



VIRRJA

Vancouver Island Region Restorative Justice Association

*Advancing restorative justice on Vancouver Island, the
Sunshine Coast and all Gulf Islands*

VIRRJA PRESENTATION to the
Select Standing Committee on Finance and Government Services
June 8, 2022

VIRRJA represents 20 restorative justice programs on Vancouver Island, the Gulf Islands and the Sunshine Coast. We host 6 meetings per year where members share information on training opportunities and best practices, ask questions about issues their programs may be encountering and discuss topics of interest. VIRRJA hosts an annual conference where members and guests can engage with experts in fields such as law, reconciliation and working with people with disabilities and addictions. Our website provides educational resources and information about upcoming events. Finally, VIRRJA provides member organizations with a united voice when recommending changes to the justice system.

Recommendation 1

It is time for the Province to recognize Restorative Justice as a human right and an essential service, like safe roads, clean drinking water, and legal aid. In order for RJ programs to meet this need in an effective, reliable and professional manner, there needs to be adequate, stable funding.

Canada is signatory to a number of international agreements, such as the UN Convention on the Rights of the Child and the UN Declaration on the Rights of Indigenous Peoples. Taken together, they establish rights around access to alternative measures within the justice system.

Restorative justice is known to make communities safer and reduce court costs and backlogs. It can provide victims of domestic violence with additional choices for how they want to address the harm they have suffered. It can give communities a say and involve them in repairing the environmental damage from industrial activities.

For the past few years, the Select Standing Committee on Finance and Government Services has recommended increased funding for community based restorative justice programs. Many Ministers have also advocated for an increase in the use of restorative justice. Despite this unanimity, most programs still spend much of their time and energy fund raising.

The Ministry of Public Safety and Solicitor General provides a \$4000 annual grant to Community Accountability Programs (CAP) and the opportunity to apply for Civil Forfeiture grants. Unfortunately, applying for grants is time consuming and unpredictable. It forces programs to compete with each for a limited pool of money. Imagine if Vancouver Island Health Authority had to compete with the other regions every year for funds to pay nurses and maintain hospitals.

Clearly the needs of programs differ widely. Larger programs like Victoria and the North Shore have paid staff and serve many clients. Smaller programs are usually run by volunteers and have smaller budgets. If restorative justice were treated as an essential service, the Ministry of PSSG could establish a reasonable budget with each program based on their workload and needs.

VIRRJA recommends that the Finance Committee request the Legislature designate Restorative Justice as an essential service and ensure adequate, stable funding, so that Community programs are able to serve their clients in a professional and effective manner.

Recommendation 2

Remove the moratorium on the creation of new CAP programs and provide adequate funding for their effective operation.

The Community Accountability Program was developed in 2004. It enabled the Ministry of Public Safety and Solicitor General to establish guidelines for programs, provide start up grants, share information about training opportunities, collect data on clients served, offer access to the Provincial Master Insurance Plan, and pay a small annual stipend.

At some point the Ministry stopped allowing new programs to apply. Communities that had not established programs had to find alternative sources of support or accept RJ services from a neighbouring community. As some of these communities grew, and interest in restorative justice spread, there has been a growing interest in creating new programs that are based within the community.

VIRRJA recommends that the Finance Committee recommend to the Legislature that the Ministry of Public Safety and Solicitor General remove the moratorium on certifying new Community Accountability Programs and provide needed funding.

Recommendation 3

Allocate funding in the 2023 budget to create a dialogue that includes all jurisdictions and relevant parties to seek ways to protect the rights of children and Indigenous Peoples.

The restorative justice community can play a role in supporting the Province to accomplish its goal of reconciliation with First Nations. As Perry Bellegarde, the former Grand Chief of the AFN stated: "There's still room for greater use of restorative justice as an alternative to criminal-code remedies, to reduce the huge over-representation of First Nations in Canadian prisons. "

The good news is that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission (TRC), and the Convention on the Rights of the Child (CRC) have established the legal basis and many of the steps that need to be taken. The Province has committed to implementing UNDRIP.

UNDRIP guarantees to Indigenous Peoples all the rights of citizens of their country. Canada has signed the CRC. The CRC provides for children to be informed of alternative options when criminal charges are being considered and for the child to be consulted about decision that are made that affect them.

BC needs to take leadership in this process. It is complex because the administration of justice in Canada is shared by provincial and federal jurisdictions. In addition, there are international conventions, First Nation governments, and community-based organizations that play a role in delivering justice.

To say that implementing the rights of children is not provincial jurisdiction is not acceptable. There needs to be a dialogue between those who develop provincial policy and those who administer justice to develop legal procedures to ensure that the inherent rights of children are protected. We would encourage your committee to endorse the goal of implementing the terms and spirit of our international agreements, and to allocate funding in the 2023 budget to create the needed dialogue that includes all jurisdictions and relevant parties to seek ways to accomplish this goal.