



# Report

on the

## **Consultation on Restorative Justice and Violence Against Women**

**February 8 and 9, 2001**

Prepared for

The Consultation Participants  
The Department of Justice, Saskatchewan  
The Law Foundation

Compiled by

Saskatoon Community Mediation Services



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# Consultation Report

Consultation on Restorative Justice & Violence Against Women, February 2001

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## **I. PURPOSE**

The purpose of the Consultation on Restorative Justice and Violence Against Women was:

To contribute to decision-making for the Province of Saskatchewan by continuing the dialogue about restorative justice processes and offences which involve violence against women.

To continue the dialogue by making recommendations on the first of the following questions, and, if the first question has an affirmative response, then to proceed with recommendations on the remainder of the questions.

1. Is it possible to ensure safety in restorative justice processes (mediation, conferences, circles) for women who have been affected by a violent offence, such as sexual assault or spousal assault?
2. What would be required to ensure such safety?
3. If safety can be achieved, what community/institutional resources and expertise would be necessary to prepare women and their abusers for such face to face encounters, to facilitate the encounters and to provide for follow through on any agreements that might be reached?
4. If safety can be achieved, how should the criminal system be changed in order to allow for appropriate restorative justice processes for women who have been victims of violent offences?

## **II. METHOD**

An Underlying hope of the consultation was to build bridges across the diversity and experience and contexts represented by the participants. The spectrum of context and experiences included women who have experienced violence and their supporters, people who work in programs based on a restorative justice philosophy, and people from First Nations and the Métis Nations.

The planning committee carefully choose a process that it hoped would promote an ethos of respect and safety. The aim was to provide an atmosphere where people could fully express their differing experiences, feelings, and opinions and thus make the consultation as rich as possible.

## **III. HISTORY**

The consultation stemmed from a PATHS Conference in April 2000, which began a discussion for ways to continue the dialogue in regard to how the restorative justice program may be extended into offences related to violence against women. SCMS staff

began to speak with representatives from the Sexual Assault Centre, Sexual Assault Services of Saskatchewan, Saskatoon Tribal Council, Interval House, PATHS, Elizabeth Fry Society, Saskatoon Family Support Centre, John Howard Society, Victims Services, Department of Justice of Saskatchewan as well as other organizations. In September, representatives of these and other groups began to meet and decided that dialogue needed to continue and that SCMS would be the appropriate agency to facilitate the consultation.

The dialogue is important for many reasons, including the fact that SCMS is working increasingly with more serious offences that may involve sexual assault and spousal abuse. It is also important for First Nations, Métis Nation, and Inuit peoples as they strive to reintegrate offenders while respecting and supporting the victims. Also, there needs to be an increasing amount of understanding between women's advocacy groups and restorative justice programs to ensure that women will not be re-victimized by the restorative justice process.

The Department of Justice of Saskatchewan is interested in community guidance with regard to the direction it takes with offences related to violence against women. These offences are currently precluded from the Sask Justice Diversion Guidelines, which govern referrals at the pre and post charge stages. Such offences may, however, be the subject of sentencing circles or extra-court community based processes.

#### **IV. PROFESSIONAL AND GEOGRAPHICAL PROFILE OF THE PARTICIPANTS**

The organizational profile of the participants was divided into six broad categories. We realize that many organizations could fit into more than one category, but we are simply trying to give a general profile of the participants. The first group falls under Community Justice programs from which approximately fifty-four participants were represented from this category. The second category of participants was Tribal Councils, First Nation Organizations and Métis Nation Organizations; twenty-nine participants were in this category. Twenty-four participants represented women's advocacy and support services, and four participants represented the Police. The Government had nine representatives, and there were three professionals in private practice at the consultation. Finally, three University students attended the consultation including a Master's student and two pursuing undergraduate degrees.

Most of the participants were from Saskatchewan, approximately one hundred and thirty in total. Out of these participants, approximately fifty-three came from outside of Saskatoon and Regina. The consultation did attract participants from outside Saskatchewan as well, four participants came from Alberta, three from British Columbia, and one from each Ontario, Manitoba, and Washington.

## V. SUMMARY OF THE DISCUSSION: (i) SUMMARY OF SPEAKERS' PRESENTATIONS

Helen Smith McIntyre – “Introduction: Explanations of Terms and Practices.” (Please see Appendix A for full text.)

Restorative Justice in relation to criminal offences is a *philosophy* that reflects a belief that justice should, to the greatest degree possible, do the following:

1. Invite full participation and consensus (which means voluntary participation of victim, offender and others, who have been affected by the crime, including community and family members)
2. Heal what has been broken
3. Seek full and direct accountability
4. Reunite what has been divided
5. Strengthen the community, to prevent further harms
6. Be respectful to all involved
7. Consider the societal and personal issues underlying the crime (eg. racism, sexism, poverty)

Reference: Susan Sharpe. Restorative Justice: A Vision for Healing and Change. Edmonton: Edmonton Victim Offender Mediation Society, 1998.

Jan Turner – “*Restorative Justice and Offences Related to Violence Against Women: Saskatchewan Justice – Policies, Procedures and Future Possibilities*”

There is a “criminal justice continuum” that holds opportunities for victims, offenders and communities. The Adult Alternative Measures programs are only one section on the spectrum.

Currently, policy only covers criminal cases, not cases in Family Law or Civil Law. Even within Criminal Law, some offenders and offences are still excluded. Cases excluded from consideration include sexual assault, child abuse and family violence cases.

There is variation from community to community in terms of how program is carried out, but a standard is still needed that will ensure safety and respect.

The discussion of restorative justice and violence against women is important because ways to assist women who have experienced violence to find healing are much needed and because there are a huge number of cases involving violence.

Saskatchewan Justice is not prepared to re-write the policy so that family violence cases “will flow automatically”. However, it is a priority to provide “more opportunities for healing”.

Virginia Fisher – *“Review of the Key Elements of the Restorative Justice Conference hosted by PATHS, April 14, 2000”*

On April 14, 2000, PATHS hosted a conference on restorative justice. Eighty-five delegates participated. Ten speakers, who came up in panels, addressed the questions “Should Saskatchewan Justice allow the institution of restorative justice strategies in cases of violence against women and should they do it for all of Saskatchewan or should they do it for certain communities or certain circumstances?”

The speakers were followed by an open-mike question period. Discussion centred around whether or not restorative justice should be used in cases of violence against women. People who believed the answer is “no” were speaking only for those violence cases and were not intending to say that restorative justice is not a viable option at all.

The conference participants engaged in questions and comments around the topics of community, safety, necessary resources, concerns, family, what it is like for abusers to go through restorative justice processes compared to the court system, and patriarchy.

Dory Cook – *“An Aboriginal Women’s Perspective of the Issues of Gender, Culture, Socialization and the Impact of Violence on Women”*

Dory shared the story of her personal journey as a woman who was subject to violence while growing up and also in her adult life and stories from her professional life. She began working professionally in the community in 1976 and has been working from an Aboriginal perspective for many years. She understands her work through her perspective as a victim and as a helper.

Dory works as a therapist, with men, women and children, and presently is working with people who have been through the residential school system. She uses talking circles as a healing process. She works with people individually and then she brings them together.

Dory explained that from her experience, abusive men need honesty and caring. As well, people need to understand history and imbalances of power in order to understand violence against women. Dory was desensitized to the violence because she was in it and didn’t realize it was happening until she was educated about it.

Education was stressed as a major factor so that people understand the dynamics of violence. Society does not understand the issue of violence against women. For instance, an example of violence against women occurs at Legal Aide when lawyers are not listening to women and the police are talking down to women. This is a part of the violence.

Susan Hossack – *“A White Women’s Perspective of the Issues of Gender, Culture, Socialization and the Impact of Violence on Women”*

Susan Hossack began by saying that all women are faced with sexism and systematic power imbalances. However, she added that women can experience multiple oppressions such as sexism and racism, or sexism, racism and classism, or sexism and homophobia.

Referring to an article by Tracy Muggli, she explained that gender relations are always relationships of power and that this dynamic is important to acknowledge in mediation theory and practise. A gender-neutral approach is risky because it disregards the context and effects of abuse and the reality of self-defence for women.

From her professional experiences, Susan concluded that mediation should not be happening in cases where there is domestic abuse, unless the female party is really insisting on it. Even if she insists on it and feels she knows the risks, we need to build in some safety mechanisms.

Susan’s concern stems from seeing cases in which violence against women increased because of the mediation process, and the inability for abused women to speak freely in mediation for fear of retaliation from their partners. Speaking from her personal experiences, Susan added that often an abuser’s public and private behaviour could be totally different, so that nobody really knows what’s going on behind closed doors.

In some cases, Susan noted, women abuse men as well, but often it is about her coping with his cycle of abuse, not about her own cycle.

Helen Smith-McIntyre – *“A Personal Account of a Woman Who Has Been Impacted by Offence(s) and Her Experience of Face-to-face Meeting(s)”*

Helen Smith-McIntyre opened by explaining that her story was not about a criminal matter or about restorative justice as it relates to criminal processes, and she started into a monologue of her story.

“They said it wasn’t an abusive relationship. He never hit you, they said. But what about the words?” Helen went on and wove a story of abuse by her husband. Nobody held him accountable, in spite of counselling, and she finally left him. But, before it was all over, she agreed to enter into mediation with him.

Helen’s second story was of abuse by the mediator of their case. When her husband declared he was leaving and had quit his job and had no money, the mediator turned to her and said, “Looks like you have no power here.”

The third story that Helen shared was a story of abuse in her work place by two co-workers. And the story of a conflict resolution facilitator who didn't address her needs in the situation.

Helen concluded her monologue, "Wiser now. I'll choose my ways. I'll control the process. No face to face."

Gayle McNab – *"A Personal Account of a Woman Who Has Been Impacted by Violent Offence(s) and Her Experience of Face-to-face Meeting(s)"*

Gayle McNab shared the story of how her journey of healing began when she connected with David Gustafson and Sandi Bergen at Fraser Region Community Justice Initiatives, Langley, B.C. Gayle was living with a difficult legacy due to the history of physical and sexual abuse by members of her large family.

Even though she had already had a brief introduction through her friend, Gayle's first reaction to learning about Dave's work was disbelief. At the time, harbouring a lot of hate, she believed the way to handle violent offences was to lock the offenders away. But as conversations with Dave continued, she was able to express curiosity in the stories of offenders. Eventually, with almost a year of preparation, arrangements were made for a face-to-face meeting with a group of sexual offenders. They were "surrogate" offenders since it was not possible, due to some deaths, for her to meet with her own offenders.

So she went and shared "her pilgrimage from hate to hope". Gayle highlighted the opportunities she had to stop the process and the control she was given by Dave and Sandi through information and preparation, although she acknowledged that in spite of all the preparation there were no guarantees of safety. A highlight came for her when she heard of an offender who had begun to take responsibility for his actions after hearing her speak.

Speaking to the sexual offenders has been about taking back her life and taking back power, for Gayle. Over the years of working through her own healing process, she has come to believe that she's a "worthwhile, clean, whole person who has her own loveliness" and she has begun to shed the messages of shame and guilt and to give them back to where they belong.

Gayle is hopeful that some of these men will begin to know the harm they've done. She has seen some evidence of them "getting it." As well, she recognizes that some things can't be restored, and, in that way, restorative justice is a misnomer. Transformational justice has been suggested as an alternative term.

Gayle has also seen some of the common themes that both offenders and victims share like fear and vulnerability. She maintains both empathy for offenders and strong

support for victims in terms of advocating for providing protection in every way possible. She's struggled with the tension between these allegiances.

Gayle concluded that, although she could not say enough good about how her face-to-face meetings and processes have gone, she has many cautions. She would not recommend restorative justice processes to everybody. She is only saying that it was healing for her.

Georgina Jolibois – *“An Aboriginal Perspective of Strategies That Address the Safety of Women Impacted By Violent Offences In Preparation For and During Restorative Justice Processes”*

Georgina explained that she sees restorative justice as the responsibility of each individual to take a healing path. With choosing a healing path, she acknowledges that the choices presented are tough, and that sitting face-to-face with offenders takes courage, strength and love. It is especially difficult when the offender being faced is a family member or partner.

It is also important to deal with offenders in a restorative way, especially in Aboriginal communities, where offenders are often relatives. Both victims and offenders need to take the healing path in a community.

Georgina pointed out that although the Criminal Code of Canada is important in preventing further disharmony and pain for other minorities in Canada, it presents some challenges to taking a restorative approach. For example, police are limited in what actions they are able to take when responding to a complaint; victim's needs are not taken into account in court proceedings; and often programs aimed at helping victims are limited by resources and may not be culturally supportive. These factors and more lead to a system that is not victim-friendly.

Responsibility for healing and to work towards a victim-friendly system lies with those who work with victims and offenders, from judges to lawyers to the agencies to the individuals to the community. For those, like Georgina, who have committed themselves to a restorative, healing approach, it is important to make allies in the system to discuss and make changes towards emotional healing, community-building, and sensitivity to culture and gender.

Georgina concluded by saying that, although taking the path of restorative justice in the judicial system may seem overwhelming, it is possible to move ahead one moment at a time. She sees hope in the increasing participation at all levels of government, organizations, and the increasing involvement of men.

Gayle McNab – *“A White Perspective of Strategies That Address the Safety of Women Impacted By Violent Offences In Preparation For and During Restorative Justice Processes”*

Gayle began her presentation by saying, “And the thing that needs to be addressed is the harm done, not the crime done.” We need to build bridges between restorative or transformative justice and legal justice so that they can work together.

In face-to-face meetings, it is important to guard against manipulation of the victim by checking in with the victim during the dialogue and by empowering them to stop the process if that’s what they need, as well as normalizing the emotions that victims feel.

Gayle noted that forgiveness is a sensitive issue. For her, it is not about absolving the offender of responsibility or consequences. It isn’t keeping silent and it isn’t necessarily about restoring the relationship. But some victims and offenders have worked it through well enough, for example, to speak publicly about their mutual experiences.

Gayle also listed some of the needs of the victims from a group she leads that were defined by the victims themselves. Some of them included needing a public place, needing to write her agenda down beforehand, and needing a table in between. Gayle indicated that she has found that many of the group members need to be reminded to be “selfish”, to take care of themselves. For Gayle, looking at her experience of healing as a pilgrimage has been a way of meeting some of her personal needs.

Gayle went on to emphasize that although restorative approaches worked for her and although she’s seen it work for other people, she doesn’t judge any one for whom a face-to-face meeting doesn’t work. The face-to-face meetings that worked for her personally were “surrogate” situations and were different than situations where a victim meets their own offender.

Gayle concluded with references to empowerment and the importance of empowering victims to focus on their own healing and not to worry about the offender, to survive the memories, and to be free of worrying about what other people think.

Helen Smith-McIntyre – *“An Account of a Restorative Justice Based Program in Saskatchewan and Its Strategies for Providing Safety for Women If Cases Involving Increasingly Violent Offences Are Accepted”*

Helen Smith-McIntyre works for Saskatoon Community Mediation Services (SCMS) and explained that SCMS works with restorative justice, conflict resolution and mediation. SCMS offers an Adult Diversion program, a Parent-Teen Mediation program, a Community Mediation program, Mediation and Conflict Resolution Training programs, a Peer Mediation program, and works on public education projects.

Currently, within the Adult Diversion program at SCMS, the cases referred are screened by Saskatchewan Justice Diversion guidelines, and so any offences that relate to violence against women are precluded. SCMS staff routinely meet clientele who have experienced violence, but they work very hard to avoid bringing the perpetrator or abuser together. The priority is to support the women who've been abused and to begin the healing process. One of the dilemmas for SCMS is access to support services in the city and SCMS is looking into providing some of these services in-house.

In terms of dealing with cases that involve violence against women, SCMS is working at further research and staff training to prepare staff to work with more serious, more violent offences, in consultation with Dave Gustafson. This work is not funded by Saskatchewan Justice and does not fall within Diversion guidelines.

Helen concluded by sharing her personal and agency perspective that if we move ahead with cases involving more violent offences then all the safety mechanisms that have been talked about here must be in place. Even then each case must be decided on a case-by-case basis in which SCMS's "calls will always be for the victim and for the victim's safety."

Wanda Gamble – *“An Account of a Restorative Justice Based Program in Saskatchewan and Its Strategies for Providing Safety for Women If Cases Involving Increasingly Violent Offences Are Accepted”*

Wanda Gamble works with Prince Albert Alternative Measures program and works mainly in the area of adult victim-offender mediation. In the program, there have not been any family violence cases, but there have been cases where family violence issues are revealed once the mediation has started. “My concern as a mediator is how do I effectively do a mediation for a common assault when there's all these underlying issues?”

Wanda also sees a good side to mediation and gave the example of face-to-face process initiated by a woman sexually assaulted by a family member. The woman indicated her need to meet with the family member and Wanda arranged a meeting where the woman let him know everything that had been built up for a long time. Although the woman's family member never acknowledged throughout the process that he had done anything to her, several months later the woman thanked Wanda for coordinating the face-to-face meeting for her, saying, “I was able to let go after I met with him. I do see good in that process.” Wanda added that support services were in place before, during and after the meeting.

Roxane Brass – *“An Account of a Restorative Justice Based Program in Saskatchewan and Its Strategies for Providing Safety for Women If Cases Involving Increasingly Violent Offences Are Accepted”*

Roxane Brass works with the Yorkton Tribal Justice Unit. She shared that she is a survivor of sexual abuse. She dealt with the abuse through traditional ways, not through police or legal involvement. She learned to put the onus back on the person responsible, which is what mediation does, and she has seen circles where it has done very well for the person to meet with their offender. There is honour and respect in a circle, especially for people who believe in traditional values and traditional ways, and powerful dynamics that are hard for non-spiritual people to understand. The restorative justice process is not just a restorative justice process from a First Nations perspective.

Every person has the right to speak for him or herself in a circle. When there is police involvement, the woman has no voice in the process. There are whole communities who will stand behind a Native male abuser, not because they support his abuse, but because it's “an Indian versus the [non-restorative] system”.

Roxane explained that she disagrees with offenders having the option of going to mediation. It gives the offender, not the victim, control and may leave the victim with unresolved anger and pain. It is society's responsibility to have a context for women to go to their communities when they are first abused instead of ignoring it until someone is killed, and education about this is very important.

When asked by an RCMP officer how to get those First Nations people who have no spirituality to go to circles, Roxane explained that the court system should be used to support the restorative system. “They took our people away in cop cars to residential schools. If you have to bring them back to the circles in police cars so be it.”

What works for First Nations people does not necessarily work for everybody. First Nations people have a different spirituality, have more single-parent families, and need to teach their children to deal with their problems, “...not to separate and go somewhere else. What does that do for the next woman .. [the abusive] man lives with?” First Nations men used to be hunters and protectors, but now aren't needed, and their struggle with low self-esteem and no pride is also part of First Nations communities. Only the stakeholders in a community can define what works for a community.

Roxane concluded by highlighting the need for more resources and funding, for fewer time-constraints, and most importantly for the processes to be victim-driven.

Bevann Fox – *“An Account of a Restorative Justice Based Program in Saskatchewan and Its Strategies for Providing Safety for Women If Cases Involving Increasingly Violent Offences Are Accepted”*

Bevann Fox works with Regina Alternative Measures Program (RAMP) and, like the previous speakers, has run into cases where there are underlying issues other than the main offence. She said she would like to see changes in the system because by the time we hear about the tragic lives of those who end up in the court system, it's too late because they're already grown up.

Bevann shared that four years ago her son was murdered in Saskatoon. She had to go through the whole court process, but she would have rather faced the individuals responsible. "I would have had closure maybe, working towards that. And the courtroom was awful. No respect for my son's life. And I could see in these four individuals that they had no support."

In the Regina Alternative Measures Program, they try to keep people out of the court system so that they don't get a record and they are searching for ways to help their clientele by meeting regularly to discuss cases and to look for resources in the community. They keep the cultural context of each person in mind when deciding where they are going to send them.

Bevann concluded by saying, "I should be full of hate. And some people say, how could you just help people? It's because I believe in the process of Alternative Measures for youth and for adults because I've seen it work. Especially in our program in Regina, ... it's very successful."

## **V. SUMMARY OF THE DISCUSSION: (ii) SUMMARY OF QUESTIONS/RESPONSES FOR/BY SPEAKERS**

(Please note that because the amount of material was large, the below questions and responses are only examples of what was discussed and are not intended to be comprehensive.)

### Questions for Dory Cook

Question #1 for Dory: "Do you believe restorative justice is possible while keeping women safe or would you rather see it happen after legal sanctions are in place?"

- Dory: "I think that restorative justice is possible. But, if it is going to be, I would like to see the sanctions in place first. I would like to see the men doing their healing journey and the women doing their healing journey and bringing them together after it's a safe time to do that. I do couple's counselling and I bring them in for the first session just to set our boundaries up. And before we get started on the boundaries, they start talking about "She did this, I did this, you did that..." and I say "That is the reason we're going to talk about boundaries now".

Question #2 for Dory: "Are there particular issues around violence that are specific to Aboriginal women that would make restorative justice approaches inappropriate?"

- Dory: "Well, if it was done from the ideology of a white perspective. If it's done from the Aboriginal way that would be quite possible. If their belief system and cultural sensitivity is brought into it, that's quite possible. But I

wouldn't want to see the women or the men going into a system that doesn't understand cultural differences and the history of the First Nations people and where the dysfunction originated from – that was the Residential School system and the colonization and assimilation process.”

### Questions for Susan Hossack

Question #1 for Susan: “What kind of situation has mediation worked with in domestic disputes? Can you tell in most cases when mediation is not going to work?”

- Susan: “I haven't seen a situation where mediation has worked in a case where's there has been domestic abuse. That's just my experience, but that's what I've seen. ...What was the second part of that? I think that in the cases that I've seen that she hasn't been willing. So, that probably has a lot to do with it. And maybe the kinds of safety things that could be there and supports for her that could be there haven't been there too. But it's not been situations where she's really wanted to be there, it's been more other kinds of situations.

Question #2 for Susan: “Are you able to describe a situation where a woman who acknowledges she experiences abuse issues in her relationship did find the power balance when managed by the mediator - female or male mediator - found mediation a positive resolution?”

- Susan: “No.”

Question for #3 for Susan: “Since I hold the analysis that men rape and batter in their race and class and down; when you speak from a white woman's perspective, how do you acknowledge the privilege you hold while ensuring that the experience of Aboriginal women and women of colour is not lessened?”

- Susan: “How I can speak to that is that race and class really don't have much to do with abuse. One of the first things I did- let me qualify what I just said – when I first started working at the Family Support Centre was I went over to Wally's program at the Alternatives and asked Wally a few questions. And one of the things I noticed in the room was a map of Saskatoon and it had been covered in pins all across the city. And I said, ‘What are all these pins charting?’ And he said, ‘Well, we decided over the years to mark down the parts of the city that the abusers have come from in our program.’ And there wasn't a part of the city and, in fact, there probably wasn't barely even a city block that didn't have a pin on it. So what that told me is that it doesn't matter what culture you're from, what part of town you live in, how much money you have, what colour you are – there's probably someone around the corner that's abusive to your type of person. And that that happens across class and racial situations. It happens in all these different kinds of situations and, I believe, all around the world, in different flavours of patriarchy around the world. But it happens to women everywhere. From a personal perspective, ‘how can I as a white woman acknowledge the privilege I have while ensuring that Aboriginal women and women of colour's experience is not lessened?’ Well, I think it's something that I have to keep in mind all the time. I think it's just a mindfulness. But, it's also a

mindfulness about knowing how to do therapy keeping classism in mind. Because a lot of therapy stuff is by the middle class for the middle class or lower classes. There's a lot of that that goes on out there. And we need to keep those concepts in our mind I think and be really careful and mindful of these kinds of issues at all times when working with people. The other thing that I keep remembering, when I first started doing abuse work with women, 'You haven't been through this, so how can you work with this issue?' Well, you maybe haven't been through that exact same experience as that woman's been through. For example, I may not experience racism. I have experienced racism. But, not as much as say a First Nations woman would experience racism or an immigrant woman would experience racism. But, I have experienced sexism. I have been called a "b" [b\*\*\*\*] and names that insult my gender. And the feelings that come from those experiences are the same feelings. So, as long as I'm in touch with the feelings and knowing that none of us in this room has the same experiences. We all have different journeys and different experiences. But we are all human beings who have the same feelings. So if I can be empathic and compassionate to try to understand her feelings and validating and listening to her feelings. That's what I have to keep in mind. I won't have the same experiences as her. And, in some cases the people I work with may have more privilege than I do in some of these areas. It's about just being mindful of these different places as we go along."

- Rae Hart: "I'd like to respond to Susan's last response if I could. It's fine to say that you walked into Wally's office and say that there were pins on a map denoting violence right across the city in all neighbourhoods and all classes. But to say that undermines the reality that in Aboriginal communities the violence is at a rate of about 80%. It's not that in the non-Aboriginal community. Everyone in society gets to abuse Aboriginal people, particularly women. Okay, so I just wanted to point that out."

### Questions for Georgina Jolibois

Question #1 for Georgina: "Are there benefits to having domestic violence cases within the criminal justice system?"

- Georgina: "Absolutely. Restorative Justice has to work at all levels. If we were working toward healing and community building and community development, it has to work at all levels. Some domestic situations where it is clearly painful, very difficult, we must not be afraid and face it and walk through it, each and every one. When I look at photographs of a woman who's just taken out to the country. Being severely... forcible confinement, assaulted and all of that. And we give her the option – the only option is to go through the court process, which brings up more pain and more hurt. We need to provide the option of healing and that's where restorative justice will work. "

Question #2 for Georgina: “And I think this is a part of the same question. Can restorative justice processes provide adequate denunciation and deterrence? The meaning of denunciation – what that means is that does it say sufficiently that the crime that the offender committed is wrong and totally unacceptable, that that behaviour is not acceptable?”

- Georgina: “Certainly, responsibility and accountability is taken. It will be very hard to measure because there will be some results that are intangible, very hard to document. And so with that the approach of the tracking will be hard, but certainly from what I’ve experienced, when an individual takes a path to healing and accepting responsibility, guaranteed – I can say that guaranteed – that the victimization will lessen and being a part of community building occurs.”

Question #3 for Georgina: “Are victim-impact statements considered a measure of restorative justice, are they making a difference and are they working?”

- Georgina: “That I don’t know. Maybe Jan can answer that for me. Sorry Jan I don’t mean to put you on the spot. “
- Jan Turner: “With the question about are victim-impact statements considered a measure of restorative justice... No, not really. It is support for all victims in the criminal justice system. And one we encourage when appropriate for all victims. Most restorative processes by the nature of the process, provide quite an opportunity for victims to provide their views of what has happened, how they’ve experienced it and what they need to have happen for them to heal from it. Forms or the program itself is not really used in the restorative programs because it would be a duplicate of what goes on. Are they making a difference? I’m looking at Frankie... This is a fairly new program in Saskatchewan and it’s one we haven’t done a formal evaluation with yet but it’s something that’s planned for and we will be looking at how they are used in the traditional system.”

Question #4 for Georgina: “How can we make changes from an Aboriginal perspective in regards to allies and crown prosecutors? And I’m not sure if that means in regards to Aboriginal allies/crown prosecutors.”

- Georgina: “In my lines of work, what I have done is look for people internally at all levels, be it Indian governments, Metis governments, within the crown prosecutors and other levels, look for senior policy-makers who look for people who is [sic] supportive. For change to occur within those people, they have wanted to make the change. But the approach is really crucial. I’ve learned through my experiences. Presenting a teaching approach. Presenting a positive approach. Being negative, being forceful will guarantee, what in my experience, what I’ve seen, is that the issue will not be talked about. Taking that approach. That’s my opinion.”

Question #5 for Georgina: “Can you expand a bit on the differences between feeling safe and being safe?”

- Georgina: “Feeling safe is a personal thing. It is about how ... this is again my thinking and my feelings around this... it is about how I feel safe from morning to night going to sleep. How my feelings, my thinking, my perception... is my fear valid? It’s doing reflection every day. For example,

I'm afraid of the dark to go to sleep. This is just an example. And being in a safe neighbourhood, my feeling of being unsafe is invalid. There are security systems, there are people around, so there is at that level. Being safe, again, is being around people who are emotionally supportive, encouraging, validating, and being around people who are not abusive emotionally, physically, sexually, and other aspects. Emotional condescension, emotional abuse is very powerful. Every one of us in here has experienced it. Not just to us, but doing it to other people. To me personally, that's more not feeling safe, is that emotional condescension, emotional... the subtleties of getting the look, of being deliberately excluded, but with no explanation, but just getting the look. To me those things are more about feeling unsafe. Yes, there are the concrete ones. Physically getting away from the person who's physically hurting you. And there's the sexual abuse. No sexual abuse. No violence. That kind of stuff. So there are different levels. And there's another level too, the spiritual abuse. Each and every one of us belong or have some kind of faith, we may or may not. That's okay. That's an individual choice. But some of us belong to different faiths. In my line of work, I've witnessed that some different faiths follow the Bible. When there's shame, to me that's not feeling safe, because I'm feeling quite ashamed of who I am. I'm excluding myself from other people and stuff like that.

### Questions for Gayle McNab

Question #1 for Gayle: "How would you describe forgiveness? This is a problematic issue. You said what it is not. What is it?"

- Gayle: "I neglected to say what I thought it was and I'm going to read to you what I wrote down. Because I can only tell you what it is for me. For me it was giving up the responsibility to punish. I could never punish enough to make it right anyway and I got tired of dragging along all my offenders. I wanted to be free. I think I began to forgive at a point when I was about thirty. I woke up one morning and literally sat up in bed and said out loud – and you'll have to forgive my words, it's how it came out for me – was, 'They had half my life, but I'll be damned if I give them the rest.' It was about relinquishment for me. Saying I can't fix this, I can't change it, I can't change them, so I'm going to leave them to their own god, to their own shame, to their own guilt. And started, began to let go. It wasn't a one-time thing. I'm still doing it. I still grab a hold of them and throttle them in the neck, in my heart, soul or spirit or wherever that happens. It's just about me giving up my need or my right or my whatever it was to take revenge on them. And all the rest of it, I can't fix. I can't change the way I feel. I can change the way I think, little by little. But it was just really about saying it happened and they're responsible and I'm not. "

Question #2 for Gayle: "When you speak of victims interacting with their offender, are you referring to utilizing mediation as an alternative to traditional sentencing or are you

speaking about victim's impact where the issues of the offenders sentence is not part of the process?"

- Gayle: "Okay... no, I would never circumvent the legal process. I think it's there for a reason. It's not perfect, and I don't know that it's always the best option. But, no, we have laws for reasons and offenders need to face the consequences of the laws they've broken. When I talk about interacting with the offender, it's when all sorts of things have been put in place, when the law has done what it can and when this is going to be a healing process not... a face-to-face encounter is not about punishing the offender and it's about healing for the victim and possibly healing for the offender, but, no, I'm very clear on the law. The law has to take its course. So the sentence is always part of it. And that's – I'm speaking from what I believe and what I think – I don't know that everybody else thinks this way."

## **V. SUMMARY OF THE DISCUSSION: (iii) SUMMARY OF SMALL GROUP**

**SESSIONS** (Please note that because the amount of material was large, the below lists are only examples of what was discussed and are not intended to be comprehensive.)

Small Group Session – 1: What were the elements/key factors around the negative outcomes? 2: What were the elements/key factors around the positive outcomes?

1: What were the elements/key factors around the negative outcomes?

- ◆ Lack of education about Family Violence and the justice system and how it works
- ◆ Lack of training for the mediation (RCMP, Medical, Professional People, etc.)
- ◆ Not being ready (offender & survivor)
- ◆ A disbelief because of no proof
- ◆ Judgmental attitude, Lack of impartiality
- ◆ Blaming the victim for not agreeing with the mediation
- ◆ Does not recognize the balance of power
- ◆ What level of physical safety measures for the victim and offender
- ◆ Male offender (non- neutral) and male mediator (in charge)
- ◆ Women with less assertive voice

2: What were the elements/key factors around the positive outcomes?

- ◆ Room to opt-out at ANY stage
- ◆ Having support people; before, during, after
- ◆ Good training for mediators (examples - Compassion and Listening skills)
- ◆ Checking with victim at each step
- ◆ Readiness of the client
- ◆ Distinguished the behaviour between the person and their behaviour
- ◆ Has to be victim driven. Her choice, her control
- ◆ Educating police, social workers to respond quickly etc.
- ◆ Not focused on forgiveness, focus on safety of victim, focus on responsibility of perpetrators
- ◆ Not meeting actual offender (surrogates)

Small Group Session - If we were to imagine it was possible to ensure safety of women during processes based on restorative justice philosophy, what would we say are the strategies and actions that would foster keeping women safe? (from flip chart notes)

If it were possible... some strategies and actions would be:

- ♦ support women breaking silence in community
- ♦ understanding the impact in violence
- ♦ victim needs a stronger voice in the process
- ♦ court translation service in Aboriginal communities
- ♦ financial needs to conduct evaluation
- ♦ offender would know the impact they have on victims
- ♦ we would work holistically within community and province
- ♦ make changes to the criminal Justice System so that it focuses on both Aboriginal and Non-Aboriginal people
- ♦ make Anger Management and other support programs available to victim
- ♦ Government invest in survivor services that grow from grass roots

Some negative outcomes could be:

- ♦ re-victimization
- ♦ fear of hurting someone/other involved family members
- ♦ need of more support
- ♦ victims are involved before they are ready
- ♦ perpetrator not held accountable, allowed to minimize etc.
- ♦ perpetrator not done own healing or committed to
- ♦ not connected to other resources
- ♦ victim not supported through process
- ♦ no after care for perpetrator

Some positive outcomes could be:

- ♦ movement toward healing process
- ♦ victims control the process
- ♦ being asked what would make the victim feel safe, for example: location, support
- ♦ perpetrator accepts responsibility before process takes place
- ♦ timing, expected purpose to be appropriate to where victims are at in healing process
- ♦ connected to other resources and treatment
- ♦ address others that are affected for example children
- ♦ power imbalances need to be acknowledged
- ♦ perpetrators need to feel / know the purpose is to apologize and make amends
- ♦ victim should be given opportunity to speak to judge / should have say in sentence

Day Two, February 9, 2001

Small Group Session - Are there any changes we can make that will strengthen our list from Small Group Sessions on Day One? (key elements were reported on index cards)

## Role of Support People - Counsellors, Mediators, Social Workers, Elders, Front-line Workers

- +provide specific details of process and ensure understanding
- +recognition that this process is not for everyone
- +need to be follow-up and after-care after the face-to-face meeting
- +process goes at victim's pace (move forward as ready; breaks as needed)
- +victims should be educated with options available: informed of rights, informed of choices, victim impact statements, with options of adding to them
- +perpetrator accepts responsibility before process takes place
- +screening process to make sure that survivors are well aware of their options and educate them on the process
- +mediator needs to be aware of subtlety, objectivity, and know what they are
- +time for caucus
- +the follow-up: before, during and after the whole process
- +service-provider accountability
- +victim-generated referrals
- +training: specific and focussed training for person who will mediate cases - including internship and competency evaluation
- +consideration needs to be given to the type of community the process is taking place in and therefore what people are willing and prepared to do to support the process
- +practise run without the perpetrator – role-play

## Funding/Role of Elected Officials

- +generously funding healing initiatives
- +research dollars are spent on research and evaluation - enough dollars should be made available
- +the government allocates money for programs, staff agency for long term instead of on a yearly basis
- +government invested in survivor services that grow from grassroots
- +give more money to independent women's groups
- +give more money to agencies and individuals
- +affordable homes and child-care
- +alternative ideas to replace the current ADVERSARIAL criminal process
- +give victims rights not just offenders - involve them more throughout the entire process
- +change our laws to victim-survivor centred
- +putting individual needs before system needs, that is, statistics, results, budgets, and timelines

## Legal

- +victim should be given opportunity to speak to the judge - victim should have a say in the sentence
- +proceed with charges without victims testimony
- +make changes to the criminal justice system so that it focuses on BOTH Aboriginal and non-Aboriginal peoples
- +police (or everyone involved) to take anti-sexist, racist, ageist, etc training
- +create a balance - control in the system re: attitudes of victim/survivor, offender; ensure a balance of power
- +prosecutors take the time to speak and meet with victims to provide information and get their input
- +court translation service in Aboriginal communities
- +assessment teams in court to decide where the offenders go
- +dealing with charges quickly
- +we should give referrals to victims services
- +access to physical protection

## Healing - Victim, Offender, Community

- +victim, family and offender need healing services apart from just the legal sanctions before restorative justice
- +address others that have been affected e.g. Children, extended family, friends/supporters
- +recognition that different people (i.e. victim and offender) may be at different stages of the healing process
- +separate healing for victim and family and offender before restorative justice begins
- +goal is not bringing people together but helping them on their healing journey
- +understand spiritual needs of everybody
- +breaking the silence (don't speak, don't trust, don't feel)
- +there would be something in place to make sure offenders are sincere
- +healing BEFORE any face-to-face encounter - for victim and offender
- +no tolerance for violence
- +lots of independence women's groups
- +to support women breaking silence in community: financially, community actions - restorative justice replacing courts is questionable

## What is Restorative Justice?

- +summary: there is not a clearly defined definition of RJ and a real concern has been expressed that without this clarity you will all be moving in different directions believing we are "restorative justice"
- +adaptability of process
- +forgiveness would be better defined
- +remember safety is also a state of mind as well as environment
- +RJ is not an alternative to sentencing
- +appropriate amount of time for every case and for every stage of case
- +perpetrator needs to remain accountable - Restorative Justice not equal to lighter sentence
- +accountability to the courts
- +everyone who is involved in facilitating the "restorative justice" process has an informed feminist analysis and is fully versed on the dynamics of violence against women in their homes / sexual assault (including the cleaning staff)

## Community - Training, Support, Education

### Inter-Agency Co-operation

- +connected to other resources and treatment
- +survivor to have support from everyone through the whole process (including social services, judicial workers, community, correctional, police, shelters)
- +stronger connections between police, sexual assault centres, victims, victim workers, and all relevant parties (knowledge about what each service provides)
- +community support for women combined in educating police, social workers to respond quickly
- +parents, COMMUNITY organizations and individuals worked together with schools/teachers to eliminate violence and abuse
- +community support throughout to entire process
- +we need to make bigger usage and give more awareness of victims services

### General Education

- +start prevention as soon as possible (i.e. elementary schools)
- +provide education to community youth, law enforcement - Accountability is different than punishment
- +more education for professionals and victim friendly legal system
- +mandatory information on all media - regarding "Stockholm Syndrome"

- +a police force that is educated and sensitive to women's needs and issues
- +awareness of cultural differences
- +society who respects women (TV., music, print media, movies, etc... ←all negative outlooks on women)
- +offenders would know/understand the impact their actions have on victims, families and community
- +we need to get rid of the message that the victim needs to be "fixed and cured" from agency to agency

### Access to Resources

- +actual access to programs in communities and anger management - drug and alcohol
- +recognizing government organizations limitations (regulations, guidelines)
- +support in the community
- +resources, groups, shelters in rural communities

### Specific Training

- +Mediation/Resolution skills be taught in the schools in the health programs
- +make anger management and other support programs available to victim
- +train youth and teachers in schools and have them accountable for their behaviours
- +judges wanted to be gender sensitive/culturally trained
- +provide training to school children on respectful vs. abusive behaviours. Train the teachers also, and have them accountable for their behaviours
- +all justice employees be trained specifically on these issues, including police, RCMP, and Social Services
- +train the mediators, justice committees, court-workers... and monitor them
- +provide domestic violence training to all people involved in restorative justice processes and in the traditional justice system

Small Group Session – Consultation Question #3: If safety can be achieved, what community/institutional resources and expertise would be necessary: (a) to prepare women and their abusers for such face-to-face encounters, (b) to facilitate the encounters and (c) to provide for follow-through on any agreements that might be reached? (*from flip-chart notes from geographic groups*)

If safety can be achieved, what community/institutional resources and expertise would be necessary: (a) to prepare women and their abusers for such face-to-face encounters?

- ♦ complete information in advance for both
- ♦ create safe space and the amount of time needed to prepare
- ♦ increase knowledge in the community about family violence, dynamics and RJ
- ♦ prosecuting offenders without victim's testimony
- ♦ enough counselling support and healing time
- ♦ trained and culturally appropriate transformative justice workers
- ♦ the opportunity to choose to get involved or to have a surrogate
- ♦ look at accountability process for men (abusers)
- ♦ money for victim for counselling, childcare
- ♦ the victim has to come to a point of being empowered and to feel free to say no and walk away.
- ♦ a check to ensure the victim is not being coerced
- ♦ need 24 hr – 7 day a week service with all professionals available to support
- ♦ determine 1<sup>st</sup> if safety can be achieved (specifically for facilitator to decide)
- ♦ face to face encounters may work for Aboriginal people, questionable for other races
- ♦ outreach workers to inform of the process and prepare for meeting

- ♦ workers NOT be out of traditional institution based organization (community based)
- ♦ general education on causes of criminal behaviour
- ♦ not be an add-on (specific position and funding); not supplemental
- ♦ physical safety insured (i.e. not police, however police services – compassionate and informed)
- ♦ denunciation of act by society

If safety can be achieved, what community/institutional resources and expertise would be necessary: (b) to facilitate the encounters?

- ♦ no abuser can go without taking responsibility
- ♦ well trained sensitivity mediators with in-depth knowledge and skill level in family violence RJ and mediation
- ♦ safe place with a high level of comfort for all participants
- ♦ victim / survival controlled
- ♦ enough / adequate \$
- ♦ integrated case management
- ♦ the 3 levels (pre, during and post) of care need to be in collaboration
- ♦ ensure adequate time to complete the process
- ♦ parties need to be aware that an agreement is not necessarily the goal
- ♦ surrogate offender when needed
- ♦ process out in the open for everyone involved.
- ♦ once a year follow up
- ♦ choice of confidence for victim
- ♦ clear expectations on what the victim is hoping to get out of this
- ♦ C.B.O.'s that work from a feminist / holistic perspective
- ♦ since there is a high percentage of First Nation's People the Cultural sensitivity must be acknowledged

If safety can be achieved, what community/institutional resources and expertise would be necessary: (c) to provide for follow-through on any agreements that might be reached?

- ♦ effective communication between RJ program and victim
- ♦ trained facilitator who will ensure a monitoring plan is in place
- ♦ helping him or her locate if separation in a domestic case
- ♦ follow up interview with the offender about the relapse prevention plan
- ♦ offender (sexual) need a circle of support when going back into the community
- ♦ adequate resources to monitor follow-up, for counselling, recovery programs etc.
- ♦ extremely high level of commitment in the caregivers, and caregivers for the caregivers
- ♦ peer review for the caregivers, self-examination. Accountability for caregivers.
- ♦ larger social issues need to be addressed
- ♦ meaningful community connections to attend to and care about accountability in individual cases
- ♦ continuity with funding, people, and philosophy
- ♦ communication with survivors with regards to outcomes of restorative justice measures
- ♦ community consultation (regular)
- ♦ opportunities for healing for both
- ♦ whoever starts working with the victim/offender must be committed to follow through
- ♦ to continue on with the commitment
- ♦ to have a male/female team of highly trained facilitators
- ♦ more complex system for the more complex cases, dangerous and high risk offenders

## VI. CONCLUSIONS AND NEXT STEPS

### (i) Summary of Helen's Final Comments:

“ There was one outstanding question before lunch, that I wanted to just acknowledge again. The question was, ‘Who’s pushing it? Who’s pushing mediation?’ I’m not aware that anyone is pushing it. Other people may have other awareness that I don’t have. Some of my motivation in terms of bringing us together was that I know that mediations are happening outside of the controls of Sask Justice and this sort of restorative justice based program. So I hoped we could educate in a wide spectrum of areas in the event that they are happening. I know that for us in an urban setting we have quite a different approach to this. Particularly, in the White world. And I hear the First Nations voices. That they certainly see this very differently than we do. That family is important. And that community is important. And that healing and coming to some kind of wholeness through a holistic approach is important. I still do not have the sense that anybody is pushing this in terms of violence against women and those kinds of offences and restorative justice. Now that’s me speaking. From my experience, that’s where I think we’re at. Some people have asked about a report. There will be a report about the whole process. All the things that have happened in this room in plenary have been recorded. And when we check out the quality of that then that may be available to all of you for a price. But there will be a written report that will go out to everybody. And it will include pretty well all the written information we’ve gathered and collected on flip-charts and cards and so on throughout the last few days. So we hope to make it as rich and representative of the richness here as we possibly can.”

### (ii) Summary of Responses to the Evaluation Questions:

There were 56 responses out of 155 participants.

#### 1. Rate your learning experience during this consultation:

35 out of 56 people found the consultation to be a positive experience. 12 out of 56 were neutral and 6 experienced the consultation as negative.

#### 2. During this consultation what have you learned about “restorative justice”?

The evaluations indicate that some people were struggling to understand the principle of “restorative justice”.

#### 3. During this consultation what have you learned about “violence against women”?

Ten people out of the 50 who responded to the question said they had learned little or nothing. All others indicated that they had a deepening awareness and some indicated more commitment to the issues.

4. How has this consultation helped you to better understand different perspectives on the issue of Restorative Justice and Offences Related to Violence Against Women?

Ten respondents felt that they had not achieved a greater level of understanding of the different perspectives. All others indicated that they had better understandings of various perspectives.

5. Was this consultation a good opportunity to make contacts with other people? How so?

Four respondents said it was not. All others responded with a fairly resounding yes and gave examples of how they had made contacts.

6. How has the discussion at this consultation influenced your thinking in terms of using restorative justice processes in offences related to violence against women?

26 respondents gave clear answers about future directions. 18 said proceed with caution. Most cautions related to safety for women. 7 said "no" to the restorative justice process, and 1 said proceed and didn't name caveats.

7. What was helpful for you in allowing you to participate fully (including speaking and/or listening) and in making plenary and small group sessions a safe space?

A majority of the respondents felt as though the small groups and plenary sessions were safe and respectful, and gave participants a place to express their ideas and opinions. Three respondents said they did not feel safe in the groups because they sensed hostility or felt as though they were being judged.

8. Are there ways in which you think the consultation could have been more participatory and respectful in plenary and small group sessions?

Two major suggestions were for the facilitators to be more experienced and that an added stress on respect for other people's views may have been useful. Most respondents had small suggestions on how the process may have been smoother.

9. Is further discussion in Saskatchewan necessary? What would further discussion look like?

34 out of 56 respondents see the need for further discussion in Saskatchewan. However, most would like to see a refinement of the process and the discussion topics, as well as involve more people with a concrete background and knowledge in Restorative Justice. One respondent believed that Saskatchewan was not ready for further discussion.

Further comments, suggestions and questions:

Opinions were divided with regard to the process and logistics. The issue of racism and understandings of commonalities and differences between aboriginals and whites was raised several times.

(iii) Overall Summary of Conclusions and Next Steps:

The dialogue needs to continue and be expanded to include police, crown prosecutors and professional in private practice. The organizers were disappointed that these groups were not well represented at this consultation. This means that their voices are missing from the discussion. It also means that the community has developed some sense of awareness of the issues and that others have missed this.

With regard to participation, the organizers also wondered if the information collected from Friday afternoon was less rich and inclusive due to the fact that a number of participants left early.

The common opinions thus far seem to be:

1. that the current criminal systems are not working for women who are victims of violence,
2. that healing is important for perpetrators and victims,
3. that much more training is necessary and that many more resources are needed in order to ensure that victims are cared for in any process,
4. that women should be safe in any process which is used,
5. that more talking and listening needs to happen, particularly toward understanding the philosophical differences about healing, family and community between First Nations/Métis Nation and white people.

It may be in the end that we cannot agree on one process for Saskatchewan for offences related to violence against women but perhaps we can learn to better understand our differences.

## Appendix A

### Explanations of Terms and Practices

Consultation on Restorative Justice and Violence Against Women, February 8-9, 2001

Restorative Justice in relation to criminal offences is a *philosophy* that reflects a belief that justice should, to the greatest degree possible, do the following:

1. Invite full participation and consensus (which means voluntary participation of victim, offender and others, who have been affected by the crime, including community and family members)
2. Heal what has been broken
3. Seek full and direct accountability
4. Reunite what has been divided
5. Strengthen the community, to prevent further harms
6. Be respectful to all involved
7. Consider the societal and personal issues underlying the crime (eg. racism, sexism, poverty)

Some Models based on a Restorative Justice philosophy include:

1. Victim-Offender Mediation
  - Usually involves the victim, the offender and a mediator
  - May happen at any point in the criminal process
2. Sentencing Circles
  - Usually involves the victim, the offender, their support people, family members, community members, the judge, the crown prosecutor, the police and a facilitator
  - The purpose is to recommend a sentence for the offender
  - Happens at the post-conviction stage in the criminal process
  - If following Aboriginal traditions, an Elder may be present.
3. Family Group Conferences
  - Usually involves the victim, the offender, some family members, support people and community people, the facilitator, and may involve the police
  - May happen at any point in the criminal process
4. Community Accountability Conference
  - Similar to #3

### Diversion

Diversion means a criminal case has been diverted out of the court system to be worked through in a different way. The different way may include a process based on a restorative justice philosophy. In Saskatchewan, diversion programs are governed by guidelines and the diversion happens only at a pre-charge or post-charge stage in the criminal process. Currently, cases involving charges related to spousal or sexual assault may not be diverted out of criminal courts in Saskatchewan

### Alternative Measures

Alternative Measures could involve any of the above models but might also include practices like electronic monitoring, which is not necessarily based in restorative justice.

### Outside of Criminal Courts

Mediation circles and other face-to-face processes do happen in relation to Family Law cases, Civil Court cases and in other situations outside of any court process. These settings also need to consider safety for women who have experienced violence.

### Violence Against Women

Violence against women is about men wanting to have power and control over women. It includes actions of physical aggression, sexual abuse or assault, psychological control or manipulation, verbal, emotional, social or spiritual abuse. The actions may be blatant or very subtle.