

# ◆ Newsletter of the Alliance of Feminist Transition Houses ◆

Volume 1 Issue 1

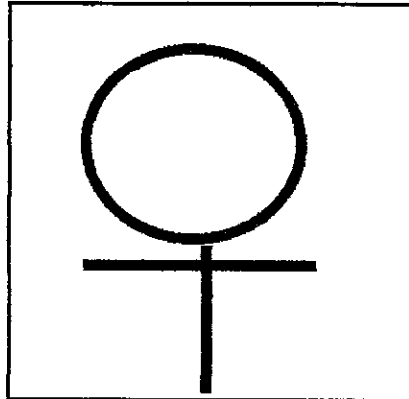
July 1998

## "ARE WE HELPING WOMEN?"

The first transition houses began to exist in the 1970's when volunteers at crisis centres began to realize that women needed a safe place to go to in order to escape the violence and abuse from the men in their lives; a phone line to call just was not enough. The women who worked in the first transition houses also soon discovered that male violence and control occurred across all lines and boundaries, abuse happened regardless of the women's age, class or ethnicity. Thus, the women who worked in the transition houses immediately knew that supporting, helping and advocating for battered women was not enough. They realized that in order not to reproduce a hierarchical structure like that found on all levels of our Canadian society all the workers in the houses should be treated equally in the house without the existence of superiors (ie. supervisors). Furthermore, workers in the houses are not titled "counsellors" nor "professionals" because these terms debunk the importance of women's everyday experiences which workers can and do use as a tool to give practical help to battered women.

Secondly, in order to avoid the controlling behaviour or rules which men set in the lives of women, the workers in the houses do not dominate the residents' decisions or lifestyles in any fashion (ie. they do not make the women sign a contract of any kind or control their use of money).

Thirdly, workers in transition houses also do not repeat the same derogatory language or behaviour to



humiliate and degrade the women which was prevalent from the men in their past. Therefore, the women living in the houses are encouraged to think and act for themselves entirely.

Feminist transition houses today continue to be the same. Women who live in these houses are respected, loved, cared for and fully accepted. They are commended for their courage in leaving abusive and violent relationships, are listened to and are given concrete help from the workers in the houses. Transition houses give women

*If you have any questions/concerns or would like more information about this newsletter, please contact Vancouver Rape Relief and Women's Shelter at (604) 872-8212.*

a chance to live freely from any form of violence, for women to avoid isolation--a chance to bond with other women, to organise themselves and to have an opportunity to lead safer, healthier and happier lives.



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## Is Mediation for you?

**I**f you are or have been abused by your husband or boyfriend and someone is telling you that mediation is a good way to solve the problem, read this article before you decide if it is for you.

### WHAT IS MEDIATION?

Mediation is a way of getting an agreement between you and your abuser. A mediator is someone who doesn't take sides and is trained to help you settle your disagreements.

### WHEN DOES IT HAPPEN?

It happens during a separation or divorce. Mediation is available in the family court system and it may be ordered by a judge. Lawyers might also suggest you try mediation. Some court officials believe it is a better way to solve the problems between you and your abuser than having a judge decide for you.

### DECIDING WHETHER TO MEDIATE IF YOU ARE A VICTIM OF ABUSE

Remember...

- \*in mediation things may not be kept confidential from your abuser
- \*you are on your own because a mediator will not take your side
- \*in custody cases mediation results in dangerous agreements that are harmful to the children
- \*in property and support matters you may not have all the information that you need, and may give away money and property hoping that he will stop abusing you
- \*you will still need a lawyer to look over the agreement

### IF YOU HAVE TO GO TO MEDIATION!

- \*learn all you can about mediation and talk to an advocate
- \*talk to a lawyer who is recommended to you by a women's center or transition house

### MEDIATION?

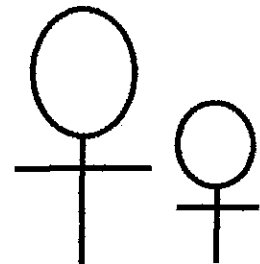
The court officials may tell you go to mediation to settle custody and access issues. They want you to work out a "parenting plan" with your ex.. Seeing the abuser can make you feel guilty, worthless, wrong and afraid. You may be scared to ask for what you want because of threats which have been made in the past or is being made now. The mediator may not be aware of how the abuse is affecting the mediation and even if the mediator does understand, s/he is not supposed to take sides. When there has been abuse you may want to get on with a peaceful life as quickly as possible. You may end up agreeing to something that you don't think is good for you and the children just to stop the fighting.

### FATHER IS MAGIC

Mediators rarely understand the effect of abuse on children. It seems reasonable to them that if children do not see their fathers they will grow up damaged. They do not understand that abusive fathers are damaging their children. Like their mothers, children need peace, security and self-esteem to heal from the abuse. The underlying belief that "fathers are magic" resounds in most decisions around custody in the courts. In otherwords, you may be encouraged to sign an agreement that is dangerous for you and the children. Some abusive fathers want to have custody of the children. Mediators think shared parenting or joint custody is a good solution. Many mediated

cases end with parents having joint custody. Studies show that when children see both parents and the parents get along, children do better. Studies also show that in families with high conflict, generous access is bad for the children. Mediators do not understand that abusers are not going to get along and instead use the agreement to re-abuse the family. Joint custody and generous access is not good for the children in these cases.

**STOP THE MEDIATION  
IF YOU AND YOUR  
CHILDREN ARE NOT  
SAFE.**



## DNA Evidence and a National DNA Databank: "Not in our Name"- Summary

Bill C-104, the DNA warrant legislation which allows for blood, hair or saliva samples of those accused of certain crimes to be used for DNA testing, was passed quicker than any other bill in Canadian history. Yet Canadian women's groups are against the use of DNA testing as evidence for cases of violence against women or sexual assault because DNA evidence is useless except to a very few number of cases in which the man is not known to the victim. In the vast majority of violence and sexual assault cases committed by men, the women usually know the attacker and in these cases, the men immediately argue them to be "consent cases" and not "identity cases" DNA technology is not going to help women in these cases when the men do not deny their DNA to be present but argue that the women gave consent in the situation. These "consent cases" are the most difficult cases for women to prove and win and so the use of DNA technology is no use to women in these situations.

As a result, justice will not be served and the taxpayers

would only pay so much more in order to incorporate this technology into our criminal justice system; yet with all this effort, no increase in the conviction rate will occur.

Furthermore, a DNA databank would only continue to perpetuate the arrests of the poor and people of colour in our Canadian society because their DNA would be found to occupy most of the space in the databank.

In fact, in DNA testing there is a further demand for and reliance on scientific and professional expertise. This further disadvantages those with meagre or average incomes and/or knowledge in our society, the ability and means to defend themselves.

In addition, in many cases DNA would not be available as evidence to support the women in court. For instance, DNA technology is useless in cases when the female victims do not get medical treatment in a forensically equipped hospital within 72 hours of assault. Unfortunately, this example is common among sexually assaulted children.

Another problem is the question of accuracy associated with DNA technology such as what exactly is considered a close match and who has the power and final say to decide the accuracy.

The usage of DNA evidence is also very questionable in its abilities to maintain

standards of privacy protections. Furthermore, similar to other forms of technological advancements in our society, DNA technology is also completely surrounded by a powerful mystique, whereby many individuals and groups will show great support and enthusiasm for its development and implementation yet not have a thought about the negative consequences or possible dangers involved.

Lastly, the enhanced power police gain through compulsory search and seizure of genetic information for suspects in criminal investigations along with the expert-based judicial system also only continue to perpetuate the existing inequities in the criminal justice system.

Thus, the use of DNA evidence only perpetuates the inequities in the criminal justice system and does little to help defend the interests of women in our society.

(For more information contact Vancouver Rape Relief and Women's Shelter: [wgacj02@web.net](mailto:wgacj02@web.net), (604) 872-8212.)

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## Legal Aid Action Heats Up

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**T**he Access to Justice Coalition is actively working to build pressure on the provincial government to provide adequate funding for Legal Aid. Over the next four weeks, we are focusing our efforts to get public, media, and government attention to this issue. There is momentum building on lots of fronts, and our goal is to ensure that this issue doesn't fade away.

To do that, we need EACH of our members to consider ways in order to get the attention of the government. We want you to take a moment to think about what specific actions you can take, that as part of the whole effort of the group can be used to tell the world that we protest the continued underfunding of legal services for poor women and men in this province.

The options are endless--with creativity and imagination, we know that each of us can devise ways to say "We won't support this system anymore".

In 1998 more and more Canadian women are in court unrepresented. This is the canary in the coal mine the sign of system breakdown. To give you a clear understanding of how far things have deteriorated across the country here are some examples:

\*immigrant women, whose sponsorship is withdrawn by a spouse (very often after incidents of abuse) are being denied coverage for an application to vary terms of their immigration status, and as a consequence are being deported

\*rural women's access to legal aid coverage in 1998 in their own community is almost non-existent

\*women in Ontario report getting inaccurate information from Legal Aid (ie. there is no coverage unless the father has threatened to abduct the children" or "only if he is convicted of assault.")

\*absurd caps and restrictions on family legal aid coverage have meant women are without counsel half-way through family law proceedings, where custody is an issue

\*in Alberta there was a 42% decrease between 1994 and 1996 in civil legal aid certificate granted for divorce matters 3494-2041

\*there is no guaranteed legal aid coverage anywhere for welfare appeals, tenancy issues, WCB, EI or other poverty law cases--which deepens the financial crisis for poor women. Their cases and claims are never heard.

\*Refugee women when making claims of gender persecution, are being denied legal aid coverage for their residency applications

\*even when there is coverage for refugee claimants, the tariffs are so low that lawyers simply refuse the cases

\*when coverage is granted, the time-limited certificates expire. Women are forced to reapply again and again because of delays in the hearing process not in their control.

\*there is no coverage to seek division of marital property and no coverage to pursue civil assault claims for sexual abuse cases

\*user fees of \$25 in many jurisdictions are proving an effective barrier to access for many poor women

\*There are so many more examples we have heard--these are but a few! They draw an alarming picture of women being systematically deprived of legal entitlements and protection of law.

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## ◆ **The Alliance of Feminist Transition Houses (B.C.) Opposes the Ministry of Women's Equality Imposition of Government Organizational and Program Standards on B.C. Transition Houses**

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"Feminist anti-violence organizations were created to overcome social and political obstacles interfering with the efforts of women trying to survive, escape, protest and prevent male attacks. From the beginning, workers understood that male violence against women is both a force which interferes with and prevents women living as men's equals, and a consequence of the inequality between women and men.

The establishment of women's shelters, centers and the public voice raised by them began to have some influence. The knowledge of the existence of a women's center has, more than once, discouraged men from beating and raping a woman. Sometimes the existence of a center controlled by women could be used as a threat and deterrent to men. Men could be made conscious that there was a chance for her to leave, the hope of someone to speak out publicly with her, a friend or ally who would not be scared off or 'charmed' by husbands, and a worker available who wouldn't mind challenging the powerful by intervening on her behalf. Sometimes, center workers have intervened in ways which have saved the lives of women and their children. Without doubt, local women's centers have changed the profile of and attitudes toward women suffering attacks and have created options where there were none."

Because of this herstory and reality the Alliance of Feminist T.H. has urged Minister Hammel to refrain from developing and imposing government standards but if she must then at least to apply feminist standards and definitions of excellence to transition houses, including:

- a) independence from government, social service and law enforcement professionals and institutions
- b) internal structures that promote peer relationships
- c) organizations must be staffed and controlled by women of the communities (particularly of race, class and ability) that they serve
- d) absolute control over confidentiality in the hands of the center
- e) distribution of current and relevant information to women
- f) accurate and open minded tabulation of the information given by women about their attackers
- g) women-only space in the control of women to mourn, mend, discuss, plan
- h) active involvement in strategies to achieve women's equality (including the fights for sexual choice, reproductive rights and economic equality).

These are the only conditions which can and should be standardized. Women's groups will not and should not conform to a set of structural or organizational formulas or the standards and practices of the professions and institutions which have never served women well and still do not.