

Restorative Justice for Survivors of Sexual Abuse

SUMMARY

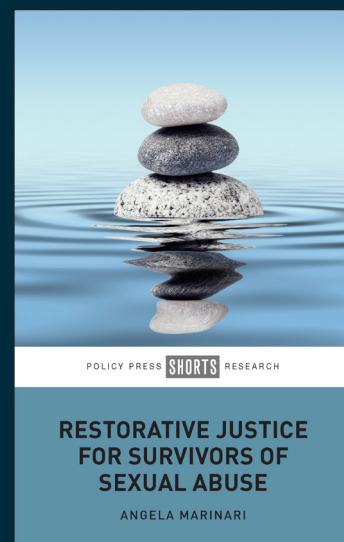
Restorative justice is, in theory, already available to survivors of sexual abuse. It is an effective – and cost-effective – means by which some survivors can feel a sense of voice, and of validation.

A restorative justice process with their abuser can provide some survivors with recognition from the people around them, giving them support, and holding the abuser accountable. Yet access is significantly limited by the availability of services, the scope of those services, and survivors' awareness of these services.

Restorative Justice for Survivors of Sexual Abuse presents new proposals for expanding the scope of restorative justice services, by widening their focus beyond the abuser, to the social environments which allow abuse and abusers to flourish. This greatly increases the number of survivors who could benefit from restorative justice.

This briefing presents some of the key facts discussed in the book. It explains:

- How harm is caused to survivors by enablers of abuse;
- How restorative justice with enablers can provide survivors with a sense of justice;
- How providing general information about sexual abuse to survivors may strengthen their understanding;
- How a pyramid programme of restorative justice services can widen justice options for survivors; and
- Next steps for policy makers and practitioners.



Restorative Justice for Survivors of Sexual Abuse, by Angela Marinari, is published by Policy Press, Nov 2020.

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DOES IT HAVE TO BE WITH THE ABUSER?

Harm is caused to survivors by people other than the abuser. They may fail to protect, fail to believe, or fail to support victims, and in doing so, they are enablers. They create social environments indoctrinated in the shame, secrecy and myth surrounding sexual abuse; they refract and enhance the power of manipulative abusers, and they increase the victimisation, the isolation and the harm caused to the survivor.

It is possible to hold restorative justice processes with enablers of abuse. These processes are likely to provide survivors with the sense of voice and validation they need, as well as recognition from those around them. For some, this will be more accessible, and more successful, than the criminal justice system.

COMPLEX, TRIANGULATED RELATIONSHIPS IN SEXUAL ABUSE

Enablers form complex, triangulated relationships with abusers and survivors. They can cause harm to survivors, sometimes harms as significant as that caused by the abuser. When enablers side with abusers, they provide social environments in which abuse can flourish. If, however, they act as safeguarders, they can prevent abuse occurring, or lessen the harm caused by the abuse.

The power imbalances in sexual abuse create a conundrum for restorative justice – *Restorative justice assists survivors to feel empowered, but feeling powerless in comparison with their abuser prevents survivors seeking a restorative justice process.* Complex, triangulated relationships in sexual abuse shows how enablers are active contributors to those power imbalances. Restorative justice with enablers of abuse may empower survivors to feel able seek a restorative justice process with their abuser.

GAINING RECOGNITION

Recognition is important to survivors. Recognition of the act of abuse can be provided by the criminal justice system. Recognition of the impact of abuse, and recognition from people close to a survivor, may be more readily available through a restorative justice process, including one held with an enabler of abuse.

Recognition of the impact of abuse develops over time, as survivors understand the often life-changing nature of the trauma caused by sexual abuse. Restorative justice is more likely to be successful when survivors are clear as to their aims. This makes this intervention particularly valuable to those survivors who have been living with the trauma of their abuse for many years.

GAINING CONTROL

Survivors develop their understanding of the abuse through these restorative justice processes, as they can ask questions and seek explanations. Gaining control over their narrative of abuse means that they know their story, and they can tell it when they wish to do so.

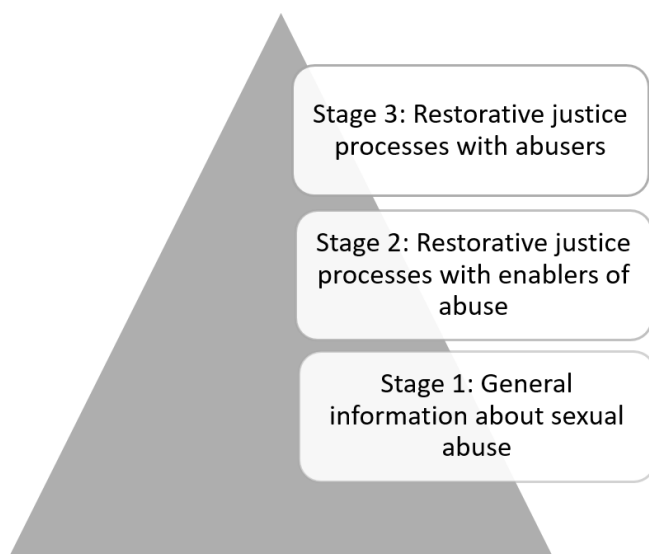
General information about sexual abuse can also assist survivors to strengthen their understanding. Being a survivor of abuse does not mean being knowledgeable about sexual abuse. Providing information can assist many survivors to understand what happened to them, and why people behave as they do. This may be in preparation for a restorative justice process but may also bring benefits for survivors who are unable or unwilling to do so.





THE PYRAMID PROGRAMME OF RESTORATIVE JUSTICE FOR SURVIVORS OF SEXUAL ABUSE

Restorative justice for survivors of sexual abuse need not be expensive, nor restricted to a small number of cases or a limited number of practitioners. Drawing on this research, three distinct stages of restorative justice processes are proposed, creating novel and accessible pathways to justice. These three stages combine to create a complete programme for delivering restorative justice for survivors of sexual abuse – the pyramid programme of restorative justice:



Providing restorative justice through these stages provides a practical means by which to widen the justice options available to survivors of abuse. Each stage holds potential benefits for survivors, dependent on their circumstances and preferences. The scale of survivors likely to be able to access and benefit from the stages are represented within the pyramid, showing how all survivors will be able to access stage 1, whereas few survivors will be able and willing to access stage 3. Survivors may choose to access the stage that best suits their current purpose. There should be no obligation for survivors to approach each stage in sequence.

Developing programmes of restorative justice in these forms will not only widen justice pathways for survivors, it will increase the viability of specialist

services delivering restorative justice. This will improve the accessibility of this cost-effective form of justice, which regularly reports high levels of victim satisfaction

NEXT STEPS

Pyramid programmes of restorative justice should be a justice pathway available for every survivor who wishes to follow it. This requires services to be broadly and consistently available, and to be promoted so that survivors are aware of their options.

For survivors to make a choice between justice pathways, they need high quality advocacy.

Independent Sexual Violence Advisors (ISVAs) are already funded to support survivors ‘from report to court’, and this should be expanded to include restorative justice pathways. Specialist restorative justice practitioners should work closely with sexual abuse support organisations.

The impact of those who enable sexual abuse and provide conducive environments for abusers to flourish are under-researched. How, when and why a person enables the abuse of others is not well understood. If there were more safeguarders and fewer enablers in a community, abusers would find it harder to commit their offences.

Researchers and practitioners should build collaborations to better understand their impact on survivors. As services expand, there are greater opportunities for generating knowledge about sexual abuse, and the impact it has on survivors.

ABOUT THE BOOK

Integral to sexual abuse survivors' healing is understanding the nature of their abuse.

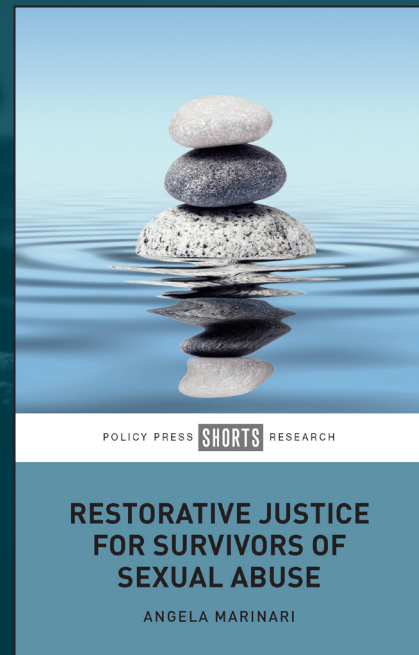
Drawing on interviews, this book gives a voice to survivors and illuminates how restorative justice processes can meet their justice needs. With a unique focus on the people around the survivor rather than on the abuser, it addresses the harm caused to survivors by those who enable their abuse, who fail to protect them, or fail to believe them.

Marinari offers radical solutions for the development of restorative justice programs and policy initiatives, including practical guidelines for practitioners, and new directions for academic research.

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