

Manitoba · Opinion

# Bringing humanity back to the justice system: Why Canada needs more restorative justice programs



Focus on rehabilitation, reconciliation over punishment can serve victims, offenders and society as a whole

Art Eggleton and Raymonde Saint-Germain · for CBC News · Posted: Nov 03, 2018 6:00 AM CT | Last Updated: November 3, 2018



Marchers call for more restorative justice approaches at a rally for Tina Fontaine, held in Winnipeg on Feb. 23, 2018, one day after the man accused of killing the teen was found not guilty. Restorative justice focuses on repairing harm, the potential for healing in victims, meaningful accountability of offenders and preventing further crime, say Sen. Raymonde Saint-Germain and retired senator Art Eggleton. (Jeff Stapleton/CBC)

11 comments

The Department of Justice conducted a survey earlier this year and discovered that over half of Canadians (52 per cent) have little familiarity with what's known as "restorative justice," despite its use in our criminal justice system for over 40 years.

So what is restorative justice exactly? And can it provide better justice for victims, offenders and society as a whole?

The research says yes.

Restorative justice focuses more on the rehabilitation of the offender of a crime, and reconciliation with the victims, and less on punishment. It focuses on repairing harm, the potential for healing in victims, meaningful accountability of offenders and preventing further crime.

- Restorative justice at centre of Manitoba's new plan to keep people out of jail
- Restorative justice programs could help reduce Indigenous incarceration rates, says chief

It is a voluntary process for both the victim and the offender. Typically, the offender is required to acknowledge or accept responsibility for their actions in order to access the program.

Restorative justice can take many forms and varies widely from community to community, but it can include mediation programs and restitution agreements, including community service, financial compensation and service to the victim.



The focus of restorative justice is on rehabilitation of offenders, and less on punishment. Offenders usually must acknowledge or accept responsibility for their actions in order to access such programs, which are voluntary for both the victim and the offender. (Shutterstock)

Research shows restorative justice tends to be more efficient and cost-effective than the traditional justice system — and it reduces repeat offences.

There are currently almost 500 different such programs running in communities across the country, primarily for youth offenders.

- Restorative justice is effective, not 'soft on crime', say advocates
- Manitoba proclaims first-of-its-kind Restorative Justice Act
- Nova Scotia to expand restorative justice program

We recently held a Senate open caucus forum on the issue and experts from across the country emphasized the need for Canada to further explore restorative justice.

"It's much more than a different way of getting justice done, but a different way of understanding what doing justice actually requires," Jennifer Llewellyn, professor at the Schulich School of Law at Dalhousie University, told the forum.

Chantell Barker, the justice development co-ordinator at the Southern Chiefs' Organization, which represents 34 southern First Nation communities in Manitoba, told the forum that restorative justice is more in line with traditional Indigenous models of justice that have an emphasis on healing root causes and the restoring of harmony, allowing an offender to learn from their mistakes and to make amends for their behaviour.

- Barrier to restorative justice is mostly mindset, says Indigenous law scholar
- More than 80% of incarcerated Manitoba minors are Indigenous. These 3 say that can be changed

## 'I didn't want to create any more victims'

When Ryan Beardy spoke, the room sat in quiet attention.

Eighteen months ago, Beardy was released from prison on parole. Prior to that, he had spent the last two decades in and out of the prison system, spending several years behind bars.

Now he's a second-year university student studying political science and conflict resolution, a student mentor and a father who sits on many non-profit boards.

- OPINION Indigenous youth need to be at home and in the community, not in jail
- VIDEO Panel: The challenges faced by Indigenous students in post-secondary education

How did he turn his life around? He credits restorative justice.

"Restorative justice practices changed my life," Beardy told the open caucus forum. "I didn't want to keep going back to prison and I didn't want to create any more victims. I wanted to change."



After significant experience in the criminal justice system, Ryan Beardy is now a student mentor, a father, and a second-year university student studying political science and conflict resolution who sits on many non-profit boards. He says restorative justice practices helped change his life. (Jonathan Ventura/CBC)

So he asked to participate in a therapeutic program, to learn from elders, to connect with his culture. He learned to reject past negative values and belief systems and to begin the journey of healing his mental, physical, emotional and spiritual health.

"Imagine what society would look like with more empowered, restored individuals, giving back like I am, changing like I did," he added.

The forum also learned that victims can express their suffering directly to offenders (often through videos), feel heard and work through their fears and begin the process of reclaiming their lives.

## A positive path forward

So what needs to happen now to make restorative justice approaches more effective across Canada?

We need a national framework for implementing restorative justice, in partnership with the provinces.

We need to support restorative justice programs beyond individual success stories to system-wide approaches, including, as Jennifer Llewellyn stated, "legislative changes to support increased use and access" and adequate funding that involves government and community collaboration.

We also need to educate Canadians about restorative justice options, particularly those stakeholders working in the justice system and community organizations.

And it's time, as Johanne Vallée, ambassador for the Centre de services de justice réparatrice (Centre for Services in Restorative Justice) said, to bring the humanity back to our criminal justice system.

Restorative justice is the positive path forward.

**This column is part of CBC's Opinion section. For more information about this section, please read this editor's blog and our FAQ.**

- Read more opinion pieces published by CBC Manitoba.

## ABOUT THE AUTHOR



Art Eggleton and Raymonde Saint-Germain

Art Eggleton has recently retired from the Canadian Senate. He was past chair of the standing committee on social affairs, science and technology, and was co-chair of the open caucus discussion on restorative justice. Sen. Raymonde Saint-Germain is deputy facilitator of the Independent Senators Group. She was appointed to the Senate in 2016, after two terms as the Quebec ombudsman and a distinguished career in the public administration.

CBC's Journalistic Standards and Practices | About CBC News

Report Typo or Error

## RELATED STORIES

- Restorative justice at centre of Manitoba's new plan to keep people out of jail
- Pallister government to eliminate 'ground-breaking' restorative justice program
- Restorative justice is effective, not 'soft on crime', say advocates
- Restorative justice in Catholic schools gets to root of student conflict
- Barrier to restorative justice is mostly mindset, says Indigenous law scholar
- More than 80% of incarcerated Manitoba minors are Indigenous. These 3 say that can be changed

## COMMENTS

To encourage thoughtful and respectful conversations, first and last names will appear with each submission to CBC/Radio-Canada's online communities (except in children and youth-oriented communities). Pseudonyms will no longer be permitted.

By submitting a comment, you accept that CBC has the right to reproduce and publish that comment in whole or in part, in any manner CBC chooses. Please note that CBC does not endorse the opinions expressed in comments. Comments on this story are moderated according to our Submission Guidelines. Comments are welcome while open. We reserve the right to close comments at any time.

**Become a CBC Member** Join the conversation **Create account**

Already have an account? **Log in**

NEWEST MOST LIKED 11 COMMENTS

COMMENTING IS NOW CLOSED FOR THIS STORY.



UP TO 50% OFF

## POPULAR NOW IN NEWS

- When international travel resumes, Canada's borders and airports will be very different 300 reading now
- UPDATED Family remembers RCMP Const. Shelby Patton as 'one of the best' 281 reading now
- Busting myths about vaccination — and why experts say it's essential to our return to normal 242 reading now
- Naftali Bennett sworn in as Israel PM, ending Benjamin Netanyahu's 12-year rule 227 reading now
- Alberta is offering \$3M in lottery winnings to encourage people to get their COVID-19 vaccine 196 reading now



UP TO 50% OFF