



Legal Training Workshop to Improve
Access to Justice for Women Experiencing Violence

LEARNING OBJECTIVES & OVERVIEW

I am experiencing violence.
What can I do?
What are my options?

Seeking basic legal information before deciding what steps to take to respond to violence is an important strategy for women.

This workshop will help you provide information about legal processes, options and resources to the women you work with.



Goals of the training:

...“to strengthen the capacity ... [of shelter workers and community advocates]...to provide accurate information on accessing the available legal services, processes and options”

...to strengthen “capacity to provide women with the tools they need to make the best decisions for themselves, including seeking support from the justice system”

LEARNING OBJECTIVES

- To provide you with a better understanding of the law and legal processes and options for women experiencing family violence in the areas of protection orders, criminal, family, child welfare and housing law
- To increase your ability to support a woman through the EPO, criminal, child welfare and family law processes
- To provide you with information about presenting evidence of violence in these legal processes
- To identify and discuss barriers to women in the criminal, family and child welfare systems
- To increase your ability to assist women in making arrangements to leave or manage an abusive relationship using legal processes and resources
- To provide an opportunity for you to ask questions of local legal experts and to learn more about available resources

The Importance of the Support-Worker/Advocate

Front-line workers and community advocates play a very important role

- **Women going legal processes often feel:**
 - Overwhelmed
 - Scared/Intimidated
 - Alone/Isolated
 - Confused
 - That the abuse is their fault
 - That nobody will believe them
- **The support person/advocate can:**
 - Help women prepare for the steps in the criminal/family/child welfare justice process so that they know what to expect and don't feel as confused or intimidated
 - Validate women's experiences of abuse, as well as their experiences of how difficult (and unpleasant) the criminal/family/other justice processes often are
 - Assist women in their interactions with the players in the justice system including: police, victim witness assistance program, Crown prosecutors, navigating the court buildings, etc.
 - Assist women by making referrals

The information and support provided by you makes a huge difference

Legal Information Not Legal Advice

- This training will build your knowledge and ability to provide women with ***legal information***
- You are not a lawyer
- You cannot answer specific questions or provide advice or recommendations about women's individual cases

What is not covered in this training:

- While the following will be part of the discussion and/or inform the entire 4 days, we will not provide specific training on:
 - Dynamics of woman abuse
 - Forms and Tactics of woman abuse
 - Threat Assessment, Risk Management, Safety planning
 - The Effect of Trauma on Women's ability to learn and/or make decisions
 - Working with women who are traumatized

DOMESTIC VIOLENCE EXPERIENCED BY ABORIGINAL WOMEN CONTEXT AND CONSIDERATIONS

- Abuse in intimate partner relationships is experienced by all women in Canada, regardless of social location. It crosses all lines: age, class, race, religion, ability, education, income, social positions of power, immigration status, geographic location (urban/rural).
- There are important and unique factors in the context of Aboriginal women dealing with domestic violence which inform every discussion in this four day training session. These include:
 - the history and continued context of colonization and dispossession, of residential school abuse and loss/forced separation from families, communities, land, language, culture and traditional practices, including practices of parenting. These factors are a significant cause of intimate partner violence and create a legacy of mistrust for women reaching out to the Canadian state for assistance
 - the interaction between domestic violence, addiction and poverty, which are the result of ongoing colonization and dispossession
 - culturally and/or community specific feelings of fear and shame and judgment from family members if women report abuse
 - concerns about protecting Aboriginal men (and women) from a discriminatory justice system in which Aboriginal men and women are over-criminalized and over-incarcerated
 - concerns about protecting Aboriginal children from removal from the home or community, particularly in a social context in which more Aboriginal children are currently in state care than were in residential schools
 - in some Aboriginal nations, like in all small communities, the close relationships cause unique problems, including that: it is often men who hold positions of power, including over distribution of resources like housing, jobs and social assistance. These men may be perpetrators of family violence or may be family members or friends of perpetrators. Similarly, the police officers and other sources of support may be friends or relatives of the perpetrator

Aboriginal Women and Family Violence - 2008 Government of Canada Study (Excerpt)

• **Key Resources for Aboriginal Women Victims of Violence:**

- On reserve and in settlements: informal networks of family and friends; health care professionals (nurses); Health Centre referrals to off reserve and urban resources, including counselling, shelters and other victim service programs; and police.
- In urban centres: informal networks of family and friends; crisis centres and shelters; hotlines; Friendship Centres; and counselling services.

The use of such resources and services, however, is compromised by:

- low awareness of them;
- their distance from the home community;
- the lack of transportation;
- poor relationships with the police;
- lack of faith in the effectiveness of the resources;
- lack of privacy in communities and the consequent shame about accessing resources;
- complex relationships among the victim, the abuser, their families and other community members;
- the desire to keep the family intact at all costs (because of fear of the unknown and of losing face, as well as the possibility of losing one's children, home and assets).
- low self-esteem, self-blame
- Fear of reprisals from the violent man, his family or the community if police are contacted:

"They might not want to piss off all of his family in the community. The community is just 200-300 people, and if you piss off half of them it can cause you all kinds of grief. There's probably more reasons not to call than there are to call."

From: Making Our Shelters Strong, Pauktuutit Handbook

"Why abuse is happening in Inuit society?"

"Most Inuit agree that while there always has been some violence and abuse in Inuit society, it now is much more common than in the past. We feel that this is a hard problem to solve and there are few resources to help us. Some community leaders believe that violence has become so destructive to women, children, families and community health that it threatens the future of Inuit."

"...violence and abuse can be tracked back to two main causes: uncontrollable changes to culture and tradition; and feelings of loss of control over the future. These can lead to mental trauma, the breakdown of families, alcohol and drug addictions and feelings of powerlessness. Fear, mistrust, abuse and denial result, creating a cycle of abuse in which Inuit can be both victims and abusers—a cycle that repeats itself with each new generation."

Analysis of the Foundations of Family Violence: Five Broad Themes

From:

The Aboriginal Approach to Family Violence

By the Quebec Native Women's Shelter Network

1. Colonization, the *Indian Act*, Sedentarization and the Reduction of Territories
2. The Residential Schools and the Role of Religion
3. The Connection Between Social Problems, Normalized Violence and Silence
4. Structural Violence, Racism and the Impact of [Laws that do not respond to the needs and realities of Aboriginal peoples]
5. The Family, the Community and the Healing Process

OVERVIEW OF 4 DAYS

- Context of violence and barriers to access to justice for Aboriginal and rural/remote northern families underpins all discussions
- Four days tied together through case scenarios
- For each of area of law:
 - (1) Overview lecture/discussion of the law and process
 - (2) Application of what you've learned through group exercises and role plays