“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
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.

Zoe Williams
guardian.co.uk, Thursday 27 January 2011 19:31 GMT

Article history

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 angry," she says. "he was expecting me to shout and scream and tell him..."
'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.

Dr Claire Chung tells how she came to the remarkable decision to meet the man whose brutal attack left her life in tatters.

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