

Restorative Justice and Women Who Are Victims of Violence: Justice Options for Women - Phase Two

Summary Report

April, 2002

Justice Options for Women Project started in 1999 when some community members and organizations were concerned that restorative justice approaches would be used in cases where women had been victims of violence without enough consideration of the needs of women and consultation with the community. The Steering Committee for the project said at that time - we need to work on ensuring justice options for women and children before focussing specifically on restorative justice. While restorative justice does need to be addressed, both from the concern that restorative justice risks making woman abuse “private” and for the potential to support women who are victims of violence, restorative justice options should not detract from the continuing efforts needed in the justice system.

The Project

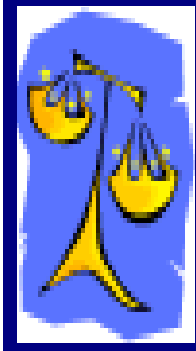
The Justice Options for Women, Phase One study asked women who were victims of violence about their perspectives, needs and issues in relation to justice. Many of the concerns identified by the women interviewed were also shared by community advocates, police and justice staff. Most acknowledged that while there are improvements, there is no one answer to understanding and preventing women abuse. Women and justice system representatives acknowledged that the system alone cannot keep women safe.

The Phase One study made four recommendations:

- ongoing support for women to access justice and other services
- communities and families to take violence against women seriously
- mechanism to deal with the total justice system and hold the system accountable
- financial support for victims to leave and start over.

With a clearer understanding of these needs and concerns Justice Options Phase Two, *Restorative Justice and Women Who Are Victims of Violence*, set out to better understand the problems and benefits of restorative justice approaches for women, while emphasizing important points. The purposes of the Phase Two discussion paper and workshop were to:

- Ensure that violence against women continues to be a criminal matter seriously addressed by the justice system
- Ensure that the needs of women who are victims of violence are addressed in any activities about restorative justice
- Learn together and dialogue on issues of restorative justice and violence against women.



The Process

Focus groups, workshops and most meetings of the Justice Options Project followed an interest-based approach to problem-solving. The interest-based process is an accepted approach to problem-solving and conflict resolution 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. The process was used to ensure that everyone's voice was heard and that the project participants had the information necessary to consider how best to meet the needs of women who are victims of violence.

Literature Review

The growing body of literature on restorative justice, and restorative justice and violence against women, contributes to understanding the complexity of the subject. Most reports are descriptive or reflective about experiences with restorative justice, rather than research or evaluation reports.

Similar to our discussions, reflections and consultations, the literature contributed to our understanding, but does not convey a direction on how restorative justice can meet the needs of women who are victims of violence.

Needs of Women

The women who participated in Phase One identified their needs and concerns:

- Help to stop the abuse
- Financial security
- Prevention of violence
- Their children's safety
- The 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

Key Issues to Consider

Shared goals of justice and restorative processes are to end abuse, keep women safe, and hold offenders accountable. Restorative processes also want to aid victims in healing, offenders in habilitation, and communities in restoring balance. There are many issues to consider in addressing woman abuse using restorative processes, including:

- Improving the Justice System
- Goals of Restorative Processes
- Informed Consent
- When the Offender is Known to the Victim
- Timing
- Offender Accountability
- Training

Justice Options for Women Project is sponsored by the Restorative Justice Network of the Conflict Resolution Cooperative of PEI Ltd. and funded by Status of Women Canada. 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.

Conclusions

- 1** The principles of restorative justice have value and can contribute to healing the harm to victims, the rehabilitation of offenders, and community safety.
- 2** As with the justice system, women's needs and safety must always be the top priority for any restorative processes.
- 3** For women who have been abused in a significant relationship, a face-to-face meeting with the offender is likely not advisable, unless initiated by the victim and with a highly skilled facilitator trained in the dynamics of woman abuse.
- 4** When women are victims of violence and their self-worth may be jeopardized, as in woman abuse and sexual assault, restorative processes must be victim-initiated.
- 5** For women who are victims of sexual assault by strangers or acquaintances, the option of victim-offender mediation should be available for those who request it.
- 6** Women need justice options which have restorative values, but do not require a face-to-face meeting with the offender.

Recommendations

- 1** We recommend a policy that in situations of domestic violence any alternative to the justice system, including Restorative Justice or Alternative Measures, be post-charge only. This policy would be consistent with current police policy of laying charges in domestic violence cases when reasonable and probable grounds exist.
- 2** We recommend making available victim/offender mediation with clear policy guidelines and highly skilled mediators when women victims of sexual abuse request a face-to-face meeting with the offender.
- 3** We recommend reviewing and considering the adaptation of the Yukon Domestic Violence Treatment Option for woman abuse in relationships.
- 4** We recommend that, as the Family Law Section develops and mediation approaches are expanded, policies which address woman abuse be implemented
- 5** We recommend continuing dialogue on restorative justice and women who are victims of violence for the purposes of:
 - ✓ clarifying how to appropriately involve family and community members in resolution of situations of woman abuse and sexual assault; and
 - ✓ developing clear guidelines for a facilitated approach for those situations where the victim requests a face-to-face meeting with the abuser.