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Victim Offender Mediation in Ghana: Opportunities, Challenges, and the Way Forward

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Abstract

Victim Offender Mediation (VOM) is a mechanism of alternative justice. It is founded on the principles of restorative justice, which attempts to create an opportunity where offenders and the victims of their offence can dialogue, discuss accountability for actions, and reconcile. Employing the doctrinal research methodology, this article analysed the legal framework and challenges associated with VOM in Ghana. The study examines existing legal provisions, such as the Courts Act 1993 (Act 459) and the Alternative Dispute Resolution Act 2010 (Act 798), which support mediation in criminal cases. While VOM provides significant benefits, including victim empowerment, offender rehabilitation, and community healing, its implementation in Ghana faces obstacles such as legislative gaps, public scepticism, resource constraints, and cultural barriers. To enhance VOM, the article recommends enacting specific legislation, increasing public awareness, training mediators, and establishing evaluation mechanisms. Collaboration among key stakeholders is critical for integrating VOM into the Ghanaian criminal justice system. This study offers insights into how VOM can serve as a restorative justice tool in Ghana.

Keywords: Accountability, Alternative Dispute Resolution, Mediation, Recidivism, Restorative Justice, Victim Offender Mediation

1. Introduction

Victim Offender Mediation (VOM) is an integral aspect of restorative justice that facilitates constructive dialogue between victims and offenders, with the aim of resolving conflicts in a way that promotes healing and accountability. Unlike the traditional criminal justice system, which focuses on retribution and punishment, VOM prioritises dialogue, mutual understanding, and reparation of harm. By allowing the victims to confront offenders in a structured environment, VOM empowers them to express the emotional, physical, and financial

impact of the crime, while also offering offenders a chance to take responsibility for their actions (Umbreit et al., 2006).

In Ghana, VOM has gained some attention, but its implementation remains limited due to various challenges, such as inadequate legislation and limited public awareness. According to Nweke and Addea-Kusi (2022), VOM has the potential to complement the existing criminal justice system by promoting reconciliation, which is particularly effective for minor crimes. This mediation process can provide victims with emotional closure, allow offenders to make amends, and ultimately help reduce the likelihood of recidivism (Batinge, 2019). Moreover, VOM offers an opportunity to decongest the courts and reduce the burden on the prison system by handling minor cases through dialogue, thereby aligning with Ghana's broader alternative dispute resolution efforts.

Restorative justice, in which VOM is embedded, is a growing global movement, especially in countries like the United States and Canada. Its principles—respect, accountability, and reparation—offer a holistic approach to criminal justice, one that benefits victims, offenders, and the broader community (Nartey, 2022). In Ghana, legal provisions such as Section 73 of the Courts Act 1993 (Act 459) and Section 64(1) of the Alternative Dispute Resolution Act 2010 (Act 798) provide a foundational basis for implementing VOM, though more robust legislative frameworks are needed to fully institutionalise the practice (Nweke & Addea-Kusi, 2022).

The aim of this article is to explore the potential and challenges of VOM in Ghana, with particular attention to its legal, cultural, and institutional contexts. The article will also suggest ways to strengthen the application of VOM as a viable alternative to traditional retributive justice. This study draws upon scholarly discussions of restorative justice and examines relevant legal frameworks to propose recommendations for integrating VOM into Ghana's criminal justice system.

2. Literature Review

The concept of Victim Offender Mediation (VOM) is rooted in the broader framework of restorative justice, which seeks to shift the focus of justice from punishment to reconciliation, accountability, and healing. As Nartey (2022) points out, VOM aims to bring both the victim and the offender into a structured mediation process where they can discuss the crime and its consequences, helping victims obtain answers and closure while encouraging offenders to take responsibility. The restorative justice approach has gained prominence globally, particularly in North America and Europe, as an alternative to traditional retributive systems (Umbreit et al., 2006).

Several studies have highlighted the benefits of VOM, particularly its ability to reduce recidivism among offenders and provide victims with a sense of justice and closure (Umbreit et al., 2006). In the context of juvenile justice, Abrams et al. (2006) emphasise that VOM provides young offenders with an opportunity to reflect on their actions and develop empathy for their victims. In contrast to retributive justice, where the state takes precedence over the individual victim, restorative justice places victims at the centre, providing them with a platform to express their emotional and material losses (Batinge, 2019). This approach has proven effective in reducing victim distress and promoting offender accountability.

In Ghana, legal provisions for VOM exist, but the practice has not been fully institutionalised. Nweke and Addea-Kusi (2022) discuss how Section 73 of the Courts Act 1993 (Act 459) allows courts to promote reconciliation for offences that are not felonies or aggravated in degree, offering a legal framework for mediation. Similarly, Section 64(1) of the Alternative Dispute Resolution Act 2010 (Act 798) provides that courts may refer criminal cases to mediation, provided that such mediation is deemed appropriate by the court. However, these provisions lack the specificity and procedural clarity needed to support widespread adoption of VOM in Ghana (Nweke & Addea-Kusi, 2022).

Internationally, VOM has demonstrated considerable success in addressing crimes like theft, property damage, and minor assaults. According to Schneider (1986), one of the key benefits of VOM is that it provides victims

with the opportunity to express how the crime impacted their lives, while offenders are encouraged to acknowledge their wrongdoing and make amends. This interaction has been found to foster mutual understanding and, in many cases, result in restitution agreements that hold offenders accountable for their actions. Nartey (2022) concurs that the dialogue-driven nature of VOM makes it an effective means of restoring balance between victims, offenders, and the community.

Despite its potential, VOM in Ghana faces challenges. As Nweke and Addea-Kusi (2022) highlight, the lack of public awareness and understanding of VOM means that many victims and offenders are not aware of this alternative path to justice. Moreover, Ghana lacks a systematic evaluation mechanism for VOM cases, making it difficult to assess the long-term outcomes of mediation (Batinge, 2019). There is also limited research on the impact of VOM on reducing recidivism and fostering community healing in Ghana, indicating a gap in the existing literature.

This literature review underscores the importance of expanding VOM in Ghana by addressing legislative gaps, increasing public awareness, and developing more robust mechanisms for evaluating mediation outcomes.

3. The Concept of Victim Offender Mediation

Victim Offender Mediation (VOM) is a process grounded in the principles of restorative justice, which seeks to repair harm by facilitating dialogue between victims and offenders. Unlike the adversarial nature of traditional criminal justice systems, VOM encourages a collaborative approach where the focus is on understanding the impact of the crime, fostering empathy, and finding a path to reconciliation. As Nartey (2022) explains, VOM enables victims to meet with offenders in a controlled environment, allowing them to express the emotional and material consequences of the offence and providing offenders with the opportunity to take responsibility for their actions.

The key components of VOM include a structured mediation process facilitated by trained mediators, with the primary goal of accountability, restitution, and healing. The victim is encouraged to articulate how the crime has affected them, and the offender is given the opportunity to explain their actions, apologise, and propose ways to make amends. This dialogue-driven process empowers both parties to participate actively in the resolution of the conflict (Umbreit et al., 2006). Nweke and Addea-Kusi (2022) further highlight that this process fosters mutual understanding, promotes offender accountability, and provides the victim with a sense of closure.

Restorative justice, the framework within which VOM operates, views crime not just as a violation against the state but as a harm inflicted on individuals and communities (Batinge, 2019). This perspective contrasts with retributive justice, which focuses on punishment and often sidelines the needs of the victim. Restorative justice, by contrast, prioritises repairing the harm done to victims and rehabilitating offenders, making it a more holistic approach to justice (Nartey, 2022). The practice of VOM is therefore deeply rooted in the restorative justice ideals of respect, responsibility, and reparation.

In Ghana, the legal framework for VOM is supported by the Courts Act 1993 (Act 459) and the Alternative Dispute Resolution Act 2010 (Act 798). Section 73 of the Courts Act grants the court the authority to promote reconciliation in cases that are not felonies or aggravated offences, encouraging settlements that emphasise compensation and accountability. Similarly, Section 64(1) of the ADR Act allows the court to refer cases to mediation at any stage of proceedings, thereby providing an alternative to the retributive court process (Nweke & Addea-Kusi, 2022).

It is important to note, however, that VOM is not applicable in all cases. The court retains discretion over which cases may be referred to mediation, and serious offences such as felonies or those aggravated in degree are excluded from the process (Batinge, 2019). The emphasis of VOM is primarily on minor offences such as property crimes and minor assaults, where the goal is to restore relationships and address the harm caused rather than impose severe punishment.

In summary, VOM offers a structured and empathetic platform for both victims and offenders to engage in meaningful dialogue. It seeks to provide a more balanced form of justice, one that recognises the needs of the victim, holds the offender accountable, and fosters a pathway towards healing. While VOM holds great potential as a restorative justice tool, its full adoption in Ghana is contingent upon the development of more robust legal frameworks and public awareness.

4. Legal and Institutional Framework for VOM in Ghana

The legal and institutional framework for Victim Offender Mediation (VOM) in Ghana is built on a foundation of restorative justice principles, supported by various legal provisions. These laws provide courts with the authority to refer certain cases to mediation, offering an alternative to the conventional criminal justice system. However, while the legislative framework offers some support for VOM, significant gaps remain that hinder its full adoption and implementation.

4.1. Legal Provisions Supporting VOM

The primary legal basis for VOM in Ghana stems from Section 73 of the Courts Act 1993 (Act 459), which permits the court to promote reconciliation in criminal cases involving offences that are not classified as felonies or aggravated in degree. This provision allows the court to encourage parties to reach an amicable settlement through compensation or other terms approved by the court. If such a settlement is reached, the court can dismiss the case and discharge the accused (Nweke & Addea-Kusi, 2022). This legal basis is crucial for enabling restorative justice practices like VOM to function within the formal justice system.

Additionally, Section 64(1) of the Alternative Dispute Resolution (ADR) Act 2010 (Act 798) empowers the court to refer cases to mediation at any stage of proceedings. This provision is not limited to criminal matters and can be applied broadly to civil disputes. However, in the context of VOM, the ADR Act provides the flexibility needed for mediation to take place as a means of resolving minor criminal offences, particularly where restitution and reconciliation are more appropriate than punitive measures (Nartey, 2022). These legal frameworks collectively provide a starting point for integrating restorative justice practices into the Ghanaian legal system.

Another relevant legal provision is Section 73(1) of the Children's Act 1998 (Act 560), which allows for the mediation of cases involving minors, provided that the offences are not murder, manslaughter, or those punishable by life imprisonment. This provision reflects the understanding that juvenile offenders may benefit more from rehabilitation and reconciliation than from punitive measures. VOM, when applied to juvenile cases, can help offenders understand the consequences of their actions while fostering empathy for the victims (Batinge, 2019).

4.2. Challenges in the Legal Framework

Despite these provisions, there are challenges that hinder the widespread adoption of VOM in Ghana. One of the primary issues is the lack of specific guidelines for referring cases to VOM, selecting mediators, and conducting mediation sessions. Nweke and Addea-Kusi (2022) note that the existing laws do not provide detailed criteria for when and how VOM should be applied, leaving much of the decision-making to the discretion of the courts. This can result in inconsistent application and a lack of clarity regarding the suitability of cases for VOM.

Furthermore, the absence of specific legislation addressing VOM means that there are no comprehensive protocols for monitoring outcomes or enforcing mediation agreements. While Section 64(1) of the ADR Act allows for mediation, it does not provide specific guidance on how criminal cases involving restitution and reconciliation should be handled post-mediation (Nartey, 2022). This lack of procedural clarity can lead to challenges in ensuring compliance with restitution agreements and in assessing the long-term effectiveness of VOM.

4.3. Institutional Support for VOM

Institutionally, VOM in Ghana remains underdeveloped. Although the courts are empowered to refer cases to mediation, there is a shortage of trained mediators who can handle VOM cases effectively. Nartey (2022) points out that mediators require specialised training to facilitate discussions between victims and offenders in a sensitive and balanced manner. Without such training, there is a risk of power imbalances during mediation sessions, where offenders may not fully take responsibility, or victims may feel coerced into accepting inadequate restitution.

Moreover, public awareness of VOM is limited. Many Ghanaians are unfamiliar with the concept of restorative justice and may view mediation as a soft option that undermines justice (Nweke & Addea-Kusi, 2022). This perception hinders the willingness of victims and offenders to engage in mediation and reduces the potential for VOM to serve as an effective alternative to traditional justice mechanisms.

In conclusion, while the legal framework for VOM exists in Ghana, it lacks the specificity and institutional support needed to fully realise its potential. For VOM to be a viable part of the justice system, there needs to be more robust legislation, greater public awareness, and a structured institutional approach to training mediators and monitoring the outcomes of mediation agreements.

5. Methodology

This article adopts a doctrinal research methodology, which is primarily concerned with the analysis and interpretation of legal frameworks, statutory provisions, case laws, and scholarly literature related to Victim Offender Mediation (VOM). The doctrinal approach is widely recognised as a method that allows researchers to critically examine the laws and legal structures governing a particular subject area. For this study, the methodology focuses on the interpretation of Ghana's legal framework concerning VOM, as well as an evaluation of its challenges and potential, drawing on both primary and secondary legal sources.

5.1. Use of Primary Sources

The primary legal sources for this article include statutory provisions such as the Courts Act 1993 (Act 459) and the Alternative Dispute Resolution Act 2010 (Act 798), which provide the legal foundation for mediation in criminal cases in Ghana. These Acts grant courts the discretion to refer certain criminal matters to mediation, thereby creating the legal space for restorative justice practices like VOM. As highlighted by Nweke and Addea-Kusi (2022), these legal provisions, while a step in the right direction, lack the detailed guidelines necessary for effective and consistent application of VOM in practice.

In addition to these statutes, the Children's Act 1998 (Act 560) is also examined, particularly for its role in allowing the mediation of cases involving juvenile offenders. The legislation provides a mechanism for the rehabilitation of young offenders, offering a restorative path that is less punitive and more focused on reconciliation (Batinge, 2019).

5.2. Use of Secondary Sources

In line with doctrinal research principles, secondary sources play a critical role in supporting the analysis of the legal framework. Scholarly works by restorative justice experts such as Umbreit et al. (2006) and studies on VOM, including research by Abrams et al. (2006), provide essential insights into the application and effectiveness of VOM globally. These sources are used to compare the Ghanaian experience with practices in other jurisdictions, offering a broader perspective on the potential for VOM to enhance the criminal justice system.

The article also draws on the work of Alex Nartey (2022), who provides an in-depth discussion of the practical aspects of VOM and its challenges in the Ghanaian context. Nartey's insights are particularly relevant in

understanding the cultural and institutional barriers to the adoption of VOM. Similarly, Batinge (2019) highlights the need for greater public awareness and legislative reforms to make VOM a more robust alternative to retributive justice in Ghana.

5.3. Doctrinal Approach Justification

Doctrinal research is particularly suitable for this study as it allows for a systematic analysis of the legal provisions governing VOM and an exploration of the challenges and gaps within the current legal framework. This approach facilitates a thorough examination of existing laws and how they can be improved to enhance the application of VOM in Ghana's criminal justice system. Moreover, doctrinal research provides the necessary tools for evaluating the effectiveness of statutory provisions, such as those found in the Courts Act 1993 (Act 459) and ADR Act 2010 (Act 798), and for proposing legal reforms based on this analysis.

The methodology also employs comparative analysis, drawing parallels between the Ghanaian legal framework and international best practices in restorative justice, particularly in North America and Europe. This comparison helps highlight areas where Ghana's VOM system can be strengthened and adapted to local needs and cultural contexts.

6. The Benefits of VOM in Ghana

Victim Offender Mediation (VOM) presents numerous benefits for both victims and offenders in Ghana, offering a restorative justice mechanism that prioritises reconciliation and accountability over punishment. The success of VOM lies in its ability to transform the traditional adversarial nature of the criminal justice system into a more collaborative process where victims can express their feelings, and offenders can take responsibility for their actions. By engaging in this structured dialogue, both parties are empowered, and the likelihood of achieving a more meaningful resolution is greatly increased.

6.1. Empowerment of Victims

One of the primary benefits of VOM is the empowerment it offers to victims. In conventional criminal proceedings, victims often feel sidelined as the state takes over the prosecution of the offence, with little room for victims to express how the crime has affected them. VOM, however, shifts the focus towards the victims, giving them a platform to share their experiences and receive answers to lingering questions. This process helps victims to regain a sense of control and involvement in the justice process (Umbreit et al., 2006).

As Nartey (2022) explains, the dialogue-driven nature of VOM allows victims to confront the offender in a safe environment, where they can communicate the emotional, psychological, and material impact of the offence. This process not only provides closure but also enables victims to be directly involved in the creation of restitution agreements. These agreements are often tailored to address the specific harm caused, allowing victims to receive compensation or other forms of reparation (Schneider, 1986).

6.2. Offender Accountability and Rehabilitation

For offenders, VOM offers a chance to take direct responsibility for their actions. Rather than passively serving a punishment, offenders in VOM sessions are required to engage with the victim, understand the harm they have caused, and propose ways to make amends. This direct accountability is a key factor in promoting the rehabilitation of offenders (Abrams et al., 2006). By fostering empathy and self-awareness, VOM helps offenders to reflect on their behaviour, increasing the likelihood that they will desist from future criminal activity (Umbreit et al., 2006).

In Ghana, VOM has been recognised as an effective alternative for resolving minor offences, such as theft or property damage, where offenders are more likely to benefit from reconciliation and restitution rather than punitive sanctions. According to Nweke and Addea-Kusi (2022), VOM can play a crucial role in reducing

recidivism, as offenders who have actively participated in making amends are less likely to re-offend. This is particularly important in juvenile cases, where rehabilitation and reintegration into society are essential for the long-term well-being of the offender.

6.3. Restitution and Community Healing

Another significant benefit of VOM is its ability to foster community healing. Crime affects not only the immediate victim but also the wider community. VOM facilitates the restoration of relationships by encouraging dialogue and understanding between offenders and the communities they have harmed (Batinge, 2019). In some cases, offenders are required to make reparations not just to the victim but also to the community, strengthening the bonds of social cohesion.

Moreover, the restorative nature of VOM reduces the strain on the criminal justice system by diverting minor cases from the courts. This is particularly relevant in Ghana, where the judiciary is often overburdened with cases. By resolving minor criminal matters through mediation, VOM helps to decongest the courts and reduce the prison population, allowing the justice system to focus on more serious offences (Nartey, 2022).

6.4. Long-term Positive Effects

The long-term effects of VOM are also significant. Research suggests that victims who participate in VOM are more likely to feel satisfied with the outcome compared to those who go through the traditional court process (Umbreit et al., 2006). This satisfaction stems from the ability to play an active role in the justice process and from the emotional healing that comes from hearing an apology and receiving reparations.

For offenders, VOM offers a pathway to reintegration. By addressing the root causes of their behaviour and making amends, offenders are better equipped to reintegrate into society and avoid future conflict with the law. This is particularly important in Ghana, where the high rate of recidivism continues to challenge the effectiveness of the penal system (Nweke & Addea-Kusi, 2022).

In summary, VOM offers a range of benefits for victims, offenders, and communities in Ghana. It empowers victims, promotes offender accountability, and fosters community healing, making it a valuable tool in the criminal justice system.

7. Challenges and Limitations of VOM in Ghana

Despite its potential to transform the justice system, Victim Offender Mediation (VOM) in Ghana faces significant challenges and limitations. These obstacles impede the full adoption of VOM and present difficulties in achieving its intended restorative outcomes. While some of these challenges are inherent in the mediation process itself, others are rooted in broader societal and institutional issues within the Ghanaian context.

7.1. Lack of Specific Legislation and Guidelines

One of the key challenges facing VOM in Ghana is the lack of specific legislation and clear procedural guidelines. Although legal provisions such as Section 73 of the Courts Act 1993 (Act 459) and Section 64(1) of the Alternative Dispute Resolution Act 2010 (Act 798) allow for the promotion of reconciliation and mediation in criminal cases, they lack the detailed framework necessary for the consistent and effective implementation of VOM (Nweke & Addea-Kusi, 2022). This legislative gap leaves much of the decision-making to the discretion of the courts, which can lead to inconsistencies in how VOM is applied.

Without clear guidelines on when and how cases should be referred to VOM, there is a risk that certain types of offences may be inappropriately directed to mediation, or that deserving cases may not be considered at all. Furthermore, there are no standardised procedures for selecting mediators, conducting sessions, and enforcing

restitution agreements. This lack of procedural clarity undermines the effectiveness of the VOM process and limits its potential as a restorative tool.

7.2. Limited Public Awareness and Acceptance

Another major challenge is the limited public awareness and acceptance of VOM in Ghana. Many victims and offenders are unfamiliar with the concept of restorative justice and may be sceptical of mediation as an alternative to the formal justice system. This is particularly true in cases where victims feel that mediation is a soft option that compromises justice by allowing offenders to escape punishment (Batinge, 2019). In such instances, victims may be reluctant to participate in VOM, preferring instead to pursue more traditional forms of justice through the courts.

Moreover, offenders may not always be sincere in their participation in VOM. There is a risk that some offenders may view mediation as a way to avoid harsher penalties rather than a genuine opportunity to make amends (Nartey, 2022). This lack of sincerity can undermine the integrity of the mediation process and reduce its ability to achieve true reconciliation and accountability.

7.3. Power Imbalances in the Mediation Process

Power imbalances between victims and offenders present another significant challenge to the success of VOM. In many cases, victims may feel intimidated or overwhelmed by the mediation process, especially when the offender is perceived to have more power or influence. This can be particularly problematic in cases involving domestic violence or other forms of abuse, where the victim may feel coerced into accepting inadequate restitution or reconciliation (Nartey, 2022).

Mediators must be trained to recognise and address these power imbalances to ensure that both parties have an equal voice in the mediation process. However, as Nweke and Addea-Kusi (2022) point out, there is currently a shortage of trained mediators in Ghana who possess the necessary skills to handle VOM cases effectively and sensitively. This lack of capacity hampers the ability of VOM to provide a fair and balanced mediation experience for all parties involved.

7.4. Resource Constraints

The successful implementation of VOM in Ghana is further hindered by resource constraints. There is a lack of adequate facilities, funding, and human resources to support the expansion of VOM programmes across the country. As Nartey (2022) highlights, the limited availability of trained mediators, combined with insufficient financial and institutional support, makes it difficult to scale up VOM initiatives and reach more communities.

This resource shortage also affects the ability to monitor and evaluate the outcomes of VOM sessions. Without systematic data collection and evaluation mechanisms, it is challenging to assess the effectiveness of VOM in reducing recidivism and fostering reconciliation (Batinge, 2019). This lack of empirical evidence further limits the ability of policymakers to make informed decisions about the future of VOM in Ghana.

7.5. Cultural Barriers

Cultural perceptions of justice in Ghana can also pose a challenge to the adoption of VOM. In some communities, there is a strong preference for punitive justice over restorative approaches. The idea that offenders should face punishment as a deterrent to future crime is deeply ingrained in certain segments of society, making it difficult to promote VOM as a viable alternative (Nweke & Addea-Kusi, 2022). Changing these cultural perceptions will require sustained public education and awareness campaigns to highlight the benefits of restorative justice.

In conclusion, while VOM offers significant potential as a restorative justice tool in Ghana, its success is limited by legislative gaps, public scepticism, power imbalances, resource constraints, and cultural barriers. Addressing these challenges will require comprehensive legal reforms, increased public education, and stronger institutional support to ensure that VOM can be effectively integrated into Ghana's justice system.

8. Recommendations for Strengthening VOM in Ghana

To fully realise the potential of Victim Offender Mediation (VOM) in Ghana, several targeted measures need to be adopted. These recommendations focus on addressing the challenges that hinder the effective implementation of VOM and ensuring that the framework is strengthened to promote restorative justice.

8.1. Enacting Specific Legislation on VOM

One of the most critical steps towards strengthening VOM in Ghana is the enactment of specific legislation that provides detailed guidelines and criteria for its application. While Section 73 of the Courts Act 1993 (Act 459) and Section 64(1) of the Alternative Dispute Resolution Act 2010 (Act 798) allow for mediation in criminal cases, they lack the procedural clarity necessary for consistent practice (Nweke & Addea-Kusi, 2022). A comprehensive VOM law should clearly define the types of cases eligible for mediation, the qualifications required for mediators, and the steps for conducting a VOM session.

Such legislation should also include mechanisms for monitoring and enforcing restitution agreements reached through mediation, ensuring that offenders are held accountable for making reparations. By providing a more structured legal framework, this legislation would give courts, mediators, and participants greater confidence in the process, reducing the current inconsistencies in VOM's application (Nartey, 2022).

8.2. Public Awareness and Education Campaigns

Increased public awareness is essential to the success of VOM in Ghana. Many people, including victims and offenders, are unfamiliar with the concept of restorative justice and may perceive VOM as a lenient option that undermines justice (Batinge, 2019). To address this misconception, public education campaigns should be launched to inform the general public about the benefits of VOM, including its capacity to promote healing, foster accountability, and reduce recidivism.

These campaigns could take the form of media outreach, community workshops, and educational programmes in schools, with a focus on explaining how VOM offers a more holistic approach to justice. By changing public attitudes and building trust in the mediation process, more victims and offenders may be encouraged to participate in VOM, enhancing its effectiveness.

8.3. Training and Capacity Building for Mediators

The shortage of trained mediators is a significant barrier to the widespread implementation of VOM in Ghana (Nartey, 2022). It is essential to invest in the training and certification of mediators who possess the skills necessary to handle VOM cases effectively. This training should focus on communication techniques, conflict resolution, and the ability to manage power imbalances during mediation sessions, ensuring that both parties are heard and respected.

Building a pool of qualified mediators will increase the availability of VOM services across Ghana, making it possible to expand the reach of VOM programmes to more communities. Institutions such as the Judicial Service of Ghana and the Ghana ADR Hub could play a leading role in organising these training initiatives, partnering with civil society and international organisations to develop robust training programmes (Nweke & Addea-Kusi, 2022).

8.4. Establishing Evaluation and Monitoring Mechanisms

To improve the effectiveness of VOM, there is a need for systematic evaluation and monitoring of mediation outcomes. This would involve the collection of data on VOM cases, including the nature of the offence, the restitution agreement reached, and the long-term outcomes for both victims and offenders (Batinge, 2019). By developing key performance indicators and tools to measure the success of VOM, stakeholders can assess its impact on reducing recidivism, promoting victim satisfaction, and fostering community reconciliation.

Evaluation mechanisms will also provide valuable insights into how VOM can be improved over time, ensuring that it remains a relevant and effective tool within Ghana's criminal justice system.

8.5. Collaborating with Stakeholders

Strengthening VOM in Ghana will require collaboration between key stakeholders, including the judiciary, civil society organisations, traditional leaders, and religious institutions. These groups can work together to advocate for VOM's adoption, promote public awareness, and provide the necessary support systems to ensure the success of mediation programmes. Traditional authorities, in particular, have a crucial role to play, as their involvement can lend cultural legitimacy to VOM in local communities (Nartey, 2022).

In conclusion, by enacting specific legislation, raising public awareness, building mediator capacity, establishing evaluation mechanisms, and fostering stakeholder collaboration, VOM can become a more integral part of Ghana's justice system. These efforts will help ensure that VOM achieves its potential as a restorative justice tool that benefits victims, offenders, and the wider community.

9. Conclusion

Victim Offender Mediation (VOM) offers a transformative approach to justice by focusing on reconciliation, accountability, and the healing of both victims and offenders. In the Ghanaian context, VOM holds the potential to complement the traditional criminal justice system by offering a restorative justice option for minor offences. This approach is not only beneficial for reducing recidivism but also for empowering victims and fostering community healing. By allowing victims to engage directly with offenders, VOM provides an opportunity for emotional closure and the development of restitution agreements that cater to the specific needs of the victim (Nartey, 2022).

However, as highlighted throughout this article, there are significant challenges that need to be addressed for VOM to reach its full potential in Ghana. The lack of specific legislation and procedural guidelines is a major hindrance to the consistent application of VOM, leaving too much discretion in the hands of the courts. This gap, combined with limited public awareness, resource constraints, and the scarcity of trained mediators, poses obstacles to the widespread adoption of VOM (Nweke & Addea-Kusi, 2022). Furthermore, cultural attitudes towards justice and the reluctance of some victims to engage in mediation reflect the need for more comprehensive public education and outreach efforts (Batinge, 2019).

To overcome these challenges, targeted reforms are necessary. The enactment of specific legislation on VOM will provide the necessary legal framework for its consistent and effective implementation. Public education campaigns, coupled with the training and certification of mediators, will help build the necessary infrastructure to support VOM programmes. Additionally, establishing systematic evaluation and monitoring mechanisms will allow stakeholders to assess the long-term impact of VOM and make informed decisions about its future (Nartey, 2022).

Collaboration between the judiciary, civil society organisations, and traditional leaders will also be key in promoting VOM across Ghana. With the support of these stakeholders, VOM can be strengthened as a restorative justice tool that enhances the criminal justice system while addressing the emotional and material needs of both victims and offenders (Nweke & Addea-Kusi, 2022).

In conclusion, VOM has the potential to play a significant role in transforming Ghana's justice system. By addressing its current challenges and implementing the recommended reforms, VOM can provide a more humane, participatory, and effective approach to resolving conflicts between victims and offenders in Ghana.

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