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Restorative Justice in Post-Conflict Areas

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RESTORATIVE JUSTICE IN POST CONFLICT AREAS

Hillary Hook, Jane Montgomery and Hilary Murphy

Restorative Justice

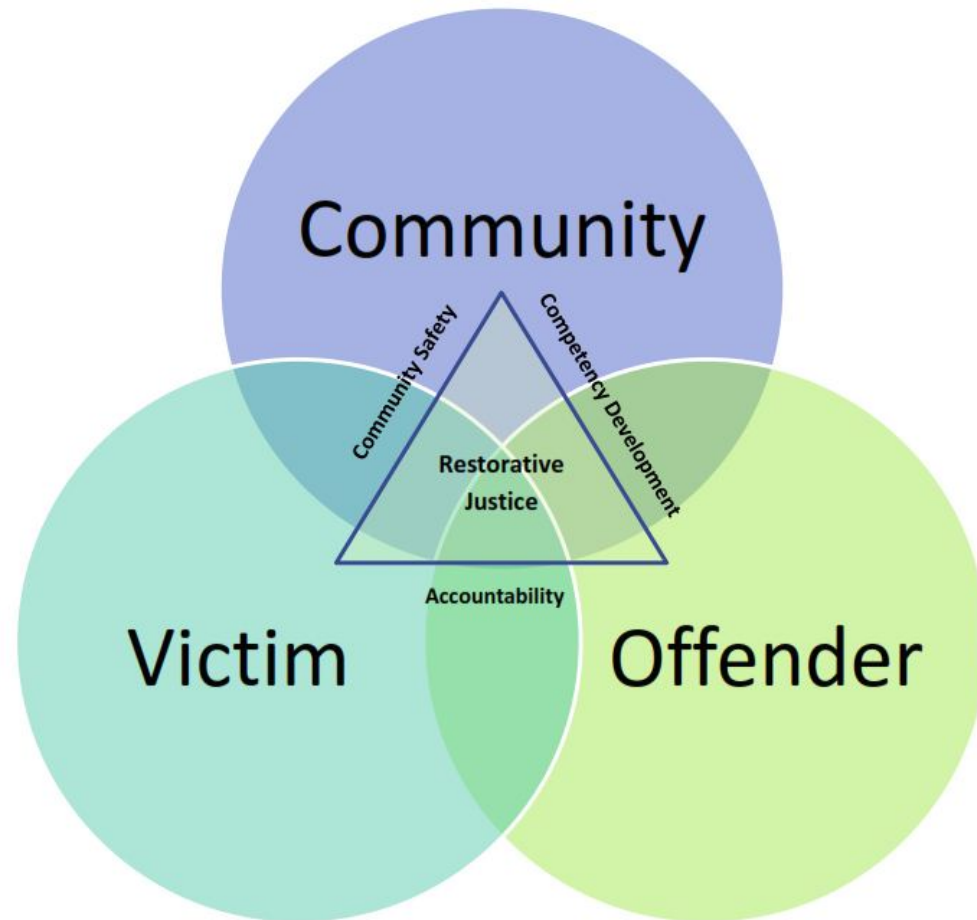


Photo credit: Restorative Youth Justice Project

Restorative Justice

- Programs offering restorative processes
 - Victim-offender mediation
 - Conferencing
 - Circles

(Van Ness and Strong, 2010)

Australia



Australia

□ History

□ Colonized by Britain

- Dispossession of land
- Creation of Indigenous affair polices that sought to exterminate the aboriginal population: seizing of property, expansion of pastoralism, emphasized racial distinctness

(Lawrence & Gibson, 2007)

Aboriginal Push-Back

- First Campaign in the 1960's and 1970's
- Second Campaign in the 1970's and 1980's
 - ▣ Woodward Royal Commission & Department of Aboriginal Affairs
- 1993: Mabo High Court Decision

Implementing Restorative Justice

- ▣ Indigenous Sentencing Courts
 - Goal: Addressing the overrepresentation of aboriginals in the criminal justice system
- ▣ History
 - Begin in 1999, with Magistrate Chris Vass in Port Adelaide, South Australia
 - Nunga Courts
- ▣ Current Examples
 - Circle Sentencing Courts in Victoria

(Hess, 2011)

How the System Works

- Proceedings
 - ▣ Special Session
 - ▣ Cultural Considerations
 - ▣ Community Connection

- Local community justice groups
 - ▣ Background
 - ▣ Treatment Options

(Hess, 2011)

Bottom Line

- Created a more culturally appropriate court process for Aboriginals and gave due recognition and respect to cultural considerations



(Marchetti, 2007)

Northern Ireland



Northern Ireland: History

- ▣ The Troubles (1968-1998)
- ▣ Over 3600 dead
- ▣ 40,000-100,000 injured
- ▣ Broad scale human rights violations



(Amnesty International, 2013)

The Good Friday Agreement – April 10, 1998

- “It is recognized that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence.”



(The Good Friday Agreement, 1998)

Restorative Justice Efforts

- 1996 research initiative
- Two main grassroots organizations
 - ▣ Community Restorative Justice Ireland (CRJI)
 - Republican
 - Generalist model
 - Voluntary participation
 - ▣ Northern Ireland Alternatives
 - Loyalist
 - Youth focused
 - Mandated participation
- Efficacy

(Chapman, 2012; Doak & O'Mahony, 2011; Eriksson, 2011; McGrattan, 2009; McGrattan, 2010; O'Donovan, 2011; Payne and Conway, 2011)



“It's been 15 years now since the Good Friday Agreement; since clenched fists gave way to outstretched hands. [...] There are still wounds that haven't healed, and communities where tensions and mistrust hangs in the air. There are walls that still stand; there are still many miles to go.”

US President Barack Obama, speech in Belfast, 17 June 2013

South Sudan



South Sudan:

- History
 - ▣ A British colony, received independence in 1956
- Conflict within Sudan:
 - ▣ Africa's Longest Civil War
- Comprehensive Peace Agreement: 2005
- South Sudan's Independence:
 - ▣ Independent in 2011
- Conflict Continues



("South sudan profile," 2014), (Isser, 2011)

South Sudan:

- Solutions to the Conflict:
 - ▣ Called Cease-Fires
 - ▣ Traditional and Customary Justice
 - ▣ Restorative Justice Efforts

(Deng & Deng, 2014), (Isser, 2011)

South Sudan:

- Restorative Justice:
 - Gender Based Violence in Customary Courts
 - Protecting the Rights of the Child



(Banks, n.d.), (Mennen, 2008).

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