

Survivors' Suggestions for Improving System Response

herStory of Woman Abuse and the PEI Justice System: Project Background

In 1999, the Woman Abuse and the PEI Justice System Research Team of the Muriel McQueen Fergusson Centre for Family Violence Research conducted face-to-face interviews with 21 survivors of family violence with a view to understanding where the services offered to victims of abuse have helped or hindered.

The focus of the resulting report is on the women's stories about the abuse, and more particularly, about their experiences in trying to leave their abusive relationships. Their stories gives service providers some strong clues about what works and what doesn't in trying to assist women to reduce the violence in their lives and the lives of their children. The report includes sections on the nature and impact of the abuse on the women interviewed and on their children, profiles of victim and abuser in PEI, information about the barriers these women faced to leaving and seeking help and the women's suggestions for improving services.

The value of this research is in hearing the powerful stories that women told and gaining some perspective into their experiences with the justice system. The study provides baseline information on woman abuse and system response over a 10-year period: 1989 through 1999. A number of themes emerged from the women's stories:

- ➔ Although no clear picture of a typical victim resulted from the interviews in this study, the abusers were consistently described by the women as controlling, manipulative, and refusing to take responsibility for their actions.
- ➔ The women described a range of abusive behaviour, which systematically undermined their self-esteem and self-confidence. When the women finally ended the relationship, the effects of the abuse lingered. The women perceived that their children were also negatively impacted by the violence in the home.
- ➔ Although there were numerous barriers to ending the abusive relationship, the women said that what prompted them to finally leave was often fear for their safety and the safety of their children.
- ➔ Most women agreed that they would not have been able to leave without help and cited several interventions that were consistently helpful. They also identified interventions that were sometimes helpful or consistently less helpful.
- ➔ The women whose cases involved charges found them very effective in stopping further abuse.
- ➔ Many women indicated that stay away orders were not effective because they were seldom enforced.

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Woman Abuse
and the
PEI Justice System
Research Team
of the
Muriel McQueen
Fergusson Centre
for
Family Violence
Research

www.isn.net/~tha/womanabuseresearch/

The quotes in this document are from PEI women interviewed in 1999 during herStory of woman abuse and the PEI justice system, a project of the Woman Abuse and the PEI Justice System Research Team of the Muriel McQueen Fergusson Centre for Family Violence Research.

During the interviews, we asked women to tell us how they would improve the justice system to make it more effective for women in or leaving abusive relationships. They identified some common needs and suggested a number of improvements to our response system in cases of woman abuse which could begin to meet those needs.

Some Identified Common Needs

- »» understanding and compassion for victims
- »» protection and support for victims
- »» a court system which does not re-victimize victims
- »» interconnected justice services
- »» input into decision making about safety and outcome
- »» sentences which protect victims and reflect the seriousness of the crime
- »» accessible services
- »» speedy police response

"There are people who have no idea of the reality for women. They sit and say, 'You could do this and you could do that.' Well, I could if I was you and had a life, but I can't when I'm me and I don't have a life...Start making our justice system more user friendly and I do mean user friendly! They don't have the courage to hear, they don't have the courage to learn, they don't have the courage to sit there and talk about what it's like to be tied to a chair in your own house being burnt and cut with glass!"

"The whole rationale is to make women look like liars and idiots. If you work hard at it, you can make anybody look like a liar... So if you continue to have these cases brought before the criminal court, then I don't think there is any hope because the whole rationale is to destroy the witness. These cases need to come into a different system...a family court setting where the purpose is not solely to discredit the witness who is also the victim."

Survivors' Suggestions for System Improvement

Public Education

- »» Provide education on woman abuse and family violence to the general public with a particular focus on educating children and youth.
- »» Ensure that pamphlets and information on woman abuse are available at doctors' offices, work places, and other public places.
- »» Offer public education on how the justice system operates.
- »» Create a toll-free line to provide information on family violence and services.
- »» Have public service announcements about woman abuse on all radio stations.

"It is important to get the information at a young age. The abuse in schools is awful and there are so many teenagers that are beating their girlfriends and they need to be educated in what's right and the girl needs to know that you don't take this - you don't have to take this...My daughter's 17 and she doesn't really understand what verbal abuse is. Like when their boyfriend tells them who they can hang out with and who they can't - that's abuse."

The Legal System

- »» Educate judges about woman abuse.
- »» Enforce strict penalties for violating Peace Bonds/Recognizance Orders.
- »» Ensure that orders do not list the victim's address or contact information.
- »» Bar the public from court proceedings.
- »» Offer services in French as well as English and create supports and services for Aboriginal women, including Aboriginal court workers and advocates.
- »» Extend the grace period for Emergency Protection Orders to take into consideration individual women's needs.
- »» Develop a program which trains survivors to act as advocates and resources for women in abusive situations.
- »» Increase supports and counseling for the abusers.

"[Judges] have no understanding of what's involved. You can't sit down and talk to a mother who has been a victim of violence and do a home study and judge them the same way you judge a woman who's never experienced this violence...It's not because she's not a fit mother; It's because of what she's been through! Help her, don't judge her!"

"The first thing the legal system should change is all of these statements that say, 'If you fail to comply, keep the peace, if you don't follow the Undertaking, etc.'. Well, [he] never followed about four of them and nothing happened, so what message has that been? He just kept breaking them and nothing ever kept getting done, and even if he did get charged, he would just pay a fine and walk out as if it never even happened. So it tells you something - he obviously thinks he's above the law...he never took ownership of his behaviour."

Services for Victims

- »» Create a central office or coordinator for information and support to victims of family violence and their children.
- »» Develop more support groups for victims of woman abuse, as well as for children.
- »» Provide information for victims of woman abuse about services and financial assistance, the justice system and how it operates and divorce and divorce kits.
- »» Develop accessible and affordable counseling for victims including counseling available in French and from a feminist perspective.
- »» Provide financial support for women who leave abusive situations, including short-term or emergency financial assistance for victims.

"I know there's a lot of things out there, but when you're in the situation, it's so confusing and it's hard to put the pieces together. It's fragmented... The ideal to me would be an umbrella type of center where everybody would be trained to understand and be effective in dealing with family violence - doctor, psychiatrist, lawyer, whatever...Everyone would know where to refer you to...they could send you to where the expertise is and they would all be trained - even police could be there."

"Something needs to change. If a mother has to go out and work from dawn to dusk to put food on the table, the last thing she could ever get to is counseling...The court should award it...six family sessions at the expense of the province. Because I'm in a position that I can't afford it, and I'm sure there are lots of other families that need counseling and can't afford it."

Police Services

- ➔ Hire more female police officers.
- ➔ Provide more training for police on woman abuse issues.
- ➔ Ensure bilingual police services are available.

"The police need to be aware of what this situation is. They believed him [abuser] because he was charming and he was calm, cool and collected...They didn't understand that it was systematic. This wasn't one incident. This was a chain of incidences!"

Legal Aid and Family Law Lawyers

- ➔ Offer more accessible and affordable legal aid for victims of woman abuse.

"It was totally, totally unfair...I felt re-abused. I thought that when we got to court that justice would be done. I couldn't believe it. I had rights...but you can't access them. You have a right to call witnesses, but you have to pay for it. You have a right to serve papers, but you have to pay. Everything involves money. It's a total, total disadvantage...Without a legal background or knowledge or legal representation, you don't know that you have these rights or what to ask for... [Husband] has money and he has assets. A criminal can have legal counsel and I can't."

Additional Resources

The research team has created a series of fact sheets which connect existing research and statistics about woman abuse with the stories of PEI women who participated in this project. These materials, along with the research report, are available on the project website at <http://www.isn.net/~tha/womanabuseresearch>. The fact sheets and the Executive Summary of the research report are also available on the project website in English and French.

The Woman Abuse and the PEI Justice System Research Team of the Muriel McQueen Fergusson Centre for Family Violence Research is a partnership of community, university and government working together to learn about the experiences of survivors of family violence in the justice system in PEI and to influence and inform policy change to ensure that the justice system responds safely and appropriately.