

# **Restorative Justice and Sexual Violence: exploring the possibilities**

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# Lucy's story: the restorative justice conference

- ❖ 'how important that bit was, because 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.'
- ❖ The conference 'enabled me to say exactly how [the abuse] had affected me, and he obviously hadn't realised that it had had such far reaching effects on me. Before that, he and some other members of the family assumed that it had had more impact on him, his getting into drugs etc'.

# Impact of the 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’
- ❖ The conference ‘dangerously unhinged me at the time because it was like reliving it’

# Impact of the conference

- ❖ ‘It’s made me understand my position as a victim and see him as the offender, which has enabled me to resolve a lot of conflict [...] in retrospect ... it was more important to have my say and have him listen than for him to go to prison’

# 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 can restorative justice be used?

## **Post-conviction:**

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

## **Diversion restorative justice:**

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

## **Outside the criminal justice system entirely**

# How often is restorative justice used in cases of sexual violence?

- ❖ England & Wales youth justice orders
- ❖ Northern Ireland youth conference
- ❖ International projects
- ❖ Ad hoc examples



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# Restorative justice: Why I confronted the man who raped me

Joanne Nodding asked to meet the man who had raped her, and told him that she forgives him

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Joanne Nodding: 'I remember being told that he would meet me and I burst into tears. If he'd said no, that would have been it for me. I don't think I would have ever got closure.' Photograph: Christopher Thomond for the Guardian

When Joanne Nodding met the man who raped her, the first thing she noticed, she says, was how scared he was. "He thought I was going to be anorv." she says. "he was expecting me to shout and scream and tell him

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# What lessons can we learn from Lucy's story?

- ❖ **Preparation is essential**
- ❖ Rape Crisis counsellor: 'it was all about looking at every eventuality; what was the worst case scenario, what was the best case scenario, how to prepare her ... we discussed power dynamics, we discussed all the potential things that she could feel in that room with him, so that she had considered everything.'

# What lessons can we learn from Lucy's story?

- ❖ **victim support is crucial**
- ❖ The Rape Crisis counsellor was very prepared that 'if I thought there was going to be a power shift that we would address that'. So, 'it is essential that you've got the right people in there who are looking for the right things to protect the victim'.
- ❖ Similarly, Lucy said that support was vital and that 'someone like [the rape crisis counsellor] would be the ideal. She was stunning.'
- ❖ **Resources and training**

# What next?

- ❖ publication of data about, and evaluations of, current practice in youth justice processes in England & Wales and Northern Ireland
- ❖ facilitating ad hoc restorative interventions where appropriate support, expertise and where victim-survivor chooses such an option
- ❖ Debate: what constitutes justice for victim-survivors of rape and sexual violence

# Possible benefits of restorative justice

- may enable victim-survivor to tell her story, in her own way;
- may encourage admissions of offending, offering validation;
- in focussing on the offender, may reduce victim-blaming
- May enable victim-survivors to have greater control over criminal process;
- may provide additional form of justice for those who do not wish to report to police

# Possible disadvantages of restorative justice

- ❖ Risk of re-victimisation
- ❖ Risk to safety
- ❖ Potential to minimise sexual violence - 'second class' justice
- ❖ Different 'punishment'

# Conclusions

- ❖ reform of criminal justice system continues to be essential
- ❖ but also need to move beyond one-dimensional focus on conventional CJS
- ❖ Lucy's story gives good grounds to consider whether restorative justice may provide additional form of justice

# Conclusions

- ❖ Recognise challenges; but remain attentive to wishes of victim-survivors
- ❖ Rape Crisis Counsellor: 'I think we can't underestimate the power of the women or the men that we work within in these situations and ... that's why I think with the proper preparations and proper risk assessment that giving somebody an opportunity to help themselves can only be a positive thing'.
- ❖ We should 'never underestimate the strength of victims.'