A Life of Safety, Dignity and Connection: How Victim-Survivors of Sexual Violence in Aotearoa New Zealand Conceive of Justice

Megan Brady-Clark

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Supervised by Professor Dame Marilyn Waring, Associate Professor Shirley Jülich, and Tagaloatele Professor Peggy Fairbairn-Dunlop

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School of Public Health and Interdisciplinary Studies, Faculty of Health and Environmental Sciences

Abstract

The lack of justice for victim-survivors of sexual violence is widely recognised, and is an ongoing cause of reform. However, the discourse and resulting developments have largely been constrained to legislative and formal institutional mechanisms, particularly the criminal justice system.

Throughout all this activity, the fundamental question of how victim-survivors conceive of justice has been persistently overlooked, with the discourse predicated on presuppositions about what is and is not relevant to justice, and what it is that we are trying to achieve when we seek to "improve justice" for victim-survivors. Although there has been major work undertaken in the areas of sexual violence prevention and therapeutic redress, the term "justice" is not used in relation to these initiatives, reflecting a framework that regards prevention and healing as distinct from justice.

This thesis explores a single question: How do victim-survivors of sexual violence conceive of justice?

At the heart of this research is the epistemological claim that the experiences of victim-survivors are epistemically relevant for understanding justice in the context of sexual violence. To address the research question, I used culturally-appropriate methodologies to speak with adults who had experienced sexual violence. In phase one, I used a narrative inquiry methodology to speak with five Pālagi participants. I am included amongst those five participants. In phase two, I used a talanoa methodology to speak with six Pasifika participants. The thesis is built around these two sets of

individual participants and their accounts of justice. Both phases of my research drew on the Fonofale model to develop and frame the semi-structured interview questions for narrative inquiry and the guide for talanoa.

This research found that participants held conceptions of justice that were broad, holistic, and connected to all aspects of their lives. While there was individual variation and nuance, their accounts described justice as:

- Transformational: enabling victim-survivors to live full lives, with safety and dignity, connected to and respected by their communities.

- Personal: responsive to the particularities of the sexual violence and the personal justice interests of the victim-survivor.

- Expansive: taking into account all the aspects of victim-survivors' lives that were and continue to be affected by sexual violence, including with regard to healing and practical needs.

- Everyday: manifested both in dedicated spaces and in victim-survivors' day-to-day lives and relationships.

- Proactive: preventing sexual violence by acknowledging and addressing the underlying political, social and cultural conditions in which sexual violence occurs.

- Communal: necessitating a community response.

- Dignifying: recognising and reaffirming the dignity of the victim-survivor, including respecting their integrity and power.

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Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

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Signature of candidate

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Chapter 1

Introduction

This thesis explores a single question: how do victim-survivors of sexual violence conceive of justice? By the time I embarked on this research, celebrity use of the #MeToo hashtag in 2017 had sparked an international conversation about sexual violence, and about the dearth of justice for victim-survivors (Duramy, 2020; Hillstrom, 2019; Jaffe, 2018; Wexler et al., 2019). Here in Aotearoa New Zealand, the #MeToo hashtag featured in social media discourse (Shelton, 2020), while in 2018 journalist Alison Mau launched #MeTooNZ (Huffadine, 2018), which exposed systemic and institutional cover-ups of sexual violence within a range of organisations (Hollings, 2020).

However, the Me Too movement started more than a decade earlier when, in 2006, Tarana Burke used the phrase as the basis for a movement to build solidarity amongst women of colour who had experienced sexual violence (Hillstrom, 2019; Wexler et al., 2019). Over this same time period, sustained organising by feminists and victim-survivor advocates in Aotearoa New Zealand resulted in a number of changes to improve access to justice for victim-survivors. Yet, throughout all this activity, the fundamental question of how victim-survivors conceive of justice has been persistently overlooked. The term "justice" is so familiar to us in the everyday that it is easy to take for granted the assumption that we know what we mean when we use it. It is little wonder, then, that

the discourse and resulting changes have focused on legislative and formal institutional mechanisms:

- In 2007, the Ministry of Justice established the Taskforce for Action on Sexual Violence (TASV), made up of a partnership between the chief executives of 10 government departments and four representatives from Te Ohaakii a Hine — National Network Ending Sexual Violence Together (TOAH-NNEST). The TASV ran until 2009, when its work culminated in a report setting out recommendations for actions that would improve the prevention of and responses to sexual violence (TASV, 2009).

- In 2015, the role of Chief Victims Advisor to the New Zealand Government was created. The purpose of the role is to advise the government about how to improve the justice sector for victims of all types of crime. It is notable that the first person appointed was Dr Kim McGregor, whose background is in sexual and family violence, and who still serves in the role (Cowlishaw, 2015; Ministry of Justice, 2021b, 2021a).

- In 2016, the Sexual Violence Court Pilot was launched in the Auckland and Whangārei District Courts (Allison & Boyer, 2019). The pilot courts have been made permanent and continue to operate in these two districts (Bonnett, 2019; District Court of New Zealand, n.d.).

- In 2018, the Joint Venture for Family Violence and Sexual Violence was created to bring together a range of government agencies to improve government policy and practice regarding the prevention of and response to sexual and family violence (New Zealand Family Violence Clearinghouse, 2018).

- In 2019, the Solicitor-General's Guidelines for Prosecuting Sexual Violence were published, responding to concerns about the vulnerability of and additional

support that may be required for victim-survivors of sexual violence (Solicitor-General, 2019).

This time period also saw the creation of two dedicated governmental roles to lead some of the above initiatives. In 2017, the role of Parliamentary Under-Secretary to the Minister of Justice (Domestic and Sexual Violence) was created (held by Jan Logie (New Zealand Parliament, 2021)). In 2020, the role was replaced with that of Minister for the Prevention of Family Violence and Sexual Violence (held by Marama Davidson) (New Zealand Parliament, 2020).

Overwhelmingly, the aims of these initiatives have focused on improving victim-survivors' experiences within the criminal justice system — and, indeed, legal processes in New Zealand have gradually developed to provide greater protection for victim-survivors, as set out in legislation such as the Victims' Rights Act 2002, Evidence Act 2006 and Criminal Procedure Act 2011, each updated by the Sexual Violence Legislation Act 2021. This dominance of the legal system is perhaps most sharply illustrated by the introduction of legislation endorsing the use of restorative justice processes for adult offenders, including for sexual violence cases (Mansill, 2013; Ministry of Justice, 2013). While local marae- and community-based programmes paved the way and continue to exist, they receive far less attention and funding, and are often not regarded as having the same legitimacy as those located within the state criminal justice system (Mansill, 2013; Pfander, 2020).

It is clear from the above initiatives that we, as a society, are aware of the lack of justice available to victim-survivors of sexual violence — and, furthermore, that we are interested in trying to rectify that lack. However, discussions have largely been constrained to legal frameworks and the formal criminal justice system. This makes presuppositions about what is and is not relevant to justice, and what it is that we are trying to achieve when we seek to "improve justice" for victim-survivors:

> *What constitutes justice for victim-survivors of sexual violence? Is justice* recognition *of a wrong? Is justice the* primary prevention *of that wrong? Should justice responses focus on individual criminal responsibility, or instead tackle deep-seated, underlying structural inequalities? Or is justice something far more ephemeral or nebulous to victim-survivors of these harms?* (Henry et al., 2013, p. 3)

There has also been major work undertaken in the area of sexual violence prevention, most recently in the form of Te Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence (Board of the Elimination of Family Violence and Sexual Violence, 2021). This strategy articulated a vision of safety and well-being, and recognised that multiple factors such as housing, income, health and inequality are relevant for achieving that vision. But although these issues were given prominence, they were treated as distinct from justice. Instead, references to justice in Te Aorerekura were restricted to matters related to the legal system. Likewise, the Accident Compensation Corporation (ACC) has been involved with providing programmes to prevent sexual violence (Accident Compensation Corporation, 2018, 2019, 2021a; Board of the Elimination of Family Violence and Sexual Violence, 2021) and counselling and therapy for victim-survivors (Accident Compensation Corporation, 2021b, n.d.). However, the term "justice" is not used in relation to these initiatives, reflecting a framework that regards justice, prevention and healing as separate matters.

While I support all the aforementioned reforms and initiatives, I couldn't help but notice this narrow construction of justice that they are based on. This forms the heart of my research: we use the term "justice" frequently, but what do we mean by it? This thesis is an invitation to explore this question, and to ask: Is justice truly separate from the matters of prevention, safety and well-being, such as those raised in Te Aorerekura? Is its location confined to formal mechanisms, legal or otherwise? What does it really

mean to improve or achieve justice for victim-survivors? What does it look like if we give ourselves permission to slip off the constraints of "the justice system" and let ourselves imagine "justice"?

1.1   Positioning the Researcher

This research is deeply personal. It was born most directly out of my own experiences of sexual violence, and of my sense of dissatisfaction with the so-called justice responses available to me. In particular, although I suspected that the account of justice contained within the criminal justice system was not the same as mine, I had no idea how to answer the bigger question: What *did* I mean by justice?

I am Pālagi/Pākehā, born and raised in New Zealand, of Scottish, Irish and English descent. My undergraduate degree was a double major in philosophy and ethics, with many classes spent interrogating the meaning and nature of justice. From this cultural and educational background, the next step in response to my question was obvious: talk about it.

And so I spoke to friends, including friends who had also experienced sexual violence. In doing so, I quickly came to realise that many shared my question, or a version of it. A few had had similar wonderings themselves, while more had not articulated it in such explicit terms but latched onto the question and regarded it as meaningful when I raised it. Our conversations swiftly expanded from the narrow topic of sexual violence and the criminal justice system into broader issues of power, gender, race, epistemology, sexuality, politics and economics. It seemed natural: How could we talk about sexual violence and justice without also talking about these things? These conversations reinforced my commitment to intersectional feminism.

At this time I was living in London, United Kingdom. I started volunteering for a range of organisations, initially specifically in the area of women's rights. Sexual and

gender-based violence was a significant topic of discussion in these spaces. Before long, however, it became clear that my politics were too radical for most of the UK-based women's rights organisations that dominated the sector. I moved my volunteering to a space more aligned with my values, which included support for sex workers' rights, support for the rights of transgender and non-binary people, and a critique of not only patriarchy but of interconnected systems of oppression including patriarchy, white supremacy, racism, colonisation and capitalism. While sexual and gender-based violence was again a significant focus of the work of the organisations I engaged with, they approached it as a systemic and structural issue. I wasn't any closer to answering "what do I mean by justice?", but I was increasingly sure that "justice" and "the justice system" were anything but synonymous.

Meanwhile, my undergraduate philosophy degree had given me tools like conceptual analysis and thought experiments, which are valuable for grappling with a concept like justice in the abstract. But as I was more exposed to analyses of systems of power and oppression, and their real impact on real people's lives, I became increasingly unsatisfied with this abstracted and decontextualised theorising. It is hard to say what is cause and what is result, but my thinking underwent two significant conceptual shifts at the same time. Firstly, with regard to metaphysics, I became more inclined to explicitly reject Platonic realism; although I was not (and am not) committed to either moderate realism or anti-realism specifically, this nonetheless pushed me towards regarding instances, rather than the universal, as the starting point for conceptual enquiries. Secondly, I became frustrated with the dominance of white male epistemologies and axiologies — and even more exasperated by their status as purportedly neutral or objective. These things together led me to want to explore justice as an instantiated concept, and in a way that is upfront about its temporal, geographical, cultural and experiential context.

Just as I disbelieve the assertions of neutrality or objectivity made by those who have the privilege of according with the dominant epistemologies, ontologies and

axiologies, I don't make any such claims for myself and for my thesis. I am a cisgender Pālagi/Pākehā woman, who is committed to intersectional feminism and radical politics. I have experienced sexual violence. This thesis has been written and researched in Auckland, Aotearoa New Zealand in the late 2010s to early 2020s. These are just some of the many factors that make up the tapestry of the context which brought this thesis into being.

1.2   Research Question

This research is built around one primary research question: How do victim-survivors of sexual violence conceive of justice? Bound up in this are a number of sub-questions, including:

- What do victim-survivors mean when they use the term "justice"?

- What are the components of justice according to victims of sexual violence?

- What do those components look like in terms of concrete actions or behaviours or initiatives?

- What sorts of processes or outcomes do victim-survivors consider to be examples of justice?

- Who do victim-survivors consider to be relevant to justice? What is the involvement of those persons?

- What sorts of emotions do victim-survivors associate with justice? Who experiences those emotions?

I explored these questions in context of both Pasifika and Pālagi views.

1.2.1   Methodology and Theoretical Frameworks

At the heart of this research is the epistemological claim that the experiences of victim-survivors are epistemically relevant for understanding justice in the context of sexual violence. To address the research question, I used culturally appropriate methodologies to speak with three main cohorts.

In phase one, I used a narrative inquiry methodology to speak with five Pālagi community expert participants, who were people working closely with and on behalf of victim-survivors in a professional capacity that related to justice. While this material is not directly written up as part of the thesis, it provided important background information. I used the same narrative inquiry methodology to speak with five Pālagi individual participants, who were adults who had experienced sexual violence. I am included amongst these five participants. In phase two, I used a talanoa methodology to speak with six Pasifika individual participants, who were adults who had experienced sexual violence. The thesis is built around these two sets of individual participants and their accounts of justice.

These two methodologies, although distinct, are complementary. Both methodologies were chosen for their open-ended, participant-led approaches which allow participants control over the discussion, and for their appropriateness in researching issues of identity, subjectivity and values (T. Vaioleti, 2013). Both phases of my research drew on the Fonofale model to develop and frame the semi-structured interview questions for narrative inquiry and the guide for talanoa.

1.2.2   Significance and Rationale

Significant political and research resources have been spent on improving the criminal justice system, recognising its inadequacy when it comes to achieving justice for victim-survivors of sexual violence. Less but still significant attention has been given to

evaluating various alternative justice mechanisms, such as restorative justice processes. Yet a key question remains unanswered: If they are being assessed for their ability to provide justice, what is the "justice" that they are measured against? When the criminal justice system is reformed to improve justice for victim-survivors, what is the "justice" that the reforms are working towards? As H. Clark (2010) reflected, "*Key to developing system procedures that are more responsive to victim/survivors' needs is investigating what justice means to victim/survivors of sexual assault*" (p. 29). Addressing problems such as the dearth of justice requires taking a step back from the current focus on legislative, institutional or procedural reform, and engaging with the underpinning values, principles and knowledge (Huffer & Qalo, 2004; Huffer & So'o, 2005).

My thesis explores this question with regard to Pasifika and Pālagi perspectives. I have chosen these two cohorts because of my own Pālagi ethnicity, and because of the invitation, encouragement and support that Tagaloatele Peggy Fairbairn-Dunlop so generously extended to me to do this piece of Pacific research. (I have, on occasion, been asked why I did not research Māori perspectives with Māori participants, given that Maōri are tangata whenua and thus have a unique standing in this country. The answer is that it would not be appropriate for me to do so without an invitation and the guidance of a Māori researcher to ensure cultural safety.) The selection of these two cohorts recognises the context in which I conducted the research, namely that of Tāmaki Makaurau Auckland. Pālagi/Pākehā are the dominant ethnic group in Tāmaki Makaurau Auckland, as they are in Aotearoa New Zealand as a whole, both demographically (Statistics New Zealand, n.d.-b, n.d.-c) and in terms of cultural and institutional power. Pasifika people make up the third largest ethnic group in Tāmaki Makaurau Auckland (Statistics New Zealand, n.d.-b), and — despite a political and institutional orientation towards the northern hemisphere — Aotearoa New Zealand is a Pacific nation.

This research is significant for the fact that it explores the ways that victim-survivors

think about and conceive of justice. This in turn is essential to providing guidance for the work of creating or improving justice mechanisms, including enabling a conversation about what we are aiming for, allowing us to think creatively about how to provide access to justice for victim-survivors, and ensuring that we develop relevant policy and put the right resources in place.

My inquiry builds on a very small body of literature which looks at how victim-survivors conceive of justice (Antonsdóttir, 2020; Daly, 2017; Herman, 2005; Jülich, 2006; McGlynn & Westmarland, 2019). However, the existing literature tends to be restrictive with regard to what it considers, for example with regard to the type of sexual violence participants have experienced, by focusing on formal or semi-formal mechanisms, or making presuppositions about what is included in or excluded from justice. I was only able to identify one study which asked about victim-survivors' conceptions of justice in way that is similarly open to the set-up of this research, which is McGlynn and Westmarland's (2019) article, published shortly after I began my PhD.

Moreover, this is the first piece of research that explicitly explores how Pasifika victim-survivors conceive of justice. This is significant given there is a relationship between culture and understandings of justice (Morris & Leung, 2000; Sama & Papamarcos, 2000). If we are to begin to understand justice for Pasifika victim-survivors, we must approach it in a way that is contextualised and recognises Pasifika values, principles and knowledge (Huffer & Qalo, 2004).

1.2.3 Out of Scope: What This Research Is Not

I believe it is also important to briefly make clear what this research is not, and what is beyond the scope.

Firstly, this research asks the question "*what* is justice, as conceived by victim-survivors of sexual violence?" Questions about *how* to achieve justice, including evaluations of specific justice mechanisms such as the criminal justice system or restorative justice processes, are outside the scope. Many participants did critique such mechanisms; I have not focused on comments that relate simply to assessing the mechanisms themselves, but I have included their contributions where the material shed light on how they conceive of justice itself.

Secondly, while the research question asks about both Pasifika and Pālagi victim-survivors' conceptions of justice, the intent of this thesis is not to compare these two cohorts. I briefly comment on some key differences (see Chapter 11, "Further Reflections: What *Is* Justice?"), but, overall, found more agreement than disagreement, and more variation within than between the two cohorts. Moreover, the small sample size demands caution about any attempts to compare, while my epistemological position affirms participants' views as valid regardless of whether they are shared by others.

1.3   Key Terms

This thesis sits in a space that engages with multiple cultures and is highly political. As such, I had to think carefully about the way I approached the language used.

When a term from a language other than English or Māori is used only once and a brief translation was sufficient for the purposes of the context, I have provided that at the point of use. However, some words or phrases are used multiple times throughout this thesis, or required more complex translations than could be provided in the main body. Appendix A: Glossary contains translations of these terms, as well as translations of Māori terms, and explanations of initialisms that are used more than once.

This thesis also uses terms throughout that are contested, politically charged, or simply otherwise in need of clarification. I list here the key terms of this nature, and

briefly explain why I have made the language choices I have.

1.3.1   Pacific: As Place

For the purposes of this thesis, I use the term "Pacific" as a geographic identifier and as an umbrella description for the cultures of the Pacific region.

Hau'ofa (1994) discussed the differences implicit in how the region is named and thus conceptualised, and drew attention to the appropriateness of the term "Oceania" which "*denotes a sea of islands with their inhabitants*" (p. 153): grand, vast, and connected. I nonetheless accept the point made by Vaai and Casimira (2017) that "Pacific" is the term widely used across a multitude of settings, including in "*the everyday life of the people*" (p. 7). Given it is (at least, for now) the established term, I have chosen to use it in this thesis. In using it, I note the points made by Vaai and Casimira, who explained that the Pacific refers to a region that is expansive and connected; encompasses more than the so-called "South Pacific"; is not simply an adjunct to Asia (i.e. "Asia-Pacific"); is not a passive, "romantic" artifice awaiting consumption by Western tourism; and includes the Pacific diaspora, wherever they may be (pp. 7-9).

1.3.2   Pasifika: As People

For the purposes of this thesis, I refer to Pacific peoples who are living in Aotearoa New Zealand as "Pasifika." The term is socially constructed and remains highly political (T. W. Samu, 2010). T. W. Samu (1998, as quoted in T. W. Samu, 2006, p. 36) remarked that "*the fact that as a term it 'originated' from us, is of no small consequence because being able to define ourselves is an issue of control.*"

Wilson (2013) noted that the term is one that continues to be explored, interrogated and redefined, but that part of the understanding includes "*the relationship Pasifika*

[hold] with a 'home' island and the 'host' culture, [and] also with first generation New Zealand-borns and the indigenous people that the 'host' culture continues to marginalize" (pp. 27–28).

As an umbrella pan-Pacific term, "Pasifika" covers a range of cultural and national identities, and a multitude of relationships to those identities:

> *The label Pasifika is one that seeks to represent or give a unified voice to the migrant peoples of the various islands in the Pacific Ocean - that is, Samoa, Tonga, Cook Islands, Niue, Fiji, Tokelau, Tuvalu, Tahiti, New Caledonia, Solomon Islands, Papua New Guinea, Vanuatu, Palau, Guam and so on. It seeks to represent or give unified voice to those who are new migrants and those who have lived in New Zealand for most, if not all, of their lives. It seeks to represent not only those who actively identify, believe and practice their ethnic cultures, but also those who merely acknowledge Pasifika ancestry.* (Suaalii-Sauni, 2008, p. 19)

It is to be expected, then, that its use is contested. Mila-Schaaf (2010) explained that "*at best, pan-Pacific terms encapsulate both unity and diversity. At worst they homogenise and gloss over cultural, linguistic and experiential diversity in a manner that captures all, but relates to none*" (p. 22).

These tensions are evident in the very creation of the term itself, which "*is a Polynesian transliteration. It was coined and is invoked to make a deliberate point about self determination*" (Suaalii-Sauni, 2008, p. 20). However, this origin that gives the term power and legitimacy also reflects a significant limitation. Burnett and Bond (2020) looked at the identities of I-Kiribati students in Aotearoa New Zealand. They observed "*the relative marginalisation of non-Polynesian cultures within the pan-ethnic label of Pasifika*" (p. 329). Although they were focused on educational contexts, they identified the issue as one born out of general population demographics. They

critiqued the term "Pasifika" on the basis that "*the term Pasifika itself creates certain understandings of who is included and excluded within its broad parameters. The dominance of Polynesian aspects within the term does not reflect the lived realities of those it is meant to represent*" (p. 334). Some have suggested alternative pan-Pacific terms, such as Pacific Islander, Pacific people or Pacificans (Mila-Schaaf, 2010). However, others contend that the use of a pan-Pacific identity at all has a "*homogenizing effect*" (T. W. Samu, 2007, p. 138) which risks silencing and overshadowing specific cultural identities, and so would prefer ethnic-specific terms instead (Naepi, n.d.).

I accept these significant criticisms of the term. Nonetheless, I suggest that it is the best term available to me; I respect that it is still used by Pacific people in Aotearoa New Zealand, and that it is not my place to come up with alternatives. Mila-Schaaf (2010) ultimately chose to use "Pasifika" "*on the basis that it is a term that has developed within a localised Aotearoa context*" (p. 24). Similarly, for the limited purposes of this thesis, the diasporic aspect inherent in the term "Pasifika" makes it more appropriate than other commonly used pan-Pacific terms. I am thus using it — just as others have — as a "term of convenience" (e.g., Airini et al., 2010, p. 49), aware of its limitations but also its utility as a pragmatic and political categorisation.

1.3.3   Pālagi

For the purposes of this thesis, I use the term "Pālagi" to refer to Pākehā or white New Zealanders. Although in the context of Aotearoa New Zealand "Pākehā" would be the usual term, I specifically chose to use "Pālagi" due to the Pasifika orientation of the research question. As constructed, the thesis is concerned with participants' cultural identity with reference to their being or not being Pasifika. As such, it is appropriate to use a Pasifika term.

The term "Pālagi" is described as "*a non-derogatory term referring to white people*

or non-Pacific Islanders, from the Samoan language but widely used among Pacific people in New Zealand" (Teaiwa & Mallon, 2005, p. 444). The term (or its longer form "Papālagi"/"Papalagi"/"Pāpālagi") is used in Fiji, Niue, Samoa, Tokelau and Tuvalu. Versions of the word can be seen across the region, including in Tonga as "Papālangi," in Kapingamarangi as "Baalangi," in the Cook Islands as "Papaʻa," and in Fiji as "Pappelangi" or "Vāvālagi" (Futter-Puati & Maua-Hodges, 2019; Schütz, 2019; Tent & Geraghty, 2001).

1.3.4   Criminal Justice System

While my research does not focus specifically on the criminal justice system, it is nonetheless the primary formal justice mechanism for sexual violence in Aotearoa New Zealand. Participants made reference to the criminal justice system itself and to its constituent parts. When appropriate, I have referred to the specific component (e.g., the courts, the police) or echoed the term used by the participant, but I have used "criminal justice system" as the umbrella term for the formal state system.

Occasionally participants referred simply to "the justice system." However, it was clear from the context that what they had in mind was specifically the criminal, and not civil, arm. This is likely in part because the Accident Compensation Act 2001 prevents victim-survivors from bringing a civil claim for compensatory damages.

1.3.5   Sexual Violence

I chose the term "sexual violence" out of a desire for the broadest term possible. I rejected some commonly used terms for the following reasons:

- "Rape," because as a term it is commonly narrowly defined or interpreted, such that rape myths mean that many experiences are not understood as "*really rape*" (Peterson & Muehlenhard, 2004, p. 140). In particular, it is often defined

or interpreted to involve penetration (Bagwell-Gray et al., 2015; Peterson & Muehlenhard, 2004; Young & Maguire, 2003). The Crimes Act 1961 goes so far as to draw a distinction between rape and unlawful sexual connection, with rape entailing "*the penetration of person B's genitalia by person A's penis*" (s. 128 (2)).

- "Sexual abuse," as the majority of literature using this term is focused specifically on child sexual abuse. The term "intimate partner sexual abuse" encompasses a wide range of sexually violent or coercive behaviours (e.g., Bagwell-Gray et al., 2015), but is restricted to the context of an intimate partner relationship.

- "Sexual assault," which is a "*broad, gender-neutral term to encompass any unwanted sexual contact*" (Young & Maguire, 2003, p. 41). While this term is used in the literature, is it not generally defined (Bagwell-Gray et al., 2015), although it is implied that such contact is physical, and so sexual assault includes rape. The Crimes Act 1961 defines assault (which may or may not be sexual) in physical terms, as actual or threatened "*force to the person of another*" (s. 2 (1)).

The term "sexual violence" is not without its own limitations — most significantly, I acknowledge that some may also interpret "violence" to be physical, and coercion is not always understood to be violence. However, I use the term in accordance with a "*conceptualization of sexual violence as a continuum, which includes unwanted verbal, coercive, physical and sexual events*" (Young & Maguire, 2003, p. 41).

1.3.6   Perpetrator

The literature on sexual violence generally uses the terms "offender" and "perpetrator" to refer to those who commit sexual violence. The terms overlap significantly and at times are used seemingly interchangeably, although "offender" is the dominant term

within the criminal justice framework.

I have chosen to use the term "perpetrator" over "offender" for two reasons. Firstly, I understand the term "offender" to be more concerned with matters of crime and illegality. For example, the Oxford Dictionary of English gives the first definition of "offender" as "*a person who commits an illegal act,*" with the broader meaning of "*a person or thing that does something wrong or causes problems*" only being listed as the second definition (Oxford Dictionary of English, 2010a). This puts the emphasis on the illegality, which is not where I want to focus: sexual violence is a crime because it is wrong, not wrong because it is a crime. The same dictionary describes a perpetrator as "*a person who carries out a harmful, illegal, or immoral act"* (Oxford Dictionary of English, 2010b). I feel that this inclusion of harm and immorality, as opposed to the focus on illegality, is more in line with discussions about sexual violence and justice more generally, rather than as confined to the criminal justice system.

Secondly, in the context of the criminal justice system, the term "offender" is sometimes qualified when the person has not been formally convicted, such that the person is referred to as the "alleged offender" or "accused" instead. While the term "offender" is also sometimes used to refer to those who have not been formally convicted, I am reluctant to use a term that may reinforce already prevalent restrictive notions about who and what counts.

Some restorative justice literature uses terms such as "person who committed harm," "person who caused harm," or "person who created the harm," often alongside "offender." As well as being laborious, I feel that such terms focus too exclusively on the harm resulting from sexual violence. By focusing on the act, "perpetrator" centres the wrongness of sexual violence itself, which is bound up with but not reducible to the harm it causes.

While I have made this decision with reference to how the terms are used more broadly, I understand that there is a significant element of subjectivity. In practice, there

will be many cases when a term other than "perpetrator" is more appropriate to refer to the person who committed sexual violence, and my choice of terminology is made within the narrow constraints of its use within my thesis.

1.3.7   Victim-Survivor

Although the term is undeniably clunky, I felt it was important to capture the political perspectives that are denoted by each term individually.

Daly (2015) rightly noted that "*victimization is a process, not a category or identity . . . At the same time, we require a word to refer to a person who has been victimized and 'victim' most readily comes to mind*" (p. 378). "Victim" is also the term used in law to refer to a person who has suffered as the result of a criminal offence; in a world where sexual violence is so normalised and minimised, using the term "victim" is an acknowledgement of criminal victimisation. On the other hand, some people who have experienced sexual violence regard the term "victim" as disempowering, associated with "*characteristics such as being weak, powerless, vulnerable and still affected by the rape*" (Thompson, 2000, p. 328).

For this reason, some people who have experienced sexual violence prefer the term "survivor," which can be regarded as focusing more on strengths and recovery, and connoting more agency (e.g., Papendick & Bohner, 2017; Thompson, 2000; Young & Maguire, 2003). Yet the term "survivor" has also been described as minimising the experience, and pushing those who have experienced sexual violence into silence in order to claim their place as having "recovered" (Thompson, 2000).

Lahn (2013) reflected, "*While I personally strongly resist espousing a victim or survivor* identity, *there are times in which I find myself relating, or* identifying, *with one or both identities. At other times I feel truly incapable of identifying with either*" (p. 38). While I use the term "victim-survivor" throughout this research, I suggest that it is best

understood to denote a complex and shifting relationship with the experience of being a person who has experienced sexual violence, and not as a reductive identity. Moreover, I acknowledge the inadequacy of both these terms to capture such personal, complicated and contextual experiences. Although often written as "victim/survivor," I have chosen to use the hyphenated term instead. This comes from my view that, despite often being constructed as such, the two elements are not oppositional and alternating, but each give expression to different aspects which can exist simultaneously. I do not suggest that the term "victim-survivor" will resonate with all those who have experienced sexual violence, but I have settled on this term out of recognition that both elements of the term contain important, if incomplete, aspects of the experience of being a person who has experienced sexual violence.

1.4   Outline of Thesis Structure

This thesis contains a further 11 chapters. They are as follows:

- **Chapter 2: Literature Review** — This chapter discusses some key concepts that are important for framing the research and findings. As well as reviewing the literature as it relates to my question about justice and sexual violence, I explore cultural elements that contextualise participants' contributions.

- **Chapter 3: Methodology and Theoretical Frameworks** — This chapter presents the theoretical frameworks that support the research. I discuss the epistemological foundations that underpin the work, and the use of both narrative inquiry and talanoa methodologies. I reflect on the application of these methodologies with regard to the research process. I pay particular attention to ethical considerations, including in relation to participant safety, and what it meant to research Pasifika perspectives as a Pālagi. I also comment on the experience of

including myself as a participant.

- **Chapters 4–11: Findings and Discussion** — These chapters, taken as a whole, present the findings and discussion from my research. Chapter 4 introduces and frames this set of chapters. The majority of the findings are presented in Chapters 5–10. These have been carefully written so that the structure itself serves as the discussion, in order to maximise participants' voices. Chapter 11 offers an analysis, reflecting on the findings as a whole as well as the existing literature. For a more detailed outline of each of these chapters, please see Chapter 4: Findings and Discussion Framework.

- **Chapter 12: Conclusion** — This chapter discusses the research as a whole, including its significance and its limitations. It also identifies areas for further research.

Chapter 2

Literature Review

There is very little literature about how victim-survivors of sexual violence conceive of justice, and none that I was able to find about how Pasifika victim-survivors of sexual violence conceive of justice. On the other hand, there is an extensive body of literature written about specific elements of these questions and thus tangentially related: about sexual violence, about justice, about Pasifika cultural frameworks, and about justice mechanisms used in response to sexual violence. Each of these topics are immensely complex. As such, my intention with this chapter is not to provide an exhaustive account of the extensive literature available, but to provide key background material to contextualise participants' contributions as presented in the findings chapters.

The question "what is justice?" is one that is central to the discipline of philosophy, but the standard approach taken by philosophy is at odds with my epistemological framework. As such, I take the majority of the vast body of philosophical literature on justice to be outside the scope of my discussion. Instead, I will focus only on literature that, like my research question, contextualises the question specifically with reference to sexual violence. Given the central role that the legal system plays in many understandings of justice — including those of some participants — I will also briefly discuss issues of jurisprudence.

Noting the specific location of this research, I will give an overview of some key aspects of the New Zealand Pālagi cultural context, in order to contextualise participants' contributions in the time and place to which they belong. This requires looking at some of the underlying values that Pākehā New Zealand is built on, but which are often rendered invisible (to Pākehā) or unarticulated due to the privilege of white cultural hegemony (R. M. Black, 2010; Gibson, 2006; Gray et al., 2013; Webber, 2013). I will also give a brief account of gender dynamics, and look at how the underlying values play out with regard to sex education and rape myths.

The Pacific region encompasses a great many cultures, each with their own distinct histories, ontologies, epistemologies, practices and values. Nonetheless, the participants in this study all shared "*the pan-Pacific diaspora experience*" (Katavake-McGrath, 2021, p. 16). I will give a brief overview of Pasifika in the context of Aotearoa New Zealand, before turning to some of the key values, cultural ideas and practices that sit behind Pasifika participants' contributions.

There is a small amount of literature available on the question "how do victim-survivors conceive of justice?" from a Western perspective. I will outline this, and discuss where my research takes a different approach. I will also make reference to the justice mechanism-oriented literature, which is a large body of work that evaluates and critiques justice mechanisms or processes in relation to sexual violence.

With regard to the Pacific, I will focus specifically on traditional justice mechanisms for sexual violence. This body of literature is small and, unfortunately, does not generally focus on victim-survivors' views, but gives some insight into the cultural ideas about what justice is that are embedded within such practices. Finally, I will comment on the implications of the collective nature of these approaches to justice.

2.1   *What Is Justice?*: A Philosophical Question

There is an extensive body of work concerned with varying forms of the question "what is justice?" This is primarily situated within the discipline of philosophy, where "*The idea of justice occupies centre stage both in ethics, and in legal and political philosophy*" (Miller, 2017, para. 1). Although acknowledging that "*justice takes on different meanings in different practical contexts*" (Miller, 2017, Justice: Mapping the Concept section, para. 2), for the most part these philosophical investigations of justice have tended towards a more abstract and decontextualised approach. The discipline of philosophy employs thought experiments and other tools for conceptual analysis in an attempt to identify universal or universalisable principles, "*asking whether we find a core concept that runs through [the different context-based uses of justice], or whether it is better regarded as a family resemblance*" (Miller, 2017).

There have, however, particularly in feminist and contemporary philosophy, been explorations of justice that are concerned with the particular context of sexual violence. This literature makes an essential contribution in a number of ways, including by foregrounding the context as relevant. This marks a change from the more abstract investigations of ethics and justice, declaring that the particularities of sexual violence are relevant to the concept of justice in the context.

Burgess-Jackson (1996) observed that distributive justice is concerned with the distribution of burdens as well as benefits, and that sexual violence currently results in a disproportionate, and thus unjust, burden of fear being placed on women. In the interests of justice, he proposed that such fear should be redistributed more evenly. To this end, Burgess-Jackson suggested a number of practical strategies, most of which are designed to make women either feel or actually be safer, reduce the likelihood of sexual violence occurring, and/or increase the likelihood of there being significant consequences for those who perpetrate sexual violence. Significantly, Burgess-Jackson argued that "*men*

— not just rapists, but men as a class — are the source of women's fear of rape and those crimes associated with rape. . . . for reasons of justice, the costs of fear-reducing measures should fall solely, or at least disproportionately, on men" (p. 192). "Costs" here may be financial, such as through taxes or surcharges, but also refers to costs of time, such as mandated time spent in sexual violence-related education, or freedoms, for example being subject to additional restrictions around alcohol (Burgess-Jackson, 1996).

Current state-led initiatives in response to sexual violence (the criminal justice system, sex education in schools, health services for victim-survivors, etc.) are re-distributive only to the limited extent that taxes in general are redistributive. Some restorative justice processes require the offender to pay to participate, assessed on a sliding scale (e.g., Koss et al., 2003). A payment of money from the perpetrator to the victim-survivor may be an outcome offered by some restorative justice processes (e.g., Jülich et al., 2010). In other jurisdictions, tort law is used by victim-survivors to pursue monetary damages against the perpetrator (e.g., Bublick, 2006), while New Zealand law permits — at least in theory — victim-survivors to sue for exemplary damages (Todd, 2002). These are examples of limited redistribution of resources (and perhaps, indirectly, of burdens). However, Burgess-Jackson's (1996) argument makes the case for a broader and more structural approach to assessing and distributing the costs related to sexual violence.

Feminist philosopher Superson (2007) attempted to offer a definition of sexual harassment; in doing so, she drew attention to issues of politics and power that are at play. Her observation that sexual harassment is gendered and based on group power differentials has implications for how she conceived of sexual harassment and its resulting harm. She concluded that "*when any one woman is in any way sexually harassed, all women are harmed*" (Superson, 2007, p. 449). Cadwallader (2016) likewise argued that the "*'scene of wounding' for the trauma of rape is expansive,*

extending far beyond an individual subject's traumatic memory" (p. 135) into collective social, cultural and political dynamics. Conceptualising sexual harassment and harm as shared, rather than as individual, acts of violence in turn impacts ways of thinking about justice (Cadwallader, 2016). This concern with the underlying political factors has been identified as a key element of the philosophy underpinning the community-based alternative justice process known as transformative justice, which is concerned with transforming the underlying systemic and political conditions that give rise to violence (Kim, 2021; Nocella, 2011).

May and Strikwerda (2007) explored the suggestion of men's collective responsibility for rape. They examined a number of possible ways of allocating responsibility in the context of rape, including rape as an individual act in which only the direct perpetrator is responsible, rape as a biological response with the rapist having no responsibility, and rape as the result of cultural conditioning which sees all members of society as equally responsible. They eventually focused on the role played by the socialisation of male bonding, and concluded that "*By direct contribution, or by negligence or by similarity of disposition, or by benefiting, most if not all men do share in each rape in a particular society. This is the link between being responsible for the prevalence of rape and being responsible, at least to some extent, for the harms of each rape*" (May & Strikwerda, 2007, p. 469). Legal systems also grapple with how to allocate "vicarious liability" for sexual violence, generally finding some liability or responsibility only when extremely specific conditions are met (e.g., Chamallas, 2013; Dew & Mitra, 2018; Todd, 2002).

Each of these different accounts of responsibility and harm suggest very different possible frameworks and considerations for justice, including with regard to who is involved and how, and the appropriateness of punitive responses. These distinctions, sometimes significant and sometimes subtle, are implicit within various mechanisms: for example, both restorative justice and transformative justice mechanisms reject many of the presumptions of the criminal justice system, and instead "*dramatically*

[shift] the notion of harm from individual to collective and the procedure of justice from punishment to dialogue" (Kim, 2021, p. 169). As such, they seek to involve community in justice responses to varying degrees, although they can at times have markedly different relationships with official state mechanisms, including punitive measures (Armatta, 2018; Kim, 2021).

2.1.1   The Law and Jurisprudence

The legal system is commonly referred to as "the justice system," and "*law remains the dominant frame for thinking about justice*" (Henry et al., 2013, p. 5). In Aotearoa New Zealand, the justice sector officially comprises the Ministry of Justice, the New Zealand Police, the Department of Corrections, the Ministry for Children,[1] the Crown Law Office, and the Serious Fraud Office (Ministry of Justice, 2022). Of these six entities, the Ministry for Children is arguably the only body with a purpose that is not primarily related to the application of the law. Given this, a person could be forgiven for thinking that the legal system has a monopoly on justice.

This presumption that the law has an inherent claim to justice is similarly taken for granted by much of law, both as an academic discipline and particularly by practitioners. However, jurisprudence or the philosophy of law — as much an area of philosophy as of law — does ask questions about the relationship between law and justice (Marmor & Sarch, 2019). Augustine's question "*is an unjust law a law at all?*" continues to be a foundational provocation (McIlroy, 2019, p. 1). The range of positions taken in response demonstrate that jurisprudence scholars continue to grapple with the question of the relationship between justice and the law:

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[1] I use the English name in solidarity with those who contend that the harm caused to Māori tamariki and whānau by the actions of the agency undermine the meaning and mana of the reo Māori name (e.g., Dunlop, 2019; Elder, 2019; Tuialii, 2020).

> *Law cannot be defined without reference to justice. Law cannot be under-*
>
> *stood apart from justice. This is a central thesis of natural law theory and*
>
> *also of Ronald Dworkin's legal interpretivism. Legal positivism denies that*
>
> *there is a necessary connection between law and justice.* (McIlroy, 2019, p.
>
> 1)

McIlroy (2019) drew a distinction between law and justice. Nonetheless, he gave expression to the unique claim to justice alleged by the title "the justice sector," arguing for a necessary and symbiotic relationship: "*Law has a part to play in grounding the concept of justice . . . Law is not itself without reference to justice, and justice is not itself without being given expression in law*" (p. 35). The countless examples of times that the law has been confronted by and had to change in response to matters of justice directly at odds with the law itself (women's rights, Māori rights, queer rights, workers' rights, etc.) should alone give us reason to be sceptical of this claim. Henry et al. (2013) remarked on the contradictions inherent in the relationship:

> *The law-justice relationship is characterised by a set of paradoxes. While*
>
> *it is true that victims of crime often turn to law as the normative remedy*
>
> *for injury, law at times can engender oppressive and deleterious effects,*
>
> *serving as a tool of further injustice. . . . Law, disguised as justice, may*
>
> *bring some satisfaction and other therapeutic gains to victim-survivors and*
>
> *the community more generally, but law can never fully erase the injury or*
>
> *long-term impacts of violence. Law ultimately promises, but fails to deliver,*
>
> *justice.* (p. 5)

All the same, it is significant that the view expressed by McIlory falls within the range of orthodox jurisprudence perspectives, regardless of whether it is correct.

Various claims about the law's relationship to justice are also used to justify and legitimise the law, as well as to understand the law's function and limitations (Coyle, 2014;

McIlroy, 2019). As a result, jurisprudence does "*ask what is meant by 'justice'*" (Coyle, 2014, p. 2). Attempts to answer this question often utilise the same abstract conceptual analysis approach as general philosophy — and, indeed, draw on many of the same (overwhelmingly Western and male) philosophers — albeit supplemented to some degree by the specific facts offered by case law (e.g., Coyle, 2014; McIlroy, 2019). Here in Aotearoa New Zealand, Māori perspectives are also starting to have an impact on jurisprudence scholarship (e.g., Mikaere, 2005; Te Aho, 2007).

2.2   Sexual Violence and Gender Inequality

Sexual violence is a gendered phenomenon, occurring as part of a broader range of gender-based violence (GBV) (Tavara, 2006). A substantial proportion of the literature aggregates sexual and physical violence within the context of a relationship (intimate partner violence or IPV) (Bagwell-Gray et al., 2015). Sexual violence also occurs within a complex framework of cultural norms, practices, power dynamics and concepts related to gender (Gavey, 2018). Understanding sexual violence — and justice in the context of sexual violence — thus requires consideration of these ways that gender operates.

Research suggests a relationship between increased gender inequality and higher levels of GBV, including sexual violence (Kearns et al., 2020; Levinson, 1988; Willie & Kershaw, 2019). Heise and Kotsadam's (2015) findings make clear the significance of attitudinal factors, cultural norms, and structural indicators of and contributors to gender inequality:

> *Especially predictive of the geographical distribution of partner violence*
> *are norms related to male authority over female behaviour, norms justifying*
> *wife beating, and the extent to which law and practice disadvantage women*

compared with men in access to land, property, and other productive resources. Gender-related discrimination in family law, including differential rights to child custody, to inherit land and money, and to marry and divorce, also predict levels of partner violence across settings. (p. e338)

Looking specifically at sexual violence, Yodanis (2004) compared data from multiple countries on rates of sexual violence, as well as educational achievement, labour force participation rates and occupational segregation, and political representation. Yodanis found that "*the status of women in a country is related to the prevalence of sexual violence against women*" (p. 668).

Studies looking at particular population groups continue to suggest similar conclusions about the relationship between gender inequality and sexual violence. LeSuer (2020) focused on rates of interpersonal sexual violence (IPSV) amongst women at university:

I find that women living in countries with higher levels of gender inequality were more likely to report that their intimate partners insisted on or used threats and force to coerce them into vaginal, oral, or anal sex or insisted on condomless sex. I also find support for the amelioration hypothesis that gender equality reduces women's odds of having experienced IPSV. (p. 115)

The same underlying principle also holds in LeSuer's (2022) findings regarding child sexual abuse (CSA) against girls. LeSuer (2022) argued that higher rates of gender inequality are likewise a predictive factor, such that "*girls in more gender-unequal societies are at greater risk of sexual abuse at the hands of family members in general*" (p. 704).

2.2.1   Cultural Understandings of Sexual Violence

Sexual violence and even rape are not static concepts; understandings shift across time, and by culture. For much of Western history, women were regarded as the property of men. Rape, thus, was a crime against the husband or father who "owned" the woman, as it made his property less valuable. As Whisnant (2021) observed, "*Given this entrenched historical and cultural legacy, feminists' redefinition of 'rape' as a crime against the woman herself is nothing short of revolutionary*" (Common Themes section, para. 3). Conversations about how to define and understand rape, coercion, consent, informed consent, compliant sex, sexual violence, etc., remain ongoing.

There are also cultural angles to these concepts (Peteru, 2012). Mainstream Western definitions focus primarily on physical and sexual acts at an individual level, without taking into account "*the cultural, spiritual and collective impact*" (Pihama et al., 2016, p. 45). Although the Duluth Power and Control wheel is a centrepiece of many Western discussions about domestic violence and abuse, Crichton-Hill's (2001) critique highlighted the limitations of the wheel when attempting to understand how Samoan women conceptualise and experience domestic violence. Many of the underlying gender constructs and cultural practices that Crichton-Hill examined also apply to sexual violence, both sui generis and as part of domestic violence. Rankine et al. (2017) discussed sexual violence with participants from a range of Pacific backgrounds in New Zealand. Their findings supported Crichton-Hill's critique, identifying similar gaps and inconsistencies when attempting to utilise the Power and Control Wheel in a Pacific context.

2.2.2   Gender: Who Experiences Sexual Violence?

People of all genders experience sexual violence. However, studies consistently report that women experience sexual violence at a higher rate than men (Borumandnia et al.,

2020). The New Zealand Crime and Victims Survey (Ministry of Justice, 2019) reported that "*Women made up 71% of the victims and suffered from 80% of sexual assault incidents. The number of sexual assault incidents per 100 women is almost four times higher than per 100 men*" (p. 76). Across their lifetime, 34.01% of women and 12.19% of men had experienced at least one incident of sexual violence (p. 82). The Youth '12 survey, which surveyed secondary school students, found that 19.5% of female students and 9% of male students had experienced unwanted sexual contact. The numbers were higher still for Pacific students, at 26.9% and 14.9% respectively (T. C. Clark et al., 2015, pp. 18, 101).

The rates of women who experience sexual violence vary by country, and accurate data across the Pacific is frequently unavailable or unreliable (United Nations Entity for Gender Equality and the Empowerment of Women, 2011). Reporting on GBV, including sexual violence, in the region, the United Nations Entity for Gender Equality and the Empowerment of Women noted that "*men and boys may also be survivors of gender-based violence, especially sexual violence. There is some evidence that sexual violence against boys occurs more often than previously known, however information is insufficient*" (p. i). Nonetheless, the report focuses on violence against women (VAW) "*because of the disproportionate number of women and girls who experience violence*" (p. i).

Homophobia, narrow definitions of rape, and the enforcement of traditional constructs of masculinity all contribute to the underreporting of male sexual victimisation, as do the general rape myths that affect all victim-survivors of sexual violence (Stemple & Meyer, 2014; Walfield, 2018). A small number of studies have suggested that men experience victimisation at similar rates to women (e.g., Stemple et al., 2017; Stemple & Meyer, 2014). However, this research was based on large surveys that do not explore the stories being told or the concepts behind them; smaller qualitative research that unpacks what is meant by language such as "coercive" or "aggressive" in these

accounts give us reason to be cautious of these findings (Gavey, 2018). Gavey pointed

to Fagen and Anderson's (2012) qualitative research, which gave examples of men

conflating a woman's being physically attractive with coercion, sexual assertiveness

with manipulation, and sexual initiation with sexual aggression or even rape. Of interest

are the emotions associated with these narratives: none of the men reported feeling

fear, although one described a sense that "*his masculinity, rather than his body, was at*

risk" (p. 267). Similarly, a sense of shame was described as associated with not being

the initiator, as demanded by traditionally gendered sexual scripts, rather than the acts

themselves. Fagen and Anderson described the impact these constructed gender roles

had on the men's understandings of sexual violation:

> *For some men, perception of women's sexual initiation were constructed*
>
> *within the context of the normative heterosexual paradigm within which*
>
> *men are initiative and women are denied sexual agency. Since a woman*
>
> *who initiates sex is transgressing her gender role, she can be perceived*
>
> *as being aggressive or manipulative. In addition, since it is consistent*
>
> *with masculinity to take a proactive role in heterosexual sex, a man's*
>
> *objectification by a woman can be experienced as a violation. That is,*
>
> *the experience of women's perceived sexual aggression violates every*
>
> *assumption of masculinity.* (p. 269)

The "*mainstream discourses of unwanted sexual experiences . . . are framed by*

women's experiences" (Fagen & Anderson, 2012, p. 269), and often treat "unwanted" as

synonymous with "nonconsensual," which is in turn frequently understood as a sufficient

condition for "violent" (Bagwell-Gray et al., 2015). Yet the experiences described by

the men in Fagen and Anderson's research were unwanted because they threatened the

men's traditional understandings of masculinity: the sense of violation was not from

the sexual encounter itself, but because the men were "*put into the traditional female*

role" (Fagen & Anderson, 2012, p. 269). For men, it is often the traditional sexual scripts about masculinity and sexual desire that create the pressure to have sex (A. Hyde et al., 2009; Limmer, 2014).

Finkelhor and Yllo (1985) suggested four types of coercion experienced by women with regard to marital rape. One of these was social coercion, which they defined as "*the pressure women feel as a result of social expectations or conventions*" (p. 86). They described social coercion as operating through pressure and judgement from others, including laws, religion and customs, and which are often internalised. Although Finkelhor and Yllo exclude this from their definition of rape, I contend it should be considered sexual violence at a cultural level. Moreover, I suggest that the sorts of experiences discussed by the men in Fagen and Anderson's (2012) research fit this definition, notwithstanding the gender reversal. However, social coercion is qualitatively different to the experiences and conceptualisations of coercion and sexual violence as described by the majority of existing literature and discourses, which align more with Finkelhor and Yllo's three other categories: interpersonal coercion, threatened physical coercion and actual physical coercion.

There are, of course, many cases of male sexual victimisation that accord more closely with coercion, rape, sexual aggression and sexual violence as we would more commonly understand them, and the accounts in Fagen and Anderson's (2012) research should certainly not be taken as universally true of male victim-survivors' experiences. Nonetheless, they demonstrate a very real need to be cautious about claims that men and women experience sexual violence equally, and to be cognisant of the complex ways that gender impacts on understandings and experiences of sexual violence.

Accurate data on the rates of sexual violence experienced by transgender, non-binary and other gender minority populations are hard to come by, with even international literature being scarce. However, there is evidence of increased rates of sexual victimisation amongst gender minority populations (Atteberry-Ash et al., 2020; Chew et al.,

2020; Peitzmeier et al., 2020; Stotzer, 2009; Veale et al., 2019). Sexual minorities also experience increased rates of sexual violence: the New Zealand Crime and Victims Survey reported that an average of 24% of New Zealand adults overall experience sexual violence in their lifetime. However, this number rose to 52% amongst lesbian and gay adults, and 66% amongst bisexual adults (Ministry of Justice, n.d.).

2.2.3 Gender: Who Perpetrates Sexual Violence?

Research has consistently found that sexual violence against women is overwhelmingly more likely to be perpetrated by men (Australian Institute of Health and Welfare, 2018; M. C. Black et al., 2011). However, research is less clear as to who perpetrates the majority of sexual violence against men. For example, the Australian Institute of Health and Welfare (2018) reported a roughly even split between male and female perpetrators. The data from M. C. Black et al. (2011) found that other men are more likely to be perpetrators of rape, but this was based on a narrow definition which required oral and/or anal penetration. When other types of sexual violence against men were looked at, including sexual coercion or being forced to penetrate, women were more likely to be the perpetrators — although, as with male victimisation above, questions should be asked about how coercion is understood and conceptualised in these large-scale quantitative studies. Despite these nuances, however, the significant majority of perpetrators of sexual violence *overall* are men (Australian Institute of Health and Welfare, 2018; M. C. Black et al., 2011). Cortoni et al. (2017) analysed data from 12 countries, and found that women make up approximately 12% of sexual perpetrators.

Studies consistently find that the perpetrator is known to the victim-survivor in most cases of sexual violence (Australian Institute of Health and Welfare, 2018; M. C. Black et al., 2011; Dartnall & Jewkes, 2013; World Health Organization et al., 2013). In particular, studies have generally found that partners make up the largest group of

perpetrators of sexual violence (M. C. Black et al., 2011; World Health Organization et al., 2013). In Kiribati, 46% of women aged 15-49 who had ever been in a relationship reported IPSV (Secretariat of the Pacific Community, 2010, p. 90). The rate was 20% in the Marshall Islands (Economic Policy, Planning and Statistics Office et al., 2008, p. 248) and 19.6% in Samoa (Secretariat of the Pacific Community, 2006, p. 14), while 10.3% of women in Palau reported experiencing sexual violence by a partner within their lifetime (Palau Ministry of Health, 2014, p. 34). In the Marshall Islands, amongst women who had experienced sexual violence, current husbands/partners were overwhelmingly the main perpetrators at 50.2% (Economic Policy, Planning and Statistics Office et al., 2008, p. 245). It should be noted that the methodology used by these studies does not include sexual violence perpetrated by boyfriends in these figures, as they are instead included under the category of "someone other than partner."

Beyond partners, common perpetrators include boyfriends, male family members, male family friends, teachers, colleagues, and other male acquaintances. Strangers were also identified as perpetrators, but less frequently, and female family members less frequently still (Economic Policy, Planning and Statistics Office et al., 2008; Palau Ministry of Health, 2014; Secretariat of the Pacific Community, 2006, 2010).

A survey in Papua New Guinea found that 65% of women had been raped by their partner or submitted to sex with their partner out of fear (Ganster-Breidler, 2010, p. 24). Amnesty International (2006) described sexual violence in Papua New Guinea as occurring across a number of contexts such as: within the family (including informal adoptions); to punish women for being educated or for turning down sexual advances; as a weapon in inter-tribal conflict; and by police. Drugs and alcohol often played a role, as did attitudes about men's ownership of women and their right to use, share or sell women's bodies. While this data is anecdotal, it consistently described violence perpetrated by men against women.

2.3   Secondary Victimisation: Injustice Perpetuated

Condry (2010) offered a summary of secondary victimisation:

> *Something that happens to primary victims after the offense as their vic-*
> *timization is prolonged, compounded, and made worse by the reactions of*
> *others and their treatment in the criminal justice process.* (p. 236)

Secondary victimisation is particularly prevalent in the context of sexual assault, as rape myths and victim-blaming are significant contributing factors. It's sometimes described simply as "revictimisation," although this term is more commonly used to describe the victim-survivor experiencing multiple repeated incidents of sexual violence (Ministry of Women's Affairs, 2012).

Secondary victimisation is a major feature in the literature on the experiences of victim-survivors in the criminal justice system (e.g., Condry, 2010; Law Commission, 2015; E. McDonald, 2022; E. McDonald & Tinsley, 2011). Condry (2010) reviewed previous research which found that the arduous processes of reporting, undergoing a medical examination, being questioned, etc., are often retraumatising, as the victim-survivor is once again subject to physically and psychologically invasive procedures, and loss of control.

However, secondary victimisation also occurs in informal settings. Victim-survivors may be disbelieved, blamed or have their experiences minimised by friends, family and others they engage with. In other cases, the attitudes that friends and family display towards sexual violence silence the victim-survivor by making disclosure unsafe. Rape myths and patriarchal attitudes towards women and women's sexuality tend to underlie such secondary victimisation, with immensely harmful and traumatic results for victim-survivors (Condry, 2010).

2.3.1   Family Dynamics of Abuse

Additional complexities operate within family dynamics, particularly with regard to CSA. Non-offending parents in families where CSA occurs are more likely to be survivors of CSA themselves, and families where CSA occurs are also likely to experience spousal or domestic violence (Avery et al., 2002; Borelli et al., 2019; Kellogg & Menard, 2003). This means that family members may be victims and bystanders of abuse simultaneously. When family members are also subjected to abuse, mind games and unequal power dynamics from the perpetrator, this may affect their ability to recognise CSA. If they are aware of the CSA, their own victimisation may impact their ability to speak up, by making them fearful to rock the boat or reducing their personal power and resources to intervene (Alaggia & Kirshenbaum, 2005; Bell, 2002; Knott, 2014).

However, there is some literature that suggests that the coexistence of domestic abuse does not necessarily impact the non-offending parent's response. Kellogg and Menard (2003) interviewed 164 participants aged 7–19 who attended a sexual abuse clinic. Of these, 52% also reported the presence of spousal abuse in the family. While 60% of non-offending parents were supportive and took action to protect the child, the responses of the remaining 40% were "*neutral or unknown*" or unsupportive (p. 1372). Significantly, they found that "*There were no statistically significant differences in responses to abuse discovery among subjects from homes with adult violence and subjects who had not lived in homes with adult violence*" (p. 1372).

2.4   The Aotearoa New Zealand Pālagi/Pākehā Context

New Zealand is often described as multicultural because of the diverse range of ethnic groups and nationalities across the population (Statistics New Zealand, 2020). However, when it comes to the dominant structures, institutions and discourses, New Zealand

remains stubbornly monocultural: "*New Zealand is demographically multicultural, formally bicultural, and with few exceptions, institutionally monocultural*" (Liu, 2007, as quoted in Baehler, 2009, p. 88). As a settler colonial country, the dominant culture is that of Pākehā. However, values and culture are dynamic and changing, and always located geographically, socially and temporally. While the prevailing values and discourses around justice, gender, sexuality, etc., have much in common with broader international Western values and perspectives, they are also unique to this time and place. The Pākehā identity is a relational one, necessarily understood with reference to Aotearoa New Zealand and to tangata whenua (Leach, 2020; Matthewman, 2017; Pearson, 1989). To a lesser extent, Pākehā values and perspectives are themselves informed by the many ethnicities and nationalities that make up New Zealand and that Pākehā culture interacts with. There is a tension between the pluralism built into Pākehā liberalism on the one hand (Kymlicka, 1995; Zafirovski, 2011) and, on the other, Pākehā hegemony of institutions, mainstream discourses, and resources (including political power).

Throughout this thesis, I have generally chosen to use the term "Pālagi" to refer to the non-Pasifika participants (see 1.3 Language and Definitions). However, the Pālagi interviewed for this research were not just any Pālagi: they were specifically Pālagi of Auckland, New Zealand. The term "Pākehā" remains a somewhat contested one, with mixed acceptance of its usage, and definitions varying as to whether it includes more recent European or white migrants (Marcetic, 2018; Pearson, 1989). In this section, I choose to use the term "Pākehā" as I am specifically discussing the aforementioned dominant white culture of New Zealand; the often-implied exclusion of non-white tauiwi from "Pākehā" mirrors their current cultural exclusion from the dominant institutions and discourses. Similarly, I here use the term "New Zealand" — instead of and without "Aotearoa" — to refer to the country of colonial government institutions, Pākehā culture and white privilege.

2.4.1   Values

The ideas of the Western Enlightenment were first brought to New Zealand by those on James Cook's *Endeavour* (Phillips, 2014). More than 250 years on, the core values of the Enlightenment — albeit updated — still form the base of the Pākehā worldview: rationalism, empiricism and scepticism give us not just an orientation towards scientific positivism, but underlie modern Western political and ethical theories, particularly liberalism (Bergman, 2016; Bristow, 2017; Zafirovski, 2011). In their modern incarnation, this includes a focus on scientific and technological rationalism as well as the allegedly rational free market (Zafirovski, 2011), which "*seems as important as the state these days*" (Matheson, 2006, p. 183).

2.4.1.1   Secularism

Pratt (2016) described a tendency for discourse in New Zealand to view "*'secular society' as one where religion is absent from the public domain, if not from society absolutely*" (p. 57). The International Social Survey Programme (ISSP) asked "how do you describe your feelings about religion?" and the responses suggest a fairly even distribution of views about religion and spirituality. A third of people indicated that they had no religion and did not consider themselves to be a spiritual person. A further third reported that "I do not follow a religion, but consider myself to be a spiritual person interested in the sacred or supernatural." Just under a fifth regarded themselves as both religious and spiritual, while the remaining 13.7% followed a religion but did not regard themselves as spiritual (Milne et al., 2021).

The secularism of New Zealand, then, seems largely to be an institutional and political one. Matheson (2006) observed that the remnants of a Christian past still seen in the national anthem and parliamentary prayers "*seem to sit increasingly uncomfortably*

with many people" (p. 178).[2] This was echoed by a number of ISSP findings, for example:

- 81.9% of respondents agreed that "*religious leaders should not try to influence how people vote in elections*";

- 75.3% of respondents agreed that "*a country's laws should not be based on any religion,*" while only 10.4% disagreed;

- 18.7% of respondents agreed that "*we trust too much in science and not enough in religious faith,*" while 57.8% disagreed; and

- In considering the power of New Zealand churches and religious organisations, only 11.4% felt they held too little power, whereas 38.6% thought they held too much power (Milne et al., 2021).

Taken as a whole, the data about religious and spiritual beliefs and practices suggest a secular perspective is prominent within New Zealand when it comes to public life, including institutions and politics. Religious beliefs and practices are neither common nor uncommon across New Zealand (Milne et al., 2021), but they are considered personal matters. It is considered appropriate for politics and public institutions to be based on secular scientific rationalism — in its modern incarnation, often "evidence-based best practice." Rather than appealing to spiritual values or personal ethics, Pākehā culture holds that policies and institutions should be oriented towards this physical life and realm.

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[2]Although reference to Jesus was removed from the parliamentary prayer in 2018, the current version still reflects Abrahamic religious traditions, opening with "*Almighty God*" and closing with "*Amen*" (Cheng, 2019).

2.4.1.2   Individualism

Individualism grew out of the Enlightenment, with individual reason positioned as being at odds with both commonwealth/state institutions and religious (particularly Catholic) obedience (Lukes, 1971). It has been particularly "*associated . . . with classical, or negative liberalism*" (Lukes, 1971, p. 66), and remains foundational to neoliberalism (Bockman, 2013), the dominant political paradigm in New Zealand (Humpage, 2015; Larner, 1997).

Under neoliberalism, modern identities, including political identities, are individualistic, with citizenship giving way to constructions of self based on being consumer, customer, producer or user in the capitalist system (Schudson, 2006). This perspective conflates power with choice, which is regarded as inherently desirable (Eagleton-Pierce, 2016; Schudson, 2006).

This focus on individual responsibility and autonomy permeates Pākehā approaches to culture, as evidenced by the individualising of experiences and a struggle to recognise "*the collective responsibility for cultural learning*" (Huygens et al., 2003, p. 15), including when it comes to self-reflection and understanding Pākehā culture and identity (Huygens et al., 2003).

2.4.2   Gender Inequality

The settler colonial culture of early New Zealand was one of a gender binary and strict gender norms, with Pākehā women's rights and opportunities severely limited (Brookes, 2016; Olssen, 1999). This set the backdrop against which gender equality has been, and continues to be, fought for — albeit, until recently, largely still predicated on a gender binary. Women have made significant gains in almost all areas, including with regard to legal rights, political representation, health services, education, employment opportunities, sport, and the arts (Brookes, 2016; Coney, 1993; Coney & Sparrow,

2018; Dalziel, 2018; Dann, 1985; Else, 2019; Fry, 1985; Fry & Morris Matthews, 2018; Macdonald, 2018; G. McDonald & May, 2018; Nolan, 2018; Simpson & Jacobson, 2018). As part of this, gender norms for men were also challenged, with constructions of masculinity starting to broaden towards the end of the twentieth century (Phillips, 1996; Pringle, 2017).

The Gender Attitudes Survey gave a useful snapshot of how gender and gender equality are perceived in New Zealand (Kalafatelis & Wood, 2021). While a majority of respondents agreed that "*gender equality is a fundamental right*," at 79% this view is far from unanimous (p. 30). Importantly, there seemed to be a marked lack of understanding about what gender equality means. When asked to imagine that gender equality had been achieved, 25–50% did not feel that necessarily entailed many of the elements feminists regard as integral to gender equality, such as equal pay, improved work opportunities for women, more equal sharing of childcare and domestic responsibilities, improved access to healthcare for women, and more women in Parliament (p. 40). Significantly, only 42% of respondents thought that achieving gender equality would result in reduced rates of domestic violence, and only 39% believed it would result in reduced rates of sexual violence (p. 44). Likewise, only 53% of respondents felt that all listed occupations were suited to all genders (pp. 47–48). Some respondents regarded various personal attributes as more important for one gender than the other, with the numbers overall reflecting traditional ideas about masculinity and femininity and who should be physically attractive, funny, able to hide emotions, caring, in charge, etc. (pp. 14, 52–54). In the same vein, it was a minority who agreed with a number of statements expressing traditional gender stereotypes and norms, but a significant one nonetheless (p. 60).

Gender inequality remains an ongoing issue across the board (Elizabeth, 2017; Ministry for Women, 2016; Pacific Women's Watch (New Zealand), 2017). In particular, women continue to spend significantly more time in unpaid work including care work,

and experience both horizontal and vertical segregation in the workforce (Elizabeth, 2017; Ministry for Women, 2019; Morrissey, 2018). While these factors contribute to the persistent gender pay gap, "*behaviour, attitudes, and assumptions about women in work, including unconscious bias*" are thought to be the primary cause (Pacheco et al., 2017, p. 4).

Media depictions both reflect and reinforce constructions of gender, and thus can shed light on how gender operates within a culture. An analysis of television advertising revealed the pervasive nature of both gender and ethnic stereotypes:

> *The results reveal highly stereotypical depictions . . . White men dominated advertisements for foodstuffs, telecommunications and financial/corporate/legal services and were over-represented as professionals/white collar workers, while White women were over-represented in advertisements for household products, personal products, and medical products and featured predominantly as home-makers. Māori/Pasifika men were over-represented as athletes and service and sales workers. Non-White women featured prominently within multi-ethnic groups in advertisements for personal grooming products . . . while non-White men were over-represented as blue collar workers.* (Michelle, 2012, p. 21)

The continued primacy of the gender binary results in high levels of discrimination, violence and harassment against transgender and non-binary people. Research has also demonstrated that transgender and non-binary people experience poorer outcomes across a wide range of measures related to employment, access to resources, physical health, mental health, substance use, participation in sport, etc., as compared with the general population (Veale et al., 2019).

The progress towards gender equality is, broadly speaking, in keeping with the liberalism underpinning Pākehā culture. Likewise, liberal framing around individual

choice is used to justify persistent inequalities and avoid engaging with structural factors or social processes that constrain choices (Elizabeth, 2017).

Scientific rationalism is also evident in the discourse around gender. On the one hand, it is used to advocate for gender equality by invoking concepts uncritically assumed to be "objective," "rational" or "value-neutral" — for example, more equal sharing of domestic labour and more women in managerial and senior roles are both argued for on the basis that they would contribute to the economy, as measured reductively by GDP (Deloitte, 2017; Westpac & Deloitte, 2021). On the other hand, continued gender inequality and persistent gender stereotypes are also justified on specious "rational" or "scientific" grounds (Saini, 2017), with evolutionary psychology particularly used to validate the perpetuation of sexist norms (Ashton, 2014; Ruti, 2015). The persistent dominance of the gender binary, including the transphobic exclusion of trans women from women's spaces, likewise continues to be defended on grounds that purport, although fail to be, scientific (Hotine, 2021; Pearce et al., 2020), while challenges to move beyond the gender binary are also rationalised through appeals to science (e.g., J. S. Hyde et al., 2019; Ivy & Conrad, 2018; Johnson et al., 2009; Levassaeur, 2014–2015; Teetzel, 2017; Travers, 2018).

2.4.3   Sex Education in Schools

Through to the second half of the twentieth century, sex education, such as it was, was closely associated with Christian ideas of morality and procreation, and with racist eugenic policy (Brickell, 2007; Jackson & Weatherall, 2010). With the retreat of religion from public spaces, and as concerns for sexually related health issues came to the fore from the 1960s onwards, the emphasis has shifted towards material concerns of harm reduction and safer sex, based in a liberal secular framework (Fitzpatrick, 2015; Jackson & Weatherall, 2010). Today's sex education purports to be "*neutral or free of*

moralising" (Garland-Levett, 2017, p. 129). In practice, however, it "*reinscribes an unmarked white, secular, heterosexuality as the norm*" (Garland-Levett, 2017, p. 121).

Notably missing from sex education has been "*a discourse of desire . . . [and] notions of sexuality involving pleasure*" (Jackson & Weatherall, 2010, p. 52) — specifically, women's desire and female pleasure. Also absent has been a discussion of the social and relational dynamics in which sex occurs, or what Jackson and Weatherall (2010) described as "*wider sexuality issues (e.g. sexual identities, gender, relationship negotiation)*" (p. 53). Yet "*concepts like agency do not exist independently of discourse and social relations but are negotiated within existing systems of power*" (Garland-Levett, 2017, p. 127), and thus this discussion is necessary to genuinely address the risks that preoccupy sex education.

The most recent iteration of the national curriculum policy for relationship and sexuality education took significant steps towards incorporating ideas of desire and pleasure, and to build on the 2015 update which sought to more explicitly include diverse sexualities and genders (Fitzpatrick et al., 2022; Ministry of Education, 2020a, 2020b). While it is too soon to know about the implementation of the 2020 update, it has been noted that the neoliberal political framework resulted in patchy and inconsistent delivery of earlier versions (Fitzpatrick, 2018; Fitzpatrick et al., 2022). Education policy remains governed by neoliberalism. While the 2020 guides contain reference to gender norms, the focus is still on individual experiences rather than issues of power, inequality, and the underlying social structures.

Research indicates that young people themselves are aware of the limitations of the sex education they have been receiving (Fitzpatrick et al., 2022; New Zealand Family Planning, 2019). Fitzpatrick et al. (2022) noted that "*between 2017 and 2021, young people presented three different petitions to the New Zealand parliament asking education programmes in schools to address sexuality and relationships*" (p. 141). Two of those three petitions focused particularly on rape culture and consent.

2.4.4   Rape Myths

The term "rape myths" is used to apply to false beliefs about not just rape but sexual violence in general. There is extensive literature on rape myths, who holds them, how they operate, the role of the media, the harm they cause, and the barrier they pose to healing and justice (e.g., Hedrick, 2021; Hockett et al., 2016; Minter et al., 2021; Persson & Dhingra, 2020; Ryan, 2011; Suarez & Gadalla, 2010; Trottier et al., 2021).

While there are countless subtle variations, there are some common patterns that rape myths fall into, namely: not counting sexual violence as such, or otherwise minimising or dismissing it; blaming the victim-survivor; and excusing the perpetrator (Smith, 2006). Rape myths are both a consequence and perpetuator of gender stereotypes, including traditionally gendered sexual scripts: they "*maintain the status quo in relation to gender norms, as rape myths often prescribe 'appropriate' behaviours for both men and women*" (Smith, 2006, p. 54). Rape myths can also invoke and be compounded by other stereotypes and types of discrimination, such as those to do with race, class, disability, sexuality, etc. (e.g., Ardovini-Brooker & Caringella-MacDonald, 2002; Belknap, 2010; DeJong et al., 2020; Donovan, 2007; Donovan & Williams, 2002; Hughes et al., 2020; Mortimer et al., 2019; Murphy-Oikonen et al., 2022).

The prevalence of rape myths in New Zealand was clear from the 2021 Gender Attitudes Survey results, where a significant proportion of respondents agreed that:

- "*False rape accusations are common*" (28%);

- "*Rape happens when a man's sex drive is out of control*" (27%);

- "*If someone is raped when they're drunk, they're at least partly responsible for what happens*" (16%);

- "*You can't really call it rape if someone doesn't physically fight back*" (11%); and

- "*If someone is willing to 'make out', then it's no big deal if the other person pushes them a little further and has sex*" (10%) (Kalafatelis & Wood, 2021, p. 61).

2.4.4.1   [Neo]liberalism and Rape Myths

As religion receded from public life, the prescriptive and restrictive attitudes held towards sex — and, especially, women's sexuality — began to weaken. Today, the prevailing secular liberal values regard sex as a private, individual activity (Hunt & Jung, 2009). These values both allowed for and were furthered by hard won gains in human rights for the rainbow community, reproductive rights, and women's liberation more broadly. From the middle of the twentieth century, the increasing dominance of the market and treatment of people as consumers contributed to reconceptualising sex as for pleasure and self-expression (Farvid, 2012), a framing that persists under today's liberal and neoliberal ideologies.

Although offering what seems to be significant sexual freedom, questions need to be asked about the meaning of sexual agency and choice in this cultural environment. Finkelhor and Yllo's (1985) account of social coercion (see 2.2.2 Gender: Who Experiences Sexual Violence?) can be seen in the pressures on young women to engage in sexual behaviour, raising uncertainty about whether "*what young women consider to be agentic sexual behaviour is instead capitulation to dominant market and political forces*" (Wright, 2012, p. 25). More alarming, this "*neoliberal framing of sexuality . . . holds the individual responsible for the consequences of what are thought of as 'bad decisions'*" (Garland-Levett, 2017, p. 126), and the construction of sex as an individual activity fails to challenge the gender stereotypes about sex which many rape myths are built on (Gavey, 2018). Instead "*[sexual violence] prevention strategies conceived within a neoliberal social policy framework have focused primarily on women taking action to avoid victimization*" (Carmody, 2015, p. 89). This framing of prevention as

the responsibility of the victim in turn reinforces victim-blaming (Cherniawsky & Morrison, 2022). Western liberal feminism has not been immune to this, and the neoliberal privileging of the free market is reproduced within narratives about individual choice and freedom that are lacking any analysis of power or structural factors:

> "*Under neoliberalism, feminism is the label we give the apparent choice women have to change their behaviours, their attitudes and even their places of work to deal with workplace incivilities — yet what about those women who are unable to change their current employment and workplace?* (Ozkazanc-Pan, 2019, p. 1216)

Moreover, neoliberalism positions agency as antithetical to structural vulnerability. This narrows the scope of what "counts" as sexual violence, and requires victim-survivors to concede the individual agency that is so prized in Pākehā culture (Bay-Cheng, 2015). But, as Ozkazanc-Pan (2019) observed, "*by decoupling the 'natural' link between individualism and autonomy, we are able to have a discussion on how autonomy may manifest in the real world*" (p. 1213).

On the other hand, there is some evidence that US Republicans subscribe more to rape myths than their more liberal US Democrat counterparts (Ortiz & Smith, 2022). However, I suggest that this merely draws attention to the different forms of danger that lurk in socially conservative ideologies.

2.5 The Pacific Context: Pasifika in Aotearoa New Zealand

The Pasifika participants in this study were all living in Aotearoa New Zealand, part of the nearly 400,000 people in New Zealand who identified as Pacific as of the 2018 Census (Statistics New Zealand, n.d.-a). They were thus walking in and navigating

identities situated in two — or more — cultures. This is an active and shifting process of "*negotiating both sameness and difference*" (Mila-Schaaf, 2011, p. 7), with infinite subtle variations as to what this means and the way this plays out. It is impacted by myriad factors including ethnic background, place of birth, family dynamics, educational experiences, personality and interests, age, gender, access to language and cultural resources, social connections and engagement, community demographics, racism and treatment of their culture(s) by those around them, etc. (e.g., Burnett & Bond, 2020; Brown, 2010; Chun, 2000; Fairbairn-Dunlop, 2014; Hanifan, 2010; Mila, 2013; L.-J. V. Samu et al., 2019; Seiuli, 2016b; Tupou, 2018; Tupuola, 2004a).

While this section focuses on Pacific viewpoints, it's important to bear this diasporic context in mind. Pacific practices and perspectives are mediated by their location, as shown by the observation that "*matai in Samoa appear to 'do' faamati differently than transnational matai*" (L. M. M. Anae, 2020a, p.3). Likewise, while Pacific values and worldviews have developed over generations, they "*[remain] responsive to changing times*" (Du Plessis & Fairbairn-Dunlop, 2009, p. 110). For Pasifika living in New Zealand, those "changing times" include the geographical, political and cultural environment of their new location.

2.5.1 Values

The Pacific is incredibly heterogeneous. Covering vast distances, it spans many cultures, each with distinct histories, languages, values and practices. At the same time, there are threads of commonality running through Pacific axiologies and ontologies: Hauʻofa (2003, as cited in Capstick et al., 2009, p. 1341) described the Pacific as "*having long had much in common, joined, rather than divided, by the world's largest ocean.*" Similarly, Vaai and Casimira (2017) explained that "*the Pacific is an aiga potopoto, an 'extended family' . . . with deeply rooted connections and both shared and distinct*

cultures, traditions and ways of doing things" (p. 8).

While not wanting to minimise the richness and variety of Pacific cultures, my aim is to briefly touch on some of those key shared perspectives which are often categorised as "Pacific" and which, particularly when viewed in the context of Pasifika in New Zealand and against the backdrop of Pākehā hegemony, are helpful for understanding Pasifika ways of thinking about sexual violence and justice.

2.5.1.1   Relationality, Collectivism and Community

Vaai (2017) described relationality as "*the interpretive key to life and wellbeing*" (p. 26) in the Pacific. He explained the foundational role that relationality plays in the Pacific worldview:

> *Holistic relationship is often the underpinning factor that shapes the Pacific perspective of doing things in extended families, the lens we use in decision-making in the village, and the horizon we employ in approaching life in any activity, such as fishing, planting, weaving, and so forth. Because God is relational, everything is relational. All of life is an "assemblage of relationality," meaning that it is structured according to relationality. The organisations, systems, social fabrics, land, ocean and people are all structured relationally. Relationality encompasses all. It creates harmony. It reciprocates love. It is not a system* per se. *It is life. All of reality is constituted by relationality, by dynamic flows of relationships in an infinite multiplicity of becoming.* (p. 26)

Concepts of kinship, with god(s) and environment as well with other people, and collectivity are at the heart of Pacific culture and identities (Capstick et al., 2009; Ewalt & Mokuau, 1995; Katavake-McGrath, 2021; Manuela & Sibley, 2014; Mila-Schaaf, 2009; Suaalii-Sauni et al., 2009). In the Pacific worldview, sense of identity is collective,

"*embedded in and connected to identification with [extended] family rather than as an individual*" (Le Va, 2009, p. 18), and belonging is inherently linked to kinship, ancestry and sense of place (Ministry for Pacific Peoples, 2021).

Such relationality is the basis from which Pacific ethics flow: citing Morrison et al. (2002), T. M. Vaioleti (2006) explained that "*in the Pacific, good relationships with and between God/s, the land and nature are the basis of all ethical behaviour*" (p. 31). From this worldview comes a significant emphasis on group dynamics. While specific cultures vary regarding how hierarchical they are, structures and roles within groups — particularly family — are of importance (Katavake-McGrath, 2021; Le Va, 2009). Fairbairn-Dunlop et al. (2014) explained that "*maintaining the family good is paramount in all Pacific communities*" (p. 83). Great value is given to service, particularly within and through the family, but also in church, community, and educational spaces (Pilisi, 2020). Service reflects a communal orientation, but is also an expression of deeply held values of love and respect (Ministry for Pacific Peoples, 2021). Reciprocity is valued as part of nourishing relationships, and sharing economic resources is common (Fairbairn-Dunlop et al., 2014; Pasikale & George, 1995).

The focus on relationality and community can be seen in Pacific understandings of health, which "*often include a notion of maintaining social order and harmony*" (Capstick et al., 2009, p. 1343). Even more directly pertinent, Rankine et al. (2017) found that sexual violence itself was also viewed as a collective matter "*involving . . . extended families, village, and church communities, rather than solely the individuals concerned*" (p. 2777).

2.5.1.2   Spirituality and Religion

Du Plessis and Fairbairn-Dunlop (2009) described the central role of spirituality in the Pacific worldview: "*Spirituality, or the sacred, is fundamental — people are the carriers of the lifeblood of future generations and have complex responsibilities to*

their physical environment and other living things" (p. 111). Amongst Pacific people in New Zealand, Christianity remains overwhelmingly the dominant religion: 67.9% identified as Christian in the 2018 census, although this is a significant decline from previous years. Only the category of Māori religions, beliefs, and philosophies also saw an affiliation rate high enough for whole numbers, reporting exactly 1% in the 2018 census (Statistics New Zealand, n.d.-a).

As well as being sites of religious engagement, churches are also important social institutions. Their role for diasporic communities is multifaceted, integrating religious and secular activities. Katavake-McGrath (2021) presented a review of the literature which enumerated some of the many functions that churches as social and cultural spaces serve, all with a relational component: teaching and reinforcing language and cultural practices, supplying networks for entrepreneurs starting businesses, providing early childhood education, offering choir and Bible study, sharing information on topics such as health and residency, and supporting children's schooling. In these ways, the church is integrated into much of Pacific day-to-day life. As such, there are expectations around participation and "*consequences for not remaining within the fold of the church*" (Brown, 2010, p. 174).

However, as indicated by the ISSP results in Section 2.4.1.1, "Secularism," spirituality is distinct from formal religious affiliation. Traditional spiritual beliefs and practices were polytheistic and grounded in values of relationality, including with nature, and an interconnected cosmology. When Christianity was introduced to the Pacific as part of colonisation, such traditional spiritual beliefs and practices were sometimes integrated into Christianity and sometimes became so-called 'folk religion' (Nunn et al., 2016; Pulotu-Endemann et al., 2007). Specific beliefs and concepts differ between cultures and vary in prevalence, but nonetheless remain significant, as evidenced by their role in Pacific understandings of health (e.g., Capstick et al., 2009; Manuela & Sibley, 2014; McGrath, 1999; Pulotu-Endemann et al., 2007; Tamasese et al., 2005; Torsch

& Ma, 2000). Discussing Pacific perspectives of learning, T. M. Vaioleti (2012) put forward a framework with spirituality at the heart of it: "*For most Pacific people it is the recognition of being connected to higher being/s, ancestors and even to nature and the environment from which most guidance emanates*" (p. 41). Many traditional cultural practices also affirm and express spiritual values (e.g., Alefosio & Henderson, 2018; Fehoko, 2014), at times even despite their commodification by the tourism industry (e.g., Pigliasco, 2010).

2.5.2 Constructions of Gender

Gender construction in the Pacific today is complex and variegated. Traditional understandings of gender and gender relations differed significantly across cultures: while most Pacific cultures were patriarchal, a small number were, and even remain, matriarchal. However, gender roles were generally clearly delineated. In many Pacific countries, constructions of gender have also been significantly impacted by colonisation, including Christianity. Pulotu-Endemann et al. (2007) gave a high level summary:

> *Traditionally in most Pacific cultures 'headship' of family and political groups was most often in the domain of men although there are notable exceptions . . . Women possessed mana and status as leaders in their own right within their own areas of influence. . . . Today the role of Pacific women has changed from the past and increasingly women are taking up traditional titles and more diverse leadership roles in their families, communities and in the public arena.* (p. 31)

Christianity in particular has played a significant role, introducing both "*ideas and values such as equality of all in the sight of God*," on the one hand, and "*a new asymmetry in gender relations based on male domination/female submission*" justified by biblical texts, on the other (Slatter, 2011).

L. L. Simanu-Klutz (2020) described "*unequal gender relations at the intersections of church, family, and chiefly politics*" (p. 42) in Hawai'i, and Fairbairn-Dunlop (2020) identified a "*fear of being stigmatised as 'not being good Samoans or good Christians'*" (p. 87) as a barrier to speaking out about women's rights.

Although the gender norms promulgated by Christianity are predicated on a cissexist and heteronormative gender binary, traditional Pacific constructions of gender in the Pacific were often fluid, sometimes characterised as queer in modern Western terminology. While their acceptance varies, these indigenous non-binary notions of gender persist today, and in some cases are being actively reclaimed (e.g., Moreton-Robinson, 2020; Pulotu-Endemann & Peteru, 2001; Schmidt, 2021; S. K. Sumeo, 2016; Toelupe, 2011).

For all that the impact of these external cultural frameworks is undeniable, it is also clear that traditional values and practices remain integral. Pulotu-Endemann et al. (2007) referred to "*sacred brother-sister relationships called* feagaiga *(Samoa),* mehekitanga *(Tonga), and* veitavaleni *(Fiji),*" and remarked that "*the essence of these traditional relationships still exists in many Pacific families today*" (p. 31). L. M. M. Anae (2020b) observed the ways that "*the ancient scripts of womanist agency have come down to [Samoan women] today from time immemorial . . . these ancient scripts, while being subsumed by the forces of colonisation, Christianity and neo-liberalism, are in fact still being embodied, enacted and performed by Samoan women today*" (p. 53).

2.5.2.1   Pasifika Women in Aotearoa New Zealand

Pasifika women living in New Zealand are impacted by both gender and ethnic discrimination: for example, the Pacific Pay Gap Inquiry (n.d.) reported that, as of 2020, Pacific women were paid 27% less than New Zealand European men — a more significant gap than New Zealand European women (6%) or Pacific men (24%).

Research discussing the experiences of Pacific people navigating Pacific and New Zealand cultures has found that women are constrained in particular by responsibilities

related to care for family. For example, Lameta's (2015) research looked at Samoan women both in Samoa and New Zealand, and observed that "*when people fall ill within the family, females are expected to drop whatever they are doing, and take care of their relatives*" (p. 193). She noted the negative consequences this had for women's education and work opportunities. Likewise, citing Hanifan (2010), Tupou (2018) reported that "*young New Zealand-born Tongan women . . . carry traditional domestic obligations and do not have the same opportunities as Tongan men*" (p. 6). The collective approach and emphasis on extended family can assist with duties like childcare, but equally can result in additional domestic workload, as well as responsibilities to financially support family in Tonga (Faʻanunu, 2007).

While the construction of the domestic sphere as feminine is shared across many cultures, including Pākehā culture, the conflation of culture and religion means that Pacific people must particularly contend with the church as a significant source of reinforcement of these gender roles (e.g., L. M. M. Anae, 2020b; Brown, 2010). Lino's (2021) research found that gendered expectations and restrictions were a significant risk factor for deliberate self-harm amongst young Tongan women in New Zealand. In terms of sexual and gender-based violence in Samoan culture, the church has been identified as occupying a site of tension: on the one hand, spirituality is a potential healing and protective factor, and the church has a role to play in addressing gender-based violence; on the other, the church and associated gender constructs have been identified as contributing to the perpetuation of sexual violence and compounding its harm (Boodoosingh et al., 2018; Vaʻafusuaga McRobie & ʻOfa Makasiale, 2013).

2.5.2.2 Pasifika Constructions of Sex

There is very limited research available about understandings of sex from a Pasifika perspective. The literature that is available primarily focuses on Samoan perspectives, and on the views and experiences of young people. It suggests notions of sex and

sexuality that are strongly informed by Christian constructions of the gender binary and associated gender norms, with religion restricting conversations and access to related health services (Ministry of Health, 2008). Fanslow et al. (2010) conducted a survey looking at women's views on IPV and gender norms, with the results broken down into five ethnic groups: Māori, Pacific, Asian, and NZ European/other. They reported that the Pacific women "*expressed the least agreement with women's sexual autonomy*" (p. 823).

Veukiso-Ulugia (2016) described the emphasis on abstinence until marriage that is central to sexual mores in Samoa, based on Christian perspectives linking sex to procreation and heterosexual monogamy. It is reinforced through collective responsibility, with shame falling on the *āiga* of women who engage in sex outside of marriage. Attitudes both in Samoa and amongst Samoan people in New Zealand are slowly changing, but this perspective remains evident in the notions of sexual restraint and modesty that, along with other values, are implicit in the terms *teine lelei* (good Samoan girl) and *tama lelei* (good Samoan boy), which are also used by the Samoan diaspora in New Zealand.

Intriguingly, Ulugia-Veukiso's earlier (2008) master's thesis suggested that students who regarded spirituality as important were likely to have fewer sexual partners and first have intercourse at a later age, but that "*church attendance increases the risk of certain sexual activities for Samoan secondary students*" (p. 131). She cautioned that causation cannot be inferred. Those who waited to have sex cited a mix of social, cultural and spiritual values. The Christian construction of sex as a procreative activity for within the confines of a monogamous heterosexual relationship is particularly evident in two of the most common reasons given for not having had sex, namely fear of pregnancy and a desire to wait until marriage.

M. Anae et al. (2000) spoke with Samoans living in New Zealand, with cohorts sorted by gender and age group. The older women reported that "*the most common site*

for gaining personal autonomy and sexual freedom was marriage" (p. 87), suggesting that the proscription around sexuality does not apply within the "appropriate" site of a heterosexual marriage. Others found sexual freedom when they first migrated to New Zealand and lived with siblings, or when they attended out-of-town education facilities. This increased liberation in New Zealand was echoed by other cohorts, who suggested parents should, and had started to, talk more openly about sex with their children.

Veukiso-Ulugia (2016) found that younger Samoans in New Zealand were influenced by social media and interaction with people holding different cultural attitudes towards sex. She noted the resulting discrepancy in views held by these younger people as compared with their parents, reflecting that this exposure to alternative constructions of sex

> *allows, and indeed encourages, some Sāmoan youth to explore their sexu-ality in ways which their Sāmoan raised parents would consider entirely inappropriate. This openness may contrast with cultural constraints which may prevent them discussing and exploring this area in their home environ-ment* (p. 84).

This is similar to the earlier account given by Tupuola (2004b), summarising previous studies that she had conducted on the topic of sex and sexuality amongst young Samoan women in Auckland, New Zealand. She explained that "*talking about sexuality in traditional Samoan societies is generally taboo*" (p. 120). As a result, participants immersed in traditional Samoan culture had limited understanding of their own bodies and "*seemed to associate sexuality with the expectations of their families at the expense of their own needs*" (p. 121). Other participants criticised these cultural constraints. The desire for sexual freedom was cited as a cause for rebelling or escaping, but was also a means of achieving it, as the shame resulted in severed ties with their āiga. However, homophobia was evident amongst these more "liberal" participants, while the religious

justifications given revealed that Christian heterosexism still held sway.

Savaii (2018) explored romantic relationships amongst seven Niuean, nine Samoan and one Tongan youth in Auckland. Her findings on sex (only a small component of the research) similarly reflected traditionally gendered sexual scripts. Ideas of modesty and purity were again particularly emphasised for women, who experienced more restrictions on their behaviour than the men did.

Research has also identified the need for culturally appropriate sexual health and relationship education, and for more open conversations about sex and intimate relationships (Savaii, 2018; Veukiso-Ulugia, 2016). Savaii (2018) commented specifically on the limitations of school-based programmes; she instead identified families as the key location for such interventions. This is in keeping with Tupuola's (2004b) analysis that the Samoan woman she spoke with "*defined sexuality within the confines of their families and the Samoan culture*" (p. 122), rather than their friends. Church and youth groups were also suggested as locations for discussions about sex and romantic relationships (Savaii, 2018).

2.6   How Do Victim-Survivors Conceive of Justice?

There is a small body of research that engages directly with the question "how do victim-survivors of sexual violence conceive of justice?"

Herman (2005) spoke with 22 participants in the United States, the majority of whom had experienced sexual and/or domestic violence, and two who had been the primary support for a family member who had experienced sexual violence. Her research is built on some implicit premises about what is relevant or "basic" to justice:

> *In the course of their recovery, victims of sexual and domestic violence*
>
> *confront the most basic questions about the meaning of justice: How can*
>
> *the truth be made known? How should offenders be held accountable?*

> *What is appropriate punishment? Can the harm be repaired and, if so, what*
>
> *would be required to repair it? How can victims and offenders go on living*
>
> *in the same community? Is reconciliation possible?* (Herman, 2005, p. 571)

With this context in mind, she identified three key elements that participants spoke of with regard to justice:

- Validation was participants' "*most important object*" (p. 585), involving an acknowledgement both of what happened and of the resulting harm. While an admission of guilt from the perpetrator was desirable, it was validation from the community, family and bystanders that was regarded as most important. Part of validation was vindication, which required the victim-survivors' community to clearly and decisively support the victim-survivor and condemn the perpetrator.

- Apology was defined primarily as an apology from the offender to the victim-survivor. Participants were divided as to whether an apology was worthwhile. Some expressed a strong desire for an apology, while others were distrustful of the motives and sincerity. However, other victim-survivors wanted apologies from those in the community who they felt shared responsibility for enabling the abuse.

- Accountability involved victim-survivors seeking what they considered to be fair and appropriate consequences. Very few regarded reconciliation or forgiveness as appropriate. There was very limited support for prison as a response, while more participants were in favour of financial consequences, either as compensation or as a publicly symbolic gesture. Most participants desired that the perpetrator be publicly exposed in some way, although degrees and motivations varied. Safety was also a major consideration, with a number of methods endorsed in the interests of protecting themselves and others.

Herman (2005) drew together these elements under the heading of "*bringing honor to victims*" (p. 597). Notably, most participants were not motivated by vengeance or punishment for its own sake. Instead, their accounts of justice sought to "*[heal] a damaged relationship, not between the victim and the offender but between the victim and his or her community*" (p. 597). Participants were forward looking, focused on "*making things as right as possible in the future, rather than . . . avenging the past*" (p. 598). Importantly, they prioritised their own (rather than the perpetrators') needs for reintegrating with their communities.

Many of these elements are echoed in findings by Jülich (2006), who interviewed survivors of child sexual abuse in New Zealand. Her participants wanted to be heard, to have the wrong done to them acknowledged, and for the perpetrator to take responsibility. She noted that achieving a sense of justice required the involvement of bystanders, as well as the perpetrator:

> *Transforming relationships to an extent that they could co-exist with offend-ers and bystanders in their shared community was a high priority for many survivors. . . . Finally, they needed offenders, bystanders and outsiders to understand the complexity of child sexual abuse and the impacts it has had on their lives.* (p. 131)

Significant work in this area has been undertaken by Daly (2017), who refined her earlier work and identified what she termed "justice interests".[3] She argued that these can be used to measure and compare justice mechanisms. The justice interests were drawn from her own previous interviews and from a survey of other literature.

Daly (2017) identified five elements. She gave a generic definition for each, but suggested they could be modified depending on the context:

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[3]Daly (2017) used the term "justice interests" rather than "justice needs." She argued the term "*signal[s] a political relationship that victims, as citizens, have in pursuing justice*" (p. 114), as compared with "needs" or "wants" which risk thinking of "*justice as a service like any other commercial or public enterprise, with victims as its consumers*" (Bennett, 2007, p. 248).

- Participation referred to victim-survivors' ability to engage with justice mechanisms, including being informed and having input.

- Voice was described as "*telling the story of what happened and its impact in a significant setting, where a victim-survivor can receive public recognition and acknowledgement*" (p. 116).

- Validation referred to not just believing the victim, but also affirming that belief through acknowledgement of what happened and recognition of the harm. Family members, friends and authorities are all relevant as victim-survivors seek to "*shift the weight of accusation from their shoulders to others*" (p. 116). When validation is achieved, such people "*have come to side with the victim's account of what happened and its impact*" (p. 117).

- Vindication required action by family, friends, authorities or the wider community in recognition of the wrong perpetrated. It may be material or symbolic. In particular, Daly's definition "*includes public condemnation and censure*" (p. 118).

- "*Offender accountability–taking responsibility*" (p. 118) included both calling and holding perpetrators to account, and requiring that perpetrators take responsibility for their behaviour "*by, for example, sincere apologies or expressions of remorse and completing prescribed justice requirements*" (p. 119).

More recently, McGlynn and Westmarland (2019) conducted workshops and interviews with 20 women victim-survivors of sexual violence in the United Kingdom to explore their perceptions of justice. They termed the framework that emerged "kaleidoscopic justice," recognising "*justice as a constantly shifting pattern, justice constantly refracted through new experiences or understandings; an ever-evolving, lived experience*" (p. 2). They identified six key elements:

- Consequences or, more specifically, "*meaningful consequences*" (p. 187), which participants described as "*the perpetrator be[ing] subject to specific actions following the offending*" (p. 186). They described consequences as linked to but broader than accountability, which was considered to relate more to formal mechanisms, and encompassing the perpetrator taking responsibility.

- Recognition was described as "*entail[ing] an entitlement to consideration; it is a form of acknowledgement, conveying support*" (p. 188). It could involve a wide range of actors including the perpetrator, family and friends, authorities, and the general public.

- Dignity spoke to the way that victim-survivors are treated. It was concerned with victim-survivors' respect, standing and status.

- Voice included victim-survivors actively participating, speaking out, telling their story and being heard.

- Prevention referred to both individual rehabilitation and broader education or cultural change to prevent sexual violence.

- Connectedness related to a victim-survivor being able to be a valued and supported member of society. It included recognition, dignity and voice, but went beyond these, and spoke also to a sense of self and experience of belonging.

Antonsdóttir (2020) spoke to 35 victim-survivors in Iceland, specifically exploring how the concept of space operated in their understandings of justice. She found that space was linked to power relations. In its most literal sense this took the form of physical space, such as shopping malls or at events. However, she also considered "*existential, mental, emotional, physical, relational, territorial, social, legal and societal spaces, including online spaces*" (p. 736). Participants described the importance of

claiming and protecting their space in the community, in the workplace, in education settings, and, in the case of intrafamilial sexual violence, in the family. Invasions of space by the perpetrator were retraumatising and intrusive: Antonsdóttir explained that victim-survivors' "*claim to space can be understood as a just claim . . . The creation of just spaces can be understood as a disruption or an intervention in the continuum of injustice*" (p. 738). Such claims to space also connect with many of the elements described by Herman (2005), Daly (2017), and McGlynn and Westmarland (2019): realising the claim requires community validation and recognition, is a form of vindication or consequence, and allows for connectedness and dignity. This broader understanding of the way space operates in relation to justice also echoes Henry et al.'s (2013) observation that "*alternative sites of justice are indicative of a shift from both the law and the state as the remedy for social injury. They signal a shift . . . away from institutionalisation, individualisation and libertarianism*" (p. 6).

Although limited, this body of literature as a whole makes a valuable contribution to understanding how victim-survivors conceive of justice. In particular, all studies reflected the "*complexity and nuance [and] the variability of the justice interests*" (McGlynn & Westmarland, 2019, p. 182).

Additionally, there is an extensive body of literature that discusses how sexual violence is or could be addressed by various justice mechanisms, primarily the criminal justice system, but with a significant portion focused on restorative justice processes (e.g., H. Clark, 2010; H. C. Clark, 2011; Daly, 2006; Jülich, 2001; Koss et al., 2003; E. McDonald, 2022; E. McDonald & Tinsley, 2011; McGlynn, 2011; McGregor, 2019). This literature does not generally directly consider the question "what is justice?" or "how do victim-survivors conceive of justice?": Daly (2017), who drew on some of this literature, commented that "*an explicit definition of [justice] elements was not typical*" (p. 115). Nonetheless, assumptions about what justice is, who it involves and how it functions are embedded in the critiques, evaluations and suggestions. The

findings generally point, whether explicitly or implicitly, to elements similar to those identified by Herman (2005), Daly (2017), and McGlynn and Westmarland (2019).

2.6.1   The Scope of Justice

As indicated above, formal, structured and institutional justice mechanisms dominate the literature on justice for victim-survivors. For example, the "*alternative and innovative responses*" that Flynn (2015, p. 103) wrote about are restorative justice processes and specialist courts and prosecution units. Although there is some discussion of "informal" mechanisms, they are generally informal only when compared to the court system: Daly (2014) offered "*conferences or mediation*" (p. 381) as examples of informal mechanisms. However, the potential spaces in which justice may operate span across human activity; Henry et al. (2013) gave a list of different forms that justice may take:

> *Customary law; online and offline activism and consciousness-raising; truth and reconciliation commissions; civil remedies; memorials and other forms of commemorations; film, art and literature; reparations through compensation and restitution; public apologies; royal commissions; and other formalised independent investigations.* (p. 7)

Moreover, I contend that justice (and injustice) also operates in genuinely informal, day-to-day ways, such as in the interactions between friends, family and community. The role of these people in the elements of justice articulated by Herman (2005), Daly (2017), and McGlynn and Westmarland (2019) all speak to the relevance of these day-to-day informal responses. In the same vein, women in Hung and Denborough's (2013) research described social judgement and the resulting consequences as forms of justice. Likewise, I contend that secondary victimisation from friends and family is not only harmful but also unjust.

Given the above literature is grounded in a Western paradigm and focused on structured justice mechanisms, it makes sense that the literature puts certain limitations on the scope of justice. For example, much of the literature focuses on victim-survivors' healing or sense of satisfaction as the primary or sole metric by which to evaluate justice mechanisms. This is particularly evident in the case of restorative justice processes, which are framed with concern for matters of harm resulting from wrongdoing, rather than wrongdoing itself (Orcutt et al., 2020). Other research categorises victim-survivors' well-being and healing outcomes as a separate matter from justice, to be considered and evaluated independently. Daly (2017), for example, excluded therapeutic outcomes on the basis that justice is concerned with "*the moral and political matters of . . . victims and citizens*" (p. 111). However, it's unclear why issues related to well-being and "*the mental and physical consequences of justice mechanisms*" (p. 111) are not also moral and political matters. I suggest that, prima facie, it seems plausible that the well-being of victim-survivors is related to their human rights, and thus morally and politically relevant, i.e., relevant to justice.

Furthermore, I am persuaded by Duff's (2011) proposition that harm and wrong are distinct but connected:

> *It is at the least arguable that if A has wronged B, this does not merely add a wrong to that harm, but changes the character of the harm itself. We cannot separate what B has suffered into a set of harms plus a set of wrongs, but should rather see [B's victimisation] as a harmful wrong or a wrongful harm that cannot be analyzed into two distinct constituents.* (Duff, 2007, as cited in Duff, 2011, p. 71)

Thus, the victim-survivors' trauma and healing are important considerations which cannot be excluded, but they are not also all that matters: there is also the moral weight of the wrong done (see also Bennett, 2007). Most importantly, the moral wrong and the

therapeutic harm/healing are not independent of each other. As such, justice must also be concerned with both.

Similarly, Daly's (2017) account drew on a distinction made by Koss (2010), which differentiated between so-called "survival needs" and "justice needs." The former category included "*physical health, mental health, economic issues such as housing and employment, educational opportunities or retraining, and immigration problems*" (Koss, 2006, pp. 208–209). Koss (2006) noted that these needs tend not to be related to the offender, and that the offender and the criminal justice system are generally unable to address these needs. Daly (2017) suggested that survival needs must be addressed first, and that "*seeking justice will come after survival needs are met*" (p. 114).

Yet many of these survival needs are, in practice, profoundly relevant for healing (Jülich et al., 2013). Conversely, the so-called ripple effects of sexual violence can reduce victim-survivors' capacity to meet their survival needs (Jina & Thomas, 2013; Loya, 2015; Murn & Schultz, 2020; Sabia et al., 2013). Moreover, both Koss (2010) and Daly (2017) suggested that meeting survival needs is a prerequisite for meeting justice needs (as defined by them). This strongly suggests that there is a necessary interplay between the two. Seidman and Vickers (2005) identified a wide range of needs that victim-survivors of sexual violence have, including immigration rights, safe housing, medical provision, counselling, education services, employment, and financial security. In their descriptions, the lines between survival needs which are instrumental for justice and justice interests are blurry at best.

I also note that the assumption that the offender is unable to do anything about survival needs is predicated on the assumption that responsibility lies with a single offender. An analysis of sexual violence that considers broader structural, systemic and cultural causes may also take a broader approach as to who is responsible for addressing justice interests, whether or not that is understood to include survival needs. This is hinted at by research which discusses education and cultural change aimed at prevention

as part of justice, as it implies a conception of accountability broader than the individual perpetrator (e.g., McGlynn & Westmarland, 2019).

It is easy to think of situations where, for example, employment or housing situations resulted in the victim-survivor being forced into ongoing unwanted contact with the perpetrator. I regard this as both harmful and unjust. But the connection need not be as direct as that. Sexual violence is inextricably bound up with dynamics of power — as are, in varying ways, survival needs. Justice, too, is concerned with power: restricting it, diminishing it, enhancing it, recognising it, restoring it, rebalancing it, and so on. Unlike the literature cited above, my question considers justice broadly, beyond only structured mechanisms. As such, there is good reason to think that survival needs are relevant.

2.7   Traditional Pacific Approaches to Justice

Through much of the Pacific, there are two systems operating with regard to gender-based violence: traditional family- or village-based systems, such as village councils, and modern legal processes, imported and adapted from Western countries. My focus here is on the traditional justice mechanisms, which give us some clues about cultural understandings of justice, and which still play a very significant role. While there is tension between the two systems in Fiji, traditional justice "*is deeply embedded in the communities. . . Traditional justice also has specific characteristics that justify its existence*" (United Nations Development Programme Pacific Office in Fiji, 2019, p. 41). The Samoa Family Safety Study found that "*76% of female respondents identified the fono as their preferred institution for dealing with family violence*" (Ministry of Women, Community and Social Development, 2017, as cited in Ah Siu-Maliko et al., 2019, p. 52). Similarly, Thomas (2020) found there were differing views in Niue as to whether gender-based violence should be dealt with by the formal legal system or "*in the family*

and community" (p. 67).

There is limited literature available discussing traditional Pacific justice mechanisms for addressing sexual and gender-based violence specifically — and, unfortunately, none that I was able to find that focused on victim-survivors' views of these mechanisms. The research that does exist tends to highlight an understanding of justice that is based in collective and relational worldviews, with evidence of spiritual considerations.

Percival et al. (2010) looked at seven ethnic-specific Pacific communities in New Zealand, and reported on both ethnic-specific and pan-Pacific findings. The research found that priority was given to re-establishing relationships and restoring balance, with punitive measures taken in the interests of achieving this outcome. In discussing both traditional responses and responses in New Zealand, social sanctions and collective punishment were found to operate as primary mechanisms for justice by Fijian, Niuean, Samoan and Tokelauan participants. Both the individual perpetrator and their family could be subject to shame and punishment as a deterrent. On the other side of the coin, the whole family of the victim, as well as village elders, may be responsible for the punishment of the perpetrator, which could include physical punishment, ostracism and public shaming. Rankine et al. (2017) recorded participants from Tokelau, Niue and Fiji who supported the victim-survivor's family intervening to administer physical punishments against mulefu (sexual abusers) or moetolo.

Curses upon the offender, the village, leaders or elders, were considered to be severe punishments in Niue and Samoa. These may call for the destruction of food crops or other property, but may also involve banishment from the village or an inability to have children (Percival et al., 2010; Peteru & Percival, 2010). These latter examples again highlight the relational perspective: within the context of a Pacific worldview, these punishments are extreme, as such disconnection from family and culture is "*an anathema*" (Peteru & Percival, 2010, p. 12). However, K. S. Sumeo (2004) cautions that banishment only removes the risk from the specific village in question, as "*it is*

no longer difficult for an offender to resettle in a new location either in Samoa or overseas" (p. 69) where they may reoffend.

As with all cultural matters, there are nuances and differences across the different Pacific cultures. Peteru and Percival (2010) looked at sexual violence, domestic violence and incest in the context of Samoa, all of which are regarded as breaches of *vā tapuʻia* ("*the sacred and spiritual relational space between people*" (p. 7)). They found that indigenous Samoan conceptions of justice focus on restoring harmony to the family and village, as well as to the individuals. Restoring harmony requires *ifoga*, which involves three elements: "*(1) a sense of remorse and shame by the perpetrator; (2) accountability by the family and village; and (3) forgiveness by the victim's family*" (Suaʻaliʻi-Sauni et al., 2018, p. 122). Importantly, ifoga is public: K. S. Sumeo (2004) described it as "*essentially a public admission of guilt, display of remorse, humility and submission*" (p. 67). Vaʻafusuaga McRobie and ʻOfa Makasiale (2013) explained that as well as restoring harmony, the public nature of ifoga offers both safety and accountability. The central role that remorse and forgiveness play is summarised by the phrase "*e mu le taulaga i le faamagalo*" which has been translated as "*the penance of the penitent gains substance and meaning not only through remorse and penance but equally by the forgiveness of the injured party*" (Suaʻaliʻi-Sauni et al., 2018, p. 122).

The act of *bulubulu*, described as "*a contemporary ceremony of atonement or reconciliation . . . used to seek forgiveness for an act*" (Powell & Percival, 2010, p. 9) operates in a similar way in Fiji. The family of the perpetrator will approach the victim-survivor's family to carry out bulubulu. However, this usually involves only males from both families, with little room for the victim-survivor. In fact, the fulfilment of bulubulu has often been done as an attempt to avoid justice: it means the victim-survivor is unlikely to make an official complaint, as it would be against the wishes of both families. Rather than the victim-survivor, it is the head of the family who accepts the apology and offers forgiveness (Powell & Percival, 2010).

In Samoan villages, punishments are imposed on the whole family of the offender. Village councils do not usually get involved, although they may impose a fine or pardon a perpetrator who has already made a payment to the council. The victim-survivor's family, rather than the victim-survivor personally, may receive material benefit (Peteru & Percival, 2010). Moetolo are beaten by the male family members, as well as punished by the wider community (Peteru & Percival, 2010). The eminence given to the village fono is apparent in a story of a young girl's sexual assault, originally recorded by K. S. Sumeo (2004) and summarised below by Fairbairn-Dunlop (2020). Also apparent are some of the limitations of this approach:

> *The parents approached the police and were told the police couldn't inter-vene because this was a village matter i.e. under the domain of the village fono (council of chiefs). So, the family took this matter to the village fono, which at the time comprised male matai. However, no disciplinary action was issued upon the alleged offender. The mother was unsure why this was so but thought this was because the alleged offender did not live in their village. The parents did not challenge the ruling of the fono. The matai in the village blamed the mother for not supervising the children on the night.* (p. 70)

Fairbairn-Dunlop (2020) described the questions this raised for her about the appropriateness of this fono-based response, as well as the broader gender implications:

> *My response on hearing this account was "why were there no women at this Village Council fono?" I was sure that there would have been a vastly different outcome if women matai had been present. There were also questions about how an incident such as this had been moved from the national legal/judicial realm to be heard in a family and kinship-based*

> *institution. Did traditional institutions . . . have the capacity to deal*
>
> *with social issues such as [gender-based violence]? . . . is the fusion of*
>
> *traditional faamatai and democratic processes in Samoa's institutions of*
>
> *modern government today impacting on the integrity of both institutions*
>
> *and in doing so, the rights of women and girls to live free from violence?*
>
> (p. 70)

In traditional Tokelauan culture it is the sisters and daughters of the victim-survivor who are responsible for achieving justice in response to sexual violence, although they may be assisted by other family members. In particular, brothers must intervene to protect and respond to sexual violence against sisters, for example by chasing the perpetrator and taking the issue up with the Taupulega (Council of Elders). Tokelauan participants described the involvement of families and elders in giving advice, warnings and education to perpetrators (Hope et al., 2010).

Again, sexual offending was seen as bringing shame on the whole family of the perpetrator, and the family of the victim would decide on the punishment. Punishments may be physical, such as a beating, or social, such as public shame. Tokelauan participants — who were not necessarily victim-survivors of sexual violence — in Hope et al.'s (2010) research expressed views in favour of ongoing consequences and the removal of perpetrators from positions of power. Similarly, removal from positions of power, such as church ministry, was also identified by Niuean participants as an appropriate response. The social implications of this punishment are clear, as with the suggestions of ostracism from the family and of violence to the perpetrator's genitalia — an act of preventing genealogical lineage as much as of physical harm (Kingi et al., 2010).

2.8   Justice, Victims and Collectivism

The Pacific approaches to justice tend to emphasise the collective, with a focus on restoring harmony and relationships. However, it is unclear what room there is for the victim-survivor in the mechanisms described.

Vaai (2017) observed that a focus on community and collectivity encourages "*social order . . . cooperation, security and togetherness*" (p. 25). However, he also cautioned that, when taken too far, it can lead to forced conformity, the stifling of dissent or criticism of authority, and exploitation:

> *Those in the community can depend on each other, but sometimes at the expense of those at the bottom of the pyramid, such as the weak, the vulnerable and the voiceless. . . . Either the weak will continue to depend on and blindly follow the powerful, or the powerful will continue to use this uniformity strategy to gain from the weak. Inequality, discrimination, conformity and top-down coerciveness are often the known flaws of this model.* (p. 25)

These potential negative outcomes that Vaai (2017) described are, at their core, matters of (in)justice. We can see it play out in a range of contexts. Pilisi's (2020) research concluded that "*family obligations were one of the key priorities for New Zealand born Pacific youth and attending to the needs of the family often meant evaluating and prioritising the needs of the family over other needs and responsibilities*" (p. i). More specifically, the Families Commission (2012) identified coercive pressure to financially contribute to extended family, community events and churches as a contributing factor for high levels of problem debt amongst Pacific people in Aotearoa New Zealand. However, it has particular poignancy when considered in the context of justice for victim-survivors of sexual violence — those who are often already "*the weak, the*

vulnerable and the voiceless" (Vaai, 2017, p. 25), given that sexual violence is itself both a result of and an expression of inequality of power.

This is particularly evident in the notion of public or collective shame that runs through many of the understandings of collective harm and collective justice. Percival et al. (2010) noted that such shame was a double-edged sword. While it may serve as a protective factor, the emphasis on reputation could result in "*stigma and shame for the family . . . the effect was often to force girls and women to be silent, or to blame them for being raped. The reputation of her family or the perpetrator was often treated as more important than safety and support for her*" (p. 14). This was expressed by some participants from Percival et al.'s research. For example, one Tokelauan participant suggested "*the victim should be able to choose her rite of passage . . . that shame thing — there must be a better way of bringing about closure*" (Hope et al., 2010, p. 13). Likewise, a participant from the Cook Islands who was a victim-survivor of sexual violence reported that she had found it helpful to be able to speak for herself to her church community about her rape (Robati-Mani & Percival, 2010).

Ewalt and Mokuau (1995) offered some suggestions for thinking about agency and self-determination from a Pacific, collective-oriented perspective:

> *Reference to one's own wishes separate from one's social ties is not necessarily appropriate. Decision making is more complex than separating into exclusive categories what is in other people's interest and what is in one's own interest. It is necessary to appreciate how contributions to group interest may ultimately strengthen the person as well.* (p. 172)

Vaai's (2017) caution above about the dangers of taking collectivism too far is mirrored by a warning about the risks if individualism is given too much precedence. Instead, relationality requires the ability to move beyond that binary and to grasp both, including "*the 'individual' as part of the 'community' and the 'community' as imaged*

in the 'individual'" (p. 26). Reflecting on healing in the context of sexual violence, Va'afusuaga McRobie and 'Ofa Makasiale (2013) specifically emphasise the work that needs to be done, likely with "*support and guidance from culturally skilled mental health professionals*" (p. 155) to support the victim-survivor to be able to "*move between the 'I' and the 'We' for health and well-being. The separation, or individuation, of the individual from the 'stuck together' collective needs to happen in these cases*" (p. 155). It's important to note that, while this requires learning to inhabit the 'I', the 'We' also remains vital.

When considering justice in the context of sexual violence, much emphasis has been put on the need to centre the victim-survivor. However, this is complicated by understandings of sex and identity that are themselves collective. For one, it means that the harm of sexual violence may, to varying degrees, also be conceived of collectively, despite the act itself being directly perpetrated against (in most instances) a single person. Moreover, it raises questions about what it means to meet the justice interests of the direct victim-survivor, when their identity is relational and thus their interests are bound up with others'.

2.8.1   Secondary Victims

One potential way for working through some of these tensions is through the lens of secondary victims (which is distinct from secondary victimisation (see Section 2.3, "Secondary Victimisation: Injustice Perpetuated")). First, perhaps most clearly, are those who are family members of victim-survivors, although this category also extends to others with an intimate relationship with the victim-survivor, such as close friends. Condry (2010) scoped a number of other studies, primarily focused on male partners of female victim-survivors and the mothers of children who have experienced sexual abuse. The research indicated that family members can themselves experience significant

trauma as a result. However, an earlier survey of the research by Morrison et al. (2007) drew attention to the need to look closely at the nature and cause of the trauma, which can vary both qualitatively and in terms of its effect. They observed that older research had categorised men based on whether they were supportive and focused on the harm to the victim-survivor, or whether they focused on their own sense of hurt, shame and betrayal which was often grounded in traditional gender norms and accompanied victim-blaming. They noted the change towards recognising the harm felt by male partners, but cautioned that it not be used to reinforce blame or shame for victim-survivors:

> *This is perhaps due to the development and impact of clinical concepts of trauma on the sexual assault field. While this shift presents a more compassionate understanding of men as partners, there is also an implicit danger of reinforcing and justifying harmful reactions based on what could be seen as values of male privilege and entitlement if men's stereotypical and pejorative views of victim/survivors are not challenged.* (pp. 9-10)

The second group is that of relatives of the offenders, although their victim status is more contested. Condry's (2010) overview included, but was not limited to, research conducted with family of perpetrators of sexual violence. The research found that families of perpetrators of serious crime spoke of grief from loss of relationship (both with the offender and with others), loss of practical resources including money and time, and loss of their lives as they had known them. Shame, self-blame and self-doubt were evident, as were the practical implications of external blame often laid on them. Nonetheless, their relationship with the term 'victim' was more complex, it being used to different degrees at different times by family members of offenders.

Finally there are those often referred to as tertiary victims, who have experienced trauma vicariously. This group may include witnesses and even the community more generally (Condry, 2010). It is often discussed particularly with regard to those working

with victim-survivors in a professional capacity, such as health (including mental health) workers, lawyers, researchers, community workers, etc., who may experience vicarious trauma in response to repeated exposure to traumatic material (Morrison, 2007).

It is important to note that the three groups are not mutually exclusive (Condry, 2010). With much of sexual violence occurring within the family, we know that secondary victims may fall into more than one of these categories.

Conceived of this way, we can begin to think about collective harm alongside, and without minimising, the harm and injustice done to the victim-survivor. We can consider what sort of harm was suffered by the secondary (and tertiary) victims, and whether it is compounded by adherence to rape myths, victim-blaming and strict gender norms that exacerbate the victim-survivor's suffering and need to be dispelled. This lens also lets us consider whether a response is designed to meet the justice interests of the direct victim-survivor, or of a collective body (such as the family) that has also suffered harm. As discussed by Ewalt and Mokuau (1995), meeting the justice interests of the collective may also serve the victim-survivor, particularly when the victim-survivor's identity is collective. Even so, it's important to understand the intention of a justice response, and to whom it is ultimately oriented towards.

Chapter 3

Methodology and Theoretical Frameworks

This chapter outlines both the theoretical perspectives and practical methods that form the basis of my research. At the heart of my research is a constructionist epistemology which has as its core tenet the view that *the experiences of victim-survivors are epistemically relevant for understanding justice*. This centring of victim-survivors, as well as the topics of sexual violence and justice, is grounded in a feminist framework, which runs throughout the research. In line with my epistemological approach and feminist theory, I utilised two complementary methodologies: narrative inquiry and talanoa. Finally, I employed values analysis to engage more deeply with participants' contributions. In discussing my methodology, I will also draw attention to some of the concerns and challenges that influenced my approach, and how they affected its implementation.

3.1 Feminism

While people of all genders experience sexual violence, studies report that women and people from gender minority populations experience sexual violence at higher rates than the general population (see 2.2.2 Gender: Who Experiences Sexual Violence?).

Feminist research is concerned with issues of power and the oppression and biases experienced by women and other marginalised groups (Brooks & Hesse-Biber, 2007). Thus, research into experiences of sexual violence, which is intimately linked with both personal and structural power and which is experienced at higher rates by women and other marginalised groups, naturally lends itself to a feminist framework.

3.2 Epistemology

At the heart of this research is the epistemological claim that *the experiences of victim-survivors are epistemically relevant for understanding justice in the context of sexual violence*.

This is based on a constructionist perspective, summed up by Crotty (1998) as "*the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context*" (p. 42). As constructionism is an epistemological, and not an ontological, position, it does not require us to reject the possibility of reality as distinct from human practices or understandings. Instead, it makes the much more moderate claim that knowledge and meaning about reality are constructed. This approach makes sense in light of the key concept at the heart of the research question: justice.

Justice itself is agentic, i.e., agency is salient for conferring the ethical status "just" or "unjust," or for possible responses (to, in this case, sexual violence) having

philosophically normative value.[1] Thus, justice is inherently related to human practices, values, and understandings, and is best understood through a constructionist lens.

In considering what can be learnt from considerations of injustice, Shklar (1989) is clear that "*No theory of either justice or injustice can be complete if it does not take account of the* sense *[emphasis added] of injustice*" (p. 1151). Similarly, Skitka (2009) reviewed decades of research and theoretical discussions about justice to conclude that "*The key rediscovery of this review is that perspective matters*" (p. 98). In particular, "*real world justice reasoning*" (p. 107) operates differently from socially isolated research or abstract theorising (Skitka, 2009). If we want to understand justice as it relates to sexual violence, it thus makes sense to contextualise it and to recognise the experiences of victim-survivors as epistemically relevant.

3.2.1   Feminism and Epistemology

There are many epistemological viewpoints held by feminist researchers. At one end of the spectrum is feminist empiricism, which holds to the basic tenets and aims of positivism but attempts to include women's experiences in order to better achieve allegedly objective, value-free data. However, other feminist epistemologies break more radically from positivism to explicitly consider "*personal experience, subjectivity, positionality, worldview, and emotion*" (Brooks & Hesse-Biber, 2007, p. 14). What feminist epistemologies have in common is a recognition that mainstream epistemologies and methodologies fail to take into account the experiences and perspectives of women and other marginalised groups. Feminist epistemology seeks to consciously and deliberately make space for these voices that have otherwise been left out, and to recognise these perspectives as knowledge (Brooks & Hesse-Biber, 2007). The

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[1]The premise that there is an important relationship between agency and philosophical normativity has a long and venerable history. Although debated by some moral philosophers, the idea of a salient relationship continues to be, I believe, convincingly defended (e.g., Rosati, 2016).

constructionist framework I use epistemically privileges victim-survivors by specifically recognising their perspectives, based on their experiences, as knowledge about justice.

3.3 Framework: Fonofale

Figure 3.1: The Fonofale Model

Note. Reproduced from Pulotu-Endemann, 2001/2009, p. 3.

The Fonofale model was originally developed by Pulotu-Endemann for use in the health sector, and has been identified as "*particularly relevant to the area of Pacific sexual health promotion*" (Veukiso-Ulugia, 2013, p. 23), a topic distinct from yet intimately related to my research question. The Fonofale model offers a pan-Pacific approach which incorporates the values and perspectives of a range of different Pacific cultures, helping to ensure that the various aspects of the Pacific worldview are considered. The

posts are made of the physical, mental, spiritual and other dimensions, this latter including such aspects as sexuality, gender, age, socioeconomic status, etc. These connect and interact with culture (the roof) and family or relationships (the foundation). Time, environment and context are explicitly named as overarching dimensions. The Fonofale model also emphasises the relationship between the dimensions: Pulotu-Endemann (2001/2009) described it as "*a dynamic model*" in the sense that "*all aspects depicted . . . have an interactive relationship with each other*" (p. 3).

While the value of this framework when exploring Pasifika perspectives with Pasifika participants is clear, it is also more generally appropriate for research on the nature of justice, which is personal, cultural and contextual. Just as the Fonofale model emphasises the relationships and interplay between the different dimensions, elements of justice also are "*interactive, often dependent on each other, underlining that justice is an iterative process*" (McGlynn & Westmarland, 2019, p. 197). The Fonofale framework gives space to consider the role of the various dimensions as well as the relationships between the dimensions. As well as highlighting the connections between the specific dimensions, it draws attention to the relationship between personal and structural aspects. In this way, the Fonofale model offers an apposite framework for the research question, which asks participants to share their accounts of justice, contextualised by their personal situations, perspectives and values alongside structural and societal circumstances, responses and approaches.

Both phases of my research drew on the Fonofale model to develop and frame the semi-structured interview questions for narrative inquiry and the guide for talanoa. In practice, this meant referring to the Fonofale model for my framework when developing the prompts or questions to ask, and I also brought a copy of the image into interviews with me, for my own reference. Just as an interviewer may glance at their list of questions, I would glance at the Fonofale model as a reminder of both the various domains and to help me be alert to connections between the domains. While the

specifics would depend on the conversation taking place at the time, I would then reflect on the discussion in light of the Fonofale domains and connections, for example: Has there been anything about environment in this story? Have we touched on the emotional implications of that? Has the participant made reference to family or other relationships in regard to that topic? If the answer was no, and I felt it was appropriate — taking into account the content, tone and pace of the story — I could offer a gentle prompt.

One of my guiding principles was not to have preconceived ideas about what is or is not relevant to justice. As such, the expansive, holistic and interconnected nature of the Fonofale framework was particularly important. While both narrative inquiry and talanoa methodologies gave participants significant control of the conversation, the Fonofale model ensured there was space for participants to bring any elements, experiences or views that they regarded as relevant.

3.4   Methodology

My research took place in two phases, each employing a distinct but complementary methodology. Phase one utilised narrative inquiry, while phase two used talanoa. These two methodologies share a number of similarities, and both are suitable for research on topics related to identity, subjectivity and values. Both methodologies also share principles of open-ended, participant-led, narrative-oriented discussion (T. Vaioleti, 2013).

However, there are also salient differences, arising from the fact that narrative inquiry is a Western method while talanoa is Pacific. As a result, they are appropriate for use in different contexts, with different cohorts. As well as being born of different cultural contexts, they also take different approaches to culture. Narrative inquiry involves the telling of personal narratives which are embedded in and contextualised by culture: cultural factors emerge from within, or are revealed by, the narrative. By contrast,

talanoa requires culture to be taken into account before engaging with the participants, with consideration given to protocol, and to the relationship and *vā* between researcher and participants (T. Vaioleti, 2013), such that, "*Fundamentally, Talanoa research co-constructs findings through culturally contextualised encounters*" (Gremillion et al., 2021, p. 45). Spirituality and *fonua* also play a much more central role in talanoa than in narrative inquiry, reflecting a Pacific ontology (T. Vaioleti, 2013).

3.4.1 Phase One: Narrative Inquiry With Pālagi Participants

One of my primary concerns when choosing a methodology was that it should cohere with my epistemological framework, and particularly with my basic epistemological tenet that the experiences of victim-survivors are epistemically relevant for understanding justice in the context of sexual violence. I needed a methodology that would honour victim-survivors' voices and foreground their meaning-making. Daiute (2014) observed that

> *The appeal of narrative, most agree, is that it expresses personal experience. Narrative inquiry typically focuses on experience and the meaning of experience from the perspective of people living it in reality or in imagination rather than to identify objective truths.* (p. 8)

As an abstract concept, justice is challenging and often intimidating to discuss. Yet by using narrative inquiry, participants could tell stories about events related to justice. In some cases the narratives were based on things that had actually happened and the ways that people had actually responded. In other cases, the narratives were fictional, as participants told stories about what they would want to happen, who they wished would be involved and how, and what they imagined that would feel like. Both types of narratives illuminated and allowed us to explore relevant features of their conceptions of justice.

Just as Pulotu-Endemann (2009) emphasised the importance of the dimensions of time, environment and context, narrative research also makes a point of situating research contextually. As Creswell (2013) observed, "*narrative stories occur within specific* places or situations. *The context becomes important for the researcher's telling of the story within a place*" (p. 72). A narrative recollecting a past event must be situated both in terms of the event it describes and the telling itself:

> *Narrative constitutes past experience at the same time as it provides ways*
> *for individuals to make sense of the past. And stories must always be*
> *considered in context, for storytelling occurs at a historical moment with*
> *its circulating discourses and power relations.* (Riessman, 2008, p. 8)

Of the various types of narrative research, I employed what Daiute (2014) termed "*narrative reporting*," which is used "*to gather information about personal experiences, memories, feelings and knowledge*" (p. 10). Although Daiute observed the potential for narrative reporting to favour coherence and downplay contradictions or inconsistency, it also centres respondents' personal experiences and deeply held views, emphasising identity and authentic expression even when idiosyncratic.

3.4.1.1   Pilot Interviews

Before reaching out to participants, I conducted two pilot interviews. The first of these I conducted by online video call with an overseas Pālagi friend. There were three main factors that prompted me to engage this particular friend for the task:

1. I knew ahead of time she had "only" experienced mild, everyday sexual harassment of the sort that is all too familiar for women and feminine-presenting people. This made it a safer pilot interview.

2. She has a background in literature. She is a skilled storyteller (for narrative

responses) and has strong language skills (for giving me feedback and suggestions to refine my questions).

3. Our relationship is such that I trusted her to give me blunt feedback as needed!

My friend's experiences were nonetheless more than sufficient for her to engage with the questions, and she provided thoughtful and valuable feedback. In particular, she made some minor language suggestions which helped me to make my questions clearer and ensure that they were being understood as I intended them to be. This pilot was for the sole purpose of practising my interviewing techniques and refining my interview guide. I did not transcribe this pilot or include my friend's responses as part of the data set.

On the recommendation of my supervisors, I interviewed myself for my second pilot interview. This was a second opportunity to review and refine my approach and interview questions. This pilot became the first interview of my phase one set, and has been incorporated into my data set (see 3.4.7 Researcher as Participant).

Although acting as both the interviewer and the participant was awkward, and I was initially self-conscious, the process on the whole gave me a significant confidence boost. After finishing, I made a point of reflecting with my participant hat on. In particular, I took time to think about whether there was anything more I would like to have said on the topic that I had not been given an opportunity for — any topics missed, issues glossed over, or spaces not left open enough. I revisited this question multiple times over the following fortnight, and was reassured when I could not come up with anything that I felt I had not had the opportunity to cover. Even since completing the rest of my data collection, and hearing the diverse and insightful views that made up my other participants' contributions, I have not felt a need to revisit or add to my original transcript.

Acting as both interviewer and interviewee in this way also gave me valuable insight

into the interview journey. When I read back my transcript, it didn't match what I think I would have written if I had simply sat down to write directly. The relational process and the back-and-forward of questions, prompts or comments (by interviewer) and responses (by interviewee) created its own structure and rhythm. While acknowledging that views on topics as complex as justice are constantly shifting and evolving, the final transcript nonetheless felt as honest and authentic as any static representation can be.

In both pilot interviews, I was pleasantly surprised by the unexpected directions the interview took following the thread of the interviewee. The questions on my interview guide became a back-up for me to check I had covered what I intended to, while the narrative of the interview followed the path laid out by the interviewee. This remained true throughout all my data collection, with the interview questions and talanoa guide serving primarily as a prompt to get discussion rolling or as a backstop at the end to double-check for anything possibly overlooked. If the interview questions and talanoa prompts were maps, they were simple black and white outlines useful only for high-level guidance: it was the narratives of the participants that directed our journeys, filling in the land, water and topographies.

3.4.1.2   Participants and Recruitment

I used narrative inquiry as the basis for one-on-one interviews with two cohorts: individual participants who self-identified as having experienced sexual violence as an adult, and community experts who worked closely with and on behalf of victim-survivors.

I worked with my supervisors to identify potential community expert participants, and used publicly available contact information to reach out to them to invite them to participate. A participant information sheet designed specifically for community expert participants accompanied each email. This resulted in five interviews with community expert participants, each of whom worked closely with victim-survivors in a professional capacity to do with justice.

Individual participants were invited to volunteer through advertising on social media, primarily through my own Facebook page and within a range of Facebook groups that permitted such notices. To protect existing relationships, I chose to exclude friends and family from eligibility. However, I was grateful to friends who shared my recruitment notice on their social media, broadening the reach. As a result, I conducted four further narrative interviews with individual victim-survivors, resulting in a total of five participants in this category including myself.

Upon being contacted, I provided potential participants with either the community expert participant information sheet or the individual participant information sheet, which provided more information about my research project and what being a participant involved. Both the recruitment notice and the individual participant information sheet emphasised that I would not ask participants about, or expect them to disclose any information about, their experience(s) of sexual violence.

Before starting the interview, I provided participants with three sets of documents:

1. A hard copy of the same participant information sheet they had received digitally;

2. A consent form to sign and return to me, and a duplicate copy of the consent form for their own records; and

3. A very brief notes document with a few sentences about the methodology and a few high-level questions of the sort I hoped to cover.

In addition, I went through some key aspects of the participant information sheet orally, which served as a further opportunity for participants to ask any questions. I took the opportunity to emphasise that participants should feel free to guide the conversation to whatever topics they felt were relevant, and to answer questions as they saw fit. I stressed that there were no right or wrong answers, but that I was interested in any opinions, ideas and stories they felt comfortable sharing.

The interviews themselves varied considerably in length, as they were determined by participants' sense of when they had said all they felt they wanted to on the subject. On occasion, this meant interviews came near to closing multiple times, before looping back to reopen and build on earlier topics of discussion. Participants were also invited to get in touch afterwards if they later felt they had something more they wished to say, either through an additional in-person interview, or by phone or email. Although none took it up, I still felt it was important to make the option available.

3.4.1.2.1   The Role of the Community Expert Participants.   I conducted the majority of the interviews with community expert participants before the majority of interviews with individual participants. This had two advantages. Firstly, the community experts were professionals whose jobs involved discussion about matters related to sexual violence and justice on a regular basis, with the accompanying subject familiarity and professional supervision and support strategies. Much like the friend I'd selected for the pilot interview, this made them safer to start out with.

Secondly, research collection methods such as interviews and talanoa are adaptive processes. Each instance is informed by a multitude of factors, including what has been learnt from the interviews or talanoa that have come before. The community experts were commenting based on their professional experiences, sharing paraphrased stories of people they had worked with and higher level summaries of the perspectives they encountered in their work. This meant they were aggregating and summarising from multiple viewpoints. This was immensely helpful for informing my later interviews and talanoa with individual participants, as they provided a rich and diverse source of ideas that I could then draw on.

In the end, I have chosen not to directly include material from the community expert participants in my thesis. This was motivated by a desire to prioritise and give maximum space to individual participants' contributions, as is consistent with my

theoretical framework. However, the community expert participants provided valuable background for both conducting and analysing the individual participants' interviews and talanoa (see 3.6 Analysis).

3.4.2   Phase Two: Talanoa With Pasifika Participants

Talanoa is a fluid and dynamic pan-Pacific methodology founded on relationships and context. It draws on the rich oral traditions found throughout the Pacific (Gremillion et al., 2021; Naepi, 2019; T. Vaioleti, 2013). The word carries different nuance across Pacific cultures, but nonetheless there is a core thread of understanding running through (Tecun et al., 2018). In Tongan, the term "talanoa" itself "*literally means talking about nothing in particular, and interacting without a rigid framework*" (T. M. Vaioleti, 2006, p. 23). The parallels are clear in the Fijian understanding offered by Meo-Sewabu (2014), who cited Nabobo-Baba (2007) to define "tala *as 'to offload'. Noa is often used with a prefix* 'na noa' *meaning yesterday, so* talanoa *means literally offloading stories of recent events*" (p. 347). The Samoan definition is remarkably similar: Suaalii-Sauni and Fulu-Aiolupotea (2014) cited Pratt (1960), who "*divides the term into 'tala' which is defined as 'to chat, converse together', and 'noa' as meaning 'of no account, without object, without cause and without fastening'*" (p. 339).

However, T. M. Vaioleti (2011) emphasised that talanoa as a methodology is richer and more complex than any of these literal definitions. Talanoa denotes "*an holistic way of being and relating*" (p. 128), grounded in a Pacific ontology including "*ethics, spirituality, nature of being, existence, time and space, causality, ceremony and social order*" (p. 129). In this way, talanoa is deeply contextualised, not just by culture but also by the participants themselves and even the time and location of the interactions (Matapo & Enari, 2021; Otunuku, 2011). It allows participants and researcher to share experiences, narrate stories and relate viewpoints, and, in doing so, to co-construct

knowledge — indeed, the term that T. Vaioleti (2013) used for those who speak to the researcher is *kau nga fa'u*, which he translated as both "*co-constructor of knowledge, participants*" (p. 194). The researcher is not an impartial observer, but builds relationships and collaborates with participants to reach new, shared understandings and knowledge (T. M. Vaioleti, 2006).

Although talanoa as a methodology offers a great deal of flexibility, T. M. Vaioleti (2011) stressed that "*the purpose of talanoa must be clear*" (p. 127). Empathy is critical, both for the discussion to flow freely and in the researcher's responsibility to consider the participants' contributions from their perspective and worldview (Farrelly & Nabobo-Baba, 2014). This relational approach and flexibility makes it particularly appropriate for the sensitive nature of my research topic. In keeping with my overall epistemological framework, "*what Talanoa has integrated and synthesised will be contextual*" (T. M. Vaioleti, 2006, p. 26).

3.4.2.1   Types of Talanoa

T. Vaioleti (2011, 2013) identified several different types of talanoa. He explained that researchers will move between the different types, informed by the objectives of the talanoa and by the content of the talanoa itself. These different types may be present individually or in conjunction with one and other, and different forms may take precedence at different times. The talanoa that occurred in my research were *talanoa faka'eke'eke* and *pō talanoa*.

3.4.2.1.1   Talanoa Faka'eke'eke.   T. Vaioleti (2013) named the data collection method of *talanoa faka'eke'eke* as the specific form of talanoa closest to an interview: "eke'eke *implies the act of asking direct questions*" (p. 201). Talanoa faka'eke'eke was a more accessible type of talanoa for me as a Pālagi researcher: it does not require the same intimate relationship with the participants as many other types of talanoa, and is

closer to common Western qualitative research approaches:

> *Such talanoa could manifest in the act of questioning and depending on the*
> *answer for that question, more probing questions are formed. The questions*
> *connect or build on the answers given by a kau nga faʻu in order to identify*
> *or uncover certain knowledge, understanding or a point.* (T. Vaioleti, 2013,
> pp. 201–202)

However, T. M. Vaioleti (2011) warned that "*the knowledge gained from this ap-*
proach to talanoa is more likely to miss social context and other dimensions that may
capture a full phenomenon" (p. 202). He suggested that pō talanoa could be used to
mitigate this and to explore missed context.

In academic discussions, the term "talanoa" can be used to refer to both a methodo-
logy and a method (Gremillion et al., 2021; Naepi, n.d.). In the interests of clarity, going
forward I will use the term "interview" to refer to the formal, recorded and transcribed
conversational data collection method, as distinct from the overall broader talanoa
methodology.

3.4.2.1.2 Pō Talanoa.   Pō (meaning night or evening) talanoa derives from the varied
and social conversations that would unfold in the households in Tongan villages each
evening. Although it can occur at any time, pō talanoa retains this same relaxed quality,
quite different from the teleological approach of talanoa fakaʻekeʻeke:

> *Pō talanoa is talking in an everyday occurrence. . . . At one level it may*
> *be what we might readily identify as 'conversation' . . . In [the Talanoa*
> *Research Methodology], pō talanoa is vital for establishing connections and*
> *putting the kau nga faʻu or the researcher for that matter at ease* (T. Vaioleti,
> 2013, p. 202).

Although I felt the demand on participants would be too much to have whole additional interviews, I took inspiration from pō talanoa to supplement talanoa faka'eke'eke. The circumstances of the interviews were undoubtedly the more planned and objective-oriented discussions of talanoa faka'eke'eke. However, once we settled in, the interviews found a meandering rhythm closer to that of pō talanoa. T. M. Vaioleti (2011) also observed that it is the researcher, rather than the participant, who tends to direct the course of talanoa faka'eke'eke. By also drawing on pō talanoa, I felt I was able to return control to the participants, allowing them to take the conversation where they wanted it to go and to "*raise any matter they feel relevant to the issue or issues being discussed*" (Prescott, 2008, p. 136). Significantly, this did not just include topics directly related to the interview subject. As Prescott (2008) explained, "*some of the seemingly irrelevant stories are an integral part of their story*" (p. 139). Participants spent time telling me about themselves, their families, their childhoods, their aspirations, their cultural backgrounds, and many other topics that they felt were pertinent in order for me to understand the narratives they chose to share.

3.4.2.2   Participants and Recruitment

I conducted one-on-one interviews with six participants of Pacific ethnicity. I had identified two potential recruitment strategies. My preferred method involved focusing on existing relationships either with individuals or groups who could introduce me to potential participants. Contacting potential participants through channels where there was a pre-existing connection, such as a mutual friend or acquaintance, helped foreground the relational aspect of our interaction. In some cases there were more degrees of separation: connections led to connections which led to participants — but, nonetheless, the connections meant we were starting from a place of relationship, even if initially tenuous.

My alternative strategy was to reach out to people in relevant organisations or groups

who might be willing to share my recruitment ad. Because this was a less personal approach, without a mutual contact providing an introduction, I was less comfortable with this option. In the end, my initial strategy resulted in six participants, and so this backup process was not needed.

The speed and process after being introduced was then guided by the participants, and thus varied significantly; as T. M. Vaioleti (2006) explained, *"participants will disclose information only when they feel the time is right and the context appropriate*" (p. 26). If we had contact by email, I provided them with a digital copy of the participant information sheet; otherwise, I went over key points orally and provided a copy the first time we met. In some cases, interviews had to be rescheduled multiple times over a period of several months as COVID lockdowns and participants' personal life events disrupted plans. One participant was in a vulnerable situation, exacerbated by COVID, and in need of help. I found myself navigating the fine line between supporting her and being cautious about creating any dependency or sense of obligation on her part. In the end, I sought her consent to pass on her contact details to someone that I knew who could help her: this ensured she got assistance, but minimised the risk of an uneven power dynamic which could have compelled her to participate for the wrong reasons (McNae & Strachan, 2010).

While I watched many researchers around me move to phone and online video calls in response to the lockdowns, I felt face-to-face was imperative for both the research topic and methodology. T. M. Vaioleti (2006) explained that "*talanoa removes the distance between researcher and participant, and provides research participants with a human face they can relate to*" (p. 25). I was determined to be patient and wait it out. I stand by this decision, as I believe my relationships with the participants were better for it, and the material elicited all the richer as a result.

Beyond external factors, the pathway from first introduction to interview varied by participant. While two participants chose to go straight into the interview, the majority

preferred to engage in conversations first; meeting over a meal offered a wonderful opportunity to build the relationship, but phone conversations were also a valuable chance to get to know each other. These interactions also allowed me to get a feel for their circumstances regarding safety prior to confirming them as a participant, and to discuss any needs or support options that they would find helpful, such as having a support person in the room. I took the opportunity to discuss my overall research approach and invite suggestions. As well as seeking feedback to improve my research and ensure it was relevant to participants, this also meant that participants could influence the design to ensure they were comfortable and safe during the interview and had confidence in the process. A couple of potential participants were quite upfront about the fact that these conversations were a chance to check me out before committing. I appreciated their bluntness, and was in fact heartened by their examination of me, as it gave me confidence they were fully engaging with the question of what it would mean to be a participant in this specific context. Their questions focused on the space where research and researcher overlap: who I am, what my background is, and, particularly, why as a Pālagi I am interested in this research. My answers must have been acceptable, as they did agree to participate!

In most cases, we had agreed beforehand when we would meet to begin the interview. In some cases, however, I did not know whether a specific meeting would be a background conversation or involve a recorded interview until I got there. Moʻungatona (2003, as quoted in T. M. Vaioleti, 2006) described the importance of maintaining a relational approach and being open to talking about matters other than the research subject:

> *At the beginning of my interviews I would ask the mothers how their day had been while helping them with their chores, things that were totally irrelevant to my topic. They would talk about several things, and I, about*

my work and myself, until they felt at ease. Once they accepted and trusted
me as a person, out came their stories, including the information I was
wanting to know about. The stories around the information I was looking
for were what made me know that the information was authentic. (p. 24)

Similarly, even after potential participants confirmed that they were happy to be interviewed, they maintained control over the direction and pace. The type and degree of engagement beforehand was also one of many factors that influenced the relationship, and thus the conversation (Havea et al., 2020). In some cases we transitioned quite quickly to formally recording and to discussing the research topic; other times, we continued to talk about other, more general matters in the ways described by Moʻungatonga. With some participants, these more general conversations were also resumed after finishing the formal part of the interview.

Once participants indicated that they were comfortable to go ahead, I provided them with a hard copy of the participant information sheet (in English, and in Samoan or Tongan if wanted), a consent form to sign and return to me (in English), and a copy of the consent form to keep (in English, Samoan or Tongan depending on their preferences). We went through the consent form orally, and I briefly orally went over the participant information sheet if we had not yet done so. If the speed of transition from preliminary set-up to in-depth dialogue allowed it, I also emphasised that there were no right or wrong answers, and that this was entirely about whatever the participant wanted to share.

Reflecting on her first introduction to talanoa as a methodology, Fulu-Aiolupotea compared the experience of listening to talanoa like that of listening to *fagogo* or children's bedtime stories. She remarked that these stories are not passively received, but that audiences should "*listen carefully and reflect*" (Suaalii-Sauni & Fulu-Aiolupotea, 2014, p. 339). I also found that the interviews naturally tended towards a narrative style,

and my job was to carefully consider the story presented to me. Sometimes I felt that what was required of me was a verbal engagement: a question, a suggestion, an offering of my own. At other times, simple active listening and deliberate quiet, making space, was called for.

As with the narrative inquiry interviews, these phase two interviews "*continued until the participant had no more to say about the topic*" (Prescott, 2008, p. 141). Unlike Prescott, I found that even similar stories revealed new information or shone light on nuances, and so we continued until participants explicitly confirmed that they had said all they wished to. Participants were also invited to get in touch if they later felt they had something they wished to add or revise. As with the phase one interviews, no participants chose to do this. All the same, it felt important that they had the option, and extending the offer was another way to keep a line of the relationship open should participants have desired to take it up (Prescott, 2008).

Just as the relational dynamic before the interview is important for talanoa, trust and relationship continue right through the research process and into sharing the findings that result from it, should participants wish (see 3.4.8.2 Sharing Findings).

3.4.2.2.1 Talanoa Format. Before beginning, I was unsure whether participants would prefer one-on-one or group talanoa, and so I offered participants the choice. Although it may seem counterintuitive to prefer to discuss such a sensitive topic with others, a group setting can also provide safety when discussing a personal subject: "*Having the security of being among others who share many of their feelings and experiences, the participants possess a basis for sharing their views*" (Morgan & Krueger, 1993, p. 15). McGlynn and Westmarland (2019) conducted workshops with victim-survivors of sexual violence using what they termed "Education Empowerment Research," which involved a presentation followed by group discussion. They reported workshop places filling quickly and receiving requests for further workshops, which

they attribute in part to the appeal of the opportunity to discuss justice in a group with other victim-survivors. In the end, however, all my participants preferred to meet one-on-one.

3.4.2.3   Researching Pasifika Perspectives as a Pālagi

As a Pālagi speaking with participants from Pacific backgrounds, particularly on a sensitive subject, the need for care was, and continues to be, paramount. McNae and Strachan (2010) provided an example of "*two, feminist, white, middle class women*" (p. 42) conducting research in a Pacific context. They emphasised the importance of recognising that the researcher is not the expert in that context, and of being willing to seek the advice and cultural opinions of those with expertise. This includes being guided by cultural experts who are supporting the research, but also by the participants themselves. This both protects the participants and ensures the research is relevant, meaningful and of use to the participants. I sought feedback from Pacific researchers, participants and potential participants on all stages, from research design through to recruitment through to data collection through to sharing findings (Health Research Council of New Zealand, 2014).

3.4.2.3.1   Insider/Outsider Status.   T. M. Vaioleti (2006) issued a clear warning about the limitations of a non-Pacific researcher engaging in Pacific research and interpreting Pacific talanoa: "*If researchers are not knowledgeable in Pacific ways or skilled in* tui kakala, *they cannot accompany the participants to the cultural, contextual and spiritual depths of their sharing and theorising. The research will be poorer for that, and misleading*" (p. 32).

It would be unthinkably arrogant of me to claim the depth of knowledge or skills that T. M. Vaioleti (2006) referred to. However, in the same article, he also observed that "*in a research situation in a Pacific community, the participants will behave*

differently depending on the age, gender, cultural rank or community standing of the researcher" (p. 22). My interaction with the participants, and accordingly the data collected, was undoubtedly influenced by me as an individual, by my characteristics (Pālagi, woman, victim-survivor of sexual violence, etc.), and by the complex interplay between the two. Moreover, in the specific context of my research question, I contend that there are additional layers of complexity to consider.

Insider/outsider status is dynamic and multifactorial (Merriam et al., 2001). While I am an outsider with regard to culture and ethnicity, I am an insider with regard to the category of "victim-survivor of sexual violence." Both my epistemological framework and research methodology recognise the role of emotion in research, allowing space for "*intersubjective empathy [which] allow[s] mutual recognition of difference and commonality towards a transformative intercultural communication*" (Farrelly & Nabobo-Baba, 2014, p. 323).

I am under no illusions that there will have been aspects of the talanoa that participants chose not to share with me or that I could not fully contextualise in the way T. M. Vaioleti (2006) described because of my Pālagi identity. Yet it was also clear to me that, given the highly sensitive nature of the research question, this same Pālagi identity allowed me a different sort of engagement and access. One participant, Mosoʻoi, shared on record her experiences being referred to support services with providers of the same cultural background; she explained that she felt more comfortable talking to Pālagi support workers. Outside of the formal recorded interview, some participants shared a variation of this sentiment with me with regard to my research. Tupuola (2000) described the ways in which "*confidentiality and privacy became major issues*" (p. 65) for her research on young Samoan women's sexuality. The Western principles that sat alongside Samoan values in her research allowed participants to "*disagree with [her] . . . to display anger, pain, fear and to express these emotions in the knowledge that they would not be ostracised*" (p. 65). Similarly, I found there was a different type of

safety that came from my being Pālagi and the cultural distance that accompanied it: participants did not fear that I would run into their aunts at church on Sunday, judge them by their cultural moral standards, or challenge them on their understandings or depictions of their cultures — because it was simply not possible for me to do those things as a Pālagi. As such, my being a cultural outsider was a limitation, but it also offered participants some protection and reassurance, and so made space for a different conversation to occur.

3.4.2.3.2   Talanoa Protocol.   Talanoa acknowledges matters of hierarchy, protocol and rituals, as derived from the Pacific axiologies, epistemologies and ontologies that it has grown from. Nonetheless, T. M. Vaioleti (2011) appreciated that "*the application of talanoa . . . will vary according to a range of contextual factors*" (p. 134). Prescott (2008) demonstrated the flexibility and discretion required for such protocol: for example, although he used some aspects, he opted against the formal greeting as he "*felt this created an unnecessary atmosphere of formality*" (p. 141).

As a Pālagi, I was acutely aware of the limitations of my knowledge about such protocols, and about the axiologies, epistemologies and ontologies that they are embedded in. I was influenced by ongoing conversations about how tangata Tiriti relate to the practices of pepeha, karakia, waiata and other rituals grounded in te ao Māori but which are becoming more common in tauiwi spaces. It is increasingly understood that simply replicating these practices without a cultural claim to them or a deep understanding is appropriation. Instead, tauiwi are encouraged to consider the function and intention of these practices, and to think about how to meet those aims as tauiwi. C. Delahunty[2] (personal communication, April 6, 2022) advocated an approach that draws on our own cultural backgrounds to engage with respect and honesty:

[2]Catherine Delahunty, Pākehā, has spent decades working as a Treaty educator, and was formerly the Green Party's Tiriti o Waitangi spokesperson.

Being the best Pākehā we can be rather than trying to be Māori we need

to ask ourselves what positive traditions we come from, what saying and

what wisdom has been passed on to us which despite the default racism

and colonialism we can bring to the table of justice and transformation.

In response to the practice of pepeha specifically, templates have been developed to support tauiwi to give pepeha that acknowledge our connections or feelings towards maunga and awa in Aotearoa, without claiming the genealogical ties of a traditional pepeha (e.g., Auckland Libraries, 2020; Neilson, 2019). As C. Delahunty (personal communication, April 6, 2022) advised, "*we can also look into our own history and honestly express our cultural ancestry, our own connections and our respect for the people of the land we stand upon now.*"

Reflecting this thinking, I sought to respect and engage with the questions of protocol and ritual from my standpoint as a Pālagi. Meo-Sewabu (2014) offered phrasing for both formal and informal talanoa in a Fijian context, with informal talanoa allowing issues of social status and demographics to be set aside. While T. M. Vaioleti (2011) suggested a number of very specific rituals, stances and phrasings for Tongan talanoa protocol, he also explained that the protocols "*require constant attention and acknowledgement in* order to maintain the relationship and the noa of the talanoa *[emphasis added]*" (p. 134). It was thus this overall desire to nourish the relationship and create appropriate space for the talanoa that I was guided by. For example, T. M. Vaioleti (2011) described the appropriate behaviour for requesting participation from potential Tongan kau nga faʻu, including specific wording and body language. He also explained the purpose: "*This too is part of providing the space for kau nga faʻu to think, including if they feel they have the authority to speak on the topic*" (p. 127). As a Pālagi, simply reciting these words and going through the motions described by Vaioleti without fully understanding them would have felt fraudulent. Instead, I tried to engage with participants and invite

their involvement in ways that were appropriate for me as a Pālagi while still upholding these aims of being respectful, honouring participants' consent, and ensuring they had time and space to consider their participation.

3.4.3 Feminism, Narrative Inquiry and Talanoa

While scholars are right to point out that mainstream feminism often remains stubbornly white and middle class, those of us with a commitment to intersectionality are doing what we can do to move feminism beyond these (ironically, often patriarchal) hangovers (e.g., Rasky, 2011). When they live up to their aims, though, "*feminist perspectives also carry messages of empowerment that challenge the encircling of knowledge claims by those who occupy privileged positions*" (Hesse-Biber, 2012, p. 3). Both talanoa and feminist research are explicitly and proudly political, built on epistemologies and values that have otherwise been excluded or devalued as not worthy of research (Hesse-Biber, 2012; T. M. Vaioleti, 2011). As feminist research challenges the patriarchy, "*talanoa research is decolonising*" (Gremillion et al., 2021, p. 45). T. Vaioleti (2013) credited both feminist research and Kaupapa Māori Research with challenging the hegemonic white patriarchal paradigms and making space for other potentials, including talanoa: "[they] fired my imagination and gave me the courage to imagine the possibility for a Pacific research method" (p. 199).

My research question is a feminist one, epistemically privileging the views and experiences of victim-survivors of sexual violence, who are both directly affected and yet whose voices are frequently marginalised. Feminist research methods and methodologies are often designed to hear from participants in their own voices, particularly participants from marginalised groups who are otherwise often silenced (Hesse-Biber, 2007; Leavy, 2007). This aim is one echoed by both narrative inquiry and talanoa.

In selecting narrative reporting, I was motivated by an awareness of the relationship

between power and narrative. My research sought to centre the views, voices and perspectives of victim-survivors, including when their perspectives may not align with the dominant views of justice:

> *Another common goal of narrative reporting is to empower the voices and perspectives of those who have been silenced or excluded from some public hearings of personal experience. . . . Such research introduces novel and sometimes critical interpretations of life by people in diverse situations whose experiences are not considered mainstream or ideal. . . Narrative expression can be or can feel personally life affirming. Power comes from the social nature of narrating, the interactive nature of personal stories and collective voices narrating a situation, place, or insight.* (Daiute, 2014, p. 10)

Similarly, T. M. Vaioleti (2006) is clear that researching Pacific peoples requires methodologies that are built on Pacific ways of being and knowing, and that "*talanoa validates the experiences and ways of Pacific peoples in Aotearoa*" (p. 25).

3.4.4   Thesis Journal

I have maintained a journal throughout the process. I have used this for notes about a range of activities related to my PhD, including supervision meetings, conversations with people who helped me to recruit participants, and decisions I made and the rationales behind them. I also used it as a place simply to note thoughts to follow up on and puzzles I needed to work through. One of the most important functions it played, however, was as a record of interactions with participants.

After each conversation with a participant, whether it be in person or by phone, I jotted down both factual records and subjective reflections: how we come to be in contact, what the discussion had covered, anything that struck me about the conversation,

my sense of the dynamic or tone of our interaction, and any background information about them they had provided that I felt may be helpful context. Particularly after the interviews themselves, taking a little time to reflect was helpful for me to emotionally debrief, and ensured that I captured some of this content while it was as fresh as possible. The vast majority of this content is outside the scope of the data I analysed and reported on; as Fa'avae reflected of his own PhD talanoa process, "*people may talk about all sorts of things that should not be reported even if they look like rich data*" (Fa'avae et al., 2016, p. 146). Nonetheless, the journal was a useful refresher when reflecting on and contextualising the data that I did write up and report on.

3.4.5   Participants Overview

I deliberately chose not to collect demographic data on my participants. Because of the complex and personal nature of the question, I wanted to ensure that participants were able to speak for themselves as individuals, without feeling like they had to represent a demographic group. Nonetheless, I think it is helpful to give an overview of the participants and some features of the cohorts which I became aware of organically through my interactions.

The overall participant composition was as follows:

- Phase one narrative inquiry: five Pālagi community expert participants;

- Phase one narrative inquiry: five Pālagi individual participants (including myself); and

- Phase two talanoa: six Pasifika individual participants.

3.4.5.1   Gender

While there were no restrictions as to eligibility based on gender, all the participants across the three cohorts in this research were women. The reason for this is unknown, but it may reflect higher rates of sexual victimisation amongst women (see 2.2.2 Gender: Who Experiences Sexual Violence?), increased likelihood of disclosing and discussing sexual violence victimisation generally (Mennicke et al., 2021; Walsh et al., 2010), or increased comfort talking to me as a woman.

For Pasifika participants, this may also have been because the topic was one that was inappropriate to discuss across genders (Pulotu-Endemann et al., 2007; Tamasese et al., 2005; T. M. Vaioleti, 2011). I note that there are examples of talanoa on intimate topics with mixed-gender groups, but in such cases the researcher is generally also Pacific (e.g., Savaii, 2018). However, I did have a small number of background conversations with Pacific men about my research.

3.4.5.2   Ethnicity

The majority of the Pasifika participants were of Samoan ethnicity. I can speculate as to two possible reasons for this. The first is that, as of the 2018 census, nearly half of Pacific people in Auckland identified as Samoan — nearly twice the next largest group, which was Tongan (Auckland Council, 2020). The second is that my recruitment was via relationships and existing contacts, and the person who introduced me to more participants than any other is herself Samoan.

To the best of my knowledge, all Pālagi participants, both individual and community expert, were Pākehā — which is to say, none made reference to any other cultural, ethnic or national identities, and a majority explicitly mentioned their Pākehā-ness and/or whiteness.

3.4.5.3   Individual Participants' Experiences of Sexual Violence

My main criterion for individual participants was that they had experienced sexual violence as an adult. I chose to allow participants to decide for themselves whether they fit this criterion, noting that it is "*important in feminist research to allow [participants] to define their own experiences from their points of view*" (Chatzifotiou, 2000, para. 6.3). The term "sexual violence" can be used to cover a broad range of acts. I deliberately chose not to offer a definition of sexual violence for the purposes of recruiting, as I did not feel it was my place to gatekeep or define others' experiences. Similarly, while the law offers clear and reductive ages of consent for sexual activities (either 16 or 18 depending on the activity), issues of maturity, context, and power dynamics make the reality more complex, and so I chose to let participants self-define whether they experienced sexual violence as "an adult."

The recruitment and research information material (including recruitment ads for individuals, emails to potential community experts, and all participant information sheets) described my research as interested in the views of victim-survivors of adult sexual violence. I also noted this orally this in initial conversations with potential participants. The majority of the Pālagi individual participants focused on their experiences of sexual violence as an adult. On the other hand, the majority of Pasifika participants discussed both child and adult sexual violence.

All individual participants, both Pālagi and Pasifika, referred to sexual violence that had occurred in contexts where the perpetrator was known, at least to some extent, to them or to the victim-survivors they were discussing. In many cases, the perpetrator and victim-survivor shared a community, social group or even family. This is unsurprising given that studies consistently find that most sexual violence is perpetrated by someone known to the victim-survivor (see 2.2.3 Gender: Who Perpetrates Sexual Violence?). A minority of participants also referred to sexual violence that occurred where the

perpetrator was a stranger, such as a taxi driver, or known only by name, such as someone newly met on a night out. Additionally, all participants referred to sexual violence that was perpetrated by men. As such, I have used male pronouns in relation to perpetrators, as this reflects the experiences of and language used by my participants.

3.4.5.4 Individual Participants' Experiences of Justice Processes

None of the individual participants had been through the court system for their own experiences of sexual violence, although Rebecca, a Pālagi participant, had been to court on behalf of her children who had been sexually abused. Another Pālagi participant, Max, had first engaged with a restorative justice process run by a professional organisation, and then a community-facilitated transformative justice process. Some participants had made use of structured services such as community support organisations or ACC-funded counselling. On the whole, however, participants' endeavours to achieve some sort of justice had been informal.

3.4.6 The Relationship Between Researcher and Individual Participants

Although I took care not to ask individual participants about their experience(s) of sexual violence, I was aware that the nature of the research question was still highly intimate. As methodologies, both narrative research and talanoa make space for the relationship between researcher and participants to form part of the process, eliciting deeper and richer responses.

3.4.6.1 Connecting through Common Ground

My participant information sheets disclosed that I am a victim-survivor of sexual violence. While not wanting this to be a focus, I did take care to mention it in the

initial conversations when introducing myself and discussing my motivation for the research. By doing so, I established some common ground between myself and my participants "*to assist in establishing a connection*" (Prescott, 2008, p. 138). Some participants engaged with this directly, and asked me questions about my own views or experiences. Others gave the impression it was relevant for my credibility, but that they were not interested beyond that. Regardless, it positioned us as people with a common experience or even, in some cases, a sense of solidarity. While the significance and strength of this dynamic varied between — and even fluctuated within — interactions with participants, it nonetheless sat alongside and supported the more overt relationship of researcher and participant.

3.4.6.2   Collaborating to Co-Construct Knowledge

Creswell (2013) observed that narrative research involves collaboration between researcher and participant:

> *As researchers collect stories, they negotiate relationships, smooth transitions, and provide ways to be useful to the participants. In narrative research, a key theme has been the turn toward the relationship between the researcher and the researched in which both parties will learn and change in the encounter. In this process, the parties negotiate the meaning of the stories, adding a validation check to the analysis.* (p. 75)

This echoes talanoa, which involves "*power sharing between researchers and participants*" (Gremillion et al., 2021, p. 45) and the co-construction of knowledge through "*a respectful reciprocating interaction*" (T. M. Vaioleti, 2011, p. 128). Rather than a unidirectional transfer of knowledge or information, "*the focus of talanoa is to reach a state of understanding between those involved*" (Prescott, 2008, p. 132). As a methodology which places relationships in the foreground, the researcher is not meant

to be simply a "neutral" facilitator (if such a thing could exist). Instead, knowledge is forged in the space where researcher and participant collaborate:

> Noa *creates the space and conditions.* Tala *holistically intermingles researchers' and participants' emotions, knowing and experiences. . . . It is the new knowing that has been missed by most traditional research approaches. . . . It requires researchers to partake deeply in the research experience rather than stand back and analyse.* (T. M. Vaioleti, 2006, p. 24)

As participants shared their stories and perspectives, I found my job comprised two main tasks. The first of these was a version of what is perhaps more commonly thought of as the job of researcher. While the narrative inquiry interviews occasionally began in a question-and-answer format to get the ball rolling, we quickly transitioned to a more conversational dynamic. This approach is described by Riessman (2008): "*Speaker and listener/questioner render events and experiences meaningful — collaboratively. The model of a 'facilitating' interviewer who asks questions, and a vessel-like 'respondent' who gives answers, is replaced by two active* participants *who jointly construct narrative and meaning*" (p. 23).

Most talanoa interviews used this conversational approach from the beginning, narrating stories and perspectives, and meandering around the subject matter. By asking questions, I was able to seek clarification, confirm I had properly understood the participant's meaning, and implicitly endorse the participant as the expert (Halapua, 2007; Merriam et al., 2001).

Just as my pilot interview with myself resulted in a transcript that was different from what I would have written as a straightforward account, I felt these conversations resulted in a record that captured the participants' views yet was reflective of the collaborative narrative rhythm. As with my pilot interviews, this approach meant

relegating my pre-prepared prompts to the role of backstop, and instead "*following participants down* their *trails*" (Riessman, 2008, p. 24).

3.4.6.3   Encouragement, Validation and Reassurance

The second task I found myself undertaking was that of encouragement and reassurance. T. M. Vaioleti (2006) observed that "*the participants must feel that their contributions are worthwhile and helpful*" (p. 30). I often found that my job went beyond that, and into validation. At least once in most interviews I found myself saying: "There is no right or wrong answer." I took care to communicate to participants that their views were reasonable, were valid, were right — the rightness not derived from being an objective fact, but from being an expression of their opinions and values. When I felt it appropriate, I expressed agreement, sometimes sharing my own views or a paraphrased version of other views I had encountered, so participants could see they were not alone. This was more important for some participants than others: a couple of participants had previously had the opportunity to engage consciously and deliberately with the question of what justice meant to them, and as a result were more assured in their views. Highlighting areas of agreement and validating views even when they diverged from mine also helped to build connection.

3.4.6.4   Bringing Myself Into the Room

I was alert to treading a fine line: on the one hand, it was essential that I honoured and made space for participants' views, without undue influence or imposing my own perspectives. Yet, on the other hand, engaging with participants as full people and not treating them reductively as sources of data felt like it demanded that I bring myself into the room. The particular balance to navigate this varied by each interview, but I found that sharing some of my own experiences and perspectives was an important part of ensuring each interview was conversational, empathetic and relational, supporting

genuine two-way exchanges and co-constructed knowledge (Farrelly & Nabobo-Baba, 2014; Havea et al., 2020; Riessman, 2008).

3.4.6.5 Reciprocity

While the relationship was built on clearly defined and differing roles, I often experienced a strong sense of reciprocity. Reciprocity in a research space is complex and dynamic, often undervalued or even disregarded by Western research paradigms, yet embedded in many relational Indigenous approaches (Lather, 1998; Rinehart, 2018). Reciprocity is also embedded in the emancipatory aims of feminist research (Lather, 1998). In its most straightforward sense, this reciprocity related to the knowledge itself:

> *The effect of reciprocity is such that when people give koloa (in this case, time and knowledge) they will expect that it be respected and honoured, with good utilisation. Kau nga faʻu will follow developments with interest. Quality will be added to the research because the researcher will not want to let down kau nga faʻu with whom they have developed a relationship.* (T. M. Vaioleti, 2011, p. 128)

However, I also observed a more emotional component to this reciprocity. I felt a deep sense of gratitude to the participants for their generosity of both time and content, and was honoured and humbled by what they chose to share. Based on conversations with my supervisor, Shirley, about how the participants in her PhD research project had found the experience, I had anticipated that some participants might find the process of being listened to as a research participant to be valuable; indeed, a number of participants expressed positive feelings about the experience of speaking with me and telling their stories. Yet my sense of gratitude was such that I was still caught by surprise when some participants thanked *me* for the opportunity to discuss the subject openly — to be listened to without risk of being judged or disbelieved, and without fear of

being an emotional burden on someone they cared about. Some participants explained that they had not talked about their experiences so openly before, and others had not talked about it at all; they described the experience of speaking about it as part of their healing journey. Despite making clear both in writing and orally that I would not be asking participants any questions about their experience(s) of sexual violence, I was struck by the number of participants who gave accounts unprompted, sometimes in great detail. At times, such disclosures seemed to be accompanied by a sense of relief. Some participants gave the impression that they were not used to having their opinions asked about or their perspectives given weight, and it was immensely rewarding to watch these women recognise that they had views worth sharing and —- even in the short time between the start and the end of the interview — become more confident in their opinions.

3.4.6.6   Member Checking

The conversational style of both the narrative inquiry and talanoa interviews meant that informal member checking was easily incorporated into the discussions. This happened in two key phases. Firstly, and linked to the aforementioned validation and reassurance, I would often echo back what I heard the participant say throughout the interviews. This offered the opportunity for confirmation, refutation or correction while a particular topic was still active. Additionally, as our conversations began to draw to a close, I summarised from my notes what I had heard the participant say, reflecting back what stood out to me as their key points and briefly recounting the arc of the overall conversation. Both these approaches were important to check that my understanding accorded with what participants wanted to communicate to me (Carl & Ravitch, 2018).

Particularly towards the end of the interviews, when I offered a summary of what I had heard from our conversation as a whole, this process often involved asking for explicit confirmation or correction: Was that an accurate reflection of their views? Do

they feel that I have picked up on the important aspects? Was there anything they wanted to correct or add? At all times, I was alert to facial expressions, tone of voice, and gestures such as nods, which also conveyed whether or not I was on the right track.

Some participants also requested a copy of their raw transcript. In such cases, I took the opportunity to invite any feedback, edits or additions that they wanted to make. One participant responded with a few minor stylistic edits, primarily correcting grammar or filling in words that — as commonly happens during informal conversation — had been dropped when sentences trailed off. However, there were no substantive changes resulting from this process.

3.4.7   Researcher as Participant

I came to this research question partially as a result of my own experiences of sexual violence, and my own deep uncertainty about what I thought justice would look like for me. My views were (and remain) opaque and changeable — but, nonetheless, I do have views. And there have been times when participants presented views that differed from mine, and even that I disagreed with.

By interviewing myself as a participant, I have deliberately made space for my views, and I have done so in the same format as the other participants' views. Doing this allowed me to step more comfortably into the role of researcher when talking to, reflecting on and writing up other participants' contributions. It allowed me to feel positive about discussing and writing up views that differed from my own, because I understand that those accounts are the honestly-held views of participants, and that makes them valid. This was all made easier by knowing that there was a legitimate space for my personal opinions and perspectives, and that it was as a participant, not as the researcher.

On this, I have taken particular guidance from my supervisor Shirley, as she took

a similar approach in her PhD (Jülich, 2001). In practice, this meant treating my contributions much the same as other participants'. I completed the interview and transcription early on as a pilot, and then it became just one of the Pālagi individual interview transcripts. There followed a substantial period of time before I revisited my transcript, as I carried out the interviews with Pasifika participants and completed the analysis of the Pasifika transcripts first, before returning to the Pālagi transcripts to analyse them. This gap helped me feel some distance from my transcript, and made it easier to work with. So, too, did the changing nature of my views: I did not feel I was trying to capture *the* definitive account of my conception of justice, but rather a representation of my views at one point in time. By the time I revisited the transcript to analyse it, it was clear that the account I was working from belonged to past-me, a different person than the researcher undertaking the analysis work in the then present.

3.4.8 Ethics

Given the highly sensitive topic, I had a heightened awareness of the ethics and care that would be required. My personal subscription to a virtue ethics framework leads me to conceive of ethics as an active, ongoing activity — situational, responsive, and always aspirational, never "done and dusted." Nonetheless, there were some key decisions that I made upfront about how I would approach the research, in an attempt to ensure it was as ethical as possible.

T. M. Vaioleti (2011) noted the responsibility that talanoa places on the researchers:

> *It is the obligation of the researcher to kau nga faʻu, their relatives, their ancestors, their village, to process or advance talanoa authentically and develop the results respectfully and for the purpose for which knowledge is being co-created and given. Finally, collective accountability ensures that kau nga faʻu will only engage in a researcher dialogue if s/he feels safe,*

> *for her/himself and her collective, and can do the work with credability*
>
> *[sic].* (p. 129)

3.4.8.1 Participant Safety

Participant safety was a primary consideration for me. Safety and power are inextricably linked, and one of the important things about talanoa as a methodology is the power that participants maintain throughout the process, with a number of techniques and strategies available to them to shape, challenge or even stop the talanoa:

> *It will be presumptuous for researchers or institutions to assume that they have power over participants in a talanoa research relationship. . . . participants can* taungutu *(fight back), exercise power over research activities, even terminate the talanoa if they are culturally or spiritually offended.* (T. Vaioleti, 2013, p. 208)

Similarly, narrative inquiry allowed participants to exercise a high degree of control over the content, including how much they disclosed and what topics they focused on.

Also linked to safety are matters of dignity and respect. T. Vaioleti (2013) contended that "*while truth is good, respect for human dignity is better*" (p. 209). I would go further and argue that dignity is *necessary* for truth, at least for a question such as mine. Halapua (2007) observed of talanoa: "*If you respect and trust the people you are talking with, you will get the outcome"* (p. 10). Dignity, respect and safety are essential preconditions for the sort of sharing required to even begin to access something that approximates truth.

As practices, these must stem from beliefs: the belief that participants are the authorities in their own experiences, the belief that participants' viewpoints are valuable, the belief that the participants themselves have innate dignity and worth, etc. Much of my diligence here consisted simply in being sensitive and responsive to participants'

cues when talking with them, such as: mirroring their language choices and honouring their preferred terminology, being alert to any potential discomfort in order to take steps to address it, and letting participants set the pace and tone of the conversation. Below, I outline some other concrete steps I took to nurture participant safety.

3.4.8.1.1 Clear Communication.   Clear and transparent communication is an essential part of informed consent, and of participant safety more broadly. I made a point of going through the key information on the participant information sheet and consent forms orally. In these conversations and in others, I took care to avoid academic jargon and keep language accessible. Particular care was needed in cases where English was not the participant's first language (McNae & Strachan, 2010). I had my participant information sheet and consent forms translated into both Tongan and Samoan, so participants could choose which language(s) to read and sign in. In the case of one participant with slightly less English fluency, the person who introduced us explained my research orally in her native tongue, to ensure she had a full understanding of what it meant to participate before agreeing to do so.

3.4.8.1.2 Taking Care Before Confirming Participants.   I anticipated that there would be a significant degree of self-selection with regard to participants, such that those for whom the experiences of sexual violence were more recent or raw would be less likely to respond to my recruitment processes. I expected I would be more likely to receive responses from those who were more comfortable discussing the topic, whether that was due to time elapsed, access to personal and therapeutic support, and/or engagement in spaces that discussed sexual violence. All the same, I took care in initial correspondence or discussions with potential participants to make sure that they understood what being a participant entailed. As much as I was able, I attempted to check that they were safe, had support structures in place, and were comfortable having

the sorts of conversations required before confirming them as a participant. In the event of having concerns about a potential participant, I would discuss their possible involvement with my supervisors in order to decide how to proceed. As mentioned earlier, COVID and other disruptive life events meant that interviews were at times delayed until participants were in more stable and comparatively less stressful situations.

3.4.8.1.3   Control Over Location.   Given the sensitive nature of the topic, I elected to meet participants at times and locations that best suited them, with the aim of allowing them to feel as safe and comfortable as possible:

- Five individual participants chose to meet in their homes;

- One individual participant chose to meet in a community centre;

- One individual participant chose to meet at a café, where the person who introduced us was present a few tables away;

- One individual participant chose to meet in a conference facility at her workplace;

- Two individual participants and one community expert participant chose to meet in an office at AUT;

- One community expert participant chose to meet at Auckland Women's Centre; and

- Three community expert participants chose to meet in their private offices.

3.4.8.1.4   Participants' Right to Stop.   Before starting each interview, I took particular care to emphasise that participants may pause or stop at any time and as many times as they wished, and decline to speak on any topics that they preferred not to discuss. This was also specified in the written consent form. I provided each participant

with a supermarket voucher as thanks for their time; these I gave in an envelope before beginning, so the participants knew they were theirs regardless of what happened subsequently in the interview.

3.4.8.1.5 Support Services.   AUT makes available three sessions of free confidential counselling for adult participants in an AUT research project, to respond to any issues that have arisen as a result of the research project. Although limited, these are nonetheless important for participant safety; while the aforementioned self-selection meant most participants had already done a great deal of their processing and healing, there is always the possibility of a conversation generating an unexpected emotional response.

The information about how to access these was printed in the participant information sheets, and I drew attention to it orally to ensure participants were aware of it. It was accompanied by contact information for external sexual violence and mental health support services.

3.4.8.1.6 Confidentiality.   Participant confidentiality was a major concern, and I have taken great care throughout to protect my participants' identities.

3.4.8.1.6.1 Pseudonyms.   Either at the start or the end of the interview, I asked participants whether they preferred to select their own pseudonym; while three participants did, a majority did not. For those who did not, I assigned pseudonyms — a surprisingly challenging task!

Two Pālagi participants, Kate and Max, chose their own pseudonyms. To select the other Pālagi pseudonyms, I used a baby naming website which allowed name searches by popularity. By inputting participants' real names, I was able to see when their names were most popular, and select a common name from a similar era.

Of the Pasifika participants, only Aute Samoa chose to select her own pseudonym. For the other Pasifika participants, I followed her lead and sought out the names of Samoan flowers. My supervisor Peggy lent her expertise as a Samoan speaker to advise which of the options were most suitable to serve as pseudonyms.

3.4.8.1.6.2   Data Recording and Storage.   I used my phone to record the interviews: not only did it offer superior audio quality to most entry-level analogue recording devices, access is password protected. I explained to participants that I would be using my phone to record, so that they understood why I had it out, and made sure to explicitly request permission before beginning the recording, so that they were aware when the recording began.

I made sure to erase the files from my phone and transfer them to long-term offline storage as quickly as possible, and always within 24 hours. For long-term storage I used two encrypted USB sticks. This ensured I had a back-up copy of each recording, in case the USB drive became corrupted. I took care not to use participants' real names; instead, the files were named according to the data collection phase, date of recording, and participants' pseudonyms once chosen.

3.4.8.1.6.3   Transcribing.   In order to keep participants' confidentiality, I elected to transcribe all the recordings myself (see 3.5 Transcriptions). As the transcription files were stored on my AUT drive which, while password protected, is nonetheless in the cloud, I named the files according to the participants' pseudonyms.

During the process of transcribing, I removed or edited any other details which could potentially be used to identify a participant, such as job titles or other people's names.

3.4.8.1.6.4   Limits to Confidentiality.   Although I considered my participants'
confidentiality to be a priority, I also understood that confidentiality could not be
absolute. Specifically, I feared the possibility that a participant would disclose a risk
of imminent harm to themselves or another person. In the event of such a disclosure,
I needed to retain the right to discuss what to do with my supervisors and to take
appropriate action. I included this explicitly as a bullet point on the consent form, and
took care to draw attention to it orally before participants signed.

I am grateful that I did not need to make use of this clause.

3.4.8.2   Sharing Findings

T. M. Vaioleti (2006) remarked that he is often asked: "*Who is this work going to be
useful for?*" (p. 23). When participants agree to take part, they do so with a set of
expectations, sometimes explicit and sometimes implicit: "*Knowledge is given on the
age-old premise that it is to be used for the betterment of the* fanau *and not only for per-
sonal gain. . . . Pacific research must advance Pacific peoples directly*" (T. M. Vaioleti,
2006, p. 29).

I conducted this research with an (ongoing) aspiration to fulfil those expectations,
but also an awareness of my own limitations. Writing a thesis is just one small step in
a lifetime of work. Taking responsibility for the obligations that come with receiving
participants' contributions also means understanding what is on me, as an individual
accountable for this research, and what is not mine to own. While I am the author of this
thesis, the contributions that it is constructed around belong to the participants (Health
Research Council of New Zealand, 2014). In this sense, this part of the process is about
returning findings to those whom they came from and rightfully belong to, as well as
sharing them more broadly.

I also recognise that a thesis is simply not a useful or accessible format for many
people or contexts, and that the research should be freely available to participants and

their communities (Naepi, n.d.). This reflects feminist accounts of responsibility to communicate research: "*If feminist research is not conducted or published, potential knowledge is lost. What remains is the knowledge developed in the traditions of male science. Public policy formation, clinical practice, and subsequent research are dependent upon communicated knowledge*" (Duffy, 1985, p. 345).

Given all this, I had a conversation with each participant about whether and how the research could be shared in a way that was relevant or useful to them. While not all participants were interested, some were. This focus on participants and their preferred means and channels of communication is in keeping with a broader feminist resistance against the division of public/private life, including the associated assumption that only the public sphere is political, and the monopoly of institutions (including academic institutions) as holders of knowledge.

A number of participants requested a short summary, either of their own interview or at the end of phase one, which I have provided to them. Still outstanding are the requests from participants that I can fulfil only after I complete: some have requested a short summary of the finalised thesis; a couple mentioned specific groups that they are part of which they would like me to speak to or otherwise engage with after completing; and one has requested a copy of the full thesis, to be accompanied by a phone conversation to talk it through. I remain open to the possibility that these may adapt and that the list is not exhaustive: as I contact participants to fulfil these commitments, I will reissue the offer to follow up in any channels or forms that they see value in.

3.5   Transcriptions

The vast majority of my data was collected by audio recordings. This allowed me to take only very minimal notes, which in turn let me focus more attentively on the participants and what they were saying (Prescott, 2008).

As previously mentioned, in the interests of maintaining confidentiality, I carried out all the transcriptions myself. This had the additional benefit of helping me to become familiar with the material, and to have confidence in the resulting transcripts. As Riessman (2008) observed, a transcription is not a straightforward one-to-one record, but a document that "*straddles a border between speech and writing*" (p. 29). The activity of transcribing involves "*transform[ing] a complex verbal exchange into an object that would serve as a representation — [an] imitation on a two-dimensional page of what had been said*" (p. 29). The process of transcribing is itself an integral part of the analysis process, involving arranging, interpreting, structuring and making sense of the content, with choices informed by the methodology, theoretical framework and topic of interest (Riessman, 1993, 2008).

The process was an arduous and time-consuming one, made more challenging by the sometimes poor sound quality. In several cases, I had to run the audio through software to try to clean it up as much as possible, amplifying our voices and minimising the background noises of washing machines, café hubbub and coffee makers. This was rather a steep learning curve. By playing with the audio speed, I was also able to decipher some of the less clearly articulated or more rushed phrases. All this meant listening to each recording many times over, to ensure each transcript was as full and accurate as I could possibly make it.

The transcripts I created were nearly, although not quite, verbatim. On the participants' side, I included filler words (like, um, you know, eh, etc.), duplicates, false starts, stutters, grammatical errors and interjections. I noted pauses, emphasis and laughter where I thought they were significant.

For final use, I have cleaned the quotes up significantly. This included removing filler words, and making minor edits for grammatical sense (adjusting the tense, adding or removing plurals, adding minor prepositions, etc.). I also removed duplicate words or phrases unless I felt that they contributed to the meaning, such as by denoting emphasis.

I believe this approach assists readability, and is a more respectful presentation of the participants contributions. (One early participant who received a copy of her raw transcript specifically requested that I edit out the filler words for the final write-up.) I have used square brackets to indicate any substantive edits.

Unsurprisingly for such a personal topic, participants approached the task of narrating in varied and deeply personal ways. Many participants varied between first and third person, controlling the distance between them and their stories as they did so. Some maintained first person throughout. As I read back through the transcripts, I was often struck by the boldness of those *I*'s against the backdrop of the topic, each one a quiet but clear assertion of the speaker having her views, of claiming her rights, and of *mattering*. On occasion, participants took on other personas, voicing another character from their story, either real or imagined. Without exception, every interview with an individual participant included laughter, as they skillfully deployed humour — sometimes for emphasis, frequently to make it easier to broach uncomfortable subjects or to soften statements that might otherwise be regarded as too harsh. I kept phrases that reflected participants' tone and ways of expressing themselves, such as swear words, slang and informal contractions.

3.6   Data Analysis

The subject of my research question, justice, lends itself to a values analysis. Daiute (2014) gave only a brief and somewhat vague definition of values, drawing on a common and functional understanding of them as "*principles that people live by*" which "*are believed*" (p. 69). Gupta (2016) observed that "values" in common parlance is a vague and flimsy term, merely descriptive and without a normative claim. However, he suggested the possibility of an alternative and more robust understanding of the word:

> *But perhaps the ultimate referent toward which our intuitions reach when*

we use the term "values" with normative intent is actually something like

virtue? This possibility is easy to entertain if we consider instances where

the two terms are simply conflated: we often here talk of the "values" of

courage, generosity, fairness . . . that is, qualities that were classically

taken to be virtues. I would urge that what is said *by "value" in such*

instances is actually meant *to be virtue, with all its rich normative meaning*

and implication. (p. 120)

Gupta (2016) went on to discuss the deficiencies of values (as opposed virtues) discourse. Nonetheless, for my purposes, it is sufficient to say that it is this fuller, normative definition of "value," akin to "virtue," that I had in mind as I engaged in values analysis. Justice has long been regarded as a virtue, even as philosophers debate the form it takes and how justice as a virtue relates to justice norms (LeBar, 2020). Understanding how victim-survivors conceive of justice also requires looking at the interplay between justice and the other virtues held by victim-survivors. By applying a values (virtues) analysis to the transcripts, I was able to draw out the complex and often implicit values embedded in participants' narratives. Amongst the questions that values analysis can be used to answer are:

How do individuals and cultural (or other) groups understand issues in

their society? What values tensions (consistencies, contradictions, com-

plementarities) are revealed across . . . expressions? How do actors in

a system take up and negotiate diverse values salient at the time/space of

inquiry? (Daiute, 2014, p. 75)

Like many other abstract philosophical concepts, directly articulating what is meant by "justice" is intimidating and often fraught: the many volumes of philosophical work on the matter that still fail to pin down a definitive account are a testament to its

complexity and the potential for hazards, as well as an unwitting reflection of the role of personal and cultural context. Yet by analysing the values contained within participants' narratives, we can begin to understand some of what is important in the participants' accounts of justice:

> *Another aspect of defining narrative values is to acknowledge that values are enacted rather than discussed, illustrated rather than announced. That is, narrators do not typically state values as such but are, instead, guided by them when planning or expressing narratives. Narratives report facts and imaginings, but values guide their selection and arrangement.* (Daiute, 2014, p. 69)

Also evident in participants' transcripts is values negotiation:

> *Values negotiation involves echoing values (taking up, performing values) expressed elsewhere, not echoing (contesting) values one would be expected to take up, and changing values in the environment.* (Daiute, 2014, p. 73)

Participants often demonstrated an awareness of values expected of them by others, such as church groups, their families, their communities, or society more broadly. As well as articulating the external value, they indicated how they had negotiated the expectations. While in some cases this involved echoing or contesting the values, in many cases participants described a more subtle approach, with elements of compromise and even contradiction. How participants responded to these external value expectations, and what they took into account when engaging in values negotiation, in turn spoke to their own values.

3.6.1   Pasifika Individual Data, then Pālagi Individual Data

I made the decision to begin the analysis process with the phase two Pasifika individual transcripts. I found the content of these transcripts less direct and more meandering: at times I had to work harder to move beyond my more literal Pālagi way of thinking and to engage fully with the layers of nuanced content contained within them. My hope was that, by starting with these transcripts, I would be able to build a structure that reflected the richness I could see they contained but which took some work to reach. As a Pālagi myself, I was much more confident and comfortable with working through the more direct responses contained with the Pālagi transcripts.

3.6.2   The Choice to Exclude Pālagi Community Expert Data

As I analysed and began writing up first the Pasifika participants' transcripts followed by the Pālagi individual participants' transcripts, I was struck by the incredible depth and nuance contained within them. I also recognised that their contributions provided the most direct and epistemologically coherent responses to my question. As mentioned earlier, in order to do justice to their contributions and give them the space that they deserve, I made a decision not to include the Pālagi community expert participants' transcripts.

As a result, I did not apply a formal analysis process to the Pālagi community expert transcripts. However, I used them as a reference point when annotating and coding the individual participants' transcripts: just as with data collection, they again provided suggestions for topics to be alert to or perspectives to keep an eye out for.

3.6.3   Annotating and Coding

I used NVivo to support my analysis process. In order to maintain narrative integrity, I worked through one transcript at a time. This whole-interview approach is also

appropriate for talanoa, noting that the contextual integrity to be maintained goes beyond the individual narrative to wider social and cultural factors, which may or may not be explicitly articulated (T. Vaioleti, 2013). In analysing the transcripts, I attempted to keep in mind the context of the whole talanoa with the participants — which went beyond the discussion represented in the transcript itself, and included the wider relationship and context. Starting with the Pasifika transcripts was thus helpful as they were fresher in my mind, and I also referred back to the notes made and reflections recorded in my journal. Working with the narratives in the context of their full transcripts in this way also aligned with my epistemological approach as, rather than being validated by repetition or reference to other participants' views, each participant's perspectives were honoured as true and valid in the context in which they were presented.

My first step was to go through each transcript methodically and identify the values statements contained within them. Most of the time these were implicit, hidden in the stories that participants told. My task was to make them explicit. As much as I was able, I converted the stories told in the transcripts to normative statements in annotations, particularly favouring "should" phrasing for its clear communication of a value judgement. Often I found there were several values embedded in one story, sentence or even phrase, and I did my best to untangle these and express each individually and clearly. As a result, many sections of the transcript were accompanied by multiple overlapping annotations. I used these annotations again when writing up, as they helped me to tease out the subtle distinctions between participants who were otherwise speaking about similar topics.

Only once I had completed the annotations did I move onto the process of coding. I used my annotations as the guide for this, creating nodes and sets of nodes to reflect the various elements identified in my annotations. Again, I primarily worked with one transcript at a time, identifying codes based on the context of the overall narrative.

However, there was also an iterative component to this process: after completing a transcript, I checked to see whether I had identified any new nodes not used for previous transcripts. If there were, I returned to those previous transcripts to look for any material that should be coded against them.

While I am nearly aphantasic and have poor visual memory, my auditory memory is very good, and particularly so for voices. Given the amount of time that had passed since my Pālagi interviews, I spent some time relistening to them to refamiliarise myself. Between this, the detailed transcripts and the process of listening to the audio many times over while doing the transcribing, I found I was able to "hear" the interviews in my head, including tone of voice, as I read the transcripts. This was immensely helpful to me as I worked through them.

3.6.4   Written Sequentially, Presented Together

I began writing up my findings after completing the annotating and coding of the Pasifika transcripts. This gave me a chance to check that my process had produced a sufficiently refined analysis, and that the write-up based on it would show the rich texture of my participants' contributions. The writing up process was incredibly slow, but I found it immensely rewarding to grapple with the intricacies of participants' perspectives, and work through the subtleties of the accounts in relation to each other.

However, I was initially unsure about how to present the findings from the two cohorts: was it appropriate to integrate the voices? Would they be better written up in parallel? It was not until I had written up most of the Pasifika findings and coded the majority of the Pālagi data that I was able to make the decision to write up both the Pasifika and Pālagi individual findings together. As the analysis process allowed me to engage more deeply with the contributions, it became clear that many of the perspectives echoed across multiple participants in both cohorts. Where there was divergence, it was

as often within as between the two cohorts. While I originally designed the structure of the findings chapters around the Pasifika contributions, I could see clearly how the framework would also support the Pālagi responses.

Chapter 4

Findings and Discussion Framework

The findings and discussion are presented across the following chapters:

- Chapter 5 discusses the importance of putting victim-survivors at the heart of justice, and confirms the significance of healing as part of justice.

- Chapter 6 presents participants' contributions as they relate to safety.

- Chapter 7 discusses the emphasis that participants put on prevention, and reviews the factors participants highlighted as relevant for prevention.

- Chapter 8 looks at participants' views about what they want from the perpetrator.

- Chapter 9 considers what participants would like regarding their relationship with the community.

- Chapter 10 discusses what participants see as the appropriate response from the community towards the perpetrator.

- Chapter 11 reflects on and analyses participants' contributions as a whole, and offers some overarching themes from the material within the previous chapters.

4.1 Contextualising Participants' Contributions

Sexual violence takes many forms and can occur in many contexts. For the most part, my conversations with Pālagi participants focused on the dynamics of sexual violence specifically. On the other hand, Pasifika participants discussed sexual violence both sui generis and as part of a broader dynamic of family violence.

4.1.1 Personal Experience and Community Engagement

I had anticipated the possibility that some of the community expert participants would themselves have experienced sexual violence. However, as I was speaking to these participants in their professional rather than personal capacities, this was not an area we discussed. What I didn't anticipate was just how many of the people interviewed as individual victim-survivors were proactively engaged in their communities around the issue of sexual violence. Two Pālagi participants had gone on to have jobs related to preventing and responding to sexual violence. Many participants, both Pālagi and Pasifika, spoke of their volunteer or informal involvement: facilitating programmes in schools, starting conversations about church initiatives, leading discussions in social groups, supporting the development and use of community justice processes, advocating on behalf of other victim-survivors, engaging with community organisations, and generally actively working for change in their communities.

As I talked to the individual participants, it became clear to me that this broader engagement was informed by their own experiences of sexual violence. At times, participants behaved in the ways that they wished those around them would have, offering the safety, support or validation that they had not received. At other times, their actions replicated the responses they themselves had valued, believing and advocating for victim-survivors after experiencing what it meant to themselves be believed and advocated for. It is hard to say how typical or atypical this is — it is certainly possible

that those who agreed to participate represent a subset of victim-survivors who are particularly engaged with sexual violence as an issue. Speaking about responses to trauma more broadly, Herman (1998) commented,

> *Most survivors seek the resolution of their traumatic experience within the confines of their personal lives. But a significant minority, as a result of the trauma, feel called up to engage a wider world. These survivors recognise a political or religious dimension in their misfortune, and discover that they can transform the meaning of their personal tragedy by making it the basis for social action. While there is no way to compensate for an atrocity, there is a way to transcend it, by making it a gift to others. The trauma is redeemed only when it becomes the source of a survivor mission.* (para. 30)

Thus, many of my participants' contributions are grounded in both their own experiences of sexual violence, and in broader engagement with issues of sexual violence in their communities — the latter itself informed by their own personal experiences. The views on justice they shared with me reflect the entangled nature of these experiences, as they spoke to me with their experiences as a victim-survivor both given foreground status and as a salient background factor in their engagement with the issue of sexual violence more broadly.

Relatedly, Rebecca discussed the idea of justice both in relation to her own experiences of sexual violence and in relation to her children who had been sexually abused by her uncle. With regard to the latter case, Rebecca is a secondary victim: although she did not experience that sexual abuse herself, she was clearly significantly harmed. Both these experiences, as a primary and as a secondary victim, inform Rebecca's understanding of justice in the context of sexual violence.

4.1.2   The Dominance of the Formal Criminal Justice System

In my initial conversations with potential participants, I took care to explain that I was interested in justice, and that this may or may not involve the criminal justice system. I was interested, then, to observe that a majority of Pasifika participants initially reframed questions to refer specifically to the criminal justice system unless I explicitly prompted them otherwise.

This occurred even with participants with a high level of English fluency, which leads me to think it is not a simple matter of a language barrier. I can only speculate as to the possible underlying reasons, such as:

- a cultural understanding that prioritises collective and formalised approaches;

- the possibility that a majority of participants' English language justice-related interactions happened as part of the criminal justice system; or

- a cultural respect for authority that may extend to respecting the claim inherent in the name *the justice system*.

On this last possibility, however, I note that respecting the claim is not the same as accepting the claim. In discussing the justice system, Pasifika participants exhibited a degree of scepticism that the criminal justice system genuinely offered justice, even while buying into its authority. There was a sense of acceptance of its significance, albeit as a foreign construct: participants explained that it is important as the so-called justice system, even though it all too often didn't truly provide justice.

Additionally, it's important to reflect on the geopolitical context in which I spoke to participants: Aotearoa New Zealand is a settler colonial country, and the impact of that colonisation is wide-reaching, affecting all systems and structures throughout the country. While the connection between Pacific and Māori is sometimes described as a tuakana/teina relationship in recognition of their common ancestry, the institutional,

political, financial and socio-cultural power is predominantly Pākehā. For Pasifika participants living in Aotearoa New Zealand, this often means walking in two or more worlds, with Pacific culture and traditions abutting the Pākehā colonial hegemony. As a result, understandings of concepts such as justice — as well as family, spirituality and relationship to place — have to be renegotiated within this colonial context.

Although the impact of colonisation is most obvious for the Pasifika participants, the Pālagi participants, too, are operating in this colonial environment. Of course, Pākehā colonisation affects Pālagi very differently — most notably by conferring power and privilege. At the same time, the structures imposed by colonisation still restrict the options available to Pālagi victim-survivors. As is evident throughout the findings and discussion, these systems and cultural framings are often not what the Pālagi participants would choose. Although not as explicit as the careful navigation of two (or more) worlds required of Pasifika participants, the Pālagi participants also negotiated tensions between their own viewpoints and needs, and the dominant cultural values.

Thus, while it was more consistently the case for Pasifika participants, the monopoly that the justice system seems to have on the notion of "justice" was also felt by some Pālagi participants. This was observed by Rebecca, who is Pālagi:

> *The word 'justice' reminds me of court. I see it more in the response of the officials that are there to try to help the situation.*

On the other hand, some participants were clear that, despite its name, justice is not the same as the formal justice system:

> *Don't call it the justice system, it's not a justice system.* — Lisa

Possibly related to this was an initial reticence from many participants, both Pālagi and Pasifika, to put forward their own accounts of justice. When I spoke to participants beforehand about my research, either by phone or in person, many told me that they

didn't have anything to say about justice, and that it wasn't something they knew about. Those comments stand in marked contrast to the data I present throughout these findings and discussion chapters, which reference sophisticated concepts, demonstrate nuanced reflection, and paint complex and personal accounts of justice.

4.2   First Accounts of 'Justice'

Towards the start of most interviews, before we had got too far into our discussion, I asked each participant if they could define justice, or tell me what the term meant to them. While the aspects participants mentioned are explored further throughout the findings and discussion chapters, I present the initial responses here, as they demonstrate what was top of mind for participants in relation to justice.

Tiale's initial response referred to the criminal justice system specifically, and focused immediately on family:

> *I think about justice, I think family have a role to play.*

On the other hand, Kate was interested in the wider community response:

> *To me, justice means having someone's experience acknowledged, for a start. So having it recognised that someone has experienced sexual violence, or that their experience has impacted on them however that's played out for them. . . . But I think it's also broader than the individual, so I think it's having systemic recognition of imbalances and biases and crap education that people have had around what is sexual violence and what is rape or what is assault or what is harassment. . . . So for me, justice isn't necessarily about getting a conviction or having someone punished, but it's more about how do we justly educate people and have the conversations and move towards a system of preventing harm rather than defending it?*

Lisa took the view that justice wasn't achievable in the context of sexual violence:

> *I don't know if there is such a thing as justice for sexual violence. Any possible outcome you could create is never going to equal the damage. I think you can strive to be heard, you can strive to prevent the same thing happening to another person, but I don't know if there's ever really justice. There's damage minimisation.*

This was similar to the view expressed by Emma:

> *I'm not sure that justice is actually possible. The injustice has been committed already. Justice would be if it hadn't been. But I'm a bit wary of saying that, because I feel like it might be misinterpreted or used as an excuse by some people. It's not to say we shouldn't try, but perhaps the best we can hope for is less injustice, and preventing further injustice.*

4.2.1   First Accounts of 'Injustice'

Acknowledging that the question I had asked of them is an extremely difficult one, I suggested that participants may find it easier to answer the inverse instead: what is injustice?

A number of participants found this version easier to answer, as expressed by Rebecca:

> *I think "justice" and I kind of think, oh god, what is justice? But "injustice" provokes a stronger response.*

Rebecca's account of injustice focused on the agency of those involved, and the wrong and harm suffered as a result:

The word "injustice" to me means someone was treated really poorly. That they are, have, through absolutely no fault of their own, had to deal with suffering and personal loss or difficulty that's absolutely not their fault. And probably also that something that someone else could have intervened with and didn't. Or caused by someone else in some form. I wouldn't feel injustice would happen if there was a flood — that's not injustice. But injustice would be how the people would be treated by the other people, so it's very much a human response.

In particular, she focused on people who have a responsibility to respond by virtue of their roles in institutions and systems:

It would be someone who felt that they had been wronged and that they were continuing to suffer loss or grief or difficulty as a result of what happened to them. In this case, I suppose the court system and the social services and possibly even police responses and all that kind of thing have responded in a way where they haven't been heard, their needs haven't been met, they have been treated in a way that they've felt they're gonna have to continue to suffer, unnecessarily.

As such, Rebecca explained that she understood injustice with regard to both sexual violence and the subsequent responses to it:

The initial injustice is obviously the actual sexual abuse itself, that's suffering because of someone else. But the word "injustice" doesn't come to mind to me for the actual crime, it's more the responses to it.

Alamanda's understanding also focused on responses, specifically from by the criminal justice system:

What injustice means is unfairness. People aren't treated under the law

in a just and right way. The law sometimes is unjust, can be unjust. And

so there's a bit of a struggle there, as an individual, when you see events

or cases that come up and in our view people aren't, or the victims aren't,

being treated justly or fairly within the system.

Teuila, by contrast, focused on the informal responses that a victim-survivor may face, and particularly the way culture and gender norms contribute:

Injustice. Not being able to speak openly about it. Not being able to,

or being shut down when you actually bring it up. They think "ohh"

[exasperated sigh]. You're being prejudiced. So, being a female alone,

they'll look at you. Cause I know in my culture, and my experience as well,

we get shut down.

Lisa's initial thoughts when I asked about injustice also centred on the way victim-survivors are judged:

Any kind of victim-blaming is injustice.

On the other hand, Emma gave a broad account that included not only the responses but also the sexual violence itself and the conditions in which it occurred:

Everything about it really is injustice, isn't it? The before, the during, the

after. For me, at least, it was. The before was injustice in the sense that

there was a power imbalance. There has to be a power imbalance of some

sort, otherwise it wouldn't have been able to happen. Then the actual

sexual violence itself, well, that's obviously an injustice. Plus, there's so

much injustice in the aftermath from the way people respond to it, to the

fact he gets away with it without any consequences while I have to live with

the trauma of it. . . . And even how we think about it and how we talk about

it is another injustice. I just said, "Otherwise it wouldn't have been able to

happen." But it didn't just happen passively, did it? No, someone actively

perpetrated it.

While Max's account also highlighted the role of the criminal justice system, she offered a broad understanding that encompassed the range of people affected:

I feel like the way that justice is presented — or, in air quotes, the way

"justice" is presented — to sexual abuse or assault survivors at the moment

is like: This is your avenue, it's the courts, they don't even work but that's

the only legitimate avenue of justice. If you try and speak about it you'll

be minimised, blamed, shamed. You only have this one avenue, but it's

really traumatising and results in the perpetrator of the violence, probably

nothing will happen to them really, but in — again, air quotes — the "ideal

sense of that justice" they would end up in a fucking prison cell. Which

just doesn't seem that useful to me, and is not even necessarily what the

survivor might want, but that's just the only avenue that they're given.

That's injustice. For everyone. For the person who's experienced the harm,

for the person who perpetrated the harm, for the communities, for their

families, for everyone.

4.3   Relationships Triangle

The quotes above already make clear that justice is not a solo enterprise. Sexual violence necessarily involves a minimum of two people — the direct perpetrator and the direct victim-survivor — and so justice for sexual violence must also. Furthermore, sexual violence occurs in a context. The specifics vary, but there are always political, cultural

and social dimensions. Participants were astutely aware of this, and their responses indicated that they saw justice as sharing these dimensions. As participants spoke about justice, it became clear that many people have roles to play, whether formally or informally, and much of what participants were describing was about how different parties relate to each other with regard to sexual violence and justice.

Figure 4.1: Relationships Triangle
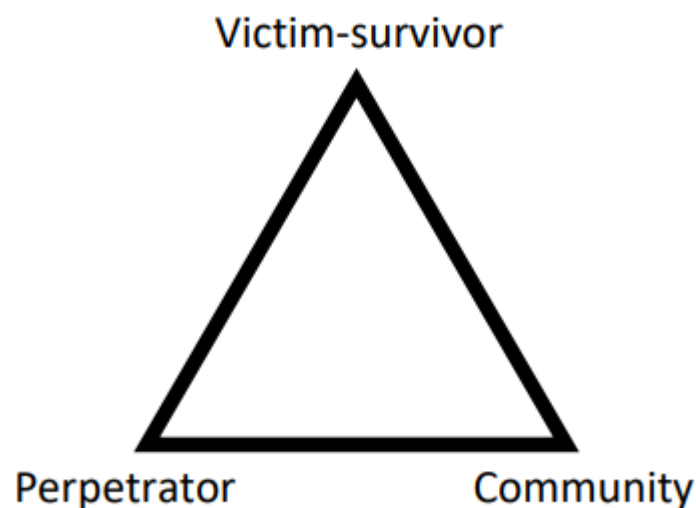
The relationships triangle (Figure 4.1) is a simple diagram showing the three key parties to justice, with justice requiring something, such as action or emotion, along each leg of connection. On occasion, the relationship might not be what we would typically think of as a relationship: for example, it might be an overt and deliberate *lack* of contact. This is, nonetheless, an intentional and requested dynamic between two parties, and so still constitutes a relationship of a sort. The three legs need not be weighted equally in terms of the content or number of responses contained within them — in fact, the many different roles of people covered by the "community" category

means that the legs connected to it will generally be busier. All the same, all three legs are important.

The community category encompasses all those who aren't the direct victim-survivor or perpetrator, including but not limited to: family; friends; peers; colleagues; bystanders; enablers; doctors, therapists and other health workers. It includes people as individuals, but can also be more abstract, referring to people in their roles or as society more broadly. It includes institutions as well as individual members of institutions such as the church, police, courts and village councils. At times, justice requires a particular response from a specific community member or sub-category, while at other times it is the broader community itself that must respond.

4.4   The Following Chapters

As I present participants' contributions over the following findings chapters, you will observe that most elements or examples can be situated somewhere on the legs of the triangle, and the language I have used often reflects this. Chapters 8, 9, 10 are more explicit still, framed to discuss the relationship between victim-survivor and perpetrator, between victim-survivor and community, and between community and perpetrator respectively.

I have organised participants' quotes to build meaning around shared topics of relevance. These overarching categories may come directly from the participants or may be from my analysis across multiple participants' narratives. I was humbled by the generosity of participants as they shared their complex, multifaceted and deeply thoughtful reflections with me. My own commentary, interspersed between quotes, is designed to draw attention to the subtleties and nuances of participants' accounts.

Chapter 5

Centring the Victim-Survivor

Participants felt that justice required focusing on victim-survivors and being responsive to their particular needs, interests and circumstances. Centering and returning power to the victim-survivors was seen as both instrumental in order to achieve better outcomes and support victim-survivors well-being, and as part of justice in its own right.

Max was unequivocal that justice should focus on the victim-survivor rather than the perpetrator:

> *I feel like [justice is] less about him than about me.*

She was clear that her own engagement with alternative justice processes was deeply personal, and cautioned against trying to provide a one-size-fits-all solution:

> *There isn't a prescriptive approach that would work for everyone.*

Alamanda spoke of the importance of responding to victim-survivors in a way that respects and upholds their human rights, including taking their individual circumstances and perspectives into account:

> *You see the victims as human beings . . . if you see that their human rights*
> *as individuals are being not respected, then that makes me angry. . . .*

> *Because I think we all have different perspectives — and that could be*
> *through education, it could be through experience, seeing how the system*
> *operates — and I think those experiences, it forms the views or perceptions*
> *we have of the system and whether it's just.*

She expressed an interest in restorative justice. The questions she asked about it emphasised that what mattered to her were the experiences and perspectives of those directly affected:

> *And I suppose I wanted to explore the people or ask questions of the people*
> *who had gone through the process, and what did it mean for them, and*
> *what were the outcomes? And were they positive outcomes? . . . Does it*
> *benefit people?*

Kate suggested that one of the key contributors to injustice is a failure to centre the victim-survivor, their experiences and needs:

> *Which I think is where a lot of the injustice happens, probably, is that*
> *people's experiences are belittled or undermined or victim-survivors aren't*
> *the primary focus of the conversation around incidents of sexual violence.*

She had the sense that reporting sexual violence wouldn't benefit her as the victim-survivor, and so she chose not to:

> *I haven't reported it, but I'm not sure that it would meet an end that would*
> *benefit me in any way if I did.*

Similarly, even setting aside concerns about harms, Rebecca saw no positive reason to report her experience when measured against the criterion of whether it would help her:

> *What would [it] benefit me to [report] it? Why would I go through that,*
>
> *even if it wasn't horrific — why would I still do it?*

Lisa spoke of the need to honour the victim-survivors' full being, including their emotions and responses, even when they were not respectable or pleasant. She was particularly frustrated with the court system, which judged victim-survivors for displays of behaviour it deemed untoward rather than allowing their full and authentic expression:

> *No one likes an angry victim, for instance. No one likes an alcoholic or an*
>
> *addicted victim. Never mind that these are completely natural consequences*
>
> *of this. And if someone was polite and well behaved and well dressed and*
>
> *teary, that might help, but the cases that were the worst, they don't come*
>
> *across that way. They get on the stand and they swear and yell and don't*
>
> *help themselves, but [they] shouldn't have to! Shouldn't have to play any*
>
> *role.*

Instead, Lisa wanted to acknowledge the enormous courage demonstrated by victim-survivors who engage with the criminal justice process:

> *Even go so far as honouring the strength that that takes to even walk into*
>
> *the room.*

5.1   The Relationship Between Healing and Justice

Healing was a major theme running through my conversations with participants. When answering questions about justice, many participants referred to what would help them heal, implying that they saw their healing as an integral part of justice. On the other hand, responses or processes that would impede victim-survivors' healing were consistently regarded as an injustice.

The relationship between healing and justice that participants described was complex and varied. For some participants, a sense of justice is a necessary, although not sufficient, part of healing. For some, healing is part of justice. And for others, justice itself is best achieved through healing and moving on.

When I suggested to Lisa that what she was telling me suggested an interconnection between healing and justice, she was unequivocal:

> *Yeah, as much as anything can be.*

In talking about the need to design a system, from scratch, that worked for victim-survivors of sexual violence, she asked about how to achieve both justice and healing, implicitly closely linking them:

> *What would justice look like? Build it backwards from there. . . . What would healing look like, even? And then work backwards as to how that could possibly be achieved, rather than trying to fit a system that no aspect is designed with victims in mind, and trying to make it a little bit more that way. Screw that, start again. What does healing look like for sexual violence? How can we go about getting that?*

Similarly, Kate suggested that the aim should be to "*develop a responsive system that deals with the harm.*"

Rebecca also identified supporting healing and minimising further harm as an important part of justice:

> *There's no ambulance at the top of the cliff, it's already happened, but what can we do to minimise the damage at the bottom? And yeah, there's injury: You can't fall off a cliff without hurting yourself. But what can we do to minimise that? . . . For the wounds to become scars. They're never gonna go away, but yeah.*

Aute Samoa explained her frustration with the traditional justice system in Samoa, and with the hierarchical decision-making structure within Samoan families which she felt didn't prioritise the required healing of all those affected:

> *So whatever the head chief, the high chief says goes. And then Pasifika families, whatever mum and dad says goes. No asking questions, just do it. Just do it, or else you're gonna get a hiding! That sort of system. But you're leaving the affected person unresolved emotionally. There's, again, no help for the grieving families, no help for the person that did it and their families. So there is no structure of, like, let's have a counsellor, counselling.*

In doing so, she emphasised the lack of emotional resolution or healing for the victim-survivor, and the lack of emotional support for the perpetrator and the families involved. This criticism clearly illustrates the central role that healing plays in Aute Samoa's account of justice, and the range of people — including families — whom she considers healing important for.

Aute Samoa also asked specifically about victim-survivors' healing, emphasising its significance as well as its relationship with other justice-related activities:

> *I've seen these gang members, their partners who have gone through sexual abuse, rape, they're slowly speaking out. But to me, my personal opinion, it's good that they're slowly speaking out, but [what] have you actually gone through to heal yourself?*

Lisa had gone on to work supporting victim-survivors who were going through the court process. When I asked whether she would recommend the court process to victim-survivors as an option, she expressed caution on the grounds that, as it currently stood, it was unlikely to help them heal:

> *The risk, and the likelihood of feeling any better as a result, is not too good.*

Similarly, Moso'oi rejected the idea of perpetrators paying reparations or experiencing other financial consequences on the basis that it wouldn't support healing:

> *You can't just pay me. You can't pay me to heal that.*

This emphasis on harm and healing as salient to justice, and thus one of the metrics she assessed possible remedies against, was echoed by Kate:

> *I don't think that a pay-out removes the harm.*

The link between healing and justice is also reflected in some participants' descriptions of the emotions that they associate with justice. When considering what justice might look and feel like, Teuila spoke about victim-survivors being given space in order to be able to reach a place of contentment:

> *And because in that way you can also reflect. That's the only way you'll be*
> *able to have a clearer reflection. . . . And then feel content.*

This was similar to Rebecca, who also described a sense of justice in terms related to peace, primarily understood as an absence of the distress that resulted from sexual violence:

> *For me, I think you'd feel a sense of justice if you feel at peace. For whatever*
> *the complex and awful feelings are that are going round and round your*
> *head and churning your stomach — to feel that go away. . . . And then*
> *your mind just going over and over and over it, the wheels spinning. So just*
> *sort of feeling the opposite of that, I guess. Just having felt that justice was*
> *served in whatever that looks like, you'd breathe a bit of a sigh of relief,*
> *and feel peaceful that, okay, what needs to have happened has happened.*

When Max engaged with a restorative justice process, her requests were motivated by what she felt might help her healing:

> *I was asking for those things because I'd seen other people do the same*
>
> *sort of stuff and get some relief from it.*

Max observed that the healing process doesn't have a defined end point, and so a justice response shouldn't either:

> *There's a point where . . . the survivor is feeling all good and it's not*
>
> *impacting their day-to-day life, but I feel like then you should never close*
>
> *the book on that, 'cause it can always change.*

5.1.1   Healing *As* Justice: Moving on

Some participants spoke about the importance of healing and moving on not only as a means to justice but as justice, or part of justice, itself.

Max explained that her experience of sexual violence has had impacts on all areas of her life, but achieving a sense of justice would mean she felt as though she had addressed it and could move on:

> *I've dealt with this shit at work, in my social life, in my relationships, with*
>
> *my family, my friends, my partners. Like, it's* everywhere *in my life and I*
>
> *just don't want to deal with it anymore. And that's never, never going to*
>
> *happen, it's never going to be undone, but being able to wrap it up a bit*
>
> *is quite nice? To be like: I did this, that and the other thing, and now he's*
>
> *[overseas] and we're all good, or whatever. Yeah, it's been addressed I*
>
> *suppose.*

Max explained that, although it remained a part of her life, justice would mean it was no longer at the forefront and so she could get on with her life:

> *It's placed firmly in the past.*

Similarly, Lisa observed that people are often expected to either repress and be silent about their experience of sexual violence or to build a life around it. While the sexual violence couldn't be undone, she suggested that justice means not defining people by it, and letting them live their lives:

> *You have to either deny it and it didn't happen and you go through all the guilt and stuff, or people seem to go the other extreme, like they work in the cause and become an advocate and stuff. That's your two options. . . . It should just be allowed to have had this happen and live. . . . You're allowed to not be this. As I used to say to people, "This is something that happened to you, it's not who you are."*

Lisa was particularly concerned about the impact on victim-survivors who took up the cause of sexual violence, and the potential for ongoing harm from such continued exposure. She stressed the need to allow victim-survivors to be able to discuss it without being subsumed by it:

> *You almost feel like if you've taken ownership then you have to be this missionary for the cause — which, don't get me wrong, I think if that helps — but I think maybe wounded healers don't consider the factor that the extra damage will [do], even if they've processed it and don't feel at fault, it will still be exposure and forever exposure, it will be endlessly triggering. . . . there's no allowances for people just to be people. It either wasn't big enough and we don't make a big deal of it and discuss it at all, or it was this massive deal and guns blazing.*

Kate reflected on the way talking about and understanding sexual violence helped her to move on from it:

I've also got the benefit of a lot of education and work and conversations and I've been surrounded by a lot of people who've done a lot of work in this area and know a lot about it, so I'm able to understand the complexities of it, and understand that it's this one little incident that's a symptom of a much broader thing, but also it doesn't define my life.

Rebecca also described justice as related to the ability to return to normal life:

To be able to live your life as much as you did before it happened, I suppose.

Tiale explained that her parents supported her, both practically and emotionally, to get away from the perpetrator and to build a new life. The act of moving on, of being able to focus on her new life and new family, was itself justice for her:

I've got a beautiful family now, so I'm free!

As part of Tiale's emphasis on moving on and focusing on her new family, she explained that she didn't want to have any contact with the perpetrator:

I said, "Nah, I don't need anything else from you."

Instead, she just wanted him to witness — from a distance — the life she had built for herself:

I wish he was still alive and could see me and my family.

Similarly, Moso'oi was focused on moving on and focusing on starting her own family. When she left behind the perpetrator, she also left behind the people who enabled the perpetrator, as well as the responsibility for addressing it:

Once I left my family, I left all that shit that happened with them. You guys deal with it . . . I just thought once I left my family and started my own family, I left it all with them.

Instead, Mosoʻoi was focused on her children, which she referred to as "*my own family.*"

By contrast, Emma was clear that she also valued moving on with her life, but that she did *not* regard it as justice:

> *But I don't feel that's giving me justice, I think that's just harm minimisation*
> *and reclaiming my power over my own life, which is too low of a bar for*
> *me to think of as justice.*

This different perspective may, to some degree, be explained by Emma's description of moving on as what she felt to be a necessary choice in the face of a lack of other options. In this way, moving on could be seen as further evidence of the constraint of Emma's agency, rather than the exercise of agency that it represented for many other participants:

> *He's nasty and vindictive and aggravating him puts me at risk, so I've*
> *made a decision to prioritise my safety and do my best to just move on. So*
> *[reporting him] wasn't really a practical option.*

While Emma did make a connection between moving on and justice, she was clear that it would only be so under certain circumstances, if there had been a rebalancing of both the power and a shifting of the emotional burden:

> *Being able to close on it, feeling that there was some resolution. I guess for*
> *me that would be about a rebalancing of power. . . . the injustice has been*
> *done, so I think the closest thing to justice would be for* him *to carry the*
> *weight of the hurt and distress, and for me to move on.*

5.1.1.1   Barriers to Moving on

Some participants spoke of the deep sense of shame they had experienced, and the way that they took responsibility and blamed themselves for what had been done to them. Teuila explained that her own self-blame started as a result of disclosing to an aunt who blamed her:

> *I didn't seem to forgive myself for a very long time. Because I've been having that different perception, because of the brainwash from that uneducated — as I now look at it — auntie. [She] was just not understanding, not educated enough to see things.*

By contrast, the experience of talking to another victim-survivor was important for no longer blaming herself, and helped Teuila to validate her own judgement and emotions:

> *That solidarity, and it gave me assurance, it's not my fault! And to be able to forgive yourself and not take anyone else's opinion as rightly or how you feel or how you're meant to be.*

Her faith also facilitated her to let go of the burden. By "*let[ting] God handle it*" she was able to relinquish her own responsibility and the self-blame that stemmed from it:

> *I no longer hold a grudge against it, because I've had to let go, because of the fact that I wasn't able to do anything about it at the time. Although it's had a real long impact on my life, on down the track, I've realised that I needed to let go and let God handle it because obviously [the perpetrator] knew no better.*

However, Teuila also explained that she continued to grapple with letting go, particularly when she heard people speaking positively about the perpetrator:

So I literally remove myself if I hear talk that praises him, and I'm like, "Hmm, if only you'd known." And then [I] attempt to hear myself and I'm like, "No, not now." You'd be like, "You've already forgiven, don't say anything," or holistically I try and prep myself: "Oh, no, let it go, it's in the past."

Lisa felt that she had been "*belatedly supported, but supported well.*" She reflected on the impact of both the initial unjust response and on the delay in getting support. When I asked whether it would have meant something different to her to have been supported at the time, she was unequivocal:

Oh god, yes. Yeah. Massively. Years of confusion would have been skipped.

5.1.2   Community Support for Victim Survivors: Formal Healing and Therapeutic Support

Participants communicated the importance of mental health support mechanisms for victim-survivors.

I think absolutely it is necessary for some people to have access to the healing that they might need, or to have access to coping skills, ways of continuing to live, and so I think that it's really important that that support is offered, that people have the opportunities to cope and to process and to seek help and to get support. — Kate

Moso'oi described how valuable it had been for her to have access to counselling and 24-hour support services, which had been provided by a specialist organisation:

I suffered from anxiety, I was scared to sleep, so I needed that kind of support, and then the counselling was good. . . . And just having that

wraparound support. Like knowing that I can pick up the phone any time

when I was feeling low.

Tiale suggested that churches could also provide mental health support:

We have counselling at church. . . . if you need help, something like that,

you need to talk to them, talk to the bishop.

Emma was clear that seeing a counsellor had been valuable, and suggested that
mental health care should be provided freely to all as part of the public health service:

I saw a counsellor for a while. That definitely helped . . . Ideally, of course,

we'd all have free and open access to quality mental health services as part

of the state-provided healthcare. All of us, not just victim-survivors.

5.1.2.1   Barriers to Accessing Therapeutic Support

A number of participants highlighted barriers, often financial, to accessing mental health
services.

Lisa was frustrated with the limitations put on access to ACC-funded counselling:

And then there's a limit on it — like ten sessions, you're good? [1] *Yeah*

right! Most . . . will tell you this is a lifelong injury . . . It sort of just

has to be unlimited, as long as you need it. . . . there is stuff there that is

good, there's just not enough of it, it's not free (which it should be), it's not

accessible.

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[1] The current ACC system provides 14 sessions of one-to-one therapy. Cover for further sessions requires people undergo an assessment to show that they have a "mental injury" resulting from sexual abuse or assault (Accident Compensation Corporation, 2021b). However, ACC only covers sexual abuse that happens "in person," which excludes victims of sexual violence such as flashing and non-consensual sharing of images (Bradley, 2022). If the sexual abuse or assault took place overseas, only those "ordinarily resident" in New Zealand are eligible (Accident Compensation Act 2001, s21).

Rebecca didn't initially know that she could get access to counselling through ACC, and stressed the importance of making victim-survivors aware of their rights:

> *Years later . . . I was talking to a friend, and I said, "I keep coming up on these emotional walls because of this." And he said, "Well, you do have free counselling available." . . . Which I didn't know, no one had ever told me.*

Not only is it important that the services are there, but she explained that it's important that victim-survivors feel entitled to access them:

> *The right to feel that you have access to services you need like counselling.*

While Emma was able to access counselling services, she expressed a sense of frustration that the burden of the cost fell on her as a victim-survivor:

> *There is also a small part of me that resents having to pay that cost. I get that the stuff addressed is all so interconnected, so it's not like I can just say, "Oh, well, this many sessions of counselling were to do with the rape and so that's what he should pay for," but at the same time that is a big part of the reason for the cost and I don't feel like that's fair to fall on me.*

Although Max was able to access free counselling through ACC, she was required to take significant time off work:

> *The counselling was actually kinda difficult, because I work freelance so I can't just take a couple of hours out of my day to go to a doctor's appointment or whatever people want to call it. I just have to take a whole day off work if I wanted to go to therapy, because they like you to do it at the same time each week.*

As well as the lost income, Max described a disconnect between the sort of therapy that the practitioner she saw offered and what she was looking for. When I asked what she would have chosen to do if finances were not an issue, having full control over the therapeutic process was at the top of Max's list:

> *I feel like I was a little bit restricted by the timing of therapy that was available, 'cause I saw two different people and it didn't really work out either time. I just find it too hard with my job so I would probably pay someone privately for more flexible evening sessions and whatever. And maybe someone that isn't ACC registered, 'cause that limits you a little bit.*

Max spoke of her experiences with a therapist who wasn't an ideal fit, emphasising the need for victim-survivors to have control and be able to choose mental health services that work for them:

> *It's pretty individual I guess, what you need.*

Kate also noted the difficulty of choosing an appropriate therapist, with finances only part of a wider and more complex picture that victim-survivors looking for help need to navigate:

> *Having counsellors or psychologists or whatever it is, that's what's really helpful. I think finances are a huge barrier to that, but I think also a lot of people just wouldn't know how to find someone, wouldn't know what to do, wouldn't know where to go. Like, wouldn't know how to choose a person that's appropriate for them, do you know what I mean? Or wouldn't be able to pick up the phone to call them.*

5.1.2.2   Healing and Support for Affected Community Members

Some participants also spoke of the need for wider therapeutic support for the community, and specifically for family of both the victim-survivor and the perpetrator.

Aute Samoa highlighted the impact that knowing about the sexual violence had on other family members, who were too afraid and ashamed to speak out. She spoke of the risk of perpetuating the cycle of violence. She was concerned with the emotional well-being of both victim-survivors' and perpetrators' families:

> *Because they're gonna start a cycle. And so it can be done together at that time, to bring themselves out. . . . Because it can be a part of grieving.*

With this in mind, Aute Samoa highlighted the need for formal mental health support for family members:

> *They've been holding it together when they themselves also need help. . . . like, does the police provide a counsellor for families?*

Puataunofo also suggested that parents of victim-survivors may need support, and recommended they go to church leaders:

> *If something happened, like in the family, mum and dad have to go to the pastor and the [pastor's] wife and talk. Tell them what's going on, what's happened in your family, to get good advice from the pastor.*

5.2   Choice and Power

A defining aspect of sexual violence is victim-survivors' lack of power and lack of choice or consent over the experience. It is perhaps unsurprising, then, that issues of power ran throughout participants' accounts of justice. This was often expressed

through prioritising victim-survivors' experiences, opinions, and right to have control and make choices.

5.2.1 Reclaiming and Asserting Power

Issues of power extended beyond the narrow constraints of a formal justice process, and could be relevant in all aspects of the victim-survivor's life. For example, Max expressed frustration that the perpetrator continued to come into her workplace. When I asked whether, given the opportunity, she would have preferred to work elsewhere, she felt it was important that she stood her ground and not concede that space:

> *I didn't want to have to run away from him. I was like: This is my space, my job.*

Max had been through a transformative justice process. She explained that, at the end of the process, she felt better for having a sense that she had taken control and exercised her power:

> *I just felt good. I was like, yeah, we did it, we took charge of this.*

Moso'oi's priority was looking after her children. It was as a parent that she reclaimed power, taking a stand to do things differently from the way she had been raised:

> *And making sure I'm not gonna be my mum.*

Moso'oi explained that parenthood had given her a new understanding of justice, which included asserting her power to ensure her children's safety, even at the cost of cutting other familial ties:

But it wasn't until I got to parenthood that I knew the definition of justice. In my way. In my words. . . . But once I had my kids it was just different: different outlook on life, different outlook on everything, really. I'm not gonna let or enable that chance for anybody like that to be around my kids. I don't care if I'm away, I don't see anybody, I don't have family come and see me — I don't care, my kids are safe.

Teuila recounted how she initially felt powerless as a result of her living situation:

You've gotta have the right mindframe. And the right mindset. To be able to at least have the choice. . . . Cause at the time we were all living together. I had no choice.

She emphasised the need for physical distance from the perpetrator and the people associated with him in order to reclaim and exercise power:

Because if you have that space to literally be removed and have a choice, have a choice independently, and not be influenced. . . . I'm allowed to make this choice right now. And not have to worry about [how it would look to others].

As part of reclaiming and expressing her power, Teuila was able to set and respect her own boundaries, including as they related to her healing process:

My ex-husband ended up, I know for a fact, and I caught them, having sex with my so-called cousin's daughter. Who was meant to be safe in our care. . . . and I'm like, well, no thanks. That's obviously telling me something, no, I caught them sleeping together, in my own house! And yeah, it brought back those memories, flashbacks . . . No thanks! If that's your decision, bye. I can live life without you. . . . I thought, no, I'm not gonna tolerate that behaviour.

While it's unclear from this account whether the sexual activity was consensual, Teuila was clear that it was unacceptable. In choosing to leave her then-husband, she was asserting her boundaries and affirming her power.

Similarly, Tiale spoke of how important it was to her that she reassert her independence after she experienced sexual violence. For this reason, she was uninterested in any sort of payment or reparation from the perpetrator:

> *Nope. Nah. Nah. Yeah, I can stand by myself.*

Emma spoke of the significance of the choice she made to consciously change the language she used when discussing her experiences of sexual violence, and the implications it had for her sense of power:

> *For a long time the only way I could make sense of it to myself was, "I was raped, but he's not a rapist." How messed up is that? It doesn't make any sense at all, but society didn't give me the tools to analyse it in a different way. Now, though, naming it as rape and them as rapists feels important, like a tiny little allocation of blame on them and reclamation of power for me.*

Max similarly reflected on the significance of the language used. In particular, she noted the difference in the language she used and the language used by the organisation supporting the restorative justice process she engaged with:

> *And they also discouraged me during the process from using the word "rape." They avoided it, a lot. . . . Well, they didn't actively say, "Don't use that word," but they were not using it, and no one was saying it. And I was like, can we just call it what it is, guys? If we can't even talk about why we're here then how is this going to work?*

5.2.1.1   Navigating Culture and Traditions

Some Pasifika participants made evident that reclaiming power required the delicate navigation of both cultural and personal values. Their choices about when to uphold and when to challenge traditions was a demonstration of their own power, reflecting a thoughtful approach to walking in two worlds. Implicit in their responses is the power and strength required to not only think beyond cultural norms but to live out that challenge.

Teuila commented on the way she had been critical of some traditional ways of doing things:

> *And this is where I really judged the cultural aspect of things. Because it's not always the favourable way when it comes to the judiciary and jurisprudence.*

She spoke with pride about the way she had instead challenged cultural traditions which she felt had suppressed her ability to express herself, and instead chose to emphasise open communication in the way she raised her children:

> *I've literally broken the silence, changed the cultural — I love the culture, but the way they practice I don't quite agree with some of the stuff.*

While her own upbringing placed value on virginity, Teuila felt this added to the trauma when she was sexually assaulted:

> *And it was a traumatic thing for me, because I was always being taught, oh, in our culture, your virginity, that's the best gift you can give to your husband. That's what was always being preached on down my ear, all the time, by mum and dad.*

Instead, she has made a conscious choice to educate her children about sex, and to encourage open conversations with them:

> *I even spoke openly when my sons started saying, "Oh, got a girlfriend." I took him to the doctors, went to the sexual education, cause that was not a subject that I was able to talk about openly, and I think back, if I had known what I now know it would have been so different then.*

While religion and the church remained important to Teuila, there were aspects that she felt were outdated and which she didn't agree with. As such, she chose to remain heavily involved, but to express her disagreement when it was important to her:

> *And I have actually challenged some of the decisions, some of the church obligations, its because they are setting it from those days.*

Aute Samoa was also explicitly aware of the cultural values operating:

> *So those values: God comes first; respect, love; looking after your family like tautua i le aiga. So when they say, "Tautua le aiga," you've gotta help.*[2]

She drew on these values of respect for elders, love, and looking after family as she challenged the heads of families to intervene and speak up to prevent and respond to sexual violence:

> *Plant a seed or ask [the elders]: "Where do you see your mokopuna go to? What would you like to see them do? What are your wishes?"*

While following traditional cultural values and respecting the importance of the heads of families, Aute Samoa also laid a particular responsibility with them:

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[2]S. Wilson-Uili translated "tautua i le aiga" as "serve in the family" i.e. service *inside* the family, whereas she translated "tautua le aiga" as "serve the family" i.e. service *for* the family (personal communication, October 14, 2020). Both phrases evoke ideas of loving service, duty, respect, roles and responsibility (P. Fairbairn-Dunlop, personal communication, October 14, 2020).

But then, remember the [head of the family] has to clean his or her backyard

. . . So it starts from the head.

5.2.2   Choice and Control Over the Justice Process

A consistent criticism of the criminal justice system is its inflexibility and treatment of
the victim-survivor as a mere witness rather than a complex person with needs, views
and preferences. Subsequently, the process results in a total lack of control or input
available to the victim-survivor. Lisa's work supporting victim-survivors meant she saw
this first-hand:

[The victim-survivor is] not even consulted. The date is chosen without

their consultation, they're very much a cog in the wheel. . . . Decisions are

made, huge decisions without consultation. . . . I had victims have to give

evidence on their birthday, 'cause they get no frickin' choice. The offender

gets to elect whether they want a jury or judge. . . . Bunch of lawyers

choosing the jurors, victim doesn't even get to choose where to sit or when

to give evidence or what time of day or who they have with them.

Lisa described the prioritisation of the system over the victim-survivor:

The victim is the annoying add-on box they forget to tick until the last

minute. They're like, "Oh, yeah, we finally got through the system, we can

get another file off the desk," and you go, "Actually, hold on, I haven't

canvassed the victim's views" or, "I haven't been able to get hold of them."

And they're like, "Oh, god, you're holding up the system."

Instead, it should be the inverse:

[Victim-survivors] should be honoured and treated and looked after . . .

the cog should be turning at their say-so. — Lisa

She noted that this was significant both in terms of *actual* power or control available to the victim-survivor, but also in terms of their *sense* of power:

> *It would put victims in a position of power to be standing — sitting, standing, whatever — in a room with a bunch of people on their side. . . . Whereas the current system, you don't feel powerful, like a lab rat under a microscope with a bunch of people specifically judging whether or not they believe you is rubbish.*

Ensuring the victim-survivor was in control and had choice was at the heart of Lisa's conception of justice:

> *I think what we're trying to get to is choice, isn't it? We're trying to get to a place where the victim decides what a good outcome would look like. They choose for themselves. They might want prison for the offender, they might want nothing like that. They might just want family acknowledgement. I think, for me, the best thing we could hope for is that the person who's been victimised gets to choose the answer to that.*

These were the sorts of questions that Rebecca hadn't been asked, but felt that victim-survivors should be:

> *I was certainly never asked — but I don't know whether victims are ever sort of asked — "What would you like to see happen?"*

By contrast, one of the key factors that Max valued about the transformative justice process she used was its ability to be "*more fluid, more adaptable*" in responding to the needs of the victim-survivor:

> *[The transformative justice process is] never gonna be flawless because it acknowledges that violence is really messy, and the dynamics are always different and they're always changing. It's not one-size-fits-all.*

She highlighted the need to recognise the ongoing nature of justice:

Something about it being ongoing . . . 'cause with the restorative justice process I felt like there was supposed to be an end point there, or there was an end point.

Even if the victim-survivor felt comfortable with the outcome and had achieved a sense of justice, Max was clear that the victim-survivor should retain control, including the right to reopen the matter if they felt a need:

There's a point where it sort of naturally is okay, like the perpetrator is safe, they understand what happened and have modified their behaviour and blah blah blah, we don't have to watch them every second to make sure they don't do it again . . . I feel like then you should never close the book on that, 'cause it can always change. . . . There should always be an open avenue for the survivor to come back and be like, "Hey, here's this new information that I just got that impacts the process."

On the other hand, because of ongoing safety concerns, Emma felt unable to report to the police and pursue a court process. Although she didn't necessarily want to engage with those mechanisms, she nonetheless expressed a sense of resentment at the powerlessness she felt from the perception that the option had been taken away from her. She explained that there was value in the having the choice, regardless of whether or not she exercised it:

I guess what I'd like is for it to have been an option. It sucks that it feels like that choice was taken off the table for me, but I still don't think I would have [pursued a conviction], no.

5.2.3   Choice, Not Responsibility

Max worried about the unreasonable burden placed on the victim-survivor to carry the work of achieving a resolution. She explained that the need to centre the victim-survivor has to be balanced against creating additional work for the victim-survivor, when that work should really fall on the perpetrator:

> *Ideally I want just want the perpetrator to do the work because it's so often on the survivor. I'm seeing that now in the processes that I'm facilitating where I'm like, "Hey, survivor, what do you want?" and I feel bad asking for that I guess. 'Cause did they want to be in that situation in the first place? Nobody wants to be there, just working to get out of the hole. . . . I think it would be really cool to see a process where the perpetrator was doing most of the work. But that's just me, and also one of the — or the first — rule of transformative justice is it should be based around the survivor's wants and needs. I guess that's why we're always asking, "What do you want?"*

While Max had found a sense of power from taking the initiative in engaging with justice processes, she noted that it also represented a lot of work. Instead, she suggested that victim-survivors should be able to communicate their wants and needs, but that the labour of finding a process to get that outcome shouldn't fall on them:

> *Part of that feeling [empowered] for me has been sort of taking the lead on the forms of justice that I've been seeking out. Whereas in an ideal world they would be on offer. You wouldn't have to navigate your way through to the one that works for you, you'd be presented with options, and it would be less work. . . . You'd still be able to say what you wanted, but you wouldn't have to say, "Transformative justice is what I want." You'd just say within that, "This is what would help me."*

Lisa also emphasised the importance of giving victim-survivors choice and ensuring they were in control::

"Here's the range [of options] . . . which bit suits you?"

She suggested that supporting victim-survivors means proactively showing them what the options might be, so that they could better understand and make choices appropriate for them. She offered a similar suggestion to Max's for enabling victim-survivors to make choices while also ensuring they were supported and not left to figure it out on their own:

There should be somewhere where they can walk in and go, "This has happened. For me to feel even remotely okay, I need this." And then you'd work backwards from there and be like, okay, well these are the channels we know to work for that, whether it's a restorative justice thing, or group counselling, they could be long gone and dead so in that case group counselling or something. There needs to be somewhere where [they can go], 'cause, as you say, walking in they might not know what they want. But when presented with a bunch of options that have worked in the past for people, so you can take survivors' stories that already exist and go — exactly what you're doing now — what helped? Offer that. And have them come and choose which outcome they want, as opposed to you have one system with one potential outcome.

In particular, she advocated for giving victim-survivors concrete examples of processes and outcomes, which they could then choose from or adapt:

Do you wanna tick that box or fuck him up for life? There's your options, there needs to be columns A, B, C, D. . . . There could be options. There

> *could be group counselling, there could be the traditional [criminal justice]*
> *system, there could be restorative justice, there could be get your story*
> *published in a book of things so another victim who experiences something*
> *similar knows that it counts. . . . Or, "I wanna be mentored with someone*
> *else who's just been through it so I can tell them I believe them, because I*
> *didn't have someone who did that."*

However, Max also noted that it was important that victim-survivor's answer may be that what they want is to not take on the work or the responsibility of seeking a resolution, and that such a response should be respected:

> *I guess you just have to ask first to know that. But that's definitely a valid*
> *answer.*

Chapter 6

Safety

Participants regarded ensuring the ongoing safety of victim-survivors as an important component of justice. While safety is primarily about the dynamic between victim-survivors and perpetrators, it is clear from participants' responses that the community is also integral and must play an active role. Alamanda observed that safety required not only looking after people's physical well-being, but also "*protecting their dignity.*"

Emma explained that she regarded safety as a necessary but not sufficient condition for justice:

> *Feeling safe would definitely be part of [a sense of justice]. But maybe [feeling safe is] not justice, actually. I think, actually, not feeling safe is an injustice, but I'm not sure that safety would be enough for justice.*

She had observed that issues of gendered power dynamics were what lay behind her sense of not being safe. Thus, dealing with these would be one way to achieve a sense of safety:

> *But rebalancing the power would make me feel safe.*

Kate was clear that safety was essential, but that achieving safety requires a collective acknowledgement that the status quo isn't safe:

> *And I think I would feel safe only with the recognition that I wasn't safe*
>
> *before. . . . And that vast harm has been permitted, normalised, happening,*
>
> *all of that kind of thing. We can't address it unless we recognise that.*

Rebecca emphasised that safety is an ongoing concern, and must be thought of with regard to an extended time period. By way of a positive example, she described how, when she was dealing with an abusive ex-husband, the police had responded in a way that recognised the long-term nature of the risk:

> *'Cause it was an ongoing thing, because it wasn't the police at the time*
>
> *that now move on and then off you go. It was a, "I'm here for you, here's*
>
> *a card," ongoing, you know? "Any [time], two years, five years, ten years*
>
> *from now, whatever, you ring me." . . . And so that's just this lovely kind of*
>
> *peace, knowing that I've got that protection if I need it.*

While she grappled with questions around prison, punishments and rehabilitation, she was clear that safety was a priority:

> *At the same time you need to protect society, especially children.*

After experiencing sexual violence, Rebecca gained weight in the hope that it would offer some protection in our fatphobic society:

> *When I got raped I . . . put on a shitload of weight to try to protect myself*
>
> *from it ever happening again.*

Max also considered safety to be a high priority. While she generally disagreed with the values and processes of the criminal justice system, she conceded it might have a role to play, unless or until whole communities could take an active role:

> *For more tricky cases, like where the perpetrator is still violent, someone's*
> *physical safety is at risk, stuff like that, I don't know that it's gonna be that*
> *easy to do that without literally the whole community being involved. So,*
> *I'm not saying that punitive justice should just go overnight, because we*
> *still need to be safe, but I dunno, it's tricky. I wish I had the answer for this*
> *one.*

Lisa was particularly concerned with safety for the victim-survivor while engaging with a justice process. She referred to the fact that victim-survivors of domestic violence are particularly at risk when they attempt to get a protection order or give evidence. Lisa noted the extreme danger that the current criminal justice system puts many victim-survivors in, as the proceedings aggravate the perpetrator without offering any protection for the victim-survivor:

> *[The police and court system are] asking them to be fully exposed, with*
> *no assurance of protection. . . . Then they ask them to stand in front of*
> *this person they know to be dangerous, aggravate the hell out of them, and*
> *then just walk out the door with nothing! . . . They're actively putting*
> *themselves at risk by even standing there [in court]. . . . And they don't*
> *walk out the door with a police escort, they don't go to a safe home. And*
> *when the worst happens, people go, "Why didn't you move house?" like*
> *they should have had to! . . . And then we expect people to be brave enough*
> *to do that? It's insane, there is no assurance of safety in that.*

6.1 Physical Proximity to or Distance From the Perpetrator

When considering what that safety would look like and how it might be achieved, participants often spoke of physical proximity to or distance from the perpetrator.

Such physical distance was something that Teuila hadn't experienced, but she reflected that she wished she had been able to relocate:

> *If I had the opportunity to go somewhere or even be housed separately, be removed from that space. . . . that's also part of your healing.*

Going forward, Teuila was particularly concerned with having to be in the same physical or social spaces as the perpetrator:

> *And I'm like, no! I don't wanna go [to an event where the perpetrator is in attendance]! . . . I just wanna feel safe, just me and my kids.*

6.1.1 Formal Mechanisms for Creating Geographical Distance

Alamanda spoke of the importance of the community taking steps to create distance between the victim-survivor and perpetrator. She described how proud she was of two villages in her home country of Samoa for banishing perpetrators of gender-based violence from the village. In commending this response, one of her primary motivations was that of safety for the victim-survivors and their families:

> *If you commit violence against your wife then you're banned from the village. . . . It gives the women a safety net — women and their families.*

Alamanda emphasised the significance of such a decision, and wanted to see it implemented across Samoa:

That says a lot and I take my hat off to these people, I just want it to be

seen across the whole country, and let that kind of thinking spread to other

[places].

In considering what was needed, Lisa specified the particular role that refuges play:

Obviously infinitely more refuges and safe houses for your extreme cases.

Kate explained that she didn't think prisons were useful for general prevention, but felt that a "*residential institution*" — such as, although not necessarily, a prison — was an important tool for safety:

I think for protection, for safety, to remove the risk, that a residential

institution of whatever kind can be necessary for some people. But I

certainly don't think that it's a sustainable option to prevent, to stop sexual

violence happening.

Ensuring safety through physical distance was also one of the roles that Alamanda envisaged for the police:

Talk to her, remove her from the situation. Sort that guy out, but take her to

a place, take her to a woman's refuge or something and check her out . . .

and where's the kids? Where are any kids? Who's in the house?

6.1.1.1   Prison as a Mechanism for Creating Physical Distance.

Some participants suggested that prison could be a useful mechanism for ensuring physical distance from the perpetrator:

Some people need to be in prison, some people aren't safe to be on the

streets and it's important to reduce the number of victims and it's important

to prevent [the perpetrators] from causing more harm in the community. —

Kate

Alamanda felt that it depended on the threat posed as to whether a community-based programme, as opposed to prison and the distance it offers, was appropriate:

> *Somebody who just raped . . . Would I put them out there into some*
> *programme? Well, that would be a massive risk.*

Puataunofo observed the tendency for perpetrators to reoffend, and suggested that they should stay in prison as a result:

> *They come back and do the same thing. My thinking: leave him there*
> *forever!*

Although she said this with laughter, further exploration from me made clear her view was that perpetrators should remain in prison until or unless they were safe to be in the community.

Similarly, Moso'oi suggested that perpetrators should be sent to prison both as a punishment and in order to keep other people safe:

> *A bit of both, yeah! If you can't take somebody's no for an answer, then*
> *yeah.*

6.1.2   Informal Mechanisms for Creating Geographical Distance

Alamanda described a family member who was at risk. Observing that, she had offered physical distance from the perpetrator, who was the family member's partner, by way of a safe place to stay:

> *I keep saying, "Look, get out, come and stay here." And she did, until a*
> *couple of days ago.*

Similarly, Puataunofo spoke of the need for family to take responsibility in terms of creating physical distance between potential perpetrators and potential victim-survivors:

That kind of man, remember what I said: Separate [him] away from the family . . . Or take your daughter somewhere you know is safe for her. . . . Move the daughter to the aunty to stay, or move the daughter to the place she knows is safe for her daughter. Or leave the man!

While Emma didn't feel that it constituted justice, she spoke of the safety that came from distance:

I'm now on the other side of the world from him, and there's safety in that — even if not justice.

6.2   Emotional Safety and Distance

Beyond physical safety, some participants were concerned with their ability to have physical distance from the perpetrator as a matter of emotional safety. This was particularly an issue in contexts where the perpetrator and victim-survivor had mutual social contacts, such as family or friends. While participants were concerned with the safety issues between the victim-survivor and the perpetrator, it was clear that it was the behaviour of the community that in fact had the most significant impact when it came to issues of emotional safety and distance.

Teuila shared the lack of choice she felt in having to be in shared social spaces with the perpetrator, and the toll it took on her:

Every time I see him now, when we have family gatherings and stuff, I haven't been able to look him eye-to-eye. . . . I try and avoid being near or even within the vicinity of where he's at. In our culture it's very strong, very much family oriented, and there are times when we can't even have a choice . . . Especially when it comes to big events. . . . if I know that he'll be there, I need to psychologically prep myself.

Rebecca explained that cutting social contact with the perpetrator was a priority for her:

> *I didn't do a thing. I didn't report it, I didn't do anything, I just wiped him as a friend.*

While Lisa didn't live with the perpetrator, a number of her friends did. Their decision to continue living with him after her disclosure made it harder for her to maintain distance with the perpetrator, and were part of a response that revictimised Lisa and undermined her trauma:

> *Another part of the reason why it was so bad for me is a whole lot of my friends flatted together including him, and they continued to do so after this. I didn't want them to find out but they ended up finding out and they all clearly didn't quite believe me.*

As a result of her friends' decision, Lisa found herself continuing to have to face the perpetrator, including on one occasion when "*I went 'round and [my friend] wasn't there and he was.*" In the end, Lisa felt compelled to distance herself from the whole social group, leaving herself socially isolated. She noted the injustice of this additional burden on her as a victim-survivor:

> *I just had to leave an entire group of friends who'd been my friends for years, because I couldn't deal with [him]. He was still at everything, he was still [around], so in the end I had to remove myself. How is that fair? . . . Of course, by then I was like, well, I don't want this group of friends anyway, but still, which then left me with, for a while, no one. The people I thought were my close supporters weren't, and [I was] going through this thing on my own effectively.*

On top of the distress of losing a friend group, Lisa noted that it forced her into uncomfortable situations when people asked why. Without wanting to disclose the details of the sexual violence and her friends' response, Lisa was left without an explanation:

> *They're sort of all gone. And you don't even have an explanation for that, and when people ask why, without wanting to go into the whole thing, it was, "So you see none of those people?" "No."*

Max recounted the way the perpetrator continued to be a customer at the place she worked. Addressing this was one of the things she asked for as part of the restorative justice process:

> *That was one of the things that I asked for, actually, as part of the [restorative justice] process, was for him to just stop coming to my work. . . . it was pretty uncomfortable. It did impact my ability to do my job well, for sure.*

Emma expressed her desire to no longer have any contact with the perpetrator, which was made possible by geographical distance:

> *But certainly I don't want to see him or talk to him or hear from him again. I feel relief that he's on the other side of the world from me — although I don't think that relief is the same as justice.*

She compared the impact he'd had against that of another person who had perpetrated sexual violence against her, and reflected on the significance of the impact and the subsequent need for emotional distance:

> *What [he] did affected me much more, and so I guess healing took that much longer, and it now feels that much more important to have him cleanly and completely out of my life.*

6.3   Victim-Survivors Taking Responsibility for Others' Safety

Many participants expressed a heightened concern and sense of responsibility for other people's safety as a result of their own experiences of sexual violence. In Lisa's experience, this was often a significant motivator for victim-survivors reporting sexual violence or even going to court:

> *They're doing it to protect others, usually. It's completely self-sacrificial.*

Teuila described the way her experiences of sexual violence have caused her to look out for the people around her and try to keep them safe. In particular, she described the way that she has been more cautious with her own daughter and other girls:

> *It makes me wonder how many others that are unspoken of . . . And I'm*
>
> *very protective of my daughter, simply because of this reason . . . I have a*
>
> *so-called sister, she was raised by my parents, she also has one daughter,*
>
> *and I always go on about it, the fact that she lets her daughter sleep [over].*
>
> *It's either, "Oh, it's a family house," or some friend the same age as her*
>
> *daughter, or, "We dropped her off at an uncle's." I'm like, "Can you not do*
>
> *that?" I really growl at her. But I know what could have happened!*

Similarly, Emma grappled with her role in prevention, her sense of responsibility towards other potential victims, and a lack of options that she regarded as safe and effective:

> *I'm very confident I wasn't the first and I won't be the last, and that makes*
>
> *me feel sick. I know intellectually that I'm not responsible, that he's the one*
>
> *raping them and it's not my fault, but I can't help but still feel a sense of*

responsibility. But, at the end of the day, reporting him would be incredibly

unsafe for me, and I don't actually believe the police/court process would

make other women safer anyway.

Max also continued to carry a sense of concern for other potential victims, and grappled with a sense of responsibility for other people's safety:

Because there's the guilt of it. I've heard a lot of survivors say this, when

they're talking about whether or not they're gonna seek justice, that they

don't want the person to do it to other people. Which obviously isn't on

them. But I can totally understand it 'cause I have felt it.

Part of what she sought from a justice process was the ability to be confident that the perpetrator was no longer a risk to others:

It was more just knowing that he wasn't a risk anymore, which I don't know

if I can ever really know.

6.4   Intervention

Intervention was regarded as important for safety, and participants spoke of the importance of being able to rely on community members intervening to stop sexual or gender-based violence.

Alamanda explained that her own willingness to step in was strengthened as a result of her experiences, and the lack of intervention from other people:

I keep thinking that if I was ever in a situation like that moving forward, I'd

want somebody to stop. I'd want somebody to help me.

She recounted that others had not always stepped in for her when she needed it. In telling the story, she highlighted not just their failure to step in, but her sense of her expectations going unmet as a result:

> *I expected other people to step in. And they didn't. Some did, and some didn't. So, for me, my response to that, in fact even before I was with [the perpetrator], I was just stepping in and not accepting any kind of violence or whatnot. I had no time for that, so I would just step in . . . But then when it happened to me, I expected [people to intervene], but there were occasions when no one stepped in.*

When asked what sort of intervention she hoped for, Alamanda was clear that bystanders should be loud and take whatever action is necessary to stop the perpetrator:

> *I want them to step in, shout, scream, jump, make a roar about this.*

Alamanda described a time when she witnessed gender-based violence. Although the friend she was driving with was reluctant to intervene, Alamanda insisted:

> *But I just said, "Just shut up, I'm gonna get involved 'cause I'm not gonna see someone be, you know, while I'm standing around."*

She went on to describe another time with the same friend, who again didn't stop to help when witnessing gender-based violence. She emphasised the importance of intervening, and expressed her disappointment in the friend:

> *Because I'll tell you what, Megan, if I had been driving that car I would have stopped, whether she liked it or not!*

Although Alamanda was particularly outraged because the friend in question was a doctor, the underlying principle for her was one of straightforward compassion and humane regard for each other:

It's a humane response! . . . and as a human being! That failure to take

responsibility. You're a qualified doctor, you see the results of violence

come through. This is just something else that's playing out in front of our

eyes, should we not [step in]? Okay , forget the fact that you're a doctor,

but what about as human beings?!

Moreover, Alamanda advocated for a proactive approach to intervention, based on the view that it was better to step in unnecessarily than to stand by when help was needed:

Did she look like she needed help? She didn't call out, but, hey, I don't

care. I could see [signs of violence].

Similarly, Moso'oi felt that any bystanders involved should step in, whether they be friends or family or otherwise, and was clear that she would intervene:

If you're not gonna do anything about it, I'll do something about it then.

6.4.1   Who Should We Rely On? Expectations of Intervention

Participants named a range of people in the community who they thought had a responsibility to intervene, referring to factors such as authority, ability, proximity, and relational responsibility.

6.4.1.1   Expectations of Immediate Bystanders

Alamanda prioritised practicality, emphasising that whoever is around should step in, and that we should be able to rely on bystanders to intervene:

I think wherever you are, for example here and something happens, you'd

want the people who are walking around to come to your aid. . . . You

> *can't wait for your brother to fly over for you, so it's just that's what you*
>
> *expect — well, I expect.*

6.4.1.2 Expectations of Those in Positions of Authority

Max suggested that people with power had a particular responsibility to intervene. She gave the example of one bystander who was older and worked as a bar manager:

> *And one of them in particular, he's a bar manager that I felt really could*
>
> *have played a role in keeping me safe and others safe given that he was*
>
> *already a grown-ass man at the time that this happened.*

Alamanda suggested that a fast intervention was one of the responsibilities of the police:

> *A good response was for them to send a car right to the address, then and*
>
> *there. . . . Fast, responsive help.*

Similarly, Tiale suggested that police were the best people to intervene when gender-based violence was still occurring:

> *The first time when you got abused or someone tried to do something really,*
>
> *the first people you need to call, just call the police.*

Tiale shared that she had relied on the police to intervene, but that they had sometimes been unreliable:

> *Sometimes the police did not help . . . Sometimes you call them and . . . in*
>
> *the nighttime they didn't turn up. . . . They need to be reliable, that's their*
>
> *job. But sometimes they [say], "Okay, okay," but they never [turn up].*

Despite her experiences, Tiale conveyed that knowing there are authorities in place who are tasked with dealing with sexual violence gave her a sense of safety:

I feel safe for the knowledge that we have justice. Even that girl that needed

help, she feels safe now because they know they have the police.

6.4.1.3   Expectations of Friends and Family

Emma put a particular responsibility on friends and family, who she felt were in a position to see what was happening and yet failed to intervene:

But I guess in both those circumstances there were people around who knew

him, friends or family, whoever, who had a reasonable idea of what was

going on and should have been able to see the warning signs. When I look

back there were huge *red flags, that should have been really clear to anyone*

around either of them. But no one said anything. No one commented, no

one took me aside and checked that I was okay, or had a word with him to

tell him his behaviour wasn't okay. In fact, in the first case, I kinda suspect

his friends were encouraging him, thinking he was being cool. And in the

second, well, now that I can see the whole thing more clearly I'm pretty

confident I wasn't the first [person he raped], and so I suspect there was a

pattern of behaviour and offending that the people around him just took

to be part of who he is and what he did. But, really, how messed up is

that? They just accepted it. Someone even saw him doing stuff without my

consent, but didn't think to step in.

Puataunofo suggested that when the sexual violence is occurring in the family home, mothers have a particular responsibility to step in as early as possible:

If you love your daughter and love yourself, you have to do something!

Before it's getting bigger and bigger . . . [As soon as she hears about

sexual violence happening], that's the time for the mother to move on and

think about the right thing to do!

However, she observed that the mother could also be a victim of abuse. As part of that, she identified that the mother may need support and education about issues of consent and sexual violence, in order for her to be able to recognise it and take steps to ensure her daughter's safety:

> *And then the mother has to learn and wake up her mind. Know how to look after the husband, know how to look after the girl, the daughter and the family. . . . sometimes the mother knows what the dad's doing, the father's doing, but she's scared. And then some mothers, they're scared the husband will give her a hiding.*

Chapter 7

Prevention

In considering what justice looked like, participants put a great deal of emphasis on preventing further sexual violence, not only for themselves but more broadly. They discussed prevention from multiple perspectives, including with regard to individual perpetrators as well as broader cultural factors. Prevention was described as being between the community and perpetrators or potential perpetrators. Friends, family, and those in positions of authority or influence were all regarded as having particular roles to play. Many participants also spoke of the importance of formal rehabilitation programmes for perpetrators.

Tiale's understanding of justice was primarily in relation to the formal court system. When I asked what it meant to her, she expressed a sense of "luck" or gratitude that the formal justice system exists, and identified its primary function as prevention:

> *Justice is lucky. Lucky we have them . . . Because I think justice is about,*
> *they stop people doing . . . bad stuff . . . They try to stop people from doing*
> *[bad stuff], because if there's no justice? Look what happens now.*

Although Rebecca chose not to report to the police, she cited preventing reoffending as one of the main reasons why, if she'd had more confidence in the police's response,

she might have done so:

> *And I suppose the first thing would be the knowledge that he was not getting*
>
> *away with it, the protection of other girls that he might also do it to.*

Kate's conception of justice also emphasised prevention:

> *Justice would be that it doesn't happen again to someone else.*

Kate wondered about the possible impact she could have had. At the same time, she reflected on the weight of carrying that sense of responsibility:

> *But I do think about it: If I'd said something to [the perpetrator] years*
>
> *ago, would that have stopped violence happening to other people, to other*
>
> *women, because this person didn't know what to do? I feel guilty about*
>
> *that sometimes. But also I'd like it not to be my responsibility.*

7.1   Community Intervention

Puataunofo emphasised the role of the family in saying something immediately to prevent perpetrators from reoffending:

> *We should do something for him! . . . First time, if you see or hear*
>
> *something, that's the time to let them [know], don't leave it longer.*

Similarly, Teuila desired title-holders in the village or the village council to intervene and create rules to prevent the perpetrator reoffending:

> *And then create a safety net for everyone else that associates with that*
>
> *person. Because if they don't get pulled up now, they'll continue thinking,*
>
> *no, it's okay, it's okay [to perpetrate sexual violence].*

While the rules would be set more formally by the village council, Teuila emphasised the social element to such a response, which should be "*semi-public*."

Aute Samoa laid a particular responsibility with the heads of families:

> *But when you have a [head of the family] that is in support of this person, this younger child, younger person, that's in jail or about to go to jail, they're only sugar coating it. Back to the picture, "Oh yes, my grandson, he'll make sure that he doesn't do this again." But the problem lies with the top.*

Alamanda spoke of the need for friends and family to take steps to prevent perpetrators of sexual violence. Echoing the discussion of immediate intervention for safety, Alamanda again used the language of "*stepping in when need be*." Alamanda explained that she would want to know if a friend of hers had committed sexual violence:

> *Especially if they were a close friend, because I would have thought that I'm a good judge of character, and how come I didn't see this, and how come I couldn't have helped them? Or, this person was obviously dealing with demons — I'm just making assumptions here — and thinking, wow, what kind of friend am I that this person went and did this to another human being, when I could have talked to him, influenced the way he behaves? And just kind of thinking, what's going on with, how come I didn't pick that up? . . . Because I have a responsibility as a friend.*

By contrast, Moso'oi recounted the way family members ignored the perpetrator's behaviour. She attributed some responsibility for reoffending to the family members, as she suggested that the family members' acceptance of the behaviour made it more likely that the perpetrator will reoffend:

Then the next day they're all there drinking together, and then he's gonna
[abuse] someone else because we empower them, they empowered him!

Kate advocated for conversations with perpetrators, including those who did not think of themselves as such. She explained that men needed to understand their actions in order to stop perpetrating harm:

I'll chat with anyone and people say to me . . . "Well, you're saying that
I've raped people." It's like, well, yeah, but lots of people have, let's talk
about it, let's figure it out! . . . And I understand that people have been
taught that that is how they should behave and that is what will get them
status and that is the pressure that they are under to perform as men or
whatever, so I very much wanna say, "Look, I get that this has hurt you too!
And that it hurts to get feedback that the way that you've been trained to
behave has actually hurt people. But if we don't talk about it then you're
gonna keep hurting people!"

Similarly, Max advocated for friends or others with existing relationships that meant they witnessed perpetrators' behaviour to step in and have a conversation to prevent further sexual violence:

Talking to your creepy friend that is always getting in shady situations
or whatever, and being like, "Hey, these shady situations are actually you
serially assaulting people. Let's do something about it, mate."

7.1.1 Rehabilitation and Support for Perpetrators

Participants were concerned with ensuring the perpetrators got help, both for the perpetrators' own sake and in order to make them less dangerous and reduce the risk of reoffending. In many cases, participants evaluated potential responses, especially prison,

based on whether they perceived them as helpful or unhelpful for rehabilitation. In doing so, the implication is that they regarded rehabilitation as a relevant and desirable outcome.

Rebecca laughed, aware of its extremity and thus its absurdity, when she mentioned castration. It would, of course, immediately prevent the perpetrator from ever committing that particular form of the crime again. Nonetheless, she noted that it wouldn't serve to rehabilitate him:

> *And probably because of the anger you're feeling possibly slightly skewed in what you actually want to have happen. You just get to the point where you just think castration is the only option! But realistically, that's probably not the best form of rehabilitation for somebody.*

Lisa suggested that steps to prevent the perpetrator from reoffending should be made mandatory:

> *There needs to be immediate and mandatory counselling and assessments.*

While Rebecca felt that it could be useful for prisons to serve as a deterrent, she felt their primary functions should relate to rehabilitation. She explained there was a need to balance disincentivising reoffending with the risk of exacerbating a perpetrator's victim complex and making him more dangerous:

> *Prison should be a place of rehabilitation as much as possible, without being somewhere that's so cruisy that people would actually be happy to stay there or want to [go] back if they reoffend. . . . It should be painful enough that people don't wanna go back, but not so painful that they come out feeling even more angry with society and with an even greater chip on their shoulder, even more equipped and have even better contacts with the underground world that they can do even more damage.*

Rather than acting as a deterrent or encouraging rehabilitation, Aute Samoa worried that the prison system encouraged a cycle of offending:

Because the mentality, they get so used to it, because the chain hasn't been broken. So they'll come out, "Oh, yeah, I'm just gonna go and create another crime, I'll go in," so it's becoming like a playground for them. . . . we're just creating more crimes. Instead of getting down to the roots of it.

Similarly, Alamanda questioned whether enough was being done in prisons to support perpetrators' mental health and deal with the underlying issues in order to prevent reoffending:

What have they been doing in prison? . . . you have to ask, what is happening in there that you come out, you're still [angry]?

Kate expressed enthusiasm about programmes that would help perpetrators to change their behaviour:

I'm all for anything that is gonna help someone be educated. So I'm all for anything that is gonna help people to recognise the antecedents of their behaviour and what the consequences of those are. Any kind of programme, preferably evidence-based.

On the other hand, while Lisa was in favour of supporting the perpetrator to make change, she cautioned against the possibility of perpetrators avoiding criminal consequences by using the pretence of seeking rehabilitation:

Well, a lot of the sex offenders don't get prison anyway, because they argue that there's no specific sexual violence help in prison, so they keep them in home detention on the guise that they are gonna go and access that help.

7.1.1.1   Humane Treatment of Perpetrators by the Community

Alamanda highlighted the need for programmes that specifically focus on perpetrators of sexual violence:

> *There's not enough of them to do the work that they do, and the work that they do I feel is really good because it's just targeted towards these offenders.*

She spoke passionately about the need for rehabilitation as part of a humane and compassionate response from the community towards the perpetrator. She observed that this could be particularly challenging for the victim-survivor's family, but felt that it was nonetheless important. Her view was that rehabilitation programmes within the prison system would be the best approach:

> *An ideal system is a system where, okay, they do wrong, and then they go into prison and get some kind of help. I suppose for the victim's family, they wouldn't care less. "Just put him away forever." But in a humane society, people need to be given an opportunity to change their ways. And although that may sound really bad for somebody who's lost because of this terrible person, that is about being a human being, and how we, how I think you need to respond. You need to also respond with compassion. Yes, we absolutely abhor the crime, and at times people abhor the person, but if we are from a humane society then it is about forgiveness, it is about compassion.*

Underlying this, she talked about the need for a system which is predicated on the idea that change is possible and which also provides hope for perpetrators:

> *Because you come back to, they're human beings. And we can't just throw away the key, we must have hope. And we must give them hope. . . . So if*

we can't give them hope, what hope do we have of creating a system that is

fair and just?

In reflecting on what was required for change, Max also echoed these values of compassion and seeing the whole person:

I feel that it's much more useful to be able to acknowledge that someone

who has perpetrated harm isn't just a person that's perpetrated harm,

they're still a whole person. They may have experienced harm, it's never as

black and white as the punitive justice system would like us to believe. So,

there's hope!

Aute Samoa was particularly concerned about the harm that prison could cause to perpetrators' mental health:

A form of punishment can be, okay, you're only gonna be behind closed

doors, the closed bars. Then it creates more mental darkness and . . . it's

not helping. All we're doing, we're just creating more problems.

7.1.1.2   Benefits to the Community

Alamanda spoke of rehabilitation as a pathway towards a more constructive outcome for the whole community, both by preventing further harm and by making space for positive contributions:

It is about facilitating a way forward where this person can change, go

back into society and contribute productively. . . . We don't want them to

go out and damage someone somewhere else. We want them to stop this

and learn. Learn from it and change.

Max shared the positive community outcomes she had witnessed as a result of a community initiative. She was clear that she saw rehabilitation as a priority, and was concerned that prison was a barrier to rehabilitation:

> *A friend of mine that perpetrated sexual violence a few years ago is now a transformative justice coordinator for so many different people. . . . They're a really really engaged and valuable member of their community. Not that their survivor was ever asking for them to go to prison, but imagine if that's what had happened. I just don't see how [rehabilitation] would have happened.*

Kate explained the importance of supporting perpetrators to deal with the underlying issues that cause them to commit sexual violence so that they would no longer continue to cause harm within the community:

> *It requires us to understand that harm has probably been done in some way, shape or form to the people who are inflicting it on others. So it's about providing tools or opportunities for people to process their own shit. And process their own resentment or rage or whatever is getting them to a point where they are using other people for their own means and thinking that's fine.*

7.1.1.3   Benefits to the Perpetrators

Rebecca wanted to understand what caused people to perpetrate sexual violence, in order to learn to change their behaviour. While this was primarily about prevention, she also spoke of it in relation to the perpetrator's mental state:

> *I want to try to seek to understand it, I want to see why people behave the way that they do, what drove them to that behaviour, help them understand*

it too. I don't ever want anyone to feel hopeless, I think it's a shame people
make a mistake — yes, admittedly a mistake that has gone on and on and
on, but, still, they've found themselves somewhere where they're not in
control any longer of what their actions are. They're just trying to meet
needs, all of this it's a negative way to do it, if they could do better they
would, and it's a matter of teaching them how to do better. And giving them
the opportunity to and not making them desperate.

She had watched a programme about rehabilitation programmes in Norway, and
suggested a similar approach was needed to prevent sexual violence reoffending here:

Teaching before the offence takes place . . . how they deal with the first
offence, they get them straight into rehab and really understanding why
they did and what the consequences are and what to do.

However, in reflecting on the sentence her uncle was given for sexually abusing
her children, Rebecca suggested that he was able to get more help to prevent further
offending from his community-based sentence:

And [he] got the AA and he got the sex offenders thing, and he got all this
sort of support and help and dealt with it. I don't think he'd have done that
if he'd gone to prison.

Puataunofo also discussed the need to teach perpetrators alternatives. She proposed
that prison should be used to support such rehabilitation:

They should bring [perpetrators to] a group, and someone sit down, some
person more experienced, people sit down and talk to them and advise them
and try to do something good for them to change their mind from that.

She suggested that a rehabilitation programme should include education around sex and consent:

> *Do some study in the jail to learn things. Someone more experienced to*
> *teach them about this kind of sexual stuff, or some person more experienced*
> *to go three days or two days a week, to go and talk to them, make a group*
> *and [give] advice to them at jail [so] when they come back they've changed!*

When I asked whether there should be mental health support as well, Puataunofo was enthusiastic about the idea, and went on to explain that it should teach perpetrators how to reflect on their own thoughts and feelings, and what they could do instead:

> *Yeah, and plus someone to teach them how they're thinking, what they feel,*
> *what they're thinking and feeling. If you feel like you want to have sex, then*
> *you have to change it.*

Kate also talked about the need for rehabilitation to support the well-being of the perpetrators. She discussed what she felt was an underlying deficit that caused perpetrators to commit harm, explaining that there was a need for perpetrators — as well as victim-survivors — to heal:

> *I generally tend to think, naïvely or not, that in any given situation people*
> *do what they think is best with the information that they've got and with*
> *the skills and tools that they have to deal with that situation in life. And I*
> *think that a lot of the sexual violence that's been perpetrated is because*
> *people don't have the tools and skills or understanding of what that moment*
> *actually entails or looks like. So I think absolutely there's healing needed*
> *on both sides.*

Similarly, Lisa suspected that the perpetrator may himself have experienced abuse. She imagined what it would be like for the perpetrator to watch a replay of his actions.

As well as feeling remorse when faced with the full severity of what he did, she hoped that it would prompt him to engage in therapy or similar work to interrogate and address his own trauma:

> *So I guess I want him to see that and know, is he surprised? Does he know where that came from? Is it completely out of the blue that only drunk him can access? Or does he know exactly what he was doing, was he replaying a scene from his own life, or where did that come from? . . . 'cause he would know where it came from. Or not. And if not, then he needs some therapy to find out if it [came from something he'd experienced], but if it is based on a clear memory of something — which is what I suspect — then he needs to deal with that, in whatever manner that requires. Whether it's the court system himself, or therapy.*

Aute Samoa emphasised the need to both address perpetrators' mental health and provide practical support in order to prevent reoffending:

> *But can you not appoint these people to go and seek help within the jail time when they do jail? I'm sure they have all these things to put in place instead of splattering them in the public [eye] . . . And then you've gotta ask, how on earth did he or she become ill mentally? You've gotta dig deep in order to find out, so why wasn't it picked up, do you know what I mean? . . . Why can't you look at other avenues, like go through the whole course, get them help, get the right people that would benefit this person before they reoffend. And then work with them, navigate them to jobs.*

7.2   Prevention: Education and Cultural Norms

Participants observed that perpetrators' actions reflected broader cultural norms. Thus, they regarded addressing the cultural norms that enable sexual violence as necessary for justice. They saw wider education, beyond the direct perpetrators, as essential.

Kate observed that formal processes such as the criminal justice system were impacted by the wider culture, and so it was at this broader level that she advocated change:

> *The system culture, the way that we've considered and talked about sex and sexual violence as a whole absolutely impacts on the ability of the justice system as it is to respond justly, as it were.*

Kate saw education in service of prevention as at the heart of justice. She was concerned that change should happen at a cultural level, so that all of society understood sex, consent and healthy relationships. In particular, she noted the need for understandings of consent and sexual violence to be based in what is ethical, and to not get caught up in reductive technical legal definitions:

> *Justice for me means having a society and a culture that's educated around consent, educated around how to talk about sex in general, and how to recognise what's okay and what's not. Both in a legal sense, but also in a moral or ethical sense.*

Kate envisioned sexual education and sexual norms based on consent, mutual pleasure and honouring people as full human beings with their own preferences, desires and capacity for enjoyment:

> *We can teach [men] that they can have frickin' amazing, positive, wonderful sex lives if they're doing it consensually, if they're talking about it, if they're*

> *asking people if they wanna do stuff rather than just doing it and seeing*
> *what happens! . . . And teaching men, as well, that women wanna have*
> *sex too — it should be pleasurable for everyone. It can be a great, fun time.*
> *And it's better if you can talk about it, it's better if you've got respect for*
> *each other, it's better if you acknowledge that it's two bodies and minds, it's*
> *two complex human beings — or more than two, whatever. But that those*
> *things can be heaps more positive than fucking someone who's passed out*
> *and won't remember your name or anything.*

She was insistent that men have a role to play in creating positive change:

> *A lot of men seem to think that this whole Me Too thing, and feminism, and*
> *all that kind of stuff, we're trying to take stuff away from them. But actually*
> *it's like, no, we just wanna be at the party as well! Let's do it together, it'll*
> *be better, promise!*

Lisa expressed frustration at the persistence of rape myths. She talked about the
need to tell the different stories and accounts of sexual violence, to help us all to better
understand and recognise it:

> *I feel like there needs to be all the different types of stories told . . . people*
> *in their head know what a rape looks like: it's an alleyway stranger in a*
> *violent [encounter]. There's no one telling the story of the boyfriend who*
> *doesn't understand consent one night, or even the girl who wanted it and*
> *then didn't. That story needs to be told and told and told until people see it*
> *for what it is.*

Like Kate, Lisa emphasised the need for positive, consent-based education in order
to change cultural norms and understandings about sex and appropriate behaviour. She

spoke specifically of moving to a "*'yes means yes' society*," with an emphasis on active consent:

> *If you don't understand that nothing without consent is consent, only "yes means yes" as opposed to "no means no," that needs to be the shift in focus. I had this debate with some friends recently, a couple of guys, and they're like, "Yeah but what if they're too drunk to say yes?" And I'm like, "Well, then that's a no, love!" . . . [They're] like, "Who has time to ask that in the heat of the moment?" I'm like, "You have to! If you don't, there's something going wrong there."*

Lisa had observed that social media in particular could contribute to rape myths, and wondered about the possibility of a fact-check option to stop rape myths being spread:

> *There must be some way of [having] some sort of factual trigger: this is not correct! This is lies!*

7.2.1   The Community Speaks Up for Change

As well as formal education and rehabilitation programmes, participants emphasised the importance of friends, family and other bystanders speaking up to prevent sexual violence. While Lisa knew that it was sometimes unpopular, she stressed that achieving justice required us to talk about sexual violence in order to change the culture:

> *It's still everywhere, until it's not we're not there. People get sick of hearing it, you don't get to be sick of hearing about it until it's fixed. Until no one denies that this is a thing.*

As part of speaking openly about it, Aute Samoa encouraged families to talk to the police:

When families say, "Okay, the police are here," all of a sudden they go quiet. Then they become more, "Hello, how are you?" as if nothing's happened. So they quickly paint a picture so that the police don't see it. . . . I'm sure the police knows. But there's nothing they can do unless somebody steps forward. So, I'm encouraging those to step forward. Because you don't know, you might be helping the rest of your family. And then that could lead to more open discussion.

This echoed Moso'oi, who was clear that her family's unwillingness to discuss the issue of her sexual violence was a contributing factor in its continuation:

And my problem wasn't fixed, it was something that was kept hush in my family, and it carried on. It carried on because it was, "Oh, no no no no, we'll sort it out, we'll sort it out," and it carried on. . . . it just happened too many times in my family because it was kept hush, because it was just swept under the rug.

Emma explained that she didn't want the bystanders or enablers to experience consequences in the conventional legal sense, but that she wanted them to take on board their role in what had happened and to act differently in future:

What I'd want is for them to have an emotional response, and to use their relationship [with the perpetrator] to have a conversation with him. And then to not let it happen again. They were bystanders, they had multiple opportunities to step in or say something and they didn't. I'd want them to think about that, and to do it differently next time: to actually step in, do something or say something if they saw similar red flags from him with someone else.

If that happened, Emma would value being made aware. However, she explained that she wouldn't want to have to engage with them about it, as she wanted the responsibility for addressing the perpetrator's behaviour to fall on those people who had ongoing relationships with him:

> *I wouldn't need it, but yeah, it would be nice to know just because it would be that sort of confirmation and reassurance. An email or something: "Hey, we heard, we're sorry, here's what we feel about it and what we're gonna do." I can't imagine that ever happening, but it would be pretty amazing. But then, I wouldn't want to have to reply! Having that information would be great, but I probably wouldn't want to have to enter into a dialogue or anything about it.*

Max explained she wanted people to not simply discuss rape culture in an abstract sense, but to be honest and upfront about the way it operated in their social spaces and what they would do to confront it:

> *I feel like you can tell based on the shit that people do on Facebook if they're engaged or not. If they're signal-boosting survivors, or just talking about it. If you hear them talking about it that's quite a big indicator, 'cause that is — well, that was — the problem that I had, was that no one wanted to just have an upfront conversation about [the sexual violence I experienced]. They would talk abstractly about rape culture, but they wouldn't be like, "This happened between this person that I know and another person that I know, and here's where I come in." That would be a big thing.*

7.2.2   Gender Norms and Inequality

Most Pālagi participants expressly raised underlying issues of gender inequality and spoke explicitly about the way gender norms contribute to sexual violence. In doing

so, they highlighted these issues as injustices related to sexual violence, and called for cultural change as part of achieving justice. While Pasifika participants varied in how overtly they spoke about gender norms and women's status, the issues were clearly woven throughout our talanoa. Pasifika participants also spoke of gender in relation to particular culturally-specific gendered constructs, such as *nofotane* and the *feagaiga*.

Alamanda emphasised the issue of women's status:

> *I think, bottom line is, it is about a woman's worth. A mother's worth. And*
> *people need to, they just need to acknowledge that.*

In speaking about cultural changes required, she highlighted the underlying gender and power dynamics in Samoa, particularly for nofotane women:

> *In Samoan society where women are . . . second class, or because women*
> *who go to other families — this is in the rural villages — they're treated*
> *almost like slaves. When you marry in, so there's that expectation that you*
> *have to do everything . . . I just don't like that.*

However, Alamanda also reflected on the feagaiga, which she saw as a way to reclaim safety and power for women:

> *The feagaiga is the relationship between the brother and the sister. So*
> *therefore — and I've had this conversation with how many Samoan woman*
> *— the fact that if these men are mistreating these women, these women are*
> *the sisters of someone. So . . . by doing this, it goes against the very beliefs*
> *of feagaiga, of looking after your sister. . . . So it's trying to grab that*
> *status and that power back.*

Teuila commented on the role gender played when trying to speak about sexual violence:

Being a female alone, they'll look at you [if you try to bring up sexual violence].

Based on her experience working with perpetrators, Kate highlighted the need to understand the psychology and worldview that lies beneath sexual violence, particularly as it relates to gender norms:

I've worked a fair bit with offenders as well as survivors, but also I just work with boys and men, and seeing how they think about the world and just going, where the hell have you got this from?

Aute Samoa observed the dangerous role pride plays, particularly in relation to masculinity. She described the way such pride suppressed conversations about topics relating to relationships and gender dynamics, including issues such as affairs as well as sexual violence. Although she was laughing as she spoke, her sense of exasperation is also clear:

And not being addressed. Because why? Men feel macho, their macho-ness, they feel they can look after themselves . . . I look at myself, I look at them, and I think: get over yourselves, you need help. Pride.

Emma expressed a desire to rebalance the power between her and the perpetrator, which she linked to underlying gender issues:

Restoring power for me, but also taking some of his. I say that but, actually, at the same time, there's something quite pathetic about [the perpetrator] as an individual. So I guess it's more about broader gender power imbalances as played out by him than it is about him specifically.

She explained that cultural norms, particularly in relation to gender, enable and normalise sexual violence:

And I say society because obviously all of this comes from society. Underneath it all are the power dynamics and gender prejudices and rape myths and so on. It was society that not only let them get away with it, but actually taught them to do it. And taught them that it was okay.

Kate also emphasised the importance of understanding sexual violence as a broader, systemic gendered issue. As part of this, she discussed the cultural pressure put on boys as an underlying factor in sexual violence:

I think that our boys and men are being done a disservice, as well as us. I think they are under pressure to perform in a way that, whether or not it fits with their own identities, there is this mass culture of dominance and bravado and "toughen up," and I think they're doing what they think is appropriate to cope with that kind of pressure.

She was concerned with how cultural understandings of gender and power contributed to sexual violence:

I think things have been unjust for victim-survivors, but also for perpetrators. Particularly boys, I think we set them up to fail. I think we teach them that it's important to gain power and dominance and for them to be autonomous and have their wants and needs fulfilled. And there's pressure on them to kind of exert that authority or control and stuff like that. But I think they're under pressure as well.

In discussing her own mental health, Kate also noted the impact of the safety issues that women are particularly subject to:

I've had depression/anxiety for years, and obviously that's still at play and we still do protective things all the time, and worry about the door being

unlocked, and all those things that just become normal, you've gotta do to

be a woman.

She specifically drew attention to the language used by men to discuss sex, and the values of conquest and dominance which underlie it:

The conversations that happen between men need to change. So it needs to

change from: Who did you get? What did you get? What have you taken?

What have you won? What have you acquired? Which is that narrative of

acquiring, possessing wealth or power or dominance or whatever it is, we

need to move from that . . . I feel like that is a massive problem. And that

so often it's "boys being boys" or it's "locker room talk" or it's "banter" or

whatever it is, which inherently minimises the harm that is done to women

as a result of those conversations that are happening. . . . Something about

how those men are talking to each other, that's what needs to change.

Reflecting on the language used to discuss sex and the cultural expectations of men, Kate particularly attributed blame to the media:

And that's men putting pressure on other men to then go and score. Or

to go out to do whatever they need to do to . . . put another point on the

tally, kind of thing. I think the media has a lot to account for in the way

that women are treated or represented.

7.2.2.1   Creating a Culture of Shared Responsibility

Alamanda was concerned about ideas of masculinity and gender roles, and how they contributed to sexual violence. She noted the role of groups such as Pasefika Proud, a community-based campaign to "*boost wellbeing for Pacific families and transform attitudes, behaviours and norms that enable violence*" (Pasefika Proud, n.d.). Beyond

this, she also argued that it is everyone's responsibility to build a culture that prevents gender-based violence:

> Everybody *has a responsibility. The kid that you see on the street catching the bus — a smile, it's very simple, getting a pat on [the back].* Everybody. *How much influence could we have on people we meet? People we don't even know?*

She spoke of the responsibility the feagaiga imparts on boys and men to stand up for women:

> *Standing up for each other and standing up for your sister as a brother. And all women . . . as other people's sisters.*

As an example, Alamanda described the way a young boy had drawn on the values of the feagaiga and spoken up on social media when he saw a girl's nude photos shared without her consent:

> *Now Facebook has its good and bad things, but there are some interesting stories that come through on it. . . . So there was a story about — and how it's taken off in Samoa is just, I suppose as in any other society, it can be abused — and so kids, somebody, must have put up a photo of some naïve girl who must have sent on her photo, and she's naked and all that. . . . But there was this boy who came back on it, and he did a video. It's just so lovely. And he was going on in Samoan, and he said, for a translation, "You think you're so cool. Well, that's somebody's sister. Have you got a sister? How many sisters do you have? Take this down, you stupid." And I thought, see? This boy knows. The relationship. Somebody else's sister, how would you like it if, you know? . . . He was taking on everybody! It's*

like, he was defending this girl like it was his own sister. And that's the
question that he posed: He said, "How would you like it if this was your
sister that you're sending her photos around?" And as a Samoan you'd just
be thinking, oh my Lord, that's right. That's what I've been taught.

Similarly, Kate described the need for men to be supported to have conversations
and make change with each other:

I think there needs to be support in place for men to be having conversations
around this stuff with each other. . . . Teaching men how to call out other
men when they make rape jokes. Teaching men how to call out or intervene
if they see things happening, rather than clap from the sidelines or film it.
And to understand that the countless hours of porn that they're watching
isn't all consensual sex, and to understand that the way that this macho
tough culture has been set up is harming everybody.

Lisa emphasised that "*everyone, at some extreme*" had a role to play in speaking out
and challenging harmful gender norms. She recounted the story of a community social
media post about a local girl who "*was accosted on the way home from the beach*".
In response, another community member had blamed the girl's attire, commenting,
"*She was probably wearing togs, I mean what do they expect*?" Lisa's outrage at this
victim-blaming compelled her to respond.

7.2.3   Parenting and Raising Children

Some participants spoke about the formative nature of early understandings of sex,
consent and relationships:

I think a lot of those experiences, as well, particularly when we're younger,
that teaches us what to expect and that teaches us how to understand for

ourselves what sex is, what our role is and what sexual violence is or isn't.

— Kate

The conversations on this topic discussed prevention from two main perspectives: teaching potential victim-survivors to know their rights, and teaching potential perpetrators to not offend, as clearly articulated by Lisa:

Mothers, raise your girls to believe they deserve better; raise your boys not

to behave that way.

7.2.3.1   Raising Children Who Will Know Their Rights

Teuila felt that raising children to be open and trust themselves was important to prevent sexual violence:

There are definitely ways of eliminating those things by educating our

children now . . . [We need to teach them how to] be open, and have that

trust [in themselves].

However, she observed that doing so required that adults take the lead in learning and making such changes:

But as adults looking into that, we could do something about it! Like start

educating ourselves, first and foremost.

In particular, Teuila emphasised the importance of her role as a parent. She expressed a sense of frustration with the limitations of more traditional upbringings, like the one she had received:

We're not taught well enough that it's okay to speak up for your rights.

Her experience led to a determination that she would have open conversations with her children, including about relationships and sex:

My kids and I have developed a real open relationship. Real open relation-

ship. Where I tell them, "Please talk to me. If there's anything, everything

under the sun, you tell mum. Tell mum."

Lisa spoke of a programme she had been involved in which focused on teaching girls about their rights and power:

Get them young, teach them their worth from the get-go: You don't owe

anyone anything. Your uniqueness is the best part of you, not something

you need to conform. You can be a woman and sexual and strong and all of

these things are okay.

7.2.3.2   Raising Children Who Will Not Perpetrate Sexual Violence

When reflecting on a specific perpetrator, Alamanda questioned the cultural factors that had contributed to his behaviour. In doing so, she suggested that society shared in the responsibility, and questioned the prescriptive gender norms:

These boys, trying to be so tough, and trying to be this masculinity thing,

is so off. . . . How can we stop this? How can we stop these stupid little

boys trying to be men? Who have been their role models? Where have they

come from? Who created such a monster?

On the other hand, she drew on traditional gender roles when she emphasised men as protective and the role that mothers have to play in raising caring boys. While Alamanda had previously asked who the boys' role models were, it's not clear where the fathers are in her account of child rearing:

I think that as mothers, as women, we have that power. Where do they come

from, they come from our stomachs. I tell you, for my two boys, I have

trained them, that's the power that you have, so that you raise good, decent human beings. So that they know how to treat a woman, they know how to treat their mum, so when they go out they're caring, they're the protective ones. . . . On a very personal level, that's my contribution, and to all my nephews, that's what I've been teaching: You wanna be a man? This is how to be a man.

7.2.4 Schools and Churches: Change Within and From Institutions

Participants emphasised the importance of institutions which set cultural norms, suggesting they were important sites for education and change:

Is there enough done in schools? There can never be enough in schools or the churches, where all these people congregate and grow up and are raised. — Alamanda

Kate advocated an education programme to help prevent sexual violence:

It is preventative education. To have it routinely taught to our kids, to have a critical understanding of the media that they're seeing, have a critical understanding of the history of subjugation of women and violence against women, and be able to recognise their part in that, or recognise how they can perpetuate or undermine those norms.

Although Alamanda no longer practices religion, she spoke about the potential for cultural change that churches could lead, and her frustration at their lack of action:

I get frustrated when I don't see the powers that be step in — they have the power — and make a change. Tell you what, a minister could change this whole thinking about women or condoning violence. It can be said in just

a few words . . . and I want to see that like wildfire . . . They could just mention it every time they get up and speak . . . in church, every Sunday. They can do that! Every time they have a service. They can intervene.

Alamanda emphasised the particular power that churches have, and her view that their power gave them additional responsibilities. This extended to the knowledge they had about what was going on in people's lives, and the opportunities for intervention that afforded them:

And they know. They know who's doing whatever. They should go and drag them out: "Come here, let's go and do some talking," or something.

She commended people who were challenging the church, noting the position of power the church has, and asked that churches played an active role in education to prevent violence:

I've seen so much good stuff about some women and some groups challenging the church — that they have the most powerful position in Samoa and in Samoan communities. Can they please start teaching non-violence, and not sweeping it under the carpet?

Teuila made a similar request:

Have some workshops. Come to our parish, and educate!

Teuila herself was very involved in the church, and spoke of the various opportunities for education around issues of safety and consent. She was starting to see cultural change happening in the church, which she attributed in part to millennials' involvement, and noted that she herself has been willing to challenge things:

There are youth camps . . . we've got the junior Bible class as well . . .
so there are ways of addressing these things but the church has begun to
be open-minded about it. Because in this day and age you've gotta run
with the changes! And with all these millennials it's more of a different
perspective altogether!

She reflected on the emotional significance of the church community as a site of
shared learning and change:

It's that learning, reflection, learning, what can we now do if something
like this has happened now, going forward, what can we do? How can we
better the situation? What ways could we have gone about it which is safe
for everyone? . . . 'Cause, after all, the community is part of your second
family.

In particular, Teuila emphasised the importance of role modelling and integrity for
the church council and those in leadership positions, noting both the power and the
particular spiritual responsibility they hold:

You talk it, you walk it. . . . I look at the minister, he should lead by
example.

Aute Samoa was attuned to the complex relationship between culture and religion.
She observed the ways in which religion had been used to justify a lack of justice:

Sometimes they will manipulate you using the religious proverbs. But the
problem [of sexual violence] won't go away, the problem is still there.

In Aute Samoa's view, however, the best way to make change was to reclaim the
culture as it was before colonisation and Christianity:

> *Again, the religion has been written by man, just like the justice system. . .*
> *. It's been interpreted by hierarchy members to suit their gains. Again, it's*
> *the interpretation. It's just like the culture. In some Pasifika, the culture is*
> *good but it's been interpreted by the hierarchy to suit their status. . . . It's*
> *always about money now. It's all used, interpreted wrong. I would like to*
> *go back in time and just use the fine mat and produce their own livestock,*
> *that was your form of like plantation, like breadfruit, taro . . . but it again*
> *it's not the culture, it's [how it has] been interpreted.*

On the other hand, Aute Samoa suggested that by changing the way that religion is used and interpreted, it would be possible to change the culture in order to prevent and respond appropriately to sexual violence:

> *I'm weighing up the justice system and the Bible. Okay. Honour your*
> *mother and father. Honour the justice. Do not commit the crime! Do*
> *you know what I mean? So, my personal opinion on that, and from my*
> *experience, it can be fixed. . . . [But it requires] the heads of our families . .*
> *. to change their way of interpreting things. To change their ways.*

Chapter 8

The Relationship Between the Victim-Survivor and the Perpetrator

Participants wanted limited, if any, continued contact with the perpetrator. Nonetheless, many wanted the perpetrator to front up and take responsibility for the harm he had caused. Taking responsibility would involve both emotions and actions, but participants were clear that it must be genuine to be meaningful.

8.1 Confronting Perpetrators

Participants expressed a wide range of views about the desirability of confronting the perpetrator. Even amongst participants who felt similarly about whether they would want to confront the perpetrator, there were considerable variations with regard to how, why and what they would want out of such a confrontation.

8.1.0.1 To Confront

A number of participants spoke about the allure of confronting the perpetrator.

Lisa explained that she would have appreciated the opportunity to have more of a

conversation with the perpetrator. It was significant that he didn't deny it, but she still felt that she hadn't been able to talk about it as much as she'd liked.

> *But we didn't talk it out, I think maybe I would have liked to talk it out a bit more.*

Lisa described her own vivid and detailed recollection, contrasted with the perpetrator's complete absence of any memory. She had fantasised about what it would be like if he had to watch exactly what had happened, and be confronted with the full reality of his actions:

> *At the time, what I really wished is that someone had filmed it and he had to watch it. 'Cause I felt it was really unfair that I had this video in my head that, despite being horrendously drunk, there's not a single detail I don't recall, even thirteen years later. And he got to have nothing, he doesn't even know what happened, his only evidence, as I say, was the physical evidence left behind and that's it. I remember saying that to a counsellor a lot: "I wish I could give him the video in my head so* he *has to watch it every night and I don't." That would be good.*

Lisa also suggested that perpetrators should be confronted in court with a detailed account of their behaviour:

> *They should be forced to hear every step and every detail.*

Teuila hoped for the perpetrator to initiate the discussion, giving her the opportunity to relate the harm that he had caused her:

> *See, if I had my way, I wouldn't go as far as the ifoga. But at least have the initiative, or have the guts, to tell me face-to-face, or don't just brush it*

under the carpet thinking it's all okay. At least have the courtesy, since he was the instigator, at least have the brains or the decency to say, "Can I please talk to you about something?" Surely he looks at me and feels guilty. It makes me wonder, where's your conscience sitting at with all of this? And I suppose then, you'll be able to sense a different peace, but at least it's been talked about . . . Tell him! . . . What it meant for me. . . . little does he know that, the greater impact it's had on everything really. Everything. Everything.

Max had taken up the opportunity offered by the restorative justice process to talk directly to the perpetrator:

And then we eventually all met in a room and I had the chance just to talk directly to him.

Kate's frustration was directed at the underlying cultural factors which she regarded as contributing to sexual violence, not the individual perpetrators. In reflecting on her experiences of sexual violence, she explained, "*I'm not angry with individuals, necessarily.*" Thus, when Kate wondered about confrontation, it was motivated by wondering whether confronting the perpetrator could have prevented reoffending or helped him to understand that his actions were harmful:

There are probably other things that I could or should have done like contact [the perpetrator] themselves or whatever to say, "Look, by the way, this thing that happened ten years ago was a really big problem."

Similarly, while Emma didn't desire to confront one perpetrator, she had been less impacted by the actions of another perpetrator, and so contemplated the possibility of confronting him in the interests of prevention:

> *If I came across [him] and I did somehow recognise him, would I confront*
> *him? Maybe. But not so much for myself, more because I have this nagging*
> *sense that he probably doesn't regard what he did as rape and so has*
> *probably done it again and may still be doing it.*

8.1.0.2   Not to Confront

When I asked Tiale about whether she'd ever had an interest in confronting the perpet-rator, she was relaxed but clear: "*Nah*." Instead, her sole concern was moving on with her life, and so she wanted nothing to do with him.

Similarly, Emma explained that she no longer felt the desire to confront that she previously had, and it had been superseded by not wanting anything to do with the perpetrator:

> *There was a time when I wanted to confront him, and probably would have*
> *done if it had been safe for me to do so. But now, actually, I don't ever*
> *want anything to do with him again.*

While Kate had reflected on the possibility of confrontation, it was solely as a possible strategy to attempt to prevent reoffending, rather than for her own sake. She was clear that she had no desire to go back and confront the perpetrator now:

> *I have to process things in my own life, I don't wanna go back . . . and go,*
> *so this, and this, and this, and [relitigate] or rehash pointless conversations.*

8.1.0.3   Involving Others

Aute Samoa suggested that it would be helpful for the victim-survivor's and perpetrator's families to be involved in the confrontation, as they would also be grappling with questions and a lack of understanding:

*"Why? Why did you do it?" Because you need to have those families'
questions. "Why? Why did you do it?" Away from the public, "Why did you
do that? Why? Who was [involved]? How long [was it going on]? That
was my only child." Understanding.*

She suggested that involving family was also useful for uncovering what had been
happening:

*And the more the family [is involved], then you'll see everything comes
out. Because [the perpetrator] can't handle the pressure. Oh, I can see it,
because the more you ask questions, and then if that person can't handle it
then everything comes out. It's like, thank you very much, I got my answer.*

8.2   Taking Responsibility

For many participants, the possibility of the perpetrator "*taking responsibility for the
harm that's been inflicted on another person*" (Kate) was very significant. Participants
spoke about both the emotional and practical aspects of this. This was often couched
in terms of the perpetrator's full understanding of his actions and the resulting harm,
and was discussed as significant in its own right, separate from any emotions, actions or
behaviours that may result.

8.2.1   What It Means for the Victim-Survivor

Alamanda focused on what it would mean for the perpetrator to fully comprehend the
seriousness of the harm he had caused, and the questions that she grappled with:

*Of course it would be meaningful, because I could therefore see that there
is a human being behind this terrible monster . . . but oh my Lord there is*

a human being, what the hell happened? What the hell happened to you that you lost it? Where have you come from? What kind of human being does this?

Although speaking more broadly than just about sexual violence, Moso'oi was adamant about the importance of taking responsibility and making amends:

You've done the wrong. So you own that wrong. . . . You have to make amends for your wrong. . . . Own your shit, own your stuff. Front up.

Kate observed that taking responsibility would be a significant and meaningful deviation from the common defensive, victim-blaming stance:

Particularly because the default position is so often defensiveness, just kind of an acknowledgement of, "This happened, it was shit, I made a mistake, I did something wrong" is a massive jump from, "You were into it." . . . I just want him to fucking get it!

Kate expressed mixed views about the significance of convictions with regard to encouraging perpetrators to take responsibility. On the one hand, she suggested that the official status represented by criminal convictions could be important to help perpetrators to understand the impact and seriousness of their actions:

I think [convictions are] certainly a really important piece in terms of making people recognise the harm that they've caused.

On the other hand, Kate noted that it wasn't the conviction itself that she desired. She wanted the perpetrator to understand that his behaviour was wrong and was harmful, and she questioned whether the processes associated with the criminal justice system would support that:

I do wonder sometimes, would it be useful if I reported things? But then, I don't want people being convicted necessarily. I want them to fucking understand that what they did was violence, was harassment. And I don't necessarily think, at this stage, that our processes are set up to help people recognise the harm in their own behaviour.

While Emma also wanted the perpetrator to understand and take responsibility for the harm he'd caused, she felt that it would require counselling:

Would I like him to have counselling or therapy to help him understand what he did and get him out of his victim complex? Yeah, I guess that would be good, but I can't see it being a realistic option.

Emma also linked taking responsibility or "*[getting] it*" to safety:

And if he felt [remorse, shame, regret, pain], that would indicate he got it, and was no longer dangerous — to me or to others.

Lisa recounted her unusual experience with a perpetrator who immediately acknowledged and took responsibility for the sexual assault:

He said it before I did, so I was like, oh, okay, you know. I think that was actually quite helpful to me, going, okay, he knows this. . . . And I guess I had that going for me, at least he knows. Oddly enough he was the only one who believed me. The perpetrator himself knew that he did it, which is probably another reason I didn't go through any formal process. If he'd denied it that might have been different, but no, he knew straight away. And there were arguments another man would have made — I was drunk, I was flirty, I was rah rah rah — and he didn't do any of that. He was just like, "Wow. So that's happened. I'll drop you home." . . . Other than saying he couldn't bring himself to say the word [rape], he didn't deny it.

She explained that his recognising it was significant, both in its own right and as a prerequisite for him taking action to become less dangerous to others:

If he denied it [when confronted by the people he lived with] then I'd be a lot angrier. And probably more likely to do something further about it, because I feel like if you don't admit it you're not gonna get [help]. To me it was a [case of] we don't have to use the word, but you are gonna stop drinking. Whereas if I knew he was denying it then he wouldn't be stopping drinking because he wouldn't think he has a problem and then other people are at risk — so I feel like as long as he knew.

She explained that his shame meant he was unable to use the language of "rape" or "sexual assault," but that the important thing for Lisa was that he knew and acknowledged what he had done, regardless of the language used:

I guess the three months, when I [had] that awkward conversation, I guess it did help in the sense I was checking up and he still wasn't denying it then. No, if anything the conversation was, "Oh, I thought we weren't talking about this and now everyone knows," but, again, he still wasn't saying, "The thing didn't happen." It was clear.

Similarly, Rebecca's uncle acknowledged his abuse of her children, which was very important for Rebecca:

The key for me was that he admitted it straight away, and that made a big difference. Because if he hadn't, and I was going to have to try to argue my side and have people try and believe me, that would have been horrible. So the fact that he admitted it meant it was a lot easier.

8.2.2   Avoidance of Responsibility

When Max confronted the perpetrator, she was disappointed in his reduced state of being and his subsequent inability to clearly and fully take responsibility:

> *The last thing that I did was meet face-to-face with the perpetrator and he was this shrivelled pathetic mess. . . . It was upsetting, I suppose. I would have preferred it if he'd come as a well person to the meeting, and had more fully taken ownership of what had happened, and then had gone on to live his life well. But I can't control that.*

Kate thought that it was unlikely that the perpetrator knew the significance of his actions or would be willing to take responsibility for the harm he caused:

> *I think the thing that I've thought most about is that that person, and the other people, probably genuinely have no understanding of the fact that that was a harmful interaction. And I've talked to a lot of men and boys and stuff as well who honestly, genuinely do not understand that they are doing anything wrong.*

One of Kate's criticisms of the prison system was that it could in fact enable perpetrators to avoid responsibility and, in doing so, make them more dangerous:

> *I think that the model or the understandings that we have around punishment, I don't think they achieve the aims that they purport to. I think putting someone in prison for rape often doesn't help them actually understand that they raped someone. They just feel victimised by a system themselves, and so then get angry and justify it and wanna take it out more on the people who've put them there who are often their victims.*

She was concerned with the way the court process in particular could cultivate perpetrators' sense of victimhood, rather than encourage them to take responsibility:

> *But also, if someone is in a courtroom listening to their lawyer ask questions of a person they've abused, whether they wind up with a conviction or not, all they're learning is how defensible their actions are . . . there's kind of a self-pity: Why am I in this situation, it's not fair, everyone's doing it, why am I [here]? state. And that's not helpful for survivors, that just creates bitterness and resentment and a lack of understanding around what we're talking about.*

This worry was shared by Emma, who felt that, rather than requiring him to take responsibility, the court process would exacerbate the perpetrator's victim complex:

> *He has a real victim complex so I'm pretty confident that that would only further his victim pity-me complex. And then afterwards he'd be even more dangerous, to me and to other women.*

Although Emma was supportive of a "probation"-style system managed by friends and family of the perpetrator, she feared that jail or formal probation would have opposite outcome than desired:

> *Certainly, I think [the perpetrator] would come out of prison far more dangerous than he went in. I do think there can sometimes be a place for probation and community service, but I'm cautious. The way probation is done, I think it would also perpetuate [the perpetrator's] victim complex.*

Emma was frustrated with the normalisation of sexual violence, which she regarded as enabling perpetrators to avoid taking responsibility for what they had done:

I'm pretty confident that they both think of themselves as good people. They definitely don't see anything wrong with what they did. They would be shocked and would deny that what happened was rape if I put it to them, even though both knew I didn't consent. But that's because it's so normal and normalised.

8.2.3   The Perpetrator's Emotional Response

Some participants spoke of the emotions that they associated with the perpetrator taking responsibility, including sorrow, remorse, shame and guilt. These emotional aspects were primarily, although not only, discussed by Pālagi participants, who considered they would be meaningful indicators that the perpetrators understood and took responsibility for the harm they caused.

Rebecca was clear that she associated "*remorse of the person who did it*" with justice. After Rebecca's uncle abused her children, the impact victim statement that Rebecca wrote was read out in court. Rebecca explained that writing the statement was itself significant, but that it was also meaningful that the perpetrator had an emotional response to hearing it:

Dad was at the court, and he said that [the victim impact statement] was read out, and that my uncle heard it and cried. And so I thought, well, that's good, that gives me some satisfaction.

Kate hoped that a perpetrator who genuinely understood what he had done would feel remorse, which she positioned in contrast to harmful constructs of masculinity:

For people committing sexual violence, absolutely I think remorse would be really helpful. . . . I dunno whether that's remorse necessarily or just recognition of what happened, recognition that something went on that

wasn't cool. But, obviously, hopefully that would entail some remorse. Hopefully, rather than being proud of it or feeling like it was an appropriate portrayal of manliness or whatever, remorse would be nice.

She acknowledged that it would likely be extremely painful for some perpetrators to gain this understanding:

I think for some people — not for all, by any means — but for some people, understanding *that that's what happened, that that's what they did, would be huge. Would be traumatic.*

However, she felt that it was appropriate that the perpetrators should feel that pain, which has previously fallen disproportionately on others:

I think women have overwhelmingly — and trans people and other targeted communities — have really borne the brunt of it, because we do have all this rhetoric around boys just doing what they're gonna do and therefore everyone else's experience being less important. So I think there needs to be hurt felt, they need to feel some hurt, they need to understand that. But I think they're all so fragile.

Lisa knew that the perpetrator did feel remorse, which was significant to her:

And also knowing that he felt thoroughly crap about it, so that gave me some hope.

She was adamant that such emotions were appropriate for the perpetrator:

Whether they should feel shamed and guilt? Absolutely they should!

Lisa observed that there were difficulties monitoring perpetrators, but felt that it was desirable, and that part of what should be checked for was a sense of remorse:

> *It should be an ongoing monitoring thing . . . I don't know how you'd do it, whether you'd have to interview people around them, or have ongoing psychological assessments or something, that would be the only way to really know if there was any kind of remorse there.*

Similarly, Emma felt that such emotions were ones that should be felt by the perpetrators:

> *I want them both to feel shame and remorse. To have to really face up to what they did, and what that says about them and who they are.*

Emma contrasted the emotional response she desired from the perpetrators with the emotional burden that she herself had suffered:

> *Ultimately, I want him to feel the shame and hurt that he caused me, but which I know is rightly his. . . . If a counselling process made him genuinely understand what he did and feel deep, painful remorse, to take on the hurt that he inflicted on me — and, I'm certain, on others — then I would want that.*

Aute Samoa was not a proponent of isolating the perpetrator from social events, but instead suggested that attending and facing what he had done would encourage a sense of sorrow or remorse and be more likely to result in change:

> *'Cause it's more effective, because that person, they would be walking around with his or her head down. . . . And that person is thinking, I know I shouldn't have done this, I'm so sorry.*

Aute Samoa was clear that the victim-survivor's will is what should matter in terms of consequences, regardless of any remorse felt by the perpetrator:

One is angry. One is remorseful about it. And if one, the angry one that's

lost everything . . . the only justice that they could see is this person . . .

going to jail.

8.2.4   The Perpetrator's Actions

A number of participants emphasised the need for the perpetrator to take concrete actions as part of taking responsibility. Discussions about repentance, changing, and making amends all emphasised the perpetrator's behavioural response. While the Pālagi participants discussed these actions in secular terms, the Pasifika participants who commented on this topic referred to religious aspects such as prayer and repentance alongside action.

Teuila spoke of repentance as requiring the perpetrator to change his behaviour. She felt that, until the perpetrator was repentant, he should not be reinstated to his positions of authority within the church:

They shouldn't be going up there preaching when they are not really repent-
ant of what they've done.

On the other hand, if sufficient time had passed and the perpetrator was genuinely repentant, Teuila suggested that maybe down the track "*we can reinstate*" him to his position. For Teuila, if the perpetrator were to feel guilt, that would indicate a recognition of the harm he caused, and would mean that he was carrying "*some of that burden.*"

The need for the perpetrator to repent and change his behaviour is also driven by Teuila's care for the church community:

Because the rest of us deserve somebody that's of integrity. We can't just
have a leader who is full of crap, you've gotta have somebody with trust,

someone that you can look up to with upmost respect and someone that you

can trust.

Although Puataunofo didn't use the term "repentance," she expressed a similar concept when she suggested that perpetrators should pray, but that they should also put in the work to go alongside their prayers:

Not only sit down and pray pray pray, you have to pray and do something!

. . . Yeah, the prayer is good! Prayer and work. Pray and work. . . . Pray

and work, because not only pray. Pray, "Please Lord, I want that, can you"

. . . and then after that you're still sitting. You can't receive things if you're

not [working], if you only pray and sit and wait. Pray and stand up or work

or do something.

In a secular context, Max's engagement with a justice process was in part motivated by the desire for the perpetrator to take responsibility, including as it related to doing work to respond to the harm he had caused:

And for the perpetrator to be the person who had to do all that work rather

than me, 'cause it felt like it was all on me. And it still actually kinda feels

like that, but I wanted to shift it over so that he would have to do some

legwork.

Reflecting on her disappointment with the restorative justice process she engaged in, Max emphasised the perpetrator's lack of change as a core problem:

He continued to sexually assault people after that process, which I just

found out recently, so he clearly didn't learn much from having his own —

what did they call it? "Perpetrator support," or I think they use different

words, but they had a person that was specifically trained to work alongside

perpetrators of sexual violence. And I feel like it's not his responsibility to stop people from perpetrating sexual violence, but I was pretty disappointed that nothing had really seemed to change, it seemed pretty empty, the results that we got.

Although the perpetrator said he was sorry, Max was clear that an apology should come in the form of changed behaviour or actions:

Material stuff is what I want to see, not words.

Such a change in behaviour was also highly valued by Kate. She explained that if someone spoke to the perpetrator, he fully understood what he had done wrong and he changed his behaviour, that on its own would be sufficient for her:

That would be enough for me. . . And don't do it again.

Emma highlighted the perpetrator's understanding of the harm he'd caused and changed ways as an important part of rebalancing power and her own ability to move on:

So I guess moving on for me is moving forward, ignoring them, them not having power over me anymore. Knowing he'd changed, that he got it and felt remorse and was no longer a risk to people, is a big part of that.

While Emma would have valued an acknowledgement of guilt from the perpetrator, she would want it to be accompanied by active steps towards change:

Plus some counselling or something to make sure he didn't do it again to someone else would have been good.

That sense that the perpetrator was not generally a risk to others and was taking steps to change was one of Lisa's considerations in deciding not to report. She explained that she told the perpetrator she expected him to address his alcoholism, which was a major contributing factor to the sexual assault:

> *Going hopefully this won't happen to anyone else 'cause it was such a unique set of circumstances . . . I did say to him, "If I get wind that you're not sorting your life out," I said, "I'm not doing anything with this but you better get some help for your alcohol problem."*

Lisa was reluctant to carry the burden of formally reporting the sexual assault, but was willing to do so if she felt it necessary to protect others. Knowing what she knew of the perpetrator, she felt that he was dangerous when drunk but unlikely to reoffend without alcohol. Knowing that he was taking concrete actions to deal with his alcoholism was thus a focus for Lisa:

> *I know he's now not drinking, or he wasn't. I got really angry and upset when I saw him out one time and he was clearly drunk, and I was like, "That wasn't the deal." . . . but I did hear from them that he made huge efforts and stopped drinking. . . . Well, I don't believe he would have done that sober. So I feel like if he's not drinking — I could go the extra mile put myself [through the process of formally reporting], if I felt it was protecting someone. But I also feel that without alcohol he's not a risk: He's not the sort of person to deny rape culture or women's rights or anything, he knows full well. It's not an education thing, it's not an entitlement thing, he's just a frickin' terrifying drunk.*

8.2.5 Apology

For the most part, apologies were not a major feature of participants' accounts of justice. Those who reflected on apologies held nuanced and often cautious views, taking into account who was involved in the apology, as well as the intention behind it and the form that it took.

Although unrealistic, Emma would have appreciated an apology if offered:

> *I guess if that was an option I might have been interested. An apology and acknowledgement of what he did.*

However, she was sceptical of the potential motivations behind apologies:

> *I'm really cautious of [apologies]. There's a place for them, and sometimes people use apologies as a way to absolve themselves and make them feel better. As if apologising and getting forgiveness somehow makes it okay. Like I said earlier, the injustice was done, I'm not sure justice can ever actually be achieved, and so I don't think absolution can either. . . . I would be very, very wary.*

On the other hand, Emma was more certain about the desirability of an apology from the friends and family who were bystanders or enablers and whom she also attributed some responsibility to:

> *With the family or the friends, yeah, that would be an apology that I'd like.*

At the end of the transformative justice process, Max asked the perpetrator if he had "*anything off script?*" or that wasn't in direct response to one of her requests. When the perpetrator responded with an apology, she felt irritation. Max explained that she felt she had put a lot of work into engaging with the justice process and seeking a resolution outside of the criminal justice system, and that the perpetrator's apology didn't grasp the significance of what she had done for him:

He said sorry, and I was kind of pissed off 'cause I didn't want him to say sorry, I wanted him to say thank-you. For being given a way out, 'cause that's what I feel I did, was offer him a way out of the mess that he created. But he was just like, "I'm sorry." It means so little to me at this point.

Aute Samoa suggested that a general apology could be helpful, but that it was less meaningful than ifoga:

It can work, similar to the ifoga. Ifoga is more genuine, more cut-throat. It's more effective.

However, she observed the importance of context, and felt that ifoga wouldn't work in Aotearoa New Zealand:

For what I know of my own generation — I can't speak for the older generation — the ifoga would be more effective if it was to happen in Samoa. Only. Because we've come to a new country and it's a totally different way. So I don't think it's going to work, because New Zealand is a big place.

Moreover, she observed that the significance of ifoga has been diminished even in Samoa by colonisation:

If the law was reintroduced — and not to use money, vehicles; go back to how it was before the missionaries had come — it would be more sufficient. But again, you're right, it's been colonised.

On the other hand, Tiale explained that she was uninterested in receiving an apology because it would have meant contact with the perpetrator, and the priority was to have nothing more to do with him:

I don't want him to even just come and apologise to me.

8.2.5.1   Sincerity

Participants emphasised the need to be sure that the apology was sincere or genuine for it to hold any weight. For some participants, a sincere apology was specifically one that was accompanied by actions that demonstrated genuine understanding and change.

While the perpetrator had apologised to Max, she had found it frustrating because she didn't feel that the apology was genuine:

> *I think he was just performing it, I guess. Maybe for his own benefit, but I might be reading too much into it. I feel like if you come to a transformative justice process to say, "I'm sorry," then you haven't understood the purpose of why everyone is there, 'cause that should be maybe the first thing you say.*

When I asked Aute Samoa what her views were on apologies, she initially considered the possibility of an apology to family members rather than the victim-survivor. In such a case, she emphasised the need for sincerity:

> *An apology to the parents, or to the affected families, only if it's a sincere apology.*

When I raised the possibility of an apology to the victim-survivor directly, Aute Samoa continued to stress the importance of sincerity and of taking into account the emotions of the people in question:

> *It all depends on the receiver. You can apologise to any Tom, Dick and Harry, but is that person willing to forgive? Is that person willing to accept [the apology]? I'm also thinking about the receiver. And I'm also thinking about the person that's giving the apology. It all depends on the individual. Unfortunately, it's not gonna bring back what had happened. But if it*

will help, if it has made changes to the person that did it, and you see it
genuinely — it all depends on the circumstances. Whether the person that's
giving the apology is genuinely sorry about it. But it all depends on the
person that's receiving the apology, are they forgiving, are they accepting,
because they're affected in all ways.

Emma explained that for an apology to be meaningful, it would need to be accompanied by a demonstration of change:

I would want to see evidence of real remorse and change, that there was
actually something backing up the apology.

Likewise, Max felt that an apology should be expressed through actions or change of behaviour, rather than words:

If you're apologising it should never be the words "I'm sorry": It should be
an action or something more expansive.

8.2.5.2   Forgiveness

Pasifika participants who referred to forgiveness saw it as desirable, although many also noted that it was something they grappled with. On the other hand, Pālagi participants were more concerned with the victim-survivor, with forgiveness or its lack acting in service of the victim-survivor's well-being and emotional autonomy. It's not possible from the available data to infer the underlying cause of this difference, but this view of forgiveness does cohere with religious elements and with an emphasis on social functioning seen elsewhere in Pasifika participants' contributions.

Alamanda prioritised humane values, which she saw forgiveness as part of. However, she also observed that it was easier for those less directly affected:

Is it hard to forgive? It can be, sometimes. It can be, especially for the victim, especially for the family and friends of the victims. Forgiveness is far away from, you just want them to rot in hell, you've seen it on TV: "Just rot in hell!" There's no compassion. But, like I said, it's easier said than done. However, as a humane society, we have to have compassion.

She explained that she found it more challenging to forgive when she herself was the victim-survivor or when she knew the victim-survivor or the perpetrator:

Because if I had a friend who did that to someone it would be really hard to [forgive]. Yes, I am compassionate, but it would take a bit of time. And especially if you know the other party. However, as probably somebody removed from [those involved], I would be more humane. Because it didn't happen to me, it didn't happen to anybody that I knew.

Teuila also identified forgiveness as important, based on her spiritual values:

At the same time, I think it's my spirituality that's taken over, that I've been able to fully forgive. So, despite the fact that nothing was ever done to it, but I've overridden that, because when you become spiritual you need to be able to forgive everyone else that's hurt you. And I thought, okay, so I'm also a human, I'm not perfect, I'm also a sinner. I then put myself in the situation of, well, what would Jesus do about this situation? Okay, 'cause he died to save us all, in my place I suppose I've seen it in that way, that's when I was able to fully forgive.

However, Teuila acknowledged a tension in what forgiveness meant to her. While she saw it as desirable, she also recognised it as something she had to continue to work at, and noted that she did sometimes feel a desire for vengeance:

> *It's almost as if [I want] vengeance. It would then contradict the fact that I've said that I've forgiven him, but that took a lot for me to literally say, "I forgive him." And I'm tryna forget about it. There's a saying in the spiritual world where you must forgive and forget. But there are certain things which you really can't.*

In particular, Teuila struggled with forgiveness in contexts where she had to have contact with him, and instead preferred to keep a distance as much as possible:

> *I have said I've forgiven him from afar.*

Puataunofo drew a distinction between forgiving and forgetting, and was particularly clear that forgiveness didn't mean a lack of consequences:

> *I like to forgive, but I can't forget. . . . we forgive what he's doing, but we don't want him anymore to be part of the family.*

Rebecca associated forgiveness with a lack of anger which reflected an ability to move forward. She emphasised its importance not for the perpetrator, but for the victim-survivor's own well-being:

> *Forgiveness is for your sake, not for theirs, because it's neither here nor there to them really. Unless you, obviously, know each other really well. But if you don't forgive you hold on to resentment and anger and that eats away at you. . . . It's a feeling when, when you think of them, you don't feel anger. Nor do you feel the love. You just feel kind of neutral.*

Emma also felt it was important for the victim-survivor's well-being to be able to move on, but didn't think that was at odds with anger or required forgiveness:

There can be a lot of pressure on victims to forgive: "Be the bigger person," "Forgive and move on with your life," "You're harming yourself more by not forgiving," blah blah. I really hate that. Sometimes anger is a healthy response. I think trying to heal and move on with your life is really important, and so I can see why we need to find ways not to stew or dwell on it, but I think that's totally different from forgiveness. It's not okay. It is never okay, it will never be okay. Finding a resolution, moving on with my life, doesn't require forgiving.

Emma specifically noted that she would reject any apology offered with the hope of getting forgiveness, pushing back on forgiveness as an external expectation:

And even if I accepted an apology I doubt I would forgive, so if it was an apology seeking forgiveness or something then that would automatically be a no from me.

Max, too, expressed frustration at being told she should forgive, which she felt should be entirely at the discretion of the victim-survivor:

Fuck, it's so annoying. I think people should get to make their own decisions about whether or not they forgive, it's not really anyone else's business.

Chapter 9

The Relationship Between the Victim-Survivor and the Community

Participants sought relationships with the community that would support them to heal and to engage with power and dignity. While participants described examples of further and compounding injustices from community responses, they also spoke of the power of the community to validate and make space for victim-survivors.

9.1 Community Support for Victim-Survivors

While Kate emphasised the importance of the perpetrator understanding his actions, she was clear justice demanded that society in general must develop a better understanding of sexual violence:

> *I feel like, to be really honest, I feel like I need the whole world to get it. I don't just need [the perpetrators] to get it, because I know that it's not just me, I know that it's not just those men, I know that it's everywhere.*

Similarly, Max spoke of the need for the community to have some awareness of

what had happened and of the underlying power dynamics in order to rebalance the power:

> *Just being aware that something has happened, and in order to restore balance everyone's kinda gotta be aware of the dynamics.*

After finding a restorative justice process unsatisfactory, she engaged with a community transformative justice process. One of the key differences was the role of the wider community. Even though this remained limited, Max emphasised how important it was:

> *What I found most helpful was just having people that were willing to put in that work for me, that weren't the perpetrator. That was massive. . . . Yeah, community support I guess. It was really just one person. But just having someone show up for me like that was amazing. And I feel like regardless of what happened with the perpetrator, for some reason it's always the other people's actions and other people's opinions that seem to do the most for me — positive or negative.*

Max was also positive about organisations being proactive about supporting victim-survivors:

> *I've seen a couple of gig promoters do that safer spaces thing: "This is a safer space at this event, so if you have anything happen you can talk to [these] names." That's a good start. Just acknowledging that it does happen and that here's what we're gonna do when it does happen. . . . Not making the survivor wait three years to build up the courage and then be like, "This happened ages ago," and everyone's like, "Oh, that was ages ago though." A more immediate response being available.*

At the other end of the spectrum, Rebecca was hurt when family members attended court to support her uncle:

> *I was thinking, err, it feels a bit funny you doing that, it feels like you're supporting him more than me. I'm the victim.*

Rebecca observed that reporting or otherwise engaging with a justice process requires the victim-survivor to be confident that they will be supported both practically and emotionally:

> *You need to feel like someone can do a lot of it for you and you've got so much emotional support during it that you don't feel like you're actually gonna go backwards in order to process the complaint.*

9.1.1 Community Support for Victim-Survivors: Meeting Practical Needs

Participants raised a wide range of support needs for victim-survivors. Many of these fall outside the scope of what is conventionally considered as part of justice, but participants emphasised the interconnected nature of practical needs, healing and justice:

> *It's like a whole package, you can't have one and not the other. You can't, because it's integrated. Integrated and that's actually interdependent as well.* — Teuila

Rebecca highlighted the role of family, both as supporters of the victim-survivor and in being taken into account when considering the support the victim-survivor might need. She also observed that victim-survivors might need to take leave from work, and should be supported to do so:

The right to . . . time off work if you're struggling. . . . Family support, social services with regard to children if they're involved — all that stuff should be happening after it.

Rebecca noted that simply having more financial resources available would have made a significant practical difference to her as she tried to process what had happened and heal:

Would there be monetary compensation for the grief that I've gone through? Because that would be really helpful in trying to deal with all this.

The sentence issued to Rebecca's uncle for abusing her children involved a monetary payment. Rebecca spoke of the significance of that money as a way to meet the practical needs of victim-survivors and their families:

He got made to pay me ten grand as part of his sentence. And that was huge, absolutely huge for me. I've never had that amount of money sitting in a bank account, that was just this absolute stress relief for me of knowing that now if there's a bill that's going to come up, I can pay it. They say money doesn't bring you happiness and, I'm sorry, anyone who says that has never been poor. It brings you so much misery when you're poor, it's just ongoing, every time that something is needed you're stressed and you don't know how to do it and you can't do it. . . . So to have some money in the bank did make an enormous difference. And for me, if I think about justice, whether or not I received justice, that would be definitely in the justice side of it.

Rebecca noted the practical significance of money in terms of its ability to provide more security and stability for the victim-survivor as they deal with the consequences of sexual violence, which she considered highly relevant to justice:

So I would suggest, yeah, if you're wanting justice, not that it should be mercenary, not that it's just, "Cool, a way to get money," but money does impact your life in a big way and if you're coping with trauma then that's one thing that's gonna make it feel just that little bit more bearable. While you have to go through it all. . . . you're not gonna just go, "Woohoo, let's hit the Caribbean!" I doubt anyone does, I would challenge you to find a victim of a really awful crime who's been paid money from the court and just gone out and blown it. You don't. Because everyone's struggling. You use that for your practical needs so that that's one less thing you have to worry about.

While she was aware that others may feel differently about it, she was clear that the practicalities outweighed any symbolism for her:

I can imagine that [some people wouldn't want it] knowing where it's come from. It feels dirty or wrong or it's a memory of it or something. . . . Although I would suggest those that decide not to touch it probably have the luxury to be able to make that decision in the first place. They haven't been as broke as I have!

Having to continue to go to work while dealing with the trauma was noted as a barrier to healing and a further injustice by Kate:

Generally in terms of work it's still dealing with mental health things, or dealing with experiences that regrettably are still kind of normal. [The] capacity to take time and process that and have support around that is really lacking.

A number of participants mentioned family, either as other people who justice required be given practical support, or as people who could provide practical support.

Tiale drew attention to the important role family played culturally. Through providing a place for her to live when she was healing, they gave her both practical and emotional support:

> *Because especially the Samoan people, they love their family. When some-*
> *thing happens with one of their relatives, they have to go together to support*
> *them.*

Lisa noted that not all victim-survivors would require the services of refuges, but that it was still important they had places to go where they knew they would be supported:

> *Places someone can go where they know people have got their back. Oh,*
> *and there shouldn't be a cost involved in that, obviously!*

Moso'oi emphasised the importance of safe, secure housing, for her family as well as herself, as part of justice:

> *I say to Work and Income quite a lot, "How do you justify a single mum*
> *having to pay 1100 in rent and you guys have put us there? How do you*
> *justify that?"*

She was clear that, "*That's where we need the help, is in [the welfare] system.*"

In speaking about her experiences with the welfare system, Moso'oi described her frustration at being judged and disbelieved, echoing her experiences when she had tried to disclose and seek help for sexual violence:

> *It's just with the case managers or whoever I'm talking to on the phone,*
> *you don't know me, you don't know my circumstance. . . . I'm working my*
> *ass off just tryna make ends meet, so don't look at me and, I feel like when*
> *I ring those places I'm just judged and I hate [it], I give up and I just carry*
> *on and just continue on what I'm doing. . . . If I'm ringing you asking for a*
> *food grant, I genuinely need a food grant.*

Similarly, Alamanda was concerned that the victim-survivor and her family continue to be supported, including after the immediate risk has abated:

> *Well, I'd like to see this family or whoever get the help that they need. . . . prioritise her and her children.*

9.2   Victim-Survivors' Voice

Issues relating to victim-survivors' voice ran through many of the participants' contributions, including often as a highlighted feature when participants first defined justice or injustice. These centred on participants' ability to have conversations with their community or members of their community. Participants approached the issue from a range of perspectives, reflecting on their own ability to speak up, how that was received, and others' support or solidarity in speaking up. The ability or inability to successfully speak up and be heard in a way they felt was appropriate reflected values of recognition, acknowledgement and validation.

Silence — or, more accurately, *silencing*, as a verb — was imposed through victim-blaming, judgement, being disbelieved, minimisation and trying to deal with it within in the family. Such silencing was associated with shame and a lack of power. It often reflected the prioritisation of others, either individually or collectively, over justice and victim-survivors' well-being. On the other hand, when the community supported victim-survivors to speak up, and shared responsibility for raising issues of sexual violence, they expressed recognition and care of victim-survivors and demonstrated a regard for the seriousness of the issue, which participants emphasised as important for justice.

9.2.1   Voice as Power

Many participants emphasised their own ability to speak up as a central feature of justice, both as important for their own healing and as a way of asserting power.

Teuila directly equated her lack of being heard with a lack of power:

> *No one was willing to listen to me. It was something that's outside of my control. I had no power.*

For Moso'oi, power was also related to voice. Despite being silenced when younger, she had learnt to speak openly about her experiences in a way that upheld and reclaimed her mana:

> *I can talk about it with power; I can talk about it with mana.*

Speaking up was a way for her to assert her right to talk about what she'd experienced, as well as a proactive step to prevent the perpetrator from reoffending:

> *You're not gonna do that again. I'mma stop it here, because now everyone's gonna know. I'm not gonna keep that hush.*

Teuila reflected on the importance of speaking up as important for healing. In doing so, she contrasted speaking up with "*bottling it within yourself,*" suggesting a sense of relief from talking openly:

> *Just to be able to talk about it! Bring it out in the open. Don't just bottle it within yourself.*

This was similar to Aute Samoa, who contrasted talking openly with a sense of shame:

> *Because the key is you have to start an open discussion and not feel ashamed about it.*

Rebecca chose not to pursue a formal justice process after she was raped. Thus, there was no opportunity for her to formally record her account. However, after an uncle abused Rebecca's children, she did have the opportunity to write a victim impact statement. This was particularly significant because family members had put the perpetrator ahead of the well-being of Rebecca, as a secondary victim, and her children, the primary victims, when they pressured her to drop some of the charges:

> *I didn't feel in control of it at all. I think that's why the victim impact statement was good, because although I'd dropped some of the charges I was still able to say, "Hey, you just traumatised my life, because of this." And so that really made me feel better, that I still had my voice.*

Through the victim impact statement, Rebecca was able to express herself without having to directly confront the perpetrator:

> *I* loved *the fact that I got to write the victim statement and have that read in court. That was a* huge *deal. Because I didn't want to talk to the guy, but that was a way for me to really go, "This is what you've done to me. This is what it actually means, and these are the consequences of it." And so to have my voice heard was huge.*

9.2.1.1   Control of the Narrative: With Professionals and Authority

Participants asserted the importance of having control of the narrative, including what was said, in what way, and who to.

Lack of choice, and a resulting lack of sense of power, was an issue for Moso'oi when she was initially referred to an organisation based on her ethnicity:

> *And so because I wasn't feeling comfortable with these organisations that they initially first put me in, I was running from them. I wasn't attending.*

> *I went for the first one thinking I gotta give this a go, and I just couldn't voice to them why I didn't want to go see these people, because I thought, okay, this is something I have to do, this is something that they're saying is better for me to do, but really it's not. It wasn't until I voiced that I didn't wanna see them, and how I felt, it changed.*

Instead, what Moso'oi wanted was to be asked outright and given a choice in who she spoke with. She explained that she would have preferred to have been given options and then had the opportunity to discuss the pros and cons of speaking with people from the same or different cultural backgrounds. Ideally, she would have liked to have been able to test out her decision, and change her mind if it didn't work out:

> *I'd never be offended if that was asked of me. I'd actually like for that to be asked.*

Just as being unable to talk about sexual violence was an issue, so too was being required to disclose. Because the perpetrator continued to be a customer where Max worked, she was put in a position of having to discuss the assault with her manager, who in turn spoke about it to the company owner, even though Max would have preferred not to have shared this information with them:

> *[The perpetrator] kept coming into the place that I worked at when I was working alone, which was really inconvenient 'cause I'd just have panic attacks and then not be able to do my job. So I ended up having to talk to my manager about it, which meant disclosing what had happened, which is not really something you want to be talking to your manager about. He then went and told the owner of the company, which again is not something that I wanted to happen, and then I had to talk to the owner of the company about being assaulted, which was so uncomfortable.*

Lisa conveyed a sense of frustration about the disclosure that is necessary to access ACC-funded counselling:

> *It often involves having to retraumatise yourself by telling the frickin' admin person to apply. You have to defend your right to have access to it. Why would you want access to it if you didn't [need it]? Why should you have to prove to someone that you want it, why should you have to tell some admin person on the phone about your violation just so you can claim the counselling you need to recover from that? Just, from the outset, if someone says, "I'm a survivor and I want help," done. No questions asked.*

Instead, in her work supporting victim-survivors in court, Lisa took care to emphasise that it was up to victim-survivors whether, or how much, they told her:

> *I'm like, "You don't have to tell me nothing. I'm just here for you." I think that made a huge difference and straight away you'd have such a different relationship.*

The victim-survivor's inability to control the narrative was also a major concern for Lisa in a court context which often involved reductive questioning, and where the victim-survivor is unable to explain, give context or give their full account:

> *Without even giving you the opportunity to tell it freely, all you can do is answer, you can't say the context. It'll often be put to a victim, "So, were you drinking?" "Well, yes, but," and they wanna say, "But it was my graduation, I'd had one." They don't get that. They're like "No, the answer is 'yes.'"*

Lisa had observed the importance of not requiring victim-survivors to retell their story over and over again:

> *The relief when they were like, "Oh, I don't have to go over this with you." . . . I was like, "Guess what? I'm already on your team! You don't have to convince me, sell me, do anything."*

Rebecca expressed a fear that those in positions of authority would not always take the approach Lisa described. She worried about the burden that could be put on the victim-survivor to have to recount what had happened repeatedly to the police:

> *Knowing you've got police services there that are listening, that are believing you. And that you don't have to explain yourself all over again, 'cause it's exhausting, every time. . . . Knowing I don't have to do that every single time is better.*

9.2.1.2   Control of the Narrative: With Friends and Family

Victim-survivors being able to maintain privacy and control of the narrative is also an issue in informal settings, such as with friends and family. Lisa described the pressure put on her by a friend to disclose, and the social consequences when her trust was broken:

> *I had no intention of even telling the girl who was my best friend at the time, but she knew I'd been away with the guy, and she badgered and badgered . . . and eventually I sort of cracked . . . and I just said, "Look, please forget it. Tell no one, don't worry about it" . . . Of course she told everyone . . . and I had within the week two or three people ring me up.*

Lisa explained that her then-friend presented what happened as if it were an allegation from Lisa, rather than fact. As a result, she was confronted by two other friends. Because of the distorted account, Lisa felt compelled to respond:

> *Well, both of them asked me about it and in the end I cleared it up because it was out there anyway. I said, "Firstly, I didn't want this to come out. Second, that was not it, it was like this."*

While Lisa had originally agreed not to discuss the sexual violence with their friend group, the right to set the story straight was more important:

> *He was just like, "So, people know, I thought we weren't doing that," and I said, "Well, it certainly wasn't my intention, but it was badgered out of me, came out the wrong way and I felt like I had a right to respond to that."*

Lisa wanted to normalise conversations about sexual violence for many reasons. Amongst them was the desire for victim-survivors to *not* be pressured to tell their story or talk about sexual violence: By having more opportunities, Lisa felt there would be less pressure on individual conversations:

> *If it became something you could say and then still have another conversation. I used to not even tell people what I did for a job because if I said I did this people would go, "Oh, well I knew someone and this happened them, rah rah rah." Not that I'm not supportive of that, but literally if I wanted a night out, and I think that's a bit the same about disclosing your own stuff. You say, "I'm a survivor," then everyone wants to discuss that. It's because people feel invisible so it's such a relief to hear someone else say it. Where it's more accepted and open, they'll be able to have a conversation without it becoming the whole [focus].*

Max had similarly felt compelled to take steps towards public discussion about her experiences of sexual violence. As part of a restorative justice process, Max asked the perpetrator to talk to his friends and to put a statement on social media acknowledging

his behaviour. Max explained that she already felt some of what had happened was publicly known and discussed, and so these requests were an attempt to clarify and take back some control over the narrative:

> *It was such a public thing. Or it felt to me like a public thing — probably partly because I talked so much about it. Trying to explain to people why the dynamic was the way it was [afterwards], the abuse. I didn't feel like I had a choice whether or not I talked about it. I just had to tell people. So it was kind of public anyway, so I feel like the public statement wasn't an act of* making *it public but it was more just setting the record straight. . . . [The social media statement] was pretty vague, it wasn't like, "I raped someone and I'm a bad guy" or whatever. It was like, "You may have heard about this thing that happened. It did happen, I'm doing this about it. If you want to talk to someone you can talk to me or this other person." It was directed at people who already knew.*

She was concerned with the various people who knew something about what had happened but who didn't believe her or had an incorrect understanding:

> *I named those people for him to have one-on-one conversations with, but I thought there would probably be a lot of other people that knew and didn't believe me but that I hadn't heard that from. I just felt like there were a lot of extra people involved and I wanted them to have the right story, or what I think is the right story. So it was kinda like the equivalent of those one-on-one conversations, but for people that it would have been inappropriate to reach out to because they were too far removed and wouldn't wanna be dragged into it, or that kinda thing.*

Rebecca was deterred from telling people about her experience of sexual violence because she feared that they would force her to discuss it:

> *I didn't tell anyone because I was just so traumatised by it all. The more*
>
> *people know, the more I might have to talk about it, and I didn't wanna.*

9.2.2   Being Given Space to Speak Up

Actively making a space for conversations to happen was important for participants to feel able to speak up about sexual violence. Participants identified a number of ways that this could happen, from formal to informal, with a wide range of community members playing a role.

Teuila emphasised the responsibility that others have in creating spaces for victim-survivors to talk, expressing frustration at "*not being given the opportunity to really speak up for yourself.*" She described the importance of making spaces to talk openly with each other, including but not only about sexual violence:

> *And to be able to have somebody who will be actively listening and just be*
>
> *able to hear, make time, oh gosh, quality time!*

For Teuila, the important thing is that this space is made, and it could be anyone who fulfills that responsibility. In her case, it was a teacher at high school:

> *We had to write about an experience that really hurt us. That gave me the*
>
> *opportunity to write about it. And I got pulled up by my teacher, 'cause she*
>
> *asked if I'm really all right. And she took me away, this stranger who was*
>
> *my teacher . . . She took me away for the weekend, to ask my natural mum,*
>
> *whom I stayed with here, if I could be taken away for the weekend with her.*
>
> *And she was able to listen. And that was the beginning of my healing.*

Similarly, she described a church camp which provided a space for people to talk about issues including experiences of sexual violence:

> *There was a lot of healing restoration, they've had some deep meaningful*
>
> *convos.*

For Moso'oi, it was a specialist organisation that provided her a space to talk. She spoke of the courage required to reach out and make the call:

> *Having that 24-hour support, round-the-clock support where I could talk*
>
> *to them whenever, I could just pick up the phone — 0800 number — and*
>
> *just talk. Remain anonymous . . . And it was just having to build up that*
>
> *courage to actually ring them and speak to them: "I'm feeling pretty low*
>
> *right now."*

When I asked Moso'oi how they responded and what she was wanting from them, she was clear:

> *Listen! Yeah, yeah, they just listened. If I wanted them to come over for a*
>
> *coffee and just to talk then that service was open.*

Moso'oi explained the importance of feeling safe and trusting the organisation she was speaking to. Although she was originally referred to an organisation with providers from the same culture as her, she was uncomfortable in that space and preferred to talk to Pālagi organisations:

> *I couldn't be open to them. I looked at them like, oh, that's my aunty! I'm*
>
> *not gonna sit here and tell her what things are happening on my family,*
>
> *she could know my aunty, or she could know my family. I'm not releasing*
>
> *anything like that. I felt easier working with another nationality than my*
>
> *own.*

Aute Samoa ideally wanted the heads of the families to create a safe space for a conversation with the victim-survivor, before then discussing it with the wider family.

In particular, she emphasised the need to create a space in which younger members of the family could speak openly, even if that wasn't the family's normal culture:

> *Instead of having it in the open, before you have that open discussion, the [head of the family] should really bring that affected person, the accuser, just one-on-one first. . . . And nobody else. Just one-on-one to gain the trust. It's more effective like that, to let everything else, to know our kaumātua. . . . And then work that person first, and then call for the family meeting. Have a family meeting, have an open discussion, and give a chance to the younger generation speak, 'cause most of the time, some cultures, you're not allowed to speak until you're spoken to.*

Tiale observed that conversations could still be valuable if they were informal, and that friends played an important role in giving her space to talk:

> *Friends, yeah, because sometimes you're like, I'm really sad, but you need your friends, you need a friend to talk, to share.*

Max explained that being able to share her story wasn't simply an optional extra, but was a necessity in order for a person to understand her and be able to form a meaningful relationship:

> *It's usually within the context of a close relationship that I have with someone, where I need them to know about it so that they can understand me. It doesn't feel like an opportunity that I'm given; if this doesn't happen then I'm not sure if we can have a relationship. Not just a romantic relationship, but of any sort.*

9.2.2.1   Solidarity

Some participants reflected on the specific experience of talking with other victim-survivors, and the safe opportunity for discussion that provided. Teuila described how talking about her own experiences had prompted someone else to share, and the sense of solidarity that came from that:

> *Because when I started sharing my ordeal, she then started sharing her ordeal. . . . I'm like, oh, I'm not alone, but it made me feel great. . . . When we were able to talk about it, I was like, phew, wow. And at the same time, same as her. . . . It's like, whoa, that opened up other avenues where we can literally share, and feel safe that it doesn't go anywhere. I think it's just that feeling of being trusted or having that safety net around you that you're able to speak openly and not be judged because we've both been victims of the same thing.*

Lisa suggested that such a sense of solidarity would be particularly valuable for those involved in court justice processes. She had witnessed two siblings testify in a historical sexual abuse case, and observed what a difference it made for victim-survivors to be able to discuss their experiences with someone else who understood everything they were going through:

> *I think, god, if every survivor could go in with another survivor of the same person! . . . They both experienced the same defence counsel nasty games and stuff, and can't talk about it at the time but were able to afterwards [debrief and discuss it with each other].*

Just as Lisa suggested solidarity extended beyond the experience of sexual violence itself and to the victim-survivors' treatment in the courtroom, Teuila explained the sense

of relief that came from talking to someone who also understood the judgement that
often accompanied sexual violence:

> *What it's like to be a victim and being judged for something that's not even*
> *your fault.*

Similarly, Kate emphasised the value of talking with others who have had similar
experiences. In these conversations, she had observed a metaphorical "*collective sigh*"
of relief at being able to have these conversations. Kate attributed the ability to have
such conversations more easily and frequently to two main factors. The first of these
was her social group getting older: as they cared less about how they were perceived,
they were able to be more honest and authentic. The second contributing factor was the
broader cultural conversations that started happening, such as the Me Too movement,
which created a space for and legitimised discussions that were previously off-limits:

> *I think particularly in the last few years, at dinners or weekends away or*
> *whatever, talking to people, and it's* everyone*, it's just everybody. And*
> *so having those conversations I think is helpful as well. And feeling like,*
> *actually, we can talk about it. Actually, it's so common, it's way broader*
> *than what's happened to me or what's happened to you or what's happened*
> *to someone else. It's actually this whole thing that's happening to all of*
> *us, but we've not been allowed to talk about or understand or process or*
> *recognise why it feels like shit. Having those conversations I think has been*
> *really helpful.*

She observed the way these conversations provided an opportunity to better contex-
tualise and understand her experiences:

> *I think it removes some of that shame as well. Like, it's kind of releasing*
> *the sense of fault or guilt, or it's kind of like, okay, it's not that I was a*

total fuck up and let myself be in this situation. It's that, actually, the men around us have been taught to treat us like shit. And they're doing it, and we haven't been able to talk about it because we were drunk or wearing a short skirt. But now we can! And it's understanding that actually we didn't let *them, we had a right not to be violated in the first place, but they understood our rights differently from their own, or understood our rights differently from our understanding of our rights.*

However, she noted the impact of gender in terms of who discusses sexual violence, and the importance of men listening to women about their experiences:

I think the problem is women are having these conversations because we've experienced the harm. Men don't necessarily see the harm. . . . I think some of the difficulty is that men struggle to listen to women, sometimes.

Kate also reflected on the significance of these conversations as a way to build solidarity and as the basis for making change:

And I think women's voices have still been fairly, not quiet, but fairly shunned or vilified or minimised in [conversations about sex politics]. So to be with a group of four or six women, and everybody being like, "Shit. Yeah. No, all of us!" and actually having that moment where everybody recognises that it's everybody, like there's not one person at the table who hasn't had something happen, I think it kind of feels a bit like that community building. It feels like we can move to action, or move to understanding, or move to some kind of consciousness of, actually, that wasn't consensual. Actually, that was a violation of my rights. Actually, that caused harm.

9.2.2.2   Being Silenced

Many participants shared stories about times they had tried to speak up, only to be disbelieved or discouraged from talking about it.

Teuila discussed the way in which cultural taboo and ideas about family meant that she was unable to tell her family that she'd been sexually abused:

> *'Cause there's been a taboo for me, it was a subject that I could not openly speak to my parents about. Because, for one, they don't believe. They think, they believe it's your family, your safety net, yet they don't realise that you end up being a [victim] because your so-called family that are meant to be protectors of you, they're the ones that will abuse you. So, yeah, I have a different take on that, because we don't get given the opportunity . . . When you're not an understanding parent, there's no way, because they're so traditional in their mindset.*

She described how demoralising it was when the person she shared with, her aunt, didn't support her:

> *After being shot down by my auntie, I lost hope. And there I was, like, oh, how then will I ever be able to address this?*

Looking back, Aute Samoa noted the complex power dynamics that her mother — herself a victim-survivor of domestic abuse — was subject to. However, at the time that Aute Samoa spoke up and was dismissed, she simply felt fear and anger:

> *I went to my mother and then my mother decided to hide it under the carpets. So right there and then the anger, the rage, all came. . . . You don't know where you are, you're lonely . . . and that child was stuck. Absolutely stuck. You can't do anything until you've got no other option but to run to*

your mum. . . . The struggle came: schooling, unsettled, distrust, you don't

wanna get closer to any male . . . you answer back, your whole world is

just full of anger. And scared. . . . I used to run away. Yup, done it all. Only

because you're tryna look for salvation, you're tryna scream out for help.

The response that Aute Samoa got, and her subsequent ongoing fear of how others
would respond, meant she was unable to speak openly about what she had experienced:

I went through that, where privacy, like, oh, I don't want anybody to know.

And that was sort of like, back then, because you feel comfortable talking

one-on-one because you are young, you didn't know what the repercussions

would be.

She recalled a time that she spoke up, which she did by going to the police. She
described her parents' response, which involved trying to silence her rather than hearing
what she was saying and taking steps to address it:

My parents went and got this respected elderly Samoan lady, very well

respected in the community. And so the manipulation and also the trying to

con you with . . . love and affection.

Aute Samoa was clear and reflective about the power dynamics within her family,
including the power dynamics that her mother had also been subjected to:

So she was caught between a rock and a hard place: her daughter, her

father. . . . it would have stirred the whole family . . . because a

grandfather is the [head] of the family, so when I say the manipulation and

the deceit that's been played to the most ignorant and the vulnerable, so

they utilised their status to silence most of his children. And the fact that,

on the emotional side, man, my mother would have gone through a lot, and

not knowing how to get help. So she's been through physical abuse from my

father . . . And then the family will turn against my mother if she [sought

justice].

Moso'oi was also discouraged by her family from talking about her experiences of sexual violence:

With my family it's keep everything hush hush, and we just cover it up with

a plaster and not do anything, so that's how I learnt to, growing up, I just

kept everything to myself and dealt with it until things got too bad.

Kate was clear that safety was a priority, which she felt could only be achieved by first recognising the harm currently being done. However, she was frustrated by attempts to minimise or to silence conversations about the issue:

And there seems to be, particularly at the moment, this massive thing of

saying, "Stop making a big deal out of nothing, stop vilifying men, rah rah

rah." It's like, well, just fucking listen.

9.2.3   Being Heard, Believed and Validated

Rebecca was unequivocal about the importance of believing victim-survivors:

The right to be heard, the right to be believed.

Similarly, being believed rather than blamed was an essential part of Lisa's conception of justice:

I think a long way towards [justice] would be an undeniable, "You were

not at fault." No one pointing the finger [at the victim-survivor] anywhere

would be a very nice start. Believing from the get-go.

Teuila explained how important it is for people to listen to victim-survivors when they do speak up:

Active listening, yeah, super important! 'Cause that's part of your healing!

Teuila opened up to her teacher, as someone in her life with authority and whom she respected. She described the sense of safety and lack of judgement as integral to her ability to discuss the sexual violence she'd experienced:

And she didn't judge me. No judgement. . . . She didn't judge me. And I
felt safe. And I was able to speak to her about it openly.

Similarly, not feeling judged was hugely important to Moso'oi when speaking to support services:

Somebody who didn't judge me, just listened.

Kate emphasised the importance of there being formal mechanisms available to listen and acknowledge victim-survivors' experiences:

What I've heard is that for some people it's very helpful to have that form
of recognition, to have it recorded, to go to the police station or have a
statement taken and all that kind of stuff.

Max reflected on the significance of the few people who had spoken up in support when she first disclosed that she had experienced sexual violence:

The people who had really vocal responses, I definitely remember all of
those, 'cause they were so special to me at the time. . . . there are a couple
of friends who were with me one night when I first tried to publicly name
what had happened. I was like, "This man raped me," which I hadn't really

been saying, I'd just been kinda like, "General bad things happened." I used that word [rape], and then it went down really badly because I said it to the [perpetrator]. And then all these other fucking dudebros crowded around him and were like, "You're crazy," so that was pretty awful. But a couple of people sort of took me aside and they were like, "We believe you, we're taking care of you" and they hung out with me and that was more than I could have hoped for. Just [for] people to be like, "You're still valuable to us," I guess. . . . Yeah, they believed me, and then they were like, beyond that, let's just spend some time together.

When Max engaged with a justice process, she did so knowing that being believed was a priority issue for her:

I think I knew what I needed, which was just for the people that hadn't believed me to believe me, basically, so that I could move about in and around the city without feeling like there were eyes on me being like, that's the crazy person that is lying about being raped. That's pretty much all I wanted, was just a little bit more space I guess.

As part of the process, Max asked the perpetrator to publicly acknowledge his actions in certain spaces. She felt that this was required in order for her to be believed:

I wanted them to believe me, I guess. So if that meant [the perpetrator] talking about it, then that's what it meant.

The statement that she asked the perpetrator to put on social media was aimed at people who had already heard something about what had happened, perhaps even through Max, but who didn't believe her account:

> *That's what I wanted it for, because most people didn't really listen when I*
> *spoke about it. So I was like, if he speaks about it then they will believe me*
> *now. 'Cause they already knew.*

Max also approached a doctor for information about ACC-funded therapy. She described the significance of the doctor believing them straight away:

> *She was just like, "I believe you, let's get you the help you need." . . . I*
> *actually didn't get the therapy [for another two years] because it just meant*
> *so much just to have someone believe me, that was like a year's worth of*
> *therapy in itself.*

Similarly, Emma explained that her counsellor took the unusual step of giving her the name of a lawyer, and that she had found this concern and outrage from a mental health professional validating:

> *In fact, even my counsellor suggested [reporting him] and gave me the*
> *number of a lawyer, which isn't something she'd usually do, but just because*
> *she was so outraged by what he'd done. Which, funnily enough, made me*
> *feel a bit better. It was almost like she was angry so I didn't have to be quite*
> *so much. And the fact she was a professional meant it was particularly*
> *validating.*

Lisa was able to access counselling through her university services. Although she didn't see her counsellor regularly, she explained the significance of having her emotions validated:

> *I just needed someone to say it was okay to not be okay . . . she was the*
> *first person to go, "It is totally okay to not be coping right now."*

While Lisa's friends purported to believe her, their actions suggested otherwise. Lisa emphasised that believing a victim-survivor requires demonstrating support and acting in a way that is consistent with that belief:

> *To my face they said they believed me, but [their] choice to live with him was fairly clear.*

Lisa suggested that there was a need to train parents around how to handle disclosures of sexual violence, to ensure they responded appropriately and supportively:

> *Parent training for kids, and what do I do with disclosure, that sort of stuff, would be good.*

She observed that the lack of clarity about what constitutes sexual violence contributes to people not seeking justice. This is exacerbated by rape myths, and causes victim-survivors to internalise victim-blaming such that they minimise, undermine or explain away their own experiences. In contrast, she felt a sense of relief at the unequivocal nature of her experience, which offered as clarity that she described as a "*luxury*":

> *Weird word to use, but I'm luckier than most in that there's a real clear point where I said no and I fought . . . But in this situation at least in my head I could be clear that it was what it was, 'cause I was like, "No." There was a clear non-consenting line and there was a clear him going, "I'm doing it anyway," which I guess for so many that isn't the luxury — like I say about my friend at the moment, she doesn't have that. She, if anything, just went, oh well, this is happening, I may as well go along with it, and that's another [reason] they don't seek justice is they don't have that clarity around this being wrong. And I keep saying, "Shouldn't even have been happening! It's wrong before it starts!"*

Lisa observed that the lack of clear understandings of sexual violence meant victim-survivors often internalised the victim-blaming, which was a barrier to processing and healing:

> *But people don't give themselves an allowance to grieve these things or get any sort of healing because in their mind, all those things, they make it their fault.*

Reflecting on the importance of validating victim-survivors' experiences and giving them clarity, Lisa proposed the creation of dedicated safe spaces where victim-survivors would be guaranteed to be believed and validated:

> *For someone like me personally to be able to walk in to somewhere for free that was a group setting and have a room full of people go, "You're here, we believe you" would have been incredibly healing. 'Cause even with a counsellor you're sort of paranoid, part of you is like, "Oh yeah, they're being paid . . . they have to be on my team." To have a room full of people who — maybe you disclose, maybe you don't — but if you do it's unquestioningly, "That's still wrong." I think you can't be told that enough as a survivor, so maybe we need that en masse, you need to hear ten people in a room say it at the same time. . . . You could even call a group like, "Was this it?" [or] "Does this count?" or something, 'cause it will every time.*

Although Rebecca had internalised some of the victim-blaming myths and was struggling to make sense of her experience, her brother was able to validate what had been done to her as rape:

> *[My brother] said, "[Rebecca], he raped you." And I'm like, "Yeah, I suppose, but I was the one drinking." And he said, "Look, would you have*

had sex with him if you had a choice?" and I said, "Definitely not." He said, "Did he know that you'd never sleep with him?" I said, "Yes! I used to date him, and he knows I wasn't going to have sex until marriage," because I was a very strong Christian at the time. And he said, "Well, there you go! He took advantage of you and he raped you!"

She reflected on what her brother's response meant for her:

That he believed me, that he labelled it, he helped me to understand it, and put the blame where it belonged.

After Rebecca's uncle abused her children, Rebecca's mother continued to support him. Rebecca explained that she was able to understand and accept this, in large part because her mother also believed Rebecca:

She's only got him and her sister left. I can see why she needs family, that's okay. . . . The fact she believed me straight away, big deal.

Rebecca also described the validation she received, instead of the blame she feared, from other family members:

I saw [my uncle's other sister] at a wedding and she did come up to me in the toilets and just say to me, "Look, I'm just so proud of you, you've done so well." And I thought, wow, that means a lot, that she acknowledged that, 'cause it was her brother too. I thought, gosh, she's suffered now too because of this, does she blame me? But obviously she didn't, and that was good.

Similarly, in reflecting on what had been helpful for her, Kate noted the validation that came both from talking to a close friend, and from being educated about sexual violence:

I have had one good friend in particular who kind of knows it all, and we talk about it and we joke about it and she is a raging feminist too. So I think for me I'm fortunate that I've had the education and the teachers that I've had, to understand what's happened and to understand how it's come about and to understand the impacts that have been on me, how that's all happened.

9.2.3.1   Judgement and Victim-Blaming

Participants emphasised the importance of allocating judgement appropriately, and recounted times that they had been judged or experienced victim-blaming. In doing so, they expressed a sense of injustice that the blame was being laid with them. In many cases, whether participants felt judged or understood was critical for their ability to feel safe speaking about their experiences.

9.2.3.1.1   By Professionals and Those in Positions of Power or Authority.   Participants commented on the importance of those in positions of power believing them as victim-survivors, and allocating blame appropriately with the perpetrator.

Kate described the judgement and victim-blaming she had experienced from her boss, and the impact it had on her:

My dad went and talked to [my boss] and was like, "This happened, [Lisa] can't come to work 'cause she's having a panic attack." And he was like, "Well, make sure she doesn't get herself in that kind of position again" . . . you just get put in those circles of self-doubt, and, "Don't be a drama queen, don't make a big deal out of nothing."

While the term "drama queen" is likely not a direct quote from her boss, the language is sexist and belittling. By using it, she draws attention to the gender dynamics implicit

both in sexual violence and her relationship with her boss, and emphasises the sense of minimisation and judgement she felt from her male boss. Kate was particularly concerned about the way a broader culture of sexism and victim-blaming played out amongst professionals who are involved with responding to sexual violence:

> *If you've got a cohort or however many cohorts of police officers who've been raised as boys, who don't understand consent, then they are also the people who are policing it, they're making their own decisions about what's true or not, they're deciding who's at fault, what the factors are that impacted on whoever's involved, but it's a fairly victim-blaming culture in that. And then you get to court [where] women in particular but also other people [are] retraumatised, interrogated, blamed; illegal and violent acts against them are defended based on what they were wearing or how much they'd had to drink, or things like that.*

The danger of judgemental and inappropriate responses is clearly articulated by Rebecca. When she eventually learned of her right to ACC-funded counselling, she saw a therapist whose unprofessionalism was deeply harmful:

> *And I sort of was talking to her, I just thought, here's my chance to offload it all. And she, halfway through the session, walked out and came back in again, and she said, "Sorry, I just felt so suffocated with what you were saying, I felt I couldn't breathe. I couldn't listen to it any longer." And that just perpetuated the thing that there was something really wrong with me, and so I didn't go back, and that actually made it worse.*

When Rebecca had to deal with an abusive ex-husband, the police had believed and been supportive of her. By contrast, she lamented the victim-blaming and judgement that she felt victim-survivors of sexual violence commonly experienced:

I really felt like they were rallying around me, against him. And that felt

good. That I was clearly *the one that was the victim, he was* clearly *the one*

in the wrong, and that felt lovely. I don't know that you get that with rape. I

think there's a lot more, "Well, there's circumstances in both, and you kind

of did this, and he did this, and so rah rah, and that's what results with it,

but there's blame on both sides" kind of thing. That's been my perception

anyway.

Emma commented that she wouldn't have wanted to pursue justice through the criminal justice system. Regardless, she expressed frustration that she didn't feel like the choice was open to her, because of the judgement she would have experienced:

I wouldn't have made a "good" witness, in the sense that I think they could

have pulled out a lot of the victim-blaming tropes.

9.2.3.1.2   By Friends, Family and Bystanders.   Being judged, blamed or not believed in informal settings, such as with friends and family, was also a major concern for participants. Fears of such treatment had prevented Rebecca from telling people about the sexual violence she experienced:

I just didn't feel capable. I didn't want the questioning, I didn't wanna have

to go through it, I didn't want the doubt. I didn't want people going, "Oh,

you're to blame," because I know that's often how people can be treated,

especially women who are attractive, going out and drinking, they're like,

"Well, you asked for it." I didn't want to go through that, put myself through

that.

Teuila spoke of the judgement she faced when she disclosed that she'd experienced sexual violence to an aunt whom she thought she could trust:

> *And I got judged because I thought I could trust an aunty that I confided in.*
>
> *Yet she went on and made a big deal and made me feel like I was the slut*
>
> *or I was the one that instigated it. . . . It's like, hello! I'm the victim here!*
>
> *Don't prejudge me. Because you have not been in my shoes.*

Max spoke about navigating judgement and not being believed in social spaces, and the "*paranoid sense*" that came from wondering "*do you think I'm crazy?*" or "*do you think I'm a liar?*" She explained that these experiences were a key reason that she requested the perpetrator make a semi-public statement acknowledging his actions:

> *I've been told by third parties, "Oh, that person thinks you're lying," or*
>
> *whatever, and I'm like, fuck, there's no way I would have known that based*
>
> *on our interactions . . . It made me really paranoid about people's opinions*
>
> *of me I guess. . . . So that was what the statement was for, was to hopefully*
>
> *change those opinions.*

Max described a sense of anxiety that came from being judged rather than believed, and her subsequent need for the perpetrator to publicly acknowledge his actions:

> *And that's why that was really important to me, was just him acknowledging*
>
> *that I wasn't lying, I wasn't crazy, that kind of stuff. I wanted him to do it*
>
> *because no one believed me when I said it. . . . I talked about it a lot. But*
>
> *it didn't seem to make any headway really with people, apart from those*
>
> *who were already sympathetic to my cause. So I thought, if he's the voice*
>
> *of authority and he's saying what I would like him to be saying then maybe*
>
> *we'll get somewhere.*

Similarly, concern with social judgement falling on the victim-survivor was a major reason that Lisa felt the perpetrator should be required to tell people about his actions:

> *If for no other reason than that they don't judge the next person, they know*
>
> *it's possible for someone to like sex and have been victimised!*

This was born out of her own experiences of being blamed and not believed. Lisa acknowledged that it was simpler and more psychologically comfortable for her friends to judge her behaviour and sympathise with the perpetrator instead:

> *It was easy, it was the easiest. As I say, I didn't even believe it was possible*
>
> *of this guy, so it was a much easier step that it was me who had maybe let*
>
> *things go too far and regretted it, than it was to believe that this angel-man*
>
> *could behave in this abhorrent way.*

Lisa received similar blame when she disclosed to her then-boyfriend:

> *I told my boyfriend at the time, and I told him frankly because I felt awful*
>
> *about this happening. He sort of stormed off, and he came back and said,*
>
> *"Well, I have decided I'll forgive you," which wasn't the reaction I was*
>
> *going for! So even he clearly thought if this had happened then I must have*
>
> *instigated it. And I was like, "I wasn't asking for your forgiveness, I was*
>
> *asking for your support."*

Her experiences of victim-blaming and being disbelieved were one of the factors in her decision not to report her experiences to the police:

> *Knowing full well how I would look to anyone anyway. . . . even my own*
>
> *friends going, "Oh, come on though, you're that type of girl" and going, oh,*
>
> *well, if no one that I like believes me, why would anyone else?*

Kate described how victim-blaming responses undermined and led her to question her own recollection:

I was also told things like, "Well, just make sure you don't get yourself in

that kind of situation again." "What were you wearing?" "Were you drunk?"

I was like, do I actually remember what happened? Did it go that way?

When Alamanda was driving with her friend and they witnessed gender-based violence, Alamanda was as appalled by the victim-blaming her friend exhibited, as well as the fact she didn't want to stop:

And I kinda noticed it twice, it's twice now because there was this other

situation, I said, "Stop the car, stop the car." And this is what she said. She

said, "Oh, it's another. Oh, she must have, you know, stupid girl." And I

thought, oh no!

Alamanda expressed her dismay and shock at the way her friend placed the blame on the woman being assaulted:

She was quite judgemental to this woman: "Oh, she's had too much to

drink." And I thought, I couldn't believe it. I could not believe it.

9.2.4   Confronting Bystanders, Enablers and Other Community Members

Just as some victim-survivors were drawn to confronting the perpetrator, some victim-survivors described a desire to confront bystanders and community members about their role in allowing sexual violence.

Aute Samoa described the way that speaking openly about sexual violence can challenge the family and encourage change:

But as I grew up, it needs to be in the open. Because it's more effective,

because it hits home. And it hits the person that's affected. It hurts both,

the overall 'āiga. Why? 'Cause you've broken down the pride. You've broken down the shame. And to bring positive, and start fresh . . . So if you do, if they had any form of thinking outside of the square, they need to ask themselves: Right, what's it gonna be? Jail or help? And what type of help can I benefit from that will benefit everyone that's involved, instead of hiding it inside the 'āiga?

She explained that pride, and a fear of bringing shame to the family, prevented victim-survivors and other family members who knew about sexual violence from talking openly about it:

It's still a harsh subject within some of the families because they don't wanna bring shame to the family name. Because they're afraid that it could open up more. . . . she didn't seek help . . . Because the embarrassment, it'll bring shame to the family.

Given that, she felt there was a need to confront families, especially the heads of families, who may not themselves commit sexual violence but who may perpetuate a culture that means it goes unaddressed:

The whole whānau or 'āiga can be fixed. And the key players are the heads of our families. . . . It needs a whole lot of reintroduction, like, right, listen up! Look what you've done to your children. Look what you've done to your mokopuna . . . Look what you've done to your extended families.

Aute Samoa suggested that such conversations should also include open discussion about the law and the criminal justice system:

And go back to the family and say, "Right, if you don't, this is how many years you're gonna go to jail." So, discuss the law, open discussion about the policies. Open discussion.

Max also advocated for bystanders and community members to play a role in creating change, including through open conversations about sexual violence:

Acknowledging that interpersonal violence, it often is just between one person and another person but that doesn't mean that there aren't other people involved, peripherally, that could have done more. Even if they don't directly see the violence or know who's perpetrating or who survived it or whatever, just creating space in their community for that to be something that can be talked about.

She explained there was a balance required when it came to allocating responsibility between those who actively perpetrated sexual violence and those who enabled it:

I've talked to [one of the enablers] a couple of times since that process, trying to find out if his perspective had changed or if I can push him along this path a bit further. . . . I guess I was trying to walk the line between, like, I don't want to blame them for someone else's actions, but also acknowledging that this stuff doesn't just happen between one person and another person. I think a lot of people think it's that simple but it's really not. . . . And it happens within communities because communities make themselves a space for that to be okay. So it's tricky. I don't want anyone to think that I'm trying to tell them it was their fault that it happened, but also we could all do more.

Emma had observed that the perpetrator's behaviour was encouraged by his friends, and it was these friends who she felt should also be confronted and share in the responsibility:

With the friends who encouraged him, I want them to feel ashamed and to also be confronted with their role in it. That they were complicit. And to feel accountable.

She felt that genuinely sharing the responsibility appropriately would entail such enablers feeling a sense of remorse, and they would be motivated to prevent further sexual violence:

> *Sharing the shame and hurt with those responsible is also important. That's mostly the perpetrator, but also the people who just accepted and allowed his behaviour. I guess I think that if they genuinely felt responsible and were accountable, then they'd have to feel that way. And if they genuinely felt that way then they would prevent it happening again. Prevention is important in its own right, but also because it somehow represents that they get it and care.*

9.2.5   The Community Speaking In Support of Victim-Survivors

Some participants felt that it was important not only that victim-survivors were able to speak up, but that the issues of sexual violence were able to be discussed openly more widely.

Teuila expressed sorrow about the lack of open conversation on the topic:

> *It's sad, eh. Sad that we're not able to talk, that we're not able to address these things that matter.*

Kate observed how easy it is for some people to simply not engage with the issue of sexual violence:

> *I think it's very easy for people, and, again, particularly men but not only men, to just ignore us. To not be a part of the conversation, to say it's a women's issue, to say it's "not all men," to say that it's out there somewhere and not happening [here].*

Aute Samoa explained that speaking up is a way to help people who have experienced sexual violence:

> *If you're going to help someone that's maybe in need, don't be afraid to*
> *speak up.*

In particular, Aute Samoa wanted family members to talk more openly about sexual violence in order to be able to address it. She talked about their response to her own willingness to speak out, again positioning shame in contrast with speaking openly:

> *So most of the time, half of my family members don't really get along well*
> *with me because I'm more vocal. Because to them I seem to bring shame*
> *to them. . . . I am rocking the boat. And I'm not afraid to rock the boat.*
> *And I'm not afraid to help anyone that I know that has been through it. So,*
> *to put it into a more blunt way: Get over yourselves. You can do this by*
> *starting talking.*

Rebecca felt unsupported when her uncle's sister chose not to disclose to her family that he had abused Rebecca's children:

> *It feels a bit swept under the carpet.*

Max had identified specific people she asked the perpetrator to have conversations with. She described the way she would have valued an open acknowledgement from these people:

> *There were a few people specifically that I felt could have done more at*
> *the time or since — enablers, basically. So I would have really liked*
> *those people to approach me after the conversation with him and just*
> *acknowledge what had happened, and then I would have been like, cool,*

okay, now we all know, now we can move forward and we're not just

talking about it behind each others' backs, I guess. . . . Just some open

communication. I feel like nothing really needed to happen except for an

acknowledgement of what had *happened. That's what I wanted.*

The community justice process that Max had been involved in had offered her the opportunity to have conversations with the perpetrator, supported by a community member. Max noted that a significant part of the community member's role in facilitating the process involved confronting and raising issues with the perpetrator. However, she reflected that a friend confronting the perpetrator in an informal context, without Max initiating a formal process, would have a different significance:

They went with him and sat through that, and guided those conversations,

and followed up with me, and did all of that shit. But I feel like that is

a little bit different from a friend just confronting him, because it was a

transformative justice process that I asked for.

Regardless, Max was clear that the role played by the community member was profoundly important:

It's huge. It's the biggest thing anyone could have done.

9.3   Emotional and Relational Responsibility

Some participants expressed a strong sense of responsibility for others', especially family members', emotional well-being and relationships. While in many cases this focused on keeping others safe (see Section 6.3, "Victim-Survivors Taking Responsibility for Others' Safety"), some participants were also concerned with looking after the broader social relations, including as pertained to the perpetrator. While these concerns relate

to the dynamic between the victim-survivor and the community, they are predicated — explicitly or implicitly — on the idea that the perpetrator's relationship with the community matters.

Teuila was drawn to ifoga, which she felt would indicate remorse on the part of the perpetrator, something she wanted him to feel. However, that was outweighed by concern about how her family would feel and respond:

> *It would be meaningful, but people would question . . . I'm also mindful, how will my family respond then? . . . So you kinda like weigh up these things, and that's how I've pulled through, and I'm like, oh, do I keep the peace, and be solitary about it, not say anything? Or just [let] it sit within me and bite me for the rest of my life, you know what I mean? It's always at the back of your conscious[ness].*

In doing so, Teuila weighed her own desires and well-being against a concern for protecting her family. While she would have liked to have confronted the perpetrator, doing so could result in harm to relationships, which she would have regarded as a further injustice:

> *There's always a confrontation cost. And there will also be an opportunity where you may end up losing connection.*

Teuila had chosen to prioritise her family and her relationships over confrontation. This extended to not outing the perpetrator to family members, despite the fact she wished he wasn't allowed to attend family events with her:

> *And sometimes I feel, if only you'd known. You feel like shouting it out to the room . . . and then I look at my family, I'm like, oh, they have so much respect for this person. Yet. . . . So I find myself, I literally remove myself if I hear talk that just praises him, and I'm like, hmm, if only you'd known.*

However, she lamented the unfairness of having to decide between protecting her family and getting the outcome she wanted. In an ideal world, Teuila felt that her family would understand, and she'd be able to have both a traditional ifoga apology and the relationships with her family:

> *I literally had to weigh it up. It's like, okay, I'll win in that way, but the weight I would have to bear, it's all the rest of my family. That's huge. And then it is part of my identity, this is my 'āiga. My heart, my family.*

Rebecca similarly grappled with her conflicting responsibilities to her family with regard to her uncle who had sexually abused her children:

> *The uncle thing, I literally split myself in two. . . . I couldn't hate him and be the mother for my children and remove him from my life at the same time as he was my mother's brother, and she needed to forgive him and help him find a way through it and be there to support him. And so I was caught in the middle and in the end, as I say, I just split myself in two. I thought, I think it's okay for the niece in me to care about him and want him to [get] help, for the mother in me to hate him and wish he never ever sets foot in my house again. . . . I've just had to sit in the fact I'm allowed both emotions at once. I'm okay to have a dual response and that's just how I've dealt with it.*

She reported the pressure put on her to drop a serious charge, as family members decided to support the uncle and even attempt to keep him out of jail:

> *My father actually went [to court] to support him. Which I have mixed feelings about as well, because they wanted to try to keep him out of jail. And they succeeded, actually. And they actually got me to drop one of the*

charges as well, which to me was actually the worst charge . . . and I don't know whether that was the right thing or not. But I guess for loyalty for my family I decided I would. . . . They were influencing me to neutralise it. To make it less than it was. And because of my conflict, and the kids were too young for me to actually ask them what they wanted, I just thought, well, going forward if there's gonna be anger or resent[ment] toward me for how I dealt with it then that's gonna make more trauma.

She described her sorrow at the resulting loss of familial relationships, stemming from the sense that the responsibility lay with Rebecca for taking her uncle to court, rather than with her uncle for perpetrating sexual violence:

It's ruined my relationship with his kids. I'm still friends with them on Facebook, but I've seen his daughter only a couple of times since and both times, you can tell, she doesn't blame me, but I'm the reason for it. And so she doesn't know how to handle [it], and we were once quite close. That's gone now. And that's hard.

Rebecca's sense of care and responsibility extended to the uncle himself. She was so concerned with his mental health that she told him she had forgiven him:

I did tell my uncle that I forgave him. I haven't. But I did that because I felt he needed it for his recovery. And I thought, I'll get there eventually, but for now — 'cause I knew he was pretty much suicidal at one point, 'cause he was just so miserable with how everything had happened — and I thought, well, if I tell him that then that'll help with it all. 'Cause I do still care about him and I don't want him to kill himself. So I chose to tell him that even though I hadn't.

Emma explained that she had only had very limited conversations with family about the sexual violence she experienced, because she was concerned about the emotional impact it would have on them:

> *For the most part I haven't talked to [my family] about it. To be honest, there's not really anything I want from them, and I think I would just worry about putting that emotional burden on them. It doesn't help me for them to feel those negative emotions on my behalf, and I'd probably just end up worrying about them instead!*

Chapter 10

The Relationship Between the Community and the Perpetrator

Participants described a variety of roles they wished the community would play in response to the perpetrator. In particular, the community was seen as responsible for holding the perpetrator accountable and imposing consequences.

10.1   Accountability

Although her faith is a very important part of Teuila's life, she was clear that is a separate matter from justice in this life:

> *Dad always says to me "Oh, God is the judge of it all, and those people will be [judged]". And I said, "Yeah, dad, but that's when they get called home. But here on earth, no, it's a different story."*

Instead, Teuila expressed the importance of holding the perpetrator accountable:

> *It's like, you've committed something. Therefore, you should really be held accountable for it.*

There was a sense of frustration and disappointment at the lack of accountability and thus justice:

> *I'm like, how could these people get away with it for so long? You find you long for justice. . . . Being able to be pulled up, be held accountable for their actions!*

Rebecca had chosen not to report the sexual violence she experienced to the police, which she had mixed feelings about. While she felt the court process would have been hard so she was pleased to have prioritised her own well-being, she was frustrated that it meant the perpetrator "*[got] away with it*" as there was no accountability:

> *At the time I don't think I would have been able to go through the court process so I'm pleased I didn't report it back then. Looking back now I think it's a shame because he did get away with it.*

The importance of accountability was clear in Kate's description of her understanding of why victim-survivors engaged with the criminal justice system:

> *There are probably countless women, or countless victim-survivors of all genders, who may go through that process with the intention of having that sense of justice or that sense of accountability.*

Although it fails to do so, Kate felt that the criminal justice *should* teach perpetrators accountability:

> *It's not helping offenders or perpetrators or whatever you want to call them, abusers, it's not really teaching them to take accountability and have a positive and respectful sex life.*

Kate was frustrated by the lack of accountability that came from excusing or minimising the perpetrator's behaviour:

It goes into, "We don't wanna condemn some man for a mistake," all that

kind of thing.

Lisa had dealt with a major breakdown of key social relationships after being disbelieved about her experiences of sexual violence. She suggested that part of accountability was requiring the perpetrator to be honest with the community about his actions:

If [the victim-survivor has] had the fallout of friends and family like in my

case, tell everyone you did it. Tell them! . . . They should have *to clarify*

[what they did].

She felt that perpetrators who denied or minimised their actions or hid behind name suppression should face public accountability and judgment:

I think if it's being denied. If there was a politician or a high profile person,

as I saw in many cases, who gets name suppression because of their high

profile role, and then denies it, if that video [of the sexual violence] was

played for all to see, would people deny it with them? . . . If you're gonna

run that what you did was okay I think you should be able to stand by and

have the full action on display and have people's take on that, you don't

get to edit the memory.

In particular, Lisa was frustrated with the way the court system permits perpetrators to stay silent, without facing up to or commenting on their actions:

They should just have to go through it and explain this thing. 'Cause they

don't. They can sit there through the whole court system and say nothing.

On the other hand, Lisa cautioned against conflating a conviction with justice. She had gone on to do work supporting victim-survivors through the court process, and she

reflected on the responses of the people she'd work with who, against the odds, had managed to secure convictions against the perpetrators:

> *And it's a conviction, not justice. . . . I think I had one client in ten years say, "Yeah, that [conviction and sentence] is enough."*

Emma focused on the psychological and social implications of being held accountable:

> *Just having to face up to it, to live with it and live with the fact that other people know about it. Not running away, not shying away, not getting away with it. Knowing that's who he is, and knowing that other people he cares about see him as that.*

As well, Emma reflected on the people beyond the perpetrator who had enabled or permitted sexual violence, suggesting a need to include them when considering responsibility:

> *Other people were complicit — both directly, and as part of a society that allows, even encourages, [sexual violence]. But we don't talk about it in those terms, it's like we're taught not to blame.*

Similarly, Max reflected on her vision of justice, which was built on the involvement of the whole community:

> *Ideally there would be whole communities aware of what's happening, aware of the violence and the process of accountability, and they'd be actively engaged in that, in whatever ways they can. They could be just visiting the survivor for a cup of tea, or they could be driving the perpetrator to counselling, or whatever — any small role could be part of that process of justice.*

10.1.1   Formal and Semi-Formal Mechanisms for Accountability

Participants expressed a wide range of views as to the value of formal or semi-formal mechanisms, with structure, organisation and defined roles and processes, to create accountability.

Kate suggested that various organised processes could have value, based on their potential to hold the perpetrator accountable and to ensure that he understood the impact of his actions:

> *I think it should be required for people to confront the potential harm that they are inflicting. Whether that's through a court process or through a mediation process or through a social work process or whatever it is, for sure I think there can be positive outcomes for those things.*

Teuila was open to either a formal or informal process, but wanted it to be be semi-public:

> *Pull these people up! Have a village fono, have a village council. Or even just talking like we are now, talking face-to-face, and have them confess and put some rules to them.*

Max was also in favour of a public or semi-public process. However, she was actively put off by the formality and institutional nature of the restorative justice process:

> *Restorative justice was all private meetings in private rooms, with people that were removed from the community, who didn't like certain language, and it was just a bit formal, I guess. . . . it seemed like they had their processes that they needed to follow. . . . I felt like they wanted everything to be done privately and then we just shook hands at the end.*

However, she acknowledged that there was a need to formalise the process to a certain degree:

You do kinda need to formalise the process somewhat to keep people safe.

She was frustrated by the lack of ongoing community and peer involvement in the restorative justice process, particularly when it came to monitoring the implementation of the agreed outcomes:

And that's why it didn't work, 'cause there was no follow-up.

Max was also discouraged by the lack of organised process or formal mechanism to follow up and ensure compliance and accountability regarding the agreed outcomes:

But I asked him to do those things and he agreed to do them and then pretty much none of them happened 'cause there was no follow-up from the [organisation] team.

10.1.1.1   Status, Authorities and Institutions

A number of participants discussed the involvement of institutions or those in positions of power or authority. In Aotearoa New Zealand this most commonly meant the courts; in the Pacific Islands, while it could mean the courts, many Pasifika participants highlighted the role of fono and *matai*.

Moso'oi was sensitive to the authority of the courts, and felt that a formally recognised system imparted a legitimacy which was meaningful:

The status, it does matter.

Although Emma disagreed with the court system's methods and values, she also felt that the official status it conferred was meaningful:

I do think there's something meaningful about the formal recognition that comes from the courts. It's like a validation. Which I know I shouldn't need, but really would be nice. To have what they did on official record, to have the formality of that conviction, would be really significant to me. But maybe that's because I don't know how else to get that sort of public, formal, clear, unequivocal validation. I don't think we have any alternatives to the court for that, even though I don't really otherwise support the goals or means or values of the criminal justice system.

While Max felt it was good to have alternatives to the criminal justice system, she would have preferred a system that was completely separate. Rather than feeling it gave the process legitimacy, she expressed disappointment that the restorative justice process she engaged with was connected with the criminal justice system:

I kind of feel like that's just such a bad start, that they have to tie their process to the punitive justice system when they should be as separate as possible. But I guess at the same time it's good that there is some alternative somewhere.

By contrast, Puataunofo held the view that the severity of sexual violence meant that a court-based legal response was necessary:

My thinking, people like that [who commit sexual violence] are evil. My thinking, because it's happening, is [to do with] the government, [to do with] the law. Only one thing: Take him to court.

While Lisa felt a court process was desirable in principle, she stressed the importance of the process being a fair one with reasonable outcomes:

If you could be guaranteed [that he would be tried] by an unbiased jury,
and there were fair outcomes, then yes [going to court would be a good
option].

Lisa was particularly concerned about the various rape myths and biases that juries
were susceptible to. As such, she wanted those involved in formal justice processes to
have not only authority but also specialist expertise:

I would be for judge-alone trials on sexual violence, as opposed to juries.

Lisa raised the possibility that the status of a formal conviction could have symbolic
value in terms of deterring the perpetrator from reoffending, although she was sceptical
about how effective it would be:

There's a sorta hope for the ones who had conviction or something that
having that label might prevent further damage, because as you say the
conviction rate is pretty low, the damage rate is very high. And even [then],
a conviction doesn't necessarily stop anyone anyway.

However, she suggested that even the process of going to court — engaging with an
unpleasant formal accountability mechanism — could deter perpetrators from reoffend-
ing, regardless of the outcome:

As I used to say to my cases that didn't get the outcome they wanted, which
was most of them: That person will think twice. As, regardless of conviction,
they feel like they're being watched. They feel, they know, while there's not
a conviction on record, the fact that this has happened isn't gone in the
court system. They've paid a lawyer a hefty fee, they've gone through two
years of something leading up to this, you have made them accountable
whether you've made them systematically accountable. . . . And even just,

they'll think twice. They had to look at you and deny it. I always like to imagine that they'll see my face every time they look at someone else. If I can't walk away from it neither can you — and that's what you're really cementing by standing there.

In Teuila's ideal world, family members with status and authority would lead the process on Teuila's behalf:

So for me, it's gotta be driven by either my dad [who holds titles], somebody that's held prestigious titles in the family or somebody that's called the main chief of the family. Hold 'em up for their actions.

Similarly, although Alamanda acknowledged the court system in Samoa existed, it was at a village level that she wanted action taken:

What I want to see is the whole country [implement banishment as a punishment for perpetrators] — in the villages, that is. The court system still exists. But the laws in the village, which identifies the culprit.

When I asked about the potential for the courts to act, she was unambiguous that in Samoa it was villages who would make change and take steps towards justice:

No. No, it's in the village, and, specifically in Samoa, that's where the change will happen.

Alamanda specifically noted her support for villages in Samoa who issued fines in response to sexual violence:

In fact, there are about two villages I know which I was really proud of in Samoa who now they're fining.

She suggested that formal mechanisms with recognised institutional status were are important as they have the power to set expectations about responses to sexual violence:

And it's the system. If the system says 50 years [then you'd expect that], but [if] the system came back and said, okay, you're just going to have to forgive them and here's another way of solving this, yeah.

Kate also felt that formal institutions held significant sway, and this caused her concern about the way they could replicate the very same issues around power and gender inequalities that lead to sexual violence:

Our judiciary is predominantly male, prosecutors are predominantly male, defence lawyers are predominantly [male]. . . . And so there's a whole lack of understanding in that structure, in that system around what this actually is, what they're actually talking about, how they're dealing with it. And I think that's exacerbating the harm that's caused rather than providing justice for anyone, necessarily.

10.1.1.2   Consistency, or Lack Thereof

Some participants noted, with a strong sense of frustration, the way that sexual violence crimes were treated as compared with other crimes, particularly by the criminal justice system. They emphasised the need for consistency:

Just like how we know when we offend there's criminal law: When you steal, you get summoned up for it. You pay the consequences. You go through the law. Or you take drugs, be held accountable, the police will be involved. That sort of thing. It's like, even people that don't pay their debts, they get pulled up by [the law]. Those little things. So, why isn't it [the case for sexual violence]? — Teuila

The inconsistency, Alamanda explained, undermines the system and is itself a further injustice:

> *You do the crime and you do the time. However, when you look at a case where people do the crime and they don't do the time, that kind of makes you question the system. And the inconsistencies of it. So when there are inconsistencies, like I said, you question and you're confused. You're confused. . . . And I've seen it happen, and I'm thinking, why is this happening? . . . so the law is a bit scary.*

Aute Samoa expressed scepticism about the criminal justice system. In particular, she spoke about racism and the way Pasifika people were treated within the system:

> *I'm afraid that's a man-made law that's been made to suit, and I'm gonna bring it up bluntly: Racism has got a lot to play at. The cycle hasn't been broken to this day, it still hasn't been broken, it goes to racism.*

She also raised concerns about lawyers who were motivated by money rather than justice, and judges whose decisions were based on the limited information provided to them and who weren't concerned for the wider context. All of these concerns pointed to issues of inconsistency within the criminal justice system. Despite all this, she felt that the underlying principle meant that perpetrators of sexual violence as well as other crimes should have to go through the criminal justice system:

> *Well, of course he's still gotta go. You've still gotta go through the system . . . cause you've done the crime! You did it.*

Puataunofo was also clear that the standing of the law conferred legitimacy for prison, and should be applied consistently:

> *If the law says jail, [then the perpetrator should go to] jail!*

For Teuila, the issue of consistency was one of power. She emphasised the importance of perpetrators being held accountable, regardless of their status:

> *Who cares if they held matai titles? No, that's not fair, it's like using a position of power. It doesn't matter! . . . [They still need to be] held accountable! . . . and I suppose that's where I've always kind of drawn the fact that everyone's the same. I look at everyone the same. There's no one that's above the law and there's no one that's above anyone else; we're all the same.*

10.2   Consequences

Participants held a range of views as to what sorts of consequences were appropriate. However, participants consistently felt that it was important that the perpetrators experience concrete consequences as part of accountability.

> *People need to, there has to be consequences.* — Alamanda.

Many participants spoke about consequences as important for the victim-survivor's experience of justice:

> *So not unless something is really done to it and you feel justified enough that something's been done — then you'll feel satisfied.* — Teuila

Puataunofo was concerned about the need to be clear about laying the accountability and consequences specifically with the direct perpetrator. She described a system of punishment set by the village matai that requires the perpetrator to pay goods and money by a certain deadline. She noted that, in order to achieve the stipulated outcome, the perpetrator's whole family had to work together. Puataunofo explained that this was

unjust. It was the perpetrator, and not his family, who committed sexual violence, and thus the perpetrator, and not his family, who should be punished:

> *That's not right. Because it's not the family who agreed to go and [commit sexual violence], it's the person.*

Rebecca explained that anger is part of grieving, but also emphasised that it was important that blame be attributed appropriately, i.e., to the perpetrator. While Rebecca thought there could be a range of possible consequences, what was most important is that the perpetrator did face consequences:

> *They'll be going through the — I'm saying "they," I've done it too — go through the grief process, there's a feeling of anger and a need to blame, 'cause you feel like you've lost something when it happens. And so that blame, in this case it's very obvious who's to blame! And you feel that they shouldn't get away with it! In whatever form that looks like! But that this should not be able to happen and them carry on in their lives.*

Some participants used the terms "consequences" and "punishments" interchangeably to refer to a negative experience externally imposed on the perpetrator. However, Max identified a number of consequences or outcomes that she desired and felt would be helpful to her as a victim-survivor. She distinguished these from the sorts of punitive measures that the criminal justice system often use:

> *I wouldn't have wanted and I still don't want the end result of the process whereby the perpetrator gets punished in some sense by the law or whatever. That was never something that would help me.*

Max went through a justice process that offered her the opportunity to "*present a list of demands, of things that I wanted that would make me feel better.*" In doing so, she was able to focus on consequences that would help her as a victim-survivor to heal:

> *It was nothing like, go sit in the prison for two years until you are a different*
>
> *person. It's like, here's what would actually help me.*

Likewise, Kate had observed other victim-survivors who were motivated more directly by anger and a desire for the perpetrator to suffer just as they had, but felt such consequences would not be helpful to her:

> *I've definitely spoken to people who want, whether it's public justice or*
>
> *criminal justice, just to fucking take [the perpetrator] down. . . . I think*
>
> *that the people I've spoken to who have that response are still probably*
>
> *really angry about it. So they feel as though this one individual has done*
>
> *harm to them and they want harm done back to that person. . . . That's not*
>
> *necessarily my experience though, or what I need, what I would want.*

Many participants also identified creating change and positive outcomes as one of the purposes of consequences:

> *That's the only way they'll learn.* — Teuila

Aute Samoa also felt that there should be a punishment for the perpetrator, but that it ought to serve some function:

> *Punishment is important, but what's that gonna do?*

Instead, the desire for change was also behind her suggestion that effective consequences would require emotional and psychological work on the part of the perpetrator:

> *I would like to see a form of punishment [where the perpetrator has] got to*
>
> *look deep inside themselves.*

She felt that, compared to prison, that sort of reflection would be more significant, and more likely to create change, although she also acknowledged that in some ways it would be harder:

> *[It would be] more meaningful and more cut-throat. . . . [It would require] actual emotional work, [be] more effective and [address] more deep-seated issues that need to be confronted.*

When I asked Tiale whether she felt the perpetrator should have been punished, her response was straightforward: "*No.*" When prompted to explain why, she was equally clear. Although she came to a different conclusion from Aute Samoa about whether there should be consequences, her decision was also motivated by considerations of effectiveness:

> *It wouldn't help him.*

Similarly, one of the reasons that Emma didn't wish to engage with the court process was her view that the consequences it offered wouldn't be useful:

> *And what would it have achieved, anyway? A few months' home detention, a short jail term at most? I don't really see what good that would do.*

10.2.1   Victim-Survivor-Oriented Consequences

Participants discussed the idea that consequences should serve to rebalance or return power to the victim-survivor. The issue of reparations or financial consequences, considered as one concrete mechanism for supporting the victim-survivor, was a particularly complex one, with a wide range of views.

Lisa suggested that the specifics as to what constituted appropriate consequences would differ according to the situation. In cases where the perpetrator had power over the victim-survivor, that should be taken into account and rebalanced:

It's so different in every case, 'cause if it's a power and control thing you'd

want that reversed.

Similarly, Max advocated for consequences that returned the perpetrator and victim-survivor to equal power, but was concerned about punitive responses that swung the pendulum too far in the other direction:

Violence occurs when there's an imbalance of power. I feel like punitive

justice, in theory it's supposed to give more power to the person who's

experienced the violence and then the perpetrator is stripped of their power.

But I don't see that as being the answer either; ideally we're both on a

level. Or sometimes taking them down a notch as well, if they're on some

ego trip where they think they can just do whatever to anyone.

Rebecca observed that it can be hard to quantify an appropriate consequence. However, she was supportive of payments or fines as a form of compensation, in part because of their tangible nature:

And I think also it's a tangible thing. It's hard to put a quantity on things.

It's hard to put a quantity, how many years in jail does this crime deserve?

And how much money in compensation do you deserve? And nothing, again,

in either case, especially if the person's in a place of anger and blame, will

ever really feel enough, but at least it's something that is tangible.

To Rebecca, such fines or payments could serve as a form of redistribution from perpetrator to victim-survivor:

They can see that and go, okay, this is a consequence, he got this many

years, he paid this amount of money. Those are both things that have come

out of his life and come into mine, so to speak. So there's a bit of a payback,

he's been robbed of some years, he's been taken away of some money and I've got it. That's a physical, obvious thing to represent the fact that he took from me and he has to give back something.

Rebecca also emphasised the potential of such consequences as a way of rebalancing the standing of the victim-survivor and perpetrator:

That at the moment it's unequal and that's a way to try to make it feel better. Because at the moment I'm at a loss and he's at a gain, and so he needs to somehow lose something and I need to somehow make this loss easier. . . . Which is impossible to call what that should look like and how much it is. But yeah, that's, I think to me, is probably what justice looks like, is a sense of equalising as much as possible.

While Emma's preference was that mental health care was available and free for everyone, if that were not the case she suggested that the perpetrator should bear the financial burden:

I guess if that's not possible, I do feel like he should pay for it.

Emma also reflected on the symbolic role played by money, noting that the use of financial consequences was a delicate matter but one that she felt was sometimes appropriate in light of the additional financial costs that victim-survivors often bear:

It could so very easily become a pay-off, or be seen as a pay-off, but yes. Money is highly symbolic in our society too, so there's that. But it's a recognition that, actually, there are *costs that exist as a result of the harm he's caused.*

Kate spoke of reparations alongside consequences:

> *Have some kind of reparation for that or there be some kind of consequence*
>
> *for raping a person.*

While Kate was also attuned to these additional financial costs borne by the victim-survivor, she grappled with the complexity of financial consequences as a response to sexual violence. While she recognised they could be practically helpful for some victim-survivors, she was also concerned about the reductive approach which reinforced a patriarchal and adversarial approach:

> *I think there is a cost that comes with being a victim-survivor, and there's*
>
> *a real lack of reparation for that in all sorts of ways. . . . I think in some*
>
> *contexts it's appropriate and helpful, probably. But at the same time it's*
>
> *a bit reductive. Someone's bodily integrity or mental integrity can't be*
>
> *equated with a financial cost. . . . And it's that patriarchal system of*
>
> *acquiring dominance and, "Well, here you go, here's some money, well*
>
> *done you, you won."*

Max was involved in a justice process that also suggested a financial component to the response, but she declined on the basis that she felt, for her, accepting or even discussing money would in fact reduce her power and the impact of what she was saying:

> *I wasn't struggling financially because of what had happened so I felt like*
>
> *it would dilute my message if I started talking about money.*

10.2.2   Community-Oriented Consequences

Moso'oi was clear that there should be consequences and that they should be reflect the gravity of sexual violence:

'Cause you've kind of like, you can go and do community work, you can go and pay off a fine or whatever it is, no hassle. You get community work for running red lights, you know! . . . Straight consequences for [sexual violence]. Straight consequences. That's something that's kind of broken me for years.

In her view, prison was an appropriate consequence for sexual violence:

Straight to jail!

Although Emma ultimately felt that monetary consequences were insufficient, she explained that she would prefer any monetary payments be made by the perpetrator to relevant community initiatives, rather than directly to herself as the victim-survivor:

I wouldn't say no to him donating money to a sexual violence charity . . . but I don't feel like [it's] adequate.

Rebecca reflected on the importance of consequences being significant for the perpetrator, as determined by what would be individually meaningful. The sentence imposed on the uncle that abused her children had both practical and symbolic implications for his life and identity:

My uncle having to have an ankle bracelet at home for two years, if he was the kind of guy that likes to go home every night and just sit and play computer games, I'd be really upset about that, 'cause I'm like, [you're] just sentencing him to what he already does anyway! The fact that he actually loved going for tramping and walks and was involved with [an outdoor education programme] and that was his lifestyle, that made me feel better, he's sacrificed all of that, that's something he now can't do. He used to travel all the time overseas, he now can't do that. A lot of countries

won't admit someone who's had a criminal past with a sexual offence, so he's now restricted, and so there's all that sort of stuff. I don't know what the register looks like . . . but he's on [the sexual offenders] list. How much it gets shared in the community I don't know, but to know that you're on a list of what the society considered some of the worst people in society, it's pretty horrific on your psyche! So he suffered a lot of loss, and I could see that, and that made me feel like he didn't just get away with it.

Similarly, Lisa suggested that the victim-survivors should have some say over the consequences, including as they related to the perpetrator's standing and interactions with the community:

The victim should weigh in on the sentence. They kinda get to do that, but it's within a very narrow spectrum and it's not what they want. And that should be an option. A victim might suggest something that a court doesn't have the power to enforce, but if they can offer it [they should]. . . . 'cause there's often quite obscure things that they want. Like, I don't want to see you around my sister, I want you to walk away, or acknowledge to my family this has happened.

Teuila explained that her desire for the perpetrator to experience consequences wasn't motivated by anger or a desire for retribution. Instead, it was to help the victim-survivor heal, to restore some balance of power, and to protect the integrity of positions of authority:

Not, definitely not anger, not vengeance . . . It's about [equilibrium and restoring a balance] and that's how you'll build your self-confidence, your trust. There's gotta be some sort of justification, whether it's in the form of an apology or going through a process, a stand-down, like stripped of your

rights. It's like, he's a deacon, all those titles, come on! If you're up there,

really? Should you not lead by example? Should you not be the one that

we all come to and feel safe?

In Teuila's case, the perpetrator held a position of authority within the church, which she wanted him removed from:

I know for a fact he was a deacon of the church. And within the church

system itself, I've been a victim of that, simply because of my ex-husband.

We were deacons of the church when he played up. And I ended up suf-

fering, they've had to get rid of our titles. So the same should go for [the

perpetrator].

While she was open to the possibility of the perpetrator being reinstated in future, Teuila felt it was important that he at least be removed for a significant duration:

Yeah, give him a good period. Five years? A long-stand down. Just get rid

of all his statuses.

Lisa also felt that perpetrators should be removed from any positions of power or authority:

There needs to be some way to ensure they're never *in a position of power.*

While Emma was clear that she saw no benefit to jail, she did feel that there was value in consequences that reflected the community recognising perpetrator's wrong:

I don't think prison helps anyone. . . . Community service is a slightly

trickier one. . . . I think sometimes it can be a good thing, but it can

also feel quite tokenistic and inadequate. I think on the whole, though, if

it was offered, yeah, I would like to see [the perpetrators] do community

service as part of a formalised legal sentence. But that's more about having

their behaviour publicly recognised, and paying a price that's publicly

recognised, than what I think will cause them to change. . . . It is something

concrete. It's a clear consequence as a direct result of what they did. And

it's one of the ways our society punishes criminals, so in that sense there's

a clear recognition that what they did was actually a crime.

Rather than the general public, Emma wanted important people in the perpetrators' lives to be made aware:

I actually want [the perpetrators'] friends and family to know, too.

This was similar to the request that Max had made:

I asked him to have a bunch of conversations with people who'd known

about the violence and hadn't done anything, stuff like that.

Kate had also observed that some victim-survivors felt it was important that justice be served publicly:

I've definitely talked to some people who want to publicly decry the person

that assaulted them.

In particular, she relayed one account of a woman who wanted to publicly name the perpetrator in order to find out who else he had raped:

And then she met another person who'd had exactly the same thing happen

to her by the same person. So when Me Too came out, she was like, "We

wanna Me Too this guy, and see how many other people [he assaulted]."

Alamanda supported banishment from the village as a consequence because she felt it sent a suitably strong message, and could act as a deterrent:

And so, oh, you'd better not do that 'cause [you will be banished]. There

are other forms or other ways, but this is just like, wow, it says a lot.

Puataunofo also suggested banishment as a consequence:

In my way, in my way in our island, island-style, our island culture, if things

like that [happen] in the family, we should have to separate from the village.

Leave the village, not be allowed to stay in the village anymore. Or give

him a punishment.

Alternatively, Puataunofo suggested that when sexual violence occurred within the
family, it was the family who should respond with social ostracism:

We won't allow him to be in the family anymore. We don't wanna call him

brother or dad.

10.3   Informal Responses, Social Sanctions and Peer-Based Systems of Accountability

Informal, spontaneous or ad hoc responses from community members and mutual
acquaintances were uncommon, but those who spoke of them valued them highly
as expressions of justice. Friends, family and peers were regarded as particularly
important when it came to holding perpetrators accountable and imposing meaningful
consequences.

Emma raised the question of who the accountability should be to. The value of a
conviction, she felt, was its formal and unambiguous status. However, Emma would
prefer for friends and family of the perpetrator to play the role usually held by the
criminal justice system:

> *I'm not so sure that the legal system is who he needs to be accountable to,*
>
> *and that's kind of what the system feels like. Although the formal status of*
>
> *a conviction definitely has some appeal, I guess, the concreteness of it. It*
>
> *would be validating. . . . I guess in an ideal world I'd actually love [friends*
>
> *and family] to organise a "probation." I think checking in with them, being*
>
> *accountable to them, would be much more powerful if they were actually*
>
> *able to and willing to hold him to account.*

When I asked whether Max would want her friends to take action or confront the perpetrator, she was unequivocal that "*I would want them to, yeah.*" Max recounted her ex-partner's response, who used his job in a bar to stand up for Max and issue informal social sanctions against the perpetrator:

> *It's my ex-partner who worked in a bar, and once refused to serve the*
>
> *perpetrator. Which meant so much to me! He was like, "No, this guy is not*
>
> *getting a drink from me."*

Max described other mutual acquaintances who took steps to distance themselves from the perpetrator. Max explained that she would not have felt able to ask for that action, but it was made more meaningful by the fact the group made the decision on their own initiative:

> *She was like, "Hey, I've talked to the other people, or the other person in*
>
> *my band, and we've decided to take [the project that the perpetrator made*
>
> *offline]." Just off their own initiative, but I didn't ask for that. And now I'm*
>
> *like, is that even useful? I dunno, but it was really nice of them to just think*
>
> *about [doing that]. . . . It was a show of support to me, I felt. That was*
>
> *cool. I think if they'd asked me, "Do you want us to take it down?" it would*
>
> *have been like, "No, no, no, no." It was kinda nice of them to just do it! . . .*
>
> *it was great. Weird little things like that can mean quite a lot.*

Conversely, Lisa spoke about the hurtful choice made by mutual friends to continue supporting and even living with the perpetrator, which was a further injustice:

> *And she's the one I think it hurts the most, she's the most logical and kindhearted of them, and the one that stayed living with them in the end. And it was like, "Oh wow, if even they haven't got my back here, then, hell."*

She wished that they had instead stood up for her and demanded accountability from the perpetrator:

> *I guess made some kind of stand, like, "We refuse to be around you until you've addressed this behaviour." Just more support of me too.*

Likewise, Teuila explained that the perpetrator was often present at family gatherings. She was clear that this was a source of distress for her; she would prefer he wasn't in attendance and, moreover, she would prefer that family members took responsibility for ensuring he wasn't there.

After Rebecca was raped, her brother confronted the perpetrator, which Rebecca felt positively about:

> *Apparently he actually saw him in town, my brother, and went up to him and said, "I know what you did to my sister, don't you dare show your face here again." And that kind of made me feel good, my brother was protecting me.*

On the other hand, Rebecca was hurt by her family members who supported her uncle that abused her children. While the judge was there in his formal capacity, it was his unofficial, raw emotional response that Rebecca found reassuring:

> *When the lawyer said that the children's grandfather is here to support my uncle, dad said the judge balked. They kinda went, "Really?" and looked*

shocked that the grandfather of the children would support the abuser. . . .

and that made me feel better.

Rebecca valued the blunt language used by the judge, and the resulting emotional consequences expressed by family members:

Dad said the sentence . . . the way that the judge read it out was really horrific, they made what actually happened sound terrible and the words that he used were really shaming words of how horrific it was, how vulnerable these young people were, how he used the opportunity and the fact that I'm ill against me, the fact that I was poor and he groomed, and he went down all that. And so I felt better knowing that they were horrified at what he had done. Again, that made me feel good: It's been seen, it's been acknowledged. Okay, cool.

When Rebecca's uncle was sentenced, it included an order that he no longer be allowed to be unsupervised around children. Rebecca explained that, as well as the formal rule, there were broader social consequences that directly resulted from the rule, and that the family had also held him accountable by imposing some of their own informal consequences:

He's not able to be around children on his own ever again and he's got grandchildren so he's just lost any opportunity to babysit and have one-on-one contact with them. He's suffered a lot of loss as a result of it, his son won't speak to him again. He heard what happened and he's just wiped him completely, so he's lost his son. So there's been consequences for him. Hugely. Mum and dad do invite him over to their house on occasion, but he's never welcome there when any of the other kids are there and he's never really probably gonna be part of Christmases again, anything like that. So he's lost his family and a lot, in a lot of ways.

Rebecca explained that, although the formal court sentence was important, it was the family holding him accountable and imposing consequences that was more significant to her:

This court stuff is like, the sentence is there, it's done and then it's over with. Whereas the social thing is ongoing.

While Rebecca's mother supported her brother, she has also consistently expressed her anger at him, which Rebecca has valued:

How you have relationships with your family, how they deal with it and handle it. I really appreciate my parents. I love their forgiveness and their grace, but mum's still angry with him. Every now and then she'll make a comment . . . she does do her little digs at him all the time. . . . She hasn't forgotten, and she really hasn't forgiven. She's forgiven enough to a point, he's her brother and she's loyal to him, but not to the point where she's willing to sweep it under the carpet and pretend it didn't happen. And that's helpful for me.

This was similar to the response that Emma expressed a desire for:

I guess I want [family members] to judge him, to convey their judgement of him to him. I don't want him to be able to hide his shame in private. I don't want anything public, as in wider public, but I do want the people he cares about, his family, to know and to judge him and for him to have to respond to them. So yes, I guess actually I want the family to not just know, but to feel negatively about it: ashamed, disappointed, upset, angry, whatever. Anything that's not accepting it and letting him get away with it.

Although Emma didn't experience that response from the perpetrator's family, she described the importance of a friend's reaction:

The other person I did tell some of it too was a friend [of the perpetrator]. That was interesting because it was a while later — maybe a year or so after the final occasion? Anyway, he told me that he'd hung out with [the perpetrator] who had basically tried to persuade him to help out in getting me around, and it was very clear that [the perpetrator's] intentions were to rape me. The friend told him what he was doing wasn't okay, and they're no longer friends. Saying that now it doesn't sound like such a big deal, not being friends with a rapist sounds pretty bare minimum. But in reality that felt like a really big deal. He saw it, he recognised it, he validated and confirmed what I was saying and he took a stand that it was unacceptable. That easily feels like the closest to 'justice' that I've experienced.

Emma went on to describe why the friend's response meant so much to her:

It was a concrete outcome, but it was also massively symbolic. This guy had been one of his closest friends, and he was drawing a clear line. But yes, there's a consequence to that, too, in that it's a loss to him: the loss of a friend, of opportunities to socialise, of the respect of someone he considered a friend. I don't want it to be punitive, but it does seem right that he suffers some sort of a loss too, and those sorts of things seem more relevant and appropriate to me. They represent a natural, human, emotional and social response to unacceptable behaviour. And so I think they definitely feel more relevant and appropriate than the usual outcomes like prison sentences, probation, community sentences.

On the other hand, Aute Samoa took the view that social exclusion of the perpetrator was unhelpful and would only create further problems:

It'll create more problems, because you're still isolating that person.

10.3.1   Vigilante Justice

While such informal responses from the community and mutual acquaintances were seen as positive and meaningful, participants expressed concern with the possibility of vigilante justice. While also informal or unauthorised, descriptions of vigilante justice were characterised by violence. In particular, some participants felt this was a risk from family members of the victim-survivor. The possibility of a direct retaliation was *not* regarded as serving justice, and some thus regarded having formal mechanisms to be important for deterring this possibility.

Tiale gave a hypothetical example involving murder. In doing so, she is concerned with a sense of justice not only for the person directly wronged, but for that person's family:

> *Just imagine if people die and there is no justice. They say, "Oh, it's easy for me to go and kill some other people because there's no justice." But now all the people, especially the grieving family, the loved one killed by another one . . . say, "Oh, we need justice for this guy." So that's why I think justice is a thing that we need to do, it's like to do the right thing for helping other family, eh.*

This was also a concern for Aute Samoa, when discussing why ifoga wouldn't work in Aotearoa New Zealand:

> *And anyone can go behind the family's back and kill that person. No matter whether it's been sorted in the ifoga way, but because of the colonisation, of how we've become more Western, how we have access to guns.*

Similarly, Puataunofo expressed concern for the safety of the perpetrator:

If a person, like some of the family, wanna do something stupid to him. You

know what I mean? The family of the girl or the woman, they wanna do

something very dangerous.

For this reason, Puataunofo suggested that the perpetrator should remain in prison partially for his own safety.

Chapter 11

Further Reflections: What *Is* Justice?

The purpose of this chapter is to reflect on the findings as a whole, and to put forward some thoughts in relation to the overarching question: What *is* justice, as conceived of by victim-survivors of sexual violence? The ideas offered here are my analysis, based on participants' contributions but as understood by me. My intention is not to provide a complete and comprehensive account of justice, but to draw on participants' contributions as a whole to present some key ideas about how victim-survivors conceive of justice.

11.1   Pasifika and Pālagi Views

Given the set-up of this thesis, there is an obvious question: Is there a difference between Pasifika and Pālagi victim-survivors' conceptions of justice? While the question is one that can be asked, I am cautious about answering it. This research was intended to explore victim-survivors' accounts of justice within cultural frameworks that made sense to them, and not to compare and contrast. This is particularly important to note given the very small cohorts: My aim was to explore participants' views in depth, and not to extrapolate beyond, particularly along such complex cultural lines.

Nonetheless, the findings do indicate some tentative responses to this question. First and foremost, I believe that there is *more variation within than between* the two cohorts. With that said, I do want to offer some areas where I believe there are, on the whole, subtle differences in perspective:

- Perhaps the most notable difference relates to the prominence given to family. While all participants' accounts of justice reached well beyond the individual victim-survivor and perpetrator, there were differences in who the key people were. For Pasifika participants, family was paramount. The Pālagi participants, on the other hand, varied their focus more evenly between family and friends.

- Religious and spiritual elements were a much more notable component of Pasifika participants' accounts, but — aside from the very occasional reference in the past tense — absent from my conversations with the Pālagi participants.

- Pasifika participants were more likely to regard forgiveness as desirable in its own right, while Pālagi participants treated it as instrumental and only good inasmuch as it aided the victim-survivor's well-being.

- Pasifika participants were more likely to be concerned with the status and authority of the criminal justice system or fono, and to regard those systems as possessing legitimacy. This in turn meant that, despite their frustration at the inconsistency of the law as applied to sexual violence, they were more likely to regard the formal responses offered by the criminal justice system as an important component of justice. On the other hand, Pālagi participants who expressed similar frustrations were more likely to suggest that the inconsistency and unreliability undermined the criminal justice system as a relevant space for achieving justice.

- While all participants spoke of being silenced, Pālagi participants were more likely to also speak of pressure *to* talk about their experiences of sexual violence.

I speculate that this could be a possible downside to normalising talking about sexual violence more openly, as has increasingly been the case in Pālagi culture, but this is only conjecture. One participant, Lisa, suggested that she felt this pressure in part because, although talking about sexual violence has become more acceptable, it is still not commonplace. As a result, those who do raise the topic are still presenting a potentially rare opportunity for a conversation which others may be eager to seize.

11.2   Justice Is Transformational

When I first listened to and coded participants' interviews, I was initially saddened. I noticed all the things they were asking for that would make things better for other people: for their families, for their friends, for their church groups, for society as a whole, even for the perpetrators. And, by contrast, I noticed how little they were asking for on behalf of themselves. I felt a sense of deep grief, which I took to my supervisors, underpinned by a fear that manifested as a question: Are we so constrained by how bad things are for victim-survivors in the current system that we can't even see how to imagine beyond it? I had tried to set up the questions and conversations as openly as possible, to emphasise that participants should not feel limited by concerns about budgets or practicality or perceived acceptability. All the same, I couldn't shake the sense that participants were describing justice in modest, even mundane, everyday terms.

It wasn't until I finished writing up the previous findings chapters and had the opportunity to properly reflect on the full picture that I understood how wrong my first impression was. Herman (2005) proposed that victim-survivors' accounts of justice sought to "*[heal] a damaged relationship, not between the victim and the offender but between the victim and his or her community*" (p. 597). The findings described

over these past chapters support that, and go further still: *Justice is what would allow victim-survivors to live full lives, with safety and dignity, connected to and respected by their communities.*

And it is true that, in a way, participants' accounts of justice are modest: Justice demands nothing more than what is required to enable victim-survivors to live full lives, with safety and dignity, and in connection with their communities. This *is* about the mundane and everyday. At the same time, this conception of justice is broad, ambitious and transformational: Justice demands nothing *less* than what is required to enable victim-survivors to live full lives, with safety and dignity, and in connection with their communities.

At its crux, this is about the values we hold and the ways we engage with each other. And so, the significance and scope of this, both in breadth and depth, should not be understated. To achieve this would be to transform all aspects of how we conceive of, relate to and respond to sexual violence, from the day-to-day right through to a policy level. It would require transformation of interpersonal relationships, institutional dynamics, and underlying structural and cultural factors. It would have wide-ranging implications for how victim-survivors live their lives. It would be transformational for the victim-survivors themselves, and require dynamic transformation of the communities they live in.

11.2.1 Justice Is Personal

Daly (2017) identified a number of elements as part of victim-survivors' justice interests, but suggested that they may need to be "*[modified] to accord with what occurs in a particular context*" (p. 115). This built on her earlier work which observed that justice must consider the specific circumstances and characteristics of an experience of sexual violence (Daly, 2015). Likewise, a number of my participants commented on the

inadequacy of generic justice mechanisms to meet their personal justice interests, and emphasised the need for justice to be responsive to their individual circumstances, interests and needs. Put simply, there can be no one-size-fits-all approach.

Participants described various characteristics or dimensions of their experiences of sexual violence, which justice must be able to take into account. Characteristics relating to the victim-survivor, the sexual violence itself, the wider political and cultural context in which it occurred, the relationship with the perpetrator, and the response from others are not features to be dealt with separately, but all contribute to the overall experience of sexual violence and what justice subsequently means for the victim-survivor. In this way, while issues such as safety were common across participants, they varied in their views as to the best way to achieve it in the context of their lives. Similarly, many participants sought some form of recognition or acknowledgement, but whether this came from the perpetrator, bystanders or other community members depended on the victim-survivors' personal preferences and relationships. The importance of taking into account the specific circumstances is particularly evident when considered in light of the broader social dynamics, with participants identifying various concrete responses based on the perpetrator's position as father, uncle, member of a friend group, pastor, etc., and in some cases even taking into account the perpetrator's interests and personality with regard to what sort of consequences would have a meaningful impact.

Thus, as with the elements of justice put forward by Daly (2017), the aspects of justice that I describe throughout this chapter must be adapted to respond to the specific context and personal justice interests of the victim-survivor.

11.2.2   Justice Is Expansive

Although the purpose of this research was not to investigate the effects of sexual violence on victim-survivors, in talking with participants they nonetheless offered

narratives describing impacts which were complex and far-reaching. Some of these I have touched on in previous chapters, including with regard to housing, friendships, family relationships, community and religious groups, education, employment, and physical and mental health. Other impacts weren't linked so directly to specific needs, but show the profound ramifications of sexual violence. One participant spoke of avoiding pap smears and of feeling violated by every pregnancy-related examination. Another described temporarily leaving the country in order to recover. Some participants talked about shutting themselves away and being afraid to socialise. A number spoke of a sense of paranoia about security at home — a state they were already taught to be in as women, but which was exacerbated by the sexual violence they experienced.

Given the wide-ranging impacts of sexual violence, it should thus be unsurprising that participants indicated justice must be equally wide in its purview, taking into account moral wrongs done, harm caused, and survival needs unmet, and recognising the interplay between these. Moreover, the impacts described are a result of both the experiences of sexual violence, and of people's responses afterwards. While primary and secondary victimisation are distinct phenomena, for the participants thinking about justice, they were inextricably linked. This account of justice is undeniably demanding. It necessitates expanding our understanding of justice well beyond the conventional mechanisms, and taking into account all the aspects of victim-survivors' lives that were and continue to be affected by sexual violence.

11.2.3   Justice Is Everyday

The impacts that participants described are about victim-survivors' day-to-day lives. When participants spoke of injustice, they were as concerned with their subsequent treatment and the way the people responded as with the sexual violence itself. The same goes for their accounts of justice. There is an important role for organised, intentional

and overtly justice-focused interventions, such as are offered by court proceedings, fono, and restorative or transformative justice processes. But justice must also be in the everyday.

Right at the end of our interview, Max summarised justice as "*more about going forward rather than going back, [figuring out a new] way of being.*" This sentiment was consistently echoed throughout my conversations with participants, who described justice in terms that related to their day-to-day lives and, in particular, their relationships. Participants were certainly interested in formalised or semi-formalised mechanisms, and for some participants the formality and status conferred particular significance. But all participants also spoke of the importance of informal, personal, unstructured responses.

As such, justice cannot be compartmentalised and restricted to courtrooms or meeting spaces, or checked off a list as "done." What happens in those spaces should be expressions of justice, but justice cannot be confined to those times, places and relationships. As people leave those spaces, they continue to engage with the world and each other, and, as they do so, justice and expressions of justice must continue to be carried with them.

11.2.4   Justice Is Communal

Participants described justice with reference to how they live their lives and relate to others. They discussed not just their own experiences as individuals, but had regard for community safety, social relations, and the well-being of others and others' relationships. They also recognised that sexual violence is born of shared social, cultural and political factors. While sexual violence itself is often a deeply private matter, these relational dynamics and conditions that give rise to sexual violence are collective concerns. Given this, it is unsurprising that participants saw justice as requiring a public or semi-public

approach.

The degree and nature of this varied by participant. In some cases it was explicit, such as posts on social media or formal rulings by a court. For nearly all participants, it involved key people being openly and unequivocally in support of the victim-survivor. When family and friends refused to do this, they effectively reinforced it as a private matter between the victim-survivor and perpetrator, and dismissed the victim-survivor's experience. Justice required not simply privately recognising the victim-survivor's experience, but a community response that adjusted relationships accordingly to give it the status it deserved.

11.2.5   Justice Is Proactive

Participants were also attuned to the political, social and cultural dimensions that give rise to sexual violence. Chapter 7, "Prevention," highlighted the presence of harmful norms that maintain, tolerate and even normalise sexual violence and other forms of gender-based violence. I repeat here the words of Kate:

> *And I think I would feel safe only with the recognition that I wasn't safe*
>
> *before. . . . And that vast harm has been permitted, normalised, happening,*
>
> *all of that kind of thing. We can't address it unless we recognise that.*

Similarly, Max remarked that "*I can't really talk about what happened to me without talking about how are we gonna fix it?*" The "it" here is not the sexual violence she experienced in isolation, but all the cultural and social factors that gave rise to it, such as gender norms and sexual scripts that taught the perpetrator to act as he did, cultural norms that meant others enabled his behaviour, and social norms that accept and normalise sexual violence.

For victim-survivors to live full lives with dignity and safety, and in connection with their communities, as they are entitled to — for victim-survivors to have justice — these

underlying conditions that permit sexual violence must be acknowledged and addressed. This takes justice out of the realm of simply redressing wrongs done or harm caused, and demands that it be proactive, preventing sexual violence from occurring in the first place by transforming the patriarchal conditions that give rise to it.

This raises a challenging question about accountability and the community. In general, the role of the community is commonly regarded as being to hold perpetrators accountable. But recognising sexual violence as having collective causes also implies some collective responsibility, and participants varied in terms of how willing they were to attribute blame to those they regarded as having enabled sexual violence, whether by act or omission. I don't attempt to answer this question about how to allocate responsibility and accountability, but note here its importance as an issue to grapple with.

11.2.6   Too Demanding?

Some people may balk at this account of justice, and object that it is *too* demanding, beyond what can reasonably be asked for or expected. And it is certainly the case that most of the discourse so far has focused on how to improve the justice system within the current political constraints. The impact of this narrow focus was astutely summed up by a frustrated Lisa, who observed that criminal justice reforms focus on "*minimising the damage as opposed to making it a positive experience.*" Similarly, Kate reflected on how unambitious what she wanted from the perpetrator was, and speculated that this was a result of constrained and unambitious discourses about sexual violence and justice: "*Maybe I'm entitled to more. Maybe I've been taught not to expect more.*"

To those who say that this account of justice is too demanding, my answer is that this objection shows a lack of political imagination. Hard to achieve is not the same as unreasonable or impossible — as evidenced by feminists' accomplishment in redefining

rape as an offence against the victim-survivor, rather than as a property crime — and, even if such an expansive conception of justice is not perfectly realised, meaningful progress can be made towards it. Furthermore, what is hard to achieve is relative, determined by the political and culture context at the time: It is only hard to achieve if we collectively accept the current constraints.

More importantly, that is an objection about the implementation, and not about the account of justice itself. There is no rule that says justice must be easy to achieve. I would even go so far as to contend that justice, as a virtue, *should* be demanding and inherently "*[include] an aspiration to be better than we are*" (Annas, 2007). Whether it can be perfectly realised should not determine whether it is what we should strive for.

On the other hand, I suggest that accepting the limitations of the status quo as having either some inevitability or normative status can be harmful. If we want to make change, of course there comes a time when practical questions about implementation and resources must be asked — but first we must develop an understanding of what we are aiming for. It is unnecessarily limiting to always preclude possibilities that are too far outside the status quo before they can even be contemplated.

11.3   Dignity

Participants rarely used the term "dignity," yet they expressed a clear understanding that both their experiences of sexual violence and the unjust ways they were treated afterwards were "*display[s] of contempt for their rights and dignity*" (Herman, 2005, p. 597). They also conveyed that justice requires not only that participants be able to live full lives, but that they be able to do so with dignity.

Dignity — or its absence — ran through participants' accounts of how they were treated by those around them. They envisaged justice as allowing them not simply to be connected and engage with their families, friends and communities, but to be treated

with dignity when they did so. In this sense, the participants' vision of dignity has much in common with the dignity that was identified as a key element by McGlynn and Westmarland (2019), and with the honour that Herman (2005) highlighted. However, I suggest that the dignity sought by participants has an additional and internal facet. While they were concerned with how they were treated by others, they also sought to restore, support or reinforce their own sense of self and self-worth, which had been undermined both by sexual violence and by the subsequent responses.

11.3.1   Dignity and Power

Participants emphasised the importance of victim-survivors being able to live full lives, an aspect of which involved having power over their own lives. This power stands in contrast to the act of power over another that is sexual violence. Similarly, ensuring victim-survivors have power over their own lives is part of recognising them as full human beings and honouring their dignity, in contrast to the objectifying and reductive experience of sexual violence.

Power was discussed in terms of having choices and being able to make decisions about justice processes and outcomes. Participants identified justice mechanisms, disclosure, housing, parenting, social obligations, and health services as examples of areas that justice necessitated they have more control over. I contend that the way participants discussed choice and decision-making suggests that they were not simply interested in that control as an instrumental good because they felt it would yield better outcomes. Instead, I propose that they regarded holding power and being able to make those determinations as important in its own right. Moreover, I suggest that part of the reason such power matters is that it is linked to dignity.

Society confers or limits powers of decision-making based on the recognition of two key elements: standing and capacity. This is evident when we look at examples of whose

decision-making rights are formally removed or suspended. For example, prisoners'
standing in society is forcibly removed from them along with their rights to make
decisions about how they live. People who are "sectioned" or subject to compulsory
treatment orders are deemed to not have the capacity, and thus their decision-making
rights are suspended. The appropriateness or necessity of removing or suspending
personal decision-making rights in this way is well outside the scope of my thesis, but
it is uncontroversial to note that doing so is, at best, a threat to dignity. Conversely,
conferring decision-making power on victim-survivors is a recognition of both their
standing and capacity, and a reaffirmation of their dignity.

This is straightforward enough when the dynamic in question is only between
the victim-survivor and the community, and what is required is for the community to
recognise and enable the victim-survivor's decision-making power over their own life.
However, it becomes more complex when the question relates to the victim-survivor
having power over the perpetrator's life, enabled or enforced by the community, as
would be the case for some of the desired outcomes identified by participants. In
both Pasifika and Pālagi culture, holding decision-making rights over another is an
honour conferred very selectively and reserved for those of particular esteem, such
as matai or judges.[1] When such power is conferred, it tends to be constrained in
scope; for example, judges must comply with the Sentencing Act 2002, which outlines
the types of sentences available and when they should be issued. These restrictions
may pose an issue in the context of victim-survivors of sexual violence who regard
justice as an expansive enterprise, and thus may desire more creative or wide-reaching
outcomes. Although restorative justice processes offer a wider range of outcomes, they
are dependent upon the perpetrator admitting guilt and accepting the authority of the

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[1]I refer here only to cases where it is explicitly and formally recognised that one adult has decision-
making power over another. I set aside the question of children and young people. I also set aside
questions of economic or otherwise coercive dynamics, such as employment relationships, where the
power over another is not made explicit and choice is at least purported to operate.

process and of the victim-survivor's role within it. This issue of how far power over others might go is a complex one, and I do not attempt to resolve it here, but merely note it as an area requiring further consideration.

11.3.2   Dignity and Integrity

Living a full life with dignity also requires that victim-survivors be allowed to live with integrity. As challenging as meeting victim-survivors' practical needs may be, the prevalence of silencing and emotional suppression suggests that honouring victim-survivors' experiences, voice and feelings may be just as hard. Lisa had observed, "*No one likes an angry victim*" in court, while Emma commented that, "*I wouldn't have made a 'good' witness.*" Almost all participants had stories to tell about being silenced or minimised when they tried to speak of their experiences in informal settings. Being silenced in this way — or being required to act the "good witness" — necessitates victim-survivors suppressing parts of themselves and their emotions. If victim-survivors are to be able to live with dignity and integrity, we must accept and honour the full complexity of their experiences and emotions.

The necessity of being able to live with integrity is most pronounced in Moso'oi's narrative. She recounted that when she spoke up and wouldn't accept sexual violence, "*I got outcast from my family, but I didn't care, I felt good.*" Living by her values and refusing to be silenced required huge bravery and came with immense consequences, but Moso'oi deemed it worth it. For Lisa, it was her friend group that she gave up. She explained that "*I thought it would be the hardest thing in the world and after I did it I had nothing but peace.*" The people who had been so important to her for so many years were acting in ways that were at odds with her values and which discredited her experiences of sexual violence. Being true to her emotions and experiences required that Lisa end the friendships.

However, the importance of integrity is also evident in all those participants who described doing things new ways, in line with their values and their experiences. For Pasifika participants, this often carried more risk, as they spoke with their children about sex, demanded churches make change, and talked openly within families about sexual violence. However, the danger of "*rocking the boat*," as Aute Samoa described it, was also present for Pālagi participants who confronted family or social groups because their integrity demanded it.

11.4   A Summary: What Is Justice?

While a short list cannot capture the nuance and complexity of my participants' conceptions of justice, I set out here a very high level summary of the key aspects required for justice:

- **Transformational**: Justice is enabling victim-survivors to live full lives, with safety and dignity, and in connection with their communities.

- **Personal**: Justice must be responsive to the particularities of the sexual violence and the personal justice interests of the victim-survivor.

- **Expansive**: Justice requires taking into account all the aspects of victim-survivors' lives that were and continue to be affected by sexual violence, including with regard to healing and practical needs.

- **Everyday**: Justice must be manifested both in dedicated spaces and in victim-survivors' day-to-day lives and relationships.

- **Proactive**: Justice requires preventing sexual violence by acknowledging and addressing the underlying political, social and cultural conditions in which sexual violence occurs.

- **Communal**: Justice necessitates a community response.

- **Dignifying**: Justice involves recognising and reaffirming the dignity of the victim-survivor, including respecting their integrity and power.

Chapter 12

Conclusion

The purpose of this thesis was to explore how victim-survivors of sexual violence conceive of justice, focusing specifically on Pasifika and Pālagi victim-survivors in Aotearoa New Zealand. As presented and discussed in Chapters 4–11, when participants were given the opportunity to describe justice on their own terms, without constraint or presupposition, they described an expansive and transformational justice, connected to all aspects of their lives.

In this chapter I will reflect on the research as a whole, discussing both its significance and its limitations. Finally, I will draw attention to some significant lingering questions, and suggest areas for possible further research.

12.1 Significance and Contributions

This thesis adds to the small body of existing research that looks at how victim-survivors conceive of justice, and makes a number of original contributions to the ongoing discussion about sexual violence and justice.

In the first instance, the research question itself makes an important contribution by identifying a discussion which is necessary yet overlooked, as the simple act of

asking about victim-survivors' conceptions of justice reflects a foundational divergence from existing conversations in this area. While victim-survivors are increasingly being consulted on their views with regard to justice mechanisms, this research takes a step back to ask victim-survivors how they conceive of justice itself. At the same time, the question "what is justice?" has remained largely confined to abstract philosophical theorising; by locating the question in relation to sexual violence and directly asking victim-survivors, this research asserts that victim-survivors' views are relevant. This thesis thus makes a contribution at the level of simply recognising victim-survivors' conceptions of justice as significant and worthy of discussion. Understanding and honouring victim-survivors' conceptions of justice (and not only their assessments of mechanisms) is in turn essential in order to inform programmes, policies and initiatives that aim to provide justice for victim-survivors.

Moreover, victim-survivors responded to the question. It cannot be taken for granted that potential participants will respond to research, particularly on sensitive topics such as sexual violence. Just as asking the question is significant, so too is the fact that victim-survivors answered and shared their views.

Methodologically, the cross-cultural context and approach are significant. While I used narrative inquiry and talanoa in distinct data collection phases, the epistemological framework, analysis and write-up have woven them together into the overall research project. In doing so, this research makes a contribution in providing an example for cross-cultural research using two distinct but complementary and culturally-appropriate methodologies.

The use of the Fonofale model is significant for three reasons. Firstly, it reflected and supported my underlying approach to the research, which was to allow participants to determine the parameters of justice. Rather than me steering them towards any preconceived notions about what is and isn't justice, the holistic and interconnected framing of the Fonofale model made space for participants to tell their whole stories, to

create what they felt was relevant, and to draw the connections that they regarded as meaningful. The encircling layer of the Fonofale recognised participants' contributions as dynamic and located in the time, context and environment in which they were responding.

Secondly, using the Fonofale model privileged a Pasifika framework in a cross-cultural research context. In an academic context that still privileges Pālagi knowledge and devalues Pasifika knowledge, and treats Pālagi knowledge as the default, using a Pasifika framework is one small act I could take to help reinforce the validity of Pasifika knowledge. Doing so provided a cultural framework that was appropriate for the Pasifika participants. However, it also assisted the Pālagi participants to move beyond the Eurocentric patriarchy. While Pasifika participants were overtly walking in two worlds, pālāgi participants were also resisting and pushing back on cultural norms, seeking to create something new and move beyond the constraints of that Eurocentric patriarchy, including the individualisation and compartmentalisation of justice.

Finally, as a whole, the open approach to the research question that the Fonofale model supported has resulted in a view of justice that is bold and wide-reaching, and runs throughout participants lives. This marks a significant shift from the dominant discourse which compartmentalises justice, and these findings are a significant contribution to conversations about justice which must be acknowledged and taken into account if we are to improve justice for victim-survivors of sexual violence.

12.2   Limitations of This Research

The parameters of this research imposed unavoidable limitations on the study, only some of which I have previously discussed. I present the limitations here in order to provide appropriate caveats and contextualize the findings.

- The participant sample size was very small. This was deliberate, as it allowed me

to engage more deeply with participants' rich contributions, reflecting the nuance and complexity of the qualitative research topic. However, the small number of participants resulted in two key limitations:

- The small participant sample size necessitates caution about over-extrapolating. Amongst the participants, the findings suggest a strong degree of accordance particularly regarding higher level values and overarching issues. However, there was also diversity amongst participants as to the specifics they desired, as enacted in the particular contexts of their lives and experiences.

- The majority of Pasifika participants were Samoan. While this reflects the fact that Samoans make up the largest proportion of Pacific people in Tāmaki Makaurau Auckland (Auckland Council, 2020), it risks reinforcing the dominance of Polynesian identities under the umbrella term "Pasifika" (Burnett & Bond, 2020). On the basis that Pasifika cultures have more axiological and ontological commonalities with each other than with Pālagi culture, I suggest that it is likely that the aforementioned correspondences (at the higher levels) and diversities (with regard to specifics) are likely to hold across Pasifika victim-survivors of different ethnicities, but ethnic-specific research would be required to confirm or disprove this.

- I am Pālagi. As discussed in Section 3.4.2.3, "Researching Pasifika Perspectives as a Pālagi," this can be both helpful and limiting when engaging with Pasifika participants. However, one considerable disadvantage related to language. As House (2014) observed, "*language is culturally embedded: it serves to express and shape cultural reality*" (p. 3). On occasion, participants used terms in their original language; in such cases, I took responsibility for seeking advice and translations that would help me to understand the culturally-contextualised meaning as best I could. However, all interviews were conducted in English. As

English is my only language, I cannot know what subtle complexities were lost through participants' translation of their worldviews into English.

- I did not ask participants about their experiences of sexual violence. While many volunteered some stories, I did not actively collect information about the type of sexual violence they experienced, the frequency of it, whether it occurred as part of a wider pattern of abuse, what their relationship was to the perpetrator(s), etc. As noted in Section 3.4.5.3, "Individual Participants' Experiences of Sexual Violence," all participants referred to sexual violence where the perpetrator was, at least to some extent, known to them. It is unclear what impact these factors had on their conceptions of justice, and my small sample size would not have supported an analysis according to these factors.

- As observed in Section 3.4.8.1.2, "Taking Care Before Confirming Participants," I anticipated a significant degree of self-selection such that my participants would likely be those who were further along in the healing journey and more comfortable discussing sexual violence. This self-selection helped ensure that those participating were more likely to be safe to do so, and so was something I encouraged. However, it is possible that victim-survivors who are unready or unwilling to discuss sexual violence hold different conceptions of justice.

- As mentioned in Section 3.4.5.1, "Gender," all my participants were women. This raises a question about whether male or non-binary victim-survivors would have offered different responses reflecting different conceptions of justice.

12.3 Questions Arising and Avenues for Further Research

The issue of justice in the context of sexual violence is an immensely complex one, which would benefit from significantly more research. I have identified some key questions that arise from my findings and which, along with the limitations of my research, point to a number of areas that are worthy of further exploration.

12.3.1 Other Cohorts

As noted above, there were limitations regarding the cohorts that this research was carried out with. With regard to this research question specifically, which was focused on Pasifika and Pālagi perspectives, research with victim-survivors of different genders and of different Pasifika ethnic backgrounds may bring to light new aspects. There would also be immense value in opening up the research question more broadly, and exploring how victim-survivors of different ethnic backgrounds, cultural contexts, national contexts, etc., conceive of justice.

Cohorts based around factors to do with the sexual violence itself — such as the type of sexual violence, whether it occurred in the context of other violence, and the type of relationship between the victim-survivor and perpetrator — pose additional challenges due to their sensitivity, but would potentially offer more nuance to the understandings of justice presented here. In particular, in the majority of cases discussed the perpetrator was to some degree known to the individual participants, and in many contexts the perpetrator was a family member or partner. How does this impact on victim-survivors' responses, and do those who have experienced sexual violence at the hands of a stranger conceive of justice differently?

12.3.2   Community Experts

As observed in Section 3.4.1.2.1, "The Role of the Community Expert Participants," I have not directly included material from the interviews with community expert participants, although it has informed my subsequent interviews with individual victim-survivors. Research exploring how such community experts' conceptions of justice agree with or diverge from victim-survivors' would be valuable to inform community experts' practice.

12.3.3   Language and Terminology

Throughout this research process, I came face-to-face with the inadequacy of the language available to discuss sexual violence. Although I made pragmatic decisions around terminology (as outlined in Section 1.3, "Key Terms") in order to move forward, the shortcomings of the options were clear. Questions about the language of sexual violence is already an area of research and discussion; however, it is primarily oriented towards analysing existing terms, or assessing terms within specific pragmatic contexts such as research or particular mechanisms (e.g., Bagwell-Gray et al., 2015; Jülich et al., 2020; Young & Maguire, 2003). Given the diversities of experiences, identities and ideologies of those connected with sexual violence, as well as the range of contexts in which terms may be used, it is likely that a range of terms will be needed. Creativity is required to explore how we can move beyond the limits of the language that is currently available, and to research options that might resonate with other people or reflect the diversity of identities and experiences at different times.

12.3.4   Implementation and Mechanisms

I have deliberately avoided focusing on justice mechanisms in this research. That is not because I believe the topic is unimportant, but simply because I believe this more

foundational question about what we mean by "justice" needs to be answered first. However, once we have an understanding of what justice is for victim-survivors, the question naturally arises: How do we achieve it? Or, at the very least, how do we take steps towards it? Inextricably bound up in this is the question of which mechanisms (note the plural) will best support those interests.

Given the complexity and breadth of victim-survivors' accounts of justice, research in this area should be open-minded. As well as simply evaluating existing mechanisms, there is a need to be creative, to think laterally, to look for new ideas and solutions. There is also an urgent need to think beyond solely formal and institutional mechanisms, and to explore how to implement victim-survivors' visions of justice at community-, peer- and family-based levels.

12.3.5   Challenging or Replicating Gender Norms?

There is a correlation between gender inequality and sexual violence. Participants had observed this in their own lives, and this is consistently borne out by the research (see Section 2.2, "Sexual Violence and Gender Inequality"). Thus, addressing sexual violence requires addressing gender inequality and prescriptive gender norms. At the same time, if care is not taken, many of the responses that participants identified as desirable risk replicating gender norms. When participants described examples of keeping victim-survivors safe at family functions, speaking up in friend groups, and pushing for change within institutions, they commonly — although by no means exclusively — described women doing this work. This is consistent with research which has found that, as bystanders, women are both more willing and more likely than men to intervene in relation to sexual violence (Bannon et al., 2013; Banyard, 2008; Banyard & Moynihan, 2011; Burn, 2009; Exner & Cummings, 2011; Moschella-Smith et al., 2022).

Sexual violence is commonly regarded as a women's issue. This categorisation of it has a number of consequences, including the reduced ability for male and non-binary victim-survivors to get help. It also fails to make space to address sexual violence with regard to perpetrators, the overwhelming majority of whom are men (see Section 2.2.3, "Gender: Who Perpetrates Sexual Violence?"), or with regard to the underlying issue of gender inequality. Its categorisation as a women's issue also permits its compartmentalisation, and means it is subjected to the same devaluation that other women's issues face. Likewise, work related to caring for others and to maintaining relationships is commonly regarded as women's work. These factors together mean that the responses sought by victim-survivors from their communities in their accounts of justice risk falling disproportionately on women, unless care is taken to ensure otherwise.

With this in mind, consideration must be given as to how to realise victim-survivors' visions of justice without unwittingly replicating the same gender inequalities that contribute to sexual violence. This is a complex question with multiple angles deserving of further research, including but not limited to:

- What is the current gender division of labour with regard to the work described by participants, such as keeping victim-survivors safe at family functions, keeping perpetrators away from family functions, making space to listen to victim-survivors, speaking up against sexual violence, and organising for change in institutions?

- How do we reframe sexual violence so as to move it out of its silo as a so-called women's issue?

- How do we shift the burden of care work and relationship-management work so that it is shared equally and is no longer carried disproportionately by women?

Additionally, a small number of Pasifika participants identified gender norms, such as the feagaiga or notions of motherhood, as having the potential to serve as protective factors in order to prevent sexual violence. This raises a further question about the tension between using gender norms as a basis to claim safety and power and the need to address gender inequality in order to address sexual violence. As these gender constructs are highly culturally specific — even when the overarching concept, such as motherhood, is shared across cultures — this question would need to be considered in a culturally-specific context.

12.3.6 The Implications of Normalising Discussions About Sexual Violence

Many participants spoke of the importance of being able to speak openly about their experiences of sexual violence, and a significant number cited the experience of participating in my research as an example. This reflects research which discusses the importance of voice and feeling heard (Daly, 2017; Jülich, 2001; McGlynn & Westmarland, 2019). Disclosure, when responded to in a supportive manner, is linked to positive mental health outcomes, a sense of validation, a sense of connection, and decreases in shame, self-blame and loneliness (Choi et al., 2021; Gorissen et al., 2021).

However, some Pālagi participants also spoke about feeling pressure to talk about their experiences of sexual violence with friends and family, either in response to incorrect accounts amongst their social group or simply because of expectations from other people. Research thus far has largely focused more on the silencing of victim-survivors, and it would be worth exploring this pressure to disclose that some victim-survivors reported. In the context of my research it was only reported by Pālagi participants, and research to find out whether this pattern holds true would be of interest. In particular, what is behind this pressure? Is it related to the normalisation

of conversations about sexual violence? If so, is this a downside in general, or does it relate to the specific phase we are in, whereby discussions of sexual violence are becoming normalised but still not commonplace (see Section 11.1, "Pasifika and Pālagi Views")? What can be done to address or relieve these pressures for victim-survivors?

12.4   Final Reflections

That this research exists is a testament to the victim-survivors who participated in it. It is a testament to their courage, in a world where those who have experienced sexual violence are still often silenced and discouraged from speaking out. Their contributions are also testament to their convictions that, despite all they had endured, something better is possible, and is worth talking about and aiming for.

This thesis makes evident the need for a radical shift in our scope when we talk about justice in relation to sexual violence. The compartmentalisation of justice into distinct and bounded processes, often institutionalised, may be convenient, but it simply does not reflect participants' accounts of justice, which describe justice as expansive and interconnected to all aspects of their lives. Justice is not confined to courtrooms or facilitated meetings, but relates to victim-survivors' health, relationships, places in their communities, and everyday well-being. It is also not limited to responses after the fact, but encompasses issues of prevention, safety, and cultural norms about gender. Because it includes matters of relationships, community, and cultural norms, this justice also involves all of us; while there is undoubtedly a place for institutions and those in particular roles or positions of authority, it is not discrete or separate from all of us as individuals and as part of society.

In that sense, this thesis is a challenge. Particularly for those of us who are Pālagi, the existing discourse — compartmentalised and focused on institutional responsibility — is likely to reflect our underlying ontology and axiology, and we may find security in

that. The challenge to see justice as interconnected may be an uncomfortable one, and the notion that we all have some responsibility may be confronting. For Pasifika people, this understanding of justice as interrelated and requiring involvement from all of us is likely to be more in accordance with Pacific ontologies and axiologies, but there may be concerns around decorum and challenge to hierarchy. For all of us, this account of justice as transformational, and thus demanding, is likely to be daunting.

I do not suggest that this challenge is one that we can meet quickly or easily. But we have already acknowledged that our current attempts at justice fail victim-survivors; if we are to rectify that, we must start by listening to how they conceive of justice.

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Appendix A

Glossary

A.1 Translations

Where a term was only used once and could be adequately (at least for the limited purposes of the thesis) translated immediately in-text, I have done so. The following terms are ones that were used more than once, or for which I felt a longer definition was required. Because the Māori terms used will be familiar to readers from Aotearoa New Zealand, I have included translations here rather than in the main body, regardless of frequency used or length of translation.

I have indicated next to each term the language that it belongs to as used in the context of this thesis. As language is culturally bound and does not always translate directly, I have given the context that I feel is most useful for understanding the terms as used in this thesis. I have frequently used referenced quotes for the definitions, particularly for the terms requiring more complex and contextualised translations.

The terms below include diacritical marks. However, these are not always used. In cases such as titles or where I have quoted from written work, I have copied the original exactly. As such, there may be some slight variation.

- **'Āiga** Samoan: "Family, extended family; descent group or kinship in all its

dimensions" (M. Anae, 1997, p. 136).

- **Awa** (Māori): River or stream.

- **Fa'amatai** (Samoan): "The chiefly system of Samoa . . . central to the organisation of Sāmoan society. It is the traditional indigenous form of governance in both American Samoa and the independent State of Samoa. Of central importance in the system are the *matai*, the holders of family chief titles. *Fa'amatai* is the key socio-political system of governance and way of life in Sāmoan culture. Inherent in the *fa'amatai* is the welfare and well-being of the extended family and the protection of family property, consisting most importantly of customary land" (M. Anae et al., 2017, p. 38).

- **Fanau** (Tongan): Family, extended family. T. M. Vaioleti (2006) offered "whānau" (p. 29) as the Māori translation.

- **Feagaiga** (Samoan): "Men and women have shared a bilateral relationship that manifests itself as the *feagaiga*, sacred covenant, between *tamatāne*, male relatives, and *tamafafine*, female relatives, in a family" (M. L. Simanu-Klutz, 2011, p. 1).

  "The brother promises to protect and respect his sister, the sister promises to support and honour her brother" (Lameta, 2015, p. 41).

- **Fono** (Samoan): "Village councils of matai" (L. M. M. Anae, 2020a, p.2).

- **Fonua** (Tongan): Often superficially translated as land, but "may include worldviews, ways of being, language and culture" (T. Vaioleti, 2013, p. 194).

- **Ifoga** (Samoan): "The highest form of apology in the Samoan culture. The *ifoga* was essentially a public admission of guilt, display of remorse, humility and submission. The *ifoga* involves two parties where one seeks forgiveness of the

other. The word *ifoga* comes from the word 'ifo,' meaning (to) 'bow.' The one who offered the apology displayed *to'ilalo* (defeat) and submission. The one who holds *malo* (victory, winner, triumphant) is the victimised party" (K. S. Sumeo, 2004, p. 67).

"The decision to pursue the *ifoga* rests on the decision of the *matai* and the extended family not of the individual. . . . Upon arrival, the offending party is seated behind the offender who is kneeling and fully covered with a large fine mat. It is at this time that the offending party waits. The waiting time is determined by the offended family. . . . When the offended family has agreed that enough humiliation has been served, the offending party is greeted by a *matai*. Although this process (greeting) can be time consuming, the intricate and often poetic exchange of verbal speech is vital to the healing process of the *ifoga*. . . . The *ifoga* is only successful when the fine mat, which was used to cover the offender, has been removed by the offended family. The offending family then proceeds with the offering of gifts, fine mats, food, and money" (Ligaliga, 2014, p. 226).

- **Karakia** (Māori): Spiritual chant, prayer, blessing, or the act of reciting any of the aforementioned.

- **Kau nga fa'u** (Tongan): "Co-constructer of knowledge, participants" (T. Vaioleti, 2013, p. 194).

- **Kaumātua** (Māori): Elders. The term connotes status and respect, and is traditionally a position of leadership.

- **Koloa** (Tongan): "Taonga, treasure" (T. M. Vaioleti, 2006, p. 28).

- **Matai** (Samoan): "Titled family heads" (L. M. M. Anae, 2020a, p. 2).

- **Maunga** (Māori): Mountain.

- **Moetolo** (Samoan): "Sleep-crawlers" (Seiuli, 2016a).

  "Night crawler for sex" (p. 2791) who "[creeps] in to attempt rape" (Rankine et al., 2017, p. 2788).

  "A person who sexually violates another while they or their family are asleep" (Seiuli, 2017, abstract).

- **Mokopuna** (Māori): Grandchild or grandchildren.

- **Nofotane** (Samoan): "Marrying wives who have no rights in their husbands' village but must serve their husband's family just as he does" (Fairbairn-Dunlop, 2020, p. 74).

  "*Nofotane* is made up of two words; *nofo* (to sit or stay) and *tane* (husband). The term can be a derogatory one given to a female married into a family if she should err in the carrying out of her duties" (Latai, 2020).

  "A nofotane woman is a Samoan woman who lives with her husband's family after they are married. She leaves the comfort of her own *aiga* (family) where she is the *feagaiga i le aiga* (sacred covenant) to serve her husband's family and kin. . . . Nofotane women who are not well educated are expected to do the *feau's* (chores), that range from domestic duties around the house, to going and helping in her husband in the family plantation. The nofotane is expected to be the first to rise in the morning to prepare food for the family. She is also the last to sleep at night after the family is served. Other nofotane women are often seen out at sea diving for fish and shells to feed her husband's family. Traditionally going to the plantation and diving for fish and shells are the work expected to be performed by men. If she had remained with her own family as the feagaiga she would not be expected to perform these heavy duties" (Amosa, 2014, p. 1).

- **Noa** (Tongan): "Common, of no value, without thought, without exertion"

(Churchward, 1959, as cited in T. M. Vaioleti, 2011, p. 116).

- **Pākehā** (Māori): While the term is used to refer to white New Zealanders, the specific parameters remain contested. In particular, definitions vary as to whether it includes those of non-British or non-European origin, and whether it includes recent white immigrants who were born elsewhere. Nonetheless, the Pākehā identity is necessarily one that is constructed in relation to Aotearoa New Zealand and to Māori, and their colonisation (Leach, 2020; Matthewman, 2017; Pearson, 1989). The term is used as an ethnic and cultural descriptor; it does not carry negative connotations, despite occasional claims to the contrary from those who reinforce the privilege and cultural dominance of whiteness (Leach, 2020).

  "European settlers and their descendants" (Huygens, 2016, p. 156).

  "Non-Māori, usually of British ethnic origin or background" (Te Ara — The Encyclopedia of New Zealand, 2008, p. 94).

  "New Zealander of European descent, first generation upwards" (Leach, 2020, p. 1).

- **Pepeha** (Māori): An introduction that includes family and ancestral ties, both with people and places.

- **Sui generis** (Latin): Of its own kind, of a category or class of its own. In philosophy, the term is used to denote that a concept is a thing unto itself, and cannot be reduced to or subsumed by other concepts.

- **Tamariki** (Māori): Children.

- **Tangata Tiriti** (Māori): Literally translates to "Treaty people" or "people of the Treaty." The treaty referenced is Te Tiriti o Waitangi, sometimes called "the first immigration document of Aotearoa" (Dewes, 2022).

"People who have come to Aotearoa/New Zealand under the authority of the Treaty (*aka* 'tauiwi'), including but not limited to Pākehā, Pasifika peoples, those from Asia, Africa and South America" (Treaty Resource Centre, 2007, p. 8).

- **Tangata whenua** (Māori): Commonly translated to "people of the land," referring to those who are indigenous, i.e., Māori. "Whenua" means both land (country, nation, ground) and placenta.

  "Local people, hosts, indigenous people — people born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placenta are buried" (Te Aka Māori Dictionary, n.d.-a).

- **Tauiwi** (Māori): The term refers to all those who live in Aotearoa New Zealand and are not Māori. It includes, but is not limited to, Pākehā. It does not carry negative connotations, despite occasional claims to the contrary from those who refuse to recognise the significance of indigeneity; the term is a neutral description for those whose ancestry is not from Aotearoa New Zealand.

  "Peoples who are not indigenous" (Jones et al., 2000, p. 10).

  "Foreigner, European, non-Māori, colonist . . . person coming from afar . . . outsider" (Te Aka Māori Dictionary, n.d.-b).

  "All New Zealanders who are not of Māori descent" (Huygens, 2016, p. 156).

- **Te ao Māori** (Māori): The Māori world or the Māori worldview.

- **Tuakana/teina** (Māori): "Tuakana" refers to an older sibling of the same gender, while "teina" refers to a younger sibling of the same gender.

- **Tui kakala** (Tongan): "*Kakala* is Tongan for fragrant flowers and leaves woven together in special ways according to the need of the occasion they are woven for.

. . . *Tui* is the process of making or weaving the *kakala*" (T. M. Vaioleti, 2006, p. 27).

Thaman (1997, as cited in T. M. Vaioleti, 2006) used the kakala as a metaphor for a Pacific framework for teaching, learning and education. T. M. Vaioleti (2006) described the tui stage as "a vital stage of the research. This is where the stories, spirits and emotions from the deep Talanoa encounters are arranged and woven further; in other words, the integration, synthesis and weaving of knowledge made available by the Talanoa" (p. 27).

- **Vā** (Samoan): "The space between, the betweenness, not empty space, not space that separates but space that relates, that holds separate entities and things together in the Unity-that-is-All, the space that is context, giving meaning to things" (Wendt, 1996, pp. 18–19).

  "The sacred relational space that is social, spiritual, relating, negotiating and creating" (Tapu Tuʻitahi, 2018, p. 28).

- **Waiata** (Māori): Song, or to sing.

A.2   Initialisms

- **ACC**: Accident Compensation Corporation

- **CSA**: Child sexual abuse

- **GBV**: Gender-based violence

- **IPV**: Intimate partner violence

- **IPSV**: Interpersonal sexual violence

- **ISSP**: International Social Survey Programme

- **TASV**: Taskforce for Action on Sexual Violence

- **VAW**: Violence against women

Appendix B

AUT Ethics Committee Approval

The original application to the AUT Ethics Committee (AUTEC) was for phase one of the research, while phase two was approved based on a subsequent application for an amendment.

AUTEC Secretariat

Auckland University of Technology
D-88, WU406 Level 4 WU Building City Campus
T: +64 9 921 9999 ext. 8316
E: ethics@aut.ac.nz
www.aut.ac.nz/researchethics

28 March 2018

Marilyn Waring
Faculty of Culture and Society

Dear Marilyn

Re Ethics Application: **18/78 Conceptions of justice according to victim-survivors of adult sexual violence**

Thank you for providing evidence as requested, which satisfies the points raised by the Auckland University of Technology Ethics Committee (AUTEC).

Your ethics application has been approved for three years until 28 March 2021.

Standard Conditions of Approval

1. A progress report is due annually on the anniversary of the approval date, using form EA2, which is available online through http://www.aut.ac.nz/researchethics.
2. A final report is due at the expiration of the approval period, or, upon completion of project, using form EA3, which is available online through http://www.aut.ac.nz/researchethics.
3. Any amendments to the project must be approved by AUTEC prior to being implemented. Amendments can be requested using the EA2 form: http://www.aut.ac.nz/researchethics.
4. Any serious or unexpected adverse events must be reported to AUTEC Secretariat as a matter of priority.
5. Any unforeseen events that might affect continued ethical acceptability of the project should also be reported to the AUTEC Secretariat as a matter of priority.

Please quote the application number and title on all future correspondence related to this project.

AUTEC grants ethical approval only. If you require management approval for access for your research from another institution or organisation then you are responsible for obtaining it. You are reminded that it is your responsibility to ensure that the spelling and grammar of documents being provided to participants or external organisations is of a high standard.

For any enquiries, please contact ethics@aut.ac.nz

Yours sincerely,

Kate O'Connor
Executive Manager
Auckland University of Technology Ethics Committee

Cc: megan.bradyclark@gmail.com

Auckland University of Technology Ethics Committee (AUTEC)

1 April 2019

Marilyn Waring
Faculty of Culture and Society

Dear Marilyn

Re: Ethics Application:　　**18/78 Conceptions of justice according to victim-survivors of adult sexual violence: Pasifika and non-Pasifika perspectives**

Thank you for your request for approval of amendments to your ethics application.

The following amendments to your ethics application are approved.

- o　Change of title
- o　Upgrade of qualification being undertaken
- o　Recruitment protocols and data collection methods (talanoa)
- o　Change of research aims to include a Pacific perspective
- o　Changes to Information Sheet(s)
- o　Changes to Supervisor team (Peggy FD now 2nd)

I remind you of the **Standard Conditions of Approval**.

1. A progress report is due annually on the anniversary of the approval date, using form EA2, which is available online through http://www.aut.ac.nz/research/researchethics.
2. A final report is due at the expiration of the approval period, or, upon completion of project, using form EA3, which is available online through http://www.aut.ac.nz/research/researchethics.
3. Any amendments to the project must be approved by AUTEC prior to being implemented. Amendments can be requested using the EA2 form: http://www.aut.ac.nz/research/researchethics.
4. Any serious or unexpected adverse events must be reported to AUTEC Secretariat as a matter of priority.
5. Any unforeseen events that might affect continued ethical acceptability of the project should also be reported to the AUTEC Secretariat as a matter of priority.

Please quote the application number and title on all future correspondence related to this project.

AUTEC grants ethical approval only. If you require management approval for access for your research from another institution or organisation then you are responsible for obtaining it. If the research is undertaken outside New Zealand, you need to meet all locality legal and ethical obligations and requirements.

For any enquiries please contact ethics@aut.ac.nz

Yours sincerely,

Kate O'Connor
Executive Manager
Auckland University of Technology Ethics Committee

Cc:　　megan.bradyclark@gmail.com; Peggy Fairbairn-Dunlop

Appendix C

Phase One: Individual Participant Recruitment Notice

I used this recruitment notice, as approved by AUTEC, to share via social media to recruit individual Pālagi participants for phase one.[1]

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[1]Appendices C, D and E refer to an MPhil. This is the qualification I was originally enrolled in, and I then subsequently upgraded to a PhD. All participants who had contributed data prior to the upgrade were informed of the change in degree and had the opportunity to withdraw.

Recruitment advertisement/notice

March 2018

Have you experienced sexual violence as an adult? Are you located in Auckland? Could you help with research into understanding victim-survivors' views of justice?

Kia ora. My name is Megan Brady-Clark, and I'm a student at AUT who is researching how victim-survivors understand justice. What do we actually mean when we talk about "justice"? Who does it involve? What does it look like? What would need to happen, or not happen, for you to experience justice?

I am seeking 4-6 participants who

- o Have experienced sexual violence in adulthood
- o Are aged 20 or over
- o Reside in Auckland
- o Speak English
- o Are not my family member or friend

The research will involve an interview which is expected to last between one and two hours.

Please not that you will *not* be asked any questions about, or expected to disclose any information about, your experience(s) of sexual violence.

If you would like to find out more, please email me at:
megan.bradyclark@gmail.com

Please do not respond on Facebook with expressions of interest.

This research is being undertaken as part of a Master of Philosophy qualification.

Appendix D

Phase One: Participant Information Sheets

The participant information sheets below were provided to Pālagi individual and community expert participants respectively.

Participant Information Sheet

This participation sheet is for potential individual participants.

Date Information Sheet Produced:

February 2017

Project Title

Conceptions of justice according to victim-survivors of adult sexual violence.

An Invitation

Kia ora, my name is Megan Brady-Clark. I would like to understand how people who have experienced sexual violence as an adult understand justice. I would like to invite you to be part of my research.

I am a postgraduate student studying towards a towards a Master of Philosophy at Auckland University of Technology under the supervision of Professor Marilyn Waring (AUT) and Dr Shirley Jülich (Massey University).

I am interested in hearing what justice means to you. Who does it involve? What does it look like? What would need to happen, or not happen, for you to experience a sense of justice?

It doesn't matter whether or not you've ever gone to court, or even reported your sexual violence experience(s). My research aims to honour your voice and perspective, without judgement.

What is the purpose of this research?

The purpose of this research is to explore how victim-survivors of adult sexual violence understand justice.

The findings will be published in an MPhil thesis, and may be included in other academic publications.

How was I identified and why am I being invited to participate in this research?

You are being invited to participate in this research as you have responded to my advertisement. This means you self-identify as someone who has experienced sexual violence as an adult.

Please note that to participate you must not be my family member or friend. You must also be able to speak fluent English.

How do I agree to participate in this research?

Your participation in this research is voluntary and whether or not you choose to participate will neither advantage nor disadvantage you. You can withdraw from the study at any time through to the end of the data collection period. If you choose to withdraw from the study, then you will be offered the choice between having any data that is identifiable as belonging to you removed or allowing it to continue to be used. However, once the findings have been produced, removal of your data may not be possible.

What will happen in this research?

This research will involve meeting one-on-one with myself at a time and location that is convenient to you.

We will go through the participant information sheet, and you will have an opportunity to ask any questions you may have. If you are comfortable proceeding, I will ask you to sign a consent form.

We will have a one-on-one conversation lasting between one and two hours. You will determine the direction of the interview, and it is up to you how much information you are comfortable to share.

With your permission, the interview will be audio-recorded. I will transcribe the tape. You will be given the option to read your transcript and to make any comments or edits that you'd like to.

As well as speaking with victim-survivors directly, I will also speak with community experts who work closely with victim-survivors of sexual violence.

What are the discomforts and risks?

Although you will **not** be asked any questions or required to give an account about your experience(s) of sexual violence, you may still experience discomfit or difficult thoughts or feelings from this discussion.

How will these discomforts and risks be alleviated?

You have the right to decline to answer any questions. You may also take as many breaks as you would like, at any time, by simply letting me know.

AUT Health Counselling and Wellbeing offers three free sessions of confidential counselling support for adult participants in an AUT research project. These sessions are only available for issues that have arisen directly as a result of participation in the research, and are not for other general counselling needs. To access these services, you will need to:

- drop into our centres at WB219 or AS104 or phone 921 9992 City Campus or 921 9998 North Shore campus to make an appointment. Appointments for South Campus can be made by calling 921 9992

- let the receptionist know that you are a research participant, and provide the title of my research and my name and contact details as given in this Information Sheet

You can find out more information about AUT counsellors and counselling on http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling.

You can also get in touch with the following support services:

- HELP Auckland
    - http://helpauckland.org.nz
    - 24/7 helpline at 09 623 1700

- Lifeline Aotearoa
    - lifeline.org.nz
    - 24/7 helpline at 0800 543 354

- 1737, Need to Talk? (trained counsellors)
    - https://1737.org.nz
    - 24/7 helpline at 1737 (text or call)

What are the benefits?

This research is designed to provide victim-survivors of adult sexual violence with an opportunity to tell us what their justice needs are. I believe there is intrinsic value in hearing the voices of victim-survivors, who are all too often marginalised. Having a better understanding of victim-survivors' views of justice is essential in order to support victim-survivors to achieve justice. This is only the first step in a large area yet to be explored, but it is my hope that in due course this research will contribute to policy and practice that is grounded in the lived experiences and views of victim-survivors.

As a researcher and a victim-survivor of sexual violence myself, I will not pass judgement on anything you have to say: your experiences, emotions and views are all valid. For this reason, some people find the process itself of being a research participant, and the opportunity to express their views in a space where they are respected and listened to, to be valuable.

I am conducting this research as part of my Master of Philosophy qualification. I will also benefit from the opportunity to hear, reflect on and learn from the perspectives of other victim-survivors with regards to the question of justice, which I have been interested in for some years.

How will my privacy be protected?

All care will be taken to protect your privacy and ensure confidentiality. This includes:

- Transcribing all tapes myself. Only I and my supervisors will ever have access to the data. Your name and any identifying information will be removed from your transcriptions.

- Storing all data and forms in password protected files and storing consent forms separately from the data.

- Identifying you in the final thesis or any publications by a pseudonym. You may select this pseudonym yourself; or, if you prefer, I can choose one for you.

Please note confidentiality may not extend to disclosures of a threat of imminent harm to yourself or to another person. In such a case, I will discuss this with my supervisors Marilyn Waring and Shirley Jülich, and a decision will be made as to whether further steps are ethically required.

Auckland University of Technology will have custodial rights over the data from collection through to its secure destruction, six years after completion of the project.

What are the costs of participating in this research?

There are no financial costs to participating in this research other than your time. If you choose to review the transcript, that may take an extra hour or so.

A contribution will be made to assist with your travel costs.

What opportunity do I have to consider this invitation?

You can take time to consider if you wish to participate, but participation is 'first come, first served' until full. I am available at any time to discuss any questions or concerns you have.

Will I receive feedback on the results of this research?

I will produce a brief summary document of the findings of this research. This document will be made available to all participants who would like it.

What do I do if I have concerns about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Marilyn Waring, marilyn.waring@aut.ac.nz,* 09 921 9661.

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Whom do I contact for further information about this research?

Please keep this Information Sheet and a copy of the Consent Form for your future reference. You are also able to contact the research team as follows:

Researcher Contact Details:

Researcher:

Megan Brady-Clark, megan.bradyclark@gmail.com, 021 2733105

Project Supervisor Contact Details:

Primary supervisor:

Marilyn Waring, marilyn.waring@aut.ac.nz, 09 921 9661

Secondary supervisor

Shirley Jülich, S.J.Julich@massey.ac.nz, (09) 414 0800 ext. 43359

Approved by the Auckland University of Technology Ethics Committee on 28 March 2018. AUTEC Reference number 18/78.

Participant Information Sheet

This participation sheet is for potential community expert participants.

Date Information Sheet Produced:

February 2017

Project Title

Conceptions of justice according to victim-survivors of adult sexual violence.

An Invitation

Kia ora, my name is Megan Brady-Clark. I would like to understand how people who have experienced sexual violence as an adult understand justice.

I am studying towards a towards a Master of Philosophy at Auckland University of Technology under the supervision of Professor Marilyn Waring (AUT) and Dr Shirley Jülich (Massey University).

I am interested in hearing how you understand justice based on your work with victim-survivors of sexual violence. Who does it involve? What does it look like? What would need to happen, or not happen, for victim-survivors to experience a sense of justice?

What is the purpose of this research?

The purpose of this research is to explore how victim-survivors of adult sexual violence understand justice.

The findings will be published in an MPhil thesis, and may be included in other academic publications.

How was I identified and why am I being invited to participate in this research?

You are being invited to participate in this research as someone who works, or has worked closely, with victim-survivors of adult-sexual violence.

How do I agree to participate in this research?

Your participation in this research is voluntary and whether or not you choose to participate will neither advantage nor disadvantage you. You can withdraw from the study at any time through to the end of the data collection period. If you choose to withdraw from the study, then you will be offered the choice between having any data that is identifiable as belonging to you removed or allowing it to continue to be used. However, once the findings have been produced, removal of your data may not be possible.

What will happen in this research?

This research will involve meeting one-on-one with myself at a time and location that is convenient to you.

We will go through the participant information sheet, and you will have an opportunity to ask any questions you may have. If you are comfortable proceeding, I will ask you to sign a consent form.

We will have a one-on-one conversation lasting between one and two hours. You will determine the direction of the interview, and it is up to you how much information you are comfortable to share. I will request that you do *not* identify any of the people you work(ed) with in any way.

With your permission, the interview will be audio-recorded. I will transcribe the tape. You will be given the option to review your transcript and to make any comments or edits that you'd like to.

As well as speaking with community experts who work with victim-survivors of adult sexual violence, I will also be speaking with victim-survivors directly.

What are the discomforts and risks?

You will **not** be asked any questions or to give an account of any sexual violence experienced by the people you work with or yourself. However, you may still experience discomfit or difficult thoughts or feelings from this discussion.

How will these discomforts and risks be alleviated?

You have the right to decline to answer any questions. You may also take as many breaks as you would like, at any time, by simply letting me know.

AUT Health Counselling and Wellbeing offers three free sessions of confidential counselling support for adult participants in an AUT research project. These sessions are only available for issues that have arisen directly as a result of participation in the research, and are not for other general counselling needs. To access these services, you will need to:

- drop into our centres at WB219 or AS104 or phone 921 9992 City Campus or 921 9998 North Shore campus to make an appointment. Appointments for South Campus can be made by calling 921 9992

- let the receptionist know that you are a research participant, and provide the title of my research and my name and contact details as given in this Information Sheet

You can find out more information about AUT counsellors and counselling on http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling.

You can also get in touch with the following support services:

- HELP Auckland

  - http://helpauckland.org.nz

  - 24/7 helpline at 09 623 1700

- Lifeline Aotearoa

  - lifeline.org.nz

  - 24/7 helpline at 0800 543 354

- 1737, Need to Talk? (trained counsellors)

  - https://1737.org.nz

  - 24/7 helpline at 1737 (text or call)

What are the benefits?

This research is designed to provide victim-survivors of adult sexual violence with an opportunity to tell us what their justice needs are. Having a better understanding of victim-survivors' views of justice is essential in order to support victim-survivors to achieve justice, and I hope the findings may be useful to people such as yourself who work with victim-survivors. This is only the first step in a large area yet to be explored, but it is my hope that in due course this research will contribute to policy and practice that is grounded in the lived experiences and views of victim-survivors.

Some people find the process itself of being a research participant, and the opportunity to express their views in a space where they are respected and listened to, to be valuable. As a researcher and a victim-survivor of sexual violence myself, I will not pass judgement: your experiences, emotions and views are all valid.

I am conducting this research as part of my Master of Philosophy qualification. I will also benefit from the opportunity to hear, reflect on and learn from the perspectives of other victim-survivors with regards to the question of justice, which I have been interested in for some years.

How will my privacy be protected?

All care will be taken to protect your privacy and ensure confidentiality. This includes:

- Transcribing all tapes myself. Only I and my supervisors will ever have access to the data. Your name, and any information that could potentially identify you or anyone that you work(ed) with will be removed from your transcriptions.

- Storing all data and forms in password protected files and storing consent forms separately from the data.

- Identifying you in the final thesis or any publications by a pseudonym. You may select this pseudonym yourself; or, if you prefer, I can choose one for you.

Please note confidentiality may not extend to disclosures of a threat of imminent harm to yourself or to another person. In such a case, I will discuss this with my supervisors Marilyn Waring and Shirley Jülich, and a decision will be made as to whether further steps are ethically required.

Auckland University of Technology will have custodial rights over the data from collection through to its secure destruction, six years after completion of the project.

What are the costs of participating in this research?

There should be no financial costs to participating in this research. The only cost to you is your time: it is expected that the interviews will last between one and two hours. If you choose to review the transcript, that may take an extra hour or so.

A contribution will be made to assist with your travel costs.

What opportunity do I have to consider this invitation?

You have four weeks to consider this invitation. I am available at any time to discuss any questions or concerns you have.

Will I receive feedback on the results of this research?

I will produce a brief summary document of the findings of this research. This document will be made available to all participants who would like it.

What do I do if I have concerns about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Marilyn Waring, marilyn.waring@aut.ac.nz,* 09 921 9661.

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Whom do I contact for further information about this research?

Please keep this Information Sheet and a copy of the Consent Form for your future reference. You are also able to contact the research team as follows:

Researcher Contact Details:

Researcher:

Megan Brady-Clark, megan.bradyclark@gmail.com, 021 2733105

Project Supervisor Contact Details:

Primary supervisor:

Marilyn Waring, marilyn.waring@aut.ac.nz, 09 921 9661

Secondary supervisor

Shirley Jülich, S.J.Julich@massey.ac.nz, (09) 414 0800 ext. 43359

Approved by the Auckland University of Technology Ethics Committee on 28 March 2018. AUTEC Reference number 18/78.

Appendix E

Phase One: Consent Form

Participants were asked to sign a consent form, and provided with an identical copy to keep for their own record. I took particular care to draw attention to the fifth bullet point, which describes an exception to the confidentiality otherwise promised.

Consent Form

Project title: **Conceptions of justice according to victim-survivors of adult sexual violence**

Project Supervisor: **Marilyn Waring, Shirley Jülich**

Researcher: **Megan Brady-Clark**

○ I have read and understood the information provided about this research project in the Information Sheet dated February 2017.

○ I have had an opportunity to ask questions and to have them answered.

○ I understand that this research may cause psychological distress. I have been given the opportunity to discuss this with the researcher, and am aware of the support resources available to me.

○ I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.

○ I understand that confidentiality will be maintained, and no one outside of the research team (Megan Brady-Clark, Marilyn Waring, Shirley Jülich) will have access to the data or any personally identifying information. However, I also understand that confidentiality will not apply if I disclose a threat of imminent harm to myself or to another person.

○ I understand that taking part in this study is voluntary (my choice) and that I may withdraw from the study at any time through to the end of the data collection period without being disadvantaged in any way.

○ I understand that I may decline to answer any questions or speak on any topics without being disadvantaged in any way.

○ I understand that if I withdraw from the study then I will be offered the choice between having any data that is identifiable as belonging to me removed or allowing it to continue to be used. However, once the findings have been produced, removal of my data may not be possible.

○ I agree to take part in this research.

○ I wish to receive a summary of the research findings (please tick one): Yes○   No○

Participant's signature: ....……………………………………………………

Participant's name: ....……………………………………………………

Participant's Contact Details (if appropriate):

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

Date:

Approved by the Auckland University of Technology Ethics Committee on 28 March 2018. AUTEC Reference number 18/78.

Note: The Participant should retain a copy of this form.

Appendix F

Phase One: Notes for Participants

The brief notes below were provided to Pālagi individual and community expert participants respectively, to give an overview of the interview approach and topics. It was accompanied by a verbal explanation that participants should feel welcome to talk about what they saw as important, in the ways that they felt comfortable with, including telling stories, sharing anecdotes, and imagining ideal scenarios.

Notes for individual participants

This research is being conducted using the 'narrative inquiry' methodology. This means that, rather than asking you a predetermined set of questions, I'd like to hear what you have to say, and may ask questions in response to the areas that you bring up.

To assist with this, these notes give you an indication of the sorts of areas that I am interested in. You do not need to answer them in any particular order or even to answer them directly, but you may find it helpful to review them to get a general sense of the content I hope to cover.

- What does the term 'justice' mean to you?
- Have you ever tried to achieve justice through a formal legal process?
- Have you ever told anyone about your experience(s) of sexual violence?
- Have you ever tried to get justice in other, informal ways?
- What would need to happen, or not happen, for you to experience a sense of justice?

Notes for community expert participants

This research is being conducted using the 'narrative inquiry' methodology. This means that, rather than asking you a predetermined set of questions, I'd like to hear what you have to say, and may ask questions in response to the areas that you bring up.

To assist with this, these notes give you an indication of the sorts of areas that I am interested in. You do not need to answer them in any particular order or even to answer them directly, but you may find it helpful to review them to get a general sense of the content I hope to cover.

Please note that you are welcome to draw on your own personal views and experiences, as well as any views and perspectives that you have developed as a result of your work with victim-survivors.

- What does the term 'justice' mean to you? What do you think it means to the people you work with?
- Do many of the people you work with seek justice through formal legal processes?
- How else do the people you work with seek justice?
- Do they tell people about their experience(s) of sexual violence?
- What would need to happen, or not happen, for the people you work with to experience a sense of justice?

Appendix G

Phase Two: Talanoa Recruitment Flowchart

The flowchart below depicts potential recruitment steps via either individual contacts or organisations/groups. I was grateful that I was able to recruit six participants through individual mutual friends and acquaintances, which meant I did not need to take the less personal route of asking organisations or groups to share my ad.
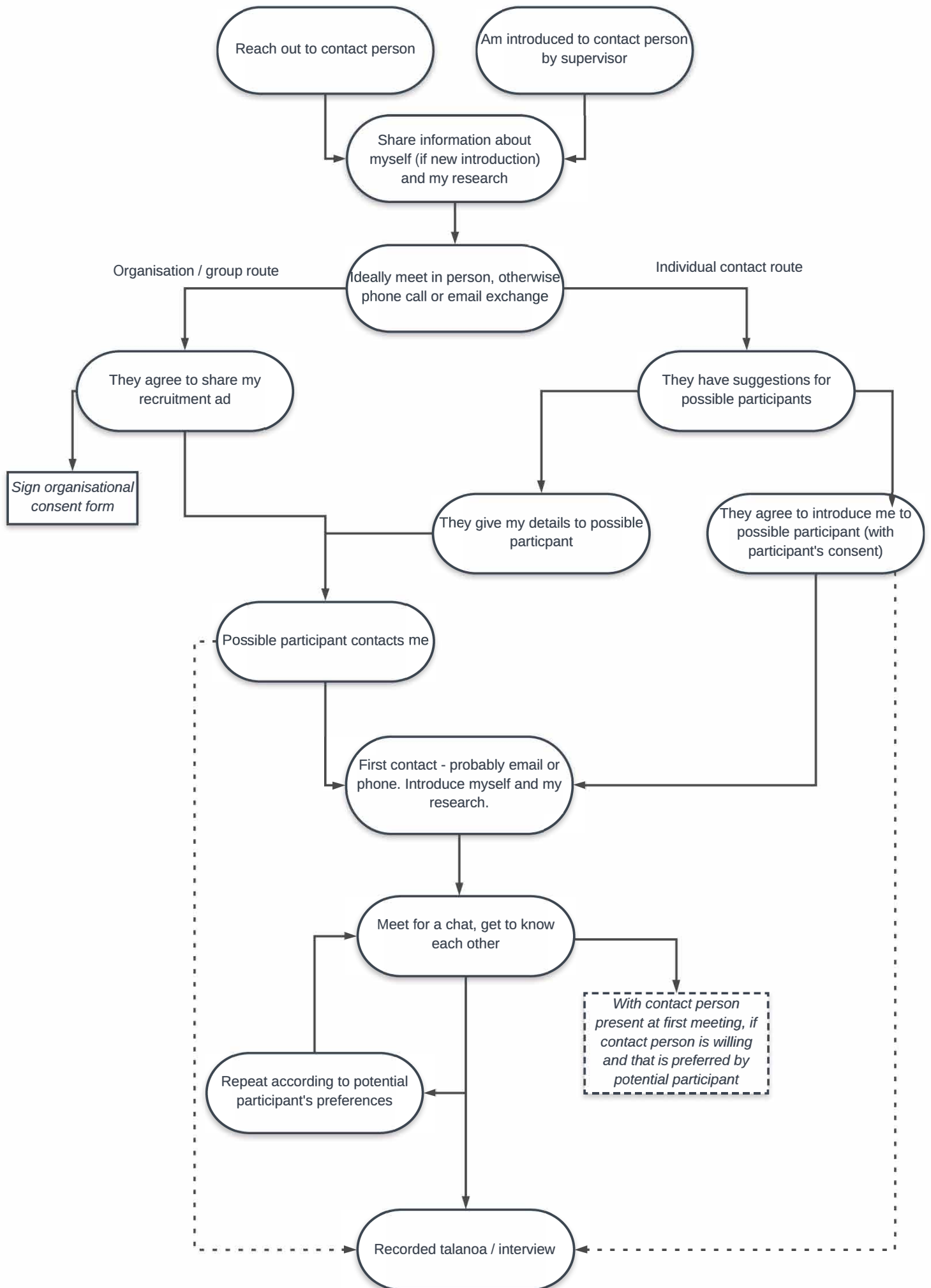
Appendix H

Phase Two: Participant Information Sheets

The participant information sheet for Pasifika participants was available in English, Samoan and Tongan.

Participant Information Sheet

This participation sheet is for potential talanoa participants.

Date Information Sheet Produced:

March 2019

Project Title

Conceptions of justice according to victim-survivors of adult sexual violence: Pasifika and non-Pasifika perspectives.

An Invitation

Talofa lava, mālo e lelei, kia orana, ni sa bula, ko na mauri, and warm Pacific greetings. My name is Megan Brady-Clark. I am a postgraduate student studying towards a towards a PhD at Auckland University of Technology under the supervision of Professor Marilyn Waring (AUT), Dr Shirley Jülich (Massey University) and Tagaloatele Professor Peggy Fairbairn-Dunlop.

I am interested in hearing what justice means to you. Who does it involve? What does it look like? What would need to happen, or not happen, for you to experience a sense of justice?

It doesn't matter whether or not you've ever gone to court, or even reported your sexual violence experience(s). My research aims to honour your voice and perspective, without judgement.

What is the purpose of this research?

The purpose of this research is to explore how Pasifika victim-survivors of adult sexual violence understand justice. We will talk about what 'justice' means to you, who is involved, and how your view of justice is influenced by your culture.

The findings will be published in an PhD thesis, and may be included in other academic publications.

How was I identified and why am I being invited to participate in this research?

You are being invited to participate in this research as you have responded to my advertisement. This means you self-identify as being from a Pacific background and having experienced sexual violence as an adult.

Please note that you must be able to speak English.

How do I agree to participate in this research?

Your participation in this research is voluntary and whether or not you choose to participate will neither advantage nor disadvantage you. You can withdraw from the study at any time through to the end of the data collection period. If you choose to withdraw from the study, then you will be offered the choice between having any data that is identifiable as belonging to you removed or allowing it to continue to be used. However, once the findings have been produced, removal of your data may not be possible.

What will happen in this research?

The research is based on va fealoa'i (respectful relationships), so if you are interested in being involved, we will first have a conversation about the research. We'll talk in more detail about the research, what it would mean to be a participant, what your support systems are, whether it is safe for you to participate, and what support you would like to participate. This is a chance for us to get to know each other, and to build trust. You can ask me any questions you have, and you can also make suggestions about the research itself.

If you agree to participate, one of the things we will discuss is whether you would prefer a one-on-one talanoa with me, or a group talanoa with other participants. We will talk about what both of these options mean in terms of issues like safety, support and confidentiality.

We will arrange a time and location that suits you (and other participants if it is a group talanoa). We will go through the participant information sheet, and you will have another opportunity to ask any questions you may have. If you are comfortable proceeding, I will ask you to sign a consent form.

If you prefer a one-on-one talanoa, we will meet for one to two hours. If you would prefer a group talanoa, we will meet for two to three hours. You will determine the direction of the discussion. It is your choice what sorts of things you want to talk about, and how much information you are comfortable sharing.

With your permission, the interview will be audio-recorded. I will transcribe the tape.

What are the discomforts and risks?

You will **not** be asked any questions about or to give an account about your experience(s) of sexual violence. However, you may still experience discomfit or difficult thoughts or feelings from this discussion.

How will these discomforts and risks be alleviated?

Before you participate, we will have a discussion about what support options you would like. These could be things like taking regular breaks, or having a friend or family member with you.

You have the right to decline to answer any questions. You may also take as many breaks as you would like, at any time, by simply letting me know.

AUT Health Counselling and Wellbeing offers three free sessions of confidential counselling support for adult participants in an AUT research project. These sessions are only available for issues that have arisen directly as a result of participation in the research, and are not for other general counselling needs. To access these services, you will need to:

- drop into our centres at WB219 or AS104 or phone 921 9992 City Campus or 921 9998 North Shore campus to make an appointment. Appointments for South Campus can be made by calling 921 9992

- let the receptionist know that you are a research participant, and provide the title of my research and my name and contact details as given in this Information Sheet

You can find out more information about AUT counsellors and counselling on http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling.

You can also get in touch with the following support services:

- Fonua Ola (counselling and other services)

    o https://www.fonuaola.org.nz/contact

    o South Auckland: 09 270 2089

    o Central Auckland: 09 828 4307

- HELP Auckland

    o http://helpauckland.org.nz

    o 24/7 helpline at 09 623 1700

- Lifeline Aotearoa

    o lifeline.org.nz

    o 24/7 helpline at 0800 543 354

- 1737, Need to Talk? (trained counsellors)

    o https://1737.org.nz

    o 24/7 helpline at 1737 (text or call)

What are the benefits?

My research project is designed to provide victim-survivors of adult sexual violence with an opportunity to tell us what justice means to them. I believe there is intrinsic value in hearing the voices of victim-survivors, who are all too often marginalised. There is very little research in particular on the views of Pasifika victim-survivors, but having a better understanding of victim-survivors' views of justice is essential in order to support them to achieve justice. This is only the first step in a large area yet to be explored, but it is my hope that in due course this research will contribute to policy and practice that is grounded in the lived experiences and views of victim-survivors.

As a researcher and a victim-survivor of sexual violence myself, I will not pass judgement on anything you have to say: your experiences, emotions and views are all valid. For this reason, some people find the process itself of being a research participant, and the opportunity to express their views in a space where they are respected and listened to, to be valuable.

I am conducting this research as part of my PhD qualification. I will also benefit from the opportunity to hear, reflect on and learn from the perspectives of other victim-survivors with regards to the question of justice, which I have been interested in for some years.

How will my privacy be protected?

All care will be taken to protect your privacy and ensure confidentiality. This includes:

- Transcribing all tapes myself. Only I and my supervisors will ever have access to the data. Your name and any identifying information will be removed from your transcriptions.

- Storing all data and forms in password protected files and storing consent forms separately from the data.

- Identifying you in the final thesis or any publications by a pseudonym. You may select this pseudonym yourself; or, if you prefer, I can choose one for you.

Please note confidentiality may not extend to disclosures of a threat of imminent harm to yourself or to another person. In such a case, I will discuss this with my supervisors Marilyn Waring, Shirley Jülich and Peggy Fairbairn-Dunlop, and a decision will be made as to whether further steps are ethically required.

Auckland University of Technology will have custodial rights over the data from collection through to its secure destruction, six years after completion of the project.

What are the costs of participating in this research?

There are no financial costs to participating in this research other than your time. If you choose to review the transcript, that may take an extra hour or so.

You will be given a voucher to show my appreciation for your participation.

What opportunity do I have to consider this invitation?

You can take time to consider if you wish to participate, but participation is 'first come, first served' until full. I am available at any time to discuss any questions or concerns you have.

Will I receive feedback on the results of this research?

We will discuss whether, and how, you would like a summary of findings presented. I will do my best to provide feedback in a way that is useful for you.

What do I do if I have concerns about this research?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Marilyn Waring, marilyn.waring@aut.ac.nz,* 09 921 9661.

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Whom do I contact for further information about this research?

Please keep this Information Sheet and a copy of the Consent Form for your future reference. You are also able to contact the research team as follows:

Researcher Contact Details:

Researcher:

Megan Brady-Clark, megan.bradyclark@gmail.com, 021 2733105

Project Supervisor Contact Details:

Primary supervisor:

Marilyn Waring, marilyn.waring@aut.ac.nz, 09 921 9661

Secondary supervisor

Shirley Jülich, S.J.Julich@massey.ac.nz, (09) 414 0800 ext. 43359

Third supervisor / cultural advisor

Peggy Fairbairn-Dunlop, fairbairndunlop@gmail.com

Pepa o Fa'amatalaga

O le pepa o fa'amatalaga mo tagata ua suesueina ua patino lava mo e ua iloiloina i lenei suesuega

O le aso na tusia ai lenei pepa o faamatalaga

Mati 2019

O le Autu

Manatu mo le faamasinoga tonu, o e ua aafia i sauaga ma faiga aiga faamalosi. Lagona o tagata Pasfeika ma isi.

O le Vala'aulia

Talofa lava, Malo e lelei, Kia Orana, Ni Sa Bula Vinaka, Ko Na Mauri i lo outou paia ma lo outou mamalu. O lo'u igoa o Megan Brady-Clark. O lo'o tau saili la'u faailoga i le fa'a-foma'i i le Iunivesite fa'a-Tekenolosi o Aukilani (AUT) i lalo o le va'ava'aiga o le afioga Polofesa ia Marilyn Waring, susuga i le foma'I ia Dr Shirley Julich faapea le afioga i le Polofesa ia Tagaloatele Dr Peggy Fairbairn-Dunlop.

Ua ou tusi atu i le agaga maualalo lava, ina ia fesiliga, poo le a sou manatu i le uiga o le fa'amasinoga tonu. O ai e aafia ai? O a ni foliga vaaia? O a ni mea e tatau ona tutupu, pe le tatau foi ona tutupu ia te oe, ina ia e iloa ma malamalamala ai I le uiga o le faamasinoga tonu?

E le afaina pe afai e te le'i oo i se fale faamasino, pe ua e lipotia foi ni sauaga poo se faiga aiga fa'amalosi ia te oe. O le a taumafai lenei suesuega ina ia amanaiaina ou manatu, e aunoa ma se toe fesiligia.

O le a le 'autu o lenei su'esu'ega?

O le autu o lenei su'esu'ega, ina ia iloilo le malamalamaga o tagata Pasefika sa aafia i sauaga ma faiga aiga faamalosi, i le uiga o le faamasinoga tonu. O le a tatou talanoa i le uiga o le fa'amasinoga tonu, ae o a'afia le faamasinoga tonu e ala I tu ma aga fa'a-Samoa?

O ni faamatalaga e maua mai i lenei suesuega, o le a tuu faatasia ini faamaumauga maumaututu, e faaautu iai sailiiliga ma suesuega faa tofa loloto faa-fomai (Phd thesis) o le tofa manino ma le tofa loloto.

Sa fa'apefea ona mauaina lo'u nei tagata ma aisea ua vala'aulia ai au ina ia auai i lenei suesuega?

Ua valaaulia lou tagata ina ia auai I lenei suesuega, ona ua e tali I le faasalaulauga sa faapea ona tuuina atu. O lona uiga, ua e tautino o oe o se tagata Pasefika ma sa e aafia I ni sauaga poo se faiga aiga faamalosi.

I le ava ma le fa'aaloalo, e tatau ona e iloa fa'a-Peretania.

E fa'apefea ona ou taliaina le auai i lenei su'esu'ega?

E le faamalosia lou auai I lenei su'esu'ega. O loo tatala le avanoa e te faamamulu i ai mai I lenei suesuega, mai lava I le amataga seia oo I le iuga. Afai ua e finagalo e te le auai, o le a tu'uina atu le avanoa e fai ai lau filifiliga i le aveeseina o faamatalaga i uiga I lou tagata, pe faaauau pea le fa'aaogaina o nei faamatalaga. Ae peita'i, o le taimi lava ua faamautu ai faaiuga o lenei su'esu'ega, faatofa malie, o le a le mafai ona toe aveese ni faamtalaga e uiga I lou tagata.

O le a le fa'asologa o lenei su'esu'ega?

E faavaeina lenei suesuega i le va fealoai. O lona uiga, afai ua e fia auai, o le a muai talanoa i le uiga o lenei su'esu'ega. O le a tatou iloiloina le uiga o lenei su'esue'ga, o le uiga o tagata su'esu'eina (participant), o e o lagolago ia te oe I lenei mataupu , poo puipuia oe mai le auai I lenei suesuega, ole a le fesoasoani e tuu atu ina ia puipuia ai oe I lenei suesuega. O lenei auala, ua faia ina ia aua ai nei o tatou ola femasalosaloa'i. Ia talitonu le tasi ile isi. Afai foi o iai ni au fesili, poo ni fautuaga e uiga I lenei suesuega, o loo tatala le avanoa mo oe.

Afai e te talia e auai, o se tasi o mataupu e uluai talanoa iai, o le fesiligia pe e te finagalo ina ia talanoa to'atasi ma lou nei tagata, pe e te finagalo ina ia talanoa faatasi ma nisi tagata su'esu'eina. O le a tatou talanoa I ni auga o nei filifliga e lua, e uiga I le malupuipuia o ou faamatalaga

O le a fuafua le nofoaga ma le taimi e talafeagai mo oe (faapea isi tagata suesueina pe afai o se kulupu). O le a tatou titilo I le Pepa o Faamatalaga, ma o se avanoa foi lea e faaleo ai ni au fesili. Afai ua faamalieina lou tagata, o le a ou fesiligia lou tagata ina ia sainia le Pepa ole Maliega.

Afai e te finagalo ina ia talanoa toatasi, o le a tatou feiloai mo se tasi I le lua itula. Afai e te finagalo ina ia talanoa I se kulupu, o le a tatou feiloai mo ni itula se lua poo le tolu. E I lau lava pule le mea e agai iai le tatou talanoaga. E I lau lava pule ni mea e te fia talanoa iai, atoa ma ni faamatalaga

Afai e te finagalo iai, o le a pu'eina lenei talanoaga. O le a ou faaupuina a tatou talanoaga.

O a ni aafiaga poo ni faafitauli e ono le mautonu ai lou tagata?

O le a le toe mafai lava ona iai se isi fesili e faatatau I lou malamalaaga I lenei mataupu (sauaga ma faiga-aigafaamalosi). Peitai, e iai lava lagona le mautonu e tutupu a'e, ao faasolo le suesuega ma le talanoaga.

E faafefea ona fofo nei faafitauli?

Ao lei faia le talanoaga, e muamua lava ona faasoa e ala I ni auala e lagolago ai le mea o e finagalo ai. Faataitaiga, e tuu atu lava le avanoa pe a manaomia se malologa pe faatagaina foi se tasi poo se sui ole aiga e auai ma oe.

O loo ia te oe le aia tatau e tetee ai I se fesili. E ia te oe foi le pule e mafai ai ona faia se malologa pe a e finagalo iai.

O le au Faufautua mo le Soifua Maloloina o le Iunivesite Faa-Tekonolosi I Aukilani(AUT), o se vaega o lo ua latou ofoina le 3 o aoaoga e fai fua mo le lagolagoina lea o I latou o loo suesueina (participants) I poloketi a le Iunivesite (AUT). O nei aoaoga e faatatau na o faafitauli lava ua tutupu ae I nisi o suesuega muamua. A e fia auai I nei auaunaga:

- tala aao mai I maota nei ile Iunivesite (AUT) WB219 poo AS104 pe telefoni foi 921 9992 City Campus poo le 921 9998 North Shore campus mo se taimi mo oe (appointment).

- ia faailoa I se tagata fesoasoani (receptionist) o oe ole tagata suesueina (participant) ona faailoa ai lea ole Autu o la'u Suesuega, lo'u igoa ma la'u telefoni (contact details) e pei ona avatu I le Pepa (information Sheet).

Mo nisi o faamatalaga e mafai ona e asiasi I la matou upega tafailaiga (website) o le http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling pe faafesootai le vaega o loo I lalo

- Fonua Ola (counselling and other services)
    - https://www.fonuaola.org.nz/contact
    - South Auckland: 09 270 2089
    - Central Auckland: 09 828 4307
- HELP Auckland
    - http://helpauckland.org.nz
    - 24/7 helpline at 09 623 1700
- Lifeline Aotearoa
    - lifeline.org.nz
    - 24/7 helpline at 0800 543 354
- 1737, Need to Talk? (trained counsellors)

O a ni ala manuia o lenei suesuega?

O lenei suesuega poo le poloketi ua faia ina ia faaali ai ni lagona ma ni manatu o e ua aafia i sauaga ma faiga-aigafaamalosi e faatatau ile faamasinoga tonu ma lona uiga ia I latou. Ou te talitonu e iai le taua ole faaleoina o lagona o nei tagata, e pei ona ua tuuesea lava I latou. E itiiti lava ni suesuega ua uma ona faia e ala I nei tagata ile Pasefika, ae ole malamalamaga ma le iloa o lagona o nei tagata ile faamsinoga tonu e taua lea ina ia faia le amiotonu o e o solitulafono. O se sitepu muamua lea o lenei suesuega, ae talitonu le taofi e tele lava se iloailoga ole a fai I lenei mataupu ina ia mafai ona foia lea faafitauli e tagata uma aemaise se manuia mo e ua aafia.

Ona o au ua faia lenei suesuega, o au foi o se tagata na sauaina ma fai iai faiga-aigafaamalosi, ou te le faamasinoina lava sou manatu; sou lagona, sou vaivaiga, o a lava mafatiaga o feagai ma oe e faatauaina uma. O lea, ou te avatu ai le agaga ole faaaloalo tele lava ma le maualalo I lo outou paia ma le mamalu I soo se ala lava e tou te finagalo ai ile faasoaina o la outou mataupu.

O lenei suesuega ua faia e ala atu lea I la'u faailoga faa-fomai (PhD qualification). O le a matua aoga mo lo'u tagata lenei iloiloga aua ole a ou faalogo ma aoaoina lelei e ala I manatu ma lagona ole a faaalia e nei tagata, o e ua sauaina ma fai ai uiga mataga aemaise o lo latou silafia ile uiga ole upu faamasinoga tonu, se upu ua leva ona taulai ai mafaufauga I le tele o tausaga.

E faapefea ona puipuia lo'u nei tagata?

E tele ni auala ua vaaia ina ia malupuipuia ai lou tagata atoa ma ni faamatalaga e uiga I lou tagata. E aofia ai

- O le a ou faaupuina uma a tatou talanoaga e aunoa ma se isi tagata ese. Ua nao a'u ma faiaoga o lo'o vaaia lenei suesuega e mafai ona silasila i faamatalaga ua ausia. O le a ave ese lou suafa ma ni faamatalaga mai I le faaupuina o la taua talanoaga. (trancriptions).
- E puipuia uma faamatalaga nei e le oo ai lava se iloa a se isi poo se pule a se tagata na te fia silafiaina.
- E le faaaogaina lou suafa moni pe a lomiina lenei suesuega. E mafai lava e oe ona fauina sou lava igoa e ese mai lou suafa pe a e finagalo iai, a leai, e mafai foi ona ou avatu ni igoa e te filifili poo fea e talafeagai.

Faamolemole, afai e ono aafia lou soifua maloloina i lenei suesuega, e le mafai ona natia lenei tulaga. O le a ou soalaupule ma faiaoga o loo vaaia lenei suesuega Marilyn Waring, Shirley Julich, and Peggy ma faia se faaiuga i nisi sitepu e tatau ona foia.

O loo iai le pule a le Iunivesite fa'a-Tekonolosi I Aukilani, I faamatalaga e maua mai I lenei suesuega mai lava I le faafoeina seia oo I le taimi e faaleaogaina ai, e tusa ma le ono tausaga talu na faatinoina lenei suesuega.

O le a se tau aofai tau-tupe ole avea ai ma tagata suesueina (participant) I lenei Poloketi?

E leai lava se tupe e faaalu I lenei suesuega. Ae na o le talosaga vaivai lava mo le faaogaina o lou taimi. Afai o e finagalo e te fia sialsila ile tusitusiga o lau talanoaga (transcript), e ono alu ai se isi itula faaopoopo.

O le a faapea ona e tauaaoina se meaalofa (voucher), o se faailoga o le agaga faafetai e ala I le tuu mai o lou tauau e fesoasoani ai lenei faamoemoe.

O le a se avanoa e mafaufau ai mo lenei faamoemoe?

E tuu atu lava le taimi ia te oe pe ete fia auai I lenei faamoemoe. Ae e faalagolago lou auai mai I le vave ona faaoo mai o lau tali poo sou lagona. E tuu atu a le avanoa mo e e muamua lava ona faaoo mai o latou tali seia oo ina faagata le numela o e manaomia. Out e avanoa lava I soo se taimi mo se fesili pe a fia malamalama atili.

E faamata e ono maua se faamatalega ole aotelega o lenei suesuega?

Ole a faapea ona faamalamalamaina lenei mataupu pe fapefea ona faailoa atu le aotelega o lenei suesuega. O le a ou taumafai lava e faasoa atu le faamatalaga ole aotelega (feedback) I se auala e aoga ai mo oe.

O le a sa'u mea e fai pe afai e iai ni aga e popo'e ai le loto I lenei suesuega?

Soo se mea lava o popo'e ai lou finagalo e ala I lenei sueseuga e tatau ona faafesootai le Taitai o lenei Poloketi (Project Supervisor) Marilyn Waring, Marilyn.waring@aut.ac.nz, 09 921 9661.

Pe faafesootai foi Megan Brady-Clark, Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop poo le Failautusi (Executive Secretary) of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

O ai e fesootai iai mo nisi o faamatalaga?

Please keep this Information Sheet and a copy of the Consent Form for your future reference. You are also able to contact the research team as follows:

Faamolemole, ia taofi mau pe lenei Pepa Faamatalaga (Information Sheet) faapea ma le Pepa ole Maliega (Consent Form) mo nisi o fuafuaga ile lumanai. E mafai foi ona e fesootai ile Vaega o I lalo:

Researcher Contact Details:

Researcher:

Megan Brady-Clark, megan.bradyclark@gmail.com, 021 2733105

Project Supervisor Contact Details:

Primary supervisor:

Marilyn Waring, marilyn.waring@aut.ac.nz, 09 921 9661

Secondary supervisor

Shirley Jülich, S.J.Julich@massey.ac.nz, (09) 414 0800 ext. 43359

Third supervisor / cultural advisor

Peggy Fairbairn-Dunlop, fairbairndunlop@gmail.com

Participant Information Sheet

Pepa Fakahinohino/Fakamatala

This participation sheet is for potential talanoa participants.

Ko e pepa ni 'oku fakataumu'a ia kiate kinautolu 'e kau he talanoa.

Date Information Sheet Produced:

'Aho ne fatu ai e Pepa ni:

March 2019

Ma'asi 2019

Project Title

Hingoa 'o e Poloseki

Conceptions of justice according to victim-survivors of adult sexual violence: Pasifika and non-Pasifika perspectives.

An Invitation

Ko e Fakaafe

Talofa lava, mālo e lelei, kia orana, ni sa bula, ko na mauri, and warm Pacific greetings. My name is Megan Brady-Clark. I am a postgraduate student studying towards a towards a PhD at Auckland University of Technology under the supervision of Professor Marilyn Waring (AUT), Dr Shirley Jülich (Massey University) and Tagaloatele Professor Peggy Fairbairn-Dunlop.

Talofa lava, mālo e lelei, kia orana, ni sa bula, ko na mauri, pea 'oku ou talitali loto mafana koe. Ko hoku hingoa ko Megan Brady-Clark. 'Oku ou lolotonga ako mata'itohi ki hoku faka'ilonga PhD he Auckland University of Technology 'i he malumalu 'o e supavaisa ko Professor Marilyn Waring (AUT), Dr Shirley Jülich (Massey University) and Tagaloatele Professor Peggy Fairbairn-Dunlop

I am interested in hearing what justice means to you. Who does it involve? What does it look like? What would need to happen, or not happen, for you to experience a sense of justice?

'Oku ou fie'ilo ki ho'o faka'uhinga ki he fo'i lea fakamaau totonu (justice). Ko e e ngaahi me'a 'oku kau ki he fakamaau totonu? Ko e ha e ngaahi me'a ke fakaho'ata mai ke tau 'ilo ko e fakamaau tototnu ia? Ko e ha e ngaahi me'a 'e fiema'u ke fakahoko pe 'ikai ke fakahoko, ke malava ai ke 'ilo mo e ongo'i 'a e fakamaau totonu?

It doesn't matter whether or not you've ever gone to court, or even reported your sexual violence experience(s). My research aims to honour your voice and perspective, without judgement.

'Oku 'ikai fu'u mahu'inga ia pe kuo ke tu'u he fakamaau'anga pe 'ikai, pe lipooti ha fe'auaki fakamamahi (sexual violence) na'a ke a'usia. Ko 'eku fakatotolo/fekumi 'oku fakataumu'a ia ke hākeaki'i ho le'o mo ho'o tūkunga 'ilo 'o 'ikai fakamaau'i.

What is the purpose of this research?

Ko e ha e taumu'a e fekumi?

The purpose of this research is to explore how Pasifika victim-survivors of adult sexual violence understand justice. We will talk about what 'justice' means to you, who is involved, and how your view of justice is influenced by your culture.

Ko e taumu'a 'o e fekumi ni ke fakatotolo'i 'a e anga hono mahino'i 'e he kakai lalahi Pasifika kuo nau a'usia e fe'auaki fakamamahi (sexual violence) 'a e fakamaau totonu. Te tau talanoa ki he 'uhinga 'o e fakamaau totonu kiate koe, ko hai 'oku kau heni, pea 'oku anga fefe 'a hono uesia mo fakafuo 'e he 'ulungaanga fakafonua 'a e fakamaau totonu.

The findings will be published in an PhD thesis, and may be included in other academic publications.

Ko e ngaahi ola 'o e fakatalanoa 'e pulusi ia 'i he 'eku tohi PhD, pea 'e ala pulusi he ngaahi pepa faka'ekatemika.

How was I identified and why am I being invited to participate in this research?

Ne anga fēfē hono 'ilo au pea ko e hā e 'uhinga hono fakaafe'i ai au ke u kau ki he fekumi ni?

You are being invited to participate in this research as you have responded to my advertisement. This means you self-identify as being from a Pacific background and having experienced sexual violence as an adult.

'Oku fakaafe'i koe ke ke kau ki he fekumi koe'uhi na'a ke tali mai 'a e tu'uaki. 'Oku 'uhinga ia na'a ke fili pe ko e tokotaha koe 'oku 'i ai ho puipuitu'a Pasifika pea na'a ke fekuki mo e fe'auaki fakamamahi.

Please note that you must be able to speak English.

Kataki 'o fakatokanga'iange kuo pau ke ke lava 'o lea faka-Pilitānia.

How do I agree to participate in this research?

Anga fēfē 'eku tali ke kau ki he fekumi?

Your participation in this research is voluntary and whether or not you choose to participate will neither advantage nor disadvantage you. You can withdraw from the study at any time through to the end of the data collection period. If you choose to withdraw from the study, then you will be offered the choice between having any data that is identifiable as belonging to you removed or allowing it to continue to be used. However, once the findings have been produced, removal of your data may not be possible.

Ko ho'o kau mai ki he fekumi ni ko ho'o ngaue'ofa (volunteer), pe na'a ke loto pe fekau'i koe ke ke kau mai, 'e 'ikai ke kaunga kovi ha me'a ia kiate koe. 'E malava pe ke nofo mei he fekumi 'i ha fa'ahinga taimi pe lolotonga e taimi/piliote 'oku fai ai e tānaki fakamatala. Kapau te ke fili ke ke nofo mei he fekumi ni, 'e 'oatu kiate koe ke ke fili pe 'e to'o 'a ho'o ngaahi fakamatala pe 'e lava pe ke ngaue'aki. Ko e taimi 'e maaumalie ai 'a hono fakamā'opo'opo e ngaahi fakamatala 'e 'ikai lava ke toe to'o fakamatala.

What will happen in this research?

Ko e hā e me'a 'e hoko he fekumi ko 'eni?

The research is based on va fealoa'i (respectful relationships), so f you are interested in being involved, we will first have a conversation about the research. We'll talk in more detail about the research, what it would mean to be a participant, what your support systems are, whether it is safe for you to participate, and what support you would like to participate. This is a chance for us to get to know each other, and to build trust. You can ask me any questions you have, and you can also make suggestions about the research itself.

Ko e fekumi ni 'oku fakatefito ia he va fealoa'i (respectful relationship), 'a ia kapau te ke loto ke ke kau mai pea 'e 'uluaki fai e fakatalanoa mo koe fekau'aki mo e fekumi ni. 'E toe fakaikiikiange 'e ta talanoa fekau'aki mo e fekumi, ko e ha 'a hono 'uhinga ho'o kau, ko e ngaahi ngaue ke tokoni'i koe, pe 'oku malu ke ke kau mai pea ko e ha ha ngaahi me'a te ke fie kau ki ai. Ko e faingamalie 'eni kiate koe mo au ke ta fe'ilongaki mo fefalala'aki. 'E lava ke ke fehu'i mai ha fa'ahinga fehu'i pe pea mo 'omai ha'o fokotu'u fekau'aki mo 'eku fekumi.

If you agree to participate, one of the things we will discuss is whether you would prefer a one-on-one talanoa with me, or a group talanoa with other participants. We will talk about what both of these options mean in terms of issues like safety, support and confidentiality.

Kapau te ke kau mai, te u fakatalanoa atu kiate koe pe te ke fie fetalanoa'ki taautaha pe kau ki ha talanoa fakakulupu. Te ta talanoa fekau'aki mo ho'o malu, tokoni kiate koe mo e fakapulipuli.

We will arrange a time and location that suits you (and other participants if it is a group talanoa). We will go through the participant information sheet, and you will have another opportunity to ask any questions you may have. If you are comfortable proceeding, I will ask you to sign a consent form.

'E fokotu'utu'u ke ta talanoa 'i ha taimi mo e feitu'u 'e sai kiate koe (pe ko e ni'ihi he kulupu). Te ta toe talanoa ki he Pepa Fakamatala/Fakahinohino pea ko e toe faingamalie ia ke ke 'eke ha ngaahi fehu'i. Kapau te ke pehē kuo fenāpasi ke ke kau mai pea te u 'oatu leva e foomu consent ke ke fakamo'oni hingoa ki ai.

If you prefer a one-on-one talanoa, we will meet for one to two hours. If you would prefer a group talanoa, we will meet for two to three hours. You will determine the direction of the discussion. It is your choice what sorts of things you want to talk about, and how much information you are comfortable sharing.

Kapau te ke loto ki he fetalanoa'aki taautaha pe te ta fakataha 'i ha houa 'e taha ki he ua. Kapau te ke fiekau ki he talanoa fakakulupu, pea te tau talanoa he houa 'e ua ki he tolu. Te ke tataki e halanga mo e hu'unga 'o 'eta fetalanoa'aki. Te ke fili e ngaahi me'a ke talanoa kiai mo e lahi e ngaahi me'a 'oku ke loto fiemalie ke vahevahe.

With your permission, the interview will be audio-recorded. I will transcribe the tape.

'I ha'o fakangofua mai, 'e hiki leitō e faka'eke'eke pea te u hiki nima tatau e tepi.

What are the discomforts and risks?

Ko e ngaahi me'a 'e ngali ta'efakafiemalie mo tu'ulavengofua

You will **not** be asked any questions about or to give an account about your experience(s) of sexual violence. However, you may still experience discomfit or difficult thoughts or feelings from this discussion.

'E 'ikai 'eke atu ha fehu'i pe ke fakamatala'i mai 'a ho'o a'usia ki he fe'auaki fakamamahi. Ka neongo 'eni, 'e malava pe ke ke kei ongo'i 'a e ta'efiemalie pe faingata'a ho'o fakakaukau pe ongo mei he fetalanoa'aki.

How will these discomforts and risks be alleviated?

'E solova fēfē 'a e ta'efiemalie mo tu'ulaveangofua he fetalanoa'aki?

Before you participate, we will have a discussion about what support options you would like. These could be things like taking regular breaks, or having a friend or family member with you.

Kimu'a pea ke kau, te ta talanoa fekau'aki mo e ngaahi tokoni te ke fiema'u hangē ko e taimi malōlō pe ko ha'o kau fakataha mai mo ha'o kaungāme'a pe famili.

You have the right to decline to answer any questions. You may also take as many breaks as you would like, at any time, by simply letting me know.

'Oku 'iai ho'o totonu ke 'oua te ke tali ha fehu'i. 'E malava pe ke fakahā mai ha fa'ahinga taimi pe 'oku fiema'u ai ha ki'i taimi malōlō.

AUT Health Counselling and Wellbeing offers three free sessions of confidential counselling support for adult participants in an AUT research project. These sessions are only available for issues that have arisen directly as a result of participation in the research, and are not for other general counselling needs. To access these services, you will need to:

'E malava ke ke kau ta'etotongi ki he ngaahi tokoni fakafale'i (counselling) 'a e AUT Health Counselling and Wellbeing kiate kinautolu pe 'oku kau ki he ngaahi poloseki fekumi 'a e AUT. Ko e ngaahi taimi ko 'eni 'oku fakafaingamalie pe ia ki he ngaahi me'a 'oku tupu mei he ola 'o ho'o kau ki he fekumi 'o 'ikai ko ha fale'i ki ha me'a fakalukufua. Ke sivi'i e ngaahi ngaue ko 'eni, 'oku fiema'u ia ke ke:

- drop into our centres at WB219 or AS104 or phone 921 9992 City Campus or 921 9998 North Shore campus to make an appointment. Appointments for South Campus can be made by calling 921 9992

- 'alu ki he taha 'o 'emau senitā 'i he WB219 pe AS104 pe telefoni 921 9992 City Campus pe 921 9998 North Shore campus ke fokotu'u ha'o taimi fakataha. Ko e puka apoinimeni ki he South Campus ke fetu'utaki ki he 921 9992.

- let the receptionist know that you are a research participant, and provide the title of my research and my name and contact details as given in this Information Sheet

- fakahā ki he tokotaha talitali kakai 'oku ke kau ki he fekumi, 'oange 'a e hingoa ki he fekumi, hoku hingoa mo e fika fetu'utaki 'a ē 'oku 'asi atu he Pepa Fakahinohino.

You can find out more information about AUT counsellors and counselling on http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling.

'E malava ke ke toe ma'u e ngaahi fakamatala fekau'aki mo e fale'i 'a e AUT mo 'enau polokalama fale'i he http://www.aut.ac.nz/being-a-student/current-postgraduates/your-health-and-wellbeing/counselling.

You can also get in touch with the following support services:

'E lava ke ke fetu'utaki ki he ngaahi ngaue tokoni ko 'eni:

- Fonua Ola (counselling and other services)

  o https://www.fonuaola.org.nz/contact

- o South Auckland: 09 270 2089
- o Central Auckland: 09 828 4307
- HELP Auckland
  - o http://helpauckland.org.nz
  - o 24/7 helpline at 09 623 1700
- Lifeline Aotearoa
  - o lifeline.org.nz
  - o 24/7 helpline at 0800 543 354
- 1737, Need to Talk? (trained counsellors)
  - o https://1737.org.nz
  - o 24/7 helpline at 1737 (text or call)

What are the benefits?

Ko e ho hono ngaahi lelei?

My research project is designed to provide victim-survivors of adult sexual violence with an opportunity to tell us what justice means to them. I believe there is intrinsic value in hearing the voices of victim-survivors, who are all too often marginalised. There is very little research in particular on the views of Pasifika victim-survivors, but having a better understanding of victim-survivors' views of justice is essential in order to support them to achieve justice. This is only the first step in a large area yet to be explored, but it is my hope that in due course this research will contribute to policy and practice that is grounded in the lived experiences and views of victim-survivors.

Ko 'eku poloseki fekumi ni 'oku fatui a ke 'oange ha faingamalie kiate kinautolu ne uesia he fe'auaki fakamamahi ke nau talanoa ki he 'uhinga 'o e fakamaau totonu. 'Oku ou tuitui 'oku 'i ai e mahu'inga mo'oni ke tau fanongo ki he ngaahi le'o 'o kinautolu ne fekuki mo e fe'auaki fakamamahi pea lahilahi e 'ikai ke ongona kinautolu. 'Oku 'ikai fu'u lahi e ngaahi fekumi he 'elia ni tautefito ki he sio e ni'ihi Pasifika. Ka ko hono fekumi mo toe mahino'i leleiange 'a e sio 'a e ni'ihi kuo fekuki mo e fe'auaki fakamamahi ki he fakamaau totonu ko e makatu'unga lelei ia ke tokoni'i ai kinautolu ke a'usia e fakamaau totonu. Ko e sitepu 'uluaki pe 'eni he 'elia lahi ko 'eni ka 'oku ou 'amanaki ko e fekumi ni 'e tokoni ia ki ha no fa'u e ngaahi tu'utu'uni (policy) mo e ngaahi ngaue (practice) 'oku fakatu'unga he ngaahi a'usia mo'ui mo e sio 'o kinautolu ne fekuki mo e faingata'a ni.

As a researcher and a victim-survivor of sexual violence myself, I will not pass judgement on anything you have to say: your experiences, emotions and views are all valid. For this reason, some people find the process itself of being a research participant, and the opportunity to express their views in a space where they are respected and listened to, to be valuable.

'I hoku lakanga ko e tokotaha fekumi pea mo e taha kuo He 'ikai te u fakamaau'i he me'a 'e taha te ke vahevahe mai, 'a ho'o a'usia, ongo pea ko ho'o ngaahi me'a te ke le'a'aki 'oku mahu'inga kotoa. 'I he 'uhinga ko 'eni, ko e faingamalie ia kiate koe ke fakahā ho ngaahi 'ilo 'i ha 'atakai 'e tokangaekina, faka'apa'apa'i mo fakamahu'inga'i.

I am conducting this research as part of my PhD qualification. I will also benefit from the opportunity to hear, reflect on and learn from the perspectives of other victim-survivors with regards to the question of justice, which I have been interested in for some years.

'Oku ou fakahoko 'a e fekumi ni ko e konga 'o 'eku ako ki he faka'ilonga PhD. Te u ma'u mo e faingamalie ke u fanongo, fakaho'ata moa ko mei he ngaahi vahevahe 'a kinautolu ne uesia he fe'auaki fakamamahi fakatefito ki he fehu'i ki he fakamaau totonu, 'a ia ne fuoloa 'eku tokanga ki ai he ngaahi ta'u lahi.

How will my privacy be protected?

'E anga fēfē hono malu'i 'eku hao mo e fakapulipuli?

All care will be taken to protect your privacy and ensure confidentiality. This includes:

'E fai e tokanga lahi ki he hao mo malu mo e fakapulipuli ho'o ngaahi fakamatala. 'E kau heni:

- Transcribing all tapes myself. Only I and my supervisors will ever have access to the data. Your name and any identifying information will be removed from your transcriptions.

- 'E ku hiki he ngaahi tepi 'a 'eta fetalanoa'aki. Ko au pe mo 'eku supavisa te ma ngaue'aki ho'o ngaahi fakamatala. Ko ho'o hingoa mo e ngaahi fakamatala fekau'aki patonu mo koe to'o ia mei he pepa fakamatala.

- Storing all data and forms in password protected files and storing consent forms separately from the data.

- Tauhi e ngaahi fakamatala mo e ngaahi 'i ha ngaahi faile 'oku 'i ai hono kī fakapulipuli (password) pea ko e ngaahi pepa Consent 'e tauhi mavahe kinautolu.

- Identifying you in the final thesis or any publications by a pseudonym. You may select this pseudonym yourself; or, if you prefer, I can choose one for you.

- 'ilo'i'aki koe e ngaahi hingoa fakapulipuli he tohi mo e ngaahi pepa 'e pulusi. 'E malava ke fili ho'o hingoa fakapulipuli pe, te ke tukumai keu fai 'eni.

Please note confidentiality may not extend to disclosures of a threat of imminent harm to yourself or to another person. In such a case, I will discuss this with my supervisors Marilyn Waring, Shirley Jülich and Peggy Fairbairn-Dunlop, and a decision will be made as to whether further steps are ethically required.

Ko e fakapulipuli 'e 'ikai kau heni ha no faka'ilo mai ha fakamanamana ke uesia koe pe ki ha taha kehe. 'I ha fa'ahinga me'a pehe ni, te u talanoa mo 'eku ngaahi supavaisa Marilyn Waring, Shirley Jülich and Peggy Fairbairn-Dunlop, pea toki fai mei ai e faitu'utu'uni pe 'e fiema'u ha tokoni makehe.

Auckland University of Technology will have custodial rights over the data from collection through to its secure destruction, six years after completion of the project.

'E tauhi 'e he Auckland University of Technology 'a e totonu ke tauhi e ngaahi fakamatala ki he'ene malu, faka'auha 'i he ta'u 'e ono mei he 'osi e poloseki.

What are the costs of participating in this research?

Ko e ha e ngaahi fakamole ki he kau ki he fekumi?

There are no financial costs to participating in this research other than your time. If you choose to review the transcript, that may take an extra hour or so.

'Oku 'ikai ha fakamole fakapa'anga ki ho'o kau mai, tukukehe pe 'a ho'o taimi. Kapau te ke fili ke toe vakai'i e hikitatau ho'o talanoa pea 'e ngali 'e ke toe tanaki mai mo ha houa 'e taha.

You will be given a voucher to show my appreciation for your participation.

'E 'oatu 'a ho'o vausia ke fakahounga'i ho'o kau mai.

What opportunity do I have to consider this invitation?

Ko e ha e faingamalie te u ma'u ke vakai'i ai e fakaafe ni?

You can take time to consider if you wish to participate, but participation is 'first come, first served' until full. I am available at any time to discuss any questions or concerns you have.

'E fakafaingamalie'i atu ha'o taimi ke ke vakai'i pe te ke kau pe 'ikai ka ko ia pe 'e mu'a mai 'e kau. Te u faingamalie ke ta talanoa ki ha ngaahi fehu'i pe me'a te ke tokanga ki ai.

Will I receive feedback on the results of this research?

Te u ma'u nai ha ongoongo fekau'aki mo e ola 'o e fekumi ni?

We will discuss whether, and how, you would like a summary of findings presented. I will do my best to provide feedback in a way that is useful for you.

Te ta femahino'aki fekau'aki mo e me'a mo e founga ke ke ma'u ai e ola 'o e fekumi. Te u fai hoku lelei taha ke 'oatu 'i ha founga 'e 'aonga kiate koe.

What do I do if I have concerns about this research?

Ko e ha 'eku me'a 'e fai 'o kapau te u hoha'a ki he fekumi ni?

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Marilyn Waring, marilyn.waring@aut.ac.nz,* 09 921 9661.

Ko ha hoha'a fekau'aki mo e natula 'o e poloseki ni, fetu'utaki ki he Supavaisa *Marilyn Waring, marilyn.waring@aut.ac.nz,* 09 921 9661.

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Ko ha hoha'a fekau'aki mo hono fakalele 'o e poloseki, fetu'utaki ki he Executive Secretary of AUTEC, Kate O'Connor, *ethics@aut.ac.nz*, 921 9999 ext 6038.

Whom do I contact for further information about this research?

Ko hai te u fetu'utaki ki ai ki ha toe fakamatala fekau'aki mo e fekumi ni?

Please keep this Information Sheet and a copy of the Consent Form for your future reference. You are also able to contact the research team as follows:

Kataki 'o tauhi ke malu 'a e Pepa Fakahinohino mo e Consent Form ki ha fiema'u he kaha'u. 'E lava pe ke ke fetu'utaki ki he Timi Fekumi:

Researcher Contact Details:

Researcher:

Megan Brady-Clark, megan.bradyclark@gmail.com, 021 2733105

Project Supervisor Contact Details:

Primary supervisor:

Marilyn Waring, marilyn.waring@aut.ac.nz, 09 921 9661

Secondary supervisor

Shirley Jülich, S.J.Julich@massey.ac.nz, (09) 414 0800 ext. 43359

Third supervisor / cultural advisor

Peggy Fairbairn-Dunlop, fairbairndunlop@gmail.com

Approved by the Auckland University of Technology Ethics Committee on 1 April 2019. AUTEC Reference number 18/78.

Appendix I

Phase Two: Consent Forms

The consent form for Pasifika participants was available in English, Samoan and Tongan. Due to my own language limitations, I had participants sign an English copy for my use, and they were given a duplicate in their preferred language to keep for their own records.

Consent Form

Project title: **Conceptions of justice according to victim-survivors of adult sexual violence: Pasifika and non-Pasifika perspectives**

Project Supervisor: **Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop**

Researcher: **Megan Brady-Clark**

○ I have read and understood the information provided about this research project in the Information Sheet dated March 2019.

○ I have had an opportunity to ask questions and to have them answered.

○ I understand that this research involves the subject of adult sexual violence, and that discussing it may cause psychological distress. I have been given the opportunity to discuss this with the researcher, and am aware of the support resources available to me.

○ I understand that notes will be taken and that conversations during the translation process will also be audio-taped and transcribed.

○ I understand that confidentiality will be maintained, and no one outside of the research team (Megan Brady-Clark, Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop) will have access to the data or any personally identifying information. However, I also understand that confidentiality will not apply if I disclose a threat of imminent harm to myself or to another person.

○ I understand that, if I am in a group talanoa context, confidentiality from the other participants cannot be guaranteed. However, I promise that I will not break confidentiality. I understand that the other participants have all signed this form too, and that any support people in the room have signed a confidentiality form.

○ I understand that taking part in this study is voluntary (my choice) and that I may withdraw from the study at any time through to the end of the translation process without being disadvantaged in any way.

○ I understand that if I withdraw from the study then I will be offered the choice between having any data that I contributed removed or allowing it to continue to be used. However, once the findings have been produced, removal of my data may not be possible.

○ I agree to take part in this research.

○ I wish to receive a summary of the research findings (please tick one): Yes○   No○

Participant's signature: ....……………………………………………………

Participant's name: ....……………………………………………………

Participant's Contact Details (if appropriate):

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

Date:

Approved by the Auckland University of Technology Ethics Committee on 1 April 2019. AUTEC Reference number 18/78.

Note: The Participant should retain a copy of this form.

Pepa ole Maliega

Autu: ***Manatu mo le faamasinoga tonu o e ua aafia I sauaga ma faiga -aiga faamalosi: Lagona o Tagata Pasefika ma isi e le o ni Pasefika***

Taitai o lenei Poloketi: **Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop**

Tagata Suesue: **Megan Brady-Clark**

○ Ua ou faitau ma malamalama I faamatalaga ua aumaia e uiga I lenei Poloketi o loo I totonu ole Pepa Faamatalaga ile masina o Mati 2019.

○ Ua aumai ia te au le avanoa e fesiligia ma tuu atu ai foi le tali

○ Ua ou malamalama o lenei suesuega e fatatau I mataupu tau I sauaga ma faiga-aiga faamalosi, ole talanoaina foi la o lea mataupu e ono aafia ai lagona faale-mafaufau. Ua aumai foi le avanoa e ma te faasoa ai ma le o suesueina lenei mataupu, ua tuu mai foi lona tauau e lagolago ai ia te au.

○ Ua ou malamalama ole a tusitusi I lalo la maua talanoaga, ole a faapea foi ona pueina I se tape ma tusi I lalo.

○ Ua ou malamalama lelei o lenei talanoaga e malu puipuia, ole a faasaina ona faasoa atu i fafo sei vagana lava le vaega ua nafa ma lenei suesuega. (Megan Brady-Clark, Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop) e mafai ona o latou silafiaina lenei mataupu. Ua ou malamalama foi ole malu puipuia o lau faamatalaga (confidentiality) ole a le afaina lea

○ Ua ou malamalama afai oloo o'u iai I totonu o se talanoaga ma se faasoa ma nisi I lenei suesuega, ole malu puipuia o la'u faamatalaga ole a le afaina lea. Peitai, o le tautoga a au nei ua ona le suesuega, ou te puipui lava I lau faamatalaga e aumai. Ua ou malamalama foi la, o isi tagata ua suesueina (participants) ua o latou sainia ma malilie I lenei suesuega e oo lava I e o le a auai I totonu o lenei talanoaga.

○ Ua ou malamalama o lenei suesuega e ia te au lava le pule ou te auai pe le auai foi I soo se taimi lava ao faagasolo lenei iloiloga e oo lava ile taimi e faaliliuina ai ile gagana Peretania.

○ Ua ou malamalama a faapea ou te le auai I lenei suesuega, ole a aumai ia te au le filifiliga e toe aveese ai so'u sao sa faia poo le filifiliga foi ina ia faaoga mo lenei poloketi. Peitai, o le taimi lava e oo ai ile sitepu mulimuli lenei poloketi, ole faasalalauina lea, ole a le toe iai lava so'u leo.

○ Ua ou malie ou te iai I lenei suesuega.

○ O le talosaga mulimuli ina ia ou maua se aotelega o lenei suesuega (Ioe pe Leai)

Saini: ....…………………………………………

Igoa : ....…………………………………………

Telefoni poo Imeli:

………………………………………………………………………………..

………………………………………………………………………………..

………………………………………………………………………………..

………………………………………………………………………………..

Aso:

Note: The Participant should retain a copy of this form.

Consent Form

Project title: **Conceptions of justice according to victim-survivors of adult sexual violence: Pasifika and non-Pasifika perspectives**

Hingoa 'o e Poloseki (Project):

Project Supervisor: **Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop**

Supavaisa ki he Poloseki:

Researcher: **Megan Brady-Clark**

Tokotaha Fekumi:

○ I have read and understood the information provided about this research project in the Information Sheet dated March 2019. *'Oku ou 'osi lau pea mo mahino'i e ngaahi fakamatala fekau'aki mo e poloseki fekumi (research) ko 'eni, 'a ia 'oku hā he Pepa Fakamatala 'o Ma'asi 2019.*

○ I have had an opportunity to ask questions and to have them answered. *Ne u ma'u e faingamalie ke u 'eke ha ngaahi fehu'i pea mo tali mai kinautolu*

○ I understand that this research involves the subject of adult sexual violence, and that discussing it may cause psychological distress. I have been given the opportunity to discuss this with the researcher, and am aware of the support resources available to me. *'Oku ou mahino'i ko e fekumi ko 'eni 'oku kaunga mo e tā fakamamahi mo e fe'auki he kakai lalahi (adult sexual violence) pea ko hono talanoa'i 'o e me'a ni 'e ala hoko ai ha puputu'u fakasaikolosia (psychological distress). Ne u ma'u e faingamalie ke talanoa'i 'eni mo e tokotaha fekumi pea 'oku ou 'ilo 'a e ngaahi naunau mo e feitu'u ke tokoni'i ai au.*

○ I understand that notes will be taken and that conversations during the translation process will also be audio-taped and transcribed. *'Oku ou mahinoni'i 'e hiki tatau he pepa mo e letiō 'a e fetalanoa'aki pea 'e fai 'a hono liliu lea mo hiki tohi.*

○ I understand that confidentiality will be maintained, and no one outside of the research team (Megan Brady-Clark, Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop) will have access to the data or any personally identifying information. However, I also understand that confidentiality will not apply if I disclose a threat of imminent harm to myself or to another person. *'Oku ou mahino'i 'e tauhi 'a e malu (confidentiality) 'o e ngaahi fakamatala 'e tanakii 'o 'ikai 'ilo pe ma'u 'e ha taha kehe, tuku kehe pe 'a e timi fekumi (Megan Brady-Clark, Marilyn Waring, Shirley Jülich, Peggy Fairbairn-Dunlop). Ka neongo 'eni, 'oku ou mahino'i 'e 'ikai tauhi 'a e malu 'o e fakamatala (confidentiality) 'o kapau te u fakamatala ha me'a 'e kaunga fakatu'utamaki kiate au pe ha taha kehe.*

○ I understand that, if I am in a group talanoa context, confidentiality from the other participants cannot be guaranteed. However, I promise that I will not break confidentiality. I understand that the other participants have all signed this form too, and that any support people in the room have signed a confidentiality form. *'Oku ou mahino'i 'e 'ikai fakapapau'i 'a e malu 'o e fakamatala (confidentiality) mei he ni'ihi kehe 'oku kau he polokalama, 'i he taimi 'o e fetalanoa'aki fakakulupu. Ka 'oku ou palomesi atu te u tauhi papau ki hono tauhi ke malu e fakamatala. 'Oku ou mahino'i foki kuo fakamo'oni 'a e ni'ihi kehe 'oku kau he polokalama he foomu pehe ni pea tatau mo kinautolu kehe 'oku nau 'i he loki.*

○ I understand that taking part in this study is voluntary (my choice) and that I may withdraw from the study at any time through to the end of the translation process without being disadvantaged in any way. *'Oku ou mahino'i ko 'eku kau ki he fekumi ni 'oku makatu'unga he 'eku fili pe ke u kau ki ai pea 'e malava pe ke u nofo mei he polokalama ni 'i ha fa'ahinga taimi pe 'o a'u ki he taimi 'e 'osi ai 'a hono liliu lea 'a e fetalanoa'aki.*

○ I understand that if I withdraw from the study then I will be offered the choice between having any data that I contributed removed or allowing it to continue to be used. However, once the findings have been produced, removal of my data may not be possible. *'Oku ou mahino'i ka u ka fili ke u nofo mei he polokalama fekumi ni pea 'e 'omi kiate au ke u fili pe 'e to'o kotoa 'e ku ngaahi fakamatala pe 'e ngofua*

pe ke ngaue'aki 'e ku fakamatala. Ka 'i he taimi 'e kakato ai e ngaue ki he ngaahi fakamatala 'e 'ikai ngali faingofua ke to'o 'e ku fakamatala.

○ I agree to take part in this research. *'Oku ou tali lelei mo loto ke u kau atu ki he polokalama fekumi ni.*

○ I wish to receive a summary of the research findings (please tick one) *'Oku ou faka'amu ke 'omi kiate au ha tatau 'o e ola 'a e fekumi ni*: Yes/ 'Io ○   No/ 'Ikai ○

Participant's signature: ....…………………………………………………

Fakamo'oni hingoa :

Participant's name: ....…………………………………………………

Hingoa :

Participant's Contact Details (if appropriate):

Fakamatala fakafetu'utaki :

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Date:

Approved by the Auckland University of Technology Ethics Committee on 1 April 2019. AUTEC Reference number 18/78.

Note: The Participant should retain a copy of this form.