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Restorative Justice Responses to Sexual Violence: Perspectives and Experiences of Participating Persons Responsible and Persons Harmed

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ABSTRACT

The failings of mainstream Western criminal justice systems in dealing with sexual violence cases, including the potential revictimization and retraumatization, are well established. Accordingly, demand has grown for alternative justice mechanisms. Project Restore NZ is funded by the New Zealand government to facilitate specialist restorative justice processes for sexual violence cases in Aotearoa New Zealand. Referrals come both from the community and from the New Zealand criminal justice system. This research investigated the experiences and perspectives of both persons harmed and persons responsible who undertook a restorative justice process through Project Restore. A survey was made available to participants between 2016 and 2019 and was completed by 37 persons harmed and 28 persons responsible. Comprising both multi-choice quantitative and open-ended qualitative questions, the survey explored the preparatory stage, motivations, and outcomes of the restorative justice process, as well as the emotional and practical experiences of the process itself. Although there is some variation in responses, the findings indicate that a majority of both persons harmed and persons responsible generally had positive perspectives on and experiences of the restorative justice processes offered by Project Restore.

KEYWORDS

Restorative justice; sexual violence; experiences; victim-survivors; person harmed; perpetrators; offenders; person responsible

Introduction

The research presented in this paper explored the perspectives of both persons harmed and persons responsible who participated in restorative justice processes, to better understand their experiences and perspectives on restorative justice. Sexual violence is a major social issue in Aotearoa New Zealand (NZ), which has one of the highest prevalences of sexual violence against women when compared against 11 other developed countries (Turquet & Women, 2011). The definition used by World Health Organization (WHO) defines sexual violence as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advance, or acts to traffic or otherwise direct against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work” (Krug et al., 2002, p. 149).

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Project Restore NZ uses the terminology that has become commonplace in NZ across the sexual violence sector: *person harmed* for the victim-survivor, *person who caused the harm* or *person responsible* for the perpetrator, and *sexual harm* for sexual violence and sexual assault (NZFVC, 2017). In this article, we follow the lead of the sector and Project Restore and use the similar terminology, namely *person harmed* and *person responsible*, when discussing the experiences and reflections of those who participated in a Project Restore restorative justice process. However, we use the label *sexual violence* so as not to dedramatize a violent act (Julich et al., 2020). In keeping with the broader literature on sexual violence, we use the terms victim, victim-survivor and survivor to refer to victims of crime and participants in generic restorative justice processes. We use perpetrator and offender in the same way.

Statistics and existing evidence on sexual violence in the general population and both Māori and minority communities in New Zealand are scarce and are based on very small samples. The Ministry of Justice's New Zealand Crime and Victims Survey (NZCVS) (2023) is a nationwide sampling of the general population, using a methodology that reaches people who have not reported to police. Conducted annually, it defines "sexual assault as any unwanted sexual act." Each year the findings indicate that little has changed since Fanslow's et al. (2010) research. She reported that Māori (indigenous people of NZ) women had a particularly high lifetime prevalence of physical and sexual violence (57.6%), followed by European/Pākehā women (34.3%), women from Pasifika backgrounds (32.4%) and Asian women (11.5%). The NZCVS (2023) calculates the prevalence rate – which is to say the percent of adults who experienced at least one incident of sexual violence – during the period from March 2018 to November 2022. While the New Zealand average prevalence rate is 2%, this statistic masks significant variation in prevalence according to demographic factors. Fewer than 1% of men experienced sexual assault during this time period, as compared with 3% of women. People who are LGBT+ were significantly more likely still to have experienced sexual assault, with a prevalence rate of 10.2% (Ministry of Justice, 2023).

The purpose of this paper is to provide a brief background to both restorative justice in New Zealand generally and to Project Restore specifically, which is a New Zealand specialist restorative justice provider addressing sexual violence, based on the first and fourth authors' experiences and involvement. It will then present the results from a cross-sectional survey conducted between 2016 and 2019 exploring the experiences of both persons harmed and persons responsible who participated in restorative justice interventions facilitated by Project Restore. Specifically, this paper intends to: (1) describe the participants' experiences with regards to the preparatory stage, and explore the background context and motivations for perpetrators' engagement in a restorative justice process; (2) examine participants' experiences of the restorative justice process, especially in relation to a sense of justice; and (3) explore their perspectives on the restorative justice experience as a whole, including in relation to outcomes of the restorative processes.

Failure to report to police

Julich and Landon (2017) argued that offenders are practiced at covering up their offending by denying the sexual abuse and minimizing it to the extent that victim-survivors tend not to disclose or, if they do, are not believed. This was reflected in the New Zealand Crime and

Victim Survey (Ministry of Justice, 2023) which showed extremely low levels of reporting of sexual violence, with 94% of sexual assault not being reported to the police. Low reporting rates (Stoop, 2014; TASV, 2009) due to victim-blaming, not being believed, inability or reluctance to identify the experience as abusive, and the power dynamic between survivor and perpetrator (Jülich, 2006), combined with high attrition rates and low conviction rates (Triggs et al., 2009), mean that the majority of those who sexually harm have not been censured. Research on sexual violence and ethnicity has also indicated that women from ethnic minority backgrounds are less likely to report due to the taboo and shame (e.g., Lipsky et al., 2006; Rahmanipour et al., 2019; Rogers & Earnest, 2015).

Rape myths are harmful beliefs which many people hold about sexual violence that tend to exonerate perpetrators and hold the victim to blame for the sexual violence to which they were subjected. Burt (1980, p. 217) described rape myths as “prejudicial, stereotyped . . . false beliefs about rape victims, and rapists” that create a hostile climate for victims of sexual violence. Further, they justify the sexual aggression of men toward women (Lonsway & Fitzgerald, 1994). These rape myths are so damaging that they can affect the ability of the victim to gather a supportive community around them (Gray & Horvath, 2018). Common rape myths are exemplified in such statements as: women ask to be raped (Jordan, 2004, p. 42); women want to be raped (Jordan, 2004, p. 43); women ask for it (Robertson & Oulton, 2008, p. 11); women make false reports of rape (McDonald & Tinsley, 2011, p. 42). Although women tend to be the target of rape myths (Robertson & Oulton, 2008) they are not the only targets. The LGBT+ community are similarly silenced by rape myths (Galop, n.d.).

Unfortunately, rape myths have a relatively high level of acceptance that tend to silence victims of sexual violence and thereby act as a deterrent to reporting sexual violence to the police. If victims do report, rape myths can impact whether a report proceeds further in the criminal justice system and can influence the outcomes of court processes (Jordan, 2004). Narratives and explanations that support new rape myths continue to emerge (Appleyard & Jülich, *in press*). While they might vary from community to community they provide perpetrators with social and legal defenses to justify sexual violence, blame victims (Edwards, 2020), and serve to reframe sexual violence as consensual (Yardley, 2020), thereby perpetuating rape myths.

The primary aim of restorative justice addressing sexual violence is to offer an alternative justice intervention that provides victim-survivors with the opportunity to experience a sense of justice. In doing this, restorative justice is contributing to breaking down the rape myths still prevalent in our societies. This occurs during both the preparation for the restorative intervention and in the restorative process itself, as in both these stages rape myths are challenged in ways that are not permitted by the processes of the conventional criminal justice system.

A sense of justice

Previous research has shown that experiencing a sense of justice is central to the recovery process for victim-survivors of sexual violence (Daly, 2017; Jülich, 2001, 2006, 2010; Jülich & Landon, 2017; McGlynn et al., 2017). However, their reluctance to report sexual violence may be attributed in part to the adversarial nature of the criminal justice system, which can retraumatize victim-survivors during court processes, making the trial feel like a “second

assault” or “second rape” (e.g., Campbell, 2006; O’Nolan et al., 2018; Randell, 2021; TASV, 2009). A NZ Law Commission (2015) report has indicated that the extent to which victim-survivors feel supported or not will impact on their willingness to engage with the criminal justice system. While there are support services provided by Court Victim Advisors, they are predominantly limited to the victim-survivors’ interaction with the court only when charges are filed and not at other stages. Victim-survivors have also reported feeling overwhelmed and confused by the unclear procedures, technical legal aspects, and the sheer number of people they have to deal with during the court process (Boyer et al., 2019; The Law Commission, 2015).

The impacts of sexual violence on economic, psychological, and physical wellbeing can be considerable and long lasting, resulting in significant ongoing ramifications for victim-survivors, their families and their communities in terms of health and wellbeing (Brown et al., 2023; Fong et al., 2020; Fuller, 2016; Jülich et al., 2013). Therefore, negative encounters with the court and legal system can further affect the recovery of victim-survivors of sexual violence (Campbell & Ahrens, 1998). These encounters are frequently reported in the media, resulting in victims of sexual violence being aware of the potential harms resulting from engagement with the legal system and thus further deterring reporting (Appleyard & Jülich, *in press*).

Jülich’s research (2001, 2006, 2010) similarly found that conventional criminal justice was unlikely to provide victim-survivors with a sense of justice. Although alternative models have been proposed, restorative justice has been influential and significant in New Zealand, having been explicitly legislated for since 2002. Victim-survivors of sexual violence consider participation, voice, validation, vindication and responsibility as being important factors of justice – values that sit comfortably with restorative justice (Daly, 2017).

Restorative justice and sexual violence

The emergence of restorative justice came from a widespread view by those who support victims and offenders that most Western criminal justice systems have not been able to meet the needs of victims of sexual violence (Jülich, 2010). The literature has noted concerns about restorative justice addressing crime that is power-based, relational, and reflective of entrenched societal attitudes and beliefs (Daly & Stubbs, 2006; Stubbs, 2002).

Previous research on Project Restore’s processes has indicated that restorative justice can and does provide a sense of justice to participants of restorative processes (Jülich & Landon, 2017). Victim-survivors of sexual violence must deal with not only their own recovery, but they are often influenced by the recovery of others around them. Zehr (1995) argued that an experience of justice is essential to healing, which was echoed by Herman (1997). Herman also argued that once it has been publicly recognized that a person has been harmed, the community must take action to assign responsibility for the act and to repair them. However, this could further traumatize and marginalize victim-survivors while they attempt to seek redress or justice as they also have to manage the responses of the community surrounding them and, at times, those of the conventional criminal justice system.

Existing literature has generated discussion and debate reflecting a wide range of views as to the use of restorative justice in the context of interpersonal and family violence, which includes sexual violence, and about the concerns and challenges faced in real world

application (e.g., Gavrielides, 2015; Nettleton & Strang, 2018; Rubin, 2009). However, most of the studies' scopes are limited to either victim-survivor or offender perspectives, with a small number of contemporary studies looking at both perspectives (e.g., Gavrielides, 2015; Nettleton & Strang, 2018; Rossner, 2013). A further subset of research is based on the perspectives of restorative justice facilitators/convenors (e.g. Proietti-Scifoni & Daly, 2011; Suzuki & Wood, 2017). Given that the key feature of restorative justice is the interaction, either directly or through proxies, between victim-survivors and offenders (Rossner, 2013; Van Camp & Wemmers, 2013), it is important to focus on their experiences of restorative justice.

Some critics have cited power imbalances that preclude the use of restorative justice with all forms of gendered violence (Herman, 2005; Hudson, 2002). Others have maintained that adversarial systems would better serve victims of gendered violence (Hooper & Busch, 2004). Despite these legitimate arguments and concerns, restorative justice programs that have been developed specifically to address sexual violence have cautiously emerged (Koss, 2010).

Victim-offender mediation programs have been operating in the United States since the early 1970s, but these programs were not designed primarily to address sexual violence. They facilitated meetings between victims and perpetrators of sexual violence while the perpetrator was in prison, and reported high victim-satisfaction (Koss & Achilles, 2008). The term "mediation" in the name of such programs, as well as references to "resolution of conflict," is problematic for crimes of sexual violence (Koss & Achilles, 2008). The term "conflict resolution" is often used interchangeably with alternative dispute resolution (Office of Conflict Resolution, n.d.). Although sexual violence might be a conflict and crime might be disputed, reframing sexual violence as a dispute could mutualize or domesticate sexual violence, reducing victims and perpetrators to mere disputants (Cobb, 1997). As Koss and Achilles (2008) argued, crime is not a conflict to be resolved. Mediation models with their notion of a third-party neutral facilitator are not appropriate. Typically, sexual violence is a gendered crime enabled by an imbalance of power and as such challenges the notion of any preexisting equality. Any justice process that does not actively accommodate and address inequality risks replicating the societal structures that foster the disempowerment of victims.

Indigenous programs such as the circle process of North American First Nations is recognized as restorative (Koss & Achilles, 2008; Pranis, 2005). A well-documented example is Hollow Water's Community Holistic Circle Healing program which addressed intergenerational child sexual abuse (Sawatsky, 2009). Although it was subject to much critique, Sawatsky (2009) acknowledged that the program had lost momentum and had become overshadowed by the Criminal Justice System (Dickson-Gilmore & La Prairie, 2005; Koss & Achilles, 2008; Lajeunesse, 1993), but maintained that the critiques did not challenge the fundamental direction of the program.

Counsellors and therapists have been assisting victims to experience a sense of justice in Copenhagen (Sten Madsen, 2004), New Zealand (Jülich, 2006), and no doubt other places on an informal basis. The Centre for Victims of Sexual Assault, located in the University Hospital of Copenhagen, has been facilitating restorative dialogs since 2002 for women who wanted to confront the perpetrator (Pali & Sten Madsen, 2011). Because the Centre sits

outside of the criminal justice system, the hospital is unable to contact the perpetrator directly. Instead, contact must be initiated by the victim either by text or letter. Pali and Sten Madsen (2011) evaluated 16 women who had opted for a restorative dialogue in 2004. They found that 11 had not reported the sexual assault to the police, all had been subjected to rape or attempted rape, all knew the perpetrator, most were aged between 15 and 24 years, and three women were older. A review of the outcomes of the restorative dialogs identified that some women said that justice had been done either wholly or partly, while others indicated that there had been no reasonable consequences for the perpetrator given the sexual abuse they had committed. Notably, none of the women in this sample regretted engaging in the restorative dialogue, which suggests that the women experienced some satisfaction irrespective of the outcome.

RESTORE¹ was a pioneering pilot program collaboratively developed by “... law enforcement, prosecution, sexual violence advocates, and public health prevention specialists in Pima County, Arizona” (Koss, 2010, p. 218). The program addressed both serious and minor sex crimes but excluded rape and other sexual assaults in the context of intimate partner violence (Koss, 2010). Referrals to the program were made by prosecutors; on successful completion of the program, the case against the responsible person (terminology used by RESTORE) was dismissed and the case closed. The responsible person was returned to the criminal justice system if they did not complete the program.

All of the programs mentioned above – and particularly those that use face-to-face processes – engage in extensive preparation to ascertain risk and readiness to bring victims together with perpetrators. The RESTORE program used a modified conferencing model to ensure safety of participants (Koss, 2014). Safety measures included using clinical risk assessments throughout the preparatory stages, employing trained facilitators, and supervising perpetrators for the 12-month period after the conference. Koss noted that apologies are frequently considered essential for validation of the sexual violence, but that some of the victims in the RESTORE program chose not to attend exit meetings from the program at which they would receive an apology. Koss suggested that victims may not require an apology to achieve closure, and that apologies may in fact only or primarily serve to make perpetrators feel better about themselves. Jülich (2006) similarly found in her research that victims were not seeking apologies.

There were some equity issues among RESTORE participants. Caucasian victims and perpetrators were over-represented despite particular care to avoid any biases (Koss, 2014). While there were many possible reasons why the program was less appealing to minority groups, Koss determined that cultural reasons may have been a deterrent. She concluded that future programs should include cultural competence training for all those who have contact with victims and perpetrators of sexual violence.

Restorative justice in New Zealand

New Zealand’s youth justice system, while not intended as restorative, has come to be recognized as having restorative elements (MacRae & Zehr, 2004). Instead of sending young people to Youth Courts and possible incarceration in juvenile detention centers, diversionary mechanisms have been implemented. If low level diversion is unsuccessful young people are referred for a family group conference. This innovative approach to addressing youth offending has impacted the adult criminal justice system. Judges called for a similar

approach in the adult jurisdiction and so restorative justice was introduced in New Zealand through the late 1990s (Jülich, 2006; Mansill, 2013). Restorative justice provider groups became established throughout New Zealand and began providing restorative processes to cases referred to them by the NZ criminal justice system. To support these new initiatives, legislation and amendments were introduced (Mansill, 2013). This history is evident in the form of restorative justice practiced in New Zealand today; as conferences were already an established part of the criminal justice system, they were adopted for the development of restorative justice and remain the most commonly used restorative justice format.

The purpose of the New Zealand Victims' Rights Act (2002) was "to improve provisions for the treatment and rights of victims of offences," including but not limited to victims of sexual offenses. Subsequently, the New Zealand Victims' Rights Amendment Act (2014) provided a new section (s9) which stipulated that if the victim wished to meet with the offender to resolve issues relating to the offense a referral should be made by court staff or the police to a restorative justice provider group for an assessment of suitability to engage both the victim and the offender in a restorative conference. Supporting this, the New Zealand Sentencing Act 2002 and the New Zealand Sentencing Amendment Act (2014) have required judges to take into consideration the outcomes of restorative process when sentencing an offender.

Jülich and Bowen (2015) provided a good description of the process involved in restorative justice processes that address crime in New Zealand. It does not replace the conventional criminal justice system but is an additional layer of justice funded by government and provided by non-government community groups known as restorative justice providers. Restorative interventions take place pre-sentence (following a guilty plea). Amongst other things, restorative justice provides victims of crime an opportunity to tell their story and to articulate the effect of the offending against them. The restorative process has only proceeded if the offender pled guilty (if referred by the court) and if the victim and offender both agreed to take part. However, there have been some recent policy changes. Police can now refer cases to restorative justice pre-charge and the courts similarly now can refer pre-trial as per Section 192(3)(a) of the NZ Criminal Procedure Act (2011). Section 57 of the NZ Evidence Act (2006) allows the charges to be withdrawn if the restorative process is successful.

It is important to note that restorative justice is not the same as mediation because it expects the offenders to accept responsibility for their actions and it does not ask the victim to compromise in the interest of reaching an outcome (Jülich & Buttle, 2010; Jülich et al., 2020). The adoption of restorative justice in New Zealand provided victim-survivors of sexual violence an opportunity to meet with offenders and take part in a restorative justice process if they choose to so do (Jülich & Bowen, 2015). The processes described here are the same for sexual violence cases that are referred by the NZ criminal justice system.

Project Restore

Project Restore was launched in August 2005 to provide specialist restorative processes specifically designed to address sexual violence (Jülich et al., 2020). Inspired by the work of Koss et al. (2003) and the research of Jülich (2001), Project Restore is located in the community across agencies that support victim-survivors of sexual violence. Project Restore is currently the only restorative justice provider group funded by the government

to provide services for cases of sexual violence throughout New Zealand. Since its inception almost 20 years ago, Project Restore has accrued much experience by addressing a wide range of historical and current cases representing various gender dynamics.

Project Restore's processes differ from generic restorative justice processes in a number of ways. Critically, while generic restorative justice uses only a facilitator, Project Restore uses specialist support roles for both the person harmed and the person responsible. Additionally, Project Restore processes do not aim to restore relationships. Instead, the purpose is to *transform* relationships, including addressing wrongs and rebalancing underlying power dynamics, in order to provide the person harmed with a sense of justice and to allow them to safely coexist with the person responsible in any shared communities (Jülich & Buttle, 2010).

Project Restore receives some 300 referrals per year and facilitates some 40 to 50 restorative processes per year. Approximately 85% of referrals come from the criminal justice system, which includes courts, police or the Department of Corrections. When a case is referred by the courts the judge calls an adjournment so that the possibility of a restorative process can be determined. Upon conclusion of the restorative process, the case returns to the referring agency for the completion of any legal proceedings. The presiding judge is provided with a report prepared by the Project Restore facilitator to assist decision making when determining sentencing. In line with the new policies Project Restore now receives referrals from the police and the courts pre-charge and pre-trial. Referrals from Department of Corrections are assessed in the same way as other referrals and are convened inside the prison if the process goes ahead.

The remaining 15% of referrals are made up of community referrals, which includes referrals from the person harmed or the person responsible, as well as third parties such as therapists or social service agencies. For cases not referred by the criminal justice system, Project Restore sits outside of the criminal justice system but the process is similar to that used for referrals from the criminal justice system.

Project Restore developed their own restorative justice model specifically for addressing sexual violence. Known as the three-legged stool, the model is based on the conferencing model prevalent in New Zealand and comprises a restorative justice facilitator, a survivor specialist and an accountability specialist (previously known as a harmful sexual behavior specialist). The survivor specialist works directly with the person harmed, while the accountability specialist works directly with the person responsible. The restorative justice facilitator is qualified to work with cases referred by the criminal justice system and has training in the dynamics of sexual violence. This three-legged stool model forms the basis of Project Restore processes and is reflected throughout the organization including the governance board.

Project Restore's process begins with a preparation phase. The purpose of preparation is to ensure that the restorative justice process is psychologically safe for both the person harmed and the person responsible. This work often includes educating participants on the dynamics of sexual offending and challenging any harmful actions or statements, for example rape myths or language that minimizes the harmful sexual behavior. The survivor specialist and accountability specialist make initial contact with the person harmed and the person responsible respectively to assess suitability. They also help to identify appropriate support people such as friends and family and undertake preparatory work to ensure that everyone has a clear understanding and a realistic understanding of what is possible. The

survivor specialist supports the person harmed to identify desired outcomes, while the accountability specialist supports the person responsible in survivor empathy work. The specialists provide continuity of care, supporting the people they work with during preparation through to the restorative justice process itself and into debriefing or follow-up afterward.

The restorative justice process itself is led by the facilitator, whose role involves guiding everyone through the process and ensuring that the ground rules and values of restorative justice are upheld throughout. The facilitator oversees the process to make sure that it is fair, which necessitates making sure that all parties have a clear understanding and give informed consent. In the context of sexual violence, the values of restorative justice also include foregrounding the needs of the person harmed and holding the person responsible to account. The facilitator works in conjunction with the survivor specialist and accountability specialist to achieve this. The facilitator is also responsible for producing the report. This is provided to participants and anyone else agreed to as part of the restorative justice process, as well as to the judge in the case of a court referral.

These three specialists maintain ongoing communication, which is critical to facilitate difficult conversations and to manage the overall process. Throughout the preparation, all three specialists assess parties' suitability, preparedness, and capacity to engage, with a particular regard to whether the needs of the person harmed can be safely met through the process. In the background, a clinical supervisor provides professional oversight but does not have any direct contact with the person harmed, the person responsible or their supporters.

Working with this core team, Project Restore has developed several restorative processes to respond to the particular needs and dynamics of sexual violence. The overwhelming majority of Project Restore processes operate according to the conference model. This model brings together the person harmed and the person responsible, along with their support people and the three experts who support each other to facilitate the process. However, a range of flexible processes are available, taking into account the specific circumstances of the case and the wishes of the person harmed. If the person harmed does not wish to attend the restorative process themselves, they may be represented by an advocate. Alternatively, shuttle mediation allows for messages to be "shuttled" between the person harmed and the person responsible in order to reach agreed outcomes, such that the parties need not meet. Harm that has been caused as a result of the sexual violence must be addressed prior to any restorative intervention. For example, in the case of historic child sexual abuse, Project Restore specialists may need to repair the relationship between the now adult child and the non-offending parent as part of the preparatory work. This ensures that all intending participants can participate in the restorative process in a meaningful way.

Importantly, in light of the power dynamics that both sit behind and result from sexual violence, Project Restore does not ascribe to the neutral third-party approach of mediation but, rather, practices balanced partiality. Specialists challenge distorted thinking, subtle manipulation and minimization of harmful sexual behavior that serve to perpetuate rape myths and replicate any patriarchal structures that might exist within the restorative process. In this way Project Restore is educating those that are involved in its restorative processes. This has led to the purpose of the current study which is to gain a better understanding of Project Restore.

Methods

Study design

Two sets of surveys were used to explore, separately, the perspectives and experiences of persons harmed and of persons responsible in relation to Project Restore's restorative justice processes. These two cohorts were selected as they represent the major stakeholders in a restorative justice process. Survey questions were based on direct consultation with Daly (2014, 2016) and existing research (Julich et al., 2010), and developed by the first and fourth author and other Project Restore staff. The survey for person harmed totalled 35 questions, while the survey for person responsible comprised 33 questions. The research project was peer reviewed and determined to be low risk. As such, a low-risk notification (LRN 4000016003) was advised, accepted and subsequently recorded in the Massey University Human Ethics register in 2016.

Due to the small population of Aotearoa New Zealand, and the very low number of cases that are referred to Project Restore each year, great care was taken with regard to the type data requested so as to not risk compromising the anonymity of participants. Moreover, due to the anonymous online format of the survey that were required by the low-risk notification criteria, the research team was unable to provide referrals for follow-up counseling services as would be appropriate for research involving sensitive questions, for example about the nature of the sexual violence experienced. As such, data was not collected as to participants' age, gender or ethnicity. Similarly, participants were not asked to provide background details about the nature of the sexual violence, the relationship between the victim-survivor and perpetrator or the specific outcomes of the restorative justice processes. The low levels of reporting and the high rate of attrition amongst sexual violence cases that are reported mean that very few cases go to court, and so data was also not collected as to whether participants came to Project Restore as a criminal justice system or community referral.

Participants

Participants in the surveys had participated in restorative processes delivered by Project Restore between 2016 and 2019. They had agreed to be contacted for research purposes and, after the conclusion of the restorative justice process, were given the link to access the online survey. Participants had come through a mix of both criminal justice system and community referral pathways. Those persons responsible who were referred by the criminal justice system were guilty of an indictable offense and were subsequently convicted.

Persons responsible who were in prison, and thus unable to access the online survey, were provided with paper copies. Upon receipt of the completed paper survey, the first author inputted the data online. The survey contained an information sheet as well as another request for confirmation of consent. By the close of survey in 2019, a total of 37 victim-survivors and 28 perpetrators had completed the survey.

Measures

For the purpose of this paper, questions were chosen for analysis under three categories: preparation for restorative justice, restorative justice experience, and reflections on the process.

Preparation for restorative justice: Questions in this section focused mainly on how victim-survivors and perpetrators were prepared to participate in the restorative justice process. Persons responsible were also invited to comment on why they decided to participate in a restorative justice process.

Restorative justice experience: Questions in this section asked about respondents' experiences of the restorative justice process itself and of the outcomes it provided. Questions of persons harmed explored whether they were able to actively participate in the process and whether they felt their voice was heard. Persons harmed were also asked for their perspectives on whether perpetrators took responsibility and were invited to share any attempts that offenders had made to put things right. Questions to persons responsible focused on whether they accepted responsibility for their behavior, and invited comments about what it was like to face the victim-survivor and other participants.

Reflections on the process: This section asked about respondents' satisfaction with regards to how the restorative process was run. Persons harmed were asked if restorative justice helped them to experience a sense of justice. A series of open questions invited comments from persons harmed in relation to restorative justice and their experiences of a sense of justice. Similarly, an open question invited perpetrators to share views of justice following sexual harm being addressed by a restorative process.

Statistical analyses

During the time the survey was available, Project Restore convened 128 restorative processes for which persons harmed and persons responsible had agreed they could be contacted for research. Administration staff at Project Restore sent invitations to those persons harmed and persons responsible participating in Project Restore's restorative processes. There were staff changes between 2016 and 2019 and so we cannot be certain that invitations were sent to all those who participated in Project Restore's restorative processes. Therefore, we cannot ascertain an accurate response rate.

While those who completed a restorative justice process through Project Restore were given the link to the survey, it was left up to their discretion as to whether, and when, to complete the survey. This, coupled with the anonymous nature of the survey, means that we do not know whether respondents were real dyads, i.e., persons harmed and persons responsible who had participated in the same restorative justice process. As such, the analysis cannot be of "interactions" between them in restorative justice processes.

All survey data were entered into a spreadsheet, checked for accuracy, and tabulated at the individual question level. All questions were optional; as such, each individual question was answered by a subset, but not all, of respondents. While a total of 37 usable surveys from persons harmed were received, the number of respondents that answered any individual question within the survey is lower. Percentages are calculated based on the number of respondents for each individual question.

Due to the small cohort sizes and the absence of information about key background and demographic variables, only descriptive statistics are provided. As a result of the small sample sizes, some response rates are very small. These are nonetheless included, as the perspectives and experiences explored in the research are highly personal, and these responses are no less valid for being outliers.

Participants were also invited to respond to open questions throughout. A majority of the open questions related directly to the previous multichoice questions, providing an opportunity for respondents to elaborate upon or provide nuance to their multichoice answers. These qualitative comments are presented in light of the multichoice questions that they relate to, as they complement, illustrate and expand upon the descriptive results.

Results

Preparation for restorative justice

Most persons harmed (97%) and persons responsible (96%) met in person with a Project Restore Specialist to prepare for the restorative justice process (see Table 1). Others met via telephone or audio-visual platforms, either as well or instead of meeting in person. A restorative conference was the most common type of restorative process participated by both groups (>82%).

An important part of the preparation is to ensure the restorative justice process is appropriate, considering the needs and psychological safety of the person harmed. As such, input from the person harmed into the format and participants is important. Seventy-three percent of persons harmed (see Table 2) reported contributing to deciding which

Table 1. Preparation for restorative justice.

	N(%)	
	Person Harmed N = 34 (92)	Person Responsible N = 23 (96)
Engagement with the process^a		
In person with a Project Restore case worker ^b	33 (97)	22 (96)
By telephone with a Project Restore case worker	22 (65)	10 (43)
By Skype or other audio-visual media with a Project Restore case worker	3 (9)	5 (22)
Types of restorative process participated^a		
Restorative conference	30 (88)	19 (83)
Shuttle mediation	2 (6)	0 (0)
Facilitated meeting between person harmed and person responsible	9 (26)	6 (26)
Represented by a Project Restore case worker in a community panel	0 (0)	3 (13)
How long since restorative process?		
Within the last month	6 (18)	3 (13)
Within the last 3 months	11 (32)	7 (30)
Within the last 6 months	14 (41)	6 (26)
Within the last year	1 (3)	7 (30)
More than a year ago	2 (5.9)	0 (0)

^aMultiple answers allowed.

^bCase workers include restorative justice facilitators, survivor specialists and accountability specialists.

Table 2. Persons harmed – perspectives on their input during preparation.

	N(%)		
	N = 33 (89)		
	“Yes” to “Mostly”	“Not Sure”	“No” to “Not Really”
Contributed to deciding which restorative process you would like	24 (73)	4 (12)	5 (15)
Relevant people invited to attend the restorative process	33 (100)	0 (0)	0 (0)

restorative process they wanted. All persons harmed (100%) agreed that the relevant people were, or mostly were, invited to attend the restorative process.

Restorative justice experience – persons harmed

Most persons harmed (97%) reported they were able to ask all the questions they wanted to ask during the restorative process, and 91% reported that all of their questions were answered (see Table 3). The same proportion (91%) were satisfied with the overall level of input they had in the restorative process. Slightly fewer were satisfied with the information they found out about the offending, and felt their needs were taken into consideration as agreements were made (both 85%).

Persons harmed reported that 91% of perpetrators apologized for the harm caused to the persons harmed during the restorative process (see Table 4). However, fewer (78%) admitted the wrongdoing and answered questions asked of them by the victim-survivors and others (78%). Slightly fewer still took responsibility for the harm they caused or apologized for the harm they caused to others. While only 26% of perpetrators explained why they had sexually harmed the person harmed, a further 48% of persons harmed felt the person responsible

Table 3. Persons harmed – perspectives on the restorative justice process.

	N(%)		
	N = 33 (89)		
	“Yes” to “Mostly”	“Not Sure”	“Not Really” to “No”
Able to ask all the questions you wanted to ask during the restorative process	32 (97)	0 (0)	1 (3)
Your questions were answered	30 (91)	1 (3)	2 (6)
Satisfied with the overall level of input you had in the restorative process	30 (91)	0 (0)	3 (9)
Satisfied with the information you found out about the offending	28 (85)	1 (3)	4 (12)
Your needs were taken into consideration as agreements were made	28 (85)	3 (9)	2 (6)

Table 4. Persons harmed – perspectives on engagement from persons responsible.

	N(%)				
	N	%	“Yes”	“Partly”	“No”
During the restorative process, did the person who harmed you?					
Apologise for the harm they caused you	32	86	29 (91)	3 (9)	0 (0)
Admit that what they did was wrong	32	86	25 (78)	7 (22)	0 (0)
Answer questions asked of them by you or others	32	86	25 (78)	6 (19)	1 (3)
Take responsibility for the harm they caused	32	86	23 (72)	9 (28)	0 (0)
Apologise for the harm they caused others	32	86	23 (72)	6 (19)	3 (9.4)
Explain why they sexually harmed you	31	84	8 (26)	15 (48.4)	8 (26)
Minimise their sexually harmful behavior	28	76	5(18)	7 (25)	16 (57)

Table 5. Person harmed – perspectives on responses to their story.

	N	%	“Yes” to “Mostly”	“Partly” to “No”
Did anyone challenge your story?	31	84	2 (6)	29 (94)
Able to describe the impacts on your life	30	81	29 (97)	1 (3)
			“Yes” to “Somewhat”	“No”
Did the person who harmed you listen to your story?	31	84	30 (97)	1 (3)
			Yes	No
During the restorative process, did you feel you were believed?	33	89	31 (94)	2 (6)

Table 6. Persons harmed – perspectives on person responsible putting things right.

	N(%) N = 34 (92)		
	“Yes”	“Not Sure”	“No”
Did the person who harmed you make any attempts to put things right?	23 (68)	3 (9)	8 (24)

partially explained their behavior. However, nearly half of persons harmed felt that the person responsible minimized their sexually harmful behavior to some extent.

Very few persons harmed (6%) (see Table 5) reported that someone had challenged their stories during the process. Conversely, 97% felt that the persons responsible had listened or somewhat listened to their stories. The majority of persons harmed reported that they were able to describe the impacts on their lives to the participants of the restorative process and felt they were believed during the process.

Four written comments were provided by respondents in relation to questions about telling their story, all of which shared a similar sentiment about the importance of telling the perpetrators the extent of the harm they caused. One respondent observed that this, “type of harm can last a lifetime if you don’t get an opportunity to express it.” Another respondent remarked, “He understood the consequences to both of our families, and he was horrified by it. That was healing.”

Approximately two thirds (68%) felt the persons responsible made some attempt to put things right (see Table 6). Sixteen written comments were made in response to an open question about how the person responsible tried to put things right. Examples given included the person responsible pleading guilty, apologizing, showing remorse, and seeking treatment such as counseling or addiction therapy. One respondent explained that the person responsible “[p]lead[ed] guilty to all the charges against him, going against the direction of his lawyer. He said, ‘I did it, so I won’t fight it.’” Another described that the person responsible “agree[d] to attend a sexual abusers counselling program and agreed to supervised visits with other children upon release.” Three comments related to monetary reparations, such as the respondent who noted that, “He didn’t completely put things right, but he made attempts to help me by giving me money needed for glasses and my NCEA fees, as his actions stopped me from being able to pay for those two things.”

Restorative justice experience – persons responsible

A majority of the persons responsible (80%) had pleaded guilty prior to participating in restorative justice (see Table 7). However, 15% reported that they felt pressured to plead guilty.

Table 7. Persons responsible – admission of guilt in court.

	N(%)			
	N	%	“Yes”	“No”
Did you plead guilty prior to participating in the restorative justice?	25	90	20 (80)	5 (20)
Did you feel pressured to plead guilty?	18	22	4 (15)	14 (52)

Two respondents commented specifically in relation to feeling pressure, shedding further light and speaking to two very different interpretations. The first respondent spoke of frustration with the charging decisions made by the Crown Prosecution Services and felt that “the current politics of gender favor the vocal and the feminine.” This same respondent commented elsewhere that they decided to participate in restorative justice due to “pragmatism” and that they pleaded guilty due to “strategy,” suggesting that their participation overall was cynical and insincere. By contrast, a second respondent expressed that, “All the pressure came from within myself. I felt the need to say sorry and this was my way of showing it.”

This second comment was echoed by other respondents who spoke more broadly about their motivations for pleading guilty. Fourteen comments were made in relation to this question, most of which revolved around feeling guilty, accepting they had done wrong, and not wanting to cause further harm to the person harmed. One perpetrator said, “I accepted what I did was wrong and owned my charges. I did not want to go to trial as I had harmed the victims enough already.” Another said they pleaded guilty “because it was the right thing to do, not only for me but the person I harmed as well.”

Most persons responsible (95%) said they wanted to acknowledge their accountability and take responsibility for the harm caused, and the same proportion reported that they did so during the restorative process (see Table 8). All those who answered reported that they did apologize for the harm caused during the restorative process.

The qualitative comments again add further nuance and detail to these experiences. Persons responsible were asked what it was like to face the person harmed and other participants, and what emotions the experience brought up for them. Fear, shame, anxiety, guilt and relief were common themes through the comments. One respondent described the process as “the hardest thing I have had to do . . . I entered and burst into tears as my emotions overwhelmed me.” Another respondent noted that it was “very scary, a lot of anxiety beforehand, I felt I had to attend and do the right thing. If they were brave enough to see me, I had to be brave enough to face up to them.” This mix of fear and relief is echoed by a respondent who described, “I felt sick, my anxiety and fear was unbelievable. . . . I felt shame and regret, but relief as well to give them answers to their questions to the best I could.”

Table 8. Persons responsible – engagement with the restorative justice process.

	N(%)			
	N	%	“Yes”	“No”
Did you want to acknowledge accountability?	22	79	21 (95)	1 (5)
Did you acknowledge responsibility for the harm caused during the restorative process?	21	75	20 (95)	1 (5)
Did you apologize for the harm caused during the restorative process?	20	71	20 (100)	0 (0)

Persons responsible were asked whether and how the process helped them to work through these emotions; this question elicited 19 comments. With the exception of the previously mentioned respondent whose participation appeared insincere, respondents indicated that they had found the process helpful with regards to their emotions. Many respondents noted that they found the process of talking and hearing from the person harmed to be valuable. One respondent explained, “Verbalizing some things did allow me some clarity, and hearing my victim speak gave boundaries and real weight to my sadness and shame.” Some respondents noted that, “Talking was what helped,” and focused primarily on the process: “I got to hear from the victim and their support person and see their thoughts.” Others explained the process “made me more determined to take responsibility for my actions,” and that “I was able to talk to the person face-to-face which helped me deal with my offending and what they went through.”

Reflections on their restorative justice experience

A majority of persons harmed met with Project Restore caseworkers to debrief, and most felt the debriefing was helpful (see Table 9). Significantly, 91% felt restorative justice provided them with a “sense of closure,” and 80% with a “sense of justice.”

Most of the comments around achieving a sense of justice spoke of the importance of having the opportunity to confront the perpetrator and tell their stories. One respondent (person harmed) commented that, “I got to share the impacts of the abuse with the perpetrator. . . . I was encouraged to speak my truth. In doing so I have acknowledged I do have a voice.” Similarly, another respondent answered, “I had a chance to speak directly to the person who hurt me and let him know the harm he caused.” The significance of being able to do this was clearly articulated by the respondent who answered, “I said what I needed to say, and I was heard. It was empowering.” Other persons harmed commented specifically on the importance of being able to “look the offender in the eye” and “see how sorry he was.”

Amongst persons responsible, 89% felt that the restorative justice process was the most satisfying process they had experienced related to justice, as compared with only 11% who indicated that they found appearing in court to be more satisfying (see Table 10).

Persons responsible were invited to comment on what they saw as “justice” following sexual harm. Their responses tended to focus on “being held accountable” or some variation thereof. One respondent described justice as “making amends, apologizing, admission of guilt and explanation so as to bring as much closure to the victim as possible,” while another respondent said the restorative justice process “allowed me to show my remorse, and to understand the impact on the whole family.”

Table 9. Persons harmed – reflections on restorative justice experience.

	N(%)			
	N	%	Yes	No
Met with the Project Restore caseworkers to debrief	34	92	25 (74)	9 (26)
Debriefing with the Project Restore caseworkers helpful	23	62	21 (91)	2 (9)
Restorative justice provided you with a “sense of closure”	32	86	29 (91)	3 (9)
Restorative justice provided you with a “sense of justice”	34	92	27 (80)	7 (21)

Table 10. Persons responsible – satisfaction in relation to justice interventions.

	N (%) N = 19 (68)	
	Court appearance	Restorative Justice
Considering all the processes you have experienced in relation to justice, which did you feel was the most satisfying?	2 (11)	17 (89)

Table 11. Persons responsible – perspective of support from accountability specialists.

Did you feel supported by the accountability specialist ...	N	%	Yes	No
In the preparation stage?	21	75	21 (100)	0 (0)
During the process itself?	20	71	19 (95)	1 (5)
After the restorative process?	20	71	18 (90)	2 (10)

Although persons responsible were not asked to comment on the debriefing process specifically, most said they felt supported by the accountability specialist at all stages throughout the restorative process (see Table 11).

Twenty-one respondents commented about what it was like to work with the accountability specialist through the restorative justice process. Although one respondent expressed some frustration with the lack of engagement after the completion of the restorative justice process, the other comments described the engagement as helpful and supportive. One respondent said “It was obviously challenging confronting and talking about my negative actions and patterns of abusive behaviors, but ultimately very helpful and well guided.” Other respondents described the practical support provided by the accountability specialist when it came to guiding respondents through the process, answering questions, providing a supportive and understanding environment, and encouraging respondents to seek help.

All persons responsible reported that they understood the purpose of the restorative process prior to the event and felt supported by the accountability specialist in the preparation stage (see Table 12). Further, the majority of persons responsible felt they were treated with respect, that they were treated fairly, and that they had a voice in the process.

Ten respondents answered to an open question asking what made them decide to participate in restorative justice. Of those, most mentioned that it was the right thing to do, and that it would help the person harmed. One respondent explained that, “It may help the victims by expressing my regret and giving them the opportunity to ask questions and with a hope for a relationship in the long term.” Another comment expressed, “It was

Table 12. Persons responsible – perspectives on the process.

When you participated in the restorative process ...	N (%) N = 19 (75)	
	“Yes” to “Mostly”	“No”
Understand the purpose of the restorative process	21 (100)	0 (0)
Treated fairly	19 (90)	2 (10)
Treated with respect	20 (95)	1 (5)
Had a voice	19 (90)	2 (5)

offered as a way to help the victim heal, and to help aid the process of rebuilding my family, so I happily accepted.” Other respondents referred to being motivated by the opportunity to apologize and to make amends.

Discussion

Preparation for restorative justice

Both cohorts indicated that they had similar preparation experiences, with nearly all respondents having met with a Project Restore survivor specialist or accountability specialist to prepare.

Amongst the various criticisms of the criminal justice system are the confusion and the sense of being overwhelmed that victim-survivors experience as they go through a court process (Boyer et al., 2019). Project Restore’s preparatory stage gives an opportunity for persons harmed to get an understanding of the process, to work through information at their own pace, to have a say in the format of the restorative process and in who is invited to attend. Most persons harmed indicated they contributed to choosing the restorative process, and all said that relevant people were invited to attend the restorative process.

Restorative justice experience – persons harmed

Taken as a whole, the responses indicated that persons harmed had generally positive experiences of the restorative justice process. In contrast to the adversarial court room which often silences victim-survivors and relegates them to the role of mere witness (McDonald & Tinsley, 2011), most persons harmed indicated that they were able to have input, ask questions, have their needs taken into consideration, and speak of the impacts on their life. However, there was considerable variation across questions, with some questions pointing to areas where there are issues of concern or areas where more work is required.

As described above, the Project Restore process is not designed as neutral mediation. Rather, there is an explicitly educational aspect to the process, and, during the preparatory stage, the accountability specialist works with the person responsible to actively build empathy and to challenge rape myths. Despite this, nearly half of persons harmed said that the person who harmed them minimized their sexually harmful behavior to some extent during the restorative justice process (see Table 4). The occurrence of minimization is similarly revealed in responses to other questions – for example, the 22% of persons harmed who reported that the persons responsible only partly admitted that what they did was wrong, or the 28% who only partly took responsibility for the harm they caused. This minimization is in keeping with known patterns of perpetrators (Jülich & Landon, 2017). That it continues to occur during the restorative justice process strongly suggests that, despite the preparatory work, some persons responsible continue to subscribe to rape myths and fail to take full responsibility for the sexual violence and for the harm they perpetrated.

A majority (91%) of persons harmed reported that persons responsible apologized for the harm they caused to them (see Table 4). However, this figure drops to 72% when it comes to apologizing for the harm they caused others. Sexual violence has wide-reaching impacts on family, friends and community (Brown et al., 2023; Fong et al., 2020; Fuller,

2016), the lower apology rates by persons harmed suggest a possible failure to realize the full extent of the harm caused.

Another item of concern relates to the 12% of persons harmed who were not satisfied with the information they found out about the offending. It should be noted that at the time of the restorative process, not all persons responsible have completed a treatment program. They may still have cognitive distortions and do not yet understand what triggered the offending. Without further research, it is unclear what the cause is. Some 97% of persons harmed reported that they were able to ask all or most of the questions they wanted to ask during the restorative process, which suggests that information is sought by persons harmed. It is possible that a sustained belief in rape myths is again a contributing factor. If a person responsible does not take full responsibility and downplays the severity of the violence and/or the resulting harm, they may be less forthcoming with information about it. However, this is only one possible explanation. Alternatively, many persons responsible referred to feelings of guilt, anxiety and shame, and these may have impacted their ability to articulate the information that was being sought. Further research would be required to identify causes beyond speculation.

Sexual violence itself is often described as silencing of victim-survivors (Jülich, 2001), and this is often further reinforced in the court room, particularly through the cross-examination process (Randell, 2021), yet the ability to tell their story and to be believed has been identified as highly relevant to justice for victim-survivors (Brady-Clark, 2022; Daly, 2017; Jülich, 2006; Jülich & Landon, 2017). Positively, nearly all persons harmed indicated that they were able to describe the impacts of the sexual violence on their life (see Table 5). Moreover, persons harmed reported that their stories were appropriately received, with the overwhelming majority reporting that their story was not challenged, that they felt they were believed, and that the person responsible listened.

Restorative justice experience – persons responsible

Much of the data in this section are qualitative, and, with the aforementioned exception (the seemingly insincere and cynical respondent), the overwhelming majority of respondents' answers suggested that they participated in restorative justice on a genuine, good faith basis. They described intense and challenging emotions throughout the process, as would be expected from sincere engagement in the tasks demanded by the restorative justice process.

A majority of persons responsible said they wanted to acknowledge their accountability and take responsibility for the harm caused (see Table 8). This is consistent with the many comments that emphasized the value of talking with and hearing from the victim-survivor, including as part of their taking responsibility, and is further echoed by respondents' descriptions of their engagement with the accountability specialist.

However, there is a notable discrepancy between the high percentage of persons responsible who reported acknowledging responsibility and the comparatively low percentage (68%) of persons harmed who reported that the persons responsible made some attempt to put things right (see Table 6). Persons harmed offered a diverse array of examples in their comments, speaking to the breadth of possible ways for persons responsible to take steps to attempt to make things right, including practical, preventative, therapeutic and psychological initiatives. Nonetheless, the marked gap between these two figures suggests that persons responsible may struggle to translate taking responsibility into concrete actions. This is an area deserving of further attention in the preparatory stage.

Reflections on the restorative justice experience

The literature indicates that experiencing a sense of justice is important for the recovery process of victim-survivors (Daly, 2017; Jülich, 2001, 2006, 2010; McGlynn et al., 2017). The formal implementation of restorative justice in New Zealand came about as a result of legislation designed to improve justice for victims of crime (Victims' Rights Amendment Act, 2014). To that end, 91% of persons harmed reported that restorative justice provided them with a sense of closure, and 80% reported that it provided them with a sense of justice (see Table 9). These results indicate that Project Restore's restorative justice process is a good option for many victim-survivors but does not provide a sense of justice for all who participate.

For restorative justice to be effective, both the person harmed and the person responsible must be engaged and invested in the process. To this end, the work done by the survivor specialist and the accountability specialist during the preparatory stage is essential for ensuring an understanding of the process and setting clear expectations. That all persons responsible reported understanding the purpose of the restorative process (see Table 12) speaks to the strength of this work.

While Court Victim Advisors are available for victim-survivors engaging with the court process, the engagement is unfortunately limited to the duration of the court process (The Law Commission, 2015). In contrast, the Project Restore process includes follow up with the specialists after, which is critical for those involved to process and reflect on the experience. Unfortunately, a quarter of persons harmed indicated that they did not meet to debrief afterward (see Table 9). We do not know how many of these were due to the person harmed making the decision not to have any debriefing meetings, and how many were due to process failures. However, of those who did meet to debrief, almost all found it helpful. Similarly, most persons responsible reported that they felt supported by the accountability specialist after the process.

Limitations and integrity of responses

It is important to note that respondents answered this survey after they had completed the restorative justice process and that responses were anonymous. This is particularly significant in the case of perpetrators, as it means there was no incentive to give false answers: perpetrators could not be advantaged by being seen to give answers that they considered would be regarded as favorable. In fact, the survey offered a consequence-free opportunity for perpetrators to express any feelings of frustration or disagreement with the process.

This is well demonstrated by the respondent who was open about their cynical motivations for participating in restorative justice. Their comments raise questions about how they were allowed to participate, and the screening process² undertaken. A guilty plea is required for a court referral, and Project Restore requires all perpetrators, regardless of the referral pathway, to have expressed a willingness to repair the harm. However, neither of these actions mean that a perpetrator has accepted responsibility. Moreover, perpetrators may be intentionally deceptive if they consider it in their best interests. These offender mind-sets may be present, but our interpretation of the data is that perpetrators were sincere in their answers; specifically, we believe they were generally positive about the process, felt remorse, and wanted to make things right.

Conclusions

Although there is some variation in responses, the data indicate that both persons harmed and persons responsible generally had positive perspectives on and experiences of the restorative justice processes offered by Project Restore. However, the data also points to some areas where further work is required. In particular, although Project Restore takes an active role in educating participants with regard to the dynamics of sexual violence, responses indicate that some persons responsible continue to minimize sexual violence and their responsibility.

Notably, many of the areas that respondents' positive comments focused on are not otherwise well provided for by mainstream court processes. This includes the ability for the person harmed to speak directly to the person responsible, and for the person responsible to express their remorse. While persons harmed may read a victim-impact statement at a court proceeding, there are a number of aspects that make the restorative justice process markedly different, including: the active facilitation provided by the restorative justice team; the specialized support for person harmed and person responsible, both in preparation and during the process itself; the allowing of organic expression (as compared with the constraints of a pre-prepared statement); and the encouragement of dialogue, including the opportunity for the person harmed to ask questions and get answers, and for the person responsible to acknowledge and apologize for the harm caused. These attributes of the restorative justice process are all ones that respondents have attributed value to in their comments.

Both cohorts' responses contained evidence of genuine engagement with the restorative justice process, including consideration of the specific circumstances and particularities of their own cases. However, persons harmed reported that comparatively few persons responsible made some attempt to put things right, despite most persons responsible acknowledging accountability. This suggests more work is needed to support these responses so that taking accountability can be translated into concrete actions. Of those who did make some attempt to put things right, persons harmed described a diverse range of actions, suggesting that, in at least some cases, persons responsible had taken into account the particular impacts of the harm they had caused and given thought to how to make up for it, as well as to what they needed in order to ensure they did not reoffend. Persons responsible described the significance of hearing the reality of the impact of the harm they had caused. Their emotional responses as they faced and heard from the persons harmed suggest that they, to varying degrees, took on board the wrongness of their particular actions and acknowledged the specific harm they had caused to both persons harmed and others.

Project Restore uses a specialized process which was developed specifically to respond to the particular issues and dynamics of sexual violence. This involves practicing balanced partiality and undertaking conscious and deliberate education work. Moreover, each process involves three professional staff, including specialist support for both the person harmed and the person responsible, all of whom have had specific training in relation to sexual violence. As evidenced by the issues noted such as the persistence of minimization, this is sorely needed, as a generic restorative justice process is unlikely to be safe for persons harmed.

Many of the elements that contributed to respondents' positive experiences of restorative justice are, although not inherently unique to restorative justice, particularly well-suited to a specialized restorative justice process, which allows for a relatively high degree of personalized engagement and flexibility of outcomes. The areas identified as in need of further development are in keeping with these elements, and their improvement would reflect a strengthening of specialized restorative justice practice rather than an alteration. As such, this research indicated that, where both person harmed and person responsible have a genuine and good faith interest in pursuing a restorative justice process, specialized restorative justice can provide a positive experience for both parties.

Notes

1. Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience.
2. The first screening occurs within the courts, prior to reaching Project Restore. If either the victim or offender indicate that they do not want to go to restorative justice, the referral is not made.

If the referral is made, Project Restore contacts the lead police officer who in turn contacts the victim to advise them to expect to hear from Project Restore. Only then does Project Restore make contact with the victim. Project Restore will have a discussion with the victim about restorative justice and whether they are willing to proceed. If yes, Project Restore makes contact with the offender. Project Restore will not proceed if the victim's needs cannot be met through a restorative justice process, which may be due to unrealistic expectations of the process by either the victim or offender.

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