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## **Abstract**

Recent decades have seen an expansion in the use of criminal and civil justice systems to address gender based violence in the UK and elsewhere. Yet there remain substantive gaps in the ability of victims/survivors to obtain justice through these systems; in our understanding of what 'justice' actually means to victims/survivors; and in how different social identities and inequalities intersect to shape those perceptions, access to and experiences of, justice. This paper presents the findings of a systematic search of the literature regarding justice and gender based violence. First, we elucidate a number of theoretical models of justice within the literature which offer a more expansive meaning to 'justice' for victims of gender based violence than the traditional criminal justice approach. Our second finding was unexpected. We explore how a 'systematic' approach to identifying literature relevant to our research in fact left significant gaps. In addition, the literature we did identify had specific characteristics in terms of substantive focus, geographical origin or methodology, among other factors, which we suggest has implications for knowledge production in the field of gender based violence (and beyond).

**Key words:** gender based violence; justice; victim; literature review; systematic review

## **How is 'justice' understood, sought, and experienced by victims/survivors of gender-based violence? A review of the literature**

### **Introduction and context**

Partly in response to the work of campaigners, researchers, victims and survivors, recent decades have seen an expansion in the use of criminal and civil justice systems to address gender based violence<sup>1</sup>. In the UK there have been substantive reforms to the instruments of justice, including the advent of new civil measures, such as domestic violence or forced marriage protection orders, and new criminal statutes, including the criminalisation of rape within marriage (*Regina v R (Rape: Marital Exemption)* 1991; (1992)) and the criminalisation of repeated or continuous coercive or controlling behaviour perpetrated against an intimate partner or family member (Serious Crime Act 2015). There has also been something of a cognitive shift in recognising the needs of victims within the justice process, including the introduction of specialist domestic violence courts, the offer of special measures within the criminal court for victims providing testimony and the establishment of dedicated and trained units within the police force to deal with, for example, sexual crimes.

Yet there continue to be gaps. First, in victim/survivors of GBV obtaining justice, evidenced for example, by significant under-reporting and a high attrition rate of reported domestic violence and rape cases within the criminal justice system (for example, Hester, 2015; Hohl and Stanko, 2016); dissatisfaction with the policing response (for example, HMIC, 2014;

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<sup>1</sup> We use the United Nations (UN) definition of GBV as primarily "violence that is directed against a woman because she is a woman or that affects women disproportionately" (United Nations, 1992). We also recognise GBV as a structural form of violence rooted in power imbalances and inequality (see for example, the Council of Europe 'Istanbul' Convention, 2011). For the purpose of this research project, the term GBV is understood to include domestic violence, sexual violence, 'honour'-based violence and forced marriage, applying to both female and male victims/survivors, of any sexual orientation and adults aged 18 or over. We also include violence between family members (e.g. from son to mother or mother-in-law to daughter-in-law); abuse mediated through the internet or mobile phones; stalking and harassment.

HMIC, 2015) or insufficient advice on what criminal and civil options are available (for example, Citizens' Advice Bureau, 2015). Second, there are gaps in understanding how social identities and inequalities intersect with the experience of (in)justice: for example, the experience of individuals with mental health or learning difficulties or who are within same-sex or elder intimate relationships. And third, there are gaps in understanding what 'justice' actually means to victims/survivors of GBV. Such understandings may reach beyond the prevailing formal systems of justice, including the more recent policy initiatives around restorative justice (Ministry of Justice, 2014) and use of Sharia councils (Islamic Sharia Council, 2010), and represent a mix of tangible and intangible needs for recognition, restitution and reconstitution. From this perspective, withdrawing from the criminal justice system process, for example, could indicate positive, self-protective choices by victims/survivors who recognise the type of 'justice' on offer is not what, or how, they want (Hester, 2006). And it may simultaneously be an indictment of the prevailing formal systems and raises the question of what alternatives are available. So as well as considering the criminal, civil, family, restorative, arbitration and religious councils, we are also alert to informal spaces such as inter/intra-family or community attempts to achieve justice, including retributively.

This review was conducted as the first stage of 30 month [name of funder]-funded project considering how 'justice' is understood, sought, and experienced by victims/survivors of gender-based violence. The second and third concurrent stages of the project involved analysis of over a thousand police case records, including regression analysis to understand the justice journey, and in-depth semi-structured interviews with around 250 victims/survivors and 50 practitioners nationally. The final synthesis phase (currently underway, late 2017) will involve pulling through the learning from stages one, two and three to address the research questions.

To summarise then the potential literature of interest for this review: we were interested in work that considered GBV in relation to 'justice', either positioned within justice settings or theoretical discussions of justice. Within that, we were interested in exploring victims'/survivors' understandings and experiences of justice, as well as the perceptions of practitioners<sup>2</sup> working in this area. Two challenges were clear: (1) how to set the search parameters in a way that did not foreclose uncovering definitions of justice in its wider sense – the very aim of the research; and (2) how to manage the large volume of literature that our broad project scope would likely generate.

## **Methods**

Given the open nature of our central research, we required an exploratory method to identifying literature, which would help generate new knowledge and new connections. We therefore pursued (1) a systematic approach to building an initial body of literature which was then augmented by (2) targeted literature searches. We decided to first map the terrain of the identified literature, and use that knowledge to pinpoint some key areas of interest. Given that data collection in stages 2 and 3 of the wider project were unfolding in parallel, this mapping of the literature made it possible to identify papers quite quickly to inform the early development of these stages.

### **1. Systematic review**

Searches were made of the international literature for peer-reviewed and non-peer reviewed studies on 11 December 2015. No language, date or methods restrictions or trials filter were applied to ensure the search was as inclusive as possible. Given space constraints, the full

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<sup>2</sup> We identify key professionals and practitioners as: police officers, police and crime commissioners; legal representatives of victims/survivors of GBV; prosecutors; judges or magistrates; court support staff; those working with alternative or informal justice mechanisms; NGO workers; and policy makers.

details of the inclusion criteria (or 'protocol'), the databases searched and the terms used are available on request from the authors. In terms of type of participant, we included any work discussing in theory or drawing directly on the perspectives or experiences of victims/survivors of GBV (see footnote 1 for definition) who were female or male and aged 18 years and over, including where the experience occurred previously when they were aged 17 and under – so for example, adult survivors of childhood sexual abuse. We also included work discussing in theory or drawing directly on the views and experiences of relevant practitioners working with victims/survivors. We included any work which made reference to 'justice' in relation to gender-based violence and this included criminal, civil, restorative and other formal or informal settings.

As expected the volume of the systematic returns was high at 38,119. The results were downloaded from Endnote in to an Excel spreadsheet format, sorted alphabetically and split in to two equal sets. Each set was allocated to a pair of researchers who independently sifted the items against the inclusion criteria twice independently and a third time jointly. These lists were then combined and reviewed by the project principal investigator, with final edits agreed in a meeting of all the reviewers. This process led to further minor adjustments and a final combined total from the systematic searches of 1,591 items.

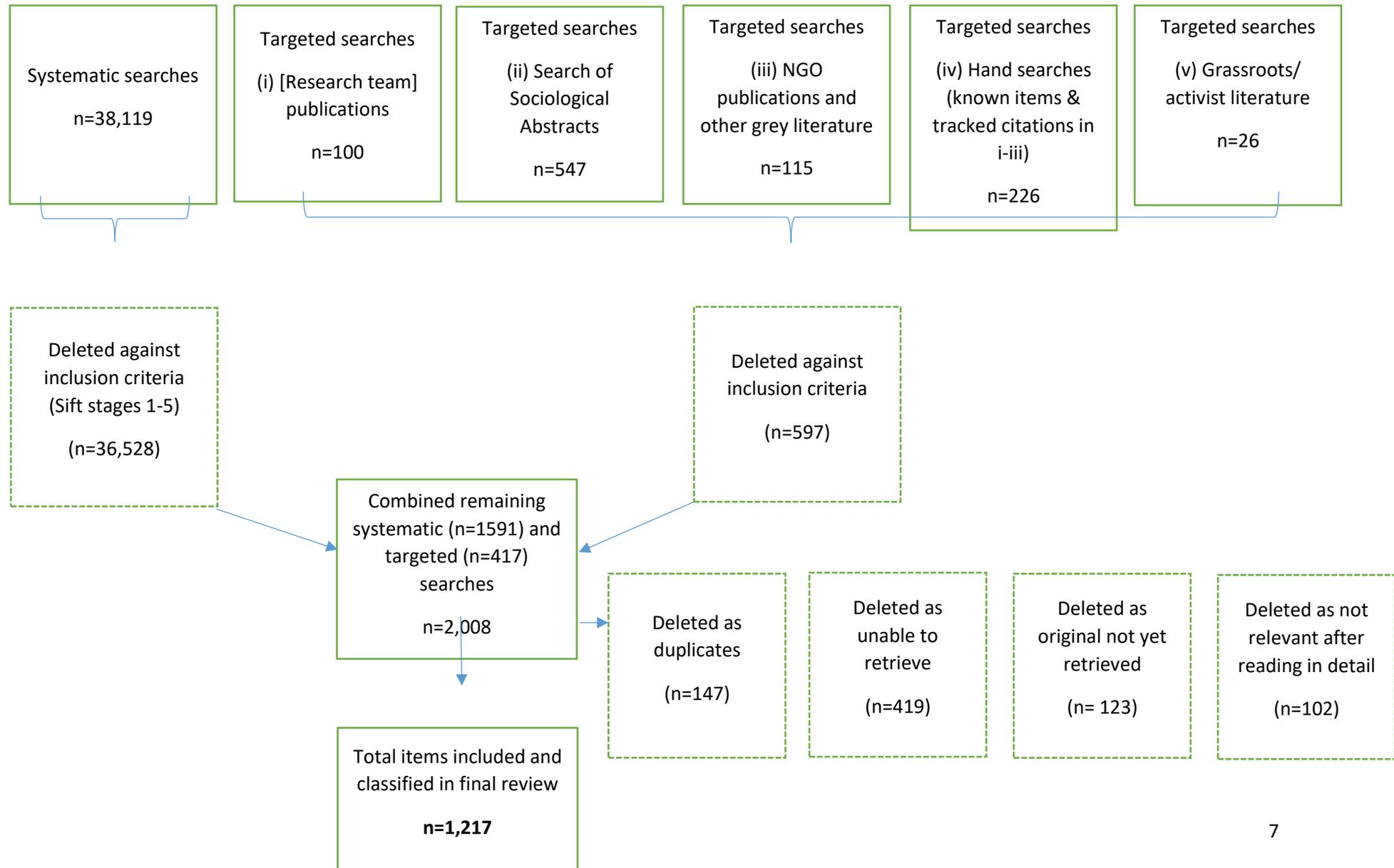
## **2. Targeted searches**

At the same time as carrying out the systematic searches and sift, members of the team carried out selected targeted searches, again with two colleagues assessing each item. This included first, a review of the authors' research group published output as captured in the [name of university] research publication system (n=100) and second, a search on 18 November 2015 of the Sociological Abstracts database (Search criteria: Gender AND Violence AND Justice; All

dates; Any language; Journal articles) (n=547). The experience from these two strands helped inform the development of the inclusion criteria for the systematic review protocol.

The third strand was for a colleague to search NGO website publications and other grey literature, leading to 115 items. Fourth, two researchers pursued hand searches of relevant citations within the literature found in targeted search strands 1-3 and of 'classic texts' or writers on GBV and justice that the project team were familiar with, such as Carol Smart, Susan Edwards or Elizabeth Stanko. Another team member leading a nested study in to Sharia council responses to justice and GBV, contributed their hand searches to date. The fifth and final strand emerged from the work of a further colleague who had experience researching community and activist groups and who identified 26 publications from a personal archive which related to gender-based violence and grassroots approaches to justice. This final body of literature was predominantly published in zines and other specialist websites and would not have come to our attention through searching conventional academic databases or relying on our own archives. Combining each strand within these targeted searches, and excluding overlaps, 417 relevant literature items were identified.

**Fig. 1: Identification of items of literature for review**



As shown in Figure 1, the final sift from the systematic (n=1591) and targeted (n=417) searches resulted in a data set of 2,008 items, which was further adjusted for duplicates or other reasons of retrieval or relevance. The next task was to classify this set in such a way that we could map this body of literature according to identifying features (for example, type and date of publication) and focus (on for example, location of research, type of GBV, type of inequality ). To do this, a classification template and definitions were agreed by the team (again, available from the authors on request). Additional to these categories, and to inform the wider research project, we also recorded whether the literature focused on practitioners or victim/survivors and whether the views of either group (rather than just the views of the author(s)) were articulated.

It is worth noting that of the 147 total duplicates, 62 were duplicated within the systematic searches and 85 were duplicates between the targeted and systematic searches. This means that, despite these searches being carried out with the same inclusion criteria, of the final figure of 417 targeted searches (see Figure 1), only 20% were also identified within the systematic searches. It was at this point that we began to ask why, despite our all-embracing and cautious approach to producing 38,119 returns through systematic searches; that figure did not include 80% of the papers selected through targeted searches. We return to this issue in the discussion below.

In summary, 1,217 items of literature were classified. At this intermediate mapping stage, a strategy for quality appraisal and data synthesis was not required as all items deemed within the augmented search criteria were included whatever the method or approach.

## **Findings and discussion**

In this section, we will present our findings from mapping this final agreed set of literature in terms of forms of GBV; type of justice system and theoretical models of justice cited. First, to provide some context, we summarise the profile of the literature in terms of year of publication, item format, the location of the research and the principal research methods used.

### **1. Profiling the literature**

Around 80% of the literature classified was published since 2000 and around 16% published between 1970 and 1999. Much of the work published in the 1970s and 1980s was captured in the targeted hand searches and included second wave feminist writings on justice. The small number of undated items (n=51) included some NGO and other online publications.

The vast majority of the final set of items (n=1,034 or 85%) were journal articles published in peer-reviewed journals. Around 8% (n=97) were classified as 'Other' and included UK and international governmental and non-governmental reports (at the local, national or supra-national level) and other commissioned or academic (non-peer reviewed) reports, and around 4% (n=51) were published Masters or PhD theses. The small number of books or book chapters (n=18, 1%) was a result of our decision to defer physical searches of available books (n=123, see Figure 1) given time constraints to complete the mapping stage. We recognise our reliance on electronic items, particularly online journal articles, as a limitation of this review. The 12 'Zine' items came entirely from the targeted grassroots/activist searches (see Figure 1, targeted searches (v)).

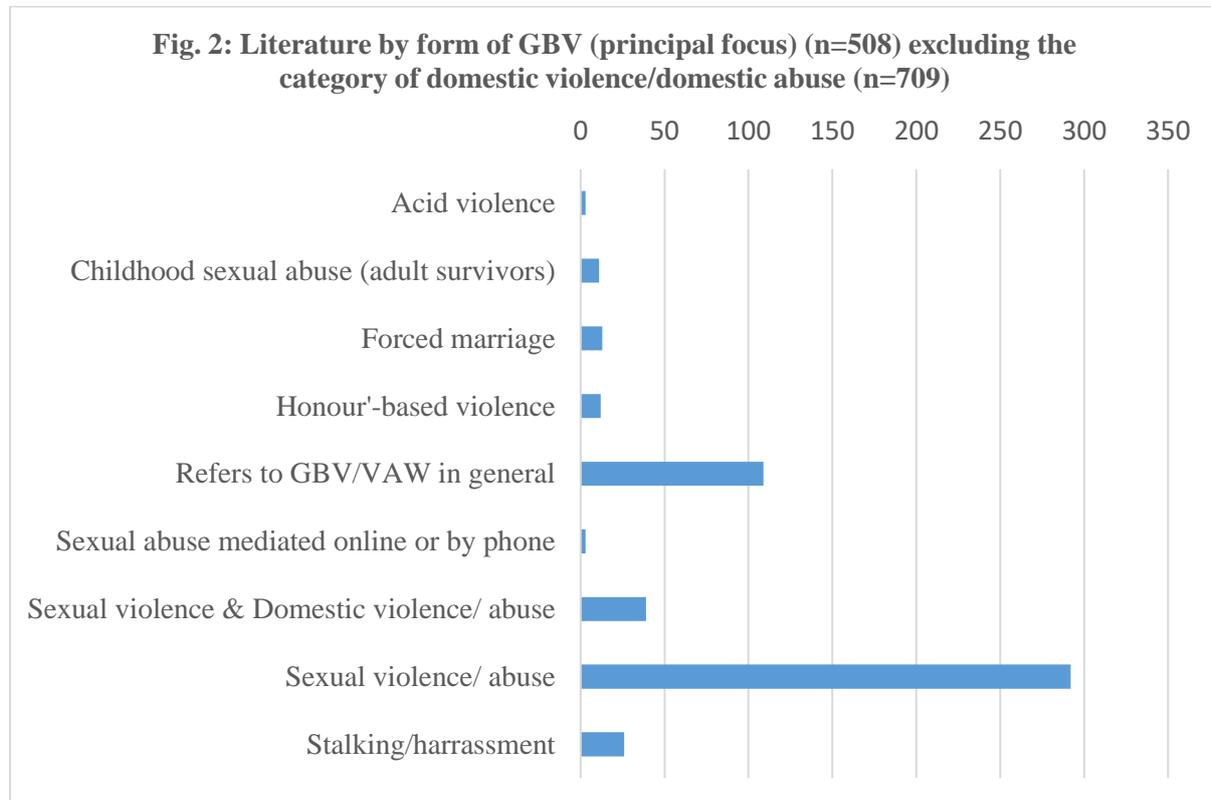
We classified the items in terms of where the research took place and not, for example, by the location of the author(s): so for example, if researchers working for a Canadian university

were reporting research carried out in Morocco, the research would be classified as 'North Africa'. Research conducted in the United States of America accounted for around half of the literature (n=630). Canada (n=77), England and Wales (n=70), UK (n=75) and Australia (n=65) had significant representation, reflecting in part our exclusion of items where English summaries were unavailable. Over half of the South Asia category (n=44) consisted of items relating to India (n=25).

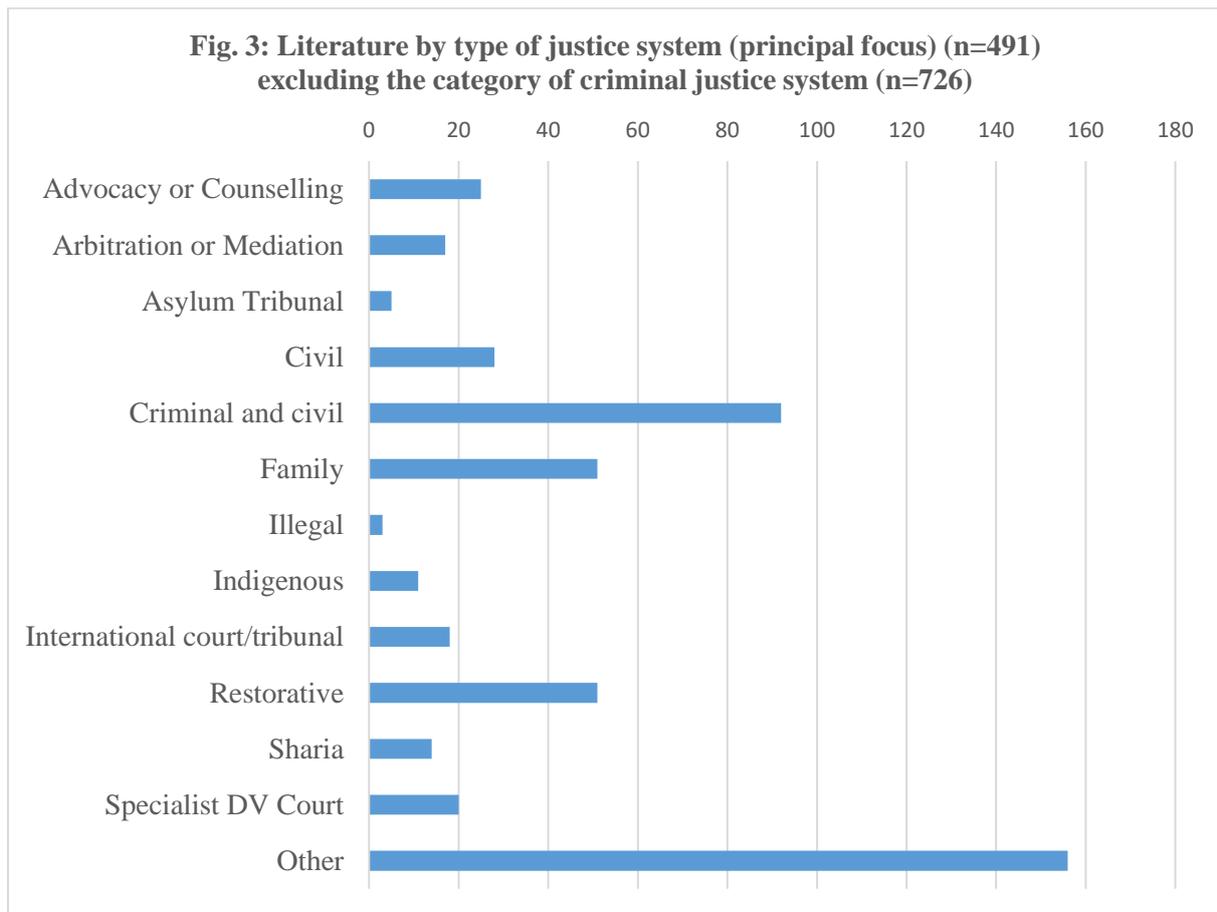
Two thirds of the literature identified were either conceptual/discussion pieces (n=329) or took a qualitative approach (n=441), of which around half used semi-structured or in-depth interviews. Other methods included ethnography and participant observation or documentary analysis. The majority of the quantitative studies (n=256) were carried out in the USA and Canada (n=204 out of 256), and this work in turn is generally focused on domestic violence and abuse (n=149 out of 204). The most common quantitative methods employed were surveys or secondary analysis of existing survey data or statistics collected by criminal justice or government agencies. A smaller proportion (n=119) used both qualitative and quantitative approaches. None of the classified items employed an RCT design, reasonable given the focus of the review was not on interventions.

Each item was categorised by principal focus in terms of type of GBV. The vast majority of items (n=709) focused on domestic violence and abuse. Stripping out this category, Figure 2 below shows that sexual violence and abuse accounted for a significant portion of the remaining literature (n=292), as well as literature discussing GBV or violence against women (VAW) in general (n=109). Literature which used the term 'family violence' was included within the 'domestic violence' category, and included adult child to parent elder abuse, for example. Where 'honour' was specifically invoked by the author in discussions of abuse

within the family or between intimate partners, then the item was instead categorised under 'honour'-based violence.



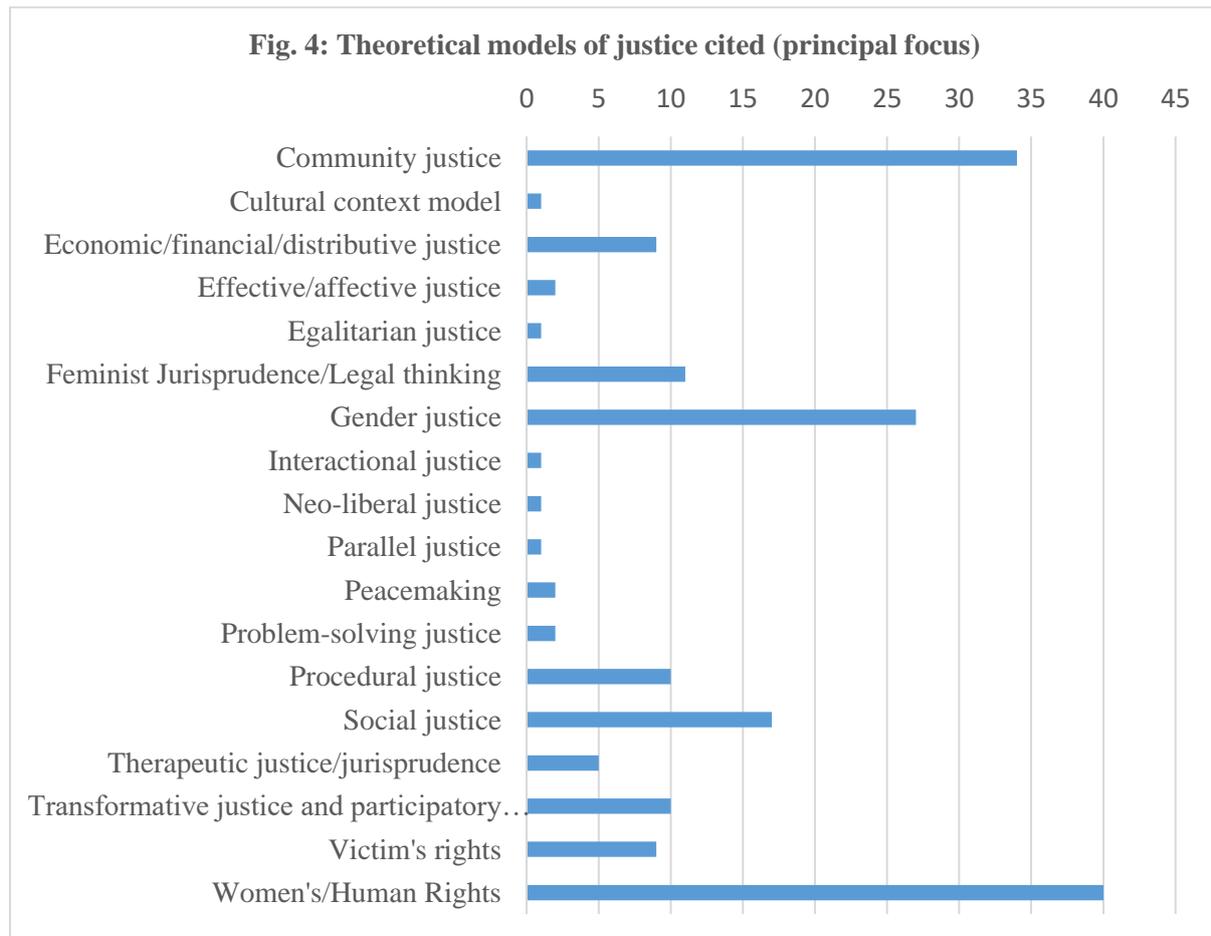
The majority of the literature (n=726) focused on the criminal justice system. This was followed by literature focusing equally on criminal and civil measures (n=92) or on restorative approaches (n=51). The category 'Other' referred to items which discussed justice either in theoretical terms or without reference to specific justice systems and included, for example: shaming mechanisms (such as 'perp walks' or 'outing' on social media), legal direct action by community groups or informal agreements within families or between perpetrator and victim.



Mapping the literature set in this way has enabled the research team to pursue and develop targeted literature reviews and provided a shared resource as the findings from stage 2 (analysis of longitudinal police data) and stage 3 (interviews with victims/survivors and practitioners) emerge.

A central aim of the literature review was to identify theoretical models of justice in relation to victims/survivors of gender based violence. We use the term 'theoretical models' here to refer to a bounded set of assumptions which offers definitions for, and a way of understanding, justice. The categories within this classification were grounded in the literature, emerging as each item was read. The researchers working on classifying the literature communicated closely through this process. Models were identified on the basis of the phrases and definitions used by authors rather than inferred by the research team reading

the literature. This meant that in some cases the number of items associated with a particular model were as low as one or two. This was however consistent with the methodological aims to generate knowledge rather than to judge, for example, the intellectual value of theory through the prevalence of citations.



For more than 80% of the items within our literature set, no model or theory of justice was cited specifically. Of the remaining, women’s rights or human rights frameworks (n=40), community justice (n=34), gender justice (n=27) and social justice (n=17) featured prominently. Below we elucidate these models further, briefly evaluating their presentation in selected items and their potential value in terms of articulating the justice experiences and perceptions of victims/survivors of gender based violence.

## **2. A summary of theoretical models of justice identified within the literature**

The meanings of '*community justice*' within the 34 papers identified in this category are diverse. First, it includes items which refer to community-based justice initiatives and includes discussion on the strengths and limitations of such mechanisms (e.g. sex offender notifications (Presser and Gunnison, 1999); using public communication technologies (Powell, 2015); or victim-led design of perpetrator rehabilitation (Koss, 2000)). Second, it refers to arguments that gender based violence should be treated as a community responsibility, requiring community accountability, and not as an individualized crime (Giustina, 2008; Buckthorn, 2013; Celeste, 2011). Third, it includes work exploring the informal community justice mechanisms or responses within particular minority communities (Foley, 2010; Bierria et al., 2008) or how minority communities mediate with the formal justice sector (Singh, 2012). There is clearly some philosophical overlap with the literature on restorative approaches, but classification was led by the terms that authors themselves used.

*Coordinated community response* (CCR) (n=16 papers) is an approach which sees the response to domestic violence (which is the area where it has been trialled) as distributed throughout the statutory and voluntary sector - including health, schools, faith groups - as well as the criminal justice system. The literature identified, located entirely in the UK and US, includes generally positive local assessments of the impact of the approach (Hague, 2008; Robinson, 2006; Garner and Maxwell, 2008) with some questions raised on whether CCR could be more victim-focused (Hirschel, 2012) and whether it works well with female offenders (Muftic and Bouffard, 2007). There was some discussion within the research team as to whether, like restorative justice (see below), this was as an intervention or a theoretical

model (or both; or indeed the implementation of another theoretical model, such as community justice). We therefore record it separately in Figure 5.

Proposed by Almeida and Lockard (2005) as a model of accountability and empowerment to respond to domestic violence, the *cultural context model* (n=1 paper) is rooted in principles of universal human rights and practices that foster a 'critical consciousness' (Freire, 1972). CCM explicitly challenges patriarchy and racism by placing social justice principles at the centre of domestic violence interventions. CCM featured in one item in the literature, Lichtenstein (2009), and is proposed as a possible route to addressing the barriers faced by older African American women to reporting domestic to law enforcement in the rural 'deep south' of America. These barriers include a distrust of police stemming in part from the history of racial oppression in the United States and that Black African American women have been accused of betrayal for reporting Black African men. In addition, membership of strongly conservative churches may both stigmatise the public reporting of domestic violence and perpetuate gender assumptions about male dominance and female subservience.

Another item, Shalhoub-Kevorkian (2000) highlights how a combination of Palestinian mistrust of the Israeli state and different cultural norms can problematise the use of formal Israeli legal interventions for spousal assault cases in relation to Palestinian families. While Shalhoub-Kevorkian (2000) concludes that cultural context is an important factor in assessing effective justice strategies for victims of domestic violence, she does not specifically invoke a 'cultural context model'. We flag this is an example of how identified models could be projected into, or help make sense of, other items within the full literature set.

*Distributive justice* is concerned with a socially just allocation of goods and resources. So, for example, the access for victims/survivors of domestic violence to social housing.

*Economic and financial justice* approaches include, for example, recognition of economic loss (housing, job, credit status, standing in community, confidence) inflicted by experience of GBV and specific tactics of financial control.

Nine papers were identified citing distributive, economic or financial justice, all relating to research in the United States and referring predominantly to domestic violence. Themes included the financial barriers to leaving abusive relationships and seeking justice faced by victims/survivors (Barnett, 2000; Pyles et al., 2012); an evaluation of distributive justice schemes to empower women through employment and training (Chronister and Davidson, 2010); restitution through victim compensation (Smith, 2006); and finally assessments of the economic costs of domestic violence and a cost-benefit analysis of justice interventions (Logan, Walker and Hoyt, 2012; Post et al., 2002).

Two papers were identified citing effective or affective justice. *Effective justice* is concerned with the technical, procedural and rational features of the justice system. *Affective justice* is the sense or feeling that justice has been done: it is concerned with the individual and collective emotional resonance of crime. Brownlie (2003) considers how social anxieties about sexual crimes, particular where the victims or perpetrators are young people, require a justice response which responds to both the effective and affective dimensions. Hudson (2002) explores resistance to the use of restorative justice mechanisms in cases of domestic violence and sexual assault and considers if this is attributable in part to a (mis) understanding of restorative justice as a diversionary approach, rather than as an alternative mode of effective justice.

Song (1997) considers the tension between liberal democracies espousing equal treatment through cultural blindness, and the extent to which “justice requires special accommodations for cultural minorities under certain circumstances” (p. 9). She argues for some level of “rights-respecting accommodationism” (p.11) drawing on an *egalitarian model of justice* (n=1 paper). The place of ‘culture’ has been a thorny issue in the development of a justice response to so-called ‘honour’-based violence and FGM. Wherever the balance ought to lie, such models underline the importance of recognising the positioning of victims in terms of for example, ethnicity, faith and immigration status, in assessing perceptions and experiences of justice.

*Feminist jurisprudence* is a philosophy of law based on the political, economic, and social equality of sexes. It starts from the premise that the law has been fundamental to women’s historic subordination and is focused on law as both a theoretical enterprise as well as having practical and concrete effects in women's lives. The 11 papers identified citing this model are all conceptual or discussion pieces and seven are written in the Australian (n=4) or USA (n=3) context. Six pieces are focused on sexual violence.

Du Toit (2012) expresses concern about the trend towards gender neutrality within law undermining the sexual specificity of rape. Larcombe (2011) problematizes the focus on conviction rates in assessing the effectiveness of rape laws and calls for more attention to qualitative and victim-centred outcomes of criminal justice processes. Smart (1989; 1995) discusses the value of criminal law for women in fighting patriarchy and whether a feminist jurisprudence is either possible or desirable. Smart’s critique of the law as an equivocal ally for women are prescient given the concerns raised more recently, and outlined at the start of

this article, on the ability of available formal mechanisms to deliver justice to victims/survivors of GBV.

We would note that such feminist analysis is a useful means of visibilising the effects of patriarchy within the justice systems of liberal democracies which may formally conceive the law as operating in a rarefied space, outside and above social power relations. The welcome recognition of gender-power relations within the cultural context, parallel justice, peacemaking or gender justice literature can suggest that patriarchy is a problem of 'particular cultures' rather than a consistent feature of all justice systems.

*Gender justice* (n=27 papers) can be conceptualised as a human right, calling for every women and girl being entitled to live in dignity and freedom and to live without fear of violence, for example. The literature identified citing this model is notably international (including: South Asia, n=9; Middle East, n=3; Multi site, n=5; Australia, n=3, and South Africa, n=2). All are conceptual pieces or employ qualitative methods and half discuss gender-based violence in general.

Themes within this category range from focus on the international experiences of women during war (for example, Durbach and Chappell (2014) considers the case for victim reparations for sexual violence during conflict) to domestic responses in peacetime, with Rayaprol (2010) for example assessing the Indian courts' response to violence against women and Norsworthy (2003) describing liberatory approaches to GBV within Thailand, Cambodia and Burma.

*Interactional justice* (n=1 paper) relates to the experience of justice. Laxminarayan (2012) identifies two parts: receiving adequate information about the justice process ('informational justice') and being treated during the justice process with dignity and respect ('interpersonal justice'). Laxminarayan's research suggests that vulnerable victims of domestic and sexual violence are experiencing secondary victimisation through interactional injustice with victims of sexual violence, for example, reporting significantly lower levels of interpersonal justice than victims of other crimes. This can refer to the initial response by police or cross-examination in court.

One paper identified a *neo-liberal justice* model. This Canadian article authored by Comack and Peter (2005) considers how the criminal justice system is implicated in broader socio-economic trends and specifically how the neo-liberal value of 'responsibilisation' plays out in sexual assault cases. Through a qualitative analysis of one survivor's story, the author considers the implications of neo-liberal rationalities for women and child victims seeking justice for sexual violence. This approach could be usefully contrasted with feminist jurisprudence or gender justice above to explore the impact of individualising and de-gendering definitions and experiences of justice.

The phrase '*parallel justice*' (n=1 paper) is used sometimes within discussions of restorative justice systems, to describe a twin-track process, serving the different needs of victims and offenders and located at both the state and community level. However, the 'parallel justice' model identified within Minallah (2007) refers to resolution processes running outside the formal justice system. Such processes might be referred to as 'traditional' or 'indigenous', have often evolved within communities over time and may be seen as preferable where confidence in formal judicial processes – because it is seen as costly, time-consuming or

undermining traditional power bases, for example - is low. Minallah discusses the impact of jirgas or panchayats in Pakistan where claims have been resolved not by monetary payments, but by pledging in marriage young female relatives of the accused to male members of the victim's family. This approach to 'peace-building' is known as swara, vanni or chatti. Minallah describes how judges in the Supreme Court in Pakistan have been particularly active in challenging these practices as 'unconstitutional, unlawful and un-Islamic' (2007: no page number), raising interesting questions about the role and scope for criminal justice professionals to advocate for victims/survivors of GBV.

The *peacemaking* literature comprised two items authored by Coker (2001; 2005) and draw on her work with the Navajo community in the United States. Coker suggests that peacemaking processes may be appropriate to some women who have experienced domestic violence but only if those processes meet five criteria: they prioritize victim safety over batterer rehabilitation; offer material as well as social supports for victims; work as part of a coordinated community response; engage normative judgments that oppose gendered domination as well as violence; and do not make forgiveness a goal of the process (Coker, 2005). Coker also explores the differences between the Navajo peacemaking model and other so-called 'indigenous' justice systems, a useful reminder to those unfamiliar with this area of the diversity between settings.

Two papers refer to the recent development of '*problem-solving courts*', organised around particular themes such as domestic violence, drugs or mental health. Originating in the United States, problem-solving courts are an innovation within the criminal justice system where offenders are tasked with a package of court-supervised measures to address the underlying causes of their behaviour.

Castellano (2011) expresses cautious optimism for the development of problem-solving mechanisms though calls for research in to how victims and their families subjectively experience these courts and how the theory underpinning problem-solving is practically translated in to justice acceptable to victims. Mirchandani (2006) evaluates the experience of Salt Lake City's specialised domestic violence court, praising the court for becoming a "feminist regime committed to individual and social change" (2006: 781). This links back to the issue raised under the feminist jurisprudence model of the gendered conception and administration of justice and its implications for victims/survivors of GBV.

*Procedural justice* (n=10 papers) is concerned with the fairness and transparency of the justice process and how decisions are made. It is not focused on outcomes of justice in the way, for example, distributive or retributive justice are. Six of the ten items identified here relate to research carried out in the United States and all but one of the group relate to the criminal justice system.

Gover, Brank and MacDonald (2007) discuss the experiences of 50 victims and 50 defendants who participated in a specialised criminal domestic violence court in South Carolina, finding that the court successfully met the needs of both groups in terms of fairness and enabling their voice. There is an interesting overlap with both interactional and problem-solving justice models here. Hickman and Simpson (2003) explore whether victims of domestic violence are more likely to re-report if they viewed their previous experience with police as either procedurally fair or achieving their preferred outcome. While both factors were deemed important, the previous arrest of the offender in accordance with victim preference was a significant predictor of willingness to report again. Parsons and Bergin (2010) and Wemmers (2013) are interested in secondary victimisation and how far attention

to the procedural aspects of justice can ameliorate the recovery and mental health of victims of GBV and other crimes.

While we recorded *restorative justice* as a type of justice system, there is clearly a theoretical underpinning to restorative justice which merits its mention in this section. There were 51 papers which focused on restorative justice interventions, of which 18 in turn cited different theoretical models of justice (for example: community justice (n=4) or transformative justice (n=4)). The majority of the papers (n=44) considered domestic and/or sexual violence. A key preoccupation with the literature is the appropriateness of restorative justice interventions in the context of GBV (see Belknap and McDonald, 2010; Gavrielides and Artinopoulou, 2013; Uotila, 2010), given for example, concerns about the unequal footing of the victim and perpetrator, where for example, there is a history of coercive control which can lead to silencing, acquiescence and fear among victims. Other work points to the empowering potential of restorative justice for some GBV victims/survivors (for example, McGlynn, Westmarland and Godden, 2012).

*Social justice* (n=17 papers) is a broad term based on the concepts of human rights and equality and, in this context, would be concerned with combatting gender discrimination and oppression and securing rights and freedoms for women and men. This set of papers include a high proportion where particular positionings or inequalities in relation to the victim/survivor were identified (gender, n=3; race/ethnicity, n=3; offender status, n=2; faith, n=1; parent or pregnant, n=1). Ten of the seventeen items identified relate to research carried out in the United States and only three use quantitative or mixed methods.

The elasticity of the meaning of social justice is reflected in the diversity of focus within this set. Perilla (2012) draws on both academic theory and activist experience to argue for a social justice framework to address domestic violence within Latino families in the US. Van Wormer (2009) takes a feminist standpoint perspective to claim that restorative justice processes, through giving voice to the marginalised and focusing on healing and reconciliation, can offer social justice to women who have been victimised by physical and sexual abuse. First (2006) draws on the testimonies of thirteen women survivors of incest to document their route to empowerment by becoming social justice activists, a useful reminder of how victims/survivors can seek a broader justice outside the confines of formal court processes and indeed of their own experience.

*Therapeutic justice or jurisprudence* (n=5 papers) is a relatively new field which considers how the law and justice systems can be curative or healing (however defined) to those who engage with its institutions and processes. Of interest here, the approach is concerned with the impact on the emotions, behaviours and mental health of victims/survivors, among others. Wright and Johnson (2012) in the US for example explore the efficacy of civil protection orders against domestic violence perpetrators in improving the psychological sequelae of exposure to trauma among victims/survivors. Cattaneo and Goodman (2010) survey 142 court-involved women and find that empowering experiences in the court predicted improvement in depression and quality of life, in addition to stronger intention to use the system in the future if needed. Again, some commonality of focus can be seen here with the procedural, interactional and problem-solving models outlined above.

*Transformative justice* identifies oppression at the root of all forms of harm, abuse and assault and therefore aims to address and confront those oppressions on all levels.

*Participatory jurisprudence* (Marchetti and Daly, 2007) is a related and radical approach that goes beyond the principles found in restorative justice and therapeutic jurisprudence to ensure that those involved in court processes are allowed to communicate and participate in a way that inculcates real ownership and engagement. Again, there is commonality with other models discussed here, including social justice and community justice. This set of ten papers again included a high proportion where particular positionings or inequalities in relation to the victim/survivor were identified (race/ethnicity, n=1; caste, n=1; gender, n=1; multi-focus, n=5). Six were written in the UK Australia or USA and four had an international focus.

Four of the ten papers emerge from the targeted searches within the grassroots/activist literature, and include discussion by Kershner et al. (2007) on the impossibility of individual justice without collective liberation in addressing intimate violence. Ni Aolain (2014) considers the role of the International Criminal Court in providing the transformative impulse to strengthen the capacity of domestic law to advance accountability for violence against women. This idea of international justice agencies providing a transformative justice beacon to steer domestic responses to GBV is significant in the wake of the UK's decision in June 2016 to leave the European Union (although the UK remains a member of the Council of Europe institution, the European Court of Human Rights and for the time being, a signatory to the European Convention of on Human Rights, as well as a signatory to a number of international agreements on violence against women).

*Victims' rights* (n=9 papers) are legal rights afforded to victims of crime. These might include, for example, the right to speak at justice proceedings or the right to give evidence using special measures because of the fear of intimidation. The rights of victims have gained political attention in the UK recently, with the establishment of the Victims' Commissioner in 2013 and updates to the Victims' Code in 2015 to comply with the European Union Victims'

Directive. The nine items identified within this set relate to the UK (n=1), with USA (n=4), Canada (n=1), and South East Asia (n=3). All but one in this set are focused on the criminal justice system and five are concerned with victims of domestic violence.

Langevin (2010) assesses the effectiveness of the Québec Crime Victims Compensation Act which currently compensates women and children who are victims of sexual violence in the family, although did not at its inception in 1972. The author argues that time limit for filing a claim for compensation can be hard to meet for victims of familial abuse and calls for legislative reform. Laszlo and Kochel (2002) consider the changing nature of police-victim interactions from seeing victims simply as necessary witnesses to engaging collaboratively with special populations of victims to creating better police and court responses. Burton, Evans and Sanders (2006) and Hall (2009) critically assess the implementation of special measures to protect victims of crime, including gender-based violence.

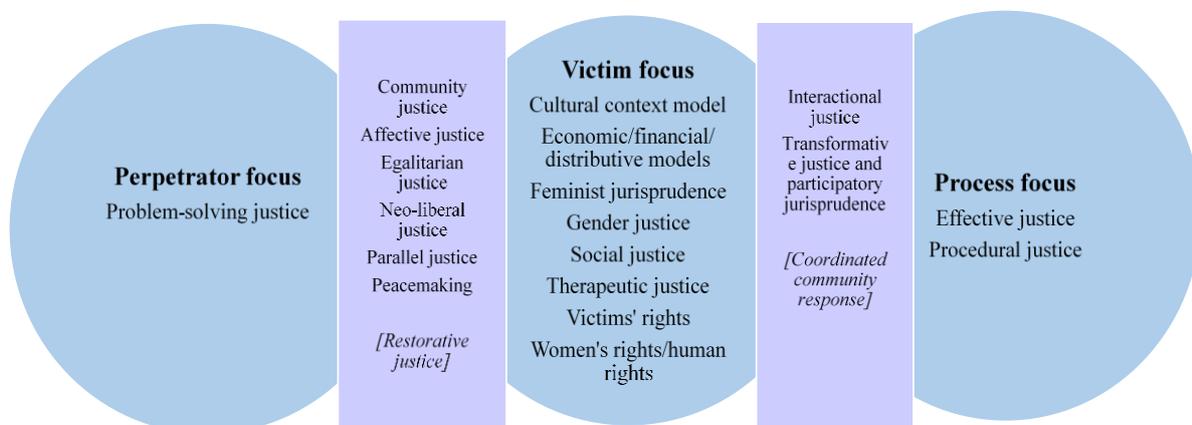
*A human rights based approach* (n=40 papers) to justice is about empowering people (or women and girls, in the case of 'women's rights') to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights (definition taken from Scottish Human Rights Commission website, no date). The literature identified within this set are predominantly conceptual, discussion or qualitative pieces (n=39) but reflect a diverse focus in terms of location of research, positionality of victims and type of justice system discussed.

Johnson (2001) considers the formal response of the justice system to domestic violence in Russia, which tends to attribute responsibility to women or position such violence as a private affair, and the rapidly expanding NGO response, which is providing psychological and legal support to women and challenging to state to act against perpetrators. She identifies a political tension around gender during the post-communist period about "whether or not

women should have the full rights of citizenship, especially the fundamental right to live free from bodily harm” (2001, p.153). Curnow (2015) considers how low access to courts in Indonesia – it is estimated that 90 per cent of disputes in Indonesia are dealt with through informal mechanisms – compromises the ability of the law to protect the rights of women. The use of intermediary organisations to facilitate women’s access to the law are considered here.

One way of drawing the similarities and differences between the theoretical models identified within this set of literature is to consider their respective focus on the victim, the perpetrator and the process aspects of justice (see Fig. 5). We find that the models identified are concerned overwhelmingly with recognising, empowering or restoring the victim. Invoked within these models are ideas about finding new and alternative spaces to ‘do justice’, particularly spaces which engage the wider community; a determination to challenge the social inequalities that limit possibilities for justice; and an acknowledgement of the different (sometimes conflicting) needs that individuals (and society) may require from the justice process.

**Fig. 5: Theoretical models of justice organised by focus on perpetrator, victim or process**



## Conclusions

**Table 1: A summary of critical findings and implications for practice, policy and research**

Critical findings	Implications for practice, policy and research
<p>That while research on criminal justice dominates the literature on what justice means for victims/survivors of gender-based violence, there is a growing body of literature exploring alternative justice mechanisms and alternative ways of conceiving 'justice'.</p> <p>Too often, researchers interpret the perceptions and understandings of victims/survivors (in this case, in relation to 'justice'), without attempting to elicit or directly facilitate their voices.</p> <p>That 'systematic' approaches to reviewing the literature may produce particular bodies of knowledge, and exclude others.</p>	<p>That given the documented limitations of the criminal (and civil) justice systems in delivering 'justice' for victims of gender based violence, researchers, practitioners and policy-makers recognise how alternative conceptions and mechanisms of justice could facilitate, enhance or even replace existing approaches.</p> <p>That researchers are alert to the epistemological biases which may be consolidated through 'systematic' reviews of the literature.</p>

The aim of this literature review was to generate areas of focus to respond to our research questions: how is 'justice' understood, sought, and experienced by victims/survivors of gender-based violence (GBV) and by key practitioners working with those victims/survivors? We identified both substantive areas of knowledge but also uncovered meta-issues around the characteristics of this literature as a whole.

In terms of substantive areas of knowledge, a range of models of justice were identified which attempt to theorise responses to victims/survivors of GBV. These models provide both

a vocabulary and an indication of the range of issues that need to be considered in terms of understandings of, and access to, justice: for example, the distinction between procedure and outcomes identified within interactional and therapeutic justice; the promise and challenges of community, restorative, parallel or peacemaking models; the problematisation of the principles and operation of justice system raised by the feminist jurisprudence, neo-liberal or cultural context models; or the gaps in mainstream justice systems, highlighted by economic and distributive justice perspectives.

We also noted particular characteristics about the final literature set as a whole, even allowing for two significant decisions in – and therefore limitations introduced by - our sifting process: the prioritisation of research available online and the focus on research either written in English or translated in to a comprehensive summary. In terms of the location of research, the United States dominates output, followed by Canada, Australia, the UK (including work on England and Wales) and South Asia (in the main, India). Just over half the final literature set related to domestic violence and abuse, and around a quarter focused on sexual violence and abuse. Around 60 per cent of the literature focused on the criminal justice system, followed to a much lesser extent by civil remedies and an emerging literature on restorative justice.

In part, these characteristics reflect research funding priorities, the success of the domestic violence lobby and the expansion of criminal law in this area in many countries. While the significant body of US literature is welcome, it is important to be mindful too of the issues in translating justice responses developed in one country or set of countries, to other jurisdictions. In addition the dominance of the criminal justice system literature is both a sign and a symptom of how alternative understandings and forms of justice have occupied a more

discrete and specialist academic following. The mapping also reveals the still under-researched areas – the quest for justice by adult survivors of childhood sexual abuse, for example, is an area we would expect to grow in the coming years – and the justice challenges presented by the emergence of newer or more recently recognised forms of GBV, such as acid violence, stalking and harassment and abuse mediated through mobile phones and the internet.

Pursuing a systematic approach to generating literature of interest, augmented by targeted searches, led us to think about how different knowledge about GBV victims/survivors may be produced by different strategies. Despite using what we considered expansive search criteria for the systematic searches of academic databases, which generated over thirty-eight thousand returns, only around 20% of our 400+ targeted searches (the majority of which were academic items) were duplicated in the final set of systematic searches. This suggests some issues with the way that literature is indexed and indeed led us to question our own practice on the wording of article titles and the selection of keywords. Second, we noted that although our systematic searches included grey literature, many high-quality reports published by governmental and non-governmental organisations were not captured through this method. We were also interested to tap into activist literature most commonly published in zines and specialist websites, which emerged by chance due to the expertise of a colleague. This relationship between search strategies and the knowledge produced is an issue we intend to explore further. One tentative observation for example is that conventional searches may exclude more radical literature or exclude classic texts which, despite their age, still speak directly to contemporary issues.

A further observation that we share is how this literature review process provoked considerable epistemological debate between this paper's authors (a spectrum of expert and

non-expert systematic reviewers) as to how the efficient appearance of the review protocol belies the nuanced judgments of inclusion and exclusion that are made from start to finish. It was for this reason, for example, that we were at pains to convey some of those decisions in our methodology and discussion sections above. We see the systematic approach as rigorous but we recognise it as a practice embedded in academic debates around 'evidence' and 'objectivity'.

A final issue which also requires further investigation is that our preliminary analysis of this final literature set suggests that perhaps only 20 to 25 per cent of the research identified documents the experiences and understandings of justice *as articulated by victims/survivors of GBV themselves*. In the main, the meaning of 'justice' is either conceptualised in the abstract or mediated through proxy indicators selected by authors. Through the wider research project, we hope to elicit the experiential knowledge of justice of victims/survivors of GBV both to develop the existing academic knowledge base but also to inform policy and practice going forward.

In summary, what started as a straightforward literature review for us opened up some fundamental questions about the reach of systematic reviews; the cultural and thematic biases within bodies of literature; and the way in which scholarship so often speaks, rather than facilitates the voices, of those studied.

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