Speaking about sexual abuse in British South Asian communities: offenders, victims and the challenges of shame and reintegration

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Abstract: Cultural dynamics have a significant impact on how sexual matters, including sexual abuse, are discussed in South Asian communities. The ways in which these communities talk about sexual violence often reinforce patriarchal norms and values, especially those concerned with honour and shame. As a result, victims are either silenced or the blame for the sexual violence they have suffered is laid at their own feet. Addressing the fact that these problems are rooted in patriarchal norms and values is key to understanding how to tackle sexual offending effectively in such communities. Both retributive and restorative justice are necessary in responding to sex crimes; retributive approaches help to recognise victims' suffering, while restorative approaches offer promising avenues for encouraging victims and offenders alike to speak about their experiences. Both approaches are essential components to reintegrating victims and offenders into their communities.

Keywords: cultural dynamics, honour, reintegrative shaming, restorative justice, sex offenders, South Asian communities, victim-survivors.

Introduction

Speaking out about sexual abuse is hard for all involved. Engaging with the criminal justice system – whether as an offender, victim, or just as someone concerned about

1

whether a registered sex offender lives nearby – is especially difficult for persons from South Asian communities. Cultural dynamics are often complicated by the socio-demographic profiles of those involved, especially as regards gender, age, class, sexuality and faith. Together these factors have a major impact on the ways in which individuals discuss sexual matters. Cultural inhibitors often prevent both victims and offenders from talking to the authorities, locking victims into patterns of abuse and preventing the reintegration of offenders into communities.

The key to positive participation in South Asian communities is a combination of pride and honour; thus, shame and dishonour have serious consequences for victims and offenders. In the context of exploring cultural inhibitors in South Asian communities, this article employs the term 'South Asian' to refer to (i) people born in the Asian sub-continent (i.e. India, Pakistan and Bangladesh), and (ii) people of South Asian heritage born in Britain. Despite the diversity within this category, the common political and social histories that derive from imperialism, racism, globalisation and the diasporic experience render it possible to highlight those aspects of cultural ideology and practice that are largely shared among (im)migrant communities originating from the Indian subcontinent. The term 'black and minority ethnic' (BME) is used to refer to broad socio-ethnic groups that are often discriminated against by criminal justice processes on the grounds of race.

Drawing in part on findings from an on-going empirical study of South Asian victims of sexual abuse, this paper (i) explores the impact of notions of honour and shame on how sexual abuse is talked about in South Asian communities, (ii) considers how this affects the reintegration of South Asian sex offenders into their communities, and (iii) identifies the key factors that may inhibit the vindication of victims in their local community. The empirical study behind the paper is a British Academy-funded

project (ref. no SG122150) looking at barriers to reporting sexual violence in South Asian communities in England and Wales. It has two distinct phases. Phase one focused on talking to women living in South Asian communities, through focus groups and interviews, to explore the role of women in these communities, the expectations placed on them, and their beliefs about whether a woman can/should report sexual abuse. One-to-one interviews with victims examined in greater detail why/whether they reported their abuse or not. This stage of the project has been completed: the quotations included in this article derive from this phase. Phase two involves talking to criminal justice professionals and those working for support agencies. This part of the project will be completed by December 2014.

Sex crimes and South Asian communities

In June 2012, the House of Commons Home Affairs Committee (HCHAC) began taking evidence on the issue of 'localised grooming'. In the subsequent report (HCHAC, 2013-14), the Committee devoted an entire section to 'the issue of race'. The report emphasises that localised grooming of vulnerable children is a common practice across many ethnic groups in Britain (para. 116), though white offenders are numerically dominant (para. 108). Nevertheless, the report pays particular attention to the capacity of ethnic communities to recognise and respond to child sexual abuse committed by groups of men.

In 2003, Ann Cryer (at that time Member of Parliament for Keighley in West Yorkshire) raised concerns about groups of South Asian (particularly Pakistani) men targeting and sexually abusing white girls. At the time, South Asian communities denied that there was a problem and Ms Cryer's concerns received angry rebuttals (Great

Britain, para. 108). However, in 2010 more than seventeen high-profile cases in England saw groups of South Asian (mostly British Pakistani) men convicted of sexual offences against white adolescent girls. The report pointed out that South Asian men also abuse girls in their own communities, though this is rarely spoken about within these communities because 'victims are often alienated and ostracised by their own families and by the whole community if they go public with allegations of abuse' (para. 115). The fact that most victims of sexual harm know the perpetrator (Home Office 2007) complicates the situation for victims. In South Asian communities, when a child speaks out about the harmful actions of a male family member, respected community leader or family friend, he/she also contradicts and challenges the patriarchal ideology that construes the family as a place of safety, protected by the patriarch and other male members of the family and community.

In South Asian communities, sexual violence is rarely discussed, so reliable incidence data are difficult to obtain: many crimes go unreported or are reported long after the event, when victims have often suffered repeat victimisation. Research examining why women from South Asian communities seem particularly hesitant to disclose sexual violence and abuse has revealed three key contributing factors: (i) victims often feel betrayed by the male perpetrators of these acts, who are often well-known to them as members of the same family or community (Gupta 2003); (ii) victims often fear that they will not be believed, especially as the criminal justice system does not usually prosecute in cases where the only evidence is the victim's testimony (Gill 2008; Patel 2008); and (iii) some women do not report sexual violence because they believe the assault not 'violent enough' to constitute rape.

Community members experience similar inhibitors to speaking out as witnesses. Andrew Norfolk (a journalist for *The Times*), in his evidence to the Committee (HCHAC, 2013-14, para. 114), described the fact that he had

> spoken to young men in some of the towns where this [i.e. grooming] has been going on. Universally, they decry what happens. They say they are disgusted with the men who have been doing this but, equally, they would never have dreamt of going to the police, because you do not turn on your own community [.]

This is borne out by studies showing that the rate of self-referral by Asian families to social services in relation to sexual abuse is significantly lower than for white families (Gilligan & Akhtar 2006). This is further paralleled by the low level of usage of the Sex Offender Register by members of BME communities. Following conviction, sex offenders' names are placed on the Violent and Sex Offender Register; since 2010 anyone who is concerned about a person who might pose a sexual risk to their child has been able to register an interest with the police and ask them to check the Register to ascertain whether or not the person has any convictions or cautions for sexual offences against children (Kemshall & Weaver 2012). Although the scheme has not attracted many inquiries from the general public thus far, the rate is especially low in BME communities (Kemshall & Weaver 2012). Similar patterns of non-engagement with programmes offered by the British penal system are seen for offenders from South Asian communities. In England and Wales there were 8,106 male sex offenders in prison in 2007: five and a half per cent recorded their ethnicity as Asian/British Asian. Prison Service impact assessments show that this group of offenders did not engage with the

Sex Offender Treatment Programme provided by the National Offender Management Service (Cowburn, Lavis & Walker 2008).

Whilst there is clearly a pattern of BME/South Asian non-involvement with statutory services in relation to sex crimes, there are some indications that victims are, to some extent, accessing specialist BME and/or local community-run services (HCHAC, 2013-14). This has prompted professionals across the sector to question whether existing statutory outreach services adequately address the needs of South Asian victims of sexual violence and abuse.

Although theoretical studies have made a significant contribution to advancing current knowledge about sexual violence within South Asian communities, the experiences of individual victim-survivors remain largely undocumented (Ahmed, Reavey & Majumdar 2009). The impact of cultural context on sex crimes, and particularly how people talk about sex crimes, needs to be better understood.

Cultural dynamics

'Honour' (*izzat* in Urdu) is key to South Asian cultural norms and traditions. In societies with honour-based value systems, husbands are seen as the head of the family and the defender of its 'honour' (i.e. prestige). Female family members are valued as a property resource, owned by the men of the family and symbolic of the family's honour; indeed, there is a tendency to commodify women as physical vessels for honour. Thus, although women's honour is of paramount importance to their family's position in the community, their own status is low. These conditions foster the perpetuation of patterns of violence against women and children, including sexual violence and child sexual exploitation (Gill & Brah, 2014).

As a family's 'honour' is primarily achieved and maintained through the conduct and social performances of its women, family interests are seen to take precedence over individual ones (Gill 2009). Moreover, since *izzat* relies on the behaviour of women, men's duty to safeguard their family's honour is seen to afford them the right to exercise control over women's bodies and behaviour (Gill & Brah 2014). Thus, men in South Asian cultures are socialised to act as 'controllers of women's sexuality', ensuring that prevailing norms are enforced (Abraham 1999, p. 597). For instance, a woman is expected to remain a virgin until marriage, then remain faithful to her husband, no matter how he treats her. Thus, in South Asian societies, women are invested with immense negative power: any misbehaviour on their part can bring shame and dishonour on an entire community or lineage (Kandiyoti 1988). This can affect the ease with which marriages can be arranged for both women who transgress against the prevailing honour code and all their close female relatives, especially sisters. For this reason, female consent to patriarchal norms concerning religion, culture and class is strongly encouraged; the degree to which each woman conforms to the value systems embedded in these institutions determines the way she is perceived by her marital and blood family.

Thus, South Asian patriarchal practices encompass a complex array of methods by which male power and dominance is sustained, producing the conditions in which a particular form of violence against women flourishes: so-called 'honour'-based violence. This form of violence against women functions as a cornerstone of patriarchal order: it is, effectively, a method of controlling women in order to maintain the patriarchal *status quo* (Kandiyoti 1988). 'Honour'-based violence has the patina of social respectability and so paves the way for other forms of gender-based violence; these, in turn, sustain

men's social dominance. In this way 'honour', instead of celebrating women's dignity and social importance, often leads to their victimisation and abuse.

Cultural background is an important factor not only in how individual women define and respond to sexual violence, but also how it is defined and discussed in different cultural and ethnic groups. In South Asian Hindi and Urdu-speaking communities, the term most commonly used when talking about rape is *meri izzat looti gayi* (Hindi) and *meri izzat lut gayi* (Urdu): both versions translate roughly as 'I could not prevent them from stealing my honour'. This euphemistic discourse subverts the experiences of rape victims by reaffirming the patriarchal values – and attitudes about honour and shame – that shape the power structures of South Asian communities. Note that, linguistically speaking, a man *lut* (i.e. loots) a women's *izzat* by committing rape, instead of surrendering his own (Gill 2009, pp. 165-6). In films in Hindi and Urdu, the most commonly used euphemism for rape, *izzat lut gaye* (i.e. not being able to hold on to her honour), linguistically suggests that honour is housed in female reproductive organs and is, thus, physically susceptible to violent sexual assault; the wording also implies that the victim is at fault for losing her *izzat* though rape. Thus, it is the victim who is disgraced rather than the perpetrator; indeed, when a woman loses her *izzat* as result of rape she is likely to be socially ostracised, forced to marry her rapist, or even murdered for having harmed her family's honour.

Cultural inhibitors to speaking out about sexual violence

Just as individuals in South Asian communities struggle to achieve and maintain *izzat*, they also strive to avoid *sharam* ('shame' in Urdu). *Sharam* is one of the main cultural

inhibitors that prevent people from speaking out about sexual violence and abuse. One interviewee from the empirical project behind this paper explained how maintaining *izzat*, and avoiding *sharam*, is so important that it is given priority over the care and happiness of children. Individuals who endanger their family's honour – or, worse still, actively cause shame – risk being cast out by their family and wider community. Thus, another of the women interviewed in the study described the fact that she only reported being a victim of sexual abuse to the police after she was no longer part of the community in which it had happened. When asked whether she would have reported the abuse if she was still a part of that community, she replied,

> Probably not. Because of the repercussions of what they would do to me. Because I don't have my parents now then that's why I came forward as well. If they had still been alive then I would not have because of embarrassing them[.]

When the interviewer followed up on this statement, asking what the interviewee meant by 'repercussions', the interviewee answered, 'They would have hurt me somehow. I've heard of it before. They would have chucked me out of where I live, they would have caused a lot of trouble . . . They would have protected the abuser'.

Socially- and culturally-constructed notions of shame often make South Asian women feel as though they have no choice but to stay in an abusive situation or relationship in order to avoid stigmatising their family. Thus, *izzat* and *sharam* 'legitimise gender violence and oppression and further silence women from being able to discuss, seek support or challenge such oppressions' (Gilligan & Akhtar 2006, p. 1370). In speaking out about sexual violence, victims and also perpetrators not only bring shame upon themselves, but upon their family and community; thus, while male

perpetrators benefit from patriarchal privilege if they remain silent about their crimes, speaking out will almost undoubtedly jeopardise their social position.

Notions of *haya* ('modesty' in Urdu) prevent many people in South Asian communities from speaking about *anything* to do with sex. This is relevant not just to reporting sexual abuse, but also to whether parents make their children aware of what sexual abuse *is*. For example, another woman interviewed in the study explained that she had not reported her experiences of abuse because of 'the whole embarrassment of it':

> Parents weren't very approachable to talk about such subjects. The whole sex and physical contact is all a big no-no: you don't talk about it until you get married and then that's that. You don't really have any sex education with your family or friends either. It's left until you go to school and you learn all that there[.]

When asked whether notions of shame, honour and/or modesty had affected her decision not to report the abuse she had suffered, she answered:

> Yes, very much so. It is only meant to be your husband who is meant to see you in that way, so if any other man has seen you in that way then you must be doing something to encourage that because obviously you have to look after your own body; it would come down to that you are doing something to encourage that man to do something or to see you in that way[.]

Another key cultural inhibitor to speaking out is the fact that rape within marriage is often viewed as legitimate in South Asian communities: for the most part marital violence is either not acknowledged or seen as a private matter (Abraham 1999). This is largely because women are viewed as their husband's property: as such, husbands may treat their wives as they see fit. Meanwhile, women are socialised to believe that they must fulfil their husband's needs without complaint: thus, women who talk about marital rape are often viewed as bad wives, bringing shame on themselves and, by extension, their husbands and wider family.

Moreover, because South Asian women are not viewed as individuals as such, marriage is seen as a 'cultural marker of a woman's identity and social status' (Abraham 1999, p. 601): it is the family and the wider community that defines a woman's identity and position. One of the interviewees in the empirical study explained the practical implications of these norms and values:

we know it [sex crime] goes on but we keep it between us: private family matter. We don't want any outsiders coming in to sort this out but nothing is ever sorted out. They just don't want outsiders to come in, social services or police to get involved[.]

Another key inhibiting factor is the fact that the majority of professionals in the British criminal justice system are white. Almost twenty-five years ago, after reflecting on how few people from BME communities used child protection services, Audrey Droisen (1989) put forward a three-part process model to explain this lack of engagement. First, BME groups in white-dominated societies are generally perceived in broadly negative ways. Second, victim-survivors of sex crimes often face social stigma.

Third, reporting sexual harm perpetrated by a member of one's own BME community to white authorities may be felt – and construed by others – to betray the community as a whole. Reavey, Ahmed and Majumdar (2006) argue that these issues do not just apply to reporting sexual violence to criminal justice authorities, but also to support groups and other statutory agencies.

Shaming and justice in the community

All communities are afflicted by the harms caused by sex crimes. However, cultural forces shape the nature of these harms. For instance, in South Asian communities *sharam* and *haya* prevent many victims from speaking about their experiences but also deter offenders from participating in rehabilitative programmes within the criminal justice system. Understanding the role of shame has long pre-occupied both criminal justice practitioners and theorists in relation to the sentencing and treatment of offenders (McAlinden 2013, pp. 117-118). Advocates of both retributive and restorative justice approaches argue the case for including some form of shaming in responses to crime (Daly 2002).

Braithwaite (1989) identifies two distinct types of shaming: 'disintegrative' and 'reintegrative'. Disintegrative shaming derives from a retributive approach to punishment and generally has negative consequences for offenders. In Britain, the sentencing of sex offenders is primarily retributive, focused on long prison sentences, strict supervision after release, mandatory therapy programmes, and sex offender registration and public notification initiatives; such measures constitute a repertoire of disintegrative shaming (McAlinden 2007, 2013). Retributive justice is instituted and managed by the State through the criminal justice system; it is separate from local

communities, even though it invites their participation in certain measures (e.g. notification schemes). Meanwhile, reintegrative shaming looks to eventually restore a positive relationship between offenders and their community by enabling offenders to re-join the community, but only after both the community and offender have recognised and addressed the harm that has been caused to the victim(s). In such approaches, community support is positively orientated to the victim but also encompasses the offender once (s)he has acknowledged the harm caused and expressed a desire to make amends.

Daly (2002, 2014), *inter alia*, critiques the polarisation of these two approaches. She suggests, moreover, that they should be renamed 'old' and 'new' (2002) or 'conventional' and 'innovative' (Daly 2014) in recognition of the fact that responses to sex crimes need to incorporate the strengths of both approaches if they are ultimately to prove effective. A key criticism of 'conventional' approaches to justice is that they do not afford victim-survivors opportunities to articulate how the crime has affected them. For example, Lacey (1998, cited in Daly 2002) suggests that the law constructs rape as the 'expropriation of a commodity and a violation of will' (p. 58). She argues that 'old' criminal justice processes ignore the emotional impact of sex crimes in relation to violation, shame, humiliation, objectification and exploitation. However, 'new' approaches to dealing with sexual offences have also been subjected to criticism by feminist scholars (McGlynn, Westmarland & Godden, 2012) for encouraging leniency towards sex offenders and, thus, potentially trivialising or dismissing victims' experiences.

Daly (2002) suggests amalgamating the approaches by making retribution part of the restorative process. Using family group conferences as an example of a restorative justice practice, she outlines how the intervention moves through a

retributive phase, where offenders are held to account for what they have done and their crimes are identified as morally wrong, to a restorative/reparative phase that requires the offender to make amends for what they have done to their victim(s); the final phase of the programme focuses on rehabilitation (Daly 2002, pp. 69-70). Restorative ('new'/'innovative') approaches currently used with sex offenders include family conferences (these are regularly used in Australia and New Zealand with young sex offenders), mediation, and circles (McAlinden 2013, p. 117).

Towards integrated justice in Britain's South Asian communities

'Conventional'/retributive approaches to justice generally do not attract the engagement of men and women from Britain's South Asian communities, particularly in relation to sex crimes. Restorative justice approaches may offer a way forwards, but they are not without their complications. The work of Daly (2002, 2014), McAlinden (2013) and others (McGlynn *et al.* 2012) suggests that there are three significant issues that need to be addressed before an integrated approach to justice can be offered to victim-survivors and sex offenders from South Asian communities in Britain:

- the vindication of victims,

- the punishment and reintegration of offenders, and

- patriarchal South Asian norms and traditions.

The vindication of victims

Feminists working with victims of sexual and domestic violence are often cautious about restorative approaches (particularly mediation and family group conferences) when there is significant potential to leave the power of male abusers unchallenged

(McGlynn *et al.* 2012). However, case-study research points to the benefits of well-managed conferences. For instance, one rape survivor in the McGlynn study (McGlynn *et al.* 2012, p. 228) outlined the positive aspects of the process thus:

> … it's made me understand my position as a victim and see him as the offender, which has enabled me to resolve a lot of conflict [. . .] in retrospect . . . it was more important to have my say and have him listen than for him to go to prison[.]

In conclusion, the authors argue (p. 240) that

> Restorative justice in cases of sexual violence does demand greater scrutiny and expertise, greater preparation and risk assessment, and therefore greater resources. But excluding victim-survivors of sexual violence from the opportunity to address their offender, tell of their harm and see some form of justice, for those who request it, cannot be justified.

It is precisely these concerns (i.e. scrutiny, expertise, preparation and effective risk assessment) that are likely to prove crucial in the success of attempts to engage with South Asian victims of sexual violence.

'Innovative' approaches to justice are cognisant of diverse cultural issues and seek to provide culturally-sensitive responses (Daly 2014). However, many cultures are dominated by patriarchal values that are not conducive to supporting victim-survivors of sex crimes. For example, Canadian indigenous women opposed proposed schemes to divert men who had abused them from court processes, noting that 'Kindness toward the criminal can be an act of cruelty toward his victims, and the larger community' (Daly

2002, p. 74). Similarly, Brown, Kelly, & Westmarland (2010, p. 21) in their British-Government sponsored review of 'evidence, knowledge and practice in response to rape' strike a note of caution in uncritically adopting restorative approaches to all victims of sexual crime; in particular they note that in 'indigenous communities' restorative approaches 'can and have been documented to reinforce male and community control of women or compromise the treatment of serious offences because of the apparent leniency of offender outcomes'. Goel (2005, p.661) expresses similar concerns in relation to Indian Hindu immigrants in America who have suffered domestic violence, including sexual harms: 'If the goal is safety – which I believe it must be – it is simply unwise to offer the mediation panacea in Indian domestic violence cases, without a deep and nuanced understanding of the narratives that influence the women's lives.' She suggests that the solution 'can only be found among Indian women themselves through the work of [support] groups ... because these fellow Indian women best understand the constraints that other Indian women face'.

Currently, even when victim-survivors do manage to tell someone about their experiences, both support services and social frameworks for understanding sexual abuse often prove insensitive to cultural factors. These issues are complicated by the fact that in South Asian families children may speak better English than their parents; it is inappropriate for a child to be involved in reporting abuse committed against his/her mother, but without such assistance the mother may be unable to make a report at all. Interpreters must be readily available so that if women feel able to speak to the authorities they can do so without also having to deal with language barriers, not just in terms of their testimony but also their understanding of how the criminal justice system works.

Empowering female victims of male violence to speak out cannot occur in a social vacuum: it typically only starts when the need to tackle broad issues of gender inequality is recognised as sufficiently important to drive political will and direct action (see Tapley in Gough & Pycroft 2010). The challenge of finding means to vindicate victims is substantial and is heavily influenced by cultural factors. However, in all communities the vindication of victims is contingent on the condemnation of sex crimes and sex offenders, though not necessarily in the absence of concern for the offender's eventual rehabilitation and reintegration into society.

The punishment and reintegration of offenders

Sentencing sex offenders marks public recognition of the 'wrong' of sexual offences. The 'expressive function of punishment' (Feinberg 1965, p. 400) denounces the offence and the offender to wider society:

> punishment is a conventional device for the expression of attitudes of resentment and indignation, and of judgements of disapproval and reprobation, on the part either of the punishing authority … or of those 'in whose name' the punishment is inflicted. Punishment, in short, has a *symbolic significance* largely missing from other penalties.

This is of significance in relation to sex crimes insofar as sentences carry messages about how society views such crimes. Hampton (1992, pp. 1684-5) argues that a

> decision not to punish wrongdoers such as the rapist is also expressive: it communicates to the victim and to the wider society the idea that such treatment,

and the status it attributes to the victim, are appropriate, and thus, in the case of the rape victim, reinforces the idea that women are objects to be possessed and are 'there for the taking'. Moreover, if nothing happens to ... [offenders] we feel a special kind of fury at the thought of what they 'got away with'.

However, whilst it is important to victims that their suffering is vindicated by the sentence of the court, trying to convey symbolic significance via sentencing is problematic in that it assumes a homogenous community that will understand the significance of a given sentence in only one way. As South Asian communities are often disengaged from traditional criminal justice processes in Britain, the symbolic meaning of sentences for sex offenders may be open to different interpretations, some linked more to concerns with racism as opposed to gender equality. BME sex offenders (including South Asian offenders) are over-represented in the prisons of England and Wales, especially in the longer sentence brackets (Cowburn *et al.* 2008; Cowburn 1996). Thus, to the South Asian community a long prison sentence may say more about the racism of the British criminal justice system than it does about the seriousness of sex crimes.

Hanna (2008) points to the importance of recognising the punitive possibilities of community-based sentences; he suggests that these options may have equivalent symbolic significance without the negative effects of imprisonment. Moreover, some community-based punishments retain disintegrative elements; for example, requiring sex offenders to obey registration and public notification regulations imposes restrictions on where sex offenders can live, work and socialise (Bonnar-Kidd 2010).

McAlinden (2007, p. 44) suggests that Circles of Support and Accountability (COSA) are a positive example of how communities can deal with sex offenders in a

reintegrative manner. A key feature of COSA as they operate in Britain is that they are staffed by volunteers from local communities. Circles UK[1] is the national co-ordinating body, with regional branches across England and Wales. A 'Circle' is made up of one convicted sex offender, known as the 'core member', and approximately six volunteers from the community. The circle offers the core member help to reintegrate into his community whilst holding him accountable for his actions. To date, COSA have received positive evaluations on both sides of the Atlantic (Hanvey *et al.* 2011).

Circles UK sees itself following a restorative justice approach; whilst it does not bring victims and offenders together, it does involve local community members and it sees restoring the relationship between offenders and their community as a fundamental part of its work (Hanvey & Höing 2013). However, COSA have rarely been used with core members from BME communities. At present, there are two circles with BME core members in Britain, but no data is currently available on whether these circles include members of the offenders' ethnic community or how effective the circles are proving (Hanvey 2013). If BME/South Asian communities do not participate in restorative processes, COSA will become another 'white' criminal justice process that is 'done to' BME people.

Patriarchal South Asian communities

According to Hanvey and Höing (2013, p. 382)

Research into the community effects of COSA shows their potential to increase subjective feelings of public safety … An explanation for this effect is probably

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[1] Source: http://www.circles-uk.org.uk

that in restorative justice approaches like COSA, it is not only the sex offender who has to change, the community itself goes through transitions[.]

Restorative justice approaches are, by their nature, rooted in the community where the relevant harm occurred. Harm is conventionally defined through the processes of the criminal justice system, which is often dismissive of victims' experiences. However, in the case of BME communities the situation is more complex because there is substantial evidence that these communities are suspicious of, and do not engage with, the justice system, often as a result of cumulative collective experiences of discrimination (Phillips & Bowling 2007). Daly (2002) and McGlynn et al (2012) suggest that treating retributive and restorative justice as mutually exclusive is unhelpful; instead, sex offenders should be punished, victims should be vindicated, *and* offenders should be able to earn the right to reintegrate into their community. However, these aspirations fail to consider the relationship between specific socio-cultural contexts and sexual violence.

Whilst media representations of sex offenders as alien and outside normal society enable communities to deny responsibility for sex crimes, the misogynistic values in all socio-cultural contexts provide a seed-bed for these crimes to occur in the first place (Cowburn 2010). The patriarchal values of South Asian communities are part of the context to which South Asian sex offenders and victims may aspire to return; as such they are problematic in that they often do not always condemn sex offences or vindicate victims. Thus, establishing effective reintegrative and restorative justice processes, like COSA, is liable to be very difficult or even impossible in these communities.

However, some South Asian communities have begun to work informally with community members who have caused shame to themselves and their families by serving prison sentences (Imad 2013), including as a result of sex offences. In Rochdale (in northern England) a local forum was established by the town's Muslim community following the convictions, in 2012, of a group of Asian sex offenders. In evidence to the HCHAC, 2013-14 Inquiry, a local councillor commented that

> Although the forum was initially set up through the mosques, at the first meeting there were women from the Asian community, women from the white community and men from the white community . . . So although it came up from the grassroots from within the BME community, they were determined to widen that right across the area . . . All faith groups and both sexes, but also the age ranges were to be brought in[.]

These are positive signs, but for them to have longevity, rather than peter out as short-lived responses to notorious cases, a more structured strategy is necessary.

Richard Laws (2008) has proposed a tripartite 'public health approach' to responding to sex offenders and victim-survivors. He suggests that it is necessary (i) to prevent harmful behaviour from starting, (ii) to quickly address early signs of coercive/harmful behaviour, and (iii) to provide treatment programmes for people who have been convicted of sex crimes (Laws 2008, p. 612). The strength of this model is that it acknowledges and addresses sexual harms (and the potential to harm sexually) that fall outside the jurisdiction of the criminal justice system. The British government (HM Government 2009, p. 12) has recently suggested a similar three-pronged approach.

In relation to South Asian communities, an effective three-tiered approach would need to recognise the vital role of education as an ongoing aspect of prevention, particular as regards the importance of challenging socio-cultural attitudes and values that support sexual violence. In a career spanning three decades, anthropologist Peggy Sanday (2003, p. 337) has drawn attention to the characteristics of 'rape free' and 'rape prone' societies, arguing that in the former gender relations are 'marked by respect for women as citizens, significant female power and authority, and the near absence of interpersonal aggression in social relations', whereas in the later social relations are 'marked by interpersonal violence in conjunction with an ideology of male dominance enforced through the control and subordination of women'. Thus, all initiatives to tackle sex crimes within the South Asian community should be welcomed, but particularly those that also address issues of gender inequality and discrimination. However, to vindicate victims and reintegrate offenders into communities that do not implicitly and/or explicitly endorse sexual violence requires a sustained programme of community education.

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