

# **Refuge position paper: restorative justice in cases of intimate partner violence**

## **May 2016**

### **Overview**

Refuge strongly opposes restorative justice in cases of intimate partner violence for the following central reasons:

- Intimate partner violence is systematic, patterned behaviour on the part of the abuser designed to control their partner – in these cases, there is an inherent power imbalance
- Any ‘restorative’ meetings between the perpetrator and the survivor could provide further opportunity for abuse and re-traumatisation
- There are intractable problems in using restorative justice programmes at **any point** during the criminal justice process

Refuge argues that instead of extending restorative justice programmes to all victims, Government should channel scant funding into domestic violence training for police and prosecutors and reparative psychological services for survivors.

Refuge welcomes the recent intervention of the Home Secretary who, in her speech to the Police Federation in May 2016, reaffirmed her commitment to improving the police response to domestic violence and rejected of the use of restorative justice in cases of intimate partner violence.

### **About Refuge**

Refuge opened the world’s first refuge in 1971. 45 years on we have grown to become the largest provider of specialist services to those fleeing domestic violence and other forms of gender-based violence. On any given day we support 3,800 women, children and men – an increase of 500 compared to last year.

We run a diverse programme of services which support clients facing domestic violence, sexual violence, female genital mutilation (FGM), trafficking, prostitution, so-called ‘honour’ based violence and forced marriage. These services include safe emergency accommodation, community-based outreach programmes, culturally specific services and independent advocacy services. Refuge also runs the National Domestic Violence Helpline in partnership with Women’s Aid.

Refuge advocates on behalf of the women and children it supports, ensuring their voices are heard in public and political life.

### **Restorative justice and intimate partner violence**

Refuge believes that restorative justice is never appropriate in cases of intimate partner violence because of the inherent power imbalance between perpetrator and survivor.

Issues of power and control lie at the heart of abusive behaviour, and this dynamic can remain long after a relationship has ended. Domestic violence is systematic, patterned behaviour on the part of the abusive man designed to control 'his woman'. Abusers manipulate their victims carefully and purposefully. Most women will hear their partner 'apologise' for his behaviour. A perpetrator will tell a woman he wants to make amends and 'restore' their relationship. This behaviour is an integral element within a pattern of abuse, designed to gain her sympathy and maintain control.

Perpetrators' methods of control can be incredibly subtle. When a woman is in a room with her abuser, only she knows what a particular look or gesture means – outsiders, including professionals, may find it impossible to tell that she is being abused.

Restorative justice programmes provide an official forum for abusers, where they can persuade ex-partners and professionals of their remorse and capacity for change.

### **What does this mean in practice?**

- Restorative justice could give an abuser's apology greater weight or 'official' status
- Could even create the ideal conditions for a perpetrator to persuade an abused woman to return to the relationship
- Real risk to a victim's safety - particularly when we know domestic violence has a higher rate of repeat victimisation than any other crime
- It would be almost impossible – even for a well-trained professional – to be assured that a woman taking part in a programme was doing so entirely of her own free will
- Professionals may find themselves unwittingly complicit in the woman's abuse or re-traumatisation
- It is unrealistic to assume that victims of abuse will be able to advocate for their own needs or rights and express their feelings freely and without fear when faced with their abuser

There is also pressure from family, friends and the community to consider. In a society where attitudes about domestic violence have yet to be consistently challenged and changed, it may be that even those close to the victim put pressure on her to engage with the perpetrator in this way.

**In short, there is considerable risk of manipulation from the perpetrator, of both victims and professionals.**

### **Restorative justice and the criminal justice system**

There are intractable problems in using restorative justice programmes at any point during the criminal justice process. If they were used after charging but before sentencing, they would allow the perpetrator considerable opportunity to manipulate his victim; he could coerce his victim into withdrawing her statement, or persuade her not to attend court as a witness.

Even if restorative justice were to take place after conviction, a woman may feel pressure to rescind measures that have been put place to protect her, such as a restraining order. If restorative justice were enacted outside the criminal justice system, or as an alternative, Refuge is concerned that women may be less likely to report the abuse to the police.

## **What is the alternative?**

In Refuge's opinion, consistent therapeutic or psychological support is much more likely to result in recovery and healing for the victim than a restorative justice programme. This is the work Refuge does every day and our statistics prove its effectiveness.

In 2015-16, 92% of the clients who answered when leaving the service felt their quality of life had improved. 95% felt safer and 76% reported a complete end to all physical abuse. 90% of clients desired health outcomes had been achieved, as had 88% of their desired safety outcomes and 90% of their social wellbeing outcomes.<sup>1</sup>

Yet Refuge has experienced cuts to 80% of its services since 2011, with some being cut by up to 50%. It is estimated that, nationwide, one in every three women are being turned away from refuge accommodation because there is not enough space.<sup>2</sup>

In March 2014, a report from Her Majesty's Inspectorate of Constabulary (HMIC) found that the police response to victims of domestic abuse is "not good enough". Last week, the Home Secretary Theresa May said victims of domestic violence were "still being let down" by the police.

It is clear to Refuge that the scant funds available should be channeled into rigorous training around the dynamics of domestic violence for the police and prosecutors, and into frontline services that support women and children escaping violence.

**If you would like further information on this paper or on the work Refuge does, please contact [Lisa King@refuge.org.uk](mailto:Lisa.King@refuge.org.uk) or visit [www.refuge.org.uk](http://www.refuge.org.uk)**

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<sup>1</sup> All data from IMPACT, Refuge's specialist case management system and outcomes database that has been in operation for the last eight years and which now has over 48,000 client records securely held on it

<sup>2</sup> According to Women's Aid 'Save Our Services' research