a cultural thing. It's more an individual thing. Because we get that across the diverse participants that we have right now. We have a whole range of kind of different ideas about what restorative justice is, what they might get from it, you know, their opinions on does it work, does it not work, is it a soft option. So we kind of get that right the way across the board anyway. (Restorative justice practitioner)

We've worked with people from different cultures and it's, you know, we have to work, each person comes with a different understanding of what restorative justice is. And we would work with that, make sure that people really did understand what it was and why we're doing it before we did the work. And as soon as we felt happy that they understood it, and they wanted to do it genuinely, then that's fine with us. (Restorative justice practitioner)

As these interviewees explained, individual views on justice and willingness to engage in a restorative process were seen as more important than cultural differences. However, some interviewees suggested that views on the seriousness of certain crimes, the severity of sanctions, and the nature of criminal justice

Steve Kirkwood

responses could vary across cultural contexts, which could influence people's expectations of how they would be treated.

They might not know the laws. They might be here for a very short period of time and been submitted to some abuse. Or they might have, yeah, done something and, they might think, well, in my country doing this would be okay, where I wouldn't have been punished this hard. (Restorative justice practitioner)

Sometimes they have like a different perspective on responsibility. But not because they don't want to, but because the society they come from sometimes is organised differently. Like, really in a hierarchical way. And we want or we engage people to take responsibility. And that's what I heard from employees [of refugee centres] that sometimes they [refugees] say, yeah, just give a sanction. Give me a sanction and then I'm finished, something like that. (Restorative justice practitioner)

As noted by these interviewees, people may have different understandings or expectations regarding the law, criminal harm or justice responses, which could inform their responses to the criminal justice system or the offer of restorative justice. Again, however, this did not seem to constitute a barrier, as a spectrum of views on restorative justice could also be found among host population, and restorative justice offered an opportunity to help educate people about the law, the nature of criminal harm, and the potential of restorative justice. One exception was an interviewee stating that their service did not work with so-called honour crimes, such as forced marriage.

It's because the people who are causing the harm in those cases are not taking responsibility for their offenses. So all of our, whenever we assess where we can do work, we're just seeing are people taking accountability for their offence in each case. So if people are coming from the point that they think it was right what they did, then, you know, they're not taking accountability for the harm. (Restorative justice practitioner)

Although this was related to cultural differences, the interviewee explained the fundamental reason for refusing these types of offences was that the people responsible for them typically did not believe they had done anything wrong or harmful, and so these cases did not meet the basic requirements for restorative justice (i.e. that the individual took at least some responsibility for the harm).

In terms of the cultural background of practitioners, some interviewees suggested that it was important for restorative justice services to reflect the communities they served.



We need to reflect the community we serve in the makeup of our organisation and we also need to be visible and available across the community. (Restorative justice practitioner)

We try and recruit from the communities in which we serve as well. So we've got, we have I think most areas which we work in, the staff represent pretty much closely the BME [Black & Minority Ethnic] background of those communities. But obviously refugees can be coming from any, so they could be like minority refugees, which we might not have practitioners from those areas. So there could potentially be some cultural awareness. (Restorative justice practitioner)

In general, the practitioners suggested it was useful to try to have a practitioner base that reflected the backgrounds of the communities they served, and some had specific initiatives to do this and felt they achieved this to some extent but also recognised the challenge given the wide variety in backgrounds of refugees. Some others highlighted the importance of partnership working and outreach in communities to build relationships that could help increase understanding and awareness of restorative justice and overcome barriers to access. Overall, then, the interviewees suggested culture did not pose a significant barrier to restorative justice, although it might have some relevance to people's engagement, and that attempts made towards achieving cultural similarity or increasing the practitioners' knowledge about the different immigrant and/or asylum seekers' cultures were considered particularly useful.

## 5 Conclusions and discussion

Bringing together the findings from the literature review and research interviews suggests that restorative justice holds some potential value as a way of responding to criminal harm experienced by people of a refugee background in places of asylum. The potential benefits are in line with research on restorative justice with people of other backgrounds, such as the way that it may facilitate greater understanding, provide voice in the justice process, support people to recover from harm and provide opportunities to take responsibility and make amends (e.g. Sherman & Strang, 2007).

Some of the literature (e.g. Rundell et al., 2018) and interviewee responses suggested that an aspect that made restorative justice suitable for people of a refugee background was its scope to take trauma into account, which includes being mindful of when and whether someone needs to provide an account of the harm or trauma they have suffered, and working to facilitate voice and empowerment among people who have otherwise been silenced and disempowered. Indeed, there is research evidence showing that restorative justice can reduce some symptoms of posttraumatic stress disorder (PTSD) (Angel et al., 2014; Lloyd & Borrill, 2020). The relatively high levels of trauma related to forced migration, which can result in mental health problems, including PTSD (Carswell et al., 2011),

Steve Kirkwood

is a potentially distinctive experience for refugees and asylum seekers compared with people of other migrant backgrounds. Christen-Schneider and Pycroft's (2021) study of restorative justice practitioners found that they say the recognition of and careful attention to people's trauma is essential to good practice, suggesting that unresolved trauma can act as a barrier to empathy, although they noted that not all restorative justice practice was sufficiently trauma-informed (particularly if they are overly focused on procedure) and that wider systems and processes were often not trauma-informed. Attention to trauma-informed restorative justice practice is likely even more important when engaging with people of a refugee background.

Interviewees suggested that restorative justice was particularly promising as a response to racism and hate crime directed towards asylum seekers and refugees. They saw this as being beneficial for people harmed by such crimes – enabling them to have a voice in the process, feel like they were taken seriously, humanise the person who committed the harm – and, overall, help facilitate more trusting relationships that might support their integration and belonging. It was also seen to be a constructive way to help people who had committed such offences to understand the impact of their offending and to change. This is supported by research conducted by Walters (2014), which reinforced interviewees' suggestions that most people who commit hate crimes do so out of a lack of understanding of the humanity of the people they harmed, rather than ingrained ideological beliefs against people of a certain background. Indeed, Walter's study found many people felt ashamed of the racist aspects of their behaviour and wanted to make amends and that restorative justice helped improve people's understanding of the harm they caused and enabled them to make reparations and that there were tentative indications that their harmful behaviour reduced. However, one of the interviewees was sceptical about whether it could be effective when people held strong racist beliefs; on this point, Walters noted similar concerns among practitioners but provided some evidence that even in such cases restorative justice could assist with resolving conflicts or facilitating understanding. Walters and Hoyle (2017) emphasised that restorative justice processes must be well facilitated to provide an effective response to hate crime; otherwise they may fail to create empathy or address the harm. More broadly, restorative justice, restorative practices, and related practices such as community mediation, also appear to have the potential to address antagonism towards asylum seekers and refugees in the wider community, reducing the likelihood of racist incidents and resolving conflict. This is supported by the work of Coates, Umbreit and Vos (2006), who demonstrated that restorative justice dialogue can help address racism at the community level, often involving aspects of social education.

Language difficulties ought to be taken seriously, as they could create barriers to people of a refugee background accessing restorative justice or trouble mutual understanding in dialogue. The resulting 'excess of ambiguity' (del Campo et al., 2012: 504) needs to be carefully managed, ensuring that mutual understanding is indeed taking place. As illustrated by Willis's (2020) study of social class and restorative justice, language ability is a form of cultural capital that can impact on participants' capacity to fully engage in restorative justice, and people of a refugee

background may be disadvantaged in the process, even if they have a good level of ability in the local language. While nonverbal communication may be able to transcend verbal language abilities in restorative justice encounters – to help communicate emotionally charged meanings, such as remorse, shame, hurt and forgiveness – its culturally bound nature means there is still scope for misunderstanding (Albrecht, 2010). While a common response is to use interpreters, including professionals and informal interpreters such as family members, there were different views among interviewees on the way this should be dealt with, in terms of strict verbatim interpretation compared with more interventionist interpretation that aims to convey deeper meanings and check understanding. Interpreters also add a different dimension to restorative justice encounters, potentially disrupting engagement and slowing down the procedure (Albrecht, 2010; Walters, 2014). Maitland (2019: 29) describes an interpreter as a ‘fulcrum around which every aspect of communication turns’, meaning they have an important role, infused with power, where word choice and conveying people’s meanings are critical to the functioning of a restorative process. Recent good practice guidelines highlight some of these challenges and emphasise that the dynamics of any interpreting practices should be carefully considered and managed to ensure that they are empowering and facilitate agency, inclusion and engagement (Blankenberg, Chapman, & Maitland, 2023). There is scant literature on the use of interpreters in restorative justice encounters and little consensus among practitioners regarding the way interpreters should approach their role in proceedings, or the impact they have, suggesting this is an area worthy of further exploration.

The interviews and existing literature suggest that cultural differences do not constitute a significant barrier to refugees engaging in restorative justice. However, the exact role of culture in relation to restorative justice remains unclear. On the one hand, practitioners tend to suggest that culture is not a problem, stating that there is as much, if not more, variation of attitudes towards restorative justice within a culture, than there is between cultures. However, Pali (2017) suggests that this claim may be part of presenting restorative justice as an inclusive and anti-racist practice. There were also some indications that people’s cultural background may be more or less inclined towards restorative justice depending on cultural norms regarding the use of dialogue to resolve harm and conflict, willingness to admit guilt in front of others, the nature of criminal justice practices in one’s country of origin and the nature of hierarchical social structures. It is important to recognise that restorative justice is not a culturally neutral practice but tends to develop in specific contexts with its own particular emphases, priorities and histories. This awareness may be the first step in terms of ensuring that it is suitable for people of different cultural backgrounds. Moreover, ensuring that practitioners are drawn from the diverse backgrounds of the communities in which services work is one way to help develop cultural knowledge that can make restorative justice accessible. Beyond this, it is possible to adapt practices, or even develop completely new ones, in response to people’s cultural norms and expectations (Albrecht, 2010; Pely & Luzon, 2019). Greater collaboration with groups and organisations that are made up of or work directly with refugees and asylum seekers is a useful way of identifying

Steve Kirkwood

people's justice needs and building trust. Of course, it is important to recognise that refugees and asylum seekers can have very diverse cultural backgrounds, so achieving this is not easy. However, in line with Pali's (2017) point that we need to be critical of how and why we see culture as a 'problem', I would suggest that it is precisely through culture and cultural practices that restorative justice can take place, so we ought to think about culture as an enabler of engagement and cultural difference as productive of opportunities for greater mutual understanding.

Practically speaking, it may help to distinguish between two broad models of practice: (1) mediation, restorative practices or community restorative justice conferencing in relation to antagonism towards asylum seekers and refugees at a neighbourhood or community level and (2) restorative justice meetings or conferences in response to specific criminal harms. As described by Attias (2020), where there is tension regarding the presence of asylum seekers, it is important to take the time to engage with key people involved, hear their stories and work towards a point where people are able to engage in constructive dialogue to improve mutual understanding and address people's needs. Attending to people's needs and potential misunderstandings is critical given the hostile rhetoric regarding asylum seekers (Leudar, Hayes, Nekvapil, & Turner Baker, 2008) and that asylum seekers are often housed in relatively deprived areas, which can fuel a sense of conflict over limited resources (Wren, 2007). In relation to criminal harm, the findings suggested that standard models of restorative justice meetings, such as victim-offender mediation or conferences (Zinsstag, Teunkens, & Pali, 2011), should be suitable, but that additional work to address barriers to access is required. Ideally, this should be undertaken in collaboration with refugee communities, building trust and working to meet language and cultural needs. Other practices and models developed by people of a refugee background may also be appropriate, including those based on people's traditional cultural practices.

It is important to acknowledge the limitations of the present research. Most notably, the existing literature base regarding restorative justice with refugees in places of asylum is very limited, and some sources have not been peer-reviewed. The research interviewees were based in European nations, specifically the UK and Belgium, whereas most refugees are in majority world countries, in parts of Africa, the Middle East, Asia, and South and Central America, where the role and potential of restorative justice may be very different. The number of interviews was very small, especially regarding people of a refugee background. It is quite possible that the interviewees who agreed to participate were positively inclined towards restorative justice and there are others who may be more critical of its potential. Overall, then, the findings ought to be taken as suggesting possibilities for restorative justice, but more research is needed, ideally with restorative justice providers and refugee organisations working collaboratively with researchers to understand the nature of refugees' justice needs and how they may be addressed.

Thinking more broadly, restorative justice ought to take into account the structural issues that impact on asylum seekers and refugees, including punitive immigration systems, barriers to employment, unsuitable housing, enforced deprivation, all within a colonial frame that tends to dehumanise those who must flee their homes, while countries such as the UK perpetuate a grand myth of

supporting refugees that is shockingly disconnected from reality (Kirkwood, 2019). Responding to this context is necessary to ensure restorative justice is accessible to people of a refugee background and does not pressure them into agreeing to unfavourable outcomes. Unfortunately, war, conflict, persecution, economic hardship and ecological devastation continue to force over a 100 million people from their homes, with border securitisation and punitive immigration systems causing many thousands to die each year in search of safety, and harsh and uncertain asylum policies compounding trauma in countries that ought to be providing safety. More radically, restorative justice ought to involve addressing oppression and inequalities in the world; this would require going beyond the narrow focus restorative justice services tend to have on responding to specific criminal harms.

## References

- Albrecht, B. (2010). Multicultural challenges for restorative justice: mediators' experiences from Norway and Finland. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 11(1), 3-24. doi: 10.1080/14043851003616204
- Angel, C.M., Sherman, L.W., Strang, H., Ariel, B., Bennett, S., Inkpen, N., Keane, A. & Richmond, T.S. (2014). Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial. *Journal of Experimental Criminology*, 10(3), 291-307. doi: 10.1007/s11292-014-9200-0
- Attias, M. (2020). *The FORSSA approach: mediation of polarisation and inter-group conflicts*. Retrieved from <https://www.euforumrj.org/en/node11/recording-our-violence-hate-and-othering-webinar> (last accessed 5 January 2024).
- Blankenberg, S., Chapman, T. & Maitland, S. (2023). *Good practice when working with English as an additional language speakers: a guide for restorative justice practitioners working across cultural difference*. Retrieved from <https://why-me.org/wp-content/uploads/2023/09/Project-Articulate-Good-Practice-Guide-3.pdf> (last accessed 5 January 2024).
- Braithwaite, J. & Mugford, S. (1994). Conditions of successful reintegration ceremonies: dealing with juvenile offenders. *British Journal of Criminology*, 34(2), 139-171. doi: 10.1111/j.1745-9133.2012.00786.x.
- British Red Cross & Refugee Survival Trust (2021). *How will we survive? Steps to preventing destitution in the asylum system*. Retrieved from <https://www.redcross.org.uk/-/media/documents/about-us/how-will-we-survive-preventing-destitution-in-the-asylum-system.pdf> (last accessed 5 January 2024).
- Canning, V. (2019a). Abject Asylum: degradation and the deliberate infliction of harm against refugees in Britain. *Justice, Power and Resistance*, 3(1), 37-60.
- Canning, V. (2019b). Degradation by design: women and asylum in northern Europe. *Race and Class*, 61(1), 46-63. doi: 10.1177/0306396819850986.
- Carswell, K., Blackburn, P., & Barker, C. (2011). The relationship between trauma, post-migration problems and the psychological well-being of refugees and asylum seekers. *International Journal of Social Psychiatry*, 57(2), 107-119. doi: 10.1177/0020764009105699.
- Casey, L. (2023). *An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service*. Retrieved from <https://www.met.police.uk/>

Steve Kirkwood

- SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf (last accessed 5 January 2024).
- Christen-Schneider, C. & Pycroft, A. (2021). An exploration of trauma-informed practices in restorative justice: a phenomenological study. *The International Journal of Restorative Justice*, 4(2), 229–252. doi: 10.5553/tijrj.000075.
- Coates, R.B., Umbreit, M.S. & Vos, B. (2006). Responding to hate crimes through Restorative Justice dialogue. *Contemporary Justice Review*, 9(1), 7-21. doi: 10.1080/10282580600564784.
- del Campo, J., Vilà, R., Martí, J. & Vinuesa, M.R. (2012). Mediation among young immigrants in the juvenile penal justice system. *Journal of Social Work*, 12(5), 491-509. doi: 10.1177/1468017310393056.
- Hynes, H.P. (2004). On the battlefield of women's bodies: an overview of the harm of war to women. *Women's Studies International Forum*, 27(5-6), 431-445. doi: 10.1016/j.wsif.2004.09.001.
- Kirkwood, S. (2019). History in the Service of Politics: Constructing Narratives of History During the European Refugee 'Crisis'. *Political Psychology*, 40(2), 297-313. DOI: 10.1111/pops.12511.
- Kling, J. (2016). Who owes what to war refugees. *Journal of Global Ethics*, 12(3), 327-346. doi: 10.1080/17449626.2016.1248297.
- Laxminarayan, M. & Pemberton, A. (2012). Victims justice preferences in a collectivist, informal setting: the case of Bhutanese refugees in Nepal. *International Journal of Law, Crime and Justice*, 40(3), 255-269. doi: 10.1016/j.ijlcrj.2012.06.002.
- Leudar, I., Hayes, J., Nekvapil, J. & Turner Baker, J. (2008). Hostility themes in media, community and refugee narratives. *Discourse & Society*, 19, 187-221. doi: 10.1177/0957926507085952.
- Lloyd, A. & Borrill, J. (2020). Examining the effectiveness of restorative justice in reducing victims' post-traumatic stress. *Psychological Injury and Law*, 13(1), 77-89. doi: 10.1007/s12207-019-09363-9.
- Maitland, S. (2019). Does interpreting 'steal' conflict? A translational perspective on power and restorative justice. *Translation and Interpreting*, 11(1), 22-42. doi: 10.12807/ti.111201.2019.a02.
- Nöthe, A. (2020). *Prospects and challenges for restorative justice with refugees using extended victim-offender mediation*. Retrieved from <https://www.euforumrj.org/en/prospects-and-challenges-restorative-justice-refugees-using-extended-victim-offender-mediation> (last accessed 5 January 2024).
- O'Nions, H. (2010). What lies beneath: exploring links between asylum policy and hate crime in the UK. *Liverpool Law Review*, 31(3), 233-257. doi: 10.1007/s10991-010-9080-y.
- Pali, B. (2015). *Restoring the future: thinking the refugee movements*. Retrieved from <https://projectalternative.wordpress.com/2015/10/22/restoring-the-future-thinking-the-refugee-movements/> (last accessed 5 January 2024).
- Pali, B. (2017). "Cultural" problematisations in the restorative justice discourse. In I. Aertsen & B. Pali (eds.), *Critical Restorative Justice* (pp. 175-192). Oxford: Bloomsbury.
- Pely, D. & Luzon, G. (2019). Hybrid dispute resolution model for migrant-host communities. *International Journal of Conflict Management*, 30(5), 615-636. doi: 10.1108/IJCM-01-2019-0009.
- Rotter, R. (2016). Waiting in the asylum determination process: just an empty interlude? *Time and Society*, 25(1), 80-101. doi: 10.1177/0961463X15613654.

- Rundell, F., Sheety, A. & Negrea, V. (2018). Managing trauma: a restorative process. In E. Sengupta & P. Blessinger (eds.), *Refugee education: integration and acceptance of refugees in mainstream society* (pp. 17-32). Leeds: Emerald Publishing Limited.
- Sherman, L.W. & Strang, H. (2007). *Restorative justice: the evidence*. London. Retrieved from [http://www.iirp.edu/pdf/RJ\\_full\\_report.pdf](http://www.iirp.edu/pdf/RJ_full_report.pdf) (last accessed 5 January 2024).
- Törzs, E. (2014). Restorative justice approaches in intercultural conflict settings: findings of a survey and implications for practice. *Temida*, 17(3), 87-102. doi: 10.2298/tem1403087t.
- UNHCR (2023). *Global trends: forced displacement in 2022*. Retrieved from <https://www.unhcr.org/global-trends-report-2022> (last accessed 5 January 2024).
- United Nations (2020). *Handbook on restorative justice programmes* (2nd ed.). Retrieved from [https://www.unodc.org/documents/justice-and-prison-reform/20-01146\\_Handbook\\_on\\_Restorative\\_Justice\\_Programmes.pdf](https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf) (last accessed 5 January 2024).
- Vidal, N. & Nisbet, B. (2023). *The refugee and asylum-seeker experiences, trust, and confidence with police*. Retrieved from [https://www.sipr.ac.uk/wp-content/uploads/2023/04/Vidal-Nisbet\\_merged.pdf](https://www.sipr.ac.uk/wp-content/uploads/2023/04/Vidal-Nisbet_merged.pdf) (last accessed 5 January 2024).
- Walters, M. (2014). *Hate crime and restorative justice: exploring causes, repairing harms*. Oxford: Oxford University Press.
- Walters, M. & Hoyle, C. (2017). Healing harms and engendering tolerance: the promise of restorative justice for hate crime. In N. Chakraborti (ed.), *Hate crime* (pp. 228-248). London: Willan.
- Willis, R. (2020). 'Let's talk about it': why social class matters to restorative justice. *Criminology and Criminal Justice*, 20(2), 187-206. doi: 10.1177/1748895818804307.
- Wilson, B. (2018). UNHCR and access to justice: mixed-method dispute resolution for encamped refugees. *SSRN Electronic Journal*. doi: 10.2139/ssrn.3057228.
- Wren, K. (2007). Supporting asylum seekers and refugees in Glasgow: the role of multi-agency networks. *Journal of Refugee Studies*, 20(3), 391-413. doi: 10.1093/jrs/fem006.
- Zinsstag, E., Teunkens, M., & Pali, B. (2011). *Conferencing: a way forward for restorative justice in Europe*. Retrieved from [https://www.euforumrj.org/sites/default/files/2019-11/final\\_report\\_conferencing\\_revised\\_version\\_june\\_2012\\_0.pdf](https://www.euforumrj.org/sites/default/files/2019-11/final_report_conferencing_revised_version_june_2012_0.pdf) (last accessed 5 January 2024).