

## **RESTORATIVE JUSTICE (RJ) AND US: TOWARDS POLICY AND PRACTICE”**

**- Notes from the Ministry of Justice to Leela Ramdeen with a request for Leela to submit a 'paper' to be included in the forthcoming publication by the MOJ in relation to RJ**

### **About the Publication**

In an effort to raise awareness about Restorative Justice, the Ministry of Justice will be publishing a newspaper pull-out in the month of September, 2014. This publication will highlight feature stories from both Public Sector and Civil Society organisations on programs, projects and initiatives which are related to the principles of Restorative Justice. We have found through our discussions with stakeholder groups that Restorative Justice is not just a concept but a practical solution to many of the problems being faced by our local communities. It is our hope that this publication brings RJ to life for our readers as well as gives the featured groups an opportunity to inform, educate and enlighten citizens about their work in the field.

### **A little bit on Restorative Justice**

Restorative Justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence. It focuses on holding the offender accountable in a more meaningful way. It repairs the harm caused by the offence, helps to reintegrate the offender into the community and helps to achieve a sense of healing for both the victim and the community.

At present we are still in the process of defining Restorative Justice within the local context. As such, we will be hosting our first National Restorative Justice Conference in October, 2014. The concepts of Restorative Justice which include forgiveness, individual/collective responsibility, dialogue and healing are nevertheless some of the common denominators which we will be examining throughout our publication.

## **LEELA RAMDEEN'S SUBMISSION FOR INCLUSION IN THE PUBLICATION**

### **The case for promoting Restorative Justice in TT**

Leela Ramdeen, Chair, The Catholic Commission for Social Justice  
(<http://rcsocialjusticett.org>)

We all have a vision of a safer, just and peaceful society; a society in which the rule of law prevails and in which there are conditions that will enable each person to realize his/her potential. The Catholic Commission for Social Justice (CCSJ), of which I am the Chairperson, is of the firm belief that such a society can only be built if we put in place systems/procedures/practices that will promote right relationships – with God, with ourselves, with each other, and with all of creation. Restorative Justice (RJ) can help us to achieve our goals.

The key watchwords of an RJ approach lie at the heart of Christian living e.g. *repentance, reparation, restoration, reconciliation, rehabilitation, empowerment, and re-integration* with a sense of *responsibility*.

Sadly, there is a lack of clarity/no mutual understanding among stakeholders with regards to the term ‘RJ’. And because of this, the value of RJ is often underestimated. I know from my own work that RJ means different things to different people. There are also different forms of RJ e.g. victim-offender mediation to facilitate healing, family group/community conferencing, restorative circles, sentencing circles, community based sentencing, and community restorative boards.

It is important to acknowledge the value of RJ for all aspects of life in TT – a nation that desperately needs healing. As Lode Walgrave says in his book: *Restorative Justice, Self-interest Responsible Citizenship*: “The application of its principles is spreading far beyond criminal matters, penetrating the regulation of disputes and problems of discipline in schools, neighbourhood conflicts, child welfare and protection matters, labour and business regulation, and even the resolution of conflicts involving systematic political violence.”

The Catholic Church is pleased to note that our Government is embracing RJ and is working towards developing and implementing an appropriate Policy on this issue. Together we must face the challenge of moving from vision/paper policies to action.

In this submission, I wish to focus specifically on the value of RJ to our Criminal Justice System (CJS). RJ is not a ‘soft’ option. Inter alia, as the Ministry of Justice Discussion Paper states, it addresses the experiences and needs of the victim, offender and the community. It encourages offenders to understand the real human consequences of their actions. It places the responsibility for the crime squarely in the hands of those who commit the offence.

The Hon. The Chief Justice, Mr Justice Ivor Archie, said at the opening of the law courts in 2012 that our CJS is in “crisis” and that urgent remedies are needed to be put in place to improve the efficiency and productivity of the system. I submit that some of these remedies are to be found in RJ practices. However, as we know, RJ

is not a panacea for all our ills. Also, an RJ Policy cannot ‘stand’ on its own but must be linked effectively with others. There is no quick fix to our social ills. Since the causes of crime are many and varied, we need an integrated/multi-disciplinary/cross sector approach to address deficiencies e.g. in the CJS – procedural stumbling blocks, lack of a forensic approach to crime fighting, an inadequate prison system/police service etc. We need to re-engineer the Criminal Justice System (CJS). We currently focus too much on symptoms rather than the underlying causes of crime.

But what is RJ? I like the working definition outlined by Howard Zehr, a key restorative justice theorist and practitioner: “restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.” (The Little Book of Restorative Justice: Good Books, 2002), 37). As Kurk Dent, SJ, said in his paper: *Restorative Justice and Catholic Social Thought: Challenges as opportunities for society, Church, and Academy* (Lane Center for Catholic Studies and Social Thought, University of San Francisco):

“Zehr’s definition already hints at an important aspect of restorative justice: theory and application are interwoven. Restorative justice is, in this sense, fundamentally a praxis – a dialectic of thought and action – as are key of tenets Catholic social thought such as subsidiarity, solidarity, preferential option for the poor.” He rightly refers to the fact that “In the U.S. Bishops’ *Responsibility, Rehabilitation, and Restoration*, 21-25, the section on the “Scriptural, Theological, and Sacramental Heritage” of the Church’s approach to crime and criminal justice specifically identified the importance of various tenets from Catholic social thought, namely: *Human Life and Dignity; Human Rights and Responsibilities; Family, Community, and Participation; The Common Good; The Option for the Poor and Vulnerable; Subsidiarity and Solidarity.*”

Since these are the foundations that underpin our work on CCSJ, RJ forms an integral part of our work as we strive to promote justice, truth, love, freedom and forgiveness, the pillars of peace. RJ can work in TT because there are enough good people who agree with the concept/underlying principles of RJ to make it work. We just need to ensure that there is a comprehensive national policy, to which all will be encouraged to subscribe – including faith communities. This policy must be linked to an implementation plan that will have as one of its aims, creating a culture in which RJ can prosper. It will take some time to move from a culture of

retribution/punishment to one of healing/restoration, but it is possible to make this shift.

We can draw on past experiences of some ethnic groups, such as the Indian community who practised the Panchayat system. The experiences of this system can still be recalled by the older generation – including my father, Balgobin Ramdeen, who is 89 years old. This reminds us that RJ is not a recent invention. As the literature shows, it has existed in one form or another among indigenous peoples for many generations e.g. in New Zealand and North America.

Sadly, the culture of violence that currently pervades our country and which threatens to overwhelm us, is not being addressed effectively. Violence begets violence, and so crime plans that focus mainly on meeting violence with violence will not work. For RJ to work effectively, all stakeholders need to ‘buy-in’ to the concept. In an environment in which politicians, in particular, constantly bay for blood, and use the hangman as a bogeyman whenever there is a spike in crime – rather than try to find more effective ways of dealing with crime and violence, it is going to be quite a challenge for us to implement an RJ approach to the CJS.

We should act on the recommendations contained in documents such as the UNDP’s 2012 *Human Development report: The Shift to Better Citizen Security*, which clearly states that we need to rethink our crime strategies and seek a better balance between legitimate law enforcement and preventive measures – with a focus on prevention. Preventive measures require us to develop a clear understanding of what RJ entails.

There are positive developments on which we can build in TT e.g. the various Mediation initiatives that have been introduced in our CJS. In February 2014, the Catholic Church launched a Mediation initiative in San Fernando: *Community Peacemakers*. Plans are in train to introduce this to other areas. CCSJ has been involved in running awareness-raising programmes on RJ e.g. introducing ways in which communities can support victims of crime and their families, as well as offenders and their families.

An essential aspect of RJ involves self-examination/evaluation. Each of us must accept responsibility for our actions. We must reflect on ways in which we are contributing to the crime situation and ask ourselves what we can do to reduce crime.

CCSJ has contributed to Conferences/Seminars on RJ e.g. the 2012 ICOPA Conference. We have run training sessions for Prison Officers and, have collaborated with the Trinidad and Tobago Reintegration Foundation to establish the Anthony Pantin Reintegration Centre in San Raphael where we assist former inmates to be reintegrated into society. The Catholic Church teaches that punishment for a crime, “in addition to defending public order and protecting people’s safety, has a medicinal purpose: As far as possible, it must contribute to the correction of the guilty party.” (*Catechism of the Catholic Church*, no. 2266).

TT’s Inspector of Prisons, Daniel Khan says, **74%** of former inmates re-offend within 3-5 years of leaving prison. Clearly, what we are doing is not people-centred enough. The revolving door keeps leading many back into prison. The challenge is to prevent persons going through the door in the first place.

To meet these challenges, we must link RJ to our attempts to address the risk factors that contribute to crime e.g. poverty, urban decay and social exclusion, family disintegration, poor parenting, lack of quality education and employment, poor housing, the proliferation of guns, drugs and gangs in TT. Let us use RJ also to champion morals and values in society; promote more effective governance, accountability and transparency; deal with corruption/white-collar crime at all levels.

CCSJ calls on the national community to embrace the concept of RJ. Let us all play our part to use RJ to promote crime prevention, restore a sense of community and build the common good. May God bless our Nation.