



**AN EXPLORATION OF THE EXPERIENCES OF VICTIMS'  
PARTICIPATION IN PEACE-MAKING MEDIATIONS AT  
KHULISA SOCIAL SOLUTIONS VICTIM EMPOWERMENT  
CENTRES IN GAUTENG**

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## **ABSTRACT**

The aim of this study was to consider the experiences of victims who participated in peace-making mediations offered at Khulisa Social Solutions victim empowerment centres in order to assess the intervention. Findings are reported to provide recommendations for improvement, as well as successes of the intervention. A qualitative approach was followed whereby data was collected through an interview with the head social worker over Khulisa victim empowerment centres in Johannesburg, as well as questionnaires and circle dialogues with victims who partook in peace-making mediations offered by Khulisa.

Findings highlight that the overall facilitation of peace-making mediation offered at Khulisa victim empowerment centres is conducted in a fair and respectful manner. Participants expressed satisfaction with facilitators, facilitation, as well as peace-making agreements. Reconciliation was achieved in some cases, and many victims were empowered, informed and strengthened through their experiences. Moreover, participants expressed appreciation for the restorative approach due to its support and protection of the family unit.

It was highlighted that reconciliation was hindered in some cases by a lack of accountability, voluntary participation and needs-based intervention which could have been foreseen or resolved through adequate preparation and follow-up. Moreover, the need for community work and awareness campaigns was highlighted. However, findings note that Khulisa are limited in providing preparation, follow-up and intervention due to a lack of staff, resources and time, resultant from a lack of funding. A call is made for funding to be provided for Khulisa so that it may improve its already beneficial services, as well as extend outreach, awareness and service within the community. Furthermore, research should be conducted focusing on broader scale experiences of offenders and victims partaking in services offered at Khulisa victim empowerment centres.

## **INTRODUCTION**

Crime is often devastating to its victims, and in this regard, they are in need of assistance to deal with trauma, partake in the criminal justice system, and resume their lives as healthy, law-abiding citizens (South African Police Service. [Sa]a:1). In light of findings that a lack of recognition and services were available to victim's resultant in continued traumatisation, re-victimisation by both the criminal justice system and offenders, and even at times criminalisation, it became clear that the needs of victims needed to be addressed (South African Police Service. [Sa]a:1).

The National Crime Prevention Strategy (NCPS) of 1996 provided recognition to the plight of victims, and the cyclical nature of crime and violence, and advocated for a victim-centred crime approach. The victim empowerment programme (VEP) was thus developed, led by the Department of Social Development (DSD) and inclusive of role-players namely the South African Police Service (SAPS), Departments of justice, health, correctional service, and education, non-governmental organisations (NGOs), community-based organisations (CBOs) and academics.

As such, Khulisa Social Solutions (Khulisa) is mandated with the managing of victim empowerment centres (VEC's) in four police stations within the Gauteng Province: Langlaagte, Moffatview, Sophiatown, and Johannesburg Central. Hereby a number of services is offered, including peace-making mediation. The experiences of victims who partook in peace-making mediations is questioned in this research to provide an assessment of the intervention, whereby its successes can be highlighted, and any issues be addressed.

## **VICTIM EMPOWERMENT PROGRAMME (VEP)**

The VEP aims to make the criminal justice system more accessible to victims, provide for greater more meaningful involvement of the victim in the CJS, and address the negative effects of crime through the offering of counselling and support services at a local level (South African Police Service. [Sa]a:1-2). In keeping with VEP, The Service Charter for Victims of Crime in South Africa (Victims' Charter) and the Minimum Standards for services to victims of crime (Minimum Standards), as well as department/offence relevant legislation, provides a framework by which

victims of crime are to be treated when coming into contact with the criminal justice system (South African Police Service, [Sa]: 3-4).

In introduction the Minimum Standards notes that Restorative justice principles are embodied within the rights and regulations forwarded by the Victim's Charter and the Minimum Standards. The Victims' Charter and Minimum Standards state their aims as to provide victims with policy by which they can demand their rights, and by which service providers can be held accountable in fulfilling said rights.

The Minimum Standards defines a victim of crime as:

*“a person who has suffered harm, including physical or mental injury; emotional suffering; economic loss; or substantial impairment of his or her fundamental rights, through acts or omissions that are in violation of our criminal law. The term ‘victim’ also includes, where appropriate, the immediate family or dependants of the direct victim. A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted, and regardless of the familial relationship between the perpetrator and the victim”.*

A rights framework for implementation of the VEP is set forth within the Victims Charter which is inclusive of the following rights for victims of crime:

- The right to be treated with fairness and with respect for dignity and privacy
- The right to offer information
- The right to receive information
- The right to protection
- The right to assistance
- The right to compensation
- The right to restitution.

In the majority of cases, the South African police Service (SAPS) is the first point of contact a victim will have with the criminal justice system. In this regard it is necessary to ensure that the SAPS provide a 'victim-friendly' service, whereby the rights and dignity of victims is protected, victims experience empowerment, and re-

victimisation does not occur. Victim empowerment encompasses four main elements, namely emotional support, practical support, information, and referral to support services (South African Police Service, [Sa]: 3-5). As first point of contact, the SAPS is ideally situated to refer victims to appropriate support services and should be well informed regarding what services are available (South African Police Service, [Sa]: 16). As such, The Minimum Standards mandates the SAPS to refer victims of crime who have reported the crime to service providers for support, on-site crisis intervention, counselling or medical attention if required.

The VEP mandates the creation of support services for victims. Local level victim support involves victim support services offered by government, civilian, organisation, or community. Local level support services are tasked with providing victims with assistance, referring victims where necessary, ensuring training is conducted to maintain high standards, research and statistics generation, and the initiation of community awareness campaigns (South African Police Service. [Sa]: 9).

The victim empowerment programme (VEP), a sub-service under restorative services offered by the DSD, implements two main victim-based services: sheltering and VECs. It is mandated that each police station has a VEC whereby victims can be referred to. The VEC offers three main services: peace-making mediation, psycho-social services (including trauma debriefing, counselling, and referrals to professional counselling where necessary), and awareness campaigns (in accordance with the VEP calendar and inclusive of SAPS and Department of community safety). A victim may access services offered by the VEC if they are 18 years or older. As is relevant to the objective of this research, peace-making mediation will hereafter be discussed.

## **PEACE-MAKING MEDIATION – A RESTORATIVE JUSTICE INTERVENTION**

Peace-making mediation, as referred to by Khulisa, is a restorative justice intervention similar to that of victim offender mediation and as such it is necessary to understand the restorative justice approach.

Restorative justice considers crime to be the result of a conflict in relationships that both harms individuals and relationships. The task of justice is thus to repair broken relationships and address the harm caused (Schoeman, 2014:np). This is achieved through processes and practices characterised by dialogue, reconciliation, accountability, restitution, reparation, forgiveness, inclusiveness, transformation, honesty, healing, fairness and the maintenance of the dignity and respect of each person affected by the offence (Fraser, 2017:162; Schoeman, 2014; Ward & Langlands, 2008:358; Weitekamp, 2010:780-781; Zehr, 1990:182-211).

Three main dialogue practices are associated with restorative justice, namely mediation, conferencing, and sentencing circles (Schoeman, 2014:np; Wilson et al., 2017:4). Peace-making mediation is of specific reference in this research and is comparable to victim offender mediation (VOM). VOM is the bringing together of the victim and offender to seek healing, resolution, restoration and agreement through dialogue (Schoeman, 2014:np; Zehr & Gohar, 2002:49). Although defined to include only victims and offenders, it is noted that at times in practice other affected parties may be included (Hargovan, 2012:17; Umbreit et al., 2007:28-29).

Restorative justice interventions such as VOM gather stakeholders of a crime together and provide a space for open and equal dialogue to commence regarding the effect of the crime on each party, needs as a result of or causal of the crime, as well as agreement as to resolution and restitution of the conflict (Dzur, 2017:485; Kuo et al., 2010:319; Zehr & Gohar, 2002:25). It is necessary for the offender to own accountability for the offence and once responsibility is acknowledged, parties are provided the opportunity to make amends, show remorse and apologise, commonly resultant in healing through forgiveness, reconciliation and empowerment.

Forgiveness and reconciliation are not forced or compulsory, but rather a choice of participants. However, the restorative environment is conducive to this (Braithwaite, 2000:14; Gxubane, 2012:109; Zehr, 1990:186-211; Zehr & Gohar, 2002:6-10). Furthermore, although not the main aim, recidivism is often positively affected (Zehr & Gohar, 2002:6-10).

Restorative justice interventions generally have three stages (Steyn & Sadiki, 2018:231; Tshem, 2009:65-66). The first stage, after participants have agreed to participate voluntarily without force or coercion, is the preparation phase whereby facilitators ensure offenders own accountability, explain the purposes and processes of the intervention, inform participants of their rights, and ensure participants are emotionally prepared. This is followed by the facilitation phase where the offender and victim enter into dialogue which aims for, amongst other things, restoration and reconciliation. If agreement can be reached, facilitation ends with the creation of a restitution agreement. Proceedings must be conducted in a fair and respectful manner whereby all participants are provided a safe space and chance to talk and listen (Kuo et al., 2010:319). Lastly, the monitoring stage commences whereby follow-up and aftercare is offered to all participants to ensure the agreement has been kept (Steyn & Sadiki, 2018:233; Tshem, 2009:65-66).

## **METHODOLOGY**

The aim of this research was to consider the experiences of victims partaking in peace-making mediations offered by Khulisa VEC's in order to assess its effectiveness and implementation. A qualitative approach was followed as it provides participants, in this case the victims, the chance to tell their story and recount their experiences in their own words (Bows, 2018:96; de Vos et al., 2011:64-65). The nature of this study was both exploratory and evaluative. Feedback of this nature is useful in providing insight into a situation, as well as what aspects and in which areas the intervention is beneficial and adequate, and where improvement is necessary (Blaikie, 2010:70-71; Bows, 2018:94-95; de Vos et al., 2011:95).

Data was collected through the use of interviewing, circle dialogues and a questionnaire. The sample consisted of the head social worker over Khulisa VEC's in Gauteng, as well as previous participants (victims). In order to gather context and understanding around peace-making mediation offered at Khulisa VECs, the social worker tasked with overseeing all four stations was interviewed and asked to provide information on the VEC's, and processes of peace-making mediation as implemented by Khulisa VEC's.

In light of the fact that it is difficult to gather participants due to work commitments and logistical issues, ten participants were invited per station (Langlaagte, Sophiatown and Moffatview) to partake in a circle dialogue. Johannesburg central station was excluded as Khulisa has only recently acquired the mandate to run the VEC and at present their main focus is prevention campaigning. As expected, there was a limited response due to logistical issues and work commitments, however, the experiences of participants were enlightening, and the data is still valuable. The first circle dialogue took place at Langlaagte station, whereby three participants partook. Sophiatown station followed, whereby three participants took part. Lastly, one participant participated at Moffatview, thus overall seven experiences were captured.

On arrival and after introductions and welcoming, participants were asked to complete a questionnaire whereby the following was asked:

- Gender
- Offence: rape, grievous bodily harm (GBH), verbal, mental or psychological abuse, other.
- Offender: partner, family member, stranger
- Did the offence re-occur?
- If yes did you report it?
- Indirect victims: immediate family residing in the house, relatives not residing in the house, community members
- Would you recommend a restorative approach?
- Rate the services of Khulisa: terrible, okay, good, very good, excellent

Participants then participated in a circle dialogue. The dialogue was facilitated by the researcher, and in addition to participants, was attended by the VEC social workers and volunteers. A semi-structured interview schedule was followed, and dialogue commenced around the experiences of participants pre-mediation, during the mediation and after the mediation, as well as evaluation of restorative justice and Khulisa. Social workers assisted with translation where language barriers existed.

The research was conducted as commissioned by Khulisa. Participation was wholly voluntary, and participants were afforded anonymity as well as confidentiality

throughout the data collection, analysis and presentation stages. Findings will henceforth be presented narratively.

### **KHULISA VICTIM EMPOWERMENT CENTRES**

Khulisa has been mandated to manage the functioning of four VEC's, namely: Sophiatown, Johannesburg Central, Langlaagte and Moffatview. The head social worker over the functioning of these four VEC's was interviewed in order to provide insight into the peace-making mediation process followed.

The process is initiated by the referral of a victim to the VEC. Hereafter the victim is welcomed and screened by a volunteer to ensure their case is appropriate for handling by the VEC (i.e. age and case circumstances). If appropriate, an intake is then conducted by a social auxiliary worker whereby a form is completed with all details relevant to the case. The available services offered by the VEC are then explained (peace-making mediation, psycho-social services, assistance with applications for protection orders etc.) and the victim is asked which services they require.

If a peace-making mediation is requested, the facilitator will ideally spend some time with the victim and offender individually prior the peace-making mediation in order to prepare them. At times, the facilitator will only do this with the offender, as the victim has already done intake, and the facilitator has familiarised themselves with the document. Often, neither parties are adequately prepared due to a lack of time and resources.

Once this is complete, the peace-making mediation will be arranged at a time suitable to the participants and the facilitator. The average time set aside for the peace-making mediation is two hours, but due to the work commitments of participants, frequently only an hour is available. Most often only the victim and offender are present, but occasionally, and where necessary, family members are involved as well.

The facilitation stage commences with a welcome by the facilitator who then proceeds to discuss terms of engagement with participants, namely listening without

interrupting, not talking over one another, and so forth. Key values in this regard are respect, honesty and openness. Discussion is hereafter opened by the facilitator who initiates by asking the offender why they think they are here and, after discussion, asking the victim to explain why they sought assistance. Dialogue and conversation are resultant, and the facilitator uses probing and reflecting methods to encourage conversation as well as discover history, circumstances and causal factors relevant to the offence, the conflict, and the relationship breakdown.

Facilitation continues with the facilitator posing questions to participants regarding what they would like to gain from the session ensuing dialogue, conversation and negotiation surrounding this. If it is appropriate to the nature of the conflict, the facilitator will encourage, but not force apology and forgiveness. The facilitator aims to impart healthy conflict resolution and communication skills and will ask questions such as 'do you discuss things in this manner at home', and 'will you try to communicate in this manner in future'. Participants are also taught about basic non-verbal communication such as eye-contact and sitting together as opposed to screaming at each other from across the room. In addition, speech that identifies behaviour and emotion is encouraged, such as 'when you do this it makes me feel ...' In conclusion of the peace-making mediation, a peace-making agreement is completed and signed by parties as record of the conversation and agreements.

Ideally a week after the peace-making mediation, follow-up is conducted telephonically by the facilitator who conducted the peace-making mediation. However, due to staff shortages and the resultant lack of time, this is not always possible. Hereby, the facilitator calls the victim and offender individually, asks them how they are, if things have improved, if there have been any more incidences and so forth. Based on the feedback, a follow-up session may be convened whereby parties are referred back to their agreement. After the initial follow-up some cases may be followed-up on again, however based on time constraints, not all cases receive continuous follow-up.

Participants who have previously taken part in a peace-making mediation were contacted and asked to take part in feedback sessions. The findings resultant of these sessions will hereafter be presented.

## PRESENTATION OF FINDINGS

Participant responses regarding the questionnaire are recorded in the below table.

	Gender	Offence	Offender	Re-occurrence	Re-report	Indirect victims	Recommend RJ?	Rating of Khulisa
<i>Moffatview</i>								
P1	Female	Verbal, mental, psychological abuse	Partner	Yes	Yes	Immediate family living in house	Yes	Excellent
<i>Langlaagte</i>								
P2	Female	Verbal, mental, psychological abuse	Partner	Yes	No	Immediate family living in house	Yes	Very good
P3	Female	Verbal, mental, psychological abuse	Partner	No	N/A	Immediate family living in house	Yes	Excellent
P4	Female	Other - Domestic violence	Family member (husband and father in law)	Yes	Yes	Immediate family living in house	Yes	Excellent
<i>Sophiatown</i>								
P5	Female	Verbal, mental, psychological abuse	Partner	Yes	No	Immediate family living in house	Yes	Very good
P6	Female	Verbal, mental, psychological abuse	Family member (son)	No	N/A	One unnamed person	Yes	Excellent
P7	Male	Other - Sons behaviour	Family member (son)	No	N/A	Immediate family living in house	Yes	Very good

Findings from the questionnaire show that the majority of victims are female, with P7 being the only male victim. According to the head social worker over Khulisa VEC's in Gauteng, 41 cases were reported by men from August 2019 to January 2020, the majority of which were for domestic violence. Domestic violence is occurring within the South African male population, however, research and statistics regarding these occurrences are limited. Researchers attribute this to the idea that men are less likely to report domestic violence as prevalent patriarchal 'rules for masculinity' imposed on men, such as men do not cry, have created a stigma in society and law enforcement making it uncomfortable for men to report abuse in these settings (Victor and Olive, 2019: 13411). It is a positive finding that men are reporting and finding assistance through Khulisa VEC's and recommended that further research

and awareness campaigns regarding domestic violence within the male population be conducted.

Almost all offences involved verbal, mental and psychological abuse. The Domestic Violence Act 116 of 1998 includes emotional, verbal and psychological abuse in its definition of domestic violence, noting its inclusion based on its cause of harm to the safety, health and well-being of the person. Thus, the severity of this type of abuse is highlighted.

Partners were found to be the most common offenders, followed by family members. It is not surprising, thus, that indirect victims are almost always the immediate relatives living within the same house as the victim. Indirect victims refer to persons who, although not the direct victim of the crime, have also been affected through their relation to the victim or the offence (Schoeman, 2012:82-83). Restorative justice is especially important with regards to both the above findings in that it acknowledges the negative effect of crime on relationships and provides intervention that assists in healing broken relationships for both direct and indirect victims as well as the offender (Zehr & Gohar, 2002:40).

Findings noted that the offence re-occurred more often than not. All participants, however, would recommend a restorative justice approach and rated the services of Khulisa as 'very good' or 'excellent'. These findings will be further explored vis a vis participant experiences.

As discussed in the literature review, restorative justice interventions generally have three stages: preparation stage, facilitation stage, and monitoring stage. As such, to measure the successfulness of peace-making mediation offered by Khulisa VEC's, the circle dialogues focused on participant experiences prior, during and after the peace-making mediation. Furthermore, participants were asked their opinions on the restorative approach, and lastly to provide any recommendations for improvement. A discussion of the findings is henceforth presented.

### ***Victim's experiences pre-mediation***

Research provides that participation in peace-making mediation should always be fully voluntary for all participants, and that each participant should be adequately prepared emotionally and informed as to what to expect as well as their rights (Anderson, 2017:175; Department of Justice and Constitutional Development, 2011:4-5; Steyn & Sadiki, 2018:231). Thus, participants were asked if participation was voluntary, and whether they felt prepared.

All the participants affirmed that participation was voluntary and that they were in no way forced to take part in a peace-making mediation. However, it became clear that the same may not have been true for the offenders. Both P2 and P4 felt that their partners did not want to take part but felt they had to out of fear for the police. Both P2 and P4 also noted that their partners did not own accountability for their actions:

*“He felt like he didn’t want to do it. Ya it’s a matter of he just saw Langlaagte police station then he was scared of, that’s why today he said you are taking me back to police station I’m not going, tell them to come and fetch me with a van. He feels like because it says police station, I’m not sure why he can’t understand it because he’s a lecturer, and then he’s old enough, he knows these things. He’s saying I’m embarrassing him. He felt that he participated in the mediation, but it was forced. He does not own accountability for his actions” (P2).*

Ideally, participation should be fully voluntary, and parties should be allowed sufficient time to consider participation (Anderson, 2017:175; Department of Justice and Constitutional Development, 2011:4-5; Steyn & Sadiki, 2018:231). Non-voluntary participation results from force or coercion, but also includes participation based on fear of prosecution or the use of psychological pressures, guilt or other persuasion methods (Ward & Langlands, 2008:362; Zernova, 2007:498-502). It is clear from findings that participation based on fear of prosecution, rather than voluntary participation and the owning of accountability, can negatively affect results, as will be further expounded on in the upcoming discussions.

Adequate preparation of all participants is critically important prior any restorative justice intervention (Dzur, 2017:488; Steyn & Sadiki, 2018:232). With regards to preparation, most of the participants (P1, 2, 6, 7) felt prepared and were not anxious about partaking in the peace-making mediation. In contrast, P3, 4 and 5 noted feelings of anxiety prior the peace-making mediation. P3 and 5 attributed this to a fear of how their partners would react and for their personal safety:

*"I didn't know exactly know what was going to happen per say but I was nervous for other reasons, like my ex is very passive aggressive and all so I was more afraid of what he would do to me if I were to stand up for myself."*

(P3)

P4 acknowledged that a lack of preparation and understanding of the peace-making mediation purpose and process had caused her children to feel anxious as they were concerned that they would be removed from the care of their parents. In this regard, the effect of a lack of adequate preparation on indirect victims is expressed:

*"They were a bit traumatised about it 'cause they were like ooo they going to take us mommy please don't. They were a bit traumatised because like I said I wasn't also sure what was going to happen."* (P4)

Numerous studies highlight the importance of adequate preparation of all parties whereby participants are informed regarding what to expect and their rights, as well as counselled to ensure voluntary participation, accountability of offenders, as well as emotional readiness (Department of Justice and Constitutional Development, 2011:4-6; Steyn, 2010:116-117). The head social worker of Khulisa VEC's communicated that ideally, they would like to spend preparation time with all participants prior peace-making mediations but are hindered by a lack of time on behalf of both the staff and the participants. Staff are limited due to high caseloads spread amongst few persons. Due to a lack of funding, Khulisa is only able to employ a limited number of social workers. In addition, participants are limited in the time they can offer due to work commitments.

### ***Victims experiences during the mediation***

Peace-making mediations should be facilitated in a fair and respectful manner whereby participants feel safe, supported and equal (Kuo et al., 2010:319). Furthermore, the development of a peace-making agreement should also be conducted with fair and equal consideration of all parties present (Dzur, 2017:498). Lastly, the peace-making mediation should encourage, but not force, forgiveness and reconciliation (Department of Justice and Constitutional Development, 2011:4-6). In this regard participants were asked if they felt peace-making mediations were fair and respectful, if their peace-making agreement was fair, and if forgiveness and reconciliation had been achieved.

All participants experienced the peace-making mediation as fair and respectful. It was also communicated by all participants that the peace-making agreements were fair. Most of the participants (P2, 3, 5, 7) attributed this to the facilitator providing participants with an equal chance to talk and express their feelings, and creating an environment that felt safe for them to be honest and open:

*“I was comfortable, and she was very honest and straightforward ... both of us chatted and she managed, like if there’s person there who want to come on board while the other one is speaking, then like let’s give them a chance.”*

(P2)

Although, participants expressed satisfaction with regards to the facilitation of peace-making mediations, the outcomes were varied. P 3, 6 and 7 noted that there had been both forgiveness and reconciliation within their relationships. P3, who had experienced conflict with her partner noted that it *“felt like a new love”*. P6 and 7 had experienced conflict with their children and expressed that the relationships were restored.

However, for the most part with regards to romantic partnerships, reconciliation and forgiveness was not resultant from peace-making mediations. P1, 2, 4 and 5, who all partook in peace-making mediation due to conflict in their romantic relationships, all acknowledged that there was no reconciliation and that they were in the process of, or wanted to start the process of, divorcing or leaving their partners. Findings from

the questionnaire highlight that P1, 2, 4 and 5 all also noted that the offence had re-occurred.

Although peace-making mediation was ineffective in its reconciliation aims in these cases, it was successful in building the confidence of, empowering, and informing participants, which further assisted them in making the decision to leave their abusive partners:

*“This mediation really gave me some personal woman pride and self-esteem.” (P4)*

*“I was a victim but now I don’t feel like quite the victim, I don’t feel like such a victim because I was very emotional, I almost finished a tissue, I come here, I cry, was so helpless. But now honestly, I feel strong and most of his threats, the stalking, the things that he used to do, I don’t pay much attention to them now because I’m now well informed.” (P5)*

One of the aims of restorative justice is to empower victims by providing them with a voice, and in this regard, the peace-making mediations were successful (Department of Justice and Constitutional Development, 2011:4-6). The importance of victim empowerment is clear in P2 and P4 specifically communicating that their partners were a threat, that they wanted to leave, and required assistance from Khulisa with regards to leaving their partners:

*“My way forward now, what I was about to say is that can you help me, to tell me which way, should I file for divorce because there’s no turning back. It’s not healthy. I have accepted I love him very much, but one doesn’t cooperate and its dangerous for me now.” (P2)*

*“He is the type of person that I also don’t know what he can do because he was a gunman before. I’m not sure if I can trust him or not. He looks quiet but he’s very very undercover agent. Even if you guys can just help me get out of there. And I want to be on my own with my 2 kids. ‘Cause even my*

*kids don't want to stay there because he's fighting in front of them, they screaming, it's unhealthy for them, it's really unhealthy.” (P4)*

Violence against woman and children is prevalent in South Africa, with many women remaining in abusive relationships out of fear, and others murdered because they leave (cf. The Centre for the Study of Violence and Reconciliation, 2016). It is noteworthy that both P2 and P4 have children and answered in their questionnaire and within interviews that their children had been affected by the abuse. Services offered to woman who find themselves in abusive relationships where leaving poses a threat to themselves and their children are of paramount importance. In this regard, peace-making mediation is not enough, rather further services such as sheltering, counselling and intervention is needed. Khulisa may refer where they are lacking, however, due to the already formed relationships resultant in feelings of trust and safety on behalf of victims, it is recommended that Khulisa be further supported financially in order to continue to provide a holistic and effective service to these women.

### ***Victims experiences after the mediation***

Follow-up after peace-making mediation is crucial in ensuring the peace-making agreement has been kept, as well as to provide emotional support to participants if needed (Dewa, 2013:58; Naylor, 2010:665-666; Steyn & Sadiki, 2018:232-233). Participants were therefore asked if they had received a follow-up call and their experience of the follow-up call.

P1, 2 and 4 all received follow up calls and all noted that at the time it was helpful. P1 recalled specific needs that were met as a result of follow up:

*“Ya he did and he even said he will come and give us a visitation because I ask him to come and check the condition of the place and how it looked so that he can takes pics before I do anything and that's why we did.” (P1)*

P2 and P4 communicated that they had received follow-up calls but had avoided returning due to threats to their families. P2 felt threatened by her partner and P4 was concerned as her children were traumatised by her initial attendance:

*“Another thing is while I was supposed to come, even if I was busy at work, there were threats that I was trying to avoid ... there was this thing that I was afraid, but I feel like I was supposed to come back.” (P2)*

*“The reason I stayed away was for my daughter’s sake because she even said something about running away, she’s gonna run away and then I told her no man they not coming that’s why I stayed away. But I did give (volunteer) some follow up to give to (social worker) and said no I’ll come.” (P4)*

As previously discussed, P2 and P4 both requested assistance from Khulisa in leaving their partners. It is necessary for situations where woman feel threatened to seek help, even if follow-up is conducted, to be addressed. In this regard external support groups and unscheduled house visits could be valuable.

Both P3, 5, 6 and 7 did not receive follow up calls. P3 noted that she would have liked a follow up call as it would have showed her that someone cared about her well-being. P 5 and 6 felt that although they did not receive follow-up calls, they felt confident in the knowledge that they could contact the VEC, as the staff had provided them with contact details if the need arose and had been extremely helpful and caring:

*“Right after the mediation she gave us her contact details so that I can also contact her, maybe never have to wait for her to call me back. And if there was like a problem like then I’d immediately contact her.” (P5)*

It was noted by the head social worker of Khulisa VEC’s in Gauteng that staff shortages and the resultant lack of time hinder effective follow-up. In this regard, it is necessary that funding be provided to Khulisa in order for adequate follow-up to be conducted and needs-based services to be provided.

### ***Participant opinions regarding restorative justice***

In concurrence with the questionnaire's findings, where all participants stated they would recommend a restorative approach, all participants except P4 felt that the restorative option was a better option. Several reasons were provided for this, the most common being that incarceration would have negatively affected familial relationships (P1, 3, 5, 6):

*"It really affects my daughter and her daughter, my granddaughter, she really misses her grandfather a lot. Those are the 2 people that's very, you know, it's hard, and uh it affects my granddaughter you know. She's now 7 and she really speaks a lot about oupa. Oupa just needs help, he's not a bad person. Even in our neighbourhood where he can help you, he can help you." (P1)*

Although P4 found value in the punishment offered by a retributive response, it was also acknowledged that incarceration would have had a negative effect on her family:

*"I think the court and the jail would have brought more sense into his brain because firstly he doesn't respect me as a woman even the next woman, it's like there's no way of speaking to a woman. Even discrimination where he, it's very ugly." (P4)*

*"It would have broken them badly, especially my daughter. Emotionally it would have break them. But then sometimes when he's doing this then she will say mom let him go to jail, but it just comes out because she angry that he's doing this." (P4)*

P3 and P5 linked the negative affect on family with the financial impact it would have on families, whereby incarcerated fathers would not be able to provide financially for their children. P 1, 2 and 6 felt that their families would blame them for the incarceration and feared judgement and anger from family members:

*"You took daddy to jail, you were the one." (P1)*

*“Dit sal nie lekker gewees het nie. Miskien sal die whole family dan kwaad wees vir my.” (P6) (Translation: it would not be good. Maybe the whole family would then be angry at me).*

Lastly, P5 and 7 felt that incarceration would have been too harsh. Restorative justice was considered the better option as it gave the offender the necessary push to change whilst still holding them accountable, without the negative effects of incarceration:

*“The jail is very bad. When he comes out, he’s going to be worse, I don’t him to must go to jail. They are happy now. They saw the change its better than giving her punishment.” (P7)*

Findings highlight that in some cases, incarceration is more detrimental in that it negatively affects the emotional well-being of family members, the family unit as a whole, and the financial status of families. In addition, it was expressed that incarceration was too harsh and would have caused more damage in creating more of a criminal due to exposure to hardened criminals. Thus, participants acknowledged that restorative justice, through peace-making mediation was a better option for their families.

### ***Participant recommendations for improvement***

In correspondence with the questionnaire findings, where all participants rated the services offered by Khulisa as ‘very good’ or ‘excellent’, with the exception of P4, all participants were satisfied with the peace-making mediation experience and had no recommendations:

*“Whether I come crying or I come frustrated or I come just happy it still works.” (P5)*

Although satisfied with the experience, P4 expressed that there is a need for more accountability with regards to the offenders:

*“To the men’s [offenders] side only I feel that maybe you guys should be a bit more strict to them so that they can know that you need to respect these woman.” (P4)*

Furthermore, she requested further services within the community from Khulisa:

*“They should maybe come to the house unexpected, that’s when you will see what we are talking about. Or maybe when he is doing this wrong, this, you just send the SMS, you just send unexpected guys, and then you’ll see. Because here they’re so quiet and humble but when we got out there it’s a different story. Because we don’t want to run back here, so we just go with the flow.” (P4)*

Restorative justice interventions are reliant on accountability of the offender as a requirement for participation (Holler, 2015:106-107; Naylor, 2010:665-666; Zehr & Gohar, 2002:22). Furthermore, interventions are more successful when combined with other intervention, and whereby part of the mediation is to assess and provide for participant needs (Zehr & Gohar, 2002:29). The findings of this study, vis a vis P1, 2, 4 and 5, where both re-offending occurred and relationships were not reconciled as a result of restorative justice intervention, highlight this, as will henceforth be discussed.

P 2 and 4 noted that their partners were not necessarily compliant in participation, but rather felt that they had to participate. Additionally, it was expressed that no accountability was owned by the partners for their actions. Reconciliation or restoration of relationships was not achieved in either of these cases with participants directly attributing this to their partners lack of accountability, and resultant lack of desire to change behaviour. Rather, P2 and 4 stated that their partners only partook in the peace-making mediation as they feared the police.

Furthermore, both participants expressed that they required further intervention in the form of counselling or peace-making mediation for themselves and their children, as well as assistance and support in leaving their partners. P4 noted that her partner is also in need of counselling. The importance of needs-based intervention as part of

peace-making mediation cannot be stressed enough. P1 communicated that her husband held himself accountable for his actions, however he did re-offend, was incarcerated and she was filing for divorce. She noted that her husbands' actions were the result of substance abuse as well as a head injury. In this regard, a peace-making mediation cannot be successful if it does not provide intervention for the rehabilitation of the offender, for example, in this instance substance abuse rehabilitation, medical attention or necessary therapy.

It is necessary for peace-making mediations implemented by Khulisa to be mindful of these findings in ensuring that offenders accept accountability prior peace-making mediations, and that needs-based interventions be provided where necessary. However, a lack of funding inhibits this due to a lack of staff to conduct proper preparation of participants which is inclusive of ensuring accountability, as well as resources to provide adequate needs-based intervention.

## **DISCUSSION AND CONCLUSION**

From the findings it is indicated that overall participants were satisfied with peace-making mediations offered by Khulisa. Participants expressed that mediations were conducted in a fair and respectful manner, where each party had equal chance to talk, and that they felt safe to be open and honest. It was observed that participants interacted with staff in a manner that expressed trust, as well as that staff genuinely cared about participants and were well acquainted with the participants and their circumstances. Findings further noted that peace-making agreements were experienced as fair and equally considerate of the opinions and needs of all participants. The value of restorative justice, as opposed to incarceration, in supporting and protecting the family unit was communicated. In summary, findings find the overall facilitation of peace-making mediations offered by Khulisa, as well as the restorative approach, as satisfactorily implemented.

Findings furthermore noted that reconciliation and forgiveness is sometimes resultant from peace-making mediation. However, this was negatively affected by a lack of accountability from the offender, as well as causal risk factors that require needs-based intervention. In this regard, it was noted that a lack of adequate preparation resulted in peace-making mediations being conducted in cases where

offenders took part out of fear rather than voluntary participation. Additionally, it was noted that these offenders were not willing to change behaviour or accept accountability for their actions. These factors negatively affected reconciliation. Moreover, a lack of adequate follow-up as well as provision of needs-based interventions also inhibited positive results. Khulisa noted that preparation and follow-up are limited due to a lack of staff resultant from a lack of funding.

The importance of linking peace-making mediation and needs-based intervention emerged from findings. Reconciliation was hindered as a result of offender circumstances, such as substance abuse. Victims expressed the need for counselling for themselves, their partners and their families. Furthermore, victims expressed the need for information and protection with regards to leaving abusive relationships. In addition, the need for community work also emerged from findings, whereby the necessity for support groups, home visits, and external services that negate the stigma of the police station was highlighted. Moreover, there is a need for awareness campaigns informing community of services, as well as creating awareness around issues such as males as victims of domestic violence.

Concluding, findings highlight that Khulisa provides preparation and follow-up to the best of their ability but are hindered by a lack of staff and resources. In this regard, time is limited as few staff are tasked with intake, counselling, mediation (including preparation, facilitation, and follow-up), awareness campaigns, as well as admin and other tasks. Furthermore, needs-based intervention, such as counselling, substance abuse rehabilitation, anger management and so forth, is limited due to a lack of funding to provide such services. Although participants may be referred for such services, it is noted that transport costs, leave from employment, and lack of services makes this problematic. Community work, such as home visits and support groups, and community campaigns targeting a broader range of populations is also limited by a lack of funding.

In this regard, the necessity for funding to be made available to organisations such as Khulisa is forwarded. Khulisa is perfectly situated to provide services to victims and offenders, but hindered due to a lack of staff, resources, and time, resultant from a lack of funding. With adequate funding, Khulisa could ensure peace-making

mediations take place with adequate preparation and follow-up, could provide needs-based intervention for offenders and direct and indirect victims, could provide community work such as support groups and home visits, and could engage the community with a range of awareness campaigns aimed at various populations.

Of importance is the finding that, although reconciliation was not always achieved, peace-making mediation succeeded in empowering victims, especially woman. Victims were given a voice, were informed of their rights and the processes available to them, felt that they had support, and were empowered to leave abusive relationships. The importance of considering the impact of peace-making mediation in the internal and external realities of women cannot be stressed enough. Although relationships could not be mended in these cases, children were removed from abusive homes, women were strengthened, and many expressed the desire to reach out to other women in similar situations. In this regard, it is recommended that Khulisa be provided the funding and platform to provide a space for these women to reach other women and continue efforts to break the cycle of abuse.

In closing, it is noted that this study is limited in its exploration of only a small sample of participants of peace-making mediation offered by Khulisa. Khulisa conducts between ten and twenty mediations per month per station, thus projecting the unheard experiences of both victims and offenders who have participated in peace-making mediations. It is thus recommended that further research be conducted with specific focus on victim experiences and offender experiences, to provide a more in-depth exploration of daily realities, crime risk factors, and needs prevalent in the lived realities of citizens.

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