



# Can Restorative Justice Help Repair the Harms of anti- LGBTQ+ Hate Crime?

*Restorative Responses to LGBTQ+ Hate Crime*, EFRJ  
And NACRJ, Sept 27<sup>th</sup>, 2021.  
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# Presentation outline

- What are the harms of anti-LGBTQ+ hate crime?
- The key process variables in RJ practice central to assisting the recovery of LGBTQ+ hate crime victims
- Challenges to inclusive dialogue faced by practitioners
- Techniques to prevent re-victimization and ensure equal participation
- What are LGBT people's perceptions of RJ for hate crime? (time permitting)

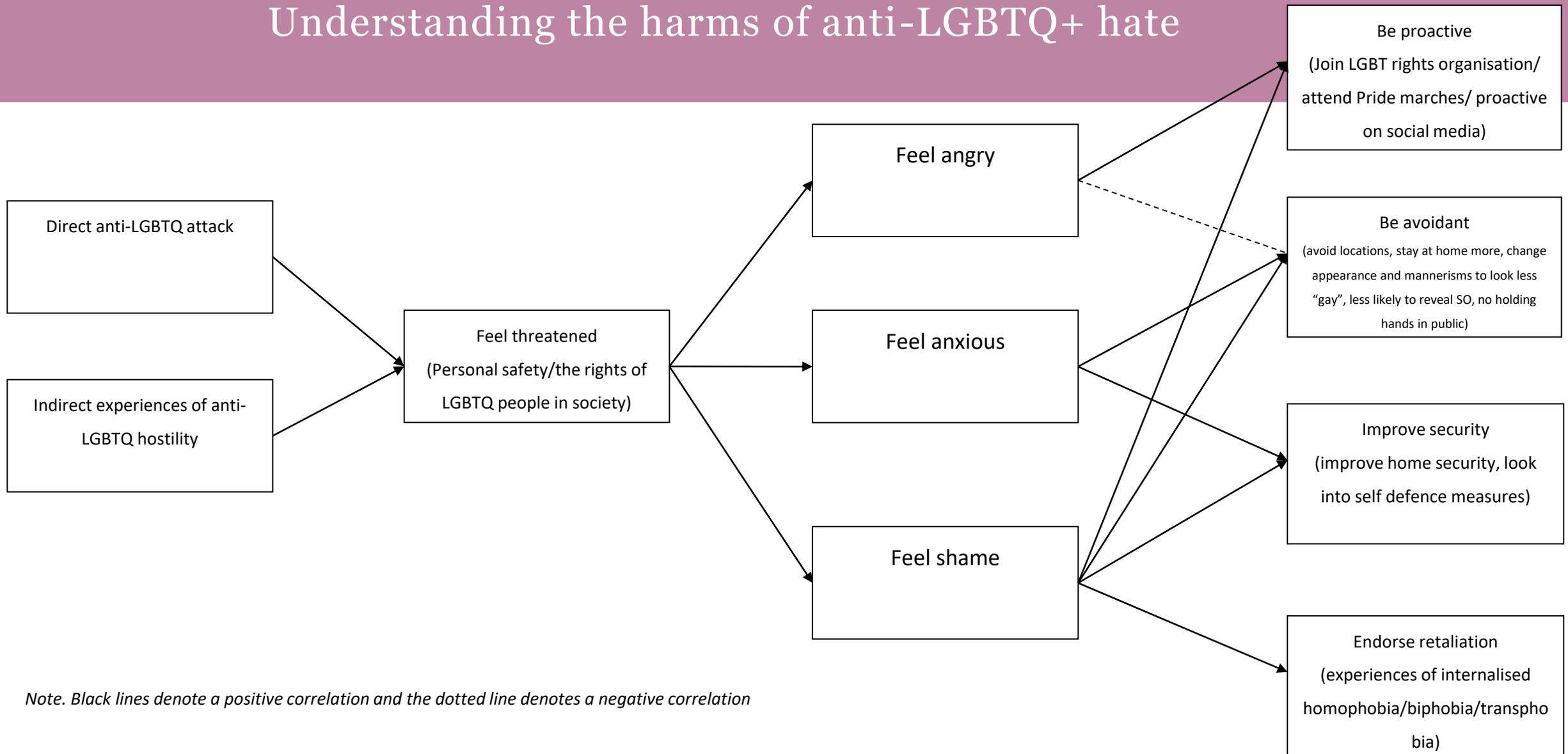
# What needs to be repaired?

- Studies\* have shown that anti-LGBTQ+ hate crimes are more likely to “hurt more”
  - Fear
  - Anxiety and depression
  - Anger
  - Shame
- Feeling powerless and marginalized in society



\* See e.g: *Sussex Hate Crime Project Final Report*; Gregory M Herek, J Roy Gillis, Jeanine C Cogan and Eric K Glunt, 'Hate crime victimization among lesbian, gay, and bisexual adults: Prevalence, psychological correlates, and methodological issues' (1997) 12(2) J Interpers Violence 19

# Understanding the harms of anti-LGBTQ+ hate



*Note. Black lines denote a positive correlation and the dotted line denotes a negative correlation*

# Can restorative justice help repair the harms of anti-LGBT hate crime?

- *“Restorative justice is primarily concerned with the **engagement** of those affected by wrongdoing in a **dialogic process** which aims to achieve **reparation**-be it emotional, material, or to relationships”*

# Can RJ help repair the harms of anti-LGBT hate crime?

- **“Story telling”** :
  - Explaining to the other party how they felt
  - Being able to explain how the incident had affected their life
  - Talking about the effects of prejudice and hatred – forming their own narrative
  - Providing a “voice” previously denied of many minority victims
- Feeling **supported** by the mediator who listened to their story

# Talking about harm

- *“... it’s almost soul destroying for me because it took away everything I had and am as a person... it reached the stage where I was frightened to go out of my home. I used to sit in here in the dark because I didn’t want anyone to know I was in because I was frightened that if they knew I was in that they would do something.”*

*\*Walters, M Hate Crime and Restorative Justice (OUP, 2014)*

# Talking about identity

- *“I know that one of the things that [Mr X] automatically presumed was that all gay men are also paedophiles... I think that was one of the issues and once all those issues were put to him in sensible conversation whilst he’s not going to change his opinion totally I think it led to him realising that everything was not as black or white.”*

*\*Walters, M Hate Crime and Restorative Justice (OUP, 2014)*

# Promises of desistance

- Obtaining **assurances of desistance**
  - Agreements stating that the incident(s)/dispute would stop
  - Observing perpetrators kept to the agreement before victims could recover fully

# Challenges to inclusive dialogue

- Empathic divides
- Harmers who refuse to admit the “hate element” of a crime
- Power-imbances and the risk of re-victimisation
- Existing societal inequalities

# Avoiding re-victimization

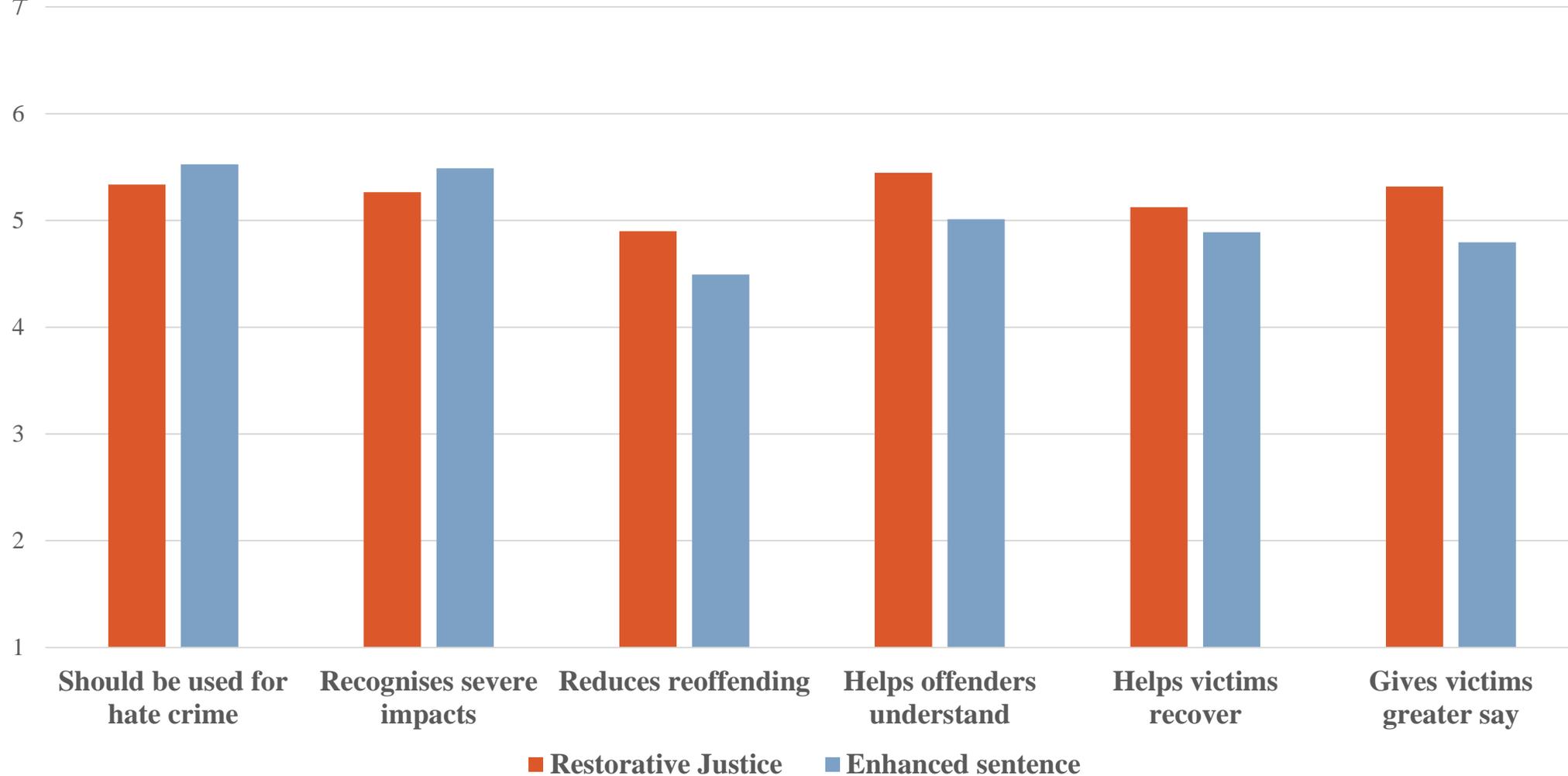
- If RJ is not administered in line with RJ values and principles may cause more harm
  - Key is preparation of inclusive dialogue based on non-domination
- Must have adequate training both on RJ and hate crime
  - Several days training required (knowledge of identity difference helps)
- Implement indirect mediation where appropriate
- Independent and impartial facilitator or at the very least police officers specialising in RJ rather as part of their general duties

# Do targeted communities support the use of RJ for hate crime?

- **6 out of 10 respondents preferred RJ over an enhanced penalty as an intervention for hate crime\***

\* Findings from [The Sussex Hate Crime Project: Final Report](#)

# LGB&T respondents' perceptions of the use of RJ and enhanced penalties



## Hate crime attacker gets 12 weeks in prison

By Laura Bower  
Herald News

A man who punched his victim in the face in an unprovoked attack whilst shouting homophobic abuse at him has been sentenced to 12 weeks in prison.

Gary Turner, 22, called his victim “queer faggot scum” before punching him in the face resulting in bruising to the victim’s eye.

Turner was arrested by the police for committing the hate crime and was later prosecuted and sentenced in the magistrates’ court to 12 weeks imprisonment.

In delivering the sentence, District Judge Carter told the court that the punishment of 12 weeks imprisonment reflected the fact that the unprovoked attack was motivated by a hostility towards the victim’s sexual orientation.

Judge Carter added that the aim of the sentence was to send a strong message to the community that homophobic violence will not be tolerated.



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## Hate crime attacker meets victim in restorative justice conference

By Laura Bower  
Herald News

A man who punched his victim in the face in an unprovoked attack whilst shouting homophobic abuse at him has met with his victim in what is called a restorative justice conference.

Gary Turner, 22, called his victim “queer faggot scum” before punching him in the face resulting in bruising to the victim’s eye.

Turner was arrested for committing the hate crime and was later asked by the police to participate in a restorative justice conference involving a direct meeting between him and the victim.

Mr John Carter, the restorative justice coordinator, told the Herald that the aim of restorative justice is to allow victims, offenders and their supporters to discuss ways in which the offender can repair some of the harms he has caused directly to the victim and the local community.

Mr Carter added that during the restorative justice meeting, Turner listened to his victim, apologised for his actions and agreed to undertake unpaid community work involving cleaning graffiti off a local Lesbian and Gay Community Centre as a way of paying something back to the community.



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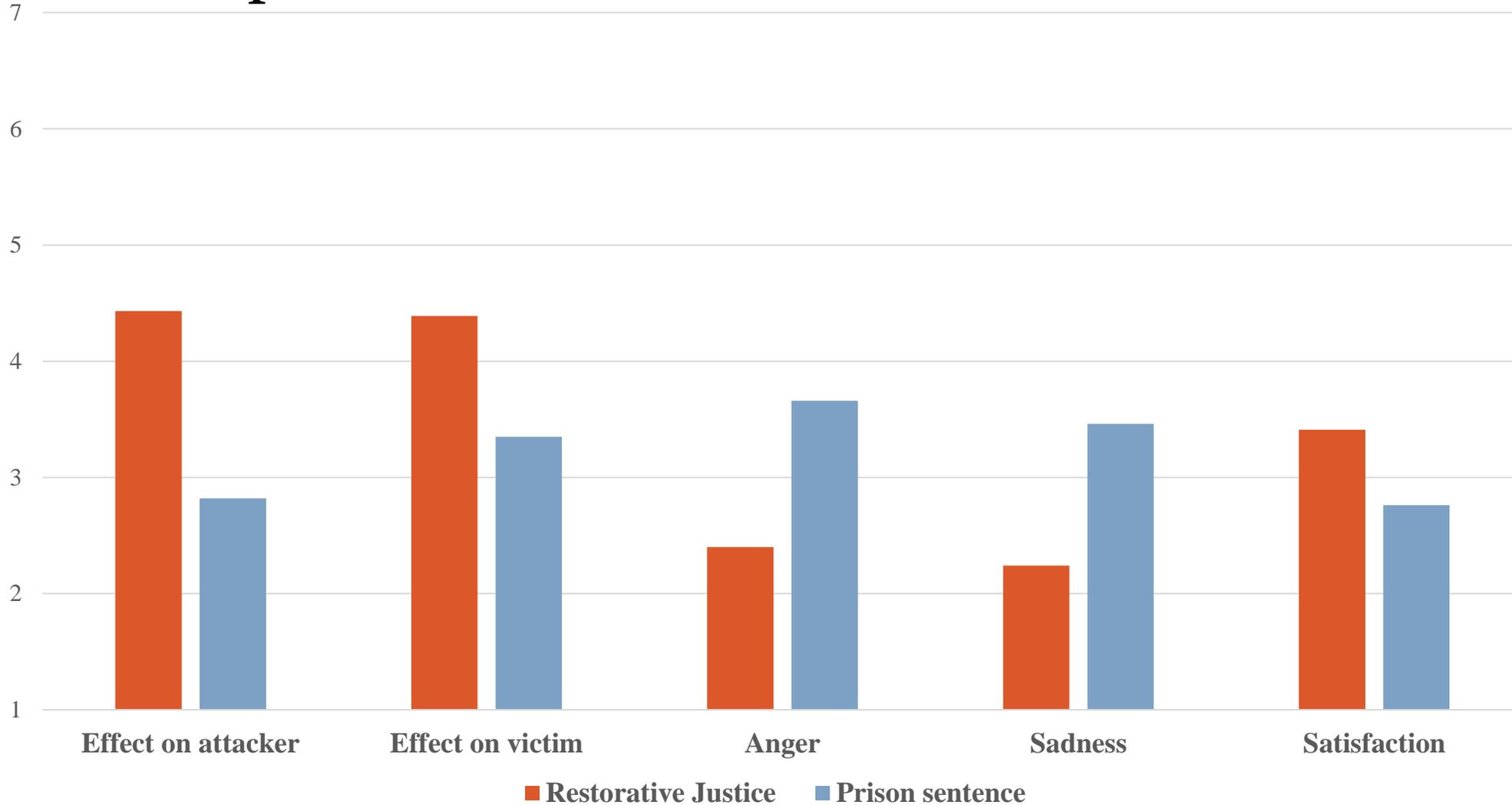


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# Perceptions of RJ and Prison Sentences



# References to research

- Empirical findings on use of restorative justice for hate crime: [\*Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms\*](#)
- Summary of book findings can be found here: [\*Repairing the harms of hate crime: towards a restorative justice approach?\*](#)
- Findings on LGBT+ people's perceptions of RJ v's enhanced punishments: [\*Enhancing punishment or repairing harms? Perceptions of sentencing hate crimes amongst members of a commonly targeted victim group\*](#)
- Recent developments in the use of RJ for hate crime: [\*Developments in the use of restorative justice for hate crime\*](#)
- Findings on community impacts of hate crime: [\*The Sussex Hate Crime Project: Final Report\*](#)
- Interested in how RJ addresses offending behaviour? See: **Walters, Mark (2014) *Restorative approaches to working with hate crime offenders*. In: Chakraborti, Neil and Garland, Jon (eds.) *Responding to hate crime: the case for connecting policy and research*. The Policy Press, Bristol** (contact me for copy).