

THE EFFECTS OF COLONIZATION AND RESTORATIVE JUSTICE IN WINNIPEG, CANADA

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Introduction

During the course of my Bachelor's Degree in Social Sciences for Globalization at the University of Milan, I learned about restorative justice (RJ) theories and the role they were having in the conflict resolution process with indigenous peoples in Canada. I then deepened my knowledge of RJ during the Master's Degree in International Relations at the University of Bologna, focusing on its relevance in the peaceful conflict resolution between the police and ethnic minorities in Europe. By submitting my dissertation on this topic to the contest for the René Cassin Prize for theses on fundamental rights and human development - promoted by the Legislative Assembly of the Emilia-Romagna Region in collaboration with the KIP International School - I was offered a ten-month training position, six of which I spent working in an indigenous restorative justice organization in Canada. This allowed me to deepen my previous studies experiencing a reality I would never have understood so thoroughly otherwise. Before analyzing the context and the methodology applied by the organization I worked at, I would like to briefly introduce the concept of restorative justice that not everyone may know.

Although many definitions have been given since the 1970s, there is still not a universally accepted one. However, many authors in the field think that the most exhaustive definition is the one given by Howard Zehr, director of the first Victim-Offender Conferencing Program in the United States and one of the developers of the concept of RJ. He defines it as "a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible" (Zehr, 2002). A definition that fully reflects my personal experience is perhaps the following: "RJ is a philosophy and an approach that views crime and conflict as harm done to people and relationships. It is a non-adversarial, non-retributive approach to justice that emphasizes healing in victims, accountability of offenders, and the involvement of citizens in creating healthier, safer communities. The goal is to reach meaningful, satisfying, and fair outcomes through inclusion, open communication, and truth" (Correctional Services Canada, 2018). If RJ can be considered a theoretical model, its most common practical applications are: Victim-Offender Mediation, Family and Group Conferences, Community Reparative Boards and Circle Programs.

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RJ sees its origins in indigenous conflict resolution techniques¹, and it is precisely in an indigenous organization, which bases its work on traditional culture and techniques, that I carried out my work-training in Canada. *Onashowewin Justice Circle* is an organization that offers diversion programs to both minors and adults in the city of Winnipeg, Manitoba, and the Bloodvein First Nation reserve (an indigenous community in the north of the province). The justice system and the police can transfer the cases of people, mostly of indigenous origins, who have been given the opportunity to resolve their criminal charges in an alternative way. The rest of the cases are usually assigned to the other three RJ organizations operating in the city of Winnipeg: Mediation Services, The Salvation Army and Restorative Justice Center. *Onashowewin* is open to anyone in need of support and/or wanting to rediscover indigenous values and traditions. Usually, the diverted cases are those of people who committed their first offense or who have committed so many offenses that they are considered to potentially benefit from a new approach to addressing their recidivism. The organization works with people with minor charges such as mischief, theft, minor aggression charges, possession of a weapon, fraud, etc. While the organization does not deal with domestic violence cases, other RJ organizations in Winnipeg do.



Communities March For Peace, indigenous drummers

¹ The most commonly cited are the following: First Nations, Navajo, Maori and the African concept of Ubuntu.

Those who accept their responsibility for the offense, and complete a personalized program of workshops and/or of community service hours, will have a suspension of the proceedings in court. If they do not re-offend within one year after the last hearing, the charge will not appear on their criminal record. If they do not accept responsibility for their actions and do not complete the agreed work plan, the case will be re-referred to the police or the court and the sentence will be carried out according to the regular procedure.

If in the mainstream justice system, the main questions are "what law has been broken?", "who broke it?" and "how will s/he be punished?", in this alternative conflict resolution process they try to understand why the person has committed the offense, who has been harmed and what needs and responsibilities have resulted, and who it is appropriate to involve. The reparation is not reductively an economic one - equivalent to the damage caused; sometimes, however, the court asks for a monetary restitution or a certain amount of community service hours to be included in the work plan. Reparation is first of all meant to restore the broken relationships between the perpetrator and the victim and between the perpetrator and the community. Many RJ approaches are victim-centered: they place the needs of the victim at the center and do not see any results achievable without them being involved in the process. During these months, I learned instead that, sometimes, involving the person harmed (as they prefer to call the victim at *Onashowewin*) is not appropriate; most of the time the harmed person does not want to meet the offender and re-open wounds and traumas by re-living a critical moment. *Onashowewin*'s work focuses mainly on the offenders, giving them a chance to work on themselves and their lifestyle by making the community - of which also the person harmed is a part of and will benefit from - safer. During an interview with one of the Community Justice Workers at *Onashowewin*, Matthew Shorting, I asked him how the organization could help people and prevent them from making the same mistakes again. His answer was: "fear and shame never really change somebody. Love, connection, guidance, patience helps someone change. [...] You look at your behavior, you look at the emotions driving that behavior, you work on those underlying emotions. Once that's worked on and lots around it has changed, the perception has changed... then the person has a new behavior. Whereas if you go to jail, you have anti-social behaviors all around you." This is what *Onashowewin* tries to do: show people that there is an alternative: you can make responsible life choices and you can find support in the community.

Without knowing the historical background of indigenous peoples in Canada and the effects that colonization has had and has on this minority, it is difficult to fully understand why and how *Onashowewin* operates. That is why, before continuing to talk about my training, I would like to give an overview of the historical and present context.

Many of the people who find themselves trapped in vicious cycles of poverty, alcohol and substance abuse, unemployment, high levels of illiteracy, incarceration and suicide rates are of indigenous origins. This condition is often considered the legacy of a history of discrimination, trauma and abuse that does not allow people to live "normal" and balanced lives. We are not only talking about colonization at the arrival of Europeans as we think of it, but of the ways in which it has continued over the centuries. To understand how colonialism is still in place in the forms that

I will present as follows, let us keep in mind a definition of colonialism as groups of people being forced by other people to disconnect from their land, their culture and community.

The residential school system

Residential schools, which indigenous children were forced to attend from the ages of 6 to 15, separated from their families, their culture and their language, are the most striking example of this colonialism. These schools functioned from the 1880s until 1996. During these years, 130 schools, attended by about 150,000 First Nation, Inuit and Métis children, were funded by the Canadian state and managed by the churches (Roman Catholic, Anglican, Methodist), so that they could "kill the Indian in the child". This was their motto, alienating the youth from their origins until they were completely assimilated into the dominant socio-economic system, to the English or French language (depending on the Province) and to the Christian religion. Verbal and physical violence and sexual abuse have been reported by multiple witnesses. Strict discipline and punishment would have created the "civilized parents" of tomorrow. In some schools, experiments were also conducted with electrocution, vitamin deprivation and exposure to tuberculosis.² There were also cases of murder and suicide. These institutions have left an indelible mark on those who attended them, having repercussions on their physical and mental health. It is a story of loss. Loss of identity, family, language and culture.

In these schools, children were not taught how to relate to others with respect and without the use of violence. Those who have had the opportunity to form their own family risked, unintentionally, to expose their children to the same negative impacts experienced in the first person, carrying on the legacies of this system of forced assimilation. This phenomenon is called "intergenerational trauma transmission" and can turn into a cycle of negative effects dragged on for generations.

Social exclusion, poverty, violence, alcohol and substance abuse

One of the legacies of the residential school system is the combination of violent behaviors, alcohol and substance abuse, social exclusion, exclusion from the labour market, from quality educational, health and housing services. In Winnipeg, these dynamics are noticeable simply by crossing the city center and, especially, if you enter the North End. The North End is a large urban area located to the north and northwest of downtown Winnipeg which has one of the highest proportions of indigenous and immigrant residents and is disproportionately affected by poverty, low-quality housing and violence. "One in three North End residents drop out of school before Grade 9, leaving huge swaths of young residents wholly disconnected from the labour market. One in six children are apprehended by Manitoba's Child and Family Services. Girls as young as 11 or 12 routinely "work the stroll". [...] Solvent abuse is as common as alcoholism here, and rising." (Macdonald, 2015). More than once, I happened to see the traffic being slowed down by people under the influence of alcohol or substances wandering in the middle of the street among screaming and honking drivers. In the North End there is also a phenomenon of rivalry between immigrants and

² For more information: https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/; <http://wherearethechildren.ca/en/>; <http://www.trc.ca/websites/trcinstitution/index.php?p=4>

indigenous people. This is the result of a competition for the few available resources, to which some local organizations try to respond by organizing community events and providing basic services.

While I was in Winnipeg, I attended several community events, one of the most significant ones was called "100 soccer balls for a better future" organized by *AYO!* and *Spence Neighbourhood Association*. Here, the indigenous and immigrant children from the Downtown and the North End neighborhoods and their families spent an afternoon together playing soccer with police officers, with the aim of building a relationship of trust and mutual respect. During the event soccer uniforms, shoes and balls were given to children and a free barbecue was offered. During the summer many community initiatives were activated with free or low-cost social lunches, showing the strong community spirit of the city and the efficiency of local organizations.



Looking after each other, indigenous ceremonies supporting people with FASD

In addition to the persistence of poverty and violence within urban areas, another reality where these types of social dynamics are concentrated are the reserves, where indigenous populations have been relocated as their lands were exploited by Euro-Canadians for the extraction of

resources, construction of railway lines, gas pipelines, etc. I visited the Bloodvein First Nation indigenous reserve three times. Here, we held workshops for people of the community who were referred to our diversion program. The indigenous reserve is characterized by poverty, isolation, poor housing conditions, poor infrastructures and school segregation (as the school is attended only by indigenous children). Another serious issue is related to massive alcohol and methamphetamine addiction throughout the community, as well as arson-related incidents. As more kids were referred to *Onashowewin* with arson charges, my supervisor and co-worker, Jason Burnstick (also a well-known musician), started holding a special program in Bloodvein's school, the *Fire Stop Program*. Some children gather for a few hours a month with him and learn how to play the keyboard. This program was conceived as a preventative measure to channel the energies of the youth in a positive activity and develop new passions.

Many people move from reserves to cities in search of work, facing difficulties that sometimes lead them to live on the street, fall back on cheap alcohol and drugs to alleviate their hunger and pain (physical or mental) and end up facing criminal charges.

Child and Family Services (CFS) and "history repeating itself"

Family dysfunctions have set in motion a "history of colonization repeating itself" through new forms. One of them saw the state authorities progressively apprehend more and more indigenous children from the 1950s to the 1980s, entrusting them to non-indigenous families or putting them in institutions. This phenomenon is known as the Sixties Scoop.

Child and Family Services (CFS) are still considered one of the tools through which the Canadian state continues colonizing indigenous peoples. At national level, according to the 2016 Census of Population, Indigenous children represent only 7.7% of the total population aged 0 to 14. However, they account for over half (52.2%) of children in foster care.³ In 2017, there were about 11,000 children in care in Manitoba and about 90% were Indigenous (The Globe and Mail, 2018). It is also believed that children are often taken into care not because of abuse or neglect, but due to poverty or inadequate housing conditions; situations in which it would be more appropriate to help families by supporting them with adequate services. By apprehending children, the process of estrangement from families, cultures and languages is perpetuated, fueling the vicious cycle of absence of meaningful connections, loss of identity and social exclusion. This often makes kids, in search of a sense of belonging, get closer to gangs and criminality. They often have rebellious behaviors as they seek attentions and end up having problems with the law. These dynamics are concretely visible at *Onashowewin*. As my former colleague stated in the interview mentioned above, indigenous youth is in need of guidance, appreciation and connections.

³ Government of Canada, First Nations Child and Family Services <http://www.aadnc-aandc.gc.ca/eng/1100100035204/1100100035205>

CFS, homelessness and over-representation in the justice system

During the six months spent in Winnipeg, I was often reminded of the connection between having spent time in CFS and becoming homeless and between CFS and the over-representation of the indigenous youth in the justice system. In fact, the 2018 Winnipeg Street Census final report stated that 2/3 (65.9%) of those living on the streets are indigenous and 18 is the age at which respondents had most commonly lived on the street. Moreover, more than half of them (58.5%) said they had spent a period of their lives in CFS (Winnipeg Sun, 2018).

Those living in group homes can no longer remain there after turning 18. I have often been told how CFS provides no practical information on how to live in the real world once you get out of the system. This is the reason why many young people, once they have left CFS, find themselves living on the street, at least for a period of time. The paradox of CFS was also explained to me with an example, the case of an indigenous girl who, while I was in Canada, gave birth to a child immediately taken by CFS. They told her that since she grew up in CFS care, she did not have the necessary tools to provide psycho-physical wellness to the newborn. And this is not an isolated case.



100 Soccer Balls, an event to bring communities together through sport

Regarding youth in custody, Statistics Canada found that in Manitoba 81% of the male and 82% of the female youth in custody are indigenous. Considering that in 2016 in Manitoba only 19.8% of the children under 14 were indigenous, we can notice a strong over-representation in the prison system.

Indigenous people are overrepresented in Canada's criminal justice system as both victims and offenders. The Canadian Justice Department declared that in 2014 the rate of violent victimization among Indigenous people was more than double that of non-Indigenous people (163 incidents per 1,000 people vs. 74). Indigenous females in particular had an overall rate of violent victimization that was double that of Indigenous males and close to triple that of non-Indigenous women. (Government of Canada Justice Department, 2016)

In 2016/2017 Statistics Canada found the highest incarceration rate of indigenous adults in the provinces of Manitoba (74%) and Saskatchewan (76%). These two provinces have the highest proportion of indigenous adult inhabitants on the provincial population: 15% in Manitoba, and 14% in Saskatchewan. (Canadian Centre for Justice Statistics, 2018)

While I was in Winnipeg I attended a conference held by a former employee of the justice system, Jennifer Meixner. She decided to expose herself and spread information about the dysfunctionality that still characterizes the system and its inability to effectively deal with the phenomenon of over-representation of the indigenous populations in the justice and prison system. Jennifer Meixner has identified the challenges/barriers that the system must face: first of all there is the failure to implement the existing recommendations, the systemic racism and its attitude/judgment/bias, the lack of understanding and a clash of worldviews with the indigenous community, and the series of inappropriate interventions and/or with irrelevant consequences from which to learn what is not working and to be taken as food for thought. What caught my eye during her presentation, and during the entire period spent at *Onashowewin*, can be summed up in a sentence regarding the criminalization of indigenous peoples by Mitch Bourbonniere, one of the most famous indigenous activists in Winnipeg whom I happened to come across several times:

Indigenous youth...need to be fully, fully aware of what has transpired in this country so they can stop blaming themselves and feeling like everything's their fault, and their family is sick, and their community is sick, and their nation is sick, because inherently that is not true. They need to understand what happened in this country; they need to understand why their parents – whatever issue they've had with their parents and grandparents – generationally, they need to understand where that came from. - Mitch Bourbonniere

Criminalization must stop being a self-fulfilling prophecy. Young people feel guilty for having been abandoned or abused, they feel they deserved it and they cannot have a better life, so they are not even making efforts to go in the right direction.

The main reasons identified to explain the persisting difficulties and problems mentioned above are the following: someone gains from the existing situation, from the perpetuation of the colonial project. There is a lack of political will and social will to change existing social dynamics, which many people do not even recognize. Furthermore, the strategies to address these dynamics are not based on "healing" from intergenerational traumas, a fundamental step for the indigenous communities. The criminal system is closed and disconnected from the community.

What stands out as a possible solution is the implementation of traditional and local knowledge, methods, worldview and conflict management techniques in today's context. A sort of indigenous innovation, which is nothing more than restoring traditional teachings to address a current problem in the modern context. This would create a real connection with and among people, understanding their needs and proposing preventive and/or supportive measures. It is important to stop criminalizing and start understanding the reason behind the persistence of certain dynamics.

The role of local organizations and of the community in the healing process

Onashowewin works within this context by offering a set of services for the prevention of crime and recidivism, offers capacity building workshops and is connected with other services to which its clients can be referred when needed. Some of them offer: free meals, homeless shelters, detox programs, support for women who have suffered domestic violence, or women in the judicial system, programs for appropriate support of indigenous people with Fetal Alcohol Spectrum Disorder (FASD), programs for the prevention of arsons and related incidents, etc. I participated in several networking meetings that demonstrate the great willingness of local organizations to work together and the special attention they have for the needs of indigenous populations.

During my time in Winnipeg, I felt the passion with which a grassroots movement is trying to change people's lives. The indigenous cultures are at the base of an identity reappropriation movement aimed at healing the intergenerational trauma and showing people that there is a better choice for their future, an identity to be proud of. By promoting education, recreational activities, volunteering, positive values and support systems, this change is possible. *Onashowewin* plays an extremely important role: it gives a second chance to those who have made mistakes and accept complete responsibility for them. RJ, as a conflict resolution method that has its roots in indigenous traditions, has a key value in this historic moment in Canada. It fully reflects the solution proposed by Jennifer Meixner. It is the indigenous innovation that can make the difference as it proposes an inclusive model based on connection, the creation of new skills and ways of thinking, self-esteem, self-empowerment, communication. All of this is in contrast with a failing system that promotes criminalization, punishment, incarceration, where there are no positive stimuli or growth.



Pow-wow, an indigenous dance celebrating life

Restorative justice is not the simplest way, but one that, in the long term, can trigger a change and break the negative cycles and self-fulfilling prophecies described above. I saw people desperate because of their socio-economic and family situation - for whom the charge they were sent to *Onashowewin* for was the least of their problems - bursting into tears at the question "how are you?" that they have not been asked for a long time. This helps people reflect on the effects of their actions on others and on the community in an environment where they are not judged as bad persons, but simply as a person who made a mistake; a person who deserves a better life, to break that chain of intergenerational traumas they are trapped in through a greater awareness of the past and of themselves. With the right tools, people can make different decisions for themselves and their family. This is a long and painful process: not everyone wants to undertake it, but when they are ready to do so, *Onashowewin* is there for them. When people are done with their work plan and can go back to their lives they can continue to walk this path with the help of the community, returning to *Onashowewin* for support if needed.

The relevance of deepening studies and research by working in the field

I deepened my knowledge of restorative justice, the residential school system and its intergenerational effects in a way I would never have imagined while doing my research for my thesis in Italy. In addition to learning more about the facts, I met survivors of the residential school

system, their children and grandchildren. I met people who courageously embarked on a responsible path and who are examples of good conduct and great support for many, including myself.

I was welcomed by my indigenous colleagues, despite the reasonable initial suspicion on the part of some, developing a relationship of mutual respect and trust. I was invited to various indigenous ceremonies, capturing their beauty and spirituality, which made my experience unique and incredibly interesting. I will be forever grateful to my colleagues for those six months in which they made me grow both professionally and as a person, so that I could return home with a priceless amount of knowledge and memories. This is why I would also like to say thank you to the promoters of the René Cassin Prize for giving me this opportunity. Thanks to this award I was able to start working in my field of interest, the human rights field, where because of the enormous competition, lack of open positions or funds, it is often difficult to start a career path. I had the good fortune to live these formative experiences that are proving to be important stages of my life and springboards for my future career path.

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Thank you
Grazie

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