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**Towards a better understanding of justice: restorative responses to sexual violence.**

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## **Towards a better understanding of justice: restorative responses to sexual violence.**

Marie Keenan, Estelle Zinsstag and Ivo Aertsen

### **1. Introduction**

Many jurisdictions have expressed reservations about the potential of restorative justice (RJ) in cases of sexual violence. Although leading scholars (such as Couture *et al.* 2001; Daly & Immarigeon, 1998; Daly 2006; Gustafson 2005; Hudson, 1998; Jülich *et al.* 2010; Koss 2014; Monk-Shepherd & Nation 1995; Pali & Sten Madsen, 2011; Roberts 1995; Umbreit *et al.* 2003) have been advocating for RJ in sexual violence cases for many decades (which is now provided for in Australia, Canada, New Zealand and many parts of Europe), the message has been slow to find its way into formal legal and criminal justice procedures in many other jurisdictions. The aim of this edited collection was to gather twenty two leading international scholars in one volume and to present their cutting edge theoretical and empirical research on the topic. A second aim was to advance the knowledge of RJ for victims, offenders and communities in the aftermath of sexual violence and to address the apprehensions that underpin the reservations of concerned scholars and practitioners.

As the introduction to this volume indicates (see Zinsstag & Keenan) criminal justice mechanisms leave many gaps for victims, offenders and communities and many of the chapters in this volume have argued for RJ as an *additional* and *complementary* justice mechanism to criminal justice in such cases. However, some have also indicated that in the absence of ‘legal’ guilt being established in cases or in the absence of cases being reported to the police, RJ may have to be considered as an *alternative* justice mechanism for some victim-survivors and perpetrators, on condition that it is offered by well-trained agents that are given legitimacy by the state and supported by relevant national policy frameworks and best practice guides (see Keenan, Jülich and Landon this volume).

Such policy frameworks and best practice guides would ensure that RJ workers undertake the complicated balancing act between the *informality and autonomy* of RJ on the one hand and the *formality and procedure* of criminal justice on the other, ensuring that the procedural rights and safeguards of persons involved in both processes are well provided. This balancing act would also include the *public interest* in sexual crime (to understand, attribute guilt and punishment, prevent further offending and ensure public safety) as well as

the *private interests* of victims, offenders and their communities of care. All of the chapters in this volume have addressed such concerns.

## **2. The substantive research**

Beginning Part 1, Theoretical and conceptual frameworks, Godden-Rasul argues it is important to theorise the *harm* of rape of women when analysing the use of RJ in rape cases because repairing the harm is often seen as one of the principle aims of RJ (Cunneen & Hoyle, 2010: 6; McCold, 2004: 158; Wright, 2002: 659), alongside rehabilitating and reintegrating perpetrators in society (Braithwaite, 1999: 6). On the positive side she argues RJ may provide victim-survivors with space to articulate the harms as they experience them, validate the wrong and offer symbolic and material reparation for the harms caused by the perpetrator (Hudson, 1998; Morris & Gelsthorpe, 2000). However, on the negative side, RJ may trivialise the harms of rape because it does not involve punishment by imprisonment, thus lacking the symbolic strength of the criminal law in censuring wrongdoing. Further Godden-Rasul is concerned that engaging the victim-survivor and perpetrator in dialogue may lead to re-victimisation and further harm, a concern shared by some scholars and practitioners (Cameron, 2006; Stubbs, 2007).

However, for Godden-Rasul the extent to which RJ may either privilege or marginalise women's experiences of sexual violence can depend on the underpinning theory of harm that is being considered. Therefore, how the harm of rape is being conceptualised can affect RJ's capacity to address victim-survivors' experiences of rape. Godden-Rasul favours a conceptualisation of the harm of rape as the shattering of personhood, underpinned by a relational view of the self, but which also sees the person as 'capable of being ... remade in connection with others' (Brison, 2003: xi; see also Herman, 1997: 61). In adopting this conceptualisation she suggests it is important that RJ processes do not individualise the harms of rape or disconnect them from social context by solely focusing on the specific harms suffered by the victim-survivor. Instead she suggests that if RJ is to contribute to repairing the harm of rape it must address both individual *and* social justice interests of victim-survivors, including the desire for security from further harm, appropriate methods of redress and social consideration of gender based violence.

Pali develops an integrated framework for addressing sexual violence which she develops from aspects of feminist, abolitionist, social harm and restorative perspectives. From feminism, we are to be reminded that sexual violence has historically always been

tolerated and relegated to the private sphere, so a public recognition and condemnation is strongly needed. Abolitionism reminds us of the need to start our interventions based on the *lifeworld* of people, using other frames rather than the criminalising one to make sense of the violent acts and events. It also reminds us of the need to challenge punishment as the necessary outcome. A social focus on harm moves from a purely individualist perspective but places an equally strong focus on wrongdoing and social justice when considering the whole matter of justice in sexual violence cases, a perspective shared by Godden-Rasul. The ‘victim’ must however come centre stage and become a key player in justice being done. Looking at crime from the framework of social harm and social justice has clear advantages in rebalancing the scales of justice. Butler’s (2004) ‘dual thinking’ is highly relevant in this respect: violence should be clearly condemned but at the same time we should be concerned about how it came about. This dual thinking, argues Pali, has the potential to promote a new order of responsibility for the social relations and social conditions that enable violence and injustice to occur.

In the first of her two contributions to this volume, Daly argues now that there is some popular, academic, government and judicial interest in the idea of RJ for victims and admitted offenders of sexual violence, we need to consider what comes next from a research and development perspective. In order to advance RJ theory and research, she argues that we need to build a body of evidence that can assess and compare justice mechanisms in responding to sexual violence. In this chapter she offers one way of doing so, using her Victimisation and Justice Model which she developed in earlier work (Daly, 2011; 2014a; 2014b; 2015). The Victimisation and Justice Model has three components: contexts of victimisation, justice mechanisms<sup>1</sup> and victims’ justice interests. In this chapter Daly focuses on what she sees as

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<sup>1</sup> Daly distinguishes ‘justice mechanisms’ from ‘types’ of justice for the purpose of empirical clarity: justice mechanisms relate to the expectations that *-s as citizens* should expect in seeking justice and *include* criminal prosecution, trial, sentencing, -impact statements, victim-offender mediation, restorative conferencing, restorative circles, etc. ‘Types of justice’ are broadly referred to as conventional or innovative. Justice mechanisms reside on a continuum from conventional to innovative. These are umbrella terms that hold a variety of justice mechanisms: they are not types of justice, nor are they mutually exclusive. In other words, differing mechanisms (conventional and innovative) can be used in one case (Daly, 2011; 2015). *Conventional* mechanisms are standard approaches to criminal prosecution, trial, sentencing and post-sentence; they also include modes of victim participation in a legal process (for example, victim impact statements). Specialist courts for domestic or sexual violence may be conventional or a conventional-innovative hybrid, depending upon how they operate. *Innovative* mechanisms do not rely solely on the standard tool kit of criminal procedure or justice practices, or those wedded to legal processes alone. They permit greater participation and interaction of the relevant parties. The processes are often more informal, although structured by rules and procedures.

Restorative justice is *a justice mechanism*, not a type of justice (Daly, 2016). Typical practices are conferences, victim-offender mediation and victim-offender dialogues. Restorative justice mechanisms are *one of many justice mechanisms under the innovative justice umbrella*. Others include contemporary indigenous justice practices, circles of support and accountability, a variety of informal (non-state) justice mechanisms, truth telling or

the five victims' justice interests – explaining and specifying them explicitly (Participation, Voice, Validation, Vindication, Offender Accountability-taking Responsibility) so that they can be empirically compared in response to various justice mechanisms (such as victim-offender mediation, restorative conferences, restorative circles, criminal prosecution, trial, sentencing and victim impact statements). To advance the evidence base and demonstrate the potential of innovative justice mechanisms (victim-offender mediation and restorative conferences being just two), Daly suggest that we need to go beyond satisfaction as the sole measure of victims' experiences of justice and of re-offending as the sole measure of change in offenders' behaviours and assess and compare the strengths and limits of different justice mechanisms in a systematic manner. Desistance research as applied to restorative justice cases offers more insight about the dynamic and complex processes offenders are going through when taking part in mediation or conferencing (Lauwaert & Aertsen, 2015). A simple causal effect of just one justice mechanism should not be expected indeed.

Turning to the justice interests of offenders and community as well as victims in the aftermath of crime Ward offers an ethical decision-making procedure based on moral acquaintance theory to help RJ practitioners more effectively grapple with the challenges involved in balancing the interests of victims, offenders and communities in RJ and the conflicting ethical goals that emerge from this task. Basically the tension between the concern for revenge and the interest of forgiveness in the aftermath of crime is mirrored not only in the dual focus of the criminal justice system on punishment and rehabilitation but also in the dual role of RJ practitioners. There is no simple way to navigate these varying and at times conflicting interests in the aftermath of crime. Ward reminds us that in such a context RJ is just as vulnerable as conventional responses to crime labelled the 'dual role problem', and he suggests that RJ theory and practice is well placed to capitalise on human beings natural dispositions for both revenge and forgiveness. This is a problem that must be engaged with, which relates to the normative tension that exists between the values underpinning the concern with punishment versus those associated with restoration/forgiveness. Unless these tensions are addressed, Ward argues, RJ can result in practices that disregard the legitimate interests of victims, or of those who commit crimes, and/or of the community.

One way of making progress according to Ward is to first change the assumption of RJ as a communitarian activity and instead to adopt the thesis of normative individualism,

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truth seeking mechanisms, cultural performance, days of remembrance and other art and activist projects in civil society. Innovative justice mechanisms may work alongside of or be integrated with conventional criminal justice or operate in civil society. When part of criminal justice, the process is set in motion only after admissions to the offending.

which is based on the idea ‘that the human being has intrinsic moral value as an end in herself and is therefore entitled to various protections, including respect for her choices’ (Krause, 2015: 3). Second, Ward suggest that a moral acquaintance framework can offer a typology (of moral strangers, moral friends and moral acquaintances) to help assess the relative ethical positions of actors and to improve ethical communication. Finally, he offers a six step moral acquaintance framework procedure that is based on the values of engagement, autonomy, and respect, which can help practitioners and policy makers to address the problems involved in the dual relationship conflicts and tensions in forensic and RJ domains. Ward concludes that normative individualism with its assumption that the individual is the appropriate locus of ethical concern, in conjunction with the moral acquaintance framework and the resulting six step decision-making procedure can help practitioners arrive at ethically justified RJ plans and to address any ethical conflicts created by dual roles.

Picking up on similar earlier themes Keenan argues that while criminal justice has been criticised for focusing on the *public* aspects of sexual crime (such as prosecuting wrongdoing, punishing offenders, rehabilitating offenders, preventing future offending) at the expense of victims, RJ has been criticised for focusing on the *private* interests of victims and offenders (such as the interpersonal focus on repairing conflict or harm), while the public need for punishment and protection is neglected (see Meier, 1998). In her contribution she adopts an approach to justice in which the *private interests* of victims and offenders and the *public interests* of communities, the law and the state can be adequately countenanced. Keenan argues that the protection of *due process* for offenders and *victims’ rights* must be reconciled in marrying RJ with criminal justice in response to sexual violence and drawing on Council of Europe (1999) and UN (2002) guidelines on mediation in penal matters Keenan indicates how this can be done.

Having considered such legal matters she then turns attention to moral matters and what she calls the moral conundrums in marrying RJ and criminal justice – especially in sexual violence cases that are not reported to the police or for which criminal convictions are not secured. This discussion concludes by suggesting state legitimate RJ mechanisms that are related to but which can also function independently of criminal justice are therefore required in sexual violence cases, with legal, confidentiality and procedural safeguards as recommended by the Council of Europe (1999) and UN (2002) documents established for the workings of both. Further, RJ services have to develop strong and clear internal ethical standards for undertaking this work; work that can best be done by national and international umbrella organisations for RJ. In cases involving non-reported sexual violence cases Keenan

suggests that state legitimated practice guides and policy frameworks are required to guide the practices of RJ. One such model is offered by Project Restore in New Zealand (see Jülich & Landon, this volume).

In tackling the question of how to respond to wartime sexual violence from a justice point of view, similar to other authors in this volume, Zinsstag and Busck-Nielsen recognise that neither conventional justice nor RJ can, on their own, respond appropriately to the harms of sexual violence, especially when the sexual violence is perpetrated in non-peaceful contexts (ie during armed conflicts, repressive regimes, fragile states etc.). For this reason, Zinsstag and Busck-Nielsen argue that one must consider how these two approaches could be applied in a complementary, 'blended' or 'integrated' way – a theme also explored by Keenan in her contribution. A number of transitional justice measures in post wartime contexts combine these two justice approaches already and display a willingness to attain a more meaningful response to women victims of wartime sexual violence. In doing so they pave the way for practical ways of helping victims achieve the ambitions of transitional justice mechanisms: greater accountability, victim empowerment and the possibility of victims and perpetrators living alongside each other again in the post conflict times (Zinsstag, 2006). Various models of how these aims can be achieved for victims of sexual violence are outlined in the chapter but Cahn's (2005) approach is particularly interesting. She proposed a new approach to achieve harmonisation by including three components when dealing with sexual violence victims: 'criminal/civil justice, restorative justice, and social services justice' (Cahn, 2005: 220).

With the growing recognition that women tend to have a very specific experience during armed conflict and authoritarian regimes, due to their various roles, status in a society and specific victimisation, has come the innovation that truth-telling mechanisms are more sensitive to the needs and concerns of women in the many truth-seeking mechanisms and Truth Commissions for victims of human rights violations internationally. Zinsstag and Busck-Nielsen cite the work of Sierra Leone's transitional mechanisms and of The International Criminal Court (ICC) in The Hague as examples, also of how the blended approach of conventional and restorative justice can be developed further. However they caution that the choice of justice mechanism and their blending in post-conflict societies should reflect the specific cases, situations and cultures of the particular state and should remain heterogeneous (McEvoy & McGregor, 2008), while always integrating up-to-date international standards the latest developments within the various transitional justice mechanisms. In other words no one template for justice should apply. This co-existence of



formal and informal justice mechanisms and their ongoing interplay when dealing with large-scale violent conflict that oftentimes includes extreme forms of sexual violence as well, seems to be very instructive for our theorising about restorative justice in general (Aertsen, 2008).

In part two of the volume Daly and Ward, and Jülich and Landon have empirically demonstrated the value of RJ for victims of sexual violence in meeting their justice interests. First, in comparing the impact of youth RJ conferencing and judicial sentencing on the justice interests of victims in cases of sibling sexual violence Daly and Ward found during sentencing, judicial officers could do more to recognise the presence of victims and their supporters in the courtroom, and sentencing remarks could do more in describing the impact of the offence. Likewise, the RJ conference process (when used as diversion or pre-sentence advice) could be improved by linking the negotiated outcome with the wrong and harm of the offence and by not moving too quickly to a focus on rehabilitating offenders. They suggest that conferences performed strongest for the voice and validation elements of victims' justice interests (about 80 per cent), followed by accountability-taking responsibility (67 percent), and participation and vindication (about 60 per cent). Court sentencing performed strongest for the validation and vindication elements (about 50 per cent) while voice and offender accountability-taking responsibility were weaker (about 25 and 40 per cent) and participation was almost nil.

Jülich and Landon also found that the desired outcomes of victim-survivors, offenders and other participants were achieved in most instances of the restorative programmes facilitated by Project Restore in New Zealand (NZ). Participation as an outcome of RJ was desired by most victim-survivors and ten out of twelve wanted the offender to seek treatment, reinforcing Jülich's (2001) findings in her work with adult victim-survivors of child sexual abuse: without exception they wanted to address the underlying causes of offending and ask questions about what had happened to them. The only measure not achieved at all by survivors in the restorative programmes was to have the offender name other victims. In three cases victim-survivors had hoped this would occur, but in all three cases it did not. The offender may have been advised by legal counsel to not discuss other victims, or it is possible there were no other victims.

In relation to offenders, Jülich and Landon found that they appeared to be focused on making amends. They wanted to apologise and support victim-survivors' healing processes, a finding also found in research in Ireland (Keenan, 2014). Jülich and Landon also found

victim-survivors were not always seeking imprisonment as an outcome of reporting sexual abuse.

In exploring what justice means to sexual violence survivors McGlynn *et al.* found that participants made clear their understandings of justice extended well beyond conventional criminal justice. In relation to recognition, voice and consequences, survivors embraced some elements of conventional understandings of justice, but also desired more. McGlynn *et al.* found RJ offered some opportunities to better meet survivors' justice interests than criminal justice. In relation to recognition, RJ offered more incentive for early admissions of guilt by perpetrators than criminal justice approaches. Similar to findings from other research (see Keenan, 2014) survivors also wanted an active voice and more ownership and control within a justice process in order for them to feel empowered. Survivor participants in McGlynn *et al.*'s study also felt that RJ could offer possibilities in the form of a 'redress plan' to which the parties would agree at a RJ conference.

The survivor-participants in McGlynn *et al.*'s study wanted the perpetrators to face consequences that would underline the significance of the harm of the sexual violence, including formal criminal justice consequences, such as imprisonment, and informal consequences such as public exposure. While all survivors of sexual violence want the significance of the harm of sexual violence recognised and the offender called to account not all want the offender imprisoned. While Jülich (2001) and Keenan (2014) found that individuals who were sexually assaulted as children by family members or someone known to them seemed less inclined to seek imprisonment but it should not be assumed that all victim-survivors are similar: this are a very complex series of issues. This discussion may relate to the nature of the sexual violence. Keenan (2014) found that a number of victim-survivors of rape especially by strangers e.g. were clear that a term of imprisonment was necessary and should not be usurped by any RJ. This may be both because of the very serious character of the crime and the relational distance from the offender. Research has found that the larger the relational distance the more people are in favour of a punitive style of social control in general (Horwitz, 1990).

In looking forward, McGlynn *et al.* concluded that RJ should form one part of a broader search for justice in relation to sexual violence and this broad approach to justice should include social and cultural change, prevention of sexual violence, support for victims and dignity as foundational elements. These elements, together with recognition, voice and consequences, form the myriad of perspectives that make up a vision of kaleidoscopic justice for survivors of sexual violence that emerged from the research.

Lessons learned from RJ programmes in general and from the RESTORE experience in the United States (US) are enumerated by Lopez and Koss. They suggest that evaluations of RJ conferencing programmes should differentiate the justice and therapeutic outcomes for survivors, echoing Daly's suggestion that researchers have placed too much emphasis on achieving therapeutic outcomes for victims, as the sole or primary aim of RJ, at the neglect of empirically mining the justice outcomes. The therapeutic approach centres on the mental and physical consequences of RJ and not the moral and political matters of *victims as citizens* in seeking justice. Several contributors to this volume have suggested we should not focus on a victim's well-being *alone* as a justice objective – what Daems (2009) refers to as 'therapeutic consequentialism', in which the metaphor of 'healing victims' is an expected outcome for victims engaged in criminal justice. The suggestion in this volume is that primary attention be given to the justice interests of victim-survivors and to observe the potential impact these may have on measures of well-being. At a minimum, victims' justice interests and victims' well-being should be viewed as separate dimensions.

Lopez and Koss also stress that RJ should not purport to be a clinically-therapeutic intervention. Although a RJ conference may be overseen or facilitated by programme staff that have clinical training, these community-based RJ programmes are not group therapy. Rather they are either alternatives or part of criminal justice processes. While the perpetrators who participated in the RESTORE (US) programmes were required to attend for therapy and victim-survivors were offered the possibility to have access to therapeutic services, the RJ conference itself was not presented as therapy. Although Zehr's (2002: 37) definition of RJ includes the term 'healing' and the RESTORE programme was described to participants as 'justice that heals,' the programme evaluation did not find that victims in particular uniformly evaluated their experience as offering closure or healing. For example, nearly one-third of victim-survivors who participated in RESTORE disagreed that they consented to the programme in order to hear an apology. Rather, they nearly all agreed that the primary consideration was to have input into the consequences and redress plan of the perpetrator.

Because of the fact that victims of sexual violence are often engaged in therapy and sex offenders in sex offender treatment, before, during or after engaging in RJ, Woessner investigated the relationship between RJ and therapy in cases of sexual violence further and develops some useful suggestions for research and practice. She suggests it is important for RJ practitioners to keep the therapeutic needs of the parties in mind when facilitating RJ with victims and offenders of sexual crime. Based on her findings of the transformative-supportive effects of RJ for both victims and offenders she argues RJ can have a positive impact on the

therapeutic requirements of both, if facilitators adhere to safe and ethical safeguarding principles. However, similar to Lopez and Koss she cautions that while there are many overlaps between RJ and therapy they are also differing processes and it is important that the two approaches do not interfere with the aims and objectives of each other. It is possible to prevent any such negative interference when both processes are delivered in a considerate way by RJ practitioners and therapists who are aware of the overlap but also of the distinctions and challenges, especially when victims and offenders are involved in both processes.

Beck, Bolívar and Vanseveren offered a perspective that included the ripple effects of child sexual abuse on the communities of care of victims and offenders and suggest communities of care can contribute to and benefit from involvement in RJ in these cases. They argued that addressing child sexual violence requires a holistic view that (a) understands the social and relational context in which the offence occurred and (b) identifies the relevant stakeholders and communities of care in the victims' and offenders' networks. In cases of child sexual abuse the engagement of the communities of care may help not only to construct a better future for victims, offenders and families as a whole, but it may also contribute to the victims' processes of restoration and social recognition. This chapter emphasised that the involvement of communities of care in RJ in such cases also allows for different levels of responsibility for the child sexual abuse to be addressed and for the ripple effects of the trauma to be considered.

In the final chapter of the volume Wager and Wilson present findings of a study on survivors as volunteers in Circles of Support and Accountability (COSAs) and suggest a positive restorative potential from such volunteer work. Contrary to public misconception the accounts of the survivor-volunteers suggest they did not enter the volunteering work seeking self-healing or in order to undergo a process of meaning-making for their own sexual violence experience. Rather they came to COSAs once they had transitioned from victim to survivor or had found a renewed sense of strength or purpose from having undergone a new life transition or set back. These survivor-volunteers worked proactively to maintain their resilience and self-manage the potential risks to their psychological well-being of being a COSA volunteer. An additional positive side benefit of their involvement as survivor-volunteers was that they had an opportunity to actualise aspects of post-traumatic growth such as compassion and altruism which are also concordant with the principle of repair.

### 3. The authors' words

The chapters presented in this volume suggest that finding the right balance between censuring wrongdoing, validating victims' experience of sexual violence, protecting society, and providing support through services for both victims and offenders in a society that is committed to the rule of law and due process for citizens is a far-reaching task. Still, this is a fair task, which can reasonably be expected in a caring and democratic society. It requires both civil society and state actors take up these fundamental responsibilities in a joint action. It is clear from the scholarship offered in this volume that legal remedies for victims of sexual violence are not the only justice remedies required and further, that legal remedies for offenders should not rely solely on punishment within institutions which themselves can promote further violence.

The chapters also suggest that sexual crime is an inherently different type of crime from others, with features which differentiate it from other types of violent crime in a number of respects: it is an under-reported crime with high rates of attrition, victims often experience potent and debilitating self-blame, the perpetrator in the majority of cases is someone known to the victim and the process of reporting the crime and pursuing justice through the criminal justice system is often experienced as extremely traumatic by victims and their families (and by offenders and their families too) (Keenan, 2014). Sexual violence therefore requires specialised and tailored responses to the 'justice' needs and interests for victims, offenders and communities, which are not being met by the current criminal justice responses (Keenan & Zinsstag, 2014). Restorative justice offers one such potential, but as the research presented in these chapters suggest, RJ in sexual violence cases also requires its own specialised and tailored RJ theory, practices, procedures, guidelines and frameworks – some of which were presented in this volume.

Having analysed the international map we come to the conclusion that the following elements should be part of the RJ service delivery model in cases involving sexual violence, irrespective of whether the RJ methodology involves restorative conferences, victim-offender mediation or restorative circles (see also Mercer et al., 2015).

1. In cases of sexual violence it *is* possible to organise a safe meeting, organised by a specifically trained facilitator. It is crucial that facilitators receive a specialised training, on e.g. the specificity of this type of victimisation, the types of trauma, offending histories and profiles, tools to assess trauma and to refer to counselling etc. A certain degree of specialisation is needed, irrespective of the question

whether separate types of RJ services should be set up to deal with this particular type of victimisation or whether they can be part of a general RJ service.

2. It is clear that we are generally talking about complex cases, with persons and their surroundings having very different needs and expectations, with different types of sexual violence, with a number of different consequences possible at the personal, relational, social, and professional levels. Hence it is important to keep in mind that clear-cut response models are not desirable, and that programmes should be ready to assess the complexity of the needs and consequences and to offer a variety of services.
3. We should be aware of the possible role of both informal and formal justice mechanisms, and how they interrelate. They might both have their strengths and limitations, and depending on the needs of the case different approaches must be included in a RJ programme. A RJ facilitator should be able to work with various justice dimensions, and if needed to integrate them in a specific case.
4. A relatively high number of victims are not reporting the sexual violence and moreover high attrition rates exist in these types of crime. In these cases, RJ programmes should give special attention to the commitment of the offender: he/she should be referred pro-actively to sex offender or other therapy and he/she should be supported, coached, and supervised by community members where appropriate (e.g. by COSAs or other structures dealing with offenders).
5. In all cases psychological and social services should to be available and offered to victims and offenders of sexual violence, which requires special skills from the RJ facilitator to assess and to refer cases appropriately.
6. From within RJ programmes we should try to develop and establish links to 'social justice' provisions: to services, programmes and policies in society that can deal effectively with underlying social problems, discrimination and attitudes such as sexism. RJ programmes themselves have not to provide all of these forms of social justice, but RJ should be able to bridge and signal these deficiencies in society, be it on one individual case or for a number of cases together.
7. In many cases, an agreement can be useful at the end of a RJ programme which offers recompense to the victim (if desired) and specifies other behavioural commitments on the part of the offender.

These and other guidelines comprising preparation for the RJ meeting, sex offender or other therapy for perpetrators, and therapy and support services for victim-survivors offer support

on ‘how it can be done’, especially in non-reported cases. One variation of this approach is in existence in Project Restore in New Zealand and described in this volume (see Jülich & Landon).

We conclude by suggesting, following Daly, that RJ is a justice mechanism comprising several possible programmes – victim-offender mediation, victim-offender dialogues, restorative conferences and restorative circles amongst others – and that it is not best conceptualised as a ‘type’ of justice (Daly, 2016). It is a meeting (or set of meetings) of people that falls within an encounter or process conception of RJ and not an outcome conception. The desired outcomes will vary by the context and purpose of a meeting which should not be restricted to repairing harms or restoring relationships, but rather to meeting the justice interests of victims, offenders and communities as citizens. As per Shapland (2014: 122-123) we suggest there needs to be an ‘explicit recognition’ of differing ‘restorative justice processes in different contexts’. Whether such RJ processes be underpinned by values (as Shapland does), or by rules and procedures (as Daly does) that should govern any legitimate justice mechanism is a topic for another day. However, we are left feeling that rules and procedures cannot exist without underpinning values – whether acknowledged or not – what is important is that both are transparent and coherent.

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