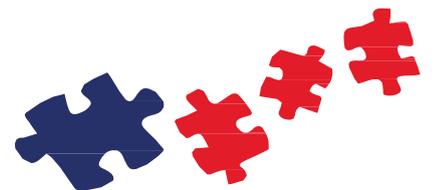


# Responding to the 2018 cross-governmental Victims' Strategy: A user voice



IARS International Institute  
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14 Dock Offices, London, SE16 2XU, United Kingdom

[contact@iars.org.uk](mailto:contact@iars.org.uk) | [www.iars.org.uk](http://www.iars.org.uk)

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## Open Letter to the Lord Chancellor: Professor Theo Gavrielides, IARS Founder and Director

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### To the Lord Chancellor and Secretary of State for Justice:

I am writing in response to your new cross-governmental [Victims' Strategy](#). Attached is a user led consultation that is formally submitted by the [IARS International Institute](#), which I founded in 2001, and currently direct. The consultation response has a dual purpose. It aims to inform your next steps in implementing the strategy, while increasing its awareness amongst our users.

The IARS International Institute is a user-led NGO, which puts emphasis on making users' voices heard in matters that impact on them directly. This strategy is the outcome of the work that we have been doing with you and others, and it is thus welcomed. We aim to support you in your new steps and hence our prompt response in collecting user-led evidence and some key recommendations that we present through this consultation document.

Our response brings forth a number of issues that we consider strengths and weaknesses of the strategy. The response is supported by Comic Relief, which funded a three year [women's' led project](#), focusing on gender-based violence. We used evidence from this project as well as the voices of abused women to develop a narrative around issues impacting on women and girls as victims of crime. We also used direct quotes from our victims' panel and restorative justice practitioners.

In this open letter, I want to emphasise the need not only to strengthen the law in protecting victims and bringing this law in line with the Victims' Directive, but also the importance of working with communities. The law alone cannot help you deliver your strategy. Speaking with victims, you will also understand that the line between who is a victim and who is an offender are blurred. In the vicious circle of violence, linear definitions must be viewed carefully especially when aiming to serve those who have been harmed ([Gavrielides, 2015](#)).

I will conclude with one warning. Over the last few decades, we have seen many well-intended strategies. As you move forward with your new and important strategy, I want to remind you of the power that continues to be manifested onto the vulnerable. The very concept of victims' rights was introduced within the human rights framework in the hope that it will bring some balance against the manifestation of this power. Without acknowledging this power, any attempt by your government to implement the strategy will fail. **It is the power structures within our society and our criminal justice system that I**

**want to bring to the forth of this consultation.** I have launched [a research programme](#) to this effect and a [call for case studies](#) has been released.

I would be happy to send you the results as these accumulate over the years. [The IARS International Institute](#) and myself are at your disposal should you require clarifications and further evidence. As a membership organisation, we also aim to share this submission with our members and database subscribers.

We would also be happy to share any response that you might have to what we have proposed.

**Dr. Theo Gavrielides**  
**Director and Founder**  
**The IARS International Institute**  
**26 November, 2018**

## About the IARS International Institute

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The IARS International Institute is a leading, user-led, international think-tank with a charitable mission to give everyone a chance to forge a safer, fairer and more inclusive society. Led by its founder and Director, Professor [Dr. Theo Gavrielides](#), and staffed with an expert and dedicated team of [researchers, interns and volunteers](#), IARS achieves its charitable aims by producing evidence-based solutions to current social problems, sharing best practice and by supporting young people and the community to shape decision making. IARS is an international expert in user-led research, evaluation, human rights and inclusion, citizenship, criminal justice and restorative justice. We deliver our charitable mission:

- **By** carrying out action research and evaluation that is independent, credible, focused and current.
- **By** acting as a network that brings people and ideas together, communicates best practice and encourages debates on current social problems.
- **By** supporting the individual (with an emphasis on young people) to carry out their own initiatives to shape decision-making.
- **By** being an authoritative, independent and evidence-based voice on current social policy matters.
- **By** thorough, high quality user-led (youth-led) evaluations, increasing the effectiveness of how organisations work and deliver.

### Our values

IARS was set up by volunteers as a user-led and user-focused think tank with an emphasis on changing society from the bottom up through evidence. IARS' stated vision is "a society in which everyone is given a chance to actively participate in social problem solving". Our Mission is "to give everyone a chance to forge a safer, fairer and more inclusive society". We do this by producing evidence-based solutions to current social problems, sharing best practice, and by supporting young people and the community to shape decision-making from the bottom-up. We believe that the best solutions to social problems are found in those who are directly affected by them. We were founded upon the principles of:

- User & civic participation
- Restorative justice and dialogue
- Individual empowerment and responsibility

We act in the spirit of partnership, dignity, integrity and honesty and we remain independent, fearless and respectful of diversity and equality issues for all.

## **Background and Methodology of this response**

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### **Background and impetus of the consultation response**

On 10 September 2018, the Government released the first ever cross-government [Victims Strategy](#) setting out its vision for victims of crime. The strategy aims to outline what victims can expect after a crime is committed until long after the ending of any possible court proceedings.

As part of IARS' public policy work, we monitor governmental policies and strategies that impact on our users and the public. This strategy is a key step that will have serious implications for those we aim to serve. It is also the outcome of many efforts, campaigns and evidence that we and our partners have produced. We strongly believe that this strategy also represents an important opportunity for civil society and our organization to engage with government efforts and work with relevant stakeholders in identifying gaps and weaknesses.

This publication aims to summarise IARS' and its User Groups joint response to the UK government's Victims Strategy. Our response is based on the analysis of the strengths and weaknesses of the strategy and on our past, current and future work on gender-based violence and complex cases, such as hate crime.

The main purpose of this report is to inform our users and relevant stakeholders about the Victims Strategy, engage them in the process and provide a voice to them to raise any concerns regarding the strategy and to allow them to feedback on how the strategy will impact on them. In order to influence the strategy, this report aims to ensure a bottom up approach by providing input from the users and enabling them to be part of the formation of solutions. Furthermore, we want to contribute to strengthening the strategy by providing user led evidence.

### **Methodology**

We used a mixed methodology to reach the conclusions and recommendations of this publication. First, we carried out desk-based research and an analysis of existing documents and relevant projects including the ones that we have been carrying out at our Institute. Our desk-based research also consisted of the Victims Strategy documents, relevant academic and grey literature sources, previous consultations and policy responses conducted by IARS, and our project reports. Subsequently, we carried out consultations with our User Groups, users and other relevant stakeholders. In particular, we engaged with our Independent User Scrutiny Panel, Youth Advisory Board and the Women's Advisory Board.

IARS currently has four standing user groups:

1. [The Independent User Scrutiny Panel](#) (IUSP) consists of restorative justice practitioners and individuals with lived experiences of being victims of crime.
2. [The Women’s Advisory Board](#) (WAB) consists of asylum seeking and migrant women, who evaluate our gender-related projects.
3. [The Youth Advisory Board](#) (YAB) consists of young people aged 18 to 25, and they evaluate our youth led projects.
4. [The LGBT Advisory Board](#) consists of members from the LGBT community across Europe.

This report is one of the outputs of the Comic Relief funded project that we have been running for almost three years, titled the [Gender and Justice Empowerment Project](#). The project empowered, and gave collective voice to vulnerable refugee and asylum-seeking women affected by crime. It built on our previous Comic Relief funded Abused No More project, which empowered nearly 100 refugee and asylum-seeking women, reached over 1,000 stakeholders and influenced policy and practice in the area of gender-based violence and asylum. The following IARS current and legacy projects have also been used as sources of information in this report:

- Restore:London - Pan - London Restorative Justice Service
- Restore:Respect Pilot Project
- Gender And Justice Empowerment Programme
- Abused No More: Safeguarding Youth & Empowering Professionals (Erasmus)
- International Victims' Pledge
- Gender And Migration Project (Erasmus)
- Victims' Voices In Restorative Justice
- Restorative Justice In Europe:  
Safeguarding Victims & Empowering Professionals
- Restorative Justice In Cases Of Domestic Violence
- Abused No More: The Voices Of Refugee & Asylum-Seeking Women

This report draws evidence particularly from the following literature:

1. [Gavrielides, T. \(2015\). “The Victims’ Directive and What Victims Want from Restorative Justice”, \*Victims and Offenders Journal\*, DOI 10.1080/15564886.2014.982778](#)
2. Gavrielides, T. (2016). [“Repositioning Restorative Justice in Europe: The Victims’ Directive”, \*Victims & Offenders\* Vol. 11 , Iss. 1, pp. 71-86. <https://doi.org/10.1080/15564886.2015.1105342>](#)
3. Gavrielides, T. (2017). [“Collapsing the labels “victim” and “offender” in the Victims’ Directive & the paradox of Restorative Justice”. \*Vol 6 International Journal of Restorative Justice\*, p. 368-381.](#)

4. Gavrielides, T. (2014), [\*A victim-led criminal justice system for Europe: Addressing the paradox\*](#), London: IARS Publications. ISBN 978-1-907641-27-5.
5. Dr. Theo Gavrielides, (2010) *Restoring relationships: hate crime and restorative justice in European best practices of restorative justice in the criminal procedures: Budapest conference 2009*, European Union: Hungary.
6. Dr. Theo Gavrielides, (2012). *Contextualizing Restorative Justice for Hate Crime*. Journal of Interpersonal Violence 27(18), pp. 3640.
7. Dr. Theo Gavrielides, (2015). *Is Restorative Justice Appropriate for Domestic Violence Cases?*. Revista De Asistentia Sociala, 14(4), 105-121.
8. Dr. Theo Gavrielides, (2018). *Victims and the restorative justice ambition: a London case study of potentials, assumptions and realities*. Contemporary Justice Review, DOI: 10.1080/10282580.2018.1488129

## **The Victims Strategy: Key strengths**

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We welcome the Victims Strategy intention to strengthen The Code of Practice for Victims of Crime (commonly referred to as the “victim’s code”), which was created by the UK Government in 2006 and revised in 2015 (Ministry of Justice, 2018; 12). The victim’s code is intended to help victims understand their rights and entitlements following crimes being committed against them. However, although the code had been revised, there were still gaps in the policy causing many victims to be unaware of their rights during the criminal justice process. One of these gaps relate to issues that are covered by the Victims’ Directive and are yet to be included at the legislation and policy level in the UK ([Gavrielides, 2014](#)).

### **The Rights of Victims**

With the introduction of the Victims Strategy, an emphasis was placed on the rights of victims to make a Victim Personal Statement in the court of law, which gives victims an opportunity to explain how the crime has affected them. Prior to the creation of the Victims Strategy, only around 15% of victims said they were given the opportunity by the police to make a Victim Personal Statement (Ministry of Justice, 2018; 29). Additionally, the victim’s code has little mention of entitlement to pre-trial therapy. The Victims Strategy aims to place priority on this service and make all entitlements clear to victims of crime, who are going through the criminal justice process, by creating easily accessible, explicit information about services offered to victims through the GOV.uk website (Ministry of Justice, 2018; 20). These amendments to the victim’s code allow victims to fully understand how they will be supported throughout their interactions with the criminal justice system in order to reduce confusion and fear while increasing their level of confidence that their needs will be met during a time of vulnerability.

### **Victim Empowerment**

One of the strengths of the Victims Strategy is the concept of victim empowerment. Giving victims a choice in how they communicate with police and whether they want to report the crimes against them or not is central to the Victims Strategy. Many victims can become overwhelmed when communicating with police due to being in contact with multiple individuals, so the strategy emphasises the need for victims to communicate with a single point of contact who can assist them in navigating their case (Ministry of Justice, 2018; 23). Additionally, the strategy offers alternative courses of action outside of court for any victims who do not want to engage in the formal criminal justice process, such as compensation, formal apologies, or restorative justice (Ministry of Justice, 2018; 30). These courses of action help empower victims in making their own decisions about how they’d like their cases handled and while promoting confidence in the criminal justice process.

### **The Changing Nature of Crime**

As the second key strength, the Victims Strategy acknowledges the changing nature of crime and includes new offenses into the policy to protect more victims and bring offenders to justice including revenge porn, coercive or controlling behaviour, and sexual communication with a child (Ministry of Justice, 2018; 11). The strategy also specifically notes how advancements in technology have created new opportunities for victimisation such as “up skirting” and “cyber-stalking” (Ministry of Justice, 2018; 10). The strategy’s emphasis on the evolution of crime is significant due to the fact that just under half of crimes committed in England and Wales fall under the category of cyber-crime (Ministry of Justice, 2018; 16). Ensuring support and entitlements to victims of cyber-crimes cover a large portion of cases of victimisation, thus the strategy is making strides to safeguard all victims of crime regardless of if they are victims of crimes as serious as stalking or crimes where there may be no victim-offender contact such as fraud.

### **The Protection and Support of Victims of Domestic and Child Abuse**

Thirdly, not only does the strategy mention the inclusion of new crimes, however, it also notes the abolishment of old policies that harm victims and prevent them from getting the support they need. The 2018 Victims Strategy eliminated the 1979 “same roof” rule, which denied compensation for some victims who lived with their attacker (Ministry of Justice, 2018; 21). The rejection of this rule implies significant advancements to the support given to victims of domestic abuse. The strategy places a heavy emphasis on the protection and support of victims of domestic and child abuse, making a point to introduce specialised police training through the National Police Curriculum to support these individuals. This specialised training safeguards not only victims of abuse, but also witnesses who may be involved in police contact as well (Ministry of Justice, 2018; 30).

### **The LGBT Action Plan**

Furthermore, the Victims Strategy makes a point to prioritise the support given to members of the LGBT community through the introduction of the LGBT Action Plan and the 2018 LGBT Survey Research Report. The action plan intends to raise awareness of successfully prosecuted cases involving LGBT victims to increase confidence in reporting crimes (Ministry of Justice, 2018; 30). The strategy also includes strengthening the evidence base on LGBT people’s experiences of personal safety to ensure that these individuals feel safe in their homes, communities, and online through research based on improving the recording and monitoring of equalities data for LGBT victims of domestic abuse, rape and hate crime (Ministry of Justice, 2018; 32).

### **Victim Privacy**

Lastly, the Victims Strategy emphasises support for victims of major tragedies and disasters, citing the Hillsborough incident as a major factor in the increased forms of aid given to

victims, who may be subject to significant media attention (Ministry of Justice, 2018; 19-20). Media intrusion can have a negative impact on a victim's ability to cope and recover from crime, so the strategy places an emphasis on victim data protection through the Information Commissioner's Office (ICO). The ICO will conduct a statutory review of media compliance to ensure that victim's privacy and rights are not being infringed upon (Ministry of Justice, 2018; 20)

As part of this response, we consulted our user group, the Independent User Scrutiny Panel (IUSP), and they emphasised the following good practices to ensure victim privacy:

“We [the IUSP] noted in our scrutiny process that various agencies had access to the same casework database and that the offender's data was held there too, for operational purposes. The best practice has to be that victim information is kept on a separate database. Privacy notices, giving full information on data sharing, must be enforced; including the victim's clear and unambiguous consent to take part.” *(IUSP)*

## **The Victims Strategy: Areas for improvement**

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### **Safeguarding the Rights of Victims**

Although the Victims Strategy takes strides in the right direction regarding victim support and services offered, there are still significant gaps in the policy, which remain unaddressed. Claire Waxman, London's first Victim's Commissioner, stresses the lack of commitment to safeguarding the rights of victims from being cross-examined unfairly and on irrelevant material, which could undermine their credibility (Waxman, 2018). Although the Victims Strategy includes the need for safeguarding children and individuals involved in domestic abuse cases, this right is not clearly stated for all victims of crime nor is the protection from being unfairly cross-examined mentioned.

### **Assessing Needs and Risks**

The Strategy's stated aim of providing "professional, targeted victims' services" is worthy and long awaited, although assessment has been a legal requirement of the Victim's Directive for many years (article 22). We have found that a trained professional approach at the primary point of contact is essential to make the correct assessment.

However the intended outcome of providing merely "moral support" is insufficient. The victim has a right to enhanced services depending upon their needs and the risk to which they have been exposed and any future related risks. There is little or no mention in the Strategy of the measurement of risk and clinically dealing with its source. A rigorous and effective approach demands that the baseline of the problem in each case is measured, then address it according to that evidence, and finally measuring the level of success against that initial position. If this appears as a clinical method, then it has to be carried out for the victim in a humane and compassionate way.

In order to support the risk and needs assessment of victims, the Independent User Scrutiny Panel has recommended:

"[the Panel also recommends] that regular supervision of such cases is undertaken.... And that proper, written and recorded assessments of risk and need are mandatory for this and any future service." (IUSP)

### **Victim Personal Statements (VPS)**

The victim's story and the effects of the crime upon them are crucial. The primary mode for the courts and for the parole boards is the Victim Personal Statement (VPS). Yet, these statements are largely absent in the IUSP's experience. This is best demonstrated by the following quote from one of the IUSP's scrutiny reports:

“There are problems with Victim Personal Statements across the CJS, and these impact upon restorative justice. They are often simply not completed, offered or made available – none of which reflects upon the facilitators in this case. Nevertheless they would have given crucial information in this and other such cases. The IUSP suggests that measures be taken for ensuring compliance with VPSs and that they be made available to assist the assessment and needs of victims within this and other such projects.” (IUSP)

### **Victims with Mental Health Trauma**

The Victims Strategy also makes little mention of the protection of victims with mental health trauma. The strategy emphasises the need for pre-trial therapy; however, it neglects the importance of consistent, sustainable therapy for those who have experienced trauma (Waxman, 2018). Many victims experience long-lasting effects of mental trauma, which can have a significant impact in their ability to rebuild their lives. Without the promotion of reliable therapy, many individuals with mental trauma may be unable to afford the help they need which can prevent them from effectively resuming their lives in a productive manner. More focus is needed on adequately resourcing treatments with sustainable funding.

Registered Intermediaries (RIs), communication experts, who help vulnerable victims and witnesses, such as children or people with mental health issues, are mentioned as necessary support systems for victims in the strategy. The need for an increase in Registered Intermediaries is mentioned in the Victims Strategy; however, an increase of only 25% is called for (Victim's Commissioner, 2018). Baroness Newlove, the Victim's Commissioner of England and Wales, has expressed that this increase is nowhere near enough and that the number of RIs must rise to meet demand (Victim's Commissioner, 2018). Although any growth in the number of Registered Intermediaries is a positive step towards giving all victims and witnesses fair access to justice, full support cannot be given if there are not enough RIs available to them consistently and sustainably.

### **The Accessibility of Support**

While the strategy emphasises the need for more suitable waiting areas for victims during their court visits, it fails to mention the issue of accessibility for many victims (House of Commons, 2018). Gloria De Piero (House of Commons, Labour) addressed the issue that many victims must travel for hours on several buses or trains, hardly promoting a calm start to their court visit. Additionally, many victims must manage childcare and employment in order to appear in court, but the strategy makes no explicit mention of providing entitlements to victims for transportation, loss of wages, or childcare needs. In order to be inclusive to victims under these circumstances, the strategy should clarify what qualifies as “enhanced entitlements” and “special measures” to ensure that victims in need of additional compensation are supported.

## **Funding**

Perhaps one of the most criticised issues in the Victims Strategy by the Labour party is the lack of indication of how the Government intends to fund some of the positive measures mentioned in the strategy. The strategy calls for a raise in the amount allocated for survivors and victims of sexual violence and abuse from £31million to £39 million, £8 million for children who witness domestic abuse, and £18.8 million on domestic abuse accommodation services in England. However, Gloria De Piero criticises the fact that there is no mention of where the funding will be coming from, which could decrease victims' levels of confidence in the strategy (House of Commons, 2018). While the expansion of these services is a step in the right direction, the lack of clarity in where the additional money needed is coming from could cause victims to be unsure that they will receive the entitlements.

## **Refugee and asylum-seeking women**

This group faces multiple disadvantage as a result of persistent race and gender inequalities. They are also more susceptible to be victims of hate crimes and violence against women. At the same time, they are less likely to have sufficient knowledge of their rights and the host society's legal and institutional systems. They usually don't have the financial resources to bear the cost of remedy proceedings, while legal aid cuts have exacerbated this problem.

As a user-led Institute, we have evidence that there is a need to empower these women so that they can directly affect institutional and societal change from the bottom-up. Focusing on those who perceive themselves to be victims, our project gives them an opportunity to assist with the incorporation and implementation of the Victim's Directive. The EU Victim's Directive needs to be embodied in the UK legislation as a Victim's Act. This will provide an opportunity to advance access to justice for victims irrespective of their residence status. It can also extend protection of all victims who receive services from all sectors (including private), ensuring that victim support services (e.g shelters, trauma support counselling) are accessible and appropriate. It can also place emphasis on violence against women & girls (VAWG).

The Victims' Commissioner and the 2015 Joint Committee on Human Rights (VAWG Report) highlighted that refugee and asylum seeking women (RASW) are overlooked as immigration policy is developed separately from VAWG policy. The voices of refugee and asylum-seeking women have not been heard while their immigration status make them ineligible for legal aid, leaving them with no choice but to remain in violent relationships or face destitution.

## Key Recommendations

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### Refugee & Asylum seeking victims

The IARS Comic Relief funded [“Gender and Justice Empowerment Project”](#) gave refugee and asylum-seeking women an opportunity to engage with, hold to account and influence decision makers by lobbying the UK government to introduce safeguards for non-EU citizens when implementing Victim’s Directive, namely in order to:

- Extend the victim’s definition to women who are not EU citizens
- Ensure provision of translation and interpreting services
- Focus on the importance of specialist shelters
- Provide culturally competent trauma support and counselling.

It is essential that these safeguards are in place to protect all women and girls in the UK from violence, regardless of their immigration status. The project recognises that migrant and asylum-seeking women can have direct voice and influence policies impacting on them, thereby shaping services according to their real needs and wants. These are matters that must be addressed by your new strategy.

### ‘The Victim’ Definition

Although the Victims Strategy provides a comprehensive overview of the improvements to the support offered to victims of crime, it fails to define who is a victim. The EU Victims’ Directive sets a clear definition for a victim of crime and it understands victims in a much broader term, which captures groups who have traditionally been excluded from protection, including migrants, refugees and asylum seekers. As part of IARS’ *Gender and Justice Empowerment* project IARS has been able to provide asylum-seeking women an opportunity to engage with, hold to account and influence decision-making through various policy responses, such as [the consultation report on the Domestic Abuse Bill](#) produced by the Women’s Advisory Board.

IARS together with the Women’s Advisory Board recommend a clear terminology of who is classed as a victim. Furthermore, we would recommend the victim’s definition to be extended to cover women who are not EU citizens. It is essential that these safeguarding procedures are in place to protect all women and girls in the UK from violence and crime, regardless of their immigration status.

Our Comic Relief *Gender and Justice Empowerment* project recognises that migrant and asylum-seeking women have a direct voice and the ability to influence policies impacting on them, thus it important to shape services according to their real needs and wants.

## **Victims Pledge**

IARS launched a programme titled *Victims' Voices in Restorative Justice* with an aim of giving direct voice to victims and their families in 2015. As one of the key objectives, we wanted to raise the awareness of safe provision of restorative justice as per the standards and safeguards enshrined in the [Victims' Directive 2012/29/EU](#). By combining resources from the UK Ministry of Justice, Monument Trust and the European Commission, our project has been delivering victim-led awareness campaigns, [face-to-face training and awareness raising seminars](#) to victims, their families and professionals working within the criminal and restorative justice fields and Online training and awareness raising e-course for [victims and their families](#) as well as [CPD accredited e-courses for professionals and justice service providers](#). The project has built knowledge of restorative justice with those who will become the future users and providers of a range of restorative justice practices as detailed in: the Crime and Courts Act 2013 (which amends the Powers of Criminal Courts Sentencing Act 2000), Out of Court Disposal Consultation 2014, various victim service proposals from Police and Crime Commissioners and the Ministry of Justice's RJ Action Plan for the criminal justice system.

IARS believes that a restorative approach to support victims of crime has benefits for all involved and therefore recommends the Victims Pledge to be an essential part of the Victims Strategy. We further recommend an increased emphasis on the role of voluntary sector, community representatives, and other frontline organisations, such as IARS, in providing restorative justice services for victims of crime and their families.

## **Access to Restorative Justice (RJ)**

Although the strategy offers alternative courses of action outside of court for any victims who do not want to engage in the formal criminal justice process through compensation, formal apologies and restorative justice, IARS remains concerned that victims are not always being offered their entitlements in accordance to the Victims' Code. There is evidence to suggest that only 4% of victims were aware that restorative justice can be offered (where an offender had been identified) as an alternative course of action (ONS, 2018).

As part of a consortium entitled *Restore: London*, IARS been delivering the first ever Pan London Restorative Justice Service, which is a victim-led approach to the provision of restorative justice across London. The service has been ensuring that victims are able to access consistently high quality restorative justice services at every stage of the criminal justice system, and since the beginning of the service it has been overseen and evaluated by IARS' user group the Independent User Scrutiny Panel, which consists of victims of crime and RJ practitioners.

We are now evaluating the service in order to identify how well the service is meeting the needs of victims. Our initial research data gathered from an online survey demonstrates

that the majority of victims of crime (73%) have heard of restorative justice, however, over half of the respondents (60%) have not been offered restorative justice. Furthermore, our data suggests that there is a demand for this type of service, as the overall majority of respondents (72%) would like the opportunity to participate in RJ processes. This is further enhanced by literature, as research shows clear potential in using restorative justice to address the victim's needs and wishes, and thus, it can act as a tool for empowerment for the victim (Gavrielides, 2015).

[IARS' response to the Justice Select Committee - Restorative Justice Inquiry in 2016](#) stressed the need to increase the awareness amongst victims, as well as criminal justice agencies and victim support services, of restorative justice through the promotion of public dissemination projects and free training courses such as those provided by IARS outlined above (IARS, 2016). As a result, IARS together with the Independent User Scrutiny Panel recommend that alternatives to prosecution for victims, who want them, must be provided and suitable options should be carefully evaluated and discussed with the victim. Furthermore there is a demonstrable need for supervision, monitoring and scrutiny – especially in contracted services. Service delivery could be patchy, as demonstrated by the following quotations from our User Scrutiny Panel, which outline some of the good and bad practices identified from the service delivery:

Quotations capturing good practices:

“This case was successful for the victim and it provided a catalyst for change for the offender.” *(IUSP)*

“The case was dealt with in a timely manner, with good practice employed to engage both parties and then a shuttle process used to convey what was significant for each other them.” *(IUSP)*

“[The case] was handled well by determined and capable practitioners and was well evidenced throughout “*(IUSP)*

Quotations capturing bad practices:

“It appears that the decision to go to a restorative conference was in the interests of the offender and her career and that this was used to coerce the victim.” *(IUSP)*

“The needs of the offender and his family were pursued, while those of the victim's family were completely ignored.” *(IUSP)*

## **Domestic Violence**

The strategy takes action on tackling domestic abuse and recognises the support needed whether or not victims report a crime. [The European Directive](#) on minimum standards on the rights, support and protection of victims of crime declares that victims must have access

to safe and competent restorative justice services. However, in cases of domestic abuse, the use of restorative justice is not evident. Our project titled *Restorative Justice in cases of domestic violence* identified best practice examples between increasing mutual understanding and awareness of specific protection needs in Europe. Our research found out that restorative justice can provide an alternative for victims of domestic abuse by empowering victims while enabling offenders to engage in dialogue based solutions to the problems that domestic abuse has caused to them, if conducted in a safe and controlled environment and addressing the wishes and needs of the victim (Gavrielides, 2015). As the readiness and suitability of restorative justice in cases of domestic abuse remains largely unexplored, we recommend that more in depth research is needed.

### **Gender-based Violence (GBV)**

IARS welcomes the emphasis on the protection and support of victims of domestic and child abuse. However, we remain concerned that this right is not clearly stated for all victims of crime nor is the protection from being unfairly cross-examined mentioned. IARS together with its standing Women's Advisory Board recommends several provisions to gender-based violence (GBV) as outlined in the Victims Strategy.

Our [Abused No More](#) project has contributed to the general understanding that domestic violence may also be experienced at a young age, and that young people are vulnerable to being victims and / or perpetrators of domestic abuse, including intimate partner violence. As demonstrated by the project, the understanding of this can have a positive impact on the early intervention and prevention projects tackling GBV among young people.

Similarly our work with the Women's Advisory Board and the three year Comic Relief funded *Gender and Justice Empowerment Programme* has demonstrated that many female victims of domestic violence find it difficult to report the abuse to the police as a result of a fear of being arrested, detained or deported due to their immigration status in the UK. In this regard, the Women's Advisory Board recommends that further provisions to ensure that the police and statutory services will safeguard the rights of victims regardless of their immigration status to be implemented.

### **Hate Crime**

In order to ensure that the services provide victims with a quality service based on their needs, the Victims Strategy aims to refresh the Hate Crime Action Plan. As part of the revision, new measures to train police officers and staff to address the needs of hate crime victims and improving their knowledge of the local support available for victims will be implemented (Ministry of Justice, 2018; 26). However, we remain concerned about the lack of community led approaches and the use of social media and other online platforms as a resource to tackle hate crime.

The case study of West Mercia and Warwickshire Victims' Services, as outlined in the strategy, clearly stresses the use of restorative justice as an alternative way to deal with local hate crime (Ministry of Justice, 2018; 29). Our *Restore: Respect* project, which is funded by the Home Office, has demonstrated similar outcomes. As part of the project, we worked with 23 young people affected by hate crime and with eight practitioners working with young people in the area of Bradford. Our evaluation found out that young people became more aware of the positive impact of the use of RJ as a result of the project. Participants also reported increased levels of victim empathy, community cohesion, decreased feeling of conflict and harm and reduced feeling of isolation. We also utilised various different campaigning methods, including social media and other online platforms. This indicated that participants felt more empowered and confident as a result of spreading positive messages online. Furthermore, our project was able to demonstrate an increase in public awareness of hate crime and how RJ can provide a successful alternative of dealing with community conflict and harm.

IARS Director and Founder, Dr Theo Gavrielides, has examined extensively the application of RJ to hate crime and found that it has so far been a useful tool for dealing with less serious hate crime incidents (Gavrielides, 2012). A selection of case studies, examining how restorative justice can be effective in repairing the harm of hate crime, suggest that the application of RJ with hate crimes is widespread, but inconsistent and piecemeal. Existing practices are diverse and stretch from minor, one-to-one hate incidents to more complex inter-community conflicts. Thus, further research is needed to identify the full potential of RJ within the wide range of contexts within which hate crime occurs (Gavrielides, 2010).

The Independent User Scrutiny Panel has been fortunate to take part and witness successful outcomes in sexual and gender based crimes. However, the panel is concerned that a restorative solution is either imposed or offered as a binary choice. For successful restorative outcomes, they recommend the following:

“In our experience these serious and complex cases have only been successful where they have been the preferred choice of action of the victim, clearly in the interest of the victim, and based on the victim's free and informed consent.” (IUSP)

IARS' response to the Home Affairs' Inquiry into Hate Crime and its Violent Consequences in 2016 identified the significant role of social media and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating, as they can provide an additional source of evidence for tracking the nature of hate crime in the UK (IARS, 2016). Based on our response and the literature, we recommend that the use of RJ in tackling hate crime to be further researched and supported. Furthermore, we recommend that social media is recognised and supported as a unique tool for providing

public space for sharing stories and encouraging and supporting reporting by both victims and bystanders, and as an additional source of evidence for tracking the nature of hate crime.

## References

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The IARS International Institute. (2018). *Abused No More: Safeguarding Youth & Empowering Professionals*. IARS Publications.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Gavrielides, T. (2010). *Restoring relationships: hate crime and restorative justice in European best practices of restorative justice in the criminal procedures*: Budapest conference 2009, European Union: Hungary.

Gavrielides, T. (2012). *Contextualizing Restorative Justice for Hate Crime*. Journal of Interpersonal Violence 27(18), pp. 3640.

Gavrielides, T. (2015). *Is Restorative Justice Appropriate for Domestic Violence Cases?*. Revista De Asistentia Sociala, 14(4), 105-121.

Gavrielides, T. (2018). *Victims and the restorative justice ambition: a London case study of potentials, assumptions and realities*. Contemporary Justice Review, DOI: 10.1080/10282580.2018.1488129

House of Commons. (2018). Volume 646 c480.

Ministry of Justice (2018). *Victims Strategy*. HM Government. Retrieved from: <https://www.gov.uk/government/publications/victims-strategy>

The IARS International Institute. (2016). *Response to the Joint Committee on Human Rights, Human Rights & Business Inquiry*. IARS Publications.

The IARS International Institute. (2016). *Response to the Justice Select Committee - Restorative Justice Inquiry*. IARS Publications.

The IARS International Institute. (2016). *Response to the Home Affairs' Inquiry into Hate Crime & its Violent Consequences*. IARS Publications.

The Office for National Statistics (ONS). (2018). *People, Population and Community*. Retrieved from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/008615/dataonvictimsservicesandrestorativejusticeyearsendingmarch2013tomarch2017crimesurveyforenglandandwales>

Victim's Commissioner. (2018). *New Victims Strategy pledges to deliver reform of victim rights*. Retrieved from <https://victimscommissioner.org.uk/new-victims-strategy-pledges-to-deliver-reform-of-victim-rights/>

Waxman, C. (2018). *Here is everything that's wrong with the government's new Victims Strategy*. Retrieved from: <https://www.independent.co.uk/voices/victims-strategy-uk-compensation-criminal-injuries-scheme-child-abuse-crime-a8531571.html>

