

TOWARDS STRENGTH-BASED ABORIGINAL KNOWLEDGE as the means of moving forward



CASE STUDY: WHE-LA-LA-U RESTORATIVE JUSTICE INITIATIVE

In Canada, as well as internationally, attempts to understand and articulate historical and contemporary colonial harms are focusing more frequently on Indigenous knowledge as the means for moving forward in ways that are strength-based vs. deficit based. As well, a shift toward recognizing and building on community capacity and cultural strengths is helping to increase awareness of the unique value of Indigenous women's leadership in creating new, more just, equitable and life sustaining societies.

(NWAC, 2010)¹

In Alert Bay, BC, the Whe-la-la-U Area Council began working with Restorative Justice Remedies to help strengthen individuals, families and the community in the 1990's.² The program is based very much on a notion of collective responsibility, stewardship and accountability.

Tired of seeing their children taken hostage by child welfare services, tired of the violence, the suicides, and cycle of re-offending; in the mid 1990's, the community took back their power and began to get the skills and training needed to hold their own restorative justice circles, as alternatives to jails, and child apprehensions. They looked back into their own traditional laws and customs, and also looked forward into present practices of communities such as the Sto:lo First Nation which has also been in the process of reintroducing traditional practices and culturally appropriate mediation around child and family services, to get back large numbers of their own children apprehended by child welfare agencies.

LINK BETWEEN KIDS IN CARE AND LATER CRIMINALITY

Having so many children institutionalized in care, not only mirrors the horrors of the residential school days when family bonds were ruptured and children dislocated, but also sets up the next generation for institutionalization in other systems, from jails to hospitals to psychiatric wards.

By working holistically, by ensuring Elders voices provide direction, and by strengthening families and youth, the community has not had one child apprehended in the past six years. The community has also developed strong relationships with those working in the provincial justice system, as well as with non Aboriginal communities in order to share their cultural knowledge and strengthen positive relationships based on mutual respect.

People like Pearl Hunt, Michael Jacobson, Rory Johnson and many others, have taken pro-active steps to learn what is working well with others. They have a very

"Jail should be the last option. People don't learn good skills in jail; instead they usually come back angrier and acting out. It's likely to be worse again for women or children –as the violence and anger lands on them."

Pearl Hunt

1. Culturally Relevant Gender Based Models of Reconciliation. (2010) Native Women's Association of Canada. Ottawa.

2. Whe-la-la-U is the umbrella organization for the Alert Bay Community Justice Program, which is jointly funded by the BC Ministry of Public Safety and Solicitor General Corrections Branch – and the Federal Department of Justice.

collaborative, non-judgmental and supportive approach to elevating others and supporting families struggling with conflicts with the law. Rory, who works with families including those with fetal alcohol effects (FAE) for example, uses strength based methods rather than ones that shame and blame. Youth who have FAS or FAE, and who have had conflicts with the law, are encouraged to carry around a card which explains they have FAE and gives the name and number of their advocate in case they are arrested or stopped. In this way the program is also rights-based. Many of the youth don't know their rights, and FAS makes it harder for them to stand up for themselves.

Ensuring community safety, accountability, modeling respectful relationships and strengthening families are at the heart of Whe-la-la-U's programs. The community has a range of programs working hand in hand with the restorative justice program to support people on their healing journeys, engage more with their culture and traditions and develop strength based assets, competencies and life skills that increase their confidence and help them make positive choices for their futures.

As part of the holistic approach, the community focuses strongly on its youth as its future leaders. For the past five years they have run three youth conferences a year, they have worked with the RCMP on drug use training, and worked in the schools to lower racism, bullying and sexism. They also run

suicide prevention camps for youth, and build youth resiliency through culturally relevant programs.

A huge part of what the community does is preventative. This includes intervening if there is a question of safety for the community. The Elders for example, will not hesitate to give direction to the restorative justice (RJ) workers to speak very directly with anyone who they feel is not safe for children.

Drug dealers and sexual offenders for example who do not follow treatment, including their own safety plans they have agreed to, are sat down with. Community safety comes first. Unsafe people have left the community after these meetings on their own volition on occasion, while these interventions have helped others get themselves into treatment.

The RJ workers also have no hesitation to approach a judge and to say that they want a community member back. The community has skilled people to facilitate sentencing circles, family conferencing meetings and to provide follow-up support for offenders on their healing journey. In the healing work, offenders are encouraged to deal with their offending behaviours as well as their victimization issues.

Some 90% of people who have offended were victimized as children.

- Pearl Hunt, Whe-la-la-U Area council administrator

The community also works proactively with its seniors, many of whom are impacted by residential school issues. For many years now, Elders lunches are held once a week, to ensure people are not getting too isolated in their senior years. It also really brings out peoples contributions.

Many who are leaders in the community, and really strong, are the residential school survivors; who have worked on their healing.

In turn they are also able to help the younger generation see their anger as hurt, sadness and shame, and guide them through a process to heal it.

-Pearl Hunt



GIRLS AT RISK

Drug use, while often symptomatic of underlying trauma, is also one of the largest risk factors for later criminalization. Substance abuse puts girls at particular risk, as they may end up selling themselves to feed their addictions. The RJ program has worked with girls who have been on the streets, addicted to drugs and who have been in and out of jail. They work in concert with their networks in cities and towns to try to keep a connection with the girls. Families have sometimes gone to get the girls back.

According to Pearl Hunt, it is a challenge though, sometimes the girls really don't want to be back in the community, and also sometimes they have given up on other people caring about them and so it can take many circles, lots of family conferencing and lots of outside support as well to start them on their healing journeys.

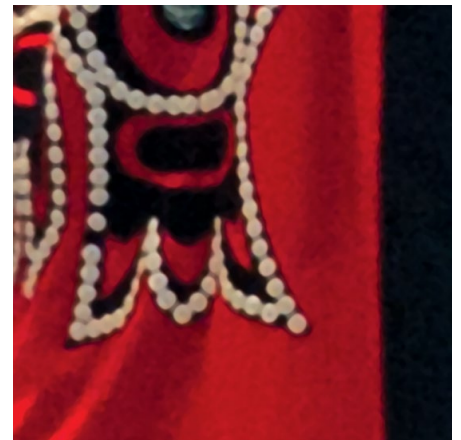
The RJ workers have helped get some young women including young mothers into treatment, supporting their healing, reintegration and sense of inclusion in the community. Critical to success is the engagement of the person who has been criminalized in the development of their own wellness plan.

The Elders also play a role in helping young women and men work with traditional healing practices. Ceremonies in the Big House, fasting, bathing rites of

passage, participation in potlatches and other ceremonies on the land, are just some of the distinct cultural practices used to help create restoration and healing for individuals and the community.

For Pearl Hunt, “when people have built up their self esteem and feel good about themselves it’s not as likely they will continue getting involved in things that are not good for them”.

By working holistically, embracing a paradigm shift, and including restorative justice as one component within a continuum of strength enhancing and rights based offerings, the community is turning the tide and emerging with a new generation of young leaders who will be able to transmit the knowledge of their ancestors, and all the resilience and hopefulness that comes with that.



QUESTIONS FOR DISCUSSION

- 1. What are some of the specific issues Aboriginal girls and women in conflict with the law present that can be well served by Restorative Justice Processes?*
- 2. How have restorative justice practices addressed any concerns brought by women and girls who have been either victims of crime, or criminalized themselves, about community safety, and fair procedures?*
- 3. Given the fact that approximately 50% of criminalized Aboriginal women and girls live in urban centers at the time they are arrested, and many have lost contact with their original Aboriginal community and nation, what adaptations are necessary ensure they can also access and be supported through Aboriginal restorative justice programs?*

