



Victims of Crime Research Digest

2025

ISSUE NO.18

25 years of the Federal Victims Strategy

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Victims of Crime Research Digest No. 18
J12-3E-PDF
ISSN 1929-9990

Introduction

Welcome to the 18th issue of the *Victims of Crime Research Digest*. We are really excited about this particular issue because we are celebrating the 25th anniversary of the Justice Canada Federal Victims Strategy as well as several other important anniversaries. These include: the 20th anniversary of Victims and Survivors of Crime Week, the 15th anniversary of Child/Youth Advocacy Centres (CACs/CYACs) receiving funding, and the 10th anniversary of the *Canadian Victims Bill of Rights* (CVBR). Internationally, the issue also marks the 40th anniversary of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

The Victims of Crime Initiative began in 2000 with an initial five-year mandate establishing the Policy Centre for Victim Issues (PCVI). Seven years later, the name of the initiative was changed to the Federal Victims Strategy (FVS) and in 2011 its funding was made permanent. Over the past 25 years, the FVS has worked diligently to increase access to justice for victims in Canada and to ensure that they have an effective voice in the criminal justice system, through criminal law reform, federal leadership on policy initiatives, and program funding. It is important to note that throughout this time, there has been annual funding for research on victims issues.

In 2006, the Research and Statistics Division (RSD) published an issue of a bimonthly journal called *JustResearch* that was focused solely on victims of crime research. The journal was shared at the very first National Victims of Crime Awareness Week (NVCAW). In 2008, the first issue of the *Victims of Crime Research Digest* was released in hard copy at the annual victims symposium, held in person in Ottawa at the start of NVCAW. The cover of that *Digest* used the same graphic design as the one for Victims Week and the symposium, and built on the theme of the week. While there have been changes over the years, each year the *Digest* has continued to deliver four to five short articles, written in accessible language, highlighting research undertaken or supported by RSD, with funding from PCVI at the Department of Justice. The topics covered in these articles are varied and reflect ongoing work at RSD. They include: restitution; the federal victim surcharge; victim and community impact statements; hate crimes; victim data; and summaries of studies on CACs/CYACs, survivors of sexual assault, testimonial aids, and support animals, among other topics.

To mark the 25th anniversary of the FVS, this 18th issue of the *Digest* welcomes several guest authors to share, in the first person, their reflections on the changes they have seen in victim-focused research in Canada over the past two-plus decades. This approach has been inspired by the preface written by professor emeritus Alan Young in the update to his 2000 report on victims' rights. Sadly, Professor Young passed away in December 2024. To mark his contributions to the field of victims' rights, we are including his preface in this issue of the *Digest*.

The commemorative *Digest* begins with Alan Young's preface, followed by an article from Susan McDonald reflecting on her role in and responsibility for victim-focused research under the FVS since the early 2000s. Kathy AuCoin, long-time chief of the Analysis Unit at the Canadian Centre for Justice and Community Safety Statistics (CCJCSS), now retired, is the author of the third article. Kathy focuses on the changes at CCJCSS in data collection and analysis on victims of crime. Professor Nick Bala writes about the trends in research on child victims and witnesses, which has been the focus of his

career for over 40 years. Professor Jo-Anne Wemmers examines self-reported victimization data and research on restorative justice and the victim's role in these important processes, as well as other trends. And in the final article, professor emerita Arlene Gaudreault reflects on her past 40 years as a leader in the victims movement in Quebec. It is in this capacity that she takes a look at the contribution of Quebec researchers in the field of victimology.

We hope you enjoy this issue celebrating the growth in research and data on victims' issues. FVS officials are pleased to have contributed to that body of knowledge over the past 25 years. We remain committed to continuing that work, taking on new research initiatives, and sharing the findings with our partners across Canada, informing the ways forward to increase access to justice for victims of crime that is victim-centred and evidence-based.

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Table of contents

1. Victims' Rights in Canada in the 21st Century by Alan N. Young	6
2. The Federal Victims Strategy: Reflections of a Policy Researcher over Two Decades by Susan McDonald.....	10
3. A Retrospective Overview of Advances in Data on Victims of Crime in Canada by Kathy AuCoin..	15
4. Child Witnesses in Canada's Criminal Justice System: Progress, Challenges, and the Role of Research by Nicholas Bala	20
5. Twenty-five Years of Victims Research in Canada by Jo-Anne Wemmers, Ph.D.	30
6. The Rich Contribution of Quebec Research in the Field of Victimology by Arlène Gaudreault.....	38

Victims' Rights in Canada in the 21st Century

By Alan N. Young and Kanchan Dhanjal

The preface to the report, [Victims' Rights in Canada in the 21st Century](#), is reproduced here in this reflective issue of the Victims of Crime Research Digest.

Preface

By Allan N. Young, September 28, 2020

As part of the Government of Canada's Victims of Crime Initiative, the Policy Centre for Victim Issues was created in 2000. In that same year, I completed a report for the Department of Justice, [Role of the Victim in the Criminal Process: A Literature Review - 1989 to 1999](#). I was recently asked to provide an update to this report, and, despite having retired from the practice and teaching of law in 2018, I was honoured to have been asked to complete this task.

I felt honoured by the request to update my report because a large part of my professional life was consumed by working with the victims' rights movement. As a young criminal lawyer and law professor in the mid-1980s, I was constantly asked two things by friends, family and strangers: how can I defend people I know to be guilty and why is it that the system does not seem to care about crime victims? I had a stock, institutional answer to the question about defending the guilty, but I did not have a genuine response to the question about the mistreatment of victims. Despite being trained, and working, as a defence lawyer, I felt compelled to shift the focus of my research as an academic to find an answer to that question.

Since then, I have represented victims' groups and individual victims in court and before policy makers, advocating for better treatment and increased involvement in the criminal process. As an academic, I wrote numerous law journal articles and reports for the Department of Justice on victims' rights, and I also arranged conferences for crime victims to share their stories. In 2010, after two decades of working in this field, I withdrew from this particular area of practice and research. Despite the rewarding aspects of helping victims overcome the indifference of state officials, this work can take its toll emotionally. Victims' rights can be discussed and debated in an abstract and academic way, but ultimately, it has been the personal hardship and suffering of crime victims which has fueled the law reform movement, and by 2010, I was saturated by sad stories.

In the early days of this movement, I often seemed to be a lone voice among Canadian lawyers and academics. I was surprised by how much attention was being paid to this issue south of the border, whereas in Canada the issue was largely ignored in the academic community. This was surprising considering that at the first National Conference of Victims of Crime (held in Toronto, 1985), the victim movement was called the "growth industry" of the decade, and in the United Kingdom it was considered the fastest developing voluntary movement. Victim groups and associations were mushrooming all over North America and Europe.

In the 1990s, there was an explosion of scholarship and research, and the report I completed in 2000 (and that was published in 2001) was designed to be a comprehensive literature review. The literature was voluminous and the report exceeded 160,000 words. Despite the length of the report, I felt I was only addressing the tip of the iceberg. Even though the 2001 report clearly showed that a great deal of time, effort and money was being put into advancing the interests of victims, I was always concerned that this interest in advancing victims' rights would eventually wane and that victims' rights would be relegated to the status of flavour of the decade.

Working on this brief update to the 2001 report quickly showed me that my concerns were misplaced and that interest and activity relating to victims' rights continues to grow at an unprecedented pace. My co-author for this report, a talented young lawyer, Kanchan Dhanjal, spent a great deal of time reviewing a wide variety of periodical indexes and government websites, and when the dust settled, she presented me with 22 books, 418 articles and 147 government reports for us to review for this report. Even this vast collection of literature was incomplete as a report of this brevity required us to exclude from consideration a great deal of literature pertaining to special or unique victim-related issues (such as, victims of terrorism, elder abuse, issues unique to Indigenous victims, human trafficking, victims of hate crimes, etc.).

For this brief report, it was also not possible to spend as much time reporting on international developments as was done in the initial report. As some recent European and American developments are of critical importance, there will be some updates on these international changes; however, it has become less necessary to spend time chronicling the literature and reforms in other parts of the world as the past twenty years has seen a significant growth in Canadian scholarship and research. In the first report you might find a few Canadian scholars writing in this area, but now you have many Canadian scholars and researchers, like M. Manikis, J. Roberts, S. McDonald, M. Northcott and J. Wemmers to name a few, making significant and prolific contributions to the literature.

Despite the flurry of activity over the past few decades, it still remains difficult to draw a firm conclusion regarding the overall success of this ongoing endeavour in criminal justice reform. There has been an abundance of piecemeal changes, but there still remains disagreement and debate among scholars, and in the community, over fundamental questions such as what are the needs of crime victims, what is their proper role and function within a highly-professionalized justice system, and what does the concept of victims' rights actually entail? The crime victim may have become an accepted and respected player on the political landscape, but in the legal realm, there are still many who see the crime victim as an unwelcome intruder.

This report will be primarily a descriptive report and not a prescriptive report. Despite having worked in the area of victims' rights since the mid-1990s, and having strong opinions about what needs to be done to support and enhance victims' rights, this report will not make suggestions or recommendations for future change. The goal in writing this report is to provide an accurate and current outline of new legislative and program developments since 2000, with an accompanying summary of evaluative and empirical studies which attempt to measure the success of new laws, new policies and new programs. As success is often measured by the level of satisfaction, or dissatisfaction, experienced by victims, the focus of this report will be on any studies which attempt to measure this level of success.

Whereas the 2001 report was largely structured as a literature review in which many hundreds of articles were reviewed, this review will not undertake an exhaustive summary of the current academic literature. A report of this brevity could not possibly cover and capture the wide body of literature of the last twenty years. In addition, many, if not most, of the articles reviewed in 2001 were in the nature of theoretical perspectives prescribing the proper role of the victim in an adversarial criminal process, and many articles in the sample for this report were also philosophical or theoretical in nature. Despite being important and interesting, the underlying theoretical perspectives have not changed in the past two decades and there is a great deal of overlap and repetition in this part of the literature.

This report will not revisit the well-known territory of theory and philosophy in any significant manner; however, Part I of this report will still explore the relationship between theory and practical change in order to provide some context and framework for the remainder of the report. Part II will explore any significant changes, and the studies which have evaluated these changes, with respect to the rights of victims to participate at trial in the past twenty years and with respect to statutory provisions designed to protect the privacy and dignity of the victim as a witness at trial. Parts III and IV will present similar, but briefer, explorations with respect to the welfare rights or entitlements of victims, as well as developments relating to restorative justice. Although some reference will be made to the findings of the 2001 report, it could be helpful to read the lengthier 2001 report in conjunction with this condensed update to get a clear sense of what has changed in the past twenty years and how this enterprise continues to evolve.

Although this report is descriptive, and not prescriptive, and I avoid drawing strong conclusions about the actual progress made in the past two decades, I do wish to say that reviewing the literature from the past 20 years served as a personal confirmation that there has not been any retrenchment or retreat with respect to the victims' rights movement. Victims' rights were not just the flavour of the last decade of the 20th century. However, it is important not to be deceived by the flurry of law reform and academic activity and simply conclude from the flurry that real progress has been made in ameliorating the plight of the crime victim. Although there was a similar rapid flurry of activity in the last few decades of the 20th century, there were many who believed that victims were just "all dressed up with nowhere to go" (Elias 1993:26).

So as the reader of this report wades through all the developments at the beginning of the 21st century which are presented in this report, a critical issue which every reader needs to consider is whether the question posed by Professor Elias at the end of the last century has the same relevance at the beginning of this century:

For all the new initiatives, victims have gotten far less than promised. Rights have been unenforced or unenforceable, participation sporadic or ill-advised, services precarious and underfunded, victims needs unsatisfied if not further jeopardized, and victimization increased, if not in court, then certainly in the streets. Given the outpouring of victim attention in recent years, how could this happen? (Elias, 1993:45)

Reference

Elias, Robert. 1993. *Victims Still: The Political Manipulation of Crime*. Sage Publishing, Newbury Park, California. <https://doi.org/10.4135/9781483326412>

The Federal Victims Strategy: Reflections of a Policy Researcher over Two Decades

By Susan McDonald, Principal Researcher, Department of Justice Canada

I joined the federal public service in July 2001 and started in the Research and Statistics Division (RSD) at the Department of Justice Canada (the Department). I had just moved to Ottawa, new to the city, new to the federal government, and new to policy research. One of my file areas was Victims. The Victims of Crime Initiative (now known as the Federal Victims Strategy) had begun in 2000 when the Policy Centre for Victim Issues (PCVI) was established as a five-year initiative. As part of that first five-year initiative, there was funding for contracted research and data collection by Statistics Canada and the Senior Researcher responsible for the Victims file, which was not me at the time, had a robust workplan in place.

Having just graduated from a PhD program at the University of Toronto/Ontario Institute for Studies in Education, I was well versed in academic research and writing although I had limited experience in the unique world of policy research. I did, however, have both research and lived experience in victims of crime.

This short article will touch on several significant changes that have occurred during my (almost) two and a half decades working on the Victims file. I took on responsibility for the file in 2003. During that time, both in the Department and the federal government, there has been a shift toward a trauma-informed, victim-focused approach to research, as well as to programming and policy development. At the Department, the RSD has developed a better understanding around research with victims of crime – how to include victims as participants in a trauma-informed way and what projects to undertake. RSD also learned more about the role that trusted intermediaries play, and of ensuring that the voices of the victims themselves are heard, so it has put in place ethical safeguards for such projects. There have also been significant developments in data collection on victim issues, many of which are captured in Kathy AuCoin's article, following this one.

My doctoral thesis was entitled *The Right to Know: Women, Ethnicity, Violence and Learning about the Law*. I undertook in-depth qualitative interviews with Spanish-speaking immigrant women who had experienced some form of domestic abuse – whether physical, sexual, financial, or emotional. The participants were asked about any serious legal problems that arose because of the abuse, for example, their partner being charged with assault, marital breakdown, or loss of housing. They were then asked how they tried to resolve those problems and how they learned about how the law could help them – or not. One of my professors, Jenny Horsman, had just released a book called *Too Scared to Learn: Women, Violence and Education* (1999) for which she had travelled across Canada speaking with adult literacy learners. She found that many of her participants had experienced abuse or trauma as children and had never properly learned literacy skills or were in the midst of an abusive relationship and were genuinely “too scared to learn.” Her finding, that trauma impacts one's ability to learn, was one that I was also seeing among the group of women in my research.

A year or so after completing my research and moving to Ottawa, a friend, and also former doctoral student, sent me a book by Professor Rebecca Campbell, who is well known for her research on sexual assault and women. The book, *Emotionally Involved: The Impact of Researching Rape*, documented the experiences of her students who were conducting in-depth interviews with sexual assault survivors, and what they felt as they heard and documented their study participants' traumatic experiences. The text resonated strongly with me because I, too, had documented the impact of researching violence through a feminist lens (McDonald 2003).

The conclusion from my research and the research of others was that trauma impacts learning. Speed forward to the early 2010s and “trauma-informed” had become the new buzzword, making its way into government terminology. Not only was the language about victims shifting, the practices being used to support victims and survivors, as well as the research, were also different. For example, in the 2016 *Victims of Crime Research Digest*, Issue No. 9, Pamela Ponio and her colleagues wrote about trauma-informed practice.¹ One of the biggest shifts came in the context of forensic interviewing with survivors of sexual assault (see Haskell and Randall 2019), based on neurobiological research. This research called for criminal justice professionals (police, Crown, judges, victim services) to better understand victims and survivors of sexual assault and their responses to their experiences. The Department worked hard in this area to improve awareness and disseminate knowledge to all the criminal justice professionals.² Only ten years later, a trauma-informed approach is now regularly applied to policy, practice, research, and evaluation in government at all levels, as well as in academe and service agencies.

At the Department, most social science research supporting policy was done in RSD. Yet it was only in 2003 that a formal ethics review process was introduced to both in-house and contracted research projects that involved human subjects. Working with academics and the Panel on Research Ethics³ (the Panel), as well as Health Canada, which had established a research ethics board around that time, we developed a set of questions based on the [Tri-Council Policy Statement](#) for every research project that involved human subjects. RSD also helped establish an interdepartmental working group on ethics and research that functioned for several years and permitted departmental research groups to share best practices.

The ethics of conducting research with victims of crime raised important questions about the psycho-emotional harm it could cause, how people were recruited, how participants would be reimbursed for any expenses incurred or given honoraria as a thank you for participating. Contractors affiliated with a

¹ See [Trauma- \(and Violence-\) Informed Approaches to Supporting Victims](#) in the *Victims of Crime Research Digest*, No. 16.

² See the 2018 report written by the Coordinating Committee of Senior Officials Working Group on Access to Justice for Adult Victims of Sexual Assault. The report was released by FPT Ministers Responsible for Justice and Public Safety. See [Reporting, Investigating and Prosecuting Sexual Assaults Committed Against Adults - Challenges and Promising Practices in Enhancing Access to Justice for Victims](#).

³ See <https://ethics.gc.ca/eng/home.html> (excerpted from this website) In 2001, Canada's three federal research agencies, [CIHR](#), [NSERC](#) and [SSHRC](#), jointly created the Interagency Advisory Panel on Research Ethics (the Panel) as part of a collaborative effort to promote the ethical conduct of research involving human participants. The Panel develops, interprets, and implements the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS). The Panel is responsible for addressing the evolving needs of Canada's three federal research agencies to promote the ethics of research that involves humans.

university or college were asked to use their own research ethics board, and that approval was part of the contract. Independent consultants' or community-based researchers' first deliverables were always documentation that included an ethics protocol and letters of information and consent, along with data collection instruments. In one recent project, RSD contracted with a legal ethicist from a Canadian university to review the documentation to ensure that the contractor was doing everything possible to mitigate the risk of further harm to the participants. Having this process in place provides ethical safeguards for our research projects.

At the same time, over the past two decades, in the access to justice research area, the important role that trusted intermediaries play in assisting vulnerable people access help has been documented in studies in Canada and elsewhere (see for example, Currie 2009). A trusted intermediary is someone an individual trusts more than a government figure because they speak the same language, or have had similar experiences, or have been referred by a friend or family member. Or it could be a family member or friend. Often, trusted intermediaries work in social services organizations or health care. Over time, RSD began to work closely with these people so that victims could participate in research projects. For example, we worked with many sexual assault centres to both recruit survivors and to also be available for follow-up support after the interviews, if needed. We worked through other victim-serving agencies such as Child Advocacy Centres and services for those who had exited the sex trade or were being trafficked. The fundamental principle underlying this research has been that victims' voices need to be heard and that if they choose to share their stories of how they experienced the criminal justice system, we want to ensure that supports are available. Working with trusted intermediaries has become a fundamental part of how the Department carries out research with victims and other vulnerable participants.

Of the many challenges victims research has faced over the past two and a half decades, the primary one has been the difficulty in collecting national data. Provinces and territories are each responsible for administering justice, and each jurisdiction has its own model for delivering victim services, as well as its own definition of who is a victim. This means that the information that is collected in one jurisdiction is not the same as in another. As Kathy AuCoin documents in the next article, multiple attempts have been made to address these differences, with the provinces and territories working closely with analysts from Statistics Canada. Having been part of each of these attempts, I am fully aware of the inherent challenges that come with deciding on a common definition of "victim" or introducing a new data management system. When one's mandate is to provide support on the ground to victims of crime, the resources – cost, time, people – required to make fundamental shifts seem exorbitant. In the interim, RSD continues to work with our federal, provincial, and territorial partners (FPT) to tell their unique stories about how they support victims of crime going through the criminal justice system. And that has been the essence of the Federal Victims Strategy – under the FVS, FPT partners came together twice a year to meet in person and develop a network of support on victim issues. Now, those FPT meetings are held more often but via MS Teams or Zoom. Research is just one of the many areas that has been examined at regular FPT Working Group meetings over the years. Funding, law reform, and policy development, as well as challenges and promising practises in the different jurisdictions, have also all been topics of discussion.

Developing these relationships in person fostered the collaboration that has been a large part of the success of the FVS, and has allowed RSD to undertake the range of research projects that it has over 25 years. Funding from the Victims Fund has also supported several interesting research studies on victim impact statements, restorative justice, and supporting victims of crime with disabilities and with mental health and addictions issues, to name only a few. The *Victims of Crime Research Digest*, an annual publication released during National Victims and Survivors of Crime Week, in mid-May, has been showcasing research supported through the FVS since 2008. Through short accessible articles, such as this one, we are able to share new and different research on victim issues and the criminal justice system with a wide audience across the country.

I am genuinely proud of the research that has been carried out over the past 25 years, although at the same time I am acutely aware that much remains to be done. Times have changed. New technologies, such as video, can help, as in allowing witnesses to testify from a safe location. However, those same technologies have introduced a whole new set of cybercrimes that include criminal harassment, online child sexual exploitation, and non-consensual disclosure of intimate images. Identity theft and other scams are rampant and hurt those, such as older adults, who can be particularly vulnerable. Social movements, such as #MeToo, have helped to broaden the public discourse on sexual assault. To ensure all these changes are considered, we need the research, so we have the evidence to support law reform, policy and program development, implementation, and monitoring. We will know that research has made a difference when victims are getting the supports they need and criminal justice professionals are hearing victims' voices.

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A Retrospective Overview of Advances in Data on Victims of Crime in Canada

By Kathy AuCoin, Retired from
the Canadian Centre for Justice and Community Safety Statistics, Statistics Canada

Over the past 25 years, significant advances have been made in collecting and analyzing national-level data on victims of crime in Canada. These improvements have not only enhanced our understanding of victimization, they have also helped shape evidence-based policy development and informed how support services for victims were designed and delivered. As a result, they have helped to facilitate a more victim-centred justice system. Some of this work was funded through the Federal Victims Strategy (originally the Victims of Crime Initiative) and responded directly to the need for better national victims' data. In this article, I will outline several of the key data instruments that have contributed to the growth and evolution of victim-focused research; as space is limited, however, there are, I am certain, some advances I may have omitted.

Early Data Challenges: Limited Coverage and Static Analysis

In the early 2000s, when I started my career as an analyst at the Canadian Centre for Justice and Community Safety Statistics (CCJCSS) at Statistics Canada, victim data did exist; however, their availability and coverage were limited, making this work challenging. My first analytical contributions at the CCJCSS included a couple of chapters for the annual report, "[Family Violence in Canada: A Statistical Profile](#)." These chapters focused on family violence against seniors, and children and youth, and included only a limited number of static tables and charts, that is, fixed tables covering a small number of variables. The data highlighted in these tables and charts were derived from a small subset of police services, mostly from urban areas, that were reporting on just over half of police-reported crime in Canada.

These services had adapted their records management systems to the Uniform Crime Reporting (UCR) Survey's version 2.0, which enabled them to extract microdata on criminal incidents, including detailed information on the characteristics of the victim and accused person.

However, the incomplete coverage meant that policy makers and researchers could see only a fragment of the broader picture of victimization across Canada: the data, and its analysis, often did not include rural areas, Indigenous communities, and smaller jurisdictions. This resulted in gaps in understanding the unique challenges of victims in these regions. In addition, though the reports attempted to provide trend analysis, they were limited to seven years of police data.

Transformations in Police-Reported Data

Twenty-five years later, the scope and quality of police-reported crime data in Canada has improved dramatically. Police-reported data collected through the UCR Survey now cover 99 percent of the

population and provide far more insight into police-reported crime trends across provinces, territories, and urban and rural communities. Today, family-violence-related data tables and charts are released annually, and are much more detailed. This enables researchers to analyze the data much more deeply and to understand more broadly the victimization perpetrated both within and outside of the family. These downloadable tables can be accessed through Statistics Canada's Common Output Data Repository (CODR) and allow the end user to customize the victim data to include several variables, including age and gender, accused–victim relationship, type of violation, and location.

The tables include several years of data about victims of all forms of violent crime (going back to 2009) and whether the crime was committed by a family member or not ([The Daily — Trends in police-reported family violence and intimate partner violence in Canada, 2023](#)).

In addition to better coverage, the UCR Survey is continually being revised to include new *Criminal Code* violations to track emerging crimes, such as hate crimes, human trafficking, and cybercrimes. For cybercrimes specifically, knowing whether these incidents were facilitated by some form of digital technology is crucial in understanding trends related to for example, online harassment, fraud, extortion, and online child sexual exploitation; understanding these trends is critical in developing prevention programs. Adding both the method of perpetrating a crime and the types of crime committed helps us to understand the evolving and emerging forms of victimization.

Victim-Centric Changes in Reporting and Tracking

One of the most significant changes to the UCR Survey in recent years has been the shift toward a victim-centred approach in reporting and tracking crime. In 2018, [clearance status classifications for offences](#) were updated to ensure that victims of violence were **counted** even if no accused was identified or there was insufficient evidence to proceed. Previously, these incidents might have been classified as "unfounded" by police and not included in the official statistics. This effectively omitted a victim's experience from official statistics. Following this change, the default position was for police to record criminal incidents as founded—that is, the reported incidents had in fact occurred—unless there was credible evidence to demonstrate that the incidents had not taken place. This shift to a more victim-centred approach in monitoring crime explicitly recognizes the validity of third-party reporting. Finally, this change is particularly relevant to the way reported incidents of sexual assault are treated by police because of the challenges that often exist in obtaining evidence for this type of crime.

Advances in Data Linkages

Another key improvement in victim data has been the introduction of data linkage techniques of administrative data sets. By linking UCR Survey records, it is now possible to explore patterns of repeat victimization and analyze how early-life victimization may later intersect with police involvement as a victim or accused. This involves extracting a subset of victim records from the police files and tracking whether these victims appear in later years—either as a victim or as an accused. This capability allows researchers deeper insights into the cyclical nature of victimization and the long-term impacts crime has

on individuals. Work has been ongoing to create this victim-focused linked data file, with reports to be released next year.

In addition to linking UCR Survey files to explore repeat victimization, police data have been linked to court records to understand how various criminal incidents are processed through the Canadian courts. This type of linkage was used in a series of analytical reports looking at [sexual assault incidents](#) (pre- and post- #METOO), [homicides involving Indigenous women](#), and [gender-related homicides of women and girls](#). Quantifying court outcomes of various violent crimes helps to identify strengths, gaps, and areas for improvement in how the justice system handles these crimes.

Finally, another major advance that relies on existing administrative data is through the use of a social data record linkage environment (SDLE) that was introduced at Statistics Canada in 2011. The SDLE expands the potential of integrating data sets across multiple domains such as health, education, income, and victim files. From a victim research perspective, this framework has the potential to fill numerous data gaps—for example, exploring the long-term health effects of being a crime victim, or investigating whether victims experience income loss, job instability, or educational setbacks after they have been victimized. To date, analytical reports linking justice data within the SDLE framework have focused on [offenders](#); in the coming years, however, reports looking at victims will be produced.

Growth of Victimization Surveys

Beyond improvements to police-reported data, over the past two decades victimization surveys have also grown significantly, both in the number of instruments as well as the number of questions being asked. These surveys provide essential insights into crimes and broader victim experiences, regardless of whether they reached the criminal threshold or were reported to police. The General Social Survey (GSS) on Canadians' Safety (victimization) remains a cornerstone of this effort. It has captured experiences of criminal victimization over the past 12 months and spousal violence over the past five years regardless of whether the incident was reported to the police.

Over time, the GSS on victimization has improved on several fronts after including the territories in 2009, enabling their estimates of self-reported victimization to be published for the first time. Importantly, funding from the Federal Victims Strategy permitted territorial respondents to complete their interviews in person, improving the representativeness of the final sample in 2009. In addition, the GSS sample size has also increased in some cycles. This helped to produce a more detailed and granular analysis from what was released in the early 2000s. Because the GSS is collected every five years, it has been adapted between cycles to capture data on emerging issues. These include child maltreatment, fraud, dating violence, criminal harassment, and post-traumatic stress disorder.

Lastly, some of the questions about core violent victimization questions posed on the GSS to capture physical and sexual violence have been integrated into other survey instruments that target specific populations. To date, the Canadian Survey on Disability, the Indigenous Peoples Survey, and the Canadian Mental Health Survey have, at one time or another, included victimization questions, offering insights into the unique experiences of these marginalized groups.

Gender Based Violence Data

The collection of data on gender-based violence represents another major milestone in the advances in victim data. The Survey of Safety in Public and Private Spaces (SSPPS), a new victimization survey first in the field in 2018, delves into various forms of gender-based violence, including those that do not meet the threshold of criminal acts but still profoundly impact victims. By exploring both criminal and non-criminal acts, this survey helps uncover the broader societal impacts of violence rooted in gender discrimination, providing essential data to inform program and policy development, including prevention efforts. Through this survey instrument, multiple reports exploring people's experiences of [victimization during childhood](#), of intimate partner violence experienced by [young women](#), [women with disabilities](#), and [sexual minority women](#) and [men](#), have been published

Increasing Access to Victim Data Through the Research Data Centres

Increased access to victim data has also improved significantly over the past 25 years. Through Statistics Canada's [Research Data Centres](#) (RDCs), academics, researchers, and students have access to a wide range of anonymized, detailed microdata not available in public use files. These datasets cover areas such as health, education, labour, and crime. RDCs are equipped with stringent security measures to ensure the confidentiality and integrity of the data. This makes it possible to analyze sensitive data sets that would otherwise not be available to researchers. The RDCs contain data from the UCR Survey, the Homicide Survey, and multiple cycles of the GSS that have been accessed by countless researchers. This greater access has led to increased innovation in research and collaboration and has informed and improved service delivery for victims.

Persistent Data Gaps in Victim Services

While there have been significant improvements on data related to victims of crime, some persistent gaps remain. No comprehensive national picture is available of how victims access services and how the justice system responds to their needs. Work done over the past decade to resolve this issue has met with little success. Starting in 2015, research exploring how to systematically collect victim services data from victim services agencies was undertaken. This project concluded that collecting standardized and robust data from agencies was not viable because of the vast differences in the delivery models between jurisdictions. As a result, a standard reporting mechanism could not be created.

Statistics Canada worked with provincial and territorial directors of victim services over several years to develop standard definitions of a victim and to determine the key variables to be collected to fill data gaps in providing victim services. The first phase of the project involved detailed consultations with PT directors of victim services which then fed into the development of a pilot survey. Statistics Canada collected the pilot [Canadian Victim Services Indicators](#) (CVSI) survey as a test of what was viable in the jurisdictions.

Through this data collection pilot, numerous challenges prevented Statistics Canada from publishing national counts of the victims who were served. Provincial and territorial results could be published

([Victims of police-reported violent crime in Canada: National, provincial and territorial fact sheets, 2016](#)), but comparisons **between** jurisdictions could not be made because of differences in definitions, how services were counted, and how information on case and victim characteristics was defined (for additional details, please refer to [2016 Canadian Victim Services Indicators: Pilot survey evaluation and recommendations](#)).

More recently, a sub-committee of provincial, territorial, and federal representatives from the FPT Working Group on Victims of Crime has been struck to continue to explore solutions to the numerous challenges of collecting national counts of victims served. Under the *Canadian Victims Bill of Rights*, it is essential to have a quantifiable measure of how the criminal justice system is serving victims. However, providing victim services is a provincial and territorial responsibility and victim services models vary significantly across the country. It is thus unlikely that a national standard measure can be attained under the current framework.

Concluding Thoughts

The advances in victim data over the past two decades have been transformative. Improved police-reported data, expanded victimization surveys, and innovations in data linkage have all enhanced victim-focused research in Canada.

Looking ahead, the UCR will be expanding data collection on [ethnicity](#) of victims and offenders addressing a critical gap in disaggregated data and shedding further light on people's diverse experiences of victimization.

While challenges remain, particularly the capacity to collect data on national victim services, it is essential to leverage the progress made. As Hans Rosling, co-founder of the Gapminder Foundation, wisely stated:

Don't let the gap between what you know and what you don't know paralyze you. Use the data you have to start the journey toward understanding."

Child Witnesses in Canada's Criminal Justice System: Progress, Challenges, and the Role of Research

By Nicholas Bala

I started my career as a law professor teaching Family and Children's Law in 1978. Since then, research about issues related to child abuse and child witnesses has grown enormously. Canada's justice system has responded to this growing understanding of the extent of child sexual abuse and to increased research on both the reliability of child witnesses and the need to appropriately accommodate them with major reforms in legislation, case law, and professional practice. In this article, I will discuss some of the most important changes in law and professional practice as well as the continuing challenges faced by child witnesses, and relate those developments to some of the research, including some brief comments on my own contributions to this research and reform.

Until the 1980s: Social Denial and Legal Obstacles

Similar to the discriminatory treatment under the common law of female adult victims in sexual assault cases, laws about child witnesses, until the late 1980s, were premised on the belief that children are inherently untrustworthy and prone to fantasy. This made it difficult to prosecute cases and thus it was rare for criminal proceedings to take place for offences against children. This in turn contributed to the widespread belief that child abuse was rare. The laws for child witnesses and sexual offending against children in Canada did not change from the time of the introduction of the *Criminal Code* in 1892 until 1988. Children were not encouraged, or supported, to disclose abuse, and, as a result, reports of abuse were not common.

Indeed, the culture of denial, with children's reports of abuse often being treated as lies or fantasies, meant that victims who did disclose sexual abuse were stigmatized, resulting in few disclosures. Prevailing stereotypes assumed that the perpetrators of child sexual abuse were "strangers," though it was later discovered that the vast majority of child sexual abuse is perpetrated by persons known to children, often by persons in positions of trust (Olafson et al. 1993).

The lack of understanding and responsiveness to child abuse, in particular child sexual abuse, effectively allowed trusted adults to exploit children without being accountable or without any way of deterring them, in places like schools and juvenile institutions, and in the, now closed, residential schools for Indigenous children.

The women's movement of the 1970s helped create an environment in which adult survivors of childhood abuse began to feel sufficient support to come forward with first-person accounts of their experiences. By the 1980s, encouraged by media reports and a growing professional sensitivity, more adult survivors began to overcome their feelings of guilt, shame, and fear to disclose what had occurred to them in childhood.

In 1981, the federal ministers of justice and national health and welfare established the Committee on Sexual Offences Against Children and Youths. Its terms of reference were to report on the “prevalence in Canada of sexual offences against children and youths.” The Committee, chaired by sociologist Robin Badgley, did a national population survey, as well as studies with juveniles and young adults in the sex trade, and engaged with police, child protection, and health professionals. The Committee also reviewed published research studies, policies, and official statistics. The two-volume *Report of the Committee* (the *Badgley Report*) was released in 1984.

The *Badgley Report* was the first significant Canadian research on the incidence of child sexual abuse, and made recommendations for legal and systemic reforms, including better responses by child protection and health services to child sexual abuse victims. The research included studies of reported case law, surveys of police, child protection, health care and other professionals, and a national population survey to discover the extent of child sexual abuse in Canada. Major findings of the research done by the *Badgley Report* included that half of all females and one-third of all males were the victim of unwanted sexual acts at some time during their lives, and that 80 percent of these acts took place during childhood or adolescence. Further, a majority of victims and their families did not seek assistance from police, child welfare, or other public services. Indeed, many of those abused in childhood and adolescence did not even disclose the abuse to their parents at the time. The *Badgley Report* concluded that the services, policies, and laws in place were grossly inadequate for responding to cases involving children. Although the *Badgley Committee's* set of studies on child sexual abuse was the largest in Canadian history, it still did not address other major issues, such as abuse of children in schools, juvenile custody facilities, churches, and other institutions.

By the late 1980s, there was also a growing body of research, including by psychologists funded by Canada's Social Sciences and Humanities Research Council (SSHRC), about the reliability of children's disclosures of abuse (Yuille 1988; Peterson 2002; 2007). Researchers established that there was no basis for the legal rule that required juries to be warned that the testimony of children had “inherent frailties,” though practitioners needed to be familiar with patterns of delayed and incremental disclosures of abuse by children, and to have appropriate protocols for interviewing children about abuse allegations.

Before the late 1980s, understanding of, and responses to, institutional child abuse was woefully inadequate. Many children were abused as a result, in a wide range of child-serving agencies and institutions, not only in Canada, but globally. In 1989, the Canadian public was stunned by the disclosure of a history of child abuse at Mount Cashel Orphanage in Newfoundland and by the revelation of the systemic efforts to suppress earlier disclosures of abuse by children there. As a result, Canadians began to be more aware of the particular vulnerability of children in institutional care, especially to sexual abuse. After the initial reports about Mount Cashel, a large number of disclosures, inquiries, prosecutions, and civil lawsuits for historic sexual abuse perpetrated by staff in child-serving organizations and institutions across Canada took place, in particular in the residential schools for Indigenous children (Bessner 1998).

Reforms to Accommodate Child Witnesses: 1984–1988

With the growing awareness of the realities of abuse, it became clear that fundamental legal reforms were required to permit children to testify effectively. Informed by the *Badgley Report*, Parliament enacted Bill C-15 (S.C. 1987, c. 24), which came into force in 1988 with major reforms (Bala 1990) to:

- amend the *Criminal Code* to add new child sexual offences to more adequately deal with breaches of trust and sexual exploitation of children and adolescents;
- add provisions to the *Criminal Code* to facilitate the testimony of children by allowing them to testify from behind a screen or by closed-circuit television and to admit evidence of video-recorded statements, if it was established that such an aid was needed to ensure that the child could give a “full and candid account” of the matters at issue; and
- amend the *Canada Evidence Act* to eliminate the corroboration provision for the unsworn testimony of a child, and allow them to testify based on a promise to tell the truth rather than an oath.

Before Bill C-15 was enacted and after the new law came into force, prosecutors, child protection workers, police, and judges received professional education and training about the new legislation, and, more generally, about child sexual abuse cases. I was a witness before parliamentary committees studying Bill C-15 and involved in professional education about its provisions. The coming into force of the legislation led to support services for victims in the criminal courts being gradually introduced and the beginnings of closed-circuit television and screens being used to facilitate child testimony. Police also began to receive more training in how to interview children, use video equipment, and investigate child sexual abuse cases. After Bill C-15 came into effect, there was a significant increase in the number of cases of child sexual offences being prosecuted in Canada, and more children were testifying in criminal courts.

Increased Awareness of Child Abuse and Improved Responses: 1988–2006

In August 1987, Rix Rogers was named special advisor to the federal minister of national health and welfare, with a mandate to report on the direction of federal child sexual abuse initiatives. Rogers conducted extensive public consultations with professional policy makers, and had many emotional private meetings with adult survivors of child sexual abuse. I was a consultant to Rogers and attended some of these consultations, and assisted him in drafting his report.

As Rogers was carrying out his work, the horrors of the systemic abuse at Mount Cashel started to be reported and discussed among professionals and the public, giving an added salience to the issue of child sexual abuse. In June 1990, the *Report of the Special Advisor on Child Sexual Abuse (the Rogers Report)* was released. The *Rogers Report* built on the *Badgley Report* and emphasized the need to better co-ordinate the government’s responses to child sexual abuse, including addressing issues of institutional abuse of children that had not been addressed by Badgley.

The *Rogers Report* provided a set of recommendations for improving the investigation and prosecution of child sexual abuse cases, as well as further legislative reforms. In 1993, Parliament enacted Bills C-126 and C-128, creating new offences to protect children and to make it easier for children to give evidence.

These reforms included (Bala 1993):

- allowing the court to permit a support person to sit near a child in court;
- restricting in-person cross-examination of a vulnerable witness by an accused without counsel, and in certain circumstances requiring the court to appoint counsel for the purpose of cross-examination; and
- creating new offence provisions related to child harm.

While the most significant changes in the criminal justice system were a result of changes in legislation and providing services, it is notable that judges were also changing the common law approaches to child witnesses (Bala et al. 1999). In the 1990s, the common law evolved to allow greater scope to admit a child's hearsay disclosures of sexual abuse (*R v Khan*, SCC, 1990) and admitting similar fact evidence of other victims to support allegations of child sexual abuse (*R v C.R.B.*, SCC, 1990). The courts also recognized the need to assess a child's credibility based not according to the standard of the "reasonable adult," but by taking account of children's capacities (*R v G.B.*, SCC, 1990). The courts also rejected *Charter* challenges to the legislative reforms that accommodated child witnesses. These changes in judicial approach helped to hold the perpetrators of child sexual abuse accountable for their acts and allowed the justice system to afford greater protection to children.

The 1988 and 1993 reforms allowing screens, CCTV, videorecordings, and support persons to be used were significant, but research showed that prosecutors were reluctant to seek to use these accommodations, at least in part because they were unsure whether the court would permit them. Having them rejected by a judge would delay proceedings and upset a child who might have expected to use them (Bala et al. 2001). The research showed what was working and what was not, so that further legal and systemic reforms could be undertaken.

In 2001, a court observation study funded by the Department of Justice on child testimony in Toronto's Old City Hall's "JCourt," a child-friendly courtroom, found that testifying in court remained a difficult task for children. However, the children generally fared well when permitted to testify with the aids authorized by the earlier reforms (Toronto Child Abuse Centre (now BOOST) 2001).

In the first years of the new millennium, the Department of Justice established the Victims of Crime Initiative (now the Federal Victims Strategy). Part of this program was a multi-site research project to document the perspectives of a range of key stakeholders, including victims, about how much they knew about the victim-related reforms. (Prairie Research Associates 2006). At that time, the use of testimonial aids remained limited, because of both the legislation and the adversarial culture of the criminal justice system. Because applications to use testimonial aids required the prosecutor to introduce evidence establishing that the child witness needed the particular aid to provide a full and

candid account of their evidence, prosecutors often failed to do even try to use them. The Initiative also resulted in commissioning reports by experts to establish a foundation of knowledge on victims of crime. One of the most important reports was prepared by psychologist Louise Sas (Sas 2002). Sas thoroughly examined the psycho-social research on children's developmental milestones for memory, language, and cognitive development and how these related to the criminal justice system. Her report was used for professional training and helped inform law reform efforts.

Together with a team of experimental psychologists and a victim witness worker, I did research funded by the Social Sciences and Humanities Research Council (SSHRC) about the requirement in the 1988 reforms that children who testify without being sworn needed to answer questions to explain the meaning of a "promise to tell the truth." Young children often had difficulty with this type of abstract question, and were then ruled not competent to testify, often resulting in the charges against their abusers not proceeding. Our research established that the ability to answer this type of question is not related to whether a child actually tells the truth (Bala et al. 2001).

Parliament responded to the research about the limitations of the previous reforms by enacting further legislative reforms (Bill C-2) in 2005 to make it easier for children to give evidence in criminal proceedings (Bala et al. 2005). These reforms resulted in:

- a more realistic standard for assessing the competence of the child witness (i.e., children do not have to answer questions about what it means to tell the truth, lie, oath, or promise; they only need to demonstrate they can answer questions about past events);
- increased protection for children in cases of child pornography; and
- a presumption that a child witness will use closed-circuit television or a screen, a support person, and videorecorded statements.

Assessing the Impact of the 2006 Reforms

After Bill C-2 came into force in 2006, the Department of Justice funded court observation studies undertaken by BOOST (formerly the Toronto Child Abuse Centre) in Toronto and the Zebra Centre in Edmonton to learn about how child witnesses were being treated. Between June 2006 and April 2008, these two organizations trained volunteers to observe court hearings (Rimer and McIntyre 2008). Their studies found that the most commonly used accommodations were a support person escorting a child to the witness stand and using a screen; during that period, the use of closed-circuit television (CCTV) was less common.

In a study of professionals done in 2006, many prosecutors explained that they did not request an aid for a child without having a strong reason to do so. They also reported that they had as much success without the aids as with them (McDonald 2018). Some defence counsel surveyed expressed serious reservations about the testimonial aids, arguing that they violated fundamental principles of the criminal justice system that were intended to protect the accused.

In 2008, Bala et al. (2010) surveyed judges in four jurisdictions about their awareness and understanding of the Bill C-2 changes. The judges responded that applications involving children were almost always successful, and that those involving vulnerable adults were also often successful. Half of all judges surveyed reported that there continued to be technical or logistical challenges with CCTV. Overall, the judges surveyed were very positive about Bill C-2's provisions. Significantly, the change in the competence requirement – eliminating the requirement for children to answer questions about the meaning of the promise to tell the truth – resulted in children as young as four years being able to testify.

In 2012, Hurley interviewed prosecutors, as well as victim advocates working with vulnerable adults, to ask what they thought of testimonial aids. Participants' experiences and perceptions varied considerably; some of this variation appeared to be related to community size and location (Hurley 2013). Participants identified many issues resulting from justice officials' lack of understanding and knowledge about vulnerable witnesses. These included the impact of trauma and sexual victimization on witness participation and mental health, and how a disability can affect witness participation in the criminal justice system.

Developments and Continuing Concerns: 2010–2025

One of the most important developments over the past four decades has been the increase in the amount and nature of support services available for child victims and their parents.

Since 2010, the Department of Justice has funded the development or enhancement of multi-disciplinary local organizations across Canada that provide services as Child Advocacy Centres (CACs) and Child and Youth Advocacy Centres (CYACs). These organizations reduce the re-traumatization of children and youth who disclose that they have been victimized by employing a co-ordinated and collaborative multidisciplinary team (MDT) approach in the services and supports they offer to children, youth, and their families, ideally in one location. MDTs generally include: law enforcement officers, child protection workers, mental and physical health practitioners, a family/victim advocate, victim services, and, on some teams, trained forensic interviewers and prosecutors. By the spring of 2023, 39 CACs/CYACs were operating across Canada, with another nine in development, one doing a feasibility study, and two exploring a CAC/CYAC proposal (McDonald et al. 2024).

A study done in the summer of 2023 focused on the use of virtual testimony rooms in CACs/CYACs (McDonald et al. 2024). Overall, professionals involved in this study agreed that using virtual testimony rooms could positively affect the well-being of the children and youth because they would be able to testify in a safe, familiar space without being afraid to see the accused in person. While the use of virtual testimony from a space outside the courthouse is still limited, CACs/CYACs' commitment to virtual testimony rooms will facilitate the growing acceptance of this practice in the years to come.

Since 2010, the Department of Justice has commissioned a number of small research projects for specific testimonial aids; most of the studies involved in-depth interviews with key stakeholders. McDonald and Ha (2015), for example, examined requests in the territories for public exclusion orders and for the appointment of counsel when a self-represented accused may need to cross-examine

vulnerable witnesses. Researchers undertook qualitative, in-depth interviews with prosecutors, as well as Crown Witness Coordinators (CWCs) across the North.

The Supreme Court decision in *R v Friesen* (2020) provided important judicial recognition of the harm done by child sexual abuse, relying significantly on research done by various Canadian authorities, including the *Badgley Report*, House of Commons debates, material from Justice Canada, and work by Canadian scholars (including my own). In the Friesen case, the Supreme Court unanimously reversed the Manitoba Court of Appeal and upheld a trial decision to impose a six-year prison sentence on a man found guilty of sexual offences against a child. The Court was determined to:

send a strong message that sexual offences against children are violent crimes that wrongfully exploit children’s vulnerability and cause profound harm to children, families, and communities. Sentences for these crimes must increase. Courts must impose sentences that are ...informed by Parliament’s sentencing initiatives and by society’s deepened understanding of the wrongfulness and harmfulness of sexual violence against children. Sentences must accurately reflect the wrongfulness of sexual violence against children and the far-reaching and ongoing harm that it causes to children, families, and society at large.

One of the continuing concerns about approaches to child witness cases involves the interviewing methods police, child protection workers, and other professionals use to investigate these cases. In a survey of 200 professionals done in 2015, with funding support from the Department of Justice, Brubacher et al. (2018) found a wide variety of practices in use across Canada, and differences in length of training and who provided it.

While Canadian lawyers self-report that they adhere to best practices for questioning children in criminal proceedings (i.e., using open-ended questions), a recent SSHRC-funded study of transcripts of criminal prosecutions involving child witnesses found that lawyers rarely asked open-ended questions, though prosecutors were more likely than defence lawyers to ask open-ended questions (Wylie et al. 2024). Child witnesses elaborated more in response to open-ended questions and when questioned by the prosecution. Declarative questions were the most common question type even though they were the least likely to elicit more elaborated responses. Thus a declarative question, like “He was wearing a blue jacket?” is less likely to provide an accurate answer than an open-ended question, like: “What was he wearing?” Furthermore, open-ended questions were more likely to lead to a conviction.

To help children provide better testimony, lawyers, especially prosecutors, also need training and sufficient time to more effectively establish a rapport with child witnesses before they testify (Carr 2024).

Conclusion

It is heartening to have witnessed the reforms and changes in professional practices for child witnesses over the past four decades. Many more children are now able to come to court to testify about their abuse and exploitation, and the supports available make the process less traumatic than it used to be. Unfortunately, there are still too many cases involving children that could be dealt with in ways that

would be less disturbing to them and more likely to allow them to give a full account of what they experienced.

As a result of the changes over the past decades, more perpetrators of child abuse are being successfully prosecuted and population-based research establishes that there has been a significant decline in the rates of child sexual abuse in Canada over the past four decades (Shields 2016; Fallon 2019). There are, however, disturbing indications that in recent years sexual offences against children, especially internet-facilitated abuse, have been increasing (Statistics Canada 2024).

Over the past decade I have continued to be involved in educating judges, lawyers, and law students about child witness issues (Bala 2024). Police, prosecutors, defence counsel, and judges generally now have a better understanding of how to treat child witnesses than in the past, but professionals in the justice system still need more training and education about child-related issues. There is also a clear need for more resources to provide services for abused children, for example, to ensure prosecutorial continuity in the carriage of cases with a child witness, and to allow these cases to be resolved within a reasonable time. Delaying the resolution of cases in the justice system may increase a child's emotional trauma, and resulting in their memory fading and being a less effective witness. In some cases, delay may result in charges being dismissed because of the failure to have a trial within a reasonable time. Despite very significant improvements in access to equipment to record investigative interviews on video and to have closed-circuit television for child witnesses, such equipment is still not available in some locales, or there is a lack of adequate training in its use. In too many places, victims of child abuse must endure long waiting lists for therapeutic services.

Research has played a critical role in helping to stimulate reforms and increasing understanding of how the justice system is operating, though it could be further improved. Gaps remain in our understanding of how children are being treated in Canada's criminal courts. Even reliable data on how child witness cases are being dealt with is lacking. While difficult to do, research with children and youth about their experiences in the justice system is especially needed.

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Twenty-five Years of Victims Research in Canada

By Jo-Anne Wemmers, Ph.D.

In 2000, I began working as a professor of victimology at the École de criminologie, Université de Montréal. That same year, Montreal hosted the 10th International Victimology Symposium, which brought together experts from across Canada and around the world, and the Policy Centre for Victim Issues was created under the Victims of Crime Initiative. Over the past 25 years, victimological research has evolved significantly. As the renowned Canadian victimologist Professor Ezzat Fattah (2022) reminds us, victimology is not social **work** but a social **science** that is centred on victims and victimizations. As I will illustrate in this article, advances in victimological research have made it increasingly evident that multiple victimization is key to crime prevention. Drawing on these developments, I will argue that supporting victims is not only a moral imperative but also a strategic investment in crime prevention and public safety.

Research

As an academic who has been researching victimology for decades, I have witnessed substantial achievements in victim-related research in Canada. A key tool for understanding victimization is the General Social Survey (GSS) on Victimization, conducted every five years by Statistics Canada, which asks Canadians about their experiences with victimization in the last year. Unlike police statistics, this data is not limited to victims who report the incident to police so it provides important insight into the experiences of victims who do not report their victimization to police. Thanks to victimization surveys, we now have a better understanding of the patterns of victimization, particularly **multiple victimization**, which refers to those who have experienced more than one victimization incident. This can involve repeated occurrences of the same crime (e.g., multiple assaults) or different types of victimization (e.g., sexual violence and personal theft). Experiencing three or more different types of victimization is referred to as **polyvictimization** (Finkelhor et al. 2007; Cyr et al. 2013). The effects of trauma are cumulative. Polyvictimization is associated with higher levels of trauma than any single form of victimization, such as sexual violence (Finkelhor et al. 2007; Cyr et al. 2013). Thus, a person who experiences what may seem, objectively, to be a minor crime may experience considerable trauma if, for example, they are still struggling with the trauma caused by previous victimizations.

Moreover, experiencing victimization increases a person's risk of being victimized again in the future (Perreault, Sauv , and Burns 2010; Herman 2010). The consequences of victimization, such as trauma, anxiety, and dissociation, can make individuals more vulnerable and an attractive target for motivated criminals. If left unaddressed, victimization may create a negative spiral in which a person becomes increasingly vulnerable and in need of support. As a result of being victimized multiple times, a small part of the population experiences a lot of crime (Herman, 2010). For example, Canadians who reported having been the victim of more than one violent crime in the previous 12 months represented only 2 percent of the population but had experienced 60 percent of all violent crimes (Perreault, Sauv , and Burns 2010).

For practical and ethical reasons, the GSS on Victimization is limited to people age 15 years and older, meaning that children's experiences of victimization often remain hidden. However, in recent years, the victimization survey has asked respondents whether they had experienced violence before the age of 15. While this question provides no insight into the volume of victimization currently experienced by children under 15 years of age in Canada, it does help us to understand the impact of victimization and how it boosts a person's risk of being victimized again in the future. Childhood maltreatment, including sexual and physical abuse, witnessing violence in the home, harsh parenting, and neglect during childhood increases the likelihood of experiencing violent victimization as an adult (Cotter 2021). Risk factors associated with victimization, such as mental health problems, addictions, and experiencing periods of homelessness, may be the result of previous experiences of victimization (Cotter 2021). **Intersectionality** reminds us that these factors have cumulative effects, rendering individuals increasingly vulnerable (Crenshaw 2013). The impact of victimization, especially during childhood, emphasizes the importance of ensuring access to adequate victim support to promote healing.

While victimization surveys have been conducted in Canada regularly since the 1980s, it is only recently that the survey has included the territories. It now covers the whole country. The territories are home to many Indigenous peoples and expanding the survey has revealed that Indigenous Peoples in Canada have experienced high levels of victimization. For example, Indigenous women's risk of violent victimization is three times higher than for non-Indigenous women in Canada (Perreault 2022). For years, Indigenous communities have decried the high levels of victimization Indigenous Peoples have experienced. However, in the absence of data, their calls for action were not always heard. The survey now provides more complete information on victimization in Canada. Its findings draw our attention to the need to address **structural violence**, the structural factors rooted in society and public institutions that increase the risk of victimization, such as that experienced by Indigenous Peoples (Cotter 2022).

The victimization survey also provides insight into whether victims report their victimization to police and why. Most victims in Canada do not report their victimization to police. In 2019, only 29 percent of victims said that they had reported their incident to police, down considerably from 37 percent in 1999 (Cotter 2021; Wemmers 2017b). The reporting rate is even lower for certain types of victimization, such as sexual violence: only 6 percent of incidents in 2019 came to the attention of police (Cotter 2021). Not reporting the incident to police may decrease public safety as well as the victim's own safety. Reporting to police is associated with fewer future victimizations (Ranapurwala, Berg and Casteel 2016). This may be because police intervened or because victims have better access to support services when they report a crime to police.

Rights and Services

Multiple victimization highlights the government's responsibility to ensure that victims across Canada have access to adequate assistance to promote healing and reduce their risk of being revictimized. Canada prides itself on having national health care, and while our system is not perfect, victims can receive treatment if they sustain physical injuries. However, when victims sustain psychological injuries, accessing adequate help can be difficult because mental health is not included in our healthcare system, and community-based victim support services are generally underfunded and overstretched

(Zota et al. in press). Victim compensation programs are critical in ensuring victims can access support services, such as prescription drugs, physiotherapy, and counselling. These programs first emerged in Canada in the late 1960s, and by 1992 they had been established in all provinces and territories (Wemmers 2021). However, the federal government discontinued cost-sharing for these programs in 1993, prompting provinces and territories to scale back or eliminate their compensation programs. No longer able to afford their programs, Newfoundland-Labrador and the territories terminated them.

Since 2000, the federal government has introduced two new compensation programs for specific groups of victims, but nothing for victims of crime in general. In 2007, the federal government introduced Financial Assistance for Canadians Victimized Abroad, which offers limited financial assistance to Canadians victimized abroad and their families. In 2013, it introduced the Federal Income Support for Parents of Murdered or Missing Children. This benefit operates like Employment Insurance. It offers income support to parents and legal guardians who have lost income from taking time off work to cope with the death or disappearance of their child or children because of a probable *Criminal Code* offence. While these new federal programs are available across the country, overall access to victim compensation programs is only available in nine of the 13 jurisdictions. As a result, Canada no longer meets the basic standards and norms of the United Nations for victims of crime and abuse of power (Wemmers 2021; 2024). Not having access to such programs poses a major challenge for victims, who otherwise may be unable to obtain the services they need to support their healing. Knowing that victims are at increased risk of being revictimized creates an obligation on society, in particular governments, to prevent multiple victimization and invest in victim services.

Victims' reluctance to engage in the criminal justice system and report the incident to police further complicates the issue. People who have experienced victimization tend to have less confidence in police than those who have not (Cotter 2021). When they do engage with the criminal justice system, victims are often disappointed and disillusioned and surprised at how little they matter in the criminal justice process (Herman 2003). Victims seek recognition and support in that process but have been, and in many respects still are, the forgotten party. They often look to the public prosecutor to represent their interests, but the public prosecutor is not the victim's lawyer; they represent the state. When victims are met with unsympathetic reactions and are not supported, they experience **secondary victimization** (Wemmers 2017b). Secondary victimization hinders healing, increases victims' anxiety and slows down their recovery (Wemmers 2013).

Since 2000, several attempts have been made to improve the legal status of victims in Canada and give them enforceable rights. Following the ingenious ruling by Justice Gerald Day of the Ontario Court of Justice in 1999 that rights without remedy are not rights, and that "the Legislature did not intend for the Victims Bill of Rights to provide rights to the victims of crime,"⁴ (Chwialkowska 1999), in 2003, the federal, provincial, and territorial ministers of justice endorsed a revised version of the 1988 *Canadian Statement of Basic Principles of Justice for Victims of Crime*. The new Canadian statement matched most of the contents of the previous one, except that it no longer included the requirement for victims to cooperate with judicial authorities, nor did it contain any more details about recourse than the 1988 statement. It merely embodied a list of good intentions for victims without providing them any real

⁴ *Vanscoy v. Ontario*, [1999] OJ No 1661 (Ont SCJ).

rights. In 2015, the federal government introduced the *Canadian Victims Bill of Rights* (CVBR). Unlike previous Canadian statements, the CVBR includes a section on remedies (s. 25–26). However, it stops short of providing victims with enforceable rights (Campbell 2015). Enforceable rights could effectively change Canada’s legal culture, which has resisted making space for victims (Young and Dhanjal 2021). Once victims have rights with recourse, they can hire a legal representative to represent their interests and ensure that their rights are respected. Currently, except in cases involving third-party records and sexual history motions in sexual assault trials, victims are neither parties to nor participants in the criminal justice process. Victims value prevention and when they do report their experiences to police, it is often in hopes of stopping it from happening again, either to themselves or others (Cotter 2021; Ranapurwala, Berg and Casteel 2016). Treating victims with respect for their rights can help to promote healing and restore confidence in the criminal justice system (Wemmers and Cyr 2006; Wemmers et al. 2013).

Besides criminal prosecutions, it is important to consider **restorative justice** (RJ) for victims as well. Over the past three decades, I have studied RJ through a victims’ lens and observed its fluctuating popularity, depending on politics and resourcing. Some provinces, such as Nova Scotia and Quebec, have categorically excluded sexual violence cases from RJ programs. Fuelled by the #MeToo movement, which highlighted the ineffectiveness of the criminal justice system in response to sexual violence, interest in **victim-centred restorative practices** has grown (Nelund 2015; Wemmers 2017a; Parent et al. 2022; Burnett and Gray 2023). Restorative practices (RP) refer to a broad category of programs, which include elements of RJ. Victims who participate in RP are generally very satisfied (Van Camp 2014; Wemmers et al. 2022). While restorative practices have the potential to meet many victims’ needs, such as recognition, and promoting healing, some victimologists have expressed concern that RJ risks using victims to serve its own objectives much like the criminal justice system does (Green 2006). Governments often create RJ programs to reduce the caseload in the courts (i.e., diversion programs). This puts victims at risk of being used to achieve criminal justice goals, not victims’ goals. For example, these programs will select cases based on criminal justice selection criteria rather than victims’ expressed needs. RJ is not a panacea and when it is used to meet the needs of the justice system, rather than address victims’ needs, it replicates many of the problems victims already face in the criminal justice system, such as secondary victimization. Victim-centred means disentangling victims’ needs from other “interested parties,” while respecting the rights of all those concerned (Green 2006; Hughes 2024). Victim-centred RP focus on healing or repairing the harm done to victims and their relationships with others (Van Camp 2014; Wemmers 2017b). Victim-centred RP, thus, are not just another tool in the criminal justice toolkit, but a tool for victim support (Van Camp and Wemmers, 2016; Llewellyn et al., 2015).

Research on trauma has made tremendous progress as well. Not only victims but also professionals working with them - such as victim support workers, as well as police and public prosecutors - are at risk of developing trauma. They can experience psychological distress as a result of their work and, in severe cases, can be traumatized and suffer post-traumatic stress disorder (PTSD) (Leclerc et al. 2019). **Secondary traumatic stress (STS)** occurs when individuals are repeatedly exposed to the aversive details of traumatic experiences of others (Brend 2014). **Trauma-informed law** argues that legal practitioners and systems should be aware of the impact of trauma on human behaviour, including

its impact on memory and recall of events, to not exacerbate victims' suffering and re-traumatize or revictimize them (Haskell and Randall 2019). Trauma-informed approaches pursue two overarching goals: 1) putting the traumatic experience of the client at the heart of the lawyer's concerns, which reduces victims' risk of secondary victimization and improves their confidence in the administration of justice (Paulson et al. 2023; Haskell and Randall 2019); 2) drawing the lawyer's attention to their own experience of trauma, whether direct or vicarious. Early recognition and intervention can help prevent PTSD and foster resilience (Brend 2014).

Looking Forward

Victimological research has progressed significantly in the past 25 years. Victimization surveys like the GSS have provided us with a better understanding of the risks of victimization, in particular, multiple victimization. The impact of victimization, especially during childhood, can heighten a person's vulnerability, emphasizing the importance of ensuring access to adequate victim support. However, the survey should be conducted more frequently than every five years – for example, every two years – and should include a juvenile victimization survey for children and youth. This would further improve our understanding of patterns and trends in victimization and allow policy makers to react more quickly to changes.

Gaps in access to victim support services remain a pressing concern. Victim compensation programs provide essential funding to pay for professional counselling services, but they are not available to all victims across the country. Multiple victimization draws our attention to society's obligation to protect victims. This means investing in victims' rights and services. Addressing existing gaps in access to services is critical to promoting victims' healing, reducing their vulnerability, and preventing them from being re-victimized in the future. Supporting victims not only fulfills governments' moral obligation to victims but also serves as a strategic investment in crime prevention and public safety.

Public safety extends beyond the criminal prosecution of offenders to include prevention. Reducing multiple victimization can significantly decrease crime rates in Canada. However, further research is needed to better understand the relationship between multiple victimization, factors embedded in society and public institutions that increase a person's risk of victimization, and the role of victim support. Next, we need to apply this knowledge to alleviate suffering, prevent revictimization, and improve public safety.

In my current role as Vice-President of the World Society of Victimology, I am excited that Montreal will once again host the International Victimology Symposium in 2027. This event presents a valuable opportunity for Canada to showcase its expertise in victimological research on the global stage.

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The Rich Contribution of Quebec Research in the Field of Victimology

By Arlène Gaudreault (*Originally written in French*)

Introduction

I am honoured to have been invited to collaborate on this special issue dedicated to research relating to victims. It is also a great challenge to tackle this complex theme, especially since my professional career has rarely taken me down the research path. But in the last 40 years, I have had the opportunity to collaborate on many projects aimed at advancing our knowledge of victimology, particularly with regard to victim assistance and the recognition of victims' rights. The research published over all these years has enriched my teaching, my publications and conferences, and the positions I have taken as president and spokesperson of the *Association québécoise Plaidoyer-Victimes*. It has been truly inspiring.

First of all, I must admit that, in writing this article, I had to take one small step at a time. Given the abundance of documentation, I chose to focus on research done in Quebec and not to address certain themes that will be dealt with by other experts in this journal. This article is neither an exhaustive review nor a critical analysis. Simply put, it is a look at some of the changes that, in my view, have marked the evolution of research in victimology and, more broadly, research outside of criminology devoted to issues surrounding victims and criminal victimization. It is also a reflection on some of the avenues that researchers could take in the years to come.

Blazing the trail

At the turn of the 1980s, victimology was, in the words of Professor Ezzat Fatah, “a young, promising discipline and a fascinating subject” (Fattah 2000). It was nonetheless quite some time before the research found its footing. In 1983, Micheline Baril, a professor at the University of Montréal's school of criminology, broke new ground by introducing a course in victimology into the bachelor's degree curriculum in criminology. She blazed a new trail by choosing to meet with victims and their loved ones to understand their experiences (Baril, 1980; Baril et al., 1984a). She relied on unstructured interviews to collect data on their paths and on the obstacles they face in their quest to access justice, obtain help, and be compensated (Baril, 1983). She gave them a voice to testify to the impacts of crime, the indifference of institutions towards them, and the imbalance between their rights and those of offenders. She used their words to spearhead demands for change so that victims would no longer be left behind. Her doctoral thesis, *L'envers du crime* (1984b) and all of her research reflect her humanist vision and her unwavering commitment to the cause of victims, to which she dedicated her short life. A prolific researcher, she leaves behind an invaluable legacy that deserves to be better known and recognized.

At that time, victimology research was still in its infancy (Rossi & Gaudreault, 2018). Few university researchers were interested in the fate of the victims. Micheline Baril nevertheless managed to

convince students and partners to rally around her approach. A visionary woman, she thus set up the first community of experts to start paving the way forward in this new field of study. In Quebec, the first victims' assistance centres became laboratories for exploring the consequences of criminal victimization, the needs of victims and their families, their journey through the justice system, and the gaps that needed to be filled (Baril, 1984a; Gaudreault, 1996). This nascent body of research also looked at issues that had previously been overlooked. It was interested in the causes and dynamics of domestic violence, the portrait of "battered women", and solutions to help them and fight this problem. Victimization in the workplace, sexual abuse and neglect of children, and elder abuse were the focus of the first publications (Campeau and Gravel, 1996). Research at the time responded to pressing needs and was conducted with few resources. However, it laid important groundwork and will inspire future studies.

Strength in alliances and collaborations

Since the 2000s, victim-centric research has flourished (Wemmers et al., 2010; Rossi and Gaudreault, 2018). The days when this research relied on a handful of visionary researchers working in isolation in unstable circumstances are over. Initially associated with criminology, from which it was born, this field of study is of interest to researchers and students from other disciplines. Psychologists, social workers, mental health workers, psychoeducators, sexologists, and lawyers are among the professionals who contribute their knowledge and expertise.

We are witnessing the gradual emergence of interdisciplinary communities anchored in research centres and chairs attached to the university community. To carry out their work, they rely on partnerships with communities of practice and with various organizations that have obligations towards victims or represent the communities to which they belong. Many projects include victims, recognizing the importance and relevance of their lived knowledge. In various capacities, these collaborators participate in the co-construction of research projects at different stages, whether in terms of their conceptualization, development, or analysis or of the dissemination of their results (Nolet et al., 2017).

These alliances have borne fruit. They have fostered the development of cutting-edge knowledge, knowledge sharing, the enrichment of practices, improvements in the training of students and professionals in the field, and the dissemination of numerous tools aimed at, for example, making information understandable to laypeople or supporting the work of stakeholders. Thanks to the engagement and support of our governments at both the federal and provincial levels, research has been able to count on more stable funding, allowing more large-scale, long-term projects to be undertaken.

A look at the deployment of research in victimology

It is difficult to gauge the evolution of research because it has been deployed in multiple directions and has branched out into several networks. It is fragmented and specialized.

In recent years, we have seen that certain issues have attracted more attention from researchers. This is particularly the case for research focused on violence against women (Boulebsol et al., 2022). The struggles and demands of feminists, the adoption of interministerial action plans on domestic violence and sexual assault, the voices of victims in many forums and the impact of the #MeToo movement, and the engagement of numerous actors and organizations are all levers that have played a decisive role in the emergence of problems and issues that have been ignored for too long. Research has focused on many questions concerning such violence, as well as on new realities that had not been explored before, or only minimally (e.g. forced marriage, romantic relationships among young people, children exposed to domestic violence). Several studies have highlighted the challenges we must face in meeting the specific needs of other groups or people in vulnerable situations (e.g. Indigenous women, people with disabilities, immigrants, sexual or gender minorities).

Research has also propelled advances in the field of sexual violence and mistreatment involving children and adolescents (Clément and Dufour, 2009). It has addressed such topics as the extent of such violence and mistreatment, their manifestations, and their continuum of severity; the prevention and effectiveness of therapeutic interventions; and legislative changes in the field of child protection. Several studies have highlighted the complexity of these social problems and the diverse responses we need to put in place to better prevent, detect, and address them.

Research on traumatic events has proliferated. Researchers have considerably enriched our knowledge of the prevalence of these phenomena, their short- and long-term repercussions, the strategies that victims develop to cope with the impacts of the trauma to which they have been exposed, the risk and protective factors, and the screening, assessment, and intervention models that lead the way to new approaches (Guay et al., 2006).

Other avenues to explore

Despite the advances, current research leaves some victim-related issues by the wayside. It is impossible to cover every aspect of this, but I would like to give a few examples.

Each year, victim support organizations provide statistics that report on their services and their achievements in carrying out their mission. These data are very interesting, but they remain fragmentary. The contribution of researchers is essential to take stock of the many organizations that work with victims and to analyze the services and programs offered, the clientele reached, the resources needed, and the changes to be implemented. This overarching vision is currently lacking.

We can also refer to a significant number of studies concerning the experiences of victims in adult criminal court, but when it comes to other courts, research is scant. This is the case, for example, when the offender is a young offender or a person not criminally responsible, or when they are involved in proceedings before civil courts and administrative tribunals. Recognition of victim status and victims' rights varies with the decision-making body and depends largely on that body's mission, its resources, and its positions. In many ways, these diverse venues and contexts represent a very rich field of study for legal and psychosocial researchers to explore.

The legislative reforms we have witnessed in recent decades also represent a vast breeding ground for research (Gaudreault, 2017). In Canada, many provisions in the *Criminal Code*, the *Corrections and Conditional Release Act*, and other statutes have been amended to better reflect the concerns and interests of victims and their loved ones. In 2015, the enactment of the *Canadian Victims Bill of Rights Act* (CVBR) added a new piece to the legislative arsenal, and its implementation has sparked many initiatives in the field. Since the early 2000s, the Research Digests published by the Research and Statistics Division of the Department of Justice Canada have shed important light on the content, scope, and impact of multiple reforms that have taken place in Canada.

Quebec has also undertaken the revision of several laws that fall within its jurisdiction. With a view to improving access to justice and the treatment of victims in various proceedings, legislators have made major changes in various areas of law, such as the Civil Code and the laws governing labour standards, legal aid, the establishment of specialized courts, and the major reform of our compensation system.

These and many other issues on which we lack knowledge must become subjects of interest not only to researchers, but also to the ministries and granting agencies that define the parameters, orientations, and funding of research.

Conclusion

This brief overview does not allow us to paint a portrait of all that has been achieved in Quebec over the past few decades, nor does it do justice to all the people and organizations that have advanced research in the vast field of victimology. Its development is phenomenal, if we judge it by the diversity and abundance of publications, and by the broadening and complexity of the issues that have attracted the attention of researchers from various disciplines.

One thing is certain: the research is based on solid foundations, and the contribution of Quebec researchers is exceptional. Thanks to their work, we can now draw on a large body of scientific knowledge in a field of study that, 40 years ago, was in its infancy. They have shed essential light on matters of great public interest and on societal issues that concern and challenge us all.

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