

Case for restorative justice

By SHAILA KOSHY

KUALA LUMPUR: Restorative justice (RJ), which seeks to bring victims, offenders and communities together to decide on a response to a particular crime, may replace the criminal justice (CJ) system for young offenders in Malaysia.

The CJ system is traditionally about punishing juveniles for committing offences against the state but RJ gives victims greater voice and allows offenders to be accountable.

These statements were made by many speakers yesterday at the Fourth International University of Malaya Law Conference on *Rehabilitation of Child Offenders: Towards Better Treatment*.

Nine experts from Hong Kong, Singapore, the United States and Malaysia spoke on the recent progress in juvenile justice in several jurisdictions and explored means for an RJ system here.

UM law associate professor Norbani Mohd Nazeri said the United Nations Committee on the Convention on the Rights of the Child (CRC) had strongly suggested that the Malaysian Government initiated efforts towards introducing RJ within the legal juvenile justice framework, after the Government had reported to it in 2007 on the implementation of the CRC.

There are many RJ models, said Norbani, and they include:

- > Victim-Offender Mediation, which focuses on condemning the act but not the offender, and where the plan of action is developed and signed by participants; and
- > Family Group Conferencing, which brings together the child offender, immediate and extended family, victim and supporters to work with professionals to devise a plan for the management of the young person.

Hong Kong City University Associate Professor Dr Dennis Wong Sing-Wing recommended Malaysia takes up RJ because there was evidence that restorative processes had benefits for victims, families and children, as well as the potential to increase efficiency and reduce costs in the justice system by diverting children and young persons from prosecution.

Chan Wing Cheong, Associate Professor at Singapore University's law faculty, said Singapore had adopted RJ as the justice model for juveniles in 1997 because it could strike a balance between the need for rehabilitation and accountability of the offending behaviour, the growing concern for crime victims and the 100% increase (from 1,205 in 1990 to 2,574 in 1995) in juvenile crimes.