

**RESTORATIVE JUSTICE PROGRAMMES IN A PRISON
ENVIRONMENT: A QUALITATIVE ENQUIRY**

BY

CLARICE ZIMBILI ZONDI, MA (UNIZUL)

Submitted in fulfilment of the requirement for the degree of

DOCTOR OF PHILOSOPHY

In the Department of Criminal Justice

University of Zululand

Promoter: Prof. J.M. Ras

Date of submission: April 2014

DECLARATION

I declare that the thesis “Restorative Justice programmes in a prison environment: A qualitative enquiry”, is my own work both in conception and in execution. As far as possible and where applicable, I have acknowledged all my sources by means of complete references.

.....
MISS. C. Z. ZONDI (Student nr. 840710)

DEDICATION

This thesis is dedicated to my grandson Loyiso and his parents Ayanda and Kutele Mabude for their love and support in my academic endeavours.

Soli Deo Gloria!

ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to the following persons and institutions for their assistance:

The Lord my Saviour, without His intervention this study was not possible. I have always depended on Him and He has never let me down. To Him be the glory.

My promoter, Prof. J. M. Ras for his inspiration, guidance, understanding and never ending support. Baie dankie Prof.

Phoenix Zululand, with special reference to Richard Aitken and Nonceba Lushaba for providing information regarding their restorative justice programmes.

DCS officials who have contributed to this research in one or other way.

DCS Regional Office in Pietermaritzburg for providing statistical information on the prisons.

Friends and family who have supported me during this study. My late mother, Kessiah Zondi, who always proudly had enjoyed every step that I take towards reaching my dream of completing the thesis

FACASA staff for their assistance during this study.

SUMMARY

This thesis is about a qualitative enquiry into the restorative justice programmes offered by Phoenix Zululand (PZ) in some of the prisons in Zululand. The purpose of the thesis was to see if the work that PZ is doing inside the prisons is in line with the remarks made on restorative justice as mentioned in the White Paper on Corrections (WPOC) (2005). Although PZ is positively contributing to the rehabilitation of offenders in the prisons, the majority of their activities are not in line with the remarks made in the WPOC (2005). A better understanding of restorative justice assists us in coming up with better strategies to change the behaviour of offenders.

INDATSHANA / IQOQO

Lendatshana igxile ekufundeni okubheka umsebenzi wohlelo lokubuyisana okwenziwa iPhoenix Zululand kwamanye amajele aseZululand. Injongo yalomsebenzi ukubheka ukuthi umsebenzi wohlelo lokubuyisana owenziwa iPhoenix Zululand emajele uyahambisana yini nokushiwo iWhite Paper on Corrections (2005). Nakuba iPZ yenza umsebenzi omuhle ekuhlumeleliseni izimilo zabasemajele, okuningi ekwenzayo akuhambisani nokushiwo iWhite Paper on Corrections(2005). Ukuba nokuqonda okunzulu ngaloluhlelo kungasisiza ekuqhamukeni namaqhinga okuguqulwa kwezimilo zabasuke bephambene nomthetho.

OPSOMMING

Hierdie proefskrif is 'n kwalitatiewe ondersoek na restoratiewe rehabilitasie programme soos aangebied deur Phoenix Zululand (PZ) in gevangnisse in Zoeloeland. Die doel van die studie was om te sien of die werk wat hulle doen in lyn is met die opmerkinge wat gemaak word oor “restoratiewe geregtigheid / herstellende geregtigheid” in die lig

van die Witskrif op Korreksies (2005). Alhoewel PZ 'n positiewe bydrae lewer ten opsigte van rehabilitasie, is die meerderheid van hulle aktiwiteite nie in lyn met die opmerkinge van die Witskrif nie. 'n Beter verstaan van “restoratiewe geregtigheid / herstellende geregtigheid” help ons om met beter strategieë vorendag te kom om die gedrag van gevangnisse te verander.

FORMAL SPECIFICATIONS

The researcher has used the Harvard system of reference in this thesis. During her research she has discovered that Phoenix Zululand (PZ) does not have a proper reference system when it comes to their publications. There are for example no newsletters that are numbered since the founding phases of the organization and it also did not properly attach dates to their brochures or newsletters or publications.

Although all publications were issued under directorship of the Director Richard Aitken, there are numerous references in PZ's publications that refer to individual facilitators or individuals who have said or done something that is referred to under the PZ banner. This means *in praxis* that it is difficult to quote the exact person who said or did something because it is all published under the name of PZ. As a result of this the researcher had to improvise and has just referred to a PZ publication as "Phoenix Zululand 2009" if it was published in that year. Page numbers were attached. If it was clear that it was a PZ newsletter it was indicated as "Phoenix Zululand Newsletter 2008:3", etc.

In addition to that is the correctional or prison environment where it is not allowed to easily mention names or to provide proper details of for example, that of warders or correctional officials and offenders. However, the researcher has tried to be precise as far as possible in order to give proper recognition to those who have contributed to this research in one or other way.

Ras (2013) has pointed it out on several occasions to the researcher that the terminology that are used by PZ, as explained to him by the researcher, are incorrect and sloppy. The use of terminology like "programmes, projects" and "activities" are not clear and confusing at times – just like the use of the term "restorative justice." As a result of this the researcher has tried to create greater clarity when and where applicable.

In order to reduce repetition and names that occur very often the researcher has extensively made use of abbreviations after the specific term was first written out in full the first time. For example, "Phoenix Zululand" becomes "PZ" and the "Department of Correctional Services" "DCS". However, while the abbreviations

PZ and DCS, for example, are used in the text, whenever it is used in a heading (typed in bold letters) it is written out in full.

The traditional reference to “Bibliography” is given as “Sources Consulted” because the sources used in this thesis are not only books or articles but also personal conversations and electronic references. The qualitative nature of the study has led *in praxis* also to a lot of Annexures that were attached at the end of the thesis, after the list of “Sources Consulted”.

Researcher has tried to use the Harvard system of reference as far as possible in a consistent manner.

TABLE OF CONTENTS

PAGES

CHAPTER ONE: GENERAL ORIENTATION TO THE STUDY

1.1	INTRODUCTION	1
1.2	THE WHITE PAPER ON CORRECTIONS IN SOUTH AFRICA	2
1.3	CHALLENGES IN THE CORRECTIONS ENVIRONMENT	3
1.4	ALTERNATIVES TO IMPRISONMENT	4
1.5	THE WHITE PAPER ON CORRECTIONS AND REHABILITATION	4
1.6	PHOENIX ZULULAND AND RESTORATIVE JUSTICE	5
1.7	RATIONALE FOR THE STUDY	6
1.8	DELIMITATION OF THE STUDY	8
1.9	AIMS OF THE STUDY	9
1.10	HYPOTHESIS	9
1.11	RESTORATIVE JUSTICE	
1.11.1	What does 'restorative justice' means?	10
1.11.2	Different aspects of restorative justice	10
1.11.3	The aims of restorative justice	11
	Restorative justice is a process	11
1.11.5	What kind of process is restorative justice?	11
1.11.6	The role of the offender in the restorative justice process	12
1.11.7	National Symposium on Correctional Services	13
1.12	AN OVERVIEW OF THE RISE OF RESTORATIVE JUSTICE	
1.12.1	Restorative justice during 1970's and 1980's	14
1.12.2	Restorative justice during the 1990's	15
1.12.3	The Minnesota meeting	15
1.12.4	The period after 2000	16
1.12.5	Restorative justice and indigenous groups	17

1.12.5.1 Restorative justice in an African setting	17
1.12.5.2 Restorative justice amongst the Maoris in New Zealand	18
1.12.5.3 Restorative justice amongst the Navajo group	19
1.12.6 Restorative justice in United States of America	20
1.12.7 Restorative justice in Australia	21
1.12.8 Restorative justice in South Africa	22
1.12.8.1 National Crime Prevention Strategy of 1996	22
1.12.8.2 Government's paradigm shift	22
1.12.8.3 A new focus	23
1.12.8.4 Archbishop Desmond Tutu	23
1.12.8.5 Statistics	24
1.12.8.6 Restorative justice applications in South Africa	24
1.12.8.6.1 Victim –offender mediation in the Magistrate's Court of Greytown (Umvoti)	25
1.12.8.6.2 The National Institute for Crime Prevention and Reintegration Offenders (NICRO)	26
1.12.8.6.3 Stepping Stones, One Stop Youth Justice Centre, Port Elizabeth	26
1.12.8.6.4 Khulisa	27
1.12.8.6.5 Phoenix Zululand	28
1.13 TERMINOLOGY	30
1.13.1 Restorative justice	30
1.13.2 Rehabilitation	30
1.13.3 Recidivism	31
1.14 BRIEF CHAPTER OUTLINE	32
1.15 VALUE OF THE RESEARCH	32
1.16 SUMMARY	32

CHAPTER TWO: RESEARCH METHODOLOGY

2.1 INTRODUCTION	34
2.2 THE REASON FOR THE PRESENT STUDY	34
2.3 RESEARCH APPROACH	35
2.4 REASON FOR USING THE QUALITATIVE APPROACH	35
2.5 RESEARCH METHODS	37
2.6 RESEARCH GOAL	37
2.7 GENERAL DATA GATHERING PROCESSES	38
2.8 SPECIFIC DATA GATHERING TECHNIQUES	39
2.8.1 Interviews	39
2.8.2 Unstructured interviews	39
2.8.3 Structured interviews	39
2.8.4 The nature of the interviews	40
2.8.5 Personal conversations	41
2.8.6 Telephone conversation	41
2.8.7 Document analysis	42
2.8.8 The use of field notes, brochures, relevant documents and photos	45
2.9 ANONYMITY OF PARTICIPANTS	45
2.10 THE USE OF SOURCES	46
2.11 ACTION RESEARCH	47
2.12 PERSONAL INVOLVEMENT IN THE RESEARCH	50
2.13 ETHICAL CONSIDERATION	52
2.14 THE PURPOSE OF THE RESEARCH	52
2.15 THE DANGER OF BECOMING A FIELDWORK JUNKIE	52
2.16 SUMMARY	54

CHAPTER THREE: THE WHITE PAPER ON CORRECTIONS AND RESTORATIVE JUSTICE

3.1 INTRODUCTION	55
3.2 THE ORIGIN OF THE WPOC	55
3.3 VISION AND MISSION	56
3.4 REHABILITATION AS THE CORE FUNCTION OF DCS	56
3.5 WHAT IS REHABILITATION FOR DCS?	57
3.6 WHAT REHABILITATION IS NOT	59
3.7 KEY OBJECTIVES OF DCS	60
3.8 THE PROCESS OF REHABILITATION	64
3.9 DIFFERENT ROLE-PLAYERS AND THEIR ROLE WITHIN AND OUTSIDE DCS	65
3.10 THE NEED FOR SUPPORT	67
3.11 NEED-BASED CORRECTIONAL PLANS FOR OFFENDERS	68
3.12 HOW CAN REHABILITATION BE ACHIEVED?	69
3.13 THE KEY SERVICE DELIVERY AREAS FOR REHABILITATION	71
3.14 CORRECTION IS A SOCIETAL RESPONSIBILITY	73
3.15 PRINCIPLES OF RESTORATION AS A CORRECTIONAL MANAGEMENT OBJECTIVE	74
3.16 DCS AND THE IMPLEMENT OF THE WPOC	75
3.17 THE WPOC AND INTERNATIONAL TRENDS	76
3.18 SECURITY AND REHABILITATION	76
3.19 THE FOCUS OF REHABILITATION	77
3.20 RECOGNITION OF PAST BACKGROUNDS OF OFFENDERS	78
3.21 THE RELATIONSHIP BETWEEN DCS AND COMMUNITIES	80
3.22 OBJECTIVES OF THE COMMUNITY PARTICIPATION POLICY	80

3.23 THE PRINCIPLES OF THE COMMUNITY PARTICIPATION POLICY	82
3.24 THE DEPARTMENT’S APPROACH TO COMMUNITY-BASED SERVICE PROVIDERS	82
3.25 THE RELATIONSHIP BETWEEN SAFETY ISSUES AND REHABILITATION	83
3.26 ACTION/ACTIVITIES EXPECTED FROM DCS	85
3.27 PRINCIPLES WITH REGARDS TO COMMUNITY PARTICIPATION AND COMMUNITY PROGRAMMES	86
3.28 MEASURING EFFECTIVENESS OF THE COMMUNITY PARTICIPATION POLICY	87
3.29 THE WPOC AND SPECIAL CATEGORIES OF OFFENDERS	87
3.30 WHAT RESTORATIVE JUSTICE ISSUES NEED TO BE ADDRESSED BY DCS THROUGH THEIR PROGRAMMES AND INTERVENTIONS ACCORDING TO THE WPOC	88
3.31 SUMMARY	90
CHAPTER FOUR: RESTORATIVE JUSTICE PROGRAMMES OF PHOENIX ZULULAND	
4.1 INTRODUCTION	74
4.2 GEOGRAPHICAL LOCATION OF PHOENIX ZULULAND	74
4.3 THE NAME OF THE ORGANIZATION	74
4.4 THE MEANING OF THE NAME “PHOENIX”	75
4.5 PHOENIX ZULULAND AS A NON-GOVERNMENTAL AND NON-PROFIT ORGANIZATION	75
4.6 THE PRIMARY OBJECTIVE OF PHOENIX ZULULAND	76
4.7 SECONDARY OBJECTIVES	76

4.8 GOVERNMENT REGULATIONS AND PHOENIX ZULULAND	76
4.9 THE PHOENIX BOARD OF MANAGEMENT	77
4.10 THE RESPONSIBILITIES OF THE DIRECTOR OF THE BOARD	77
4.11 THE INTERIM COMMITTEE AND CONSULTANTS OF POENIX ZULULAND	78
4.12 OTHER MEMBERS OF THE BOARD	78
4.13 DONORS	79
4.14 PHOENIX ZULULAND ACTIVITIES	80
4.15 SELECTION OF PROGRAMME PARTICIPANTS	80
4.16 THE DIFFERENT PROGRAMME OFFERINGS OF PHOENIX ZULULAND	80
4.17 THE DIFERENT PROGRAMME FACILITATORS	81
4.18 TABLES SHOWING THE FACILITATORS OFFERING PROGRAMMES	82
4.18.1 Starting with Us	83
4.18.2 Voice Beyond the Walls	84
4.18.3 Groundswell	84
4.18.4 Doors to the World	84
4.18.5 Healing Through Art	85
4.18.6 Conversation in Families	85
4.18.7 Family conferencing	86
4.19 THE SEQUENCE OF PROGRAMME OFFERINGS BY PHOENIX ZULULAND	86
4.20 STARTING WITH US	86
4.21 VOICE BEYOND THE WALLS	88

4.22 GROUNDSWELL	89
4.23 DOORS TO THE WORLD	90
4.24 HEALING THROUGH ART	92
4.25 CONVERSATIONS IN FAMILIES	93
4.26 FAMILY CONFERENCING	94
4.27 HOME TALK	98
4.28 THE NGQAWUZA PROGRAMME	98
4.29 PROGRAMME OFFERING CLAIMS OF PHOENIX ZULULAND	99
4.30 REASONS WHY PHOENIX ZULULAND IS NOT SO MUCH INVOLVED IN THE PRISONS ANYMORE	101
4.31 OTHER PROGRAMMES/ACTIVITIES OFFERED BY PHOENIX ZULULAND	102
4.32 PHOENIX ZULULAND AND THE SCHOOL FOR INTERNATIONAL TRAINING	103
4.33 A GENERAL EVALUATION OF THE PROGRAMMES OF PHOENIX ZULULAND IN THE LIGHT OF THE WHITE PAPER ON CORRECTIONS (2005)	104
4.33.1 A list of issues mentioned in the white paper on corrections (2005)	104
4.34 THE RESTORATIVE JUSTICE PROGRAMMES OF PHOENIX ZULULAND: A CRITICAL EVALUATION	115
4.35 SUMMARY	126
CHAPTER FIVE: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS	
5.1 INTRODUCTION	127
5.2 GENERAL REMARKS	127

5.3 FINDINGS	128
5.4 THE WHITE PAPER ON CORRECTIONS (2005) AND PHOENIX ZULULAND'S PROGRAMMES	132
5.5 MEASURING THE EFFECTIVENESS OF PHOENIX ZULULAND'S COMMUNITY PARTICIPATION IN PRISON	133
5.6 THE MEANING OF PHOENIX ZULULAND'S RESTORATIVE JUSTICE CONCEPT	135
5.7 CRITICAL CONCLUSIONS	135
5.8 A CODE OF CONDUCT FOR OFFENDERS	137
5.9 PHOENIX ZULULAND'S BIGGEST CONTRIBUTION TO OFFENDERS	138
5.10 RECOMMENDATIONS	139
5.11 SUMMARY	139
5.12 FINAL REMARKS	140
SOURCES CONSULTED	141

CHAPTER ONE

GENERAL ORIENTATION TO THE STUDY

1.1 INTRODUCTION

The introduction of democracy in April 1994 in South Africa has brought changes in the criminal justice system of the country. There was a change in the legal status of “Prisons” to “Correctional Centres” the White Paper on Corrections (WPOC), based on the South African Constitution, Act 108 of 1996, was introduced; the new South African Correctional Services Act, Act 11 of 1998, came into existence, as well as an “Integrated Justice System” for South Africa.

One of the “buzz words” that is today used in the criminal justice system (CJS) is the term “restorative justice”. What this means in practice is that this philosophical concept is a definite driving force *inter alia* in the Department of Correctional Services (DCS). This concept also affects the programmes that are offered in correctional services circles. The general aim of all restorative justice programmes is basically to change the “heads, hearts and hands of the offenders” (Ras 2013).

This thesis has focused on restorative justice programmes in a prison environment through a qualitative enquiry. More specifically, it has looked at restorative justice programmes offered in a prison environment by the organization Phoenix Zululand (PZ). PZ is based in Eshowe, northern KwaZulu-Natal and is offering restorative justice programmes in 12 different correctional centres or prisons. This organization claims that their programmes are based on the policy of the Department of Correctional Services (DCS) and that their approach and work is in line with what is expected from them in the light of the WPOC (Aitken 2010; Lushaba 2010).

1.2 THE WHITE PAPER ON CORRECTIONS IN SOUTH AFRICA

The main purpose of the WPOC (2005) was to give direction to those responsible for the correction and rehabilitation of offenders in correctional centers (WPOC 2005:5). The rehabilitation of offenders is not a new concept. Rehabilitation, that is, “...the attempt and process of changing the head, hearts and hands of offenders” (Ras 2013), can be traced back to the work done by the 1945 Lansdowne Commission on Penal and Prison Reformation.

This commission was of the opinion that more emphasis must be placed on rehabilitation and that the illiteracy rates must be reduced amongst offenders. Before 1945 very little was said in circles of government about rehabilitation. Because of the Commission’s work, it was critical for the government of the day to include rehabilitative measures within the prison system (WPOC 2005:25).

There are those who believe that the past apartheid prison system was militaristic in nature and as a result of this belief of anti-apartheid activists the new democratic system must be free from any of these influences. According to the WPOC (2005) a “demilitarization” of the prison system took place in South Africa. It seems that the belief is that this will enhance the responsibility of DCS to rehabilitate offenders more successfully (Ras 2013).

Restorative justice is seen as the magical word that will bring about change. Everywhere in DCS circles this term is used to indicate that the prison officials are busy with something new and that restorative justice is the best solution to change offending behaviour (Ras 2013; Aitken 2010). In line with this belief, Richard Aitken and his wife, Jane Argyll, have started PZ in order to introduce restorative justice programmes in the prisons in the Zululand area (Aitken 2010).

PZ, as a non-governmental organization (NGO), nowadays, also called a non-profitable organization (NPO), has introduced restorative justice programmes in prisons

specifically to try to do some form of rehabilitation. The founders based their approach on the ideas encapsulated in the concept of “restorative justice” – a concept that operates very strongly in the WPOC (2005).

This thesis is qualitatively looking at the restorative justice programmes of PZ. The main objective of PZ is to rehabilitate and to prepare offenders for their release and their effective reintegration back into their specific communities and their family settings (Aitken 2010; Lushaba 2010; Harris 2010; Ras 2013).

1.3 CHALLENGES IN THE CORRECTIONS ENVIRONMENT

For many years, even now, South African Correctional Centres are faced with the problem of overcrowding which poses huge challenges to those who are responsible for effectively implementing rehabilitation programmes. The social phenomenon “overcrowding” has been in existence in prisons for a very long time.

As far back as 2004, when Minister Ngconde Balfour was the Minister of the Department of Correctional Services, in his budget presentation to parliament, he remarked that South African prisons exceed their capacity by almost 75 000 inmates, meaning that South African Correctional Centres was grossly overcrowded. At that time, these centres had the capacity to accommodate 113 000 inmates, but at that particular moment the offender population was 187 000 (including 53 880 awaiting trial offenders) (The Citizen 2004:1-2).

The Judicial Inspectorate of Prisons (Annual Report 2007/2008) indicated that the national average level of overcrowding in South Africa’s Correctional Centres was at 45% or 51 428 offenders. This means that there was, practically-speaking, 51 428 more offenders in prison than what these centres could accommodate. This trend has continued and in the Annual Report of the following year (2009/2010) there was no significant decrease. However, the idea of building additional correctional centres was not perceived as a financially viable option. For example, the erection of Kimberly’s

Correctional Centre, at an estimated cost of R820 million was and is a clear indication of the high expenses involved when the building of new prisons is considered.

1.4 ALTERNATIVES TO IMPRISONMENT

In addition to the high costs involved in building new prisons, the Judicial Inspectorate of Correctional Services' report of 2009/2010, as prepared by Judge Deon Hurter van Zyl, has pictured South Africa as the country with the highest incarceration rate within Africa, at 3.5 people per 1000. This is one of the highest incarceration rates in the world.

What are the alternatives to imprisonment and the eradication of the overcrowding of prisons in South Africa? Apart from correctional supervision (like probation, parole, and community correctional supervision) (Khoza 2012; Ras 2013), and instead of sending sentenced members to prison, they can go, alternatively, straight into restorative justice programmes while staying within the community. Although costly, restorative justice programmes seem to be more effective than long-term prison sentences (Gifford 2003:10).

It seems that the only real alternative to the building of newer and bigger prisons at astronomical costs is successful rehabilitation. Because rehabilitation is seen as the "solution" to solve the problem of overcrowding, the researcher was interested to look at rehabilitation within the restorative justice paradigm.

1.5 THE WHITE PAPER ON CORRECTIONS AND REHABILITATION

One of the objectives of DCS is to promote restorative justice in order to control crime (WPOC 2005:40; Aitken 2010). As a result of this, rehabilitation was identified as one of its primary key objectives. One of the specific aims of DCS is to reduce recidivism (relapse into crime). Because another aim of DCS is to strengthen their partnership with civil society, it has make sense to directly link restorative justice to rehabilitation and *vice versa* and also to see it as a civil societal responsibility and duty.

DCS has developed the following strategies towards the enhancement of rehabilitation:

- Development of individualized needs based rehabilitation programmes
- Marketing of rehabilitation services to increase offender participation
- Establishment of formal partnerships with the community to strengthen the rehabilitation programmes and to create a common understanding
- Promotion of a restorative approach to justice to create a platform of dialogues with victims, offenders and the communities facilitating the healing process
- Combating of illiteracy in correctional centres by providing ABET programmes to offenders
- Increase of production to enhance self-sufficiency and to contribute to the Integrated Sustainable Rural Development Strategy
- Increase of training facilities for the development of skills (WPOC 2005:30).

In short, it is clear that DCS cannot achieve their primary aim of rehabilitating offenders effectively without any assistance from other role players (Monacks 2012; Sihlangu 2012) like NGO's like PZ (Aitken 2010). This study *inter alia* wanted to see if this collaboration is working in practice or not.

1.6 PHOENIX ZULULAND AND RESTORATIVE JUSTICE

PZ came into existence in 2003. “The inspiration for the organisation came from Richard Aitken and Jane Argall’s religious background as Quakers. In the Quaker tradition, a great emphasis is put on the responsibility citizens have to imprisoned people [they] ... decided to found an organization that would go beyond just visiting prisoners” (McAree 2011: 21-22). The Quaker background is important because it feeds into the practice of doing restorative justice (Ras 2013).

The name “Phoenix” was taken from ancient Greek mythology. It refers to a mythological bird that died on its own and again rose from ashes. This name resonates

with the work that PZ is doing in prisons, where, through restorative justice projects, it tries to correct the wrong behaviour of prisoners and tries to reintegrate them back into their communities (Lushaba 2011; Gartrell 2013).

PZ does this by *inter alia* providing restorative justice programmes that aim, generally-speaking, at the rehabilitation of offenders, making them to realize that they have to take responsibility for changing their own wrong behaviour. This self-realization of prisoners that they have done wrong to others will assist them to restore the harm that has been done to their victims as well as to the communities where the crimes took place or where they (offenders) come from. The idea is that the harm done to the victims (direct & indirect) as well as the communities, where applicable, can be restored as far as possible (Ras 2013; Aitken 2010; Lushaba 2010; WPOC 2005:33).

PZ believes that it can make a significant contribution to assist with the social reintegration of offenders into society through their restorative justice programmes, for example, family conferencing (Phoenix Zululand 2010:1). According to the WPOC (2005: 40) DCS attaches great value to the normal functioning of families. When a crime has been committed by a family member, the normal functioning of the family is disturbed. DCS views the restoration and maintenance of close family relations, that is, between offenders and their families, as very important and wants to develop and maintain long healthy relations.

The participation of families of offenders in the rehabilitation programmes, for example, family conferencing, will provide the necessary support that will encourage better relations between families and offenders once they are released. In line with the WPOC (2005) and with the work that PZ is doing at this stage in prisons in the Zululand area, the researcher decided to launch a qualitative enquiry into the restorative justice programmes of PZ as offered in the prison environment. The focus in this study is specifically on the restorative justice programmes offered by this organization.

1.7 RATIONALE FOR THE STUDY

As far as the researcher could establish no one else has done an academic study on restorative justice programmes in a prison setting in South Africa before, specifically looking at the programmes offered by PZ. Although there were different publications by members of PZ (Aitken 2010; Lushaba 2010; Harris 2010) or visitors to the organization (McAree 2011), they did not follow an academic approach and a holistic overview of what this organization is doing and where it is lacking. This thesis wanted to fill this academic lacuna.

According to Aitken (2010) a large number of ex-offenders return to their social environments where they live in close proximity to their victims, yet they have not experienced any form of reconciliation with them. For this reason, PZ emphasizes rehabilitation work with offenders to assist them to realise their wrongdoings so that they can try (where applicable) to reconcile with their victims/communities (Aitken 2011; Ras 2013).

In the light of what the researcher has heard about PZ and has experienced through participating in their activities, she has decided to research and see if what they are doing are in line with what the WPOC (2005) is emphasizing. She also wanted to see what PZ's programmes on restorative justice are emphasising and how they assist offenders with rehabilitation and reconciliation with their victims / communities, as claimed by this organization (Aitken 2010).

More precisely, the researcher has looked at the restorative justice programmes that PZ offers to offenders. It has qualitatively looked at these programmes in order to establish what exactly they are doing, and how they are doing it, and if their "restorative justice" programme activities are in line with the restorative justice remarks made in the WPOC (2005). If these activities (as encapsulated in their programmes) are in line with the WPOC then DCS certainly can copy these types of programmes and roll them out to all DCS centres outside the Zululand area.

The researcher did her thesis on PZ not only because no one else had done it before, but also because it was convenient. Because of the researcher's past interest and connections with this organization, and because it is based in Eshowe, about 50 kilometres from the University of Zululand where the author is lecturing, it has made sense to focus on this organization.

This decision was also in line with the academic, research and community engagement policies of the University of Zululand. The university tries to engage especially with communities close to the university in order to make a difference in the rural communities around it. Community engagement not only provides a possible feeding ground for students to the university but it also empowers people and promotes a better and more better quality lifestyle (Ras 2013; Boughey 2012). Offenders and prison settings are included in community engagement (Ras 2013; Xulu 2013; Nevhutalu 2013).

1.8 DELIMITATION OF THE STUDY

The thesis is entitled "Restorative Justice Programmes in a Prison Environment: A Qualitative Enquiry". There are 238 state and 3 private prisons in South Africa, holding at present about 151 000 offenders. PZ is offering restorative justice programmes in 12 prisons in the northern Zululand area. As mentioned, the decision to focus on the programmes of PZ makes sense because no previous academic study has done that, their head office is about 50 kilometres away from the University of Zululand where the researcher is working every day, and it was more cost effective to do the research close to the vicinity of the university.

Because this thesis is a qualitative enquiry into restorative programmes in a prison environment, and PZ operates in 12 prisons, the researcher has decided to join PZ in their visits to some of these correctional centres in order to see how they work. The 12 centres are based in two different DCS management areas, namely, DCS Ncome Management Area and DCS Empangeni Management Area.

The DCS Ncome Management Area includes: Vryheid, Ncome, Nongoma, Nkandla and Melmoth. The DCS Empangeni Management Area consists of Ingwavuma, Eshowe, Qalakabusha – Empangeni, Empangeni Medium B, Mthunzini, Maphumulo and Stanger (Aitken 2010; Lushaba 2010; Langa 2013).

The researcher has visited the following prisons with PZ: Empangeni (Medium B), Empangeni (Qalakabusha), Eshowe, Mthunzini, Melmoth, and Stanger (Kwa Dukuza). Visits to these 7 prisons has provided sufficient opportunity to gather enough data to see and understand what PZ is doing through their restorative justice programmes. Information was gathered during site visits and through document analyses (via literature and electronic means) (Ras 2006; 2010).

1.9 AIMS OF THE STUDY

The general aim or goal of the study was to qualitatively look at restorative justice programmes in a prison environment. Because PZ is offering these programmes in 12 prisons in the Zululand area, and is well-known for its restorative justice work (Harris 2011; Aitken 2011), the researcher has looked specifically at their offered programmes. The aim of each chapter of this thesis was:

- To provide a general orientation to the study (Chapter One)
- To explain the research methodology (Chapter Two)
- To discuss the remarks of the WPOC on restorative justice (Chapter Three)
- To describe and evaluate the restorative justice programmes of PZ (Chapter Four)
- To draw conclusions and to make recommendations (Chapter Five)

1.10 HYPOTHESES

Hypotheses in this research are:

1.10.1 The work that is done by PZ is in line with the remarks made on restorative justice as

encapsulated in the WPOC in South Africa (2005).

1.10.2 Better understanding of restorative justice programmes assists us in coming up with

better strategies to change the behaviour of offenders.

1.11 RESTORATIVE JUSTICE

A lot has been written in the past on the concept “restorative justice” (Bezuidenhout 2007:43-60; Hargovan 2007:79-90; Naude, Prinsloo & Ladikos 2003:3; http://en.wikipedia.org/wiki/Restorative_justice) but there is not always clarity and consensus on what it exactly means (Ras 2013).

1.11.1 What does ‘restorative justice’ mean?

“Restorative justice means different things to different people, so there is a lot of confusion about what it really means.... From a linguistic point of view it means that justice must be restored because someone took it away. In DCS restorative justice means ‘rehabilitation’; for victims it means ‘justice’, very often ‘kill the bastard’, or ‘an eye for an eye, a tooth for a tooth’; for offenders it means, ‘I will not do this crime again’; for the courts it means, ‘I have given you an appropriate punishment for what you have done’; for the police it means, ‘I will get you!’; for community members it very often means, ‘We will necklace you, we will burn you’; but for the Christian it means, ‘restitution, and I forgive you’, but, from a psychological, more precisely, a logotherapeutic point of view, the meaning of restorative justice depends upon the meaning that every individual attaches to it” (Ras 2013).

1.11.2 Different aspects of restorative justice

Authors like Hargovan and Bezuidenhout (2007) have highlighted different aspects of restorative justice. These aspects have to do with different perceptions about restorative justice (Ras 2013). Some are aimed at repairing damage caused by wrongdoings while others focus on the provision of opportunities to engage with offenders like victim offender mediation, family group conferencing and community conferencing. Others include programmes such as restitution and victim offender reconciliation (Zondi 2013).

1.11.3 The aims of restorative justice

Naude, Prinsloo and Ladikos (2003:3) cited Cavanagh's contribution when describing the aims of restorative justice:

- Focusing on harms suffered rather than laws broken
- Showing a balanced concern for the victim and offender and involving both in the criminal justice process
- Working toward assisting victims through empowerment and responding to their needs
- Supporting the offender and simultaneously encouraging him or her to understand, accept, and carry out his or her commitments to repair the damage

1.11.4 Restorative justice is a process

The process of restorative justice is sometimes referred to as a process of providing fertile ground for the alleviation of the problem of overcrowding in South African Correctional Centres. The WPOC (2005:40), adopted by DCS, is of the opinion that restoration necessitates an active role by families, victims, offenders and community members in the criminal justice process. The WPOC holds offenders directly accountable to their victims and the communities where they come from or where the

crime has been committed. They are accountable because of their past criminal deeds (or harm one through their criminal acts). This clearly indicates a process (Ras 2013).

1.11.5 What kind of process is restorative justice?

If restorative justice is a process, something that takes place or happens over time, the question arises, what meaning can be attached to this process? In other words, what happens during this process? It seems that the most important aspects are engaging with the offender to make him realize he was wrong, then, to lead him to insight into his own situation so that he can admit his guilt, then the process of healing or rehabilitation starts. Then, after a while, when the offender wants to reconcile with his victim, then it seems, the healing process or the rehabilitation was a “success” (Ras 2013; Aitken 2010).

This engagement and “leading the offender” to recognition of his / her own crimes and the offender’s acknowledgement “I did it and I feel sorry for what I have done”, is from a psychological point of view, a typical aim of some of the psychological approaches that can be followed in order to “heal” people, but from a theological point of view, it is all about “repentance”, feeling sorry, confessing the crime (regarded as a “sin”), and turning around (conversion) to never do it again. This 180 degree turn is what real rehabilitation is all about (Ras 2013).

According to Ras (2013), although it is not mentioned in the WPOC (2005) and also not by PZ in its written documents, there are most of the time psycho-social (more “psychological”) and theological (WPOC 2005 speaks of “spiritual” even “religious”) aspects, whether direct or indirect, conscious or unconscious, that are stressed by those offering the restorative programmes in order to effect positive offender behavioural change.

The reason is simple: no matter how it is interpreted, a lot of the principles and philosophical ideas that are driving restorative justice are embedded in the Bible, especially in the Pentateuch (E.g the Ten Commandments or Decalogue – Exodus 20;

Deuteronomy 5). However, these Biblical principles are most of the time very selectively chosen by practitioners to fit their own purposes (Ras 2013).

1.11.6 The role of the offender in the restorative justice process

It seems that for PZ restorative justice in a prison setting becomes a matter of offenders *inter alia* apologizing to and asking for forgiveness from the victims they have harmed and traumatized (Aitken 2010; Lushaba 2010). In other words, restorative justice programmes must bring the offender to the realization that his criminal deeds were wrong and that he now must apologize to the victims. This seems to be based upon the WPOC (2005:40).

However, this view, where the repentant offender must now go and approach the victim or community to say “I am sorry”, according to Ras (2013), is an ideological pipe dream that will never materialise fully because the success of this engagement depends most of the time on the victim’s / victims’ cooperation, and he believes that the millions of crime victims in South Africa definitely do not want to talk to those who have harmed them.

According to him they rather want retaliation and victim compensation, that is, they want money. They do not want to talk to criminals. Even those victims who adhere to a Christian ethos or one or other humanitarian belief-system, will not easily open up their doors for those who have robbed or who have hijacked or killed their loved ones (Ras 2013).

1.11.7 National Symposium on Correctional Services

During the period 2000-2003 DCS has engaged different role players who could unpack the direction that they had to take in order to be successful in rehabilitation. A National Symposium on Correctional Services was held on 1st and 2nd August 2000, where approximately 70 different stakeholder organizations, who recognized the need for promoting a collective social responsibility for the rehabilitation and reintegration

of offenders into the community, recommended the establishment of a “Partnership Forum for Correctional Services” (WPOC 2005:30).

Because of the decision that was taken that DCS must have partnerships with different stakeholders like NGO’s and other community organizations, and because this decision is in line with the WPOC (2005:30), the researcher’s focus on PZ was to highlight *inter alia* the important role that an NGO like them can play in effecting and trying to promote effective rehabilitation of offenders in a prison environment.

1.12 AN OVERVIEW OF THE RISE OF RESTORATIVE JUSTICE

There is no doubt that even in PZ the term “restorative justice” has different meanings for different people. The researcher briefly wants to make a few remarks about restorative justice in order to put this study in a better perspective. Ras (2013) correctly points out the confusion that exists about the term “restorative justice”. According to him it is not only the meaning of the term, but also its usage and the application of this concept in practice that constantly needs clarification (Ras 2013).

For the purpose of this study, greater clarity is needed on the usage of this concept world-wide, but more precisely, to see how it is used and applied in especially a prison setting like in the Zululand region. There is no doubt that this concept or term is not universally applied in the same manner and that explains different meanings and practices that different nations and people attach to it (Hargovan 2007; Bezuidenhout 2007; Roche 2003; Ras 2013; Aitken 2010; Lushaba 2013; Shandu 2011; Naude, Prinsloo & Ladikos 2003).

1.12.1 Restorative justice during the 1970s and 1980s

According to Hargovan (2009:63) the use of restorative justice can be traced to countries with diverse cultures and legal systems. This term is part of a system that is flexible and this concept and its implementation varies from country to country and area to area. The adoption of a restorative justice approach depends on the local needs and custom.

“Practice models include *inter alia*, victim offender-offender mediation or conferencing, family conferencing, group conferencing, victim intervention programmes, sentencing circles and peace-making circles. All forms of direct restorative communication between crime victims and offenders which are facilitated by third party fall under the umbrella term restorative justice conferencing” (Hargovan 2009:63).

Hargovan (2009:63) avers that this concept has developed especially during the 1970s and 1980s and represented a shift towards community justice, de-legalisation and informal dispute processes. It is linked to a movement that aims to provide wider access to justice and it could be described as a reaction that basically opposes what the formal criminal justice system is currently doing. The “wider access to justice” approach, that basically favours restorative justice, is evident in the proliferation of centres for law, mediation, arbitration and conciliation.

1.12.2 Restorative justice during the 1990s

Roche (2003:16) points out that during the 1990’s restorative justice became the “unifying banner”, the “buzz word” (Ras 2013), that has made those, interested in reforming the criminal justice system, to realise the need to use the process of bringing together victims, offenders and their communities. The 1990s can be seen as a period of amalgamation, that is, all programmes that have to do with “justice” were transformed and linked to the idea of “restoration”, with restorative justice. This especially became prominent in the USA, Canada, Australia and Europe (Ras 2013).

1.12.3 The Minnesota meeting

A restorative justice summit was held in Minnesota in 2000 where speakers have met to discuss why the concept “restorative justice” was on the rise in Minnesota. Visitors came from Illinois, Iowa, and Northern Wisconsin. Because speakers have reported on their activities on restorative justice as practised in their towns, and most of these

speakers have described restorative justice as a success, the Minnesota meeting was regarded as a milestone for the promotion of restorative justice ideas (Inskip 2006).

Inskip (2006:1) has referred *inter alia* to the comments by Kay Pranis of a Corrections Department who has noted the importance of supporting “offender healing”. This healing process has included: acknowledging a wrong, understanding its harm, action to repair the harm, and steps to change one’s life. At the same meeting speakers from four suburban police departments also gave restorative justice their strong endorsement as a tool for addressing youth problems.

Following that meeting, the Anoka Police Department police were inspired by programs in Scotland and England and as a result, began “accountability conferencing”. It since has held 480 conferencing sessions mostly involving kid’s shoplifting, vandalism and simple assaults.

According to this police department, out of the 700 kids who had participated, only 16 re-offended (Inskip 2006: 42). It was evident in the Minnesota meeting that restorative justice is time consuming, but when weighing it against the end results, it was the route the meeting was prepared to take (Inskip 2006:2). This simple conclusion led *in praxis* to the belief that restorative justice, in this particular case, “accountability conferencing”, is effective and is the solution to a lot of criminal and offender problems.

1.12.4 The period after 2000

The period 2000 plus was characterized by an explosion of restorative justice programmes, centres and all kinds of activities that were linked to the principles of restorative justice. The United States of America had 770 restorative justice programmes that existed for juvenile offenders, in Europe there was an excess of 500 programmes and in Canada more than 400 programmes were linked to restorative justice (Roche 2003:16).

There were also well established programmes that had operated in countries such as New Zealand, Australia, Argentina, Singapore and South Africa. Parliaments in a number of countries have adopted legislation that was brought in line with the principles of restorative justice and also these legislations were aimed to regulate restorative justice processes. Even appeal courts in Canada, the United States and New Zealand have delivered legal decisions addressing the concept of restorative justice (Roche 2003:16).

For many, restorative justice has to do in practice with “restorative mediation”. Naude, Prinsloo and Ladikos (2003:i) pointed out that “restorative mediation” is an adjusted model of traditional forms of restorative justice. According to them restorative justice practitioners have adapted the concept “restorative justice” to suit specific communities. This adaptation has led to practices that rather reflect “restorative mediation”, for example, victim-offender mediation, family group conferences and circle sentencing (Naude, Prinsloo & Ladikos 2003). These examples are all examples of “restorative mediation”, that is part and parcel of restorative justice (Ras 2013).

1.12.5 Restorative justice and indigenous groups

It is important to realize that restorative justice principles can be found all over the world in different ethnic and cultural groups. A few brief remarks may assist us in better comprehending how restorative justice principles are used by different groups.

1.12.5.1 Restorative justice in an African setting

Although the term “restorative justice” and “restorative mediation” may be absent in traditional African circles, there is no doubt that the principles of “re-storing justice” are embedded in Africa and especially in Zulu households (Ras 2013; Mhlongo 2013). Traditional African families are accustomed to call in other family members or outsiders to address issues and to assist in solving individual and collective personal and communal problems (Ras 2013; Mhlongo 2013; Zondi 2013).

In fact, the involvement of individuals or community members to assist in solving problems is visible all over South Africa in, especially, policing circles. For example, there are thousands of people involved in Community Policing Forums (CPFs) where they try, together with police and other influential community members, to address the root causes and problems of crime.

Just as the police and the community meet in order to discuss “justice matters” in order to “re-store justice”, so many concerned “restorative justice practitioners” like those operating in PZ, set up meetings with offenders or communities or individual members to address crime, offender, rehabilitation and reintegration issues (Ras, 2013; Aitken, 2010; Lushaba, 2010).

Naude, Prinsloo and Ladikos (2003) point out that in Africa where matters could not be settled within family members, intervention of other community members was invited and made until reconciliation was achieved. They recommend that South Africa implement the Dutch example of “restorative mediation”, that is, that South Africa uses the term “restorative mediation” for all types of victim offender mediation. This seems to be the practice in PZ, because their “rehabilitation” consists of “restorative mediation encounters”, but they call it restorative justice (Ras 2013; Zondi 2013).

1.12.5.2 Restorative justice amongst the Maoris in New Zealand.

In New Zealand, British forms of justice and punishment were introduced in the first half of the nineteenth century. After this period the Maori’s way, that is, New Zealand’s indigenous people’s way of dealing with wrong doing was allowed. This means in practice that when a Maori offended another Maori then Maori laws were applied (Johnstone 2002:42).

It was only in 1988 when the New Zealand Department of Justice, when dealing with conflict disputes, had allowed the old principles of restorative justice that were embedded in the pre-colonial method of dispute resolution amongst indigenous Maori people, to be used again. This has led in practice to the establishment of a family group conferencing for youth offenders (Johnstone 2002:43).

Family group conferences were also introduced in 1989. The underlying philosophy was to heal the damage that has been caused by youth offenders, to involve those most affected by the crimes and to make things better both for the young offenders and their victims. This led to the practice of Youth Justice in New Zealand where minor and first time offenders were diverted from prosecution through “immediate street warnings”.

In cases where it was thought that further action was necessary the police referred the young offender to the Youth Aid Section (a specialist unit) for follow up. The Youth Aids Section would issue a warning in the presence of the parents, require apology to the victim or impose an additional sanction, but where the offence was serious the offender would be sent for family conferencing (Morris & Maxwell 1998:15).

During 1996 alone, 22 per cent of young offenders, known to the police, have received police warnings, a further 59 per cent of young offenders were diverted by the Youth Aid Section, and another 9 per cent were referred by this Section family conferencing (Morris and Maxwell 1998:15). It becomes clear that in New Zealand the apparent solution to address many youth offences lie in family conferencing. This restorative justice or restorative mediation tool is very prominently used in PZ (Aitken 2010).

1.12.5.3 Restorative justice amongst the Navajo groups

A similar revival of restorative justice traditions has taken place amongst the Navajo groups in the United States of America. By the 1990s the Navajo legal system had been resurrected and was based on the principle that the aim of dealing with a crime was not to punish or penalize people, but to teach them how to live a better life. This led to the development of Navajo peacemaking processes. The Navajo peacemaking process can be described as a form of restorative justice.

Whenever there is a dispute, the injured party will make a demand that the perpetrator puts things right, which often involves not material compensation but a re-adjustment of relationship between the wrongdoer and the injured party. The perpetrator must

agree to make things right. In order to reach such an agreement the victim will often seek the assistance of a peacemaker (Johnstone 2004:46).

The peacemaker is normally a respected community leader, usually someone who thinks well, speaks well, plans well and shows by his or her behaviour that his or her conduct is grounded in spirituality. The peacemaker will then call all the interested parties to participate in a meeting which aims to resolve the dispute between them (Johnstone 2004:46).

After all the parties have been given the opportunity to speak the group, led by the peacemaker, will seek to construct a reparative plan of action, drawn not just from legal precedents, but from a range of traditional sources. The plan of action will often include restitution that will be done by the wrongdoer to the victim. The main focus, however, is not on making adequate material reparation but to do symbolic reparation (Johnstone 2004:46). When the researcher has participated in the restorative programmes of PZ, she has seen that this idea of restitution and reparation is something that is also present in this organization.

1.12.6 Restorative justice in the United States of America

The first restorative justice programme, according to Naude, Prinsloo and Ladikos (2003:2), began in the United States of America in northern Indiana in 1978. Two approaches are dominant in the United States juvenile justice system, the retributive justice model and the rehabilitation or treatment model. The retributive model defines an offence as a crime against the state and the state provides suitable punishment whilst the latter on the other hand, focuses on the treatment of the offender with the assumption that interventions such as cognitive skills training and supervision behaviour therapy will change behaviour and reduce frequency of offences (Bradshaw & Roseborough 2005).

However, these models did not lead to a reduction in recidivism. It also appeared that restorative justice is an increasingly important approach to responding to criminal

offences. While the retributive and rehabilitative models focus on the punishment or rehabilitation of the offender, the needs of the victims were largely neglected. From these models three types of restorative justice dialogue programmes received a good deal of attention: victim-offender mediation (VOM), Family Group Conferencing (FGC) and peacemaking circles (Bradshaw & Roseborough, 2005).

The practice of VOM is grounded in restorative justice theory that emphasizes that crime first should be perceived as an act against individuals within the context of the family. Community conferencing helps the offenders understand the impact of the offence on the victims and take responsibility for their actions. The conference provides victims with the opportunity to move towards forgiveness and empowers the community to resolve the problem in a way fitting the situation and stakeholders (Bradshaw & Roseborough 2005).

The peacemaking circles promote accountability, healing and compassion through community participation in resolving conflicts. These circles are based on the process of dialogue, relationship building and the communication of moral values in order to accomplish the key outcomes of reparation of harm and an improvement of social well-being (Bradshaw & Roseborough 2005). In PZ a lot of attention is paid to family conferencing as well as to VOM, but the VOM takes place within the programme called “Conversations in Families” (Aitken 2010; Lushaba, 2010).

1.12.7 Restorative Justice in Australia

Australia introduced conferencing into the juvenile and criminal system in 1990. They borrowed this idea from New Zealand. It was first tried in the city of Wagga Wagga, New South Wales. The aim of conferencing was to divert offenders away from the justice system by offering them the opportunity to attend a conference to discuss and resolve the offence instead of being charged and appearing in court. It was not offered where offenders had wished to contest their guilt (Restorative justice: an Australian perspective 2006).

These types of conferences were attended by victims and their supporters. The approach of the organizers of these conferences was that victims were asked to describe the physical, financial and emotional consequences of the crime. Offenders, on the other hand were asked to explain what happened, how they felt about the crime and what they thought should be done. This discussion made the offenders, their families and friends to then experience the shame of the act, and this prompting an apology to the victim.

A plan of action was also developed which included the offender paying some form of compensation to the victim or the community. This model was established legally in five jurisdictions. South Australia began to use conferencing in 1994, Western Australia in 1995 and New South Wales in 1998 (Restorative justice: an Australian perspective 2006). Aitken (2010) was influenced by these developments in his introduction of family conferencing into the prisons in Zululand.

1.12.8 Restorative justice in South Africa

A few remarks about restorative justice in South Africa will further assist to see how restorative justice has developed in this country.

1.12.8.1 National Crime Prevention Strategy of 1996

Hargovan (2007:80) is of the opinion that the National Crime Prevention Strategy of 1996 has paved the way for policies dealing with restorative justice in South Africa. South Africa is apparently in its early years of implementing restorative programmes and has imported these types of programmes from countries like Australia, New Zealand, the United Kingdom and the United States of America (Ras 2013).

1.12.8.2 Government's paradigm shift

A study conducted by Potgieter, Mitchell, Khoza and Cilliers (2005:44) suggested that the South African Government saw the need for a shift from an offender-based system

to a restorative justice based system. Referring to the South African Sentencing Framework Bill, restorative justice is regarded as a form of justice based on reparation. It further states the following considerations that should be optimized when imposing a sentence:

1. The restitution of damages to the victim of the crime
2. The protection of the community from the offender
3. The creation of an opportunity for the offender to lead a crime-free life in the future.

1.12.8.3 A new focus

Batley's (2005:23) view on restorative justice is that it is basically a system of dealing with deviance and crime, in which the focus is not on punishment, but on helping the community, family, and / or group to explore what has happened with the specific aim to make the community whole again. Restorative justice can add significant value to the practice and experience of criminal justice in the following manner:

- It can provide a practical, coherent and sound response to the moral challenges presented by crime and the focus given by the Moral Regeneration Movement.
- This form of justice can offer a practical way for families and communities to get involved in responding to crime and to experience one or other form of healing. In this sense, it will enrich democracy. South Africa's Truth and Reconciliation Commission demonstrated that restorative justice can be used in a wide variety of contexts and that it is effective not only in "ordinary crime". The ability of South African victims to forgive their perpetrators for the most atrocious crimes is a shining example to all South Africans.
- Restorative justice processes also provide a safe place in which to express anger in a constructive way, which the formal justice process generally does not do. This is valuable in itself. Treating victims with dignity and respect is central to restorative justice. According to Batley (2005) restorative justice connects the offender with those who have been offended and makes the

healing of the broken relationships possible to such a degree that victims are prepared to forgive.

1.12.8.4 Archbishop Desmond Tutu

Well-known religious and political activist, Archbishop Emeritus Desmond Tutu said that “...forgiving and being reconciled are not about pretending that things are other than they are. It is not patting one another on the back and turning a blind eye to the wrong. True reconciliation exposes the awfulness, the abuse, the truth. Forgiveness does not mean condoning what has been done. It means taking what has happened seriously and not minimizing it, drawing sting in the memory that threatens to poison our entire existence. It involves trying to understand...[the] influences that might have brought them to do what they did” quoted in (Batley 2005:23).

Jane Argyll, one of the founding members of PZ, was one of the English translators for the South African Truth and Reconciliation Commission (TRC), specifically translating the crime cases of KwaZulu-Natal and the Free State (Ras 2013). There is no doubt that the work of the TRC has influenced Argyll to incorporate some of the lessons that they have learned through these life experiences into the work activities of PZ.

1.12.8.5 Statistics

Statistics given by Braithwaite (1998:12) show the following programmes of restorative justice in South Africa: a pilot family conferencing project was initiated by the Ministerial Committee on Young People at Risk in 1997, involving 42 cases, while three pilot victim-offender conferencing projects (VOCs) were initiated in 1999 by the community in Westbury, West Rand and in Alexandra in Gauteng, under the guidance of the Centre for the Study of Violence and Reconciliation. In 1999 another pilot project was initiated in Greytown magistrate’s court. Nicro in Pretoria has been involved in family conferencing in the early 1990s.

However, Braithwaite (2002), cited by Naude, Prinsloo and Ladikos (2003:3), warned against the expectation that when the offender has apologised to the victim of crime, that this apology will just be easily accepted. He is of the opinion that forgiveness and

mercy are gifts and that this means in practice that restorative justice must not be seen as something that is as simple as it might sound.

1.12.8.6 Restorative justice applications in South Africa

The following are examples of restorative justice applications in South Africa:

1.12.8.6.1 Victim-offender mediation in the Magistrate's Court of Greytown (Umvoti)

A restorative justice programme was introduced in 1995 and its primary goal was twofold: compensating the victim for the loss suffered as a result of the crime, and to introduce a system whereby criminal cases of a less serious nature would be resolved outside the court. This was achieved by making the offender personally responsible for making good for the victim's loss.

This programme gives the victim an opportunity to tell the offender how the crime has affected him or her. The offender then has the opportunity to apologise, explain his or her behaviour, and then make some reparation or pay compensation. According to the magistrate, the advantages were obvious: not only would it mean less cases end up in court, but also victims were to be compensated for the losses sustained. It was agreed that the whole process would be totally voluntary and that no one would be pressured to participate.

The summarised process is as follows:

- In a case of a charge of assault or malicious injury to property, the complainant is interviewed to establish whether he or she is prepared to have the matter resolved and what he or she would require.
- If the complainant indicates that he or she is prepared to resolve the matter, the accused is interviewed separately and the proposals of the complainant are then put to him or her.

- If the accused agrees then arrangements are made as to how and when compensation will be paid, and the matter is postponed to a date on which the accused will be able to pay the compensation.
- On the agreed date the accused pays the compensation to the complainant. The parties are assisted to make peace, shake hands and leave the court buildings in harmony, after the matter has been withdrawn in court. Should, either party not be prepared to resolve their case in this manner, then the matter proceeds for a trial in court (<http://www.restorativejustice.org/resources/docs/swart-steve-appeal-of-restorative-justice-to-policymakers>).

1.12.8.6.2 The National Institute for Crime Prevention and Reintegration of Offenders (NICRO)

NICRO has been doing pioneering work in this regard for some years now. Its Diversion Project offers a second chance to young people charged with a criminal offence. In lieu of prosecution and conviction, the young person has to participate and comply with one or more programmes. Five programmes are available:

- Youth Empowerment Scheme – a six-part life skills programme spread over six weeks,
- Pre-trial Community Service,
- Victim Offender Mediation – for the victim and offender to work out a mutually acceptable agreement with the aim of restoring the balance,
- Family Group Conferences – involving the families of the victim and the offender in the mediation process,
- The Journey Programme is aimed at high risk children and juveniles and involves life skills training, adventure education and vocational skills training (<http://www.restorativejustice.org/resources/docs/swart-steve-appeal-of-restorative-justice-to-policymakers>).

1.12.8.6.3 Stepping Stones, One Stop Youth Justice Centre, Port Elizabeth

Stepping Stones is a one-stop youth justice centre initiative of the government, consisting of a police officer (exclusively for children), a youth court (dealing only with

children), and a welfare component staffed by probation officers and child and youth workers. A restorative justice approach is followed with an emphasis on:

- Re-uniting young people with their families, and preventing them from being separated from their families,
- Focussing on the least restrictive and most empowering sentence option, and
- Giving the young people the opportunity to correct the wrongs committed by them.

Families and the community are involved through Family Group Conferences, with a primary emphasis being placed on the importance of the family as a socialization agent and an environment most suitable to child rearing. As much as possible, these services focus on family re unification, taking into account the child's best interests.

Stepping Stones believes that the approach to young people in trouble with the law should focus on restoring societal harmony and righting wrongs rather than punishment. "The young person should be held accountable for his or her actions and where possible make amendments to the victim" ([http://www.restorativejustice.org/resources/docs/swart-steve-appeal of restorative-justice-to-policymakers](http://www.restorativejustice.org/resources/docs/swart-steve-appeal%20of%20restorative-justice-to-policymakers)).

Restorative Justice is practised by:

- Implementing pre-trial diversion programmes,
- Involving and assisting victims of crime,
- Educating stakeholders about the principles of restorative justice,
- Implementing the least restrictive and most empowering sentence and placement options,
- Making use of sentence conditions such as community service, and diversions such as victim-offender mediation.

Stepping Stones is assisted by social workers from NICRO in its divergent processes and is pioneering an Inter-Sectorial Steering Committee, comprised of representatives from all the stakeholders involved, namely the Department of Justice and Constitutional Development, the Department of Social Development, the Department of Correctional Services, the

National Association of Child Care Workers, and the Child Welfare Society

(<http://www.restorativejustice.org/resources/docs/swart-steve-appeal> of restorative-justice-to-policymakers).

1.12.8.6.4 Khulisa

Khulisa is a non-profit organisation which functions nationally and has forged partnership with local and international NGOs as well as government departments *inter alia* Correctional Services, Education, International Relations, Health, Justice, Social Development, Community Safety, Housing and Labour (Khulisa s.a.).

1. Khulisa implemented a pilot project at Phoenix KwaZulu-Natal in conjunction with the National Prosecuting Authority (NPA) and the Department of Justice (DoJ) supported by the Royal Danish Embassy (RDE) to provide programmes and services in line with Restorative Justice at the beginning of 2007.

They also run the Justice And Restoration Project (JARP), a community based initiative which provides alternative collaborative methods of dealing with crime, wrong-doing and conflict to the traditional adversarial criminal justice system (courts and the police). The goal of this programme is to make justice accessible to the people and thus control and reduce crime (Khulisa s.a.). This programme has been extended to other regions, including Empangeni. In her conclusion of her article “*Doing Justice differently....*”, Hargovan (2009:68-83) alluded to the fact that the Phoenix Justice And Restoration Programmes (JARP) are the “Best Practice” in South Africa which have facilitated restorative mediation in approximately 3000 cases.

1.12.8.6.5 Phoenix Zululand

Phoenix Zululand is an NGO that offers restorative justice programmes in 12 prisons of Zululand. The reason for this geographical focus is the opportunity to develop an in-depth insight into the effects of the criminal justice system in rural South Africa (Phoenix Zululand 2010: 2).

The general framework under which it works involves two-tier projects.

In the first tier these are the projects involved:

- Starting with us
- Voice beyond the walls
- Groundswell
- Doors to the world
- Healing through art

These projects are aimed at giving offenders the opportunity to do self-revelation and self-disclosure. On the grounds of insights forged in the first tier projects, offenders are then invited to participate in further projects of the second tier:

- Conversations in Families
- Family Conferencing
- Home talk

Though these projects are discussed in depth in Chapter Four, according to Aitken and Lushaba (2010:4), the following are the principles underlying the vision of these programmes.

The agency of rehabilitation- its sources and its answers: This is a way of enabling offenders to revive their conscience and to equip them with ideas that will re-fashion their behaviours. Offenders are given an opportunity to do self-evaluation and realise that rehabilitation, while in prison, is in their hands. (Aitken & Lushaba 2010:4-5).

Bringing “weak” people to the fore: This is an attempt to use people and ideas that come from the society. Useful discourses come from the non-dominant members of society - for example, women, children, the elderly, and AIDS sufferers' victims. The dominant patriarchy too readily betrays men and defeats creativity of character and personality. Crime evolves from a misuse of power and those who have most to give in influencing others in their lives are “weak” people (Aitken & Lushaba 2010:5).

Listening to and understanding peoples' stories: Aitken & Lushaba (2010:5) explain that Phoenix projects are built deriving from the narratives of lives. Phoenix Zululand pays a particular interest in the richness of social life in rural contexts and finding within this the resources of ritual, symbol and metaphor by which offenders can create the space by voluntary opening up, and contribute to an environment of trust where this can become possible (<http://www.restorativejustice.org/resources/docs/swart-steve-appeal-of-restorative-justice-to-policymakers>).

A co-operative view of the relationship between civil society and the state:

Phoenix Zululand sees this as essential to the field and sets out to open space within the relationship between civil society and the state (Aitken & Lushaba 2010:5).

It is clear that restorative justice processes and programmes are present in South Africa but it

is not always so clear what exactly is done, and what the impact is of all this work upon those who are supposed to change their wrong behaviour. A study of PZ will assist us to better understand restorative justice programmes in a prison setting.

1.13 TERMINOLOGY

Terminology deals with terms. It is about the meaning that is attached to words or expressions. Concepts are mental images or perceptions, and their meanings vary markedly from individual to individual. Hence it is important to define relevant concepts in order to clearly establish the meaning of such concepts (Ras 2006:60-61; 2010:4). According to Steenkamp (2002: 13) definitions are statements of what "something is". The following terms are highlighted in this study.

1.13.1 Restorative justice

According to Braithwaite (2002), restorative justice is a process where all stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and where they decide what should be done to repair the harm. The important thing for the purposes of this study is to realize that despite the fact that there are different opinions about what restorative justice is, the central idea is that justice must be restored because it has

been taken away. That is one reason why restorative justice is also sometimes called reparative justice, that is, something needs to be “repaired” because it was “broken” (Ras 2013; Hargovan 2007; Bezuidenhout 2007; Naude, Prinsloo & Ladikos 2003; http://en.wikipedia.org/wiki/Restorative_justice).

1.13.2 Rehabilitation

In a prison setting, especially in DCS there is no doubt that restorative justice and rehabilitation are basically seen as synonyms. Rehabilitation is the main aim of DCS after the protection of the offenders to prevent them from an escape. With this they have in mind the changing of the behaviour of the offender.

Ras (2013) strongly believes that rehabilitation has to do with behaviour modification and that in a prison setting it refers to the changing of the behaviour and mind of an offender so that he no longer will do crime again. This is also the main aim of PZ and in their context rehabilitation and restorative justice is seen as two sides of the same coin. Although restorative justice and rehabilitation are not semantically the same, in practice they use these words interchangeably.

Although some see rehabilitation as the end result of any social or psychological intervention intended to reduce further criminal activities, based on the premise that through correctional intervention an offender may be changed and return to society as a changed citizen, this view, according to Ras (2013) is linguistically incorrect.

For Ras (2013) “rehabilitation” is always a process of cognitive-behavioural modification (Feldman 2008:203-212; Brammer, Abrego & Shostrom 1993:189-191, 194-196, 245-246). In a prison setting the process is only completed when an offender has been “rehabilitated”, but the successful end result, that is, that is person is now rehabilitated, cannot be measured positively inside a prison or while a person is on parole or under correctional supervision, because no one knows if that person will again go back and do the same crime once he is released. This will only become visible perhaps ten years or more after the person has been released (Ras 2013).

1.13.3 Recidivism

Recidivism refers to the habit of relapsing into crime and the term “recidivist” refers to the person who habitually relapses into crime. The term “relapse” refers to falling back into crime (error), the definitions thus involve an idea of cure or amelioration after some form of punishment and correctional treatment rehabilitation (Khoza 2002).

1.14 THE DIFFERENCE BETWEEN PRISONS AND CORRECTIONAL CENTRES

Ras (2013) has pointed it out on different occasions to the researcher that although the WPOC (2005) emphasizes the fact that DCS have “correctional centres” and not prisons like they were called in the apartheid days, the fact is that this term (“prisons”) is still used by offenders themselves, their families and by people at grass roots level. This is also clearly the understanding by visiting and participant observers and facilitators of PZ (McAree 2011:6-8), who, because of the lack of resources and emphasis on correction in so-called “correctional centers”, rather speak of “prisons” (Ras 2013).

1.15 BRIEF CHAPTER OUTLINE

Chapter One is a general orientation to this study while Chapter Two explains the research methodology. Chapter Three is focuses on the White Paper on Corrections in South Africa. Chapter Four is a discussion and evaluation of the restorative justice programmes of PZ, while the last chapter, Chapter Five, draws conclusions and makes recommendations.

1.16 VALUE OF THE RESEARCH

Apart from having a thesis filled with qualitative information that can be utilized by anyone interested in this topic, recommendations will be made available to those operating in restorative justice circles that are tasked to rehabilitate offenders in their respective environments. This study also promises to generate and disseminate information through publications in journals.

1.17 SUMMARY

This chapter has provided a general overview of what this thesis is all about. Introductory remarks were made about the WPOC (sections 1.2 & 1.5), about the challenges in the prison system (section 1.3), alternatives to imprisonment (section 1.4), and PZ and restorative justice (section 1.6). The rationale for the study (section 1.7) was explained as well as the study's delimitations (section 1.8).

The aims of the study (section 1.9) and the hypotheses (section 1.10) were mentioned, and special but brief attention was given to remarks on restorative justice (sections 1.11 & 1.12). Remarks were also made about the terminology used in this study (section 1.13), the chapter outline (section 1.14) and the possible value of the research (section 1.15).

CHAPTER TWO

RESEARCH METHODOLOGY

2.1 INTRODUCTION

While Chapter One was a general orientation to this study, Chapter Two is the research methodology. The present research is not about philosophical issues in social science and research and is also not about theories and all kinds of reasoning about ideographic methods where the researcher has to choose the best approach after lengthy theoretical discussions (Ras 2006:2).

In other words this study has nothing to do with theoretical expositions and explanations about different penological or criminological theories where the researcher has to convince the readers through all kinds of philosophical and semantic focuses.

2.2 THE REASON FOR THE PRESENT RESEARCH

Apart from various authors who have highlighted different aspects of restorative justice, no proper attention has been paid in the past to restorative justice programmes in a prison environment (Ras 2013; Naude, Prinsloo & Ladikos 2003; Potgieter, Michell, Khoza & Cilliers 2005; Bezuidenhout 2007; Hargovan 2007). A reference made by Bezuidenhout (2007) to restorative justice appears to be only a peripheral reflection of existence of restorative justice programmes in a prison environment.

Bezuidenhout (2007) highlighted that most prison systems employ various programmes with multidisciplinary professionals intervening in a prisoner's life during imprisonment. Multi-disciplinary interventions, however, is not happening in most prisons in South Africa due to a lack of professional intervention specialists (Ras 2013).

Although academics have analyzed some restorative justice programmes offered by NGOs (Hargovan 2007), an academic and a qualitative enquiry on restorative justice programmes in prisons has so far not been conducted. This study wanted to fill this lacuna and also to provide the readers with enough information so that they can know what is done in order to restore justice in prisons.

Because PZ, just like the University of Zululand is situated in Zululand, where the researcher is lecturing *BA Correctional Studies* in the Department of Criminal Justice, it is appropriate and convenient to focus on restorative justice programmes that are offered in the Zululand area because no one else has done that before. It also makes sense to focus on the programmes of PZ because, according to their founder, Richard Aitken (2010), they have established themselves as leaders in restorative justice in the country and they are well-known even internationally (Aitken 2010; Lushaba 2010; Harris 2010; Ras 2013).

2.3 RESEARCH APPROACH

The research approach that was followed in this research was qualitative in nature. The researcher evaluated the restorative justice programmes of Phoenix Zululand in a qualitative manner in the light of the WPOC (2005). This is not a quantitative approach where statistics or numbers are the main focus (Ras 2013; Bless & Kathuria 1993). A qualitative approach focuses on quality, that is, an in-depth study is done in order to better comprehend the specific social phenomenon under the spotlight (Ras 2006; 2010).

2.4 REASON FOR USING THE QUALITATIVE APPROACH

Qualitative researchers normally construct social reality and attempt to discover cultural meaning, while the quantitative style measures objective facts. The latter also focuses on variables and emphasizes reliability while the qualitative style focuses on interactive processes and events and emphasizes authenticity. Qualitative researchers are also much more involved in the research process and deal with more information than the quantitative

researcher who is detached from the context (Cresswell 1998; Denzin & Lincoln 1994; Guba & Lincoln 1994; Ras 2006; 2010).

Davis and Klopper (2003:72-81) correctly point out that in qualitative research the emphasis is placed on individuals' perceptions, attitudes, beliefs, feelings and behaviour as well as the meanings and interpretations that they attach to certain situations. What is meaningful to a person is very often the driving factor that keeps him/her going in life, and it also tells people how others construct their experiential and existing world (Frankl 1962, 1963, 1969; Ras 2006; 2010; 2013).

It is only by grasping the way in which people define situations, events and other people's actions that one gains some understanding of people. Engelbrecht (1991:73-75) clearly states that people 'have cognitive baggage' they usually carry with them. It is important, for example, to understand those assumptions and expectations in order to understand how they feel about themselves and the environment in which they function (Ras 2006; 2010).

In order to understand this phenomenon in social reality and more specifically, restorative justice programmes in Zululand prison environment, the statement and question of psychologist Steinar Kvale is something that must be seen as very good advice: "If you want to know how people understand their world and their life, why not talk to them?" (Lillejord & Soreide 2003:90). A researcher must go and simply speak to facilitators, victims and offenders involved in the restorative justice programmes. This is good advice (Ras 2006; 2010; 2013).

The qualitative researcher, according to Davis and Klopper (2003:73) builds a complex holistic picture, analyses words, and reports detailed views of informants to his/her reader. A multi-perspective approach (Schurink 1998:240) is used, in other words, aimed at describing, making sense of, interpreting or reconstructing a social interaction in terms of the meaning that the respondents attach to it. Qualitative research has all to do with qualities of human beings and to understand phenomena in a particular context (Davis & Klopper 2003:73-74; Cresswell 1998:193).

Because no one else has described and explored restorative justice programmes like those of PZ, it is more meaningful to talk to those that are using it in order to effect change and apply the principles of restorative justice. A quantitative approach with formal questionnaires and formal interviews will not at this stage yield better results than a qualitative one (Bless & Kathuria, 1993). The study is also an exploratory enquiry because the researcher wanted to establish what exactly has been done on restorative justice in prisons in the Zululand region, specifically by PZ.

2.5 RESEARCH METHODS

Research methods are the plans that are used to do research work in a given field of study (Ras 2013). Methods are seen as codified series of steps taken to complete a certain task or to reach an objective (<http://en.wikipedia.org/wiki/Methods>), while the techniques refer to the methods (the tools – Ras 2013) that the researcher uses to do his / her research (Ras 2010; Maxfield & Babbie 1998; http://en.wikipedia.org/wiki/Five_techniques; Livingston 1996; Ras 2006).

Through the use of research methods, the researcher can identify the different phases of the research process which include, for example, data collection, the systematization of the data, the processing of the data, and its explanation (Van der Walt *et al* 1982:168-169). The researcher planned and executed her study in the following manner.

Briefly-speaking, the author had planned her activities, went out to do fieldwork in order to gather the necessary information (data), then she systematized her data and then processed it. Through this process she constantly went back to get further information where applicable and requested for further information until she was satisfied that she had a sound understanding of what the restorative justice programmes of PZ are all about.

2.6 RESEARCH GOAL

There are different research goals, for example, to explore, to describe, to analyze, to evaluate, to enquire, and so forth (Ras 2006; 2010). While the scientist in research employs scientific methods in order to explain, predict and control phenomena, this study was a qualitative enquiry into the restorative justice programmes in a prison setting, more specifically as it was offered by PZ in the prisons in northern Zululand. The enquiry was simply an investigation or a search in order to better comprehend the restorative justice programmes of PZ as they offer them in a prison environment.

2.7 GENERAL DATA GATHERING PROCESSES

The information gathered in this study was acquired through interviews, some more in depth than others (Stewart & Davis 2003:50-51; Chronis 2000:6-8), conversations (telephonically and personal), by browsing the internet and searching the world-wide web, and by making use of literature studies (text books, manuals, brochures, historical documents, periodicals, magazines, newspapers, pamphlets) (Ras, 2006; 2010:71-79).

The research approach was not based on statistical data that has been collected (Bless & Kathuria 1993:viii; Monk-Turner & Payne 2005:166-179), but rather on what the role players who were involved in restorative justice programmes in the prison environment had to say about their activities and their work.

Very often, when role players refer to their work, they normally make use of linguistic devices called “tropes”. A trope may take a form of a story, an irony, metaphor or some combination of these, constituted from everyday experience. Accumulation of tropes makes

each organizational culture unique, depending on its work circumstances and its members' collective experiences (Crank 1998:271-272). Tropes have been included in this research.

The gathering of necessary data pertaining to restorative justice in the prison environment was derived from primary as well as secondary sources (Jupp 1993:23). It was based on personal observations (Van der Westhuizen 1982:24-27) as well as personal, informal and unstructured interviews, document analyses (library research) and internet searches (Le Roux 2003:107-113; Ras 2006; 1010).

2.8 SPECIFIC DATA GATHERING TECHNIQUES

The following data gathering techniques (specific tools – Ras 2013) were specifically selected and used to gather information for the discussion of the present study.

2.8.1 Interviews

Kumar (2005:123) explains interviewing as a person-to-person interaction which takes place between two or more individuals with a specific purpose in mind. Interviewing can be flexible when the interviewer has the freedom of formulating the questions as they come to mind. Interviews are classified according to a degree of flexibility. Kumar (2005:123-124) suggests that interviews are divided into unstructured interviews and structured interviews.

2.8.2 Unstructured interviews

Kumar (2005:123) describes unstructured interviews as interviews that have a flexible structure and contents. The interview questions are also flexible so that the researcher can change questions. This type of interview provides freedom in terms of content and structure, the researcher has complete freedom in terms of wording and the manner in which

respondents are addressed. There are several types of unstructured interviewing, for example in-depth unstructured interviewing, unstructured focus group interviewing, unstructured narrative and unstructured oral histories.

2.8.3 Structured interviews

In structured interviews the researcher asks a predetermined set of questions using the same set of questions. They have the advantage of providing uniform information which assures the comparability of data. Structured interviews are simply purposeful conversations with the view to ascertain what the interviewee knows about a specific topic or aspect (Buckwalter 1983:2; Marais & Van Rooyen 1990:164). The duration of interviews ran for a minimum of about 5 minutes to literally hours, depending on the availability of participants.

Interviews were conducted with facilitators of PZ, board members of this NGO, the former director (Aitken 2010) and the present director (Lushaba, 2010) individual board members, (Ras 2013) as well as family members of inmates who participated and are still participating in the PZ programmes. The interviews that were structured were not too formal or rigid so that there were no flexibility and the researcher could not adjust her interview with the flow of the conversation and dynamics of any communication setting (Ras, 2013).

2.8.4 The nature of the interviews

The respondents were free to express their opinions while discussing the issues relating to restorative justice and rehabilitation. Especially in the prison setting the participants of restorative justice programmes had the opportunity to speak freely about their experiences and the researcher, where and when applicable, could intervene and ask questions, make general or specific remarks in order to better understand the specific restorative justice programmes as offered by PZ in the Zululand prisons.

Interviews took place mostly in informal settings where people were relaxed, sharing ideas, giving opinions, before they were asked to give their views on different aspects of the restorative justice programmes. However, the interviews were focused in the sense that the researcher deliberately focused her interventions or questions or remarks on the programmes themselves.

Once the interview got underway, the researcher allowed enough time for a respondent to respond to questions that were asked. Respondents were not “forced” to answer but the researcher had tried, as far as possible to create an atmosphere where the respondent could feel that he / she has the opportunity to speak freely about what he / she believes the restorative justice programmes, as offered by PZ, are all about.

The asking of questions was used as a stimulant to allow respondents to speak freely and openly, rather than to create the idea that they are seen as only sources of information. Where people were not very enthusiastic to talk, questions were put to interviewees to gather the necessary information.

2.8.5 Personal conversations

Most of the data that were gathered about the programmes were obtained through simple personal conversations. Personal conversations are where the researcher has spoken to someone who has provided the necessary information out of his / her own choice through a normal conversation. Personal conversation is the best qualitative data gathering tool that exists because one can really zoom in very deep into things (Ras 2013).

Most of the time conversations took place in informal settings like inside a motor vehicle while driving, over a cup of tea, before, during and after board room meetings, on campus, off campus, in town, and so forth. Wherever and whenever the researcher had the

opportunity in the past few years to talk to any person whom she thinks may shed more light on the particular topic that was being researched, she did so.

As a result of this approach, a lot of data were gathered that have enriched the whole qualitative enquiry process. Personal conversations are face to face conversations where body language also plays an important role and where the researcher also could “read between the lines” whenever it was necessary to do so. The reading of body language is very important in a prison setting because that setting is really not “normal” for “normal people” or for offenders (Ras 2013; Gordon & Fleisher 2011).

2.8.6 Telephone conversations

Denzin (2002:834) is correct when saying that through cell phones “...we increasingly experience everyday life” (Ras 2006; 2010). Telephone conversations were used to reach out to those who could provide information and who were not close by at the time of data gathering. They were also used to do follow-up sessions with those who already had been contacted or interviewed.

They were also used to clarify matters and to gather additional information when there was a need to clarify an aspect of information that was mentioned in a previous interview or conversation that could be regarded as “meaningful”. To phone is relatively-speaking the most effective, affordable and cheapest way of communication to use over long distances, especially when operating or working in the rural areas.

Most of the role players like PZ facilitators, who are directly involved in restorative justice programmes in the prisons, find that the use of cell phones is the best way to communicate. A facilitator in Eshowe can easily talk to one another in Ingwavuma or in KwaDukuza (Stanger). The same can be said of the researcher.

Instead of physically travelling long geographical distances that are time-consuming and not always cost-effective and practical, a lot of information was gathered through the landline and the cell phone (Ras 2006; 2010). Most information was gathered from the directors of PZ or board members (Aitken 2010; Lushaba 2010; Ras 2013). Information was also gathered by phone from facilitators who were not present in a particular correctional facility or prison at the time when the researcher visited there.

2.8.7 Document analysis

A lot of qualitative research went into literature study. For example, reading and analyzing remarks and references about restorative justice as it is perceived and implemented in different settings around the globe. Documents included textbooks, manuals, brochures, pamphlets, periodicals, magazine, newspapers, dictionaries, and encyclopedias, portfolios of evidence, personal letters, correspondence and legal documents (Ras 2006; 2010).

The reading of all kinds of information dealing with the present topic had to be done in order to ensure a responsible and accountable product that is transparent and professional. Document analysis in this research refers to the ‘analysis of the contents of documents’ that the researcher read. The contents of physical and electronic texts were read and analyzed. Although a text (or document) could be seen as anything in written format, visual, or spoken information that serves as a medium of communication, in this particular context the analysis of contents refers to the written words that took place.

Richard Aitken (founder and director) had a video about a drama performed by PZ participants, and there is also a short film / video which he has recorded about PZ and the work that they do on restorative justice. Where applicable some of these remarks were used by the researcher and incorporated into the study. The “contents” of these documents (physical & electronic) were / are very important to better comprehend PZ’s restorative justice programmes.

The “content” refers to words, meanings, pictures, ideas, themes or any message that can be communicated. In short, what the researcher “has read, heard and seen” constituted the “contents”. Quantitative content analysis has to do with objective and systematic counting while qualitative content analysis focuses more on themes, and is more critical and interpretative in its application. The latter technique has been implemented where and when applicable (cf. Chapters Three & Four).

The researcher has observed and has practical experience in the offering of restorative justice programmes in a prison environment. With these in mind, she studied the contents of books, manuals, and other restorative justice programmes to discover and observe what information they have in store on this topic.

The researcher has also liaised with board members who have watched video clips and a short film in which Richard Aitken, the founding member and director, was interviewed about PZ. Through this process relevant information has been secured and accumulated for close analysis and interpretation.

Rubin and Babbie (2001:601) are correct in saying that people are experiencing an ‘information explosion’ and that the library is one of the ‘main battle-fields’. The other main battlefield certainly will be the World Wide Web with all the computerized library files and electronic information which, if it could be measured in A4-type pages, would comprise literally millions of pages (Le Roux 2003; Ras 2006).

Electronic documents, that is, information obtained through search engines like *Google*, *AltaVista*, *Lycos*, *HotBot*, *MSN* and *Yahoo* on the world web (internet) were also included in the document analysis. It was possible to gather large quantities of information through the electronic media (Le Roux 2003:108).

Although Neuman and Wiegand (2000:462-466) argue that computers have revolutionized the conduct of research and have become an essential tool in social research, Le Roux (2003:109) is correct in asserting that in Africa, and even South Africa, with its more sophisticated telecommunications system, the masses (mostly black Africans) do not have access to the internet.

Le Roux's remark underlines the opinion of the researcher, and that is, that she had to personally speak to those who are involved in restorative justice programmes in prison environments in order to obtain a more secure or a 'true picture' of what is really going on at grass roots level. Offenders are very seldom allowed to have cell phones, television or internet facilities inside the prisons so the best option was to try to talk to them whenever there was an opportunity to do so.

Because of security breaches and the possibility of corruption and smuggling practices offenders are not allowed to have cell phones in prison. The researcher can testify that some prisons are tighter than others on all aspects of security measures because of the discovery of phones or illegal weapons in a particular prison. The security measures at Durban Westville where she has visited recently (November 2013), for example, were tighter than, for example, Qalakabusha Correctional Center outside Empangeni or some of the other prisons in the rural areas (like Nongoma, Ingwavuma, and Mthunzini). She can also point out that the work of PZ at KwaDukuza (Stanger) was stopped by DCS because there was an apparent breach of security.

2.8.8 The use of field notes, brochures, relevant documents and photos

In the social sciences, but more specifically in criminology, field notes are normally seen as written expressions and facts gathered during a scientific investigation (Prinsloo 1993:83). In the present study the term 'field notes' simply refers to cryptic or skeleton notes that the researcher has made to assist her to remember what someone had said about restorative justice programmes in the prison environment and also what the researcher has observed or

experienced. It includes, for example peculiar sayings, names of places and relevant remarks made while collecting data.

The researcher includes some photos that have been taken while restorative justice programmes were conducted or when research was done. There are very beautiful and informative brochures regarding restorative justice programmes offered by Phoenix Zululand; some which are included in the annexures at the end of the thesis.

Field notes, brochures and photos were *inter alia* used to gather relevant information that could assist the researcher in gathering appropriate details about certain aspects of the work. These notes build confidence in what the researcher is doing and one gets into a cycle of reflection and change. The revision of these notes has assisted the researcher to rethink what she saw and heard and has assisted with a deeper understanding of restorative justice programmes in prisons. In a sense, it could be said that field notes assisted the researcher to go deeper and to grow further into this field of study (cf. Ras 2006).

2.9 ANONYMITY OF PARTICIPANTS

The researcher has as far as possible acknowledged all her sources. However, offenders are normally not mentioned by name because of their right to privacy and confidentiality (Section 14, Act 108 of 1996) and also because they are under the direct supervision of DCS. As far as possible, board members of PZ as well as their facilitators and outside participants were mentioned in order to stimulate possible further engagement and also to create a sound network of people who have contributed to this study in one or other manner – whether through knowledge sharing, their remarks, insights, or simply because of their presence in a given situation.

Those persons who want to remain anonymous because of their right to privacy, their decision to remain anonymous, because of a lack of confidence to speak openly or perhaps

because of an inability to articulate themselves in scholarly terms, were not mentioned in the list of sources consulted. The researcher at all times had tried to be fair, to respect the rights of all participants and to quote only those who did not have a problem.

When referring to offenders or warders inside the prison system, the researcher did not quote their names or surnames because that would compromise rules of DCS, confidentiality and privacy matters. Where references are made to people who are working in DCS they are used in a discreet manner and because they have contributed more in terms of general knowledge remarks in a public domain or within a setting where it is not wrong to refer to them, for example, officials addressing members of the Department of Criminal Justice or students at the University of Zululand (Sihlangu 2013; Monacks 2013; Heyns 2013; Xulu 2013).

2.10 THE USE OF SOURCES

It is customary to speak of people who provide information as “sources”, especially in investigation and intelligence circles (Ras 2013). Although many of the sources were used or consulted on several occasions for different enquiries, for example, in follow up questions, the researcher has most of the time only mentioned them once in the bibliography or list of sources consulted. A lot of public and organizational and even personal information was gathered through the years through talking to those who have an intimate knowledge of PZ and who actively participate in the offering of restorative justice programmes.

This research has specifically has focused on the restorative justice programmes as offered by PZ because the researcher had the opportunity to visit the prisons with them and to participate in the offering of these programmes as an observer. As a result of this observer participation she has built up contacts or networks that have assisted her in the compilation of this thesis. However, a lot of information is based on publications of PZ and on open sources.

As far as possible the researcher has acknowledged all her sources. Offenders and officials within the prison or correctional setting are not mentioned by name except where the

researcher is of the opinion that the mentioning of a name would not cause any problem with DCS or any other government department that operates in a secure environment where the mentioning of names can compromise their safety and security or the rights of others with regard to privacy and confidentiality.

2.11 ACTION RESEARCH

The terms *action research* and *operational research* are sometimes used as synonyms although natural scientists prefer to use the term “operational research” and social scientists prefer the term “action research” (Mannheim 1965:185). According to Mannheim (1965:185), action research means, first of all, “...the closest possible connection between theoretical research and practical action”.

He is of the opinion that action researchers are not interested primarily in the promotion of knowledge but rather in the improvement of social conditions. They are not concerned with the formulation of hypotheses or implementation of any control groups; they rather work in close collaboration with practical people who are concerned with practical problems (Mannheim, 1965:185).

That was also the case in this research. The researcher, just like board members and facilitators of PZ was not concerned with theoretical philosophical issues but with real life-situation and practical problems as experienced and facing the offenders in prison. In short, she wanted through this research to try to make a real difference in a positive sense to the lives of those who are in prison.

While operational research has its origin in the needs of governments especially during times of war, action research can be equally useful in communities. The use of action research in doing research about restorative justice in a prison environment will assist role players in the field to get clarity over certain aspects of the work (Penxa 2005a, 2005b). Emily Calhoun is

of the view that action research "...is a fancy way of saying let's study what's happening at our school and decide how to make it a better place" (<http://www.coe.fau.edu/sfcel/define.htm>).

In this study the researcher has looked at the restorative justice programmes as they were offered in different prison settings in Zululand by facilitators of Phoenix Zululand. She has worked closely together with and in close collaboration with those who had knowledge and practical experience of restorative justice programmes in this field. The conclusions drawn and the recommendations that are made at the end of this thesis are based on the action research that took place. The recommendations that are made *inter alia* have in mind to improve the nature ("what is offered") of the programmes and to alter "how" ("the manner / way in which") it is offered.

While Stephen Corey is correct in saying that action research is a process by which practitioners attempt to study problems scientifically in order to guide, correct, and evaluate their decisions and actions (<http://www.coe.fau.edu/sfcel/define.htm>), it must be pointed out that this was not solely the purpose of this research. Although action research is used in real situations and normally focuses on solving real problems, it can also be used by social scientists for preliminary or pilot research, especially when the situation is too ambiguous to frame a precise research question (<http://www.web.net/~robrien/papers/arfinal.htm>).

This research was a qualitative enquiry into the restorative justice programmes that were used by PZ, and because it was not done before in academic circles, this research can also be seen as exploratory and descriptive, because in the process of enquiry she has explored and described her experiences. The remarks on restorative justice in the WPOC (2005) were used to guide her to see if PZ programme offerings are in line with what the WPOC (2005) mentions and hopes to achieve.

By making use of insights from action research the researcher was able to come up with a helpful informative and constructive document. Action research is chosen when the circumstances require flexibility, like in this research where it was not clear if the restorative justice programmes, as offered by Phoenix Zululand, are in line with what the WPOC (2005) wants to achieve.

A description was given on what the facilitators were/are doing, and in light of that and other gathered information she has tried to describe the programmes and to come up with constructive recommendations. In this sense, “action” was taken during the whole action research process or qualitative enquiry.

Action research is normally used by people who believe: ‘if you want it done right, you may as well do it yourself’ (O’Brien & <http://www.web-net/-robrien/papers/arfinal.html>). This point of view relates to the dual commitment that exists in action research: and that is, a researcher studies a system or phenomenon (in this case restorative justice programmes in a prison environment) and concurrently collaborates with members of that system in changing whatever needs to be changes.

Action research is also at times called “field research” because it takes place in the “field” or in the “practical natural environment” where the particular social phenomenon is studied. In the case of the researcher the “field research” took place mostly in a real prison setting where restorative justice programmes were offered to real offenders. During these encounters the researcher had either observed in silence or had actively participated in the programmes.

2.12 PERSONAL INVOLVEMENT IN THE RESEARCH

As mentioned before researcher is a lecturer at the University of Zululand in the Department of Criminal Justice, lecturing mainly undergraduate modules in the BA. Correctional Studies programme. Restorative justice issues are part and parcel of her lecturing and also research duties. She got involved in PZ during 2005 and later also became a board member of this NGO.

Prior to being a board member the researcher has volunteered to participate and to facilitate with PZ programmes in some of Zululand's prisons, namely, at Qalakabusha (Empangeni), KwaDukuza (Stanger) and Melmoth. The programmes in Qalakabusha and Stanger were pre-release programmes while she was involved with family conferencing at Melmoth. She also has visited other prisons in the area like Empangeni Medium, Eshowe, and Ingwavuma. Good relationships were forged with members of PZ.

Her exposure to the activities of PZ, and her involvement with them through the years have created the opportunity to do qualitative research on this topic. It was a logical and convenient choice to make enquiries into the programmes of PZ to see if they are in line with the WPOC (2005). The researcher was guided in her research activities by Prof. Johan Ras, the Head of Department of Criminal Justice at the University of Zululand, who was also a former board member of PZ. A former colleague in the same department, Dr. V. I. Khoza, who retired in April 2013, has also served for many years on the board of PZ and he would also make valuable remarks related to the rehabilitation of offenders where applicable.

2.12.1 Personal details of researcher

The researcher completed her BA degree in Criminology and isiZulu at the University of Zululand in 1991. Before this period she was assistant teacher during 1974 to 1975 at Mathonsi Combined Primary School and during 1975 to 1976 at St. Cyprian School. From 1978 to 1996 she was an administrative clerk at the Esikhaweni magistrate's court, under the former KwaZulu-Government. She completed her Honours degree in Criminology in 1993 at the University of Zululand and was also an assistant lecturer at the same university from 1993 to 1994. She also later added Afrikaans as a school subject to her *curriculum vitae*.

From 1996 to 1999 she was an educator at Ndumo High School and from 2000 to 2003 HOD at Nodineka High School. From 2003 to 2005 she was HOD at Mandlasonke Higher Primary School. She completed her Masters degree in criminology on juvenile diversion (Zondi 2002) at the University of Zululand. The education background, first at primary school, then at high school and also at tertiary level has assisted the researcher to better identify with and to better comprehend the role and function of facilitators in a prison setting. Her clerical experience in a criminal justice setting (at magistrate's court), her research on juvenile diversions and her criminology background definitely assisted her to better understand the restorative justice issues of DCS and the programme offerings of PZ.

The researcher's involvement with PZ from 2005 and her involvement with the PZ board have created a desire to later do more formal academic research on restorative justice programmes specifically in a correctional services' environment. The researcher has also completed a University Diploma in Education (UED) at University of Zululand and Adult Basic Education and Training (ABET) certificate at Unisa (1996). The diploma and ABET training directly assisted her to better comprehend the effectiveness of the programme offerings of PZ to the offenders.

In short, the researcher's background, past experiences in education and the criminal justice system, coupled with her studies and research in criminology and juvenile diversion, have prepared her well to be able to make more sense and to discover more meaningful insights into PZ's restorative justice programme offerings. During 2009 the researcher followed a management development programme through the University of Stellenbosch Business

School and some of the insights learned through this exposure assisted her to also look at the programmes of PZ from a managerial perspective.

The researcher was of the opinion that the possible results of a qualitative enquiry or study that focuses on restorative justice programmes in a prison setting, in this case PZ, may assist people in DCS and in other NGOs to better equip themselves for their rehabilitative task of trying to change the attitudes and behavior of offenders. Huebner (2013:114) is correct in saying that good programme evaluations can provide the foundation for effective correctional practice and enhanced public policy.

2.13 ETHICAL CONSIDERATIONS

The researcher undertook to maintain respondents' anonymity, honour and guarantee confidentiality of information provided by them, and to strictly adhere to the ethical policies of the Department of Correctional Services and of the University of Zululand.

The researcher further undertook to act as objectively as possible under all circumstances, and to acknowledge the provisions of the Bill of Human Rights (Act 108 of 1996) with regards to people's rights to human dignity (Section 10), privacy (Section 14), and their rights to freedom of conscience, religion, thought, belief and opinion (Sections 15 & 16).

There is no doubt that the right behavior in especially a prison setting is of great importance because offenders need to be corrected and be developed in a positive and constructive manner. The researcher, just like all the other PZ facilitators has always tried to act as a role model and to inspire offenders to do what is right and to do good to others.

2.14 THE PURPOSE OF THE RESEARCH

In line with section 1.9 the general aim or goal of the study was to qualitatively look at restorative justice programmes in a prison environment. The nature of this qualitative enquiry is to describe the restorative justice programmes of PZ and to evaluate and see if it is in line with the remarks made on restorative justice as encapsulated in the WPOC (2005).

PZ was specifically chosen because they work in the Zululand area and no one else had looked at their programmes from an academic point of view. Because the researcher is of the opinion that the work that PZ is doing can also be of value to prisons in other areas and one's sources or the prison in order to get a last piece of information or the latest news emphases, outlooks, perspectives and objectives, although it is all related to the philosophy and restorative justice paradigm, the title of the thesis was not only formulated exclusively as if she was only looking at PZ.

The researcher has used the WPOC (2005) as a measuring tool or yardstick to see if PZ in their restorative justice programme offerings are in line with what the WPOC emphasizes in terms of restorative justice. Because the WPOC addresses all restorative justice issues in prison for all DCS-related role-players (also outside the Zululand prisons), the title of this thesis was not narrowed down to only restorative justice programmes of PZ but restorative justice programmes in a prison environment.

2.15 THE DANGER OF BECOMING A FIELDWORK JUNKIE

According to Ras (2006; 2010), when doing a qualitative research study, there is always the danger to become addicted ("a junkie") to the "research process" so that there is a natural kind of urge to always go back and back again to get the latest information or a last story before the research can be completed.

This tendency to go back and back again is something that the researcher has experienced on several occasions. Very often she has to phone again and again or to go back to a prison to make sure that her information is correct, to try to get additional information to fill the academic lacunas and to try to get that extra piece of information that may make the research more acceptable and attractive.

In order to finish off her work she was guided by her supervisor (Ras 2013) in order to fast-track the bare essentials and to get closure on all the different programme evaluations. A qualitative researcher never gets closure and will always try to dig deeper, but there comes a time where one simply has to say: “Enough is enough!” (Ras 2013). The researcher has decided that that is good advice because she has started to look at PZ since 2005.

2.16 SUMMARY

This chapter focused on research methodology. The following matters were discussed: Introductory remarks were made (section 2.1), the reason for the present research (section 2.2), research approach (section 2.3), reasons for using the qualitative approach (section 2.4), research methods (section 2.5), research goal (section 2.6), general data-gathering process (section 2.7), specific data gathering techniques (section 2.8), anonymity of participants (section 2.9), use of sources (section 2.10), action research (section 2.11), personal involvement in research (section 2.12), ethical considerations (2.13), purpose of the research (section 2.14), and the dangers of becoming a fieldwork junkie (section 2.15).

CHAPTER THREE

THE WHITE PAPER ON CORRECTIONS AND RESTORATIVE JUSTICE

3.1 INTRODUCTION

The change in political landscape in South Africa has led to changes in DCS. Among other changes was the approval of the new White Paper on Corrections (WPOC) 2005. The WPOC in Corrections in South Africa is a document that was approved by the cabinet in 2004 to replace the 1994 White Paper on Corrections (White Paper 2004:6). This chapter focuses on the White paper and restorative justice because this term is used on an almost daily basis in criminal justice and penological circles, including DCS itself.

The philosophy of “rehabilitation and correction” (WPOC 2005:31, section 2.8.8) is actually based on the belief in and the philosophical concept of “restorative justice” (Ras, 2013). In fact, the WPOC (2005:30, section 2.8.5) clearly mentions that the strategies developed towards the enhancement of rehabilitation within DCS include: “...promotion of a restorative justice approach to justice to create a platform for dialogue for the victim, the offender and the community, facilitating the healing process.”

3.2 THE ORIGIN OF THE WPOC

The fundamentals of the WPOC are derived from the South African Constitution of 1996 (Act 108 of 1996, Chapter 2, the Bill of Rights). In November 2004 the Cabinet approved the White Paper which replaced the 1994 White Paper. This paper, although approved in 2004, was only implemented in 2005 (WPOC 2005:6).

The paper stresses the view that the work of correction and rehabilitation of an offender is a societal responsibility whilst the WPOC of 1994 was silent about the rehabilitation of offenders as well as the societal responsibility (WPOC 2005:6). This societal responsibility

necessitates community and societal involvement in social crime prevention and moral regeneration (WPOC 2005:20, section 1.1.6).

The involvement of PZ in the prisons in Zululand is a typical example of community and societal involvement in a DCS environment – an involvement that certainly, in the light of the WPOC (2005), rapidly needs to expand all over South Africa (Nesengani 2013; Aitken 2011; Monacks 2010; Sihlangu 2010).

3.3 VISION AND MISSION

The vision of the DCS is “to be one of the best in the world in delivering correctional services with integrity and commitment to excellence” (WPOC 2005:38). The mission statement, developed in 2002, is: “Placing rehabilitation at the centre of all Departmental activities in partnership with external stakeholders, through:

- the integrated application and direction of all Departmental resources to focus on the correction of offending behaviour, the promotion of social responsibility and the overall development of the person under correction.
- the cost-effective provision of correctional facilities that will promote security, correction, care and development of services within an enabling human rights environment.
- progressive and ethical management and staff practices within which every correctional official performs an effective correcting and encouraging role” (WPOC 2005:38).

3.4 REHABILITATION AS THE CORE FUNCTION OF DCS

The mission statement is clear. According to the WPOC (2005:38) rehabilitation must be at the centre, that is, at the heart, of all DCS activities, and this (rehabilitation) must take place in partnership with external stakeholders. The WPOC (2005) clearly states that external stakeholders (that will be the stakeholders in society and communities outside DCS) must be in partnership with DCS.

In other words, rehabilitation is the most important task of DCS and this task of rehabilitating offenders must take place in partnership with stakeholders outside the prison walls or correctional centres. This means that the work that is done by PZ is hundred per-cent in line with what is expected in the mission statement of DCS as encapsulated in the 2005 WPOC.

3.5 WHAT IS REHABILITATION FOR DCS?

What is very clear in the mission statement is the emphasis that rehabilitation has to do with the correcting of offending behaviour, the promotion of social responsibility and the overall development of the person under correction. This means that the mission of DCS is to change the inmates' offending behaviour, to promote social responsibility, and to develop the individual offender *in toto* (WPOC 2005:38, section 4.4).

In terms of the formulation of the mission statement of DCS, rehabilitation is seen and understood to have three important legs. They are: (i) the correcting of offending behaviour, (ii) the promotion of social responsibility, and (iii) the overall development of the person under correction.

“...rehabilitation is informed by a commitment to restoration of normative behaviour by the offender as a first step.” It states further: “The focus is on problem solving, healing of the spirit, lifting of condemnation and the restoration of harmony within the self” (WPOC 2005: 40, section 5.2.2).

These remarks definitely portray a psychological point of view, that has in mind the changing of an offender's behaviour, personal capacity building so that the offender can self his or her own problems, a kind of contemplative self-introspection where the offender accepts his present situation after sentencing, a self-realization that “I have to change and better myself”, and the making of peace with “myself” and “others” (Ras 2013).

What becomes clear in the mission statement of DCS is that they believe in, propagate, and promulgate the idea that rehabilitation is not only at the heart of all their activities, but that it is indeed the “heart” of what they do and are supposed to do. In DCS restorative justice basically means rehabilitation of offenders. What exactly does this mean?

Key words or expressions that are used in the WPOC when it comes to rehabilitation are: “changing their offending behaviour, to promote social responsibility and ethical and moral values, alternative lifestyle choices, development needs, and the future employability of the offender” (WPOC 2005:39, section 4.4.6). This description is in actual fact another word for “corrections” (WPOC 2005:31, section 2.8.8). The core business of DCS is to create an environment in which offenders are encouraged “...to discard negative and destructive values and replace them with positive and constructive values...” (WPOC 2005:35, section 3.3.7).

The achievement of rehabilitation happens through the delivery of key services to offenders, including “...both correction of the offending behaviour and the development of the human being involved” (WPOC 2005:37, section 4.2.3). Rehabilitation is achieved through a holistic sentence planning process and through interventions (programme offerings – Ras 2013; WPOC 2005:37, 39, section 4.2.3 & 4.4.6) to change attitudes, behaviour and social circumstances (WPOC 2005:37, section 4.2.3). “The desired outcome is rehabilitation and the promotion of social values and responsibility” (WPOC 2005:37, section 4.2.3).

It seems safe to say that rehabilitation is nothing else than the process of correcting destructive and past criminal behaviour and negative and wrong attitudes of offenders, and to positively develop them in such a manner that they will acknowledge their past wrong behaviour and deliberately change their attitude and behaviour to become law-abiding and productive citizens of the country (Ras 2013; WPOC 2005:30, 35, 37-42).

3.6 WHAT REHABILITATION IS NOT

It is important to point out that the WPOC (2005) is not emphasizing any form of condemnation of the offenders. The typical remarks, “Lock’em up!”, “Throw away the key!”, “Let them rot in jail!” and so forth, made by community members and / or the media, are definitely absent (cf. WPOC 2005:37, section 4.2). The WPOC is based upon the principles of the new constitution (Act 108 of 1996) that reflects a truly human rights culture, typical of any democracy (Ras 2013).

Rehabilitation is not seen as a form of punishment. It is a process of restoration, that is, a process of correction and a process of developing the offender to become a law-abiding, social responsible and productive citizen of South Africa. To put it simply, DCS must see that crime doers must become crime fighters (Ras 2013; WPOC 2005:4.2.2).

In conjunction with the central idea that rehabilitation is not any form of punishment is the central belief and idea that it is a process that must bring positive change. More specifically, the offender must change. His or her past criminal and or destructive behaviour must be replaced with law-abiding and constructive behaviour that will not only benefit himself or herself, but also the wider community. In short, it is about changing the “heads, hearts” and “hands” of offenders (Ras 2013).

From a psychological point of view the holistic approach (WPOC 2005:31, 37, sections 2.8.9 & 4.2.4) that is followed to bring about change in the lives of offenders seems to be a cognitive-behavioural one. To develop the offender is nothing else but to first change his or her mind, and then his or her offending behaviour, because “overall development of the person under correction” simply just means that (Ras 2013). In order to give expression to this philosophical belief in a practical manner and also to apply this belief in practice, DCS has formulated their key objectives that are applicable to everyone working with offenders inside and outside the prison walls.

3.7 KEY OBJECTIVES OF DCS

It is clear that the objectives of DCS are in line with the Constitution of the Republic of South Africa (Act 108 of 1996) and with international law. The emphasis on human rights and the correct and positive treatment of offenders are central issues in the WPOC. There are ten objectives. These are briefly discussed below:

Implementation of sentences of the courts: According to the WPOC rehabilitation is the key reason for sentencing. That is the so-called *sine qua non* (“watershed” – in Afrikaans: “waterskeiding”) of any sentence (WPOC 2005:38, section 4.4.1). Rehabilitation is here described as the “provision of correctional and development opportunities to all offenders, both in and out of correctional centres (WPOC 2005:38). Punishment is not mentioned at all as the reason for sentencing, but rehabilitation is (Ras 2013).

Breaking the cycle of crime: It is specifically said that “The purpose of the correctional system in South Africa is not punishment, but protection of the public, promotion of social responsibility and enhancing of human development in order to prevent repeat offending, or the return to crime” (WPOC 2005:38, section 4.4.2). This statement means *in praxis* that there must be human interventions to achieve this specific objective. This is normally done through the offering of restorative justice programmes (Plaatjies 2012; Ras 2013, WPOC 205:39, section 4.4.6; Aitken 2011; Nonceba 2011;).

Security risk management: While DCS must protect the public from offenders they must at the same time rehabilitate them through correct security classifications and needs-based corrections. The last-mentioned is also done through human interventions, mostly through specific programme offerings in groups (Ngidi 2013; Mseleku).

Providing an environment for controlled and phased rehabilitation interventions:

While DCS must ensure public safety, they must “...create a controlled environment for

intense and needs-based rehabilitation, correction and development” (WCOP 2005:38, section 4.4.4). The WPOC specifically mentions “intense and needs-based rehabilitation, correction and development” which underline the important role that restorative justice programmes ought to play in the rehabilitation process.

The use of the adjective “intense” indicates the great emphasis that the WPOC put on needs-based rehabilitation, correction and development. The WPOC also note the specific kind of rehabilitation that must take place – it must be needs-based rehabilitation (WPOC 2005:38, section 4.4.4), correction and development.

Any kind of intervention, including restorative justice programmes that are offered within DCS that are not addressing the needs of offenders, victims and the community (including family members) will not be in line with the White paper (2005). This rehabilitation must also take place in a controlled environment and in a phased manner. This means that DCS, from a security managerial point of view, is controlling the rehabilitation, correction and development interventions in such a manner that the interventions (including programme offerings) follows one another as time progresses (WPOC 2005:38, section 4.4.4; Ras 2013).

Providing guidance and support to probationers and parolees within the community:

This objective must ensure that probationers (those not going to prison but will be under correctional supervision) and parolees (those that already have served part of their prison sentence and now can go on parole until their sentence is complete) are rehabilitated and reintegrated into society in a supervised manner. Supervision takes place through guidance and support (WPOC 2005:39, section 4.4.5).

Provision of corrective and development measures to the offender: DCS is the state vehicle that must address the offending behaviour of offenders. “This the Department does by providing programmes for offenders in order to address, *inter alia*, the offending behaviour itself and to promote social responsibility and ethical and moral values, alternative lifestyle choices, development needs, and the future employability of the offender” (WPOC 2005:39, section 4.4.6).

This objective is the most important one in terms of this research because the WPOC clearly states that DCS correct and develop offenders through the provision of programmes that are offered. This statement means *in praxis* that the work that PZ does in providing restorative justice programmes within DCS is in line with what is expected from DCS to do in their own “backyard.”

Reconciliation of the offender with the community: According to this objective DCS is responsible for reconciling the offender with the community and to heal the relationship with the victims. This very difficult and challenging task of healing the broken relationships is something that can only take place after the offender and the community (including victims) have agreed to meet and have decided to bury the wrong or criminal events of the past. This can also only take place after there was one or other successful intervention via group discussions or one or other programme offerings.

This objective again underlines the important role of the offering of restorative justice programmes within DCS so that the offender as well as the community (including the victim/s) can be “confronted” with their past so that, hopefully, there could be a positive outcome.

Enhancement of the productive capacity of offenders: The rehabilitation process must include interventions and / or the offering of programmes so that offenders can learn skills in order to be productive and create something that can be used by DCS and / or the community. Whether it is the planting of vegetables or the fixing of school benches, restorative justice programmes must make the offender more productive and responsible towards society.

The WPOC has in mind that DCS develop commercially viable industries and farms in order to develop offenders and to see that they are economically productive. The offering of programmes is again very important in order to ensure that offenders develop the necessary skills to positively contribute to the economy in one or other positive ways (WPOC 2005:39, section 4.4.8).

Promotion of healthy family relations: Because family units are the life-blood of social control, the more the offenders meet with their families, the better (WPOC 2005:34-35, 39, 41, sections 3.2, 4.4.9 & 5.2.6). The dysfunctional family unit leads to a breakdown in social crime control and, as a result, the relationship between the offenders and their families needs to be strengthened. This means that restorative justice programmes like family conferencing need special attention. The WPOC also specifically mentions this: “The participation of families of offenders in their rehabilitation programmes, which may include family group conferencing and providing the necessary support will encourage better relations between the family and the offender once released” (WPOC 2005:41, section 5.2.7).

Assertion of discipline within the correctional environment: Discipline must reinforce and not undermine the objective of correction and rehabilitation. The aim is to instil self-discipline through a restorative justice approach to all offenders. Interesting is also the view that disciplinary measures should take the form of community service which is directed towards other inmates (WPOC 2005:39, section 4.4.10).

This means *in praxis* that NGOs like PZ, in their dealings with offenders, can emphasize the important role of discipline with the aim of serving fellow inmates. The important emphasis here is the idea of service that is seen within a disciplined correctional service setting.

In summa, the key objectives of the correctional system as encapsulated in the WPOC (2005:38-39) clearly state that rehabilitation is the *sine qua non* (section 4.4.1) of any sentence. DCS is “...obliged to provide correctional and developmental opportunities to all offenders, both in and out of correctional centres” (WPOC 2005:38, section 4.4.1).

“This the Department does by providing programmes for offenders in order to address, *inter alia*, the offending behaviour itself and to promote social responsibility and ethical and moral values, alternative lifestyle choices, development needs, and the future employability of the offender” (WPOC 2005:39, section 4.4.6).

This means that PZ, through their existing programme offerings, are in line with what DCS expected to do because that is in line with the remarks made in the WPOC (2005). This does not mean that whatever PZ is doing or offering is necessarily acceptable or beneficial *in toto*, but their initiative and efforts need some form of recognition.

3.8 THE PROCESS OF REHABILITATION

When the mission statement is analyzed and broken down into more digestible and understandable sizes, it becomes clear that it is expected that every prison official has the task to effectively correct each and every individual offender and to encourage him or her to change his or her past offending behaviour.

Put differently restorative justice in DCS has to do with rehabilitation that "...is the result of a process that combines the correction of offending behaviour, human development and the promotion of social responsibility and values. It is a desired outcome of processes that involve both the departmental responsibilities of Government and the social responsibilities of the nation" (WPOC 2005:37, section 4.2.1).

It is about changing an offender's behaviours, the taking of societal responsibility, and the overall development of the person under correction (WPOC 2005:37). To "re-store" justice within the eyes and mind of the public or society, each and every offender or inmate must be encouraged in a positive manner to change his or her wrong offending ways and to be corrected in such a way that he or she never will repeat those particular offense/s.

3.9 DIFFERENT ROLE-PLAYERS AND THEIR ROLE WITHIN AND OUTSIDE DCS

In order to assist DCS with their mandate to rehabilitate (correct & develop) offenders all role-players involved have a great responsibility to uphold the mission and vision of DCS (section 3.3) by prioritising rehabilitation and correction of the behaviour of an offender.

When it comes to rehabilitation the point of departure or view point of DCS is that every human being is capable of change and transformation if offered the opportunity and the necessary resources. According to Plaatjies (2009:172) every official is a rehabilitator and every prison a correctional centre - a place of new beginnings for every offender. Through corrections every offender can serve the nation.

Everyone inside and outside prison has a role to play when it comes to rehabilitation. Whether big or small, once or very often, each and every one can make a difference and be an agent of change. The role-players are: offenders themselves, correctional services personnel and the members of the community.

Role-players can and must include, for example, professionally qualified people like warders (with degrees), educators, medical doctors, nurses, chaplains, unit managers, religious or spiritual workers, business people, social workers, psychologists, skills facilitators, tradesmen (Afrikaans: “ambagsmanne”) like electricians, motor mechanics, technicians, plumbers, carpenters, chefs, and so forth. Any person with skills and knowledge (whether general, specialised or technical), whether it is someone with a degree in agriculture, accounting, creative arts, or someone who is just a lay person like a spiritual or religious worker, can, may, and must make a difference.

The role of all the above-mentioned role-players is simply to act as “agents of change” and to persuade and influence offenders in such a manner that they want to change, come into

motion and make the desired change. The needs are so huge within the correctional services' environment that when it comes to different role-players, there is truth in the statement: "It is not a matter of ability, but a matter of availability" (Ras 2013).

The WPOC (2005:85) states : "No correctional system can achieve its objective if it does not have a range of healthy external partnerships. The Department of Correctional Services has identified the following as key external relationships:

The family;

The community;

Other government departments;

The private sector;

The JCPS Cluster and the Social Sector Cluster;

Non-governmental, faith-based and community-based organisations;

The Legislature at all three levels; and

The international community" (WPOC 2005:85, section 13.1.1).

In addition to the above-mentioned remarks the White Paper further emphasizes that:

"The relationships between the DCS and the community, community-based organisations, NGOs and faith-based organisations are inherent in the successful achievement of the rehabilitation and reintegration of offenders. The partnership approach that is required in this regard must be managed through formal arrangements and the on-going monitoring and evaluation of such projects and work by such organisations in order to ensure quality service to offenders. At the same time, the Department should be involved in partnerships in the community, such as in social crime prevention, moral regeneration and poverty alleviation programmes" (WPOC 2005:85, section 13.2.1).

Section 13.2.2 adds: "The role that offenders can play in building these relationships in the community should be enhanced in the manner in which the Department works. The involvement of the community in the correctional system, through representation on Community Supervision and Parole Boards, and in volunteer work in correctional centres and joint projects must be reinforced and yet be guided by the approach to rehabilitation that the Department will have enshrined in the White Paper" (WPOC 2005:85).

Nothing can be clearer than this. Organizations like PZ are welcomed with open arms in DCS as long as they follow the guidelines in terms of rehabilitation as enshrined in the White Paper. In this case PZ will be seen as an external partner who must work in conjunction with DCS to achieve the institutional objectives that are aimed at restoring justice through rehabilitation that takes place through a process of correction and development (Ras 2013).

3.10 THE NEED FOR SUPPORT

The WPOC makes a very important statement that is actually a “sincere wish”: “It is the Department’s hope that members of the public will support internal rehabilitation programmes run within correctional centres” (WPOC 2005:36, section 3.3.10). This statement makes it very clear to any “outsider” that there is a definite and deliberate desire to reach out from the side of DCS to the public for support.

This creates a definite platform for members of the public, NGOs and anyone else interested in getting involved within DCS, to come on board and try to assist with the gigantic task of rehabilitation (corrections & development). The White paper adds:

“This support can be through the provision of resources such as expertise, funding, participation or involvement in rehabilitation programmes, provision of facilities and equipment within the parameters of the Department’s strategic framework” (2005:36, section 3.3.10).

The above-mentioned statement is an open invitation to members of the public, like PZ, to come and assist DCS in trying to reach and achieve their set objectives (WPOC 2005:37-39). There is no other government department as far as the researcher could establish that openly invites members of the public to get involved in their legal mandate.

This “outreach” deserves recognition and an accolade. However, if this does not become a reality *in praxis* then it means that DCS must do serious introspection to find out why they are not reaching their specific objectives that specifically target the involvement of external stakeholders to come and assist DCS with the task of rehabilitation (WPOC 2005:36, 38, 36; sections 3.3.10 & 4.3.2).

3.11 NEEDS-BASED CORRECTIONAL PLANS FOR OFFENDERS

The White Paper on Corrections mentions that every offender needs a “needs based correctional plan” (WPOC 2005:38, section 4.4.4). This plan must contain the interventions that are needed to effect lasting change. It must balance the causal factors with the unique offence profile of the individual offender (WPOC 2005:61, section 9.1.1).

Through this it aims at influencing the offender to adopt a positive and appropriate norms and value systems, alternative social interaction options, and at developing life, and social and vocational skills which will equip the offender to function effectively without having to return to crime. DCS believes “...that it can make a significant contribution towards the rehabilitation of offenders through the provision of:

- Basic academic education;
- Vocational training;
- Social education / orientation;
- Psychological treatment; diagnosis and treatment of problems such as substance abuse; and
- The building of family ties” (WPOC 2005:61, section 9.1.2).

Every offender must have a correctional sentence plan that contains the different rehabilitation programmes that will be offered to that particular offender (Sihlangu 2013; Biyela 2013; Mseleku 2013). It is through the offering of these programmes that DCS hopes to change the attitudes and behaviours of offenders (Heyns 2013; Monacks 2013; Sihlangu 2013).

Because the WPOC (2005) specifically mentions a needs-based rehabilitation plan for each offender DCS members take this plan very seriously because literally millions of rands are pushed each year into DCS in order to make the system work (Ras 2013; Monacks 2013; Heyns 2013; Sihlangu 2013).

It must be remembered that rehabilitation is a definite and deliberate process (Ras 2013) that specifically targets wrong behaviour with the intention to change that so that an offender cannot again relapse back into crime. It also wants to empower an offender with the necessary life skills and vocational skills so that he or she can go out and be a socially-responsible citizen that will assist all other law-abiding citizens to make South Africa a safer place (WPOC 2005:37).

3.12 HOW CAN REHABILITATION BE ACHIEVED?

The WPOC (2005) is quiet on the question of how rehabilitation can be achieved. It mentions restorative justice and frequently refers to the rehabilitation and correction and development of offenders, but it does not spell out to its readers the exact way or manner in which rehabilitation can be achieved?

However, what is clear when reading and analysing the White Paper is the fact that any form of rehabilitation necessitates some specific form of intervention in the life of an offender that is specifically directed at changing his or her mindset and behaviour. From a practical point of view it is logical that any behavioural changes can only happen once a person has decided in his or her mind that it is the right thing to change.

In clear practical terms: if an offender wants to change from being a “bad guy” into becoming a “good guy” (Ras 2013), he or she first has to make that decision to change, then deliberately and definitely-actively changes his or her life, and then replaces the old life-style with a new one that is convincing and persuasive enough so that DCS can allow parole in order for the reintegration process, back into the community, to be concluded

(Ras 2013; Zondi 2013; Khoza 2012).

In short, the old Christian hymn, that many Pentecostals are singing in the church, “*I have decided to follow Jesus (x 3), no turning back, Praise the Lord, no turning back... The cross before me, the world behind me (x 3), no turning back, Praise the Lord, no turning back*”, is a typical example of what rehabilitation really means in terms of real practical ethical and morally correct behaviour. Rehabilitation is first a cognitive process (decision-making

process) that always precedes the second phase, and that is, a real behavioural change (Ras 2013).

So, on the question of how can rehabilitation be achieved within a prison or correctional setting, the truth lies in the following sentence: “You first have to change the head (Afrikaans: “kop” / Zulu: “ikhanda”) of an offender, then his heart (Afrikaans: “hart” / Zulu: “inhliziyo”), and then his hand (Afrikaans: “hand” / Zulu: “isandla”) (Ras 2013). This rehabilitation, *in praxis*, becomes a reality when all role-players get involved and try to effect change. This is confirmed by the Afrikaans idiom / saying goes: “Vele hande maak ligte werk!” (Zulu: “izandla eziningi zenza umsebenzi ubelula” – Kotzé & Wela 1991:63 / English: “Many hands make easy work”).

DCS requires the involvement of communities in the rehabilitation and correction of the behaviour of offenders. According to a speech, entitled: “Mothers against crime”, delivered by former President Nelson Mandela in Mitchells Plain in the Western Cape, he stresses the involvement of communities in all crime-related matters:

“Dealing with crime, violence and corruption requires a new morality for our nation. Indeed it requires a new patriotism among communities, the public, the private sector, and the security forces so that at the end of the day each of us can answer in the affirmative the question: ‘Have I done something today to stamp out crime?’”(Alexander 2002:44; Plaatjies 2009).

This “Presidential” remark is hundred per-cent in line with the hope of DCS that members of the public will support “internal rehabilitation programmes run within correctional centres” (WPOC 2005:36, section 3.3.10). Without a definite human intervention in the lives of offenders and the commitment from the side of offenders to change, all human efforts will be in vain. As a result of this reality rehabilitation certainly is an “intense” process that must address the needs of the offenders (WPOC 2005:38, section 4.4.4).

3.13 THE KEY SERVICE DELIVERY AREAS FOR REHABILITATION

DCS has identified key service delivery areas for rehabilitation. “They are:

- **Corrections:** Refers to all those services aimed at the assessment of the security risk and criminal profile of individuals under correctional supervision based on their social background and developing correctional sentence plan, targeting all elements associated with the offending behaviour/s....
- **Development:** Refers to all those services aimed at the development of competency through the provision of social development and consciousness, vocational and technical training, recreation, sports and opportunities for education that will enable offenders to easily reintegrate into communities and function as productive citizens.
- **Security:** Refers to all those services rendered by the Department aimed at ensuring the provision of safe and healthy conditions consistent with human dignity for all persons under its care, while providing protection for its personnel, security for the public, as well as ensuring the safety of a person under its care.
- **Care:** Refers to needs-based services aimed at the maintenance of the well-being of persons under departmental care; providing for their physical well-being in the form of nutrition and health care, the maintenance and establishment of social links with family and society, their spiritual and moral well-being as well as their psychological well-being.
- **Facilities:** Refers to all physical infrastructures, provided by the Department for those legally entrusted to its care as well as to personnel, aimed at ensuring the availability of the minimum facilities requirement pursuant to rehabilitation responsibilities and objectives.
- **After-Care:** Refers to all services focused on persons under the care of DCS in preparation for the completion of sentences, in order to facilitate social acceptance and effective reintegration into their communities” (WPOC 2005:63, section 9.6.2).

The above-mentioned key service delivery areas for rehabilitation are what rehabilitation as a process is to DCS all about. From a policy point of view these different areas are explained

in a clear and concise manner and deserve recognition. It is clear that DCS, in line with the WPOC (2005) consistently strive to make sure that all their daily activities are in line with universally accepted standards and norms (international good practices) (WPOC 2005:88-89, sections 13.11 & 13.12).

However, *in praxis*, it is easier to point out that rehabilitation simply has to do with two main things, namely, correction and development. In more detail one would say correction, development, care and after-care make up the rehabilitation process of DCS, but because correction and development cannot take place without any form of care, and after-care is directly connected to the development (more precisely, the self-development) of the offender, from a practical point of view, correction and development are sufficient (Ras 2013).

3.14 CORRECTION IS A SOCIETAL RESPONSIBILITY

Chapter 3 of the WPOC (2005) clearly states that correction is a societal responsibility. Of great importance is the statement that DCS cannot solely be responsible for corrections but that it requires the involvement of society. As pointed out earlier various role-players have the responsibility of correcting the behaviour of a person who has transgressed the law (cf. section 3.9 of this thesis).

DCS is convinced that rehabilitation and the prevention of re-offending (recidivism) are best achieved through corrections and development, as opposed to punishment and treatment (WPOC 2005:9). Although McAree (2011:8) agrees with this statement, when describing issues plaguing the South African prison system, he points out that DCS had not succeeded in delivering rehabilitation services effectively, leaving NGOs and other prisoner outreach programmes “to pick up the pieces”. In fact, he was “angry”, when he visited Eshowe Correctional Centre, that they called it a “Centre” and not a prison, because “The people living there were clearly not being offered the resources they deserved” (McAree 2011:6).

Chapter 4 of the WPOC (2005:38, section 4.3.2), when referring to the mission statement of DCS, places rehabilitation at the centre of all Departmental activities in partnership with

external stakeholders. “This is the most important philosophy or belief-system that operates within the walls of DCS and their institutional culture today – Rehab is everything” (Ras, 2013).

This reality has created a room for organizations like PZ to come and offer restorative justice programmes within the correctional centres of DCS. The belief and modus operandi of DCS is to implement restorative justice and to effect change through the programmes that they are offering (Heyns 2013). This practice also opens the door to NGOs like PZ to assist DCS in reaching their set objectives as set out in the WPOC (2005:38-39, section 4.4).

3.15 PRINCIPLES OF RESTORATION AS A CORRECTIONAL MANAGEMENT OBJECTIVE

Chapter five of the WPOC (2005) provides the following principles of restoration as a correctional management objective:

- Addressing offences committed and assisting the offender to take accountability for such offence, which may include restoration of relations with victims where appropriate;
- Addressing offences suffered and assisting the victim to reach a stage of forgiveness;
- Addressing anti-social addictions and anti-social habits and thus promote rational thinking, good decision-making and positive behaviour;
- The promotion of restoration of the offender as a member of the family;
- The promotion of restoration of communities and community institutions and good governance and enhance social cohesion (White Paper on Corrections 2005:40).

According to the WPOC (2005:40-41): “Personal restoration of the offender as an individual will be fostered through correctional interventions and development programmes to enable the offender to competently serve society in a socially responsible manner.” This important statement or remark underlines the fact and the commitment of DCS to actively engage with the offender and to intervene in his or her personal life in order to effect possible change. The means to do so is through correctional interventions and development programmes.

The interventions and development programmes are based on restorative justice principles and the philosophy or belief that the offender indeed can change. The role of DCS is "...to address offences committed and assist the offenders to take accountability for such offences, which may include restoration of relations with victims where appropriate....The focus is on problem solving, healing of the spirit, lifting of condemnation, and the restoration of harmony within the self" (WPOC 2005:40, section 5.2.2).

Members actively involved in PZ would say that their activities and involvement in DCS in the Zululand area are definitely doing that, namely, lifting the spirit of offenders, solving inner conflicts and bringing the person to harmony with himself or herself and / or with his or her family (Aitken 2011; Lushaba 2011; McAree 2011; Shandu 2012).

In an informal interview with a DCS official stationed at Ncome prison, for example, the researcher was told by the official that she could recall an incident where an offender had approached the victim whose husband was murdered by the offender. After having met the offender the victim claimed to have experienced closure. In another incident the same official also related a story where the victim refused to meet the offender and claimed that meeting the offender would be to re-open the wounds of the past (Zondi 2013).

The two above-mentioned examples related by one correctional services' warder at Ncome prison, indicate that restorative justice principles, in these two particular cases, an attempt to restore justice between offenders and victims, are applied by DCS, no matter what the outcome. The same can be said of PZ. They try to implement restorative justice principles in line with what is expected from all DCS officials and all external stakeholders like themselves (Aiken 2011; Harris 2010; McAree 2011; Ras 2013).

3.16 DCS AND THE IMPLEMENTATION OF THE WPOC

There is no doubt that the WPOC (2005) provides an approach for restoring socially acceptable behaviour and the reintegration of offenders into the community after release from prison. Authors like Furstenberg-Beckman (2006:18) are of the opinion that DCS, as required by the state, do not follow this approach in correctional facilities. They also say that

prisoners are often not aware of their rights and the opportunities that they are supposed to have while in prison – a statement that will be challenged by many (Ras 2013).

DCS is supposed to be the driving force behind the implementation of the principles of restorative justice in prisons. Although there are restorative justice programmes offered by DCS, in an informal interview with one female DCS official at Ncome prison, the official revealed that they are not aware of what restorative justice entails. Asked about restorative justice as a concept, her response was: “I think people who are responsible for parole have an understanding of restorative justice” (Zondi 2013).

This particular conversation has made the researcher aware that there are indeed people working within DCS who do not fully comprehend what restorative justice is all about. According to Ras (2013) it is shocking to think that people who are supposed to drive rehabilitation in prisons are not aware of the principles of restorative justice that form the cornerstone of any correction or development that must take place in the lives of offenders.

3.17 THE WPOC AND INTERNATIONAL TRENDS

The restorative justice approach that is followed in DCS is in line with international developments. “South Africa’s exposure to international best practices since 1994 led to a fundamental paradigm shift in its outlook on corrections. This White Paper aims to strike the balance between aligning the Department with international trends in correctional services and ensuring the reality of the South African correctional system and South African society is taken into account. The analysis of international trends, particularly in relation to the African continent, should inform the policy framework of the Department’s international relations” (WPOC 2005:85, section 13.1.2).

It also says: “The objective of the White Paper is to balance the Department’s commitment to international corrections trends with the realities of the South African correctional system and South African society at large. The analysis of international trends, particularly in relation to the African Continent, should inform the policy framework of the Department’s international relations” (WPOC 2005:85, section 13.1.3).

3.18 SECURITY AND REHABILITATION

According to the WPOC (2005:38) rehabilitation forms the heart of all DCS activities, however, in practice, this seems not to be the case (Ras 2013; McAree 2011; Aitken 2011; Lushaba 2011). Rehabilitation must take place in a safe and secure environment and this means in practice that most of the time the energy of DCS is going into the safeguarding of prisoners (Ras 2013) and not rehabilitation.

This reality means that there is not a lot of time that is paid to rehabilitation (correction and development) as such. Overcrowding and lack of staff members and resources are typical examples that are quoted within DCS circles as to why rehabilitation opportunities are limited. Despite the emphasis in the WPOC (2005:38) that rehabilitation must be "...at the centre of all Departmental activities in partnership with external stakeholders", this reality is thin on the ground (McAree 2011).

There is no doubt that external stakeholder like NGOs, in this case, PZ, can play a very important role in the process of rehabilitating offenders. While restorative justice is an umbrella term that incorporates *inter alia* rehabilitation that is seen as the core function of all DCS activities (WPOC 2005:38, section 4.3.2), there are not enough community members or stakeholders involved in DCS activities nationwide.

In the Zululand region the involvement of NGOs in prisons is almost non-existent or very limited and as a result rehabilitation is not experienced by offenders as something that is at the heart of all DCS activities. The work done by PZ, whether good or bad, is already to the advantage of any offender who attends their programmes, because it improves the individual's chances to be considered for parole, provided that he has completed a restorative justice programme (Aitken 2012; McAree 2011; Zondi 2011).

DCS relies on organizations like PZ to offer programmes that promote restorative justice to prepare offenders for a smooth reintegration into communities and hopefully prevent recidivism. Put differently the South African approach to corrections is mainly based on restoration. In addressing this approach, an offender has to be led or confronted with the idea of facing his crime so that he or she can address issues within himself or herself and then restore his or her personal relations with others (WPOC 2005:40, section 5.2.2).

3.19 THE FOCUS OF REHABILITATION

An offender needs to undergo spiritual healing and have harmony with himself or herself before he or she can really develop himself or herself. The White Paper is clear: “The focus is on problem solving, healing of the spirit, lifting of condemnation, and the restoration of harmony within the self” (WPOC 2005:40).

To achieve this, the offender has a responsibility of showing accountability for the wrong he or she has done, and hopefully, as far as, and if possible, relations must also be restored with the victim/s. DCS hopes that this approach enables the offender:

- To recognize the wrongness and to accept responsibility for their offending behaviour;
- To deal with instances where they themselves have been victims to encourage forgiveness and restoration of relations with concerned parties; and
- To come to terms with their court imposed sentences (WPOC 2005:40-41, section 5.2.2).

It is important to note that this initiative is supposed to be taken by the offender in the attempt to restore peace and harmony. Referring to Braithwaite (2002: 570) Ladikos *et.al* (2003) pointed out that “standards” for restorative justice include issues like:

- Remorse over injustice
- Apology
- Forgiveness of the person
- Mercy

In the correctional setting this means that when the offender shows the above-mentioned qualities, then it indicates that he or she truly feels sorry for what he or she has done. Once the offender's words and deeds (body language and behaviour) reflect the inner change, then the rehabilitation process becomes more meaningful because the offender will start to grow and make progress in his or her personal life and in the development of his or her own self (Ras 2013).

3.20 RECOGNITION OF PAST BACKGROUNDS OF OFFENDERS

The WPOC (2005:34) takes into cognisance the social background of most of South African families. According to the White Paper (2005:41) many families were affected by the injustices of apartheid and the migrant labour system that have impacted negatively upon the family system. As a result families are dysfunctional and many of the offenders are coming from these backgrounds (WPOC 2005:41). It is stated as a fact that the "...majority of offenders come from these families" (WPOC 2005:41, section 5.2.6).

It seems that that belief that "powers beyond the individual's control" such as poverty, determine the behaviour of an individual (Bezuidenhout & Little 2011:28). This approach makes it the responsibility of the society to provide rehabilitation interventions. The argument is that the offender, because of the past circumstances "beyond his or her control", in the light of the human rights culture and equality arguments, can now expect society to assist him or her (www.dcs.gov.za/Publications/Other%20Publications/Correctional%20Programmes%20Targeting%20.....).

Rotman (1990), cited by the Minister of Correctional Services, Dr. Sibusiso Ndebele, states that the state must provide educational opportunities, skills and vocational training, as well as psychological and social treatment to offenders (www.dcs.gov.gov.za/Publications/Other%20Publications/other%20publications/Correctional%20Targeting%20.....).

According to the White Paper (2005:41) the relationship between the offender and the family plays a pivotal role in the rehabilitation of the offender. DCS encourages programmes that bring family participation to the fore and lead to support and better relations between family members. The responsibility of DCS is to revive and restore healthy family relationship between the offender and the offender's family.

The importance of family conferencing is mentioned in the WPOC (2005:41): "The participation of family of offenders in their rehabilitation programmes, which may include family group conferencing and providing the necessary support will encourage better relations between the family and the offender once released" (section 5.2.7).

PZ is paying a lot of attention to family conferencing and also spends a lot of money on bringing family members to the prisons so that they can try to reconcile and unite with their families where applicable (Aitken 2011; Lushaba 2013). Without the intervention of family members into the lives of the offenders there is no doubt that the reintegration process after release or when offenders go on parole, will be more challenging. No effective reintegration means practically that the offender will again commit crime (relapse) that may again lead to a higher recidivism figures (Ras 2013).

3.21 THE RELATIONSHIP BETWEEN DCS AND COMMUNITIES

The WPOC (2005:86) clearly states that: "The rehabilitation of offenders can only be truly successful and their reintegration into the society meaningful, if all stakeholders are allowed to participate in the process. To this effect, the participation of the community in strengthening and enhancing rehabilitation, is crucial" (section 13.3.1).

The above-mentioned section in the White paper again underlines the importance of NGOs like PZ and the role that they can play in assisting DCS to fulfil their task of rehabilitating offenders and to assist them with the reintegration of inmates into society.

In the same paragraph and section the WPOC (2005:86) further states that: “The needs of the Department shall have to be marketed to the community in order that the community can source expertise and services it can provide. An environment that encourages and promotes the participation of community-based service providers must be created” (section 13.3.1).

This statement again emphasizes the crucial role that community organizations like PZ and others can and must play in assisting DCS to reach their objectives. “Expertise and services” are two key ingredients of the “rehabilitation recipe” (Ras 2013) that community members must provide for DCS in order to make the rehabilitation process and its end results successful and meaningful.

The White Paper also goes further to say that, not only must the community get involved with DCS, but DCS must also get involved with the community in a visible manner. “The Department needs to be involved in community initiatives and projects. This can be done through the utilisation of offenders and visible involvement of Departmental personnel in community projects. The forging of closer links and cooperation between the Department, the community and other state departments is crucial in the fight against crime, reparation of relationships and the rehabilitation of offenders” (WPOC 2005:86, section 13.3.2).

3.22 OBJECTIVES OF THE COMMUNITY PARTICIPATION POLICY

In order to make the rehabilitation (correction & development) and reintegration of offenders into society a success, DCS, in line with the WPOC (2005:86) have formulated the following community participation policy objectives:

- “Create an environment that would allow for the effective involvement of the community in the rehabilitation of an offender;
- Create opportunities for the establishment and maintenance of partnership between the Department and the Community;
- Regulate the influx of community-based service providers into the department wishing to render services to offenders to assist with rehabilitation efforts;
- Formalise collaborative partnership and networking relationships with the community;

- Integrate and coordinate services rendered by community-based service providers to offenders;
- Ensure effective reintegration of offenders into the community;
- Involve ex-offenders in rehabilitation efforts; and
- Market its needs and services to the community” (WPOC 2005:86, section 13.4).

The above-mentioned remarks are an open invitation to community members and external stakeholders like NGOs to roll up their sleeves and get involved within the institutional culture of DCS. Never before in the history of South Africa was there such a unique opportunity for NGOs like PZ and others to try and assist to make a difference through the offering of, for example, restorative justice programmes, and through getting involved with offenders through human interventions.

However, any form of community involvement and engagement with offenders cannot just happen in any particular manner. In order to make sure that this engagement is in line with international law, the new constitution (Act 108 of 1996, Chapter 2, Bill of Rights), democratic rights and principles, the human rights culture as well as the institutional ethos and setting of DCS, principles were set for any community participation. These principles form and make up the community participation policy of DCS (WPOC 2005:86, section 13.5).

3.23 THE PRINCIPLES OF THE COMMUNITY PARTICIPATION POLICY

“The community Participation Policy is guided by the following principles:

- Offenders shall have freedom to participate voluntarily in processes and services offered by the community-based service providers.
- An offender may not be forced to participate or deprived of his/her rights and privileges because of non-participation.
- This principle shall be subject to stipulation of the court, which may require such participation to be compulsory” (WPOC 2005:86, section 13.5).

It is clear that any form of offender participation at any stage of the rehabilitation process, subject to any court stipulation, must be voluntary and out of free will. No offender can be forced or coerced, against his or her will, to be involved in any programme or group meeting or discussion against his or her own free will. The only exception is when the court, in the sentencing of the offender, has ruled or has made specific reference to compulsory interventions, programme offerings and the offender's participation therein (Ras 2013).

3.24 THE DEPARTMENT'S APPROACH TO COMMUNITY-BASED SERVICE PROVIDERS

The WPOC (2005:86) states that DCS "...shall grant community-based service providers access to its institutions for the rendering of programmes and services to offenders aimed at fostering rehabilitation. Such programmes and services shall be:

- Non-discriminatory and sensitive to culture, religion, gender and linguistic diversity;
- Responsive to the needs of offenders and other intended recipients and
- Aimed at strengthening and enhancing the rehabilitation efforts of the Department" (section 13.6).

There is no doubt that DCS in revealing this attitude realising that they cannot rehabilitate offenders on their own and that community input is vital to ensure that the rehabilitation process (correction & development) bears fruit and that the reintegration process of offenders back into society will be more successful.

NGOs like PZ can indeed play a very important role in the institutional culture of DCS by assisting them with the process of rehabilitation. PZ, in their attempt to assist with the offering of restorative justice programmes in the prisons in Zululand, need to stick to above-mentioned approach of DCS and ensure that they are not discriminating in any way towards any offender or warden.

Because offenders have most of the time the same human and equality rights as any other citizen of the Republic of South Africa, the remarks made about programmes that must be non-discriminatory and sensitive to culture, religion, gender and linguistic diversity and responsive to the needs of offenders, must be taken very seriously *in praxis*.

3.25 THE RELATIONSHIP BETWEEN SAFETY ISSUES AND REHABILITATION

According to Ras (2013) all human and democratic rights of offenders are at times limited because of personal and public security concerns when and where applicable. The right to privacy (Act 108 of 1996, Article 14) which includes the right not to be searched, for example, is in the DCS setting where safety and security are the most important issues, despite the WPOC (2005) that puts rehabilitation first, rights to privacy are definitely put aside for, for example, personal and cell block searches.

The reality of smuggling and corruption in DCS circles is well-known and as a result the safety and security of DCS personnel and the lives of the inmates cannot be compromised in any manner whatsoever. As a result of this reality, personal searches, cell block searches, etc. are typical of the daily activities of prison life (Ras 2013).

Although DCS in their mission statement clearly put rehabilitation at the centre of all their activities (WPOC 2005:38, section 4.3.2), Ras (2013) argues that “The precise formulation of all the beautiful phrase and words regarding rehabilitation can and will never be more important than the real reason why DCS exist, and that is to make sure the sentenced offenders do not escape before they have completed their sentences as imposed upon them by the courts.”

The WPOC (2005:73, section 10.1.1) correctly states: “A comprehensive security strategy is a prerequisite for correction & rehabilitation.... This responsibility is in part compliance with enforcement of the sentences handed down by the courts, but is also a necessary component of the Department being able to deliver on the correction and development of offenders. The rehabilitation of offenders and secure, safe and orderly custody are two sides of the same

coin. The Human Rights culture further requires that both rehabilitation and security be conducted in an environment in which the human dignity and rights of offenders are respected” (WPOC 2005:73, section 10.1.2).

What this means at grass roots level, or at “tile level’ (Ras 2013), is that rehabilitation can and only will take place in prison when the security situation allows that to take place. The researcher agrees with this statement because she has experienced it at different occasions that the offering of rehabilitation programmes could not take place because there was a shortage of staff members to look after offenders when the programmes were supposed to take place.

When there are only skeleton staff members pitching up for work, for example, then offenders are kept in their cells and are not allowed to come out to the dining hall or training halls or class rooms because the “argument” is that it will compromise the security. PZ has experienced this reality in almost all the prisons where they are trying to offer restorative justice programmes.

Although this is definitely inconvenient and irritating, the reality of possible escapes or even attacks cannot be allowed. Security must always come first and then rehabilitation. One can imagine how female restorative justice facilitators will feel when they are busy offering programmes to offenders and then they suddenly find themselves being taken hostage, assaulted and even raped or killed (Ras 2013).

It is important to understand that the only reason why the offender is in prison is because he or she has committed a crime where the judgement and minimum sentence imposed upon him or her was a prison sentence – to take away his or her freedom so that he or she can be kept away from the public for safety reasons, that he or she cannot commit that crime again because his or her freedom to move where he or she wants has now been taken away, and so that he or she can be rehabilitated (Ras 2013).

Members of PZ and other NGOs very often forget that offenders are “dangerous” and it is DCS who have a lot of experience in this regard, who constantly must make them aware of this reality. So when rehabilitation cannot take place because of security concerns, then the situation must not be seen as negative by NGOs, but rather as a safety precaution to assist them to continue with their work in peace and in a supportive and rather stable and tranquil setting (Ras 2013).

3.26 ACTION / ACTIVITIES EXPECTED FROM DCS

According to Plaatjies (2009:175-176) DCS is expected to coordinate the implementation of restorative justice programmes and activities in all correctional facilities by:

- Liaising with all staff that is facilitating restorative justice programmes in DCS.
- Ensuring that a module of restorative justice is included in all correctional programmes.
- Designing and developing a complete restorative justice programme for those offenders who are interested in any one of the restorative justice processes.
- Researching best practices on the implementation of restorative justice in corrections.
- Making the results available and accessible in all correctional facilities.
- Benchmarking of international restorative justice practices.
- Ensuring cooperation between the disciplines within DCS who are involved in restorative justice, namely Social Work, Spiritual Care, Education, Corrections, Parole, Pre-release Resettlement and Community Integration.
- Represent DCS on inter-departmental and inter-sectorial meetings on restorative justice and victim empowerment.

In short, what this means in practice is that DCS is directly responsible for all the restorative justice activities in all their correctional centres. All correctional programmes must include a module on restorative justice and all restorative justice activities must be based on best practices in line with international standards. In the evaluation of the restorative justice programmes of PZ attention will also be given to the involvement of DCS in these programmes.

3.27 PRINCIPLES WITH REGARD TO COMMUNITY PARTICIPATION AND COMMUNITY PROGRAMMES

According to the White Paper (2005:87, section 13.7) the principles relating to community participation and community programmes are that:

- Community participation and programmes shall promote the restoration of relations and bring about healing and forgiveness;
- The Department shall actively participate in community initiatives and projects;
- All the community projects that are funded by the Department shall be managed according to departmental financial procedures and regulations;
- Joint management and sharing of resources shall be encouraged
- Agreements between the Department and the community shall be formalized;
- All applications for community participation shall be subject to screening;
- Applications where programmes and services rendered do not promote the core business of the Department shall not be approved;
- Programmes rendered to offenders or staff by, agreements entered into with community based service providers, shall be evaluated and reviewed from time to time to ensure continuous adherence to, and promotion of, the Department's core business;
- All community participation programmes shall be coordinated and managed at area management level;
- Any deviation from agreements, as well as policies and procedures of the Department shall result in the termination of the services of a community-based service provider;
- Community participation shall aim to enhance effective reintegration of offenders into society as law abiding and productive citizens;
- The needs of the Department in respect of programmes and services to enhance rehabilitation of offenders shall be marketed to the community; and
- The Department shall enter into collaborative partnership with the community and both parties shall share expertise and resources (WPOC 2005:87).

In evaluating the programmes offered by PZ in the prisons in the Zululand area, it is important to see if this particular NGO conforms to these principles as stipulated in the White paper. It seems logical and reasonable to believe that it is only when there is a sound collaboration between DCS and NGOs that the rehabilitation and reintegration of offenders back into society can be a successful.

3.28 MEASURING THE EFFECTIVENESS OF THE COMMUNITY PARTICIPATION POLICY

DCS, in line with the requirements of the White paper (2005:87, section 13.8) mentions that a monitoring and evaluation tool will be required to measure the following with regard to community participation policy:

- Efficiency
- Effectiveness
- Adequacy
- Responsiveness
- Appropriateness

This means at practical level that the programme offerings of PZ, just like any other NGO that is involved with DCS, representing community members and / or a particular community organisation, must and can be measured in terms of the above-mentioned criteria. This is a safety measure, set by the White Paper, within DCS, to ensure that time, money, expertise and resources are not going to be wasted or go “down the drain” (Ras 2013).

3.29 THE WPOC AND SPECIAL CATEGORIES OF OFFENDERS

The White Paper correctly points out that lessons from international experiences have taught DCS the lesson that all offenders are not the same. There are certain categories of offenders that need special attention because a needs-based rehabilitation approach is followed in DCS (WPOC 2005:78-81, sections 11.1 – 11.10).

These categories are: children in detention (section 11.2), young offenders (persons between 18 and 25 years of age) (section 11.3), female offenders (section 11.4), offenders with disabilities (section 11.5), elderly offenders (section 11.6), offenders with mental illnesses (section 11.7), first time offenders (section 11.8), offenders with long sentences or life sentences (section 11.9), and detained offenders who are foreign nationals (section 11.10).

The mentioning of the above-mentioned categories is not something that is just done because the White Paper referred to it. These categories are very important because all these different groups that have been mentioned also need rehabilitation (correction, development, care and after-care). The question is whether PZ, in their restorative justice programmes are focusing on these different categories or not, and if so, what are they doing, and if they do not focus on them, why not?

3.30 WHAT RESTORATIVE JUSTICE ISSUES NEED TO BE ADDRESSED BY DCS THROUGH THEIR PROGRAMMES AND INTERVENTIONS ACCORDING TO THE WPOC

Restorative justice aims to “re-store justice” because the justice that was there for someone (the victim/s) was “taken away”, “violated” or “disturbed” or “tampered with” and as a result there was one or other form of suffering, pain, violation or loss (Ras 2013). Restorative justice programmes in a prison setting basically address issues dealing with the rehabilitation of offenders, that is, correcting and developing (self-development) them. This must take place in a secure and caring environment.

The researcher is of the opinion that the following issues need to be addressed or built into restorative justice programmes in order to be more successful with the rehabilitation process. The reason why they must be built into the programmes is simple: DCS intervene mainly through these programmes with the offenders in the hope to effect positive change. The following matters / issues / words / phrases were found in the WPOC (2005). Some of these issues are repeated on several occasions. The following list reflects these issues in no particular order. DCS must pay attention to these under-mentioned matters, and the researcher is of the opinion that this can be achieved through the programme offerings made to the offenders. Programmes must:

- Address offenders (section 2.8.5)
- Address victims (section 2.8.5)

- Address the community (section 2.8.5)
- Address social responsibility (section 2.8.9)
- Address social crime prevention (sections 2.8.9; 3.3.8; 4.2.5 & 9.6.2)
- Address moral regeneration (sections 3.3.6; 3.3.8 & 13.2.1)
- Address offending behaviour (sections 4.1.2 & 5.2.2)
- Address needs (sections 9.1 & 9.6.2)
- Address special categories of offenders (sections 11.1 – 11.10)
- Correct and encourage (sections 3.3.1; 3.3.7 & 4.2.5)
- Develop the needs (section 4.4.4)
- Develop the person (sections 4.4.1 & 4.4.2)
- Develop self-esteem and self-worth (section 4.4.8)
- Solve problems (section 5.2.2)
- Heal the spirit (section 5.2.2)
- Lift the condemned (section 5.2.2)
- Restore harmony within the self (section 5.2.2)
- Create future employability (sections 9.8.3; 9.10.2 & 9.11.2)
- Change attitude/s (section 2.8.9)
- Promote social values and responsibility (sections 11.3; 4.2.2 & 4.4.6)
- All be about rehabilitation (sections 4.3.2 & 4.4.4)
- Prevent repeat offending (section 4.4.2)
- Be about ethical and moral values (section 4.4.6)
- Give alternative lifestyle choices (section 4.4.6)
- Bring reconciliation with victims and communities (section 4.4.7)
- Confront the past (sections 4.4.7 & 5.2.2)
- Create market-related skills (sections 4.4.8 & 9.10.2)
- Create self-sufficiency (section 4.4.8 & 9.10.2)
- Promote family relations (section 4.4.9)
- Instil self-discipline (sections 3.3.8 & 4.4.10)
- Lead to poverty alleviation (sections 9.11.2 & 13.2.1)
- Draw support (like expertise, funding, participation, facilities, equipment) (section 3.3.10)

- Be needs-based (provide basic academic education, vocational training, social education / orientation, psychological treatment, build family ties) (section 9.1.2)
- Correct, develop, secure, care, provide facilities, provide after-care (section 9.6.2)
- Create harmony with oneself (section 5.2.2)
- Be non-discriminatory (section 13.6)
- Be sensitive to culture, religion, gender, and linguistic diversity (section 13.6)
- Benchmarked (sections 13.1.2; 13.1.3 & 13.7)
- Be based on best practices (sections 5.1.1 & 13.7)
- Restore relations (sections 5.2.2 & 5.2.3)
- Bring healing and forgiveness (sections 2.8.5; 5.2.2 & 13.7)
- Be evaluated and reviewed (section 13.7)
- Be efficient, effective, adequate, responsive and appropriate (section 13.8)

In short, the above-mentioned list reflects for the public, in layman’s terms, one important matter: “To make a bad guy a good guy!” (Ras 2013). In other words, it is aimed at changing an offender to become a good law-abiding citizen of South Africa (Zondi 2013).

3.31 SUMMARY

Chapter three has dealt with the WPOC and restorative justice. Attention was paid to *inter alia* the following: the origin of the WPOC (section 3.2), the vision and mission (section 3.3), rehabilitation as a core function of DCS (section 3.4), what rehabilitation is (section 3.5) and what it is not (section 3.6), the key objectives of DCS (section 3.7), the process of rehabilitation (section 3.8), the different role-players within and outside DCS (section 3.9), and the need for support (section 3.10).

Attention was also paid to needs-based correctional plans for offenders (section 3.11), how rehabilitation can be achieved (section 3.12), key service delivery areas for rehabilitation (section 3.13), correction as a societal responsibility (section 3.14), principles of restoration as a corrections management objective (section 3.15), DCS and the implementation of the

WPOC (section 3.16), the WPOC and international trends (section 3.17), security and rehabilitation (section 3.18), and the focus of rehabilitation (section 3.19).

Brief remarks were also made about the recognition of past backgrounds of offenders (section 3.20), the relationship between DCS and communities (section 3.21), the objectives of the community partnership policy were mentioned (section 3.22) as well as the principles of this policy (section 3.23). Attention was given to the Department's approach to community-based service providers (section 3.24), the relationship between safety issues and rehabilitation was discussed (section 3.25), as well as the actions / activities that are expected from DCS (section 3.26).

The researcher has also made remarks about the WPOC and the principles with regard to community participation and community programmes (section 3.27), remarks were made about the measuring of the effectiveness of the community participation policy (section 3.28), and short comments were made about the WPOC and its mentioning of special categories of offenders (section 3.29). The last part of this chapter addressed the statement: "What restorative justice issues need to be addressed by DCS through their programmes and interventions according to the WPOC" (section 3.30).

CHAPTER FOUR

RESTORATIVE JUSTICE PROGRAMMES OF PHOENIX ZULULAND

4.1 INTRODUCTION

Chapter Three of this research looked at the WPOC (2005) in order to determine what it says about restorative justice. In following a restorative justice approach (section 2.8.5), DCS (via the WPOC 2005) has placed rehabilitation at the core of all their Departmental activities (section 4.3.2). According to their mission statement this takes place “in partnership with external stakeholders” (section 4.3.2). This chapter specifically focuses on the restorative justice programmes of PZ. In order to better comprehend this organisation and their programmes it is necessary to first pay attention to this NGO and its activities.

4.2 GEOGRAPHICAL LOCATION OF PHOENIX ZULULAND

PZ is an NGO based in the northern KwaZulu town of Eshowe. They offer restorative justice programmes in eleven prisons in Zululand. These prisons are: in the DCS Empangeni management area: Eshowe, Empangeni (Medium B), Empangeni (Qalakabusha), Kwa Dukuza (Stanger), Ingwavuma, Maphumulo, Mthunzini; and in the DCS Ncome management area: Nkandla, Nongoma, Melmoth and Ncome (Vryheid).

Richard Aitken, the founder of this organisation and his wife, Jane Argall, stay in Eshowe, so it was a logical choice to start working from there (Zondi 2013) but according to Aitken (2005) the main reason for this geographical focus is the opportunity to develop insight into the effects of the criminal justice system in rural South Africa.

4.3 THE NAME AND ORIGIN OF THE ORGANISATION

PZ is a voluntary non-profit organisation (NPO) that was started by Richard Aitken and Jane Argall during 2003. The primary objective was / is to promote restorative justice (Phoenix Zululand Constitution s.a.:1) by placing rehabilitation in the hands of offenders (Zondi 2013). Efforts were / are made whereby they can correct their lives and the way their families conceive them (Phoenix Zululand 2008:8).

Although PZ was conceptualised in 2003, the constitution was first adopted in 2004, but the exact official registration of the organisation was on 18 June 2007 (Lushaba 2014). In 2005 the organisation was already facilitating programmes in prisons (Harris 2011:2) and the researcher became inspired to conduct this study. During this period (2005) she was asked to facilitate in a pre-release programme (called “Return to Future”) at Qalakabusha prison, at Empangeni Medium B prison, and in Stanger (Kwa Dukuza) prison (Zondi 2014). It is unclear how DCS already could allow PZ to operate in their prisons while they were not officially registered as a NGO (cf. WPOC 2005:85; section 13.2).

In their constitution the name is given as “Phoenix Zululand: Restorative Justice Programme” (hereafter referred to as Phoenix (Phoenix Zululand Constitution s.a.:1). According to Ras (2013) this is confusing and it was supposed to be just “Phoenix Zululand” because this is how they are known by outsiders. A name of an organisation cannot have a description such as “Restorative Justice Programme” from a legal point of view because it simply does not make sense (Ras 2013). The presence of this appellative is probably to emphasise the nature of what the organisation wants to do and achieve (Ras 2013).

4.4 THE MEANING OF THE NAME “PHOENIX”

According to the constitution “The name derives from the symbolic appropriateness of the myth from ancient times of the bird that dies in a fire by its own act and then rises again from the ashes” (Phoenix Zululand Constitution s.a.:1). Although it is not explained in the constitution the idea with this symbol is to portray something that has died and has resurrected again. In terms of a prison setting it probably will refer to offenders who are supposed to turn over a new leaf (Ras 2013).

Ras (2013) also points out that because of the Quaker (religious) background of its founders (Aitken & Argall) it is possible that the metaphor of “death” and “resurrection”, typical of the Apostle Paul’s expression in the New Testament, referring to the “old man” and the “new man” (cf. Ephesians) has played an important role in choosing this metaphor for the organisation.

4.5 PHOENIX ZULULAND IS A NON-GOVERNMENTAL AND NON-PROFIT ORGANISATION

According to the constitution PZ will be promoted as a non-governmental organisation (NGO) and will be registered as a non-profit organisation (NPO) with the Directorate for non-profit organisations. In terms of their status it is “a voluntarily association not for gain”, a corporate body (Phoenix Zululand Constitution s.a.:2).

4.6 THE PRIMARY OBJECTIVE OF PHOENIX ZULULAND

According to their constitution “The primary objective of Phoenix Zululand is to promote Restorative Justice. The philosophy and practice of Restorative Justice is understood to involve work with people in their communities in the aftermath of crime. The restorative justice approach recognises that crime can have profound effects on individuals, on their families and communities, on the offenders themselves and on their families. Therefore, Restorative Justice seeks to redress the harm done to each of these parties, and directly to

empower each party to make decisions about reparation and future behaviour rather than having such decisions merely imposed by courts or professionals” (Phoenix Zululand Constitution s.a.:2).

4.7 SECONDARY OBJECTIVES OF PHOENIX ZULULAND

PZ have formulated ten secondary objectives that are encapsulated in their constitution. In short, they are:

- To forge links with other similar organisations
- To liaise and collaborate with DCS when relevant programmes to the practices of restorative justice
- To engage in curriculum development and to undertake educational activities to rehabilitate offenders via emotional, spiritual and cognitive tools to understand their own lives
- To arrange victim-offender mediation that will include conferencing of victims and the perpetrators of crime
- To influence the public discourse relating to crime and punishment
- To develop youth at risk programmes, particularly consistent with the Child Justice Act
- To develop professional support programmes for members of DCS
- To collaborate with researchers on questions of crime and punishment and to publish articles on all aspects of its work
- To raise donor funds
- To focus on central Zululand

4.8 GOVERNMENT REGULATIONS AND PHOENIX ZULULAND

PZ based their activities on Government regulations and policy instruments like:

- The Correctional Services Act of 1998

- The Correctional Services Amendment Bill (2007)
- The White Paper on Corrections (2004/2005)
- Standard Minimum Rules for the treatment of prisoners (United Nations 1955)
(Phoenix Zululand 2008: 8).

By mentioning the above-mentioned Acts, the WPOC and the Rules of the United Nations it clearly indicates that PZ tries to ensure that their own activities are in line with the law, the White Paper and international requirements.

4.9 THE PHOENIX BOARD OF MANAGEMENT

According to their constitution the Board of Management will consists of a minimum of eight members because of their interest, variety of opinion and insight, and a desire to promote restorative justice. However, the constitution further says that these members “will include the following”:

- A churchman or churchwoman of standing
- A magistrate
- A representative of the Zululand Chamber of Business Foundation
- A member of staff of the Department of Criminal Justice, University of Zululand
- A member of the House of Traditional Leaders
- A member of the Religious Society of Friends (Quakers)
- The Director or Joint Directors of Phoenix
- One other member (Phoenix Zululand Constitution s.a.:5).

Members will serve for a period of two years and may be re-elected and may co-opt additional members if their skills and interests are deemed beneficial to the organisation. The Board may, if deemed appropriate, appoint southern African and foreign consultants to assist in decision making (Phoenix Zululand Constitution s.a.:5-6).

4.10 THE RESPONSIBILITIES OF THE DIRECTOR OF THE BOARD

According to the constitution of PZ the Director has four responsibilities. They are:

- To formulate programmes and events to give effect to the objectives of Phoenix
- To raise funds
- To employ staff, formulate and terminate contracts (The Board will be deemed to be the employer in all cases)
- To report on all activities of programmes and the use of money (Phoenix Zululand Constitution s.a.:8).

Since her involvement with PZ, since 2005, it has become clear to the researcher that Richard Aitken, as Director of PZ, was the heart and soul of the organization. As a former academic in the Department of English at the University of Zululand, he was the driving force behind all PZ activities and he has basically kept the organisation going through all the years (Zondi 2013).

4.11 THE INTERIM COMMITTEE AND CONSULTANTS OF PHOENIX ZULULAND

According to the constitution of Phoenix Zululand the interim committee consisted of the following members at the time of the organisation's inception:

- Mr. Richard Aitken, educational consultant and programme developer
- Ms. Jane Argall, educational consultant and programme developer
- Professor Geoff Harris, Department of Economics, University of KwaZulu-Natal
- Mr. Linda Khaba, magistrate, Department of Justice, Eshowe
- Rev. Anthony Mdletshe, Bishop of Zululand
- Inkosi Lily Mpungose, Regent, Mpungose Traditional Authority
- Mr. Mark Povall, Director, Development Planning, KwaZulu-Natal Province.
- A member of the Zululand Chamber of Business Foundation

- A member of the Department of Criminal Justice, University of Zululand

The interim consultants were:

- Professor Lundy Braun, Brown University, USA.
- Professor John Trimbur, USA
- Ms. Marian Liebmann, consultant in restorative justice and professional mediator, UK.
- Mr. Martin Wilkinson, Africa secretary, Quaker Peace and Social Witness, London, UK (Phoenix Zululand Constitution s.a.:11).

The above-mentioned members were adopted by the Board of Management in January 2004. At the time when the researcher joined the Board of Phoenix Zululand around 2009 the office bearers were: Professor Geoff Harris (Chairperson) and Miss Pat Naicker (Deputy Chairperson). Richard Aitken was the Director and all the activities were basically driven and executed by him. He was assisted by his wife (Jane Argall) and other facilitators. There is no doubt that the prominence, growth and success of PZ is directly related to Aitken's passion, commitment and dedication to see that restorative justice programme is effectively implemented on the ground.

4.12 OTHER MEMBERS OF THE BOARD

Professor Geoff Harris (also a Quaker), professor in Economics at the University of KwaZulu-Natal, who is also offering courses in peace studies at UKZN, acted as Chairperson of PZ for most of the years. The Department of Criminal Justice at the University of Zululand was also involved with PZ for a number of years.

Dr. V. I. Khoza, Senior Lecturer at the University of Zululand, lecturing Penology, the researcher (Miss C. Z. Zondi), lecturing Criminology, and Professor Johan Ras (Acting Head of the Department of Criminal Justice, University of Zululand) were all involved as Board members of PZ through the years. Dr. Khoza was involved for many years while the

researcher and Prof. Ras served for a short period on the Board. This involvement assisted the researcher directly to obtain a more comprehensive and deeper understanding of the work practices and ethos of PZ.

During 2009 PZ was structured in the following way: Richard Aitken was the Director and the Deputy Director was Nonceba Lushaba. In 2010 Aitken stepped down as Director and Lushaba took over this role. A former offender, Nkosinathi Shandu then became the Deputy Director (Lushaba 2011). Shandu was a former offender who had served a sentence for his involvement in a car hijacking and motor vehicle theft (Aitken 2010; Ras 2013).

During 2009 period other serving members were Jane Argall who acted as secretary during Board meetings (Ras 2013), but who was also a programme developer and consultant, Magdalena Nothaft, an Art therapist, Evelyn Cresswell, a facilitator support, Lindy Lawrie, the bookkeeper and Sthandiwe Mthuli, who was a graduate research fellow / analyst (Phoenix Zululand Memorandum 2009).

4.13 DONORS

PZ had a “too good to be true” (Ras 2013) list of donors through the years that have funded the restorative justice programmes / activities of this organisation. Since its inception PZ has relied on donations to execute all its activities. The donors included the following:

Joseph Rowntree Charitable Trust

BHP Billiton Development Trust

Mondi Paper Mill

Open Society Foundation for South Africa (Criminal Justice Initiative)

United Nations Office of Drugs and Crime

National Lotteries Distribution Trust Fund

The Leggatt Trust

The Donaldson Trust

Foundation for Human Rights

David Goldblatt

Professor Geoff Harris

The contributions of the above-mentioned donors have contributed literally millions of rand through the years. Ras (2013) reports that he was always surprised to see how much funds they had received. Because of the worldwide recession and economic meltdown in 2007 there was a steep decline in donor funding (Aitken 2010) and as a result PZ had to tighten their belt (Lushaba 2011).

4.14 PHOENIX ZULULAND ACTIVITIES

As an organisation PZ are busy with a lot of activities ranging from simple administrative and financial work, to planning, travelling, and most importantly, the offering of restorative justice programmes. The facilitators of PZ who offer these programmes say there are seven different programmes / activities in which they are involved in one way or another (Aitken 2010; Lushaba 2011; Shandu 2011).

A very important part of PZ is the writing of feedback reports on each and every offender who has participated in a particular programme. This is very important because this report directly assists the offender when he/she applies for parole at the Parole board. In fact, there are many offenders who simply know that they will not be considered for any form of parole without a positive recommendation from the side of the PZ facilitator (Aitken 2010; Ras 2013).

4.15 SELECTION OF PROGRAMME PARTICIPANTS

DCS officials usually select offenders who are sentenced for two years and more. The reasons seem to be the number of offenders within prison and the availability of manpower and resources that need to be rather focused on those who are in prison for a longer period.

PZ stipulates that offenders who participate in their programmes must have been sentenced for more than two months (Garside 2011).

4.16 THE DIFFERENT PROGRAMME OFFERINGS OF PHOENIX ZULULAND

The following restorative justice programmes / activities are offered by PZ to offenders in the prisons of Zululand:

- Starting with us
- Voice beyond the walls
- Groundswell
- Doors to the world
- Healing through Art (Phoenix Zululand 2009; Aitken 2010; Lushaba 2011)

The five above-mentioned programmes are part of the first tier of programmes of PZ. As far as the researcher could establish the first tier of restorative justice programmes address the needs of offenders. They were specifically designed to give offenders the opportunity to explore challenges of self-revelation and self-disclosure.

According to PZ this gives them the opportunity to obtain insight into the families and social life that offenders will return to after serving their sentences. After offenders were involved in one or more or even all of these programmes, they then move forward to the second tier projects. The second tier of restorative justice programmes / activities includes:

- Conversations in families
- Family conferencing (Phoenix Zululand 2010:3).

Another programme called “Home talk” is also offered concurrently with “Conversations in families”, but because it is directly related to the last-mentioned, as well as to “Family conferencing”, it is not discussed as a separate programme under this heading. The central objective or idea is to prepare the offenders for their release and their effective reintegration

into family life and their local communities. PZ places a strong emphasis on strengthening the connection between offenders and their families. This is in line with the WPOC (2005).

4.17 THE DIFFERENT PROGRAMME FACILITATORS

As far as the researcher could establish PZ are making use of three different kinds of facilitators. They are:

- Peer facilitators
- Ex-offenders
- Community facilitators

The first category consists of offenders who are still serving their sentences in prisons. Because they are “serving amongst their peers” (the other offenders) they are known as “Peer offenders” (Ras 2013). Ex-offenders refers to those inmates or offenders who have completed their prison sentences and who were recruited to assist and help to rehabilitate existing offenders who are still serving their sentences.

The last group are volunteers, coming from the community, who help PZ with the offering of their restorative justice programmes or activities. Community based facilitators offer their time and expertise whenever they are available. During 2010 there were usually between 20 and 25 people working as facilitators at any given time in the prisons in Zululand.

The literature of PZ also mentions “senior facilitators”. These are facilitators who have distinguished themselves and who are working for PZ for a long time or who have a reputable standing or professional qualification that distinguishes them from the other facilitators. It must be remembered that there are no specific academic qualifications that are prerequisites for becoming a PZ facilitator.

Some facilitators: Below are some facilitators (not in alphabetical order) who assisted with facilitation in the different Zululand prisons, including peer facilitators:

Richard Gambu	-	Vryheid
Alfred Groening	-	Peer Facilitator Vryheid
Gugulethu Mpungose	-	Eshowe
Ntombi Lushaba	-	Eshowe Juveniles
Don White	-	Eshowe
Sonnyboy Maphumulo	-	Peer Facilitator, Eshowe Women
Elsie Banwell	-	Eshowe Women
Vivienne Garside	-	Eshowe, Doors to the World
Pretty Nsibande	-	Peer Facilitator Eshowe Women
Bongani Sithole	-	Empangeni Medium B
Mzwandile Dlamini	-	Peer Facilitator, Empangeni, Qalakabusha
Thandanani Xulu	-	Peer Facilitator, Empangeni Qalakabusha
John Strickland	-	Empangeni Medium B and Qalakabusha

4.18 TABLES SHOWING THE FACILITATORS OFFERING PROGRAMMES

The following table shows the names of the facilitators who were offering programmes of PZ in the different prisons during 2009. It also shows the month in which certificates were awarded to offenders for completing / participating in these particular restorative justice programmes / activities, as well as the number of certificates that were handed over.

The number of certificates are important because it gives a clear indication as to how many offenders were involved in one or another programme / activity and it also illustrates the work that PZ has done in the Zululand region in terms of prison rehabilitation work

4.18.1 Starting with Us

Centre	Facilitator	Months in which certificates were awarded	Number of Certificates issued
Eshowe	Nonceba Lushaba, Ida Gartell, Don & Gugu, Ntombi Lushaba, Gugulethu Mpungose, Thembaletu Nhlebelo & Pretty Nsibande	Jan, Feb, Mar, Apr, May, Sept, Oct & Dec	75
Ingwavuma	Thembaletu Nhlebelo	March & July	33
Emp. Medium B	Bongani Sithole Mbuso Dube	July Oct.	22
Melmoth	Meshack Vilakazi	Mar, May, Aug, Nov & Dec	44
Mthunzini	Lamo Jama	Jan, Apr, Jul & Sept	32
Qalakabusha	Nkosinathi Shandu	Jan, Jun, Jul, Oct & Nov	40
Vryheid	Richard Gambu,	Mar, Jun, Sept & Nov	37

The above-mentioned table indicates that a grand total of 283 offenders in 7 different prisons in Zululand have participated in this particular programme. A total of 15 different facilitators

have offered this programme. In terms of percentages, the offender participation for each individual prison, ranked from the highest to the lowest, looks as follows:

Eshowe	26.50%
Melmoth	15.55%
Qalakabusha	14.13%
Vryheid	13.07%
Ingwavuma	11.66%
Mthunzini	11.31%
Empangeni Medium B	7.77%

4.18.2 Voice Beyond the Walls

Centre	Facilitator	Months in which certificates were awarded	Number of certificates issued
Eshowe	Ida Gartrell	Dec	11

In this particular programme only one prison was involved and only 11 certificates were awarded.

4.18.3 Groundswell

At the time when the researcher obtained her data there was no facilitator that was offering this particular programme / activity. It came into existence at a later stage.

4.18.4 Doors to the World

Centre	Facilitator	Months in which certificates were awarded	Number of certificates issued
Eshowe	Vivienne Garside	Dec.	13

(Phoenix Zululand 2009)

According to PZ (2009) there were only 13 offenders who did this particular programme and it was only offered in Eshowe.

4.18.5 Healing Through Art

Centre	Facilitator/	Months in which certificates were awarded	Number of certificates issued
Eshowe	Gugulethu Mpungose	Jul	3
Emp. Medium B	Bongani Sithole	Jul & Sept	13
Qalakabusha	Nkosinathi Shandu	Feb & Oct	10

A total of 26 offenders were involved with this particular programme. This particular programme is also sometimes linked to music because the offering of music was linked with the “healing nature” of this particular programme.

In this particular case the programme was offered in only three different prisons. The highest number of offender participation was in Empangeni (Medium B) prison, namely 50%, followed by Qalakabusha (Empangeni) with 38.46% and Eshowe prison with 11.54%.

4.18.6 Conversation in Families

Centre	Facilitator/s	Months in which certificates were awarded	Number of certificates issued
Eshowe	Nonceba Lushaba	Mar, Sept, Oct & Nov	21
Melmoth	Nonceba Lushaba	Dec	9
Mthunzini	Nonceba Lushaba	March, Aug, Oct	21
Ingwavuma	Nonceba Lushaba	Jan	15

Conversation in families took place in four different prisons. The total number of offenders involved was 66. In terms of percentages the highest numbers of participants were in Eshowe

and Mthunzini prisons, namely, 31.82%, followed by Ingwavuma (22.72%) and Melmoth (13.64%) prisons.

4.18.7 Family conferencing

Specific statistics regarding the number of family conferencing that took place at the time of the data gathering (2010) were not available but the researcher could establish that most of the prisons did have one or another family conferencing. This specific activity tries to bring the offenders in touch with their relatives so that there can be reconciliation where applicable and that this encounter will assist to reintegrate them successfully back into family-life and their local communities.

4.19 THE SEQUENCE OF PROGRAMME OFFERINGS BY PHOENIX ZULULAND

The specific order that the researcher follows to discuss the restorative justice programmes of PZ is basically based on the programme offering sequence of PZ. From their perspective they would like that their programme offerings start with “Starting with us”, followed by the other programmes as mentioned in sections 4.15 and 4.17, but it is not always possible *in praxis*.

Because offenders enter prison at different times and are allowed at different intervals to participate in these programmes, and because they are very often transferred to other prisons which do not offer a particular restorative justice programme, it is difficult for each and every offender to follow the same specific order of programme participation (Aitken 2010; Ras 2013).

4.20 STARTING WITH US

Lushaba (2012: 12) refers to this restorative justice programme as a “foundation project” because this is where offenders are expected to “become aware of themselves” before they get involved with other projects.

The main focus: “Starting with us” is a life skills project and offers a wide range of techniques that promote self-esteem and conflict resolution. It was designed by Jane Argall (Aitken) as an intensive two to three month programme and “...focuses on helping offenders to cope with being in prison by providing them with a variety of personal skills” (McAree 2011:24).

The main question: The main question in this programme is: “Where are you?” It is all about self-realisation (Ras 2013) and acceptance (McAree 2011:24). Prisoners need to accept where they are now, but at the same time facilitators try to give them hope (McAree 2011:24).

Activities: Some of the activities that offenders do in this programme include breathing exercises to cope with stress, talking about the impact of the decisions they make, and making schedules and plans for their lives after prison (McAree 2011:24).

Group discussions: According to Harris (2011) Starting With Us it involves group discussions promoting self-disclosure by prisoners on issues surrounding personal responsibility and growth.

Skills learned: The skills that they learn equip offenders to live in harmony with other individuals and their families after they are released. Participants are selected by DCS officials based on the specific sentence plan of an offender. Within 6 hours after their arrival every offender is profiled and within 21 days after their arrival every offender has a compiled sentence plan according to DCS policy (Sihlangu 2013; Monacks 2013; Biyela 2012; Mseleku 2013).

Participants: Participants are usually offenders who are sentenced to more than two years imprisonment, and mostly for theft and assault (Garside 2012), but this is not always the case

(Zondi 2013). If an offender wants to join the programme voluntarily and he is serving less than two years he is also welcomed (Ras 2013).

Facilitators: The programme is run by peer facilitators (serving prisoners employed by PZ) or other facilitators who are available in specific prisons (Harris 2011:2).

The focus of the programme: The focus of this programme is on the individual behaviour of offenders. It educates them to control their emotions. According to Harris (2011:4) there are four main themes that always stand out for offenders: controlling their anger and dealing with conflicts; taking responsibility for their behaviour; developing of self-confidence and an enhanced willingness to speak, and, linking themselves again with respectful behaviour that they have learned from their families and communities but has gone away.

Time frame: Facilitators are given different times to offer this programme. Garside (2012) said the “Starting with us” programme runs from four to six weeks, while Jama (2013), who facilitates at Mthunzini prison, said it varies. At times it is offered for three to four weeks and each session takes between one and two hours. On average about 90 minutes (Jama 2013).

According to Nhlebelo (2013) the time of facilitating is determined by the head of the prison. For example, at Mtunzini prison, facilitation takes place from 09h00 to 11h00, whilst at Ingwavuma it happens from 14h00 to 16h00. Although the time is not really an issue, it is always better to offer the programme in the mornings when the mind of the offenders are still fresh after sleep and they are not tired out by other activities (Ras 2013). During the latter part of 2013 there was no one from PZ offering any programme at Ingwavuma (Makwaka 2012).

Nhlebelo (2013), who has been with PZ since 2005, feels that the restorative justice programme “Conversation in families” should precede “Starting with us”, because her experiences have taught her that offenders first want to make sure that the relationships that they had with their families and the particular community that they have “wronged” are “restored” before they are equipped with life skills.

Offender feedback: Some offenders said that they have learned about assertiveness and dignity and that they must talk “nice” to people and not fight with them. It also boosts their self-confidence and teaches them about respect and being responsible for the things they have

done in the community. They also have learned about love, honesty, to handle any life related situation, and to do conflict management (Harris 2011:4-5).

4.21 VOICES BEYOND THE WALLS

This project represents the voices of offenders reaching beyond the walls of the prison. Inmates tell their stories to the outside world in the form of plays and stories that they develop themselves. Participants fully engage with the process from the initial conceptualisation through the story development and finally the performance (Aitken 2010; Lushaba 2011).

Origin of project: “Voices beyond the walls” was a direct offshoot of the “Healing through Art” programme (McAree 2011:24-25). Through this particular programme offenders have a chance to create a drama play for a radio audience. By doing this, they also experience “therapeutic healing”. In others words, they “rehabilitate themselves” (Ras 2013).

Skills developed: This project has produced a variety of radio dramas and programmes for community radio stations (like Kora FM, based at Eshowe) and is regarded as one of the most successful projects of PZ (Aitken 2010). Through this project participants develop personal skills and learn to interact with one another in a group. The act of storytelling and expressing themselves through personal narratives helps to create and add more value to the offenders’ lives (Adams 2007).

Challenges: According to Adams (2007) the offering of this kind of project has a lot of challenges. Issues like “not interesting in the project”, “immaturity”, “inter-personal conflict”, as well as a “distracting environment” are all seen as challenges. Despite this, facilitators need to be recognised for making the best that they can in their particular circumstances (Zondi 2013). The offenders themselves are going through a learning phase because they learn about themselves, their own abilities, and to operate as a group (Ras 2013).

Adams (2007) further points out that the radio programmes have been known to have reached large audiences, allowing the public to understand the challenges of prison life and thereby

encourage the support needed from families and communities to assist in the re-integration of offenders back into their communities.

Another example is the drama play produced under the direction of Ida Gartrell, senior facilitator and Ina Marie Ferreira, former lecturer in Creative Arts at the University of Zululand, entitled, “Rattling the cage”. The play was a story of crime, trauma, retribution and forgiveness which offered an account of a struggle in a society of violence. The play was performed at the Grahamstown National Arts Festival in June 2010 and was well received (Phoenix Zululand 2010).

This performance at a national arts festival is of great importance for an NGO like PZ because it indicates to the public (wider audience) that “something good can come out of prison” (Ras 2013). Anything like this, where offenders move from beyond the walls into the public sphere and domain (limelight) certainly deserves some form of recognition (Ras 2013).

4.22 GROUNDSWELL

Groundswell is a project of environmental learning that aims to awaken in the lives of offenders inherited knowledge of trees and plants and their value in society (McAree 2011). PZ got involved with “project green”, a project that supported environmental sustainability. The overall environmental objective was to promote indigenous vegetation and the way to achieve this, was through the development, upliftment and the rehabilitation of offenders (Project Green s.a.).

Collaboration: This was done in collaboration with the Wildlife and Environment Society of South Africa (WESSA) at Empangeni’s Qalakabusha prison. Starting as a pilot project it was rolled out from this prison to other areas. It involved the development of an indigenous tree nursery in the prison grounds. The project promotes inherited knowledge of trees and

plants and a deep seated understanding of the environment. It endeavoured to involve and educate offenders on the traditional and cultural uses of South Africa's indigenous vegetation.

Training received: Offenders receive training on indigenous plants, alien invasive plants and methods of eradication. Offenders were also responsible for the clearing of alien plants within the prison boundaries (Project Green s.a.). Ras (2013) saw electronic slides during a Board meeting where Aitken (2010) was explained to them that PZ was involved with offenders in the planting of indigenous trees and the development of a nursery. It started at Qalakabusha (Empangeni) and he mentioned that they want to take it to Ingwavuma.

The Groundswell project is not something that has originated with PZ, but they have joined those who have started it and decided to incorporate it into their restorative justice efforts. According to a report of PZ released in 2009, 28 offenders participated in an indigenous tree programme at Melmoth, Qalakabusha and Mthunzini prisons. Except for this remark there is no other concrete evidence that this project was effectively rolled out to other prison areas like Ingwavuma.

Student feedback: Final year students in BA. Correctional Studies from the University of Zululand who were doing their practicals during October and November 2013 at Ingwavuma prison said they did not hear of or see anything on the Groundswell project or anyone of PZ at all. The same can be said of Empangeni's Qalakabusha's prison.

When the penology students did their practicals during October to November 2013 at this prison they did not see anyone from PZ or hear from anyone about PZ or any programme called "Groundswell" (Biyela 2013; Mseleku 2013; Ngidi 2013; Dube 2013). When Ras (2013) and the researcher paid a visit to the prison in October 2013 they also did not get any feedback from any DCS official regarding PZ, including this particular green project (Zondi 2013).

4.23 DOORS TO THE WORLD

This is a communicative English project that aims to assist offenders to learn to speak English. It was created by Vivianne Garside who had designed a discussion-based English class with the purpose of educating participants about current events while they develop their English skills (McAree 2011:250). It was instituted in 2006 at Eshowe Correctional Centre.

The first class consisted of six adult males and one juvenile. Initially every attempt was made to have a well-structured classroom styled syllabus with the lesson divided into the accepted aspects of for example, grammar, composition and spelling.

Student driven programme: Participants showed boredom, disliked the programme, and simply dropped out class. The facilitator then came up with another approach, something more “student driven” (Garside s.a.:1).

According to McAree (2011:25) in these classes they were debating things like South African politics, natural disasters, global warming, sustainability and other contemporary issues.

With this informal arrangement where the facilitator considered the needs of the participants, the following objectives were achieved:

- Participants showed greater confidence in using English as a medium of communication;
- They developed skills that will enhance their chances of employment;
- Improvement in English skills became a status symbol;
- Participants became aware of the larger world they will have to engage in if they wish to succeed outside prison;
- The practical skills they developed gave them a greater degree of self-confidence;
- Participants developed greater curiosity and interest in the outside world (Garside s.a.:4).

The researcher was of the opinion that this programme was offered in all the prisons in Zululand, but it was not the case. It was only offered in Eshowe and during the time of data

gathering there were 13 offenders who had received certificates of participation from Garside (Phoenix Zululand 2009).

The importance of language skills: This important programme was not well received, but because it is dealing with very important skills, in this case, the acquiring of language skills in a prison environment where almost all offenders are not mother tongue speakers of English, but speakers of isiZulu, the little progress that has been made is not insignificant (Ras 2013). This programme offering, despite the fact that the facilitator has to compromise and adjust her lecturing mode in order to accommodate the needs and preferences of the participant offenders, is very important, from a skills perspective.

There is no doubt that offenders who are proficient in English language skills stand a much better chance in the outside world to get a possible job. Communication skills in English can be rolled out to every prison in Zululand because this is one set of skills that definitely has the potential to open much needed doors for offenders who need to get a job as quickly as possible once they are released to ensure they do not go back to a life of crime (Ras 2013; Zondi 2013).

4.24 HEALING THROUGH ART

The healing through art project is a restorative justice project that includes music training, drawing and other forms of art, normally using clay. All these forms of art are believed to be a form of therapy to the offender (McAree 2011:24; Lushaba 2012:13). In other words, by getting involved with art a healing process starts and takes place that assists in changing the offender to become “whole” again (Ras 2013).

The philosophy behind the programme: Aitken, the founder and former director of PZ said that the philosophy behind “Healing through art” is that of narrative therapy. “Narrative therapy operates under the idea that allowing one to tell their story to someone who is listening, without the fear of being judged, can be immensely therapeutic in itself” (McAree 2011:25).

Communicating through art: According to Garside (2012) participants communicate through art and then facilitators interpret their drawings in order to “read the mind” of the

offenders. Ras (2013) points out that this is like projective tests in psychology that are highly subjective there the person who is participating, is “revealing things about himself” through the things that he penned down.

Activities: The different activities that occur within this programme include things like music, drawing, painting, sculpture, and drama (McAree 2011:24).

Art is therapeutic: Although some talk of this project as a programme it is actually a project because it is activity based and focusing on doing something with the hands, rather than something that is structured and learned with a cognitive emphasis (Ras 2013). A number of activities have emanated from this project. Although art was offered to offenders as a therapeutic way of coming to terms with oneself, one facilitator, who himself was in prison and then released on parole, started to train music (Phoenix Zululand 2008). This has led in practice to refer to this project as “Healing through Art and Music” (Zondi 2013).

Music: As far as the researcher could establish the musical instruments that are used include a guitar and drums. Individual singing and the establishment of a choir are normally also becoming a reality in the specific prison where this programme has been introduced. This programme has the potential to become very popular with offenders (Ras 2013) but it was unfortunately only limited to three prisons, namely Empangeni Medium B, Qalakabusha (Empangeni) and Eshowe prison. The total of 26 offenders who were involved with this particular programme at the time of data gathering was disappointing.

4.25 CONVERSATIONS IN FAMILIES

This project is a follow-up project from the diagnostic tier projects. This project specifically asks offenders to focus on their responsibilities towards their families. It also assists them to look at the specific support they need and the decisions that they have to make in conjunction with their families (Phoenix Zululand 2008:5).

The most influential programme: McAree (2011:26) is probably correct in saying that “Conversations in Families” is perhaps the most influential programme that PZ offers. “The programme asks participants to engage with the difficult issues of life after prison and how they will rebuild family relationships” (McAree 2011:26).

Aim of the programme: The aim of this particular programme is to set up a plan for offenders and their families to ensure that the reintegration process runs smoothly and lessens the chances of reoffending (McAree 2011:26).

The task of the facilitators: Although the facilitators have different tasks within each and every programme, normally connected to the specific objectives of each programme (Ras 2013), McAree (2011:26) is correct in saying that "...[they] lead discussions about what responsibilities offenders feel they have to their families, and what they will need in terms of support when they are released".

Group discussions: This project involves group discussions and self-disclosure by offenders on issues dealing with personal responsibilities and personal growth. It is offered by a peer facilitator, that is, a former prisoner, employed by PZ. Towards the end of their sentences, offenders who have completed the programme "Starting with us" may participate in "Conversations in Families".

Responsibilities: According to Mthuli (2010) this project deals with issues related to family life and responsibility, including conflict resolution and fatherhood. Offenders have to focus on their own responsibilities. Lushaba (2012:15) says this programme makes offenders to do reflection and introspection because it leads them to face their families and to make decisions regarding themselves. Issues regarding "support" are also addressed.

Preparatory talk: In this restorative justice programme the offenders discuss family matters and issues, dealing with themselves, but they do not talk to their family members as such. It is just preparatory talk with other offenders, through the facilitator, with one another about family related matters. This programme just prepares them "psychologically-speaking", for the real "talk" that is coming namely, Family Conferencing (Ras 2013).

According to Adams (2007) the programmes "Starting with us" and "Conversation in families" are essentially preparatory projects with written assignments and tasks to enable the offenders to do personal reflection that is needed in family conferencing (Adams 2007).

Numbers: At the time of data collection (2010) the total number of offenders who were involved in this particular programme was 66. The programmes were offered in the prisons in Eshowe, Mthunzini, Ingwavuma and Melmoth. In comparison with the estimated number of about 800 inmates in these four prisons the percentage of participants was only about 8.25%.

Although any restorative justice interventions cannot be regarded as futile, it is discouraging to see the rather low number of participation for those who are in the process of being released from prison and who are busy preparing for their reintegration back into society. The reasons for this may vary. For example, the number of offenders that are approaching their release date may be few, or, PZ did not offer the programme in all Zululand prisons, but, the fact remains, and that is that 8.25% is a very low figure (Ras 2013).

4.26 FAMILY CONFERENCING

Family Conferencing is arranged when an offender is left with only a few months of his outstanding sentence (Harris 2011:2). In this restorative justice project family members are invited to join the offenders where the offenders share with their family what they have learned through their programme(s) participation. The offenders at times also bring their art work that they have made in some projects (Mthuli 2010).

Purpose of the programme: The purpose is to bring the families of the offenders together into the prison in order to create space for dialogues. They can talk about whatever they need to talk about. (McAree 2011:26).

Numbers at Family Conferencing: Family Conferencing is normally arranged between groups of offenders and their families in the last few months before an offender's release. The specific aim is to deal with the need for reconciliation and forgiveness. It happens almost once per week and it typically involves eight offenders with about 30 family members (Mthuli 2010). The total number of 38 people together is much bigger than the basic norm of 15 to 20 people that DCS is using when doing group discussions (Heyns 2013).

The role of the facilitator: The discussion is led by a senior facilitator with the help of other facilitators. According to Adams (2007), "being a facilitator is an emotionally challenging job requiring individuals to draw on both counselling and mediating skills to encourage participants to open up to the experience and to manage the feelings of resentment and shame that may emerge".

Challenging as it may be, facilitators focus on the positive aspects of the reunion and not on the “painful memories” or pain. The sessions are directed in such a manner that they are mutually beneficial for all involved allowing both parties to acknowledge their areas of weakness and insecurity in order to build honest and healthy ways of interaction (Adams 2007).

Fatherhood: Family Conferencing entails complex interpersonal dynamics within extended families that are not always easy to decipher. What is noticeable is that most men in prisons are fathers. The message of fatherhood is of importance in this environment, as many offenders have children of their own, some of whom they have never met. For many offenders, fatherhood is an abstract concept, based on their experience of father’s violence (Adams 2007).

Men are often seen expressing intense longings to “re-bond” with their children. However, the powerlessness to influence or to take care of their children leads to feelings of chronic deficiency and even the loss of self-esteem. This makes it difficult for offenders to socially reintegrate with their families after their release.

The researcher has observed that PZ recognizes the need to promote father-child involvement by minimising the children’s feeling of abandonment and also of correcting this mindset that most prisoners have about male care giving skills. There is no doubt that Family Conferencing is perhaps the most powerful restorative justice “tool” that PZ has to influence offenders and to assist DCS with their rehabilitative efforts (Ras 2013).

Family involvement: According to PZ (Phoenix Zululand 2010:7): “This project draws the whole families into complex tasks of social integration by developing understanding of and practical commitment to restorative justice; families are encouraged to help offenders approach victims in an act of restoration”.

The researcher was practically involved during a Family Conference at Melmoth prison where she was also one of the facilitators. She recalls one incident: Family members arrived, with the father of the inmate who was wheelchair bound. It looked like they were meeting the offender for the first time after his conviction.

There was tension. No one was willing to break the ice. After the senior facilitator’s intervention the mother broke into tears. She told the son how difficult it had been at home without him. He was the one who used to take care of the father. Now, because he was

incarcerated, his mother had to leave her work and stay at home. They had brought the offender's daughter with them whom he was seeing for the first time. Tears of joy rolled from his eyes as he hugged his daughter (Zondi 2011).

In another group the offender asked his girlfriend about the stolen item that he had left hidden when he was convicted. This clearly was an indication that he was not rehabilitated (Zondi 2011). Ras (2013) says that it is through the coming together of offenders with their families that the "trained eye and ear" can see and hear things and very often put together pieces of the puzzle of an offender's life. According to him there is no doubt that the flagship programme of PZ is their family Conferencing events.

The important role of women: The dominant pattern emerging in Family Conferencing suggests that most often, women are the custodians of families' creative potential which has to grapple with all the intricate issues of social amnesia resulting from the incarceration of men.

Families have good reason to forget that they have members who are serving sentences in correctional centres. The women very often bring to Family Conferencing an intensely emotional expressive ability that helps to quickly generate profound trust within the dynamic atmosphere of the conference group (Phoenix Zululand 2009).

The role of females contributing to diffusing conflict within Family Conferencing meetings cannot be underestimated. The self-revelations that take place in these meetings assist offenders to become optimistic about their future lives, because men, unlike women, seem to express themselves in a more difficult manner. They do not very often express themselves as freely as the women do, and in the context of Family Conferencing, it is not a good thing to be apathetic and not to get involved in one or another catharsis or ventilation (Ras 2013).

The absence of a fatherhood figure as role-model: In many PZ projects, when offenders are asked to name, draw or in some other way locate in their memory the people they have loved the most, or who have had a positive shaping influence on them, it is very rare indeed for anybody to name a man, or even more exceptionally, to name a father.

From the perspective of PZ, when it comes to offenders, the institution of fatherhood has reached a catastrophic situation. Setting up a receptive and expressive context for the social creativity of women in relation to incarcerated relatives may be one of the most valuable achievements of Phoenix Family Conferencing (Phoenix 2009).

The burden of parents: Phoenix Zululand facilitators come to experience the enormous burden that parents bear when children are imprisoned. Time and again facilitators receive humbling testimonies from families suggesting that they are taken through a process that is original and profoundly enabling of their own plight. This is a process of ‘sowing seeds’ and facilitators repeatedly see the experience from Family Conferencing resonating in relationships a long time after the events. So much is owed to the group dynamics that occur within Family Conferencing. It is becoming ever more evident that the family - whatever its specific form may take in individual instances - is the basic social structure in which any idea of rehabilitation must take place (Phoenix Zululand 2009).

Responses from families and offenders: there are many different responses, but according to Harris (2011:6-7) for many family members it was like a dream come true where they have discovered that the offender was still “alive”, they have learned the truth about the prisoner’s crime, they had reconcile, and they have reported that offenders have changed in terms of behaviour and attitude, especially when it comes to drinking alcohol.

Statistics: An interim summary of a PZ report to the parole board during 2009 states that 294 family members attended Family Conferences at the following prisons:

- Ingwavuma
- Melmoth
- Nkandla
- Eshowe
- Nongoma

According to this report 49 offenders with an average of four members of each family (including children) attended the Family Conferencing activities in the last quarter of that year (Phoenix Zululand 2009).

4.27 HOME TALK

This project usually runs concurrently with “Conversation in Families”, and it specifically asks participants to focus on their responsibilities towards their families and to decide what support they need and how to ask for it after they leave prison (Phoenix 2010:7).

Victim Offender Mediation (VOM): This is a sensitive project and this talk may lead to Victim Offender Mediation (VOM). PZ facilitates the meeting with the family of the offender and sometimes with the family of the victim/s. They persuade them to come and talk with the offender. This process is normally very emotional because family members of the victim, in the case of, for example, murder, have a lot of questions that were not answered during the trial.

After the offender was convicted he was removed from the community. Through home talk an opportunity is now created for the offender, the victim and their families / community, whatever is applicable, to get together and try to reconcile with one another and to forgive (Nhlebela 2013).

“Home Talk”, in the eyes of the researcher is not a restorative justice programme or project. It is just a restorative justice “outreach activity” by PZ that wants to bring the offender into contact with his / her victim/s and their family / families and /or the community / communities. During the offering of the restorative justice activity, “Conversation in Families” and during “Family Conferencing” this “home talk” takes place and is in actual fact a natural outflow from within these two planned restorative justice activities have been mentioned.

4.28 FUTURE TO THE WORLD (NGQAWUZA PROGRAMME)

The researcher facilitated in a special project that came as a result of large scale amnesty that was announced by the then President of South Africa, President Thabo Mbeki, in 2005. Here the offenders had to participate in a pre-released programme, called by inmates, “Ngqawuza.” This is an isiXhosa word and in prison “slang” circles basically means “to walk fast with an attitude” (Luwaca 2013).

In the context of the prison system, it is a term used by offenders to refer to the fast tracking of their prison sentences. As a result of this pre-release programme “offenders walk fast and have an attitude.” As far as the researcher could establish the “attitude” here is seen in a positive sense and basically has a connotation of proudness.” In order to be released earlier, all offenders first had to undergo this programme.

Participants: Participants were selected by DCS officials and it comprised of inmates who had been given the release dates. The project was offered daily for 2 hours until the group had completed it, had been evaluated, and their certificates were awarded to them in a ceremony that was attended by the facilitators, participants and DCS officials. Facilitators also had to write a report for each participant that has participated in this particular project (Zondi 2005).

4.29 PROGRAMME OFFERING CLAIMS OF PHOENIX ZULULAND

Through the years, especially during the time of the data gathering and the researcher's involvement with PZ, the organisation has claimed to be involved in 11 of Zululand's 12 prisons. Ras (2013) says that he originally thought that all the different PZ programmes are all offered in all 11 prisons and that this is one of the main reasons why Aitken (2010) could claim that they are well-known, not only locally, but also nationally, and even internationally.

However, he was surprised to discover that all the programmes are not present in every prison and that there are some prisons that have no PZ restorative justice programme at all. Without diminishing their well-deserved recognition and accolades that they have received through the years, the reality today (2013) at "tile level" in every prison in Zululand must speak for itself (Ras 2013).

When the prisons were visited during October 2013 by the researcher to finalise some aspects of her research, the following responses were forthcoming from officials and / or inmates at the different prisons, when they were asked about the presence of PZ and their programme offerings within each prison:

Ingwavuma prison: The Head of the prison said: "...they were discontinued, though I think they had some problem with Management area" (sic) (Mnyandu 2013). Thembaletu Nhlebelu who had been facilitator in Ingwavuma prison said she had to discontinue facilitation there because there were certain things they did not agree on with PZ but she is now working at Nongoma prison (Nhlebelu 2013).

Qalakabusha (Empangeni) prison: Nobody here seems to know why the restorative justice programmes were discontinued (Dube 2013; Mhlongo 2013; Biyela 2013; Ngidi 2013). Not one official within this prison knew anything about PZ activities during the 2013 period. It seems that there is a definite absence and silence from the side of PZ when it comes to

Qalakabusha prison. Whatever the reason for this, the WPOC (2005) still emphasizes the involvement of external stakeholders that must assist DCS with their general task of rehabilitating the offenders.

Empangeni Medium B prison: As far as the researcher could establish there are still some activities that take place.

Stanger (KwaDukuza) prison: According to the Head of the prison PZ was asked to discontinue their programmes as they breached their security measures (Hlabisa 2013; Mngomezulu 2013). There was no visit of PZ or any of their programmes offered during the 2013 period (Madlala 2013).

Maphumulo prison: No PZ activities take place here (Nhlebelo 2013).

Mthunzini prison: It seems that PZ is still offering programmes at Mthunzini prison (Jama 2013) although some penology students of the University of Zululand, doing practicals there during October to November 2013, say that they did not see any PZ facilitator or hear them offer any programmes at all. This however is not totally correct, because the researcher did meet one PZ facilitator inside Mthunzini prison when she went to visit the students during this period.

Melmoth prison: There are also no restorative justice programme offerings that take place here (Nhlebelo 2013).

Nongoma prison: There were no active PZ activities or programmes offered when the penology students of the University of Zululand were doing practicals during October and November 2013 in this part of northern KwaZulu-Natal. The absence of PZ facilitators did not depict the picture that the researcher wanted to hear from her sources because at the beginning of her field research PZ had a strong representation in almost all of Zululand's prisons (Zondi 2013).

Eshowe prison: This prison was closed for renovations according to DCS so the researcher did not visit here recently.

Nkandla prison: As far as the researcher could establish PZ has no presence in this prison.

Ncome prison: It seems that there are no PZ activities happening at this place at present.

Vryheid prison: There are no activities of PZ that are offered here at present (Lushaba 2013).

4.30 REASONS WHY PHOENIX ZULULAND IS NOT SO MUCH INVOLVED IN THE PRISONS ANYMORE

Around 2008 PZ had a Board of management that was made up of magistrates, prosecutors, academics, a member of the KZN civil service and the Anglican Bishop of Zululand (Phoenix Zululand 2008:1). Although it may look like PZ has many donors, that is something of the past (Ras 2013).

Because of financial constraints they had to discontinue some of their restorative justice projects / programmes / activities. It is normally the Board, on recommendation of the Director, that makes the decision how funds must be spent, but *in praxis* it is the Director who manages the funds. While the financial situation was astonishing when Aitken was the director, the worldwide recession that started in 2007 definitely has impacted also on PZ (Ras 2013).

When Lushaba (2011) took over as director there was already notice given by the main donors that they would not continue to fund PZ. The financial situation under Lushaba did not improve and as a result the offenders inside the different prisons in Zululand where one or other restorative justice programmes that were offered now felt and experienced the impact at “tile level” first hand (Ras 2013).

Vivianne Garside who is responsible for the Vukani museum in Eshowe said that she was working as a facilitator for the project “Doors to the world”, teaching English skills to offenders (Garside 2011). According to her, when the project was introduced it was offered four hours a week but it later reduced to two hours. She said that in March 2011 she got a message from Richard Aitken that she had to stop the project as PZ had no money.

She (Garside 2011) is of the opinion that the real reason for this reduction and discontinuation is, DCS who first had cut down her four hours of teaching to two hours, and later cut all her teaching time was because they wanted to push their own Adult Basic Education Training (ABET) programmes.

When asked why she thinks some donors discontinued funding the organisation, she said that PZ could not provide them with reports in the format that they wanted (Garside 2011). This reason seems to be inadequate, but whatever the reasons may be, the reality is today that there are not a lot of restorative justice programmes or activities taking place in Zululand prisons as in the past (Ras 2013).

4.31 OTHER PROGRAMMES / ACTIVITIES OFFERED BY PHOENIX ZULULAND

PZ had offered several other projects / activities through the years. The following activities are an indication of what they have done.

Future to the World (Pre-release programme): In section 4.27 the researcher had mentioned the “Ngqawuza programme”. It was a pre-release programme (a special project) for the release of offenders who had benefited from the Presidential large scale amnesty in 2005. The researcher also acted as a facilitator in this programme and offenders were provided with skills that would enable them to be more smoothly integrated back into their communities (Zondi 2013).

Art Gallery: PZ has a permanent art gallery at the Zululand Vukani museum at Fort Nongqayi inside Eshowe, to give the public insight into the social reality of prisoners and prisons. At the gallery the art work of offenders are displayed so that the public can become aware of what the offenders are doing inside the prison and also how they perceive themselves and the outside community (Lushaba 2011).

The museum attracts a lot of overseas visitors every year and the strategic location of the gallery at the museum definitely assists PZ to create a sound awareness amongst the public about the restorative justice activities going on inside the prisons (Aitken 2010; Harris 2010; Argall 2010). There is normally a huge surprise from the side of the public to see what the offenders are doing because they are never informed by DCS or anyone in public about what is happening behind the prison walls (Ras 2013; Zondi 2013).

Garside (2011) took the researcher through the gallery and told her that visitors are quite keen to find out more about prisoners and prison life, especially the overseas ones. Ras (2013)

points out that the overseas visitors are perhaps even keener to find out what is happening inside the South African prisons than local inhabitants from our own country.

Writing of offender reports: Aitken (2010) says they are spending a lot of time on the writing of reports about individual offender participants that will go to the Parole Board. These reports are very important because they are used by the Parole Board to determine if the offender can be released earlier on parole or not. Ras (2013) has mentioned to the researcher that he was present on several occasions where Aitken (2010) emphasized this important facet of their work that is actually not highlighted or recognised enough.

At the end of each programme offenders write down how they have experienced the programme. Thereafter the facilitator writes a confidential report on each participant which is then submitted to DCS. These reports are then considered by the Parole Board (Aitken & Shandu 2010; Zondi 2005).

The researcher, during her field research trips and while facilitating and participating in some of the programmes understood the importance of this seemingly simple matter. The fact is that these reports are basically the only form of written feedback that the Parole Board gets from NGOs like PZ who also, in addition to what DCS has recommended, is to contribute so that the board can make a more informed decision.

The importance of these offender reports, that are actually recommendations, cannot be denied and underemphasised. Without the written feedback from PZ to the Parole Board and DCS about the offender's behaviour, attitude and active participation or not, the visible changes that they can see in the lives of offenders, are all matters that definitely need more attention in future. An interim summary of a PZ report to the parole board during 2009, states that the total number of reports written at that time was 446 (Phoenix Zululand 2009).

4.32 PHOENIX ZULULAND AND THE SCHOOL FOR INTERNATIONAL TRAINING

PZ has hosted and guided a variety of students from the USA, Germany and the UK. For example, the programme "Voices beyond the walls" hosted eight students from the School for International Training (based in Vermont) in 2007, together with the staff of the HSRC

Fatherhood Project, in collaboration with offenders to produce a radio play about fatherhood (Phoenix 2008:7).

Conversations in Healing: Though this is not an ongoing project, it is worth mentioning. This was a week-long workshop, facilitated by PZ facilitators and an American from the School for International Training (SIT) at Eshowe prison with a group of eight recently sentenced young women. The aim was to open opportunities for course participants to reflect on their experiences and stories in ways which would bring self-healing, rebuild relationship and map a pathway to a positive future (Furstein-Beckman 2006:23).

According to Furstein-Buckman (2006:26) the most noticeable difference between the first day of the workshop and the final day was the level of confidence of participants. This change was evident in their body language. During the first session, most women sat hunched over on their chairs with their hands folded in their laps and with their heads down. They were hesitant to speak and when questions were posed no one volunteered to answer.

When a decision had to be made (for example between eating lunch or to continue playing) no one made an input. At the last day of the workshop participants were all sitting up, paying attention and voicing their opinion and making audible remarks.

Explorations in building relationships: In March 2011 two groups of students, one from South Africa and the other from America, worked with 22 women serving sentences in Eshowe prison. The title of their programme was “Explorations in Building Relationships.”

The objective of the programme according to Aitken and Lushaba (2011) was” to bring the two worlds represented by the groups together in a creative exchange and to give both experiences in building understanding across differences of background.” According to Lushaba (2011) this project has revealed a very high level of trust amongst the inmates.

Students from Georgia State University: Another group from Georgia State University visited South Africa on 21 May 2013 and worked with PZ at Qalakabusha prison. The purpose of this visit was to introduce students to a prison context and to pay attention to the effects of past apartheid legislation on current racial class and gender relations. Gartrell facilitated a programme where students from the University of Zululand and Georgia State University and offenders demonstrated through drama the effects of apartheid. The researcher had participated in the programme (Zondi 2013).

4.33 A GENERAL EVALUATION OF THE PROGRAMMES OF PHOENIX ZULULAND IN THE LIGHT OF THE WHITE PAPER ON CORRECTIONS (2005)

The restorative justice programmes of PZ were evaluated in the light of the remarks made in the WPOC (2005) as discussed in chapter three of this research. The researcher has categorised the remarks made in the WPOC and then compared the seven different PZ programmes with these remarks to see if PZ in their programme offerings are in line with what is said and expected in the White Paper.

4.33.1 A LIST OF ISSUES MENTIONED IN THE WHITE PAPER ON CORRECTIONS (2005)

A total of 43 issues were identified in the WPOC (2005) that can be connected in one way or another with the principles of restorative justice. The question was then asked if every specific restorative justice programme of PZ was addressing that particular issue or not. If it did address it, then it means that the specific programme of PZ was in line with the WPOC (and DCS). If not, then it was not in line with what the WPOC expects. In order to facilitate the evaluation the reader can just ask the question: “Did the programme...?” and then add the specific number to the question, for example, “Did the programme [1] address offenders?”, “Did the programme [2] address victims?”, etc.

1. Address offenders
2. Address victims
3. Address the community
4. Address social responsibility
5. Address social crime prevention
6. Address moral regeneration
7. Address offending behaviour
8. Address needs
9. Address special categories of offenders
10. Correct and encourage
11. Develop the needs

12. Develop the person
13. Develop self-esteem and self-worth
14. Solve problems
15. Heal the spirit
16. Lift the condemned
17. Restore harmony within the self
18. Create future employability
19. Change attitude/s
20. Promote social values and responsibility
21. All be about rehabilitation
22. Prevent repeat offending
23. Be about ethical and moral values
24. Give alternative lifestyle choices
- 25.** Bring reconciliation with victims and communities
- 26.** Confront the past
- 27.** Create market-related skills
- 28.** Create self-sufficiency
- 29.** Promote family relations
- 30.** Instil self-discipline
31. Lead to poverty alleviation
32. Draw support (like expertise, funding, participation, facilities, equipment)
33. Be needs-based (provide basic academic education, vocational training, social education / orientation, psychological treatment, build family ties)
34. Correct, develop, secure, care, provide facilities and provide after-care
35. Create harmony with oneself
36. Be non-discriminatory
37. Be sensitive to culture, religion, gender, and linguistic diversity
38. Benchmarked
39. Be based on best practices
40. Restore relations
41. Bring healing and forgiveness
42. Be evaluated and reviewed
43. Be efficient, effective, adequate, responsive and appropriate

THE TABLE BELOW SHOWS THE PROGRAMMES OFFERED BY PZ AND THE EVALUATION IN THE LIGHT OF THE ABOVE-MENTIONED ISSUES

TABLE 1:

The following abbreviations are used for the different programmes:

SWU= Starting With Us

CIF = Conversations in Families

VBTW= Voice beyond The Walls

FC = Family Conferencing

GRDWL = Groundswell

DTTW = Doors to the World

HTAM = Healing through Art / Music

Issue No.	SWU	VBTW	GRDWL	HTAM	DTTW	CIF	FC
1	YES	YES	YES	YES	YES	YES	YES
2	NO	NO	NO	NO	NO	NO	NO
3	NO	YES	YES	NO	NO	YES	YES
4	YES	NO	YES	NO	NO	YES	YES
5	YES	NO	YES	NO	NO	NO	NO
6	YES	YES	NO	YES	NO	YES	YES
7	YES	YES	YES	YES	NO	YES	YES
8	YES	NO	NO	YES	NO	YES	YES
9	NO	NO	NO	NO	NO	NO	NO
10	YES	YES	YES	YES	NO	YES	YES
11	YES	YES	YES	YES	YES	YES	YES
12	YES	YES	YES	YES	YES	YES	YES
13	YES	YES	YES	YES	YES	YES	YES
14	YES	NO	YES	YES	YES	YES	YES
15	YES	YES	YES	YES	YES	YES	YES
16	YES	YES	YES	YES	YES	YES	YES
17	YES	YES	YES	YES	YES	YES	YES
18	NO	NO	NO	NO	NO	NO	NO
19	YES	YES	YES	YES	NO	YES	YES
20	YES	YES	YES	YES	NO	YES	YES

21	YES						
22	NO						
23	YES	YES	YES	YES	NO	YES	YES
24	YES						
25	NO	NO	NO	NO	NO	YES	YES
26	YES						
27	NO	YES	YES	NO	YES	NO	NO
28	NO	YES	NO	NO	YES	NO	NO
29	NO	NO	NO	NO	NO	YES	YES
30	YES	YES	YES	YES	NO	YES	YES
31	NO						
32	NO						
33	YES						
34	YES						
35	YES	YES	YES	YES	NO	YES	YES
36	YES						
37	YES						
38	NO	NO	NO	NO	NO	NO	NBO
39	NO						
40	YES	YES	YES	YES	NO	YES	YES
41	YES	YES	YES	YES	NO	YES	YES
42	NO						
43	YES	YES	YES	YES	NO	YES	YES

THE TABLE BELOW SHOWS THE DIFFERENT PROGRAMME PERCENTAGES IN TERMS OF A YES OR NO

TABLE 2

SWU= Starting With Us

CIF = Conversations in Families

VBTW= Voice beyond The Walls

FC = Family Conferencing

GRDWL = Groundswell

DTTW = Doors to the World

HTAM = Healing through Art / Music

SWU	VBTW	GRDWL	HTAM	DTTW	CIF	FC
Yes 67.4%	Yes 62.8%	Yes 67.4%	Yes 62.8%	Yes 39.5%	Yes 74.4%	Yes 72.1%
No 32.6%	No 37.2%	No 32.6%	No 37.2%	No 60.5%	No 25.6%	No 27.9%

The above-mentioned breakdown indicates that the programme SWU conforms to 67.4% of the remarks made in the WPOC while 32.6% do not. In VBTW 62.8% is in line with the WPOC while 37.2% are not. GRDWL conforms to 67.4% while 32.6% do not. HTAM is 62.8% in line while 37.2% is not in line with the White Paper. Only 39.5% of DTTW is in line with the overall remarks in the White Paper while 60.5% is not. CIF is 74.4% in line with the WPOC while 25.6% is not. FC is 72.1% in line with the WPOC and 27.9% is not.

Comparison: A comparison with the seven restorative justice programmes of PZ in the light of the 43 issues identified through a qualitative content analysis of the WPOC (2005), reveals that all the programmes except “Doors to the world” (DTTW) are more than 50% in line with what the WPOC expects. In actual fact, two of them (CIF & FC) are more than 70% in line with the WPOC while the other four (SWU; VBTW; GRDWL & HTAM) are all more than 60% in line with what the WPOC (and DCS) expects.

Intention of programmes: What this means *in praxis* is simply that the “intention” of the contents of the programmes offered by PZ are in line with the “intentions” stated in the WPOC (2005) in terms of what DCS must do and try to achieve. Only one programme, “Doors to the world” (DTTW), reveals a low figure of 39.5%.

Family issues: Of great significance for the researcher were the high scores that the two PZ programmes / activities, namely “Conversations in Families” (CIF) and “Family Conferencing” (FC) got. The first one had scored 74.4% and the last-mentioned 72.1%. This means that CIF is the programme that is the most in line with what the WPOC (DCS) would like to see in order to successfully rehabilitate offenders.

Also of great significance is the close percentage link between the two programmes that both address the family that is the nucleus of society and the engine room that must drive the lives of all who are part of it. It seems that both the WPOC and PZ place a great emphasis on the belief that rehabilitation and healing indeed can take place in a group setting, especially within a family setting.

THE TABLE BELOW SHOWS THE TOTAL PERCENTAGE YES OR NO OF ALL SEVEN PROGRAMMES ON EACH MENTIONED ISSUE OF RESTORATIVE JUSTICE IN THE WHITE PAPER ON CORRECTIONS (2005) THAT NEED TO BE ADDRESSED TO EFFECT POSITIVE CHANGE IN THE LIVES OF OFFENDERS

TABLE 3

No. of issue of restorative justice that needs to be addressed	Description	Yes	No
1	Address offenders	100%	0%
2	Address victims	14.29%	85.71%
3	Address the community	57.14%	42.56%
4	Address social responsibility	57.14%	42.56%
5	Address social crime prevention	28.57%	71.43%
6	Address moral regeneration	71.43%	28.57%
7	Address offending behaviour	85.71%	14.29%
8	Address needs	57.14%	42.56%
9	Address special categories of offenders	0%	100%
10	Correct & encourage	85.71%	14.29%

11	Develop the needs	100%	0%
12	Develop the person	100%	0%
13	Develop self-esteem & self-worth	100%	0%
14	Solve problems	85.71%	14.29%
15	Heal the spirit	100%	0%
16	Lift the condemned	100%	0%
17	Restore harmony within the self	100%	0%
18	Create future employability	0%	100%
19	Change attitudes	85.71%	14.29%
20	Promote social values & responsibility	85.71%	14.29%
21	All be about rehabilitation	100%	0%
22	Prevent repeat offending	100%	0%
23	Be about ethical and moral values	85.71%	14.29%
24	Give alternative lifestyle choices	100%	0%
25	Bring reconciliation with victim & community	100%	0%
26	Confront the past	100%	0%
27	Create market related skills	42.86%	57.14%
28	Create self-sufficiency	28.57%	71.43%
29	Promote family relations	28.57%	71.43%
30	Instil self-discipline	85.71%	14.29%
31	Lead to poverty alleviation	0%	100%
32	Draw support (like expertise, funding, participation, facilities, equipment)	0%	100%
33	Be needs based (provide basic academic education, vocational training, social education/orientation, psychological treatment, build family ties)	100%	0%
34	Connect, develop. Secure, care, provide facilities	100%	0%
35	Create harmony with oneself	85.71%	14.29%
36	Be non-discriminatory	100%	0%

37	Be sensitive to culture, religion, gender & linguistic diversity	100%	0%
38	Benchmarked	0%	100%
39	Be based on best practices	0%	100%
40	Restore relations	85.71%	14.29%
41	Bring healing & forgiveness	85.71%	14.29%
42	Be evaluated & reviewed	0%	100%
43	Be efficient, effective, adequate, responsive & appropriate	85.71%	14.29%

The above-mentioned table provides *inter alia* the following information:

Out of the 43 items mentioned in the WPOC that compared with all seven programmes of restorative justice in PZ, 16 scored 100%. This means that only 32.20% of all the 43 items mentioned in the White Paper were mentioned or addressed by all seven programmes.

All the seven programmes have addressed the following 16 issues and scored 100%:

1- Address offenders	11 – Develop the needs
12 – Develop the person	13 - Develop self-esteem and self-worth
15 – Heal the spirit	16 – Lift the condemned
17 – Restore harmony within the self	21 – All about rehabilitation
22 – Prevent repeat offending	24 – Give alternative lifestyle choices
25 – Bring reconciliation with victim & community	26 – Confront the past
33 – Be needs-based	34 – Connect, develop, secure, care, provide facilities
36 – Be non-discriminatory	37 – Be sensitive to culture, religion, gender & linguistic diversity

Despite the fact that the above-mentioned numbered items have scored a 100% in all seven programmes this only means that the programmes have addressed these issues in one or another way and not that they effect any change *in praxis*. From a practical point of view it only means that PZ programmes are touching on these issues during their programme offerings. However, the effectiveness of their programmes in practice was not tested and lies outside the scope of this study.

For example, all programmes address item 33, “be needs-based” (provide basic academic education, vocational training, social education/orientation, psychological treatment, build family ties), and therefore scored 100%, but in practice they do not address or do all those things, because the WPOC (2005) simply has grouped all these matters under the term “needs based.”

Victims: More significant is the score of 14.29% when it comes to the addressing of victims. The researcher is of the opinion that the seven different restorative justice programmes only address victims about 14.29%. In 85.71% of the cases the programmes do not address victims. The victims are normally outside prison in the communities or within the family circles of offenders, but very seldom through these programmes is there an active outreach to them in practice.

Social crime prevention: It is interesting that only 28.57% of the programmes are really addressing social crime prevention, while 71.43% of the time the programmes are not focused on this.

Significant positive matters: It is encouraging to see that all programmes score high in certain issues, especially those above 80%. Issues that are addressed by all restorative justice programmes that are mentioned in the WPOC (2005) and that scored above 80% are:

- Offending behaviour (Item 7)
- Correct & encourage (item 10)
- Solve problems (Item 14)
- Change attitudes (Item 19)
- Promote social values & responsibility (Item 20)
- Be about ethical and moral values (Item 23)
- Instil self-discipline (Item 30)
- Create harmony with oneself (Item 35)
- Restore relations (Item 40)
- Bring healing & forgiveness (Item 41)
- Be efficient, effective, adequate, responsive & appropriate (Item 43)

The above-mentioned issues mentioned in the WPOC are mentioned and discussed and conveyed to offenders in the process of offering restorative justice programmes to offenders in prison. By exposing offenders to these issues there is a bigger change that they can be

rehabilitated and in the long run, will not again, after their release, relapse back into a life of crime.

Moral regeneration: This is always an important issue in South Africa and is specifically mentioned in the WPOC (2005). It is good to see that 71.43% of the programmes pay attention to this issue while only 28.57% do not. This indicates the commitment and efforts that PZ facilitators make to ensure that the importance of rehabilitation and real change is not something that is just regarded as cheap talk.

Great missing links: The researcher was totally taken by surprise when she discovered that there are six very important areas that are not really covered in the programmes that PZ are offering to the offenders. In terms of scores, in all these six issues PZ got 0%. They are:

- Address special categories of offenders (Item 9)
- Create future employability (Item 18)
- Draw support (like expertise, funding, participation, facilities, equipment (Item 32)
- Benchmarked (Item 38)
- Be based on best practices (Item 39)
- Be evaluated and reviewed (Item 42)

Special categories of offenders (Item 9): What this means in practice is that not any one programme of PZ is specifically addressing any special category of offenders as stipulated in the WPOC (2005). This is shocking because the perception exists that PZ is addressing the needs of all offenders. The White Paper has clearly has identified the different categories that need special attention, and it is logical that any NGO, especially one like PZ that is so long involved inside the prisons of Zululand, would have come up with something that would address their needs.

Create future employability (Item 18): The reason why most offenders relapse back into crime is not because they want to go back, but simply because they cannot find jobs to generate their own income that is decent enough for them to make a living (Ras 2013). The researcher was told by Ras (2013) that he cannot see how any NGO can be involved with DCS in the long run if they do not address this issue because this is the only real long-term solution to prevent recidivism.

Almost everyone is willing to change and to “repent” inside the prison just to get out but there is more than a 90% chance they will return again simply because they do not have

sufficient financial support – and this they can only get through sustainable jobs, or as President Zuma likes to say, “decent jobs” (Ras 2013).

Draw support (Item 32): The WPOC mentions that DCS must draw support from external stakeholders like NGOs, and NGOs working inside prisons must also draw support from DCS in terms of expertise, funding, participation, facilities and equipment. There is no visible published evidence or proof that PZ deliberately draw support from DCS and vice versa.

Yes, PZ did use the physical facilities like tables and chairs and a room or two to meet the offenders in the prisons, and yes, DCS did make use of the expertise of PZ, for example, but that is not enough. The purpose of drawing support must be seen in terms of the WPOC’s emphasis on rehabilitation that is the main focus of all their departmental activities. Both parties (DCS & PZ) today, when they are questioned on this will say, the working relationship is fine, but what real expertise, funding and equipment, for example did PZ get from DCS, and what real expertise, funding and equipment did DCS get from PZ?

According to Ras (2013) more concrete supportive cooperation was supposed to be put on the table between DCS and PZ so that the offenders could have benefitted more. At this stage, since the start of PZ’s activities inside the different prisons, this issue was not properly addressed. This matter is something that will be addressed again in Chapter Five.

Benchmarked (Item 38): It is expected that there must be benchmarking of all restorative justice programmes to see that it is the best of the best and in line with international practices. The researcher did not pick up any visible information that PZ has published anything to say that their programmes were benchmarked by reputable prison organisations or academic institutions.

Institutions that are working in the field of penology and / or criminal justice could easily assist in evaluating the proposed programmes of PZ to ensure that what is going to be offered by them in Zululand’s prison, is in line with international best practices but at the same time is tailor-made for the South African prison context and culture. According to Ras (2013) there is too much of the “Western world issues” built into the programmes and not enough “African issues.” This is critical because the offenders are almost all Africans (Zulu speakers).

Best practices (Item 39): In line with the remarks on benchmarking all these programmes offered must be based on “best practices”. There is no indication where PZ went to ensure

that the programmes that they have offered in the past years in prisons are really based on best practices.

The researcher was on several occasions in discussion with Ras (2013) who told her that during his time of serving on the board of PZ he was impressed with what they say they are doing in prison, but in practice the feedback that he got through the years from individual prison officials and prisoners has made him aware that a serious turnaround strategy was necessary to ensure rehabilitation is a success. He said: “You can throw money in a purse and zip it but if there is a hole in the one corner then you will lose everything.”

Be evaluated and reviewed (Item 42): Programmes that are offered within DCS must be evaluated and reviewed according to the WPOC (2005). Harris (2011) provides very brief feedback on programme evaluations that were done within PZ circles, and McAree (2011) published a more extensive evaluation in the same year on behalf of the School for International Training. Both their evaluations were not based on the WPOC (2005) and were also not evaluated by DCS. Even if they were evaluated by DCS in one or another way, PZ did not make the comments available for public comment and input. The researcher wants to contribute with this study in this regard.

4.34 THE RESTORATIVE JUSTICE PROGRAMMES OF PHOENIX ZULULAND: A CRITICAL EVALUATION

A list has been given in section 4.33 about the restorative justice items / issues / matters, mentioned in the WPOC (2005), and it was pointed out where these issues were reflected and present in the seven different restorative justice programmes of PZ.

The researcher now wants to evaluate PZ’s restorative justice programmes in a more critical manner. A more critical evaluation always assists in improving the quality of all programmes and to ensure that the offenders can expect and experience better facilitation, interventions and treatment in prison. Most of the remarks are pointing out what these programmes are lacking or not doing.

The new constitution (Act 108 of 1996): With the publication of the new constitution in 1996 (Act 108 of 1996, Chapter Two, the Bill of Rights) a new era has officially started

behind the prison walls. The purpose of this law was to make a clear break with the past and to introduce also into the prisons a human rights culture that is based on international best practices.

What this means in practice is that all restorative justice programmes must reflect this reality. However, this is not the case when it comes to all the programmes of PZ. The laws of the country must be the filter or spectacle to look at all the programmes and not a philosophy like restorative justice. If a philosophical concept like “restorative justice” is used to say who you are or what you plan to do then you narrow yourself to just do that, and that is not what it is all about.

What this means *in praxis* is that all these programmes, including those not belonging to PZ (even those of DCS), must be drawn up and presented in the light of the new constitution. Any programme must be seen and discussed and presented in the light of the constitution, even if it has nothing to do with the law. It is all about the prescriptions, the principles and the meaning *in praxis* of the new constitution.

Offenders must be told, for example, that the new constitution (not DCS / PZ / the Bible, etc) directs the lives of all people in South Africa, including offenders. Not one programme of PZ is taking the offenders back to Act 108 of 1996 (Chapter two, the Bill of Rights), the foundation of our democracy, and the human rights culture that must be entrenched in our own lives and in those of our societies.

Offenders are in prison because they have broken the law, not because they have been deprived through the years of job opportunities or because they did not have money. The constitution says, for example, “Everybody has a right to live”, and that means if you take a life and make someone a victim then you must again be confronted by the law in order to correct you. The point of departure in order to correct and rehabilitate someone must always be done first from a legal (law) perspective, then from the other perspectives. This is not the case with all PZ’s programmes.

Confusing terminology: Ras (2013) has constantly pointed it out to the researcher that people like to use terms like “restorative justice” without really understanding what different meanings people attach to them. The first thing that he pointed out to the researcher was the name of the organisation that was connected to this term and to present that as if that is the correct legal concept.

He was adamant that PZ is simply an NGO and not a “Phoenix Zululand: Restorative Justice Programme” as reflected on their newsletters at times. “The tail does not wag the dog, the dog always wags the tail”, he said (Ras 2013). What it means is that once you see yourself only as a programme then all other things that are not programmes, become peripheral and not as important as your own driver, in this case, “a programme.”

For example, the researcher has struggled to point out exactly to Ras (2013) the differences between “restorative justice programmes”, “restorative justice projects’ and “restorative justice activities” as used by PZ, because, from a semantic, academic and scientific point of view. There are definite differences that must clearly be demarcated to prevent any form of confusion amongst facilitators, offenders, the educators and the public.

When are PZ busy with a programme, when do they do a project and when are they simply doing activities of a restorative justice nature? Is “Starting with us” a restorative justice project, a programme or simply an activity? Is the planting of trees and learning about nature a project or a programme or both, or is it just an activity? How can Family Conferencing be a programme or a project? That is a restorative justice activity, more specifically a group activity. Because facilitators and offenders do not always know what they are busy with, they get confused and real rehabilitation does not take place (Ras 2013).

What are the programmes of Phoenix Zululand? There is no consensus on what exactly comprises restorative justice programmes for PZ. The seven different programmes that were discussed in sections 4.20 to 4.26 (Starting with us, Voices beyond the wall, Groundswell, Doors to the world, Healing through Art, Conversations with families, Family Conferencing) are all seen as “programmes” with a restorative justice nature and that is why the researcher has discussed it like that, but a closer look at them reveals that it is not the case.

In the academic milieu a programme is normally a formally structured learner document with interventions and specific objectives. Nowadays, in terms of skills training there are specific programme outcomes and competencies that a person must reveal before he can be declared competent. All programmes are also plotted on the National Qualifications Framework (NQF) and a number of credits are also allocated to further enhance the quality of the programme. Not one programme of PZ is plotted on the NQF or credit bearing, or, in line with the South Africans Qualifications Authority (SAQA).

This means in practice that there is no national recognition for what a learner (in this case an offender) has done and that limits his future opportunities in terms of future employability. The only programme that has formal notes (kind of) / a workbook / or paper work to complete, although there is no formative or summative assessments at all, is “Starting with us.” This can be called a restorative justice programme because it reveals the basic structures of a programme although it does not lead to a specific learner qualification.

All the other so-called restorative justice programmes are in actual fact only restorative justice “activities that can be described in different ways. “Voices beyond the walls” is a restorative justice project that focuses on stories and plays in a freestyle manner. The practical engagement with the offenders can manifest in stories and plays that are later written down, but it comprises most of the time of different practical activities or demonstrations, and through these “oral engagements” and “writing downs” of stories and dramas there are “self-discoveries”, “acting out”, and “self-empowerment” and “self-actualisation” (Ras 2013).

This particular project (Voices beyond the walls) leads offenders to psychological catharsis or self-ventilation and as such restores their own “lost dignity” because of what they did. In this sense, they again discover themselves and in the process get “healed”, or in prison terminology, get rehabilitated” (Ras 2013).

The researcher avers that Groundswell is not a programme or a single activity but one can see it as a project that wants to provide indigenous knowledge and skills to offenders in order to equip them. However, there is no visible evidence that PZ is offering this project in any prison and that they specifically do it with the aim to teach the offenders some skills for possible future employability. The lack of any evidence that this project is happening in any prison in Zululand is really disappointing because the impression was created that this is a restorative justice project of PZ.

“Doors to the world” has become an unstructured open-ended programme where there is actually not a structured formal programme but practical activities of speaking, debating, reasoning and the voicing of opinions. It is definitely not a project but it had the potential to become a structured programme, which was discontinued in 2011 because of a lack of funds (Garside 2011; Aitken 2011).

Healing through Art is an on-going project that comprises of different an activity that, at its best, wants to assist offenders to experience healing and in the process assists in rehabilitating those (Ras 2013). It is not a restorative justice programme because it is never structured in a formal manner and is not plotted on the NQF or credit bearing or even a short course.

The introduction of music in conjunction with the project further testifies to the researcher's opinion that this PZ offering is in actual fact, from a linguistic and practical point of view, not a programme, but rather a project with different practical activities. However, although it is wrongly known in PZ circles as a "restorative justice programme", there is not much about "restorative justice" present in this offering. There is a definite lack of direct-confrontational conversations and engagement with offenders in order to achieve change and to rehabilitate them. The only "justice that is re-stored" is that, offenders "discover by themselves" that they can create something and this brings them "peace of mind" (Ras 2013).

The "Conversations in families" can be seen as a project with a specific kind of unstructured programme that is loosely formulated in order to give participants the opportunity to speak freely and to voice their concerns and feelings. This is the most visible form of restorative justice in action because through the conversations that are taking place the offenders voice their opinions and concerns and at the same time realise that they have to change and adapt.

The follow-up "Family conferencing" where the offenders meet with their families (that can include family victims) is another clear and visible restorative justice activity - specifically a group activity. This is not a project and it is not a programme. It is a group activity where offenders and families engage and "talk things out" and where reconciliation takes place most of the time.

There is no doubt in the researcher's mind that the most important contribution of PZ to DCS, in terms of rehabilitation is the conferences that they hold where real "healing" takes place. These meetings also take place "face to face" and "one on one" and are more direct and even confrontational in nature, but they work the relative success of these meetings, although it cannot be effectively measured at this stage, confirms the belief of Ras (2013) that "soft approaches" are not having the same positive impact and effect as the more "direct-confrontational" ones, that in the long run, heal and reconcile people.

Facilitator courses: According to Garside (2011) there is no formal facilitator course that they do in PZ to do facilitation in prison. She said she has designed her own programme and

the University of KwaZulu-Natal has donated books for her to set up a library. She did not receive any training and it seems that this is the case with all other facilitators (Jama 2013).

According to Ras (2013) a generic assessor and moderator course for outside community facilitators or something like a “skills facilitator” course as a prerequisite before doing facilitators work could have made the work of PZ more meaningful and brought it in line with international best practices. The researcher, in the light of her past teacher’s training and experience, agrees. Even basic facilitation needs some form of planning, training and communication skills, “know-how” about group work, group interactions and to effectively deal with possible questions and answers.

The philosophy behind the programmes: There is no doubt that “restorative justice” is seen by the founders of PZ as a kind of philosophy or belief-system that can “cure the offenders, victims, family members” and the “community” (Ras 2013). According to Ras (2013) the “philosophy approach followed by PZ” is basically a “soft approach” to justice and is not in line with what is happening in practice in the field of safety and security.

Talking about something is fine, but what matters most is what is happening at grass roots level and what people are doing. Ras (2013) says police and the courts and the general public are sick and tired of crime and don’t care what nice things are said about rehabilitation and restorative justice. They only want to see results and experience a crime free South Africa.

As a result of this reality they want to see that offenders are either killed through capital punishments for serious and violent crimes, or they are locked away for a very long time. They don’t even think of rehabilitation. Ras (2013) challenges anyone in South Africa to bring him a newspaper report telling the public about rehabilitation – newspapers do not do that. More than 99% of the time they write on the crimes committed and the people who did it and the victims who have suffered, not about the rehabilitation process of the offender.

What needs to be done is that offenders need to be confronted directly with their deeds otherwise they later believe they are just victims of their circumstances. This kind of thinking, “victims of their circumstances” are often to be found in the WPOC (2005) as well as in the PZ programmes.

Ras (2013) is adamant that this needs to change, because the majority of the 51 million people in South Africa do not commit crime and they live in almost the same circumstances as those convicted of crime. Most criminals have decided to commit crime (rational choice

theory) and there are no excuses for that – they need to be confronted with their past criminal deeds. It was interesting to get feedback from the students of the University of Zululand who told the researcher about the people who entered prison for the first time, whom they had to assess, how they lied and tried to manipulate them (Biyela 2013; Mseleku 2013; Manyathi 2013; Bhengu 2013; Maseko 2013; Dube 2013; Madlala 2013).

There is no doubt that the PZ programmes rather try to avoid confrontation and a direct approach where offenders need to stand in for their past deeds are absent. As a result of this “soft approach” rehabilitation can never be successful. It is also interesting to point out that DCS officials always point out that the criminals are dangerous and in practice focus more on security than rehabilitation. Ras (2013) suggests a “diplomatic” approach that is more direct than PZ’s “soft non-directional approach that is avoiding in nature.”

Give them God: It is a simple fact that in the first prisons in the United States of America prisoners received two things when they entered prisons for the first time: “Pajamas” (a striped uniform) and a “Bible”. According to Ras (2013) there was a lot of “theology” behind this approach. Offenders needed God because God could change their lives – that was the dominant belief. It was practical theology at its best. The “moral regeneration” mentioned in the WPOC (2005) was interpreted in those days as “personal regeneration” – something seen from a Christological perspective (cf. John 3:3-5; Ras 1987; 2010; 2013).

The role of the Bible, the Word of God, the chaplaincy and the role of religious workers inside the prisons are not linked to any of PZ’s programmes. This is not only a huge disappointment but also a huge shortfall (Afrikaans: “n groot leemte / tekortkoming”). It is a fact for many Christians that God has changed their lives, and that is why they live good God-fearing lives and do not do crime.

The preaching (kerugma) and teaching (didache) of God’s Word in the rehabilitation process is totally absent in any of PZ programmes. Yes, they may open their meetings with a prayer and ask God to help, but their programmes are not driven from this perspective. According to Ras (2013), God, through the teachings of the Bible, can provide every offender with the most important thing they ever need when in prison – and that is hope. Hope is basically the most important thing that keeps offenders focused and keeps them going. It also helps them to survive on a daily basis and to alter their lives.

It is amazing that PZ, whose founder (Richards Aitken) and Chairperson (Geoff Harris) are both Quakers, could not direct the programmes to be driven from a religious perspective. PZ's background is that of Quakers whose philosophy includes *inter alia* confinement where a person must do penance "...through required bible study and reflection on one's sins" (Zaitzow & Jones 2013:319). None of PZ's programmes seem to be considering religious aspects.

The core principles of their programmes are based on the belief that rehabilitation is in the hands of the offender, the ideology that crime revolves from misuse of power and the belief that listening to offenders narrating their stories brings self-disclosure (Lushaba 2012: 4-5).

Ras (2013) points out that religion always transcends the ordinary lives of human beings and that this is "reaching out to God" which always has the power to transform ordinary mortals to do and become extraordinary people who can achieve a lot of things. He recommends that PZ again re-look at all their activities in the light of this perspective.

While the confrontation of offenders is done from a legal point of view, the behavioural change and rehabilitation part can be religiously (Godly) driven. What this means in practice is that the *praidicatio verbi dei* ("preaching of the Word of God") must form an integral part of all their restorative justice efforts and must not be an addendum or seen as something on the periphery.

It was striking to see that when the researcher and Ras (2013) visited Empangeni's Qalakabusha prison during October 2013 on a very hot and humid day, to see a Muslim *mauluna* (cleric) in his full regalia passing them deep inside the prison grounds after visiting some offenders (members) belonging to his *mashid* (mosque). According to the DCS member who had accompanied the researcher and Ras at the time, he used to visit his members at least once a week. If a muslim cleric can do this then certainly PZ, with their number of facilitators, or through better planning and coordination, or through a marketing and recruitment drive to get voluntarily religious care workers involved, can do that as well.

Doing too many things that are not good: The one thing that stands out about PZ, is that they have tried to do "too many good things" for offenders through the years. The seven different restorative justice programmes / projects / activities are visible proof of that. This reality with the specific objectives of each and every activity or programme, then it becomes

confusing to outsiders what exactly are they doing and trying to achieve because there are simply too many things that they are focusing on.

If there are too many items on the menu then people get confused (Ras 2013). They could rather have focused on one simple thing and qualitatively expanded it in depth to all of the prisons. Why can they not have, for example, only one project, called “Project Change” and only present that. This project can have two parts, (i) a theoretical one and (ii) a practical one. In the theoretical one they can focus on “rehabilitation through reconciliation” and in the practical component on practical workplace training / skills.

All their money, energy, time and resources can then be focused on this matter and as a result they will reach more people, become specialists in this particular area, and can develop means of measuring the success rate of offenders over a long-term period. Their focus will also assist DCS to know “who is doing what, when and where” (Ras 2013). DCS members in several prisons, who were asked about PZ and what they are doing there, could not come up with clear answers or any answers at all.

There are simply many DCS members who do not know them. One cannot be successful in rehabilitation if the people who are mainly responsible for this task do not know who you are and what you are doing there. PZ and DCS are both responsible to turn this situation around and to have briefing and information sessions where each one of them informs the members of the other organization who they are and what exactly they are doing.

The measuring of success: There is no doubt that PZ has done a lot of things through the years since their inception, but it is also clear that in the past two to three years there seems to be a definite decline in their activities. However, it is important to find out if they are successful in the rehabilitation of offenders or not.

Harris (2011:5-9) points out, after the programmes “Starting with us” and “Conversations in Families / Family Conferencing” were evaluated “...that participants highly appreciated these events.” He refers to offenders who said they were relieved and happy that they could talk to their families, some have improved (e.g. stop drinking), and it seems “...that ex-offenders who went through a PZ programme are less likely to re-offend.”

There is no doubt in the mind of the researcher that one of the biggest challenges in future for PZ is that they want to be more credible in academic circles so much that they will have to

design measures in order to effectively measure the rehabilitation of offenders. So far there has been no attempt to really measure any of their programmes for success.

The fact that Harris (2011) mentioned only two “programmes” instead of the “seven”, in his evaluation, namely, “Starting with Us” and “Conversations with Families / Family Conferencing”, and at the same time grouped the last two (Conversations in Families & Family Conferencing) together, is a clear indication that PZ understands their dilemma that any measuring of their success is problematic and challenging.

The unwillingness to market their programmes: Despite the fact that PZ is well-known in certain circles, they are not known to the general public in the Zululand area. There was very seldom any marketing done to attract members of the public, any photo in the local newspapers, or local television. Although they were involved with Kora FM they did not market themselves. As a result of this they are unknown in their own geographical area and do not have the support of the general public.

It is only the donors and the family members of offenders who have participated in the family conferencing who are aware of them. The religious philosophy of the Quakers, “to be quiet and wait upon God” is the main reason for this. Ras (2013) has mentioned to the board members that they must take a photo of themselves in order to market PZ but that did not materialise while he was serving with them.

Wrong advisors: PZ has used international advisors (section 4.11) to advise them in terms of their activities. Two were from the United States of America and the other two were from the United Kingdom. The precise reason why they have used them is unclear but one can assume it has to do with the donors and / or their religious background (Quakers).

Despite the good intentions to have an international interest group advising PZ, Ras (2013) told the researcher that this was a huge mistake. He said: “Zululand is not Disneyland or Buckingham Palace. They could have asked us for advice, but they never did. Yes, they did allow us to join the board, but we were never asked for our input, they always wanted us to support their efforts because they were of the opinion that they knew what they were doing. They were wrong.”

Although good work has been done by PZ (McAree 2011) which cannot be denied (Zondi 2013; Ras 2013; Khoza 2013) the international advisors and approach followed by the

founder and those that have designed the specific programmes could have made use of the opinions and insights of local experts. The South African prisons, including those of Zululand are characterised by overcrowding, lack of resources and manpower, and very little rehabilitation actually takes place when compared with the time that is available to offenders inside the prisons. Better cooperation between PZ and South African experts in the field of safety and security could have led to a better outcome (Ras 2013).

Programmes that make a difference: The biggest mistake that PZ made was their neglect to create programmes that would have directly empowered offenders to find jobs (in future) on the outside after their release. This simple but critical issue is the main reason why ex-offenders go back to a life of crime – they do not find jobs on the outside and they need money to make a living / to survive. Ras (2013), *inter alia* also an assessor and moderator of the Safety and Security Sector Education Training Authority (SASSETA), feels very strongly that this neglect, to offer job or market related national skills (that are credit-bearing) to offenders is the main reason why PZ, despite the good work that they do, cannot be content with their present state of recognition.

Real recognition comes from prisoners who have been successfully rehabilitated and who can show through their current established economic situation (e.g. their job or self-employment) that they are transformed and empowered. As long as there is no real economic self-empowerment rehabilitation cannot be regarded as successful. PZ, as pointed out earlier, has never measured the success of released offenders because their programmes were not geared for that. Their “spiritual transformation” emphasis was sincere and good, but it was never connected to the “economic emancipation” that is critical for offenders to be successfully rehabilitated.

A Code of Conduct: The main reason why people are sent to prison is to keep the public safe, by keeping offenders away from community members where they can cause harm, and also to rehabilitate them. For the public safety is the most important reason, but from a DCS perspective, in the light of what has been discussed in the WPOC (2005) it is definitely rehabilitation (Ras 2013).

In order to change offenders one needs their willingness, commitment and dedication to change. The Code of Conduct can achieve this by stipulating out what is expected from them. Although PZ has a lot of remarks made during different programme offerings or

activities that are addressing these issues, there is no specific Code of Conduct designed by PZ that specifically deals with that.

The researcher believes that any restorative justice offering by PZ, whether it is a project, a programme, or a group activity or individual activities, must be preceded by a commitment from the side of the offender and facilitator to adhere to this Code of Conduct. That will make the whole rehabilitation process more focused, more meaningful, and more purposeful because there is now “consensus” regarding the rehabilitation or “healing” process.

4.35 SUMMARY

Chapter Four was in a certain sense the heart of this study. It contains an introduction (section 4.1), attention was paid to *inter alia* the following issues: the geographical location of PZ (section 4.2), its name and its meaning (sections 4.3-4.4), the nature of this organisation (section 4.5), the primary (section 4.6) and secondary (section 4.7) objectives of PZ, government regulations (section 4.8), the board of management (section 4.9) and the responsibilities of the director of the board (section 4.10).

Remarks were also made about the interim consultants of PZ (section 4.11) and other members of the board (section 4.12), the donors (section 4.13), PZ’s activities (section 4.14), the selection of programme participants (section 4.15), the different programme offerings of PZ (section 4.16), the different programme facilitators (section 4.17), tables showing the facilitators of the programmes (section 4.18), the sequence of programme offerings by PZ (section 4.19), and then each and every programme offering (sections 4.20-4.26).

These programmes included Starting with us (section 4.20), Voices beyond the walls (section 4.21), Groundswell (section 4.22), Doors to the world (section 4.23), Healing through art (section 4.24), Conversations in families (section 4.25), Family conferencing (section 4.26), Home talk (section 4.27) and the Ngqawuza programme (section 4.28).

Then a discussion was given on programme offering claims of PZ (section 4.29), reasons **are** given why PZ is not so much involved in the prisons anymore (section 4.30), and other

programmes / activities offered by PZ are discussed (section 4.31). Attention is also paid to PZ and the School for International Training (section 4.32).

An evaluation is given of the programmes of PZ in the light of the WPOC (2005) (section 4.33), a list is given of the issues mentioned in the WPOC (2005) (section 4.34), and then a critical evaluation (general remarks) of the restorative justice programmes of PZ was given (section 4.34). The chapter concludes with a summary (section 4.35).

CHAPTER FIVE

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The general aim of this thesis was to look at restorative justice programmes in a prison environment, more specifically at those offered by PZ in some of the prisons in Zululand. The researcher wanted to see if the work that this organisation is doing is in line with the remarks made on restorative justice as mentioned in the WPOC (2005).

While Chapter One of this research was a general orientation to this study, Chapter Two focussed on the research methodology, Chapter Three on the WPOC and restorative justice, and Chapter Four on the restorative justice programmes of PZ. Chapter Five concludes with the findings, conclusions and recommendations.

5.2 GENERAL REMARKS

There are a lot of things that the researcher has noticed through the years since she started her research. The first time that she met Aitken and started to learn about the work of PZ as an outsider, she was quite impressed to hear about the restorative justice work they are doing. The perception that she got was that PZ is an outstanding NGO that can serve as an inspiration and symbol everywhere in South Africa's prisons because of the outstanding restorative justice work that it is doing.

The perception: Armed with this perception, that PZ is an outstanding NGO that serves as a symbol to other people about the doing of restorative justice activities in a prison

environment she started to do her field work with the hope to learn more about how restorative justice is done in prisons and what PZ is doing that is working so well. The idea was that if PZ is so successful, then their activities can be recommended and be rolled out to all other prisons in the country. At the end of the day restorative justice in a prison setting is mainly about one thing, and that is successful rehabilitation.

The need to have effective rehabilitation programmes: To reduce overcrowding in prisons and to prevent governments from building to build more prisons at astronomical costs, it is critical that rehabilitation in prisons must work. The more prisoners are rehabilitated within prison, the less chance there is that they will commit crime again once they are released, and this again will reduce recidivism and overcrowding in prisons. The key to making this happen is to have effective rehabilitation programmes in place in prisons that can assist in changing the lives of offenders.

Restorative justice and rehabilitation: There is no doubt that restorative justice in DCS basically equals rehabilitation. Rehabilitation is at the heart of all DCS activities (section 3.3) and this means *in praxis* that the correcting of offending behaviour, the promotion of social responsibility and the overall development of the person under correction (section 3.5) are regarded from a philosophical and theoretical point of view, in the light of the WPOC (2005), as the most important issues in the prison environment.

PZ, in an attempt “to win the favour of DCS” so that they can operate within the prison walls, try as far as possible to “talk the same language” (Ras 2013). However, this NGO likes to talk about restorative justice instead of rehabilitation. Restorative justice for PZ basically means “one or another form of rehabilitation”. For example, “realising I did wrong”, “I admit I committed a crime”, “I must ask the victims to forgive me”, “I change my ways”, or, “I have decided not to do crime again.”

Discovering the “heart of PZ’s activities”: As the researcher has immersed herself more and more in the activities of PZ, she has discovered and experienced the inner workings of

their activities and also has gained first-hand experience of how they are presenting their programmes. She was also practically involved with them in practical sessions like family conferencing. In the light of the knowledge that she has gathered and the experience that she has obtained, she started to look at PZ more critically, and this led to a change of perception regarding PZ.

5.3 FINDINGS

The researcher would like to point out the following when it comes to the formulation of the research hypotheses that were formulated.

The hypotheses in this research were (cf. section 1.10):

First hypothesis:

- That the work that is done by PZ is in line with the remarks made on restorative justice as encapsulated in the WPOC in South Africa (2005) (cf. the first hypothesis, section 1.10.1).

Second hypothesis:

- Better understanding of restorative justice programmes assists us in coming up with better strategies to change the behaviour of offenders (cf. the second hypothesis, section 1.10.2).

Feedback on first hypothesis: In terms of the first hypothesis, the researcher can say that the work done by PZ is *in nomine* (“in name”) in line with *some of the remarks* made on restorative justice in the WPOC but not *in praxis* (“in practice”).

This organisation “speaks the language” of the WPOC (2005) but in practice, except for the spiritual emphasis to change and to reconcile with their families, there is no concrete or

practical evidence that their ‘restorative justice’ (rehabilitation) programmes are yielding results.

They have never tried to measure or establish and see if released offenders go back to crime or not. Without measuring recidivism amongst ex-offenders over at least a 10 year period one cannot say offenders have been rehabilitated successfully (Ras 2013).

Although many offenders who have completed PZ programmes, especially those involved in family conferencing, would certainly say that this organisation has definitely positively contributed to their personal well-being (cf. McAree 20011; Harris 2011), it cannot be said on the basis of factual proof because PZ has made no attempt in the past ten years to measure and see what happened with ex-offenders once they are released.

The researcher has mentioned that six of the seven restorative justice programmes offered by PZ (at the height of their existence), did speak the “language” of the WPOC (2005) in more than 50% of the cases, when the “contents” of what they are doing are compared with the 43 issues that can be connected in one way or another with the principles of restorative justice (cf. section 4.33.1).

For example, the breakdown indicated that the programme Starting With Us (SWU) conforms to 7.4% of the remarks made in the WPOC while 32.6% does not. In Voice Beyond The Walls (VBTW) 62.8% is in line with the WPOC while 37.2% is not. Groundswell (GRDWL) conforms 67.4% while 32.6% do not. Healing Through Art / /Music (HTAM) is 62.8% in line while 37.2% is not in line with the White Paper. Only 39.5% of Doors To The World (DTTW) is in line with the overall remarks in the White Paper while 60.5% is not. Conversation In Families (CIF) is 74.4% in line with the WPOC while 25.6% is not. Family Conferencing (FC) is 72.1% in line with the WPOC and 27.9% is not.

However, this only means that the “intention” of the contents of the 7 PZ programmes / projects / activities is in line with the “intentions” stated in the White Paper and nothing more. Although this research was not focusing on issues related to the measuring of success, the researcher knows that all claims related to successful rehabilitation cannot be made if there is no visible proof of that.

Of all the 43 items mentioned in the WPOC (2005) that were connected to one or another aspect of restorative justice (cf. section 4.33.1), only 14 out of the 43 items were present in all 7 programmes / projects / activities of PZ (cf. section 4.33.1 & Table One). This represents only 32.56%, which means that the mentioned programmes / projects / activities lack the other 67.44% (mentioned items).

Because of the presence of only 14 items (32.56%) as “discussion and / or implementation” issues within PZ, based on what are mentioned in the WPOC (2005), the researcher would say that the 7 PZ programmes / projects / activities only “comply” 32.56% with the remarks made in the WPOC (2005).

This means that on the question (Hypothesis One – section 1.10.1) if the work that is done by PZ is in line with the remarks made in the WPOC (2005), the overall answer is NO because it only complies 32.56% with the restorative justice remarks made in the WPOC (2005).

Feedback on second hypothesis: As pointed out earlier (section 1.10.2) the second hypothesis was formulated as:

- Better understanding of restorative justice programmes assists us in coming up with better strategies to change the behaviour of offenders (cf. the second hypothesis, section 1.10.2).

There is no doubt in the mind of the researcher that through her studies of PZ and their programmes / projects / activities she has discovered the importance of fully comprehending what one is doing in order to be effective in rehabilitation. Because the main function of DCS today is rehabilitation (cf. sections 3.4 – 3.5) and the restorative justice programmes / projects / activities of PZ have this in mind, the answer to this question will be an emphatic YES.

In a prison setting the best measurement to see if someone has successfully been rehabilitated is to see if that person, after his / her release, continues to stay outside prison and does not commit crime again, at least for a minimum period of ten years or more, and also acts in a socially-responsible manner. Rehabilitation is also only successful if ex-offenders have developed market-related skills in prison and are employed or self-employed (cf. section 3.11 & WPOC 2005).

An offender who becomes a responsible law-abiding citizen with a work and income will not relapse into crime easily. It is important to realise that rehabilitation that is only changing the decision-making processes of offenders not to do crime again, is not total rehabilitation. The economical component is critical because up to 90% or more of the offenders go back to the life of crime because they have no money due to joblessness because they have no jobs.

The researcher mentions this because she was surprised to hear from one PZ facilitator, who told her that if she “...does not get money from PZ for doing facilitator’s s work” than she will go back and commit crime again. These words have made the researcher to realise how serious it is for ex-offenders to have a job or to be self-employed, because, without any stable income they are destined to land up in prison again.

There is no doubt that any restorative justice programme that is offered must change the behaviour of offenders otherwise the programme serves no real and meaningful purpose.

The second hypothesis is TRUE and gets a YES because a better understanding of restorative justice programmes assists us in coming up with better strategies to change the behaviour of offenders (cf. the second hypothesis, section 1.10.2).

5.4 THE WHITE PAPER ON CORRECTIONS (2005) AND PHOENIX ZULULAND'S PROGRAMMES

PZ was founded in 2003 while the WPOC (2005) came out two years later. This may explain why, out of a total of 43 restorative justice remarks / issues, only 14 (32.56%) are present in PZ programmes / projects / activities while the other 29 remarks / items (67.44%) are absent.

Section 3.27 of this thesis refers to the WPOC (2005:87; section 13.7) where the principles with regard to community participation and community programmes are addressed. PZ programmes / projects / activities are all community based because the offenders come from communities, they have lived there, committed crime there, and again must go back there and be reintegrated.

A brief survey and content analysis of these mentioned principles indicate the following in terms of compliance and non-compliance when it comes to PZ and their programmes / projects / activities' offerings:

Compliance:

- Their programmes promote restoration of relations and bring about healing and forgiveness (e.g. Healing through Art project)
- They try to enhance effective reintegration of offenders into society as law abiding and productive citizens but this occurs in prison only (e.g. Family Conferencing)

Non-compliance:

- DCS do not actively participate in the initiatives and projects of PZ although there is normally one warden present
- The encouragement of joint management and sharing of resources are lacking
- There is no formalised agreement between DCS and PZ
- Applicants (PZ facilitators) were not screened before their community (*in hoc casu*, the prison community) participation
- PZ programmes were not evaluated and reviewed
- PZ programmes are not coordinated and managed at area management level but at local prison level
- Agreements, policies and procedures of DCS are not clearly explained to PZ facilitators, (e.g. the researcher just got a PZ identity card and started immediately as a facilitator, there was no screening at all)
- They do not address the reintegration of offenders into society as “productive citizens” as it was meant to be (i.t.o. market-related skills and jobs)
- They do not market the needs of DCS in terms of DCS’s programmes and services to enhance rehabilitation
- Real sharing of expertise and resources does not take place

When the researcher looked at these principles and evaluated PZ in the light of her research and own experience she was quite surprised to see that there are so many issues with which PZ do not comply. Section 13.7 of the White Paper is clear that “Any deviation from agreements, as well as policies and procedures of the Department, shall result in the termination of the services of a community-service provider” (WPOC 2005:87).

The involvement of PZ in Zululand's prisons before their official registration as a NGO on 18 June 2007 remains a mystery. The present situation where PZ facilitators are not screened before entering a prison to deliver programmes and speak to prisoners may compromise security. There was an incident in Stanger where a facilitator did not comply with DCS requests and the work of PZ was terminated there.

5.5 MEASURING THE EFFECTIVENESS OF PHOENIX ZULULAND'S COMMUNITY PARTICIPATION IN PRISON

DCS, in line with the WPOC's (2005) requirement that a monitoring and evaluation tool will be required to measure efficiency, effectiveness, adequacy, responsiveness and appropriateness with regard to community participation policy, have not yet evaluated PZ.

After the researcher has thought about what she has picked up in the field and how she has experienced the work and programmes of PZ, she has the following remarks to make about the above-mentioned criteria:

Efficiency: PZ programmes / projects / activities are not very efficient because they only address psychological "soft skills issues" like "I have to change and forgive" but they do not address long-term issues like creation of market-related skills and future employability.

Effectiveness: In terms of the mandate of DCS, based on the WPOC (2005) the rehabilitation efforts of PZ is only addressing basically "psychological" issues (e.g. "I must change", "I have another chance", etc.). It is definitely effective in bringing families together (e.g. through Family Conferencing), but the results after offenders are released and how they cope within their family circles were never researched and measured.

Adequacy: No, the programmes are definitely not adequate. They create opportunities for psychological “catharsis” and “ventilation” (e.g. “Speak out”, “Tell your story”) but they do not provide a long term solution or address issues like the creation of market related skills (sections 4.4.8 & 9.10.2) and future employability (sections 9.8.3; 9.10.2; 9.11.2) that are specifically mentioned so that offenders may not they cannot go back to a life of crime.

Responsiveness: No, the researcher does not believe that they are responsive to issues that really matter. The most important thing for an offender is to get out and to start over with his / her life. PZ emphasises that an offender has to change, and that is very good, but it does not really take him / her further from there in terms of future market-related skills and employability.

Appropriateness: Rehabilitation for DCS basically means three things, namely, changing one’s behaviour, becoming a responsible citizen and developing oneself. The “changing part” is seen as an “inward change” based on a decision that the offender makes, while the “becoming a responsible citizen” refers to the belief that the offender now must take responsibility for his / her new life without crime. “Developing oneself” refers to the psychological strengthening of offenders so that they cannot again fall back into crime.

However, this development is not only psychological and spiritual, but it is especially economically focused. The economic focus has to do with the development of market related (job) skills that can assist the offender to become financially viable. He /she must be able to enter the job market and maintain him / her or be self-employed.

PZ’s programmes and restorative justice work are narrowly focused on only psychological issues. There is no long-term strategy to develop market related skills or to assist DCS with the creation of job related skills or to place ex-offenders out in a real job environment.

The conclusion of the researcher is that PZ's programmes are definitely not appropriate because they only focus on the first part, namely "psychological change." The central idea of changing a person by first changing his head, then his heart and then his hand, made applicable to PZ, indicates that this NGO only focuses on the head and heart, not the hand. Although it is important, it is the hand that sustains and prevents the ex-offender from going to go back to the life of crime.

5.6 THE MEANING OF PHOENIX ZULULAND'S RESTORATIVE JUSTICE CONCEPT

The researcher has discovered that PZ's references to restorative justice basically all refer one central idea, namely, rehabilitation. Although Aitken (2011) points out that restorative justice has different meanings for them, the fact is that all their efforts are directly linked to the central idea of rehabilitation where the offender needs to change and then he / she must go and reconcile with the victim/s and the community. The negative side of this approach is that it only focuses on "relational issues" and not on the critical economical (skills, markets, future employability, jobs & sustainability) issues. The economical emphasis is the only sustainable and long-term solution to prevent recidivism, prison overcrowding, and the building of new prisons.

5.7 CRITICAL CONCLUSIONS

The more the researcher has immersed herself in PZ's activities the more frustrated she has become. This frustration mainly has to do with the programmes themselves, the facilitators, and the end-results.

Programmes: The soft-approach that has narrowly focused on inward change without actively changing the person's future economic situation is definitely not acceptable. The WPOC (2005) tasks DCS to seriously pay attention to the two critical things that prevent

relapse back into crime. These are the development of market related skills and the creation of future job opportunities.

The programmes do not teach offenders to develop market related skills and to become economically viable at all. It also is not aligned with the South African Qualifications Authority (SAQA), the National Qualifications Framework (NQF) and the Safety and Security Sector Education Authority (SASSETA). The last-mentioned is directly responsible for all skills-related training in South Africa, including that of DCS.

If PZ has offered nationally recognised skills programmes to offenders that are credit-bearing then each and every offender who has completed the programme has developed the necessary skills to go and do something meaningful outside in the job market. However, many other Sectorial Education Training Authorities (SETAs) are also offering different skills programmes that can be used.

Offenders, for example, can be trained in skills related to food production, small farming activities, bricklaying, carpentry, motor mechanic, basic first aid, cleaning skills, leading a team, etc. In fact, Ras (2013) correctly points out to the researcher that PZ could offer job related skills programmes and then go out to the job market and liaise with community members like business people and ask them to reintegrate the ex-offenders into their businesses by providing jobs for them. He says offenders can become cleaners in retail outlets, they can off load trucks, like at Spar and Checkers, they can become forklift drivers, farm employees, garden managers, etc.

To push money into “psychology” only so that offenders can do introspection and then discover themselves “philosophically-speaking”, does not create jobs and provide an income that will keep them away from crime once they are released. They need money, and instead of stealing it, they can and have to work for it (Ras 2013).

The focus of all rehabilitation training must be on vocational issues. Rehabilitation efforts must always focus on the future job market. The absence of vocational skills must be addressed immediately to bring it in line with the WPOC (2005) and the task of DCS. PZ also does not have specific programmes for ex-offenders or for those on parole. This needs to be created because it is the parolees, those on probation and ex-offenders who are the ones who are first in line to be reintegrated back into society. They always precede the offenders.

Facilitators: As a former educator the researcher has learned that no facilitator can meaningfully facilitate and assist in touching and changing lives of people if he/she has not properly done or another facilitator's course first. This course must be grounded in education and must teach them to work with different kinds of offenders just like a school teacher who will work with different kinds of pupils.

The facilitator is playing a crucial role because he / she is the one who transfers the necessary knowledge to the offenders so that he / she can change and become a loyal citizen of South Africa. Although the SASSETA's skills facilitator's course may be too complex for facilitators it is a good starting point to make them aware of the generic skills that are expected from all facilitators in the country. These skills are benchmarked along international training standards and best practices and would assist all PZ facilitators to become more equipped for their challenging task of rehabilitation.

The end-result: The end-result or end product of all the rehabilitation efforts of PZ and DCS is someone who will not be a "crime doer" but a crime fighter who has also found a decent job where he can become financially independent. The researcher cannot believe that after 10 years working in a prison environment, PZ has never tried to develop their "intentions to effect change" around a sustainable economic model.

The lack of this proposed end-result, namely, an ex-offender who does not commit crime again and who is economically standing on his / her own feet, cannot be accepted. People must change and be better off after they have left prison. PZ does not take the offenders on

this route. “They keep on idling at the starting point instead of moving to the finishing line” (Ras 2013).

5.8 A CODE OF CONDUCT FOR OFFENDERS

In any professional setting there is always one or another Code of Conduct that members must follow in order to be professional. The researcher suggests that the following Code of Conduct be made compulsory for all offenders in prison. It is actually a kind of commitment to change and to develop oneself to become a changed person.

The Offender’s Code of Conduct

I commit myself to change

I commit myself to never do crime again

I commit myself to learn new skills

I commit myself to work hard

I commit myself to become economically sustainable

I commit myself to serve other people

I commit myself to the prison authorities

I commit myself to be disciplined

I commit myself to become a role-model

I commit myself to my Creator

The above-mentioned Code of Conduct for Offenders will bring uniformity in prisons in terms of the central idea of rehabilitation. Once the offender has committed himself / herself

to this Code of Conduct he / she is allowed to go into a work related skills programme. On completion of these skills programmes the offender may be considered for parole.

The important point that the researcher wants to make is that there must be a personal commitment (inward decision) to change and then the offender is allowed to enter into a skills programme that provides an exit point after completion and good behaviour. The exit point must be in line with the prescribed minimum sentences of the courts but the offering of these programmes must create hope amongst offenders who really want to change and enter it to become more productive and responsible citizens of the country.

5.9 PHOENIX ZULULAND'S BIGGEST CONTRIBUTION TO OFFENDERS

For the researcher, there is no doubt that the biggest contribution that PZ makes to offenders is to let them participate in Conversation with Families and Family Conferencing. These two group activities are psychologically-speaking the two activities that have the greatest visible impact upon offenders and / or their families. To bring these two groups together and let them talk and sort out differences is therapeutic, it heals and it also restores broken relationships.

5.10 RECOMMENDATIONS

The researcher recommends the following to PZ and DCS:

- That PZ relook at all their existing programme offerings and realign them so that all aspects of rehabilitation, especially the developing of market related skills and training for the job market (vocational training) become the main focus point.
- That successful completion of these programmes be rewarded by asking the parole boards of DCS for parole provided that the offender has behaved in a manner that satisfies them.

- That PZ reduce the number of their programme their number and only focus on those where they can have the biggest impact on all offenders (e.g. Family Conferencing).
- That PZ pay special attention to the different special categories of offenders as outlined in the WPOC (2005, Chapter 11).
- That PZ don't paddle in "psychology only" but move on to "economic freedom" and matters of financial sustainability.
- That PZ pay more attention to parolees, probationers and ex-offenders than to offenders themselves.
- That PZ start to monitor and measure ex-offenders to see if they are relapsing back into crime and that rehabilitation has effectively taken place, an offender must be committed to restore normative behaviour.
- That PZ build out their most successful activities like Conversation With Families and Family Conferencing in order to reach as many offenders as possible.
- That PZ train their facilitators well.
- That PZ consider working together with other NGOs to become bigger and more powerful.
- That PZ's ideology is exchanged for a "theology of change".
- That PZ develop a professional intervention team to intervene where and when necessary.
- That PZ stop talking about restorative justice but start talking and doing rehabilitation.
- That in depth research be conducted

5.11 SUMMARY

In Chapter Five the author made general remarks (section 5.2), wrote about her findings (section 5.3), looked at the WPOC and PZ's programmes (section 5.4), made some remarks on the measuring of the effectiveness of PZ's community participation in prison (section 5.5), and brief attention was paid to the meaning of PZ's restorative justice concept (section 5.6).

Critical conclusions (section 5.7) were made, a Code of Conduct for Offenders was discussed (section 5.8), the biggest contribution of PZ to offenders was highlighted (section 5.9), recommendations were made (section 5.10), and after this brief summary (section 5.11), final remarks were made (section 5.12).

5.12 FINAL REMARKS

This study was a qualitative approach to look at restorative justice programmes in a prison environment. Although the researcher has come to the end of her investigation she feels that she has hardly scratched the surface. Her engagement with PZ was self-enriching but it also has revealed the importance that all restorative justice programme offerings in a prison environment must be focused on the core function of DCS, namely rehabilitation.

However, rehabilitation is not only about a moral decision to change. For offenders it is also about taking societal responsibility to become law-abiding and productive citizens. It is the task of DCS and their external stakeholders to rehabilitate probationers, offenders, parolees and ex-offenders.

In order to prepare them thoroughly for successful reintegration back into society, both DCS and their approved NGO partners must equip the above-mentioned groups with the necessary

market related skills to ensure future employability and their economic / financial sustainability. Any form of neglect in this regard means *in praxis* that those entrusted to DCS for rehabilitation receive artificial and a reductionist form of treatment that will rather promote recidivism than preventing it.

If the insights of this study can be used to improve the current rehabilitation efforts within prison circles in South Africa, especially in the Zululand region, then all this work will not be in vain. The Latin saying *quod instat agamus*, “let us do what the hand finds us to do”, is for the researcher not only a form of inspiration, but also a moral imperative because at the end of this study she knows that what the WPOC (2005) and DCS expect from external stakeholders like PZ is not a reductionist form of rehabilitation but a holistic one.

SOURCES CONSULTED

Adams, L. 2007. **Phoenix Zululand Restorative Justice Programme: The Fatherhood Project** in Child, Youth, Family and Social Development. Newsletter No. 37. Pretoria: Human Sciences Research Council.

Aitken, R. 2008. Phoenix Restorative Justice Programme. Unpublished document. October 2008.

Aiken ,R. & Lushaba, N. 2010. **“Reclaiming lives: learning from the art of prisoners”**. Paper presented at the Arts and Social Justice conference at Durban University of Technology. March 2010.

Aitken, R. & Shandu, N. 2010. *Phoenix Zululand: Restorative Justice Programme. Submission to The Honourable V.G. Smith, Chairperson: Portfolio Committee on Correctional Services. We respond to the Call for Public Comment: May 2010.* Eshowe.

Aitken, R. 2011. Personal conversation with Aitken during 2011 on different issues related to Phoenix Zululand.

Balfour. N. 2005. **Foreword to White Paper on Corrections in South Africa.** *White Paper on Corrections.* Pretoria. Government Printers.

Batley, M. s.a. Restorative Justice in the South African Context. <[http://www.iss.org.za/pubs/monographs/No 111/cap2.htm](http://www.iss.org.za/pubs/monographs/No_111/cap2.htm)> [Accessed on 27 July 2006].

Bezuidenhout, C. 2007. *Restorative Justice with an explicit rehabilitation ethos: is this the resolve to change criminality* Acta Criminologica, 20(2).

Bless, C. & Kathuria, R. 1993. *Fundamentals of Social Statistics. An African Perspective*. Cape Town: Juta & Company.

Boughey, J. 2012. Remarks made by him during 2012 at the University of Zululand. He is a Director responsible for community engagement and student support services at the University of Zululand.

Bradshaw, W. & Roseborough, D. 2005. Restorative Justice Dialogue: The impact of Mediation and Conferencing on Juvenile Recidivism. <<http://www.uscourts.gov/fedprob/December2005/restorative.html>> [Accessed on 15 September 2013].

Brammer, L.M., Abrego. P.J., & Shostrom 1993. *Therapeutic counselling and psychotherapy* (6thed). Englewood Cliffs NJ: Prentice-Hall.

Buckwalter, A. 1983. *Interviews and Interrogations*. Boston, Massachusetts: Butterworth.

Cho, R.M. & Tyler, J. H. 2013. Does Prison-based Adult Basic Education Improve Post Release Outcomes for Males In Florida. *Crime and Delinquency*, Vol. 5(7).

Correctional Programmes Targeting Offending Behaviour. < <http://www.dcs.gov> >

Published on 23 December 2013. [Accessed on 29 December 2013].

Crank, J P. 1998. *Understanding Police Culture*. Cincinnati, Ohio: Anderson Publishing Company.

Cresswell, J. W. 1998. *Qualitative inquiry and research design: Choosing among five traditions*. London, England: SAGE.

Davies, M., Croall, H. & Tyrer, J. 2005. *Criminal Justice. An Introduction to the Criminal Justice in England and Wales*. Third Edition. London: Pearson / Longman.

Davis, L. & Klopper, H. 2003. The value of qualitative methodology in criminological research. *Acta Criminologica* 16(1):72-81.

Denzin, N. K. & Lincoln, Y. S. 1994. Introduction Entering the Field of Qualitative Research. *Handbook of Qualitative Research*. Editors: N. K. Denzin & Y. S. Lincoln. Thousand Oaks, California: SAGE.

Denzin, N. K. 2002. The Cinematic Society and the Reflexive Interview, pp. 833-847, *Handbook of Qualitative Interviews*. Editor: N.K. Denzin. Thousand Oaks, California: SAGE.

Examples Of Restorative Justice Applications In South Africa.

Engelbrecht, E. 1991. *Slagoffers van bomaanvalle in Johannesburg: 'n Kriminologiese ondersoek*. Ongepubliseerde proefskrif. Pretoria: UNISA.

Feldman, R. 2008. *Understanding Psychology*. 8th edition. New York: McGraw-Hill.

Frankl, V.E. 1962. *Man's search for meaning: An introduction to logotherapy*. A revised and enlarged edition. New York: Washington Square Press.

Frankl, V E. 1963. *Man's search for meaning: An introduction to logotherapy*. Latest edition. New York: Washington Square Press.

Frankl, V. E. 1969. *The will to meaning*. New York: The New American Library.

Furstenberg-Beckaman, H. 2006. 'Conversation in Healing': Observation of a Restorative Justice Program for Young Women Offenders in Kwazulu-Natal, South Africa: Reconciliation and Development.

Garside, V. s. a. **Doors to the World. A communicative English project**. A report by Vivienne Garside, Facilitator. Eshowe: Phoenix Zululand.

Garside, V. 2012. Personal conversation with Garside at Eshowe on 9 January 2012.

Gifford, G. 2003a. Please forgive me. *The Star*, 20 February 2003a:1.

Gifford, G. 2003b. Healing the wounds of crime. *The Star*, 20 February 2003b:15.

Glanz, L. 1993. *Managing Crime in the New South Africa*. Pretoria: HSRC.

Glick, L. & Miller, M. 2008. *Criminology*. Second edition. New York: Pearson Education.

Guba, E.G. & Lincoln, Y.S. 1994. Competing paradigms in qualitative research, pp. 105-117. *Handbook of qualitative research*. Editors: N.K. Denzin & Y.S. Lincoln. Thousand Oaks, California: SAGE.

Hargovan, H. 2007. *Restorative Justice Yesterday, Today and Tomorrow - making sense of shifting perspectives in crime control and criminal justice in South Africa*. Acta Criminologica: Southern African Journal of Criminology, 20(1).

Hargovan, H. 2007. *Restorative Justice Approaches to Justice: "Compulsory Compassion" or Victim Empowerment*. Acta Criminologica: Southern African Journal of Criminology, 20(3).

Hargovan, H. 2009. *Doing Justice Differently: A community-based restorative justice initiative in KwaZulu Natal*. *Acta Criminologica: Southern African Journal of Criminology*, 22 (9):68.

Harris, G. 2010. Personal conversation with him at Eshowe during 2010. He is the Chairperson of the Phoenix Zululand Board.

<<http://www.restorativejustice.org/RJOB/restorativejustice.org/RJOB/restorative-justice-and-prisoner-reintegration>> RJ Online. [Accessed on 15 May 2013].

Inskip, L. 2006. Restorative Justice Summit Shows Why Concept Is On Rise (sic!) <<http://www.commondreams.org/views/03700-103.htm>> [Accessed on 13 September 2013].

Jama, L. 2013. Personal conversation with Jama on 9 October. She is a facilitator at Phoenix Zululand.

Johnstone, D. 2002. *Restorative Justice , ideas, values, debates*. Potland: Cullompton Devon.

Johnstone, G. 2004. *The idea of restorative justice*. Inaugural Professorial Lecture. 11 October 2011. University of Hull.

Khoza, V. I. 2012. He is a Senior Lecturer in Criminal Justice at the University of Zululand, lecturing and specializing in Penology. He is an Assessor at the Parole Board in KwaZulu-Natal and a Board member of Phoenix Zululand.

Khulisa. Khulisa Crime Prevention Initiative. *Rehabilitate – Restore – Reintegrate*.
Newsletter. (nd)

Kumar, R. 2005. *Research methodology: A step-by-step guide for beginners*. 2nd.ed.
London: Sage.

Kvale, S. 1996. **Interviews: An Introduction to Qualitative Research Interviewing**.
Practical research: Planning and Design. London, England: SAGE.

Langa, N. 2013. Personal conversation. She is a Regional Director at the Department of Correctional Services in Pietermaritzburg.

Leedy, P. D. 1980. *Practical Research: Planning and Design*. New York: Mc Millan Company.

Le Roux, C. J. B. 2003. **Tapping Indigenous Knowledge on the World-Wide-Web**.
Indilinga African Journal of Indigenous Knowledge Systems, 2(1):107-113.

Lillejord, S. & Soreide, G. E. 2003. **‘Tell me your story’: Using narratives from interviews to understand indigenous knowledge.** *Indilinga. African Journal of Indigenous Knowledge Systems*, 2(1): 89-97.

Livingston, J. 1990. *Crime & Criminology*. 2nd edition. Upper Saddle River, New Jersey: Prentice Hall.

Lushaba, N. 2011. Personal conversation with Lushaba at Eshowe. She is the Deputy Director of Phoenix Zululand.

Lushaba, N. 2013. Personal conversation with Lushaba at Eshowe. She is the Director of Phoenix Zululand.

Mannheim, H. 1965. **Action (or operational) research and sociological methods.** *Comparative Criminology*. London, England : Routledge & Kegan Paul.

Marais, C W & Van Rooyen, H. J. N. 1990. *Misdaadondersoek*. Pretoria: Pro-Media.

Maxfield, M. G. & Babbie, E. N. 1998. *Research methods for Criminal Justice and Criminology*. 2nd edition. Belmont, California: Wadsworth Publishing Company.

McAree, T. 2011. *Prisoner rehabilitation in South Africa: A case study of Phoenix Zululand’s work in Eshowe correctional facilities*. Unpublished document made available to Phoenix Zululand.

Mhlongo, Z. P. 2013. Personal conversation with Mhlongo at Empangeni. She is a SASSETA Assessor and Moderator and a registered Social Worker.

Mika, R. & Zehr, H. 2003. *Criminology, Conflict Resolution and Restorative Justice* in ????. In McEvoy, K. and Newburn, T. (Eds). Great Britain: Palgrave Macmillan.

Monk-Turner, E. & Payne, B. 2005. **Addressing issues in Group Work in the Classroom.** *Journal of Criminal Justice Education*, 16(1):166-179.

Morris, A. & Maxwell, G. 1998. Restorative Justice in New Zealand, Family Group Conferences as a case study, *Western Criminology Review*. <<http://wer.sonoma.edu/v/1n1/morrishtml>> [Accessed on 20 January 2011].

Muntingh, L. & Monaheng, A. 1999. **Family matters. How young offenders' families engage in restorative justice.** *Track two*, 7(3): 13-14.

Mthuli, S. 2010. *Evaluation of the main restorative justice programmes of Phoenix Zululand.* Eshowe.

Naude, B., Prinsloo, B. & Ladikos, A. 2003. **Restorative Justice: A global overview of its functioning and effectiveness.** *Acta Criminologica*, 16(5):1-9.

Naweek-Beeld. 2007. 'Barbaar' lewenslank tronk toe. 10 Februarie 2007:13.

Nevhuthalu, P. 2013. Remarks made by him during 2013 at the University of Zululand at a meeting between the Department of Correctional Services and the University of Zululand. He is the Vice Rector: Teaching and Learning.

Neumann, W. L. & Wiegand, B. 2000. *Criminal Justice Research methods. Qualitative and Quantitative Approaches.* Needham Heights, Massachusetts: Allyn and Bacon.

Nhlebel, T. 2013. Telephonic conversation with Nhlebel, a facilitator of Phoenix Zululand at Eshowe, on 9 October.

Peltzer, K. 2002. **Attitudes towards rape amongst police officials at South African police stations.** *Acta Criminologica*, Vol. 15(2):77.

Penxa, V. 2005. **Security industry casts new light on training.** *The Star*, 6 October 2005:8.

Potgieter, P.J., Mitchell, L. J., Khoza, V. I. & Cilliers, C. H. 2005. **Correctional officers perceptions on Restorative Justice.** *Acta Criminologica*, Vol 18(1):40-49.

Prinsloo, J. 1993. **Reporting**, pp. 81- 89. *Forensic Criminalistics*. Editor: J. Van der Westhuizen. Durban: Butterworth.

Restorative Justice Briefing Paper. Centre for Justice and Reconciliation. 2006. Published on 28 October 2006. < <http://www.communitylawcentre.org.za> > [Accessed on 23 September 2012].

South Africa. 2003/4. Department of Correctional Services. Annual Report. Pretoria: Government Printers.

Phoenix Zululand. 2007. *Board briefing: Parenting and Fatherhood.* Eshowe: Phoenix Zululand.

Phoenix Zululand 2008. *Restorative Justice Programmes*. [This pamphlet summarises some projects of Phoenix Zululand.]. Eshowe: Phoenix Zululand.

Phoenix Zululand: Q1. 2009. Q1 Supplementary Report to the Joseph Rowntree Charitable Trust. Interim summary of Phoenix reports to the Parole Board – 2009. Eshowe: Phoenix Zululand.

Phoenix Zululand. 2009. *Alternative forms of Justice: Voice Beyond the Walls*. Presentation of a youth project by Phoenix Zululand in Zululand Prisons with the United Office for Drugs and Crime (UNODC). 17-21 June 2008. Durban: ICC.

Phoenix Zululand: Restorative Justice Programme. 2010. Submission to The Honorable V. G. Smith: Chairperson: Portfolio Committee on Correctional Services.

Ras, J. M. 2006. *Body guarding in a private security context*. Doctoral thesis.

KwaDlangezwa: University of Zululand.

Ras, J. M. 2010. *Understanding Al-Qaeda: A Qualitative Enquiry*. Doctoral thesis.

KwaDlangezwa: University of Zululand.

Ras, J. M. 2013. Personal conversation with Ras on 13 October. He is Head of the Department of Criminal Justice at the University of Zululand.

Restorative Justice: an Australian perspective. 2006. Australian Institute of Criminology.

< <http://www.aic.gov.au/rjustice/australia.html>> [Accessed on 13 March 2013].

Restorative Justice Briefing Paper. 2006. Centre for Justice and Reconciliation. 28 October 2006. < <http://www.communitylawcentre.org.za> > [Accessed on 27 November 2013].

Roche, D. 2003. *Accountability in Restorative Justice*. New York: Oxford University Press.

Schurink, E. M. 1998. **Deciding to use a qualitative research approach**, pp. 239-251. *Research at grassroots: a primer for the caring professions*. Editor: A. S. de Vos. Pretoria: Van Schaik.

Setlatjile, D. 2002. *Child Justice Bill*. < www.childjustice.org.za/submissions/RJC.htm>

[Accessed on 11 November 2012].

Shange, K. 2013. Personal conversation with him on 2 October. He is an ex-facilitator of Phoenix Zululand.

South Africa. 2003/4. Department of Correctional Services. *Annual Report*. Pretoria: Government Printer.

South Africa. 2004. *White Paper on Corrections in South Africa. Draft*. Pretoria:

Government Printers.

South Africa. 2005. *White Paper on Corrections in South Africa*. Pretoria: Government Printers.

South Africa. 2009/2010. Department of Correctional Services. *Annual report*: Pretoria Government Printers.

The Citizen. 2003. SA jails are far too full. 16 June 2003:1-2.

The Mercury. 2006. Crime has replaced political violence, says F.W. 18 December 2006:4.

Van der Walt, P.J., Cronje, G. & Smit, B. F. 1982. *Criminology. An Introduction*. Pretoria: Haum.

Van der Westhuizen, J. 1982. *Introduction to criminological research*. Pretoria: UNISA.

Vito, G. F., Latessa, E. J. & Wilson, D. G. 1988. *Introduction to criminal justice research methods*. Springfield, Illinois: Charles C. Thomas.

Xulu, 2013. Personal conversation with Xulu at the University of Zululand. He is a Director at the Department of Correctional Services and a former professor at the University of Zululand.

Zondi, C. Z. 2005. Personal observations of the researcher while busy with facilitation for Phoenix Zululand in prison.

Zondi, C. Z. 2013. Personal views and beliefs of the researcher in the light of her past knowledge and experiences.

Zondi ,C.Z., Aitken, R. & Lushaba, N. 2009. **‘Ameliorating effects of crime through Restorative Justice: An overview of Phoenix Zululand - A Restorative Justice Programme’**. Unpublished paper presented at the Faculty of Arts Conference, University of Zululand during September 2009.