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Sexual Trauma and Abuse: Restorative and Transformative Possibilities?

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Extent of Sexual Violence in Ireland

- Population 4.3 million people (2006 Census)
- 42% females and 28% males sexual violence over life-time (SAVI, 2002: xxxii)
- One third of Irish Females (30.3%) sexual abuse in childhood
- Almost a quarter of Irish Males (23.6%) experienced sexual abuse in childhood
- Rape studies – high attrition rates in Ireland – alcohol a factor
- Reports into abuse into industrial and reformatory schools run by religious orders on behalf of the Irish State and Into Catholic Church
A Collaborative Research Project

- Facing Forward: NGO
- Principal Investigator: Dr Marie Keenan, UCD
- Consultant to the Research: Ms Bernadette Fahy
- Research Coordinator: Ms Barbara Walshe
Background to the Research

- Facing Forward (NGO): talking and training
- Marie Keenan 2007 Facing Forward
- Frustration: Let's start an RJ programme?
- 2009 National Commission on RJ Report
- Idea of Research: (a) Sexual Violence and (b) Let's Go to those who know

Wisdom and Knowledge
So began the Research Journey

- Steering Committee 2011
- Invitation to Survivor to be Consultant to Research
- Proposal to ask former Offender to be consultant ‘bridge too far’

Wide Consultation with Victim and Offender stakeholders
Research Questions

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

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

3. What are the Specifics to be considered 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 – same themes + Range of Documents
- Interviews Audio Recorded
- Ethics approval UCD, the Irish Prison Service, Commissioner from An Garda Síochána
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 [role plays etc]
Budget

- €4000 Seed Funding UCD
- €2000 St Stephens Green Trust
Interviews

- Oct 2012 - May 2014, 149 People in total interviewed
- 100 individual Interviews
- 10 group dialogue interview groups
- Interviews on average 2-3 hours [some less]
- Lead Interviewer, Supporter and Note-taker for groups
- Where possible two people for individual interviews
Safety Needs

- NGOs provided psychological support for any respondents who needed to talk following an interview

- Research participants had phone call day following interview from interviewer

- Interviewers de-briefed and taken care of by Project Coordinator and Research Consultant

- We all did some interviews – I did few
What was happening?

- Snowballing participants
- S/G Extending the Range of People to be Interviewed
- Beginning a National Conversation [SV &RJ]
- Marginal Illuminations – Margins illuminate the centre
  Centre casts its own light or shadows
Who Did we Interview? N=149

- 30 Victim Survivors
- 23 Offenders – 13 in custody; 10 community
- 1 mother of victim
- 1 mothers / 1 wives of incest offender
- 16 therapists and stakeholder Victims
- 15 therapists and stakeholder Offenders
- 2 Mediators
- 9 bishops and religious – 8 Catholic, 1 Church of Ireland
- 7 judges
- 6 politicians
- 5 legal professionals
- 8 juvenile liaison officers, members of An Garda Síochána
- 12 staff members of the Irish Prison Service
- 4 members of the Irish Probation Service
- 9 members of the print and broadcast media
Data Analysis

- Interviews Transcribed – interns working on transcription and paid professionals
- ATLAS ti to store data and code
- Analysis: a combination of grounded theory methodology and thematic analysis
- Multiple reads and re-reads of transcripts
- Of coded sections
- Integration with Literature
- Qualitative allows storage and coding of large volume of data
Research Assistant Interns

- 7 young people backgrounds Law, Philosophy, Social Science, Equality Studies, Psychology
- Government JobBridge Scheme
- Trained in Use Qualitative Software
- Multiple Dialogues in Interns Room
- Coded Data
- Data Analysis
- Presented at conferences – co writing papers
Study: Research “With” not “On”

- Importance of Language
- Importance of Collaboration with Participants
  - Public Conference December 1\textsuperscript{st}
  - Live stream into the Prison from Conference
  - Report 2014 – all participants will receive a copy
  - Launch by Minister for Justice plus other presenters
Findings: Victims and CJS

1. Reason for engagement with the criminal justice system ‘we didn’t want the responsibility,’ ‘burden too heavy’

2. Position of the Victim within the Criminal Justice System

3. Experience of An Garda Síochána

Information Deficits and Misinformation
5. Delays in Criminal Proceedings
6. Dissatisfaction with Criminal Charges
7. Redundant to Court Processes VIS
8. Dissatisfaction with Outcomes
9. Contact with the Probation Service
Civil Proceedings

- Alternative to Criminal Proceedings or when Criminal Proceedings Fail
- Delays in Civil Proceedings Adding to the Trauma
- Cost prohibitive
Offenders and CJS

1. The Criminal Justice System and the Offender
2. Experience of An Garda Síochána
3. Delays in Criminal Proceedings
4. Court Processes and Experience of Legal Professionals
5. Victim Impact Statements
6. Outcome of Proceedings
7. Special Nature of Sex Offences and Sex Offenders
8. Prison Experiences
9. Contact with the Irish Probation Service
Victims and RJ: Possibilities

- Facing the Offender with Statements
- Facing the Offender with Questions
- Healing and Ending a Journey
- As a Mechanism of Accountability
- Understanding but Not Excusing Sexual Violence
- Dealing with Church Authorities when Abuse Disclosure handled Badly
- Family Reconciliation
- “Getting out of Relationship” with the Offender
- Apology and Forgiveness
Challenges and Obstacles

- Fear
- The Position of the Offender in the Restorative Event
- Too Much Time had Elapsed
- Potential Risks in the Restorative Meeting

Ownership and Control of Decision-Making
- Confidentiality and Restorative Justice as an Alternative to Criminal Justice in Intra-familial cases?

- Relationship between Criminal Justice and restorative justice
Other Considerations for Victims

- State Support and Legitimacy – Bottom up and Top Down
- Need to be Kept Well-Informed and In the Information Loop
- Procedural Flexibility
Offenders and RJ: Possibilities

- “Debts Owed”, “Giving Back” “Moral Obligation”
- Opportunity For victim to Confront offender if necessary
- Restorative Justice but only when the Offender takes Responsibility
- VS Benefit: Value of Asking Questions – Getting Answers
- Healing for Victim, Offender and Intimate Known Systems
Apology, Expression of Sorrow and Forgiveness

Desire to see Victims Move on with their Lives

Closure and healing for victims

Closure for offender

Gap in the Justice System
Challenges and Obstacles

- Offender moved on with their lives
- Maybe the victims have moved on with their lives
- Victim Chose Criminal Justice Route
- Fear
- Relationship between RJ and CJS
- Stigma & Public Awareness Regarding the Existence of RJ Process
- Privacy / Confidentiality
- Shame.
- Need for Safety and Emotional Trauma
- Offender’s Need for Safety and Emotional Trauma
- Adversarial Culture of Justice
- Court Orders prohibiting Offenders from contact with Victim
- Mutual Respect in the process
- Offender cannot explain his Actions
Other Considerations for Offenders

- Victim Led Process
- Relationship between RJ and CJS
- Offender had a need for the Victims Validation of RJ Process
- Institutional Inertia
- Social Violence, Restorative Justice and Societal Reconciliation
- Complexity of Intra-Familial Sexual Violence
- Management of Stakeholder Expectations
VSF2: It was my father so I have feelings for my father as a father and yet this man did all this wrong to me, which is two separate things. For people who weren’t abused or for people where it wasn’t incest it would be a different issue, they wouldn’t have the father feelings or the love for the person so I can understand for a certain amount of people for it not to be helpful and for them to not want it, but for somebody like myself that it was my father that abused—it was a family member. The love and the feelings you have for that family member are very hard to handle while you are trying to take them through the process of justice. And it’s frightening because you get to a stage where you’re almost afraid to say to people, “I still love my da.”
FVSM: But it’s then they’re gone, and you’re left with this (big sigh) – did that really happen? You know it’s just, you don’t get any feedback! And it’s like, they’ve been part of your life, they’ve heard the most painful thing that can happen to you. And it’s like smoke, you know they’ve just gone through a puff of smoke and they’re gone!!! ..And it’s like you know, I thought like, in January I got a phone call from the detectives, and the police to say that they wanted to see me and they brought me down to the police station to tell me that they had, I don’t know if they said “arrested” or just “questioned” – but they’d gone up to my sister’s house and brought my nephew in for questioning and eh were saying like eh “He’s denying it”. And I thought well, I would have assumed that, I can’t imagine that he was going to admit it....That was January! This is now April. I have no idea, what’s happened since then.
And it just catches you – like it’s not a day that goes by – like yesterday morning, in the hall, hovering all the hairs off the carpet – and I just dropped it and it’s just, it’s just – so heavy, SO overpowering, and that ...if you just got a phone call from them to know – that it’s not that you’ve being forgotten ...But there’s nothing, nothing happening but this case is still going on!... Absolutely, I know they’ve gone on to more important things, but I do think that there’s something that even to connect in.... cause, you’re here, and myself and my daughter, we were sobbing; we were so upset and if you just got a phone call, and even me saying this out loud, there’s a part of me that feels really childish saying it; but if they just even made a phone call and said, “How are you and your daughter doing?
VSC2: For very long time, I used to get very angry when I heard people suggest that in order to heal, I had to forgive. I actually, still do. I still want to rant and roar and scream and shout and tell people to ‘f... off’ when I hear that crap....because I...I think that there is a tendency to see a tidy resolution by suggesting that forgiveness is where it is all at and it may well be, but let’s not impose that on anybody. Any individual experience of abuse or of crime and the trauma that results from crime is a very individual experience and we may have and we may be absolutely right in our view that there is a road to be travelled and there are points along on the road and we might imagine, we can prescribe them. The problem with prescribing them is, we drive the journey rather than facilitate and accompany an individual on their journey.
So, for me, I would absolutely reject the notion that an outcome of any process should be to move the survivor and the perpetrator to a place where the survivor feels that they can forgive the perpetrator. I think that’s an abusive dynamic to inflict upon a survivor. I think that it is potentially, very damaging and counter-therapeutic. I think that is distorts the process utterly and that it is not based... on an understanding or explanation of this individual’s needs, but of the need of society or the system or the professional to find a resolution that allows them to feel that they have succeeded in their efforts. It’s not about their efforts....
that was a very personal journey and for me, it also became terribly important because I knew for years my understanding of forgiveness was really confused and wrapped up in and corrupted and perverted by that Catholic understanding of forgiveness based on the notion of absolution. That somehow if I said ‘I forgive you’, I’m saying ‘that it is ok’. It is not ok. It’s never ok. So, in the same way, I talk about looking in that mirror with as much shearing honesty and compassion as I can. I can look at my own actions and look at things in and beyond and through and despite and because of those experiences of abuse and I can be deeply uncomfortable with myself in it and it’s not ok, that I tolerated or accepted the level of abuse that I did.
It’s not ok that I went on to perpetrate that abuse on myself for years to come, in so many different ways. It’s not ok. It will never be ok. It will never be anything other than an appalling tragedy and an incredible wrong, but I understand that and I accept it. I can’t make it ok, but I can accept it for what is it is and love and respect myself in...in...absolutely, in and beyond it. I am no longer frightened to look at myself and see myself in it and have understanding and compassion for myself and accept myself and then, move beyond it. So, that’s for me what forgiveness meant.
VSSR: I have come to the following conclusion regarding forgiveness; I do believe it is essential in order to fully heal from a crime. It is obviously the most difficult thing to do, but I firmly believe that it is in the victim’s own interest to forgive the offender. The act of forgiveness helps to free the victim from the crime, because she can let go of the negative emotions that she may have had for so long which, ultimately, were only damaging her and causing the offender no hardship whatsoever. I believe that if you cannot forgive, then the negative emotions will destroy you, or at least damage your life in some manner. I am fortunate in the sense that the crime was committed against me, so it’s much easier to forgive because I do not have to remain “loyal” to the victim by staying angry at the offender. I know I would struggle immensely with forgiving someone who hurt someone close to me however.
I lived many years with anger following the assault and this was merely a burden on me – not the offender, as he wasn’t even aware I was feeling that way (and realistically wouldn’t have cared in the slightest). I know that the anger I felt was not benefitting me, but the only way to diminish the anger for me personally is by seeing the person who offended against me as the damaged person that I know he is. The only way in which I would get the opportunity to see him in this light is through the process of restorative justice. I can only forgive if I have the opportunity or chance to witness this, and in my opinion, the only way I can fully heal is if I forgive. Forgiveness benefits the victim in this way, even more than it benefits the offender. The Criminal Justice system is not concerned with forgiveness and therefore, in its current structure, it helps to keep a victim in a perpetual state of disempowerment.