

# Court Monitoring Program of the Victoria Status of Women Action Group<sup>1</sup>

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## ABSTRACT

This article discusses the creation and successful implementation of a project that monitors court cases involving violent crimes against women and children. This initiative offers a two-way bridge between grassroots activism and feminist theorizing.

## RÉSUMÉ

Cet article traite de la création et de la réalisation couronnée de succès d'un projet qui suit de près les procès au tribunal qui ont trait aux crimes violents commis contre des femmes et des enfants. Cette initiative permet un rapprochement entre l'activisme de base et l'élaboration de théories féministes.

## INTRODUCTION

We brought the Court Monitoring Program to the Praxis&Nexus Conference because we believe it is a successful example of a relationship between practice and theory. In addition, we hoped to expand further the relationship between grassroots and academic feminists. This article shares these goals through presenting a discussion of the program, its relationship of practice, theory, and experience, and we close with an encouraging postscript.

## THE COURT MONITORING PROGRAM<sup>2</sup>

The Court Monitoring Program (CMP) was conceived and formed in the closing months of 1992 as a program of the Victoria Status of Women Action Group (VSWAG). It was formed partly in reaction to a well

publicized court case in Vancouver where a man convicted of sexual abuse was given a lenient sentence because the judge claimed the victim, a three year-old girl, was being sexually aggressive.<sup>3</sup> The women working at VSWAG were appalled. They began asking questions, such as: who is keeping track of these cases? who is doing something to change biases in the court system? Around the same time, the Law Society released a report<sup>4</sup> also criticizing gender bias in the justice system. These two events led to the development of the CMP.

The CMP has at its core a spirit of activism: it actively attempts to change the legal system, women's experience of the court system, and the broader social structures which oppress women. The CMP strives to do this through the implementation of its three

aims. The first is to act in solidarity with the complainant. Women who volunteer for the program sit in the court room and witness court cases which involve violent crimes against women and children. Many complainants have said that it makes a difference knowing there is at least one other person in the court room who believes and supports them. This aspect of the program is very rewarding and meaningful for monitors because they receive an immediate sense that their activism produces a positive effect in women's lives through changing women's and children's experience of the court system.

The second aim of the CMP is monitoring for gender bias in the courts. This takes many forms; for example, in the laws, in the enactment of the laws, and in the prosecution techniques or communication - both verbal and physical. The CMP also monitors for racism, able-ism, ageism, classism, homophobia and other isms and phobias as they intersect with gender and are manifested in the legal system. The CMP monitors for all of these things because gender bias affects women differently according to their diverse identities. For example, gender bias experienced by a white woman is likely to be different from gender bias experienced by an aboriginal woman. In monitoring from these multiple perspectives we strive to capture gender bias as experienced by all women. In addition, the CMP monitors for ways to improve the experience of women and children in the court system, such as advocating for separate space for women and children complainants to minimize their contact with the accused.

An integral component of the monitoring aim is recording gender bias. The CMP's data collection and research differs from the usual

model which is done by legal "experts." The CMP monitors are not experts in law; however, as women we live under the threat of violence and as such are or can be expert in the experience of violence against women. Now entering its fourth year, the CMP has collected data over an extensive period of time and variety of cases adding further depth to the data. Over this time the program has endeavoured to increase the "scientific integrity" of the data through improving its monitors' training program and incorporating research from the academic community into the methodology of both the data collection and the monitors' training. For example, the CMP integrated into its data collection methodology measurement categories of "psychologizing" as identified by Linda Coates and Allan Wade in their Ph.D. research<sup>5</sup>. The CMP is also developing a database for organizing the research information. This promises to increase our ability to produce reports and analyze the information.

The database also supports the third aim of the program which includes lobbying the government to be more responsive to the needs of women and children survivors of violence. As well, we attempt to raise public awareness of violence against women and children. For example, in the fall of 1994 the CMP launched the "Drunkenness is not a Defense" campaign in response to a ruling where a man was found not guilty of sexual assault because he was intoxicated at the time of the assault. This campaign had two goals: to raise public awareness and to lobby the federal government to change the ruling. The campaign was successful on both fronts; over 400 letters were sent to Minister of Justice Allan Rock,

and the ruling was eventually overturned as a result of the public pressure both locally and nationally.

### DEVELOPING THEORY THROUGH EXPERIENCE

Participating in the CMP helps women demystify the court and legal systems which are complex, specialized, and removed from the realm of the everyday. The central players in the legal system have years of training to guide them through the labyrinth that is the law. Court monitors, on the other hand, participate in an eight hour introduction to the legal system, so most of their training about the legal system occurs during their monitoring practice. A very empowering process takes place as we monitor and learn. Monitors realize that while the system remains complex, it is not completely inaccessible. We are able to make sense of the court system and the court cases. The knowledge and confidence we gain in this process gets passed on through women's grassroots networks, empowering more women if and when they choose to seek redress within the court system.

Women who come to the CMP come from many different places and for many different reasons. For some of the women who attend university, the CMP offers a place to put action to theories. For others this activism is part of our healing process and a partial remedy for despair. Regardless of why and where we come from, all the women in the CMP theorize. Our theories may not match in language or style what is written in academe but the meanings are not dissimilar. Court monitoring brings to life the statement, "the personal is political," as monitors live the constant dance between theory, practice and

experience. Our life experiences inform, in part, how we practice and theorize, and how we make sense of the world and try to change it. The experience of monitoring enriches the lives of women who monitor as well as supports the women and/or children who face what is often referred to as the 'second assault' in the court room.

The CMP is a valuable and in some ways unique program. Its work offers the feminist community activism, theory and research. Moreover the CMP sits at the crossroads of grassroots and academic feminism in a number of ways. For example, the CMP draws on academic studies to support its activism as it crosses over into the 'academic world' of research and theory. In addition, some women in the program belong in both worlds, acting as a bridge between the two, encouraging the feminist community to bridge these different spheres.

### POSTSCRIPT

At the Praxis♀Nexus Conference, the CMP panel included Terry Harrison, the VSWAG Outreach and Project Coordinator. In her presentation she pondered the meaning of theory and questioned how grassroots and academic feminists can communicate when language forms a barrier. She highlighted this in the title of her talk posing the question "Praxis Nexus...or is that Nexus Praxis...and is it a new Hair Care Product?" Her closing remarks bear repeating here: "As we build a bridge between theory and practice, we must ensure it is a *two-way* bridge. I am here to demonstrate my commitment to walking across that bridge to your side - despite the obstacles. I hope what I've said makes you want to walk back across to mine."<sup>6</sup>

This invitation was accepted. The CMP is now working with two Women's Studies professors from the University of Victoria to incorporate the CMP into the "Work, Power and Justice" course in the fall of 1996 and the spring of 1997. The CMP will train 70 students for entering the courts and these students will participate in the program as part of their course requirements. The CMP is taking activism to academe as it practises theory and research in the community. This is an exciting project that promises to deepen the relationship between academic and grassroots feminists in Victoria and to strengthen the bridges between the two.

#### ENDNOTES

1. This article is based on a roundtable presentation on the CMP by Susan Albion, Janetta Ozard and Nancy Prockiw that was preceded by Terry Harrison of the CMP's founding organization, VSWAG.
2. This is a very short overview of the program. For more information, please contact: SWAG, P.O. Box 8484, Victoria, B.C., Canada V8W 3S1.
3. Phil Needham, "Appeal Court Finds Judge Erred Only in Word Usage" The Vancouver Sun, 13 January 1990: A1.
4. Law Society of British Columbia, Gender Equity in the Justice System, 2 vols. (Victoria: Law Society, 1992).
5. Wade, Allan and Linda Coates. "Psychologizing : The Use of Psychological Explanation in Sexual Assault Trial Judgements". Article on file with authors.
6. Terry Harrison's presentation was subsequently published in the Times Feminist (Status of Women Action Group, Victoria: 1996) vol. 20:5, pp. 10-11, 15.