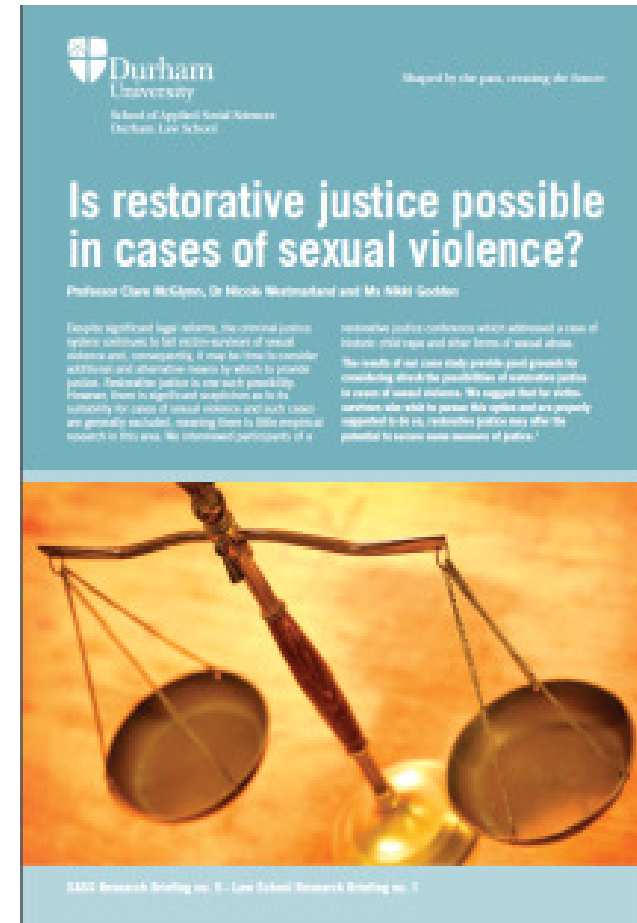


Responding to Sexual Violence: Is there a Role for Restorative Justice?

Professor Clare McGlynn
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Lucy's motivations

- Police response 'disgusted' Lucy
- Lucy felt 'completely discounted'
- Desire to 'confront' perpetrator
- 'I just wanted him to hear me, without him twisting it really'



Lucy's experiences

- 'it was the first time he admitted that he had deliberately created harm and that he knew that having sexual intercourse with me would be harmful'
- 'enabled me to say exactly how it had affected me, and he obviously hadn't realised it would have such far reaching effects for me'
- 'I had the last word and said that I didn't accept his apology.'

Lucy: impacts of conference

- The conference ‘was a really big turning point for me actually. Instead of having this whole episode of my life that I couldn’t do anything with, I could stop hating myself and put the blame where it should be’
- ‘why he did it’ was ‘key’
- ‘It was more important to have my say and have him listen than for him to go to prison’

What lessons can we learn from Lucy's experiences?

- survivor engagement and agreement a pre-requisite
- extensive preparation and support is essential
- resource and time intensive
- trained and experienced facilitator vital

What is restorative justice?

- Dialogue/conference bringing together those affected by crime to consider its impact and how the offender might make amends
- Offender acknowledges responsibility
- Roles of victim and offender are clear

When is restorative justice used?

Post-conviction:

- No impact on criminal conviction, punishment or imprisonment (Lucy)
- Potential impact on sentencing
- Potential impact on prison release

Diversionary restorative justice:

- Case is diverted from conventional criminal justice system to restorative process
- Potential impact on sentence and punishment

Outside the criminal justice system entirely

Why consider the role of restorative justice?

- Failings of conventional criminal justice system
- Justice from the perspective of sexual violence survivors

Justice and sexual violence survivors: kaleidoscopic justice

- Continually shifting pattern
- Unpredictable
- Lived, on-going and ever-evolving experience
- Experienced and lived differently for each survivor over time



kaleidoscopic justice

- Recognition
- Consequences
- Voice
- Dignity
- belonging



Possible benefits of restorative justice

Voice

- 'if I was given the option whether to do the restorative process or just send someone to jail
- I would rather sit down and understand why than send someone away and [be] left with unanswered questions and have to try and figure out what's going on'.

Recognition and acknowledgement of offending

- ‘I think it’s that recognition of hurt that would mean, or does mean, justice to me personally.’
- ‘acknowledgement that this happened and that people believe you that it happened’

Recognition and acknowledgement of offending

- 'I would never ever say putting somebody like that into jail would make things right, like I say, it's admitting ... them to admit'.
- 'even the restorative justice process, you know, I would have been happy to go along with because for me it was more about him understand the severity of what he'd done and acknowledging it'

Focus on offender

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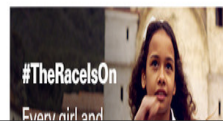
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In 1996, Thordis Elva shared a teenage romance with Tom Stranger, an exchange student from Australia. After a school dance, Tom raped Thordis, after which they parted ways for many years. In this extraordinary

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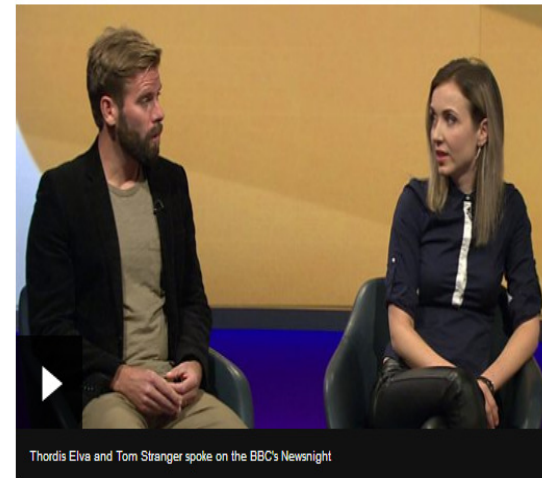
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Thordis Elva and Tom Stranger: Should a rapist be invited on stage?

By Jasmine Taylor-Coleman
BBC News

15 March 2017 | World

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Thordis Elva and Tom Stranger spoke on the BBC's Newsnight

An international project featuring a rapist discussing his crime on stage has drawn both condemnation and support. So should a perpetrator be given a platform to share his experience?

"There's a rapist in the building," the protesters shouted as they briefly blocked

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Consequences

- ‘meaningful consequences’
- ‘I really do think it [justice] is about consequences because punishing people just doesn’t work.’

Challenges of restorative justice

- Potential to minimise sexual violence - 'second class' justice
- Risk of re-victimisation
- Differing responses/punishment



Conclusions

Starting point:

- securing justice for victim-survivors
- Challenge:
 - systemic problem of sexual violence, but individual survivors with specific interests and needs

Future:

- reform of criminal justice system continues to be essential
- but also need to move beyond one-dimensional focus on conventional criminal justice system
- Restorative justice one possibility

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