



DETENTION JUSTICE FORUM

12 May, 2020

By email

To: THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
Rolsaacs@justice.gov.za; ministry@justice.gov.za; CKok@justice.gov.za

Dear Minister Lamola,

OPEN LETTER IN RESPONSE TO THE RELEASE OF PRISONERS AS ONE OF GOVERNMENT'S WAYS OF ROLLING OUT THE RESTORATIVE JUSTICE SYSTEM.

As organisations that actively support the concept of restorative justice and have provided services in this field for many years, we applaud the release of 19,000 inmates on parole. In particular, we would like to thank you for re-affirming government's commitment to restorative justice and for emphasizing that both victims and offenders need assistance.

The context into which these inmates will be released is of course an even harsher one than usual, given the economic realities the country is currently facing with Covid-19. In many cases, these people will be experienced by their families and communities as adding to the burden of survival. Furthermore, these unusually adverse socio-economic conditions together with the marginalisation and stigmatisation ex-offenders typically experience after release, increases their risk of re-offending. This does not detract in any way from the necessity of your decision and the responsible way in which you have chosen to implement it.

The potential of restorative justice processes becomes clear at this point. National and international research has indicated that restorative justice is effective not only in addressing relational harm between victims and offenders, as well as between offenders and broader communities, but also in reducing the likelihood of re-offending.

We share a deep concern however, that in reality the capability to provide restorative justice services has become significantly depleted due to a lack of real support for many years. The National Policy Framework appears to have been stalled since 2015 and funding of services in this field has dwindled dramatically over the past 10 years. With inadequate mechanisms in place to conduct victim offender mediation and dialogue and other restorative approaches, most victims are unlikely to participate in any meaningful interaction with offenders during the release process.

Noting some of the cynical responses to your announcement about the release, in the current environment many people will see the release as contradictory to the punitive, rather than restorative, response that seems to be applied through the criminalisation of the lock down regulations. We are concerned that this may discredit the very notion of restorative justice.

We know that excessive reliance on a punitive approach and imprisonment is ineffective. We support the State's decision to implement a restorative justice system, and believe that now is the time to begin to shape a new criminal justice system that is truly based on the values of restorative justice, that holds offenders accountable in constructive rather than destructive ways and takes the needs of victims and society seriously. We as a network of organizations, practitioners and academics would be keen to engage with the State further on the development of a comprehensive Restorative Justice System national plan.

A truly restorative approach provides tangible experiences of respect and care in the administration of justice. We would like to propose for your consideration that organisations and practitioners such as ourselves and others be harnessed to prioritise special support for both victims and offenders being released at this time, which could include mediation and dialogue. Further we propose that the Department of Community Services call on the assistance of organizations and groups working with released offenders to assist with reintegration. An amendment to the National Lotteries Commission Relief Covid-19 Fund to allow organisations currently in receipt of a grant for other projects to access funding for this purpose, as well as releasing other sources of direct funding, would be tangible ways of supporting the concept.

We look forward to engaging with you and your department.

Sincerely

Detention Justice Forum

The Detention Justice Forum (DJF), is a civil society coalition of non-governmental organisations and individuals working to ensure that the rights and well-being of those who are detained are respected and upheld, as enshrined under the South African Constitution, laws, and regional and international human rights norms and standards.

ENQUIRIES CAN BE DIRECTED TO MIKE BATLEY OF THE RESTORAIVE JUSTICE CENTRE, mike@rjc.co.za tel 0722143880

This submission is endorsed by

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