



Theme 3: Supporting the victims and perpetrators of crime

VICTIM OFFENDER MEDIATION/ DIALOGUE PILOT PROJECT IN THE BOKSBURG CORRECTIONAL FACILITY

Presented by Khulisa Social Solutions

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IN LOVING MEMORY OF ANNELIE LAAS

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*"As I lay me down to sleep, I pray the Lord my soul to keep...
But if I die before I wake, I pray the Lord my soul to take"*



KHULISA SOCIAL SOLUTIONS



- Khulisa Social Solutions is an NGO that **addresses social vulnerabilities as a systemic problem**. Through multiple partnerships and internationally-acclaimed best-practice programs, we build capacity for grass-root motivated upliftment. **All our interventions have demonstrable social impact**
- We work with a variety of role-players including corporations, NGOs and government stakeholders to co-ordinate and facilitate projects that engage poverty alleviation, crime reduction, victim empowerment, enterprise development and community upliftment



INTRODUCTION



In many countries, dissatisfaction and frustration with the formal justice system or a resurging interest in preserving and strengthening customary law and traditional justice practices have led to calls for alternative responses to crime and social disorder. Many of these alternatives provide the parties involved, and often also the surrounding community, an opportunity to participate in resolving conflict and addressing its consequences (UN:2006)



INTRODUCTION



In 2012 South Africa adopted a National Policy Framework through which the South African government aligned itself with international thinking in recognising the value that the notion of restorative justice can play in building safer communities. In it, government institutions and civil society organisations- amongst others- working in this field are called upon to help make the framework a living document in order to realise its stated noble objectives.



INTRODUCTION



This Victim/ Offender Mediation/ Dialogue (“VOM/D”) Pilot Project was designed in order to attempt to facilitate dialogue between victims and offenders in matters involving serious violent crime and to pilot a unique partnership in mediation by professional staff in the employ of the Department of Correctional Services and Khulisa Social Solutions.



WHAT IS VICTIM OFFENDER MEDIATION/ DIALOGUE

Victim/ Offender Mediation has been defined as a
“process in which an impartial third party helps
the victim(s) and offender(s) to communicate, either
directly or indirectly. The mediation process can provide
a greater understanding for both parties and sometimes
to tangible reparation”



CONTRASTING INTERNATIONAL PERSPECTIVES OF VOM/D TO THE KSS BCS APPROACH



TRADITIONAL APPROACH

- VOM/D is utilised primarily in **cases involving lesser or property related offences;**
- The process is primarily **victim-initiated;**
- VOM/D is offered by **either community based organisations or by organs of Government Departments.**

KSS/ BCS APPROACH

- All cases mediated were **cases involving serious violent crimes,** such as rape and murder;
- The cases were all **offender-initiated;**
- The project was undertaken as a **joint venture by KSS and BCS,** mediators from both organisations were involved in each case.



METHODOLOGY



The Findings Of This Project Are Based On:

- Assessment and evaluation forms completed by the mediators before each session;
 - Initial interviews with victims and offenders of their needs and expectations;
 - Reports written before and after each mediation session;
 - Detailed case studies prepared by KSS representatives with descriptions of the offences, details of the mediation process and follow up assessments.
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- Follow up interviews were also held with the participants in the mediations and a circle discussion was hosted after conclusion of the project for the mediators.



VICTIM OFFENDER MEDIATION/ DIALOGUE IN CASES INVOLVING SERIOUS VIOLENT CRIME TRAINING



- The Victim Offender Mediation training in respect of the Pilot Project took place over the course of **five days** at the **Boksburg Correctional Facility**.
- The training programme included a **multi- disciplinary team** of representatives of Khulisa Social Solutions and Department of Correctional Services, such as social workers, psychologists, community corrections officers and spiritual care workers.
- The training programme utilized was the Khulisa “**Victim/ Offender Mediation in cases of Serious Violent Crime**” programme and was presented by a Khulisa Social Solutions restorative justice specialist.



CASE SELECTION



- A case selection meeting was convened after the completion of the training.
- The social workers working in the Correctional Facility presented cases which they felt might be appropriate for the pilot project.
- The case selection was finalised after the presentation by the social workers and team discussion of each case presented.
- In each case, the offender had approached his social worker at some stage prior to the pilot project and expressed his wish to participate in a restorative justice programme.



PROCESS



- All sessions took place at a venue made available by and at the Boksburg Correctional Facility
- A separate pre- mediation was held with each victim/ group of victims and family members of the offender prior to the mediation session
- The mediation sessions took place directly after the separate pre-mediation sessions
- A post- mediation feedback session was held with the victims and offenders separately
- After completion of the project, a focus group in the form of a circle discussion was held that involved all the offenders who participated as well as all staff from KSS and BCS



OFFENDER FEEDBACK



- All the offenders expressed relief at having had the opportunity to express their remorse to their victims and to ask for their forgiveness
- Two of the offenders indicated that they had spent years not sleeping properly prior to the joint session and that, **for the first time, they felt at peace and could sleep well**
- Six of the offenders at the focus group **expressed the sentiment that they had been afraid/ apprehensive about what would happen when they are released back in to their communities** without having had the chance to face their victims and that they had been **sure that this would make reintegration a challenge**
- Each and every one of the offenders indicated **that they would recommend the process to other victims and offenders** and that **taking part in it had changed their lives for the better.**



OFFENDER FEEDBACK CONTINUED



"I did something that I didn't know how to explain or say it. I didn't know what it was, if it was the anger or what caused me to behave like this. I truly searched myself inside because I wanted to have peace with them, I also did not sleep at night when I was alone inside, trying to find peace to with me and my victims, and love, to restore the love between me and my victims.

It was emotional for me, because what I did to her, I never expected to do such a thing to a lady because she's been so good to me, she's been loving.

The two families came, face to face and to my surprise they were so excited to be together and to hear from my side of the story what happened and they were happy to hear that and they forgive me. I am happy for things to be back to normal. Now they are waiting now for me to come outside."



OFFENDER FEEDBACK CONTINUED

“The session for me was very important. It was all I wanted to do. For the past couple, 10 or so years really, I couldn’t sleep at night, it was just guilt, guilt all the time. I tried to live a normal life, but you know when you’re alone at night and you go to sleep by yourself you can’t fix it because it’s always something, it’s a burden on you. I know what I did was wrong and I know that the only way to try to make this right is to meet the victims and try to ask for their forgiveness and to tell them the truth because even my family, I didn’t tell them what happened because during the case we tried to be brave, we had lawyers and I wasn’t thinking, we lied but the court found us guilty.

His mother she was so, I can’t explain it, very ... The way she reacted after I told her what happened, she told me that she forgives me and even though I killed her son... it gave her closure. And his daughter was also here and I saw how she cried because of me she never had the opportunity to see her father.”



OFFENDER FEEDBACK CONTINUED



"I couldn't live with myself knowing that my mother outside, people are hating her because of what I did, and they don't know the truth, they are busy defending me that I didn't do that thing. It was eating me. So I went to the social worker to help me meet with the victim and my mother and my brother to tell them the truth, what actually happened that night. Since I met the victim and my mother and told them the truth I'm relieved because they forgive me. In the session that I was doing, they support me, the social workers, the Khulisa and now I can live my life peacefully. I know I did something terrible to that woman but I know I won't take away that pain but at least that I know I did ask for her to forgive me, I didn't expect her to forgive me because that thing that we did it was horrible because she know me from the time I was growing up. This programme helped me to face the challenges that I was thinking I was going to face outside."



VICTIM FEEDBACK



- The victims and family members of victims and offenders that were contacted to participate in the pilot programme **all agreed to participate**
- Whilst there was a general degree of nervousness at first contact, all indicated that they would like to participate in a joint session after having had the process explained to them
- All the victims and their family members as well as the family members of the offenders **expressed gratitude at having had the opportunity to participate**



VICTIM FEEDBACK CONTINUED



- All victims and family members of victims and offenders **asked that we continue with Victim Offender Mediation** and that we should not stop.
- The **overall feedback received was supportive** of the project and clearly demonstrated the successes achieved.
- Some of the participants expressed their wish for there to be more awareness of restorative justices and Victim Offender Mediation in their communities.
- All of the participants indicated that **they would recommend the programme to other victims and offenders.**



VICTIM FEEDBACK CONTINUED



- The only criticism of the programme that was received was that there is **not enough awareness surrounding programmes such as this**
- There was a difficulty with translation in one session and the filming of the joint session provided a disruption in another session
- Issues regarding the lack of counseling services to victims and offender's families after an incident of serious violent crime were also raised by several of the participants



VICTIM FEEDBACK CONTINUED



“Everything is resolved. I am happy. We were open.”

“I’m involved with the youth outside in the community and I will draw a lot of experience from this to take to the youth. This has not been an easy process, I will take to them how difficult it is for the parents when the children are incarcerated, are inmates.”

“It has changed our lives. The impact is relief. There is a burden off our shoulders, it was heavy.”



VICTIM FEEDBACK CONTINUED



“Somehow I don’t feel like I’m a victim anymore! I’m leaving as a victor! I don’t feel like a victim at all”

“I never had an opportunity to hear what happened. It feels like a weight has dropped off my shoulders”

“I didn’t want (him) to be in prison. When he comes out I want peace. I want him to be exemplary. I want his younger siblings to look up to him. I want him to make a commitment to take hands and pull in the same direction as the rest of the family. He must take responsibility as an older brother”



FEEDBACK BCS MULTI- DISCIPLINARY TEAM



“What came out for me is the power to tell the truth. It’s like telling the truth has power, it carries with it forgiveness, it carries with freedom. The person who tells the truth becomes free. It carries with it the reconstruction of families and relationships. So that is what this process has achieved. I want to commend you guys for your bravery, to have the courage to face your victims and say to them I am sorry for what I did.”

“The programme is so meaningful, such that when I think of it I get ideas. Sometimes you might think that you helped just one person, but you might have changed a generation. Any programme that is focused on human beings is priceless, the most valuable, so this programme is just so wonderful.”



FEEDBACK BCS MULTI- DISCIPLINARY TEAM CONTINUED



“I think the process of rehabilitation wants them to get there but we don’t have the know- how of getting them there. Today I see that they are there and it’s up to them now to take it further outside, in to their lives as a way forward. That is the link that we are missing here in Correctional Services and I would like to say thank you for the opportunity and thank you for accepting my skepticism because it allowed me to stay in and want to know why you believe so much.”



KEY FINDINGS



- There is a great degree of satisfaction among participants of a properly organised and professional victim/ offender mediation session;
- Victims and offenders are willing to participate in such a session when assured of an impartial, objective process in a safe space;
- All participants indicated that they would recommend the programme to other victims and offenders;



KEY FINDINGS



- All participants indicated that participation in the project would have a meaningful impact on their lives;
- There is a need for awareness surrounding and community involvement in Restorative Justice Programmes;
- Partnership between DCS and community organisations for VOM/D can be extremely beneficial and successful;
- An essential element for sustainable, effective and professional Victim Offender Mediation is the training of mediators and translators;



RECOMMENDATIONS



- **The Victim/ Offender Mediation/ Dialogue should be rolled out at a national level in the Department of Correctional Services**
 - This was recommended by the victims, offenders and the Department of Correctional Services multi- disciplinary professional team;



RECOMMENDATIONS



- **The unique partnership between the Department of Correctional Services and Non- Governmental Organisations should be nurtured and expanded;**
 - It was expressed by the Department of Correctional Services mediators that, without the valuable input and assistance of Khulisa Social Solutions- especially in respect of victim preparation, logistics, research write- ups and joint sessions, the Victim Offender Mediation Pilot Project would not have reached the level of success that it did.
 - The specified roles as played by the mediators of both Department of Correctional Services and Khulisa Social Solutions perfectly complemented one another, the victims being appreciative of having the support of and access to the Department of Correctional Service professional staff, but also the assurance of “independent, neutral” third party mediators who do not wear “the uniform”;



RECOMMENDATIONS



- **A therapeutic approach to Victim Offender Mediation be followed when dealing with cases relating to serious violent crime;**
 - Serious violent crime can cause extreme trauma to the direct victims of crime, but also to secondary victims such as family members of both the victim and the offender and the community as a whole.
 - However, very often, victims do not have access to appropriate counseling or support services after having fallen victim to a crime. In fact, most often there is a complete lack of such support to the victims, whilst the offenders are offered the assistance of an array of professionals whilst incarcerated.
 - It was found that years after the commission of the crime, victims had still not had any form of counseling or such support and as such, were experiencing difficulty with healing and closure;



RECOMMENDATIONS



As a result, it is recommended that:

- All victims and family members of victims and offenders attend the **SHINE Victim Support/ Empowerment Programme** before engaging in Victim Offender Mediation;
- All minors to be involved in the mediation process should participate in the **Rainbow Builders Play Therapy Programme** before engaging in Victim Offender Mediation;
- All offenders ought also to take part in the Khulisa **Silence the Violence: Aggressive Behaviour Change** programme before engaging in Victim Offender Mediation



RECOMMENDATIONS



- **Ongoing support be offered to all participants**
 - Victim Offender Mediation is a process that is not completed after only one or two mediation sessions and healing for the victims and their communities of care is an ongoing challenge.
 - Victims and family members ought to be provided with continuing support and mentorship through, amongst others, social media.
 - Offender support post- mediation ought to be implemented through the establishment of Peer Support Groups, which could include victim impact panels.



RECOMMENDATIONS



- **A funding structure for comprehensive and individualized programme development and roll out should be established**
- **Professional training of a programme specially designed for VOM/D in cases of serious violent crime should be offered to all mediators and translators**
 - Department of Correctional Services/Community Corrections and Non- Government Organisations mediators/translators are to be trained together to create a working relationship between mediators before Victim Offender Mediation commences
 - This programme is to address not only the intricacies associated with this type of mediation, but also the roles of the mediators from the Department of Correctional Services and those from community organisations



RECOMMENDATIONS



- **Talented translators are to be trained with the mediators**

Talented translators who understand the process and aims thereof are essential to the success of any Victim Offender Mediation session.

Ideally, participants ought to be allowed to speak their mother languages during the sessions, whether or not the mediators are fluent in such language.



RECOMMENDATIONS



- **Strict Selection Criteria for serious violent cases to be included as part of the Victim Offender Mediation:**
 - The involvement of a Department of Correctional Services multidisciplinary team in case selection provides unique insight to the offenders attempting to initiate Victim Offender Mediation;



RECOMMENDATIONS



- **Strict Selection Criteria for serious violent cases to be included as part of the Victim Offender Mediation:**

The following “5 R’s” ought to be present in a case of an offender seeking to participate in Victim Offender Mediation:

- **Remorse:** Genuine remorse and need to express such remorse;
- **Responsibility for their actions-** An offender must take complete and unconditional responsibility for his/ her actions;
- **Respect** for self and victim/family;
- **Restoration** must be one of an offender’s expressed needs;
- **Reliability** of an offender is of utmost importance, an offender who lies, is dishonest or has ulterior motives for participating creates a risk of retraumatization of the victim or family;



CONCLUSION



This pilot project greatly supports Victim Offender Mediation in cases dealing with incidents of serious violent crime, contradictory to the traditional global practices and evidence.

