

“The Implications of Mental Health on Dispute Resolution Programmes
with Female Offenders”

by

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Abstract

The intend of this research is to bring light over the needs that female offenders have and how distinct their necessities are from their male counterparts. Women who offend usually come from a background in which they experienced abuses, poverty, deprived from education, employment and end up misusing alcohol and drugs in general, all of which contributes to mental health issues. In fact, most of women who enter the criminal system are found to have more than one mental disorder: women in custody are twice as likely to suffer from depression and anxiety than the male offenders and five times more likely than the female population outside of the prisons. These numbers do not determine they women offenders only go in custody for mental health issues, exclusively, but it must be considered when applying dispute resolutions programs such as the victim – offender mediation, in where offender and victims are put together face-to-face in order to promote restoration of the harm done.

Key words: Female offender, mental health, criminal justice, dispute resolution, victim – offender mediation

Introduction

To mention woman and offending in the same sentence would normally bring the idea of woman was being the victim of a crime. That is generally not wrong, but in this dissertation the focus will be on women committing the offenses and what brings them to the wrongdoing, as well as contemplating the psychological aspects of these women prior, during and after the period in custody and how the dispute resolution programs are applied in those circumstances.

As obvious as it could seem in such a way that would be needless to be pointed out, women and men are different beings and not only biologically, but socially having absolutely different needs, perspectives, social demands and even expectations in life. All that could sound evident but for some reason, it is not. In truth, these differences are highlighted according to the social needs and even in matters that would be for the interest of women, it is not rare that they are excluded from it. That happens because the world in general is until nowadays highly patriarchal, not giving much importance for women's rights or fundamental needs. Not long ago, women were considered to be hysterical, mentally ill if they expressed their necessities and opinions. Feminist movements have been making many attempts to change that reality by giving more attention and demands for women's specific urgencies.

An example of that affirmation is the fact that even works in female criminology is not as wide as gender blind or men focused works. Or even that the prisons are not actually prepared for women neither when coming to infrastructure matters nor psychological and physical aspects.

Statistically, women entering the criminal system suffer from mental health problems two times more than men do, rarely a woman go in custody without having a history of drugs and alcohol misuse, female offenses are not usually violent offending, which is another

difference when comparing both genders.

This thesis will focus on comprehending how the woman who commits an offense comes to that, their mental health situation prior and while being in custody and analyse the implications of that on the dispute resolution programs that are available for them.

In order to gain that understanding, the Chapter 1 was split in sections to provide clarity for the reader. This chapter starts giving a panoramic view of the female offenders in the criminal system, presenting who they are and what leads these women to the criminal path. It follows to the female offender's mental health, pointing first to what mental health and illness are, aiming to provide a more based conception of it. And finally, this chapter will present the women taking part in dispute resolution programs, firstly proposing a explanation of what dispute resolution is.

The Chapter 2 will guide the reader to a comprehension of the methodology and methods used in order to reach the purpose of this dissertation, bringing in it the philosophies, approaches, methodological choice, strategies, time horizon, the population and sampling aimed, how the data was collected and analysed and ultimately the ethics of this research. The 3rd Chapter brings the presentation of the data that was found during the research process, bringing in perspective the high points to the study of the mental health of female offenders in the dispute resolution processes.

In the 4th Chapter the reader will find the author's of this work analysis based on the findings of the literature reviewed for this work, bringing other author's understandings about the subject, connecting all the points made within the previous chapters, keeping always in mind the research's aims of comprehending the implication of mental health on dispute resolution programs with female offenders.

Chapter 5 proposes a discussion on how all the information brought on this work could promote a better understanding of the main topic, going over the ideas proposed by the

author's that has been consulted, mentioning all the limitations faced during the research process and bringing proposals for future research to be made about this topic.

The final chapter concludes the research with the author's views and comprehension, of all the things considered throughout the study made. In this chapter the author proposes to the reader a consideration of the possible reasons why women end up offending, as well as question the role of society on the female offending and victimisation of them.

Just before the work is completely finished, the author brings a reflection about the experience of the entire process of writing about such an important subject and yet poorly explored until now.

Aims and Objectives of this Research

This study intends to examine in-depth the implications of mental health on dispute resolution programmes with women offenders in order to understand the existent connection between the mental illnesses and the act of committing any sort of offense for women, how they enter the criminal system, considering both psychological aspects and the reasons why they have been convicted, and how the time in custody have influenced their lives.

It is also the intend of this dissertation to promote the knowledge within the feminist criminology focusing on the dispute resolution programs, as it is believed by the author of this research that the area is still poorly studied and much more work need to be done about this topic.

It is also the aim of this dissertation to identify possibilities for the dispute resolution programs with female offenders, holding the consideration of their mental health.

Chapter 1 – Literature review

1.1 Women in the Criminal System

To start this chapter, it is pertinent to bring light to the fact that in occurrence of the patriarchy shaping the society for so long, the experiences of women being part of academic knowledge production is not as common as it is for men. Women have always experienced exclusion in this area. The beginning of the contemporary feminism is normally dated to be during the 1960s when a series of social movements started to occur around the world, led by women, claiming the social injustices, including racial and ethnic grievances, and colonialism. From this, a number of different perspectives were raised and therefore labelled as feminists. The main point of feminism is the recognition that gender is a central organizing principle of life in society. (Renzetti, 2018)

Gender may be defined as the socially constructed expectations or norms governing female and male behaviour and attitudes that are usually organized dichotomously as femininity and masculinity and that are reproduced and transmitted through socialization. Of course, biology influences the development of gender, too, but while feminist perspectives recognize the complex interaction between biology and environment, feminism emphasizes the socially constructed, rather than innately determined, aspects of gender. (Ibid, p.74)

Regarding these aspects it is not reason for surprise that women have been excluded from the criminology area of knowledge, moreover if considering that this area is not considered to be feminine, therefore not indeed appropriately for women. Studies made are usually gender blind, which in other words, do not consider female beings in them. Male and female 'voices' are different, and the female is not deficient as is was considered in the past; although gender by itself do not determine the whole picture, it is necessary to hear the female voices when dealing with female offenses. (Hodgson, 2019 | Wei, 2021)

Having that in mind, whenever putting in the same sentence the words 'women' and 'criminal

system' for most people the common thinking would be to imagine women as being the victim of an offense rather than the perpetrator. It is true that women usually tend to be at first a victim and after an offender. (Osterman and Masson, 2018)

Regarding women as the offender, it is necessary to bring the reader's attention to the fact that male and female criminals are different in the vast majority of senses: the type of offences, their backgrounds, their needs and even their motivations prior the act. Albeit this is undoubtedly a fact, the criminal system is still very focused on the male offenders, not always considering the women's reality in this case. (BACP, 2013)

A study conducted in England found that women in custody are five times more likely to present mental health issues than other women in the general population. When compared to male prisoners, the female offenders reviewed poorer mental health in relation to self-harm, attempts to suicide, depression, anxiety and psychosis of other kind. (Plugge, E et al, 2006)

Still comparing the gender considerations when dealing with prisoners, women tend to go under custody with more severe mental health and substances misuse profiles and face the disadvantage of treatments that are not adapted to their needs. (BACP, 2013)

As contradictory as it could seem, it was considered that short term sentences for women can result in even worse outcomes, bringing negative impacts for both women and community. The main reason for that could be an effect of the poor access these women have to post release programmes. (Corston, 2011)

As an alternative to prison, there are the community services which according to the New Economics Foundation (2012), can notably affect in positive manners the well-being of the women accessing it, and it helps them to reach long-lasting changes in their lives; the community services can also be helpful for the women to create the tools that make them to feel more in control of their lives, having more supportive relationships, especially

considering that they are more likely to present complex emotional concerns and relationships issues as well as to be single parent. All of these are reached by the support and intervention addresses to this range of problems brought by most of women (not to say all of them).

In a general sense, it would not be inaccurate to mention that women who offend usually come from a poor background in which they had very limited access to education, commonly faced unemployment and housing problems, resulting sometimes in homelessness and addiction to substances, not to mention the mental health issues caused by it. It is correct to say that relationships are essential to all human beings, but to women it is particularly important and not having supportive families and/or living in an unhealthy, toxic family environment it could lead women to criminal paths. It is not rare that women with offending history had experienced some sort of abusive relationship prior the offense, either in their childhood or even in their adult life. (Irish Prison Service, 2014)

Although the majority of studies made was gender blind, it is clear that male and female offenders have different needs. When it comes to parenting, it is paradoxically more explicit that even the shorter sentences for women, are sufficiently long for them to lose their children and generalizing the World there is not much being done in terms of family support when a mother is separated from the children. Taking into account many of these women have children and their own needs are not usually attended in result of the imprisonment, the children's needs are certainly not met either and as a matter of consequence, these children of women under custody tend to show behavioural and psychological problems and not rare, they become offenders themselves, creating therefore a vicious circle. (BACP, 2013; | Irish Prison Service, 2014)

The misuse of alcohol and other drugs are highly related to offenses committed by women. Once again, differently from the male offenders, women do not usually go to prison for violent

crimes, but they rather commonly go for shoplifting crimes and/or for drug related crimes. It is thought that these women shoplift much more for survival (either to provide for their children or to maintain a drug addiction) than for the excitement of stealing something. (Gabija, 2019)

It is also possible that these women committed crimes to sustain other people's addiction to drugs, which brings again the idea of how high the importance of relationships for women is. For some women, the first time of their use of some substance was through a partner, who usually also have committed crimes, and as a consequence, that reality have an influence on those women, triggering them to commit crimes, relapse or even reoffend. (Light, Grant and Hopkins, 2013)

A study made in Ireland found that the most common drug used by the female offenders is heroin and they typically use it by injection with sharing needles, which then raises the possibility of the infection by serious diseases namely HIV and/or hepatitis B and C. Indeed, the study could find that a very significant number of women were tested positive for those diseases, and it is believed that this amount could be even higher for not all the prisoners were tested for that (around one third of women were tested for those diseases). During this mentioned study, a quarter of women participants were perceived to have drinking addiction problems to boot. (Carmody and McEvoy, 1996)

Apart from the infectious diseases above mentioned, the women in prison quite often present other health problems too: respiratory issues as asthma, bronchitis and chest problems seemed to be the most referred however other health illness were also named ranging from gallstones to epilepsy, not to mention the mental health matters (which will be discussed in a further session). (Ibid)

It is clear the need for focused approaches to women within the criminal system, and a report from the United Nations (2018) highlights that in order to minimize this existent imbalance

that has been historically there, developments in infrastructure must consider gender needs, since there are women who need to breastfeed and there are no private spaces in the prisons (generally speaking).

1.2 Female Offender's Mental Health

1.2.1 Clarification on Mental Health

As a matter of clarification, before going on the female offender's mental health, it is relevant to understand what mental health (and illness) is. According to the International Classification of Diseases – 11 for Mortality and Morbidity Statistics (ICD-11), mental disorders could be understood as it follows:

Mental, behavioural and neurodevelopmental disorders are syndromes characterised by clinically significant disturbance in an individual's cognition, emotional regulation, or behaviour that reflects a dysfunction in the psychological, biological, or developmental processes that underlie mental and behavioural functioning. These disturbances are usually associated with distress or impairment in personal, family, social, educational, occupational, or other important areas of functioning." (06 Mental, behavioural and neurodevelopmental disorders)

To understand mental health and illness, is required to go back in history a little bit. The modern era of psychiatry, which is the major area of treatment of any mental illness starts in the eighteenth century in the Enlightenment period, especially in England and France and before that time would be accurate to describe the mental ill people as being dealt as if they were wild animals: neither treatment nor assistance and banishment were the most common ways to deal with the mentally ill. Another form of dealing with the mentally ill was by confinement as they were thought to be immune to other normal types of treatment. As aforementioned, the changes in psychiatric care started at the end of the 18th century with William Tuke in England and Philippe Pinel in France as they both believed in a different

and more human way to deal with the mentally ill. Following the evolvement of the modern psychiatric care, Sigmund Freud, precursor of psychoanalysis had a great impact on it, as well as the other mentioned earlier. (Keltner, Bostrom, and McGuinness, 2011)

Although it cannot be denied the importance of Freud's work for the mental health area, psychoanalysis will not provide simple resolutions and will certainly not bring any effortless explanations for the mental complexes. The psychoanalysis is however a proposal to look at mental health in a way that understanding the functionality of the person, considering their unconscious and given them the opportunity to be properly humanized. (Yakeley, 2018)

Melanie Klein (1960), post-Freudian psychoanalyst, brings the idea that for mental health to be possible, it is required to have a well-integrated personality as a foundation of it. In this author's perspective the balance of internal life and the ability to adapt to the external reality and the capacity to deal with conflicting emotions are signs of an integrated personality. Although it is normal and even expected for an adult to have phantasies and desires, if they have not successfully been lived during the childhood, it is likely that the person will then develop some sort of grievance about the unfulfilled desires which will then block or disturb the capacity of emotional maturity.

Michael Fordham (1960) relating to Carl Jung's theory, says that maybe there will never be an agreement about the real nature of mental health, however he points out the need of an integration in the psyche. The author observes that in the early childhood the psyche is still quite homogeneous and very little structure is needed, but it gradually becomes to be differentiated in several ways: it is particularly important for the ego to integrate, but at the very same time to differentiate from the 'shadow' otherwise the psychic organism will be too weakened and therefore will not be able to work in an organized form. [shadow in Jung would be described as the dark side, the unconscious]. (Garnermann, 2017)

After the great contribution of the psychoanalytic works had begun, the mental health area could start also relying on medicinal drugs as a mean to find help for those who suffered from mental illness. That happened from the middle of the twentieth century when the first psychotropics were discovered. (Keltner, Bostrom, and McGuinness, 2011)

1.2.2 Consideration of Mental Health within Prison and Probation Services

A recent report from The Probation Services in Ireland has highlighted that at minimum of 40% of the people who supervised by the probation services suffer from at least one symptom that indicates mental health problems and the majority of these, are women. At least half of these people have presented more than one mental health issue, counting with side problems such as alcohol and drugs misuse, complex family relationships and housing instability. The report also mentions that among the people under the supervision of the probation services, there is a high number of psychological and psychiatric unmet needs. It is arguable that although it cannot be seen as a golden rule, the mental health problems are highly related to the committed offending. (Power, 2021)

Over the years, the reality around the provision of emotional and psychological support in prisons evolved, but it cannot, of course, be generalised as a whole, since every prison has a different management style and therefore works in distinct forms. The usual for people entering the criminal justice services would be to gain access to a health assessment in which it is included the mental health assessment; from that the managing team can understand and examine better the needs of each person in order to work on more suitable interventions. The two most common forms of intervention are firstly measuring the reduction in recidivism and second examining the outcomes based on the psychological actions. (BACP, 2013)

1.2.3 Consideration of Female Offenders and their Mental Health

When it comes to people as individuals, there must be considered their subjectivity and moreover when talking about mental health. Studies in different countries have been conducted with offenders and regardless the idiosyncrasies that each person counts with, some of the results could be found as a general matter. The number of prisoners that suffer from any kind of mental illness is so high that in some places around the world it is believed to be more mentally ill people within the prisons than psychiatric institutions. Despite this fact, the mental illness is still underdiagnosed and inadequately treated inside prisons. In a general sense, men and women have dissimilar needs and that should be pronounced about the mental health and illness in prison. (Fazel., et al, 2016)

Women more often than not suffer with pressure coming from the society in relation to the way they should or should not behave and as a result of that, the female offenders have shown lower levels of self-esteem, regarding the traditional gender-social norms. When comparing male and female offenders, it is understood that women tend to internalize more the coping mechanisms, aside from previous vulnerabilities. Having that said, it is relevant to highlight the implicit social rules women must follow to gain social acceptance – these social rules often lead women who offend to struggle even more with guilt, shame and stigma for not achieving the social expectation as soon as they entry the criminal system, leaving their families, children, friends and life behind. (Lynch, et al. 2013 | Osterman and Masson, 2018)

Regardless appears to be related the victimisation and offending for women, and that beyond doubt impacts their mental health, it would not be accurate to assure that every female offender commits a crime for a mental health issue or background. In reality, in the 1980's that was a misconception in some female prisons in such a way that self-mutilation

and assaults were then their reality inside the institutions. It was at the time and it is still essential to distinguish anti-social behaviour from mental illness in order to provide proper assessment for these women. (Maden, 2016)

When a woman goes to a prison, several factors impact their well-being and mental health and that will necessarily be distinct from a man going to prison. For any person (or for the majority of persons – not to generalize, contemplating the particularities of each person) the isolation and immediate shock of going to prison will cause certainly a disorientation in the first moment, yet for most women in addition to those initial factors, that would also be the uncertainty of being isolated from their families in a sense that with whom their children will be, who could be looking after them in their absence. Besides that, there is then the fear and anxious feelings about what expects them inside the prison: bullying and violence, fear of being intimidated by others. To adjust to the intense feeling of losing the personal autonomy and having even the simplest parts of their lives now being decided by other people who they do not even know is for the vast majority of women something extremely arduous to cope with. (Douglas, Plugge, and Fitzpatrick, 2009)

In terms of personal care, hygiene and cleanliness, women do not have the best conditions either. Some places could have infestation of mice or vermin and the prison authorities do not do much to meliorate the situation (it is not being considered in this study the possible reasons why measures are not taken by the authorities). (Ibid)

Not unconventional for women who go to prison, they typically have a history of drug misuse, which with no doubts affects their mental health as well as the many other factors mentioned above. Both the drug abuse and the actual committed crime for a relevant number of women is induced by past traumas such as sexual abuse, domestic violence against them and even exploitation and then it becomes a vicious circle. It is nonetheless needed to mention that this past traumas, and chaotic history and drugs misuse should not be over-generalised as

being every woman's experience as a rule. (Douglas, Plugge, and Fitzpatrick, 2009 | BACP, 2013 | Prison Reform Trust, 2017)

Statistically, between 50% and 60% of women in prison suffer from some personality disorder (the illness that appeared to be the most recurrent were depression, anxiety, antisocial personality disorder, borderline personality disorder, paranoid personality disorder, obsessive compulsive or avoidant personality disorder – not rare, the female prisoners present symptoms of more than one disorder). A considerable number of female prisoners mentioned to have had treatment or counselling sessions for mental health problems during the year before the offense and custody. (BACP, 2013)

In fact, stating the fact that most women who are in custody should not be in prison but in other types of services, the vice-president of the Mental Health Foundation (1999-2002), Lord Dholakia said:

Most of the women we send to prison are neither violent nor dangerous and most of them have few previous convictions. Imprisoned women have high rates of mental disorder, histories of abuse, addiction problems and personal distress arising from separation from their children. (Queen's Speech vol 745 – 09th May 2013)

Along with all the above mentioned, the women in custody also need to cope with the fact that during their sentences they can (and some of them actually do) experience the successful suicides of other fellow prisoners, which beyond doubts endure psychological traumas, that historically lead people to depression and anxiety and/or other mental health issues. As a matter of fact, women prisoners are twenty times more probably to die by suicide than the general female population. Some of these women need more than one attempt to succeed in suiciding yet very few measures are taken in order to properly provide a mental health treatment inside the prisons especially to at-risk prisoners. (Douglas, Plugge, and Fitzpatrick, 2009 | Marzano, et al, 2010)

Not as a way to commit suicide, but rather alleviate the feelings of depression, frustration,

and stress lots of women in prison tend to commit self-harm, which it is more likely to happen among the young offenders but not exclusively. As aforementioned the self-harming is not primarily intending the suicide although on few occasions it could end up in it. According to what it was found through the study, the act of harming oneself demonstrates how challenging is for those women to deal and express their emotions. Then, not being enough all the emotions and tough reality, the female offenders need to cope with, as a result of self-harming, they need to also face the physical scars from it, and that could reverberate in trauma and stigma for them. (Mitchell, et al, 2019. | Carmody and McEvoy, 1996)

1.3 Dispute Resolution and Female Offenders

1.3.1 Introduction to Dispute Resolution

It is just part of common sense that disputes are part of everyone's life in the modern society. Each person will have a view on the disputes and its resolution according to their interests, aspirations, resources and even fears. Contrarily of the name could suggest, disputes are not always a bad thing, but it could be 'a helpful vehicle for casting light onto that which is wrong with the status quo' (p.2). In some events the dispute is simple, and the resolution will not be hard to be reached, though other circumstances disputes can be complex and may or may not be possible to be resolved. Resolution is a delicate concept. (Moffitt and Bordone, 2005)

To understand fully what occurs in the context of a dispute, one must understand something of what it means to be human. Disputes raise questions of perceptions. Disputes heighten the importance of emotions. Disputes may threaten certain aspects of the disputants' identities. Any efforts at resolving disputes necessarily

involves a complex pattern of communication and meaning making (...). (Ibid)

To deal with the arisen dispute there are many appropriate options. The options are also known by the initials ADR standing for Alternative Dispute Resolution, implying that there are alternatives to deal with the situation. ADR is a general way to define specific techniques – approaches aimed at solving disputes avoiding the conflict situation to be escalated. The main form of ADR are: from party to party in a negotiation process; arbitration and adjudication, in which the result is determined by a third external party and this was the first form of ADR to be well accepted by the judicial system; and mediation that is a process in which there also is a third party (called mediator), but in this case, the mediator will not impose any outcome to any of the party, but will be impartial and help the parties to be able to communicate and reach the most suitable outcome for themselves. (Shamir and Kutner, 2003)

The notion of restorative justice is gaining force worldwide now because of the need to deal with issues of crime and punishment and it becomes a public debate around it could be best done in relation to crimes and victimization in society. Restorative justice works in a way to make noticeable how relevant is to elevate the role of the crime victims as well as the community members, while holding offenders responsible to the people they have transgressed, having with this the emotional and material losses restored to the victims, and that is usually provided through dispute resolution means, namely dialogue, negotiations and problem solving, supporting the parties involved to reach a closure. (Umbreit, 2001)

To clarify what restorative justice (RJ) is Johnstone and Ness (2011) explain that it is a social movement that aims to change the way societies now comprehend and deal with crimes and other forms of antisocial behaviour. Being even more accurate, RJ's goal is to substitute the existing punitive system of justice and control with a community based reparative justice

and moral social control. The authors argue that by doing RJ it is possible not only to control crimes in a more efficient way but also to provide a more meaningful experience of justice for the victims of the offense that has been committed, which could be helpful in healing the trauma they suffered, as well as helping the offenders to understand the impact of their crime on the victims in a way that they can take on the responsibility and reintegration into the society. Among the forms to do RJ, is the victim – offender mediation intending to include in the process, the victim, the offender, and the community.

The idea of this is to bring together the victim, offender and whomever has been affected by the wrongdoing in a face-to-face meeting, rather than a passive process, in which professionals discuss the event and decide what it should be the result of it, making this way and more interactional process for those who were actively involved in it. The meeting, as mentioned earlier occurs face to face in a safe and collaborative environment, proposing an active participation of the parties in both the discussion and the decision making. (Ibid)

1.3.2 Mediation

One of the most common used methods of dispute resolution used in the restorative justice processes is the victim – offender mediation. For a better understanding of its concept, it is necessary firstly to comprehend the idea of mediation. The Mediators' Institute of Ireland (2021) would describe the practice as a process that an independent and neutral third party, called mediator, support two or more parties in a dispute to resolve their conflict in a collaborative and amicable manner.

In fact, the practice of mediation has the purpose of promoting information exchanges,

helping the parties to engage in a more understanding towards each other and encouraging them to explore new ways of creative solutions. The mediator should not make demands or take decisions for the parties, but to guide them to take the lead of their paths, inviting the parties to be collaborative to each other within the process bearing in their minds the best outcome for them without forcing any decisions. Mediation is an alternative type of dispute resolution and among the other types of it, it is thought to be the most flexible in which the disputants can define and re-define the process according to their needs, and this flexibility of the mediation, is one of its strengths. In addition, the process of mediation is less formal than the other types of dispute resolution considering the fact that the participation is voluntary and until the agreement is signed, it is non-binding, and it allows the parties (including the third party, that is the mediator) to engage in a more creative form of thinking the whole process till the solution (when possible), not to mention the confidentiality kept within the sessions of mediation. For these, mediation often helps the parties to save time and money in view of the high cost of other ADR. Ultimately, mediation provides for the parties to exercise self-determination, meaning that they are the ones in control of the agreement to be made, not anyone else as it would be in other forms of dispute resolution, which makes more likely for the parties to be cooperative, since they have personal involvement not only in the middle of the process but also and especially in its result and that creates a sense of psychological ownership. (Kovach, 2005)

1.3.2.1 Victim Offender Mediation

The victim offender mediation (VOM) process as the name would suggest requires both victim and offender to be part of it in a face to face meeting having the aim of enabling the

victim to recover from the trauma of the wrongdoing and gain a closure, while for the offender, it gives the chance to gain the conscious of the impact of the crime. That is made by allowing the victim to take the front and expressing the consequences of the offense for them. In VOM, both parties are stimulated to tell their perceptions of the event, and both have the moment to make questions and then have a perspective and better understanding of the other's view about all the components that lead to the occurred and now the current consequences, and therefore the parties can try and reach an agreement in which usually the victim is restored by the offender. The common perception of the type of dispute resolution is satisfactory for both victim and offender, expressing a sense of fairness of the mediation process. (Hooper and Busch, 1993)

The victim – offender mediation can transform relationships in such a way that is not predictable by all the dispute resolution forms. It is possible on some occasions when everything occurs in the best of the scenarios as it has happened before, causing in response that victims are encouraged to become themselves mediators. The main intent of the VOM is to promote healing for the victim and responsibility and reparation of losses from the offender's account. (McCold, 2006)

VOM distinguishes itself from community mediation, which it sees as largely 'settlement driven.' VOM is primarily 'dialogue driven,' de-emphasizing reconciliation and emphasizing victim healing, offender accountability, and restoration of losses. Also, VOM distinctively advocates a 'humanistic' model of mediation, a social work case development approach (Ibid, p. 27)

It is needless to say that the VOM despite of bringing the offender and victim together intending positive results such as a more humanistic form of doing justice within the criminal system, it can also generate anxiety and raise fears in both parties, but especially on the victim and for this reason it is usual for the victims to bring what is called a 'support person', who was not necessarily involved in the crime, but goes as a part of support. This form of

dispute resolution, differently of other ADR, is not fundamentally focused on the crime that has been committed, but rather on the harm done. Its central point is to empower the victims and give them the opportunity to express their voice, standing up for themselves in an active participation, so in that sense would be correct to say that it is much more victim centred than having the crime on the focus. (Umbreit, Coates and Vos, 2006 | Pelican and Trenczek, 2006)

1.3.3 Female offenders and dispute resolution

The number of cases of female offenders attending Restorative Justice (RJ) conferences remains low, although the reasons for this are not yet clear, it is disputed that crimes committed by women are generally considered non-violent and are not considered a nonviolent priority. for RJ. Furthermore, some women are reluctant to believe that their crime did not result in victims. (Osterman and Masson, 2016b; Osterman and Masson, 2017)

RJ is still little known in the general population. Perpetrators who had previously heard of were more willing to participate in the trial than those who did not. While participation in the RJ process is seen as positive, knowing its victims is generally a daunting task for perpetrators, which can generate high levels of anxiety. (Osterman and Masson, 2016a)

Osterman and Masson (2016a) argue that RJ should be carried out in a very responsible manner, since all the factors involved are taken into account, fostering trust and a common understanding. RJ, when done right and used in conjunction with other forms of intervention and support, can help prevent relapse in female offending.

The victim – offender mediation as being a type of restorative justice, meaning a dispute resolution form, is essential relation: it starts by bringing together not only the transgressor

and the victim but also all the involved characters, even the ones who were indirectly affected by the offense, in a human interactive session. This form of dispute resolution is made by requiring the women offender to sit together with those who have been harmed by her actions: physically, emotionally, financially etc, and that enables the offender to comprehend the effects that individual and community as victims have suffered. Being surrounded by the people who she actually hurt allows her to include them in a circle of care. (Failing, 2006)

This form of dispute resolution embraces the fact that the healing process cannot be complete, even if the victim is healed, unless the offender takes on the responsibility for their actions. Although that is true, it is identified that women offenders are in a way, responsibility of the community as well, for the reason that most of these women are (or were) at the same time offenders and victims of others. It is not the intention of this method to reinforce the offenders and be soft on them for they were at some point a victim, but rather to be inclusive in a way that encourages the offenders to undertake their responsibility instead of denying they have harmed their victims. (Ibid)

Chapter 2 – Research Methodology and Methods

2.1 Introduction

Research methodology is the way investigators (called researchers, in this case) conduct their research. It is meant to show the way in which these researchers formulate the problem and objectives and how they introduce the results from the data collected during the study period. The chapter of research methodology intends to demonstrate the results that will ultimately be achieved in accordance with the objectives of the study. Therefore, the methodology chapter discusses the research methods that were used while the research was carried on. It also covers the research methodology of the study from the research strategy to the presentation of results. (Sileyew, 2019)

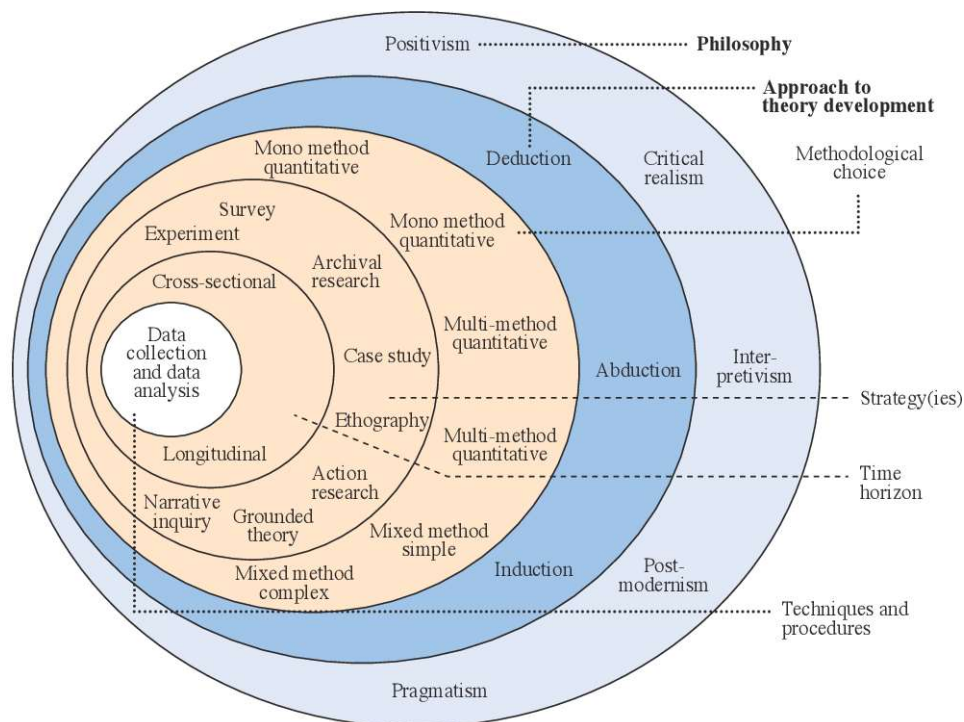
The research methodology could be basically understood as how the researcher systematically designed the study in order to guarantee its validity and reliability from the start until the results are presented, considering the aims and objectives of the research. In this section, the author of a research, needs to propose what data to collect and what data is to be left out, who are the sampling field, which means will be used to collect the needed data and how it is to be analysed. (Jansen and Warren, 2020)

To choose the appropriate research methodology is critical to any research that is undertaken, as it will determine the course of the entire project, whether or not the objectives of the study can be achieved. With Saunders' "research onion" in mind, this chapter aims to explain all the methods selected for this work. (Saunders et al., 2019 | (Opoku et al., 2016))

This research aims to reach a better understanding of the implication of mental health of female offenders in dispute resolution programs. The research methodology in this paper is based on the theoretical concept of "research onion" proposed by Saunders (2016). This to

identify the data that is needed, the methods used, the tools, the techniques, and the underlying philosophy. The work is from the outside to the inside of the onion. This model provides a thorough explanation of key philosophical, approach, method, and strategic choices and defines a time range for transferring research logic into research design. In addition, it provides key techniques and procedures for data collection and analysis.

In the following subtopics it will be described in more details the philosophies, approach, methodological choices, strategies, time horizon, population and sampling, data collection and analysis, and finally the ethics of this research in matter.



‘The research onion’

Source: Saunders, 2016

2.2 Research philosophies

In a basic form of understanding, the philosophies are a system of beliefs and assumptions around the expansion of knowledge. As it happens in every aspect of life, in research would

not be different and some assumptions are made; some of these are based on the understanding of the nature of the reality itself (these are called ontological assumptions) while some other are based on knowledge, how it is possible to validate it and even communicate it to others (these would be the epistemological assumptions), and there is also the axiological assumptions that would relate to the role of ethics and values within the process of research. (Saunders et al, 2019)

In this dissertation the ontology used is subjectivism, therefore the epistemology is EMIC for the reason that when dealing with the experience of female offenders and practices of dispute resolution, it is crucial to gather their understandings and perceptions of how it all is done during the process, so the subjective aspects must be contemplated in this research. The Cambridge Dictionary describes the term ontology as 'the part of philosophy that studies what it means to exist' (no page). From that, it is acknowledged as the study of being, having its focus on the structure of reality as it is and what it is possible to know about the world. In sum, ontology is a philosophical consideration within the research that is concerned about the essence of social entities. Ontology covers the beliefs about the kind and complexion of reality and the social world. (Al-Saadi, 2014)

Ontology counts with two aspects, namely objectivism and subjectivism. The former carries the position that the social aspects are existent in an external reality in which the social actors are concerned with their extant. In other words, objectivism has an independent characteristic. As a balance, the latter is for the believe that the phenomena are always in a state of changes, and it is necessarily dependant on the social actors in a sense that even the researcher's involvement can (and it does indeed) impact on the result depending on the interaction that is made. The focus in this is on how people tend to produce the structures of reality and how this is relatable to the researcher. (Walliman, 2006 | Saunders et al, 2019)

In very few words, epistemology is concerned with how things are known and what it could

be considered as acceptable, valid, and legitimate knowledge in a subject. Not only that but also how the knowledge is communicate to others. It is relevant to mention that the epistemology can be either Realist (ETIC) in which the researcher steps back from the research with the intention to have an outsider's perspective, not having any influence over the information that has been gathered; or it can also be Interpretivist (EMIC) in which the interaction with people is needed and moreover the research could possibly be influenced by the researcher and that is acknowledged on it. As it has been said before, the ontology determines the epistemology, so regarding this influence, whenever the ontology is realism, the epistemology will be ETIC, and when it is relativism, it will be EMIC. (Ibid)

Finally, the axiology is concerned with the values and ethics with the research process, meaning that it incorporates how the researchers will deal with the participants values and their own's. Whether the research is or not conscious about the reasons why they choose one topic rather the other, the choice will always express that one topic was considered being more relevant then the other. In a research process is fundamentally important to the researcher to have their own values clear, in order to be able to proceed with the more appropriate ethical and explanatory set of information. (Saunders et al, 2019)

Following the structure of the Research onion (Saunders, 2019), there are five possible philosophies in research, that are Positivism, Realism, Interpretivism, Postmodernism, and Pragmatism:

Positivism – it proposes an assertive and objective knowledge, with measurable facts; it relies on the natural sciences for gathering accurate data, not depending on human interpretation. The researcher should be neutral and not interfere in any matter of the study.

Realism – it is based on the assumptions that are necessary for the approach of the human subjective nature. It embraces the possibility and flexibility of the future, considering the external and autonomous experiences, for this the researcher should be conscious of the

background and experiences that could possibly impact the findings of the study.

Interpretivism – It mainly depends on the interests of the researcher, always considering that the phenomena are understood in a subjective manner; the greatest attention is on the experience of each person therefore the world will never be interpreted in the same way for all of the people. *Postmodernism* – have its focus on the language and of power relations, giving more emphasis to marginalised forms of view; order is always provisional and can exclusively be brought through language and its categories, recognising that language is usually partial and inadequate. *Pragmatism* – it affirms that the choice of the research is determined by its problem, and it does not consider the world as an unity, but instead the truth is in currently action not depending on the subject of reality and mind dualism; with this understanding, it is possible for the researcher to choose whichever works best for the research problem (Saunders et al, 2019 | Zukauskas. Vveinhardt and Andriukaitienė, 2017 | Melnikovas, 2018)

To exemplify all that has been said up to now in this philosophy section in a clearer form, we can use the table Saunders et al (2019) proposed:

Assumption type	Questions	Continua with two sets of extremes		
		Objectivism	⇔	Subjectivism
Ontology	<ul style="list-style-type: none"> • What is the nature of reality? • What is the world like? • For example: <ul style="list-style-type: none"> – What are organisations like? – What is it like being in organisations? – What is it like being a manager or being managed? 	Real	⇔	Nominal/decided by convention
		External	⇔	Socially constructed
		One true reality (universalism)	⇔	Multiple realities (relativism)
		Granular (things)	⇔	Flowing (processes)
		Order	⇔	Chaos
Epistemology	<ul style="list-style-type: none"> • How can we know what we know? • What is considered acceptable knowledge? • What constitutes good-quality data? • What kinds of contribution to knowledge can be made? 	Adopt assumptions of the natural scientist	⇔	Adopt the assumptions of the arts and humanities
		Facts	⇔	Opinions
		Numbers	⇔	Narratives
		Observable phenomena	⇔	Attributed meanings
		Law-like generalisations	⇔	Individuals and contexts, specifics
Axiology	<ul style="list-style-type: none"> • What is the role of values in research? How should we treat our own values when we do research? • How should we deal with the values of research participants? 	Value-free	⇔	Value-bound
		Detachment	⇔	Integral and reflexive

Source: Saunders, et al, 2019

2.3 Research approach

It is right to say that every research needs to be based on theories and these theories may or may not be explicit in the design of the research. When starting a research, it is necessary to have clarity of the right design of the research project. That is usually represented by two contrasting approaches: it could be deductive or inductive. There is also a complementary type of approach called abductive. (Saunders et al, 2019)

Deductive – works from the more general, broader topic to the more specific following a line: theory – hypothesis – observation – confirmation. The deductive approach is focuses on

testing and confirming hypothesis and it is narrow in nature. In contrast to that, the inductive approach works in the opposite way, from a more specific topic to broader observations and theories: observation – pattern – tentative of hypothesis – theory. Especially at the beginning of the research the inductive approach tends to be more open-ended and exploratory. The third mentioned approach is the abductive that mainly works with a surprising fact being the phenomena in matter. The surprising fact is the conclusion, and based on that the possible premises are determined, so if the premises are found to be true, the conclusion is without question also true. (Saunders et al, 2019 | William, 2021)

In this research will be used the inductive because it contemplates the necessity of the intent of this work which is to gather data through literature review as well as primary research, looking for patterns in the data that can enable the researcher to reach conclusions. The other type of approach is the deductive that is concerned about developing a hypothesis based on existing theory and working on the strategies that can test that hypothesis, which means that the conclusion derives logically from a set of theory premises and for this, it was not applicable to this research.

2.4 Methodological choices

The methodological choices mark the design of a general plan through which the study will answer the research question. It is via having the objectives derived from the research question clear that the sources of data collection and how this data shall be collected can be discussed. (Saunders et al, 2019)

In this section there are the choices to be made for the research. It is important to observe here the distinction between quantitative and qualitative method first: when considering the quantitative method, all data gathered can be counted, measured or even enumerated while

in the qualitative method the data is based on more subjective things such as words, feelings and perceptions. Among the choices available for the research are the mono method in which must be chosen either qualitative or quantitative, mixed method meaning that both will be used or multi method that is similar to the second option, but in this last one, qualitative and quantitative are done separately and triangulated later. (Morse, 1991 | Saunders et al, 2019)

At the beginning of this study, it was intended to be used the mixed methods design for the believed that both methods are not only relevant but rather essential to analyse and understand the collected data, however with all the limitations it were found, the research was carried out with mono-method.

2.5 Research strategies

Strategy can also be thought as a plan of action that is taken with the intention to achieve a goal. On that account, the research strategy could be defined as the plan through which the researcher will go about answering the main question. Is certain to mention that it is the connection between the philosophy and choice of methods to gather and analyse data. (Saunders et al, 2019)

As strategies there are several options such as *case study* (where it is chosen one specific example of a particular thing based on a homogeneous group in great detail), *survey* (considering the specific population in which the research is focused on, it is done interviews with previously made questionnaires, taking in consideration the group to be interviewed, which kind of questions and how it should be asked), *archival or documentary research* in a broad definition, is a written document/material that was not produced under request from the researcher – this type of strategy is often marginalized when comparing to the other

available options, *ethnography* (having its roots on anthropology, it is generally a study of people and/or cultures), *experimental* (deductive in nature, this type of strategy is normally used to test a hypothesis), *action research* (as the name implies, the researcher takes effective action on the research not only as researcher, but as participant and that can have an influence in its findings), *grounded research* (at the beginning the research starts not having a set of objectives but it follows the gathered information; it is a challenge to decide when to stop it as it should be stopped only when the data has been exhausted been analysed). (Saunders et al, 2019 | Ahmed, 2010)

After considering all the possible strategies, it has been decided to use the survey as the main strategy for this research, having two different types of questionnaires: one for the female offenders and another for the people working with them on the dispute resolution programs applied, yet by virtue of all the limitations faced during this study, it was included on the plan to use the documentary research as the primary source of data collection.

2.6 Research time horizon

As everything, research is commonly defined in terms of time. Time horizons is normally associated with the time period that the study is being investigated or even a time series range of different widths. The longitudinal is taken over a long timeframe whereas the cross sectional studies the object at one point in time. (Melkinovas, 2018)

On the strength of the 12 weeks' time limitation to the submission period for the dissertation as a part of the conclusion of a Master's Degree, this research could not be other than cross sectional.

2.7 Research population and sampling

When considering the term population in research it is crucial to bear in mind that it is not necessarily people but instead a full set of cases that provide the data to be collected. It is obviously impossible to collect the data from the entire population therefore the researcher needs to select a sample. By sampling it is possible to reduce the amount of data needed only by considering the data from a subgroup. The sampling method can either be probability sampling or non-probability-sampling. The probability sampling is related with survey research strategies and the researcher makes some inferences about a population to answer the questions in order to achieve the study's objectives. In contrast to that, the non-probability sampling, provides a scope of alternative forms to select samples and the majority includes elements of subjective judgment. (Saunders et al, 2019)

It has been mentioned earlier in this piece that in this study will be discussed about female offenders, thus the sample of this research is non-probability since the population sample was not randomly chosen, the main intention of this dissertation was to take in consideration women from different ages (over 18 years old, regarding ethical reasons) who have committed some offence and have had access to dispute resolution programs, and also the professionals who work directly with those women.

2.8 Data collection and Analysis

As aforementioned, for this dissertation was considered to interview women who have been convicted of any sort of crime and have been in custody or under the supervision of probation services, as well as the professionals working directly with them. The women to be interviewed needed to be over 18 years old, for ethical reasons and the professionals, would

be preferably the ones who had been in contact with those women. The interviews were supposed to be grounded on the questionnaires formerly made, counting with some opened and closed questions; the participants would be assured of their voluntarily participation and confidentiality within the entire process, together with the anomalously participation. On account of not being able to proceed with the planned interviews, the data collection was exclusively through secondary research.

2.8.1 Questionnaires

There were developed two different questionnaires viewing to gather information with two range of people, that although were distinct public, the main intention was still the same: that was to understand better the reality of the female offenders.

- *Professionals working with female offenders:*

Please take note that all participants who answer these questions will be strictly anonymised and all answers will be used only for the specified academic research.

1. How long have you been working with female offenders?
2. What position do you currently occupy when working with female offenders?
3. Since you started in this field of work, which other positions have you worked in?
4. How do you find this job?
5. From your experience of working with female offenders, have you ever noticed a pattern in the societal behaviour of female offenders?

6. From your experiences of working with female offenders, can you identify any difference in their behaviour from the date of their committal to the date of their release.
 7. From your experience of working with female offenders, can you comment on any difference of behaviour between female offenders who get visitors and female offenders who do not?
 8. From your experience of working with female offenders, how often do women voluntarily to take part in the offered programs?
 9. From your experience of working with female offenders, does age, background and/or previous education impact upon female offenders' decision to take part in voluntary programmes.
 10. Are there any programmes you would perceive as being compulsory?
 11. In terms of access to dispute resolution programs, would you say female offenders are more or less likely to engage?
 12. How would female offender's mental health be valued while their time in prison/probation service?
 13. Is there any relevant information I should take in consideration and this questionnaire is not contemplating? If yes, would you please share it with me?
- *Women after having experienced a time in prison and/or supervisor of probation services*

Please take note that all participants who answer these questions will be strictly anonymised and all answers will be used only for the specified academic research.

1. Have you ever experienced a time in prison and/or a period under the supervision of probation services?
2. For how long?
3. In a few sentences, how would you describe the experience overall?
4. Would you describe the experience as positive or negative one? Explain your answer.
5. Do you believe the time spent at prison and/or under the supervision of probation services changed you?
6. If yes: please specific what changed and how you think it changed?
7. If no: Why do you believe it didn't?
8. During your time in prison and/or under the supervision of probation services, did you always feel respected?
9. Do you believe your wellbeing in terms of mental health was considered as being important while in prison and/or under the supervision of probation services?
10. While in prison and/or under the supervision of probation service, did you get visits (family or friends)
11. Did you take part in any programs offered in prison and/or under the supervision probation service?
12. What kind of programs?
13. Did you take part in any programme about conflict resolution?
14. Do you feel that prison and/or probation services has improved your ability to deal with conflict resolution? If yes, explain how?
15. How would you say it was your mental health before you committed the offense?
16. Would you specify something in particular that led you to commit the offense?
17. After your time in prison/probation service was finished, do you still take part in programs that help you to engage in the community?

18. Which kind of programs? How does it help?

19. How do you feel your mental health to be now after the offense and the experience in prison/probation services?

20. Is there any relevant information about your experience that should be mentioned? If yes, would you please share?

2.9 Research ethics

As the research is starting, the ethical concerns emerge with the design and plan for the study. Saunders et al (2019) describe ethics in the research context as ‘the standards of behaviour that guide your conduct in relation to the rights of those who become the subject of your work or are affected by it’ (p.239). It is well known that in society there are several norms of the accepted behaviour each person should follow in every particular situation and for research that would not be different. (Ibid)

For this work, all the interviews (if there were any) would have been transcribed in completion, after the participants had signed the document allowing their interviews to be recorded and used as part of the research in matter. All the participants would have been assured of the anonymously, confidentiality and voluntarily participation at all stages of the research.

Chapter 3: Presentation of the Data

Earlier in this study it has been presented information about the mental health of female offenders in the context of prison and under probation services, as well as in dispute resolution programs. It becomes clear that the segment of dispute resolution in the area of this research are mediation and the restorative practices, if considering the data collected in the literature review section.

Authors like Osterman and Masson (2016,17,18) argue that the dispute resolution programs should be carried out with careful and responsible approach in order to create the best results as possible, especially for dealing with sensitive matters, in which fears can be emerged and emotions are certainly in a high level for both the victims and offenders.

Studies in the criminology sector are still gender blind, meaning that is much more focused on men than considering the women's needs. That could still be the effect of the patriarchal society the whole world is run by, segregating men and women, and defining the areas of knowledge is pertinent to each gender. It is, therefore, impossible to disassociate gender matters from this research. (Renzetti, 2018)

It was mentioned in several sources of research that men and women have different needs, which could be arguably obvious in a general sense, but mistreated when considering the imprisonment of female offenders, without considering their paths to the offense, their backgrounds, their physical and mental health, not to mention the families and children they often have and are somehow 'abandoned' while they are in custody. (Hodgson, 2017)

To mention the background of female offenders, it was seen in more than one source that women very often come to an end of committing crimes (even if not violent crimes, but also offenses that are considered as breaking the order in society and consequently breaking the law) after having suffered some sort abuse in the past (or even in their present lives),

additionally with the high levels of alcohol and drugs misuse among women who offend.

(Douglas, Plugge and Fitzpatrick, 2009 | Light, Grant and Hopkins, 2013)

Chapter 4 – Data Findings and Analysis

To start with the most common findings, it is accurate to bring the idea that women and men have different needs as a general matter, and that could not be different regarding the criminal system. Women who offend, in their majority, have a past (or even present life) of abuses (physical, psychological, sexual), poverty, complex family relationships, housing problems (some of them have even experienced homelessness). Not in totality, but the vast majority of offenses caused by women tend not to be violent, in fact their offenses tend to be for shoplifting and drug offenses (there are, of course, the cases in which violent crimes have been committed by women yet it is discussed not as a mean to justify the offense but as an intent to comprehend it, that women who commit more violent crimes, could have done it for their abuses experiences, in a sort of attempt to be set free from that reality). As mentioned, the drug offenses are one of the most common reasons why women go in custody, and it was found in several literature that it is absurdly rare a woman who enters the criminal system with no record of drug and alcohol use. (Gabija, 2019 | BACP, 2013 | Irish Prison Service, 2014 | Ministry of Justice, 2018 | Light, Grant and Hopkins, 2013 | Ministry of Justice, 2018 | Hodgson, 2018)

Women entering the criminal system were found to be more likely than women in the general population to suffer from mental health issues. The probability of these women having mental disorders is not exclusively higher in comparison to the general population, but when comparing to their male counterparts, it was possible to grasp that the female offender's amount is still considerably higher. That would be for the reason that, as above-mentioned, women who offend come from a background of abuses, misuse of drugs, and traumas of different sorts. Women offenders are in fact offenders, but in some level, they are circumstantial victims as well even if they do not recognize themselves as such, which is a

usual perception for the female offenders. (Hodgson, 2019)

The literature around feminist criminology is still not wide, having the necessity to have more work done in this area. The studies made are much more focused on male offenders or considering no gender whatsoever. One of the reasons for this to happen would be that female offenses are substantially lower than male offending, another reason could be that societies still impose what is adequate for men and women: criminology, the study of it or the assumption that offending should be not done by a female being, nonetheless would not be considered as a feminine field therefore women will be excluded from it. Because of the low range of knowledge about female offenders, the services provided for them is not as adequate for their needs, for as aforementioned, women have distinct needs from men hence receiving a male focuses treatment, could not result as being effective. (Ibid | Field, 2004 | Osterman and Masson, 2018)

It has been found that women are essentially more relational than men implicating that programs of dispute resolution such as the restorative practices of victim – offender mediations could be particularly effective in the sense of improving and strengthening informal relationships when empowering the victim and giving voice to the women who offended, by giving them a chance to express their emotions, especially when considering the pre-existing vulnerabilities they have, without taking out the focus from the damage they have caused to the victims. For this, it becomes even clearer the need of engagement of the community on this type of dispute resolution. (Osterman and Masson, 2018)

Chapter 5 – Discussion

This chapter intends to bring clarity, integrating all the analysed literature that has been used so far with the intention to create a better understanding for the reader. During the process of research, it was faced some limitations that blocked the study to be richer in information which will be explained in further details later on this chapter. For now, it will be discussed the data collected and presented on the former chapters.

5.1 The Implications of Mental Health on Dispute Resolution Programmes with Female Offenders

All the focused literature consulted for this work mentioned basically the same facts about female offending. It seems to be a consensus about the fact that women who enter the criminal system have suffered abuses of different kind – physical, psychological, sexual. That, naturally, caused serious psychological negative effects on these women resulting on a life of insecurities, low self-esteem, anxiety, depression, prone to other mental illnesses and the list could go on and on. In consequence to that, these women are more likely to suffer from mental illness, leading them to several other social problems, to mention toxic relationships with their families and partners, not unlikely to follow the drugs' path in an attempt to scape from their noxious reality. It is no secret for society that the addiction life is not easy or healthy and brings nothing more than chaos for the users and for the people in their surroundings, despite that society does not usually take part on helping those people, creating then an individualistic blame. Regardless that there is the urge to be careful when considering those facts as it could seem that this statement is merely justifying the female offenders for having come from complexes backgrounds in which they were forged to act in

an antisocial form whereas the literature is aiming to contextualise their way to the offense not letting aside the fact that working on generalisation can lead to misinformation, seeing that not all the women who offend have the described traumatic experiences in the same way that not all women who have traumas in their past will become offenders. (Irish Prison Service, 2014 | Douglas, Plugge and Fitzpatrick, 2009)

The feminist movements started worldwide not long ago and as a reflex of the male world and still sexist societies, there is much more work to be done until the women have conquered their space. Feminism seeks to challenge the patriarchy by creating alternative stories to counter the gendered status quo. At the same time, efforts are made to cease the violence against women for just being and that once again challenges the patriarchy by expressing its fatalistic influence on the society. Having that said it is not much of a surprising fact that women have historically been excluded from the academic areas, not being allowed to produce, or even integrate any kind of knowledge, moreover in areas that are appraised to be for men, which is the case with criminology. For the not vast produced available work involving female offenders, it is not uncommon to find women being marginalised and considered as being preponderantly mentally ill. (Dragiewicz, 2018)

‘Childhood and adult victimization appears to increase the risk of experiencing mental health problems, which in turn is related to increased likelihood of criminal offending.’ (Lynch et al, 2013, p. 4)

Regardless not being assertive to categorise the women offenders as purely mentally ill, it is correct and relevant to highlight their likeability to suffer from mental health problems much more than the women in the general population or even than the male offenders. As a matter of fact, statistically women in custody are twice as probable to experience anxiety and depression, and five times more likely than other women in the general population to have any mental health problems. Women offenders tend to show low levels of self-esteem and

around half of the population in custody have attempted suicide at some stage (that number is twice as high in comparison to the male offenders). Not surprisingly, women who go in custody normally have history of not only mental health issues, which is more than 50% of them, according to the statistical numbers, but significantly number of problems with drugs and alcohol. (BACP, 2013 | Lynch et al, 2013 | Convington, 1998)

The notion of restorative justice in the context of dispute resolution is now in a high demand because of the need to deal with the impact of crimes and the decurrent victimisation of it. The victim – offender mediation as part of the group of dispute resolution programs is thought to be greatly effective with cases of female offending due to the fact that women are essentially relational beings and to feel disconnected from others can be damaging for them as the contrary helps to empower them, creating a higher sense of self value. The victim – offender mediation bringing the focus on the victim and the damage that has been committed rather than the crime, bringing the victim as main participant of the process seeking for giving to them voice and the chance to stand up for themselves and speak to the offender about the harm they have cause and by doing so the offender have the chance to understand that and express their regret in addition to the repairs that are agreed on the mediation session. It was said earlier in this work that statistics have shown that offenses convicted by women are not violent in their majority; it was also brought up that the victim – offender mediation contemplates non-violent crimes. Combining both of these truths it becomes clear the reason why this kind of dispute resolution is well applicable in female convictions. The analysis of the results from these programs are highly positive, considering both victims and offenders' opinions. Although women who offend are normally dealing with their traumas from past (or even present) abuse and all things considered their path to offending seems to be some sort of vicious cycle (abuse suffered – mental health deficient as a consequence of abuse – attempt to scape reality making use of drugs and alcohol – mental health issues

resulting from the combination of that – commitment of offense – mental health issues – and it goes on), they do not treat at themselves as being victims, preferring to be dealt socially as perpetrators, not willing to put the responsibility of their acts on the mental health, which in fact would be condescending with them, only to treat these women as mentally incapable (as it has been dealt in the past) (Maden, 2006 | Hodgson, 2018 | Umbreit, Coates and Vos, 2006 | Convington, 1998)

Despite not being fair to attribute all the antisocial behaviour and crime a female offender commits to mental health problems, as it has been stated several other times in this research, women offenders do in fact suffer with mental illness yet the statistical number of that is not accurate since their mental illnesses is still underdiagnosed by the criminal system. Not mentioning the possible mental disorders these women carry with them their whole life, when they enter the prison, they tend to experience even more feelings of being isolated, anxiety, depression, insecurity, fears for their own security and for their families. Of course, every person is singular and experiences things in particular forms, however women entering the prison tend to feel in that way for the first impact for being segregated from society and losing (or at least having the sense of loss) their bonds with family and friends, they have the impact of not meeting the social expectations society put on women's shoulders; these expectations are of being model of behaviour, since offending is not a feminine performance, and of being submissive and bleak. Having no perspectives or hope, women are then likely to attempt suicide, in effect women in prison are 20 times more probable to commit suicide, which in turn creates a strong grieving feeling for the other prisoners. Apart from the suicides or its attempts, it is absurdly common for women in prison to practice self-harming as a way to ease the psychological pain they are facing. (Fazel et al, 2016 | Lynch, et al. 2013 | Osterman and Masson, 2018 | Douglas, Plugge, and Fitzpatrick, 2009 | Mitchell, et al, 2019. | Carmody and McEvoy, 1996)

The vicious cycle is not broken unless programs of care are taken more seriously, as the victim – offender mediations, moreover because women prisoners do not have access to some of the basic needs and in the event of not having even their own needs being met, it is needless to mention their children, resulting therefore in a circle of neglected persons who can possibly revolve their range to the society, even without having conscious of it. (Douglas, Plugge, and Fitzpatrick, 2009)

5.2 Limitations faced during the research

The main limitation to be brought up in here is the fact that at the begging it was intended to contemplate interviews with women who have offended and experienced a time in custody or under the supervision of probation services, as well as interviews with professionals working with these offenders and could bring their understanding about the system and their perception of women and how the dispute resolution programs are done. It was not possible, however, to find people willing to be part of this research for this moment. Several institutions were contacted inviting them to be part of this study or even asking for directions of where the author of this research could seek for participants, but unfortunately all the contacted places were overloaded with work and all the responses were in a negative approach, explaining that they would not be able to integrate the study or were not in their scope of work to participate of such. The pandemic of the coronavirus (COVID-19) and all the governmental and social restrictions imposed since it started was one of the biggest limitations faced during this study, especially on the matter of finding people to be interviewed: before the pandemic would have been simpler to go in person to the places and try to talk to people in site, though life now is not and may be not the same as it used to be before, so that was not even a possibility to be in fact considered.

Another limitation found was the short time in such a complex topic – it is believed that the limitation around the gathering of people to be interviewed only happened for the limitation of time, regarding the 12 weeks' time to handle the dissertation, it was a short period of time to be able to patiently propose and wait for scheduling meeting with institutions. A final, but not less relevant limitation faced during the research development was the fact that there are still not many works

5.3 Recommendations for future studies on this field

The first and foremost recommendation for future studies would be to allow more time to work on this subject without having a limit of it as it is essential to have more works done in this area of knowledge and to sustain such a important and complex topic as the feminist criminology, the dispute resolution involved and additionally the mental health, it is nothing but crucial to actually interact and talk to these women and the people around them.

There are no possibilities to enrich the field without getting to know the reality of these women and relying exclusively on secondary research will not produce much more accurate knowledge therefore will not be so contributory as it is needed.

It is pertinent to mention that more than one institution shall be included in future studies since every institution is different from the other and these differences are material to be included in the analysis of research. Quality is always more important than quantity, that is a fact, but in this particular case, as it is true in many research works, quantity could have a significant impact on the quality.

Another recommendation this study could bring to future researchers is to consider the integration the alcohol and drugs and mental health have, as well as the high numbers of female offenders making use of these substances, considering the reasons why rather than

categorising them as merely addicted people.

Chapter 6 – Conclusion

This dissertation had the intention to understand the connection and implications of mental health on dispute resolution programs with female offenders. It was found that when the restorative practices are applicable in the right manner it can actually be effective bringing good results according with the perception of both victims and offenders. It was understood that short sentences are not effective on women's social behaviour but much for the contrary, when they receive a short sentence neither the victim is satisfied as the sense of impunity is present, nor the offender is restored in their behaviours. Women do not usually consider themselves as the objects of bad events, assuming the victim role even when they have obviously been victimised at some point, but facing the duality of being perpetrator or victim, they commonly will to be responsible for the offender's role, which is indeed the case, although it cannot be forgotten their needs of being taken care either.

Having considered all the information gathered in this study I believe that the most important point is not to forget that women who offend are still women. They are not exclusively the victims as they have committed an offense and consequently transformed someone else in a victim, yet it seems to be unrelatable the fact of their victimisation. The past traumas of abuses, complex and toxic relationships, poverty, social exclusion, educational marginalisation, lack of employment, housing issues are all part of what lead women to a path of misuse of drugs and alcohol usually as a manner to scape from reality they have. That in turn intensify and create mental health problems. The victimisation experiences increase the probability of mental health problems, which is strongly related to substances misuse and consequently to criminal offending.

The female offending seems to be the result of a history of abuses women have always quietly suffered, without demanding much. Women internalise the impositions and

requirements society give to them not questioning if the burden is light enough or too heavy to be taken. Women are constantly dealing with historical societal impositions, not being allowed to act differently from what they are supposed to. All of those are so integrated in women's self that is not even thought about it in a daily common life. In fact, women who are struggling with no education, no employment, no housing, toxic relationships, and history of abuses and mental illness, have not time or will to stop and consider such structural matters, moreover for being only one more issue to be solved and they are feeling powerless in the face of such situation, will only have one more reason to grieve. Considering these facts, seems quite clear the urge for social changes regarding such fundamental issues.

It is well known that women have distinct need from men. The prison system is still absurdly focused on men and apart from all the many possibilities, that is likely to happen because the number of male offenders is much higher in statistics when put in comparison to the number of female offenders. Notwithstanding women cannot continue being neglected, having their physical and mental health dealt as if their real needs did not matter enough to be seen or cared about. Female prisons need to contemplate the female needs starting from the infrastructure of the buildings creating private spaces in where women could meet their families, breastfeed their children and even recreation spaces to spend some time with their families or even to have promoted within the prison the integration among the prisoners in the fact the women are such relational beings.

Another topic to be considered about the intention to undo the existent imbalance in the criminal justice system, is to provide specific trainings for the practitioners who work with these women offenders. The criminal system is focused on the men's needs and tend to deal with women as if they were men, with no consideration for the absurdly several differences on their needs. That is no blame for the practitioners necessarily, because society itself is much more focused on male needs in such a way that the general population

have difficulties to exchange their mindset and behaviours. These changes need to come from above, from trainings and from basic education that teach professionals how to face the gender differences.

Putting the dispute resolution programs in perspective it comes clear that it, once again, need to be gender focused contemplating all the different aspects relating men and women's distinctions, but all in all, the restorative programs that have been applied are being effective so far, creating a sense of satisfactory results from it not only for the offender's perspective, but also and especially according to the victim's perception of reparation. As it was thoroughly mentioned on this research, the impact of custody and even the commitment of an offense itself, on the mental health can be degrading on women but it appears that the dispute resolution programs, as being an effective manner of restoration much more than the purely punitive retributive form of justice. In fairness, the world has been changing in this sense and women step by step have gained their space in society notwithstanding not without fights.

In fact, to summarise in only few words, having no structural changes in society and the way people chose to deal with abuses against women, the scenario will never change as it is needed. Women will continue to be victimised until the point they become offenders and this vicious cycle will never see an end.

Reflection

To write an academic work of this dimension in a second language was one of the biggest achievements of my entire life. The work is surely not even close to be perfect, but perfection is a utopia after all. I can tell I could have done much better work if it has not been for all the limitations and closed doors I faced during the period of development of the study. I am not intending to create excuses but rather express the high level of frustration in consequence of that.

Although it was not the research I first dreamt of achieving, I am certainly grateful for having been able to actually do it and for having had someone who finally believed that it was possible to achieve something, even when I did not believe it myself. To achieve something is unquestionably better than achieving nothing at all. As I am writing this reflection, it comes to my mind all the unconscious pressure we tend to put on our own shoulders, demanding of ourselves nothing less than perfection, but as I said, I do appreciate that perfection is only so perfect for not being human and humanity is not perfect.

This thinking brings me to contemplate the impositions the women offenders suffer. As a woman, while I was writing the dissertation, I felt the anger for feeling powerless of imagining those women facing all the things they go through alone and being blamed for things that were solely circumstantial. As a woman, I feel everyday the pressure society give us, dictating our to do list and what we must not do. It is in fact revolting, but at the end, there is no point of empty anger, what is needed is to stand up for women's rights and as a woman who are privileged as I am for having had a loving and supportive family, access to good education, even in the most difficult times I have not even come close to experience any of the things the women considered by my research have experienced, so what I can do is to use this advantage in all of women's favour, taking part in this battle that is to be a female

in a such imbalanced world that consider our value as being less only based on our gender. All the elements of the chosen topic for this research were formerly of my interest. Many years ago, I have made a study about the resocialization of offenders in society, however as many of the other literature, my own work was gender blind, consequently excluding women from it. It was also part of a course, and it was made in my mother tongue, back in 2009. Being a woman part of conscious feminist movement, it is indeed of my interest talking of anything that regards women, our rights and what it is still required to be done in the world to achieve a bare minimum acceptable. I am licensed bachelor psychologist in my country and the mental health of people in general is something that call my attention at any circumstance. Integrating all of these aspects, the topic was perfect in my own perspective. When I first proposed my topic, it was rejected for all the difficulties I could possibly face, but I stubbornly decided I wanted to proceed with it until I finally got to have a supervisor who expressly liked my topic and believed in its potential.

Now, to be in a position to learn more about women's mental health in the context of dispute resolution as a part of conclusion of a master's degree could not bring me more joyful feelings. Of course, I still resent not having had the opportunity to talk myself to the women offenders and professionals around them, but it is in my future plans to carry this research in another level of studies, as I honestly believe it to be a necessary research to be carried out.

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