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July 7, 2020

Dear Ministers,

**Re: The Use of a Restorative Approach to an Inquiry into the NS Mass Shooting**

We write to you as directors and leaders of organizations across Canada that work to eliminate or reduce domestic violence, sexualized violence, and other gender based violence. We were shocked to see media reports that the launch of an inquiry into the April, 2020 massacre in Nova Scotia was being held up by an attempt to graft a ‘restorative approach’ onto the traditional federal-provincial public inquiry. We wish to express our grave concern about, and opposition to, the use of any process for the federal-provincial response to the Nova Scotia mass shooting which is not fully open and public or which does not mandatorily compel the pertinent institutions and state actors to provide relevant information.

In Nova Scotia, there is a moratorium on the use of restorative justice processes for offences involving domestic or sexual violence. It is clear that an examination of the Nova Scotia massacre and the social context in which it arose will require inquiry into institutional and individual responses to allegations of domestic violence. We question whether the use of a ‘restorative approach’ in this instance is a breach of this moratorium.

Adoption of a restorative approach would likely be contrary to the public calls and need for an open, fully transparent, inquiry. A restorative process would most likely involve bringing select people together in circles, meeting with different cohorts privately. A restorative inquiry is

unlikely to involve public hearings: a function that is central to the concept of a public inquiry. The public outcry for an inquiry was not a demand to have discrete groups of affected individuals participate in a series of private meetings. The demand was for transparency and accountability - for a fully-open process. Providing the public with an after-the-fact report or series of reports drafted by an intermediary is not informing the public through open hearings that any member of the public can attend, that the media has complete access to, and through which every Canadian has access to the information disclosed.

Adoption of a restorative approach would also likely be contrary to the public calls and need for a fully independent inquiry. Restorative approaches often seem to require that all affected parties have a role in designing the process, which presumably includes helping to determine their own role or participation. Instead of compelling individuals and organizations, such as police organizations for example, to provide information in public through subpoena, restorative approaches appear to focus on the cooperation of officials and institutions, such as the RCMP, providing such information as they agree to in the design of the process. Instead of being designed and managed by an independent commissioner (such as a retired judge or lawyer) who has no connection to the state actors and organizations which are the subject of the inquiry, a restorative inquiry might have a 'team of commissioners' which would include members of interested parties, like the RCMP for example. The public deserves an inquiry into the Nova Scotia mass shooting in which the process is presided over by an independent and impartial commissioner rather than a process facilitated by a team of commissioners, some of whom are interested parties.

Given the current moratorium on using restorative justice for domestic violence offenses in Nova Scotia and the well-established need for the inquiry into the Nova Scotia mass shooting to include a robust review relating to our responses to domestic violence, it is not appropriate for a restorative justice process to be used. Neither is it appropriate to use the 'restorative approach' reportedly referenced by the Nova Scotia Minister of Justice as the source of the delay in establishing the inquiry if this refers to an inquiry that is not fully open, and accessible to the public. The families and individuals who lost loved ones as a result of this massacre, the women and children who are subjected to misogynistic violence every day in Canada, and the Canadian public traumatized by Canada's largest mass killing are entitled to the full and public justice of an inquiry that ensures public accessibility to the process and public accountability and transparency. We all deserve nothing less of our federal and provincial governments.

Sincerely,

Antigonish Women's Resource Centre and Sexual Assault Services Association

Association of Alberta Sexual Assault Services

Avalon Sexual Assault Centre (Halifax)

Barbra Schlifer Commemorative Clinic (Toronto)

Canadian Centre for Legal Innovation in Sexual Assault Response

Canadian Femicide Observatory for Justice and Accountability

Ending Violence Association of British Columbia

Ending Violence Association of Canada

Every Woman's Centre (Sydney)

Leeside Society-Transition House and Strait Area Women's Place in (Port Hawkesbury)

National Association of Women and the Law

Ontario Association of Interval and Transition Houses

Ottawa Coalition to End Violence Against Women

Prince Edward Island Advisory Council on the Status of Women

Provincial Association of Transition Houses and Services of Saskatchewan

Rexdale Women's Centre

Sexual Violence New Brunswick

The Lotus Centre (Truro)

Tri-County Women's Centre (Yarmouth)

West Coast Legal Education and Action Fund

WAVAW Rape Crisis Centre (Vancouver)

WomenatthecentrE

Women's Centres Connect (connecting the nine community-based women's centres in Nova Scotia)

Women's Legal Education and Action Fund

Women's Shelters Canada

YWCA Toronto

c.

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