

Courts in Brazil use clergy to mediate conflicts

by [Janet Tappin Coelho](#) in the [May 25, 2016](#) issue

A pioneering mediation program in Brazil is helping the judicial system reduce a backlog of cases overloading the country's courts by getting religious leaders involved in resolving conflicts between families and neighbors.

The *Mediar e Divino* (To Mediate Is Divine) pilot project in the state of Goiás has started training Christian clergy on the legalities of addressing disputes.

"Brazil is a highly religious society, and it dawned on me that along with a mission to evangelize, religious leaders also have a mission to reconcile and pacify citizens," said Paulo Cesar das Neves, the judge responsible for setting up the program.

Every year, hundreds of community disputes end up in the courtroom. According to the Department of Justice, there are between 105 million and 200 million civil cases caught up in the national judiciary, with hundreds of thousands taking anywhere between two and ten years to reach a court hearing. In 2015 the state of Goiás alone registered over 800,000 legal cases.

The new clergy-led mediation program, which started its second training session in March with 21 clerical representatives, offers an arbitration route in the surroundings of a church hall.

Participants in the course have been recruited through word of mouth and on recommendation from others who believe they possess the right disposition of patience, impartiality, and analytical ability.

The course, approved by the National Justice Council and run by law experts based at the Courts of Justice in the state of Goiás, involves about 40 hours of legal theory and 60 hours of supervised practice, including simulated conflicts. So far the pilot program is being paid for by the justice courts in Goiás, but it is unclear how much it will cost the government once fully implemented or what kind of savings it might accrue.

Many of the cases being brought before clergy and lay preachers include marital issues, child custody, failure to pay child support, and disputes between neighbors. These cases are typical of the disagreements progressing through Brazil's notoriously slow judicial system.

Approximately 130 mediation sessions have been held since the free, voluntary sessions began a month ago, with 90 agreements resulting in a 70 percent conciliation success rate.

According to Pew Research Center, Brazil is among the most religious countries in the world with an estimated 123 million Roman Catholics and a growing Protestant community of 42 million people in a nation of some 200 million. It is also a country of diverse religions such as Candomblé and Umbanda, which draw on African spiritual traditions mixed with elements of Roman Catholicism.

All are represented in the training sessions, said Marielza da Costa, one of the instructors on the course.

"When we started I expected to meet some resistance from those attending the training because of religious differences," da Costa said. "The first session brought together 14 leaders from different denominations, and to my surprise I came across people speaking one language and promoting one message. On all occasions they have performed with a united approach, using their religious knowledge and legal teachings to reach a common point and social peace."

Miguel Bernardino Viveiros, pastor of the Senador Canedo Baptist Church in Goiás, joined the second course last month and said his ministry will benefit.

"This training brings justice closer to home and will help us reach out, not just to our congregation, but to the wider community about living peaceably," he said.

The prospect of taking the plan nationwide is in the works.

"We want to replicate this project and spread it throughout the whole country," das Neves said, "because in Brazil every town and every neighborhood has a church."

Cíntia Lopes, who lives in Aparecida de Goiânia, the second largest city in Goiás, said she was "thrilled" to find this type of service.

Divorced from her husband seven years ago, she hasn't received child support for their eight-year-old daughter.

"After he refused to make any payment, I felt forced to take him to court three years ago," Lopes said. "The lawyer was expensive, and the case dragged on for over two years before it was heard. In the meantime I had to borrow money to put food on our table."

Her ex-husband was ordered by a judge last year to back pay a negotiated sum of thousands of dollars under Brazilian alimony law and to contribute 33 percent of his earnings toward his child's care or face prison.

Despite the ruling, he still hasn't paid. Reluctant to put her ex-husband behind bars, Lopes was relieved to discover a nun and a priest at the Catholic church she attends, Santa Terezinha do Menino Jesus, had just started scheduling To Mediate Is Divine hearings.

"They set up an appointment for us to meet within a few days," Lopes said. "After an hour and a half of discussion and reasoning, my ex-husband promised to pay what was owed."

The agreement is legally binding and forwarded to a judge for approval. In the case of noncompliance, the mediators can either recall the defendant or the judge can intervene.

"I really felt encouraged by the professional way it was handled," Lopes said. "I'm now hoping he will finally start paying and prove this way of mediation really does work." —Religion News Service

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