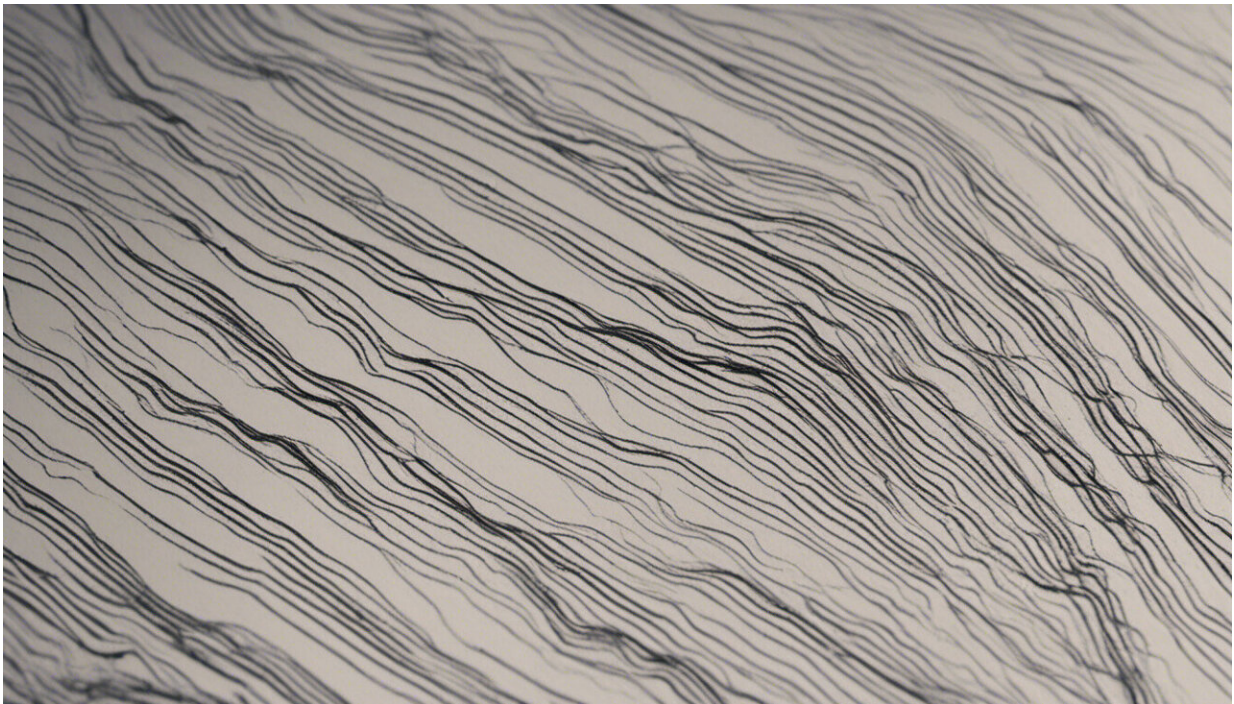


# Opinion: The criminal justice system is retraumatizing victims of violent crime

November 23 2022, by Jeffrey Bradley

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Credit: AI-generated image ([disclaimer](#))

In a split moment, violence can change our lives. We could become a target of violence in our home, school, workplace and community. You might be slapped, punched, stabbed or shot, resulting in serious injuries, trauma or even death.

When someone is victimized, adequate support services should be available to [help victims and ensure their rights](#) but, unfortunately, they rarely are in the Canadian criminal [justice](#) system.

After several months of [public criticism](#), the [federal government](#) recently appointed a new [Federal Ombudsman for Victims of Crime](#) in September. The new ombudsman will continue the work of making recommendations about systemic and emerging issues in the federal system based on concerns raised by [victims](#).

The House of Commons standing committee on justice and human rights is currently studying the [government's obligations to victims](#). The study is generating an important debate on existing policies, programs and legislation that could better align the justice system with the needs of victims.

## **Victims retraumatized**

In the aftermath of [violence](#), victims typically feel [pain, shock, fear, grief and anger](#) as a result of its physical, psychological, spiritual and financial impacts.

The 2019 criminal victimization survey from Statistics Canada found that [2.6 million people](#) over the age of 15 were victims of a violent incident including sexual assault, physical assault and robbery.

In addition, there is a [disproportionate impact of violent victimization](#) on Black and Indigenous people, young women, sexual minorities and people with disabilities. With many intersecting identities, marginalized people face a higher risk of violence because of racism, sexism, homophobia and ableism.

However, only about [a quarter of victims of violence reported the](#)

[incidents](#) to police because most had little confidence they'd be taken seriously and feared being re-traumatized by the legal process.

The criminal justice system is ineffective at addressing the harm done to victims because it centers around punishing the accused perpetrators of violence. The system does not adequately support the victim's healing. Instead, it uses them to punish people the Crown believes can be found guilty.

In 2018, the Department of Justice completed a review of Canada's criminal justice system and found that [victims are disillusioned](#) and feel re-victimized by the current approach. These findings align with many [declarations from victims of sexual violence](#) about their experiences with the legal system where they are blamed and shamed for the harm done, have little agency in the court proceedings and receive limited access to counseling and compensation.

## **Retributive justice not the answer**

Increased policing and prisons are [not a solution](#) to these issues because they can lead to further violence and exclusion for the most vulnerable people in society. If an accused person is found guilty of a violent offense, they will [likely be sentenced to prison](#) where they often become angrier, more violent and excluded, putting more people in harm's way.

Complex social and economic inequalities also play a role [in violence](#). But conditions of racism and poverty continue to be ignored by the state.

Instead, the default responses continue to be [hyper policing](#) and [mass incarceration](#) of disadvantaged people. Black people are [20 times](#) more likely to be killed by the police than a white person in Toronto. Indigenous Peoples make up around five percent of Canada's population, yet account for [32 percent](#) of the federal prison population.

Instead of addressing the root causes of violence, retributive justice perpetuates a vicious cycle where people are punished, stigmatized with a criminal record and released back into communities with limited support. The system dehumanizes and sets up criminalized people to fail, without adequate housing, employment and social support.

## **Restorative justice**

Victims' needs typically start with not wanting the harm to happen to anyone else. [Victims want answers](#) to their questions. They want to know why the harm happened and what will be done to [repair the damage](#) so the person who caused the violence can take responsibility and make changes in their lives. Reparations, either symbolically with an apology or financially, can go a long way to help victims recover.

[Restorative justice \(RJ\)](#) is an alternative approach that uses dialogue to address violence where victims, people who caused harm and community members come to an agreement on what should be done to reconcile and transform the root causes of the problem for individual, cultural and societal change.

RJ allows victims to have their voice heard and to hold people who cause harm accountable by making amends and changing behaviors. The community also sets up a broader support system to prevent future victimization using education and social networks.

But restorative justice programs need co-operation and funding from the [criminal justice system](#) and the government to scale up initiatives across the country.

In 2015, the federal government adopted the [Victims Bill of Rights Act](#), which gave victims of crime the right to information, protection, participation and restitution.

However, a 2020 [progress report](#) from the ombudsman found that implementation of the bill has been sporadic and inconsistent because it has no strategic action plan, limited training opportunities for justice officials, poor data collection measures, little public awareness or outreach about victims' rights and a lack of funding for restorative justice.

The bill also left out the most important right: support services for victims at a standard level throughout the country. Victims' rights are not enforceable by law and the legislation only provides a [complaints process](#) to remedy the situation.

The justice and [human rights](#) committee is scheduled to release a report next year. Hopefully, the federal government will make the necessary reforms to increase funding for provincial and territorial governments that will allow them to administer victim services and restorative justice.

The federal government also needs one office for victims that works across departments and jurisdictions to implement a renewed [victims' strategy](#), one that goes beyond small pilot projects and public education about victims' role in the criminal [justice system](#). The office should engage regularly with non-governmental organizations and grassroots collectives so the voices of victims are heard and changes are made.

Providing victims with dignity, respect and fairness requires more than words. It must include real actions to support their needs, providing more options for [restorative justice](#) and changing the way systems run to be more human-centered and to uphold rights.

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