

# Victim-Survivors of Sexual Violence

ideas of justice and restorative  
justice

Professor Clare McGlynn

Durham Law School, Durham University

# Lucy's experiences

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

# 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’
- ‘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 and experiences

- ‘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 does justice mean for victim-survivors of SV?

- Public debate over role of victims in criminal justice system
- Evidence gap around ideas of 'justice'
- Rape Justice Project
- Interviews and workshops with 20 victim-survivors

# Understandings of justice



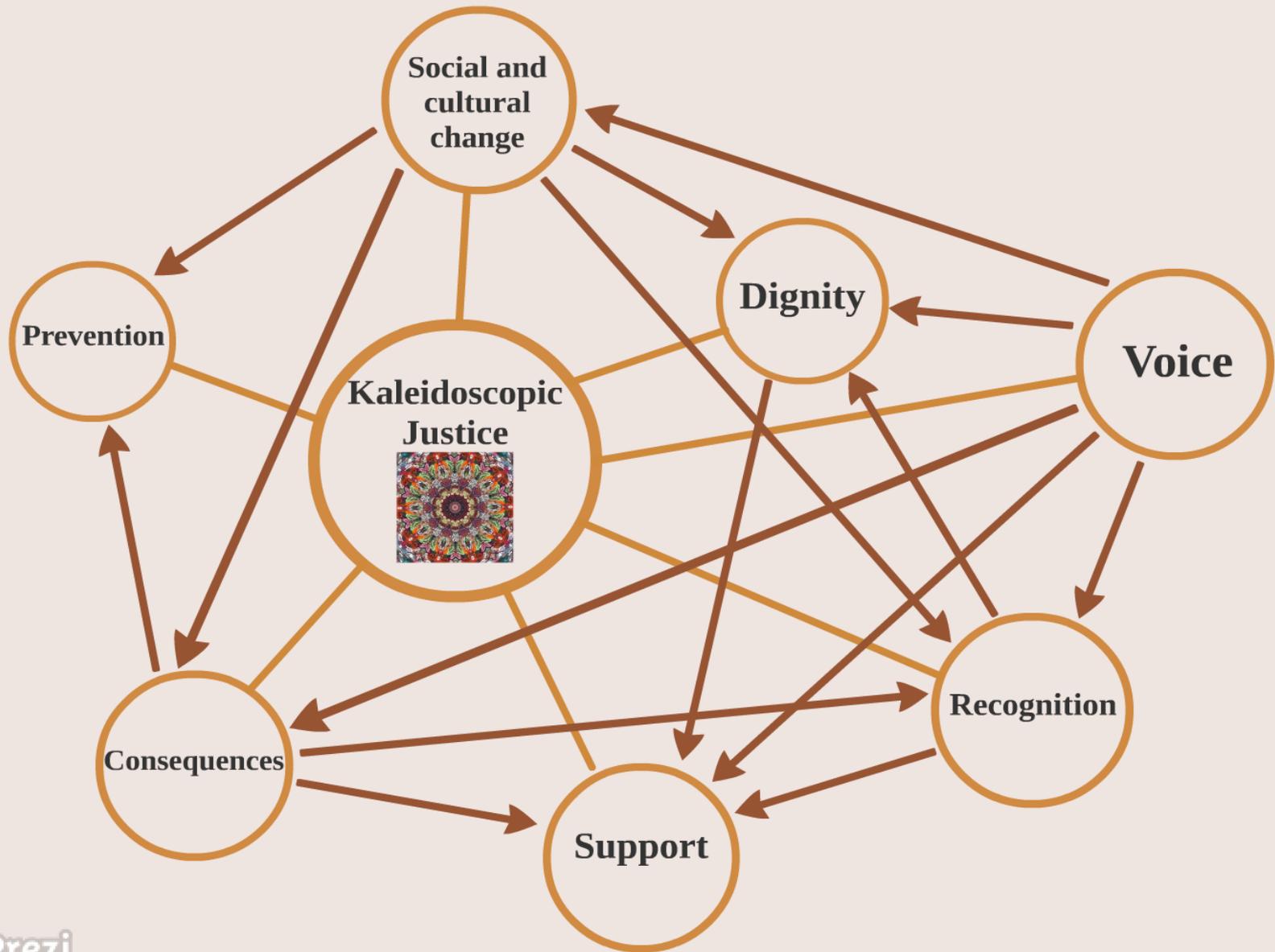
# Kaleidoscopic Justice

**Kaleidoscope**



**Constantly  
shifting pattern**





# Prevention as Justice

- ‘I think the only way you could get justice is for it not to happen really, that’s the only justice that I can see in a broad sense.’
- ‘rather than punishing exactly... I’d rather no-one go through it’
- Punishment is ‘very defendant focussed, very after the event and its not about the victim or stopping it at all’

# Social & Cultural Change as Justice

- 'I don't think any type of punishment will be enough for somebody that's gone through it because it can't get the time back. It can't heal the wounds you can't see. So there has to be some kind of education, safety, something put in place because of the society we live in. Apart from education, what else can we do?

# Dignity as Justice

- More than procedural justice
- Fair, respectful and dignified treatment
- Not 'like a bit of evidence'

# Consequences as Justice

- ‘justice is a guilty conviction’
- ‘even if you received justice kind of through the [criminal justice system], is it the kind of justice you wanted?’
- Exposure: ‘I would have liked him to have been exposed for what he was’

# Consequences as Justice

- Admission of guilt: ‘I would never say putting somebody like that into jail would make things right, like I say, it’s admitting ... them to admit’
- Restorative Justice? I ‘would rather sit down and understand why than send someone away... with all these unanswered questions’

# Recognition as Justice

- ‘I think it’s that recognition of hurt that would mean or does mean justice to me personally.’
- ‘justice for me is having not only the perpetrator but also different sections of society as a whole understanding that I was really hurt and ... be able to see and appreciate that actually that must have been awful’

# Recognition as Justice

- ‘you want them to be punished, but I think more, just acknowledge that it’s wrong and not do it again’
- ‘for me it was more about him understanding the severity of what he’d done and acknowledging it’

# Voice as Justice

- Name and give voice to the harm
- Being heard and participate in decisions
- Re-assert power and control

# Support as Justice

- Herman: ‘provide justice to victims by helping them to rebuild their lives’
- ‘making the victim of sexual violence whole again’ and ‘enabling them to have a life again that is devoid of having to constantly play it out in their heads’
- ‘being whole’; ‘freedom’

# Conclusions and Lessons

- Starting point: securing justice for victim-survivors
- Kaleidoscopic justice:
  - lived, on-going, evolving experience;
  - constantly shifting pattern;
  - Non-linear; no fixed ending or result
- Can restorative justice bring some sense of justice for victims?