

Reimagining justice and healing after sexual violence

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ACADEMIC



CULTURAL



EDUCATIONAL



HEALTH



POLITICAL



SOCIAL

SUMMARY

One in four females and one in six males experience sexual violence as children. More than four in ten women and over a quarter of men experienced some form of sexual abuse or assault over their lifetime. Social harm adds to personal injury by the failure of criminal justice systems to secure meaningful justice and healing for most victims.

Two studies led by Associate Professor Marie Keenan examined whether “restorative justice” could fill some of the gaps in current justice service provision. She found that it could. The research had direct impact on policy in Northern Ireland, the Republic of Ireland and Estonia, and for individual victims and offenders - who now experience this service first-hand.

By collaborating with the arts through film and theatre, Dr Keenan creatively built societal understanding and support for this innovative practice, demonstrating how justice and healing after sexual violence can be reimagined.

“When the rape occurred, I could not find my voice. Even in the criminal justice system I felt completely lost, terrified and paralysed. Through the RJ process I felt that my voice was heard and that I could make decisions and speak up when something didn’t feel right. The biggest gain is that I am not haunted by the unknown anymore. Knowing is very important.”

Rape victim who engaged in restorative justice

RESEARCH DESCRIPTION

Sexual Violence is a significant social problem causing untold pain and trauma for victims and their families, for offenders and their families, and for all impacted by the crime. It is generally accepted that the criminal justice system is not a victim-centered institution, despite victim-sensitive initiatives in recent years. At its core, the remit of criminal justice is to gather evidence and prosecute, punish and rehabilitate wrongdoers. As mere witnesses, victims often feel their suffering is compounded by participation in criminal justice.

Restorative justice attempts to address the harm caused by crime through meetings between the victim and offender, sometimes with representatives of the wider community. It is a voluntary, respectful process, facilitated by trained facilitators. Physical, emotional and procedural safety are paramount for all participants. Offenders must acknowledge wrongdoing in order to be eligible to participate.

Dr Keenan examined international best practice and illustrated how restorative justice services can be organised and delivered and how it can relate to criminal justice. She established that Irish stakeholders - including victims, offenders, their families, therapists, legal practitioners, criminal justice professionals, the Gardaí, bishops and religious leaders, politicians and print and broadcast



Still from the film ‘The Meeting’, with Ailbhe Griffith.

journalists - see a need for restorative justice after sexual crime in Ireland. Her research demonstrated the healing potential and challenges of restorative justice for victims, and the benefits and challenges for sex offenders.

When award-winning film-maker Alan Gilson and producer Tomas Hardiman heard of Dr Keenan’s work, they asked to meet. This collaboration resulted in a film, ‘The Meeting’, a moment-by-moment depiction of a restorative justice meeting, based on the true story of Ailbhe Griffith. Dr Keenan was clinical and restorative justice consultant to the film.

Similarly, playwright Geoff Power consulted Dr Keenan when he wrote a play about restorative justice after sexual crime, also based on a true story. Her involvement with his play ‘Stronger’ continues as part of its community engagement imperative.

RESEARCH TEAM, COLLABORATORS AND FUNDING

Study One: Developing Integrated Responses to Sexual Violence

- Co-Principal Investigators: Dr Marie Keenan and Dr Estelle Zinsstag.
- Project supervisor: Prof Ivo Aersten.
- Research team: Dr Caroline O’Nolan, Dr Daniela Bolivar, Virginie Busck-Nielsen, Niamh Joyce.
- Project partners: Dr Gunda Woessner, Dr Anne-Marie de Brouwer, Vince Mercer, Karin Sten Madsen, Dr Knut Hermstad, Kris Vanspauwen.
- International advisory board: Prof Kathleen Daly, Prof Mary P. Koss, Judge Janine Geske, Prof Tony Ward.
- Funding: EU Daphne Funding, Project JUST/2011/DAP/3350.

Study Two: Sexual Trauma and Abuse: Restorative and Transformative Possibilities

- Principal investigator and project co-ordinator: Dr Marie Keenan.
- Research consultant: Bernadette Fahy.
- Collaborator organisation: Facing Forward.
- Research Assistants (Interns): Dr Cian O’ Concubhair, Graham Loftus, Martin Mulrennan, Hannah Gilmartin, Andrea Kennedy, Olive Lyons, Chris Kelly.
- Research Interviewers: Barbara Walshe, Ingrid Colvin, Frank Butler, John Curran, Jacinta De Paor (RIP), PJ McGowan, Catherine O’Connell, Nadette Foley, Marie Williams, Niamh Joyce, Martin Mulrennen, Aoife Fennelly, Bernadette Fahy, Dr Marie Keenan.
- Funding: University College Dublin, St Stephen’s Green Trust, The Tony Ryan Trust, Sheehan and Partners Solicitors.

Film - ‘The Meeting’

- Director: Alan Gilsean.
- Producer: Tomás Hardiman.
- Cast: Ailbhe Griffith, Terry O’Neill, Kevin McCormack, Marie Keenan, Brenda McSweeney, Allan Keating.
- Editor: Emer Reynolds.
- Clinical and Restorative Justice Consultant: Dr Marie Keenan.
- Funding: The Broadcasting Authority of Ireland, the Irish Film Board (now Screen Ireland).

Play - ‘Stronger’

- Writer: Geoff Power.
- Theatre Company: Gúna Nua Theatre Co.
- Staging: Staging of the play and three community engagement events rescheduled for Dublin Theatre Festival 2021.
- Funding: The Arts Council, the Irish Probation Service.

RESEARCH IMPACT

Policy impact

Northern Ireland

Dr Keenan’s research and interviews with Sir John Gillen on 3 October 2018, as part of his review following the Belfast Rape Trial, produced direct recommendations for restorative justice in Northern Ireland ([recommendations 219 and 220](#)). On 22 June 2020 the Northern Irish Justice Minister launched an [Adult Restorative Justice Strategy](#), in light of the recommendations, including a section on restorative approaches to sexual offences.

Now, a dedicated staff has been appointed to lead on a Centre of Restorative Excellence, aiming to enhance capacity of restorative justice practitioners to operate a system of restorative justice at any stage in the criminal justice process.

The Republic of Ireland

In January 2015, the Minister for Justice, Equality and Law Reform, Frances Fitzgerald, invited Dr Keenan to meet with her officials to discuss her research findings and to consider possibilities for restorative justice after sexual crime in Ireland. This led to a committee of stakeholders within the criminal justice system being established to consider the issues in light of the EU Victims Directive 2012.

One outcome of the committee’s work was the development of a Victims Unit and a restorative justice service in The Irish Probation Service, to offer restorative justice to victims of Probation Service clients following sexual crime. This service began in 2018.

Dr Keenan continues further advocacy work with Senator Ivana Bacik for the possibilities of establishing more extensive restorative justice services for sexual crime in Ireland.

Estonia

In 2019, the Estonian government asked their Ministry of Justice to develop an action plan to develop the use of restorative justice. The Ministry of Justice then invited Dr Keenan to Estonia to screen ‘The Meeting’ and present her research to members of their policymaking division, as well as to practitioners and NGOs.

There are several direct outcomes: restorative justice is now being offered to victims of sexual crime in Estonia with the support of the Ministry for Justice, and Dr Keenan has been invited to facilitate training of staff in Estonia to increase capacity. This began in December 2020.

Health and wellbeing impact

Eleven individual victims of sexual crime in Ireland were directly impacted by Dr Keenan's research through their participation in restorative justice with her. In their own words, the process helped them to "reclaim power" by facing their offender and their fears; "exercise voice" in making statements and asking questions; "recover from post-traumatic stress"; and "believe in the idea of 'justice' again".

Former sex offenders were also impacted by Dr Keenan's research, six of whom participated in restorative justice, by "repaying a moral debt" to the victim and society; helping to heal the wounds and impacts of their crime by "listening and responding honestly to the victims' questions"; and enabling their own recovery from shame and dishonour by doing something "honourable". Thirteen family members of victims and offenders participated in restorative justice with Dr Keenan.

Social and cultural impact

Dr Keenan's work has reached a broad audience through a full-length film, a play, four podcasts, five webinars, radio and television interviews, and newspaper articles.

On September 15 2018, The Late Late Show conducted an interview with Ailbhe Griffith and Dr Keenan on restorative justice after sexual violence. Around 650,000 viewers watched the interview, generating awareness and increasing demand for restorative justice.

An estimated 332,000 listeners heard a radio interview with Dr Keenan and Ryan Tubridy on RTE radio in 2018, which generated significant awareness of restorative justice following gender-based violent crime. This was followed by requests from victims of sexual crime for restorative justice.

The film 'The Meeting' has been positively reviewed in at least 20 outlets and viewed by more than 3000 people to date, generating awareness of the possibilities and processes involved in restorative justice following sexual crime.

As one woman wrote having seen the film:

"It was difficult not to cry. I didn't cry because she did not cry. Instead, as I was faced with a woman who refuses to be classed as a victim, I decided not to be a victim of her experience ... This film shows us that in the aftermath of the greatest hurt, the most invasive of assaults, the most denigrating pain, that resolution is possible. Put simply, to have watched it means there is now a 'before' and an 'after' for every viewer."

The [website](#) designed for the distribution of materials and interviews related to the film, has had 100,000 hits since September 2018.

Educational impact

Dr Keenan's research led to her being invited in 2019 to participate in the United Nations review of their Policy Handbook on Restorative Justice in Criminal Matters, which guides nation states in developing restorative justice services. Her research forms the bedrock of the section relating to restorative justice after sexual crime.

Dr Keenan (with her team) also developed a Practice Guide, "Doing Restorative Justice in Cases of Sexual Violence: A Practice Guide", published by Leuven Institute of Criminology.

Academic impact

These findings have been widely disseminated to build public and academic understanding, via ten academic articles and book chapters, three books, presentations at international conferences, including to such specialist audiences as the International Association of Women Police.



Meeting members of the Dáil and Seanad. L to R: Iris Park, Joan Burton, Ailbhe Griffith, Marie Keenan, Senator Ivana Bacik, Jan O'Sullivan.

TESTIMONIALS

“The work of Dr Marie Keenan is most convincingly demonstrating what the meaning and societal impact of academic research can be. Her study on Child Sexual Abuse in the Catholic Church (2012) has been an eye-opener for many working in research, practice or policymaking, as it has taught us not only to understand the massive impact and mechanisms of this type of violence, but also to become aware of the role of institutional power in general. European projects have benefitted a lot from Marie Keenan’s research work – underpinned and strengthened by personal experiences as a psychotherapist – on sexual violence and the potential (and limits) of restorative justice approaches”.

Professor Ivo Aertsen, KU Leuven Institute of Criminology

“I recently hosted a screening of the powerful film ‘The Meeting’ (based on Dr Keenan’s research and involvement with Ailbhe Griffith, a victim of a sexual crime) for TDs and Senators and their advisors here in Leinster House. The screening was followed by a most informative Question and Answer session taken by Ailbhe and Marie. This session not only generated further awareness and information for Oireachtas members on the possibilities of restorative justice after sexual violence but has also led to a number of Dáil Questions been put to the Minister for Justice, Equality and Law Reform regarding the need for such a service. I continue to engage with Dr Keenan to pursue such ideas and to translate into meaningful policy changes for victims of sexual violence. I believe Dr Keenan’s research will lead to such developments”.

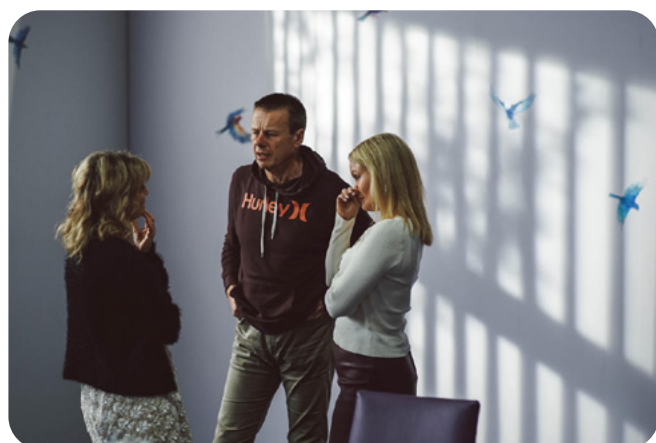
Senator Ivana Bacik, Seanad Éireann

“Several years ago, I walked into Marie Keenan’s office with no specific agenda other than to find a way towards healing and closure following a violent sexual assault I experienced eight years earlier. I had knocked on many doors figuratively and literally before that day with the same objective, but on this particular day, I walked through the right one ... with the guidance of Marie, we found a way to enable me to have a restorative justice meeting with my offender. I can admit to the meeting being one of the most profound experiences I have had in my life. It was truly a healing moment that is almost hard to describe in words ... as society and mechanisms of justice continue to evolve this ‘best kept secret’ of restorative justice cannot remain so forever. Without Marie’s huge contribution by virtue of her research and participation in the film, we simply would not know about it and therefore this additional justice mechanism could not evolve and help close the gap for victims”.

Ailbhe Griffith, Advocate for Restorative Justice

“Marie Keenan was an integral part in making our film ‘The Meeting’ from conception to completion and beyond. Her profound grasp of restorative justice (a concept new to me at the time), her innate professionalism, her personal commitment and her guiding hand were essential components in making the film. But - in the more important, broader landscape - her sensitive role in the personal journey of Ailbhe Griffith, the brave and generous centre of our story (her story) is a testament to Marie’s enduring integrity and vision”.

Alan Gilsenan, Film Director



Marie Keenan, Alan Gilsenan and Ailbhe Griffith on the set of ‘The Meeting’.

REFERENCES

Selected podcasts and radio interviews

Podcast for Restorative Justice International.

Podcast with the Kavanagh Sisters, on sexual violence, victims, offenders, restorative justice.

RTE Radio interview with Ryan Tubridy, in which Dr Keenan discussed restorative justice in cases of gender-based violence and how she personally felt about some cases she dealt with.

RTE Radio 1 Sean O'Rourke Show 2015, on the role of restorative justice and the personal experience of that process.

Practice guide

Mercer, V., Sten Madsen, K., Keenan, M., Zinsstag, E. (2015) Doing Restorative Justice in Cases of Sexual Violence: A Practice Guide. Leuven: Leuven Institute of Criminology.

Selected books

Keenan, M & Zinsstag, E. (forthcoming). *When Victims want to face Offenders: An international study of restorative justice in cases of sexual violence*. Oxford: Oxford University Press.

Keenan (2014). Sexual Trauma and Abuse: Restorative and Transformative Possibilities? Dublin: UCD.

Keenan, M. (2012). Child Sexual Abuse and the Catholic Church: Gender, Power, Organizational Culture. New York: Oxford University Press.

Zinsstag, E. and Keenan, M. (Eds.) (2017) Restorative Responses to Sexual Violence: Legal, Social and Therapeutic Dimensions. Abingdon, Oxon: Routledge.

Selected peer-reviewed journals

Keenan M (2018) 'Training for Restorative Justice Practice in Sexual Violence Cases'. *The International Journal of Restorative Justice*, 1 (2) pp 291-302

O'Nolan C., Zinsstag, E. & Keenan, M. (2018) 'Researching under the radar practices: exploring restorative practices in sexual violence cases'. *Temida: The journal on Victimization, Gender and Human Rights*, 21, (1), pp107-129

Joyce-Wojtas, N. and Keenan, M. (2016) 'Is Restorative Justice for Sexual Crime Compatible with Various Criminal Justice Systems?'. *Contemporary Justice Review*, 19 :43-68.

Keenan, M., Zinsstag, E. & O'Nolan, C. (2016) 'Sexual violence and restorative practices in Belgium, Ireland and Norway: a thematic analysis of country variations'. *Restorative Justice: An International Journal*. Hart Publishing, 4 (1), pp86-114.

Selected conference presentations

Keenan, M. (2020). Why Restorative Justice? Conference, *Whose Justice is Restorative Justice?* Ministry for Justice and Sotsiaalkindlustusamet, Tallin, Estonia.

Keenan, M. (2020). Conversation with the Experts. This YouTube video offers a conversation with Dr Marie Keenan and Ursula Fernee (Irish Probation Service) and Dr Deirdre Healy (Director of UCD's Criminology Institute).

Keenan, M (2017) Response: Responding to Sexual Violence - Is there a Role for Restorative Justice? *Responding to Sexual Violence: Is there a Role for Restorative Justice?* University of Strathclyde, Glasgow, Scotland.