

Can Conflict Resolution Reduce Fear in Crime Victims?

A case study of Bhutanese refugees in Nepal

Dr. Malini Laxminrayan and Dr. Ilse Griek

Abstract

Over 50 million people have been displaced from their homes into refugee camps in countries around the world. Accounts of insecurity in refugee camps are pervasive. This insecurity is due to crime, the presence of military elements and (forcible) recruitment of refugees into rebel and military movements, and high rates of sexual and gender-based violence. Concern over personal security and fear is often high in these settings. Refugees' experiences of persecution contributes to this fear and can combine with experiences of victimization to increase fear in camp settings. At the same time, research on justice and legal processes suggests that conflict resolution procedures that respond to criminal behavior may, when well conducted, play a role in alleviating fear. This working paper examines different aspects of conflict resolution within Bhutanese refugee camps in Nepal and investigates, using research conducted in 2011, the role of these factors in reducing fear among crime victims. The findings show that several factors relating to both legal processes and outcomes play a significant role in reducing fear among victims. The implications of these findings are discussed.

Keywords

Victim rights, refugees, procedural justice, victim well-being



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Introduction

Victimization and crime can have an intense effect on people's psychological well-being. It can affect their overall quality of life, mental health, relationships, occupational functioning and levels of anxiety.¹ It can also make people more afraid in daily life, and/or increase their fear of future victimization.²

While these impacts are worrying for the general population, they are possibly of even greater concern in contexts marked by persecution, trauma and concerns over personal security – such as situations of displacement. Globally, nearly 60 million people have been displaced from their homes;³ many, if not most, of whom have either suffered some form of victimization or are at risk of doing so. This figure includes at least 19.5 million refugees, 38.2 million internally displaced persons and 1.8 million asylum seekers. In the majority of cases, these people were either failed in obtaining address by their own legal system or lacked the ability or willingness to seek and obtain justice through these means. In camps, internally displaced persons and refugees risk being victimized further. This risk is compounded by other factors influencing vulnerabilities, such as age and gender; this has been the case for Bhutanese refugees recently and currently residing in Nepali refugee camps.⁴

The resulting fear has an adverse impact on people's emotional health. Following victimization and trauma, victims' perceptions of power decrease.⁵ This power may be returned to them through a process that allows the victims to express themselves and feel that they are playing a significant role in obtaining a desired outcome. Through empowering the victim and decreasing fear, general quality of life may be improved.⁶ This decrease in fear can be the result of various processes, but we will focus here on legal elements of conflict resolution.

Responses to crime and violence, such as judicial processes and conflict resolution mechanisms, can play an important role in reducing fearfulness among crime victims. First, restorative justice deals with the harm that was caused as a result of the crime, through dialogue between victim and offender. As a consequence it may lead to less fear.⁷ Second, procedural justice refers to the fairness of procedures. One primary element of procedural justice is having a voice, or the opportunity to express one's self to the court.⁸ As a result, victims may feel empowered – an important factor in their recovery. Third, outcome justice, namely retributive justice and deterrence theories, focuses on the importance of court

1 Rochelle F. Hanson et al., "The Impact of Crime Victimization on Quality of Life," *Journal of Traumatic Stress* 23(2) (2010).

2 Wesley G. Skogan and Michael G. Maxfield, *Coping with Crime* (Beverly Hills, CA: Sage Publications, 1981).

3 United Nations High Commissioner for Refugees, *Global Trends 2014* (Geneva: UNCHR, 2015).

4 Ilse Griek, *Human Rights in Translation: Dispute Resolution in the Bhutanese Refugee Camps in Nepal* (Oisterwijk: Wolf Legal Publishers, 2014).

5 Lauren Bennett Cattaneo and Lisa A. Goodman, "Through the Lens of Therapeutic Jurisprudence: The Relationship between Empowerment in the Court System and Well-being for Intimate Partner Violence Victims," *Journal of Interpersonal Violence* 25(3) (2010).

6 James Garofalo and John Laub, "Fear of Crime – Broadening Our Perspective," *Victimology* 3(3-4) (1978).

7 Heather Strang and John Braithwaite, *Restorative Justice and Family Violence* (Cambridge, Cambridge University Press, 2002); Heather Strang et al., "Victim Evaluations of Face-to-face Restorative Justice Conferences: A Quasi-experimental Analysis," *Journal of Social Issues* 62(2) (2006).

8 Irina Elliott, Stuart D. M. Thomas and James R. P. Ogloff, "Procedural Justice in Contacts with the Police: Testing a Relational Model of Authority in a Mixed Methods Study," *Psychology, Public Policy and Law* 17(4) (2011); Jo-Anne Wemmers, "Victims' Experiences in the Criminal Justice System and Their Recovery from Crime," *International Review of Victimology* 19(3) (2013).

outcomes⁹. With regard to deterrence in particular, fear is likely to be reduced when the victim believes the offender will no longer commit criminal acts against him or her. These theories provide the framework for understanding conflict resolution procedures in the current investigation.

This paper investigates the link between different elements of conflict resolution – based on restorative justice, procedural justice, retributive justice and deterrence theories – and the alleviation of fear for victims. The analysis adds to the victimological literature by examining an understudied population and their perceptions of conflict resolution and, more specifically, relating their experiences to fear. While many psychological variables have been studied in relation to criminal justice, the impact of the process on fear requires more attention. It is structured as follows: first, we discuss the refugee experience from persecution to encampment, particularly in relation to experiences of fear among camp residents. Second, we review research on the psychological impact of victimization. Third, we posit the link between conflict resolution within camp settings and the reduction of fear using the existing theories mentioned above. This is followed by a statistical analysis of levels of fear in the camps and the extent to which different aspects of conflict prevention may contribute to the reduction of that fear. The data used for this analysis is derived from a quantitative survey of crime and access to justice conducted in the Bhutanese refugee camps in Nepal, conducted in 2011.¹⁰

Refugee Camps: Living in Fear?

The 1951 Convention Relating to the Status of Refugees (Article 1A) describes a refugee as someone who has fled his or her country of origin “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,” and who “is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” The definition of a refugee therefore takes into account both subjective and objective aspects of fear. A refugee must have a subjective fear – that is, be personally afraid – of persecution upon return to his or her own country and that fear must be objectively “well-founded.”

For obvious reasons, a refugee’s experience of persecution prior to flight is likely to impact his or her experience in the country of asylum. Refugees lack the protection of their home states – often because it is their own government that threatens persecution. Protection may also prove elusive in refugee host countries. Despite the efforts of humanitarian agencies, the camps in which refugees are hosted are themselves frequently criticized on account of insecurity and gaps in the rule of law. For instance, when camps are established close to insecure borders, they increase the potential for spill-over conflict and militarization, exposing refugees to further violence.¹¹

UNHCR has joined the ranks of critics of long-standing situations of displacement, writing that:

9 Kevin M. Carlsmith, John M. Darley and Paul Robinson, “Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment,” *Journal of Personality and Social Psychology* 83(2) (2002); Uli Orth, “Punishment Goals of Crime Victims,” *Law and Human Behavior* 27(2) (2003).

10 Griek, *Human Rights in Translation*.

11 Karen Jacobsen, “A ‘Safety-First’ Approach to Physical Protection in Refugee Camps,” Rosemarie Rogers Working Paper Series #4 (1999).

“Protracted refugee situations are a critical element in continuing conflict and instability and have obstructed peace and undermined economic development. The long-term presence of large refugee populations has engendered conflict by causing instability in neighboring countries, triggering intervention, and sometimes spurring armed elements within camps to begin insurgencies or form resistance and terrorist movements.”¹²

Refugee camps are often too densely populated; holding numbers of people far too large, for far too long a time. In such settings, feelings of frustration and being in limbo can give way to violence – particularly when freedom of movement and the right to work are also limited. Women are especially vulnerable, with high rates of violence against women reported in many camp settings.¹³

Crime victimization, whether as part of persecution in the home state, in a situation of displacement or asylum, or in other contexts, can impact on mental health in a range of ways. These include increased frustration, stress, guilt, self-blame and/or humiliation. Psychological research has shown that mental health outcomes may range from mild distress to serious psychiatric disorders.¹⁴ Victimization may also provoke fear. Calhoun, Atkeson and Resick¹⁵ found that victims generally experienced more anxiety and fear than non-victims. While this research looked at crime victims in general, it is likely that the impact is even greater among refugees – an already vulnerable group characterized by past experiences of persecution that interact with subsequent experiences of crime.

Fear in refugee settings can be serious and pervasive, and has been well documented. In 2014, the International Rescue Committee¹⁶ reported that one in three Syrian refugee women in Lebanon was too scared or overwhelmed to leave the house. In an opening quote to a UNHCR report on the Syrian refugee crisis released the same year, Antonio Guterres, UN High Commissioner for Refugees, reminds us that “Life for Syria’s refugee women did not stop when they crossed the border; rather, it was the beginning of a new, deeply traumatic experience – filled with misery, anxiety, isolation and hardship.”¹⁷ Fear in the Syrian refugee camps was widespread, with three in five women worried for their own security or that of their children. Sadly, this example is far from isolated and there are similar reports from other refugee settings. A staff member of the International Rescue Committee aptly characterizes the misconception of safety in camps for refugee women: “There is a tendency to think that once [women] have crossed the border, they are safe. But they just face a different violence once they become refugees.”¹⁸

12 United Nations High Commissioner for Refugees, *The State of the World’s Refugees* (Geneva: UNHCR, 2006), 117-118.

13 United Nations High Commissioner for Refugees, *UNHCR Handbook for the Protection of Women and Girls*, (Geneva: UNHCR, 2008).

14 Simon N. Verdun-Jones and Katherine R. Rossiter, “The Psychological Impact of Victimization: Mental Health Outcomes and Psychological, Legal, and Restorative Interventions,” in *International Handbook of Victimology*, ed. Shlomo G. Shoham, Paul Knepper, and Martin Kett. (Boca Raton, FL: CRC Press, 2010).

15 Karen S. Calhoun, Beverly M. Atkeson, and Patricia A. Resick, “A Longitudinal Examination of Fear Reactions in Victims of Rape,” *Journal of Counseling Psychology* 29(6) (1982).

16 International Rescue Committee, *Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict* (New York: International Rescue Committee, 2014).

17 United Nations High Commissioner for Refugees, *Woman Alone: The Fight for Survival by Syria’s Refugee Women* (Geneva: UNHCR, 2014), 4.

18 Phoebe Greenwood, “Rape and Domestic Violence follow Syrian women into refugee camps,” *The Guardian*, July 25, 2013, <http://www.theguardian.com/world/2013/jul/25/rape-violence-syria-women-refugee-camp>.

Understanding Victimization

It was discussed above how refugees are in a particularly vulnerable position and, due to their past experiences, are likely to live in a state of heightened fear. Similarly, people may become more fearful following victimization. This may be explained by the theory of shattered assumptions, which claims that people's basic assumptions about the world give meaning to our existence.¹⁹ When faced with victimization, old assumptions are shattered, resulting in psychological upheaval. Victim perceptions may then include insecurity, danger and threat. More specifically, one of these basic assumptions is personal invulnerability, whereby people underestimate the likelihood of going through negative experiences.

Perceived vulnerability has been defined as "a belief that one is susceptible to future negative outcomes and unprotected from danger or misfortune."²⁰ Accompanying this cognition is an affective component, consisting of feelings of anxiety, fear and apprehension.²¹ According to Perloff, non-victims are more likely to have an 'illusion of invulnerability.'²² For these people, there may be a greater perception of control over uncertain events or a misconception that victims of crime fall under a certain stereotype.²³ Moreover, unique vulnerability a state in which people see themselves as highly vulnerable, and which is associated with greater fear, anxiety and lower self-esteem, can be a potential consequence of victimization.²⁴

Perceived likelihood, consequence and control may also impact people's experiences of fear. Winkel²⁵ suggests that fear is not linked to previous victimization but to perceived likelihood of (future) occurrence and perceived severity of consequence. According to Winkel, people experienced *more* fear when they perceived crime as likely, but *less* fear when they believed it would be of little consequence. Houts and Kassab²⁶ have linked perceived vulnerability of crime to perceived control over one's own environment, an element that may be shattered after victimization.

The links between victimization and fear, however, are not straightforward. It has been asserted that evidence to suggest there is a link between victimization and fear is lacking.²⁷ Rather, other reasons for fear - in addition to previous victimization - include: perceptions of neighborhood deterioration, vandalism, potential physical vulnerability to offenders, social isolation and the media. Fear itself is intangible and it can mean different things to people at different times. For example, women and the elderly are often more fearful even though they are less likely to have been victimized than other population groups.

19 Ronnie Janoff-Bulman, *Shattered Assumptions: Towards a New Psychology of Trauma* (New York: The Free Press, 2002).

20 Lynn N. Smith and Gary D. Hill, "Victimization and Fear of Crime," *Criminal Justice and Behavior* 18(2) (1991).

21 Linda S. Perloff, "Perceptions of Vulnerability to Victimization," *Journal of Social Issues* 39(2) (1983): 43.

22 Linda S. Perloff, "Social Comparison and Illusions of Invulnerability to Negative Life Events," in *Coping with Negative Life Events: Clinical and Social Psychological Perspectives*, ed. C. R. Snyder and Carol E. Ford (New York: Plenum, 1987), 217.

23 Thomas A. Wills, "Downward Comparison Principles in Social Psychology," *Psychological Bulletin* 90(2) (1981).

24 Perloff, "Perceptions of Vulnerability,"

25 Frans W. Winkel, "Fear of Crime and Criminal Victimization: Testing a Theory of Psychological Incapacitation of the 'Stressor' Based on Downward Comparison Processes," *British Journal of Criminology* 38(3) (1998).

26 Sandra Houts and Cathy Kassab, "Rotter's Social Learning Theory and Fear of Crime: Differences by Race and Ethnicity," *Social Science Quarterly* 78(1) (1997).

27 Wesley G. Skogan, "The Impact of Victimization on Fear," *Crime & Delinquency* 33(1) (1987).

Several studies recorded heightened levels of fear, anxiety and suspiciousness among rape victims.²⁸ Gender may also play a role. In one example, research comparing male and female robbery victims concluded that female victims suffered from more fear than men one month post-victimization, but that this difference was no longer evident three months post-victimization.²⁹ Fox, Nobles and Piquero³⁰ distinguish between (1) property versus personal crimes and (2) victims' fear of daytime versus victims' fear of nighttime crimes. Victims of stalking and theft were found to be more fearful of crime than sexual assault victims. Daytime fear was associated with many types of victimization (stalking, sexual assault and theft) while nighttime fear was only associated with sexual assault. Dull and Wint³¹ found that while victims of crime were more likely to fear *property* crime victimization, those with no previous victimization had a greater fear of experiencing *personal* crime victimization.

A number of factors can exacerbate fear resulting from victimization, some of which are inherently problematic in refugee settings. One example is social isolation. When people flee, families are often dispersed and social structures collapse.³² This is problematic, because social networks can provide victims with the support and outlet they need. Those who have fewer resources to cope with the aftermath of the crime, such as poor or low-income individuals, have also been found to show more fear following their victimization. In refugee settings, social support structures and financial resources - in addition to a lack of perceived control - may present significant challenges and cannot be taken for granted. Furthermore, vulnerable groups such as women and the elderly are likely to experience greater fear following crime.³³ Other research has suggested that those who experienced greater fear before the victimization were likely to experience heightened fear after the victimization and that more recent victimization leads to greater fear than victimization further in the past.³⁴

Reducing Fear Through Justice: A Look at Justice Needs

While it is important to understand the consequences of victimization, the focus of this article is to determine whether conflict resolution, or aspects related to conflict resolution processes or their outcomes, can help to alleviate some of these negative effects. In particular, we are interested in whether they can alleviate fear.

Various studies have shown that emotional recovery can be influenced by contact with justice proceedings.³⁵ Although much of this research focuses on post-traumatic stress disorder and very little deals with fear directly, other effects of criminal proceedings that have been studied

28 Dean G. Kilpatrick, Lois J. Veronen and Patricia A. Resick, "The Aftermath of Rape: Recent Empirical Findings," *American Journal of Orthopsychiatry* 49(4) (1979); Patricia A. Resick, "Psychological Effects of Victimization: Implications for the Criminal Justice System," *Crime & Delinquency* 33(4) (1987).

29 Resick, "Psychological Effects of Victimization."

30 Kathleen A. Fox, Matt R. Nobles, and Alex R. Piquero. "Gender, Crime Victimization and Fear of Crime." *Security Journal* 22(1) (2009).

31 R. Thomas Dull and Arthur V. N. Wint, "Criminal Victimization and Its Effects on Fear of Crime and Justice Attitudes," *Journal of Interpersonal Violence* 12(5) (1997).

32 Rosa Da Costa, "The administration of justice in refugee camps: A study of practice" *Legal and Protection Policy Research Series* (Geneva: UNHCR, 2006).

33 Fox, Nobles, and Piquero. "Gender,"

34 Bonnie S. Fisher, John J. Sloan III and Deborah L. Wilkins, "Fear of Crime and Perceived Risk of Victimization in an Urban University Setting," in *Campus Crime: Legal, Social and Policy Perspectives*, ed. Bonnie S. Fisher and John J. Sloan III. (Springfield: Charles C. Thomas Publishing, 1995).

35 Elliott, Thomas and Ogloff, "Procedural Justice,"; Judith L. Herman, "The Mental Health of Crime Victims: Impact of Legal Intervention," *Journal of Traumatic Stress* 16(2) (2003); Maarten Kunst, Lieke Popelier and Ellen Varekamp, "Victim Satisfaction With the Criminal Justice System and Emotional Recovery: A Systematic and Critical Review of the Literature," *Trauma, Violence and Abuse* 16(3) (2015).

include secondary victimization. This is most broadly defined as negative societal reactions to the primary victimization,³⁶ revenge,³⁷ anger³⁸ and depression.³⁹ Within the post-traumatic stress disorder scales, there are measures for fear and anxiety (e.g. feelings that the event was happening again; feeling ‘on guard’), though fear is not isolated from other psychological variables. Furthermore, Orth’s secondary victimization scale includes variables such as the ability to cope with the crime as well as faith in a just world; both of which may be related to fear but are likely measuring different concepts.⁴⁰

The field of therapeutic jurisprudence can provide some insights into the link between justice proceedings and mental well-being more generally.⁴¹ In short, therapeutic jurisprudence examines how legal proceedings may be able to have an impact on emotions, behaviors and mental health. The concept emerged from the need to emphasize protecting the rights of mental health patients. Substantive rules, legal procedures and legal actors could all produce therapeutic or anti-therapeutic effects for those participating in legal proceedings. Therapeutic jurisprudence relies on the social sciences to better understand the actual effects of law on psychological and physical well-being. It has been applied to various contexts, including domestic violence, healthcare, tort reform and the criminal justice system. While legal scholars recognize the need to understand the consequences of legal procedures, there is an accepted understanding among them that this knowledge should not necessarily compete with fair rules and procedures. Although other societal values may be more important, therapeutic jurisprudence nonetheless aims to support public policy reasons for developing policies or procedures⁴² related to law.

Past research investigating what is important to victims (justice needs) has also aimed to show how these variables may be linked to victim well-being. Some research has been conducted regarding fear and, specifically, these justice needs.⁴³ More generally, in the context of therapeutic jurisprudence it may be hypothesized that court procedures are unlikely to decrease fear. Because of the focus on fact-finding, determination of the law, court procedure and other legal issues relating to judicial procedures within the court system, emotional well-being - including alleviation of fear - is often ignored by the principles of the legal system. This is not to say, however, that the court system cannot lead to therapeutic effects. By first understanding victims’ justice needs, it becomes possible to understand what effects legal procedures may have on victim well-being. These justice needs have been formulated according to several theories, including restorative justice, procedural justice, retributive justice and deterrence.

36 Malini S. Laxminarayan, “Interactional Justice, Coping and the Legal System: Needs of Vulnerable Victims,” *International Review of Victimology* 19(2) (2013); Uli Orth, “Secondary Victimization of Crime Victims by Criminal Proceedings,” *Social Justice Research* 15(4) (2002).

37 Maarten J. J. Kunst, “PTSD Symptom Clusters, Feelings of Revenge, and Perceptions of Perpetrator Punishment Severity in Victims of Interpersonal Violence,” *International Journal of Law and Psychiatry* 34(5) (2011); Ulrich Orth and Andreas Maercker, “Posttraumatic Anger in Crime Victims: Directed at the Perpetrator and at the Self,” *Journal of Traumatic Stress* 22(2) (2009).

38 Orth and Maercker, “Posttraumatic Anger,”

39 Ryan M. Walsh and Steven E. Bruce, “The Relationships Between Perceived Levels of Control, Psychological Distress, and Legal System Variables in a Sample of Sexual Assault Survivors,” *Violence Against Women* 17(5) (2011).

40 Orth, “Secondary Victimization,”

41 David B. Wexler and Bruce J. Winick, *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (Durham, NC: Carolina Academic Press, 1996).

42 Peggy F. Hora, William G. Schma and John T. A. Rosenthal, “Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System’s Response to Drug Abuse and Crime in America,” *Notre Dame Law Review* 74(2) (1999).

43 M. I. Zeilstra and H. G. van Andel, *Informatieverschaffing en schadebemiddeling door de politie* (Arnhem: Gouda Quint, 1990).

First, with regard to therapeutic jurisprudence and restorative justice,⁴⁴ both fields claim that the effective management of emotions is an important focus in conflict resolution processes.⁴⁵ The goal of therapeutic jurisprudence – to examine the impact of law on one’s well-being – is closely linked to the recognition among restorative justice scholars that crime causes material and emotional damage, which can be healed through victim-offender encounters. Through such a medium, which encompasses victim-offender dialogue, “the emotions of each may be expressed and soothed by discussing the events, their effects and what the offender might do to make amends”.⁴⁶ Both restorative justice and therapeutic jurisprudence approaches value active participation that can lead to greater empowerment and, potentially, greater feelings of control – hence also a reduction in fear.

Restorative justice theory may address the way in which specific procedures such as victim-offender mediation play a role in reducing fear. According to restorative justice theory, this is largely due to the platform that is created to allow victims to meet offenders, understand the reasons behind the crime and, in some cases, receive an apology. Other outcomes of restorative justice procedures included reduced anger and sympathy for the offender. Victims who participated in restorative justice conferences also reported reduced fear as a result of the conference.⁴⁷ This may also be linked to the question of ‘why me?’ which often arises among victims following a crime and could be one reason for greater fear of future victimization.

Second, procedural justice in its simplest terms refers to the extent to which the procedure was perceived to be conducted in a fair manner. While many conceptualizations of procedural justice exist, a prevailing theme related to the justice needs of victims is that of having a voice. Voice refers to the extent to which the victim can express themselves to the decision-maker, whether for instrumental or non-instrumental means. Instrumental means would entail some type of decision-making power, while non-instrumental means are largely related to the victim’s ability to express emotions or feelings that resulted from the crime. Voice may provide victims with the power needed to foster recovery, which can in turn lead to a minimization of fear following victimization.⁴⁸ Perceived fairness of, or proper treatment by, the criminal justice system and legal authorities has also been linked to psychological well-being variables such as post-traumatic stress, alienation and the ability to cope with the crime.⁴⁹ Bennett Cattaneo and Goodman⁵⁰ found that, though court-related empowerment (a composite measure including procedural justice) was not associated with victim fear, it was significantly associated to other psychological variables such as quality of life and depression.

Third, retributive justice and deterrence theories focus on the outcome of legal procedures. Retributive justice refers to the notion that perpetrators should be punished proportionally to the harm that was caused. In these instances, the outcome is an end in itself and deservingness is the primary goal. As noted earlier, revenge and post-traumatic stress have been studied with

44 John Braithwaite, “Restorative Justice and Therapeutic Jurisprudence,” *Criminal Law Bulletin* 38(2) (2002); Robert F. Schopp, “Integrating Restorative Justice and Therapeutic Jurisprudence,” *Revista Jurídica de la Universidad de Puerto Rico* 67(3) (1998).

45 Michael S. King, “Restorative Justice, Therapeutic Jurisprudence and the Rise of Emotionally Intelligent Justice,” *Melbourne University Law Review* 32(3) (2008).

46 King, “Restorative Justice,”

47 Strang et al., “Victim Evaluations,”

48 Judith L. Herman, *Trauma and Recovery* (New York: Basic Books, 1992).

49 Patricia A. Frazier and Beth Haney, “Sexual Assault Cases in the Legal System: Police, Prosecutor, and Victim Perspectives,” *Law and Human Behavior* 20(6) (1996); Laxminarayan, “Interactional Justice”; Lucy Maddox, Deborah Lee and Chris Barker, “Police Empathy and Victim PTSD as Potential Factors in Rape Case Attrition,” *Journal of Police and Criminal Psychology* 26(2) (2011); Fran H. Norris and Martie P. Thompson, “The Victim in the System: The Influence of Police Responsiveness on Victim Alienation,” *Journal of Traumatic Stress* 6(4) (1993); Wemmers, “Victims’ Experiences,”

50 Bennett Cattaneo and Goodman, “Through the Lens.”

regard to retributive justice needs. One means of measuring retribution has been through the severity of the punishment.⁵¹ Research has found that punishment is negatively associated with feelings of revenge. This would suggest that a higher penalty is likely to lead to lower feelings of revenge. Similarly, where victims believed the jail sentence to be unacceptable, they reported that the justice system was harmful to them⁵² and perceptions of sentence leniency have been found to be positively associated with distress.⁵³ On the other hand, Orth⁵⁴ found that punishment severity is not linked to positive psychological changes. More specific research on retributive justice needs and fear is, however, lacking. Deterrence theories focus on the extent to which punishment will prevent future wrongdoing.⁵⁵ Theoretically, there is likely to be more support for deterrence leading to a reduction of fear, particularly in cases of ongoing violence. Research has found that the concept of deterrence, may also be linked to reducing fear, particularly in cases of ongoing violence such as domestic violence.⁵⁶

A Case Study: Bhutanese Refugees

These justice needs and their link to fear reduction will be the focus of the current paper, examining Bhutanese refugees in Nepal. In the early 1990s, thousands of Bhutanese refugees fled to India and Nepal in search of a safe haven from persecution, violence and discrimination in their home country, Bhutan. The *Lhotshampas*, or people of the south, were predominantly Nepali-speaking and inhabited the South of Bhutan. From the 1970s onwards, increasingly repressive laws and policies were enacted in quick succession by the Royal Government of Bhutan. These laws marginalized the *Lhotshampas* and eventually culminated in the revocation of citizenship for large numbers of people. When the *Lhotshamas* protested against this unequal treatment, the Bhutanese government responded with a violent crackdown. The mass flight that ensued was marked by violence and atrocities. Accounts of torture at the hands of the Royal Bhutan Army and police were widespread. The Bhutanese army was accused of suppressing the democratic movement using mass arrests, flogging, torture, rape, arson, looting and plunder. Upon reaching the Bhutanese border, individuals were forced to sign Voluntary Migration Forms signaling their ‘voluntary’ departure from Bhutan – thereby renouncing their right to Bhutanese citizenship.

The Government of Nepal agreed to host the refugees, with the assistance of the UNHCR. Nepal allowed the refugees to enter, but did not consider local integration a feasible solution and relegated the Bhutanese to camps. Seven camps were established in the Northeast of the country, not far from the border with India. Little did they know when they arrived that they would spend the better part of the next two decades in these camps.

While the Bhutanese refugee camps themselves were not particularly renowned for violence, they were affected by external developments, including political struggles in Nepal. The Nepalese Civil War - an armed conflict between the Nepalese government and Maoist rebels that was launched by the Communist Party of Nepal in 1996 - lasted until 2006 and was

51 Kunst, “PTSD Symptom Clusters”.

52 Cheryl Regehr et al., “Victims of Sexual Violence in the Canadian Criminal Courts,” *Victims & Offenders* 3(1) (2008).

53 Pamela Tontodonato and Edna Erez, “Crime, Punishment, and Victim Distress,” *International Review of Victimology* 3 (1994).

54 Orth, “Secondary Victimization”.

55 Carlsmith, Darley and Robinson, “Why Do We Punish?,”

56 David Weisburd and John E. Eck, “What Can Police Do to Reduce Crime, Disorder and Fear?” *The ANNALS of the American Academy of Political and Social Science* 593(1) (2004).

mirrored by the establishment of radicalized political movements in the camps.⁵⁷ Some of these groups were later blamed for politically motivated murders in the camps and for bombings in Bhutan. Tensions also followed UNHCR's announcement of the start of a third country resettlement program for Bhutanese refugees – a development that was viewed by some groups as an active effort to undermine repatriation to Bhutan. Violent clashes ensued between parties for and against resettlement. Some people were murdered; houses of early candidates for resettlement were burned down.

The security situation had largely normalized at the time of data collection. By 2009, resettlement had become an accepted solution that no longer led to the intimidation of interested parties by violence. Similar to the surrounding area, the most prevalent forms of crime experienced by refugees in the camps included theft, verbal and physical violence, vandalism and polygamy. Also reported (in far lower rates) were cases of caste discrimination, sexual assault and rape.⁵⁸

Despite this normalization, memories of victimization and violence had a visible impact on the behavior of the refugees. People were still afraid to speak openly of sensitive issues in case they became targets for attack. Political matters were discussed behind closed doors. Life in the camps could change quickly and factors beyond people's control affected their experience of security. Change itself could be a reason for fear. For instance, when the Bhutanese refugees first settled into the refugee camps in Nepal in the early 1990s, they complained about the congestion. Many had lived in sparsely populated areas of Bhutan and both the crowded camps and lack of privacy made them feel unsafe. Years later, large numbers of people were resettled away from the camps, which slowly became more spacious. People complained again. They had grown accustomed to the proximity of their neighbors and felt bare and unprotected in their emptier surroundings.⁵⁹

Refugees' experiences in Bhutan, as well as encounters with the Bhutanese and Nepali police, also affected their decisions and responses to crime. Within the camps, they established a parallel mediation-based legal system, which they used to respond to crimes and incidents that occurred in the camps.⁶⁰ Refugees also had access to the Nepalese legal system and victims of crime could report their cases to the police. They were then provided with pro bono assistance from the Nepal Bar Association, which had a lawyer stationed in each of the camps. In practice, however, these routes were relatively under-used. Although Nepalese legal institutions did play a role in more serious cases, refugees, almost unequivocally, preferred turning to members of their own community for help rather than seeking out Nepalese authorities. Refugees feared the police and judiciary would show them the same discrimination and unfair treatment they had experienced in Bhutan.

57 D.N.S Dhakal and Christopher Strawn, *Bhutan: A movement in exile*. (Jaipur: Nirala Publications, 1994); Michael Hutt, "The Bhutanese refugees: Between verification, repatriation and royal realpolitik," *Peace and Democracy in South Asia* 1(1) (2005)

58 Griek, *Human Rights in Translation*.

59 Griek, *Human Rights in Translation*, 83.

60 Griek, *Human Rights in Translation*.

Method

Data Collection

This research draws on data obtained from a large-scale survey conducted in Beldangi-2 and Beldangi 2-Extension - two Bhutanese refugee camps in southeast Nepal - in early 2011. The data collected using the survey emerged from a broader investigation into conflict resolution in the Bhutanese refugee camps; as part of this, Griek conducted fourteen months of ethnographic field research in the Bhutanese refugee camps between 2009 and 2011.⁶¹ Data from this ethnographic field research included interviews with different camp authorities, observations of mediation sessions and in-depth qualitative interviews with victims. In addition to ethnographic research, Griek conducted a large scale survey on access to justice among victims of crime in the Bhutanese camps.

This survey is based on a larger project measuring the justice needs of people.⁶² The questionnaire was adapted to measure comparative victim experiences of access to justice, in order to allow for the comparison of justice evaluations across legal and national jurisdictions. A translation-back-translation⁶³ was used to develop a Nepali version of the questionnaire. After the translation returned results in English, the researchers examined the questionnaire to account for construct and item bias that may have resulted from cultural differences.

The questionnaire was pre-tested to determine any difficulties and confusion for respondents. The final survey research was conducted with the help of eight research assistants - who visited each household within the Beldangi-2 refugee camp to find out if people wanted to participate - as well as roughly a quarter of the households in the Beldangi 2-Extension camp.⁶⁴ The assistants were Bhutanese refugees themselves and hailed from a variety of religious, caste and ethnic backgrounds. This was important, as people tend to place greater trust in interviewers from comparable backgrounds. Interviews were conducted voluntarily for households that reported having experienced a crime in the past five years. During these interviews, victims of serious crime were asked about their experiences with the legal authorities and camp officials, in addition to their overall perceptions of the procedure and the outcome. The total sample included in the current analysis consists of 245 Bhutanese refugees⁶⁵ who suffered serious victimizations residing in Nepal.

Approach

The following analyses will explore how legal processes may impact fear among crime victims and, if so, which factors are responsible for this decrease. To answer this question, a multiple regression analysis was conducted, including the independent variables reported below as factors with possible predictive value.

61 Griek, *Human Rights in Translation*.

62 Martin Gramatikov et al., *A Handbook for Measuring the Costs and Quality of Access to Justice* (Apeldoorn: Maklu, 2010).

63 The English version was translated to Nepali, which was later translated back to English to check for any significant differences in meaning of the words.

64 Griek, *Human Rights in Translation*. Prior to the start of the resettlement program for Bhutanese refugees, Beldangi-2 hosted 22,610 people and Beldangi 2-Extension hosted 11,664. Total population for all the camps was 107,475. By August 2011, roughly 50,527 people had departed.

65 There were 700 respondents in the entire sample of the study, but after accounting for missing values, and those who had contact with at least one legal authority, the final amount included in the smaller group included 245 respondents.

Variables

Control Variables

The control variables consisted of: age (in years), gender, whether or not the offense was a domestic issue,⁶⁶ perceived consistency of the legal system and education. Perceived consistency was measured by asking whether, on a scale from 1-5 (1 = strongly disagree, 5 = strongly agree), “The Nepali legal system treats people from this camp in the same way that it treats Nepali people.” Education took one of six levels: 1 = illiterate/less than class 6; 2 = class 6; 3 = completed SLC; 4 = completed plus-2; 5 = Bachelor; 6 = Master.⁶⁷ Dummy variables were created for education to include them in the multiple regression analysis.

Independent Variables

The independent variables included in the analysis are ratings given by victims about the legal procedure they underwent and the outcomes they received. Types of outcome measured (yes/no) included: the crime was reported but nothing was done; the case was dismissed; the offender faced prison time; the offender was given corporal punishment; the offender apologized to the victim or the victim was granted a divorce by the decision-maker. Prison time and corporal punishment were indicative of retributive justice. With respect to the legal procedure, victims were asked: to what extent they were able to express themselves to the decision-maker, related to procedural justice, in addition to questions related to restorative justice, namely: to what extent the process considered their privacy; to what extent they were able to ask the offender why he/she did what he/she did and whether the process positively impacted their relationship with the offender. This latter variable tries to gauge whether involvement in the process was in fact beneficial to the relationship between the parties. Each of these was measured on a 5 point Likert scale (1 = not at all/very small extent, 5 = very large extent).

Dependent Variable

The dependent variable was measured by asking to what extent the process helped to lessen any fear the respondent may have had, on a scale from 1-5 (1 = strongly disagree, 5 = strongly agree).

Results: Legal processes, outcomes and predictors of fear

The sample included 245 respondents with a mean age of 34.37 years (SD = 12.80). Approximately 75% of the sample was female. The majority of respondents reported they were either illiterate or had not completed class 6 (60.4%), followed by 23.7% with a class 6-level education, 9.0% who had completed class 10 (SLC), 5.7% who had completed the 12th grade (plus-2) and less than 1% with a Bachelor or Master’s degree. Approximately half of all cases (46.5%) involved domestic violence offenses.

As described above, Bhutanese refugees who resorted to a formal or informal legal process could encounter a range of possible legal outcomes. To give a general impression of the types

⁶⁶ These cases included crimes perpetrated by relatives, including (ex-)husbands, (ex-) wives, brothers, sisters, mothers, fathers, daughters, sons, uncles, aunts, and all in-laws.

⁶⁷ Class 6 corresponds to the 6th grade in the U.S system. In Nepal, students complete the School Leaving Certificate (SLC) in Grade 10. Those interested in further studies can then attend an additional two years of high school, known as Plus-1 and Plus-2 (11th and 12th grade).

of outcomes people encountered, Table 1 presents the frequencies of these outcomes among cases that were included in the model:

Table 1. Frequencies of the case outcomes included in the regression analysis

Case outcome	% of cases
Victim reported the case but nothing was done	20.0
The case was dismissed	1.2
Offender was sent to prison	4.1
Offender was given corporal punishment	10.2
Victim received an apology	54.3
Divorce	4.5

According to the analysis, the mean value for the extent to which the legal process decreased fear was 2.72 points on a five-point scale as outlined above ($SD = 1.31$), indicating a small to moderate extent. Respondents reported that the process considered their privacy from a small to a moderate extent ($M = 2.69$, $SD = 1.10$). A similar finding held true for the extent to which the respondents could ask the offender why he or she committed the crime ($M = 2.59$, $SD = 1.45$). The extent to which respondents felt they could express themselves to the decision-maker was more positive, namely between a moderate to large extent ($M = 3.51$, $SD = 1.20$).

Correlations between all of the variables are shown in Table 2. Unsurprisingly, the victim reported the incident but nothing being done was highly negatively correlated with (1) being able to ask the offender ($r(245) = -.44$, $p < .001$), (2) voice towards the decision maker ($r(245) = -.46$, $p < .001$), (3) healing the relationship with the offender ($r(245) = -.40$, $p < .001$) and (4) receiving an apology ($r(245) = -.52$, $p < .001$). The inverse relationships illustrated how perceptions were not favorable when nothing was done for the victim. Furthermore, there were high correlations among the procedural variables. The correlation analysis was also carried out to check for multicollinearity between the continuous predictor variables, in addition to using the VIF and Tolerance values which met the standards of < 10 and $> .10$,

Table 2. Correlations among independent and control variables and the process decreasing fear

Variable	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.
1. Lessen fear	-	.07	-.05	-.12	-.02	.17*	-.52***	-.09	.09	.09	.18**	.32***	.44***	.24	.55***	.48***
2. Gender		-	-.08	-.37***	.25***	.06	-.16**	-.19**	-.08	.01	.13*	.04	.08	.02	.09	.05
3. Age			-	-.33***	-.09	.07	-.03	-.13*	-.08	-.06	-.07	.00	-.00	-.06	.04	.05
4. Education				-	-.21**	-.12	.11	.04	.01	-.02	-.06	.01	-.09	-.18**	-.06	-.12
5. DV					-	.09	-.10	-.03	-.11*	.06	.15**	.00	.07	.04	.04	.11*
6. Consistency						-	-.06	-.03	.08	.11*	.13*	-.04	.06	.15**	.20**	.11*
7. Nothing done							-	.22***	-.10	-.14***	-.11**	-.52***	-.44***	-.13	-.46***	-.40***
8. Case dismissed								-	-.02	-.04	-.02	-.12*	-.06	.07	.02	-.11*
9. Prison									-	.20**	-.05	-.06	.09	.06	.10	.00
10. Corporal										-	-.01	.12*	.13*	.08	.17**	.09
11. Divorce											-	-.24***	-.12*	.15**	.06	-.10
12. Apology												-	.45***	.07	.28***	.34***
13. Ask offender													-	.29***	.35***	.45***
14. Privacy														-	.20**	.23***
15. Voice															-	.32***
16. Impact relationship																-

* $p < .05$; ** $p < .01$; *** $p < .001$

respectively. In the bivariate correlation analysis, the following variables were significantly correlated with the impact of the process on fear: process consistency, nothing being done when the victim reported, divorce, apology, having the opportunity to ask the offender why he or she offended, having a voice towards the decision maker and the process having a positive impact on the relationship between the victim and offender.

To assess the impact of the independent variables on the extent to which the procedure reduced fear, all control and predictor variables⁶⁸ were simultaneously entered into a multiple regression analysis. The results are displayed in Table 3 below.

Table 3. Regression analysis to predict the procedure's impact on fear

Variable	Unstandardized Coefficient B	Standardized error	Standardized Beta Coefficient β
Gender	-.16	.16	-.05
Age	-.01	.01	-.11 [‡]
Domestic violence	-.36	.13	-.14**
Consistency	.05	.06	.05
Education			
Less than Class 6	Ref.	Ref.	Ref.
Class 6	.01	.07	.00
Completed SLC	-.38	.24	-.08
Completed plus-2	-.36	.29	-.07
Bachelor	.15	.69	.01
Master	-1.84	.96	-.09
Nothing done	-.58	.21	-.18**
Dismissed	-.52	.59	-.04
Prison	.13	.32	.02
Apology	.11	.16	.04
Corporal punishment	-.21	.21	-.05
Divorce	1.24	.33	.20***
Ask offender	.13	.05	.15*
Privacy	.01	.06	.01
Relationship	.25	.06	.25***
Voice	.34	.06	.32***

[‡] $p = .05$; * $p < .05$; ** $p < .01$; *** $p < .001$

Several of the variables were significantly associated with the impact of the process on lessening fear, as can be seen by the standardized beta coefficients. These coefficients represent the change in the dependent variable (decrease in fear) brought about by each independent variable. They also make it possible to make comparisons among the different independent variables entered into the model. As we can see in Table 2, the following factors were significant predictors of the impact of the process on fear: (1) whether the crime included domestic violence ($\beta = -.14$); (2) if the victim reported but no action was taken ($\beta = -.18$); (3) if the procedure resulted in a divorce ($\beta = .20$); (4) if the victim had the opportunity to ask the offender why he or she committed the crime ($\beta = .15$); (5) whether the relationship was positively affected ($\beta = .25$) and, to the greatest extent (6) whether the victim was able to

⁶⁸ These variables include: gender, age, education, domestic violence crime, perception of consistency of the legal system, several outcome variables (victim reporting but no action taken, case dismissed, imprisonment, corporal punishment, apology, divorce), and perceptions regarding the procedure (victim could ask the offender why the crime occurred, privacy of the process, impact on their relationship with the offender, and having a voice towards the decision-maker).

express himself or herself to the decision-maker ($\beta = .32$). Finally, for age $p = .05$, there was marginal significance indicating that as age increased, fear decreased ($\beta = -.11$).

Discussion and conclusion

Overall, despite the significant relationships denoted above, the legal procedure was not very successful in reducing fear among Bhutanese refugees, contributing only a small to moderate extent ($M = 2.72$, $SD = 1.31$). Only the extent to which respondents felt they could express themselves to the decision maker played a larger and more positive role, contributing between a moderate and large extent ($M = 3.51$, $SD = 1.20$). Several of the predictor variables were significantly associated with the process's ability to decrease fear for the victim: the type of crime (domestic violence versus non-domestic violence); response/outcome of the case (nothing being done, the outcome ending in divorce); a positive impact on the victim's relationship with the offender and the victim's experience of having a voice towards the decision maker and the opportunity to ask the offender questions.

In a previous study on the importance to Bhutanese refugees of procedural and restorative justice elements, Laxminarayan & Pemberton⁶⁹ similarly found that having a voice towards the decision maker was an important predictor of victim satisfaction. Interestingly, while having a voice towards the offender was not predictive of victims' satisfaction with the legal process itself in that study, the current analysis shows, nonetheless, that the ability to ask the offender questions is associated with a future reduction of fear among victims. This finding shows how examining different outcome variables related to victimization can provide interesting results. The importance of having a voice and repairing the relationship illustrates furthermore the need for restorative justice measures in dealing with the conflict.

The findings outlined above emphasize the importance of restorative justice and procedural justice for victims. Restorative justice deals with the harm that was caused to the victim and, within the process definition, aims to provide a platform for both victim and offender to communicate. Significant predictors of reducing fear were the extent to which the procedure allowed the victim to ask the offender why he/she engaged in criminal behavior and the extent to which the process helped the victim-offender relationship. These findings are in line with restorative justice research, which shows that fear and anxiety are reduced through restorative measures. Furthermore, given the opportunity to engage in some type of communication or dialogue with the offender, the victim is likely to see that his or her perpetrator is not as scary as once thought.⁷⁰ In addition to this, speaking to the offender may empower the victim and put him or her on an equal level with the perpetrator⁷¹.

Procedural justice is focused on the fairness of procedures from the perspectives of the parties. While perceived fairness may be the result of a number of factors (accurate investigations and proceedings based on evidence, suppression of biases by the decision makers and receiving sufficient information about one's case), more attention has been given to the notion of having a voice. The regression analysis showed that the extent to which the victim was able to express himself or herself to the decision-maker was associated with the ability of the process to lessen the victim's fear. Again, this may be the result of an empowering effect that occurs when the victim feels he or she has played an important role in

69 Malini Laxminarayan and Anthony Pemberton, "The Interaction of Criminal Procedure and Outcome," *International Journal of Law and Psychiatry* 37(6) (2014).

70 Mark Umbreit, "Crime Victims Seeking Fairness, Not Revenge: Towards Restorative Justice," *Federal Probation* 53 (1989).

71 Howard Zehr, *The Little Book of Restorative Justice: Revised and Updated* (New York: Good Books, 2014).

the decision-making process. As discussed earlier, a potential empowering effect may be particularly beneficial following ‘shattered assumptions’. Shattered assumptions may lead to perceptions of loss of control and invulnerability for the victim, which can be re-gained through a dispute resolution procedure.

Also outlined earlier was the importance of deterrence and retribution. In order to measure these elements, the outcome variables examined what kind of punishment was applied, or if nothing was done. More generally, we were interested in knowing if any of the outcomes that might suggest future crime would stop (e.g. case being dropped and nothing being done) were associated with the dependent variable. Unsurprisingly, nothing being done was negatively associated with a reduction in fear. This may be due to perceptions that violent or other types of serious crimes may re-occur in the future. Furthermore, the sample did not appear to support punitive responses as both corporal punishment and incarceration were not useful in decreasing fear. Such a finding is in line with research on culture, which suggests that more collective groups may look for solutions that reconcile and mend relationships.

There was a negative relationship between domestic crime and the alleviation of fear caused by the process. This finding has implications for the use of restorative justice in the context of family problems. There has been much criticism around this issue, despite existing research evaluating restorative justice in domestic violence cases.⁷² The benefits of informal measures, when compared to the criminal justice system, include: the opportunities they can provide for victim expression, offender acknowledgment and a more relaxed and personal process. These are all elements which may be more important to vulnerable victims. At the same time, these types of procedures have been criticized, since they may symbolize a soft option which reinforces the view of violence against women as a ‘private’ problem, thus denying the progress made with recognizing it as a crime worthy of state intervention.

It is clear that the findings related to the importance of the procedure should be considered when devising policy implications for camp officials or the UN High Commissioner for Refugees (UNHCR). UNHCR, a UN-based organization mandated with the international protection of refugees, deals with the refugees residing in camps. It aims to uphold the rule of law within these camps and to ensure that victims have access to remedies for crimes or violations of their rights. One of the ways through which UNHCR attempts to enhance access to justice for refugees is by working to strengthen refugee and state legal systems, sometimes with implementing partners. Unfortunately, empirical evidence is scarce on the topic of victim justice needs among refugees or others living in contexts of displacement or humanitarian settings. This study aims to reduce this gap. Its findings have implications for the steps that humanitarian agencies, like UNHCR, can prioritize in their efforts to improve upon the justice experience of victims in refugee settings. It is clear that victims’ voice – their ability to express themselves towards the decision-maker – is a significant predictor of satisfaction with the legal system. In informal settings that mirror restorative justice methods, attention should be given not only to the interaction between the parties but also to the interaction between the parties and the decision-maker, namely the Counselling Board or other authority figures. Satisfaction is the likely outcome when these actors are providing space for victims to express their needs, emotions and expectations. Furthermore, the significance of being able to interact with the offender and repair the relationship highlights the importance of informal, traditional methods of justice resolution.

⁷² Strang and Braithwaite, *Restorative Justice*; Joan Pennell and Gale Burford, “Feminist Praxis: Making Family Group Conferencing Work,” in *Restorative Justice and Family Violence*, ed. Heather Strang and John Braithwaite. (Cambridge: Cambridge University Press, 2002).

There were several limitations within the research design. First, a longitudinal design would have been more appropriate, particularly due to the change to what was being measured in the dependent variable – the process’s impact on fear. Though such a design cannot establish absolute causality, it would allow for fear to be measured before and after the legal process occurs. Second, because the research was conducted within the framework of a larger project examining victim experiences with justice, focusing primarily on the quality of legal processes and outcomes, only a single-item measure was used to understand fear. Third, the limited sample size, due to the type of study, made it difficult to include a large number of independent variables within the analysis. It would have been interesting to control for other variables related to procedural and outcome justice such as the accuracy of proceedings, past experiences with the formal or informal justice systems, or the offender being kept in a safe room during proceedings.

Even despite the limitations outlined above, the findings of this research are an important first step towards better understanding the role that legal processes can potentially play in humanitarian settings. Generally, refugees have a particularly strong exposure to violence, crime and injustice, leading to a pronounced fear in many refugee populations. It is for this reason that efforts to understand what processes can play a role in reducing and alleviating this fear are particularly important in refugee settings. The results of this research are a first step and provide initial findings that can be researched further. By conducting more focused studies, it will be possible to identify the more specific mechanisms within the justice system that can help to mitigate or reduce fear among victims of crime. For instance, it would be worthwhile to investigate among the Bhutanese which elements of legal procedures help increase victims’ voice towards the offender and decision-makers, as well as which elements contribute to healing the relationship between the two parties to a conflict.

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