Exploring the Potential of Restorative Justice for Sexual Violence

12-14 November 2014
Leuven, Belgium
https://www.law.kuleuven.be/linc/english/conferencesexualviolence
Cover Image
Together, Sasa Saastamoinen

Editing and Design
Mirko Miceli
Exploring the potential of restorative justice for sexual violence

12-14 November 2014
Leuven, Belgium

Table of contents

1. Introduction p. 8
2. Practical info p. 9
3. Rooms locations p. 11
4. Programme p. 13
5. Parallel workshop sessions p. 16
6. Abstracts p. 24
The local organising committee welcomes you to Leuven, a city close to Brussels and the main European institutions based in the Belgian capital. Since its foundation in the year 884, the city of Leuven has always been an important commercial and administrative centre, becoming one of the most important cities during the Duchy of the Brabant era. The 15th century was indeed a turning point in the history of the city and in 1425 Duke John IV founded the Catholic University of Leuven (KUL), which until today has remained the most important university in Belgium, counting over 40,000 students and around 10,000 staff members from all over the world. The city of Leuven and the KUL are an ideal location for a conference exploring new areas where restorative practices can be implemented. In 2000 a pilot project introduced conferencing (hergo) in Flanders which was then evaluated by KUL. As a consequence, various legislative changes were introduced in 2006 making RJ an integral part of the judicial landscape in Belgium. Since then activities, organisations and researchers working in the field of RJ have been thriving in Leuven. Restorative Justice is part of the Master in Criminology at the Law Faculty, The European Forum for Restorative Justice is located here in Leuven and the Research Line ‘Restorative Justice and Victimology’ at the Leuven Institute of Criminology has been involved in numerous EC projects investigating RJ in different contexts. We wish you an interesting, enjoyable and stimulating international conference highlighting the potential of RJ for sexual violence.

Prof Dr Ivo Aertsen
LINC
Organisers

Leuven Institute of Criminology  
*Belgium*

Katholieke Universiteit of Leuven  
*Belgium*

University College Dublin  
*Ireland*

Max Planck Institute for Foreign and International Criminal Law  
*Germany*

University of Tilburg  
*The Netherlands*

The National Institute for Public Health University of Southern Denmark  
*Denmark*

AIM project  
*United Kingdom*

Centre on Violence, Traumatic Stress and Suicide Prevention  
University Hospital of Trondheim  
*Norway*

European Forum for Restorative Justice  
*Belgium*
Local organising committee

Supervisor
Prof Dr Ivo Aertsen

Coordinator and senior researcher
Dr Estelle Zinsstag

Research team
Dr Daniela Bolivar, Virginie Busck-Nielsen

For the European Forum of Restorative Justice
Mirko Miceli
1. INTRODUCTION

This conference is the final event of the Daphne Project JUST/2011/DAP/AG/3350 financed by the European Commission and entitled ‘Developing integrated responses to sexual violence: an interdisciplinary research project on the potential of restorative justice’. The conference is taking place from 12 to 14 November 2014, in Leuven (Belgium) at the University of Leuven (KU Leuven).

The conference aims not only to disseminate the preliminary results of this project but also to gather a number of world experts from academia, practice and policy on the topic. Based on the presentation of original papers, the conference offers a forum for discussion and exchange of ideas for the possible further development of restorative justice (RJ) in the field of sexual violence (SV).

The conference will be divided between a series of plenary presentations and workshops on topics relevant to SV and RJ in the broad sense.
2. PRACTICAL INFO

The Erasmus House (Erasmushuis) and the MSI building (Mgr. Sencie Instituut) are in the city centre of Leuven, close to the railway station and many of the hotels. These venues are within walking distance from each other and they will host the plenary sessions and the different workshop presentations during the three days of the conference.

Located just across the street from the main venues of the conference, Alma1 has been selected to receive participants for lunch both on Thursday and Friday.

Coffee breaks will be available to participants in the entrance hall on the ground floor of the Erasmushuis, where plenaries and a number of the workshop sessions take place.

The Conference dinner organised on Thursday 13 November at 19.30 will take place at the Faculty Club in an age-old historic setting recognised as UNESCO world heritage since 2000 (Address: 14 Groot Begijnhof, 3000 Leuven).
Please remember that you have to be pre-registered in order to participate to this event.

If you need assistance or more specific information for locating specific rooms or venues of the conference, please do not hesitate to ask one of the **volunteers or organisers**, easily recognisable with their different coloured badges.
### 3. ROOMS LOCATION

<table>
<thead>
<tr>
<th>Room</th>
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<tr>
<td>Justus Lipsiuszaal</td>
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<td>Room Lett.08.16</td>
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<td>Room Lett.07.08</td>
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<td>Room Lett.06.16</td>
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<td>Room Lett.01.31</td>
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<tr>
<td>Room Lett.01.15</td>
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**ERASMUS HOUSE**

Address: Blijde Inkomststraat 21, 3000 Leuven

- Room Lett.08.16
- Room Lett.07.08
- Room Lett.06.16
- Room Lett.01.31
- Room Lett.01.15

**Elevator**
### MGR. SENCIE INSTITUUT (MSI)

**Address:** Erasmusplein 2, 3000 Leuven

<table>
<thead>
<tr>
<th>Room MSI 01.12</th>
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<tr>
<td>Room MSI 01.16</td>
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<td>Room MSI 01.20</td>
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## 4. PROGRAMME

### Wednesday 12 November

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>12.30-13.30</td>
<td><strong>Registration</strong>&lt;br&gt;Erasmus house – Entrance hall (Ground floor)</td>
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<tr>
<td>13.30-14.00</td>
<td><strong>Welcome</strong>&lt;br&gt;By Emilie Jarrett (EC), Ivo Aertsen and Estelle Zinsstag</td>
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<td>14.00-15.00</td>
<td><strong>Personal testimony</strong>&lt;br&gt;Chair: Marie Keenan&lt;br&gt;<em>One woman’s journey towards restorative justice</em></td>
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<td>15.00-16.00</td>
<td><strong>Project</strong>&lt;br&gt;Chair: Ivo Aertsen&lt;br&gt;<em>Presentation of the preliminary results of ‘Developing integrated responses to sexual violence: An interdisciplinary research project on the potential of restorative justice’</em> Estelle Zinsstag and Caroline O’Nolan</td>
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<td>16.00-16.30</td>
<td><strong>Coffee break</strong></td>
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<tr>
<td>16.30-18.00</td>
<td><strong>Parallel Workshop Sessions</strong> (Series 1)</td>
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<tr>
<td>18.15-19.00</td>
<td><strong>Fringe Event</strong>&lt;br&gt;Chair: Vince Mercer&lt;br&gt;Projection of selected parts of the documentary film ‘Beyond Conviction’ by Rachel Libert, followed by a discussion</td>
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**Thursday 13 November**

08.30- 10.30 **Plenary session**  
Chair: Vince Mercer

*What next? Sexual violence and victims’ justice interests*  
Kathleen Daly

*Kaleidoscopic justice: what justice means to victim-survivors of sexual violence*  
Clare McGlynn

10.00-10.30 **Coffee break**

10.30- 12.00 **Parallel Workshop Sessions** (Series 2)

12.00-13.00 **LUNCH BREAK**

13.00- 14.30 **Plenary session**  
Chair: Gunda Woessner

*The model of the Confidential Centre: a restorative justice framework for sexual abuse cases*  
Peter Adriaenssens

*Sexual trauma and abuse: restorative and transformative possibilities*  
Marie Keenan

14.30- 15.00 **Coffee break**

15.00- 16.30 **Parallel Workshop Sessions** (Series 3)

16.30- 18.00 **Plenary session**  
Chair: Karin Sten Madsen

*Clergy sex abuse and restorative justice processes*  
Janine Geske

*The restorative nature of Circles of Support and Accountability*  
Chris Wilson

19.30 **Conference Dinner at the Faculty Club**  
(only by pre-registration)
Friday 14 November

09.00- 09.30  A view from policy
Chair: Ivo Aertsen

Sexual violence and restorative justice: policy implications
Jo Vandeurzen
Flemish Minister of Welfare, Public Health and Family

09.30-11.00  Plenary session
Chair: Estelle Zinsstag

Restorative justice conferencing for adult sex crimes: reflections on therapeutic justice
Mary Koss

Restorative justice and the dual relationship problem: a conceptual model
Tony Ward

11.15- 11.45  Coffee break

11.45-13.15  Lessons learned and way forward
Chair: Marie Keenan

Roundtable with Kathleen Daly, Mary Koss, Janine Geske, Tony Ward, Vince Mercer, Peter Adriaenssens,

13.15- 13.30  Conclusions

13.30- 14.00  LUNCH BREAK
5. WORKSHOP SESSIONS

WORKSHOP SERIES 1
Wednesday 12 November 2014
16.30 - 18.00

Group 1

<table>
<thead>
<tr>
<th>Topic</th>
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<tbody>
<tr>
<td>SV and RJ in Belgium</td>
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<tr>
<td>All roads lead to Rome, but do we meet in Rome?</td>
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<tr>
<td>Nancy van Eynde</td>
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<td>Bieke De Tavernier</td>
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<td>Sophie Vanden Camp</td>
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<td>Kris Decraemer</td>
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Room Justus Lipsiuszaal (Plenary) 08.16
Chair Karin Sten Madsen
Note taker Emanuela Biffi

Group 2

<table>
<thead>
<tr>
<th>Topic</th>
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<tbody>
<tr>
<td>SV, RJ and Therapy</td>
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<tr>
<td>On the relationship between restorative justice and therapy in cases of sexual violence</td>
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<tr>
<td>Gunda Woessner (Germany)</td>
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<tr>
<td>Restorative justice for sexual violence: Forgiveness and repentance in healing sexual violence</td>
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<tr>
<td>Gerrilyn Smith (UK)</td>
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CoSA in the USA
Clare Ann Ruth-Heffelbower
(USA)

Room LETT. 06.16
Chair Marie Keenan
Note taker Monique Anderson

Group 3

Topic RJ in a wider SV context

Enforcing French law and imprisonment or implementing aboriginal justice in French Polynesia?
Emmanuelle Crane
(France)

We did not ask to be born: secondary victims of war crimes of sexual violence and restorative justice
Ufuoma Lamikanra
(UK)

Honour-based crimes: between formal and informal mediation
Clara Rigo
(Germany)

Room MSI1 01.12
Chair Anne-Marie De Brouwer
Note taker Virginie Busck-Nielsen

Group 4

Topic SV and the church: Belgium and The Netherlands

Exploring the potential of restorative justice for sexual violence
12-14 November 2014
Mediation and Arbitration in cases of child abuse and the Catholic church, an alternative approach from a victim’s perspective
Maud Kips
(the Netherlands)

Responding to institutional sexual violence and restorative justice: the case of the Catholic Church in Belgium
Ivo Aertsen
(Belgium)

Room MSI 01.20
Chair Caroline O’Nolan
Note taker Xiaoyu Yuan

WORKSHOP SERIES 2
Thursday 13 November 2014
10.30- 12.00

Group 1

Topic SV and the church: Ireland and The Netherlands

18 years of listening and learning- abuse and the Catholic church in Ireland
Melissa Darmody
(Ireland)

Experiences with RJ: victims of historic child abuse in the Roman Catholic church in The Netherlands
Anke Bisschops
(the Netherlands)
Group 2

Topic  
SV, and RJ in a context of conflict/post conflict, TJ

Martien Schotsmans  
(Belgium)

Of death and rebirth: RJ through community-based sociotherapy for survivors of genocide rape in Rwanda
Annemiek Richters  
Grace Kagoyire  
Marianne Vysma  
(the Netherlands)

Group 3

Topic  
Country-specific interest in potential of RJ for SV

Restorative justice and Sexual violence in Japan
Orika Komatsubara  
(Japan)
Rape and possible applications of restorative justice in the Iranian legal system
Hajar Azari
(Iran)

SV and the community, a restorative approach
Graham Loftus
(Ireland)

Room LETT. 01.15
Chair Vince Mercer
Note taker Katrien Lauwaert

Group 4

Topic Acquaintance rape and potential of RJ

Controversies in the project Guided Dialogues
Knut Hermstad
(Norway)

Hannah Arendt, Mens Res of acquaintance rape and the promise of RJ
Margaret Farmer
(USA)

Rape victims and restorative expectations: rehabilitation and reintegration possibilities in India
Vibha Vetu
(India)

Room LETT. 01.31
Chair Caroline O’Nolan
Note taker Brunilda Pali

Exploring the potential of restorative justice for sexual violence
12-14 November 2014
## Group 1

**Topic**  
RJ and SV in the context of the family

**Intra familial sexual abuse - a restorative justice approach**  
Joan Cherry  
(Ireland)

**Sexual abuse, family secrets and transgenerational transmission**  
Roberto Beni Jakob  
(Israël)

**Integrated responses to intra-familial sexual abuse - IRIS keeps a look out**  
Pierre Desmedt  
(Belgium)

**Room**  
LETT. 07.08  
Chair  
*Knut Hermstad*  
Note taker  
*Virginie Busck-Nielsen*

## Group 2

**Topic**  
RJ and SV and established programmes

**Project Restore**  
Fiona Landon(NZ)  
Shirley Jülich (NZ)
A happy family? Offensive sexual conducts in restorative justice
Dalia Tauber
(Israël)

Room Justus Lipsiuszaal (Plenary) 08.16
Chair Marie Keenan
Note taker Emanuela Biffi

Group 3

Topic RJ, SV and ‘theory’

Restorative praxis: Towards integrative theoretical frameworks for sexual violence
Brunilda Pali
(Belgium)

Speaking of Justice - how women victims of SV overcome silence and stigma before the courts
Colleen Moore
Olivia Smith
(UK)

Moral Judgment in the restorative justice process
Mara González Souto
(USA)

Room MSI 01.12
Chair Caroline O’Nolan
Note taker Mirko Miceli

Group 4

Topic RJ and SV in the context of youth
Restorative meetings in cases where children/adolescents have sexually abused other children
Mimi Strange
(Denmark)

Young sexual offenders and their victims. RJ in Juvenile Criminal Courts in Emilia Romagna
Suzanna Vezzadini
(Italy)

RJ in cases where young people display sexually harmful behaviour
Monique Anderson
(Belgium)

Room  MSI 01.16
Chair  Gunda Woessner
Note taker  Hajar Azari
5. Abstracts

**Plenary**

**The model of the Confidential Centre: a restorative justice framework for sexual abuse cases.**

**Presenter**

**Peter Adriaenssens**  
Faculty of Medicine  
University of Leuven  
Belgium

**Abstract**

Unlike in many countries, in Belgium it is not mandatory to report child abuse to the judicial authorities, except in cases where protection is not possible. In the first place, child abuse is considered to be a health and welfare problem for the child and its family. Only secondly, it is an issue that needs intervention of the law. In the past, emphasis was put on protecting children “for their own sake”. Nowadays, children have evolved from protected objects into lawful subjects. This evolution has led to the organisation of child protection that would fulfil its role from a more educational perspective. This vision is translated by the call to public to report any suspicion or assessment of child abuse. Every parent that reports a problem from his own family or agrees to cooperate with the Confidential Centre when abuse is suspected will get help and will not be reported to the judicial authorities under the condition to accept the full safety program. In the framework of this help, parents are invited to acknowledge that sexual abuse took place in the family. Confidential Centre teams share the opinion that a duty to report child abuse to the justice
department provokes avoidance of child sexual abuse recognition and belated notifications. These teams are responsible for setting standards: your child is being sexually abused, this cannot be permitted. Reference is made to the child’s unjust situation and the abuse of power. Once this aspect has been investigated, the centre can begin to look into the parents’ history and other elements causing this type of behaviour. Generally, the main problem is avoiding a one-sided portrayal of the case: either by treating one or both of the parents as criminals, or by minimising the offence in view of the parents’ history. The model of the Confidential Centre introduces a system of positive sanctioning that, on the one hand, encourages everybody to co-operate and, on the other hand, clearly wants to end the unjust approach of the child. In this model, controlled voluntariness is the key element.

**Biography**

*Peter Adriaenssens (1954) is professor of Child and Adolescent Psychiatry at the Catholic University of Leuven (Belgium). He teaches at the faculty of Medicine, is chef de Clinique at the university hospital for residential child psychiatry, he is co-founder and director of the ‘Confidential Child abuse and neglect Center’ in Leuven since 1987.*

**What next? Sexual violence and victims’ justice interests**

**Presenter**  
Kathleen Daly  
Griffith University  
Australia

**Abstract**

As theory and research grow on conventional and innovative justice responses to sexual victimization, we confront a problem. How do we assess and compare different justice mechanisms?
What kinds of justice responses are possible, and what kinds are optimal? How does victimization context matter? Restorative justice practices are one type of innovative justice response, and we would be wise to consider its strengths, weaknesses, and potential alongside other mechanisms, both innovative and conventional. We need to move past principled arguments alone on conventional and innovative justice, and past ‘satisfaction’ as the measure of justice for victims. This paper demonstrates a way forward by applying the construct of victims’ justice interests—for participation, voice, validation, vindication, and offender accountability—to different contexts of sexual victimization. I invite colleagues to consider how the evidence they have on sexual victimization and justice can be read through this conceptual lens.

Biography

Kathleen Daly is Professor of Criminology and Criminal Justice, Griffith University (Brisbane). Her recent research is on conventional and innovative justice responses to partner and sexual violence in different victimization contexts. Her book, Redressing Institutional Abuse of Children, is forthcoming (Palgrave Macmillan). She is author or editor of 6 books and author of over 80 journal articles or book chapters. She is a Fellow of the Academy of the Social Sciences in Australia, and of the American Society of Criminology; and she was past President of the Australian and New Zealand Society of Criminology (2005-09).

Clergy Sex Abuse and Restorative Justice Processes

Presenter
Janine Geske
Marquette University
USA

Abstract
This presentation will discuss the latest use of restorative processes to address the harm that has occurred because of clergy sex abuse and the manner in which the institutional church has handled the scandal. Although there have been many meetings between church officials and victims of the abuse, there remains a deep need to address the profound harm suffered by victims, their families, the greater church community including people who are employed by the church. In the United States, many victims have sought restoration through litigation with mixed results. In Ireland, groups such as Facing Forward are working through focus groups and surveys to find a way towards healing. Other countries, like Belgium, have set up processes for victims to seek compensation. The primary focus here will be on how other healing processes involving communities, victims and offenders (in the broadest understanding of that classification) can come together to share their stories and perspectives. Various uses of the film THE HEALING CIRCLE will be discussed including educating bishops and priests, encouraging discussions in parishes and working with victims’ groups. Finally, this presentation will include recommendations of ways that groups can create healing restorative processes in their respective communities.

**Biography**

Justice Janine P. Geske currently serves as a Distinguished Professor of Law at Marquette University Law School and Director of the Law School’s Restorative Justice Initiative. In the fall of 2011, she served as a Visiting Professor of law at the Catholic University of Leuven, Belgium in Restorative Justice at its Institute of Criminology. She served as interim dean of Marquette Law School from July 2002 to July 2003 and as interim Milwaukee County Executive from February 28 to May 6, 2002. She previously served on the Wisconsin Supreme Court from 1993-1998. From 1981-1993, she was a Milwaukee County Circuit Court judge. Prior to becoming a judge, she served as chief staff attorney for the Legal Aid Society of Milwaukee and then as clinical director and assistant professor of law at Marquette University.
Sexual trauma and abuse: restorative and transformative possibilities

Presenter
Marie Keenan
School of Applied Social Science
University College Dublin
Ireland

Abstract
In 2009 as part of an Irish NGO, Facing Forward, whose aim is to establish restorative justice in Ireland as a way of responding to crime, I proposed the idea of establishing a research project on restorative justice and sexual violence that would ‘begin a national conversation’ as well as privilege the voices of those whose lives had been most affected by sexual trauma and sexual crime. This paper tells the story of that research, from its beginnings to its end, and it presents the research findings. A low budget project, the research has drawn upon 2000 voluntary hours of researchers’ time and nine months of full time work by six graduate interns working on a government funded jobBridge programme. The most important decision made along the research journey was to invite a survivor of sexual violence to be the Research Consultant. A lack was the decision not to invite a former offender into a similar role. Three questions guided the project as we inquired into the unmet needs of victim/survivors and offenders following their involvement in criminal justice, civil justice and other therapy and justice systems; the need for a restorative justice programme in the aftermath of sexual violence in Ireland, and the perspective of the participants on the specifics of a
restorative programme design. One hundred and fifty three two-to-three hour qualitative interviews were recorded, transcribed and analysed with twenty nine victim survivors, twenty three offenders, in custodial and community settings, the families of both, judges and legal professionals, police officers, probation officers, therapists, mediators, NGOs for victims and offenders, senior politicians and print and broadcast media. The analysis of these data forms the basis of the paper. The outcome of the research is clear: there are many unmet needs of victim survivors and offenders following their involvement in criminal justice and other systems and there is a need for restorative justice in the aftermath of sexual crime in Ireland. However, in building such a programme that is informed by the international literature but based on the views of the key actors, professionals have much to learn. This paper offers their perspective.

Biography

Dr Marie Keenan is a Systemic Psychotherapist, Restorative Justice Practitioner, Researcher and Lecturer at the School of Applied Social Science, University College Dublin. Before taking up a teaching and research position at UCD she worked for more than twenty years initially as a social worker and later as a forensic and systemic psychotherapist. While currently lecturing and doing research she also practices as a systemic and forensic psychotherapist and restorative justice practitioner. She has worked in child protection, adult and adolescent mental health facilities, addiction treatment, prison services and probation, learning disability services and trauma work. In 1996 with two colleagues she founded the Granada Institute; a community based treatment facility for men and women who has perpetrated sexual offences against minors and for victims of sexual crime. She has extensive experience in court work at every level and has been involved in the fitness to practice committee of the medical council.

Her study of Roman Catholic clergy who had committed sexual offenses focused on the men’s accounts of how it came to be that they sexually abused minors and their understanding of the conditions of their lives that contributed to this problem (see Child Sexual Abuse in the Catholic Church: Gender, Power and National Culture, Oxford University Press, 2012). Her other most recent publication is Broken...
Restorative justice conferencing for adult sex crimes: Reflections on therapeutic justice

Presenter
Mary P. Koss
Mel and Enid Zuckerman College of Public Health
University of Arizona
USA

Abstract

RESTORE was a restorative justice conferencing demonstration project for selected sex crimes involving adults that operated in Pima County, Arizona from 2002 through 2007. Cases included non-contact crimes such as indecent exposure as well as sexual assault. Referrals originated from prosecutors and were pre-charging (felonies) or post-charging (misdemeanours). Because this program was the first to focus on adult sex crime, many alterations were made to juvenile conferencing to address the concerns of advocates and scholars including methods to minimize re-traumatization, provide support services to all parties, and monitor community safety as responsible persons fulfilled mandated reparation and rehabilitation. Process and outcome evaluation was completed for 22 cases that were evenly divided between misdemeanours and felonies. Qualitative and quantitative findings have been published in peer-reviewed journals and independent evaluators completed key informant interviews. Every implementation offers lessons. In the 15 years since RESTORE was rolled out knowledge has accumulated that: (a) survivor victims, even with specialized teams and rape courts, nevertheless often feel that more attention is paid to the rights and needs of perpetrators; and (b)
restorative justice conferencing in itself is not sufficient to account for program impact. Both evaluators of RESTORE noted that despite the intent to offer an alternative resolution within the judicial system, the program as designed and delivered involved therapeutic procedures in interactions with participants. This presentation examines operational experience from the perspective of therapeutic justice to identify needed capacities to provide emotional support and meet obligations to rehabilitate. The topics addressed include: (a) survivor victim response to opportunities to tell their story, hear an apology, and receive counselling; and (b) program staff challenges to connect responsible persons with providers who offer scientifically sound sex offender risk assessment and treatment in a community setting. The objective is to identify what might be done differently moving forward.

Biography

Mary Koss, PhD, is a Regents’ Professor in the Mel and Enid Zuckerman College of Public Health at the University of Arizona. She is co-editor a two book series for the American Psychological Association, Violence Against Women and Children (2011). She published the first national study on acquaintance rape in 1987 and developed the most frequently used survey to measure unwanted sexual experiences. She consults nationally and internationally on sexual assault. She was the principal investigator of the RESTORE Program; the first restorative justice program for sex crimes among adults that was quantitatively evaluated. Among numerous awards, in 2010 she was the 8th recipient of the Visionary Award from End Violence Against Women International, the law enforcement training and technical assistance organisation. In 2013 the Mary P. Koss Profile in Courage Award was created by the One in Four USA Organisation to honour her career contributions to using science to heighten awareness of the high prevalence of rape.

Kaleidoscopic justice: what justice means to victim-survivors of sexual violence

Presenter

Clare McGlynn
School of Law
Durham University
United-Kingdom

Abstract

‘Justice’ for victim-survivors of sexual violence is the primary justification for almost every law or policy reform on this topic. But what does ‘justice’ really mean? While academics, policy-makers and campaigners espouse various approaches, surprisingly little is known about victim-survivors own perspectives. This study investigated understandings of justice through interviews and workshops with twenty women survivors of sexual violence. What emerged is a vision of justice we have conceptualised as ‘kaleidoscopic justice’ which has a number of different elements: cultural change, prevention, voice, recognition, consequences, dignity and support. This is justice as a continually shifting pattern; justice constantly refracted through new circumstances, experiences and understandings; justice as non-linear, with multiple beginnings and possible endings; justice as a complex, nuanced and difficult to (pre)determine feeling; justice as a lived, on-going and ever-evolving experience, rather than a result. Justice may never be felt by some victim-survivors; for others, any sense of justice comes from a particular combination of these elements, varying over time.

Biography

Clare McGlynn is a Professor of Law at Durham University in the UK and is an expert on rape law and policy. Her research has investigated the use of restorative justice in cases of sexual violence and she is currently working with Durham colleagues on the ‘Rape Justice Project’ which seeks to better understand and integrate the views of sexual violence victims into the reform process. Her earlier work focused on feminist activism and strategy, particularly around the use of sexual history evidence in rape trials, the granting of anonymity to rape defendants and the definition of torture in human rights law. She is co-editor of Rethinking Rape Law: international and comparative perspectives.

Restorative justice and the dual relationship problem: a conceptual model

Presenter
Tony Ward
Victoria University of Wellington
New Zealand

Abstract

Contemporary research and sex offender treatment programs are characterized by a preoccupation with risk assessment and risk management. However, in recent years the development of strength based approaches such as the Good Lives Model have stressed the importance of also focusing on offenders personal interests and well-being. Unfortunately, the resulting conflict between the goals of risk management and well-being enhancement has meant that practitioners have struggled to reconcile their roles as community protectors and care providers. This difficulty is what has been referred to as the dual relationship problem. In this paper I present a new practice model based on restorative justice that has the potential to resolve the ethical and treatment challenges created by the dual roles problem.

Biography

Professor Ward is a clinical psychologist by training and has been working in the clinical and forensic field since 1987. He was formerly Director of the Kia Marama Sexual Offenders’ Unit at Rolleston Prison in New Zealand, and has taught both clinical and forensic psychology at Victoria, Deakin, Canterbury, and Melbourne Universities. He is currently the Director of Clinical Training at Victoria University of Wellington. Professor Ward’s research interests fall into four main areas: correctional and clinical rehabilitation models and issues;
cognition and sex offenders; ethical issues in clinical and forensic psychology; and evolutionary explanations of crime and mental disorders.

The restorative nature of Circles of Support and Accountability

Presenter
Chris Wilson
Circles UK
United-Kingdom

Abstract

Circles of Support and Accountability (COSA) is unique in its ability to engage local communities and empower them to take responsibility in ensuring that known sex offenders are held accountable. This is achieved by the recruitment, screening and training of volunteers to create a community of care, impacting upon the offender’s social and emotional loneliness (key recidivist factors). This relationship of support reduces the offender’s risk of re-offending, thereby enhancing public protection. There is an implicit element of restorative practice in the work of COSA, described by one volunteer as ‘Restorative Justice by Proxy’. COSA has at its heart the principles of restorative practice and reflects Pranis’ concept of ‘Mutual Responsibility’.

Originating in Canada, COSA was established in the UK in 2002 and immediately attracted a number of volunteers who had themselves experienced child sexual abuse (CSA). By 2005 25% of the total volunteer population in the government’s pilot project in the Thames Valley area reported having a history of CSA. Given the considered long term effects of CSA, it became imperative to understand the motivation of this particular group to volunteer for COSA and the impact the work had, not only upon the volunteer, but on all the constituent parts of the Circle.
Using current research (Wager & Wilson) the paper will describe and examine the process of a Circle with specific focus upon its restorative nature and the impact on the volunteer who has experienced CSA, to gain an understanding and to test previous assumptions and theories related to those working in a context of high personal significance. This understanding is vital with regard to the duty of care a COSA Project has for this cohort of volunteers and the development of appropriate training.
Workshops

Wednesday 12 November 2014
16.30 - 18.00

Group 1:
SV and RJ in Belgium

All roads lead to Rome, but do we meet in Rome?

Presenters
Nancy Van Eynde
Suggnomé
Belgium
Bieke De Tavernier
Confidential Center Antwerp
Belgium
Sophie Vanden Camp
Centre of Mental Health Care, CGG VAGGA
Belgium
Kris Decraemer
Interactieacademie
Belgium

Abstract
All three institutions work with victims and / or perpetrators of sexual violent crimes. But we use different methods and have other objectives. The professionals that are involved, support the principles of restorative justice and hope that their work has a restorative effect for all victims, perpetrators and society.
In spite of the fact that we all try to use the principles of RJ in our daily work we find that our organisations have different approaches and ways of acting in similar situations. Some
examples of those differences: the way we think about voluntary participation, when to start and when not to start a mediation, professional standards vs expectations of parties involved, etc. In other words, all institutions use their own method(s), have their own norms and values. We find that through discussing specific aspects and cases of our daily work, moral dilemmas, the pros and cons of a given approach and even existential aspects, emerge. And often we end up talking about what is our common ground? Where do we differ? How do we describe restorative work?

In this workshop we invite participants to actively reflect and discuss the standards and values leading to choices in the daily work of treating or mediating between victims and perpetrators of sexual violent crime. The workshop will begin with a set of statements to start the discussion. We look forward to seeing you at our workshop.

Biographies

**Bieke De Tavernier** *(childpsychologist and -therapist)*, working at the ‘Confidential Center Antwerp’ and as child-therapist in a private setting, working with children who are traumatized. The ‘Confidential Centre Antwerp’ (Vertrouwenscentrum Kindermishandeling Antwerpen) is a multidisciplinary centre for help and assistance in cases of suspected child abuse, neglect or sexual abuse (CAN). The Centre is acknowledged by the Flemish Government (Welfare Department). Everybody who is concerned about the possibility of CAN in a certain child can report it. Each report is considered confidential information and the anonymity of the report can, if necessary, be guaranteed. In our centre the main focus is on restoring relationships within families when they are influenced or traumatised by a case of child abuse. Help is free and preferably offered without any judicial intervention.

**Nancy Van Eynde** *(criminologist)*, victim-offender mediator for Suggnomê (Antwerp, Belgium) since 2000. Suggnomê is an old Greek word and means “looking at the same reality from different perspectives”. The organisation is a non-profit organisation and is recognized and subsidized by the Flemish Department of welfare, health and family and by the Federal Department of Justice as the
forum for Restorative Justice and victim-offender-mediation in the Flemish part of Belgium. The communication can be indirect (channelled through the mediator) or direct (in a face-to-face meeting). A mediation process can be started on the demand of persons who have a direct interest in a criminal procedure, and this is possible during the whole criminal procedure. The Act of 2005 makes mediation complementary to the judicial proceedings, at each level. The mediation itself takes place independently from the judicial system, but the result of it can influence the further judicial procedure since the judge can take the outcome into account. Our method is based upon three major foundations: a neutral position of the mediator, the participation is voluntary for both parties, the mediation is confidential. Our philosophy is to bring victims and offenders into contact. It’s about giving the conflict back to them, believing in the capacity of people to find out how to cope with the consequences of the crime. We see mediation as a possibility to construct a more participative and communicative approach in dealing with criminality.

Sophie Vanden Camp (clinical psychologist), treatment of sex offenders at a Centre of Mental Health Care, CGG VAGGA (Antwerp, Belgium). There are many ways to work on rehabilitation, therapy is one of them. In CGG VAGGA we treat offenders of sexual violence. After an offender has been referred to us by Justice, Trust center, we verify whether the person concerned is eligible for outpatient treatment at our service. If the offender agrees to treatment and uses it beneficially, it means from our point of view that the offender recognizes what he has done and therefore acknowledges that he has a problem and has made a victim. In the context of "restorative justice" treatment this is an important step for the offender, not only for himself but also for the victim. In CGG Vagga, we only start therapy with the offender. There is no direct contact with the victim, but during therapy society and the victim are indirectly involved in the conversations and are therefore always "in the room". This may be by means of discussing certain topics: consequences for the victim, recognition of a sexual problem, preparing debt letter, discussing rehabilitation, etc. Also important in therapy in the context of rehabilitation is paying attention to the personality of the offender, the attitude of the offender in respect to what he has done, his victim and his problem, the safety of the victim, etc. Relapse prevention in itself, not making new victims, is also an aspect that contributes to our view on "restorative justice".

Kris Decraemer, Interactieacademie (psychologist, staffmember Interactie – academie). The Interactie-Academie is a training institute as well as a centre for therapy and mediation.
In our work as trainer, therapist and mediator, we focus on the link between offender and victim. Offender and victim can help each other to take up responsibility and to process the suffering. Through unravelling the complex interaction between offender and victim, influencing factors can be clarified and talking about guilt and responsibility can be facilitated. We involve the social networks around victim and offender so that they can create their unique way out of the past violence. We look for values and ethical positions that provide a foundation for change and restoration.

Group 2:
SV, RJ and Therapy

On the relationship between restorative justice and therapy in cases of sexual violence

Presenter
Gunda Woessner
Max Planck Institute for Foreign and International Criminal Law
Germany

Abstract
In recent years, restorative justice has evolved into a cogent approach of responding to ‘general’ crimes. However, scholars and practitioners alike argue as to whether restorative justice is suitable for sex offences as well. A few publications and reports exist that support the notion that restorative justice is a reasonable method for victims of sexual violence and sex offenders. These publications and reports are mostly based on individual cases. They show that restorative justice in the context of sexual violence has to consider offence-specific aspects for both the victim and the offender. One of these specific aspects alludes to the fact that victims of sexual violence very often seek psychotherapeutic treatment. Likewise, sex offenders might also undergo some kind of treatment. This entails several uncertainties: What is the relationship between...
therapy and restorative justice? Do they interfere with each other or is it useful for victims and/or offenders to pursue both restorative justice and therapeutic interventions? What are the challenges for restorative justice practitioners and therapists when the victim or offender is undergoing both restorative justice and therapy? In this presentation we look into these questions and discuss the results of the workshop on ‘The relationship between therapy and restorative justice in cases of sexual violence’ that took place in September 2014 as part of the Daphne III project ‘Developing integrated responses to sexual violence: An interdisciplinary research project on the potential of restorative justice’.

**Biography** Gunda Woessner is a senior researcher in the Department of Criminology at the Max Planck Institute for Foreign and International Criminal Law, Freiburg, i. Br., Germany. Her primary research interests include sexual and violent offending, particularly offender treatment and recidivism, evaluation research, effects of electronic monitoring, victimology, and restorative justice. In her recent research, she has been engaged in the evaluation of sexual offender treatment and desistance after release, the psychosocial effects of electronic monitoring, and the applicability of restorative justice approaches to sexual violence case.

**Restorative justice for sexual violence, forgiveness & repentance in healing sexual violence**

**Presenter**
Gerrilyn Smith
Clinical psychologist and Systemic Psychotherapist
United-Kingdom

**Abstract**
Sexual Violence is serious breach of trust and often a relationship betrayal. It involves cognitive distortions or preferred narratives by the perpetrator which locates blame and a degree of responsibility for the act with the victim of the sexual
violence. Often the victim becomes inducted into the perpetrators perspective. Restorative Justice needs to consider how cognitive distortions / preferred narratives impact on the victim’s perception of their experience. Forgiveness can be seen as an essential component of healing relational wounds and resolving violations of trust. Forgiveness, for both the victim and perpetrator, is a process that moves through stages which include absorbing the impact of the sexual violence, defining and locating the experience within the totality of lived experience and moving toward future life experiences that incorporate past transgressions constructively. Forgiveness is one of those activities that cannot be prescribed and often becomes impossible the more one tries. Sometimes victims can be encouraged to move toward ‘positions of forgiveness’ without the perpetrator showing repentance. This would involve the tacit acceptance of responsibility for wrongdoing, apology & atonement offered unconditionally. Derrida (2001) raises concern that forgiveness and by implication some acts of restorative justice can be used within political contexts as a means to a political end - an absolution for previous misuse of political power. This acts as a disconnection of the individual act from the wider socio political context that supported and in some cases condoned it.

A discourse of forgiveness & repentance calls for the inclusion of the reciprocal relationship – the unrepentant and the unforgivable.

This workshop examines the psychological processes of victims and offenders in moving towards restorative justice. It considers the impact of trauma on the narratives of sexual violence, including the self-traumatised perpetrator. Without considering this, restorative justice approaches might further traumatisise participants.

**Biography** Gerrilyn Smith - Clinical Psychologist and Systemic Psychotherapist. Author of “Working with Trauma: Systemic Approaches”; Worked for London Rape Crisis Centre; Great Ormand Street Hospital Child Sexual Abuse Team and ran the then Department
Circles of Support and Accountability (COSA) in the USA

Presenter
Clare Ann Ruth-Heffelbower
Center for Peacemaking and Conflict Studies
Fresno Pacific University
USA

Abstract
Circles of Support and Accountability (COSA) is a community-based restorative justice program, which forms “circles” of 4-6 trained volunteers who work with a sex offender (the “core member” of the circle) returning to the community. The volunteers meet regularly with the core member to provide support and accountability for him or her in the transition from prison to the community. COSA has successfully assisted with the integration of high risk sex offenders into the community in Canada since 1994. From the original Circle in Ontario, COSA has become established across Canada, in the United Kingdom, and in several locations in the U.S. Development of COSA projects in the U.S. has been slow, however. COSA programs have developed differently in different jurisdictions. This paper/workshop will look at the approaches taken by several different COSA programs or start-up efforts in the U.S. The workshop will look at growing the vision and building support, organisational models, funding, liability, staffing, target population, volunteers. It will include specific experience and learnings from the Fresno, CA COSA program which was established in 2007.

Biography Dr. Clare Ann Ruth-Heffelbower is the founding Program Director of Circles of Support and Accountability (COSA) at the Center for Peacemaking and Conflict Studies, Fresno Pacific University, USA.
Group 3:
RJ in a wider context

Enforcing French law and imprisonment or implementing aboriginal justice in French Polynesia?

Presenter
Emmanuelle Crane
CELSA/Sorbonne Paris IV Paris V Descartes
France

Abstract
This paper explores present day violence against women in French Polynesia and the current institutional mechanisms and responses to prevent and sanction criminal offences. Based on alarming statistics of Polynesians overrepresented in the prison of Papeete as well as recurrence of criminal activities such as sexual abuse, my paper will focus on establishing the correlation between local cultural practices, enforcement of « imported » penal institutions and the gap of resolving intrafamily violence in small Polynesian communities. I will discuss what are the current discourses of gender-based violence in French Polynesia and consider if the cultural gap between French and Polynesian cultures can be filled/replaced through the introduction of aboriginal justice as it is experienced in New Zealand or Canada. While widespread aboriginal preference tends for "peacemaker justice", can violence towards women be lowered thanks to following community healing based on traditional teachings?
Can aboriginal justice help perpetrators to take and develop responsibility for their own lives?

**Biography** Emmanuelle Crane (born in Boston) is an American, Australian and French national. Dr. Crane has a PhD in Social Anthropology and Ethnology (EHESS), MBA (RMIT University Melbourne, Australia). She is also a journalist, researcher and coordinator at ECC (counsel specialised in the management of multicultural teams). Lecturer at CELSA/Sorbonne Paris IV, History and Communication Science Department and Lecturer at Paris V Descartes, Sociology Department. Emmanuelle Crane has also taught at RMIT University in Australia, at the University of New, at Kellogg Northwestern University and at EBS (Estonian Business School). Dr. Crane works as an independent journalist for Australian and French media, including radio and television (SBS Radio/TV, ABC radio) and the written press (magazines). Her research focuses on violence against women in French Polynesia and restorative justice as an alternative to imprisonment.

**We Did Not Ask to be Born: Secondary Victims of War Crimes of Sexual Violence and Restorative Justice.**

**Presenter**
Ufuoma Lamikanra
School of Advanced Study
University of London
United-Kingdom

**Abstract**
Sexual violence crimes committed during war are serious violations of international humanitarian law. Women and girls, either as combatants or civilians, are usually the primary victims of sexual violence crimes during conflicts. Children born to the victims as a result are also victims; albeit secondary victims. Under international law, victims’ right to remedies for serious violations of international humanitarian law include the victim’s right to equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant
information concerning violations and reparation mechanisms. Given the small number of persons prosecuted so far by international criminal tribunals for sexual violence crimes, and the exclusion of serious international crimes, such as sexual violence offences from the jurisdiction of truth commissions, the remedies available to victims, especially children born to victims of sexual violence, are grossly inadequate.

However, there are emerging efforts to involve children witnesses and victims of war in transitional justice processes. Regrettably, children who are secondary victims of sexual violence crimes have been overlooked, in the quest for accountability, justice and reconciliation. This is in spite of the fact that in addition to economic deprivations caused by war, such children face significant legal and societal discrimination, even before birth. Inequitable inheritance laws, coupled with the stigma of illegitimacy and of being products of sexual violence crimes, leave them vulnerable to violence, abuse, and exploitation.

This paper argues within the context of child and human rights instruments, how restorative justice processes can protect African children living in post-conflict societies, from the economic, social, and mental harms caused by such discrimination. It makes recommendations that would eliminate legal discrimination and help reduce societal bias against such children.


Honour-based Crimes between Formal and Informal Mediation

**Presenter**
Clara Rigoni  
International Max Planck Research School on Retaliation Mediation and Punishment (IMPRS-REMEP)  
Germany

Abstract  
Honour-based crimes are becoming more and more widespread among immigrant communities in Europe. Beside the most known honour killings, many other crimes, such as domestic and sexual violence often resulting from forced marriages, unfairly receive less attention. The majority of these crimes never reach the courts and those that are reported are often dismissed because of lack of evidence and refusal of victims to testify in court. Moreover, in some countries such as Germany and the United Kingdom, informal mediators acknowledged by the community, mediate some of these cases applying religious or customary norms. However, in doing that they usually fail to provide victims with the necessary guarantees and often disregard typical restorative principles; women are discouraged to contact the police and receive compensation in return for their silence. 
In light of the failure of western criminal justice systems in addressing this kind of crimes, countries such as Norway and Denmark are trying to implement alternatives based on restorative programs, both to facilitate denunciation and to prevent forms of retaliation within and among families. These programs take into consideration the origin of the accused and the personal characteristics and position of the victim, with regard to both the perpetrator and the whole family. At the same time, special attention is given to those religious and cultural aspects, which are particularly important for the parties, sometimes through the involvement of religious and cultural leaders in the mediation. 
Due to the vulnerability of the subjects involved, there is a special need for investigating both the informal and the formal sphere, in order to pinpoint possible benefits and risks deriving from these mediations and to identify an appropriate best practice. This paper aims at giving an overview of the situation in Europe, underling the most problematic aspects encountered.
with regard to the process and the outcome of the mediation, and the preparation of the professionals involved.

**Biography** Clara Rigoni holds a Master in Law from the University of Bologna and a European Master’s Degree in Human Rights and Democratisation from the European Inter-University Centre. She is currently PhD student of the International Max Planck Research School on Retaliation Mediation and Punishment (IMPRS-RE MEP).

**Group 4:**
**SV and the church: Belgium and the Netherlands**

**Mediation and Arbitration in the Case of Child Abuse within the Dutch Roman Catholic Church, An Alternative Approach from the Victims Perspective**

**Presenter**
Maud Kips
Womens’ Platform for Child abuse within the Church
The Netherlands

**Abstract**
When in the Netherlands in February 2010, at last, it became publicly known that Roman Catholic clergy had sexually abused children in their care, the church initiated scientific research into the nature and extent of this phenomenon. Preliminary results of this research inspired the church to develop an official complaints procedure in order to deal with complaints that were too old to prosecute within criminal law or, presumably, to address within civil law. In September 2011 this procedure became operative and it will remain so until May 1st 2015. In the meantime, even before the complaints procedure became operative and before the results of the research became known,
a 'grass roots' type of handling the issue emerged when a group of fellow victims agreed with the congregation to which 'their' perpetrators belonged to try a form of mediation. A psychological professional within the field of sexual intimidation was approached and she in her turn found a lawyer with extensive experience within the same field. In close cooperation with both the group of fellow victims and the congregation a model of mediation between individual victims, their perpetrators (if alive) and representatives of the congregation was developed. This model included first of all an inventory of the victim's account of the abuse and its consequences, a reaction to this account by the perpetrator (if alive) and also a reaction by the congregation. Next, a dialogue between the victim and the perpetrator and/or the congregations representatives was facilitated, carefully coached by the mediator. These dialogues appeared to be essential to the success of this model: ideally (and in fact almost always) the victim experiences authentic attention for her/his history including the strong emotions connected to it, and the other party gains true insight into the effects and consequences of the abuse. Thirdly, the arbitrator proposed a financial compensation which substantiated the congregations understanding and recognition of the victims suffering, as well as its own responsibility.

Since then, several groups of fellow victims and some individual victims, as well as 'their' congregations followed. During more than three years of experience with this model victims keep expressing strong support. However, opposition from within the church's central authority as well as the nearing final date of the official complaints procedure now appear to block victims' entry into this unique and successful approach.

**Biography** Lawyer, 'confidante' (vertrouwenspersoon) as well as 'experience expert' (ervaringsdeskundige) within Vrouwenplatform Kerkelijk Kindermisbruik  www.vpkk.nl
Responding to institutional sexual violence and restorative justice: the case of the Catholic Church in Belgium

Presenter
Ivo Aertsen
Leuven Institute of Criminology (LINC)
University of Leuven (KUL)
Belgium

Abstract
When in 2010 in Belgium the issue of sexual abuse in the Church and other institutional settings entered the public arena through a scandal and a series of judicial procedures, a Parliamentary Special Commission was established to explore the problem and to draft a list of practice and policy oriented recommendations. One of these recommendations concerned the creation of an Arbitration procedure for legally prescribed cases of sexual abuse in the Church. The paper will first critically discuss the background of this proposal and then will present the functioning of the Centre for Arbitration. Needs and expectations are discussed, as they are expressed by victims addressing the Centre for Arbitration usually decades after their victimisation. How victims talk to Church authorities during the process and how the Church responds will be highlighted. Findings make clear that in almost all cases a formal arbitration phase does not need to be started, and that an approach focusing on careful listening, mediation and counselling is the most effective. Finally, implications for restorative justice theory and practices are discussed.

Biography Ivo Aertsen is professor of Criminology and Director of the KU Leuven Institute of Criminology (LINC). He holds degrees of psychology, law and criminology from the University of Leuven. His main fields of research and teaching are Restorative Justice and Victimology. Recently, he has acted as expert for the Belgian Parliament on the issue of sexual abuse in the Church. Since 2013, he is Editor in Chief of Restorative Justice: an International Journal.
Eighteen years of listening and learning

Presenter
Melissa Darmody
Clinical Director Towards Healing
Ireland

Abstract
Towards Healing is the Catholic Church funded service for survivors and family members of abuse, perpetrated by a member of the Catholic Church in Ireland. The service has been supporting survivors since 1996. Each year we learn more about how to support survivors and their families through listening to their voices. It is from the feedback of service users that in 2011 Towards Healing established a Facilitated Listening Program (Restorative Justice) that’s aim is to encourage and support the dialogue between the various parties that have been affected by the child sexual abuse scandal in Ireland (survivors, perpetrators, church). This presentation is aimed at sharing the development and reflections of this innovative service. The presentation will cover the service’s initial reinvention of victim/offender dialogue to reviewing survivor/church leader meetings. The presentation will share the 2013 review of the Facilitated Listening Program and discuss the development from the lessons learned. Case Studies of “positive” and “negative” meetings will help illustrate the challenges of the service and provide pointers to the future development. The
presentation aims to be an interactive dialogue of shared experiences.

**Biography**  
Dr Melissa Darmody D.Psy., MSc (Counselling), Post MSc Dip, MIACP, Reg. PSI. Current Post: Clinical Director, Towards Healing, Ireland. Dr Darmody is a counselling psychologist who trained in the US, UK and Ireland. Dr. Darmody started her career working in a Rape Crisis Centre and over the past twenty-five years has had a particular interest in working with victims of abuse and trauma. She has authored many professional articles and co-authored the book, Becoming a Solution Detective. She is a trained mediator and in more recent years has developed her expertise in restorative justice practices.

**Experiences with restorative justice: victims of historic child sexual abuse in the Roman Catholic Church in the Netherlands.**

**Presenter**  
Anke Bisschops  
Tilburg School of Theology  
The Netherlands

**Abstract**  
Since the official inquiry into Roman Catholic sexual child abuse in the Netherlands started in 2010, around 1600 victims have filed a complaint. The majority of the complaints were handled in a semi legal procedure especially created by the church for this situation. However about 250 victims found other ways to obtain justice. They were involved in two different mediation procedures that fall into the category of restorative justice. Over the past few years I have been closely involved in the consultations that led up to the actual mediation sessions with individual victims. In my lecture I will present the methods of the two mediation procedures, how they came about and what their differences are. One important difference pertains to the financial aspect. Contrary to popular belief, for most victims empathy, understanding and respect are more important than money. This is not to say that the financial aspect is not important. The
role of the financial compensation however can in some instances interfere with the healing effects of empathy. Another factor concerns the sensitivities of victims of child sexual abuse. These are such that creating agreement about procedures as well as the mediation procedures themselves call for a careful approach. The biggest hurdle in creating agreement on these mediation procedures with the victims was their distrust. In most cases this distrust gradually diminished. In one case however the distrust was not handled well and this led to a falling out between me and a group of victims. Important factors that contributed to the growing trust are discussed, as well as factors that caused this to break.

**Biography** Anke Bisschops, PhD. works as a pastoral psychologist at the Tilburg School of Theology and has a private practice as supervisor, coach and trainer. At the request of the Commission of Inquiry she facilitated contacts between religious superiors and ‘their’ victims. She was involved in the development of the Triptych mediation procedure.

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**Group 2:**

**SV and Rj in a context of conflict/ post-conflict, TJ**


**Presenter**

Martien Schotsmans

Director of RCN Justice & Démocratie Brussels

Belgium
Abstract
Although sexual violence is not a feature of all armed conflicts (Wood 2002), it has been one of the most prevalent crimes committed in (and after) recent and ongoing armed conflict in the Great-Lakes region, as a kind of a conflict within the conflict and even a consequence of the conflict, to a varying extent and in distinct forms, that effects both women and men (Human Security Report 2012).
Attempts have been made to prosecute these crimes, either at the level of international courts (ICTR and ICC) or national courts (Rwanda and some in the DRC, far less in Uganda and Burundi). The potential of formal justice in this regard is limited for various reasons and promises to deliver justice and provide reparations create false hope and even more frustration.
Meanwhile, various forms of tradition-based, hybrid, modern, more or less formalized mechanisms are being used to deal with sexual violence (in the DRC: customary justice and mediation, (see: Rejusco, 2010); in Burundi: mediation by local authorities and Bashingantahe, in Rwanda: gacaca courts; in Northern-Uganda: cleansing ceremonies for abducted girls by the Acholi). They respond to the need for geographical, cultural and social proximity. Presenting features of restorative justice (encounter, mediation, reparations, transformation), they sometimes focus more on the restoration of social harmony than on women’s rights and rights of the defence. New, hybrid mechanisms, based on both traditional values and restorative justice practices, developed through bottom-up processes involving local stakeholders, with a certain degree of flexibility and variety depending on local needs and values, have the potential to provide a complementary answer to the needs for proximity justice and accountability, but will face important challenges.

Biography Martien Schotsmans is the Director of RCN Justice & Démocratie. She conducted research on tradition-based justice in the framework of transitional justice in Sub-Saharan Africa at Ghent University and worked at the Institute of Criminology at KUL. She is a
lawyer and criminologist and has worked in various post-conflict countries.

Of death and rebirth Restorative justice through community-based sociotherapy for survivors of genocide rape in Rwanda

Presenter
Annemiek Richters
Leiden University Medical Center and Amsterdam School for Social Science Research
The Netherlands

with Grace Kagoyire and Marianne Vysma

Abstract
During the 100 days of genocide against the Tutsi in Rwanda in 1994 sexual violence was committed on an unprecedented scale. With a certain degree of probability, the majority of Tutsi women who survived had been raped during the genocide in addition to exposure to other forms of violence. In the aftermath, many of them were confronted with the numbingly routine social violence of everyday life related to their own survival and that of their children. One of the interventions to redress the injustice done to them during the genocide and its related suffering is the community justice system as applied in the Gacaca tribunals. These tribunals aim at a mixture of retributive and restorative justice. The idea is that truth telling in these courts will contribute to healing and reconciliation. The latter objective was least met in cases of genocidal rape. Based on the life histories of 16 female Rwandan genocide survivors, this paper will address the obstacles for women to gain retributive and restorative justice in the context of Gacaca courts and in their everyday lives. The intervention of community-based sociotherapy is presented as one of the interventions that can at least provide some form of restorative justice for women with experiences of genocidal rape. Sociotherapy provided a safe social space for the 16 women to
search for and find words for experiences that before were primarily embodied and unspeakable. The resulting group dialogue liberated the women from the previous prison of silence that had socially isolated them and assisted them in a process of empowerment and transformation leading to healing and reconciliation. Based on an analysis of the life histories of the women a theoretical grounding of sociotherapy's contribution to restorative justice will be presented.

**Biography** Annemiek Richters is emeritus professor culture, health and illness, Leiden University Medical Center and Amsterdam School for Social Science Research. She has been involved in sociotherapy in Rwanda since 2005 and is capacity building coordinator in the recently started community-based sociotherapy program in the context of post-gacaca Rwanda. Website: [www.annemiekrichtes.nl](http://www.annemiekrichtes.nl).

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**Group 3:**

**Country-specific interest in potential of RJ for SV**

**Restorative justice and sexual violence in Japan**

**Presenter**

Orika Komatsubara
Osaka Prefecture University
Japan

**Abstract**

In Japan, those working to support victims of sexual violence (SV), including feminists, criticize the Japanese victim support system by arguing both its ineffectiveness in comparison to Western systems and the urgent need to enhance the support system prior to restorative justice (RJ).
However, despite its insufficient support system, I believe the advance introduction of therapeutic RJ programs is of great importance in Japan. The reasons for this are as follows. Firstly, unlike in Western countries, the idea of separating the victims and offenders has not been prevalent among Japanese supporters; thus, we would be able to enjoy a more flexible support system if RJ is introduced. Secondly, official support systems provided in Western countries employ a significant amount of paid workers, meaning a switch to RJ might lead to a loss of jobs. However, as Japan is yet to create a support system, changing to RJ would not necessitate the dismissing of staff. Thirdly, current Japanese support workers are doing their jobs deeply divided into such fields as medicine, social welfare, psychology, and feminism. An introduction of RJ will encourage them to share common ground and work together between the separate fields. Finally, through promoting RJ for SV, RJ practitioners will have the chance to learn about sexual discrimination and to work with feminists who are concerned about revictimization.

Furthermore, I will talk about the development of RJ for SV in Japan focusing on the establishment of a treatment program for sex offenders in prison. I will then discuss a case in which a victim of SV advocates the promotion of RJ and a movie about victims of SV who were drug abusers. I will conclude the article by revealing how RJ for SV can enhance support systems for victims in Japan.

**Biography** Orika Komatsubara is a Ph.D. candidate, Osaka Prefecture University (Japan). She researches on restorative justice, gendered violence, and forgiveness. From 2005 to 2007, she participated in a support group for SV victims. She is a recipient of Research Fellowship for Young Scientists of Japan Society for the Promotion of Science.

**Rape and possible applications of restorative justice in Iranian legal system**

**Presenter**
Hajar Azari
University of Antwerp
Belgium

**Abstract**

Punishment has various and sometimes conflicting objectives. By determining the quantity and quality of punishments, legislators demonstrate their concentration on some specific objects of punishment. Achieving the aims of punishments such as inhibition, improvement and treatment, debilitation, compensation and restoration regardless of retributive aspect of punishment, requires a wide diversity of punishments. Plurality and diversity in the penal system will provide more opportunities for judges to deliver better and fairer sentences.

According to Article 82 of the Iranian Penal Code, rape may result in the death penalty for offenders. Obviously, if a woman cannot prove that the sexual act occurred without her consent (i.e., if she cannot prove that she was indeed raped), the sexual act itself becomes a crime against society and therefore, the woman becomes liable for “Zina” (“intimacy” or “adultery”). The prescription of the death penalty for the offense is probably a protection of sorts for rape victims, but the severity of the death penalty has resulted in judges being reluctant to use this sentence. For this reason, cases are referred to the related courts to be investigated as other potential crimes such as “intimacy”.

In addition, reviewing rules that apply to rape cases show that physical and psychological injuries have not been completely recognized yet. Understanding women's experiences of these crimes and compensating for the damages they suffer are the most important issues in tackling sexual crimes against women. The inappropriate use of capital punishment, and the gap between the punishment of simple “zina” and that of rape, has resulted in judges not being able to strike a balance between the response and the crime.

This paper will attempt to present how sexual violence (and in particular, rape) is dealt with in Iran and to examine some potential and possible applications of restorative justice for these crimes in Iranian legal system.

**Biography**  
Hajar Azari is a PhD candidate at the University of Antwerp’s Law Faculty, conducting research on protection of women
victim of rape; Islamic and international legal perspective. She holds a master degree of criminal law and criminology (with focusing on criminal protection of women victim of rape in Iranian law) from the Tarbiat modares university in Tehran (Iran) and a bachelor’s degree of Law (Judicial Sciences) of Tehran university (Iran).

Sexual Violence and the community: a restorative approach

**Presenter**
Graham Loftus
University College Dublin
Ireland

**Abstract**
This paper examines local community reactions to sexual violence from the perspective of both victim-survivors and offenders. Using findings from the empirical research study *Sexual Trauma and Abuse: Restorative and Transformative Possibilities?*, which is exploring the potential for Restorative Justice remedies in cases of sexual violence, this paper will consider the potential of, and challenges for, a model of Restorative Justice that seeks to include all those who experience harm.

The findings of this qualitative study show that victim-survivors and offenders of sexual violence suffer from acute feelings of shame and stigma as a result of the reaction of their local community. The backlash experienced causes further egregious harm, especially for victim-survivors, and is characterised by a general inability to understand the complexities of sexual violence, a culture of secrecy and obedience which perpetuate abuse and make it near impossible to confront, and the proliferation of stigma and shame by gossip. While offenders speak of being ostracised and “tarred with same brush” and how this affects their ability to properly move on with their lives. There is an overriding sense that sexual violence is an unforgivable crime.
This paper will analyse the implications of these findings and explore the potential and possible challenges for a Restorative Justice model that seeks to be inclusive, inquisitive, and deliberative.

**Biography** Currently working as a researcher in University College Dublin on the study Sexual Trauma and Abuse: Restorative and Transformative Possibilities? Previous to this I read for a Master degree in Philosophy, also in UCD.

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**Group 4:** Acquaintance rape and potential of RJ

**Controversies in the project Guided Dialogues**

**Presenter**
Knut Hermstad
Trondheim University Hospital (RVTS-Midt)
Norway

**Abstract**
Guided dialogues is a Norwegian project aiming to help rape victims to meet their offender; especially in cases where victim and offender know each other and both partners are approximately between the age of 16 and 30 years. The meeting between victim and offender is supposed to have some positive health effects for both partners; this will be evaluated in the research part of the project. The members of the project team work at the trauma unit RVTS at the University Hospital of Trondheim (RVTS), and are all highly skilled health professionals with additional competence in Restorative Justice. The background for the project was a committee report to the Justice Department in 2008, where one of the committee’s recommendations was to establish Guided Dialogues as a way of supporting victims who wanted to meet their offender. The committee also recommended that this should take place at a
hospital unit and not be facilitated by the Mediation Service of Norway (Konfliktrådet). The unit for victims of rape and sexual assault at the university hospital of Trondheim therefore was invited to be a partner in the project.

After one year experiences from the project clearly shows that health institutions have an understanding of mediation which differ from the traditions of Restorative Justice. Health institutions merely focus on the asymmetric power relation between the partners, fearing that the victims should be retraumatized by meeting their offender. While mediation partly is seen as a risk situation, vulnerable and fragile victims should be supported by health professionals with good diagnostically skills. Competence in mediation seems to be held as less important than the diagnostically skills.

The project in Trondheim is inspired by Karen Sten Madsens project at Rikshospitalet in Copenhagen; where health professionals are doing both treatment and mediation in the tradition of Restorative Justice. Compared with the success of the project at Rikshospitalet one have to question whether there are some basic differences between Rikshospitalet in Denmark and the University Hospital of Trondheim. It’s also a question if there are some basic values and standards of the health institutions in Norway making hindrances to offer restorative justice to patients who have been victims of sex offences.

The presentation will discuss the controversies in Guided Dialogues and ask whether restorative justice provide good tools for working with victims of sex offences in a health care setting.

**Biography** Dr. Knut Hermstad (1952) is a senior adviser at the trauma unit RVTS at the University Hospital of Trondheim. He basically is educated as a theologian with further education in family therapy and supervision. He is a specialist in clinical sexology and did his Ph.D. on treatment of sex offenders. Dr. Hermstad has been doing therapy with sex offenders for more than 25 years, and has written different articles and a book about the subject. He is supervising health professionals working with sex offenders and with victims of sex offences. He is teaching at universities and university colleges in sexology and treatment of sex offenders in Norway and other Nordic countries. He
is also doing training programs for staff personnel at the incest-centers in Mid-Norway. He has been interested in restorative justice for many years.

Hannah Arendt, the Mens Rea of Acquaintance Rape, and the Promise of Restorative Justice

Presenter
Margaret Farmer
Law School
Florida State University (FSU)
USA

Abstract
The crisis of sexual assault on American college campuses has finally been garnering the attention it deserves. The work of philosopher Hannah Arendt can help us respond to this crisis. Arendt explored the nature of thoughtlessness: the mental state of committing crimes with indifference and carelessness as opposed to conscious intent. Although centered on mental states, her work on criminal thought has received little attention in the mens rea or RJ literature. Arendt helps us to identify the thoughtlessness present in many acquaintance rapes, as well as the social context that allows this thoughtlessness to occur. Finally, Arendt’s ideas add support to the many calls for reform of the traditional criminal justice system as well as the creation of a parallel, alternative system of restorative justice that can be organised and applied according to the offender’s mens rea. Part I explains that society seems to have an intuitive understanding that acquaintance rape is often rooted in what Arendt deems self-centered thoughtlessness, as opposed to malice. Our traditional mens rea standards fail to capture and punish these thoughtless actors, drawing attention to the need for more nuanced and inclusive mens rea standards. Furthermore, there is a need to explore a graduation of rape classification that can punish culpable actors in line with society’s attitudes about sexuality and women’s rights, which have changed dramatically over the past century. Part II will explain how our criminal justice system can be altered to reflect
these more accurate mens rea standards, and how Restorative Justice [RJ] can more effectively deter and rehabilitate these thoughtless actors. RJ should be explored as both an alternative and a supplement to our failed traditional criminal justice response. Through RJ, the thoughtlessness of acquaintance rape can be remedied with an accountability-based educational process, which would be both punitive and victims-right center.

**Biography** Margaret Farmer is a third-year law student at Florida State University in Tallahassee, FL, USA. However, she is currently spending her third and final year as a visiting student at the City University of New York School of Law, where she is working in the International Women’s Human Rights Clinic. Her clients this year are two Syrian NGOs, Free Syrian Women and the Syrian Women’s League, and her legal team will be conducting a fact-finding mission to Turkey in November in order to collect data on human rights violations, specifically gender-based violence. Prior to law school, Margaret completed an MA in Political Science at Central European University in Budapest, completing a fellowship to research sex trafficking from, to, and within Hungary. She has volunteered for women’s organisations in Budapest, Cape Town, and Tallahassee. While in law school, she worked as a victim advocate for survivors of domestic and sexual violence, while conducting directed independent research on rape. She also interned with the ACLU of Georgia, and served as President of her student ACLU chapter. She also founded a branch of a national feminist organisation at her law school. She has received numerous scholarships for her human rights work and is currently finalizing her research on acquaintance rape, mens rea, and restorative justice in the American system for publication.

**Rape victims’ restorative expectations: rehabilitation and reintegration possibilities in India**

**Presenter**

Vibha Hetu

Centre for Victimology and Psychological Studies, Jindal Global Law School, O.P. Jindal Global University

India
Abstract
India is witness to increasing numbers of rape crimes. Recent legislative efforts to stop sexual offending have also not made any difference to the crime rate, rather it has grown at alarming rate. Strict sentencing laws and enhanced registration have not deterred the offenders but have instilled a fear in the mind of rape victims. Despite efforts to sensitize a variety of personnel in the systems that respond to sexual violence, there is inherently some element of shame and degradation in the process. There is a credible argument that service providers, advocates, and policy makers can take leadership in the development of restorative options both in parallel with and independent from the conventional justice system in meeting victims’ restorative needs and fostering a credible deterrence of sexual violence. It would benefit from innovation and advocacy both within and outside the justice system. Victim-services initiatives such as victim support and the source of referrals can make a huge difference in the life of the victims.
This paper will explore the theoretical potential of addressing the concept of ‘sexual violence’ from a restorative paradigm. Several perspectives will be highlighted (the criminalising perspective, the abolitionist perspective, and the social harm perspective), and their major tenets will be compared with the restorative perspective. It will be argued that besides an ‘empirical’ integration or integrative practices, a theoretical integration too is necessary in providing an answer to sexual violence. Each of the perspectives, including the restorative one brings important insights to shed light on the problem of sexual violence, but none alone, is able to counter some important problems related to this matter.

Biography Dr. Vibha Hetu is working as an Assistant Professor and Assistant Director, Centre for Victimology and Psychological Studies, Jindal Global Law School, O.P. Jindal Global University. She is teaching three courses: Principles of Criminology, Victimology and Psychological Studies and Policing and Law Enforcement. She has been associated with Criminology and Victimology past seven years.
Intra-familial sexual abuse: a restorative justice approach

**Presenters**
Joan Cherry and Mary Tallon,
Northside Inter-Agency project (NIAP)
Children’s University Hospital
Ireland

**Abstract**
Since 1991 the Northside Inter-Agency Project (NIAP) has provided a holistic community based treatment programme in Dublin, for young people aged 13 to 18 years who have sexually abused and their families. NIAP’s main aim is the prevention of further sexual abuse by adolescents. Intervention comprises assessment and treatment, which includes individual, family and group work. Families engage in the programme for approximately two years.

An Interagency Protocol is in place to facilitate a co-ordinated response when undertaking a piece of restorative justice work with families. Hence, the concept of restorative justice is an integral part of NIAP’s work and on commencement of assessment the possibility of engaging in this process is first introduced to families.

**Outline of Workshop**
This workshop will present the therapeutic work undertaken with families where intra-familial sexual abuse has occurred and using a restorative justice approach describe their journey of realisation from both the victim and offenders perspective.
Aims of Workshop

- To outline the key steps in engaging all agencies and parties in the process of restorative justice.
- To describe the therapeutic work undertaken.
- To explore issues of reparation.
- To share the key challenges and learning in undertaking restorative justice in interfamilial sexual abuse.

Biographies

Joan Cherry BSS, CQSW, M.Phil in Social Work Research. Joan is the Director and founder of the Northside Inter-Agency Project. She is a qualified Social Worker and family therapist having worked in the field of sexual offending for twenty one years. She has presented at conferences nationally and internationally and is the author and co-author of a number of journal articles.

Mary Tallon BSoc.Sc. CQSW. Mary is the Senior Social Worker in the Northside Inter-Agency Project having worked for over twenty years in the field of sexual offending both in the community and in a prison setting. She has presented at conferences nationally and internationally and is co-author of a number of journal articles.

Sexual abuse, family secrets & transgenerational transmission: a case study follow-up of 22 years incl. hybrid restorative justice FGC

Presenter

Roberto Beni Jakob
Bar Ilan University
"Bezedek" Coalition for Restorative Justice in Sexual Offenses
Israël

Abstract

There is a strong assumption of intergenerational continuity in behavior patterns, including e.g. parenting and romantic behavior (Masarik 2014), externalizing behavior (Ehrensaft &Cohen 2012) and antisocial behavior (Thornberry et al 2003).
Joan McCord (1996) warned that "...it is a mistake to assume that knowledge about the effectiveness of restorative interventions follows from knowledge about causes". It is the author’s belief that this does not necessarily apply to Restorative Justice Family Group Conferences (FGC). The assumption is that there are a variety of causes leading to the Intergenerational transmission from one generation to the next or influencing laterally the family. There are already a number of significant scientific studies showing how Trauma may be transmitted to at least two generations. There is also growing research in epigenetics, showing how there can be DNA changes within our lifetime that can be transmitted to the next generation. There is also Bowen’s theory belief in our being affected by at least three generations back and the Far-East cultural belief that our behavior affects nine generations, four in our past and four in the future.

This presentation will begin with a description of classical procedures of the CJS in an incest case; argue for their current inadequacy for the different family members and in the rearing of the next generation. Among others, it is found that the relationship between incest survivors and their non-offending parents is generally not healthy (Moriji 2012), as is the case herein described. The presenter will focus on the importance of Family participation in Restorative Justice Conferences and Circles for the prevention of future Violence, including sexual abuse. The case study portrayed and followed for 22 years, including VTR footage of a Restorative Justice FGC, provides a first-hand opportunity to reflect on the experiences of Perpetrator/Offender and Victim, their family members and the consequences of well-kept dark Secrets on Violence and deep family misunderstandings and cut off relationships.

**Biography** Dr. Roberto Beni Jakob is a psychologist, mediator and international trainer for restorative justice. He was on the Board of COST, Action 21 Project for developments in RJ in Europe. He lectured for a decade at the LLM program at the Faculty of Law and the Multidisciplinary Conflict Management Program at Bar-Ilan University, Israel.
Integrated responses to intra-familial sexual abuse - I.R.I.S. keeps a look-out

Presenter
Pierre De Smedt
Psychiatrisch Centrum Sint Amandus
Belgium

Abstract
Revealing intrafamilial sexual abuse means relational trauma for the family. It takes place in the ‘safe haven’ which a family should actually be. There are five important remarks to be made:
- The consequences for each victim can be very different. Talking about the abuse is difficult for fear of the impact it might have within the family and for fear of one’s own safety. That is why victims often decline the offer of assistance.
- Abuse does not necessarily have a fatal outcome. A number of protective measures can limit any possible damage when these are initiated in time.
- The ‘non-abusing partner’ or, in case of minor offenders, the parents often cannot be reached. Nevertheless, they have an important role to play in the framework of the care that is offered, and they can make a great contribution when it comes to relapse prevention, safety, and coping for the victim.
- It is found that the services with regard to the offender are generally unrelated to the care for the victim. These services are organised in a fragmented way.
- When the offender remains in the family system or ends up in a new family with children without proper assistance and support, there is a 30 to 60 percent higher chance of relapse.

With these conclusions in mind, I.R.I.S. was established in the northern region of the province of West Flanders in Belgium. I.R.I.S. stands for ‘Integrated Response to Intrafamilial Sexual Abuse’ and is a collaboration between help centers for offenders, the advice and contact center for child abuse (VK), and several partners within the judicial authorities and social services. I.R.I.S. offers integrated, contextual care for all parties involved in intrafamilial sexual abuse. The project seeks to align the services that focus on the individual victim and on the
individual offender, offer support to the partner, and create a platform for dialogue that involves all parties. The aim is to optimize care for all those involved, and specifically guarantee more safety for (potential) victims.

**Group 2:**
RJ and SV and established programmes

**Achieving Justice Outcomes: Participants of Project Restore’s Processes**

**Presenters**
Fiona Landon and Shirley Jülich
Project Restore and Massey University
New Zealand

**Abstract**
Project Restore is a restorative justice provider group, situated in New Zealand, specialising in addressing sexual violence within the conventional criminal justice system and as an alternative to conventional justice processes. It is unique in that its formation has been driven by victim-survivors of sexual violence and is situated in the community across both the restorative justice and sexual violence sectors. Now in its ninth year of operation, Project Restore has developed a significant body of experience and expertise in providing innovative justice processes. Recently, Project Restore has been contracted by the NZ Ministry of Justice to deliver services nationally.

We present the findings of an analysis of cases in relation to participants of Project Restore’s restorative processes. The purpose of the project was to extend our understanding of what the potential types of outcomes of such processes could be and for whom. This project formed the first part of the broader investigation into identifying potential outcomes by analysing data collected during and contingent to the delivery of services. This project was a case review of 12 files, which sought to
identify outcomes indicated at various stages throughout the restorative process by both participants and service deliverers. Data collation took a broad approach to the notion of “outcomes” by including the perceived and met needs of participants in the process of receiving a restorative justice service (for example, “an opportunity to speak my truth”) as well as consequences of the process (for example, a reparation payment). In other words, we have recorded what participants wanted to experience, achieve or have “come out of” their engagement in restorative justice.

A happy family? Offensive sexual conducts and restorative justice

Presenter
Dalia Tauber
"BETSEDEK" coalition
Israel

Abstract
"BETSEDEK" is a coalition of professionals and agencies who deal with cases of sexual misconduct and abuse, mostly among acquaintances, in small communities and families. It was launched by professionals who concluded that dealing with hurtful, destructive sexual conduct requires specific knowledge and skills, and realized that many of the victims' needs are not met by the existing agencies.

The presentation will focus on Betsedek’s practice, and the contribution of its being non-institutional to: (a) maintaining flexibility in adapting each case to the needs of the victim and the unique circumstances of each case; (b) appealing to a wide audience – both to those who report to the authorities (and found their needs were met only partially or not at all), and those who choose to avoid approaching the authorities, or are prevented from doing so due to cultural, legal and other reasons.

Based on cases, the presentation will demonstrate focusing on harm as opposed to crime, active inclusion of family members
and friends, and facilitating processes between victims and others involved who are not necessarily the sexual offenders, such as siblings, mothers, and offender/victim parents. The discussion will relate to the contribution of those aspects to participation, secret disclosure and to restoration of familial and communal relationships.

**Biography**  
Dalia Tauber, founded ‘The Israeli Center for RP’. Coordinating RJ in sex offences with “Betsedek”. Co-initiated the annual Israeli “RJ Week” and currently surveying the Israeli Adult Probation Service RJ program for adult offenders together with Prof. Uri Yanay from the HUJI. Background: Coordinating RJ with juvenile offenders, Volunteer at the Jerusalem RCC.

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**Group 3:**  
RJ, SV and theory

**Restorative praxis: Towards integrative theoretical frameworks for sexual violence**

**Presenter**  
Brunilda Pali  
Leuven Institute of Criminology (LINC)  
University of Leuven (KUL)  
Belgium

**Abstract**  
Theories and practices of justice fail to address the socio-political challenges of our times. In terms of practices, the Criminal Justice System (CJS) and its system of punishment remains still the prevalent way to handle many social problems which have been framed and constructed as ‘crime’, including sexual violence. For those theorists and practitioners attempting to develop an alternative to the CJS, restorative justice (RJ) has provided an alternative horizon. This paper will explore theoretically the potential of addressing the phenomenon of
'sexual violence' from a restorative framework. Several additional perspectives within critical criminology will be highlighted in relation to this phenomenon, the feminist perspective, the abolitionist perspective, the social harm perspective, and their major tenets will be compared with the restorative perspective, the main principles of which will be considered to be the lifeworld element, the participatory element, and the reparative element. It will be argued that besides integrative practices, a theoretical integration is also necessary in addressing ‘sexual violence’, in other words a move towards praxis. Each of the perspectives, including the restorative one brings on the one hand important insights to the problem of sexual violence, and on the other hand none of them alone is able to counter all the problems related to it. Besides necessary integration, the paper will also argue that the restorative framework has many lessons to learn from the other perspectives within critical criminology in its attempt to provide answers to sexual violence.

**Biography** Brunilda Pali is a researcher at the Leuven Institute of Criminology (LINC), as part of the research team for the FP7 project ALTERNATIVE, which applies restorative approaches to intercultural contexts. Before that she has worked both in LINC and in the European Forum for Restorative Justice (EFRJ) on several European projects. Brunilda has studied Psychology in the University of Bosphorus in Istanbul, Gender Studies in the Central European University in Budapest and Cultural Studies in Bilgi University in Istanbul. Before coming to Leuven, she has lectured at the University of New York in Tirana and worked in the Albanian Foundation for Conflict Resolution. Her areas of interest are critical social theory, psychoanalysis, and social justice.

**Speaking of Justice**

**Presenter**

Colleen Moore and Olivia Smith  
Department of Humanities and Social Sciences  
Anglia Ruskin University
United-Kingdom

Abstract
Although early in its investigation, this qualitative research seeks to understand how women who may have been silenced by those claiming to protect them (the justice system, paternalism and patriarchy) have overcome and coped with speaking about their experiences of sexual victimisation. The paper will briefly draw upon court observations that reveal the processes by which women are silenced in traditional justice responses in England and Wales, before exploring the ways in which women overcome this silence and stigma. The language of sex itself is arguably masculine, as is the perspective of women’s participation. When women are called upon to speak about their sexual victimisation (especially in a formal setting) their experience is translated into legal jargon, even though they may not have the words themselves to describe the event or its impact. Indeed, until a language emerges that enables women to speak about sex from a female perspective, the process of speaking about rape may be impossible for many women. A criminal justice outcome may become just one part of the process for those who have experience of sexual victimisation. Our continued obsession with attrition (which itself is contested), and conviction rates arguably do not recognise the needs of victims, who have been marginalised by the law. Women seek respect and dignity after disclosing their experiences, to be listened-to, believed and kept informed – conceding that if their experience was believed and its effects acknowledged, they could even cope with acquittal of their assailant. The paper will therefore explore the foundations of a restorative justice response to sexual violence: the need to enable women to speak about their experiences in ways that are meaningful to them, and the potential difficulties in doing so.

Biographies
Colleen Moore is a Principal Lecturer in Criminology and Deputy Head of the Department of Humanities and Social Sciences. Her main
interests lie in the experiences and representation of victims of violence, and the disjuncture between ‘rhetoric’ and ‘justice’. Colleen has been teaching and researching in Criminology at Anglia Ruskin University for fifteen years.

**Olivia Smith** is a criminology lecturer at Anglia Ruskin University. Her research examines court observations of rape trials and has informed strategies on tackling Violence against Women, as well as being debated on BBC Radio 4. Olivia is co-convenor for the BSA’s Violence against Women Group and worked in front-line responses.

**Moral judgment in the restorative justice process**

**Presenter**

Mara González Souto  
Indiana University  
USA

**Abstract**

A brief glance at the newspaper is often sufficient to stir worry: kidnappings in Nigeria, sexual assaults in India, sexual violence by partners in Ethiopia, sexual abuse in over 20% of Namibian girls, and the list continues. What triggers sexual violence? How do large-scale conflicts reflect individual misconduct? What is the role of moral judgment in offending? The present honors thesis focuses on these queries, to assess whether the stage of moral judgment of an offender impacts attitudes and willingness to cooperate. Participants are assessed through their involvement in restorative justice, a process of mediation, which promotes the peaceful resolution of disputes and the restoration of individual and communal relationships. The mechanism for data collection incorporates a demographics survey, the Defining Issues Test (DIT) and case studies from the United States, Belgium, France and the United Kingdom. Founded on a Neo-Kohlbergian viewpoint, the DIT presents moral dilemmas that determine the schema of moral judgment of participants. Respondents include individuals from Indiana, United States and London, United Kingdom.
Hypothetically, participants exhibiting lower moral judgment schemas will be less likely to actively participate and cooperate in restorative justice mediation sessions. Conversely, participants with higher moral judgment schemas will contribute and emphasize moral responsibilities. Cross-cultural comparison of restorative justice practices, participant feedback and expert consultation validate the role of moral judgment in misconduct and receptivity to the restorative justice process. The present investigation thus commends the consideration of moral development in restorative justice at the local, national and international levels. The implications of these findings stretch beyond this investigation: priming through moral dilemmas could encourage international leaders to develop mechanisms for addressing sexual violence or seek better communication channels in communicating with victims and offenders. Presumably, an instrument that prompts moral development could be indispensable for the prevention of local and international sexual violence.

**Biography** Born in Argentina and later relocating to Germany, Mara learned to think globally at an early age. Moving to Indiana in 2006, she attended the International School of Indiana and earned the International Baccalaureate Bilingual Diploma. At Indiana University, Mara is pursuing degrees in Political Science, Psychology and French.

**Group 4:**

**RJ and SV in the context of youth**

Restorative meetings in cases where children/adolescents have sexually abused other children

**Presenter**
Mimi Strange
Director of the JANUS Centre
Denmark

Abstract
Children with sexual behaviour problems (SBP) and adolescents with sexual harmful behaviour (SHB) with other children as their victims is an important target group in the field of restorative meetings.
The Janus Centre has since 2003 offered assessment, treatment and restorative meetings to children and adolescents with sexual behaviour problems along with data gathering. Results from the first Danish sample will be presented, especially results from using the method in a Danish sample of 300 children, age 4-18 (25% sibling incest) will be presented and discussed.
The data, results and findings will be related to reflections from participants in restorative meetings: Statements from qualitative interviews with family members engaged in restorative meetings will be presented.
Meetings between offender and victim will be presented as part of intervention and treatment of these children/adolescents and their victims. A holistic approach that has a focus on victims and recognition of their needs as well as a broader consideration beyond the victim, to recognise that others have been affected or harmed – the families of both victims and abusers. Especially in cases with sibling incest the method represents a powerful driver for a potential restorative approach and potentially a healthier future relationship between the young abuser and his sibling - and a healer of wounds in the families as a whole.

Biography Director, the Janus Centre (www.januscentret.dk), which offers psychological assessment, treatment and restorative meetings to children, adolescents and their families.
Certified MSc in Psychology, Clinical child psychologist, Specialist in psychotherapy and supervision. Clinical work, research, lecturing, supervising and training within the field: Child sexual abuse/abusive behaviour in children/adolescents, in DK and abroad; author of articles on the subject. Member of Danish Network, working with restorative approaches in cases of sexual abuse
Young sexual offenders and their victims: the role of restorative justice measures with reference to the practices of the Juvenile Criminal Court of the Emilia Romagna Region.

Presenter
Susanna Vezzadini
Department of Sociology and Business Law
University of Bologna
Italy

Abstract
Sexual violence is generally considered to be a “crime of adults”, in the double meaning to be done by adult people and to be perpetrated against adult victims. My experience as Special Judge in the Juvenile Criminal Court in Bologna (Emilia Romagna Region, Italy) from 2008 to 2013 shows a different reality being many sexual crimes perpetrated by adolescents under the age of 18 - and sometimes also under the age of 14 (in these circumstances they are not subject to the penal Law but to administrative measures to guarantee social defense and social and psychological support to the adolescent). Crimes are against adult victims (i.e. old and lonely women), very young babies but, more often, girls and boys of the same age of the offenders.

Based on the empirical evidence of several common elements binding together victims and offenders – i.e. the frequent previous relationship between them or their families (they may be friends, neighbors, relatives etc.); the presence of painful and dangerous emotions (like shame, anger, rage, guilt-feelings); the need for asking and together to tell; the necessity to be recognized and receive attention; the possibility to establish negative processes of reification capable of aggravating violence, hate and rancour - the Juvenile Criminal Court evaluated positively the opportunity to implement restorative justice measures referred to juvenile sexual offenders and their
exploring the potential of restorative justice for sexual violence
12-14 November 2014

victims according to the more recent EU Recommendations and UN Resolutions. In particular we considered the following measures: letters of apology, direct and not direct mediation, voluntary activities as reparation to victims and their families. The presentation aims to discuss the empirical data available from the Juvenile Criminal Court and the Centre for Mediation in the last 6 years, and to analyze the strong and weak points of this approach when considered with reference to the Juvenile Criminal Justice System.

Biography Susanna Vezzadini, Ph.D in Sociology of Law, Professor of Victimology and Criminology, Department of Sociology and Business Law - University of Bologna. In 2008-2013 she worked as Special Judge in the Juvenile Criminal Court of the Emilia Romagna Region. She is penal mediator for the CIMFM (Italian Center for Mediation).

Applicability of restorative justice in cases where young people have exhibited harmful sexual behaviour

Presenter
Monique Anderson
Leuven Institute of Criminology (LINC)
University of Leuven (KUL)
Belgium

Abstract
There is often a nervousness surrounding the use of restorative justice in cases of sexual violence and, despite the general acceptance of the use of restorative justice with young people, when young people have perpetrated harmful sexual behavior (HSB), this caution is somewhat amplified. This study introduces research carried out in fulfilment of a master’s degree in criminology. It employs a literature study to examine the theoretical case for the use of restorative justice in instances where young people have exhibited harmful sexual behavior.
The data obtained is enhanced by semi-structured interview data from practitioners who have practical experience of implementing restorative justice in cases where young people have perpetrated sexual harms. This study aims to critically review the available knowledge about the applicability and application of restorative justice in cases involving young people who have displayed HSB by examining the particular characteristics of the perpetrators, the victims and the contexts in which these harms occur and, from a theoretical perspective, the extent to which restorative justice mechanism may, or indeed may not, reasonably be expected to be applicable to situations, and why.

**Biography** Monique Anderson is a PhD scholar at the Leuven Institute of Criminology. She held the post of Executive Officer for the European Forum for Restorative Justice and worked in England’s criminal justice field for over a decade, working within youth offending and community safety teams and in a prison.
DAPHNE 2011

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