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Your article “Keep-out-of jail deals on the cards (23 February 2007) is a confused piece of reporting that services only to stoke fear and a sense of lack of safety among your readers. It presents restorative justice and community prosecution as soft options that make things easier for offenders, thus presenting both concepts in a less than favourable light. This is a great pity, as both approaches have enormous potential for improving the deal that victims get, and to making our criminal justice system more effective.

Restorative justice is an approach to crime and justice that focuses on the harms and needs of victims, the obligations of offenders to address these, and on involving all stakeholders in developing a response to an incident. The thrust of the approach is to find ways of “making right” to the victim, thus placing the needs of victims at the centre of the response, rather than focusing on punishment or treatment of the offender. Typical ways in which offenders make right to victims are by way of an apology, restitution and compensation and performing some service for the victim. These can be done at all stages of the criminal justice process, thus adding significant value. For these tangible steps to be reduced to “making a deal” to avoid jail is grossly unfair. Many studies have shown that victims need acknowledgment of the harm they suffered, evidence of efforts to address that harm, and reassurance that steps are being taken to prevent it from happening again.

This approach makes all the more sense when one considers that imprisonment has been shown internationally to be extremely ineffective, with the majority of those being released returning to prison. Furthermore, sending a person to prison does nothing tangible for victims.

While restorative justice often translates into an individual case focused approach, community prosecution is a broader approach to prosecution. It is concerned with engaging communities, seeking to assist members with problem solving on issues that are of priority to them, and forging pro-active partnerships. In practice, it deals with many quality of life concerns of communities, drawing on a range of creative possibilities.

The NPA should be lauded for being prepared to consider both these innovative approaches as opposed to remaining stuck in approaches that have proved ineffective. It certainly does not deserve the disparaging remark that it is “under increasing pressure” to find new innovative ways of responding to crime.

Restorative justice and community prosecution deserve the public’s support and encouragement. It behoves the media to be properly informed about both approaches and to report responsibly about them.

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