

COMMUNITY MEDIATION AS AN INSTRUMENT OF ACCESS TO JUSTICE, PACIFICATION AND SOCIAL INCLUSION: THE EXPERIENCE OF THE PROJECT “MEDIATION HOUSE OF CEARA STATE, BRAZIL” - LÍLIA MAIA DE MORAIS SALES/UNIFOR/MEDIAÇÃO BRASIL/BRAZIL

Mediation is a consensual way of conflict resolution in which a third person (mediator) – chosen or accepted by the other two –acts to stimulate and facilitate the resolution of a disagreement. The subjects involved are responsible for a decision that suits both parts, utilizing dialogue as their major tool.

Community mediation consists of mediation of conflicts in the periphery, offering the less fortunate access to justice and strengthening of their citizenship by means of conscientiousness of rights and prevention and resolution of conflicts. The main goal of community mediation is to develop population values, knowledge, beliefs and behaviors that lead to a democratic conduct and promotion of a culture of peace. This will then lead to better understanding and tolerance of common problems that cause disturbance in a specific community.

In community mediation, volunteers from the community are capacitated to act as mediators and work for the well being of all. This activity requires dedication of time and a sense of collectivity. Community mediation is complementary, offering everyone the possibility of resolving conflicts without a financial burden.

The mediator participates effectively in the life of their society and will usually pass on to other member of the community what they were taught when trained to be mediators. This propagates knowledge of mediation in the community.

In Ceará, Northeast Brazil, the state government developed a project entitled “Community Mediation House (CMH)”. There are currently six mediation houses in Ceará. Of those, four are located in the Capital - Fortaleza (districts of Pirambu, Parangaba, Tancredo Neves and Barra do Ceará), one in the metropolitan region (City of Caucaia) and one in Juazeiro do Norte, south of the State.

The mediators are trained in seminars sponsored by The Justice and Citizenship General Office and carried out by the Mediation and Arbitration Institute of Ceará, as a result of collaboration between these two institutions. The mediators are taught to carry on their citizenship by prevention and resolution of conflicts arising in their community.

In a study published by the directory board of the oldest CMH (Pirambu), it is shown that in the period of September/99 to December/04, 18.000 (eighteen thousand) consults were done and more than 6.000 (six thousand) mediation trials were activated.

Of all the CMH of Pirambu trials activated, approximately 60% reached their goal, 18% discontinued the trial, 16% were taken to a higher level and 6% did not reach their goal.

Keeping in mind that reaching a goal or taking to a higher level are both ways of conflict resolution - the first solves the problem per se and the second indicates means of solving the conflict (information and conscientiousness), almost 80% of the conflicts mediated by Pirambu CMH were solved.

The most common disputes in the Pirambu Community are familial (feeding pension, child guardianship, marital conflicts), neighbor conflicts, financial debts and labor conflicts.

Social inclusion and pacification are achieved by offering individuals the opportunity to have a supervised and oriented dialogue that will give them insight into their conflicts as well as feasible solutions.

Community Mediation allows people who have conflicts to evaluate the consequences of their behavior and question the true reasons for their problems. Through dialogue, they are helped to differentiate between superficial and real conflicts and are stimulated to change their attitudes and search for different alternatives to solve their problems.

The Community Mediation Center allows social inclusion by means of actively engaging individuals in political decisions. The mediators are responsible for preventing and resolving conflicts of their own environment. The other members of the community are guaranteed a geographic place that offers free access to justice and is designed to resolve conflicts as they come along.

The CMH offers access to justice in two major ways. 1) It deals with conflicts that otherwise would not reach formal justice (Judiciary powder) due to financial burden or lack of time/space and 2) The data from the CMH in Ceara show that 60% conflicts are successfully resolved through mediation.

The CMH are centers of discussion, prevention and resolution of conflicts. This is mostly achieved by effective communication. Community mediation is a democratic institute that offers marginalized subjects access to justice. Through guidance and conscientiousness of constitutional rights, community mediation facilitates resolution of problems simply by promoting effective dialogue among the community members, ultimately resulting in social peace.