# Sexual Trauma and Abuse: Restorative and Transformative Possibilities?

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# Outline of Presentation

- Background to the Research
- Research Orientation and Methodology
- Main Findings
- Main Recommendations

# Extent of Sexual Violence in Ireland

- 30.3% Irish Females, 23.6% Irish Males - sexual abuse in childhood
- 25.6% Irish Females, 12.4% of Irish Males - sexual assault in adulthood
- 42% females and 28% males sexual violence over life-time (SAVI, 2002: xxxii)

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# Recent Features of Criminal Justice

- Reporting on Increase [increase by over 50% 2008-2012]
- Attrition rates Increase [decline in sexual violence cases prosecuted eg in rape cases 73% in 1977; 19.5% 2007; 15% in 2012 (Lovett and Kelly, 2009; CSO, 2014)
- Conviction rate low [100 cases of rape, 8 convicted] (Hanley et al, 2010) [Just over 2% rape cases 2007 resulted in conviction]

- Justice Gaps for Victims?
- Accountability Gaps for Offenders?

# Background to the Research

- Facing Forward (NGO): talking, training and Lobbying
- Marie Keenan: Sexual Violence Work
- 2009 National Commission on RJ Report
- Idea of Research: (a) Sexual Violence and (b) Lets Go to those who know

# A Collaborative Research Project

- Facing Forward: NGO [Steering Committee]
- Consultant to the Research**:** Ms Bernadette Fahy
- Research Coordinator:  Ms Barbara Walshe
- Principal Investigator: Dr Marie Keenan, UCD
  - Wide Consultation with Stakeholders

# Orientation to the Research: (1)Justice in Sexual Violence Cases

- Is there a need for Innovative Justice Mechanisms as well as Conventional Justice Mechanisms in cases of Sexual Crime?

# (2) Research ‘With’ not ‘On’ People

- Importance of Language
- Importance of Collaboration with Participants
- DVD Recording for Prisoner Participants
- Copy of Report for all Participants

# Research Questions

1. Are there Unmet Needs following involvement in Criminal Justice and other systems?

2. Do we Need Restorative Justice in cases of Sexual Crime in Ireland?

3. What Considerations must to be taken into account in designing a Restorative Justice Programme?

# Data Generation

- Stakeholder NGOs – recruit respondents
- Dialogue groups of 4/7 people or individual interviews
- Broad Interview Schedule specifically designed
- Interviews Audio Recorded
- Ethics approval UCD, the Irish Prison Service, Commissioner for An Garda Síochána

# Researchers

- 10 recruited from Mediation services
- Average age 50 years
- Previous Careers
- Gender balance
- Time on hand
- Voluntary Nature

- Specific training on Interviewing on Sensitive Topics

# Interviews: N=149

- Oct 2012 - May 2014,  149 People interviewed
- 90 individual Interviews
- 10 group interviews
- Interviews on average 2-3 hours [some  less]

# Who was Interviewed?

- 30 Victim Survivors
- 23 Offenders
- 3 Family members
- 31 Therapists and Stakeholder
- 2 Mediators
- 9 Bishops and Religious
- 7 Judges
- 6 Politicians
- 5 Legal professionals
- 8 Gardaí
- 12 Irish Prison Service
- 4 Irish Probation Service
- 9 Print and Broadcast Media

# Data Analysis

- Interviews Transcribed
- ATLAS ti to store data and code
- Multiple reading and re-reading of transcripts
- Integration with Literature
- Analysis: a combination of grounded theory methodology  and thematic analysis

# Research Assistant Interns

- 7  young people backgrounds Law, Philosophy, Social Science, Equality Studies, Psychology
- Government JobBrige Scheme
- Trained in Use Qualitative Software – inter-rater reliability
- Coded Data and Data Analysis, Presentations

# Budget €35,500

- €4,000 Seed Funding UCD
- €2,000 St Stephen's Green Trust
- €1,500 Sheehan and Partners Solicitors
- €28,000 Tony Ryan Trust

# Findings 1: Are there Unmet Needs?

- Delays, Delays, Delays and Delays
- Information Deficits and Misinformation
- Dissatisfaction with Criminal Charges

- Position of Victim as Witness
- Position of Offender in Criminal Proceedings
- Experience of An Garda Síochána
- Court Experiences – Mixed

# Other Unmet needs: Civil Proceedings

- Civil Proceedings – Costly, Adversarial and Delays
- Complexity of Intra-familial Abuse – Making Complaint Last Resort

# Conclusion: Unmet Needs?

- At its core CJS cannot effectively provide for therapeutically-sensitive remedy for the acute trauma and disempowerment experienced by many victims of sexual violence.

- Gap between ‘promise’ and the reality of CJS

# Conclusion: Gap in Justice Provision for Victims

- Criminal Justice System [Victim as Witness]
- Evidential Threshold “Beyond Reasonable Doubt”
- Civil Justice System [Costly, Lengthy and Adversarial]
- Evidential Threshold “On Balance of Probability”

- Public validation and vindication –being believed by a legitimate authority figure is important

- There remains an ongoing need for another form of accountability and justice mechanism for victims of sexual crime

# Findings 2: Do we need Restorative Justice?

- Consensus: RJ not as Alternative but Additional Justice Mechanism
- Exception: Intra-familial and Young Offenders
- Victims want RJ available for all who require it
- Offenders would take part if requested to do so

# Why Restorative Justice?

- Face Fears
- Questions / Statements
- Change the Memory Card
- Understand Why – Why sexual crime; Why me?
- Relational Disconnection from Offender

## Victim Survivors

- Debts owed, Moral Obligation
- Opportunity for Victim's to Confront, Ask questions
- Apology and Expression of Sorrow
- Hope for Victim to Move on with their Lives

## Offenders

# Common for Both

- Family Reconciliation Work
- Healing for Victims, Offenders, Families and Communities
- As a Mechanism of Accountability
- Apology and Forgiveness – Individual and Subjective

# Findings 3: What we need to Consider

- Too much time had Elapsed – moved on, trauma
- Ownership and Control of Decision-Making
- State Support and Legitimacy – Bottom Up and Top Down

# Other Considerations

- Adversarial Culture of Criminal Justice and Relationship between Restorative Justice and Criminal Justice
- Court Orders prohibiting contact with Victims
- Institutional Inertia

# Other Considerations

- Potential in aftermath of Abuse in the Church
- Importance of Media in Building Social Support for Restorative Justice Mechanisms for Victims
- Preparation, Preparation, Preparation

# Recommendations

1. Three year pilot project be established for restorative justice in sexual violence cases in the post-conviction stage of the criminal justice process

2. Designated agency be established for this purpose

# Recommendations

3. Special committee to advise on legal, social and child protection infrastructure required to consider extending RJ to other types of sexual violence cases at different stages in CJS

4. Public Education Campaign on SV and RJ

5. State funded legal advocacy service developed nationally for victims of sexual crime

# Recommendations

6. Garda Síochána establish specifically trained Victim Liaison Officers available nationally to accompany complainants through the investigative and criminal process

7. Existing support and advocacy services be adequately supported and funded

# Recommendations

8. Victim Liaison Support service extended to Secondary Victims of Sexual Crime

9. Irish Prison Service expand their restorative initiatives and include restorative circles for incarcerated men and women – in line with international best practice

# Recommendations

10. Delays in Criminal Investigations and Proceedings be reduced as a matter of urgent public concern

11. Recommendations included in Cosc National Strategy 2015-2020

# Thank You

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