

**Restorative Conversations:
Expanding the Dialogue Project**

Report: Action Research Data Synthesis

May 2019

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I. Executive Summary

Project Description

The *Restorative Conversations- Expanding the Dialogue* Project (RC-ED) has explored how conversations about using restorative approaches (RA) for gender-based violence (GBV) have been evolving in Nova Scotia. It is a collaborative effort by Bridges Institute, Be the Peace Institute, Mi'kmaw Legal Support Network, the Halifax Metro Interagency Committee on Family Violence, and is supported by the Nova Scotia Advisory Council on the Status of Women and funded by Justice Canada Policy Centre for Victim Issues. As part of the project, *Be the Peace Institute* interviewed 25 people who have been involved in the dialogue, oversaw a workshop on October 25, 2018 in which participants helped make sense of interview data, and contributed to a knowledge mobilization retreat on April 4, 2019.

Context

Agencies delivering the Nova Scotia Restorative Justice Program are prohibited from taking GBV cases by a moratorium established in 2001. Discussions about using RA for GBV, and debates leading to the moratorium, have caused much consternation. Over the ensuing years conversations have been happening in various sectors and venues about the issue, especially with the realization that the criminal justice system often does not manage these cases well for victims.

The conversations explored in this report started with a small group in 2012. In 2014 they brought together a larger group of service providers to expand their conversations. Since then this group has merged with the Metro Interagency Committee on Family Violence in Halifax. In the meantime, the Mi'kmaw Legal Support Network developed restorative responses to family violence, including GBV, based on customary law principles that are embedded within the criminal justice system response for Mi'kmaw people.

Report Purpose

This report describes the results from the interviews and the October 2018 workshop. Research participants identified factors that led to the productive conversations currently happening; barriers that might stand in the way of building on this success; and how the findings may guide next steps moving forward. They also identified lingering concerns about using RA in GBV, and how the community might contribute to improvements in current responses to GBV.

Findings

The interviews revealed that much has been learned about both GBV and RA over the years since the moratorium. Indeed, the wider social context has changed with the MeToo movement and the burgeoning attention to GBV.

Those interviewed identified curiosity, respect and generosity as having facilitated productive dialogue. Working together in face-to-face meetings, with strong and supportive leadership, helped build trust and heal some relationships that had suffered from debates around the moratorium. The work together needed to overcome lingering tensions related to the historically challenging relationship between community entities and government systems.

Going forward, those participating in the conversations will need to consider emerging challenges related to meeting fatigue; barriers to trust and confidence across professional silos; and the inclusion of diverse voices. In addition, any moves toward developing RA for GBA will need to address the moratorium, its scope and purpose, how resources will be allocated and to whom. Along with concerns about centring victims' voices, appropriate models and requisite skills for practitioners, these issues cause nervousness and lingering concerns about using RA with GBV among many involved in these conversations.

The conversations that began in 2012 and now continue at the Metro Interagency table have produced a community coalition that has influenced system change, particularly around the Halifax Domestic Violence Court. Through this work, a great deal of common ground has emerged, especially related to principles (how to work in a restorative way) and concerns about existing criminal justice responses to GBV.

Conversations about principles and a principle-based approach have proven to be a key compelling feature of the evolving conversations. Those interviewed discussed principles associated with doing restorative work, and highlighted similar principles associated with having productive and safe conversations about RA and GBV.

The interviews suggest that next steps should continue to focus on principles with an eye to developing implementation possibilities. Work should continue to build on existing trust and strengthening relationships. This work should involve modeling relational principles and practices together.

Recommendations- Expanding the Dialogue

Based on interview data and workshop discussion, this report concludes with several recommendations:

- Develop and build broad consensus on guiding principles
- Build on the trust that has been developed
- Enhance knowledge sharing within and across fields
- Move principles into practice
- Make decisions about scope and mandate
- Create structures for collaboration

II. Introduction

Project Purpose

The *Restorative Conversations- Expanding the Dialogue Project* (RC-ED) is a collaborative effort by Bridges Institute, Be the Peace Institute, Mi'kmaw Legal Support Network and the Halifax Metro Interagency Committee on Family Violence. It is supported by the Nova Scotia Advisory Council on the Status of Women and funded by Justice Canada Policy Centre for Victim Issues. The project aimed to mine the value of community conversations that have been exploring how a restorative approach (RA) can play a role in building more meaningful justice outcomes for victims of gender-based violence (GBV). The conversations, which began in 2012 and now reside at the Metro Interagency Committee on Family Violence (MICFV) have involved organizations working primarily in the field of gendered violence, but also justice and restorative justice.

The project has grown out of conversations initiated in 2012 among three service-providers: Tod Augusta Scott (Bridges Institute), Verona Singer (Victim Services, Halifax Regional Police) and Pamela Harrison (Transition House Association of Nova Scotia). In 2014 they brought service-providers from the transition houses and men's intervention programs to share, together with scholars and experts, a feminist, trauma-informed approach to restorative justice. Since then, agency representatives in Halifax have continued the conversations, developed draft principles for a restorative approach to gender-based violence and continued to collaboratively seek possibilities for system change. On September 27, 2017, this group hosted a facilitated gathering to share their ideas with a broader community of service providers. It was then decided to merge the group with the MICFV, as many of the same participants are at both tables, and also now involved in the development of the Halifax Domestic Violence Court Program. The table is now referred to as the Metro Interagency/Restorative Conversations Committee on Family Violence (MIRCCFV).

The RC-ED project aimed to support the work in progress at the MIRCCFV on addressing the use of RA for GBV. Those involved with the MIRCCFV, and leading the conversation about RA, have felt the work has succeeded in opening positive dialogue about a difficult subject.

The project involved three components:

1. A scoping literature review of identified models using a RA in GBV by Verona Singer, PhD for Bridges Institute.
2. An opportunity for Paula Marshall, ED of the Mi'kmaw Legal Support Network (MLSN) to share and document the restorative work they do in Nova Scotia Indigenous communities based on traditional customary law, in collaboration with the Mi'kmaw Family Healing Centres and the criminal justice system.
3. An action-research component by Sue Bookchin, MPH and Diane Crocker, PhD for Be the Peace Institute (BTPI) seeking real-time information about the current reality of the conversations, what has happened leading up to this point, what has been learned and how can that inform future work.

Action Research

The action-research is structured in 3 phases:

- **“What?”** – Capturing the current reality of the conversations about RA in GVB and its history, through deep-dialogue interviews with participants in the MIRCCFV and others with relevant knowledge.
- **“So What?”**-- Collective sense-making, both with the project team, and at a workshop hosted on October 25th 2018 for interviewees and stakeholders to review and help make sense of the interview data.
- **“Now What?”**— What is their readiness for going forward? While we draw conclusions and make recommendations from the data, the project culminates in a final retreat on April 4, 2019, during which participants collectively envision a principle-based path forward.

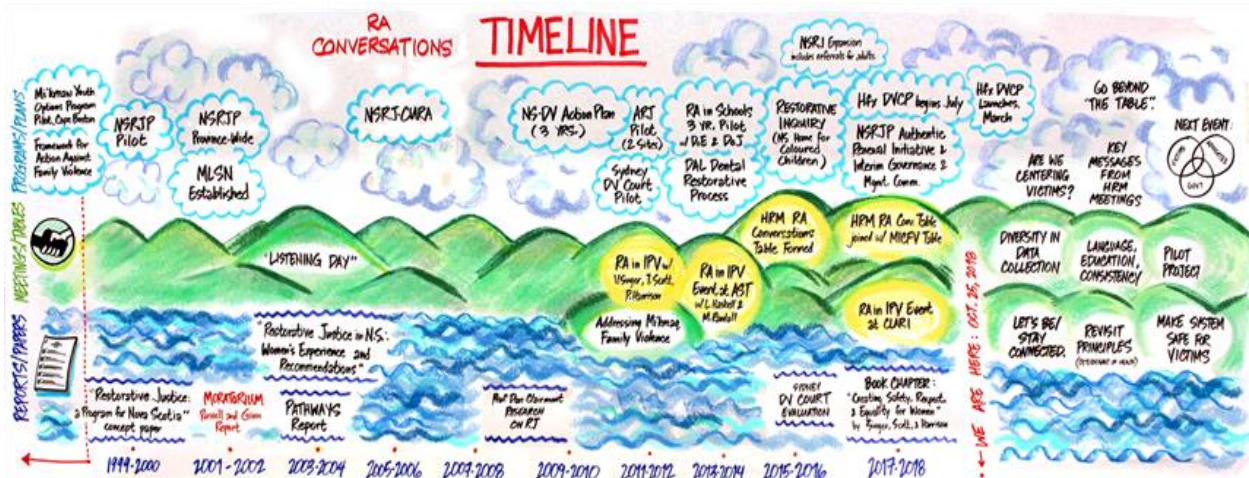


This report describes the results from the interviews and the October workshop. We identify factors that led to the productive conversations currently happening, barriers that might stand in the way of building on this success, and how the findings may guide next steps moving forward. We also report lingering concerns from participants about using RA in GBV, and how the community of MIRCCFV members might move forward to ultimately improve justice processes and outcomes for victims of GBV.

Background and Context

The graphic timeline below was crafted at the October 25th sense-making event. The illustration shows the significant work that has happened regarding restorative justice and restorative approaches in GBV in community, government, judicial and academic sectors over the past two decades.¹ The reports, meetings and programs illustrated have all worked toward improving access to justice and stronger accountability outcomes for those involved in experiences of GBV, (survivors and perpetrators).

Discussions about using RA for GBV have caused much consternation and debate. Cautions raised in 2000 by the women’s advocacy community that resulted in a moratorium restricting the use of RA in GBV remain real – these crimes are fundamentally about power and control and, while on a continuum of harms, often place victims and children at the highest risk.



Over the ensuing years, it has been a challenge to develop collaborative processes to discuss the use of RA in GBV with a foundation of trust needed to foster consensus and innovative thinking. In addition, it has been difficult to collaboratively define an approach that both protects

¹ Illustrations by James Neish and Corrie Melanson, See Meaning Graphic Facilitation

those victimized, offers them a contextualized response, preserves their autonomy of choice, and also ensures perpetrator accountability. These challenges exist in other jurisdictions as well. This report documents how participants at the MIRCCFV table have met these challenges and how others outside the table understand its work and the implications.

Over 20 organizations at the MIRCCFV table have flagged their openness to ongoing engagement in this active exploration based on the shared awareness that the current criminal justice system does not serve victims of gendered violence well, and less offender-focused processes might be able to safely meet victims' needs.

III. Methodology

Interviews

We conducted 25 deep dialogue interviews. We included members of the MIRCCFV who had been involved since at least 2014, and two who had been involved from the beginning. This was a relatively small subset as organizational affiliations shift over time, participation fluctuates, and there has been an influx of new participants at the table with little knowledge of the effort's history.

Some at the table represent organizations with provincial mandates beyond Halifax, with members who have a long history in the conversations dating back to the 2000 moratorium. We included some of these individuals as important stakeholders, as well as some key government-based MIRCCFV members with a similar history. We sought input from those more recent to (or only sporadically at) the table, representing African-Nova Scotian and Indigenous perspectives, and we included some individuals who never sat at the table, but who were identified as relevant stakeholders, including academics and individuals working in the restorative justice field more generally.

The final roster of interviewees was comprised of stakeholders in the fields of both GBV and RA, including: women's advocates; providers of GBV-related services for women and for men; government actors; restorative justice agency staff; Indigenous and African Nova Scotian service providers; academics and researchers.

We developed the interview guide around the following core questions:

Process Questions

- What brought people to the table in the first place?
- What circumstances/factors facilitated the conversations?
- What circumstances/factors created barriers?
- What has shifted or evolved in the conversations over time?
- What has been learned or accomplished?
- How is the system around a restorative approach changing or being impacted by the conversations?

Issues Questions:

- What are some of the specific issues being addressed around the table?
- How are they being addressed?
- What is the current thinking or level of activity regarding use of a restorative approach in situations of gender-based violence?
- What principles have been developed to guide those activities?



interviews means we are not completely neutral, nor might we be perceived as such by those we interviewed. We hoped we'd be trusted in authentically seeking a full range of perspectives with genuine curiosity and open-mindedness. Further, while we took care to be cognizant of our social location as white, professional women, we note that racial and class status assumptions and biases can be difficult to see.

IV. Findings

The following synthesizes data collected by BTPI from 25 deep dialogue interviews and the sense-making event on October 25th, 2018.

In the interviews people talked about two main areas:

- What has happened at the MIRCCFV table and leading up to its development
- Opinions about whether RA offers an appropriate response to GBV situations, and under what circumstances.

Those who have been at the table from early on were able to share more deeply about progress or current reality at the table itself. The content for those arriving more recently to the table, or whose constituents have mandates beyond Halifax, or who are involved in other related discourse in Halifax and beyond, was more so about the latter. While we have tried to prioritize the former, both showed up in the interviews.

In what follows we describe: findings relating to how the conversations about using RA in GBV have evolved over time; what factors facilitated the dialogue; what barriers were faced; what has been learned and accomplished; and what challenges may influence a go-forward path.

The level of engagement with interview participants in this issue, and indeed in this project was high. We had no trouble recruiting people to participate in interviews, and several individuals identified themselves to us and asked to be included. This interest speaks to the importance of the work that has been done to date, and the need to keep moving forward and build on the good will and interest that already exists. We found people to be forthcoming, open, and thoughtful in their responses. Any assumptions we may have made about who would say what were quickly dispelled, as people revealed the complexities in their thinking. Many expressed appreciation for the opportunity to share their perspectives, and were eager to hear about the collective findings.

What factors facilitated the Restorative Conversations table?

Curiosity and respect

The conversations about RA and GBV in Halifax were facilitated by relationship building that started with a small, select group and has expanded to include a wider range of stakeholders over the years. It began with regular meetings between Tod Augusta Scott, Verona Singer and Pamela Harrison. They brought curiosity and respect for one another's work and vantage points to generate productive dialogue. Their work together also bridged a gap between those working with male perpetrators and those working with women survivors. Our interviews revealed that the trust built in these early conversations opened the door for others to have courage for honest and open conversations about a subject that historically had been very polarizing. Participants in the early conversations noted that their own academic work helped to shift their

thinking from the dominant discourse of bad men and victimized women, to a new narrative that included the possibility that violent men could change, and women could have agency and voice. This helped others to resist the temptation toward “either/or”, “us versus them” thinking.

Generosity in relationships

Interviewees emphasized the primacy of relationships – how working together across traditional silos or differences has been essential and that “*we need to have confidence in our relationships around the table.*” We heard about how much dedicated effort it takes to build the level of trust needed for productive work and effective partnerships. Some suggested it was comfortable because no one was “*starting a campaign*” or trying to persuade anyone else; there was an openness to hearing about ideas and also concerns about restorative approaches. We heard that those participating in this conversation in Halifax were invested in learning from each other and were “*charitable*” toward each other’s ideas.

Participants in the October sense-making workshop said they felt reassured that relationships had been identified as a key facilitating factor in the conversations that have evolved over the past few years. Some of those who had not been at the table expressed surprise that our findings in this regard had been so positive, and this was reassuring for any efforts moving forward.

Face-to-face opportunities

The 2014 event (held at the Atlantic School of Theology) was described as particularly pivotal. It reminded people that the women’s and men’s organizations had a history of co-operation that could be recovered and built on. Some participants described the event as having been stressful, but they felt it created an opening for the relationship-building that has happened since. Likewise, in the sense-making event on October 25th, participants said they valued face-to-face opportunities to learn about one another’s work and perspectives.

Developing common principles

We heard that conversations at the MIRCCFV have been “*abstract*” enough to keep the dialogue positive. The discussions about principles have been “*respectful, collegial, constructive, insightful, and robust,*” as well as productive and non-threatening. This approach has eased some anxieties and helped highlight the ways in which restorative principles align with how the agencies that serve women and men actually work. The exercise of clarifying shared values has helped build positive relationships based on common ground.

Building a community coalition

Another concrete factor that facilitated early success at the table, according to some we interviewed, lay in the fact that the conversations included primarily those working in the community. This allowed the group to gel as a “*community coalition*” before moving outward. Historically there has been a narrative that the conflict about restorative approaches in GBV lies between government and women’s organizations. But according to these interviews, the dynamic is much more nuanced and complex, influenced by patterns and constraints that are sometimes individual, but more often systemic. Many of those we interviewed appreciated the opportunity to participate in learning conversations without the pressure of having government at the table.

Support and leadership

Other factors that facilitated the conversations included support from the Nova Scotia Advisory Council on the Status of Women, ongoing leadership by the originators of the discussions, as well as many others in government and community over the years. The growing interest in and use of restorative approaches in the province also contributed.² People also mentioned that “*the system itself seems more open*” and ready for change and cited innovations like the Halifax Domestic Violence Court Program development, specialised Sexual Assault Crown Prosecutors and the Independent Legal Advice initiative for sexual violence survivors, as Nova Scotia examples.

Social context

Our interviews indicated that many felt the larger cultural context has been a facilitating factor as well. High profile cases (and the public reaction to them) and the #MeToo movement reflect some cultural shifts that may be indicative of readiness for substantive change in how GBV situations are handled.

New knowledge and dissatisfaction with criminal system

People interviewed noted the array of research and new knowledge relating to both GBV and RA that has emerged in the past two decades. Among many feminist activists and scholars there was growing dissatisfaction with the current criminal justice system approach to GBV, a re-thinking of some earlier work to improve the system (e.g., pro arrest/prosecution policies), and the possibility that justice perspectives could be *both* feminist *and also* restorative. Many of those we interviewed shared these hopes and concerns. They shared a desire to be better educated about what else could be done to keep victims safe, honour women’s agency, and ensure meaningful accountability by perpetrators.

Common ground

Most respondents described a sense that the current criminal justice system is not meeting victims’ *or* perpetrators’ needs, particularly within population groups affected by historical systemic bias and racism. The widespread agreement among interviewees that system change needs to happen has been an important factor in propelling the conversations forward- “*If the consensus is that the current criminal justice system cannot deliver justice in these situations, let’s imagine what can.*” The fact that the MIRCCFV table has prioritized women’s safety and choice as essential principles is a common ground that has provided a sense of safety even when not everyone agreed. There is an appetite for new ideas both at the table and among others working in this field in the province, and new people are being attracted to the energy of collaboration at the table.

Creating space and overcoming fear

The ability for the MIRCCFV to have these conversations is a product of both slow and incremental relationship building between and among community agency representatives, and

² Examples included the Nova Scotia Restorative Justice-Community University Research alliance, work done by Jennifer Llewellyn, projects using restorative approaches in schools, the restorative inquiry into the Home for Coloured Children and the Dalhousie Dentistry process.

also the wider culture shift related to gender-based violence. The conversations have helped overcome some fear, created space for different perspectives, and diminished resistance to talking publicly about using restorative approaches in cases of gender-based violence.

What has been learned around the table?

In our interviews we heard that a lot has been learned, both about the complex continuum of GBV, and about restorative practices and principles. People described how these learnings have helped change people's minds and created greater openness and receptivity to considering possibilities. We were told that the sophistication and nuance in the current conversations could not have happened years ago – that the conversations have become *“intellectually rigorous”* and more informed than in the past. The prevailing sense is that the past decade has seen a *“huge shift”* and substantial increase in knowledge about restorative approaches, principles and practice. As one person stated, *“If a divide remains, it is now a more informed divide.”*

Those we interviewed identified several specific learnings that have emerged from their participation at the MIRCCFV table. People referenced distinctions, for example, between restorative “justice” as a model practiced by the Nova Scotia Restorative Justice agencies, and a broader application of restorative “approaches” that could allow flexibility in practice and need not require a face-to-face encounter between someone harmed and the person who caused it. Shifting language was another example. There is now talk about “repairing harm” as a component of ensuring accountability.

People we interviewed also talked about developing a sense of *“cultural humility,”* a better understanding of the dominant culture's *“othering,”* and the unique challenges of communities with intersecting oppressions (e.g., Indigenous, African-Nova Scotian, LGBTQ2S). Interviewees acknowledged these voices are often missing from discussions about how GBV and related issues like child welfare, are experienced in racialized and vulnerable communities. *“We need to be conscious and cautious of the folks at the margins. They can tell us what we've done wrong,”* and help us identify the gaps and failures in the systems that need to be addressed. These comments mirror others who suggested that *“context matters,”* and *“one size does not fit all.”*

What have the conversations accomplished?

The enlivening quality of conversations and partnerships at the current table were mentioned frequently as an example of people getting to know one another and respectfully sharing varying perspectives about new possibilities: *“There's a richness to the conversations here that's not happening elsewhere,”* *“a greater understanding of the complex social realities,”* a common belief that trauma-informed perspectives are essential; and a *“more sophisticated gender lens.”*

Many people we interviewed highlighted the process being used to develop the Halifax Domestic Violence Court Program (DVCP) as a major accomplishment that arose, at least in part, from the success of the Restorative Conversations Table. This *“community coalition”* has had a *“huge impact on how the Halifax Domestic Violence Court Program (DVCP) is developing.”* The inclusion of community-based service providers on the working group, steering committee and evaluation team of the DVCP is increasing mutual trust, respect and collegiality at the DVCP tables. We heard several points about this work:

“This [approach] was very new for government... and quite unique [for government] to invite communities to shape the DVCP framework.”

“Government [was] realizing they need community, and community is feeling like government is listening.”

“We took our principles to the DVC conversations... about what a principled approach would look like.”

There has been some sense that the Restorative Conversations have facilitated access to decision-makers in government in a way that had not been possible in the past. Many people we interviewed felt that their voices were being heard. Some mentioned the meeting with the former Minister of Justice in which community agencies were invited to discuss potential restorative approaches in the domestic violence court.

In the October workshop, participants commented mostly positively on the accomplishments identified in the interview data. One participant described the follow-through associated with the conversations as *“refreshing.”* Below are some of the comments from the closing circle that day:

- *Learning new perspectives to engage about*
- *Being here when we are generally left out*
- *This experience – not in secret anymore – not alone on this journey*
- *Momentum is building – it’s rejuvenating*
- *Enriching conversations and connectedness*
- *More context. Honesty about worries and tensions*
- *How many have been invested in this and how much has been accomplished*
- *Appreciate the face to face opportunity*
- *More tools to deal with complex issues*
- *Really optimistic – a powerful time to shake some trees!*

What principles have guided the work?

In our interviews we enquired about principles that guided the conversations and we heard a variety of answers. People emphasized that trusting our relationships around the table matters. Other principles guiding the conversations include respect for one another’s work, collegiality, collaboration, *“constructive insight,”* and an appreciation of diverse practices.

Some interviewees were unsure of what principles guided the conversations themselves, if there were principles at all, or if they were mostly implicit.

People were surer about the restorative principles guiding their own work with clients. One service provider described their therapeutic work as restorative. Another discussed their approach as restorative in that they help restore a woman’s safety, and honour women’s choices about how they want to heal, decide on their own standards for themselves and their children, *“so when she leaves, she is more whole, more capable, more fully realized... and choosing life-enhancing relationships.”* A restorative practice for another involved *“helping women see system harms as structural, not personal.”* Some identified inclusive, intersectional feminism at the root of their restorative work, or ensuring that abusers take responsibility for their actions and repair harms. A very long list of principles people said they subscribe to also

included: prioritizing relationships; focusing on context; woman-centred, which also means accommodating children; genuine process and meaningful opportunity for voice; actively valuing diversity as a central component; “two-eyed seeing;” advocacy; healing; importance of the collective; the need to engage the whole community.

What barriers or challenges have been faced?

Participants were asked about barriers to the conversations. For many these are also reflective of the barriers to effectively using RA in GBV, and will require continued negotiation going forward.

Relationships and Overcoming History

Challenges needed to be overcome before productive dialogue could take place. The early co-founders took slow and painstaking steps to build trust together and then to expand the conversation among a larger group. They seeded the field with an expanded narrative from the dominant binary discourse about GBV, withstanding the growing pains this entailed in the field. Some noted there are still competing interests about the narrative. *“We’re still telling an old story, but that’s not the story our clients are telling us.”*

Some interviewees described a history of *“fractured relationships”* among different groups of service providers. Some of these tensions, we heard, were born of a competitive environment for resources; assumptions, mistrust and a lack of professional standards across fields and jurisdictions.

System-based dynamics

The historically challenging relationship between community entities and government systems was a common refrain in the interviews and has had a large impact on trust. Interviewees talked about repeated experiences of government entities downloading services to community agencies without requisite resources, and repeated attempts over the years to downsize resources to women’s services and those most vulnerable. This has made the subject of adequately resourcing new or innovative initiatives a significant concern among many interviewed.

There have been *“a ton of assumptions, fears, misrepresentations and mistrust of government, without much genuine collaborative problem solving;”* along with the *“immense burden on women’s advocates... under-resourced, overwhelmed by needs and having limited capacity to envision possibilities while ensuring real women don’t fall through the cracks.”* *“We like easy wins ...and quick fixes, and simple solutions to complex issues.”* *“We don’t consider the context... how can we have a system response that forces us to look at the gray areas, the complexities?”*

What are the challenges going forward?

People interviewed have expressed clear desire to continue the conversations, especially at the MIRCCFV Table. People seem excited about possibilities even as they actively grapple with the challenges. Below are some challenged discussed by interviewees.

Time for relationship building

People described challenges associated with building and sustaining relationships and devoting the time needed for face-to-face engagement. They described a sense of exhaustion over the amount of work involved outside their mandated provision of essential services, and “*meeting fatigue*,” especially once the Restorative Conversations table merged with the MICFV and became deeply involved with the development of the Halifax DVCP. This pressure continues to impede participation from some key actors in the field.

Trust and confidence across professional silos

While trust continues to be built, some participants described it as “*tenuous*” and not necessarily encompassing *all* the relationships. For example, many identified the need for women’s organizations, men’s organizations and restorative justice agencies to get to *know* and *understand* each other’s work before trust in one another and confidence in one another’s skills and abilities could be assumed.

We also heard some concerns about whether everyone’s contributions and expertise were/are equally valued, questions about who “*owns*” the conversation, who should be leading it, who has access to decision-makers, and who is the final arbiter of what constitutes restorative principles and good practices. Some of these questions reflect past experiences that had negative impacts and relationships that remain wary.

Missing voices

A recurring theme among those we interviewed was around the diversity of voices and those missing at the table, and the expressed need to actively engage them and in culturally adept and bias-aware ways. The interviews generated a long list of missing voices, described as “*striking*” by one discussion group at the October workshop. The list included: legal actors; police; child welfare workers and other key service providers; voices from African Nova Scotian communities and the significant additional barriers and biases faced around GBV for victims, offenders and families; newcomer and LGBTQ2S+ communities, who likewise face more dangers, risks and access to justice issues; and Indigenous voices [MLSN and Mi’kmaw Family Healing Centres] who have long-standing experience in using RA in GBV in the context of Customary Law that has been identified as an asset by the courts, “*yet there seems to be little awareness about their principles and processes, nor appreciation of this work.*”

Some noted that the MIRCCFV encompasses more expertise about GBV than RA. In addition, a specific debate emerged about whether the table should include decision-makers in the system (or representatives of), or those who work directly with clients. There was also a question about whether merging the Metro-Interagency and the Restorative Conversations into a larger table is actually the best forum for these conversations moving forward. Questions about who should be included or actively recruited to the table, based on what criteria, and how to balance increasing numbers at the table with efficiency for action on a given initiative, will need to be navigated.

The moratorium

We heard a wide variety of opinions about the ongoing moratorium on the use of RA in GBV in Nova Scotia, its value, scope and who it actually applies to. Some saw the moratorium as an important “*safety valve*,” allowing people to participate freely in imagining new possibilities without worrying that implementation may happen prematurely. For these people, the moratorium ensures that RA in GBV won’t be implemented before concerns have been adequately addressed. For others, the moratorium presents a barrier to fully realizing the potential of restorative approaches in meeting the needs of victims better than the current

criminal justice system does. These differences in assumptions and opinions will need to be clarified and negotiated going forward.

System resourcing

Interviewees offered a number of examples where authentic collaboration between government and community is growing, and reflects deepening relationships fostered over time. However, many expressed worry about the tendency for government to under-resource new initiatives and oversimplify complex problems: *“Trying to create simple [one-size-fits-all] solutions when there’s so much complexity makes it very challenging to experiment in this field...the risks of harm to victims is so significant.”*

People noted that implementation of new initiatives requires sufficient resourcing and evaluation to prevent further harm, particularly where development of new expertise and ongoing training is an essential component.

Scope

In the interviews we heard differences of opinion on the scope of the conversations, e.g., whether to focus narrowly on intimate partner violence or more widely on all forms of GBV.

There also seems to be no common definition of the terms “restorative justice,” “restorative approaches,” “restorative practices” and whether and how they are either interchangeable or distinct. Even the term “restorative” itself yielded many different interpretations. And *“what accountability looks like in a restorative engagement”* was also a question raised.

Many interviewees (both men’s and women’s workers) described their work with clients as “restorative.” But the criteria for what deems it such varied widely and included the terms *“therapeutic,” “feminist,” “intersectional,” “responsive,” “trauma-informed,” “cultural competence/humility”* and *“healing.”* A respondent reflected that *“. . . we need real care in the language of this movement.”* Principles underlying the restorative work ranged from safety of women and children, victim-centred and victims defining *“just outcomes,”* to abusers taking responsibility and repairing harm.

What lingering concerns are influencing readiness for RA in GBV?

We heard from most participants that they accepted restorative principles as valid, and were ready to expand the dialogue and explore ways to operationalize principles in practices, but with lingering concerns about how they would be implemented and by whom. *“There’s little argument about the principles- it’s the implementation . . . that is the challenge.”*

We heard a number of lingering concerns related to essential components of the dialogue and for implementation of RA in GBV:

- Defining what a restorative engagement can look like in GBV situations, *“Healing is good but it’s not a substitute for the fact that GBV is a criminal activity.”*
- Whether RA can deal with the complexity and depth of harm experienced by women in violent relationships, and avoid *“pressuring women to participate, either subtly or overtly;”* as well as whether offenders will participate authentically and safety can be assured;
- Whether *“decisions will consider the real experiences of real people;”*

- Whether appropriate models exist;
- Devoting the time needed, *“We’re always in a hurry to process caseloads. It takes time for [offenders] to change.” “We need to understand how much time it takes for a traumatized person to figure out what they need, to be able to cooperate with the system, to understand how it has affected them and determine what is in their own best interests.”*
- Devoting adequate resources, in general, but also resources specifically for training, *“We need ongoing and more sophisticated training, sequential and across silos.”*
- Identifying who in the province is adequately trained to do RA in this context. *“We need preparedness- highly specialized practitioners with advanced and nuanced understanding of power dynamics, and verifiable skills/credentials;”* or whether and how collaboration among GBV workers and RA workers will inform implementation.
- Negotiating the value and purpose of a continued moratorium between those who deem it essential until the challenges of doing RA in GBV well are resolved, and those who view its demise as a prerequisite for progress in this work.

Centring victims’ voices

Many respondents talked about the need to sustain the strides made over the past 20 years in the GBV: *“Losing ground is always a concern for activists.”* Prioritizing women and children’s safety, not re-traumatizing them, ensuring women have authentic choice without pressure to participate, are areas of common ground among those interviewed. *“So much of the system processes fall on her shoulders, including what should happen to him.” “Women in violent situations have very few choices; they’re expected to make the choice of least harm to others, depending on their social location.”*

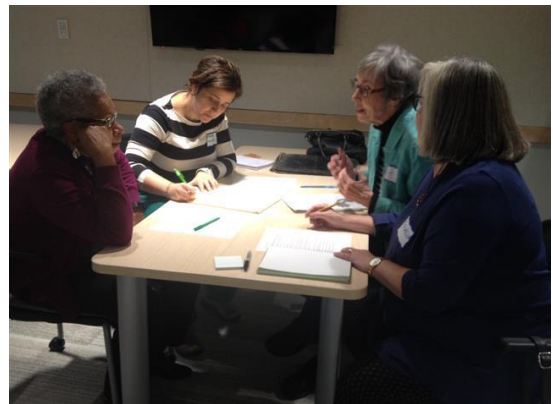
Some respondents spoke about a *“...continued lack of substantial investment in/commitment to victim issues and needs,” “... even as we bolster services/possibilities for perpetrators,”* and the ongoing challenge of engaging victims meaningfully in the process and the discourse.

Others described the victim blaming, stigma, and gender/racial bias that persists in the justice system, and questioned whether RA in GBV can be any more successful in *“an already deeply flawed system; RJ won’t solve those problems.”*

A number of people interviewed talked about the lack of ‘first voice’ informants in this field-- *“victims speaking from their own voices,” “hearing what they would like to see from the systems and service providers.” “It’s radical to include first voice as a legitimate voice... and it needs to be managed, otherwise it becomes too easy to dismiss them.”*

Accountability for system harms

The need for public discourse about the accountability of the systems and the harms they cause to victims and families, especially in more vulnerable communities, was raised by several participants in terms of how the systems themselves can behave more restoratively. While inadvertent and unintended, *“we need to be supremely aware of such harms to the most vulnerable.”* These would include children, youth,



African Nova Scotian and Indigenous peoples, and those appearing in multiple system engagements concurrently (e.g., in justice, mental health and child welfare systems). In African Nova Scotian communities, “*Sometimes help means more harm,*” with “*limited access to services and few practitioners [and system actors] being of African descent.*” Some suggest a dedicated discussion is needed about how we acknowledge and address accountability for these unintended system harms, and that communities need to be part of that.

What are some possible next steps?

At the October workshop we invited participants to suggest next steps for this conversation, given what they learned from the interview data. Suggestions included the following:

- Continue to work on relationships and restoring relational trust
- Develop a model for implementation. Some recommended a pilot program to be designed by community-based actors and implemented *only* with sufficient funding, training and evaluation.
- This work should involve modeling relational principles and practices together

Some participants also identified the need to work on issues identified as barriers to ongoing conversations and a willingness to continue to participate in relationship building. There was a suggestion that “*we need to start sharing some success stories.*”

V. Conclusions and Commentary

Scope of the Project

It has been challenging to consider the path of the conversations at the MIRCCFV table separate from the larger context of conversations considering the use of RA in GBV beyond the table.

Some of those at the current MIRCCFV table could speak directly to the history and path of how people came together. Others had only more recent participation in the Halifax conversations. However, most of those interviewed have had long-standing experience in the explorations of RA in GBV and they contributed their perspectives based on that experience. Almost everyone shared elements of both. While we attempted to prioritize the path at the table, the breadth of content shared is relevant in informing a forward path that expands the dialogue.

We have been similarly challenged in strictly categorizing the data into those two distinct areas or in trying to bound the system strictly by the parameters of the table. What happens next at the MIRCCFV will necessarily impact the broader system conversations, and also be impacted by them. As one respondent said, “*There are so many voices who care about this,*” and want to see new ways of addressing GBV cases.

Contribution of the MIRCCFV

The successive and current iterations of the MIRCCFV have been a unique opportunity in the time since the roll-out of the Nova Scotia Restorative Justice Program and advent of the moratorium. It remains a significant contribution as one of few venues where a broad range of people across sectors are invited to step outside their silos and into open exploration of RA as a possibility for achieving better justice processes and outcomes in GBV situations. Our interviews

demonstrated a great deal about the positive evolution of the conversations, and acknowledgement of the growing collegiality at the MIRCCFV. There is passion and purpose around the table, curiosity, desire to learn, and good faith intentions for thoughtful, collaborative work. The convergence of this table with members' participation in other innovative initiatives supports cross-pollination of ideas, accomplishments, perspectives and practical possibilities that raise the collective capacity to accomplish common aims.

Mining History

Reflecting on the past and capturing the 'institutional memory' can be instructive in unearthing both challenges and milestones. It can reveal building blocks for success like the immense body of work undertaken in Nova Scotia on restorative justice, gender-based violence and their intersections, as illustrated on the graphic timeline. It can help us discern the residue of subtle and overt tensions in the landscape that need tending in order to rebuild trust and foster confidence in one another. And it can unearth what has been learned from challenging times. The shared work and enlivening discourse at the table is likely making a valuable contribution to further healing and trust.

The moratorium was such a significant moment in time, "... *both practically and symbolically.*" Described both as an "*important hold moment,*" and alternately as an elephant in the room, it afforded an opportunity over many years to learn more and create space for reflective practice for practitioners, government and academia. It also created separations that persist, e.g., RJ practitioners and GBV practitioners have different mandates and skill sets, and only rare opportunities for knowledge sharing or collaborative learning. It is clear from participants that getting to know one another, sharing knowledge and practices in these two domains and collaborative work will be necessary to narrow that gap. Separation also magnifies the importance of avoiding making assumptions – about people, policies, intentions, choices, knowledge, practice, etc.—that were mirrored in the interview process where any of our assumptions were rarely proven accurate, and our curiosity was rewarded with new perspectives.

Our findings show a willingness to engage with the challenging topic of RA in GBV, and to move past some of the personal and structural divisions from the past to pursue common aspirations for improving justice, even as negotiation about the purposefulness of a continued moratorium continue.

Amplifying the Facilitating Factors

Many of the facilitating factors in the MIRCCFV's development centre around the primacy of relationships – making time to engage and inquire together and get to know one another as humans, in an environment free of judgement and "*privileging curiosity.*" When the quality of relationships is sufficiently strong, they may better tolerate the "*messiness*" of collaborative and inclusive work across silos, and be resilient enough to withstand a productive level of risk inherent in innovative thinking and action.

Trust, once broken, is painstaking to restore, but restoration seems to be happening in ways that are encouraging and enlivening, judging by the enthusiasm and high attendance at the MIRCCFV meetings.

The collaborative approach of leaders in government inviting *and sustaining* community-based providers' participation at the Halifax DVCP tables is a noteworthy and mutually appreciated

investment. People on all sides seem encouraged by the shared recognition that *“we need each other.”*

Victim Centeredness

People we interviewed generally agree we need to be more victim-centred, trauma informed, and *“shift responsibility from the woman to the person committing violence.”* Many spoke about the *“lack of substantial and sustained investment in addressing victims’ needs,”* and the fact that the direct voices of women are missing in much of the discourse and planning. If we are to centre victims’ needs, how do we meaningfully involve them without tokenising their contribution or re-traumatizing? Those most directly affected can tell us not only about system failures, but also what their needs and our responses to them *should* look like, and according to their cultural and social location. The question of who speaks for or controls access to women’s voices is a provocative one. There is *“immense pressure on women’s advocates”* to fulfill that role. But how do we integrate an accurate and diverse range of perspectives without directly engaging with the people most affected, especially those with highly complex needs and histories of marginalization? Persistent gender-biases around GBV were well-articulated in our interviews, and these complicate the already substantial challenges in engaging victims in ways that are responsive not only to their needs for support, but also to their potential willingness, even eagerness, to contribute; to use their experiences for positive change in the systems. This is unresolved territory.

Aspirations from Common Ground

Achieving just processes and outcomes in situations of GBV that are less traumatizing, more productive, attentive to complex contexts and the particular needs of all those involved-- victims, offenders, children, families and communities-- in culturally adept and responsive ways, based on feminist intersectional principles, may be the common ground of our collective aspirations.

The context for conversations about RA and GBV has shifted considerably over the years. Many respondents acknowledged, with appreciation, individuals within the system who have and are contributing to making these changes happen. *“People are changing and so are the systems they are working in.”*

There is widespread agreement among those we interviewed that: *“There’s no one way”* to do this work; and *“we can’t have one model [for everyone] – when we do that, then we expect and pressure people to fit that model.”* But it is a risky experiment, as many mentioned, when significant harm and women’s lives are at stake. *“So it must be mindful and principle-based,”* and include structures for evaluation, learning and course correction.

At this time, with alignment of energy, enthusiasm, knowledge, commitment to principles and social and political will, there is a rich opportunity to contribute to this ground-breaking work in Nova Scotia in a thoughtful, methodical and principled way.

VI. Recommendations- Expanding the Dialogue

People expressed clear desire to continue the conversations, especially at the MIRCCFV table, as evidenced by high levels of attendance at meetings. There is passion and purpose in the group, curiosity, and learning that is attracting more people to join in the conversations. There are exciting possibilities even amidst some lingering tensions that will need tending over time.

1. Develop and build broad consensus on guiding principles

Development of guiding principles is being more widely acknowledged as essential for collaborative engagement in complex work. This is especially true when accommodating a wide array of views, and attempting to be inclusive of an expanding spectrum of stakeholders. The MIRCCFV table should continue its work building consensus on principles to guide actual practice of RA in GBV, but also develop explicit principles to guide the conversations going forward. The guiding principles of the Nova Scotia RJ Program based on relational theory may be helpful in aligning complementary principles grounded in a feminist, intersectional, anti-oppressive and trauma-informed framework.

Having principles to guide the collaboration will enhance trust and provide a touchstone when tensions and inevitable disagreements arise. Converting guiding principles into practical implementation can be a challenging juncture – one that requires vigilance in continually asking whether actions and decisions are aligned with the principles articulated.

2. Build on the trust that has been developed

Much could be gained by men's groups, RJ agencies and women's groups learning more about one another as people, as well as how they each approach their work, how they understand it as "restorative," and how it aligns with common, agreed upon principles. The MIRCCFV can thereby build on the trust that has been developed to help increase each constituent's understanding and appreciation of one another's work.

3. Knowledge sharing within and across fields

The separation between the fields of GBV and RA has divided programs and people who are learning in parallel but not in collaborative tandem. Our sense is that bridging that gap will be fruitful and contribute to the development of practice standards that will be useful to all. Establishing shared language and common use of terms would be a worthwhile activity (i.e., defining restorative justice/practice/approaches, and what accountability looks like in a GBV restorative engagement). It is an opportune time to reach out to local experts in Nova Scotia, including MLSN, as well as the Restorative International Learning Community, and to continue to seek connections in other jurisdictions about this work. The literature review and MLSN toolkit provide a starting point for these explorations. Developing more structures for collaborative discourse, engagement and shared work would also be helpful.

Whatever happens going forward can only be enhanced by connections and joint learning with others who also seek better justice outcomes.

4. Moving principles into practice

Discussions about how service providers see themselves as operationalizing restorative principles in their current practices will assist in illustrating pathways from principles to implementation. Articulating how existing services align with restorative principles may ease some worries about implementation and promote innovative ideas about RA in GBV that address lingering tensions.

We are perceiving some readiness around the MIRCCFV table and beyond to try out new models or prototypes involving both the persons harmed, and the ones committing the harm (not necessarily in a face-to-face encounter). These would need to be aligned with agreed upon principles and also, importantly, require collaborative planning and learning among women's

services, men's services and RJ practitioners. If piloting such models will include RJ agency practitioners, an exception to the moratorium would need to be sought.

Whatever is developed, it should not create more issues, burden, or harm for victims.

5. Decisions about Scope and Mandate

The MIRCCFC could benefit from some strategic conversations going forward. We heard questions about whether the table was too big, or whether it included an adequate representation of expertise and/or marginalized voices. Given what we heard, it seems worthwhile for the MIRCCFV to continue to grow, diversify, and discern who else should be actively recruited to the table. But given the next steps on the horizon, and the need to balance increasing numbers at the table with efficiency for action on any particular initiative, smaller working groups might be needed. In the course of activating an idea, they might consider: which service providers/practitioners should be involved; what role will each play; what criteria will be used to assess suitability for a restorative approach; how community involvement will be defined; how it will be resourced; and how it will be monitored and evaluated for effectiveness and fidelity to principles.

6. Structures for collaboration

Given how enthusiastically the government/community collaboration has been received in development of the Halifax DVCP, it would be worthwhile to actively strengthen the capacities and expand opportunities for shared work across silos of all kinds. This would include interdepartmentally within government, and also between government, knowledge holders, communities, academics/researchers, and community-based service providers. This requires a certain architecture – structures and frameworks that not only allow, but encourage and foster collaborative strategic thinking and collective action with a resource base to sustain it.

VI. Epilogue: Final Retreat- April 4, 2019



On April 4, 2019, at the conclusion of the project, the partners hosted a facilitated event with a cross section of 45+ community-based, academic and government actors to share findings from each of the project's three domains (action research interview data, scoping literature review, Mi'kmaw Legal Support Network Tool Guide), and explore how they inform a forward path. Participants included those working across government in justice, policy, victim services, legal aid, restorative justice, community services and healthcare; community-based agencies across family resources, women's advocacy and transition houses, men's intervention services, YWCA and YMCA's; restorative justice practitioners; researchers and students.

In the "open space" segment, where participants chose topics for further discussion, the conversations included:

- Would it be safe to lift the moratorium for young offender immediately?
- Can we describe feminist principles in this context?
- What/how should social workers/students learn to become skilled practitioners?

- How do we build and support structures for collaboration across silos/sectors?
- How can we measure/evaluate? What happens when RJ “fails?”
- Injecting newcomer, racialized voices and concerns...
- Why do we not use real language when discussing men’s violence against women?

Comments from participants about the event included:

“The wheels were still turning at the end of the day.”

“The presentations were so informative, especially feminist principles that are accessible.”

“The day will help us with next steps- the level of collective wisdom in the room and enlarged mentality was so impressive.”

“Appreciated talking about a principled approach.”

“The conversations were so rich... and such generous sharing.”

Graphic capture by Bria Miller of Brave Space

