

# **Gendered Perspectives of Restorative Justice, Violence and Resilience**

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# **Gendered Perspectives of Restorative Justice, Violence and Resilience: An International Framework**

EDITED BY

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INVESTOR IN PEOPLE

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# Introduction

*Bev Orton*

Research on Restorative Justice (RJ) to date tends to be gender-blind. *Gendered Perspectives of Restorative Justice, Violence and Resilience: An International Framework* reflects on how RJ is practiced within an international framework in settling disputes between persons and communities. The focus of the book is to share the different experiences of RJ, resilience and activism in relation to women in India, Singapore, Palestine, Hong Kong and South Africa. It is an extraordinary book in that it will address the lack of gender awareness through victim's narratives and personal journeys.

The authors feel that their chapters will raise awareness as well as educate readers about the benefits of participating in and using RJ as an intervention to underline the resilience of women facing violence, political challenges and sexual assault. The different chapters cover empirical, experiential and theoretical aspects of RJ to highlight the latest developments in this field. Panickasseril discusses how India has seen a sea change with regard to its criminal jurisprudence in the last decade, particularly in the area of criminal cases of sexual violence in the aftermath of the Delhi *Nirbhaya* gang rape incident. Ling and Kumar demonstrate how in Singapore, victims of intimate partner violence can seek to end their experience of harm and restore safety through the legal system by applying for Protection Orders ([Protection of Harassment Act, 2014](#); [Woman's Charter, 2009](#)). Orton's chapter 'Mothers – The Silent Supporters' focusses on the role of the mother in the RJ process. Art is used to explore emotions and to provide support for mothers who are experiencing violence from their sons. El Doukhi contributes to the understanding of resilience, social and cultural factors, identity and protracted displacement of Palestinian women in Lebanon from a people-centred approach and actual lived experience. Marqua-Harries discusses the benefits and accessibility of healing circles in the context of building resilience amongst women (and men) in high violence communities in South Africa. She examines the methodology and effectiveness of healing circles in two communities (Manenberg and Lavender Hill) where pilot projects are being undertaken. Anthony Ou brings an understanding to domestic violence in Hong Kong discussing that it is understudied in various ways: (a) there is no study about the relationships between RJ and domestic violence, (b) women's resilience in the context of domestic violence is seldom mentioned and (c) practitioners' perspective is

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often not voiced. Eboka presents the resilience of young girls as they navigate through the challenges and trauma of demeaning marriage practices. Their ability to rise above the challenges of child marriage contradicts the stereotypical perception of being passive and unable to develop agency and empower themselves. Nghishitende reminds us that some women who have left situations of exploitation falling under the umbrella term of modern slavery in the United Kingdom (UK) are mothers whom she calls survivor mothers in her chapter. Some are determined agents driven to provide better lives for their children. In their journeys after exploitation, they may draw resilience in various resources. Sex workers in South Africa face continual police violence. Orton's research questions whether RJ can be used as an intervention to prevent the escalation of violence against sex workers.

The relevance of *Gendered Perspectives of Restorative Justice, Violence and Resilience: An International Framework* addresses the dearth of knowledge regarding women and RJ by providing an understanding of the theoretical and empirical/experiential aspects of gender, resilience and RJ within an international framework which focusses on women as active participants in the process. An international gendered lens of intervention, empowerment and understanding of violence and resilience is made visible.

These chapters reflect a diverse collaboration of researchers from different countries. This enables insights from various disciplines and uses a context-sensitive approach. Each chapter represents innovative knowledge and experience drawn from sociology, criminology, law, gender studies, migration and economics. The chapters in *Gendered Perspectives of Restorative Justice, Violence and Resilience: An International Framework* encompass a distinctive engagement with interdisciplinarity. RJ crosses disciplinary boundaries. Issues which are underpinned by social divisions are discussed using interdisciplinary approaches which emphasise sexual politics as being an important driver of activism and violence. The authors use a gender lens to unpack the complex issues of resilience, adaptation and migration.

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Section I

## **Restorative Justice**

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## Chapter 1

# Imagining Restorative Justice for Intimate Partner Violence

*Kek Seow Ling and Udhia Kumar*

### Abstract

Restorative justice (RJ) approach is currently not a mainstream practice for addressing the issue of intimate partner violence (IPV) in Singapore. In IPV, the persons affected are not limited to the persons experiencing violence (PEV) and persons using violence (PUV). There is a ripple effect when IPV happens and oftentimes, children, significant others and people in the community are negatively impacted. In short, IPV hurts self and relationships. Being relational in focus, the authors believe that an RJ approach can bring about healing and growth for persons directly or indirectly affected by the violence by building connectedness and a person's relational capacity.

The authors proposed a framework for IPV work in the context of males using violence and females experiencing violence. Anchored in four working principles that are based on RJ, this framework seeks to guide practitioners to journey with affected parties in their healing process. In their endeavour to make a case for RJ in IPV work, the authors also offered possibilities and challenges for restorative IPV intervention in Singapore's current landscape.

The authors strongly believe that an RJ-influenced practice has the potential to break the violent cycle by disrupting the conditions associated with IPV, including isolation, economic stress and societal norms regarding gender expectations. The authors also opined that an RJ-influenced practice can create a sustained longer-term outcome of healthy relationships through establishing non-violence behaviour as a societal norm.

*Keywords:* Family violence; intimate partner violence; restorative justice; relational practice; restorative relationships; social work practice

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## Singapore's Context of IPV Practice

In Singapore, victims of IPV can seek to end their experience of harm and restore safety through the legal system by applying for Protection Orders ([Protection of Harassment Act, 2014](#); [Woman's Charter, 2009](#)). Perpetrators can be charged under the Penal Code if grievous hurt had been caused to the victims ([Penal Code, 2008](#)). They can also be charged for a breach of the Protection Order. The courts can also issue a Mandatory Counselling Order to the married couple as an attempt to introduce therapeutic justice and to break the violence cycle ([Women's Charter, 2009](#)).

Singapore also seeks to tackle family violence through collaboration between government and non-government agencies through networking systems and working groups at both the national and regional levels. These collaborations focus on interventions for family violence cases through enhancing the integration between the formal systems, increasing the capability of family violence cases management through provision of training to police and social service practitioners and advocacy to changing the norms of violence through public education.

At the community practice level, there are currently three designated family violence specialist agencies (FVSC) in the country to champion family violence work. These centres' work involves support for victims to apply for Protection Orders, counselling, group work, training and consultancy and public education. In addition, there are 47 community-based family service centres (FSC) involved in providing the mandatory counselling as court ordered for couples or when either or both parties seek help voluntarily. Whilst the FVSCs are specialised agencies doing exclusively family violence work, the FSCs provide generic casework and counselling services for a wide spectrum of both practical and psychological needs.

It can be seen that there are multiple levels of provisions for enabling safety and healing for families experiencing violence in Singapore. The clinical practice landscape has been influenced by several theories and models of practice most of which are centred around cognitive behavioural approaches, systemic approaches and with a heavy influence from the Duluth model utilising the power and control paradigm ([Bohall et al., 2016](#)). A predominant stance of the work is to provide psychoeducation about family violence and its impact and to empower the victim to take action for their safety and protection. For the perpetrator, it is to work on their mindset and emotional regulation to stop violent behaviour. The normalised clinical approach views the relationship between the perpetrator and victim (to note the normalised language used to describe the relationship between the couple in a dichotomous manner) as one of being adversarial and needing for the PUV to acknowledge and redeem themselves. Such an approach often ignores other possible dynamics within the relationship in context. It also starts the work with the PUV from a place of stigmatising shame and need for punishment. As such, relational issues from which the violence has developed and both parties' efforts to cope until the violence reaches a point of needing external intervention are negated.

At the societal level, a 2019 survey of Singaporeans' perceptions of domestic violence ([Ipsos & United Women Singapore, 2019](#)) revealed the following perceptions about domestic violence. Three in ten Singaporeans expressed that they or someone close to them have experienced domestic violence. A further 82% of the survey

participants indicated that tackling domestic violence is a shared responsibility and they need to act when such violence happens. However, the survey also revealed that nearly 40% of the respondents were apathetic towards domestic violence with the thinking that it is not prevalent in Singapore and that it rarely happens. This brings into question how aware and alert they would be in order to then act when it happens.

The survey also demonstrated that more than half of the survey participants view personal protection order (PPO) against the perpetrator, mandatory counselling and a jail sentence for the perpetrator as appropriate penalties. It is interesting from the survey that none of the participants mention any approaches with the consideration of the needs and concerns of the affected parties.

## **Purpose of the Chapter**

Singapore has traditionally approached the work within family violence from a position of retributive justice whilst holding as best as it can to the notion of minimal harm to the family unit. Hence, the authors feel the need to offer a RJ approach for IPV work in the current system so that there is a shift in the following dimensions:

- (1) From fear of the law to acknowledgement and taking personal responsibility for change.
- (2) From taking away power to respecting the power of affected parties to have their voices heard on harm caused and what they need to recover.
- (3) From isolation to connectedness through the involvement of the community of care.
- (4) From individual responsibility and accountability to shared responsibility and accountability.

It is only with these shifts that healing, restoration and growth can take place.

With this contribution, the authors seek to bring RJ from the margins to the mainstream practice in the area of IPV. The authors strongly believe that an RJ-influenced practice has the potential to disrupt conditions associated with IPV including isolation, economic stress and societal norms regarding gender expectations and to create a sustained longer-term outcome of healthy relationships through establishing non-violence behaviour as a societal norm.

This chapter therefore seeks to provide a restorative lens to current paradigms of working with affected parties of IPV focussing on female 'victims' and male 'perpetrators'. However, this does not mean that males cannot be victims of domestic violence. A restorative framework for working with the affected parties is proposed based on the needs, principles and typology of IPV.

## **Why RJ?**

### ***RJ Is About Relationships***

RJ being relational focussed is highlighted in the many definitions of RJ practice. According to [Llewellyn and Howse \(1998\)](#), RJ is 'fundamentally concerned with

restoring social relationships, with establishing or reestablishing social equality in relationships; relationships in which each person's rights to equal dignity, concern and respect are satisfied' (p. 1). The [International Institute for Restorative Practices \(IIRP, 2019\)](#) defines restorative practices as an 'emerging social science that studies how to strengthen relationships between individuals as well as social connections within the communities'. [Zehr \(2015\)](#) opined that crime is a violation of people and relationships. These definitions imply that people are connected to each other and one's actions will have an impact on another, either directly or vicariously. It is also the connectedness amongst individuals that mutual support, shared responsibility and mutual accountability can be realised to create the 'possibility for transformation of people, relationships and communities' ([Zehr, 2015](#)). Therefore, a restorative process works with and through relationships to impact change.

### ***RJ Is About Needs and Roles of Various Stakeholders***

RJ is concerned about the needs and roles of stakeholders to facilitate healing. The needs of the victims include to be safe, to be heard about their feelings and needs, to be informed about what happened, to find meaning, be empowered, validated and to achieve restitution. For the perpetrators, their own needs may be for acceptance, reconciliation, support for integration and personal transformation and regaining their self-worth ([McCold, 2010](#); [Zehr, 2015](#)). Others require them to accept accountability and to take responsibility for future non-violence and change. According to [Zehr \(2015\)](#), RJ is an

approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offence or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible. (p. 48)

Through an RJ process, everyone has the opportunity to share their perspectives, the impact of harm, as well as what they need to heal, within a community of care, to allow the perpetrators to take responsibility and accountability through integrative shaming ([Braithwaite, 1989](#); [Braithwaite & Daly, 1998](#)). [Braithwaite \(2006\)](#) opined that whilst 'injustice hurts, justice should heal' (p. 36).

### ***RJ Is About Community Involvement in the Healing Process***

In IPV, the relationship between the couple is affected by the acts of violence, be it physical, emotional and/or financial. Persons related to the couple are indirectly affected by the situation. People who care about the perpetrator and the victim can rally around them to provide physical and emotional support and be gatekeepers so that violence does not reoccur or to provide the necessary assistance when violence does reoccur. Second, both the perpetrator and victim do have fundamental needs, which are security, belonging, autonomy and competence ([Russell, 2011](#)). For the victim, her needs are violated when she suffers violence;