

THE KHULISA RESTORATIVE JUSTICE, CONFLICT RESOLUTION AND PEACEMAKING

Programme Description

The Khulisa Peacemaking, Restorative Justice and Conflict Resolution Programme is a holistic and integrated programme that combines Khulisa's community development, rehabilitation and reintegration programmes with restorative justice, peacemaking and conflict resolution processes.

This programme has dealt mainly with serious violent crime and targeted incarcerated, pre and post release offenders. In its pilot phase the programme was initiated in the Kwazulu Natal Midlands from 2006 to July 2007. Facilitated dialogue brought together victims and offenders, offender's and their families, victim's families and offenders' families, offenders and their communities and numerous other combinations.

Programme Description

Restorative Justice is a philosophical approach for responding to crime. Its primary concern is the repair of harm caused by a criminal act or wrongdoing—including the harm that ripples out to affect secondary victims, families, and communities – and an offender's obligation to make amends for that harm. Restorative processes bring together those who have a stake in a particular offence to collectively and collaboratively identify harms, needs and obligations in order to heal and put things as right as possible. These processes include victim offender mediation, community conferencing and circles.

Benefits

Victims benefit from...

- Telling the full story of how the wrongdoing has affected them
- Expressing their anger and pain directly to the person responsible
- Feeling more powerful and in control of life
- The opportunity to receive restitution for damage and losses
- Getting answers to questions about the crime and why it occurred
- Putting a face to the person who committed the crime
- Seeing genuine remorse in the offender
- Decreased fear as a result of seeing the offender as a person
- Experiencing closure



Offenders benefit from. . .

- Seeing the human costs of his/her crime
- Expressing their repentance
- Taking responsibility for their actions
- Participating in decisions about how to make things right
- The self-respect that comes from making amends
- Decreased fear of retaliation
- Experiencing closure

Communities benefit from. . .

- A greater sense of connection amongst people
- Involvement in solving problems related to crime
- Community building, as they implement solutions
- Stronger and healthier communities in the long term
- Decreased fear of crime

The Criminal Justice System benefits from. . .

- Being better understood by community members
- Having practical alternatives to incarceration
- Having an alternative place to deal with difficult cases
- Reduce demand on probation officers and courts
- Lower caseloads from reduced recidivism
- Potentially lower court/probation costs

Collaborative Conflict Resolution

While restorative justice responds to wrongdoing, conflict resolution, or alternate dispute resolution, deals with disputes where people come together to deal with different points of view. Conflict resolution creates a safe space for people to deal with misunderstandings and difference in a productive non-adversarial manner. The most commonly used processes of conflict resolution include community mediation and negotiation. Collaborative conflict resolution helps the people involved in a conflict to work together toward a solution.

Benefits

- It helps each party explain what matters about the conflict.
- It helps each party understand, and be understood by, the other party in the conflict
- It provides an alternative approach to dealing with disputes to the adversarial court system
- It transforms the way disputants deal with differences



Peacemaking is used both as preventive measures as well as means of responding to conflict by building and nurturing communities of tolerance and mutual understanding.

Benefits

- It assists in creating understanding and a culture of mutual assistance and nonviolent means of communication
- It encourages and nurtures empathy
- It encourages collaborative and collective self-help
- It assists in the reintegration of both victims and offenders that have been affected by crime and violence
- It assists community development

Programme Aims and Objectives

- Reduce recidivism by assisting in the rehabilitation of incarcerated offenders
- Assist in the healing of victims, offenders, families, and community members who have been affected by crime
- Aid in the repair and rebuilding of relationships damaged by wrongdoing
- Facilitate the peaceful reintegration of offenders into their communities, through dialogue with their victims, families and communities
- Empower communities to assume more responsibility for dealing with conflict and crime
- Contribute to the development of standards of best practice, and to develop training materials that encourage best practice
- Share research finding with restorative justice advocates, practitioners and other interested parties
- Help make justice more meaningful and accessible to the public, particularly to disadvantaged communities and vulnerable groups such as women and children
- Participate in the formulation of an integrative model or justice more familiar with African values and customs



Programme Successes

- In its pilot phase the programme delivered an impressive 42 processes in one year.
- A study done by an eminent international restorative justice expert reveals a very high rate of satisfaction amongst all participants: victims, offenders, families and community
- It demonstrated that restorative processes are effective in bringing healing to all the above participants
- It demonstrated that restorative processes are capable of assisting in the rehabilitation and successful reintegration of offenders
- It demonstrated that restorative processes have the potential of decreasing recidivism
- It developed a model of practice more suited to the South African situation
- The programme demonstrated that restorative justice can be used to deal with very serious and violent offences such as murder, rape and hijacking.
- This programme has made a significant contribution to the development of best practice in dealing with serious violent crime in South Africa and internationally.
- The experiences of the pilot phase were widely shared with government departments and NGO's in an Imbizo on May 16, 2006.

Case Study

Seven years into his 25 year prison sentence for the murder of his wife, Johannes Jacobs met with Khulisa's Restorative Justice team and began the emotional journey to accept full responsibility for his actions and make amends with his wife's family. "Prison had made me so hard, hard enough to want to be violent again when I came out. But when I opened up to the Khulisa RJ team, they organised, together with DSC staff, for me to meet with my wife's family who told me how they had also suffered because of my actions, and what they needed to make peace with me. It was hard to hear, but not as hard as living with my guilt and having no way to make right. This way, we've all found closure."