

# THE CAVEAT REPORT

NEWS FROM CAVEAT CANADA FOR OUR FRIENDS AND SUPPORTERS

June 2000

## Victims and "Restorative Justice"



Are victims re-victimized?

by *Chris Simmonds*,  
President, CAVEAT BC

On March 6th and 7th, I attended a "Victims Round Table Conference" in Ottawa. Victims and victim organizations from across Canada were represented as well as Corrections Canada, the Parole Board, the Justice Department, and several non-government organizations. We separated into groups to discuss a number of issues using an agenda which was set by us, the participants.

One of the often-raised and indeed overriding subjects of the conference was that of restorative justice, raised by not just victims' representatives but government representatives as well. It soon became obvious to me that "restorative justice" programs are high on the agendas of the Justice and Solicitor General's Department.

Restorative justice involves bringing the offender and victim together in meetings. Its concept is designed with the re-habilitation of both in mind. There are no set criteria for these programs which vary considerably from community to community.

I find it hard to believe that this type of victim involvement is always in the best interest of the victim, for example, in the case of rape victims or victims of severe physical and emotional abuse. This type of confrontation

is impossible for murder victims (instead leaving the victims family as "surrogate victims" in the process).

Restorative justice is being pushed with great fervency in BC as well as in other areas of Canada. To my knowledge, these programs are set up with very little or no victim input. They are being implemented so fast that not enough skilled facilitators can be found. The resulting scenario is one of well-meaning but naive volunteers operating in poorly-run programs, and a likelihood of the re-victimization.

The motivation behind restorative justice is that the victim may come away with a

**"I found it rather offensive that, at a victims' assistance conference, they would push the restorative justice agenda, which I believe benefits the offender more than the victim".**

feeling of peace and a new will to move on. This may also be true for the offender. As they turn to their respective support groups, however, the offender's need to rehabilitate is met through education programs and counselling funded by the taxpayer. For the victim, there is no such provision or funding. Beyond the imbalance of funding, it is clear that victims have not been consulted in any regard in the implementation of restorative justice.

On March 25, I took part in a Victim Service Volunteers' Day in Victoria, BC, put

on by Greater Victoria Victims Services where I sat on a panel discussing restorative justice. Along with me was another victim who had lost a mother and sister to arson/murder, an ex-defense lawyer turned prisoner advocate, a restorative justice director, a police officer, and an inmate from William Head Institution, out on day release to join this discussion group.

I found it rather offensive that, at a victims' assistance conference, they would push the restorative justice agenda, which I believe benefits the offender more than the victim. However, I agreed to participate as I feel that at some time I had to voice my opinion about the way I view restorative justice as it is presently being promoted.

In balance, I should state that victims in general may not be opposed to the concept of restorative justice, but victims and their advocates must be involved in setting the criteria and parameters. This doesn't mean that the victim wants the offender to have less. Involve the victim in the whole system from the beginning, but don't bring them in late to be re-victimized.

### E-mail your response...

If you have an opinion or a personal experience on restorative justice, or any other justice issue, please send us an e-mail or letter. Thank you for caring enough to take the time to share your ideas.

## Students Wear Tribute to Friend

In the wake of the senseless beating death of their classmate and friend, **Matty Baranovski**, the students of Northview Heights Secondary School have produced a patch, both in memory of their friend and as a call for the end of violence in our high schools. The patch was the idea of student Tom DeLarzac who also provided the wording. Further design and production were a joint effort of School Council Chair Karen Nixon and Ha-Lo of Canada. To date over 7000 patches have been sold with proceeds going to Kids Help Phone and CAVEAT. To purchase a patch and support two worthy organizations send \$5.00 to: **Northview Heights Secondary School, 550 Finch Ave, North York, Ontario M2R 1N6.**



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### A Love That Kills wins Leo Award for Best Screenwriter

Dawna Speers was recently in British Columbia to attend the Leo Awards for Canadian documentary filmmaking. *A Love That Kills* chronicles her daughter Monica's abusive relationship which lead to her 1991 murder. Since its release *A Love That Kills* has helped to educate thousands of young people about the dangers of abusive relationships. Dawna accepted the award for best screenwriter on behalf of the late Sharon Gibbon. In her acceptance speech she praises Gibbon for "not just telling a sad story, but giving others the tools of help so that they would not walk in Monica's footsteps".

### Students Raise \$5,400 for French/Mahaffy Fund



Grimsby Lincoln News Files

Ten kilometers later, these 193 students from **Blessed Trinity Secondary School** in Grimsby, Ontario raised \$5,400. This fundraiser for the French/Mahaffy Integrity Fund was held on May 9. We thank them for walking for victims' rights.

# Plans and Goals for Y2K

## Executive Director's Report

by Dorothy Leonard

Although we have had a bumpy road these last few months, we have managed to weather it. Our finances are more secure as you will read in our Director of Development's Report, so I thank you for your continued support.

Our President, Priscilla de Villiers, is on a leave of absence pending the outcome of the Provincial By-Election, where she is running for Member of Provincial Parliament. We believe that Priscilla has the qualities that most constituents want for their representative, no matter what party she is running for or what organization she is working for. We extend to Priscilla our immense gratitude for all she has done for victims, potential victims, and all Canadians. We know that she will always stand up for what is right and be a strong voice of reason and a voice for victims rights.

Our plans for the future of CAVEAT are to forge on with Victims' Rights, Justice Reform, and Violence Prevention. Our focus this year will be Youth Violence, working toward the reduction of the number of youth victims and the number of youth perpetrators. As you will read in our Director

of Programs Report we have already started research in this area which will be taken to a conference focusing on creating concrete solutions to the problem of Youth Violence. We also plan on accumulating existing, effective programs to showcase at our 7th CAVEAT Youth Conference, which will focus on "Bullying and Harassment".

We have all read, and some have experienced, the traumatic stories of youth violence that have hit our communities coast to coast — from Toronto, where Matty Baranovski was beaten and murdered by young boys, to British Columbia, where Reena Virk was beaten and murdered by young boys and girls — and there are so many other violent incidents across our country not even reported.

We believe that in partnering with other organizations and concerned citizens, we will make a difference. It is true that sometimes it seems overwhelming, **but for the sake of our children we cannot give up.**

Please, if you are not already, become a supporter of CAVEAT. Lend your voice to ours to strengthen our organization by filling in the attached form and sending it in today. We need you, and we believe you need us too.

## Youth Council Report

By Jason Reynar,

President, CAVEAT Youth Council

The need for youth-driven initiatives that prevent violence is stronger now than ever before. It seems that youth violence is accelerating out of control, with the number of children hurting children climbing steadily. That is why CAVEAT will be providing even more support and leadership in the area of empowering young people to stop violence in our schools and community.

The Youth Council has been very busy in the last few months working towards our goal of empowering the silent majority of teens to stand up against violence by providing them with the information, skills and resources to make a difference. The actions vary from the planning and participation in the *Stop the Violence* conference held at the Convention Centre in December, to the presentation of the *Making it Happen* workshop at Georgian College to grade nine students in April.

The Niagara Youth Council organized and presented *A Love That Kills* with Dawna Speers to three area schools in April.

As this school year draws to a close, the Youth Council will begin its annual selection process for new executive members. There are several positions open, so if you are someone (or know of someone) who has the CAVEAT heart and the ability to make a time commitment for at least one year or monthly meetings, please don't hesitate to call or e-mail CAVEAT Canada as soon as possible for further information.



Hamilton Spectator Files

Youth Council President  
**Jason Reynar**  
Wins Prestigious  
**Paul Harris**  
Fellowship

The Rotary Club of Hamilton Mountain has paid tribute to Jason Reynar for outstanding community service by honouring him with a **Paul Harris Fellowship**. This award is the Rotary Club's highest honour bestowed on an individual. **Congratulations Jason!**

# BC Child Pornography Decision in Limbo

## CAVEAT Granted Intervenor Status

by Carole Walzak

In a 1999 judgment, the Supreme Court of British Columbia held that S. 163.1(3) of the Criminal Code of Canada, which prohibits simple possession of child pornography, is a violation of the freedom of expression as guaranteed and protected under s.2(b) of the Charter of Rights and Freedoms. This decision has astounded Canadians across the country, including CAVEAT supporters.

CAVEAT was granted intervenor status in the BC Supreme Court appeal. We believe that the possession of child pornography has far more reaching implications than merely a person's right to express himself as he sees fit. The negative effects of possessing child pornography are very serious and must be considered. Simple possession is never in the best interests of children, who are victims in the creation of such targeted material. Whether the production of the child pornography uses actual children or whether it is a written recreation, such as stories, sketches or drawings, is of no consequence. We argue that so-called works of imagination with respect to children are real, tangible and far from imaginary. These works are a representation of acts that may have occurred or have played a real or substantive part in methods offenders use to groom their victims or to act out.

The BC court's decision that the simple possession of child pornography as a freedom of expression must be allowed, constitutionally, even though it poses a danger to children in several ways, is onerous. The ruling turns back the enormous progress and achievements made by CAVEAT and other organizations in the bat-

**The nature of child pornography places it in the category of a violent form of expression...**

tle against the proliferation of child pornography and the brutal effects of such material on its young victims. The stories told by these young people are not hypothetical, but rather they are incidents where real children have been personally harmed, emotionally, physically and sexually. Groups like and including CAVEAT are left to respond to the actual mess, harm and hurt caused to individual child victims, who are powerless to speak for themselves, and often become offenders.

The Supreme Court of Canada recently heard this case. CAVEAT was again granted intervenor status in the appeal. Our position is clear. Constitutionality aside, Parliament must have the ability to enact criminal laws that will afford the public protection against a dangerous and harmful activity. CAVEAT believes Canada needs a strong and comprehensive child pornography law that includes the criminalization of the private possession of child pornography. Child pornography is harmful to a particularly vulnerable sector of our society. Making a distinction between two types of child pornography, whether actual depictions or forms of written material that suggests child pornography, is untenable and cannot be supported.

We await the decision by the Supreme Court of Canada on this very serious issue. The nature of child pornography places it in the category of a violent form of expression or analogous to a violent form of expression, and therefore must be excluded from section 2(b) Charter protection. Simple possession of child pornography, whether real or depictions in writing, sketches or drawings, must be a criminal act. Children, the vulnerable members of our society, depend on it.

# Successful Partners In Programming

## Report from Programming

by Johanne Cyr-Wright, Director of Programming

Partnerships are certainly the operative word of the millennium, and CAVEAT has been privileged to establish successful relationships with several groups to present important and relevant programs.

We were very pleased to be given the opportunity to partner with Victim Services of Grey-Owen Sound, and the Office for Victims of Crime to present a two-day workshop entitled "The Impact of Victimization". Debbie Mahaffy and Dawna Speers gave us an emotional glimpse from the victim's perspective and alerted us to the re-victimization that too often occurs as one progresses through the confusing maze of the criminal justice system and at the mercy of the media.

Representatives from the various components of the justice system offered clarification of policy and procedures and re-emphasized the importance of information sharing. Social worker Ted Bober presented an overview of principles for short term and long term support and therapy for victims of crime. Detective Gavin Francis introduced us to Chantel's Place, a perfect example of how a victim-centered facility can cater to the

unique needs of victims of sexual assault and domestic violence.

This month, CAVEAT joined partners with several community organizations including the Halton Regional Police Service to present "Victim-less 2000" which is a conference designed to bring together citizens, police and stakeholder community groups to focus on the impact of violence.

Executive Director Dorothy Leonard gave an update on CAVEAT and its ongoing programs. Dorothy then introduced Dawna Speers, who presented her video *A Love That Kills*. Keynote speaker Professor

Robert Solomon presented a discussion of the changing legal environment governing education, followed by eight individual workshops.

CAVEAT's focus for 2000 is Youth. We are in the beginning stages of a very exciting initiative that will address the escalating problem of violence amongst our youth. We will partner with police, boards of education and public health to heighten awareness of the escalating problem of bullying and peer harassment.

Our goal is to showcase effective individual and community strategies and to empower youth and adults to work together to initiate community solutions at our next conference. We began our initiative last month with a series of roundtable discussions with key stakeholders in youth safety.



Dorothy Leonard, Executive Director, speaking at the Victim-Less Conference  
Photo by Mona Brown

# Fundraising Underway for Youth Violence Initiatives

Report from Development

by Maggie Babcock



The arrival of spring has created hope for sunnier days at CAVEAT. Our heartfelt thanks to all of you who responded so generously to our financial needs when we were in such crisis.

We are so very grateful for your belief in us and our work, and we assure you that your assistance does indeed make a difference.

We were encouraged by support from several police associations, schools and service groups and promises of fundraising events on our behalf. We are continuing our plea to other groups to plan

an event for us — so if you belong to an organization who might like to help us, just give us a call. We are awaiting the results of our applications to several funding foundations. In the interim, we continue to seek project assistance from other sources.

CAVEAT will be working hard for the next few months to raise awareness of our work and to promote our Focus 2000 on youth violence.

We are excited that the Royal Bank has offered their support for a barbeque lunch at a local branch. We'd love to do more of these "get to know us" activities.

Once again, thank you to all of you who chose to support us, and for those who meant to, but just procrastinated a little – it's never too late! Best wishes for a safe and happy summer.

## Gun Control Decision Pending

The *Firearms Act*, the provisions of which are being phased in over several years, is being challenged in the Supreme Court by some Provincial and Territorial Governments. The provinces are challenging the Federal Government's right to regulate personal property.

CAVEAT received intervenor standing in the case, and in January argued in support of the Federal Government's position that it has the right to regulate firearms.

If you'd like more information about your province or territory's position on the *Firearms Act* and what you can do about it, please contact our offices.

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### International Symposium on Victimology

Montreal, August 6 to 11th, 2000,

For information, contact the  
Secretariat at:

Tel: (514) 287-1070  
Fax: (514) 287-1248

<http://www.victimology-2000.com/>

[info@victimology-2000.com](mailto:info@victimology-2000.com)

Thanks!



Kudos to **Zippy Print** who are one of our many guardian angels. Special thanks to Jack and Cathy Seedhouse who took the initiative and stepped in when we needed help. Thanks for your support!

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HELP US CONTINUE TO BE A STRONG VOICE

Anyone who makes an annual donation to CAVEAT is automatically accorded Membership status.  
Tax receipts will be issued for gifts over \$10.00

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