

An Indian-Australian research partnership

**Project Title:**

In search of innovative models of justice to respond to sexual violence

**Project Number**

HSS0637

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**IITB Department:**

Humanities and Social Sciences

## Research Academy Themes:

**Highlight which of the Academy's Theme(s) this project will address?**

*(Feel free to nominate more than one. For more information, see [www.iitbmonash.org](http://www.iitbmonash.org))*

7. Humanities and Social Sciences

## The research problem

There is global recognition that better criminal justice responses are needed to address sexual violence. The majority of victims of sexual violence do not participate in the formal criminal justice system. Of the small number of victims who report an offence to police, there is also substantial attrition as cases move through the criminal process. If a case does go to trial, a victim is likely to face a punishing cross-examination and further traumatisation. Ultimately very few victims have their complaints heard by a court and less still see an alleged assailant convicted and sentenced.

Criminologists have observed that for victims to experience a sense of justice, they needed to “tell their own stories about their experiences, obtain answers to questions, experience validation as a legitimate victim, observe offender remorse for harming them, receive support that counteracts isolation and self-blame, and above all have choice and input into the resolution of their violation.” (Koss M and Achilles M. 2008 Restorative Justice Responses to Sexual Assault. VAWnet: The National Online Resource Center on Violence Against Women)

Despite improvements that have been introduced to criminal justice systems in some jurisdictions; many lawyers, researchers and activists believe that the traditional criminal justice system is not capable of effectively responding to sexual violence. This is particularly true of cases where there is little or no corroborating evidence and the burden of proof is “beyond reasonable doubt”. In Australia, for example, authors have asserted that we may have exhausted the potential of legal reform to effect significant change in traditional criminal justice responses to sexual violence and that innovative justice responses (inside or alongside the legal system) may be required. At present a community based “restorative justice” model for victims of sexual violence is being trialled in Australia and is the first trial of its kind of this justice model.

## Project aims

### *Define the aims of the project*

This project seeks to identify an innovative justice response or responses that offer a means by which, and environment within which, victims are safe, able to tell their story, have their experiences appropriately acknowledged, and be treated with dignity. The project will encompass both theoretical and applied components.

- Describe current justice options for victims of sexual violence (or the lack of them, the level of access to them, innovations and dysfunctions) in Maharashtra.
- Develop an understanding of existing philosophical models of justice.
- Explore concepts of justice in feminist theoretical work on sexual violence.
- Flowing from the preferred justice position/s, examine innovative justice models currently in operation locally and globally.
- Develop justice options to explore using qualitative research methods with women's groups, senior players in the justice system and others who may be relevant.
- Report the findings of this research.

## Expected outcomes

### *Highlight the expected outcomes of the project*

The project will initiate local discussion around innovative justice models to meet the needs of victims of sexual violence.

## How will the project address the Goals of the above Themes?

*Describe how the project will address the goals of one or more of the 6 Themes listed above.*

The project addresses the 7th theme that has been added – Humanities and Social Sciences. It will be an interdisciplinary project bringing together philosophy (theories of justice), feminist theory and criminology.

## Capabilities and Degrees Required

*List the ideal set of capabilities that a student should have for this project. Feel free to be as specific or as general as you like. These capabilities will be input into the online application form and students who opt for this project will be required to show that they can demonstrate these capabilities.*

- Masters in Philosophy, Women's Studies, or Law, or an allied discipline in Humanities and Social Sciences
- Experience in undertaking empirical research preferred

## Potential Collaborators

*Please visit the IITB website [www.iitb.ac.in](http://www.iitb.ac.in) OR Monash Website [www.monash.edu](http://www.monash.edu) to highlight some potential collaborators that would be best suited for the area of research you are intending to float.*

Associate Professor Bronwyn Naylor: [bronwyn.naylor@monash.edu](mailto:bronwyn.naylor@monash.edu)

Please provide a few key words relating to this project to make it easier for the students to apply.

Sexual violence, theories of justice, innovative justice responses