

## *Is there a place for restorative justice in responding to domestic violence?*

By **RESTORATIVE JUSTICE CENTRE**

The use of restorative justice processes in responding to domestic violence is controversial: the general thrust of these concerns is that given the complex dynamics that sustain an abusive relationship, a restorative justice process may be totally insufficient an intervention to effect change. Worse than this, it may draw others into these dynamics, setting the stage for perpetuating the abusive dynamics. In contrast, there are indications that there is increasing support for the use of restorative justice as long as some general principles are observed.

The Restorative Justice Centre (RJC) has facilitated victim offender conferences as a restorative justice process since it started operating in 2001. Although the programme does not target victims of domestic violence specifically, the number of referrals in which domestic violence is an element has been high (between 70% and 80%) almost since the inception of the programme. Anecdotal evidence suggests similar experience in other programmes in South Africa. This would include cases where a violation of an order issued in terms of the Domestic Violence Act (DVA) (Act 116 of 1998) has occurred or cases where a criminal charge (typically assault or aggravated assault) has been laid in which the context was that of domestic violence. The RJC has attempted to adapt victim offender conferencing to address the needs of the parties involved in a domestic violence dispute.

The paper will outline the elements of the proposed model and relate examples from practice of its efficacy. Recent guidelines that are being finalised by the NPA for the use of restorative justice and particularly in domestic violence cases will also be reviewed in relation to the experience in the project.

### *16. Women's Narratives on the Effect of Migration on Domestic Violence*

By **Monica KIWANUKA, University of the Witwatersrand-Johannesburg South Africa.**

**Email: [monica@migration.org.za](mailto:monica@migration.org.za)**

This paper is drawn from my Masters research report titled “The Effect of Migration on Urban Migrant Women’s Perceptions of Domestic Violence”, which was conducted in Johannesburg South Africa. It is a qualitative descriptive case study informed by the social constructionist and feminist theoretical resources whose main aim was to explore how migrant women understand and explain the effect of migration on domestic violence. The participants of this study were 15 urban migrant women from African countries; identified by the use of purposive and snowball sampling techniques.

This paper draws on narrative and discursive approaches and shows how broader factors in the context of migration including immigration policies, migrant women’s legal status, and fear of public violence, intersected with unequal power relationships to pose challenges for increased vulnerability to domestic violence among migrant women. Migrant women in this case, drew mainly on such discourses to explain reasons they felt led to increased domestic violence.

Further analysis also looks into migrant women’s perceptions of the inappropriateness of available services in the host country for responding to domestic violence. The negative attitudes

and discrimination by service providers towards foreigners, as well as lack of culturally appropriate services that incorporate migrant women and their specific needs, were perceived to contribute to low utilization of domestic violence services in the host country.

The overall analysis shows how the interplay of Immigration status, contextual factors and gender inequality as well as lack of perceived effective protection feed into each other to increase domestic violence and further pose challenges for migrant women to escape it, as well as make use of available services for response.

Contextual factors related to migration are therefore seen to influence perceptions, experiences and responses to domestic violence; and in the context of South Africa, these were understood to greatly contribute to increased domestic violence among migrant women.