

Presentation on Restorative Justice

Regional Symposium: Violence as a Public Health Issue – the Crime Challenge

Port-of-Spain Trinidad & Tobago

April 18, 2023 at 10:00am

Excellencies, fellow participants, ladies and gentlemen my thanks and appreciation for the invitation to participate and, it is indeed, my pleasure and privilege to make this short presentation on Jamaica's use of Restorative Justice or RJ, an acronym which I will use interchangeably as a means of resolving conflicts, rebuilding relationships and avoiding further acts of violence from reprisals.

Your Excellencies, RJ is and has been a remarkable and outstanding success to resolve disputes, settle disagreements and de-escalate conflicts. These are the minor disputes, misguided disagreements and unresolved conflicts that in many instances escalate into brutish abuses, serious violence and can have fatal consequences. If relationships can be restored by RJ before they descend into criminal violence and, sometimes, even after violence has been used, then RJ can be deemed a remedial success, with significant curative value being derived by not only the participants, but the communities that would otherwise have been impacted by continued cycles of violence and by extension, the country at large.

In fact, we started to actively collect and track data originating out of the programme in 2018. The success rate emanating from the RJ conferences

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held averages over 80% annually. From One Thousand and Twenty-Two (1,022) RJ circles in 2018, to Three Thousand Six Hundred and Sixty-Two (3,662) cases in 2022, more than eight (8) out of every ten (10) cases have been successfully completed. This means the parties are satisfied with the outcome and the community or the court sanctions the outcome, as acceptable and agreeable.

Ladies and Gentlemen, approximately 75% of the cases that are referred to RJ are court referrals and the success rate in these court referrals is over 90%. To put it into prospective in 2021 and 2022, Four Thousand Four Hundred and Sixty (4,460) cases were referred to RJ by the Courts, Three Thousand Nine Hundred and Four 3,904 were satisfactorily resolved; which oftentimes means the charges are withdrawn or the offenders admonished and discharged. Invariably, the parties come to a mutual understanding and that is why, Ladies and Gentlemen, we refer to RJ as “justice that heals.

What then is the process and practice of RJ in Jamaica. I am happy to inform that we have twenty (20) RJ Centres across Jamaica - at least one in every parish - another two Centres are to be opened shortly. We

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have around One Thousand (1,000) trained RJ facilitators who can conduct the healing process in RJ circles, most of whom, unfortunately, are underutilized. Our focus is to expand the program so that these trained RJ personnel can be more fully utilized, as we try to stem the violence in our communities.

When matters are referred to the RJ Centres, facilitators are appointed to meet separately with the alleged wrongdoer who frequently denies culpability and with the victim who oftentimes is seeking Retributive Justice. The alleged wrongdoer is, however, encouraged and persuaded to acknowledge and accept that his/her verbal abuses or actions are wrong, and that the wrongdoing has caused hurt, pain and suffering to the victim. If this is accomplished, the process is more than 50% completed.

The next challenge is to encourage the victim to forgive the wrongdoer who has hopefully acknowledged and accepted that he/she was wrong. If that is accomplished then a RJ circle is arranged in which the two sides are brought together along with other members of the community, school, church, workplace or just friends of both parties. It is

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in these circles that issues are addressed, emotions are calmed and contentious matters settled. Time does not allow for the thousands of wonderful testimonials to be highlighted, save and except to indicate that in many, many cases the parties end up hugging and crying on each other's shoulders while acknowledging how misinformation and misunderstanding caused their problems, and in virtually all cases relationships are restored.

What then, are the main obstacles to RJ being more widely and successfully used? In truth, notwithstanding the Ministry of Justice best efforts to publicize and sensitise citizens across Jamaica, this appropriate mechanism to resolve disputes is not well known, and therefore not well used. As I travel across Jamaica and address hundreds of students, congregations and residents in schools, churches and communities on Alternative Justice Services - such as Victim Services, Child Diversion, Mediation, Legal Aid and RJ – I am shocked that sometimes no one or less than 10% of the audience has ever heard of or about RJ or even what it means! I appreciate therefore, that the priority mission of our Ministry is to effectively inform and sensitize our people to use RJ to settle disputes

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and to deal with wrongdoing, abuses and violent assaults before they escalate into serious criminal violence. Towards this end, we are conducting two (2) day Restorative practice seminars in over One Thousand (1,000) schools and over Four Thousand (4,000) churches in Jamaica - so far, we have done close to Three Hundred (300) schools and hope to do another 400 to 500 more schools this year. We have only recently signed a Memorandum of Understanding (MOU) with churches drawn from multiple denominations across the island and the programme is gaining traction.

If we can get more persons to use RJ to settle their differences instead of using abuses, assaults and criminal violence to resolve conflicts, we would make a huge dent on the level of violent crimes across the region.