Module 4
Working across cultures in restorative justice
Ngā tikanga-ā-īwi

Restorative Justice
Facilitator Induction Training
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**Introduction**

**Whakataukī**

Kei tēnā tōnā tikanga, kei tēna tōnā tikanga.

Each has their own custom.

**Purpose**

The purpose of this module is to give an overview of the issues involved and to assist you in your approach to cross-cultural facilitation.

One of the principles of best practice in restorative justice is that restorative justice processes are *Flexible and responsive*. A component of this principle is that processes need to be flexible and responsive to the culture of participants.

For a facilitator to be responsive to the culture of participants it pays to have some understanding of working with different cultures and to know when to bring in cultural experts.

**Pre-requisites**

You need to complete the first two modules: *Restorative Justice Process and Principles* and *Victim and Offender Issues in Restorative Justice* before you commence this module.
Learning objectives

In this module you learn to:

1. Explain correctly the common issues that may be present when undertaking restorative justice work with some predominant cultures in NZ (Samoan, Indian, Chinese).

2. Identify what actions you could take when given restorative justice scenarios related to working across cultures, so as to ensure restorative justice principles are complied with.

What’s in this module

In this module you will learn about:

- What is expected of facilitators in relation to working across cultures
- Three prevalent immigrant cultures in New Zealand
- The issues associated with working across cultures and the strategies you can employ to ensure safety.

Instructions for working through this module

- First ensure that you have the latest version of this module. The module date is on the footer. The Resolution Institute website has the latest version of each module.
- Work through this module at your own pace, or work through the module with one or more colleagues if you wish. Group learning can be easier and more fun.
- Complete the practice exercises and check your answers against the feedback that follows each practice.
- Access the references included in the module for further information.
- When you have completed the module go to the Resolution Institute website and complete the on-line assessment for module 4. Full instructions are given at the end of this module.
Expectations regarding working across cultures

What is culture

In the context of this module, we cover ‘culture’ in relation to ethnicity and country of origin. Within a country there can be different cultures depending on religion, language spoken and history. Within a culture there can also be marked differences between people, depending on family, upbringing and beliefs. Thus the facilitator needs to be aware of and take into account the uniqueness of individuals and families within a culture. We learn about cultures to broaden our knowledge and understanding, not to put people in boxes.

In this module we are concerned with aspects of a culture that will impact on how the facilitator does his or her job. It is hard enough to understand your own culture, let alone the many other cultures in our society. To be effective in working across cultures, you need to:
1. Ask when you don’t know
2. Learn what you can
3. Know your limitations, and
4. Be able to identify when you should call in a cultural expert.

In this section we look at what is expected in relation to working with participants who are from different cultures.

Cultures you may deal with

The 2013 census in New Zealand showed that nationally the ethnicity of New Zealanders is (rounded to the nearest whole number):

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>European</td>
<td>74%</td>
</tr>
<tr>
<td>Māori</td>
<td>15%</td>
</tr>
<tr>
<td>Asian (mainly Chinese and Indian)</td>
<td>12%</td>
</tr>
<tr>
<td>Pacific peoples (mainly Samoan)</td>
<td>7%</td>
</tr>
<tr>
<td>Middle Eastern, Latin American, African</td>
<td>1%</td>
</tr>
</tbody>
</table>
You will notice that these percentages add up to more than 100% and that is because some people identify with more than one culture. Note too that Asian includes Indian and Chinese and these two ethnicities make up the major proportion of the Asian group. Samoans make up the largest proportion of the Pacific peoples.

The ethnic distribution varies markedly throughout the country. In Auckland there are 23% who identify as Asian – twice the number (11%) who identify as Māori. In Auckland also, 15% identify as Pasifika – twice the national figure for Pasifika.

Wellington comes in very close to the national average with Māori 13%, Pacific peoples 8% and Asian 10.5%. Down south, the percentage of Europeans rises (93% in Tasman, 87% in Canterbury and 89% in Southland) with percentages of Māori, Pasifika and Asians correspondingly reduced.

It is important to know the cultures you are likely to be dealing with in your restorative justice practice.

**Here is what to do**

1. Look up the latest census figures for the cultural diversity in your area.
   - Go to [www.stats.govt.nz](http://www.stats.govt.nz)
   - In the search box enter “quick stats” and the name of the place you are in. For example “quick stats Manukau”.
   - Click on the orange bar that comes up and scroll down to “Cultural diversity”

2. Sit down with your provider manager and ask to look at the breakdown by culture of the offenders and victims in your area.
Expectations of providers

Providers are expected to serve the community they are in. That includes catering to the needs of people of different cultures. In practice that means providers need to ensure their facilitators and other staff can meet the needs of the main cultures represented in their referral data.

If a provider is in an area where 50% of restorative justice participants are Māori, it makes sense that a proportionately high number of facilitators are skilled in working with Māori. If 30% of participants are Asian, it makes sense that there are a proportionately high number of facilitators who are skilled in working with Asian cultures.

The Ministry of Justice explanation of the restorative justice principle of ‘flexible and responsive’, says that restorative justice processes can be tailored to meet the cultural needs of participants.

Expectations of facilitators

Where a facilitator is working with an individual or family from a culture the facilitator is not knowledgeable about, the facilitator is expected to:

- Ask about and find out about the cultural protocols, in order to avoid giving offence, and
- Involve another facilitator who is of that culture or seek advice from (and possible attendance of) a cultural expert, and
- Meet the needs of the participants.

You cannot be an expert in all the cultures you will strike, and the key thing is to be humble and ask for advice from your participants and/or from cultural advisors.

To prepare you to start thinking about different cultures and some of the issues you may strike, the next three sections in this module look at three main immigrant cultures in New Zealand -

- Indian
- Chinese
- Samoan

The descriptions of the 3 cultures identifies some of the things you may need to consider when working with these groups and also provides examples of the types of things you may need to consider working across cultures generally. You will notice we have not provided a profile of Māori culture as working with Māori is covered in module 3.
Practice 1: Expectations

This practice provides an opportunity for you to check your knowledge and understanding of what is expected in relation to working across cultures.

1. What determines a person’s culture?

2. To be effective in working across cultures, what are four things you need to do?
   1. 
   2. 
   3. 
   4. 

3. In the latest census what were the percentages of people who identified as:
   - European  
   - Māori  
   - Asian  
   - Pacifika  

4. After European, what is the next biggest cultural group in Auckland?

5. What is expected of restorative justice providers in relation to meeting the cultural needs of the cultural groups in their community?
**Practice 1: Feedback**

1. What determines a person’s culture?

   *Their ethnicity and country of origin*
   *Religion, language, history*
   *Family and upbringing*

2. To be effective in working across cultures, what are four things you need to do?

   1. Ask when you don’t know
   2. Learn what you can
   3. Know your limitations, and
   4. Be able to identify when you should call in a cultural expert.

3. In the latest census what were the percentages of people who identified as:

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4. After European, what is the next biggest cultural group in Auckland?

   *Asian*

5. What is expected of restorative justice providers in relation to meeting the cultural needs of the cultural groups in their community?

   *They are expected to ensure they have facilitators to meet the needs of the cultural groups. For example if 50% of restorative justice participants are Māori you would expect a proportionately high number of facilitators to be Māori and/or skilled in tikanga Māori.*
Working with Indian participants

Note: The purpose of this profile is to help you identify some of the questions you may need to consider when dealing with restorative justice participants from this culture. There is wide variability within a culture and assumptions cannot be made.

Background

Most Indians in New Zealand come from the Indian sub-continent. The Indian sub-continent is made up of over 20 states. The language spoken varies between different states. The culture of India cannot be considered as one culture but rather a collection of cultures, just as the culture of New Zealand includes both Māori and Pākehā culture.

In New Zealand, there are also many Indian Fijians. They were originally brought to Fiji by the British in the 19th century to work the sugar cane plantations. Since the Fiji military coup in 2000 many Indian Fijians fled the coup to New Zealand. There are also many Indians in New Zealand who came from Africa.

*What this means for restorative justice is that a facilitator needs to take an interest in and informally ask participants about their culture and origin.*

Language

The most widely spoken language in India is Hindi. Besides Hindi, the following languages are spoken (arranged in descending order as regards the number of speakers) – Bengali, Telugu, Marathi, Tamil, Urdu, Gujarati, Kannada, Malayalam, Odia, Punjabi, Assamese (Asamiya). There are 22 official languages in India, plus different dialects.

*What this means for the facilitator is that if a participant is not confident to speak English, you need to find out what their preferred language is and what, if any, other languages they are comfortable with. Then, arrange an interpreter or interpreters to suit.*

Status, roles and family

In Indian culture, status often relates to the old caste system (which although outlawed, still remains a tradition today). The caste system is generally not considered to be an issue in New Zealand nowadays.
Traditionally, grandparents live with their eldest son and his family. In New Zealand three generations of family may live together and great respect is given to the grandparents. Elders are listened to and not argued with. It is the elders in the family who arrange marriages for their sons and daughters. Most marriages in India are arranged but this is less prevalent in New Zealand.

*If an Indian family is represented, it is polite to greet the elders first and speak to them first.*

**Religion**

Hindu is the main religion in India, with 80% of Indians being Hindu. Next is the Islam religion with 14% of Indians being Muslims, third is Christian and fourth is the Sikh religion. In New Zealand, 60% of Indians are Hindu, 16% Christian, 12.5% Sikh (the men wear turbans) and 6% Muslim (the women often wear a hijab).

Over the centuries there has been much bloodshed between different religious groups in India, and there are still violent confrontations today in some areas.

Hindus believe in karma, the law of cause and effect, by which each individual creates his or her own destiny by thoughts, words and deeds. They also believe in tolerance and understanding, non-violence, forgiveness and and re-incarnation. Cattle are sacred and Hindus do not eat beef (or pork because pigs are considered unclean) and many Hindus are vegetarian.

*What this means is that facilitators should not expect to start and end a restorative justice meeting with a Christian prayer or karakia.*
Method of greeting and introduction

The Hindi word of greeting is “Namaste” given with palms held together and a slight bow. In Indian culture elders are greeted first using their title and surname. It is a sign of respect to stand when an elder enters the room and to remain standing until they are seated. When introducing people the elders are introduced first. Hugging or kissing as an introduction or farewell is not generally seen. Handshakes are not offensive but usually only the men shake hands.

What this means for facilitators is that:

- In introducing elders you need to be formal and introduce elder victims first using their title – Mrs Ranchod and Mr Ranchod – and ask first before addressing them by their first name.

- Avoid any hugs or kisses with Indian participants unless initiated by the participants.

Practices relevant to speaking and discussion

Some Indians may avoid confrontation in discussion with strangers. It is considered rude to challenge or to directly deny a request. They may instead hint at an alternative or deflect the request. Similarly they may avoid being specific, preferring to remain vague.

What that means for facilitators is that you need to be patient and hang in with polite and non-confrontational questions until you have the specific information and agreements needed for the restorative justice process.
Practices that could be seen as rude, offensive or taboo

What is considered rude in many other cultures is also rude in Indian culture. For example:

- Bad language
- Finger pointing or wagging
- Shows of affection in public
- Wearing shoes inside
- Sitting when an older person enters

What that means for facilitators is to maintain the same New Zealand standards of politeness in a restorative justice meeting.

Approach to crime and punishment

In Hindu law in ancient times, punishments were handed out by the ruler of the kingdom. Punishments were designed to deter the person (and others) and to correct (put the person back on the correct path). In India today, the legal system originates from British law with supreme, high, district and village courts. Some restorative practice is evident in India today.

What this means in your facilitator role is that Indian participants will not find the legal system here to be significantly different to that in India.
Working with Chinese participants

Note: The purpose of this profile is to help you identify some of the questions you may need to consider when dealing with restorative justice participants from this culture. There is wide variability within a culture and assumptions cannot be made.

Background

Chinese have been settling in New Zealand since the days of the gold rush in the 1800s. More recently, New Zealand has seen more immigrants from China and in addition we have many Chinese visitors here on visas. China is our biggest source of international students and it is our second largest tourist market.

In Auckland, 23% of the population identify themselves as Asian, and 39% of Auckland residents were born overseas. Those identifying themselves as Asian may be from Asian countries other than China, for example, Korea, Malaysia, Taiwan.

*What this means for restorative justice is that a facilitator needs to take an interest in a participant’s family and cultural background (where their family come from and how long they have been in New Zealand, for example).*

*Facilitators need to be aware that there could be suspicion between Asian participants who come from countries where there is or has been conflict, for example North versus South Korea.*

Language

The majority of Chinese from mainland China have ‘Putonghua’ (generally called ‘Mandarin’ by Westerners) as their primary language. Putonghua is the most widely spoken language in China and is the official national language. While there are over 200 dialects in China, nearly everyone with some level of education will speak Putonghua. In addition to Putonghua, Chinese usually have their local dialect as their spoken tongue. Some may only speak a local dialect such as Cantonese, Shanghai, or Sichuan dialect, depending on where in China they grew up.

*What this means for the facilitator is that if a participant is not confident to speak English, you’ll need to find out what their preferred language, or dialect is and what, if any, other languages they are comfortable with. Then, arrange an*
interpreter to suit. Sometimes the interpreter will need to be able to speak a particular dialect.

In some areas of New Zealand you may be able to call on the expertise of a Chinese facilitator to either advise you or facilitate with you.

**Status roles and family**

In Chinese families it is common for adult children to live with their parents. The family is valued over the individual and elders are respected. They may like to refer to their family, their seniors, elders, and “leaders” often in their conversations and discussions. They are more relational in thinking and consideration.

Within the family, high value is put on academic achievement and attainment of excellence. This places high achievement pressure on children and young adults. There are still traditional gender roles in the Chinese family although the practice of valuing sons over daughters by Chinese families is not seen in New Zealand. Both sons and daughters are expected to do well and to reflect well on the family.

A Chinese student in New Zealand may be the only child of the family because of China’s one child policy. This child has been sent to study overseas at huge expense to the family and is under immense pressure to succeed. The student may be isolated from support.

*Facilitators are recommended to:*

- Ensure the participant is encouraged to bring family as support.
- Ensure a Chinese student has support – maybe a tutor, counsellor or friend.
- Demonstrate respect for elders by introducing them first and inviting them to speak first.

**Religion**

China, like New Zealand, is a secular society. Secular means the state is separate from religion, or not being exclusively allied with or against any particular religion.

China can be considered to have belief-based moral systems or cultural traditions rather than religions. Confucianism, Taoism
and Buddhism are three principal systems. Confucianism is more deeply built into the life, family and social relations of Chinese people than Taoism and Buddhism.

Confucius championed strong family loyalty, ancestor worship, respect of elders by their children and of husbands by their wives. He espoused the well-known principle, "Do not do to others what you do not want done to yourself".

What this means for restorative justice is that Chinese participants are unlikely to want to start and end a conference with a Christian karakia or prayer.

Method of greeting and introduction

Chinese expect to be formally introduced to strangers. The eldest person is greeted first. It is normal protocol to stand during introductions. Chinese state their last name first, so John Smith will be given as Smith John.

Hugging or kissing in introductions is not acceptable but handshaking is.

What this means for you in a facilitator role is to:

- Be formal in introductions, stand up and introduce elder victims first using their title – Mrs Sue and Mr Chong.
- Clarify which is the given name and which the surname.
- Not address an elder person by their first name.
- Avoid any hugs or kisses and instead, shake hands.

Practices relevant to speaking and discussion

Chinese are sensitive to loss of face (loss of mana) through being embarrassed in public. This is the same as for westerners but is of more importance in Chinese culture. A person can maintain face by showing respect, being humble and not showing strong emotion.

This means that Chinese people will control emotions or express them in a quiet and respectful manner. They may refrain from expressing views that may embarrass others. They may avoid
saying ‘no’ and instead give a vague commitment or deflect the reply.

Chinese pay particular attention to non-verbal indicators. For example, frowning when listening can be interpreted as disagreement. Therefore, many Chinese will maintain an impassive expression so as to avoid indicating disagreement.

Facilitators are recommended to:
- Be aware that Chinese may be less likely to agree to a highly emotive restorative justice case (for example dangerous driving causing death) because it would put them in a position of having to disclose hurt and feelings.
- Ask polite and non-confrontational questions until you have the specific information needed.
- Clearly define the ground rules for a conference to ensure all parties are polite and respectful.
- Seek clarification when unsure of participants’ points of view.

Practices that could be seen as rude, offensive or taboo

The taboos in Chinese culture are similar to those in New Zealand and common sense applies. For example;
- No swearing
- Avoid touching, hugging
- Ask if you need to take shoes off when entering a Chinese house
- Do not point fingers

What that means for facilitators is to maintain the same New Zealand standards of politeness in a restorative justice meeting.

Approach to crime and punishment

The crime rate in China is very low (one of the lowest in the world). Their legal system is not independent of the communist government but rather is expected to support the constitution of the government.

The legal system in China focuses on reform as well as retribution. There is more focus on punishment than in the legal system here. China still has the death penalty.
For crimes at the lower end, following the foundation of the People’s Republic of China, the People’s Mediation Commission (PMC), within the urban neighborhood committee or villagers’ committee, was able to mediate over civil cases and minor criminal cases. This face-to-face process has similarities with restorative justice. Today reconciliation and mediation is an important part of the system for dispute settlement. Police diversion is also available in China.

What this means in your facilitator role is that participants from China are likely to view the New Zealand approach to crime and punishment positively.
Working with Samoan participants

Note: The purpose of this profile is to help you identify some of the questions you may need to consider when dealing with restorative justice participants from this culture. There is wide variability within a culture and assumptions cannot be made.

Background

The concept of fa‘asamoa (which literally means the ways of Samoa) is essential to Samoan identity, and consists of a number of values and traditions:

- aiga (family)
- tautala Samoa (Samoan language)
- gafa (genealogies)
- matai (chiefly system)
- lotu (church)
- fa‘alavelave (ceremonial and other family obligations).

There are also the associated values of alofa (love), tautua (service), fa‘aaloalo (respect), feagaiga (a covenant between siblings and others) and usita’i (discipline).

The fa‘asamoa practised in Samoa may differ from that in New Zealand. Some Samoans were born and educated in New Zealand and may have little knowledge of fa‘asamoa. Others are recent immigrants and may have little knowledge of New Zealand culture. Therefore, not every Samoan has the same understanding of the fa‘asamoa concept. What remains constant is maintaining the family and links with the homeland. Money, prayers, support, food, material goods, and even relatives themselves, circulate within families around the world – wherever Samoan people live and work.

What this means for restorative justice is that a facilitator needs to ask the specific question, “Are you Samoan born or New Zealand born Samoan?”.

Language

Most Samoan-born migrants speak the Samoan language fluently. You will also find that they can speak English (as a second language) to an acceptable degree. However, a number of the children born or raised in New Zealand do not speak Samoan, although they can understand it. For New Zealand-born Samoans, fluency is not important to identity; it is enough
that they understand the language, communicate with their island-born family, and adopt their parents’ beliefs.

Most immigrant Samoans can understand and speak English as a second language only, although they may have been in Aotearoa for decades.

*Restorative justice facilitators need to know that although we may speak the same language (English) our understanding may not be the same. Ask if an interpreter is wanted.*

*Check whether your questions are understood. Samoans often state the obvious, so a facilitator’s long questions might get a short answer.*

**Status, roles and family**

Samoan culture is hierarchical, built on a chief system with chiefs being accorded mana or status. The central element in Samoan culture is the aiga (family). Within the family, giving and receiving tautua (service), fa’aaloalo (respect) and alofa (love) are crucial in Samoan social relations. Young people are expected to serve and show respect to elders, and can expect to receive love, protection, honour, a name to be proud of, and defence by the family when it is needed.

Many younger Samoans have difficulty accepting ‘service’ and ‘respect’, and the unquestioning obedience required of children. On the other hand, older members appreciate these concepts because they are now receiving ‘service’ and ‘respect’ from their children and extended family.

*What this means for facilitators is:*

*Consider the best support person for a victim or offender – you might suggest their church minister, work boss or older sibling. Involve any elders in the restorative justice process and give them preference in introductions and speaking order.*

*Expect the clash of values between different generations to be more pronounced than in NZ families.*

**Religion**

Ninety-eight percent of Samoans are Christians. They are extremely proud of their devotion. Several Christian denominations, including Methodists, Seventh Day Adventists, Catholics, and Mormons, have built churches in Samoan
villages. The three most popular churches attended by the majority of Samoan migrants in NZ are: 1. Pacific Islanders’ Presbyterian Church (PIC) 2. the Congregational Christian Church of New Zealand and 3. the Samoan Catholic Church in Aotearoa.

Samoan migrants worshiping in NZ are predominately Christian. Older migrants’ style of worship is more traditional (and conservative) and is conducted in their own language. NZ-born Samoans prefer a livelier, charismatic style of worship with contemporary themes and music; they tend to worship in charismatic mega type church movements.

What this means for facilitators is that they should always ask Samoan participants if they want to start the meeting with a prayer, as this is a common practice among Samoans.

**Method of greeting and introduction**

Status (position or rank) in society governs every interaction in Samoan society. Greetings are determined by status and chiefs are addressed formally. A very informal greeting in Western Samoa is talofa (welcome). For more formal greetings at home, neither person speaks until the visitor is seated. Then the host will begin a formal greeting and introduction with, "Susu maia lau susuga," which translates roughly as "Welcome, sir."

Facilitators need to be encouraged to greet Samoans with a simple "Talofa!" (Welcome!). The phonetic spelling is “Tar-law-far”. When you greet a Samoan in his/her language it is a sign of respect.

Facilitators need to ask support people (who may include a chief or other person of high status) how they would like to be addressed.

**Practices relevant to speaking and discussion**

Eye contact is normally kept to a minimum between younger and older people, and between people of the opposite sex. It is a sign of confrontation and disrespect if there is too much eye contact. Lowering the eyes shows respect to elders, teachers, figures of authority etc. and humbleness on the part of the person lowering the eyes.

What that means for the facilitator is that, although direct eye contact is seen less and less as confrontational and
Working across cultures in restorative justice

disrespectful these days, it would be wise to look for cues/clues when you are with clients, and to modify your behaviour accordingly, e.g. observe how often they engage with direct eye contact with you.

Samoans do not interrupt when someone is speaking; they wait until the speaker has finished. It is very disrespectful and the height of bad manners in Samoan culture to interrupt a person, particularly an older person, when they are speaking.

For the facilitator, the tone of your voice should be modified to suit the person you are speaking to. Use a respectful tone to older people, and a gentle and respectful tone to everyone to make them feel valued and at ease. Always wait for people to finish talking.

Practices that could be seen as rude, offensive or taboo

Some taboos that go along with the Samoan culture are:

- Pointing the bottoms of your feet at someone
- Finger pointing
- Wearing shoes inside the home
- Standing while others are sitting
- Wearing revealing clothing
- Swearing
- Interrupting
- Staring

What that means for facilitators is to maintain the same New Zealand standards of politeness in a restorative justice meeting.

Approach to crime and punishment

In Samoa, the judicial system is based on English common law as well as on local customs.

The *ifoga* (or traditional Samoan apology, as it is known to outsiders to the Samoan culture) is so Samoan and unique in its operation that it is both revered and taken for granted at the same time by the Samoan people. Maori scholars have written on this area, and the principles of *ifoga* are similar to marae justice.
In the *ifoga* the victim and his/her whānau confront the offender and his/her whānau. The offender and the whānau take responsibility for the crime, and work to find a point of reconciliation to restore the mana of the victim and their whānau. Traditionally, reconciliation generally includes reparation of some sort – mats, gifts, money.

The *ifoga*, as a custom, sits neatly within both the customary law and common law system of Samoa. Although it is a custom, the *ifoga* does not operate exclusively within the realm of customary law.

*What this means in your facilitator role is that Samoan participants will not find the legal system here to be significantly different to that in Samoa.*

*Some of the principles of restorative justice are in line with the Samoan ‘Ifoga’ and their religious principles, for example, the act of ‘Forgiveness’.*

*In line with the ifoga, whānau support is encouraged in restorative justice.*

*Reparation needs to be discussed at pre-conference.*
Working across cultures in restorative justice
Practice 2: Explain 3 main immigrant cultures

This practice is provided for you to check your understanding and knowledge of some of the cultures you may deal with in your restorative justice practice. Answer each question and then check your answers against the feedback that follows.

1. You have a pre-conference with a Chinese family who have been in New Zealand a year. The father introduces himself as Chong Wing and his partner as Chong Chi. What would you want to clarify about their names?

2. You have a referral where the victim is a Chinese university student who is in New Zealand on a student visa. The student lives in an Anglican church hostel and has been in New Zealand only 3 months. She says she does not have anyone who could support her. Who could you suggest as support?

3. You have a referral where both the offender and victim are Indian. Both are bringing family as support. What do you need to find out about each family at pre-conference?

4. You have a referral where both the offender and victim are from India. The offender is Hindu and so is the victim. The victim has three family members as support. The offender says he is not involving his family although he lives with his wife and his elderly mother. He says they do not speak English so could not contribute. What would you do in this situation?
5. You have a referral where both the offender and victim are Samoan. Both are bringing family as support. What are two important things you need to discuss with each family at pre-conference?

6. You have a pre-conference with a family who have immigrated from Samoa recently. In relation to your non-verbal communication what do you need to be aware of?

7. If a young offender is Samoan and wants to bring a younger mate as support, what more appropriate additional support might you ask about?
Practice 2: Feedback

1. You have a pre-conference with a Chinese family who have been in New Zealand a year. The father introduces himself as Chong Wing and his partner as Chong Chi. What would you want to clarify about their names?

   You might ask what is their family name (and it is probably Chong). You would also ask if they would like to be called Mr and Mrs Chong or would they like you to use their given names? Note that you would not use the term ‘Christian name’ as they are unlikely to be Christian.

2. You have a referral where the victim is a Chinese university student who is in New Zealand on a student visa. The student lives in an Anglican church hostel and has been in New Zealand only 3 months. She says she does not have anyone who could support her. Who could you suggest as support?

   You might suggest (and there are many possibilities):
   A student counsellor from the university
   The hostel manager
   Someone from Victim Support
   Someone from the church
   Another Chinese student

3. You have a referral where both the offender and victim are both Indian. Both are bringing family as support. What do you need to find out about each family at pre-conference?

   Where they are from – what country and if from India, what state.
   Do they speak English and if not, ask what is their first language and what other languages they are comfortable to speak.
   By observation, note if they are Sikh, Hindu or Muslim and you can ask to clarify.

4. You have a referral where both the offender and victim are from India. The offender is Hindu and so is the victim. The victim has three family members as support. The offender says he is not involving his family, although he lives with his wife and his elderly mother. He says they do not speak English so could not contribute. What would you do in this situation?

   Tell the offender it would be a really good idea to involve his family and that you will arrange an interpreter. Find out what language his wife and mother speak.
Note that it is unlikely but possible to have two Indians who speak different languages, and two interpreters would be needed.

5. You have a referral where both the offender and victim are Samoan. Both are bringing family as support. What are two important things you need to discuss with each family at pre-conference?

*Discuss the need for an interpreter.*
*Ask how they would like to be addressed, what their title is (if any) because support people may include a chief.*
*Include possible reparation in the discussion.*

6. You have a pre-conference with a family who have immigrated from Samoa recently. In relation to your non-verbal communication what do you need to be aware of?

*Observe how often they engage direct eye-eye contact with you and if they avoid eye contact do likewise to show respect.*

7. If a young offender is Samoan and wants to bring a younger mate as support, what more appropriate additional support might you ask about?

*Someone in authority – boss, Minister etc*  
*Whānau support if there is whānau in NZ*
Key issues in working across cultures

The key issues in working across cultures all relate to communication and the difficulties that can arise. It is important to be aware of some of the issues so that you recognize potential pitfalls when you strike them.

Language and the use of interpreters

When an interpreter is needed, the choice of interpreter is critical. The ‘Restorative justice best practice guidelines’ require providers to use professional interpreters and say, “If a facilitator decides to use a support person as an interpreter, the rationale and risk mitigation for this must be documented in the conference risk management plan. Children and young people must not be used as interpreters.”

Let’s look at the risks of using an interpreter from the family or from the community.

Interpreters from the family

The advantage of this is that the family will be comfortable with the interpreter. The risks are:

- The interpreter’s level of English language and understanding may not be up to the task
- The interpreter may add their own explanations rather than interpret the exact words the facilitator or other party said
- They may give their own answer to a question rather than pass on the exact answer given.

The facilitator needs to set clear expectations around this, explaining that they need the exact words to be interpreted and nothing extra given in the way of explanation. They also need the interpreter to refer all questions, not give their own answer.

Interpreters from the community

The same advantages and disadvantages apply as for a family member interpreting.

For example:
A Samoan offender speaks some English but is not able to clearly explain in English. His support, his father, speaks no English. An interpreter from the local community is brought in to translate. The facilitator notices that when she asks a short open question, the interpreter takes four or five sentences to interpret the question. The interpreter seems to be adding to the question.
and the facilitator wonders if she was telling the offender or his support how to answer it.

Professional interpreter

The advantage of this is that the interpreter has no involvement in the discussion and is trained to interpret exactly what is said. The cost of professional interpreters is budgeted for within provider contracts.

Interpreters can attend in person but an alternative used by many restorative justice providers, is to use a phone interpreting service. There are two such services:

Language Line serves the public service and agencies that have subscribed to this service can be seen on the website. They do not offer one-off interpreting services.

http://ethniccommunities.govt.nz/

Interpreting NZ provides a phone interpreting service and is the company generally available to providers. The service enables you to pre-book an interpreter for a set time.

www.interpret.org.nz

When you are using an interpreter – either face to face or by phone - you need to double the amount of time you normally estimate for a pre-conference and more than double the time you estimate for a conference.

Roles - speaking to the right people in the right order

In different cultures the roles in society and roles within the family dictate who will speak or who will make decisions.

Examples:

- In a Muslim family, in some Arab cultures, the father may speak on behalf of a daughter and the daughter may be forbidden to speak.
- Where both parties are Samoan, the matai (the appointed head of the family) for both family groups may need to be involved and speak first.

It is essential to know of cultural protocols around who may speak so that you can ensure attendees at the conference are those able to speak and make decisions. It is important to seek advice at pre-conference so that you know what speaking order is best at conference. You will ask questions such as:
Who will speak at the conference?
Who should speak first?
What do I need to know about to make sure I am polite in your culture?
How would you like to open the meeting?
How would you like to finish the meeting?

Note that if there is a clash between restorative justice principles and cultural protocols in this area it may be inappropriate to proceed to conference. For example:

The offender is a young Muslim woman. Her father says she cannot speak to the victims but that he will speak on her behalf. In this case the inability of the offender to speak could prevent the victims getting their questions answered and could re-victimize them. The victims would need to be asked, “If the conference was with you and the girl’s father and you could only speak to the father, would you still want to go to conference?”

**Am I hearing them right?**

Customs regarding politeness may mean that you do not receive the message as intended.

Examples

*In some societies, silence means dissent. You could easily assume it means consent.*

*In the Indian culture and in other cultures it can be considered impolite to tackle an issue head on. Instead, problems are hinted at or talked about indirectly. You could easily miss the point all together.*

Customs around manner of speaking can block the message being heard.

Example

*In Samoan culture it is respectful to look down when talking to an important person. This lack of eye contact can be misinterpreted and block hearing of the message.*

In cultures where English is spoken, differences in use of language, accent and meaning of words can affect communication.
Example

If you heard an English offender say, “I went round to have a butchers....” you might have to ask what “have a butchers” means. It means have a look.

Am I pronouncing names correctly?

It can be difficult to pronounce foreign names and yet to be respectful it is really important to do your best to pronounce names correctly. One suggestion is to ask participants to repeat their name and coach you, until you get it right.

Are they hearing me right?

Lack of understanding of protocol and custom can result in your making an embarrassing mistake that results in the group losing respect for you and failing to listen.

In general people are generous in allowing mistakes from those of another culture, provided respect is being shown. On the other hand they are appreciative if you take the time to seek advice and follow important cultural and religious protocol.

You may need to seek advice on:

- Protocols around meeting and greeting
- How you should address people
- Customs around manner of speaking that you should observe
- Protocols around who speaks about what and speaking order that you should observe
- What not to do or say – because it might cause offence or embarrassment
- Protocols around eating (if there is to be food provided)

Further information

Go to this reference for an interesting article on culture and conflict by Michelle Le Baron
http://www.beyondintractability.org/essay/culture-conflict
Summary of strategies when working across cultures

Customize the process

The key to success as a facilitator is flexibility. You bend to best match the needs of all and to achieve the best possible outcome while remaining true to the principles of restorative justice.

In meeting the cultural requirements of offender and victim groups, the victim comes first. For example, if the offender group wants to start with prayer but the victim does not agree, you might suggest the offender group pray in private prior to the conference.

The restorative justice process can be customized to meet the needs of participants. For example, if all participants are Muslim you might have to stop the process for prayer at the appointed time.

Use cultural advisers

You are recommended to bring in a cultural adviser when you are dealing with a group who are from a culture you are unfamiliar with. For example, if the victim group requires protocol to be followed you could bring in a cultural adviser to advise you and to work alongside you at the conference.

Finding a suitable adviser can sometimes be difficult and potentially embarrassing if you choose someone who is unacceptable to either party. For help in finding a suitable adviser for a particular conference, ask your restorative justice manager or experienced facilitators, and check out your choice of adviser with both the victim and offender.

Use interpreters

You are recommended to use an interpreter when the victim or offender asks for one. In addition be aware that some people can understand English well but do not feel confident to explain things in English. They may sound fine to you, but would feel far more confident if they had an interpreter who they could call on if need be.
Be prepared to ask

When dealing with participants from any culture, use common sense and don’t be afraid to ask about what they might require for the process to be safe. The participants themselves are the only people who can tell you exactly what they want or need.

Acknowledge the limitations of your knowledge and don’t be afraid to seek advice from someone of their culture on how you can ensure that the restorative justice process is culturally appropriate.

Know where to access cultural knowledge

Each family has its own protocols, so in many cases the families will hold the key to what you need to know in order to set up the conference.

Your provider may have a list of resource people who can act as cultural advisers when needed.

Develop team relationships with other support workers who can help you learn more about cultural resources and dynamics, including values. Ask for feedback from them; don’t let yourself become isolated.

Be thoughtful in interactions

Do not always assume that you are needed, that you are right or that you should be in control; be respectful at all times.

Spend time in informal social exchanges with family members, in particular with any elders or community/extended family support. Talk, listen, be seen, and help out where appropriate. Be flexible about your role, being prepared to change gears if necessary. Respond to the level of formality of the people you are meeting.

Avoid professional jargon; explain processes and written forms clearly.

Learn who is related to whom, and how this may affect or assist conference process and outcomes.

Make yourself as available as possible; accept that at times appointments cannot be made, or will not always be honoured.
For example, people of other cultures may have an expectation that they can turn up and be seen immediately.

Be willing to adjust your attitude / expectations, understand and accept that you are working with complicated and long-term problems in a culturally based values system you do not entirely understand.

**Keep appropriate boundaries**

Always respect traditional beliefs and practices. Be clear about when these may conflict with the role and task that you have.

Remember that spiritual matters may be private, so do not pry or watch.

Be careful what you say about other parties; remember that your attitude and ability to keep confidentiality will be examined, and that the person you are speaking with and about may be related.

**Avoid common errors**

Be aware that it would be inappropriate in some cultures for a male facilitator to be alone when meeting with a woman participant, or vice versa.

Be aware that other cultures may have different protocols with regard to physical contact - both men and women should avoid physical contact with parties beyond normal greetings etc.

Be aware that gestures and expressions may have different meanings in other cultures. For example, lack of eye contact is a sign of respect in a number of cultures.
Working across cultures in restorative justice
Practice 3: Key issues and strategies

This practice is provided for you to check your understanding of possible strategies when working across cultures. For each of the scenarios below decide what the issue might be and what you could do to best meet the needs of participants while ensuring restorative justice principles are complied with. Check your strategies against the suggestions in the feedback.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Possible issues and strategies</th>
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<tbody>
<tr>
<td>Two facilitators (both males) turn up to talk with a Muslim family. The family are recent refugees from Syria. The 20-year-old daughter was assaulted while walking to university. When the facilitators arrive they find her father and 17-year-old brother are there to talk to them and the actual victim has been excluded, as has her mother.</td>
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<td>A young Samoan offender has no family in New Zealand and says she has nobody she can call on for support. She is Christian and goes to church every Sunday. She works full time in a pack-house. Who might you recommend she ask to be her support?</td>
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<td>An Indian offender is questioned by the victim at conference about what he could do to make up for damage he caused. He drove dangerously and landed in her front garden breaking her fence, prize shrubs and garden shed. The offender is very polite but non-committal saying “Yes that is a very good idea. Maybe, I could”. The facilitator detects he has not actually committed to action.</td>
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A Chinese family have lost an only son in a case of careless driving causing death. The offender is a young Māori who has his entire whānau as support – mum, dad, grandparents and two siblings. The victims are the Chinese family - mum, dad, grandparents and sister of the deceased. The offender and his whānau are deeply remorseful and want to embrace the Chinese family, say prayers for the deceased and pay reparation. The victims are recent immigrants, very controlled in their emotions and are not Christian.

A high profile case has been referred to restorative justice where both offender and victim are Indian. The offender and his family have some English but are more comfortable to speak Hindi. The victim and his family speak Gujarati and very little English.
## Practice 3: Feedback

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<td>It is probably inappropriate to have male facilitators in this case. The two male facilitators could offer to arrange for female facilitators to hold a separate pre-conference meeting with the daughter and her mother. The male facilitators could continue the pre-conference with the men as it would be rude not to take the time to ascertain their views.</td>
</tr>
<tr>
<td>A young Samoan offender has no family in New Zealand and says she has nobody she can call on for support. She is Christian and goes to church every Sunday. She works full time in a pack-house. Who might you recommend she ask to be her support?</td>
<td>The principle of offender accountability is at stake here. The facilitator could recommend anyone in a role of authority as support. For example, her boss, the pastor from her church or a Samoan elder in the community.</td>
</tr>
<tr>
<td>An Indian offender is questioned by the victim at conference about what he could do to make up for damage he caused. He drove dangerously and landed in her front garden breaking her fence, prize shrubs and garden shed. The offender is very polite but non-committal saying “Yes that is a very good idea. Maybe, I could”. The facilitator detects he has not actually committed to action.</td>
<td>The issue is probably that the offender has not agreed but it would be impolite to say ‘No’. You could question the offender and probe to get to a specific agreement. For example, “You have some good ideas there, what can you offer that you will do?”</td>
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<th>There is potential for a clash of expectations here and re-victimisation of the victims. The facilitator would need to ask the offender’s family to:</th>
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<tr>
<td>• Explain that the victims’ needs come first.</td>
</tr>
<tr>
<td>• Accept formal introductions.</td>
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<tr>
<td>• Have their prayers before and/or after the conference.</td>
</tr>
<tr>
<td>• Refrain from embracing the victims (or ask for permission first).</td>
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A high profile case has been referred to restorative justice where both offender and victim are Indian. The offender and his family have some English but are more comfortable to speak Hindi. The victim and his family speak Gujarati and very little English.

| The principle of ‘understanding’ is at stake unless the language differences can be accommodated. The conference may need to be conducted in three languages and two interpreters employed – one to interpret between Gujarati and English and another to interpret between Hindi and English. |
Assessment: Working across cultures in restorative justice

Time to assess your competence. The assessment for this module is done online. If you have completed Module 1 you should already have a login to our online assessment account and access to the assessment for Module 4. If you do not, contact Resolution Institute on rj@resolution.institute or 0800 453 237.

Please note the following:

- You can have the module with you when you do the assessment – it is an open book assessment.
- Do the assessment alone – it is your knowledge and understanding we need to assess.
- The assessment comprises 30 questions which are all ‘yes/no', multi choice or ‘arrange in order’ type questions. The pass rate is 27 questions, 90%.
- You can have up to three attempts at the assessment. The computer selects questions randomly from a question bank, so the questions will differ in each assessment although some will be the same.
- The computer will tell you what questions you have got right and whether this is a pass or whether you need to have another attempt. It will tell you the right answer for each question you got wrong. It will also email your result to you.
- If you do not meet the standard the first time, re-read your module and make sure you have done ALL the practices in the module before you have another attempt.
- Once you have successfully completed the assessment, the computer will record your success for us. Please proceed then to the next module.

If you have any problems or questions about the online assessments contact Resolution Institute on rj@resolution.institute or 0800 453 237