

**The Implications of Restorative
Justice For Aboriginal Women and
Children Survivors of Violence:
A Comparative Overview of Five
Communities In British Columbia**

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Prepared for the Aboriginal Women's Action Network

In Their Aboriginal Women, Violence and the
Law Participatory Action Research Project

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This paper was prepared for the Law Commission of Canada. The views expressed are those of the author and do not necessarily reflect the views of the Commission. The accuracy of the information contained in the paper is the sole responsibility of the author.

Ce document est également disponible en français sous le titre : Les conséquences de la justice réparatrice pour les femmes et les enfants autochtones qui ont survécu à des actes de violence : un aperçu comparatif de cinq collectivités de Colombie-Britannique.

I can hardly speak your words because I think you might not forgive me for telling the story you wanted kept a secret. Yes, some of our leaders, some of our old people and others on our communities want us to be quiet about life on our social and geographical reserves. They want us to be silent and if we are not we are not family. But your silence deadened me gram. This is about love and anger. This is about sadness and joy. About strength and total collapse of the spirit.

Marcia Crosby "Speak Sm'algyax Grandma Speak Haida Grandpa" in Sharing Our Experiences Ottawa: Canadian Advisory Council on the Status of Women.

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I. Executive Summary and Introduction

This paper is intended as a comparative overview of five Aboriginal communities in British Columbia and the possible implications of initiating Restorative Justice reforms in cases of violence against women and children in these communities. This document examines the ways in which Aboriginal women's experience of colonization is mediated by gender and attempts to locate the effects of violence against women and children within this trajectory. As Aboriginal women it is our belief that our voices must be considered before any discussion of restorative justice and diversion of K files (files on violent offences against women and children) takes place. This paper will provide a look at the conditions of women's lives within community, and provide a frame of reference and context should these reforms become more commonly used in cases of violence against women and children. Restorative justice as it is used for violent offenses should not be theoretical abstracted ideas that are formed in a vacuum by government officials, romanticized and removed from the context of our lives as Aboriginal people. These reforms can and do have a profound impact on women and children's safety particularly in communities that are geographically and socially isolated. This paper attempts to articulate our numerous concerns, taking both women's voices and current theory around restorative justice such as John Braithwait's ideas on *reintegrative shaming*¹ into consideration. A study group has been planned to look at a broad cross section of the many readings on Alternative dispute resolution to help with the writing up of our research.

¹ In their article [Masculinities, Violence and Communication Control](#), John Braithwaite and Kathleen Daly examine misogynist constructions of masculinity and give an in depth analysis of the concept of shame and reintegration as a method to hold violent offenders accountable for their actions.

The Aboriginal Women's Action network's research is done in the form of a Participatory Action model based on a reciprocal exchange of information between researchers and participants with both learning from each other, rooted in our commonality of experience as Aboriginal women. This project was based in community involvement throughout the course of the research with consultation in three major stages. The project began with the series of workshops at the Native Education Center where we educated each other around violence, the criminal justice system and restorative justice. We began at this stage to envision a longer-term project with the research coming about as a result of our concern over what we felt to be a lack of Aboriginal women's voice in the development of these restorative justice reforms. The first stage involved comparing women's experiences of violence in an urban setting to those in more isolated communities. The Advisory Committee came up with the idea for the river rafting as a way to raise awareness of the issue of violence against Aboriginal women and children. Focus groups were held to explore the implications these reforms may have in cases of violence against women and children in the communities along the way. We developed questions for these groups out of our workshops at the Native Ed. Center and through input from Advisory Committee members who work in the anti-violence field. We conducted focus groups along the Fraser, with one in the Downtown Eastside in January 2001. Extensive outreach and preparation was carried out ahead of time to ensure respectful community involvement (see section on methodology). A thematic analysis was drawn from the data collected and the second stage of community collaboration began in the New Year with a follow-up trip into communities visited on the "Journey for Justice". We interviewed women from the community, women who were involved in the Focus Groups and women doing anti-violence work. This particular phase of the project was imperative to the process of research as collaboration in that we were committed to the work reflecting the concerns of women from these communities and not just our own perception from the city. We formulated further questions around demographics and returned to integrate the new material with what we had previously gathered.

The final phase of community collaboration was the symposium that we held at Sasamat Lake, outside of Vancouver in March 2001. This symposium brought women from all over the province together to dialogue around the issue of restorative justice and alternative measures in cases of violence against Aboriginal women and children. The panelists we have chosen reflect a wide range of opinion around the issue from those in favor of the reforms and presently working in programs that are currently diverting cases to those who feel the risk is far too great to women and children.

The symposium will provide a network with other women involved in the research and criminal Justice field as well as representatives from communities who currently practice these reforms or are considering their implementation. Part of the purpose for the symposium is to identify communities who may be interested in being part of further research AWAN is planning to conduct. AWAN has tentative funding from the Law Foundation of BC to continue with the work which includes a plan to carry out interviews and Focus Groups in 6 additional communities around the province on the topic of Restorative Justice and Alternative Measures. A National Symposium on the issue is planned for January 2003.

II. Approaches to Research and Issues in Methodology

A. Who We Are and How We Work

As an Aboriginal women's group working with and on behalf of Aboriginal women, the Aboriginal Women's Action Network (AWAN) is committed to conducting research based on an empowerment model. This model is rooted in an active collaboration between researcher and research subject. We strive to move away from more traditional models of research in which lines are clearly drawn between those who were being studied and those doing the studying.

There is a long and shameful history of colonialist research conducted with the purpose of accumulating knowledge about Indigenous peoples that does not benefit them. Not surprisingly, the Aboriginal women AWAN spoke with around the province have an extreme wariness around traditional research methods in which Aboriginal people are "researched to death" and "nothing ever seems to come from it."² With Participatory Action Research (PAR) or community based research AWAN is committed to blurring the boundaries between researcher and subject by examining our commonalities as Aboriginal women and using the accumulated knowledge to improve on the conditions of our lives.

The members of our project and who make up the core advisory committee are all Aboriginal women. We are educators, academics, anti-violence workers and students. Some of us are also mothers and grandmothers. As with AWAN's Bill C-31 project, we come from a wide range of class backgrounds and experience of our culture. While some of us are of mixed ancestry, some of us have been raised in our homelands. Some have lived on-reserve and some have grown up displaced in urban centers. We come from rural and urban communities, and reserves. This diversity is reflected in our individual and subjective positions within the work yet we are all engaged in the struggle towards a more humane and just society and to the emancipation of Indigenous people through decolonization. It is important to discuss place and identity when we discuss our approach to research as our diversity represents a reality for contemporary Aboriginal people and informs the way in which we engage with issues that arose within this project.

² When we held the focus group for women of the downtown eastside of Vancouver, we encountered the difficulty of following another researcher who had done a group with many of the same women the day before. Service providers and recipients expressed how hard it was to do and they did not know what the previous researcher was going to do with the information. One of the service providers said she was going to follow up with the researcher because it felt confusing. This feeling of being constantly "scrutinized" and "used" for stats is a troubling issue that is often identified by residents of the Downtown Eastside community.

AWAN's participatory action research is based in the idea that research can be used as an emancipatory project rooted in grassroots, feminist based analysis and social action. Empowerment research has two main components that differentiate it from other forms. Firstly, we strive to make our research methodology and process as transparent as possible. We discussed our purpose for doing this work as openly as possible. And we do not claim to be neutral or objective as we do not believe any research is. We have a vested interest in doing this work and it is as much about the process as it is about the result. In any focus groups that we have done, we have expressed concerns that we may have around a topic or issue rather than state any one central position as each collective member has her own subjective view and experience of any given topic, such as violence. It would not be ethical to attempt to erase possible differences. It is not about stealing into communities, gathering the data and taking it out with participants never knowing what comes of it.

A second very important component that differentiates our research from the more traditional forms is that we acknowledge our power as researchers. We recognize that as an urban based Aboriginal women's group, we have had access to funding and support that has not always been available to Aboriginal peoples. This power imbalance was articulated by one of our participants. She noted that off reserve women tend to be more outspoken, political and "angry" whereas the women who continued to live on their reserves were considered to be, in her words:

more soft spoken, ready to protect their men, myself included, and more willing to work towards healing the men. I feel that although we must speak out we have to remember that these are our husbands, fathers, sons, nephews and grandchildren.

We have worked hard to ensure that this last year of work in the "Aboriginal Women, Violence and the Law" project be inclusive of women's voices outside the urban center of Vancouver.

Our research plan has included outreach and follow-up in rural communities, in particular along the Fraser River and it is our goal to extend this work to the entire province.

In their article, "Empowerment as a Framework for Community Research", Janice Ristock and Joan Pennell discuss the empowerment that comes from a collaborative process. They describe it as "an approach that seeks to affect empowerment at all stages of the research process through critical analysis of power and responsible use of power." They go on to say that "Central to this culture is the assumption that good research (that is valid and ethically supportable research) requires that researchers critically analyze their own power and use it responsibly."³ Rather than deny any power differences between researchers and participants we seek to examine these existing power relations as a fluid and dynamic process that can be used to effect positive social change. With this ideal as our goal in this project, we can see the possibility of resistance and transformation of existing structures of oppression.

B. Getting Involved with Restorative Justice

Restorative Justice or Transformative Justice as it is sometimes referred to, has its origins in the Mennonite community. It was originally meant as an alternative to a "crime against the state" model and is based on the belief that crime is harm to community, victims and perpetrators.⁴ The ministry of Attorney general in BC began to incorporate Restorative Justice reforms as an alternative to the court system in 1996. At this time offenders were deemed either high or low risk with those considered low eligible for diversion out of the court system.⁵

³ Ristock, Janice L & Joan Pennell (1996) Empowerment as a Framework for Community Research. In: Community Research as Empowerment: Feminist Links, Postmodern Interruptions. Toronto: Women*s Press.

⁴ Zehr, Howard (1995) Changing Lenses. Second Edition Scottsdale PA: Herald Press

⁵ Statistics Canada, CCJS, "Adult Correctional Services in Canada: Highlights for 1994-95," Juristat, Vol. 16, No.7 June 1996.

These measures have been promoted as a more “culturally sensitive” model of Justice for First Nations people which was to serve Aboriginal communities more effectively than the prison system and address concerns over the growing numbers of Native people being incarcerated. This overrepresentation is the same throughout most countries in which economically and racially marginalized people make up the majority of those in the penal system. In her work, Patricia Monture-Okanee refers to the Canadian Human Rights Commission findings that it is more likely for a First Nations person growing up in this country to go to prison than to University.⁶ Certainly for Aboriginal peoples, this is alarming, and thus alternatives to a system so obviously failing us are much needed. Whether Restorative Justice measures address such concerns in a way that is safe for all members of community, particularly those most marginalized within it, is certainly open to question.

One Restorative Justice model, “Family Group Conferencing” was being implemented in New Zealand with the Maori. Others such as Victim Offender mediation and Neighborhood accountability programs were being considered for theft and property crime. Circle sentencing is another initiative, which supposedly has its origins in justice practiced by Aboriginal peoples of the Plains. Emma Larocque in her article states that the collective concept in these reforms has more to do with a misguided socialist assumption stemming from western, liberal, colonial ideas than any Native tradition.⁷ Essentially the reforms are a number of cobbled together concepts appropriated from diverse Native cultures and promoted as traditional “tribal “justice. Initially, the Aboriginal Women, Violence and the Law project came into being in response to the creation of the “Vancouver Aboriginal Restorative Justice Project” now called “Aboriginal Transformative Justice Project.” AWAN struggled to have a voice in this Aboriginal caucus of

⁶ Monture-Okanee, Patricia A. “The Violence We Women Do: A First Nations View.” p. 198.

⁷ LaRocque, Emma: Reexamining Culturally Appropriate Models in Criminal Justice Applications. In: Michael Ash Aboriginal and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference. UBC Press 1997.

the steering committee and to raise the importance of a gender analysis. AWAN members attending steering committee meetings are Aboriginal women who work in women's anti-violence organizations. The Aboriginal caucus, with representation from various social service agencies, has not always been receptive to our concerns and we often felt shut out of this process. As a result of our growing concerns with sexism and silencing and particularly our concern for the very serious repercussions for Aboriginal women, should these reforms go through without being monitored, we, out of necessity, envisioned the current project. We saw a need to educate ourselves and other Aboriginal women in order to participate in the discussion in an informed way.

C. The Challenges We Face

When we began, looking at restorative justice was our primary motivation. But as we delved into the work we realized that to talk about violence in a community where 'black eyes' are the norm would require much more than education on the law. We needed to challenge the new developments in the justice system but we also needed to create a safe and open space for Aboriginal women to dialogue about the violence in their/our lives. As we have all experienced some form of violence in our lives, we know that to speak about it is, to some degree, to relive it. Furthermore, we are fully aware that silence protects offenders. We also know that family members protect offenders, and that communities will collude in the protection of offenders. In doing this work, we have struggled with our own boundaries and our own healing. At times, this has been retraumatizing and while we have crossed the lines and possibly jeopardized our own emotional intactness, this remains our choice. We underestimated the effects that on-going disclosure and interaction with the communities would have on ourselves. Even though some of us have been on our own healing journey for many

years, we were overwhelmed at times and unable to provide as much group debriefing and individual support as was needed.

Yet we recognize our responsibility to ensure that the workshop or focus group participants who come to us are not revictimized, or endangered in any way, in the process of their disclosures. For this reason confidentiality was paramount - no participants of this study are named in this report. Furthermore, workshops and focus groups involving disclosures were held in an 'Aboriginal woman only' space and in the presence of crisis counselors. With respect to crisis counseling, we must make note of our shortcomings in this area as it was called to our attention during the Fraser River Journey. While crisis counselors were present during the focus groups, we neglected to provide this much needed support at crucial times during the actual rafting journey.

The decision was made early on that, for the sake of having safe, racism-free discussions, we would have to have 'Aboriginal women only' spaces. This was the case with the Native Education Centre workshops, in which non-Aboriginal women were invited solely to present information, and then respectfully asked to leave us alone in our deliberations. For the focus groups, we felt that participants would be wary around sharing stories about community violence with non-Aboriginal women attending. Based upon our own experiences of colonization and racism, along with our anti-discrimination analysis, we could not condone this form of silencing in this very important work. Having on-site anti-violence counselors, who could provide culturally relevant support and appropriate community resources, as identified by community organizers, was also an important consideration.

In her comments upon completion of the "Journey for Justice", one participants/rafters felt that non-Aboriginal women who married into reserves should have been included as she felt

they might have some interesting insights to offer, particularly if they had experienced violence in their relationships or had children who belonged to that Nation. This issue became a point of much contention for us as we had arranged to hold a focus group in Yale. The band denied us access to their facilities maintaining that all women members of the band should be allowed to attend. A member of our advisory committee had traveled to Yale to organize the focus group before the Journey began and this was not an issue at the time. We can only assume that pressure from non-Native band members arose after our initial contact. After attempting to negotiate and explain our reasoning, we decided to remain with our original commitment. With much pain, we held a small group off-reserve. We used the day to hold a circle and to do healing work with women joining the raft at this time.

In the planning for the focus groups, we put a great deal of thought and considerations into ensuring women's safety, particularly with regards to remote on-reserve communities where repercussions are a real possibility for women who exposed or disclosed situations of violence. Maintaining women's confidentiality was a serious and important commitment, a commitment that we made very clear before we started each group, informing women that no names would be used. Yet other kinds of confidentiality considerations became a concern in both the focus groups and at the workshops that were held at the Native Education Centre in the first phase of research. Women were hesitant to share stories in groups where other participants were relatives of offenders. Fear of reprisals that might compromise women's safety or lead to ostracization became an issue. In many ways, these issues speak as much about the conditions of women's lives as their accounts of violence. What proved to be most challenging was our full knowledge that experiences of very extreme and brutal forms of violence, and risks associated with exposing that, were mediated by the realities of colonization and marginalization, an immediate reality that we have little power to change. Despite the fact that

“traditional” research methods require us to prioritize data gathering, we made strategizing with other Aboriginal women on violence prevention and education a priority as well.

Another challenge we faced was how to approach those Aboriginal communities who have already begun to incorporate Aboriginal justice in their response to violence and might perceive our work as a threat. We did not wish to alienate anyone from the dialogue we have attempted to open and we would like to subvert any attempts to divide us along these lines. At a meeting with the Attorney General in May 2000 on the subject of alternative measures in cases of violence against women in children, we found that a group of Aboriginal people had been invited to speak at a separate time. In cooperation with the Ministry of Women’s Equality, the Attorney General’s office had set up two meetings at which opposing positions were presented. The Aboriginal Women’s Action Network and other Aboriginal women from around the province were invited to speak along with other non-native women’s groups. We put forth a feminist analysis of the power imbalances involved in violence in intimate relationships and argued against diversion. Rather than participating in meetings of this kind, of which no follow-up ever occurred, and in which we are artificially and arbitrarily divided, we hope that our project will begin to build a basis for much needed discussions. One of our main goals is to broaden this discussion beyond dealing with offenders, to include an examination of preventive measures that would put an end to the rampant violence in our communities. In doing so we were reminded again and again that we are not ‘breaking the silence’. Women have done this before us and have been silenced. Although we refuse to take part in the ‘divide and conquer’ agenda of the state, It is our job to ensure that they are not forgotten.

D. Into Action

The first stage of our project was to educate ourselves on Restorative Justice. We wanted to look at Aboriginal women's experiences of the Criminal Justice system, both as service providers and as women dealing with the system on such issues as protection orders and child apprehension. And we wanted to approach the work in the same holistic way that we had carried out our work on the Bill C-31 project. This work would be based on the same principles of empowerment research and the goal would be to effect social change through a process of popular education. To this end, we put together a series of workshops entitled "Aboriginal Women, Violence and the Law", which we advertised in Native Transition houses and other community agencies such as Rape Crisis and other Women's centers. The workshops were held once a week for 4 hours between March 10 and June 30, 2000. We looked at different aspects of the Law that particularly effected women and utilized resources from within our advisory committee. Our women did all of the facilitation, and usually made the presentations but when required, we obtained expertise from non-Aboriginal women's organizations, but ensured that the final two hours of workshop time was devoted to an 'Aboriginal women only' space to engage in discussion. Workshops were facilitated in the areas of violence against women in relationships (VAWIR), rape, custody and access, 'children who witness violence' policy, protection orders, elder abuse, the sex trade, racism etc. We concluded with three workshops specifically dealing with restorative justice and diversion. On this, we received much valuable assistance from Pat Kachuk, a member of our advisory committee for FREDa (Feminist Research, Education and Action Centre). The project began as an examination of diversion and Law reform but it soon became a grassroots anti-violence project as well!

We came out of the workshops even more aware of the need for the kind of work that we are doing. The Sliammon band from Powell River wrote a letter requesting that we carry out the workshop series in their community. And we had received a great deal of interest from women who had heard about our work. We had already identified this need for resources and information for women in the city but soon began to conceive of the work extending to rural communities. Women came up with the idea of the next phase of the project examining the differences between rural and urban women's experiences of violence and the law. A way to do this was to utilize the Fraser River, a traditional method of transportation and sustenance for Coastal First nations. In rafting down the river, we wanted to underline the connections between violence against us, and the destruction of our traditional way of life by the process of colonization. A youth member of the project from the Chilcotin, who had experience in rafting contacted Fraser River Rafting. Arrangements were made for a special 'Aboriginal Women Only' "Journey for Justice", which would take us from Prince George to Vancouver holding focus groups and rallies in nine Aboriginal communities along the way.

As the idea developed, we decided on a focus group format to hear Aboriginal women's voices on the issue of violence and restorative justice in the communities along the Fraser. The daylong focus groups were divided into two parts. The first part looked at the violence women had experienced and community responses (such as police, band counsel, family, transitional housing and so on). The second half of the day addressed restorative justice. We asked women, whether or not, they felt it would be effective in cases of violence against women and children. Our first focus group was held in Prince George on September 10. The following morning we began our 2 week journey, rafting down the Fraser, holding additional focus groups in Soda Creek, Lillooet, and Stolo Nation, with rallies in Quesnel, Cheam, New Westminster, and ending with a final rally on Musqueam territory on September the 25th. This final day was chosen as "Aboriginal Women's Day of Action" as part of the World Women's March 2000.

The river-rafting phase of the project involved much preparation and organizing. All the communities that we planned to visit or pass through had to be formally contacted for permission to enter their territory. A call for participants went out. Outreach and information dissemination was done through mail-outs, electronic communications, moccasin telegraph, Aboriginal media and gatherings. Throughout the summer, extensive organizing went on in the communities where the rallies and focus groups were to be held. The research coordinator, the outreach coordinator and the advisory committee were busily planning the focus group content and format, processing application forms for rafting participant, and numerous other details. At this time, we had a full time research coordinator, two part time organizers. After one of these organizers left the project, advisory committee members and others continued to support in the organizing of the journey.

We had help from allies in other women's organizations, as well as the World March of Women 2000 Steering Committee, who assisted in the rally organizing, outreach, fund-raising and publicity. The 'World March' committee sponsored an event for our send-off. Panelists, Geraldine James and Clara Linklater were brought in from Alberta and the Yukon to share their experiences with alternative justice models being implemented in other Aboriginal communities. This proved to be a rejuvenating and inspiring exercise for AWAN collective members as we departed for Prince George. Upon our arrival, again we found our allies fully supporting our actions in very tangible ways, and that too was inspiring.

In struggling with costs, we fundraised in a variety of ways, including asking participants if they might be able to get funding from their workplaces or bands. Despite budget constraints we managed to get everything off according to our time-line. As previously noted, our intent was to culminate the "Journey for Justice" on September 25th, a day that had been designated Indigenous Woman's Day of Action.

A core group of 16 women rafted the entire journey from Prince George all the way to Vancouver. By the time we reached Lillooet our numbers had doubled. Women spontaneously joined the raft at every stop. When women from Vancouver boarded our rafts in Yale, we were full to capacity. When we docked at New Westminister, we had to unload supplies in order to take on even more women. When we arrived at Musqueam singing our song, requesting permission to enter the territory, 60 Aboriginal women were on board. Many participants said the Journey for Justice was a life-changing experience. The community support we received was overwhelming and validated of the course that AWAN has taken, challenging violence at all levels and empowering women towards a leadership role.

Our first focus group in Prince George set us off on the right chord. Women came from surrounding Aboriginal communities, including Lake Babine Nation. It was the commitment of such women as Terri Jones and Bertha Cardinal that made this gathering a success. After this first run, we felt prepared to carry out the remaining focus groups.

The patience of those greeting us in Quesnel was remarkable. Due to weather conditions, we were a couple of hours delayed in our arrival. The feast was most welcome as we came out of the wind and the rain. There is a need for collaborative efforts between Aboriginal and the non-Aboriginal communities and this rally was one such opportunity. Although it was heart wrenching to hear of the Aboriginal woman who had been brutally slain, we were pleased to provide a venue in which this story could be told. It afforded a space for two Aboriginal women chiefs to highlight state and police unresponsiveness to cases such as these.

The welcome at Soda Creek was heart warming. We slept in the tipis that they had constructed for us. And it was evident that a great deal of community organizing had gone into

the focus group. Participants came from many of the surrounding reserves and communities and remained throughout the entire day.

There was a large turnout of women for the focus group in Lillooet, as one of the rafters, Donna Dickison, an AWAN member, is from this Nation. The Lillooet Nation greeted the rafters on our arrival with drumming and singing, a feast that evening, a bed to sleep in and showers. They also provided a beautiful lunch the next day during the focus group. In the morning session of the focus group, one circle was made up of women from both the Lillooet area and the Downtown Eastside of Vancouver. Stories of violence, being shared by women from both on and off reserve was striking in their commonalities, despite the differing circumstances in women's lives.

We held a focus group at the Stolo Nation in Chilliwack in early October, after women had returned from the journey. We had met with women who were involved with their Restorative Justice Program or what they call Aboriginal Justice Program: "Qwi:Qwelstom", as well as several of the chiefs of the Stolo Nation, prior to the rafting trip. We were informed that they were in support diversion of violence against women in relationships and in subsequent meetings we learned more about their handling of such cases in their program. We felt it was important to hear from communities who were in support of these practices as well as those who have serious apprehensions and were happy to begin a dialogue with such strong women as Amy Victor, an elder who frequently sits in on healing circles and coordinator, Winona Victor. The focus group we conducted was well attended, including a large youth component for the first half of the day. This day posed many interesting challenges to our research. When we split into smaller groups to workshop the question on violence a participant disclosed she had experienced a shooting incident and felt the response from tribal police was so inadequate that she was forced to contact the RCMP. After the incident she felt ostracized in the community for

involving police from off the reserve. A few of the participants in the morning groups expressed serious concerns for their safety if they had to rely on the on reserve police and had strong doubts as to their effectiveness. We reported back and broke for lunch. When we reconvened many women had left so we remained in one large group to discuss Restorative Justice. This proved very challenging as one of our members attempted to give a brief outline of the concerns that prompted us to do the project, one of the participants became very agitated and began to frame what was being said as though we were pushing a Feminist agenda and promoting the incarceration of Aboriginal men (in particular.) As we have never agreed on an official project line that we support a 'Law and Order' approach or in any way condone the racist and oppressive rates of incarceration of Aboriginal people, we found this very alarming. We attempted to clarify things but it did not seem as though the purpose of our project was clear to women in the room. It was further perplexing that the morning's sharing in some respects conflicted with the more "official" line we heard in the afternoon. The remaining women who attended from the community hardly spoke and if they had any concerns, I do not think that they would have felt comfortable expressing them. This was unfortunate, as we had worked towards a more open discussion. But we were welcomed back to do our follow-up meeting with members of the community. We have also been asked by the Stolo to present our research findings at a "People of the River" conference that they are holding in April 2001. Despite the focus group challenges we seem to have established the dialogue we had hoped the project would inspire.

As we were unable to do the Focus Group in Yale we decided to hold one more in Vancouver's downtown eastside. We felt this was much needed as many of these Aboriginal women have come to urban centers due to the conditions of their lives on their home reserves. Further many women in other focus groups spoke of the need to leave reserves to get help around violence issues, thus we felt that perspectives of these women would supplement our

findings. Facilitating this group was difficult. It was painful to hear women's many reasons for their migration to the city. There are striking commonalities between the problems faced by those on-reserve and those in the downtown eastside, in terms of geographic containment, levels of violence, silencing and confidentiality issues. We finished the group feeling we had had a good level of input from women who had much to say around the many issues.

All the data gathered at the focus groups was transcribed and studied, and the thematic analysis was drawn from this. In January of the New Year, our research coordinator and researcher did a follow up trip into the communities. We revisited every community we had passed through along the journey. Interviews were organized with rafting participants, anti-violence workers and community members, including women who resided in nearby areas, such as Red Bluff. The goal of the follow-up trip was to present our thematic analysis and to get feedback on the information we had gathered. All the women interviewed were from these Fraser River communities. One particular woman shared nervously shared her story with us. She had the unique perspective of having lived on her own reserve, on a neighboring reserve and in the city of Quesnel, and hence provided much information about violence against women. Another purpose of the follow-up trip was to invite women from each community to our symposium, with the objective of going over the draft report, asking women to engage with it and inviting them to offer their comments and criticisms. We continued to explore the themes as we went along and developed further questions which we asked around demographics for each region, such as the number of reserves serviced by the nearest urban center and the number of on and off reserve membership of each community. This new information was incorporated into the paper. This process ensured that AWAN remained true to the participatory action nature of the research, with community involvement at every step and avoided a Vancouver-based focus.

E. Methodological Issues

As the journey progressed some methodological issues arose. Initially, the focus groups were held specifically to examine the ways in which Aboriginal women in rural communities experienced violence, how this differed from more urban centers and finally to identify the possible implications of Restorative Justice reforms under these circumstances. But as the journey progressed, we noted that focus group participants not only included women from the area, but also participants on the rafting, as well as members of the AWAN collective. Thus information being presented was not necessarily particular to the community in which the focus group was being held. In Prince George for instance, women on the raft were joined by many women from the Babine Lake band who remained with the group until Musqueam and contributed much of their experience of life in an isolated village. In Lillooet the rafters were joined by Terri Brown, the first Aboriginal president of the National Action Committee on the Status of Women (NAC) who had made her way from Toronto to join the journey. A group of women from the downtown eastside of Vancouver, sponsored by the Downtown Eastside Women's Center also rafted the entire journey. Despite this difficulty, we felt that we got a good sense of the commonalities of our experiences with violence.

Another methodological issue that troubled the group was that of homophobia, which arose for women on the raft. Two of the women on the journey stated they felt a certain member had made disparaging remarks about their sexual orientation. This admission was deeply troubling to women who wished that it be addressed in the circle. The premise behind the project was to promote an anti-violence agenda and to raise awareness around the many forms of oppression we face as Aboriginal women. To fully understand the violence in our communities requires that we locate the experiences of our lives within a broader social context of colonization and its ongoing genocidal tactics. It becomes crucial that we recognize the interconnectedness between issues that range from public policies that contribute to the

tremendous levels of poverty, to ageism, to ableism, etc. When we fail to understand these intersections it becomes easy to internalize these oppressive structures. Paolo Freire in his Pedagogy of the Oppressed discusses this tendency for lateral oppression within marginalized groups. The methodological issue for us was that despite our best efforts to create a safe, 'Aboriginal women only' space where open dialogue could take place, there continued to be other forms of oppression that prevented participants from feeling safe around their identities.

A third methodological issue that we encountered was the discrepancy of paying some organizers and some participants and not others. Organizing in the downtown eastside was a challenge as many of those we wished to talk to are displaced and living in extreme poverty. Many are so busy surviving that it is difficult to attend an all day focus group. Standing in line for the food bank, dealing with child apprehension and racism and not having a fixed address are just some of the issues faced on a daily basis by a great deal of Downtown Eastside residents. We planned to hold the group at the Carnegie community center on January 29th but no women from the community attended. We thought that this might have in part been due to the fact that many Aboriginal women have been banned from the center. Although we had gotten Carnegie to agree to relaxed security for that day, it may still have been a barrier. We realized that we needed to speak directly with women working in the community and set up interviews and offered an honorarium to two Aboriginal service providers from the Downtown Eastside Women's Center. We owe much to Carol Martin and Rita Blind who then agreed to help us set up some time with women from a support group that they run out of the center. Without them this piece of the research could not have been carried out. We held the group on February 24th at the Vancouver Status of Women office. Carol and Rita accompanied women from their group and we met with 16 women. Participants were paid an honorarium of \$20.00 each. Unfortunately, funders were not prepared to fund the rafting part of the project, so

AWAN's cash flow situation did not allow us to pay participants along the Fraser River Journey. We do regret that it was not possible to pay all of the organizers and participants an honorarium.

F. The Work Continues

Our participatory action research plan of involving Aboriginal women is organized in three major stages. The first stage was the workshops that we held at the Native Education Centre. The second stage was the focus groups as part of the "Journey for Justice". Also part of the second stage was the follow-up trip. The "Provincial Symposium" formed the third part of our research plan. The symposium was the one remaining forum for women to have input into this report. We applied for and received funding from Status of Women Canada to hold our symposium in Vancouver. Our application grant included transportation for women to attend from as geographically diverse as possible, across the province, as well as food and accommodation for the three days that they were at the symposium. We have had an overwhelming interest, including many of the women who were on the raft. Many women had to be placed a wait list, and many of them were turned away due to physical limitations of our conference site. The symposium gave women the opportunity to explore the implications of Restorative Justice and diversionary measures in cases of violence against Aboriginal women and children. We circulated copies of this "Comparative Overview" paper in draft form and invited feedback.

In terms of methodological concerns, there was a couple. Firstly, in addition to some of the women who provided the original information in the focus groups on the "Journey for Justice", there were many other symposium participants who were getting involved with the project for the first time. The panel discussion on the first evening then served the important function of providing critical information and analysis of pertinent points on alternative and

restorative justice models. Panelists included Winona Victor of the Stolo Nation, Veronica Dewar of Pauktuutit Inuit Women's Association, Lee Lakeman of the Canadian Association of Sexual Assault Centres and Suzanne Dahlin, Director of the Victim Services Division of the Attorney General's Ministry. These speakers provided many thoughts and ideas that women deliberated on over the final two days. Because those who were getting involved for the first time were providing new information, we decided to add on a new section titled, "Proceedings from the Provincial Symposium".

The second concern was with regard to the circulation of this draft report. Many symposium participants raised this as an issue that impeded more meaningful input into the process, and rightly so. We regret that this had not been done, but financial and organizational constraints prevented this from happening. Facilitators attempted to alleviate this concern by going through the "Thematic Analysis" section by section and encourage plenty of discussion for each issue. All concerns voiced by the women have either been included in this paper, or have been placed in the newly written chapter on "Proceedings from the Symposium". Our hope is that this gathering would facilitate a dialogue with Aboriginal communities who are considering these reforms, as well as those, like the Stolo, who have already implemented them. Some of these communities expressed an interest in being part of the future research that AWAN continues to do in this area.

In the newly added final chapter, we have includes a recognition of the organizing effort that brought this gathering about, a word about the participants who attended, the key themes that arose from the workshops, and some preliminary discussion about future directions of this work. Much of the developmental process for the next stages of work will come out of the deliberations and explorations of our newly formed board of directors, as we become a non-

profit society. In the fall, we will obtain the first installment of a multi-year grant from the Law Foundation of BC to begin preparatory work for the future of this project.

As a footnote to this section it is important to update funders, allies and other interested parties as to where the project is at now. Both the research coordinator and the researcher left the project after the symposium. Due to conflicts amongst us that arose, based upon our “insider” perspectives and lived experiences of the subject matter of our research, completing the “deliverables” of this project proved to be extremely difficult. Because of AWAN’s status as an unincorporated entity and the circumstances associated with not having our own permanent infrastructure from which to coordinate our work, it is that much more difficult. It must also be noted that the women who form AWAN devote many volunteer hours, while they also hold down jobs, participate in families and raise children, resist various forms of oppression and perform other community duties. Kelly MacDonald has recently come on board to work with us on our literature review, a “deliverable” from previous funding sources. Fay Blaney has spent many hours editing and re-writing parts of this document and writing the new section on symposium proceedings. When this document goes to press, AWAN will be completing another “deliverable”, a “Policy Paper on Restorative Justice”.

Engaging in this work we are once again reminded of the tremendous barriers faced by Aboriginal women under colonization. Aboriginal women struggle to survive in the face of terrible adversity, racism and discrimination, child apprehension and poverty, extreme levels of violence and the everyday challenge of being a woman in a male dominated system. The Focus Groups raised difficult issues that were very painful on many levels for all of us. Advisory committee members are subject the same systemic and institutionalized discrimination as the women, whose stories we have documented. Many women in our group have had similar experiences of violence as Aboriginal women or children. For all the difficulties and challenges

that arose in the project we are constantly inspired by the remarkable capacity we possess as Aboriginal peoples for resistance, humor and survival. As we re-group and move forward, we are remembering our daughters and granddaughters who will live in the results of our struggles against patriarchy, homophobia, poor bashing, neo-colonialism, ableism and racism.

III. Thematic Analysis

Just to reiterate, the process of conducting “Participatory Action Research” (PAR) has as much to do with the research methods as with the end “results”, unlike more traditional forms in which the results are privileged over the method. We have, therefore, spent much time in advisory committee meetings thinking about the structure and content of the focus groups. We wanted the focus groups to have an equal amount of time devoted to hearing about the violence women had experienced and a dialogue around means of violence prevention, as was devoted to the research tasks. This approach was as much a motivating factor in undertaking the project as was looking at restorative justice. As feminists we believe women are “the experts of their own experiences” and we were interested in sharing pro-active approaches to ending violence in Aboriginal communities. It’s important to note that a symposium participant questioned the “accountability” of the women we were quoting in this report, but we stand by our convictions that women who experience violence in their lives are telling us their truth and are the experts of that experience. And indeed, one of our objectives is to education in our societies about patriarchal standards that constantly interrogate women’s stories. It was also important to ensure space for self-care in the groups, where we had spent the entire day talking about violence and opening up painful issues. We had to honor and acknowledge our resistance and our capacity for social agency.

The morning portion of the focus group was concerned with women's experience of violence, the ways in which it is perceived and what kind of responses women had gotten from the community around her. This response includes not only family and friends but also police, social workers, band council, support services such as transitional housing and others who make up the community. Within these initial questions a sub-set of questions emerged. Such questions as whether women felt silenced. Did she have to leave the reserve to get adequate support? If she received support, did she experience racism? An example of this might be a women's experience of a non-Aboriginal safe house. And how is this a barrier to safety? We split into smaller groups and reported back before breaking for lunch. After lunch, one of our advisory committee members spoke about the purpose of the project and our concerns around the lack of women's voices and perspectives on restorative justice reforms. We then posed the question of whether women felt these reforms should be used in cases of violence against women and children. We also posed the question of what we could do to address the levels of violence in our communities. The final question at the end of the afternoon session was on how the participants felt we should proceed with this research.

Our focus group questions raised many issues about the effects that the violent colonial legacy has had on our lives as Aboriginal peoples. The women who participated in the focus groups identified several key areas of concern. The areas of concern reoccurred throughout the course of the Journey. When we returned and began to engage with the data, we recognized emerging themes that formed the basis for this chapter of the paper. Hence this paper is organized into six major themes, as follows:

- Violence against women and children and it's prevalence in Aboriginal communities;
- Lack of adequate resources for anti-violence work within Aboriginal communities;
- Racism and/or stigmatization in community responses to violence;
- Confidentiality and safety concerns for women in isolated communities;

- Aboriginal women's concerns around restorative justice and alternative measures.

Quotes are marked according to communities as follows:

- PG (Prince George);
- SC (Soda Creek);
- L (Lillooet);
- S (Stolo);
- Q (Quesnel);
- RB (Redbluff)
- DTES (Downtown Eastside).

A. Violence Against Women and Children and it's Prevalence in Aboriginal Communities

When we speak of community we mean on and off reserve, a lot of us end up in the city because we can't stay in the community because of the violence. When it occurred at home there is a conspiracy of silence and it's passed onto the next generation. Violence takes many forms, institutional, health care or not receiving it properly, forced sterilization. (PG)

Colonization is violence. Aboriginal peoples have had to contend with the ongoing effects of this violence since the time of contact. We can see this in everything from the legalized and institutionalized imposition of reserve systems, to the genocidal effects of residential schools, to the staggering rates of child apprehension within our communities. A normalization of this violence stems from generations of abuse and internalized oppression as a result of this overall impact of colonization. The conditions of Aboriginal peoples' lives within this state results in these internalized patterns. These patterns of violence often get enacted within relationships, which function as a microcosm for the state of violence within one's community. We found that violence against women in the communities we looked at was, by all accounts overwhelming. Women who participated in our focus groups had all been touched by

violence in some way – including emotional, verbal, physical, battering, rape and childhood sexual abuse. We found that it was common for violence to become “normalized”⁸. Normalization is a common result of the effects of colonization, with the inter-generational abuse and contributes to feelings of resignation that things always having been, and always will be this way.

Generation abuse-excuses are made for the abuser; there is a tendency to normalize the violence even silence when people have died as a result of the abuse - no one talks about it, no support. One person died, silence is a learned behavior from residential school - comes with family breakdown and sexual and physical violence within the home. (L)

My mom was wild, she worked at the sawmill and hooked on the side to feed us it was the dirty 30s she didn't know what else to do. When we moved back with her, I was sexually abused by my white stepfather, I think she knew. I escaped when I was 15; I got married because I was on the run. I was in such abusive relationships after that it just seemed normal. One where I was beaten so badly I miscarried but what was I supposed to do, there was nothing then for Indian women, nowhere for them to go (Q)

In her book Trauma and Recovery, Judith Herman discusses this normalization or internalized violence as a common occurrence for women in abusive relationships in which the abuser or the abusive relationship becomes the main source of reference for the victims.⁹ Through tactics such as isolation and deprivation, the victim comes to understand the violence as normal, not remembering a time when it wasn't happening. She likens the mental state for women and children in abusive situations to a form of captivity similar to those who are prisoners of war or survivors of political terror.

Violence is seen as normal, being controlled through isolation. I lived next door to a couple where the man was very abusive and when she went out of the house he would chase her back in and beat her. When I would try and go over she

⁸ Anne McGillvray and Brenda Comaskey in their Black Eyes All of the Time: Intimate Violence. Aboriginal Women and Justice System present an extensive discussion of “normalization” in their Winnipeg study of Aboriginal women in cases of intimate relationships violence.

⁹ Herman, Judith (1992) Trauma and Recovery. The Aftermath of Violence-from domestic abuse to political terror. New York: Basic Books.

would warn me not to get involved because she didn't want me to be in trouble.
(PG)

A worker took a woman to the Lytton shelter - the next day she was back in the home with the abuser. Women in the community need to be educated on violence, one woman went back 3 or 4 times until the situation became life threatening. Women protect the abuser and excuse their behavior the silence is really big. (L)

Another dynamic of isolation and normalization is that women are forced to bear the burden of these problems that arise out of our colonial experiences.

It is the psychological abuse that is the hardest to heal from. The guilt men put on women - threatening to kill themselves - it is made out to be her fault all the time.
(S)

One woman spoke of how painful it was to watch the cycle of violence from her own relationship repeat itself in her family.

I was in a 21-year relationship and had children, now it's really harsh to watch them go through abusive relationships with their spouses. I feel like it's partly my fault, not thinking about the children how it would affect them - all sons. They are very verbally abusive to their partners; I am trying to get one son into counseling for sexual abuse. It's like reliving it while watching children go through their own experience. Laying charges against one of the brothers, such a fear of bringing up the past. (S)

Ostracization and fear around speaking out about abuse was common to every community we looked at. Often women's experiences of this were so severe they felt forced to leave the community because of it or because they felt they would never be able to break the cycle unless they left their homelands.

I was homeless and on the streets for 10 years when I left my community.
(DTES)

With violence in the family some women are forced to leave their communities. "You brought it up you deal with it" Sexual assaults happening and there is no support from the community and no transportation to get away. (L)

I had to move away from my family because of the dysfunction, escaped to the city. I started numbing my feelings with drink. Native Culture really helped me with my healing-the four directions. I found that in Toronto. (DTES)

Women spoke of being silenced and the social stigma around speaking out. Many recounted a fear of retaliation if anything was said about another member of community.

If anyone stands up there is the potential that they may become a target and that creates fear. Not much support from family members, people are ostracized from other family members that don't want to deal with the issue. (L)

When one women spoke up she was threatened by the abusers family. (L)

An issue that was often identified as a contributing factor to the silencing in communities was lateral oppression and the stigmatizing effects for victims who attempted to speak out about their abuse. Women reported the lack of support from other women or older generations, not wanting to acknowledge the issues. This type of oppression is often the hardest to understand and the most difficult to address because it comes from our own people, our elders, family members, friends and those who make up a community of care. In his work with oppressed peoples Paulo Freire talks about the tendency for those who feel as though they have little power to look to the behavior of their oppressors and to adopt it as their own. Somehow there is a feeling that this internalized structure of domination enacted upon another within the marginalized group will bring about a kind of liberation from the oppressive condition of our lives. We are, in fact, repeating what has been done to us and we are failing to recognize our internalized patterns of violence. Friere goes on to say this is a given as long as we live in a society that is based on systems of domination, a system that fails to recognize the humanity of marginalized people.¹⁰ We found this to be a tremendous concern for both women dealing with

¹⁰ Freire, Paulo (1993) *The Pedagogy of the Oppressed*, (New York: Continuum Publishing), p. 27.

discrimination by other women when attempting to address the violence against them and those Aboriginal women who are doing pro-active organizing in their communities.

One woman told her grandmother who said don't talk about it. (L)

Violence extends from residential schools, we were not allowed to speak our language you would get abused. It's like us when we turn into abusers, when we can't pick on someone in our families we pick an outside person. (SC)

It could be worse - keep your mouth shut, you already had a child when he met you. Women are held solely responsible for the violent situation. No support, never told anyone, daughter saw him throw her mom off the balcony. (S)

B. Lack of Adequate Resources for Anti-violence work

One thing I find really hard is the poisonous gossip that goes around about the center and the workers, it just feeds off all this stuff and it's just so hard to do this work with all that happening. It's like women take all their frustrations out on the workers and each other when it's the system they are mad at. (DTES)

A major impediment to ending violence in our communities that was consistently identified by women was the lack of resources and support for pro-active anti-violence work. Women reported the difficulties they faced on many levels. Some women felt totally shunned for speaking out about the abuse and were seen as traitors. Others felt they were perceived as not being part of the community if they attempted to address concerns, sought support or pursued a healing process.

When women go into treatment they begin to talk about the abuse. (L)

When women make good changes it is not supported by the community. (S)

Chief and council in Sugar Cane have developed a policy where men have to leave if there are children involved in an abusive relationship. The chief was harassed because of this policy and almost run off the road. (SC)

We spoke with women who experienced this silencing in their communities as well as those who are doing work in the family violence or the “Stopping the Violence”¹¹ field. Many women who work as family violence counselors often encountered a great deal of resistance to positive change in their communities. Though they felt the work was important to healing in community, not enough support was shown for it or there were inadequate resources from the government for establishing or strengthening existing programs, particularly in rural areas.

There is much violence against women and children, they are really suffering, we need a transition house for them. Women really want to do this or become foster parents but because of criminal records in women’s past they cannot, it has to do with substance abuse sometimes, even if they have been clean and sober for years. We deal a lot with social problems but there is no support or space for debriefing, we need support from INAC but don’t get any. (RB)

I got fired from a band (for having a support group) for pushing awareness about child sexual abuse. Things are changing in Lillooet because of this work. Women depend on the group but there is a burn out with workers, so much work and not enough funding. (L)

What was particularly striking when we talked to women doing this work was their conviction in the belief that consciousness raising and awareness was needed, and their strength and tenacity in accomplishing this despite their circumstances. Although many women who spoke had not received sufficient support for the work, they resisted and continued with it despite the high rates of burn out.

Most women are silent but when you talk to them they open up. We need to learn to question authority like police-lawyers etc. What do they know about women’s lives, about the reality behind closed doors? We learn how to normalize violence; we need to teach women about the continuum of violence and the escalation of danger. Women need to know this, that is why so many women go missing down here. (DTES)

Anger management workshops get a big response. I write proposals and do them periodically but I have to get private funding from the band or bingo or other

¹¹ Stopping the Violence Counseling is a feminist based counselor training program provided by the Ministry of Women’s Equality for working with survivors of domestic abuse such as battery and criminal harassment.

community organizations. They say oh oh here she comes again asking for the money to do another workshop. (L)

C. Racism in Community Responses to Violence

One elder died of a beating, possibly by an RCMP officer, there was a lot of intimidation after this. (SC)

In every focus group that we held, women had a great deal to say about the system and its' lack of responses to violence. We found that social responses to violence against Aboriginal women and children were often problematic and inadequate. It was a general finding that the police discriminate against Aboriginal peoples and often fails to respond when they are called. Further, contrary the provincial VAWIR policy and it's federal complement in RCMP policy, police generally lead women to believe it is the victim's responsibility to press charges against an abusive partner or offender.

She kicks him out, then he buys gifts come back home. RCMP say they cannot do anything because he lives there and has no place to go. If you press charges they will arrest him. (S)

Police have brought up who is paying the rent. If a women is successful in getting out and has a restraining order, police have let them (offender) back in and they have cleaned out the house. (SC)

Women's stories of police brutality and disillusionment with the criminal justice system were all too common. In the Arlena Jones case in Vancouver, police arrested the offender that Arlena had fled from and dropped him off a few blocks away. Although Arlena escaped upon his return to her apartment, he tracked her down the following day and stabbed her several times.¹²

¹² Arlena Jones currently has a case before the courts, suing the city of Vancouver, the Vancouver Police Department and the police officer, but the case has been put off several times.

During the Stolo focus group, women recounted calling '911' and never getting a response.¹³ In fact, one house burnt down and no firefighters ever attended. One participant felt that maybe they simply looked on their call display and noted that the call was coming from one of the reserves, and decided not to respond. One woman recounted being molested by a cab driver. She managed to get free and called the cab company when she got home. They told her many Native women had complained to the police but they were not too concerned as the callers were "drunk Indian women."¹⁴ In many cases police attitudes and responses was cited as the biggest deterrent in seeking support or reporting the violence.

My son was brutalized last week they left their footprints on his back. I told my son they should have charged the officers. They bust all these people on the street and take all their money. I think the police take the drugs and alcohol themselves. My nephew was beaten last year real bad and it was terrible - he was just stumbling home because he didn't take the bus. They didn't get away with it, they got help from the UNN. It's still going on, my son getting it for nothing - it makes me so upset. It happened to a young woman, she had kids too and they pulled her pants down until she was naked in front of everyone at the bar. (DTES)

One crown council was very racist. We wrote letters and got an apology, which changed things for the better, then he got transferred. We used to do a mock trial for training. It seems like you just develop an understanding with someone and they get transferred. (L)

One participant recounted being an RCMP officer but quit as she became too disillusioned with a system she found "ineffective, racist and male dominated." It is important to note that a few women employed in a male dominated field are rarely able to make meaningful changes to that system.

¹³ A recent similar case occurred in Winnipeg in which an offender with a restraining order came to the home of an Aboriginal woman. After many calls to '911', this offender killed her and her sister. Police arrived on the scene about 7 hours later.

¹⁴ From an interview with a women from the Quesnel area on our follow up trip into communities in January.

While we were preparing for the opening night of our symposium, we received a call from the Vernon Women's Resource Centre, informing us of a case involving a sexual assault of an Aboriginal woman in a nearby reserve. The offender, the woman's uncle, had received a conditional sentence, thereby permitting him to remain on reserve, where she too was living. When Crown Counsel appealed this case, community pressures forced this woman to come to an emergency shelter in Vancouver. While we were organizing to support this woman in court, we heard of a similar case that was also being appealed at the same time. In that instance, a girl had also been sexually assaulted by a relative in northern BC, and the courts had sent this family through an alternative justice process, and now the crown was appealing it.¹⁵ The point is that racism is frequently intrinsic to dominant institutions, and their actions often result in the re-victimization of Aboriginal women.¹⁶

There is a hierarchy and Native people are especially impacted in the courts but native women are treated worse. (L)

Women spoke of the struggle they face in attempting to leave an abusive relationship when they are forced to contend with the judgmental views of social workers. A service provider from our focus group in Prince George told us that women from isolated reserves, who have had their children apprehended, seldom have the services or resources available to meet the Ministry's criterion, so they have to move to the city to obtain access to the mandated 'rehabilitation'. Women fear leaving an abusive relationship because of the greater threat of having their children apprehended by the ministry and that the police will treat them in a degrading way. These fears have a tremendous impact on women seeking safety and getting the support they require. The implications are dramatic, when those enforcing policies use this power to reinforce existing colonial power relations.

¹⁵ Although AWAN has not taken an active role in this case, Fay Blaney was made aware of it.

RCMP, Tribal police and other services have different judgments and beliefs about you. When children are apprehended a lot of women are not allowed to express themselves if it doesn't conform to social workers i.e. If they are angry they get anger management, frustration around poverty is seen as a budgeting issue so they have to be silent and jump through hoops. (L)

Police said I was drinking and partying because my abuser hit me over the head with a full bottle of beer so I smelled like a brewery-drunken Indian again. (DTES)

Although transitional housing and other feminist responses to violence against women were identified as helpful it was generally acknowledged that there are not enough supports of this kind for women, particularly in rural areas. In the community of Lillooet for example, the nearest safe house for women is in Lytton. If women do not drive or do not have a vehicle it poses a major safety concern. Another issue around non-Aboriginal transitional housing is the lack of, or minimal numbers of, Aboriginal staff in areas that serviced a large Aboriginal population. Women in the focus group identified that in the Williams Lake/Soda Creek area there are 11 bands and only one transition house, with only one Aboriginal worker.¹⁷ Women from the downtown eastside talked about feeling Aboriginal women are "volunteered to death" and not hired enough at anti-violence agencies. Another women from Prince George said there was shame in telling a non-Native counselor about violence but that was "usually all there was."

The facility that was visited, the transition house, was too clinical, institutionalized, no traditional values, no Native staff. (SC)

Long waiting lists in transition houses and other places. Fear of violence and other women, some are banned like women who are using and addicted. Women fear racism in some shelters and safe houses and the women who do work in these houses are tokenized. (PG)

The stereotyping of First Nations by the system contributes greatly to fear around reporting instances of violence, thereby socially constructing the issue of "normalization"

¹⁶ For a discussion on justice responses to cases of violence against Aboriginal women, see Emma Larocque's "Violence in Aboriginal Communities".

¹⁷ From an interview with a women in Williams Lake on the follow-up trip in January.

described above. To acknowledge social issues that plague our communities is an important step in facilitating a process of healing, which are both a personal and a political struggle for First Nations peoples. Unfortunately our attempts to address these issues are met with 'victim-blaming' rather than locating these issues within a broader context of colonization and oppression. When we disclose, it is used against us by those in positions of power in society, such as the police and social workers. These issues often define us. Labels and stereotypes are thrust upon the community as a whole. It seems we must bear the burden of representing our entire culture. A consequence of having social institutions that are embedded in a racist, sexist, classist and colonialist context is that these institutions, and their policies, actively work to maintain the dominant social order.

D. Confidentiality and Safety Concerns for Women in Isolated Communities

Confidentiality issues around reporting, in small communities, it is not safe to do so. Reporting often done outside of community. Would rather not choose support in the community, somehow or other they are connected to the offender.
(PG)

The lack of confidentiality was continuously cited as a problem for women experiencing violence. The inter-connectedness of the lives of community members, particularly those who deliver programs and services, makes it especially challenging to maintain confidentiality. When we met with women at the Healing Center in Prince George we were told that some of the outlying reserves they service are not even accessible by telephone. Women in these communities face a particular set of safety concerns around violence issues. Gossip, stigmatization, community pressures to maintain the status quo, and a lack of privacy all contribute to this issue. Although there was some variation between rural and urban Aboriginal communities, there were more commonalities than differences. In terms of geographic

containment, levels of violence, silencing and confidentiality issues, these two scenarios were very similar.

There is a fear of gossip, not being able to disclose. Victims are being silenced; offenders are still in the communities re-abusing friends and children. They re-offend and re-offend. Rumors are spread about women - she probably asked for it etc. (L)

The band has kicked women off because of the work they were trying to do. In the 70s the band fired a focus group participant because disclosures were coming up. (L)

Do not feel comfortable being able to tell Native police - too familiar with everything, they recommend you tell the council. (S)

There is a code of silence in the downtown eastside; women who have taken men to court have had to leave the area. (DTES)

In addition to the issues mentioned above perhaps the one with the gravest consequences was that of women and children's physical safety. Within the issue of confidentiality there was a tremendous fear of the abuser or of his friends and family, finding out.

One woman called the police, some men partying heard her on a scanner; she was then harassed and accused of squealing on them. (SC)

In our communities, some men and women will report to child apprehension services to get back at you - there are no consequences for that behavior. (PG)

Some women want revenge over a women going to the RCMP over abuse issues and a women experienced hatred when she went to the RCMP over a shooting incident. (S)

It is easier for a woman living outside the area to press charges; you don't have to worry about getting your door kicked in the middle of the night or getting passed a bad cap. (DTES)

IV. Aboriginal Women's Concerns Around Restorative Justice and Alternative Measures in Cases of Violence Against Women and Children

Why is it the offender gets all the rights and the victim remains the victim no matter which way you look at it? (SC)

One of our prime motivating factors for this project was to examine the differences in experiences of violence between urban and rural communities, and to look at the implications of implementing restorative justice and alternative measures in each of these communities. In light of our discussion on power imbalances between urban, off-reserve and rural, on-reserve Aboriginal women, above (page 9) we are very interested in learning about the particular impacts on women's lives in remote communities. For all the communities that we consulted with on the possibility of these reforms, it was consistently identified that women felt there was a dramatic power imbalance between men and women. Though women expressed that Aboriginal peoples are generally treated as second-class citizens, they felt that Aboriginal women bore the greatest burden of this discrimination and are the ones who are subjected to the highest levels of violence within their families and communities. Just as examining violence in our lives, as Aboriginal peoples, requires that we understand the social condition of colonization, we must also understand patriarchal systems and male domination in the lives of Aboriginal women. Further, we must fully grasp, and come to terms with the fact that, in addition to colonization and patriarchy, there are also dynamics of power and privilege operating between off-reserve, urban, and on-reserve rural Aboriginal women. Finding a basis of unity with each of these forms of oppression is exactly what AWAN has struggled to move toward, for the sake of bringing social justice into the new justice reforms.

It was evident in many of the accounts that women felt they had less power in their communities than men and that the system was designed to privilege and benefit males. The power imbalances within these communities are usually complex and bureaucratic. Band councils were often cited as reflecting the ways of the colonizer, with men holding power in the communities. Focus group participants expressed tremendous concern with the diversion of cases of violence against women and children because they felt that the majority of support goes to offenders along with a prevalence of victim-blaming mentalities. A lack of concern for the safety needs of women and children, particularly in isolated communities was also cited as a major concern in processes such as "Victim-Offender Mediation". In such situations, women must confront her abuser. This could have grave implications, in terms of psychological and physical safety, if the offender were to remain in the community.¹⁸

Women who speak out are retaliated against by community, (discredited, run into the dirt, house burnings) etc. (SC)

There used to be support historically for victims, now there is silencing and shame. (L)

When a victim finds the courage to tell the story they are denied the truth. In our culture men are honored to a degree that they are protected, the women depends a lot on the man. She feels she needs to reach out and tell someone but how when the community protects the offender? (PG)

I do not think it is a good idea in rural areas. There is a story of women who was shot at and intimidated into not reporting violence in her community. (PG)

Because a radical transformation of existing structures of domination have not yet happened, women expressed fear that restorative justice reforms would fail to address the underlying power inequity rife in communities from years of oppression.

¹⁸ See Emma Larocque's above mentioned article where she discusses these implications in Hollow Water, Manitoba where a healing circle sentenced a couple to three years supervised probation for repeatedly raping their two daughters.

Another prevailing theme around restorative justice that came up in focus groups was that it was based on a premise that presupposes a healed community. Substance misuse issues were an important concern that played a big part in the way in which women felt communities needed to heal.

Also alcohol is an excuse to continue the violence, both of us work at the healing center and we have a half way house for men, some are there for 5 to 10 years because they might stay away from alcohol and drugs but the thought process is still there. Sobriety does not necessarily mean a healthy community. (PG)

Healing will take a long time because we have been denied this for 200 years. (L)

Unhealed elders who are perpetrators are not called on their abuse. If they are unhealed they will pass on abusive behavior. They are pipe carriers etc. and are protected even if they hurt your grandchildren. Loyalty to the family is a big issue, if the family is in a position of power in the council things are done differently. People in positions of power need to heal. (L)

Women expressed concerns about the fact that there was a lack of accountability and structure in existing alternative justice models. This caused much alarm for women who felt that a failure to do follow up with offenders and enforce sentences would further add to their victimization. In a report on a sentencing circle in Kangiqsujuaq that Mary Crnkovich wrote for Pauktuutit, she addresses this issue. She poses questions such as why this special circle was being used instead of the regular court hearing; what power does the circle have to create new sentencing options? What is a sentence intended to do? How does the law direct a judge in sentencing an offender who has been convicted?¹⁹

They had an option of circle sentencing, justice was not done. It only happened one time with an elder from Alberta. I was told not to discuss it with anyone if I did I would have to have a feast and apologize. (RB)

¹⁹ Crnkovich, Mary (1993) Report on a Sentencing Circle in Kangiqsujuaq. Prepared for Pauktuutit and the Department of Justice, Canada, p. 3

One women shared her story about the use of elders who were unaware of what was expected of them in the circle. It was not culturally appropriate; it's often about saving money. (L)

There are two cases where it was mandatory that they go to the men's group and they didn't go. They breached over two and a half months ago. The more the judge shuffles the breach the easier it is for the men to get off. (PG)

During focus group discussions, women have voiced concerns about the levels of powerlessness they experienced. In these circles, we have looked at women's experience of colonization, which is also informed by gender and in so doing we have named the ways in which women, children and those in positions of less power are marginalized. This marginalization results in not being able to participate in discussions and decision-making on what is good for our communities. For stakeholders of restorative justice reforms to base their understanding of what is good for our communities on what a few more powerful people have to say is to romanticize Aboriginal culture and ignore women and children's lived reality of violence.

There is the nepotism that goes on in our communities, hiring of friends and family. Discrimination against our race with non-natives treated better in our own communities.

One women shared about this project with a man this morning and it felt like a door was being slammed in her face. That shows communities are not ready. (SC)

Participants had many very serious concerns around the implementation of these reforms but also felt that they had a potential to address Aboriginal crime in a way the justice system does not. As with all the issues we have discussed in this paper violent crime must be understood within a certain social framework. In addition to the fact that violence is not an innate trait that we must resign ourselves to, we must examine the social conditions that contribute to the high rates of crime within our communities. In her work, Carol LaPrairie

discusses what Australian criminologist John Braithwaite feels to be a failing in the Justice System in this regard. Namely "that the criminal justice system as it presently operates ignores the social context in which crime and disorder occur and in doing so decontextualizes the offence and marginalizes various players."²⁰ Because restorative justice addresses the context of crime and not simply the individual, it has something of worth to offer in rethinking the failings of the criminal justice system as it is presently practiced. Yet it is imperative that women's numerous safety concerns must be concretely addressed prior to any further developments of these programs in our communities. Women who participated in our project had many proactive suggestions for ways in which this might be possible that incorporate an affirmation of cultural practices from their communities with safety needs for women.

The victim must be agreeable (L)

Ours is mostly a women driven program, it needs to be that way in nearly every aspect of Aboriginal society. (S)

I want you to know what my son has done. He has formed a group with the young people in the community, they meet one night a week, a night for doing something together, it's their one night to spend together. That is one way you can start, get little groups together. Every month they have a meeting and express their feelings, build self esteem and everything. (PG)

It is time for Aboriginal people to talk to people who are abusing and it's time for them to begin their own counseling, a need for training and criminal record checks for those involved. (L)

Emma LaRocque speaks to issues in her work on restorative justice, critiquing definitions of community and culture, and at the same time highlighting the danger in reforms,

²⁰ LaPrairie, Carol (1995) *Altering Course, New Directions in Criminal Justice*. The Australia and New Zealand Journal of Criminology.

which are more of a reflection of the dominant social system than of Aboriginal customs.²¹ The notion of community, as utilized in state policy would be a useful to define. The word 'community' is used to describe anything from our homelands to our circle of friends and acquaintances and can mean different things to different people. While an understanding of community is important in our self-definition, tracing our origins and asserting our culture, it can also be used to define us as a homogenous group erasing what is unique and specific to some of us, and state definitions of 'community' can do that.

V. Summary of Provincial Symposium Proceedings: March 14 – 16, 2001

A. Setting the Stage

AWAN women possess the admirable quality of pulling together incredible amounts of work in short order. Due to the diligent and systematic organizing of Erma Robinson, Tamara Starblanket and advisory committee members, symposium organizing took about a month, with great results. A call-out for participants was done at minimal cost. Rafters were the first to be notified. Our other contacts were notified, either by word of mouth or via electronic communications. Maximum capacity at the facilities at Lake Sasamat was 90 people. Limits were place on numbers of participants, keeping in mind that advisory committee members, minute-takers and facilitators would also be in attendance.

²¹ LaRocque, Emma: Reexamining Culturally Appropriate Models in Criminal Justice Applications. In: Michael Ash Aboriginal and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference. UBC Press 1997.

As previously noted, priority was given to rafters, followed by geographic considerations. Women came from transition houses, residential school projects, child welfare services agencies, friendship centers and band offices. Women came from existing alternative justice programs as well as proposed community justice programs. And women came as individuals, as service recipients in the above listed programs and services. To our delight, we got inquiries from across the country. One woman from an Aboriginal transition house in New Brunswick paid her own way to come to our symposium, as did three other women of the Aboriginal Women's Council of Saskatchewan, who run an Alternative Measures Program. We also got an inquiry from an Aboriginal woman in the Department of Justice, but unfortunately she could not fit this into her schedule.

Facilitators included advisory committee members and other volunteers such as rafters, Peg Peters and Terri Brown, as well as Kelly MacDonald, an Aboriginal lawyer, who has recently joined AWAN in this work. Participants were split into 5 small groups to workshop the topics to be discussed. There were workshops on Thursday morning and afternoon, and plenary reporting occurred on Friday morning. The remainder of time was devoted to discussions on the future of this project.

B. Contextualizing the “Normalization” of Violence

Because this report formed the basis of discussions, many of the points raised were similar to what came up in the focus groups of the “Journey for Justice”. For example, women spoke about the multi-generational legacy of abuse that came from the residential school system. In this regard, women expressed concern that with the endless amounts of disclosures coming forth, there was an extreme inability for existing programs and services to adequately address the needs. Some participants had attended the international residential school

conference that was held in Edmonton in February 2001. With an advanced critical analysis, a woman described one man's presentation as perpetrating a second abuse. In addition to the sexual abuse that he committed against his niece, his graphic description of it, coupled with his inability to take responsibility for the harm, was in essence a second abuse. The fact that he could not understand why she, to this day, would not speak to him, demonstrates a lack of ownership of this issue. Women were also very clear about the link between the historic abuses from residential schools and the abuse of power that gets played out in our communities today. One participant explained that alcoholism is but a symptom of the legacy of residential school abuses, and that the taking away of our languages is a root cause of our problems. Nevertheless, she said, we are speaking in the common language of English, and we are speaking about healing from those abuses.

The "normalization" of violence in our communities came up time and again in our workshops. One group stressed that greater emphasis must be placed on contextualizing our social problems within the framework of colonization, along with highlighting the multitude of failures of the current justice system. By using this as a starting point, it would be impossible for non-Aboriginal peoples and institutions to continue to point the finger at our communities. Instead, they would be forced to recognize that we are not inherently violent or criminal, and that the racist systems and institutions that colonial powers imposed on us are the root causes of the "normalization" of violence. The Indian Act, the mandatory attendance in residential schools, the banning of our potlatches, and thereby all of our gatherings, political and otherwise, leading up to the 1951 amendment are all tools of genocide that have created havoc in our lives.

C. Experiences On-Reserve

One woman, who had lived on reserve all her life, said that sexual abuse and violence were everyday matters in her surroundings. It touched her in a deep way when her son was molested. Although she is not “educated”, she said she hoped that by sharing her experience, she would be able to help in this work in some way. In one group, discussion revolved around the concept of ‘silencing’ and being forced to leave reserves. An expression being used was “Don’t rock the boat unless you’re getting off. And if you’re not getting off, get ready to be pushed off”. In this same vein another woman said that you’re “Damned if you speak out and damned if you don’t”. One woman relayed her story of having to leave because of her very violence grandfather, who was a police officer. She said that she was forced to leave for the safety of herself and her children. She felt that if she stayed she would get killed for speaking out.

Some women raised the issue of sexual harassment on-reserve. At a band meeting, a council member publicly made a misogynist joke about a Department of Indian Affairs female employee, stating that he had put an issue on the table for discussion, “or did I put her on the table”. The laughter and joking continued until a woman, who had participated in a focus group in the earlier stages of this work, banged on the table and reminded them that there were grandmothers and children in the room. In the deafening silence that followed, no apology ever came. This story prompted another woman to share her own story of sexual harassment in her band office, and that she was powerless to do anything about it because she needed her job. These women recommended that sexual harassment workshops be made available to bands across the province.

Women from rural and remote communities spoke of the need for greater understanding of their unique needs and concerns. They felt that the resources allocation they received from the Department of Indian Affairs, Health and Welfare Canada and other ministries did not adequately meet their needs. The lack of telephone services and modes of transportation made it virtually impossible for these women to escape situations of violence.

In addition to the lack of access to services on-reserve and in remote communities, there is also a huge problem with the lack of continuity of service providers. In the “Northwest Inter-nation Family and Community Services”, which services the Dease Lake, New Aiyansh and Terrace areas, they have gone through 19 social workers in the past year. Transience is also major problem in health services. Women described the recruitment of doctors who are either fresh out of medical school or past retirement, into their health centers. She stated that it’s not uncommon for an old doctor, with old-fashioned ideas to hold sexist beliefs and to impose conservative practices onto women. Some women are denied access to abortions, or to the services of specialists. Others are told that they are hypochondriacs when they come forward with health concerns.

Similar criticisms were made about the police and other players in the justice system in isolated communities. Women said that there was a real need to have anti-racism training for the police who service remote communities, especially in the area of violence against women. Veronica Dewar, president of Pauktuutit, shared a story that was broadcast through a media outlet in Nunuvut, which women in remote BC communities could identify with. She said that a statement had been made that shelters should be closed down because they break up families. These women recommended that communities education programs be developed to raise consciousness on the concept of “victim-blaming”.

Another expected topic of discussion was confidentiality. An elder spoke of a time when she had applied for services in her band. Later that day, she overheard the band employee, who had taken her application, discussing her file with family members in a restaurant. The elder reported the incident to chief and council, with the result that this employee was released from her position. But before this employee left the, she destroyed the records of this elder. As with the “Journey for Justice” there were other instances in which women were reluctant to reach out for help because of a lack of confidence that personal information would be kept confidential.

Nepotism and favoritism frequently are concerns on-reserve. One woman described her experience of being turned away by a victim services worker, due to what she perceived as favoritism. A potential difficulty in alternative justice programs in remote communities is the conflicting interests of victim services workers between fulfilling job requirements and maintaining loyalties to family members and those who hold positions of power in these justice programs.

D. The Racism and the Violence We Live With

When women are either forced out of their communities or take the monumental step of reaching out for help, outside of their communities, the next barrier to overcome is racism. One woman said that when she went to a safe house, the worker called the police against her wishes. And when she refused to cooperate with the police, the safe house turned her away. Her question is, ‘how many other Aboriginal women are turned away under similar circumstances?’ Another woman spoke of being subjected to a psychological evaluation when she went to safe house, and felt that she had to go through with it, “even though I didn’t want to be prodded”, if she wanted a place to hide. A third woman spoke of a time when she was

falsely accused and expelled from a transition house, even though she was sick with the flu. She had no recourse available to her, but to return to her ex-husband's home. Racism is a fact of life for those Aboriginal women who work in non-Aboriginal anti-violence agencies as well. A front line worker stated that she was expected to do all of the anti-racism educating, in addition to all her 'job description' duties. Subjecting these workers to 'burn out' conditions then results in having no Aboriginal staff in the end. Another front line worker astutely suggested that a provincial "Aboriginal Best Practices" model was needed for non-Aboriginal anti-violence agencies to remedy the numerous neo-colonial and racist issues that are continually arising. Yet these anti-violence workers felt that having an Aboriginal transition house situated on-reserve was not the answer either because they believe safety concerns would be compromised.

One participant shared her experience of racism while shopping at a department store with her daughter. She was arrested and strip-searched. When she produced a receipt, she was accused of re-using the same receipt for two products and banned from all of the outlets, across Canada, of that department store. Since that experience, she dislikes shopping because, like many other Aboriginal women, she now sees it as a source of harassment and abuse. The climate of racism that devalues and demoralizes Aboriginal women is a factor in the 'normalization' of violence.

In response to the violence in her life, one woman applied to Legal Aid to obtain a protective order and was declined. She managed to pay \$3,700.00 in legal fees only to be told by the police that they could not enforce it. During the plenary session, another woman reported that there was a "protection order registry" in Victoria, in those instances when these records cannot be obtained by the police. She further reported that Corrections Canada has its

own registry and notifies victims if offenders are released or escape from prison. This sharing of information and ideas was one of the highlights of the symposium.

E. Sharing Our Knowledge and Our Ideas

The front line workers at the symposium were a wealth of information. These women spoke about the need to provide increased amounts of education and information in a number of areas. For example, these service providers said that women are not always told by Victim Services Workers about “Project Safety”, a program that ensures women’s safety by providing them with a cell phone or land line if they are at risk. This can be obtained through a Victim Services Worker. Others were educating symposium participants on “Mutual Battering” charges, otherwise known as the RCMP practice of cross charging women when they are called to a “domestic dispute”. She stressed that this practice does not take into account the power imbalance between men and women within these relationships. A participant shared her story of how this happened to her. When she was assaulted on the street, she called the police. The police then charged her and when her case came to trial, she plead guilty because she didn’t think she would be believed.

With regard to “systems”, some front line workers clearly stated the importance of understanding complaints and appeals procedures with police departments, lawyers, crown counsels, and judges. Further, they stressed the importance of knowing the shortcoming of these procedures, particularly with those such as police departments, who self-investigate. It is most unfortunate that this information is not made readily available in accessible formats. Participants were also encouraged to question all services they received, including social services, medical, child welfare, housing, etc., bearing in mind that there is opportunism and a willingness to capitalize on women’s pain and suffering. This woman also acknowledged that

questioning is a hard thing to do when it has been “drummed into our heads that we get everything for free”. This is precisely the kind of critical analysis and strategizing that we aspired to when we were planning for this, and other gatherings of Aboriginal women.

The participants from the “Aboriginal Women’s Council of Saskatchewan” brought some good ideas from their work. Evidently they run a “Women Find” Program, operated along similar principles as “child find”. If women fear that they may go missing or get killed, they can register with this program. In Saskatchewan, 6 Aboriginal women have been found in the past year, and it has been extremely difficult to identify them. It is precisely this kind of connecting and networking that needs to happen in order to address the dismal record of the justice system in finding the many Aboriginal women who have disappeared in the streets of the downtown eastside, the interior of British Columbia and many other parts of the country.

Again, women shared their frustration with the “Children who witness violence” policy. They see it as driving them into deeper silence because of the threat of apprehension. This policy prevents them from getting therapy for their children or for themselves. They identified the constant surveillance of Aboriginal mothers as “systemic racism”. Over and over again, women stressed the need for services for their children and youth, without having the threat of this information being used against them in a harmful way. Symposium participants emphasized the importance of preventing our children from joining gangs and of preventing the cycle of violence from being repeated in the next generation, by providing children who witness violence with someone to talk to and heal with. Several women emphasized the need to address “bullying” in the school system to ensure that our children are not going to be abused outside of the home as well.

F. Let the Healing Begin

Most symposium participants unequivocally stated that there is a need to devote resources toward the healing process. Many believe that a holistic approach would be more productive than the piecemeal approach that is currently taken in most programs and services. Women felt that one way that they could be best served was by establishing an 'Aboriginal women only' treatment facilities, and more dry out centers. A service provider suggested that more attention should be paid to the use of traditional foods, as part of the healing process, by in-patient treatment facilities. She stated that there was only a 10% success rate in addictions treatment, and believed that this was yet another 'industry' where profits could be gained by those who deliver these services. Another woman felt that improved support systems and follow-up with those coming out of treatment centers would improve people's chances of finding sobriety. In another group, the sentiment was that finding sobriety does not go far enough, that there can still be a high degree of dysfunction and abuse, if further healing work is not done.

The lack of a sense of identity was a particular area of concern that several women pointed to as requiring healing work. They felt that those most impacted include those who are displaced in urban settings and those who were apprehended as part of the 'sixties scoop'. Some of the common results, they said, include suicide, distance amongst family members, violence and abusive behavior and other such self-destructive behavior as prostitution and addictions. Women stated that they needed to learn more about Aboriginal culture, and about healthy relationships within families. The fact of blended families and learning how to relate to step-families was also raised as an issue. In addition to learning about Aboriginal cultures, women identified the need to have suicide prevention workshops, anti-violence workshops and support services for those returning to Aboriginal communities from the child welfare system. One participant said that she was looking for something to take home from the symposium!

Because the impact of cultural genocide has been so intense, there is a great deal of hunger for Aboriginal culture and spirituality, and unfortunately those who abuse have exploited this. Several of the groups devoted plenty of time discussing the problems of multi-generational violence, and the leadership of unhealthy elders in community activities such as healing circles and spiritual ceremonies. One participant felt that spirituality as a “fairy tale thing” for those who were starved for spirituality, and ultimately these people held abusive elders in high regard. A second woman said there were lots of unhealthy elders in her home community, and that they had all been abused in residential schools. Another woman said that elders run sun dances and other kinds of spiritual ceremonies, while they still need to do their own healing. Her frustration was that just because elders do ceremonies, all their crimes are forgotten. Several women felt that elders needed to be healed first. One woman recommended that women’s groups establish an “accreditation” process as a means of checking elders and spiritual leaders, along similar lines as a criminal record check or a reference check. One very insightful woman suggested that we needed to consider the conflict between the traditions of respecting our elders and the dire need to break the silence when elders are abusing the power and authority that is bestowed upon them. As a goal, Aboriginal peoples need to arrive at a place where speaking out is not seen as breaking with tradition, she said. Along similar lines, another participant said that it is important for us to differentiate between what is violence and what is a healthy debate. For many survivors of violence, opposing views can be construed as violence. Yet healthy debate is our right and is a way of breaking the silence.

The healing of offenders was another topic of discussion that took up much time. As usual, this issue proved to be a sensitive one. Some felt strongly that we needed to gain knowledge and understanding of abusers and to set up effective offender programs. Some admitted to feeling very sad for pedophiles and wondered how they became desensitized to children’s pain. These women felt that we couldn’t just leave them free to offend in our

communities. One woman spoke of a young man in her community who had been incarcerated for incest against his sister. His father, uncles and brothers had all done it too, she said. While in prison, he got the help he needed, obtained the language to understand his problem but is unsure of whether he will offend again or not. This is an instance in which the penal system is doing what it is suppose to do, namely that offenders are being rehabilitated, rather than teaching offenders other criminal behaviors. Other women stressed the importance of making the time and the space at the symposium to devote to the needs and the pain of women and children who had been victimized by violence. Many of the women said that the topic of violence was bringing up a lot of their own pain. These women asked that they be given the time for their tears and their healing. In addition to being listened to, these women asked that we not judge them. To this end a healing circle was organized for the entire day on Thursday. One woman said that she was grateful that AWAN wanted to help Aboriginal women with issues such as this.

On this note, the fact that Aboriginal women at our symposium required the space to do healing work is a testimony to the realities of our lives. Engaging in policy change and attempting to carry out the business of social change while we live in the 'belly of the beast' is no easy feat. Some felt the urgency to get the work done while others saw this as insensitivity in the face of personal turmoil. Again, internal tensions result in an absence of being able to move forward in with one heart and one mind, yet move forward we must!

G. Restoring Justice?

Many of the women who attended our symposium, as well as women who came out to our focus groups expressed frustration over the lack of accessible information on restorative and other alternative forms of justice. Their perceptions were very similar to those held by

AWAN members at the early stages of our involvement with the Vancouver Aboriginal Transformative Justice Program. Because they did not think they had a good understanding of “Restorative Justice”, they felt at a disadvantage to have meaningful participating in the discussion. They recommended that AWAN develop documents written in “layman terms”, complete with definitions so that they could adequately participate in their own communities, in the development of these programs. AWAN has loudly objected to the lack of involvement of Aboriginal women and victims services groups in the formation of these policies and programs, and symposium participants appear to have reiterated our concerns. One elder at the symposium said that she was a traditional matriarch, and yet she is ostracized for speaking out. She says she has no confidence that restorative justice will work on her reserve. Women recommended that, for this study, there are plenty of interviews with women to obtain their perspectives and their recommendations.

One group at the symposium was asking the similar questions to what AWAN women have asked. That question is, ‘what are we restoring when we say restorative justice’? Are we restoring virginity? Are we restoring the stress of an unhealthy intimate relationship? Are we restoring the anger that existed before the violent incident? Women felt that there was a great deal of work yet to be done to bring about better understandings about the role reversal in cases of violence. The view held by many was that cultural myths that have been taken on by the judiciary, and by extension the larger society, needed to be deconstructed, and that offenders should not be slotted into the role of victims. The result, one participant stated, was that healing for offenders is aborted and women and children are then left to struggle with the mental and emotional consequences, which ultimately perpetuates the “normalization” of violence. Some women unequivocal stated their opposition to the use of restorative justice in cases of violence, abuse and sex crimes, while others argued in favor of it. The Stolo Nation program, for

instance, has already been diverting cases of violence, as have other Aboriginal programs around the province.

Some women argued that we needed to learn much more about the dynamics of sexual abuse and other forms of violence before we can even think about using restorative or alternative forms of justice. There is also much more learning required in the area of children's and women's rights, and the normalization of violence, women said. Because we are not protected under various human rights legislation on-reserve, and do not enjoy the same rights as Canadian women, there still needs to be a great deal of consideration given to how these rights can be protected. If we can do the necessary consciousness-raising, then we can begin to address the "nepotism in band councils, it's a family run business, an old boys network." Many participants were determined to bring back respect to women's roles in our communities as one strategy of addressing violence, and the new restorative justice initiatives.

The irony of these identified gaps is that government's selling point for these pilot programs is that its' origins are in "tribal wisdoms" and are 'culturally based'. The use of 'culture' is obviously problematic. Ostensibly it is difficult to define traditional practices after the centuries of colonization have severely impeded our ability to engage in these practices. So who is defining 'culture'? One participant said that it was judges and non-Aboriginal people who were creating these alternative justice programs. Clara Linklater²² made a similar claim of the program in the Yukon. What's even more difficult is the fact that, as Emma Larocque argues,²³ the dominant racist and sexist society around us mediate how we understand these traditions.

²² Jan Forde (1995) "True North, True Solutions?" in Listening to the Thunder Vancouver: Women's Research Centre

²³ Ibid "Reexamining Culturally Appropriate..."

The point is that notions of ‘culture’ and ‘traditional practices’ must be seriously interrogated before it can be used in the context of Aboriginal restorative and alternative justice models.

Another critical area that requires interrogation is the concept of “community”. Naturally, symposium participants highlighted the point that the development of restorative justice programs requires community input and involvement, and that women are part of that community too. When we speak of community, are we referring to a “cultural community”, in which case, it becomes unwieldy in the context of urban Aboriginal communities? Which culture takes precedence and how to construct a representative governing body? Or are we speaking of geographically defined communities? This, too, is a difficult set of criteria since residents of one region could conceivably commit a crime in another region. When addressing jurisdictional issues, are First Nations responsible for all of their members, both on and off reserve? These are but some of the questions that arose from women at our symposium, and there are others coming out of AWAN’s literature review.²⁴

Other recommendations arising from the symposium included the need to develop an Aboriginal “Best Practices” model for existing and new restorative and alternative justice programs to utilize as a guide. A Provincial “Resource Manual” could provide such basic information as the process of obtaining criminal record checks, to more complex issues as inclusive community consultations. Conceivably, this could be one of the outcomes of the current project that AWAN is engaging in.

Women came from such existing programs as the “Unlocking Justice” program in Hazelton, and the programs in Haida Gwaii and Stolo Nation. One of these women said that

²⁴ Soon to be released, a literature review has been prepared for AWAN by Kelly MacDonald.

they were getting a lot of the cases that were backlogged in the court system. Another thought that cases that involved historic abuses could be dealt with effectively through restorative justice if only the community would begin working together. Another woman said of a program that was being developed in the Victoria area, "Why are they trying to put this on us again? We've rejected it once before." The situation she describes is the one that frightens many feminist anti-violence workers and mobilizes us to work on this project.²⁵ These women tentatively offered to host future focus groups or other types of working relationships for the future research of this project and this is an arrangement that we welcome.

VI. Recommendations and Conclusions

Recommendations came in three broad areas. The first was intended to set the direction of this research in a specific way. Women called for more information in a number of areas, including providing more colonial context within each section and each issue and providing much more elaboration for the quotes that we used in this report. For example, they wanted an improved discussion on women going into treatment facilities, including the lack of follow-up and support services, the lack of a 'second stage recovery plan' beyond sobriety and many other issues related to this topic. They also called for a more quantitative approach that would include accurate demographic data for the various areas, and particularly with regard to our children. They also pointed to their desire to have this document referenced with the writings of Aboriginal women, rather than non-Aboriginal scholars where possible. These are areas that AWAN will take into account in the future work of this project, which we will be exploring with the "Developmental Grant" that we anticipate receiving in September 2001.

²⁵ In this "Access to Justice" program, a young man who was guilty of sexual assault escaped having to take responsibility for his crime due to the political interference of his relative in positions of power. This offender was repeatedly sentenced to spiritual ceremonies rather than to prison. For an in-depth discussion, see C. Barnett (P. C. J.) "Circle Sentencing/Alternative Sentencing" [1995] 3 C. N. L. R. 1

The second general area of recommendations was with regard to “inadequate resources, programs and services”. Women felt that if we could delineate or inventory existing programs and services, and the ways that they are resourced, we would be in a better position to observe and critique the ability of an alternative justice program to utilize these services in its work. Women categorically stated that most existing programs and services were so overburdened that it was very difficult to provide anything more than essential services. Some stressed the need to include medical and health care needs as part of our discussion on anti-violence services. In the area of education and referral, one woman suggested a ‘1-800’ number that Aboriginal women could call, where they could access information that is specific to their concerns. Overall, we think that this speaks to the lack of access to referral services and resource materials. Another service that women felt was critical to an anti-violence plan of action was to have the resources and infrastructure to address systemic forms of discrimination. Many women felt that what little resources that is earmarked for anti-violence services, is often diverted. This could take the form of a weakened anti-violence service delivery, or a total redirection of financial resources to other programs. AWAN would go further and say that what is required is having autonomous Aboriginal women’s organizations to represent Aboriginal women’s concerns. After all, the state presumes a level playing field with regard to power relations in the creation of restorative and alternative justice programs. Our task, then, is to address the patriarchal and paternalistic relationships that disadvantage us, as Aboriginal women.

A third area of recommendations was on the topic of restorative or alternative justice programs. As noted above, women want resources, written in plain language, equipped with clear definitions as a starting point. Women also state that there needs to be a clear delineation of jurisdictions and procedures or methods of decision-making in all alternative justice programs and this information must be available to all community members. Subsequent to these ‘flow

charts', participants called for a detailed account of mandates and job descriptions of victim services workers, Band social workers and other social and community development workers, police and the courts, and Aboriginal political leaders in their work with alternative justice models. They also placed significance on the need to discuss what we mean by such concepts as 'culture' and 'community' in the context of restorative justice. And they called for a section of our report to be devoted to "Frequently Asked Questions" (FAQ). In this section, they recommended that we could provide deeper analysis and resource materials on various aspects of restorative and alternative justice models, as well as anti-violence policies. AWAN has recently posted a website, and we see this as one avenue through which we can provide this kind of information. We are also striving to establish a newsletter for Aboriginal women around the province as yet another way of sharing our findings from the various projects that we take on. Just to re-state, the developmental phase of the next stage of work will move toward the fine-tuning of how we can implement some of these recommendations, and to delimit what we can and cannot carry out. Part of this process will require outreaching to communities to form partnerships and requesting permission to work in their territories. The symposium has laid some of that foundation but there is still plenty of work yet to be done.

A fitting way of concluding this report is with a story. During the "Journey for Justice" we were attending a pole raising ceremony when we encountered an Aboriginal male elder whom, some of our members were aware, had sexually abused a woman in his sweat lodge. This man has gone on to work in a mainstream non-Aboriginal organization, still in the helping profession, and continues to enjoy the usual amount of prestige that is normally afforded to an elder. Despite the fear and the debates amongst us, an AWAN member stepped up to the microphone and announced, "You know who you are, we know what you have done and you are not going to continue getting away with what you are doing." This was a most courageous act and we celebrated this victory as well as debated this action on the raft after our departure. That

debate was likely but a microcosm of what occurs in many First Nations communities across this country, and in other Indigenous communities around the world. Some felt that we should work with, instead of against, our men in the healing process. Others felt that this was neither the time nor the place for such an action – some of us asked, “Is there ever a proper time or place to speak this horrible truth?” Anyway, one of the women who rode on the raft with us came to the symposium and provided us with an update of this action. Apparently she returned home and raised this issue several times, only to be met with a wall of silence. She returned home and pondered the avoidance of this topic of conversation, and concluded that the men whom she was speaking with were assuming that our AWAN member was addressing him, with her comments at the pole-raising ceremony. From this we can take the inspiration that, as difficult as this work is, we need to continue to speak out and to expose abuse. And when we break the silence, and risk being perceived as breaking with tradition by speaking out against our elders, who perpetuate the normalization of violence in our midst, we have a very far-reaching impact. All of us walked away from that workshop celebrating that small victory and feeling rejuvenated and prepared for the next stage of this work to end violence against Aboriginal women and children be that intimate or state violence.

GLOSSARY OF TERMS

K Files: Anything under the Ministry of Attorney General's Violence Against Women in Relationships (VAWIR) policy that refers to violence against women, including such things as battery and sexual assault.²⁶

Restorative Justice: Sometimes called Aboriginal Justice or Transformative Justice most commonly associated with the Criminal Justice System. It is not a distinct model or system-it is sometimes described as a philosophy and other times a vision. In many respects it is like choosing to look at conflict, crime and community through a particular lens-a lens that keeps in mind the needs of the victim, the community and the offender. RJ encourages dialogue and responsibility for past behavior while focusing on future problem solving and an understanding of the obligations created by the offense. Restorative Justice views crime as a violation of one person by another, not simply a breaking of the law. Programs based on RJ principles can include Community Justice Forums, Sentencing Circles, Healing Circles, Victim Offender Mediation and Family Group Conferencing. A restorative justice way of thinking can influence the way any alternative conflict resolution program operates-whether the program is dealing with a dispute over money or property, the misbehavior of a young person which falls short of being reported to the police, a parent/child relationship which draws the attention of Child Welfare or adult criminal behavior.²⁷

Alternative Dispute Resolution or Alternative Measures: Used to describe a number of different processes for resolving disputes. "Alternative" refers to resolving disputes without bringing them before the court. In ADR, the people with the problem name the issues that need to be discussed and work at creating a resolution. They have more control over matters than if a lawyer was negotiating for them or a judge was making a decision about their problem. These programs are usually associated with non-criminal types of disputes. The processes include Interest Based Negotiation, Conciliation, Mediation, Facilitation, Arbitration and Court Annexed ADR.²⁸

²⁶ Attorney General of British Columbia "Violence Against Women in Relationships" Policy

²⁷ From Provincial Association Against Family Violence: Newfoundland and Labrador (2000) "Making it Safe, Women, Restorative Justice and Alternative Dispute Resolution"

²⁸ *ibid*

Diversion: When offenders are considered eligible for Alternative Dispute Resolution or Restorative Justice and are directed out of the criminal justice system.

Family Group Conferencing: The purpose of this practice is to divert young offenders from the court system; to provide victims with an opportunity to participate actively in the process of seeking reparation; to arrange compensation for material damage where appropriate; to make young offenders aware of their behavior and to involve the family and close friends or "community of care."²⁹

Circle Sentencing: A process whereby community members recommend a sentence in cases involving other members of the same community. Circles are made up of the accused and victim, their families, elders, the presiding judge and other interested community members. Also in attendance are defense counsel, a prosecutor and or police officers.³⁰

Victim offender Mediation or reconciliation: This involves a face to face meeting between victims and offenders in the presence of a trained mediator. Parties have an opportunity to talk about the crime, to express their feelings and concerns and to get answers for their questions and negotiate a solution. Mediators do not impose settlements.³¹

Community Accountability/Sentencing Panels: Forms community or youth justice committees, accountability committees, corrections committees, and sentencing panels. Most involve citizen volunteers or elders who often rely on such restorative justice measures as restitution, reparation, mediation and victim involvement. An attempt is made to deal with the social conditions contributing to the crime. Operates in both Aboriginal and non-Aboriginal communities and can serve adults and youth.³²

²⁹ Carol LePrairie (1995) "Altering Course: New Directions in Criminal Justice, Sentencing Circles and Family Group Conferences" in The Australia and New Zealand School of Criminology.

³⁰ ibid

³¹ Patricia Kachuk (2000) "Restorative justice an Overview" A presentation for AWAN

³² ibid

APPENDIX ONE

Focus Group Questions

Have women experienced violence in their communities and how is this perceived?

How is the violence responded to by the family, community and institutions?

Do you think restorative justice/alternative measures are an appropriate response to acts of violence against women and children?

How do you think we can put an end to the violence in our communities?

If AWAN gets funding for this project, how do you think we should proceed with the research?

Community Follow-up Interview Questions

How many reserves are in this area?

What is the number of on and off reserve members of this community?

What kinds of resources are available for women in the community? Do the urban centers service the outlying areas?

How many of these agencies are Aboriginal?

Are their Aboriginal employees in non-native agencies that service Native people or have a larger Native clientele?

What Reserves are practicing Restorative Justice and if they are, what programs?

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