

FULL DOCUMENT AVAILABLE ON LINE AT http://www.restorativejustice.org/resources/docs/dissel

ANNOTATION:

DESIGN: This study evaluates Victim Offender Pilot Projects established during 1999 and 2000 in three magisterial districts of Alexandra, Newlands/Westbury and Dobsonville on the West Rand, all in South Africa. The projects were operated by community based organizations. The research included interviews with selected stakeholders, mediators, and structured telephone interviews with a sample of victims and offenders a few months after conclusion of the conferencing. Data compiled by the mediators on each case provided the bulk of material for this evaluation.

Two hundred and twenty-four cases were referred by the police and courts. Of these 178 were mediated. These 178 cases involved 206 offenders. Common assault was the most frequent charge. Two thirds of the offenders were male and the average age was 35. One hundred and eighty-two victims participated in mediation. Seventy-two percent were female and the average age was 35. In most instances there was a pre-existing relationship between victim and offender. Fifty-eight percent of the cases occurred within a domestic relationship. Racially the offenders and victims were quite similar. Offenders: African – 132; Coloured – 49; Indian – 1; White – 7. Victims: African – 125; Coloured – 48; Indian – 1; White – 8.

Mediations only took place if both victim and offender were present. Most of the mediations were completed within one to two hours. Although support persons were often present, they played a minor role in the mediation process and professional had no role at all.

REASONS: Nearly all participants indicted that a very important aspect of victim offender conferencing had been 1) to have an opportunity to tell the offender how the crime affected him/her; 2) to restore the relationship; 3) to have the offender say that he is sorry; and 4) to provide or obtain answers to questions. On the other hand only few participants indicated that “restitution" and "to be punished" were very important.

PROCESS: All participants agreed that victim offender conferencing is a "culturally appropriate response to offending." Most respondents did indicate that it was important for mediators to be of the same culture as the parties—to speak the language, and have an understanding of the backgrounds ways of life of those participating.

SATISFACTION: Fifteen offenders and fourteen victims were randomly selected to be interviewed. Most were positive regarding the mediators and their experience indicating that they felt understood and respected. Most were also satisfied with the outcome of mediation.

RESTITUTION: Of the 178 cases mediated, agreements were reached in 160 cases (551 agreements in all). In 64% of the cases where agreements were made there was an apology by the offender. In a third of such cases, there was restitution/compensation agreed to. And in nearly a third of the cases there were agreements which would result in "practical changes in lives.” Keeping in mind that many of the cases revolved around domestic relationships, these "practical changes" might range from agreeing not to abuse the victim again, a party moving out of the house, to stopping alcohol consumption, to going to counseling or to a substance abuse program. In some instances (twenty-six cases), the parties agreed to terminate a relationship.
The author made the following recommendations:

1. stricter monitoring of the fulfillment of agreements;
2. mediators [should] reflect the diversity of the parties; and
3. draw community members into the resolution of disputes.

KEYWORDS
VOM
ADULT
ASSAULT
PARTICIPATION RATES, REASONS, PROCESS, SATISFACTION, RESTITUTION
VICTIM DATA, OFFENDER DATA
SURVEY
SOUTH AFRICA