

**Victim orientation in the prison system –
Just a logical complement to the objective of rehabilitation?**

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Abstract:

In the ‘Act concerning the execution of prison sentences (Strafvollzugsgesetz)’, the North-Rhine-Westphalian legislator has emphasized that the conditions of imprisonment should also take into account the ‘legitimate interests of the victim’. Influenced by the basic concepts of restorative justice, the legislator has introduced obligations for the prison representatives to encourage the prisoners to acknowledge the impact of their offences and to create opportunities for them to provide compensation for their victims. In a certain contrast to this, a ‘victim oriented’ approach shall also be adopted when decisions are taken on relaxations regarding the conditions of imprisonment, and external contacts of the prisoner (such as visiting privileges, telephone calls or correspondence) may be prohibited if a negative impact on the victim is to be feared. While the objective of measures embedded in the context of restorative justice is to bring together prisoners and their victims in order to promote conflict resolution, the last-mentioned, restrictive measures obviously aim to prevent such contacts. The presentation will examine the tension caused by the two contradictory objectives and explore how it can be dealt with in everyday prison practice.

On another level, a potential conflict of the North-Rhine-Westphalian legislator’s ‘victim oriented’ approach with the well-established objectives of treatment arises. If used as a justification for restrictions imposed upon the prisoner, the concept of ‘victim orientation’ is likely to relativize the prisoner’s constitutionally guaranteed right to rehabilitation. This approach is in line with a development which has been evident for some time in criminal procedure where numerous laws aiming to protect victims’ rights have been adopted lately. According to the legislator, however, there is no such conflict but even a complementary relationship between the objectives at hand. The presentation will discuss if this is a reasonable assumption.