

BY SIMEON MAGANGA

MAGISTRATES in the country have been urged to divert from the traditional way of always punishing offenders and instead integrate a restorative justice approach which focuses on the needs of victims and offenders.

Speaking in Blantyre yesterday during the opening of a training workshop of Magistrates on mediation and pre-trial detention, reconciliation, arbitration and negotiation skills, the chairperson of the training Justice Chifundo Kachale expressed hope that the event would enable them start using the approach.

"Restorative Justice as an approach to justice focuses on the

Magistrates urged to integrate restorative justice

needs of victims, offenders as well as the community, instead of satisfying abstract legal principles.

"Malawi law allows for progressive restorative approaches but due to a lack of widespread understanding, there has been reluctance to implement them," Kachale said.

He further said there has also been limited use of alternative dispute resolution procedures, also known as

Mandatory Mediation Rules, which the judiciary introduced due to the same problem of little understanding.

Speaking at the same function, chairperson of Malawi Judicial Development Justice Andrew Nyirenda said restorative justice, apart from adhering to human rights principles as enshrined in the country's Constitution, saves resources.

"In all what we do as judicial

officers, it is important that we engage in balancing rights of those that appear before us. We should be very critical in the manner we disperse justice and all this boils down to the issue of human rights where restorative justice approach comes.

"This approach is not adversarial but rather serves relationships between parties [victims and offenders] hence serving social

cohesion. Above all, this approach eases pressure on human, financial and infrastructural resources," said Nyirenda, adding the country had been using this approach before integrating the current English law.

On his part, one of the facilitators— Ireland High Court Judge Rodrick Murphy— said considering that the Constitution of the Republic of Malawi is more advanced as it focuses much of human rights, the judiciary should make use of it and disperse justice following human rights principles.

The workshop has attracted Magistrates from across the country. The training has been funded by the European union, with facilitators from Ireland.