



RESTORATIVE JUSTICE PROGRAM

Case Study:
Restorative Justice in Prisons Case One 2012-2013



C o n t e x t

The Fiji Corrections Services developed a new dimension to incarceration from imprisonment to rehabilitation in 2008 through the Yellow Ribbon Project. While the Project has been hailed a success in the last five years, Fiji Corrections Services realizes the absence of dealing with the impact of crime on the victim. The 'Restorative Justice in Prisons' Program focuses on the need to involve victims and victim survivors in the justice process including the rehabilitation processes of incarcerated offenders to make justice more healing and ideally more transformative.

PCP has worked in the area of Restorative Justice since 2010. The initial project was designed and coordinated by PCP through the United Nations Development Program: Strengthening Capacities for Peace and Development (UNDP- CPAD) Pacific Centre's small grants initiative. During this one-year, PCP facilitators provided institutional awareness in eight correctional centres around Fiji¹.

In the 2010-2011 project PCP made a concerted but measured effort to institutionalize Restorative Justice with the Fiji Corrections Service (FCS). In this effort, awareness-raising events were done for both officers and inmates. Fiji Corrections Services have recognized the need for RJ principles and processes in their system and indicated their support. Since January 2012, PCP has worked in the area of restorative justice through its Strengthening Organizational Capacity in Dealing with Conflict Project funded by the Brot fur die Welt (BfdW) formerly Evangelischer Entwicklungsdienst (EED).

In PCP's strategic plan 2012-2014, the organization plans to increase awareness of Restorative Justice (RJ) principles and approaches. PCP deems it appropriate to do so because of its belief that conflict is best dealt with at an early stage- that means people must have the methodologies to both recognize and deal with conflict effectively. The criminal justice systems in the Pacific are deeply rooted with retributive methods of punishment.

Restorative Justice answers the question in a different way. It argues that crime destroys people and relationships. Justice, then, must repair and rebuild people and relationships. A Restorative Justice approach differs from the traditional criminal justice approach. In Fiji, the justice system is based on retributive justice, which focuses primarily on punishment for the offender. This system eliminates the plight of the victim. It views any wrongdoing as an act against the state.

¹The United Nations Development Program: Strengthening Capacities for Peace and Development (UNDP-CPAD) produced a Case Study on the initial project that was presented in Solomon Islands during the 'Sharing and Exploring Pacific Approaches to Dialogue: A Compendium of Case Studies from Pacific Island Countries.

The aim of the 'Restorative Justice in Prisons' Program is to reduce violence by working with victims, offenders, their families and communities within a Restorative Justice framework, to transform aggressive and violent behavior, promote personal responsibility for crimes, support the individual healing process of victims and offenders and support community action to prevent re-offending and violence. This case study examines how Pacific Centre for Peacebuilding has employed the use of its model with the victim and offender process in Restorative Justice.

P r o b l e m

Human life grows out of a web of relationship. Relationships shape and support us but they can also cause pain. Family, friends and others let us down, abuse us and ignore us. When left unattended, these broken relationships distort the web, forcing it out of balance.

Rehabilitation of offenders without dialogue with their victims is problematic: victims may feel unready to make amends with the offender out of fear, anger or loss of dignity. The re-appearance of an ex-offender in the community can re-traumatize the victim of violence and also victimize the offender if a community support system is not established and operational. The lack of dialogue between victim and offender can split communities, exacerbate levels of domestic violence with a community and otherwise present obstacles to the reintegration of the offender into the society.

The case that was recommended by the Fiji Corrections Services was one whereby a dysfunctional web of relationships was apparent. The offender, a maternal uncle of the victim was sentenced for six years imprisonment for rape under the Crimes Decree of 2009.² Relationships were affected deeply since the victim also refused traditional forms of forgiveness although her family accepted the 'bulubulu'.³ Police also refused to withdraw the case under the 'zero tolerance policy' as requested by families of the offender and victim citing their traditional forgiveness practices.

During the incident, the victim was a high school student. Through her ordeal, she lost dignity and connection to others. The human experience of worth and vulnerability is fundamentally emotional; when we sense that our worth is being threatened we are flooded with dread and shame- with destabilizing feelings that are painful and aversive. As a coping mechanism, the victim resorted to alcoholism. Added to her vulnerability she lost hope for a future when her family refused to finance her studies. Hence, she quit school.

In the correction's facility the offender has undergone the first two phases of the Rehabilitation Framework.⁴

²The crimes decree of 2009 section 207(2) on rape states that rape is considered an indictable offense, which means that it can only be heard in High Court. The maximum sentence for rape is life imprisonment. The amended law defines rapes as the penetration of any object, which ranges from an external one to a body part.

³Bulubulu- is a traditional I'Taukei form of forgiveness through the presentation of Yaqona (traditional root beverage), Tabua (whales tooth) and other gifts. This practice often takes the decision of reporting a case of rape or violence away from the victim and into the extended family. Such informal extra-judicial forms of settlement deny the victims recognition of the gravity of the offense committed against her and foster a climate of impunity for the perpetrators.

Process

PCP facilitators designed and presented a model of Restorative Justice for the Pacific Centre for the Peacebuilding and Fiji Corrections Services to be implemented in FCS institutions in the Central Division. The Model was presented and endorsed by a team of Correction's officers who had attended a Restorative Justice Awareness Workshop in April 2012.

Phase One: Institution: Restorative Justice awareness in five institutions in Central and Eastern divisions	
Model Activities	Actual Activities
1X5 days training, planning sessions for 15-20 officers: Create and design program for: inmates, offenders, families and communities.	A 'Training and Planning of Restorative Justice Processes for Offenders, Victims and Communities' was conducted at the Correction's Coffee shop, Korovou Corrections Centre in Suva. The training for Senior Corrections officers took place from 2nd-5th April 2012. VositaLenisaurua and Paula Logaivau facilitated this training. Out of the twenty-one officers that attended this training eight officers formed a team to implement the Restorative Justice program and work with Pacific Centre for Peacebuilding. This training also served as survey tool to collect information about programmes in prison. PCP facilitators were able to design a Restorative Justice Model to be implemented in Fijij Corrections Institutions with this information.
Create RJ team of Corrections Officers and PCP staff to implement program: Two meetings.	The group of eight officers selected as the Restorative Justice Corrections Team met with Facilitators: VositaLenisaurua and Paula Logaivau at the Pacific Centre for Peacebuilding office to plan for the implementation of the program. During the first meeting the group created a 'Model for Restorative Justice in Fiji' this model has been used by PCP to guide the implementation of the program. In the second meeting the team worked on a presentation and a draft Memorandum of Understanding between Fiji Corrections Services and Pacific Centre for Peacebuilding. This was later presented to the Commissioner Corrections. However, due to unforeseen organizational challenges the Memorandum of Understanding was not signed.
Phase Two: RJ Awareness for Offenders in 5 institutions: Nasinu, Women's, Korovou, Medium and Minimum	
Model Activities	Actual Activities
Select offenders that have completed phase 1,2(Rehabilitation Framework) and Contacted Victims. RJ Awareness for Inmates.	The eight officers in the Restorative Justice Corrections Team helped PCP facilitators identify offenders that were suitable to go through Restorative Justice Awareness (offenders had completed phase one and two of the rehabilitation framework). Paula Logaivau conducted Restorative Justice Awareness sessions for offenders in five correction's institutions in the Central/ Eastern division. These awareness sessions occurred in May and June 2012.

⁴The Rehabilitation Framework is attached as annex for reference.

Model Activities	Actual Activities
Due to organizational changes the Restorative Justice Program in Pacific Centre for Peacebuilding was stalled for six months, In-coming Restorative Justice facilitator, VeniCakau initiated the model from this point of the model. There was a 'Training of Trainers for Restorative Justice' ⁵ hosted by PCP prior to program implementation.	
<p>Selection of cases three per centre: Identify victims and locations of victims.</p> <p>Identify contacts and location of offender's family</p>	Due to time constraints, the Pacific Centre for Peacebuilding and the Fiji Correction's Services decided to implement the model with one case. A case was identified at the Nasinu Corrections Facility. This offender had gone through two phases of the Rehabilitation Framework. He was serving a six- year jail term for rape.
Meet with individual offenders and family members in ISPB meeting.	The Fiji Corrections Services makes regular visits to offender's family as part of their 'Yellow Ribbon Program'. These visits have helped them create a community of support in preparation for the offender re-integration.
Phase Three: Visit to offenders family: Offenders community and process: obtain consent for offender, and community dialogue.	
Model Activities	Actual Activities
Contact offender's family and arrange for date of meeting.	The Fiji Correction's Services has established relationship with the offender's family however, for the Yellow Ribbon Program. The family is aware that the offender is going through a process of restorative justice.
Meet offender to obtain consent	The project officer was able to obtain consent from the offender for victim and offender community dialogue after the Restorative Justice Awareness Training in July and August 2013. The offender was given four days to read and understand the consent form. The project officer also gave the offender a presentation on the consent form.
<p>Arrange to meet with offenders family, meet offenders community obtain consent</p> <p>Consent RJ awareness program assist in selection of those to be part of community of care support group.</p> <p>Conduct dialogue awareness sessions</p>	<p>As stated earlier, it was agreed that the Fiji Corrections Services would work with offenders. However, FCS was not able to commence this phase of the model due to organizational obligations. This led to unforeseen delays in implementing Phase three. PCP intervened to implement this process.</p> <p>The offender from the case and along with four other inmates went through nine sessions of Restorative Justice awareness with PCP facilitators. The training focused on Mindful Communication, Victim Empathy and Circle Processes. Through this training PCP facilitators were able to get consent from the offender to undergo Restorative Justice programme.</p>

⁵A 'Training of Trainers for Restorative Justice' was held to build capacity of PCP facilitators and FCS Rehabilitation officers. The training also served as an introductory event for Fiji Police Force and Ministry of Education representatives for future engagements for Restorative Justice. Vicki Sanderford O'Connor and Jean Handley facilitated this training. After the training, Pacific Centre for Peacebuilding re-designed its implementation plan for the project using the existing model.

Phase Four: Visit to Victims and Family to obtain consent for victim and community dialogue.	
Model Activities	Actual Activities
Contact victim and family: arrange for a date to meet.	The process to contact the victim took approximately one month. Since minimal record about the victim was kept it was difficult to trace her actual contact. Fiji Corrections Service through a visit to the offender's Family was able to get the contact of the victim's aunt, which later led to obtaining the victim's contact. Once contacted, the facilitators arranged for a time and place for the meeting to take place.
Meet victim(s) provide counseling sessions. Obtain consent.	<p>There were initial meetings with the victim after she was identified and contacted. The first meeting that took place was held at the victim's aunt's residence. The victim denied meeting the PCP Facilitators. Her denial was due to her lost hope in any judicial process to support her. However, during the second meeting she met the facilitators after her aunt informed her about the Restorative Justice Process. During this meeting, the victim was quite and resentful. She was not interested to go through any process.</p> <p>The third meeting took place at the Juvenile Bureau Conference Room. The victim, her aunt, a neighboring friend, PCP facilitator UsaiaMoli, Restorative Justice Project Officer VeniCakau and Juvenile Bureau Inspector OrisiTukana were present at this meeting. During this meeting she showed interest in taking part in the process since a judicial institution did not lead it and was victim focused. She also stated that her prior resentment was because she felt ignored since the judicial processes were offender focused.</p> <p>The victim and her cousin were then invited to meet PCP Director Koila Costello-Olsson at the Pacific Centre for Peacebuilding office. She met the Director and gave her consent for the process and also agreed to accompany the PCP Restorative Justice Team to visit her family and the community regarding the Restorative Justice Program.</p> <p>The victim has been going through on-going counseling sessions. The victim has been attending one- to- one counseling sessions with AlitaWaqabaca⁶ of Empower Pacific. She has attended three counseling sessions thus far. The counseling sessions have helped the victim use alternative coping mechanisms as suggested by the Counselor. The victim has also progressed in terms of her interaction level from the first session. She working to build lost her self-esteem.</p> <p>Ms. Waqabaca noted that the victim was not ready for the victim/ offender dialogue and that it would take time for her to be fully prepared. She also stressed the need for the victim to undergo a long-term process. Ms. Waqabaca recommended her a program with Empower Pacific and also suggested she resume school or find employment to help her focus on the future and break her confinement after the incident.</p> <p>SimioneTuni conducted four family group-counseling sessions for the victim family in their community. These sessions helped the family and the victim articulate their feelings about the harm together and understand each other's challenges. It also prepared them for the proposed dialogue. A family group counseling termination workshop was held to prepare the family for the final termination counseling in December.</p>

⁶AlitaWaqabaca is a participant of the Women's Peacebuilding Leadership Program. The Pacific Centre for Peacebuilding hosts the South Pacific Program. This program allows Pacific women an opportunity to access quality practice based education on Peacebuilding from the Eastern Mennonite University.

<p>Meet family of victim. Obtain consent.</p> <p>Arrange to meet with victim's community. Meet community and obtain consent.</p>	<p>The Restorative Justice Team visited the victim's family and the community. The victim and Pastor Selevasio Naivailu of Naiborebore, Tailevu accompanied them. The Pastor accorded the 'sevusevu'⁷ on behalf of the team. The facilitators thought the presence of an elder was necessary since traditional presentations were more acceptable through elders. The family and the community agreed to have a 'Restorative Justice Workshop' in their community.</p> <p>The villagers also requested PCP to facilitate a 'Drug Awareness Workshop' in the village. Substance Abuse was a raising concern for youth in the village. PCP later agreed to the request.</p>
<p>Conduct RJ awareness. Assist in selection of those to be part of community of care and support group.</p> <p>Conduct dialogue awareness sessions.</p>	<p>On June 7th, the Restorative Justice Team facilitated an awareness session on Circle Process and Mindful Communication. The Circle Process embodies and nurtures a philosophy of relationship and interconnectedness that can guide us in all circumstances. To foster the environment of interconnectedness it is necessary for people to be able to communicate their feelings, mindful communication is a way of communicating personal feelings effectively. Restorative Justice Intern Laisana Rakula stated after the session that the victim was an eager participant; she quickly grasped the idea of acknowledging the difference between her thoughts and feelings. Additionally, she was able to link the activity to her own situation which was reflected during a one-to-one session debrief with her.</p> <p>As per the villagers request PCP Facilitator Usaia Moli conducted a Drug Awareness Workshop at the village on June 8th. During this workshop, he highlighted the different types of illegal drugs in Fiji and the implications of its usage.</p>

Phase Five: Develop or establish community support group	
Modeled Activities	Actual Activities
<p>Obtain names, roles of selected contact support group members.</p> <p>Meet and organize schedule of training program design.</p> <p>Conduct training sessions.</p>	<p>These activities were carried out simultaneously with phase four for the victim family and community of care support group. The offender family and community of care support group is not established since Fiji Corrections Services and PCP have not yet worked with the offenders family and community of care support group.</p>
<p>Draw work planner and monitoring process support groups obtain consent for RJ dialogue</p>	<p>The Restorative Justice team was able to form one community of care support group for the victim. Another community of care support group for the offender was not formed as stated earlier. The victim's community of care support group consisted of her parents, siblings, sister-in-law and two cousins. The community of care support group was established within the family since this was a request made by the victim. They have undergone five group counseling sessions including the termination workshop that was facilitated by the family group counselor.</p>

⁷Sevusevu is the presentation of yaqona root (waka) in ceremony of introduction or greeting by a visitor.

Challenges

Organizational Knowledge Management- Departure of key existing staff during the first few months of the project PCP led to substantial organizational changes. This left a void in terms of organizational capacity and knowledge to carry out restorative justice. To build its capacity in terms of knowledge management a ‘Training of Trainers on Restorative Justice’ was held in February 2013. The Restorative Justice team has ensured that all processes were well documented for future reference.

Inhibiting Institutional Policies- Officers of the Fiji Corrections Service are bound by institutional policies that prohibit them to share case information to restorative justice project officers. This hinders development of the process since relevant data is not available or shared.

Institutional Staff Capacity- Due to the increase in recidivism rate in Fiji, the Fiji Corrections Services is finding it difficult to cater for the increasing prison population. The Institutional Rehabilitation Officers are finding it difficult to implement programs such as restorative justice. Therefore, PCP restorative justice project officers also worked with the offender. This can be a conflict of interest since the project officers may have biases through working with both offender and victim that may influence the process.

Victim Identification Process: Lack of record keeping about the victim resulted in difficulties to identify and locate the victim. It took project officers a month to obtain information about her. This was also due to the absence of a case file.

Victim Location: The victim did not have steady address; she moved and lived with various family members. Her family was also located in a village that was out of the Central Division.

Availability of Victim Family Group Counselor: The victim family group counselor was only available on Saturdays to carry out the process since he had work commitments during the week. This was challenging for the restorative justice project officer, as he had to work weekends after training sessions with offenders during the week.

Contextualizing Training Curricula: The project officer found it difficult to contextualize training curricula that was disseminated during the ‘Training of Trainers on Restorative Justice’ to suit audience in the victim family, community of care support group, offender

family and offender training (training for inmates at the Nasinu Corrections Facility).

BREAKTHROUGHS

Restorative Justice Awareness Training: Nine half-day sessions for inmates at the Nasinu Corrections Facility were conducted. The inmates were able to take responsibility of their crime and harm that they have done. They were also willing to take part in restorative justice processes in the future.

Victim and Offenders willingness for Dialogic Engagement: Both victim and offender are willing to participate in the victim offender community dialogue (phase six).

RESULTS

Established Victim Community Support Group: A community of care support group was established in the victim's community. This was done after awareness sessions on restorative justice in the community.

Obtained Victim and Offender Consent: The project officer was able to obtain consent from both the victim and offender for victim offender community dialogue. The victim's family and community of care support group were also willing to dialogue.

Fiji Corrections Services Restorative Justice Working Group: The Fiji Corrections Services was able to establish a working group for restorative justice. This consistent group of officers worked with restorative justice project officer in phase three and five of the model.

LEARNINGS

Accessibility to official records: PCP to have a Memorandum of Understanding with Fiji Corrections Services so that project officers can access case files and records.

Availability of a full time counselor: PCP to have a dedicated counselor to work with the victim family and support group since weekend sessions were not suited to the quality of the project.

Terminology in the Model: PCP has noted that the use of the terminology "victim" in the model may further disempower the victim. Therefore proposes to use a more positive terminology like survivor for future projects.

CONTEXT SENSITIVE PHRASES

PCP envisions using its Model for Restorative Justice as an innovative approach to Restorative Justice taking Fiji's context and distinct cultures into consideration, some terms in the Model have been referenced below for further clarification as per the model:

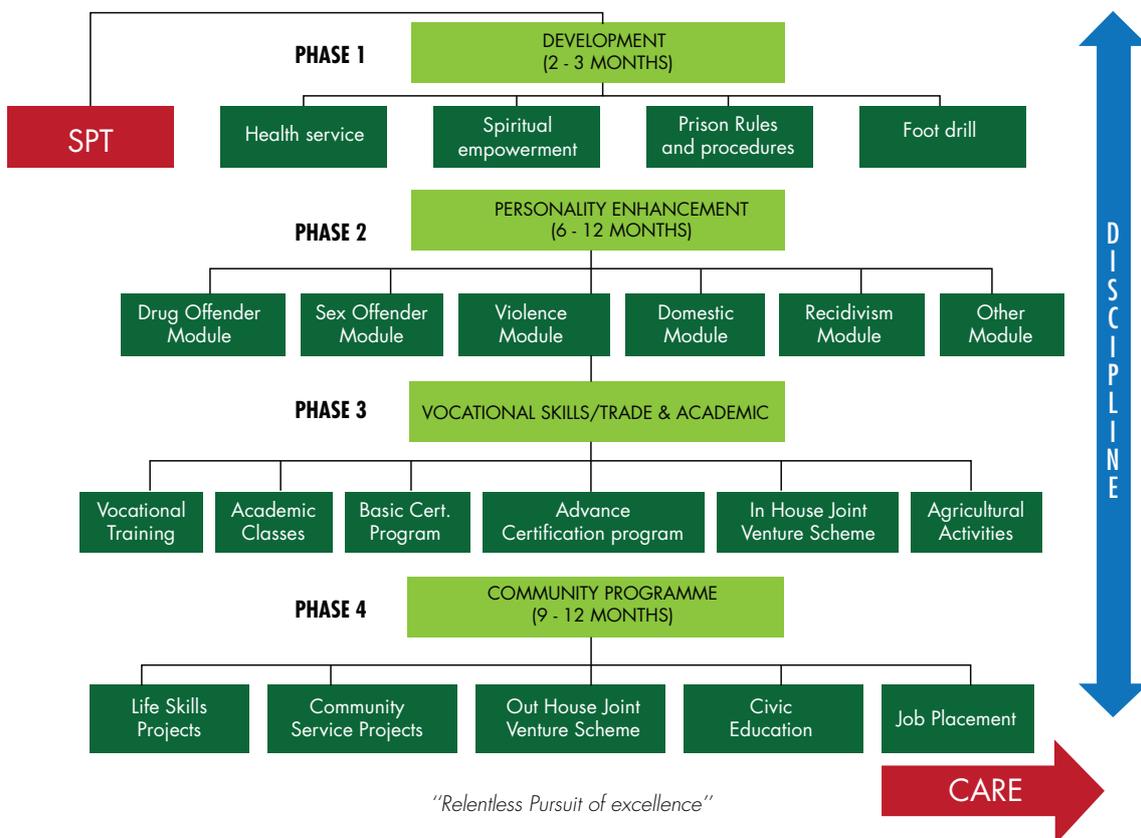
Victim: This term is not only limited to one person, it also acknowledges others that are impacted by the harm. The use of the term may vary if the case has primary and secondary victims.

Family: the definition of family may vary according to the geographical and cultural group of the case. Since the victim is paramount and that PCP is a third party in the conflict concerned; it is important to ensure that facilitators are able to elicit from the victim who they define as family and who should be involved so that conflict is not aggravated.

Community of Care Support Group: Victim(s) with PCP may deliberately create this group. Its specific purpose is to act as a coping mechanism for the victim(s). This group may or may not feature in the Dialogue or Family Group Conferencing.

Consent: Although written consent is obtained from all stakeholders participating in the Dialogue or Family Group Conferencing, it is important to establish progress markers to indicate the level of engagement and commitment of each stakeholder for the dialogue. Regular checks with counselors are necessary to monitor progress.

Annex One: Rehabilitation Framework





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