

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

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Introduction and context

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.

Context:

- our perspective is informed by experience of work re violence against women, especially rape law and policy;
- current policy climate regarding increasing use of restorative justice;
- our research focuses on sexual violence; there are different considerations re domestic violence

Current rape policy: importance of 'honouring the experience'

- ❑ Discernable shift in policy away from focus on conviction rates, towards emphasis on prevention and victim support

- ❑ Stern Review of Rape 2009:
 - ❑ 'the criminal process is important, but getting support and being believed is as important';
 - ❑ public policy should 'honour the experience' of rape victims

- ❑ Paradox: Government emphasis on restorative justice *and* victim support, but the two not yet brought together

RJ and sexual violence in the UK: under the radar

Internationally:

- Projects using RJ for sexual violence: RESTORE Arizona, Project Restore New Zealand;
- Generic RJ programmes which include sexual offences, eg South Australia

United Kingdom:

- generic programmes which include sexual offences:
 - Northern Ireland youth conferencing;
 - Referral orders in England & Wales
- specific projects: AIM in Manchester
- 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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Zoe Williams
guardian.co.uk, Thursday 27 January 2011 19.31 GMT
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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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Law and Order

'Who would honestly want to go and meet the man who raped you?'

Dr Claire Chung, a mother-of-three, tells how a stranger raped her at knifepoint, and how she came to the remarkable decision to meet the man whose brutal attack left her life in tatters.



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Dr Claire Chung tells how she came to the remarkable decision to meet the man whose brutal attack had been in London that day, studying for a Master of Science degree in sports injury medicine. I spent the evening at an awards ceremony and caught the train from Charing Cross, heading home to Tunbridge Wells. I was later than normal but I would still get in at about 9.30pm.

"It was February 1, 2007. I later discovered that the offender boarded the

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Law and Order

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Restorative justice and sexual violence: a case study

Background:

- Historical child sexual abuse; offences took place over 30 years ago;
- Intra-familial abuse; offender recently cautioned;
- Restorative conference held February 2010

Semi-structured interviews with:

- Lucy (victim);
- Lucy's rape crisis counsellor ('supporter')
- Conference facilitator;
- Police officer who brought parties together
- Offender not willing to be interviewed; he did not bring supporter to conference

Motivations and preparation

Why?

- Lucy was upset at police response (caution) and that 'I hadn't had my say';
- She wished to 'confront' offender;
- 'I just wanted him to hear me'.

Preparation and planning:

- Counsellor and Lucy both emphasised planning crucial;
- weekly meetings for 3 months;
- risk assessment, planning of what to say and anticipating offender responses

The conference

The conference

- took place in safe, anonymous location familiar to Lucy
- Detailed arrangements made in relation to arrival, so that Lucy and the offender did not meet before the conference
- Lasted about an hour, and followed the restorative justice script developed by Terry O'Connell

Supporter role in the conference:

- back-up in case Lucy unable to convey impact of offending;
- offered generic account of impact of sexual violence on victims;
- de-brief and follow-up support

facilitator:

- Experienced and knowledge of dynamics of sexual violence

Outcomes and impact

Outcomes:

- Agreed that the offender would stop trying to contact Lucy through other members of the family.

Impact:

- the conference 'dangerously unhinged me at the time' but;
- it 'was a really big turning point for me actually... I could stop hating myself and put the blame where it should be';
- having the offender explain why he offended was 'key';
- with specific safeguards, Lucy would recommend restorative justice to other victims

‘Above the parapet’: restorative justice and sexual violence in the UK

Information and evaluation of current uses of restorative justice:

- Northern Irish restorative youth conferencing and referral orders
- Numbers, guidance/protocols, monitoring
- Evaluations of current practice – participant satisfaction , outcomes etc

Consultation, debate, sharing experience with relevant communities:

- Anti-violence and women’s organisations working with survivors;
- Offender rehabilitation;
- Restorative justice.

Moving forward: restorative justice and sexual violence

Ensuring quality:

- risk assessment;
- planning; and
- support

Range of sexual offences

Role of criminal justice system:

- restorative justice where no police report;
- possible use of restorative justice at many stages of CJS;
- but, if to be victim-oriented, need flexibility to ensure victim (and offender) truly benefit

Conclusions

- ❑ Reform of criminal justice system remains essential;
- ❑ But possibilities of restorative justice need to be debated;
- ❑ Currently often peremptory exclusion of sexual violence from reviews and policy;
- ❑ Restorative justice in cases of sexual violence does demand greater scrutiny and expertise, greater preparation and risk assessment, and greater resources;
- ❑ But exclusion of sexual violence survivors from possible benefits, where they request it, cannot be justified