



# FROM SURVIVORS TO SURVIVORS

CONVERSATIONS ON RESTORATIVE JUSTICE  
**IN CASES OF SEXUAL VIOLENCE**



EUROPEAN  
**FORUM** FOR  
RESTORATIVE  
JUSTICE

From survivors to survivors:  
Conversations on restorative justice  
in cases of sexual violence

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If you want to share your thoughts about this collection of conversations please write to the EFRJ Secretariat at [info@euforumrj.org](mailto:info@euforumrj.org). These will be directed to the editors, authors and / or other EFRJ members.

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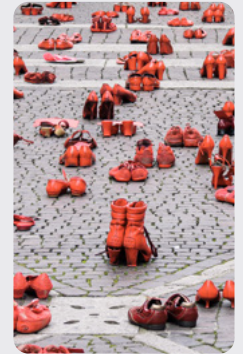
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## WHY THE RED SHOES?

In 2009, Mexican visual artist Elina Chauvet staged her first art installation of red shoes in which she denounced violence against women, femicide, domestic and sexualized violence. This installation inspired activists and survivors around the world in collective actions, wearing and sharing photographs of their red shoes. Chauvet took action after the death of her sister, murdered by her husband. The red colour represents blood and love, according to the artist. Virtual red shoes exhibitions can be retrieved on social media with [#ZapatosRojos](https://twitter.com/ZapatosRojos) [#RedShoes](https://twitter.com/RedShoes).



*Note that this publication includes testimonies from people with different genders and gender identities.*

## DISCLAIMERS

The views presented in this publication are the views of the people interviewed and / or the editors and do not necessarily represent the views of the EFRJ.



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# Foreword

## Reflections from a survivor

This publication is, or will be, important to everyone: survivors, perpetrators, prison staff, lawyers, judges, police staff, policy makers, and families. The impact of these conversations will go far beyond the restorative justice field, resonating deeply within communities, educational institutions, and social service organisations.

From one survivor to another, or to whoever is reading these conversations, I urge you to embrace the discomfort and complexity of your thoughts and emotions as you navigate this publication. Approach it with an open mind, a critical eye, and above all, a sense of empathy.

Why should you read these conversations? There is no word more compelling than the word of a survivor. In this publication, you will encounter eight testimonies from a diverse group of survivors. They outline their stories and their experiences of restorative justice and how it complemented, or in some cases, bettered the criminal justice system. Their stories are challenging; they will put the reader into uncomfortable places. I ask you to sit with your discomfort and think about your feelings.

Consider the following:

1. What precisely is making me feel so uneasy in this story?
2. Why could that be?
3. What lessons can I learn from this story, and how can I implement these lessons into my life?

By engaging in this introspection, you'll not only deepen your understanding of restorative justice but also grow your own empathy and insight into situations that might be far removed from your own lived experiences.

For me, I felt uncomfortable reading situations where the outcome was different from my own. I couldn't understand the end of the story. So, I sat with those feelings of initial judgement and shock. Then I realised these outcomes and resolutions were made possible and safe because of restorative justice. Survivors who choose to take part are offered all the support they need, and it is thanks to the facilitators that make difficult situations safe and possible.

I had my own experience of restorative justice, and it was wonderfully healing. At the age of 11, I was sexually abused by my stepdad. I didn't know why, and I had always wondered if it was something I did – "did I lead him on?". With hindsight, you know, of course, you didn't; "you were 11 years old; that is simply not possible". Even though I rationally knew that, that question was always in the back of my mind throughout my teenage years.

Being abused at a young age and, in my experience, by a father figure, leaves you wondering about a lot of things. This man was in my life for around 8 years, so you also deal with the loss of that, however confusing that may be to think about. I wanted to speak to him; I needed to speak to him. I needed to know why.

The road to restorative justice for me was long and painful. I first asked a therapist, but he didn't know that such a thing existed; then eventually, years later, I called the police to ask about it. I faced a barrage of questions from one staff member at the police, some very insensitive questions that no one looking for restorative justice should be asked. Finally, I had found who could help, and with the support of my amazing facilitators (who I am still in touch with 7 years later!), I got what I needed. Now, I am an intern at the European Forum for Restorative Justice. I wanted to give something back to the process that gave me, me back again.

My own restorative justice experience shaped the way I read these conversations, and I have no doubt that each reader will bring their own unique perspectives and experiences when reading it. These feelings that are triggered while reading this publication are important; pay attention to them and honour them.

What you feel and what you do with these feelings next could change someone's life. If you are currently 'on the fence' about restorative justice, I hope that this publication will give you enough motivation to see its benefits. If it doesn't, I hope it will encourage you to read more about it and speak to more people about it. Consider this: if you were in a position of authority—a judge or a police officer—would you advocate for restorative justice as a viable option in sentencing or inform victims of its availability?

I truly believe that this work is going to have a significant impact on so many survivors and their healing process. For some, they might realise that restorative justice is the journey that they need to take, and some might realise it isn't what they need. Both outcomes are okay; the essence of restorative justice lies in its voluntary nature.

To the survivors featured in this publication, thank you for sharing your experience. Your life has changed because of restorative justice, and you will inspire others. To the authors of this amazing collection of testimonies, thank you. You are giving the most powerful voice to survivors, and I am so grateful and honoured to have proofread this publication and to have been asked to write this foreword.

Georgia Robertson

# 1 Introduction

This collection of conversations is one of the outputs of the Working Group on Gender-Based Violence (2020–2022) of the European Forum for Restorative Justice. Some of its members proposed to collect testimonies of restorative justice in cases of sexual violence to give a voice to survivors who wished to share their experience of a restorative process in such cases with other survivors (as well as with professionals in the field).

## DISCLAIMER

Reading these testimonies may not be an easy journey for our readers. The lived experiences of the victims / survivors interviewed often include complex stories of harm and violence, and also of resilience and empowerment. We advise readers to take care of themselves and, if these stories result in some personal triggers, to rely on the help of their networks and / or local professionals. In the resource kit (p. 51) you will find some contact details.

This publication uses a number of different wordings or terminologies, some used by the victims / survivors to describe those involved in the restorative process, and other terms that are used by practitioners in the field. Where possible, we (the editors) have endeavoured to keep the contributors' own language, changing only terms which could be interpreted as stigmatising.

To maintain a consistent approach in our introduction, our summaries and in the conclusion, we use the terms "victim / survivor" and "person responsible for harm". We recognise that these terms are not perfect and may not suit everyone.

Also, in some European countries, restorative justice is known as victim-of-fender mediation. We will use the term restorative justice (sometimes

shortened to RJ, for simplicity) as the term “mediation” can lead to confusion about the restorative justice process. However, corresponding to the methodology used, we keep the terms “mediators / mediation” whenever used by the contributors.

#### BRIEF GLOSSARY

This table includes some of the most commonly used terms used in this publication:

- **Victim / Person harmed:** a person harmed, injured, or killed as a result of a crime, accident, or other event or action, and / or hurt as a consequence
- **Survivor:** a person who has experienced trauma resulting from a crime and is now in recovery, coping well with difficulties in their life
- **Person responsible for harm / Offender / Perpetrator:** person who has committed a crime, illegal or immoral act which has caused pain and suffering to another person
- **Facilitator / Mediator:** a person who manages the communication between the victim / survivor and the person responsible for the harm during a restorative process
- **Restorative Justice (RJ):** an approach of addressing harm through engaging all those affected in coming to a common understanding on how the harm or wrongdoing can be repaired and justice achieved
- **Restorative practices** – restorative initiatives outside the criminal justice system (like in schools, workplaces or in the community)

- **Surrogate / proxy** – a substitute represents the person responsible for harm (usually someone who has committed a similar offence)
- **Sexual harm** – a term that covers a wide range of crimes and harms, including but not limited to, non-recent abuse, rape, stalking, sexual assault etc.

### 1.1 Why this collection of conversations?

There is a significant body of research about restorative justice and sexual harm and those in academia and in practice can access this information. However, we (editors) identified that there was a gap in resources that spoke to survivors of sexual harm about restorative justice directly. There is a lot of material talking “about” victims / survivors, but nothing that speaks directly from and to victims / survivors of sexual harm.

The aim of this publication is to give a voice to victims / survivors of sexual harm who have taken part in restorative justice and let them speak about the experience in their own words. As far as we know, this will be the first resource of its kind. We hope that this publication may act as **a form of “peer support”** to other victims / survivors who are considering engaging in a restorative justice process. This will give them an opportunity to read about others’ experiences, to gain a better understanding of restorative justice and to decide whether it might be right for them and / or something to consider (or not). For these reasons, we thought that a conversational format was the most appropriate to capture the testimonies.

We also believe that this publication will serve to **gain an understanding** of the variety of restorative justice practices across Europe and to examine different ways of practising it. Thus, it will be helpful to restorative justice practitioners and policymakers, as it will give an insight into good practice



and different ways of approaching restorative justice in different jurisdictions and with different methodologies.

## 1.2 Who should read this collection of conversations?

These conversations are aimed at **victims / survivors** (of sexual violence and of other types of serious harm) who are curious to know more about restorative justice. We wanted to provide a platform for victims / survivors to learn more about the challenges and opportunities that being involved in a restorative justice process can bring, specifically from others who have experienced a similar type of harm.

**Restorative justice practitioners** can also learn from the conversations about how to improve their practice and issues to avoid. It could assist with techniques in how to offer restorative justice, how to prepare the parties, facilitate meetings and the best way to provide follow up after a restorative process.

This publication will also be of use to **policymakers** who are exploring the possibility of using such approaches in order to improve responses to sexual violence. It will also be of interest to other professionals working with survivors who wish to learn more about restorative justice in complex and sensitive cases and who may have the opportunity to raise the opportunity of restorative justice to survivors.

The **wider public** may also have an interest in this publication. It is for all who are curious to know more and would like to understand this practice from a rarely heard voice – the survivors themselves.

## 1.3 How to read these conversations?

Each contribution has a short summary of the case followed by the actual testimony, presented in a conversation format. The questions included (note that each testimony may not respond to all questions below):

- **Questions about justice**, criminal justice (treatment), restorative justice, feelings of justice and safety, values such as truth and responsibility
- **Questions about the offer of restorative justice**, including testimonies of those who (for different reasons) did not participate in a restorative justice process and including testimonies of resistance to restorative justice (individual resistance or from others)
- **Questions about the preparation phase**, including all those practicalities that supported them in making a decision to continue or not continue with the restorative justice process (e.g., when the other's side was not accepting responsibility) and cooperation with other agencies and interventions supporting the survivor (e.g. therapy, group support)
- **Questions concerning the actual restorative justice encounter**, including examples, stories, and practicalities that made them feel safe or not safe and including different methodologies (direct / indirect encounters; mediation, conferencing, circles)
- **Questions about the follow up**, what was needed still, what happened after.

At the end, this publication includes a resource kit and list of practice recommendations for survivors to think about before engaging in such a process.

## 1.4 Who is behind this collection of conversations?

The four editors of the conversations are the members of the Subgroup on Sexual Violence of the EFRJ Working Group on Gender Based Violence (2020–2022). The authors of the conversations are the victims / survivors interviewed. We aimed to include a diverse group of testimonies such as:

- Women, men, lesbian, gay, bisexual and transgender people
- People with different socio-cultural backgrounds
- People who had experienced one off incidents of harm and also long term (non-recent) abuse, occurring in different settings (e.g., families, communities, organisation)

We were not able to collect testimonies from all the groups listed above, but we see this publication as the foundation of a larger interactive project which will grow over time with new and diverse testimonies.

A prerequisite for involvement in this publication was that participants had at least been involved with restorative justice until the preparation phase for a restorative justice meeting (we did not need the process to have proceeded any further to proceed with interviewing).

The interviewers are all EFRJ members who were able to directly approach victims / survivors for this publication. Translators and proof-readers were contacted within the EFRJ network (see acknowledgements).

## 2 From survivors to survivors

This chapter includes eight testimonies from survivors in different European countries, who experienced different forms of sexual violence and decided to meet with the person responsible for the harm, or at least with a surrogate. Some contributors preferred to give their real name, while other names have been invented by the survivors themselves or proposed by the editors and then accepted by the survivors.

CONVERSATION 1

## **Maiana Bidegain**

Survivor of Sexual Assault by Neighbour (France)

## MAIANA BIDEGAIN: SURVIVOR OF SEXUAL ASSAULT BY NEIGHBOUR (FRANCE)

Maiana was a seven-year-old girl when an unknown young adult man, in her neighbourhood, approached her in the common areas of her building (elevator), brought her into an apartment and sexually assaulted her. After disclosing this to her parents, they filed a complaint to the police and the man was brought to court, found guilty and imprisoned.

Thirty years later, Maiana heard in the media about a new accusation against the perpetrator. At this point, she turned to restorative justice for two reasons. On one hand, she wondered how he could have done it again and why, despite the punishment and prison he received for the assault on her. On the other hand, she wanted to show him who she has become, despite what she has been through. She also wanted to ask him why he did what he did to her, despite her young age. She contacted the French Institute for Restorative Justice to organise the first direct victim-offender mediation in a case of sexual violence in France, and in 2019 she released a film about their restorative meetings.

### What would be for you a “just” form for justice in your type of case? What does justice look like for you?

An effective and constructive justice truly aims at bringing peace into society. This justice enables everyone to really understand what happened and why, and it helps people to ensure it will not happen again. The criminal justice system mostly focuses on “what crime has been committed?” and “which penalty comes along with this behaviour?” without always taking into account the needs of both the victim and the perpetrator. In this sense, restorative justice seemed to me, even before being a restorative justice practitioner myself, as an alternative not only useful but necessary, even indispensable, to correct this gap in the current criminal justice system.

Because it goes further, it addresses people, not only to determine whether such a person is “really” a victim and the other person “really” an offender, but it is about the construction of what comes after a crime, which mostly will be a very long-term project. That seems essential to me. Otherwise, for me, justice is not effective.

### How did different services support you? Did you experience an integrated and holistic approach to justice?

In my particular case, my attack took place when I was seven. So, at the time, victim support services practically did not exist. I was lucky to be able to speak, to be accompanied by my family and my parents, who went to the police, which made it possible to find the offender. He admitted his guilt; there was a trial; he was imprisoned. At the time (we are talking about 1985, 1986), going to prison was supposed to be the “best” process in terms of justice. For a long time, I believed that we could not do better. Except that when I discovered thirty years later that this person, following his incarceration, had come out and was on trial again for similar acts, that is when, in fact, my world collapsed even though I already had my doubts about what prison can bring to the person within the framework of a sentence. Punishing a person by sending them to prison, does that make it possible to correct them in their behaviour and in their restoration with the other, and subsequently to reintegrate them? Indeed, I said to myself here “if my offender ends up in court again, that means that his time in prison was for nothing”.

I had heard about restorative justice in 2008, even before it was implemented by law in France, with the Taubira reform<sup>1</sup>. This question of justice, it is something that has always bothered me. In fact, since I was seven years old, or even before. My parents lived through the military dictatorship in Uruguay.

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1 Note of the editors: Restorative justice has been integrated into the French penal law reform of 2014, supported by the then Minister of Justice, Ms. Christiane Taubira.

After the dictatorship, there was a whole impunity which was state-run, and which lasted more than thirty years. For my first documentary work, I tracked down one of the people who tortured my father. I had called this person to have a conversation with him, to see how he felt, if he had any questions about the acts carried out at the time. He thought that, as a soldier, he was only following orders. Thus the question of guilt, or acknowledgment of his responsibility, did not even arise. In this context if there is not even a slight recognition of the fault, there is no possibility of questioning, reparation and construction of an aftermath.

I had discovered the notion of restorative justice because Mr. Robert Cario<sup>2</sup> had seen my film<sup>3</sup> and had offered to show it as part of a conference in Pau (France) in 2010. It was there that I discovered this type of justice, which was soon to be implemented in the country, not only to readdress harms caused by a civil war, but also when harm has taken place between individuals. So, it is also a bit of a coincidence. When the law passed, in 2014, I knew almost at the same time that the IFJR (Institut Français pour la Justice Restaurative) was being created. I said to myself: "I am going to take this restorative approach, I'm going to test my ideal of justice and I hope it will be useful to me". I did not ask myself the question at that time, if I was going to be the first requesting for a restorative justice meeting. It turned out that I was one of the first at the Institut Français pour la Justice Restaurative (IFJR) and in France.

### **How would you have felt if restorative justice was not available to you?**

When I discovered that he was on trial again, I wanted to meet my offender

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2 Note of the editors: Robert Cario is an Emeritus Professor of Criminology at the University of Pau and founder of the French Institute for Restorative Justice (IFJR); More info here: [www.justicerestorative.org](http://www.justicerestorative.org)

3 Note of the editors : film "Rencontre avec mon agresseur » (2019). More info here: [https://boutique.arte.tv/detail/rencontre\\_avec\\_mon\\_agresseur](https://boutique.arte.tv/detail/rencontre_avec_mon_agresseur)

and I looked for ways to reach out to him, even outside of a restorative justice system. But the fact of knowing that restorative justice was probably going to start soon, offered within a reassuring framework by a trained mediator who would guarantee safety and support for both of us, if he accepted to participate ... that really helped me.

### **How long did it take for your perpetrator to agree to participate in the restorative justice process?**

From the moment the contact was established, it was fast. But there was a delay, because first I had tried to contact him via his lawyer. Apparently, he did not receive my requests, before the IFJR was set up and the restorative justice process was put into place.

I met the restorative justice facilitator twice to try to clarify what my approach would be and in what context. I also had the idea of making a film out of it and this complicated things a little bit. But from the moment she managed to contact him, via his reintegration counsellor<sup>4</sup>, he immediately said yes.

### **How did you feel when you realised he quickly accepted [to participate in the meeting]?**

In my perception, it went really fast, despite the three years I was already in contact with the IFJR (2015–2017). In early 2017, during the first interview with the facilitator preparing the direct mediation process, I was informed that he

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4 Note from the editors: The "reintegration counsellor" mentioned here is a professional working in prison that helps inmates with their issues, within the correctional facility and beyond for their reintegration process into society.

had accepted to meet me. It happened over a few months, as I expected it to be.

### **How was the restorative justice process explained to you?**

I am really a special case, because I heard about restorative justice in 2008 and 2009 when I presented my other film<sup>5</sup> in Pau and when Robert Cario spoke to me about restorative justice in general. At that time, we did not talk about restorative justice for my case, but I understood how it could be implemented. I did not see Robert Cario again until years later, within the framework of the film. I had several practitioners of the IFJR who explained to me more. Then I read a lot. I had a lot of time both within the process of the preparation of the documentary, and within the framework of my approach, I read everything that I could find on restorative justice, on the Internet and in the press, in books. So, when the restorative justice facilitator came in the picture, I still had a very precise idea of what I was going to experience.

### **Was the voluntary nature of restorative justice clearly explained to you?**

### **Was it made clear to you that you could withdraw at any point?**

Yes, definitely.

### **Did you feel like you were taking a risk when you decided to participate in the restorative justice process?**

As I explained, I had taken steps to potentially meet him (before taking part

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<sup>5</sup> Note from the editors: The documentary "Secretos de lucha" (2007) is Maiana's testimony, as a daughter of Uruguayan exiles, and search for the truth about what happened to her family members during the Uruguayan military dictatorship.

in restorative justice). I had contacted his lawyer and then the sentencing judge. I had also spoken to the prosecutor who had led the investigation of the second trial, the one I had discovered by chance in the press, concerning other victims.

When I contacted these people, it was not me who felt unsafe, but them who told me to be careful. Especially the prosecutor. Moreover, the advocate general during the second trial was convinced that in a case like this, restorative justice was not going to bring anything good because of the potential dangerousness of my offender. He was convinced that, whatever happened, when he got out of prison, he would do it again. Also, the fact of meeting this person, within the framework of a restorative justice process, could do me much more harm than good. At the time, before I put everything in place, he almost discouraged me: he was quite suspicious of the potential effectiveness of restorative justice measures in certain specific cases. He could see the benefit for certain cases, but he was less convinced in the case of intrafamilial sexual crimes for example, although it was not my case. I felt, also with the sentence enforcement judge, that there were big questions, if not big reservations about this type of measures. Again, in 2014 and 2015 it was the first steps of implementing restorative justice in France; there was no experience on what result we could get.

### **Do you remember what it felt like, to sense this kind of doubt from the judge himself?**

It is not reassuring at all. To take a restorative justice approach is to listen to a cry that comes up within oneself, a thirst for dialogue, information and understanding. So, managing to formulate that you need to take this step, and finding yourself faced with people who make you doubt even more, that does not help. I could have been totally discouraged because of these legal professionals and the fact they were expressing these reservations. But it did not because I am a very stubborn person. I think the call was too deep. I know

that in any case, from what I know, restorative justice approaches remain very rare, it is because there are still many of these reservations among professionals, who are nevertheless supposed to systematically inform about restorative justice, both the offenders and the victims. And as long as these reservations exist, I think these concerns that participants may have will grow stronger, like an echo that goes from wall to wall.

**How did the preparatory meetings with the restorative justice facilitator take place, how did you prepare?**

The thing which is difficult to live with, but necessary still, is the duration in time, the space between the preparatory meetings and the actual restorative justice meeting. I must have had at least six or seven, before the first face-to-face restorative justice meeting, maybe even more, it was almost once a month, over the whole of 2017.

What was hard was that each time, things had to be talked over again. Sometimes I felt like I was harping on ideas. Then there were times when I had the impression that we were going in circles, that it did not bring me much. There were phases that were also a little surprising, but necessary. It was funny how I lived them, compared to my profession as a film director: it was this aspect of previewing the meeting, almost staged "Who is going to be seated where? How is it going to take place? Will we join hands? Are we going to use familiar terms? As much as part of that, it was reassuring, and sometimes, it was also frustrating, because in me, it also potentially took away from what could have been spontaneity in the exchange and that frustrated me. But I knew that when the moment arrived, I would have lived the restorative justice encounter for real. So, we can anticipate a game, and then again we cannot anticipate everything. Also, the restorative justice facilitator, throughout the preparation, did not tell us what the other one was going to say, or what questions will be raised (maybe because she did not have the consent to pass the information to the other party). I think if she saw that there was a

huge concern from me or the other person, maybe we would have prepared it differently. I do not believe that was the case here.

**Was the restorative justice meeting with the offender similar to what you were prepared for?**

So, the first meeting lasted practically a whole day since it took place in the morning and in the afternoon. And that, if I had something to complain about, was too much for me. It was not ideal because it was too long, too intense, during the afternoon I was emotionally drained. It was a little weird. That is also why I wanted to have a second meeting in which I had had time both to digest a lot of things that we had said, and to formulate other things that I had not seen coming and which emerged from the first meeting. If there was something to correct in terms of mediation, I would say that it is good to consider for those who wish it, or who feel the need for it, this possibility of having rather short meetings, shorter than the one I had. Not all day, with this time for reflection, if we need another step, to reach the end of a complete, serene and constructive approach for both. Because there, in the case of our restorative justice meeting, I think that I first had restricted myself a little too much. I was able to say a lot of the things I had to say, but I had pressured myself that it had to go well, so I controlled my emotions, and suddenly I came out of it like coming out of a boxing match, though it should not have been the case. I came out exhausted, drained and with a lot of fragility and that is why my process required an extension, because if I had stopped there, it would not have been satisfactory for me.

**This tiredness, this "boxing match" was it after the first or the second meeting ?**

From the first. Because precisely, this feeling, it does not correspond to an aggressiveness, neither in his remarks, nor in mine. We got to know each

other; we gave each other the space to speak. But after a while, it is strange, it slipped into something that I had not anticipated, which made me a little uncomfortable, that is to say that I had the impression that he was trying too hard to shine in my eyes, compared to his own journey, compared to the person he was. And I was not there for that. I really wanted us to focus on what happened, why it happened and the consequences it had on both of our lives. Many very important things were said. And then there was this afternoon of the first meeting which was not necessary in fact, and which should not have been there because it was not as useful. Afterwards, there were still things to say, but it was necessary to give this time for reflection, which fortunately could be set up for the second meeting.

**Was restorative justice useful for you? Why? How did restorative justice help (or not help) you in your case?**

So the overall approach for me was satisfactory because I was able to address everything I wanted to address, both in my experience, in relation to what had happened, and in his experience and in each other's perspective. And I was also able to come to the end of this situation, with the things that I could obtain from these restorative justice meetings and these exchanges with him, and those that I could not. In a way, it also confused me about what I could get precisely from this restorative approach. That is where, in fact, you have to get there with a lot of humility and modesty. I do not have the power to change it, if someone changes it, it is him, it is his doing. The only thing I can do is to show him that even I, who was his victim, can potentially be a support for this process of restoration, reintegration and reconstruction.

In the same way, he brought me the fact that he cannot fix me. He cannot fix what has been broken, but he can participate in the reparation, by acknowledging his wrongs and that is what he did, by acknowledging his fault and by giving me this assurance that he knew when he had changed, that he had progressed. That he had no intention, either near or far, to repeat these acts

and that he had long been even concerned about my future. So this listening, it also brought something to the victim within me, the one I finally recognized to be. I say that is interesting, because in my process of restoration, there is this fact that, since I had been identified as a little girl victim in the past, afterwards, I no longer gave myself the right to be considered a victim, as the justice process had taken place and that normally means that everything is fine in the ideal world.

The big step happened after the second meeting<sup>6</sup>, when I gave myself the right to address my victim side and from there reparation came. I had the chance to have several experiences of the restorative justice approach, since I had both my personal approach, with the direct encounter, but also within the making of the film, I had the opportunity to meet several other people, be they offenders or victims. Also, these exchanges that I had with these people and even with the mediators and others have all contributed to my progress on my path, allowing us to say that at the end of the second meeting, for me, a page was closed, a loop was closed and that part, in any case of my life, had been addressed, identified and I moved on.

**About the criminal prosecution, did you attend the trial related to your case, or the one that followed years after?**

Not for my own, since I was seven years old. I don't even know if it was usual at the time, but in any case, my parents did not bring me to court and I only knew about very small bits, that there was a pending criminal case and conviction. When I had read this newspaper article where he appeared in court, it was not very far from my home. I went there and witnessed the last two days of the trial. It was my first experience of criminal justice, to see how it works in criminal court. In fact, I was quite horrified by it, I found it extraordinarily

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<sup>6</sup> Note from the editors: In some jurisdictions, it is rare to organize more restorative justice meetings.



violent, for the victims, for the offender, violent in the staging of justice, in the speeches of the lawyers on both sides, therefore in this search for an effectiveness of an act beyond even the search for the truth, it is to prove, to prove, to prove. And we do not care about the feelings of each other, the consequences on each other. If that is justice, giving a sentence over such a period of time, doing your time, finding an amount of compensation, it makes no sense. I find that it is so fragmented in relation to what should be addressed in the perspective of a repair, of a projection of the continuation, because it is the continuation which is important.

**I imagine that he had some time to speak during the trial, did he behave or speak differently, later, during the restorative justice process?**

I think that during the second restorative justice meeting, that is why I was able to turn the page, I found that he really opened up and that he was no longer solely centring on himself, that he had opened up a space in which I also had my place. He had tried, during the first restorative justice meeting, to put me at ease, to put himself at what he thought was my level. But somewhere I find he tried to do it in a way that could still be seen as manipulative. In any case, part of the restorative justice meeting had gone a bit like that, and that is perhaps what had made me a little uncomfortable and I could not stay longer. For the second meeting, maybe I had lower expectations, but I had clearer things in my head about what I could get and what I could not get. Suddenly, it went better, and it was more balanced. That is what I wanted; it was that we leave at the same level.

**Do you think that restorative justice was useful for him?**

At the beginning of the second meeting, I invited him to tell me about his feelings about the first meeting. He clearly expressed that it had been extremely positive for him and that he had been very relieved, both to

have been able to speak to me, to have been able to see the woman I had become, who was built no matter what. Somehow it had freed him from a weight too. And so I think it was positive for him. We decided that we would not have any other "contact" following this second meeting. But I really hope for him, and it is sincere, that it has been beneficial for him.

**Did you come to an agreement with the person responsible?**

I told him that if we ever ran into each other again by chance, I would not try to be in contact with him, I was not necessarily going to take the step of going to him. It was something he had expressed, the possibility to remain involved in each other's lives. For me, that just was not an option.

**Beside the restorative justice process, did you access psychological support?**

The facilitator offered me if I needed to potentially meet someone. But I never wanted. The few times in my life where I tried to rely on someone were a big disappointment. Or else, I just have not found the "right" practitioner, psychologist, psychiatrist. Neither did I explore other ways of expressing myself. It is more through creativity that I address issues that I could otherwise address through psychological or psychiatric therapy.

**Were you helped, though? Maybe by your family?**

Yes, the support of my family and the support of my husband is enormous. So that is also why maybe I did not need to look elsewhere for what I already had. Clearly, if I had not had the family that I have, if I had not had my husband, would I have embarked on this process? In any case, without other support, it is not safe. I think it is still good to have support. There are

still a lot of questions and challenges at each stage. Moreover, this family support, I had it while knowing very well that, when I registered in this step, I was not alone to undertake it. That is to say, when I told my parents that I was going to do it, they talked a little with me and I knew that it was also going to potentially have consequences for them. Then, above all, there is a film too, so it was going to have an impact for everyone.

**Okay, great! I do not have any more questions, but maybe you do?**

No, I know it is going to keep moving forward, but at a snail's pace, restorative justice, as far as I know, right? But I think that these approaches should really continue to be put in place, by continuing to train and provide feedback between mediators on their mediation practices. It seems obvious to me. Above all to really guarantee access to information on this type of approach for all victims and all offenders, and that, obviously, we are not there yet, only about information, but also about the possibility of access to these procedures.

Because information is one thing, the real possibility of taking steps is another. And then, since not necessarily all associations are in a position to support restorative justice in all parts of France or Europe, there are still major obstacles to the implementation of procedures.

## CONVERSATION 2

**Kai**

Survivor of Sexual Abuse by Brother (Estonia)

**KAI: 18, SURVIVOR OF SEXUAL ABUSE BY BROTHER  
(ESTONIA)**

Over two years, Kai's brother sexually abused them and their<sup>1</sup> younger brother many times. The brother responsible for the harm is a few years older than Kai. One day, Kai called and asked for help at the Lastemaja (children's house) and started therapy. During therapy, the younger brother shared that he had also been abused by their brother. The process took place in parallel to the criminal investigation.

In 2019, the prosecutor attended a conference organised by the Social Insurance Board<sup>2</sup> where she heard about restorative justice practices implemented in cases of sexual abuse. During a comfort break, she approached a practitioner suggesting Kai's case might be suitable for restorative justice. Only in May 2021, two practitioners examined the file and, after that, met with a wider team of professionals (i.e., the victims' therapist, the therapist of the brother responsible for the harm and the prosecutor). After that, they began to work with the victims separately.

After many months of preparatory meetings, the first step was to bring together both victims. They both knew that they were victims of their brother, but they had never talked about it. After that meeting, the practitioners began the preparatory meetings with the brother responsible for the harm, continued to meet with Kai and prepared both of them to meet each other in a restorative justice meeting. Practitioners asked them many practical questions (e.g., how to sit in the room, who will be in the room first and last, should there be also supporters) to better prepare the restorative justice meeting. Practitioners met the victims again to know their thoughts and feelings after the restorative justice experience.

1 Note from the editors: non-binary pronouns are used in this interview.

2 Note of the editors: The Estonian Social Insurance Board is a government institution acting under the supervision of the Ministry of Social Affairs. Its victim support department also manages restorative justice and mediation.

**What did you expect from the (criminal) justice system and its process?**

At first, I just thought it would entail some kind of police investigation and I wanted as little to do with it as possible. At first. But later when I heard about restorative justice, I was more interested because I am more of a...forgiver [chuckles] than someone who would go out at someone for something bad they have done to me.

**How did different services support you?**

Well, the therapist I got was fantastic. I still sometimes talk to them. They have helped me quite immensely not only with that event but also with other things that have been going on in my life. And they had me process it so that it rarely ever affects me nowadays.

**How important is it to have completed the criminal proceedings (e.g., after the perpetrator has been sentenced) before engaging in restorative justice?**

I did not really care about that at all because I just wanted it to be over as fast as possible, but I also did not want something bad to happen as a result of it. I just wanted it to be cleared up and that I did not have to live with the person anymore. That was all I really wanted. So I gave a testimony and did whatever as fast as possible so that it was over with.

**Is restorative justice as an alternative to criminal trial possible in such cases, or do you think it should be an independent (and / or) parallel initiative to the criminal proceedings?**

I definitely think it should be integrated into the justice system at least in our

own country [Estonia] because, I do favour it over the regular criminal justice system just because it is not always perfect and quite often it can leave many more people hurt who were not originally. But I guess it should definitely be more openly discussed and for example on talk shows or something so that people know what it is and what it entails and that it also does work.

#### **How would you have felt if restorative justice was not available to you?**

I guess I just would have felt more estranged from my brother. I do not know how much I would have really cared if I would have been given the choice but definitely going through it, it helped me realise that yes, it was really good. But if I would not have given the choice, I just probably just would not have cared that much at all so I would probably never really want to talk to my brother again.

#### **How should we ensure that a survivor can access restorative justice, if it is not available in your country / area?**

Definitely the helplines like Lasteabi or Ohvriabi, if those would discuss those things... Especially because often people when they go through such kinds of events, they are afraid of what will happen. Like, what is going to come after this? Is everyone going to know it? Are they going to go to jail? Am I going to have to go through something? Or is it going to court? It is already scary. This was the reason why I was at first scared of coming out and talking about it. So, if it is also a pre-measure, something like "Yes, you do not have to be afraid. If you do eventually want to talk about it and get in contact with the authorities, then these are things that can happen." Or like "Okay, there is the regular criminal justice system but there is also restorative justice" which helps to create the idea that "Oh okay, I have this choice that would lead, hopefully to less harm." Then yes, I think if those helplines would also mention it (they do not even have to elaborate it) just like as a passing note, it can

really help relieve anxiety and distress of what comes next. Because, still, usually after a criminal act the authorities have to get involved.

#### **What did you see as the benefits of taking part in restorative justice? What were your expectations about restorative justice?**

First, I do remember that of course my needs were talked about, that they are the most important thing, that they will be accommodated for, and everything, like, for example, the process of how I meet the other person was also talked about, very thoroughly, and if I want to stop then how that would look like. That really comforted me because, you know, it is a scary situation, but talking through it, looking at every aspect, helped clear my mind. So, I know what is going to happen if something happens. And, as I said there was just an aspect of "Oh yeah, we are just going to talk and nothing has to come out of it" and "You have full freedom and control in everything." That was definitely my biggest point that I remember and that encouraged me to take part in restorative justice.

So, I guess I would feel less impacted by what happened because it did help me come to terms with it, that it is in the past, it did happen, it sucked a lot but it is not going to happen again and then also to just talk it out with the person. I still did feel a bit anxious and a bit weird, but that is understandable. But yeah, it helped me come to terms with the fact that even though it did happen, I can get over it and it is going to be okay.

#### **What was your motivation to participate in a restorative justice meeting?**

What motivated me a lot was my therapist, who did encourage me partly to take part in it saying it is a good process. And, of course, [chuckles] you

guys<sup>7</sup>, too, who said that this is the thing and we are looking into it. And I also want to take part in alternative systems of justice just because the ones that we had in the past have quite often not really been the best for just people (maybe for companies). But to actually deal with personal disputes, they kind of fall short. But this kind of an alternative to take part in myself and maybe even contribute and that idea it brought me to it and to actually take part in it.

**Was restorative justice useful for you? Why? How did it help (or not help) you in your case?**

Yes, it was quite useful. I ended up being friendlier towards my brother. I did not feel like... I did not see him as much as a... How do you say? I cannot really explain it. I guess just as a stranger. As much of a stranger as I did after the event. And I felt overall just kind of better about myself because I also feel like, "Okay, yes, I'm good. I did it. Yay!" It encouraged me to take my own personal matters more seriously and when something does need to be done, especially for something very personal, that I should do it and also ask for help. I feel still a bit anxious but mostly at peace. I feel that it was a good choice. And there are still a few, a bit of mixed feelings but overall positive.

**How did you feel a) immediately after the encounter b) a short time after and c) now?**

There, it was just fine. It was my brother being my brother; a bit of a doofus [chuckles] but overall it was quite okay. My partner was a bit more weirded out by it because they know about the event and everything, and their view about it is different. But for me, it was just a normal experience. Of course,

it was nice having my brother there, but again I did not really want him to stay that long. Like my mom did say that "Oh, you know he might stay the evening," but that was something that I did not feel comfortable with.

Now, I guess I do not really think about it that much. If he did ever talk to me or asks if, for example, [chuckles] wants to get access again to my online game account (as we often played together) then I would comply and we would maybe talk a bit (if he talks about his friends or his games or whatever), but then we just part ways and do not really talk much anymore. But it is fairly neutral I would say.

**Did you participate in other practices (e.g., therapy) before, alongside or after the meeting?**

I took part in therapy provided by Ada Alliksoo and that was, as I had mentioned before, a really big help. And I also got to talk with my therapist about the event and how it went. And it did help—I mean, it helped so much and also helped me get a clearer overview of the events because we did talk about that quite a bit. And yes, it was definitely a very, very good experience.

**Do you think that having therapy is a necessary part of the process?**

Yes. Definitely, yes. Just because, in order to help the person get into the right mindset of meeting with the person who harmed them it is going to take some work. And with some people it might never succeed, but without therapy it would be a bit too dangerous.

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7 Note from the editors: Here Kai refers to restorative justice facilitators Annegrete Johanson and Anna Frank.

**How did your family / close network react when they understood that you were going to participate in / participated in restorative justice?**

My mom did not think that much about it. I do not know even if I told my dad. But I did tell my older sister who was very supportive. Still, of course, a bit iffy because she has a different view of what happened than I do. But she was very okay with it. I did tell also my smaller brother, but he did not care much for it because of different reasons. The process of talking about it that much did not come up a lot, but whenever it did people were supportive or somewhat interested.

When I went to give the testimony at the police station, what I definitely liked is that it did not last too long, especially since my mother was taking me, but what definitely did surprise me was how detailed the testimony had to be. But it makes sense. It is a criminal case. But besides that, I do not really have much to say about it. It was what I expected. Just talk, talk about this stuff and then, okay, bye. Go. Like, there was not too much with it that I worried about and... yeah, that is all I have to add.

**CONVERSATION 3**

**Nina**

Survivor of Sexual Abuse by Stepfather (Belgium)

**NINA: 20, SURVIVOR OF SEXUAL ABUSE BY STEPFATHER  
(BELGIUM)**

Nina was 12–13 years old in 2015, when she was sexually abused by her stepfather over a period of eight months. Her mother discovered it and went to the police. The stepfather was subsequently sentenced to 7 years in prison. Despite all this, Nina wanted contact with her stepfather (who she calls “dad” or “daddy”). She had stopped eating and said she missed him and the good memories they had together. Her mother searched for support, and she contacted the Flemish restorative justice service, Moderator, who asked and received permission from the judge to go ahead with exploring a restorative route for this family.

Three face-to-face restorative justice meetings were subsequently organised, in presence of the mother as supporting person, as Nina was a minor having to enter the prison to meet her stepfather. Finally, they asked the judge for permission for Nina to continue visiting her stepfather in prison after the restorative justice meeting but the judge refused to grant this and imposed a no-contact order, due to perceived risks of manipulation of the young girl by her stepfather. After seven years imprisonment, the man will be returning home, but the lack of contact throughout all these years has had an impact on family relations.

**What did you expect from the judicial process and what did you actually need as a victim?**

I especially expected that people would listen very hard to the victim and that there would be something suitable to accommodate my wishes. I knew from the first moment that I wanted to keep in touch with dad. The judicial plan, if I can call it like that, was something like “no you can’t have contact with him and that is not done, you cannot have contact with your perpetrator”. But I felt it was the right decision for me to have contact with dad.

If you report to the police that there has been sexual abuse, it is logical that they immediately see dad as a bogeyman and that there is nothing positive about him. This was despite the fact that I did have the need to see him then, as he was still my dad outside of the abuse. And it was very hard in the context of, “oh you have been abused so you are not allowed to have contact”. And it made it difficult to make your voice heard in front of the court: “I do want to contact him” as it is seen as a taboo.

They have a very harsh stance on this: it is not possible. I do think that the court should look at each case in its own right and not just at, “ah there has been sexual abuse, so the contact has to be stopped here”. I felt unheard and missed dad very much in all the hassle. Indeed, if you want to tell your story during the investigation and in the court, I felt that it was all very one-sided, because their aim is for the perpetrator to get simply the heaviest punishment, that’s all they were interested in. For example, on the question whether violence was used during the abuse, during the investigation they just said: “yes, violence must have been used”. While I was like no, there wasn’t, but they still insisted there was, so you can’t say contradict them.

I was also 13 years old then, so I could not stand up for myself 100% to say “no that is not true”. So all of that was involved in the investigation as well, things that I never really wanted to say, they steered in a certain direction because it was sexual abuse, and the perpetrator should be punished as harshly as possible. So that was a really tough one for me, as I did not feel listened to.

When I also think of those two roads that come together between criminal and restorative justice, I think there should be a middle ground because I do think dad should have been punished to some extent, but I don’t know if the punishment he eventually received was actually useful. Being in jail for seven years, did it make him a better person or whatever? I very much doubt that because there is very little therapy within the prison. And I do think that’s the first thing you need when you, both for me as a victim, but also for him, go through something like this, I think that going through therapy was

very much needed. And because of that, I don't think confining someone to a prison cell is a solution. So, I think if there was a happy middle way of getting a punishment somehow, but maybe also a mandatory admission or something in some centre where the person can get help, I would find it much more effective.

Now lock someone up in a prison for seven years, where there is actually zero assistance, I don't think that one, it is a punishment, and two, it doesn't make you feel any better either. I think that restorative justice and mediation should have come up much earlier. I think the part played by mediation has been the most important in restoring contact with dad, because during those conversations we also constantly weighed up the pros and cons of: "what if we move on as a family and what if we don't move on?". Restorative justice enables you to think about what's best, how might you feel? You don't always choose to go the easy way, but you have a choice. You choose which way you want to go yourself.

**How did you know there was such a thing as restorative justice? How did you hear about it? What would it have been like if he had asked you to take part? And what if it hadn't existed?**

It started because my mom went searching for another solution, something that would be helpful for me because I wasn't eating anymore. I had a very hard time with not being able to see dad when he ended up in jail, to have no contact at all. But then mom found a solution which would allow a way, a healthy way, to connect with dad and be able to go and see him in jail. And then mom found your organisation [Moderator] which works with restorative justice.

**During the first interview, it was clear to me that you wanted contact. But what if your father had asked about restorative justice? How do you feel about that?**

I think for me that's, that's kind of the same maybe.... because I really felt the need for contact with dad. And at that time, I looked very little at the facts, keeping the facts in mind, because dad had always done good things too in my eyes. I think that would have been just as good for me if he wanted to do that. I don't think I would have had more trouble or problems with that.

**And what if such a thing like our service had not existed?**

I think then it would have been very difficult to go and make contact because, the prison is not a place you would just go in just like that and certainly not if you don't know anything about it or don't know how it works. Especially to take that step, I think it would have been very difficult had mediation not existed. Before that first talk, I always thought: Yes daddy can also be angry with us, or he can say something like: "Oh, it is clear that there was sexual abuse". And I was glad that you have a neutral person in such first conversations because you don't know which way a conversation will go. That can start with blaming each other but it can also.... in our case it wasn't really that. I think we had a normal conversation.

**So how was mediation explained to you as well? Did they explain to you properly what it was and what was going to happen?**

Yes, I think as the mediator who took on our case you explained well how the mediation would work. We were going to come together but that can go well or not, for either of us. Unexpected feelings can come up or.... also that it was necessary to ask dad if he effectively wanted to have a conversation with us and so on. I think those are all steps that were well explained.



**Was it also clear to you that you could quit at any time? That if you would have thought the night before the interview, “no I don’t want to do it,” that you were able not to go?**

Yeah, yeah, I did. I also felt free enough to express that so, yeah.

**Did you have the feeling that there was a risk in the whole mediation process? That it was something like: “oh no”. Weren’t you frightened of something too?**

Yeah sure I was scared too because you have to enter a prison. That’s already a very unnatural situation. That already was something difficult. So those first prison visits I remember those very well, they were like a nightmare. They were very frightening. But of course, you have to think of what this all means. You think yes, I am happy that I am going to see dad, but on the other hand you also think, it will never be like before, that I am going to see dad and be so happy. So I’ve always had some fears about that too, that everything would have changed, what if daddy has changed a lot and he is not the daddy I knew anymore? But that also became subject of discussion during the mediation and the work of the mediator. Like, “How do you feel now?” you asked, towards dad, not in those exact words but I felt that there were always moments where I could express my fears, worries, and all that. Like, “do you still feel okay with that conversation?”

**Did you ever stop and think that maybe that wasn’t a good idea to do that kind of mediation?**

No, not really, because at the time it was the right thing to do, and I am very happy that it happened. Of course, at times you do think of, “what if it hadn’t been, the mediation”. I think then the chances of us having contact might have been pretty small. Because you’re so caught up in a legal proceedings

that they send you in a direction where you are just treated like a victim and they make you think, “Ah yes it is the right thing to do”. And you just have to repress your feelings. But I am glad that there is a programme like mediation where your feelings are heard. And my feeling at that time was also that I wanted contact with dad and I wanted to visit him and see how he was doing, how he was. And with the mediation it was possible and at that moment that was the best they could do.

**And did you immediately know “I want a face-to-face meeting” in which you would then also see each other. Or was it also explained to you that there were other ways? Sometimes they also work with a mediator who goes back and forth with messages or with videos.**

I think for us it was pretty clear from the first moment that there really did have to be a meeting. Also, because I missed dad so much, I do think that there really had to be a face-to-face conversation and I don’t really remember any other avenues being discussed. Because it was so clear that was what was needed.

**Yes, and how many conversations have there been?**

I think three, four conversations maybe. Something like that, I think. Then we went to the investigating judge with that letter. To ask if that I could actually fit in the regular visits, right? Because we wanted to, but that wasn’t allowed then.

**Yes, I think that's right, you wrote that letter. I think we tried to warn you especially, because I know we had to ask permission from the investigating judge for that, and that was a possibility that maybe that wasn't going to be permissible. That we especially had to slow you down a little bit basically, do you remember that?**

Yes, I know that permission was asked for that first conversation and then for some, for the third conversation or—so permission was also needed.... And that then a restraining order was issued, I remember that as well. Because at the time I had written a letter in which I actually indicated that yes, these visits really helped me, and I am happy that I can do them and see dad as dad. But at one point a restraining order was imposed, partly because it was the concern of the court that dad would have used me, that dad had manipulated me into writing that letter, when that was really a letter coming out of my own feelings. And that dad had nothing to do with that, nor did mom. That was a letter out of my feelings because those conversations were helpful and that's another thing, the court thinks dad would have done it while they have never met me. I think, how could they have known it came from me when they never met me, logically they imagined it came from dad. I still have [the letter] at home.

**Were you well prepared for that meeting?**

Yes, that meeting, but I don't remember much about the preparation. I do think so, but it's been seven years. But I do remember that we had conversations here at that round table, I do remember that conversation that there were the dangers and yes emotionally what an impact that could have. That this had been discussed, so I felt prepared for it. The only thing I felt very stressed about that day was actually, a prison, what does that look like and how is it all going to happen. I think that bit especially. And yes, of course, you know I haven't seen dad for X number of weeks and to see him again, what will that be like. But I think I was well prepared, both the conversation here in

the office and at home with mom where we continued the conversations, I think yes.

**Back then you were a little girl, or an adolescent. Now you're a young adult woman. Looking back on that now, was that correct then? Because then it was right, but if you look back on it now. Are you still saying it was right then?**

I still believe that it was the right decision to contact dad again. I have to be very honest and say that now that dad is free, I find it a bit more difficult at times. Not in the sense of, that's the person who abused me or something. But just it's been seven years, and I think that's also a very big disadvantage, when you think about a reunion. For seven years there's not been a man in our house, in terms of a partner for mom. After seven years, basically a complete stranger comes in and you have to adjust super hard. First we had to adjust super hard to the fact that dad was no longer with us. But it is clearly also hard if he comes back into your family, and you think, and then what? I have a really hard time with that, but that has nothing to do with the abuse or whatever, but it has to do with his imprisonment. And I think that's also a very big disadvantage, I don't think any judge thinks about the aftermath, that the family might want to reunite, how can they do that? What impact will have? They don't think or help with that if you want to get back as a family.

**Back to the conversation itself. Yes, you've already mentioned where it took place, so it was indeed in prison. Who was there?**

Me, dad, mom, and you.

**Do you remember how you sat at the table?**

I sat next to Dad, and Mom sat right across Dad, and you sat across from me. When we came in, I started crying really hard and gave dad a hug. And then I sat down next to dad, I'm sure, right next to dad. Mum was my support person.

**You were also a minor, actually we never go to jail with a minor alone anyway. There always has to be an adult there. Were there any special measures taken to make you feel as safe as possible?**

I do think we had decided on a certain sign like that back then, like if it got to be too much. Yes, like that we were just going to say something or raise our hands. A sign was agreed upon: if it's a bit too much, that we could remove ourselves from the room or something. And I could also leave, if it became difficult.

It certainly made sense to have the mediation. Also, because that was a very emotional conversation, on several levels. Especially that first meeting, because you're sitting with so many questions and facing each other, in an ordinary conversation at the table you would never ask such questions .... Also, questions like "how do you feel"? That's a very ridiculous question maybe but, "how do you feel right now at that moment?" After interrogations by the investigators, after the imprisonment, it has been difficult for both sides. And yes, I felt very bad when dad was away from us. But then we agreed, not in so many words, but we agreed that despite the abuse, he had also been a good dad. We agreed that there had been the abuse but that did not define everything. So, we decided we wanted to continue as a family, and I don't think those words would have been spoken outside of a mediation meeting.

**Has the perpetrator taken responsibility and expressed remorse?**

Yes, in the conversations it has also come up very often, he also apologised. But a sorry is of course no cure for what happened. I do notice that in dealing with dad now, that he is sorry in actions. Yes, I did get recognition there as a victim, and that what happened was not okay.

**Do you remember how you felt immediately after that conversation?**

I think it was mainly relief. That we were able to have that conversation and that it was actually...I was very much afraid that dad would not be able to openly say it because the criminal process was ongoing. But that wasn't the case and from the very first moment he said: "I understand that I am in prison here and I will serve my sentence for what I have done". So, I was very happy that that was said and that it wasn't with a reproach of: "yes, look at me sitting here now".

**Are you glad you initiated the mediation?**

Yes. Because the mediation allowed a respectful conversation from all sides. And also, at my own pace, listening to what I needed and made me feel good. And yes, and I think that's the thing that's been very helpful: it followed the pace I needed. Because when I said for example: "I want to see dad", someone explained, "you can't see him for the moment, it's only possible to pass on messages" but then the mediation was organised. At that moment, my need was really to see dad. Face to face contact. I'm still very happy that I was listened to, that wasn't taken away from me.

**Do you feel that you were also taken care of by the mediation service afterwards?**

We had some conversations afterwards with some time in between. And also, phone conversations. I was asked "how are you doing now?" and "did you still feel happy with your choice?": the answer was that I definitely did...

**Did you do any other things throughout the years, around what happened to you?**

Yes, I did EMDR<sup>8</sup> therapy. That was very hard, and then yes, we also have had family counselling. Actually, family counselling, we have had for seven years. Various people have worked with us.... around us, because yes, it was clearly problematic what happened at home in terms of abuse and so on. And to form a healthy family again, specific help and support is needed, I think.

**Would you recommend / discourage other victims to take part in a meditation or do you think each should decide for themselves?**

Well, I think that everyone should do what they feel comfortable with. And if you have a doubt of, "I don't know what I should do, should I try or not?" Do it. You can stop whenever you want. And yes, you better take the step than not, and always keep asking yourself, "what would it be like if I did, did contact them". I would recommend it.

**Do you feel that for your coping process it has been an important step then?**

Yes, it certainly has helped hugely my coping process, because the weeks where we weren't in touch for the mediation, I would ask myself, "have I always felt like, who am I?" I'm being steered so hard by the criminal process, that you stop knowing how you feel. But it rings somewhere inside me "I feel, yes, I am a victim, but do I have to behave like that or something?". And I am already happy that during the mediation there were answers to that or the possibility to feel the way I wanted. And if you feel the need to have contact with the person who abused you then that's okay and the restorative justice organisation will try to organise it with the right protections in place and do it in a safe way. It's well worth trying.

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8 EMDR (Eye Movement Desensitisation and Reprocessing) is a form of psychotherapy.

CONVERSATION 4

## **Genovefa**

Survivor of Sexual Abuse by Brother  
and Grandfather (France)

## GENOVEFA: 65, SURVIVOR OF SEXUAL ABUSE BY BROTHER AND GRANDFATHER (FRANCE)

Genovefa was victim of incest by her brother and grandfather, between the ages of five and 16. After the first assault, at the age of five, she told her story to her mother, but there were no consequences and the brother carried on with it. The grandfather attempted to abuse Genovefa on several occasions, despite her grandmother's presence. She was re-victimised at 17 by a female social worker / educator who was supposed to support her. She entered into a difficult marriage and finally divorced.

After a number of attempts at finding the right psychological support, at the age of 50, she started to see a psychiatrist and did so for seven years. She tried to engage also with her mother and brothers by writing them letters [with the support of her psychiatrist] but felt retraumatised by their responses or lack thereof. She also created a support group for victims of similar harm. She stopped the psychoanalysis a short time after participating in her first (out of three) restorative justice victim-offender meeting with a proxy incest offender.

The first meeting gave her the opportunity to tell an adult (who could have been her offender) the consequences of his act. The second one allowed her to get rid of her anger. The last meeting helped her see how far she had come. She also worked with a virtual reality tool to prepare for her last restorative justice meeting: with human-shaped avatars, she was able to talk to the little girl she had been and to see the woman she is today. Since then, Genovefa has been training to be a restorative justice facilitator and is a public speaker and advocate for incest victims.

### Can you say something about the depth of sharing that went on in the support group you created?

I very quickly found myself progressing right along with the other participants. It's funny because I had had several years of analysis and I already had ideas about how to deal with this—things that were important for me. I

set up the support group with Alcoholics Anonymous as my model. We had similar guidelines: you respect what others say, you don't interrupt; you have a somewhat limited time to speak to avoid going off on tangents or getting lost in your own words. There was a given subject for each meeting. Each person spoke when the other had finished—when she had said "OK, I'm done for now". There weren't comments, or critical remarks, about what others said. There were only women who listened and reacted to what others were saying, for example: "for me, that makes me think of etc." The women really respected what others had to say. There were no questions. For me, it was about sharing experiences. With each of the subjects we discussed I shared how I had managed to move forward.

### And that's when you met Erwan Dieu<sup>9</sup>.

Yes, at about that time, maybe even a bit earlier because I had already started the organisation. We met and spent an entire afternoon in a cafe talking, about incest in particular.

I had a great feeling about this and after a while, since he could explain specific things, for example, what went on in a victim's brain, I asked him to come to my group, and address the relatives of victims to explain to them what went on in the victim's brain after such victimisation. In general terms. So that they could understand us better. We realised that relatives really had trouble with people having suffered this type of harm—that it was hard for them. I organised an afternoon meeting for Erwan Dieu and relatives of victims. Erwan explained what went on. The relatives thanked him and that was a first step for me with ARCA<sup>10</sup>. It allowed everyone to understand things a bit better. Then ARCA ran workshops for incest victims. I attended at least

9 Erwan Dieu is the co-Director of ARCA (<https://arca-observatoire.com>) and a facilitator.

10 The ARCA is a French organisation offering psychological support and restorative justice services to victims of violence. For more information on the ARCA, see <https://arca-observatoire.com>.

a dozen. And one day Erwan talked to me about Restorative Justice, about which I knew nothing. He explained how it worked, what it was, what might come out of it.

I talked to my psychiatrist about it, and he said "it would be amazing if you could do this. It would allow you to get some closure, so go ahead". And I thought I "might as well go see". Since I trusted Erwan I told him "I want to be prepared, and we'll see how things go little by little".

We had several preparation sessions and then they suggested I meet with an [proxy] incest offender. It took time—you know the process—it takes time before you have a first meeting. I'm still very moved because it's extraordinary. I arrived first. Erwan set me up in a room and this man arrived and I didn't even say hello because I still had lots of anger pent up inside me. I think we had to introduce ourselves though I don't remember anymore. This was several years ago.

We began to talk and I was pretty violent in my words to him, so much so that Erwan had to reformulate my words at one point. I felt that one way or another that anger had to come out. I needed to express all that violence, all that anger about, "how could you have done these things to your little girls?". And then, at one moment he began to talk. He wasn't well. He had tears in his eyes. He had been well prepared for this meeting and obviously wanted to understand more. At some point he started to cry and said to me "I know that for you I'm a monster". And I don't know why I said this, but I told him "you aren't the monster; what you did, Monsieur, is monstrous". The meeting lasted for two hours and when I left I held my hand out to him. I said goodbye, sir. That was simply an incredible moment!

For the first meeting, you said you had been prepared in a specific way, just like him. Did you have many preparation sessions?

Yes, of course. I had a number of preparation sessions though I can't really

tell you how many. At least three or four. Erwan was also working with me before these preparation sessions. We had several meetings about the overall situation. He knew me well.

**Is there a difference between when Erwan Dieu worked with you as a therapist and during sessions with him to prepare for the meeting. Can you remember the difference between the content in these two types of meetings—one being therapeutic and the other preparation for the meeting?**

Oh yes, because when it came to preparing the meeting, he already had the tools that ARCA had developed for Restorative Justice. I'm a volunteer at ARCA now. They have my file and it already included support materials back then. There was a real preparation format. Today when I participate in preparation sessions for my own cases, since I did the facilitator training programme and I hope to become a facilitator, I go step by step. I participate in preparations with Wendy [an experienced facilitator] shadowing her, sitting by her side. I'm beginning to express things while sitting next to her and from time to time she reformulates. We debrief afterwards. We're on the same wavelength. Things are going really well. I prefer to go step by step because I don't want to make any mistakes.

**When I read about your experience with Restorative Justice, I read about three meetings all in all. Were you told for example at every step that you could pull out of the process?**

Three meetings and preparation before each one indeed. Of course. Not only that, but each time I had a preparation session I was told in a super positive way that "if things aren't OK for you, don't hesitate to call me, at any time, I'm available; come to ARCA, come see us." I was totally reassured, totally supported and if anything at all had gone wrong for me they would have been there. I think after the first meeting Erwan called me the next day or so

to see how I was feeling. I think it was also very powerful process also for the two facilitators working with us.

### **In what state of mind were you when you went to the second meeting?**

Before the second meeting I was still prey to the anger that continued lurking inside me. In fact, I was always angry. This anger came out very often, in the family or at work. I didn't understand where it came from. I figured it out at about the same time as this second meeting. I understood that in fact this anger emerged every time I wasn't heard.

But I remained relatively calm and told him what I felt like telling him in answer to what he had just said. And that's when my anger just disintegrated because I could tell him things and he heard them, even if he remained somewhat on the defensive.

This second meeting allowed me to ditch my anger and understand the degree to which it was hurting me. Anger leads nowhere. Anger can be a very healthy reaction but when you're constantly turning it against yourself, giving yourself stomach aches and back aches, you're reacting psychosomatically, and the body is letting you know it.

### **And the third meeting?**

I experienced a virtual reality session with FRED<sup>11</sup> at ARCA before the third meeting. I don't know if you know about virtual reality? That was also an amazing experience.

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11 FRED is a virtual reality tool developed at ARCA which they use as part of their work with survivors.

### **I observed a session but have not participated.**

ARCA suggested it to me because several times I had talked about "how could I communicate with the little girl I had been, given all the issues I had about this little girl". They suggested I create two avatars, one of me as a child and one of me as an adult. That's what I did.

I began with me as a child. I put spheres around the space and explained what that little girl was like, what she had all around her: a house, a family. And then I did the same thing for myself, adult, and indeed, I was able to talk to this child. When we started they asked me "do you want to talk with this child? Would you able to do that?". And I moved physically closer to the little girl avatar. Then I thought, "But no, it's up to the adult to speak to that little girl". So, I remained physically next to the adult avatar and I talked to that little girl. It was just incredible. It was extraordinary because that day I saw how much I had progressed. When I finished, I said to myself "in fact, you are totally justified in wanting to help others; now you're ready". I know where I am; I know this story will never disappear because it's part of my life, but I feel like helping others. I want to do something about incest because it's unacceptable—even if in one way or another you have to accept that it's part of your life. I've come a really long way. It's good and I'm proud of myself. I am credible and I'm going to continue.

### **Physically speaking, were these meetings held in a neutral place?**

Yes, the first two were at ARCA and the third encounter took place in an association in Tours, but with someone who worked with ARCA and who had also prepared me. There was also always someone to support me. There was always a facilitator. In any case during the first meeting, I trusted Erwan so much that there was no way I could have felt threatened. Not in the second meeting either. As for the third, I was so pleased with myself that nothing could have bothered me very much.



**I wanted to ask you one thing to be sure I understood it well. You had three meetings with three different offenders. The first ones were with a facilitator you knew well, Erwan Dieu. And the third with a different facilitator. Did you know exactly where you were going and how many meetings you'd have from the outstart of the preparation meetings, or did that develop little by little?**

It developed little by little.

**I was wondering, why did you have three meetings with three offenders?**

That was something I wanted. After each one I felt there were still things I wanted to work out, so that I needed to meet someone else. I don't know if the first man subsequently went to prison, but the second one was going to prison for sure. So, in any case, I wasn't going to see either of them again.

It was something I wanted because I felt I still needed to go one step further. In fact, my biggest problem with all this at the time wasn't even incest anymore. It was that I was estranged from my mother and that she didn't want to understand. The major part of my psychoanalysis involved working on my mother even more than other things.

**You said that the third person you met was a manipulator. That might have been disappointing, because that wasn't the goal of that meeting.**

No, it wasn't. Actually, I just wanted to know where I was after what I had discovered when I met that little girl [via the virtual reality exercise]. I kept saying to myself "it's incredible, I feel justified in continuing this work". I finally really believed that "I've come a really long way and I'm proud of myself". I wondered how I'd react if I met a third offender but, in a way, I just wanted to confirm what I was feeling. And that's what I did.

**You rebuilt yourself.**

Yes, that's right.

**And so you stopped seeing your psychiatrist?**

I stopped my analysis. I had two or three sessions after the first victim-of-offender meeting. I told my analyst what had happened. He was delighted and told me that's really good. "It's marvellous!" Very soon afterwards I told him we could stop analysis because I felt I could now manage if anything came up.

**Did you talk about your experiences with Restorative Justice to your relatives?**

The family knows. So do the three nieces with whom I get along very well. They know everything and they push me saying "continue, it's great, it's a very good idea, it's innovative". There's just no point trying with my brothers. I tried talking about it to the brother with whom I still talk a bit and I could feel he thought it was all a little silly.

**In what way did your brother think it was silly? With your support groups or with your wanting to be a facilitator?**

With respect to Restorative Justice in general. I tried talking to him about it but now I no longer do. I talk to my nieces. I tell them how I'm currently working with someone to learn how to facilitate before facilitating on my own. My head is full of projects. I just saw an absolutely wonderful documentary called "Catharsis: Dire l'Inceste" (trans: Catharsis: Speak Up on Incest). It takes place in La Réunion. Four women who are incest victims and were part of a

support group, would go to a bar after their group meetings. They decided to put on a play, and one thing led to another and today they're doing Forum Theater. Their play also has some marvellously funny moments. A therapist, who looks just terrific, works with them. They talk about incest and engage in Restorative Justice—one form of Restorative Justice—that involves performing this play in prisons, for incest offenders. Then they have a dialogue. That part is amazing. Yes, it makes me want to do so many things.

**It has transformed your daily life, your personality. You found yourself again? Or you've become someone else? How do you feel about that?**

Yes. Somehow it changed me, but it didn't totally transform me. Inside myself I still feel the need to love human beings for what they are. I never reported my brother to the authorities because I'm convinced that he has suffered a lot himself. While all this hasn't completely transformed me, it certainly has allowed me to move on.

**After the three sessions, did you have a follow up or evaluation with ARCA or with Erwan.**

No. It was the same thing each time... "If you don't feel all right in any way... don't hesitate"... but no, we didn't do any specific kind of evaluation.

**Did you see anyone after that? For example, the facilitators for any amount of time?**

In a very limited way because I felt good. On the other hand, I saw Erwan in relation to other related traumatic events that happened in my life. I asked him if we could meet so I could talk to him about this because it was really so painful. We just talked and he said "You've understood everything. You

know what has to be done. You've supported them very well. If things go bad, come back to see me and we'll talk about it".

**That's surely why they [ARCA] trust you...**

Yes, of course. We appreciate one another. I'm not a volunteer at ARCA by chance. We share mutual trust. So, during preparations, I start by expressing things little by little. To say things like "it seems to me that it's a good thing to be aware of what's happening in your own body when you're feeling this, or that. That allows you to know your body better". That's a positive statement. Little things like that come up during meetings.

**Have you thought about what if you had had a Restorative Justice option before the event you were talking about earlier, all these years ago. You decided not to report an abuse and the fact is that today, the law provides a Restorative Justice option only to people who have initiated a legal procedure, at any point in the process: when they press charges, or during the investigation, or even if there is no follow-up. What do you think about that?**

Maybe that was indeed something I would have liked deep inside. Maybe in fact I would have appreciated it if someone in my family had pressed charges. I think the letter to the oldest of my brothers—after all, oldest brother has a powerful connotation. But I also say to myself that if he had done it, maybe it wouldn't have been the right moment. Maybe I wouldn't have been ready. But yes, I was hoping for something of that nature.

**Would you like him to suggest something now?**

A family conference or something? Not consciously, but now, with hindsight, I think that my letter explaining what was going on for me, with my issues and

desire to know more, was probably a call for help. It's really tough when no one in the family listens to you. It's tough because victims are always riddled with doubts. So there are moments when you say to yourself "did that really happen to me?" It's so hard. Then images come back and you remember things and it's obvious. But we lack so much self-confidence.

**You said that between your twenties and thirties, aside from individual support, you did nothing about all this.**

Longer than that. It was between my twenties and forties. I did nothing for twenty years.

**In legal terms today you need someone to file a complaint or to start a procedure to have the option of Restorative Justice. ...Can we say your journey isn't part of that process?**

That's right, it isn't.

**And so is it right to say that you support opening restorative justice up to people who don't want to file a complaint [with the police]?**

Of course. You've got to accept things as they are. At least for me, that's what feeling better is all about: accepting that all these stories, they're part of my life. They are unacceptable, but in any case, they are part of my life and I can't erase them. That's what we have to work with. But it's a long haul. So if there are ways to accelerate the process, so much the better, let's accelerate it. Because I believe it's also a public health issue. Now people hear about restorative justice. When I talked about this ten years ago, people stared at me, horrified. But really, it's crazy the number of illnesses that victims develop!

Just go see incest associations. It's terrible. People develop health problems, and that's a public health issue. Social security signals a problem but victims still don't get help. They need to find additional sources of help and that's not easy because often victims are the ones who have the greatest financial difficulties. They don't have work or they've never been able to find a job where they could grow.

So YES, by all means let's talk about it. Let's find ways to talk about it as much as possible. I believe in the power of sharing stories and experiences; in the power of the visual side of things also—short films; finding people who agree to be filmed to reflect reality. Let's do theatre, forum-theatre. That's an absolutely amazing idea and I really want to do it.

CONVERSATION 5

**Wendy**

Survivor of Sexual Abuse by Father (United Kingdom)

**WENDY: 50S, SURVIVOR OF SEXUAL ABUSE BY FATHER  
(UNITED KINGDOM)**

Wendy was sexually abused by her father when she was 14 years old. When he was arrested, he pleaded guilty to the charges and was fined £20 and given a two-year conditional discharge.

Wendy felt that she needed an acknowledgement from her father that the abuse had happened and an apology. During a conversation about her past and what she hoped to gain from her father, a colleague pointed her towards restorative justice.

Over 40 years after the abuse had taken place, Wendy met her father in a restorative justice meeting in December 2016. The restorative process gave her the confirmation that she needed that the abuse did take place and she received the apology she was looking for.

**What would be for you a “just” form for justice in your type of cases? What does justice look like for you?**

My dad got fined 20 pounds for pleading guilty to sexually abusing his 14-year-old daughter, so it just did not seem right. It was quite terrible when I found out how much it was and the fact that he got a two-year conditional discharge. I was shocked, absolutely shocked.

After my father was arrested, no one spoke about it. No one talked about it. I was removed from my home and was thinking at the time that I had done something wrong. The whole thing was managed very carefully in his favour, I suppose.

Several years later, I wanted answers. Everywhere I went, the door was being shut. I spoke to magistrates, I spoke to police, I spoke to everyone just so that I could get proof. I really wanted evidence that it had happened.

I could not go to my dad and say “I want an apology” without proof. I knew it happened and for years there had been denials. So I could not really do it without actually saying “Look, here it is, it did actually happen”. I hoped that through speaking to my father, I could get the apology and the answers that I had needed for 40 years. A facilitator found the information that I had been searching for from an organisation that I had already contacted. That organisation had told me that it was information that could not be found due to the amount of time that had passed. Yet, the very same person had given the restorative justice facilitator evidence of the prosecution with a court case reference. I asked for the exact information under the Freedom of Information Act<sup>12</sup>, yet it was “lost”. It took six weeks for them to write and tell me.

Amazingly it took less than one week for this to be successfully obtained by the restorative justice facilitators. It was from that information that I was able to find a newspaper article which had run a story on the court case. Ironically, the previous article was about a female shoplifter being fined more than my father for stealing two items. This just put things into a shocking perspective for me.

The newspaper article told me about the outcome of the court case which I was not told about at the time. I had seen the article when I was 14 but did not really process it; I felt ashamed seeing it even though I was anonymous. Friends asked me if this was me and I felt ashamed that I had got my dad into trouble. I did not really understand the magnitude of what he had done to me. I pushed the article aside and dealt with what happened by silence. It felt that everyone wanted me to keep quiet.

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<sup>12</sup> The Freedom of Information Act 2000 provides public access to information held by public authorities.

**How did you know about restorative justice? How would you have felt if restorative justice was not available to you?**

I got involved purely by accident. One day I was talking to a colleague, sharing information about my past and telling her how I had been looking for something that I could get closure with. She could not believe that everywhere I went, the door was being shut. She then pointed me in the direction of restorative justice which she knew about through her daughter in law who was in the police.

This process took hold very quickly, but only through my determination. At the time there was not a restorative justice service local to me. Another in the neighbouring county could not take the case because the crime had happened in a different area. However, my father was living in a different part of the country and restorative justice was up and running in that area, therefore, they were able to take me on as a client. I met a facilitator from this service and she listened to everything I had to say; she recognised what I needed to go forward. I felt everything was my choice. She was amazing. Unfortunately, she then relocated but passed my case on to another facilitator from Restorative Solutions. She checked that I would be okay with a male facilitator which I was.

**Did you feel like you were taking a risk when you decided to participate in the restorative justice process? What did you fear the most? How did you manage to overcome those fears?**

I made a decision to seek an apology in whatever form. It was the restorative justice process that mentioned the possibility of a face-to-face meeting with my father. This would also give me the opportunity to ask questions of my own if the meeting went ahead. This was the best news I had heard for years, if this were at all possible, it was exactly what I wanted.

Once it started and the ball was rolling I was quite determined for it not to stop, even though I knew it could, so I was anxious. I was quite desperate for it to happen. I was quite doubtful as well. I was also quite angry at myself because this process had been out there and it had taken me so long to find it.

I was concerned that the meeting may not have gone ahead, as I had been warned, because anytime my father could pull out at the last minute. I was also worried that if it were to take place, that I might regress back to the 14-year-old child that I was when the incident occurred. This was something that was discussed in the preparation. So all of these thoughts made me more determined actually to go through with it and focus on why I was there and that was to get the long, long-awaited apology from him.

The risks involved surrounding this meeting were spoken about constantly by my facilitators. My father may not attend, he may deny everything, it may cause you to regress to your teen years. Ironically, I was prepared quite well for these possible scenarios, but the one proviso my father made at the last moment was, I had to attend the meeting without my partner or anyone to support me other than the facilitators. I was not surprised by this demand which asked part way through the process, but it did bother me as I felt it was him still trying to control me. My facilitators were an amazing support and prepared me well.

**How did you prepare for the restorative justice meeting?**

I prepared a list of questions beforehand, as they were of great importance to me and I did not want to miss out on this opportunity to get answers. I also told him on many occasions how he made me feel because I do not think he realised or even cared. I did not care what he was going to say to me even if it was not what I wanted to hear. I just wanted to get in the room with him and ask the questions I had; tell him how I had felt all these years.

**Did your father accept full responsibility and show remorse? How did you feel about it?**

He did admit to what happened, although he tried very hard not to, he would make out that I was mistaken on most points. When I challenged him, he realised that I was correct and it was in fact him who was mistaken. I was an adult now, and not 14, so my answers and questions were more articulate than he had imagined. Eventually, he admitted his crime and he did apologise.

The fact that he admitted it and apologised were the two things that I needed to have closure, because I had never heard an apology. He told everybody that I had been lying for years. So admitting it, and then apologising was an immense help to me. I always knew the truth, and now it was out in the open and without a doubt.

It felt amazing. I do not think it hit me right at that moment, not until the meeting had finished. I had gone in feeling very, very low, apprehensive and nervous. I came out feeling totally lifted. I felt so much better. It was a feeling that I had never experienced before in my life. Elation, relief and a clearer future were just some of the thoughts and emotions I was feeling.

**How long were you in contact with the restorative justice facilitator after the meeting? What happened in these follow up talks?**

I did not get why they would need to contact me after the meeting but I do now. You think well, that is all I wanted, I have got everything I want, but actually, it is not. With all the emotion of the meeting, I forgot very quickly what happened, what was exactly said and in what order. Ninety per cent of that meeting is a blur. You need to just sit back and reflect on what was said. And "Maybe I didn't say this", or "Maybe he didn't say that." But they were there to say "No, you did. You said everything that you wanted to say." and they would remind me of questions that I did ask. They were a huge, huge help. Very,

very, very good. I do not think I could have picked two better facilitators to be honest with you.

One piece of advice for anyone thinking about restorative justice is write down everything before you go into the meeting and get your supporters to write things down as well. It does not matter if the offenders lie because you know they will. You know your truth, and what you want to say. The most important thing for me was to work out where I was going to sit, did I want a table between us? I wanted him to see as little of me as possible – I wanted him to look at my face and hear what I had to say. I think restorative justice is for everyone to use.

**What were your thoughts after the restorative justice meeting?**

I am definitely a totally different person than I was before the restorative justice experience. Once the weight had been lifted from me, it helped so many more around me. My nearest and dearest had suffered alongside me for as many years as I had. Once that darkness had gone from me, it was and still is a far brighter day for us all. I definitely felt empowered and it made me feel a lot more calm. My inner child was laid to rest peacefully as I had spent 40 years fighting to get my daddy's apology. I have done justice to my 14-year self. This adult had done that and told my father just how it had made me feel for all these years. He thought I would just get on with my life as he had clearly done. I told him, "Well that's because you got what you wanted, I lost everything from that day forward". I wish I could have known about restorative justice when I was younger. I do not know if I would have wanted to take part then but at least I would have known about it.

Now I have had the meeting, I can and will get on with my life with the knowledge that he knows how he made me feel and I got the control of the truth.

I have entered into a community of survivors / victims of abuse and I do anything I can to point them in the right direction if they are interested in restorative justice. Restorative justice is not for everyone, but everyone should have the choice.

#### CONVERSATION 6

### **Morgan**

Survivor of Stalking and Sexual Assault  
by Ex-partner (United Kingdom)



**MORGAN: 26, SURVIVOR OF STALKING AND SEXUAL ASSAULT BY EX-PARTNER (UNITED KINGDOM)**

Morgan is a survivor of stalking, harassment and sexual assault by an ex-partner. All this happened over the course of a year. Prior to this, Morgan had experienced domestic abuse (her previous partner was arrested and charged for the offences).

Restorative justice was suggested by the police force. Initially, there was some resistance from the person responsible for the harm to engage in the restorative justice meeting, as he was afraid to divulge information that could be used against him in the criminal investigation.

Morgan wanted to have a restorative justice meeting, so that she could tell her side of the story and be empowered, as she had felt disempowered by her situation. Eventually, they took part in a face-to-face restorative justice meeting that was organised after meticulous preparation. As a result of this previous experience and her more recent relationship ending in stalking and sexual assault, it was important for Morgan to do something proactive and to report the behaviour when she recognised the signs, as she had learned from her previous experience.

**What did you expect from the (criminal) justice system and its process?**

Well, I wouldn't say my experience has been overly positive. When I first experienced domestic abuse I didn't know that I needed any help and it was quite a few years ago. I think back then there weren't these red flag signs and safeguarding for vulnerable adults and children, so I got missed, I kind of slipped through the cracks. I think that was frustrating growing up with that because I needed the help and no-one helped me. You relied on the system to flag and pick up that I needed the help, if I didn't know I needed it. I know that's easy to say but sometimes you are in these situations and you need someone from the outside to look at it and pull you out.

I found that with this scenario as well (the offence that the restorative justice dealt with). When the incident happened, I thought this was familiar territory and I know what to do about it and I thought I went about it the right way. But I think along the way it was still quite frustrating, feeling left in the dark. I mean, they were quite good with communication (the police), but sometimes I felt left behind a bit, especially as a victim of harassment and stalking, you feel quite vulnerable, really scared and not having that reassurance that something is going to be positively done is terrifying.

I think sometimes as much as there was good communication, the processes they followed were really good, there were elements that could have been better. That's based only on my previous experience of harassment and things so, I use my own experience to gauge what I would want and expect this time. It didn't live up to that.

**In your kind of case, what does the system need to take into account specifically? Why? Do you think that victims in your kind of case are more vulnerable?**

I think it is just the level of fear in someone, I think kind of speaks so much. I know it is hard to quantify and you have to follow certain rules and processes. My experience was, I had an ex-partner who went on to stalk and harass me and the police put a restraining order in place and then he breached the restraining order so I kind of lost all hope that it (the justice system) was a safety net.

My new ex-partner started to behave in the same way. Similar things started to unfold, I noticed similar patterns (to my previous partner), then I was like, I understand what is happening here.

When I started to feel the fear and adrenaline and realised (it was stalking and harassment) and approached the police, I got turned away, they said well

“he hasn’t done this, and he hasn’t done that”. They should have asked “what has he done that has made me feel how I am” not necessarily the extent of it or how much, but if I feel so much fear there must be a reason. I am coming to you because I feel like at this point I need your help. I went there with my own experience. I told them “I have been harassed and stalked before and I know what’s happening” and a part of it felt like I was being made to feel a bit paranoid and that I was overreacting.

Then it happened, the first time he turned up at my work and then a few days later. So I’d been to the police and they said don’t worry about it, and it happened again so I went back. I didn’t feel like I should have to go back. It was quite deflating feeling like you had to go back and forth. You are not okay and you’re not alright and you need their support. I know it’s not black and white but the level of concern from me should have been enough to say, let’s intervene, even if it might seem a bit unnecessary (to them). Even to tell that person to leave you alone or whatever. But it was two times with no intervention and it felt like I was wasting my time in a service that I should be able to go to when I feel vulnerable.

#### **How did you hear about restorative justice?**

The police officer investigating the case spoke to me about it on the phone and I said I would quite like to have more information. I thought it might benefit me, so he sent across some information. Then the man (restorative justice facilitator) got in touch with me and gave me a phone call, it felt quite good, informative and something I might be interested in doing. I wasn’t sure at that point if my ex-partner would be interested in doing that either. I hadn’t heard about it before.

Because of the nature of the crime, someone harassing you, you feel on edge all the time and the restorative justice gave me that opportunity to break all the anxieties. I got a little bit of my own power back. You feel a bit

powerless. When you are being harassed by someone, you don’t really know how to control it, it was a really good experience for me.

#### **How was the restorative justice process explained to you?**

The facilitator said it was a chance, an opportunity for you to talk to the perpetrator, and as a victim of crime give you a chance to say how it made you feel. You don’t necessarily talk about the crime itself but the outcome and the aftermath for your life and how you want to kind of address that with someone. To get that across to them (the person responsible), that was what they did to you.

#### **Was it made clear that it could be a long process?**

Yes, which I was happy with, given it still felt a little fresh and I was a little unsure. I had such a bad experience with the police, I did not really have much faith that it would help me. I thought “am I going to be let down?”, which is really quite sad, as it was one of the most beneficial things. But because of the other experience (with the police) it made me reticent about wanting to take part in the restorative justice process. It’s actually quite an important thing.

#### **Was the voluntary nature of restorative justice clearly explained to you?**

#### **Was it made clear to you that you could withdraw at any point?**

Yes, it was. I was really worried that the person responsible was going to withdraw at the last minute, as I had convinced myself that I was ready to do it, luckily he did not. It did cross my mind (he might not want to take part) and I would understand it if he didn’t want to take part.

**Did you feel like you were taking a risk when you decided to participate in the restorative justice process? What did you fear the most? How did you manage to overcome those fears?**

I mean, I think for me, it was a bigger picture, it was not just the one thing that happened, it was the combination of lots of things. Throughout the whole process I was in a relationship, we ended the relationship, the sexual assault happened, then these other things happened. It was such a big thing, a picture.

Communication was an issue; we hadn't spoken throughout the whole process (stalking and harassment). There was no communication, no feelings, we didn't really know how the other felt about stuff, you know if one of us was angry, if one of us was scared, we didn't know, we didn't have that level of communication. I saw this as an opportunity to address everything as a whole and get all the cards out on the table and kind of express how he made me feel for the last two years, for me that was quite a turning point.

**Weren't you worried that coming face-to-face with him, that you were at risk, that you might be re-traumatised or that it might bring things up / back?**

It is kind of different, as I have experienced quite a bad level of personal abuse and I think I could recognize this person was not necessarily going to harm me. I think if I was concerned about him as an individual, I would be more inclined to say this isn't the right way, perhaps at a police station or somewhere. But it felt appropriate with this person that they understood what I wanted to get from it first and kind of respected that was what I wanted to do rather than. I did feel safe.

**How did practitioners ensure your safety? What measures were put in place to make you feel safe during the encounter?**

Yes, when we met up for our preparation meetings, we sat in an excluded area away from everyone. I was quite worried that we would be sitting in an area with people flitting in and out. I didn't want people to hear what I had to say. So he (the restorative justice facilitator) made me feel really comfortable. He made sure that every time we met, we were in a room on our own and we weren't going to get disturbed, that we were in a quiet area or outside. I thought that was really good.

The face-to-face meeting (restorative justice meeting with the person responsible) when it happened eventually, it was at a time when the building we met in was quiet. The facilitator made sure that I got there first so we didn't awkwardly get there at the same time. It was really thoughtful and really well managed, I would say.

There were two facilitators, but the second facilitator was only there on the day of the meeting with the person responsible.

**Did you bring any supporters?**

I did, but when I got there, I thought, no "I will be alright". Having someone to go to after was really good. We had a break too, so I went to them when I had a break. It was good to have someone, knowing they were there, even if not inside the room.

**Did the offender accept full responsibility and show remorse? How did you feel about it?**

Yes, so at the actual meeting itself, it did really surprise me. I did not think

there would be, I had not spoken to him in about a year. There had been a severe crime that happened and all the aftermath. Turning up, I did not really know how he was feeling, the main thing I knew was how I was feeling and that's what I wanted him to know, so it was a little bit of the unknown.

Is he going to take responsibility or is he going to think it's a trap to say "yes, I did stalk you blah, blah, blah". No, it was actually, it really did surprise me how bad he felt, which was quite a good outcome for me, to get that acceptance. With the police you do not necessarily get an outcome, you get a "it's not going any further" and that doesn't help you address how you feel, or how you are going to live with that after, regardless of "beyond reasonable doubt" that it has happened. You get nothing, there is no afterwards, you are still left with kind of the trauma that happened. Yes, it was really good that he took responsibility.

**How did you feel immediately after the encounter, a short time after and now? Keeping in mind that the meeting happened over two years ago, just before lockdown?**

I had quite a lot of adrenaline and I kept going over a few things that he said, I felt really good actually.

I still reflect on it as a really good point (in my life). With my history of not getting closure, it was a really good point to just close the door on that chapter. In a way that I got to tell him how I wanted it to be and getting back a little bit of control, in a good way.

I got to say this is how I feel and this is it. It was good and it lifted the anxiety of "Is something going to happen?", the fear of dread looming over me; so, it allowed me to relax a lot more.

I still think about it every now and then, and think it was a really good

experience. It's the first time you feel listened to. In a lot of the police processes, they take a statement and then you don't hear anything, that is it. They don't check in to see how you are doing, after a major thing and I appreciate it is not necessarily their place to but there was nothing really in place for support with that. So I thought the restorative justice experience was a really good way of addressing some of the issues that do not get dealt with by the criminal justice process. It really helps you process a crime.

**Did you participate in other practices (e.g., therapy) before, alongside or after the meeting? Do you think that having therapy is a necessary part of the process?**

I had weekly therapy from victim support, short term but nothing else was offered. I did go to private counselling, after the major offence and I found it really helpful.

It was good to go when I started the restorative justice process, as it wasn't an overnight thing. I met with the restorative justice facilitator and then we kept notes. It meant that I could take the notes to the counselling. I could take my worries there, talk about them and then go back to the restorative justice facilitator, it was complicated.

I have had quite a history of domestic abuse, it is a sore subject for me to dive straight into, I had to kind of do it steadily.

For me, I thought counselling was necessary but maybe not for everyone. For me it helped me to unpick parts of the crime, because I wasn't going to restorative justice for that. Obviously it was like the elephant in the room, so it was good to have another outlet to talk about that and then I could go into the restorative justice and talk about how it made me feel. So my case was quite severe, but for other people, they might not be in the same position, they might not feel as uneasy talking about it. They might just want to talk

about what happened, for me it was a good place to keep it somewhere else and just go to the restorative justice preparatory meetings and just talk about how it impacted my life.

### **Did you come to an agreement with the person responsible?**

You get a bit of paper, almost like an agreement. Where you agree and the person responsible for the harm signs it. He said that he was going to write me a letter. I wanted to have a physical thing showing that he meant what he said, which he agreed to do. He wrote me this letter. That was the last time I saw the facilitator. The person responsible had written what we had talked about and said he was sorry for x, y and z. He was sorry for everything and that is something I can really hold on to, that's my reminder.

### **Anything else to add?**

I think just keeping an open mind, it's not necessarily going to allow you to fix everything, but restorative justice gives you that acceptance and it gives you that opportunity to kind of take that power back and make it your own. It allows you to feel safer by doing so. You may not get the answers you want but you can express what you want and they do not even have to say anything, but at least you have expressed it. I don't think you really get that opportunity in any other setting, so I think that's quite an important thing for people to know.

Being involved in restorative justice changed my life, it has done wonders for me. When you are talking to the police you don't really get an answer. In this scenario I can talk to the person who has really hurt me and I feel like I have done my best to accept that, that was good for me.

## **CONVERSATION 7**

### **Ailbhe Griffith**

Survivor of Aggravated Sexual  
Assault by a Stranger (Ireland)

**AILBHE GRIFFITH: 38, SURVIVOR OF AGGRAVATED SEXUAL ASSAULT BY A STRANGER (IRELAND)**

One summer, when she was in her twenties, Ailbhe was followed home from work on the bus. A man sat beside her on the bus during a 40-minute journey and he got off after her. This was very close to her house. This man ambushed her, sexually assaulted her, violently physically assaulted her and threatened to kill her. He tried to abduct her, but two young men intervened and chased the perpetrator away. They caught up with him and he was subsequently arrested. Ailbhe made her way home and her parents took her to the police station.

The criminal justice process started, while she felt like she was “out of her body” throughout the process. Forensic examinations took place; this experience was very traumatising. Also, it “felt like an eternity” between the offence occurring and the court case. She had PTSD and was hyper-vigilant. Ailbhe went to all of the court appearances even when the case was not ready to proceed. She needed to connect to the situation, even though she was terrified. Once, out of court, she saw him having a conversation with his parents and solicitor and she started to think about talking to him. Ailbhe read out her Victim Impact Statement in court, but it was not enough. He pled guilty to Aggravated Sexual Assault, False Imprisonment and Assault and served a nine year prison sentence as a result.

Years later, after he was released, she got in touch with a restorative justice facilitator and met face-to-face with the man who assaulted her, thanks to Restorative Justice Services in Dublin.

**What did you need from the (criminal) justice system and its process?**

I wanted to feel more like a part of the process, central to it. Victims are suffering, your life changes and everyone is talking around you and not to you. You are not an “offence”.

**What in your opinion should the criminal justice system have done to satisfactorily respond to the crime you have been harmed by?**

I struggled to get information about the process, the detectives were kind but they were busy. It is a very slow process. Ultimately you are kept on the periphery of things and you don't get your questions answered. It is common for victims of crime to want to understand why and the only person that can answer that is the person responsible for the harm, and unfortunately the whole system makes it better for them to not tell the truth.

**In your kind of case, what does the system need to take into account specifically? Why? Do you think that victims in your kind of case are more vulnerable?**

There is additional vulnerability for sexual crime and homicide victims. The level of intrusion, violation and the power play / power imbalance in sexual crimes that makes it different.

**How did you know about restorative justice?**

My sister told me about it when I was explaining to her that I would like to speak to the person responsible for the harm.

The idea of speaking to him “came into my mind”. I came out of court with my sister and saw the person responsible for the harm standing with his parents and his solicitor, having a conversation. I couldn't believe that he was having a conversation as I viewed him as “sub-human”. I found this difficult to let go of.

There was also an incident with a police officer who asked me why I was at court, he told me that I “didn't need to be here”. There is an idea that the

victim doesn't need to be there, it's a separate process. But our whole life is revolving around the ordeal.

The person responsible pled guilty to Aggravated Sexual Assault, False Imprisonment and Assault and got nine years in prison. I also got to read out my Victim Impact Statement in Court. It was quite cathartic, but he never made eye contact when I was reading it. It was satisfying but not enough.

Everyone else felt that justice was done, but I was "left with emotional trauma and it had nowhere to go" and I did my best to live with it and move on, but I was struggling. I had therapy on and off. I really wanted to say something to the person responsible for the harm and my therapist suggested imagining that he was there and telling him how I felt. But the reality was that he was not there.

A number of years went by and I was functioning relatively well. I told my sister that I had the desire to tell him (the person responsible for the harm) what the impact had been on me," even if he doesn't care", I just want him to know. My sister told me that this sounded like restorative justice. I hadn't heard of it. My sister suggested that I contact Marie Keenan, to reach out to her and I did. We met and Marie was kind and offered me help. However, we didn't know where to go to ask for restorative justice.

The person responsible had now been released from prison. We thought he would be on probation, so we asked them for help. We spoke to victim liaison people at the probation service. They had never done restorative justice for this kind of case before. They thought that he (the person responsible) was an "unsuitable candidate". There was hesitation from them. It took a year and a half between initial contact and the actual face-to-face meeting. There was lots of going backwards and forwards.

The person responsible said yes almost immediately and then a week later changed his mind. The reasons were to do with his family. There had been

lots of media coverage of the attack and they (the family) felt that he had "done his time"/been punished. We suggested that someone needed to speak to him to explain restorative justice properly.

A while later of his own accord he asked about restorative justice. He did a U-turn and the process started. I went to meetings with Restorative Justice Services in Dublin. I met with my facilitator five or six times before the meeting and he was super supportive. We were in contact frequently out-with official meetings.

#### **How would you have felt if restorative justice was not available to you?**

I would have felt extremely frustrated, disappointed and let down by the system. The Criminal Justice System let me down and this would have been a further rejection, a rejection of my value.

#### **How was the restorative justice process explained to you?**

It was explained by Marie and my restorative justice facilitator. Marie talked about what restorative justice was and spoke about cases she had been involved in, and I got a sense of what was involved and also that I was not alone. It is commonly wanted and I wasn't crazy. I thought there might be something wrong with me for wanting to meet him again. That's what people said to me. When I met with the facilitator, he broke it down in a very detailed way what the process would look like for me.

#### **Was the voluntary nature of restorative justice clearly explained to you? Was it made clear to you that you could withdraw at any point?**

It was made very clear that I could withdraw (from the process) at any point,

at every meeting one of the first things they said was it was voluntary and they also made it clear that it was voluntary for the person responsible too. This was up to and including the day of the meeting it was made clear that either of us could withdraw.

**Did you feel like you were taking a risk when you decided to participate in the restorative justice process? What did you fear the most? How did practitioners ensure your safety?**

A very small part of me (the part that is afraid when I'm walking down the street and can't see round a corner). I was afraid we might be walking down the street and he would see me. But I figured he probably wouldn't remember what I looked like. Only a small part of me (thought it was too risky) and the overwhelming majority of me wanted to do it.

**How did you manage to overcome those fears?**

I reasoned with myself that logically he would have to be really stupid to use this as an opportunity to see me and attack me. I tried to be rational. My desire was driving me.

I was always asked if they (the facilitators) could share the information with him, it helped to build respect and trust.

**What measures were put in place to make you feel safe during the encounter?**

Some of the practical aspects of the day (of the meeting) were put in place to make me feel safe. I arrived first, then he went into the room directly, I went

in after and he was already seated. He left first and I left after. I was part of the decision about who came in and went first.

**How many preparatory meetings did you have?**

We had about five or six meetings over five months to prepare for the meeting. More discussions happened in between these preparatory meetings on the phone too.

**Did the offender accept full responsibility and show remorse? How did you feel about it?**

He did accept responsibility. Throughout the preparatory process he acknowledged that he did it but he didn't want to say sorry. There was still some defensiveness on his part, but I was prepared for this.

I was so focused on what I wanted out of it, it didn't matter. I remember thinking, even if he sat in the room with his arms folded and didn't look in my direction, it wouldn't matter, being in the same room as him. It's about really pinning down what you want from the process.

Just as you can't control someone loving you, you can't control someone asking for forgiveness, they will or they won't and you have no control over that. I didn't want a fake apology.

**How did you feel immediately after the encounter, a short time after and now?**

Immediately after the encounter, I was on cloud nine, I literally had a smile on my face for days and I hadn't felt so good in many years. It took me a while



to process how I felt, but ultimately I felt empowered, really empowered. For years and years I had a heavy weight on my shoulders and I felt free of that. I had this positive interaction with this man that I had such a negative interaction with and that left me reeling for years, it was superb, I felt empowered, happy, healed.

It has always remained the same for me. I think the magic of restorative justice for me is that it transformed my memory. I used to get triggered by news articles, things on the news people talking about rape. It was so disempowering. After the meeting, the whole restorative justice process, I might still think about it, that thought “that happened to me” but I remember the meeting and I feel empowered, it transformed the whole experience from something that was negative to something that was instantly positive.

Thank God I had my restorative meeting or I wouldn't like to think of life without it. I just couldn't imagine life without it, my quality of life would be worse.

**Did you participate in other practices (e.g., therapy) before, alongside or after the meeting? Do you think that having therapy is a necessary part of the process?**

I don't think it is a necessity. If you have a good facilitator, I know they are not therapists, but their job is to help you achieve what you need. If you can do that, if they can help you have a safe meeting with all the things you have to do in mind then, I don't think therapy is a necessity. It probably helps some people.

For a lot of people there may be a long time between what happened and a restorative meeting. I think processing things helps to have a good outcome, because you are clear on things.

**Did you come to an agreement with the person responsible?**

An agreement wasn't part of our process. I asked him questions. I did ask him to remember when he is out on the street that people are human like me. He can't deny anyone's humanity like he denied me mine on that night.

**How long were you in contact with the facilitator after the encounter? What happened in these follow up talks / meetings? When and how did you evaluate the experience?**

We met up once after the meeting for a review. I gave feedback about how I felt about the process. The person responsible also gave feedback that was shared with me. More follow up would have been good as it is hard to process. I remember feeling a tiny bit of anti-climax, maybe two or three follow up sessions would be good.

**Did your view of the person responsible change through the process, you said you viewed him as sub-human?**

As we were in the meeting (maybe before the meeting) he did become more human. Hearing facilitators talking about him and his life – he also said to them that “I hope she doesn't have any scars”. He became more human piece by piece. Hearing him describing his life, I could at some level empathise with him but I didn't have much sympathy for him. I had some empathy and compassion for him and could see that he had messed his life up. But he had impacted mine more. I could remove myself and observe that it was sad for him.

**Anything else you would like to say to someone considering restorative justice?**

For people who are worried about it – there is a myth that victims are being forced to forgive and that the persons responsible are being forced to apologise – it is absolutely not about that, it may happen spontaneously though.

What restorative justice is about – it's about empowering victims to move beyond the crime, they have already been side-lined and had some power taken away – the core piece about restorative justice is about empowering victims by humanising both parties, that's really my view.

**CONVERSATION 8**

**Joanna**

Survivor of Sexual Assault by a Stranger (United Kingdom)

**JOANNA: 53, SURVIVOR OF SEXUAL ASSAULT BY A STRANGER (UNITED KINGDOM)**

Joanna was seriously sexually assaulted in 1996 by a masked intruder entering her home, while her children were asleep in the next room. She reported it to the police, but the case was closed after nine months. It was re-opened in 2009 after the person responsible for the harm was convicted of rape under very similar circumstances. DNA results showed it was the same person. He got an additional six years on top of his sentence.

Joanna contacted the prison chaplain to ask about restorative justice. He was on board, but the prison governor said it had to be managed by a restorative justice service provider. Joanna asked the provider she was working with if they could do it and they assigned a volunteer. The volunteer had a couple of visits with Joanna and wrote a letter to the prisoner. An approach was made to the governor, but they called a halt to the process. Joanna was accused of stalking the prisoner and asked not to mention restorative justice again.

Joanna then felt frustrated, she knew that restorative justice was available and that she should be entitled to it. She felt that decisions were being made for her. She had the feeling of being stripped of dignity and being disempowered. The following year, Joanna was given the number for Restorative Solutions. They were not able to help as they thought there were likely to be other offences that the perpetrator was responsible for, and that there might be other charges laid against him at a later date. He was eventually convicted as a serial rapist and he was accommodated in a high security prison where restorative justice meetings were not allowed, thus they proposed to wait until he was moved to another prison.

The person responsible for harm's parole was due in 2017 and they asked if Joanna would read her statement out in front of him. She agreed, because she wanted to confront him, but she felt unprepared as in the parole hearing persons harmed are not supported by anyone they know. So, Joanna then went through the Restorative Justice Council (to try and find a facilitator) and referred back to Restorative Solutions. They remembered her case and had all the original details. Restorative Solutions were able to facilitate a face-to-face meeting in the prison where the person responsible was housed.

**What did / do you need / want / expect from the (criminal) justice system and its process?**

I don't know what I expected. If we are talking as far back as the original complaint to the police, you want someone to come and rescue you, to come in and tell you it is okay. But, I am a realist and I didn't think they would catch him immediately.

**What in your opinion should the criminal justice system have done to satisfactorily respond to the crime you have been harmed by?**

I expected someone to say, I hear what you are saying, but I did not get that. I got a lot of "we know you are lying", "we know you are not telling the truth". The story went that I checked the house and didn't see anyone in the hallway, I locked the door and then went to bed. A couple of hours later there is a man in a balaclava with his trousers and his shorts around his ankles. And the police are like "there's no sign of a forced entry, did you let him in?". I told them that he must have been hiding in the house, they said "that doesn't really happen does it?". They make dramas out of things like this e.g. The Fall (a television programme in the UK). The first time round (the police investigation) was incredibly difficult.

They had a bad attitude towards me. That's why I ended up with a bad attitude towards professionals. I expected the women (female police officers) to be different, to ask me if I was okay, but in some ways they were worse than their male counterparts. I found the women very abrasive and difficult. I didn't get what I wanted and the case was closed. I couldn't hear anymore that it must have been because of me "you left your door unlocked". Yes, but I did not invite him in.

The second time round they believed me, there were no grey areas. They (investigating officers) said to me that you are telling us (14 years later) exactly the same things as you were at your initial interview. The day the DNA

results came back I was almost treated like royalty. I was almost treated like “you are telling the truth, we know you are telling the truth”. Also, the barrister was really nice to me. Everyone was really nice to me, because we had proof, it was very different, very, very different.

I have spoken about my experience a lot, if there was a tick box of everything that can go on and a tick box of how not to do everything it would be checked. It’s almost like every crappy scenario of how to do a rape investigation, I have gone through it. I’ve experienced, “oh you’re an attractive young woman that lives on her own” and “you’ve let this guy in and it’s gone a bit wrong”. No that’s not what happened. It was incredibly difficult. Now I can look back and say I am using my powers for good and not for evil, at the time it was incredibly difficult.

I was not taken to a rape unit, I was taken to the police station and I was interviewed in an interview room and then I had to walk through the custody suite, it was smelly and noisy. I was examined by a male forensic medical doctor, he was 69 at the time. I was told later by the cold case team (unsolved historical cases) that the police had to pick the doctor up to bring him as he was known to drink and couldn’t drive. He was also known to have very misogynistic attitudes towards women. That’s what you were dealing with. He was struck off a year later.

I did not get the option of a female [doctor], I did not get the option of being interviewed by a female officer, I did not get asked if I wanted to go to the rape unit, and I can remember sitting there naked. There was a female police officer and my sister, they were both sitting with their backs to me. I sat there for what seemed like an eternity and I asked if I could get dressed and she just said “meh”, she completely dismissed me. I am the crime scene, I had lost everything, I was feeling really exposed and vulnerable. It was awful, so awful, that realisation that you are just a crime scene and are treated as such.

### **What in your opinion should the criminal justice system have done to satisfactorily respond to the crime you have been harmed by?**

The burden of proof lies with the victim, the offence is “alleged”. Other offences aren’t treated in the same way – they are immediately “victims” not “alleged victims”.

In 1980 rape units opened nationwide and I was raped in 1996. The acting inspector sat in a very intimidating way and asked very disrespectful questions. I want to know if he “Would speak to your wife and daughter or mother in that way?” There were so many things that were wrong that all impacted on that terrible experience.

During the second investigation – the sergeant came to see me at home and one of the first things he said was “I am so sorry this happened to you”, “that my colleagues treated you the way they did”. Do you mind telling me in your own words what happened?” I told him then, I said, “do you believe me?” and he said “every single word”. After 14 years you expect there to be loopholes or grey areas and there are not. He said he would try his best to catch him.

Very few victims (of sexual harm) make false allegations compared to other crimes, but we focus on sexual crimes, we say to victims “you’ve got to be lying”. There is so much room for improvement.

### **In your kind of case, what does the system need to take into account specifically? Why? Do you think that victims in your kind of case are more vulnerable?**

In a sexual offence, you are the crime scene. I felt dirty and controlled what I could. It is such an intimate offence.

Listening to it being spoken about clinically in court and then having to speak to a male professional is really difficult. With that comes self-blame, what could I have done differently? Would I be saying that if my car was stolen? There is a fear of not being believed.

What should I have done (during the attack)? It can be the difference between life and death. Victims will try and appease the person responsible to survive.

### **How did you know about / hear about restorative justice?**

I trained as a restorative practitioner so knew it was available and had also worked with young people where restorative justice was available. I also worked in drug services and was aware of it being used alongside an out of court disposal. I then worked with troubled families and trained as a facilitator. I could see that it was far more conducive than going down the statutory process. It's incredibly powerful. I have known about it for a long time and so many people don't know about it.

### **How would you have felt if restorative justice was not available to you? How should we ensure that a survivor can access restorative justice, if it is not available in your country / area?**

I would feel massively failed and let down, furious. Victims of gendered offences get thrown a few crumbs. There is the Victims Code, you have a right to ask for anything. A right to ask for special measures. It's crap. To know that restorative justice is there and we should be aware of it.

In some areas it's embraced and other areas it's a straight "no" because someone controls the purse strings. What right do they have to say no, you are making that decision on behalf of hundreds if not thousands of victims,

you are taking away, disempowering those victims. I was lucky that I got the restorative justice service, Restorative Solutions made it possible for me. I would have been livid if I hadn't got it. It depends on the area you live in.

Decisions are made by people who don't know. Its personal or political viewpoints and they are depriving us of our rights, the rights we have to cling on to for dear life. The Criminal Justice system will still let us down and probably will for generations to come so let's develop the areas that won't let victims down.

### **How was the restorative justice process explained to you?**

Restorative Solutions spoke about restorative justice and the benefits for the person responsible and how great it can be. The whole process took seven or eight months. We had three-hour long meetings (one meeting lasting three hours) usually two days in a row and I could phone anytime. We met every three to four weeks (because of the geography of me and the two facilitators), we spoke most weeks.

I would meet them in the hotel for two or three hours, the next day they would meet the perpetrator then meet me afterwards for another two or three hours. It was seamless. They would phone me immediately after they would see him. They were always available for me.

### **Was the voluntary nature of restorative justice clearly explained to you? Was it made clear to you that you could withdraw at any point?**

Absolutely! Even when I was waiting in the prison (for the restorative justice meeting), they told me I could stop the process. They were so amazing, they really were, I cannot praise them enough.

**Did you feel like you were taking a risk when you decided to participate in the restorative justice process? What did you fear the most? How did you manage to overcome those fears?**

All of it was a risk, I didn't know what it was going to unearth and what was going to happen. You prepare all your questions and then draw up your ground rules. But you do not know what is going to happen when you are in the room, was he going to try and attack me? Was he going to shout at me? He thought I was going to shout at him. It can still be unpredictable. I didn't know if it was going to take me back 20 years. My mum was worried I was going to want to be his friend. Was he going to engage? Was there going to be any conversation? Was he going to walk out?

Lots of things you can worry about and pre-empt but you can't stop them happening. I didn't sleep for a week beforehand. I'd never spoken to him before, it's a gamble, but I can't stress enough how supported I felt. Knowing that it wouldn't get out of hand, it wouldn't go too far, it would get nipped in the bud [restorative justice facilitators carry out a thorough risk assessment].

He was supported too and that was important. Interestingly, it can all go wrong in court, nothing can ever be fully contained or controlled.

**How did practitioners ensure your safety? What measures were put in place to make you feel safe during the encounter?**

They met me outside the station, we had a pre-visit at the prison, I knew all the staff that were going to be there. Even when the facilitator went to get him, he said the next time that door opens it will be just me, he then asked if I was ready and gave me the option to walk out if I wanted.

The process kept me safe. Going through the process drove me insane because it seemed so far away, afterwards it all made total sense, it made complete sense.

One of the facilitators realised that the table in the first room we were offered was too narrow and he could have reached over and touched me, so we asked for a bigger table. It was massive, he was on one side and I was on the other.

I did not want to shake his hand / to touch him, the facilitators shook his hand to show respect, but I didn't want to. I agreed to call him by his first name, even though I didn't really want to do that, out of respect for him coming into the room and having the conversation with me. I didn't hold back and I was really brutal at some points. I felt I was honest, I did not shout.

**Did the offender accept full responsibility and show remorse? How did you feel about it?**

One of our ground rules was that we were not going to talk about the actual offence. That was my suggestion, I was thinking of him, I didn't want to humiliate him.

I wanted to know what had occurred that evening that had resulted in him getting to the top of my stairs. And what happened after he left. He blamed his daughter (who was a heroin user). He was making excuses / blaming his partner as well, and my neighbour. He said he wanted to rob me, but I had nothing.

At the end I told him what I was doing with my life, that I was studying and my children were amazing and I was doing incredibly. He did not break me. He

was sitting there in his prison issue jeans (clothes all prisoners have to wear) and he was crying. He went to say sorry and I said "don't you f\*\*kin dare say sorry to me". That was it, I then walked out of the room because no amount of apology was relevant.

I felt like I was a huge fraud because I don't want to forgive him, I can't. I do not want his apology. When preparing, I eventually said to my facilitator that I did not want him to say sorry, he said "no-one is expecting you to". I felt relief, I thought "thank God for that". I also do not want to sit in a circle with him, I want a big table between us. My God, I really have got a voice in this.

**How did you feel a) immediately after the encounter b) a short time after and c) now?**

The feeling of euphoria when I talk about it in instances like this – and I am straight back there, to how absolutely empowered I felt. I came out of the prison ten-foot-tall and bulletproof. I thought nobody can hurt me now, because I have just done that. I have just gone in there and done that and got exactly what I wanted. Back to the process, that's the whole point of it. You know when you come out of an interview and are like why didn't I say this, everything, even key words I wanted to say "stigma", "shame", I needed to get those across to him and I got to do it all. I went home and turned my bedroom light off for the first time in 20 years.

It is memory reconsolidation, there is a five or six-hour window after restorative justice when you can rewire memories. I remember for the longest time saying, it's like my memory is displaced. Now when I think about what happened I don't think about the balaclava in my face in the bedroom and he's huge because he is on top of me. Now I think of that old man in prison issue jeans who sat there snivelling. He wasn't very clever. I can go back and think about what happened, it has not disappeared.

You go in with a preconceived idea, I was going in there to see a monster, I was greeted with something very different. He's not very tall, very slight at the time, he was just, I remember looking at him and thinking who is this, they have brought the wrong bloke in. I've been scared of you? He was nothing! He would be the guy I would sit next to on the bus because I thought he was less threatening. He was nothing.

Things changed so much, I lost weight, I went out, I started doing things I had never done before. It was sort of like realising that the bogey monster doesn't exist. What have I been scared of? I do like solitude. I lock my doors and keep my blinds shut still, some things that won't change, but so many things that did. I realised that I am a good person, I am a nice person and I didn't deserve what happened to me, there was nothing I could have done. Even if my door had been wide open that would not have been an invitation for him to come in and do what he did.

It showed me how strong I am, how incredibly strong I am. It was the belief, people believed me. I never had to say to my restorative justice facilitators that I'm telling the truth, even if there had not been a conviction, they would have believed everything that I said to them.

I was almost waiting to crash and burn, I felt so good. I was waiting to come back down from feeling euphoric. It hasn't happened at all. We talk about parole hearings and victims do not present at them and they are very underrepresented, we know why, because it is probably the first time they will ever see the offender, or first time since court, so to go in then with a total stranger and read a heart-felt statement out.

I felt prepared for it because I had done the restorative justice, I felt ready for that. Maybe we need to be looking at running restorative justice alongside the parole process. It's not that scary you can both be walking away from this knowing, he knows he has taken some responsibility and I know I did everything in my power to be heard. To sit there in front of five independent

people and say “yes, I did this to you” was enough for me. Whether he is sorry or not I don’t care, but he admitted it. I wanted to say “did everybody hear that”? There is still the euphoria. A large part of me is still annoyed that victims are still plugging away, still fighting. I was lucky, I had been refused three times and got it on the fourth, but there are some victims who will never get it. It’s just so unfair.

Restorative Solutions were amazing. The relief, the validation of “you know what I need”. There is this massive misconception that you want to go and sit in a room with them, I don’t want to and I never wanted to be in a room with him, but I needed to. I really needed to and I have said before that no amount of counselling helped me. I am a logical woman, a very sensible woman and incredibly strong, so I get incensed when people patronise me. I know what I need, a lot of people make decisions for victims, it’s all “cutesy cutesy, we’ve got to look after you because we don’t want to cause any harm. I understand that, but equally that causes harm, when people condescend and patronise me.

**Did you participate in other practices (e.g., therapy) before, alongside or after the meeting? Do you think that having therapy is a necessary part of the process?**

I have seen various therapists (psychologists, psychiatrist and various counsellors) I went to the GP (Doctor) immediately and was put on a waiting list, (for counselling, which was two years long) when I needed it immediately. Some voluntary services are very good.

I have questions about whose objectives were being met (in therapy), I ended up offering them support. It was very unsatisfactory, they don’t cater for people who work full-time, like me and it’s not a good use of time and it costs for parking and to get there, and it’s not person centred. I had one good counsellor during the court process and others who weren’t so good.

One therapist wasn’t very good, they didn’t listen to me. Sometimes they are not experienced enough and you can tell. They tend to stick to what is safe. I was given medication that was unsuitable. They need to have that relationship when the client needs it – at the time of the offence. I felt really let down by services.

If the process of restorative justice is done properly with well-trained facilitators that process can support you enough. I got more from the process, there’s an honest exchange of information. The restorative justice facilitators got to know you, they spent hours getting to know each-other. Trust is built up, unlike a six-week block of therapy. I got more from eight months of restorative justice than 20 years of therapy. There is a lot more investment. It’s purely centred on the event and the aftermath of the event, not my childhood. It was purely around what was important at the time.

**Did you come to an agreement with the person responsible?**

We did, it was more about him coming out of prison. We knew he would be coming back to my town, it’s not a big town. It was more about if he saw me in the street, he would turn and walk away, that was all I wanted. I didn’t want him to point me out to his family or engage in any conversation with me, or anything like that. It was minimal.

**How long were you in contact with the facilitator after the encounter? What happened in these follow up talks / meetings? When and how did you evaluate the experience?**

I think we had two follow up meetings, one a couple of days after, we were in touch a lot after. Then they came to see me a month after and then again the month after that. I have been doing work for the organisation since.



## Anything else?

Apology and forgiveness, we really need to be steering away from that, this is one of the things that will fundamentally deter victims coming forward, that expectation that I have to forgive, we need to scrap that idea and start getting that message out there, that you don't have to hear sorry. That you don't have to sit in an open circle. I felt very exposed and needed a barrier. The lack of control a victim can have; you really don't need to do anything you don't want to in restorative justice.

An academic told me about memory consolidation and the work that Jane Bolitho has done is exactly that – why are we not selling it. “The Black Box of restorative justice”. I want to look at if it works so well for victims why wouldn't it work for offenders. It triggers something that can aid desistance. If we can prove this works for offenders, then all the better for victims, because what can the argument be? No-one is harmed in any of this. They used this excuse to me, we do not want to harm the offender, they put so much in place for him (safeguards for the person responsible). He was a little bit important for a while (during the restorative justice process) and he liked it.

There are so many things wrong (with the system) and there is one golden nugget here that is right. The way you can mould the process. I do not believe why more people are not using restorative justice. We have people sitting on waiting lists for years (for help and support). You want someone to help you and the only person that can help you is the offender, getting something off your chest, asking them why, maybe you want an apology, maybe you want to be able to forgive them.

Everyone's needs are different and restorative justice is the only tool we have that can be moulded. Even if you don't want to face them you can send a letter, do shuttle, or go and sit with another offender who wasn't your offender and let them know how it feels. There are all these options there. But again, other people are making those decisions. They are not qualified,

no-one is qualified to tell me what I need, only me. I know what I need and if it upsets me, it upsets me, but give me that choice. What he did to me, I had no choice in and I lost everything that evening, well early hours of the morning. I lost my dignity, I lost my self-respect and I lost any self-esteem I ever had and that was just through the actions of just one person removing my choice. Now when people say no, I am like “watch me”.

### 3 Conclusions

This publication includes eight testimonies collected in different countries from across Europe. The cases included a range of offences: sexual assault by a person known to the victim / survivor, sexual assault / rape by a stranger, inter-familial abuse perpetrated by male family members (i.e., brother, father, step-father and a grandfather), and stalking. Most of the testimonies were from women, which reflects international statistics on sexual offences.

Most restorative justice processes were face-to-face with the person responsible for the harm (other than the case of Genovefa in France, who engaged with surrogate / proxies, rather than the individual(s) who had harmed her). Some of the meetings took place in prison and others in the community; some with one facilitator and others with two. Some participants had follow-up meetings after the restorative meeting with the person harmed, while the others did not.

Such rich diversity is key in this publication, reflecting also the restorative justice methodologies and how they have been tailored to the needs of the parties involved and also the way restorative justice has been developed in those different countries.

We (the editors) have regularly reflected on what we heard from the people who shared their testimonies for this publication. Below are some of these thoughts and reflections:

#### SUCCESSFUL RESTORATIVE JUSTICE EXPERIENCES

In their testimonies, victims / survivors shared what successful restorative justice looks like to them. It was recognised that in many cases it is the process, not the outcome, that makes for successful restorative justice. Success is achieved when, at the end, the person harmed feels listened to and satisfied (with the process), because the process was needs-led:

*"First, I remember, of course, that my needs were talked about, that they are the most important thing, that they will be accommodated for.... If I wanted to stop, then how that would look. That – they comforted me, because, it's, you know, a scary situation" (Kai, Estonia).*

And victims / survivors feel that they have choices and a "voice":

*"I am glad there is a place in mediation where your feelings are heard, and my feeling at the time was I wanted contact with Dad and I wanted to visit him, and they listened" (Nina, Belgium)*

*"My god, I really have got a voice in this" (Joanna, United Kingdom)*

*"I met a facilitator [...] and she listened to everything I had to say; she recognised what I needed to go forward. I felt everything was my choice." (Wendy, United Kingdom)*

Some other key-terms that were prevalent in the testimonies are "believed", "empowerment", "control", "transformation", "forgiveness" and "apologies / sorry". The dialogue as well as the relationship with the facilitator are key.

*"Each time I had a preparation session, I was told "If things aren't okay for you, don't hesitate to call me, at any time, I'm available" I was totally reassured, totally supported and if anything at all had gone wrong for me, they would have been there" (Genovefa, France)*

It was also recognised that good restorative justice included a follow up, after the main restorative justice process.

*"I did not get why they would need to contact me after the meeting but I do now. You think well, that is all I wanted, I have got everything I want, but actually, it is not. [...] You need to just sit back and reflect on what was said. [...] They were a huge, huge help. Very, very, very good. I do not think I*

*could have picked two better facilitators to be honest with you." (Wendy, United Kingdom)*

*"If the process of restorative justice is done properly with well-trained facilitators that process can support you enough. I got more from the process, there's an honest exchange of information. The restorative justice facilitators got to know you, they spent hours getting to know each-other. Trust built up" (Joanna, United Kingdom)*

This is aligned with restorative justice values and principles and the propositions of trauma informed practice.

#### SAFE PROCESS, POWER, CONTROL AND THE RE-HUMANISING EFFECT

Other common themes in successful interventions were safety (i.e. to ensure that the restorative justice process keeps victims / survivors safe), power and control (i.e. the fact that engaging in the restorative justice process gave them a bit of their power back).

*"Because of the nature of the crime, someone harassing you, you feel on edge all the time and restorative justice gave me that opportunity to break all the anxieties. I got a little bit of my own power back." (Ailbhe, Ireland)*

*"It was good and it lifted the anxiety of "Is something going to happen?", the fear of dread looming over me; so, it allowed me to relax a lot more." (Morgan, United Kingdom)*

A couple of the contributors spoke about the process helping them to see the person that had harmed them as a "human being". Their subconscious had made the person responsible for harm into a monster, whereas the restorative justice process allowed them to see a human and allowed them to move away from fear.

*"You go in with a preconceived idea, I was going in there to see a monster, I was greeted with something very different. [...] He would be the guy I would sit next to on the bus because I thought he was less threatening. He was nothing."* (Joanna, United Kingdom)

*"As we were in the meeting (maybe before the meeting) he did become more human. Hearing facilitators talking about him and his life – he also said to them that "I hope she doesn't have any scars". He became more human piece by piece."* (Ailbhe, Ireland)

## APOLOGIES AND RESTORATIVE JUSTICE

The notion of apology is contested within restorative justice; many believe that it is not necessary and yet sometimes it is expected and even reached as part of the process. The testimonies of Joanna and Wendy, in particular, reflect the diversity of opinion on forgiveness and demonstrate how highly personal the restorative justice process is:

*"I felt like I was a huge fraud because I don't want to forgive him, I can't. I do not want his apology. [...] I eventually said to my facilitator that I did not want him to say sorry, he said "no-one is expecting you to". [...] My god, I really have got a voice in this".* (Joanna, United Kingdom)

*"The fact that he admitted it and apologised were the two things that I needed to have closure, because I had never heard an apology. He told everybody that I had been lying for years. So admitting it, and then apologising was an immense help to me. I always knew the truth, and now it was out in the open and without a doubt."* (Wendy, United Kingdom)

Joanna's case was that of a stranger rape and Wendy's was inter-familial abuse, therefore their relationship with the person responsible for harm is very different and their needs and expectations from the restorative process reflected this.

## TRANSFORMATION

Another prevalent theme was transformation, i.e. the experience of moving from a negative to a positive circumstance. It is clear that restorative justice does not fix everything, but it allows the victim / survivor to be empowered, move forward and think about the future.

One contributor talks about a *"weight [that] had been lifted from me"* and repeats again *"I came out feeling totally lifted"* (Wendy, United Kingdom); another one says *"I think the magic of restorative justice is that it transformed my memory"* (Ailbhe, Ireland); and *"Being involved in restorative justice changed my life, it has done wonders for me"* (Morgan, United Kingdom).

It is important to remember that these are individual journeys and that restorative justice may not always be the answer: it is one of the paths that some victims / survivors decide to engage in to move forward, while others may have similar outcomes from other healing processes. This is why access to high quality restorative justice services is key, to ensure that people can make the choice to participate, or not, in this potentially transformative journey.

This is illustrated by these quotes: *"It's not necessarily going to allow you to fix everything, but it gives you acceptance and it gives you the opportunity to take the power back and make it your own"* (Morgan, England UK) and *"While all this hasn't completely transformed me, it certainly has allowed me to bloom"* Genovefa (France).

## LEARNING FOR RESTORATIVE JUSTICE SERVICES AND PRACTITIONERS

### → On policy

Much can be learnt from the different experiences of the victims / survivors

who contributed to this publication. The field is in continuous development to further advance its services and tailor them to the needs of victims / survivors, and others involved. The examples from France show a country developing its approaches to restorative justice. When Genovefa was seeking restorative justice, it was not an option for her to meet face to face with the person(s) who harmed her, whereas Maiana, years later in the same country, was able to take part in more than one restorative justice face to face meeting. This was the result of a change of policy and practice in France.

→ **On information**

Information about restorative justice should be made widely available to victims / survivors (and all other involved parties) to enable them to make their own choice about whether they want to take part or not. It is clear from the stories that some of the victims / survivors only heard about restorative justice by chance. In Kai's (Estonia) case, he was only offered restorative justice because a professional heard about it at a conference. It was Nina's (Belgium) mother who carried out her research and contacted a local restorative justice service.

→ **On timing**

One of the key challenges, as seen in some of the testimonies here, is to identify the "right time" for restorative justice: in some cases it was offered too early (when participants were not ready to consider this option), or too late (when participants expressed the desire this would have come much earlier in their healing process). For example Joanna (United Kingdom) had to wait several years before being able to access restorative justice despite her being clear to the various agencies she was in contact with that this was what she needed and wanted. A different example but which is similar in its consequences is Nina (Belgium) who was denied for a while the right to meet her stepfather despite her pleas to be able to do so. A solution is to ensure that access to restorative justice, i.e. to be informed about this service, is

given and repeated at different moments and by different professionals (who should all ideally have some restorative justice training and therefore understanding, from the police, the judiciary to social workers and probation). Ultimately thought is the restorative justice facilitator's task then, once in contact with the victims / survivors, to listen to the needs and motivations and support their decision when they are ready to take it (on this see also Keenan & Zinsstag, 2022).

→ **On professionals**

Facilitators may have to address opinions, concerns and barriers raised by professionals working with victims / survivors. There are examples in the testimonies of how the victims / survivors faced opposition to them taking part in restorative justice. For example, in Maiana's (France) case the advocate general was not convinced of the value of restorative justice in cases of sexual abuse compared to other crimes. Joanna (United Kingdom) came across repeated resistance to her request to meet her perpetrator. We (the editors) hope that stories included in this publication will go some way to convince other professionals working with victims / survivors of the value of taking part in restorative justice with such serious crimes or at least to give them the opportunity to consider it for themselves.

→ **On therapy**

Taking part in therapy / counselling does not have to be a prerequisite for victims / survivors to take part in restorative justice. Therapy can provide positive support alongside a victim / survivor taking part in restorative justice (see Daly, 2006 and Woessner, 2017) but, for instance, in Joanna's (United Kingdom) she felt that restorative justice was more beneficial than the several years she had taken part in therapy. Ailbhe (Ireland) does not think therapy is a necessary part of the process, although she acknowledges that it may be useful for some.

### → On the needs of the victims / survivors

Another issue that was raised was the focus of the meeting on the person responsible for harm, rather than focusing first on the victims / survivors' needs and questions.

*"And I was not there for that. I really wanted us to focus on what happened, why it happened and the consequences it had on both of our lives"* (Maiana, France).

A second meeting was arranged and Maiana felt after that, that she had her needs met, she was able to address all her issues.

*"The big step happened after the second meeting, when I gave myself the right to address my victim side and from there reparation came"*

Maiana also reflected that her initial restorative justice meeting was too long, although much preparation had happened regarding where people were going to sit, what was going to be said, the effect of a long meeting was not considered.

*"It was too much for me. It was not ideal because it was too long, too intense, during the afternoon I was emotionally drained"*

On follow up meetings – Some victims / survivors were offered follow up meetings, and many would argue that this is a necessary part of the restorative justice process. Others were not and this was reflected to us as something that could have been improved upon. Research demonstrates the importance to check in with the parties post-meeting as they may have further questions or need to know if the other is ok, or is doing what was agreed in the meeting (see e.g. Keenan & Zinsstag, 2022).

### → On the facilitators' training

Another concern reflects the importance of adequate and specialised training for restorative justice facilitators, although training is only the first step towards the delivery of high quality practices. Indeed restorative justice is taught in a "learning by doing" methodology, thus it is crucial that new facilitators gain their experience in less complex and serious cases than the ones mentioned in this publication. Co-facilitation can be an option to support less experienced professionals, and can also potentially serve to ensure diversity among professionals (e.g. when different age groups, different socio-cultural backgrounds, different gender identities participate in the restorative justice process) (see also Keenan, 2018 or Keenan & Zinsstag, 2022).

#### DIFFERENT UNDERSTANDING OF RESTORATIVE JUSTICE

The main and very practical challenge we (the editors) faced was to collect the testimonies from a range of different countries. For this we relied on the support of local restorative justice facilitators and other contacts. Some of the testimonies required translation into English, meaning that potentially some aspects of the testimony may have been altered through the translation. This also added to the time-scale in which we were able to complete the transcriptions and final publication.

All of the individuals who participated used their own language to describe themselves, the person who had harmed them and their process. Not all the terms were consistent across the testimonies. Terms that presented some challenges were "restorative", "victim", "survivor", "victim-offender mediation", "conference vs. meeting" and "neutrality / impartiality". However, we kept the testimonies as close as possible to the words used by victims / survivors, unless potentially offensive language was used.

There is no agreed definition of the terms, they are all very personal to the participants. Facilitators who conducted the interviews, as well as the

volunteers involved in the transcribing and translating also understood these terms differently. When we (the editors) began to discuss the individual testimonies, we realised we would have to address it, hence the inclusion of the glossary at the beginning of the publication.

The individuals also had differing understandings of restorative justice. Sometimes, even the same country in which they reside has different approaches to restorative justice (see the example of France). The term “Victim-Offender Mediation” is commonly used across Europe to refer to a face to face meeting, however, in the UK in particular this term comes with some assumptions about the process and is unlikely to be used. “Mediation” suggests a meeting of equals, whereas in restorative justice we have to recognise that one person has harmed another and the balance of power lies with them.

## 4 Resource kit

### RESTORATIVE JUSTICE SERVICES

This list includes the restorative justice services in the countries / regions of the testimonies collected.

- **Belgium / Flanders** – Moderator ([www.moderator.be](http://www.moderator.be))
- **Estonia** – Sotsiaalkindlustusamet ([www.sotsiaalkindlustusamet.ee](http://www.sotsiaalkindlustusamet.ee))
- **France** – Institut Français pour la Justice Restaurative ([www.justicerestaurative.org](http://www.justicerestaurative.org))
- **France** – ARCA ([www.arca-observatoire.com](http://www.arca-observatoire.com))
- **Ireland** – Restorative Justice Services ([www.rjs.ie](http://www.rjs.ie))
- **United Kingdom / England** – Why me? ([www.why-me.org](http://www.why-me.org), the website includes a map of restorative services in England and Wales).
- **United Kingdom / England** – Restorative Solutions ([www.restorative-solutions.org.uk](http://www.restorative-solutions.org.uk))

On the website of the European Forum for Restorative Justice (EFRJ), you find its organisational members (incl. restorative justice services and research centres), listed by country:

[www.euforumrj.org/en/our-organisational-members](http://www.euforumrj.org/en/our-organisational-members)

If you are a victim / survivor and you wish to ask for direct contacts in your country, you may always contact the EFRJ at [info@euforumrj.org](mailto:info@euforumrj.org). We will be happy to support you as much as possible.

If you prefer to get in touch with victim support, you may get in touch with the organisational members of Victim Support Europe: [www.victim-support.eu/members](http://www.victim-support.eu/members)

## READING MATERIALS

On the website of the European Forum for Restorative Justice (EFRJ), among different areas of application for restorative justice, a webpage is dedicated to sexual violence, including updates on recent publications and other links: [www.euforumrj.org/en/restorative-justice-and-sexual-violence](http://www.euforumrj.org/en/restorative-justice-and-sexual-violence)

Below we propose a selected list of research in the field:

Daly, K. (2006). Restorative Justice and Sexual Assault: An Archival Study of Court and Conference Cases. *British Journal of Criminology*, 46(2), 334–356.

Daly, K (2022). *Remaking justice after sexual violence: essays in conventional, restorative and innovative justice*. The Hague: Eleven.

Koss, M. & Achilles, M. (2008). *Restorative Justice Responses to Sexual Assault*. Applied Research Forum. Harrisburg: VAWnet National Online Resource Center on Violence Against Women.

Keenan, M. (2018). Training for restorative justice work in cases of sexual violence. *The International Journal of Restorative Justice*, 1(2), 291–302.

Keenan, M. & Zinsstag, E. (2014) 'Restorative justice and sexual offences: can 'changing lenses' be appropriate in this case too?' in *Monatsschrift für Kriminologie und Strafrechtsreform*, 97(1), pp. 93–106.

Keenan, M. & Zinsstag, E. (2022). *Sexual violence and restorative justice: addressing the justice gap*. Oxford: Oxford University Press.

Marinari, A. (2021). *Restorative justice for survivors of sexual abuse*. Bristol: Policy Press.

McGlynn, C., Westmarland, N. & Godden, N. (2011). *Is restorative justice*

*possible in cases of sexual violence?* SAAS Research Briefing no. 5 – Law School Research Briefing no. 1. Durham: University of Durham.

McGlynn, C., Westmarland, N. & Godden, N. (2012). 'I just wanted him to hear me': sexual violence and the possibilities of restorative justice. *Journal of Law and Society*, 39(2), 213–240.

Mercer, V., Madsen, K.S, Keenan, M. & Zinsstag, E. (2015). *Doing restorative justice in cases of sexual violence: a practice guide*. Leuven: Leuven Institute of Criminology. Retrieval on: [https://www.euforumrj.org/sites/default/files/2019-11/doing-restorative-justice-in-cases-of-sexual-violence\\_practice-guide\\_sept2015-1.pdf](https://www.euforumrj.org/sites/default/files/2019-11/doing-restorative-justice-in-cases-of-sexual-violence_practice-guide_sept2015-1.pdf)

Why me? (2021). *Using restorative approaches for sexual and domestic abuse: a personal choice*. Retrieval on: <https://why-me.org/wp-content/uploads/2021/09/Why-Me-RJ-Domestic-Sexual-Abuse-2021-v3-1.pdf>

Woessner, G. (2017). On the relationship between restorative justice and therapy in cases of sexual violence. In E. Zinsstag & M. Keenan (eds), *Restorative responses to sexual violence: legal, social and therapeutic dimensions* (pp. 248–264). London: Routledge

Zinsstag, E. & Keenan, M. (eds.) (2017). *Restorative responses to sexual violence: legal, social and therapeutic dimensions*. London: Routledge.

## ART WORKS & MORE INSPIRATION

Bidegain, Maiana (2019). Film: *Rencontre avec mon agresseur*. More info: [www.film-documentaire.fr/4DACTION/w\\_fiche\\_film/56520\\_1](http://www.film-documentaire.fr/4DACTION/w_fiche_film/56520_1)

Gilsenan, Alan (2018). Film: *The Meeting*. Retrieval on: [www.themeetingfilm.com](http://www.themeetingfilm.com)



Herry, Jeanne (2023). Film: *Je verrai toujours vos visages*. More info:  
[www.allocine.fr/film/fichefilm\\_gen\\_cfilm=299938.html](http://www.allocine.fr/film/fichefilm_gen_cfilm=299938.html)

Jackman, Lawrence & Khan, Attiya (2017). Film: *A Better Man*. Retrievable on:  
[www.abettermanfilm.com](http://www.abettermanfilm.com)

No Theatre (2017). Film / Theatre play: *A Conversation*. Retrievable on:  
[www.euforumrj.org/en/film-a-conversation](http://www.euforumrj.org/en/film-a-conversation)

Power, Geoffe (2021). Theatre play: *Stronger*. More info:  
[www.gunanua.com/2021/08/stronger-by-geoff-power-2021](http://www.gunanua.com/2021/08/stronger-by-geoff-power-2021)

Thordis, Eva & Stranger, Tom (2016). TED talk: *Our story of rape and reconciliation*. Retrievable on: [www.ted.com/talks/thordis\\_elva\\_and\\_tom\\_stranger\\_our\\_story\\_of\\_rape\\_and\\_reconciliation](http://www.ted.com/talks/thordis_elva_and_tom_stranger_our_story_of_rape_and_reconciliation)

Vera, Zahy (2023). Dance performance: *No, gracias: Danzas a una niña rota*.  
More info: [www.zahyvera.com/no-gracias/](http://www.zahyvera.com/no-gracias/)

If you have other artworks you wish to share with us, please get in touch writing at [info@euforumrj.org](mailto:info@euforumrj.org). Each year, the European Forum for Restorative Justice organises activities on the arts of solidarity, justice and repair (see REStART on the EFRJ website: [www.euforumrj.org/en/arts-restorative-justice](http://www.euforumrj.org/en/arts-restorative-justice)).

