

**“I just wanted him to hear me”
Sexual Violence and the
Possibilities of Restorative Justice**

Professor Clare McGlynn, Durham Law School

Dr Nicole Westmarland, School of Applied Social Sciences

Ms Nikki Godden, Durham Law School

Durham University

Introduction & background

Aims of presentation today

- to outline the current context and background to the use of restorative justice in cases of sexual violence;
- to provide a brief outline of our case study; and
- drawing on this research, to consider the possibilities of restorative justice in this field.

Background

- decades of feminist campaigns and reforms in law and policy in relation to sexual violence;
- and yet, criminal justice system continues to fail abuse survivors;
- restorative justice considered, but controversial re violence against women;
- nevertheless, it is time for a rethink

RJ and sexual violence

What is restorative justice?

- Tony Marshall: RJ is 'a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' .
 - offender must acknowledge responsibility;
 - it can take many different forms, however our focus is on conferencing ;
 - it can also take place separately from, or at any stage of, the criminal justice system.
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- Differing forms of sexual violence**
 - feminist resistance to RJ often focusing on the context of domestic violence;
 - need for debate specifically about different forms of sexual violence in relation to restorative justice.

Current rape law and policy context

- ❑ *Stern Review* (2009):
 - ❑ discernable shift in policy away from focus on conviction rates, towards emphasis on prevention and victim support
 - ❑ 'honouring the experience' of rape victims
- ❑ Restorative justice considered by Coalition Government;
- ❑ Victim support and restorative justice not yet brought together
- ❑ support, but the two not yet brought together

RJ and sexual violence: under the radar

- ❑ Projects using RJ for sexual violence: RESTORE Arizona; Project Restore New Zealand; AIM, Manchester, UK
- ❑ Generic RJ programmes including sexual offences: South Africa, Northern Ireland youth conferencing, Referral orders, England & Wales
- ❑ ad hoc cases



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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 exoectino me to shout and scream and tell him

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Done

Lucy

- ❑ How and why – ‘I just wanted him to hear me’
- ❑ Preparation is key
- ❑ The restorative conference – ‘having the last word’
- ❑ Impact – ‘a really big turning point’
- ❑ Lessons – ‘never underestimate the strength of victims’

Moving forward

- ❖ publication of data about, and evaluations of, current practice in Referral Orders and Northern Ireland restorative youth conferencing
- ❖ open discussion within feminism and VAW communities about possibilities of restorative justice
- ❖ facilitating ad hoc restorative interventions where victim-survivor chooses such an option

Conclusions

- ❑ reform of CJS continues to be essential
- ❑ but also need to move beyond one-dimensional focus on conventional CJS
- ❑ restorative justice may provide additional form of justice
- ❑ Recognise challenges; but remain attentive to wishes of victim-survivors