

Justice Options for Women who are Victims of Violence:

A Framework for Ensuring that Women who are Victims of Violence are not Re-victimized by Justice Options

Summary Report

Introduction

The *objective* of the framework is to assist policy makers and program developers in government and community organizations *to ensure that policy and program decisions do not re-victimize women victims of violence*. The information will assist policy makers and program developers to make improvements which support women victims of violence to gain safety, security and healing.

The information for the framework was compiled during focus groups and workshops with women who have been victims of violence, representatives of the justice system and its various options and child protection, representatives of restorative justice and community organizations. It resulted in four priority recommendations.

All meetings of the project followed an interest-based approach to problem-solving. The interest-based process is an accepted approach to problem-solving and conflict resolution used in a variety of settings including mediation, and organizational problem-solving. While the process is well documented, the use of the interest-based process in a comprehensive, system-wide, community-wide approach is unique.

Do policy and programming options meet the needs of women who are victims of violence?

Needs of Women & Helpers

Women Said . . . women who are victims of violence need:

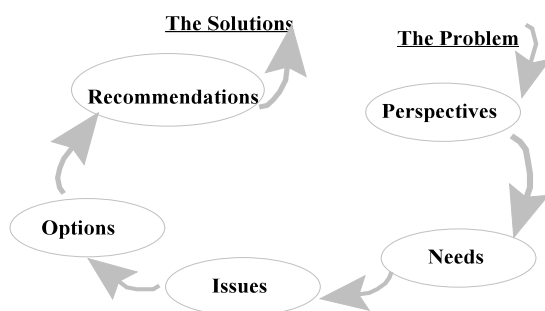
- Access to help to stop the abuse
- Financial security
- Prevention of violence
- Safety for their children
- Ability to have some control over the process
- Safety for themselves
- To maintain family relationships
- Respect
- The abuser to be held accountable
- Support in making changes/breaking the cycle of abuse
- Information/education

(The framework does not represent the voices of all women, only those women who participated in the project. Specifically, very few or none of the project participants were Aboriginal women, survivors of sexual assault by strangers, newcomers to Canada or senior women.)

Government Representatives Said . . . to address violence against women they need:

- staff well informed about woman abuse issues
- effective/integrated services that meet the needs of women
- effective ways to increase women's safety (risk assessment, monitoring of no-contact orders)
- to take violence against women seriously and take care that options outside the current system do not decriminalize violence against women
- public perception that the system is taking violence against women seriously
- to ensure that service providers are not putting women in danger by sending them underground when they enforce no-contact orders against the wishes of the victim
- to understand why victims are not reporting and seeking help

Interest-based Problem-Solving Framework



Community Advocates Said . . . to address the needs of women who are victims of violence they need:

- easy access to services for victims
- supportive family law system
- people (victims/others) knowing what is available (outreach, more ways of getting information out)
- truth, honesty and openness in helper relationships
- service providers to understand women's background (e.g. women with intellectual disabilities) and root causes including power imbalances
- personal accountability of all helpers
- to know why women aren't reporting violence, especially sexual abuse, and to facilitate a feeling of safety in doing so

Issues and Options for Meeting the Needs of Women who Are Victims of Violence

In identifying the issues, people identified areas that most need to be addressed. Policy and program planners can ask these questions when developing and reviewing approaches.

There were several *common issues identified by all groups*:

- How can we ensure that women victims of violence have access to legal information and services?
- How can we ensure that the response by the justice system is safe, helpful, respectful, informed and does not revictimize victims of violence?
- How can we ensure that the justice system continues to take violence against women seriously?
- How can we support women victims of violence to heal, break the cycle of violence and stop the "merry-go-round" of abuse?
- How can we ensure that children who witness violence are supported and cared for?
- How can we ensure that services and justice options are effective, consistent, integrated and holistic?

Other issues identified by the *justice system* and *community advocates* include:

- How can we meet the need for public perception that justice is being done?
- How can we address conflicts between public and private interests?
- How can we make it easier for women to report violence?

Women in the focus groups and at a provincial women's workshop identified the following additional issues:

- How can we ensure that court orders are enforced by the system?
- How can we ensure that women have a voice in the process?
- How can we ensure that women victims of violence are protected financially when they leave their relationship?
- How can we help families and communities to support women victims of violence?

And, to expand on the issue of integrated and holistic services identified above, the women added the following issue:

- How can we ensure that family violence is taken into consideration in family court decisions, or How can we better integrate family and criminal systems of justice?

Are key issues being addressed by policy and program options?

Recommendations

Women, advocates, service providers and justice staff generated many ideas to address the needs and issues they had identified. When given the opportunity to select the most important ideas there were four priorities.

Recommendation # 1:

Support to Access Justice and Other Services

A woman's state of crisis, combined with lack of family supports, the complexities of the justice system, and realistic fears for her safety means that many women remain in abusive relationships. While there were positive stories about justice interventions, many women who reflected on their experience of reporting abuse and using the justice system had negative stories to tell. The stories result from insensitive intervention, lack of information, lack of emotional support, or lack of justice options. These stories, retold in families and communities, increase the barriers for other women. It is important that women share their stories, and that women's experiences be respected.

Questions:

- How can women know where to get supportive information about their options?
- How can responses from police, social service, and other interveners be more consistent?
- How can we prevent women from falling through the cracks?
- How can important healing interventions be made available to help women regain their well-being and emotional, psychological and physical resources needed to make necessary changes?

Options: People suggested one person to take a woman from an early point of contact all the way through the process. This requires some foundational work, and can be met in a variety of ways

Who will ensure a holistic approach to meet the needs of women who are victims of violence?

**Recommendation #2
Community to Take Violence Against
Women Seriously**

Community attitudes and lack of family support isolates victims of abuse. Women who live in situations of abuse often feel that they not only have to leave their abusive partner, but their families, and communities as well. They worry about the impact on their children such as leaving friends, school and family.

Family and community denial or avoidance of abuse sends a message to the abuser and others, that abuse is tolerated. Abusers are not held accountable and are not supported to end the abuse and seek help.

Questions:

- How can families address abuse, support victims, hold abusers accountable and support abusers?
- How can communities take responsibility for safety of women and children in the community and at home?

Options:

The options include both community level planning and concrete activities. For example - identify a community group like Community Consultative Groups to provide leadership in local communities, have information available through media, especially television.

Who will educate families and communities about their role in preventing violence against women and supporting women to heal?

**Recommendation #3
Mechanism to Deal with the Total System and
Hold the System Accountable**

Parts of the justice system have improved, and some women do receive respectful and appropriate responses, however there continue to be problems particularly in relation to the system as a whole. There is no routine monitoring and evaluation, lack of criteria for effective response, no mechanism for community and victim feedback, lack of consistent education about system approaches internally and externally. Eg. protocols, roles, mandates, functions.

The lack of system accountability means women fall through the cracks between parts of the system and have no mechanism for feedback (complaints). Justice and community interveners may provide feedback to each other on an individual situation, but do not have a mechanism for ongoing monitoring and evaluation. Without feedback processes, interveners are more likely to express their criticism to others and not to the person/organization with whom there is a problem. The system may be unaware of internal barriers.

Questions:

- How can the justice system as a whole be held accountable, beyond protocols for different parts?
- What mechanisms can be put in place for regular monitoring and evaluation of justice system including community organization and individual feedback?
- How can the desire for a more holistic approach to family and criminal matters be addressed without decriminalizing abuse?

- How can information about the effective workings of the justice system be shared with others?

Options:

Need to mandate authority for whole system, and develop a process to ensure accountability.

Who will ensure that the system provides safety and security for women who are victims of violence?

Recommendation #4
Supporting Victims Financially

Women’s economic security is essential to preventing abuse. Women often have to make the impossible choice between abuse and poverty and women don’t report abuse because they fear they will subject themselves and children to a lifetime of poverty. For many women who leave abusive relationships the abuse continues through financial abuse, sometimes for many years.

Some women stay in abusive relationships because of the risk of poverty and the stigma of social assistance. Women continue to be abused financially in their process of leaving a relationship.

Questions:

- How can women be supported financially to leave an abusive relationship?
- How can interim help be provided without the stigma and poverty associated with social assistance?
- How can the justice system address “creative reporting” of finances by abusive partners?
- How can women be assisted toward economic security?

Options:

Short and long-term solutions are needed: in the short-term financial abuse must be addressed and emergency funding to leave an abusive relationship must be available. In the longer-term women need opportunities for education, employment and income.

Who will address women’s economic security as fundamental to preventing violence against women?

Guiding Principles

Participants discussed their beliefs about safety from violence for women as the foundation of priorities. Policy and program options must be guided by principles such as: believing the victim; all types of abuse are unacceptable at any level; women need to perceive interveners as allies; services must be holistic and based on victim needs; everyone in a helping or intervention role must be accountable for respectful, sensitive, flexible, appropriate and effective intervention; services must be available and accessible; processes must be transparent so women know what intervention and support can be available; justice interventions need to be holistic - citizens don’t separate the justice system into jurisdictions (criminal/family); an attitude of let’s find a way to meet your needs (rather than “yes, BUT”); victims and advocates are included in individual and policy decisions; women need options and opportunities to make choices.

What beliefs or assumptions guide policy and programming options?



Justice Options for Women Project is sponsored by the Restorative Justice Network of the Conflict Resolution Cooperative of PEI and funded by Status of Women Canada, and Community Mobilization Program, National Crime Prevention Centre. For further information contact: Julie Devon Dodd, phone 902 628-8187 or email jdodd@isn.net, or Kirstin Lund, phone 902-569-1864 or email klund@isn.net. July, 2001