

TUESDAY PM WORKSHOP #8 RESTORATIVE JUSTICE

Workshop Session	Restorative Justice
Names of presenters	Tashi Chhozom, Danny Graham, Stuart Myiow
Name of rapporteur	Diederik Prakke (Moderator: Cindy Blackstock)

PRESENTER 1

Presenter #1: Tashi Chhozom, judge in Zhemgang
Title of Presentation:
The <u>Innovative Practice or Strategy</u> that the speaker is presenting. Arbitration and reconciliation (out-of-court-settlement) rather than the Court passing judgement. Get satisfaction: That's where happiness comes in.

PRESENTER 2

<p>Presenter #2: Danny Graham</p>
<p>Title of Presentation: From criminal defence to restorative justice</p>
<p>The <u>Innovative Practice or Strategy</u> that the speaker is presenting.</p> <p>Danny travels world-wide because of a 'breakthrough' in Nova Scotia, and the Western world. However maybe in the East it is still in place. Actually 'restorative justice' is the oldest form of justice in the first nations. We forget that even in the West prisons are still relatively new...</p>
<p>The "<u>Mainstream Practice</u>" the speaker says their strategy is an alternative to.</p> <p>Was ineffective: Measuring the wrong thing: How many people were caught. This didn't make communities safer. We didn't ask the right questions from the right place. Offenders didn't change their behaviour; victims found neglected, disadvantaged, forgotten and taken for granted. The community around it became indifferent: We pay the justice system just like the garbage collectors aren't my problem.</p> <p>Parties divide tasks in a manner of distrust: Don't speak to the police: Everything may be held against them. Sterilised, taking out what keeps the transgressor awake at night.</p> <p>People continue to want harder judgements. Canada has, despite its name of being soft and reasonable, become a leader of putting people behind bars (while public opinion still just wanted longer sentences, as this public opinion expresses a desire for safety in the street, rather than justice. So that's a justified concern, but they're confused).</p>
<p>The <u>Alternative Vision</u> presented by the speaker (i.e. this innovative practice contributes to this vision)</p> <p>Restorative justice is an example of: Deliberative process: Get people together in a circle neither professional nor sentimental. It's not about saving money from the justice system: It's about increasing our social capital, cohesion and wisdom.</p> <p>Other examples deliberative processes: UK, truth commissions like South Africa in post-conflict situations, environmental</p> <p><i>'No problem can be solved from the same mind-set that created it' (Einstein)</i></p> <p>Open conversations about what mattered to them in Halifax (Envision Halifax initiative). This is deeper democracy, deeper than being a politician as I used to be. Plants these ideas in a rich soil and wait for the fruits for future generations.</p>
<p><u>Success Factors</u>: factors that the speaker attributes to the success of their innovative practice or strategy.</p>
<p>Take off your professional cap: And speak your truth</p>

PRESENTER 3

<p>Presenter: Stuart Myiow</p>
<p>Title of Presentation: Re-finding your identity</p>
<p>The <u>Innovative Practice or Strategy</u> that the speaker is presenting.</p> <p>Thanks for attending this unusual conference. I didn't decide going here myself, but discussed it with my (Red Indian) people. Happy that this is not an expert meeting</p> <p>Crime is the end-result (or by-product) to something that was already created. Its about a wrong in the bigger society.</p>
<p>The "<u>Mainstream Practice</u>" the speaker says their strategy is an alternative to.</p> <p>Society is lost in not knowing its own true identity, like a person grown up with adoption parents will explore later what his identity is. All other problems in society are by-products of this 'old world' of not knowing ones identity.</p> <p>We see only band-aid solutions in this world today. But we need to get to the source of all the problems, not just restorative justice. Our spiritual understanding needs to be restored, we can't have a God that's separated from us, because we are the creator. So we will never fix anything, because we rely on somebody else to fix things.</p> <p>When the door of knowledge was opened 500 years ago, after that we cannot be unguilty anymore. We (Indian's) put up resistance against the colonisers, by people governed by their theistic constitution and democracy. Christianity Eve coming from Adam is reversed.</p>
<p>The <u>Alternative Vision</u> presented by the speaker (i.e. this innovative practice contributes to this vision)</p> <p>Question what we have been taught, what we have been shown and lived by example. We can see somehow something is wrong and we could have inherited a different world. But that's not the way it: So look at what has been handed down and see what we can change.</p> <p>Long before the natives were colonised, the non-natives were colonised in the mind by 'ideas' that don't fit in the real world, that approach people as cattle or a commodity. In justice people feel there is a whole industry around them. Like slavery, like punishing a Rotweyler when it bites after having been trained to do so. Enslaved by the governance system in place in this world.</p> <p>There was native true freedom, not as believed in by democracy, because it was put in the hands of the women in whose belly's they grow as generators of life (land and name comes from female line). If this is taught from the time they are in their mother's belly, they have a sense of purpose and place. All women are mothers and all men uncles, so we don't loose respect.</p>

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Key Challenges: the main challenges the speaker identifies in implementing the strategy

Get identity back. Everybody is a child of your mother - your father could be anybody. In Indian society man could be chiefs, but appointed by women and could be withdrawn (without process or impeachment) at any time.

Top of the world is the South Pole (that's why the hole in the ozone was first seen there)> We tend to see everything upside down: Wrong perception of life. As long as we look upside down we can't start fixing.

We need the mindset that we came for to this earth (which could not be found anywhere else). Constitution of the USA, regarded as 'the best' was based on the Five Nation Confederacy of the Red Indian. The evil mind cannot be trusted among our children. To things deserved death: rape and high treason (other things are all judged at their own merit).

Overcoming Challenges: the ways the speaker says that challenges have been overcome.

Give governance back into the hands of the women. The non-natives come increasingly to learn these things from the natives. Then education can teach the right things about identity. Doors to the native nations were always open (wasn't the smartest thing from the beginning...), but the doors and arms are still open. 500 years now seems long, but later it's a flash in the path.

Moving from the Fringe to the Mainstream: the ways the speaker says this work will move from the fringe to the mainstream.

Let's cut the crap

WORKSHOP RECORD TEMPLATE - SUMMARY OF WORKSHOP DISCUSSION

Workshop Discussion: Summarise statements, questions, responses:	
Name	Comment
Question to Danny: Why could you not have the truth in politics? Why could you not stay in politics?	<p>Danny: (I leave also for family health reasons, but beyond that:) I wanted to read a poem at my inauguration as leader of my party. That wasn't appreciated, so I felt needing to leave. I am thankful I can share it with you:</p> <p>If you always believe what you have always believed, You will always feel the way you always felt. If you always feel the way you always felt, You will always think the way you always thought. If you always think the way you always thought, You will always do what you've always done. If you always do what you have always done, You will always get what you have always gotten. If there is no change there is no change</p>
Is the problem coming from and only in the West? Or is it all-over?	<p>Stuart: The words become all else: Thanks to creation and open up their minds. Two boys had mobilised many people behind them. One apologised, the other accepted and expressed understanding where the other came from.</p> <p>The problem is not just a white-men thing (problem), it's non-native. Colonised is first up in the mind, than the body follows along.</p>
Is there a problem or advantage for you being a female judge?	Tashi: My authority as a female is equal, but women are more open to express themselves to me and access justice.