

Innovative Justice Responses to Sexual Violence: A Global Analysis

This project addresses a global problem in responding to sexual violence in varied social contexts (collective, semi-collective, and individual): there are insufficient resources to prosecute and punish offences; and even assuming that these were adequate, conventional practices often re-traumatise victims. Innovative responses are required that do not rely exclusively on prosecution and trial. The project will synthesise knowledge and gather new data on conventional and innovative justice responses for over 20 countries in the developed and developing world. In-depth case studies will then be conducted of innovative practices in eight to ten sites. We are interested to integrate scholarship on transitional justice, restorative justice, Indigenous and community-based justice, and feminist and critical race theories and research on violence against women. Different levels of justice interventions – international, domestic, and local – will be explored.

The first major outcome is a research paper by Daly and Bouhours on police and court responses to sexual violence in five western nations. It reviews and synthesises attrition research in the legal process and the factors associated with police and court outcomes. We find an overall decline in conviction rates in the past 35 years, country and temporal differences in rates of conviction, and different outcomes by stage of the legal process. Our review suggests that a more radical change agenda is required to improve the response to rape. In 2008, the paper was presented at the Law and Society Conference (Montreal), the National Victims of Crime Conference (Adelaide), Griffith University's Key Centre for Ethics, Law, Justice, and Governance (Brisbane), University of Queensland's School of Social Sciences (Brisbane), and the Australian and New Zealand Society of Criminology Conference (Canberra).

In 2008, three major activities are underway. We are conducting a wide and deep desk review, looking broadly to identify innovative responses to violence against women, while at the same time targeting promising projects for further study. We are evaluating the reports produced by NGO's and the UN on violence against women in post-conflict and developing societies, with particular attention to their proposals for legal reform and changes in police and court practices. We are creating a theoretical/empirical grid of the comparative exercise by mapping different levels of legal intervention (international, domestic, local) and different contexts of sexual violence (collective, semi-collective, and individual). This grid will serve both as a sampling frame and a means to theorise variation in the limits and potential of justice practices.

An international advisory board is being formed to guide the project. Its members include Mary Koss (University of Arizona), Vesna Nikolic-Ristanovic (Victimology Society of Serbia), Monika Platek (Warsaw University), Karin Madsen (Centre for Victims of Sexual Assault, Copenhagen), with more to be added.

October 2008

**Griffith University
Key Centre for Ethics,
Law, Justice &
Governance**

**ARC Discovery Grant
2008-2011**

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