

## **The Experiences of Victims of Sexual Violence in Restorative Justice Programs**

**University of Montreal, September 8th, 2020** – Assaults of a sexual nature represent an important social issue. According to self-report data, in 2014, 22 out of 1000 Canadians of 15 years of age or older had been the victim of at least one sexual assault in the past year, which is an increase from 2004<sup>i</sup>. In Quebec, an estimated 1/3 women and 1/6 men will be a victim of sexual assault in their lifetime<sup>ii</sup>. Most of these victims choose to avoid the criminal justice system and do not report to their victimization to police. While in general one in three victimizations (31%) is reported to the police, only one out of every twenty (5%) cases of sexual assault is reported to the police in Canada<sup>iii</sup>. In other words, the vast majority of sexual assault cases is not visible to criminal justice authorities. The low reporting rate is an obstacle to social change and it allows the stereotypes linked to sexual violence to persist. If we wish to stop tolerating sexual assault, then we must find other ways of responding than criminal prosecution.

Funded by the ministry of Justice of Quebec, this research examines the experiences of victims of sexual violence in the restorative justice process. This study aims to 1) further our understanding of who the victims of sexual crimes who participate in restorative justice programs are; 2), understand the experiences of victims of sexual violence who participated in restorative justice programs; 3) identify how restorative justice meets the needs of victims of sexual violence (in terms of their need for justice, recognition, reparation, empowerment etc.). In order to understand the restorative justice process, 18 victims of sexual assault shared their experiences in semi-structured interviews. Thirteen individuals who work in the field of restorative justice also shared their experience in working with victims of sexual assault.

To summarize, most of the sexual violence victims who participated in a restorative justice process had suffered sexual violence in an intrafamily context and at a young age. Generally, they suffered multiple violent events in different forms, including sexual violence, thus presenting a life-course plagued by victimizations. The majority of these victims suffered multiple traumas starting in childhood. According to those interviewed, restorative justice generally is more akin to a therapeutic process than a judicial one. Restorative justice programs make it possible for victims to complete their therapeutic or healing process by meeting needs that could not be met in any other way, but by a meeting with an offender.

For all of the victims interviewed, restorative just provides victims with recognition of their sexual victimization, as well as information and offers them an opportunity to comprehend what they experienced. The need for recognition takes two forms: recognizing the innocence of the victim and recognizing the guilt of the offender. Recognition is not only offered by the offender but also by substitute offenders, other victims, and the interveners. Hence, this process is not limited to the offender, who for numerous reasons might be unavailable to meet with the victim, and it offers several potential sources of reparation for victims.

Victims are often in need of information in order to understand what happened to them and why. Even though certain questions can only be answered by the offender, substitute offenders greatly helped victims by providing answers to many of their questions. Having access to these answers allows victims to better understand what happened and make sense of their experience.

The therapeutic value of restorative justice stands in sharp contrast with the secondary victimization, which is often associated with the criminal justice system. Even though there was some concern about secondary victimization resulting from the restorative process, none of the participants experienced such victimization. While all of the victims in this study considered the restorative justice process very difficult and not easy to do, in the end they felt liberated, relieved and confident.

Restorative justice and criminal justice share similarities, although there was only one case in this study in which restorative justice replaced criminal prosecution. For the majority of the victims interviewed, these are two complementary approaches. Victims who have used both approaches, however, are generally much more satisfied with their experience in restorative justice than criminal justice.

In conclusion, it is important to systematically inform the victims about the existence of restorative justice. In this study, the participants are unanimous: victims should be better informed about restorative justice programs because they have the right to know and to choose. Moreover, the benefits experienced by the vast majority of victims of sexual violence favour the expansion the restorative justice experience for all who wish to pursue this option.

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<sup>i</sup> Conroy, S. & Cotter, A. (2017). *Les agressions sexuelles autodéclarées au Canada*

[https://www150.statcan.gc.ca/n1/fr/pub/85-002-x/2017001/article/14842-fra.pdf?st=Yf\\_blitD](https://www150.statcan.gc.ca/n1/fr/pub/85-002-x/2017001/article/14842-fra.pdf?st=Yf_blitD)

<sup>ii</sup> Ministère de la Sécurité publique (2007). *Statistiques 2006 sur les agressions sexuelles au Québec.*

[https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/police/statistiques/infractions\\_sexuelles/2006/stat\\_s\\_agressions\\_sexuelles\\_2006.pdf](https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/police/statistiques/infractions_sexuelles/2006/stat_s_agressions_sexuelles_2006.pdf)

<sup>iii</sup> Perreault, S. (2015). *La victimization criminelle au Canada, 2014.* <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14241-fra.htm>