

VICTIM ASSISTANCE IN CANADA

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I. INTRODUCTION

Canada is a beautiful and lovely country. It is consistently rated as one of the best places in the world to live. Canada is a confederation of ten provinces and two territories. As a confederation, Canada has a complex political and government system. There are actually three levels of government in Canada: federal, provincial, and municipal. The federal government has sole jurisdiction in some areas, for example, the criminal code. This is why, in contrast to the United States where each state in the union has its own criminal code, in Canada there is one federal criminal code that applies to the entire land. The provinces and the territories have sole jurisdiction in some matters, for example, education.

The administration of justice is a mixed jurisdiction. There are federal courts and provincial courts. Some judges are appointed by the federal government and others by the provincial government. There are provincial prisons and federal prisons called penitentiaries. To some extent, policing is a shared responsibility. There are three main types of police forces in Canada. I say main types, because in addition to these three, there are specialized or localized police forces such as harbour police which operate in ports such as the Port of Vancouver.

The three main types of police forces are federal, provincial, and municipal. The largest police force in Canada is obviously the federal police, known as the Royal

Canadian Mounted Police or the RCMP. The two largest provinces in Canada; Ontario and Quebec, each has its own provincial police force in addition to many municipal police forces. But they are the only ones that have such a provincial force. Each city or municipality in Canada could have its own municipal police force and large cities usually do. But even smaller municipalities can have their own police force consisting of seven, eight or ten constables. In the greater Vancouver area, this is the case of municipalities such as West Vancouver or Port Moody. In Montreal, many years ago, all municipal police forces were amalgamated into one force called the "Montreal Urban Community" police force.

Through a contract signed between the federal government and the provinces, municipalities that do not want, or cannot afford, to have their own police forces could have their territory policed by the RCMP. They can have an RCMP detachment servicing the municipality.

This division of jurisdiction has an enormous bearing on victim assistance in Canada. This is because there are no truly national standards or unified sets of rules that govern victim services. As a result, these services are more developed in certain areas than in others, and in some places they are virtually non-existent. Even in an area such as government compensation to victims of crime, because each province has its own Compensation Act or law, the rules and amounts of compensation can show substantial variation. Naturally, this is a far from ideal situation, though it is not very different from what exists in other federalist states,

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112TH INTERNATIONAL TRAINING COURSE
VISITING EXPERTS' PAPERS

such as the United States, Switzerland or Australia. These difference make it impossible to offer a general picture of victim assistance in Canada or to present a general synopsis of the state of victim services in such a huge and diverse country.

**II. VICTIM ASSISTANCE IN
CANADA: A BRIEF HISTORY**

Until the 1960's, the situation of crime victims in Canada was no different from their situation in other western countries. Not only were they the forgotten persons in the criminal justice system, but they were also the orphans of social justice. They had no legal status, no rights, and no one seemed to pay any attention to their plight. They were a disenfranchised group with few supporters and even fewer defenders! Until now I can hardly understand how or why it is that in well-developed welfare states, in the aftermath of the second world war, where the state came to the help and rescue of the weak, the poor, the unemployed, the underprivileged, the dispossessed, nothing was done to improve the victims' lot or to alleviate their plight. It is simply incomprehensible that at a time when social solidarity and social assistance were buzz words, the cause of crime victims was totally ignored.

Things began to change in the early 1960's. Thanks to the laudable efforts of a British magistrate, Margery Fry, and others, voices were heard on both sides of the Atlantic calling for state compensation to victims of crime. But it was New Zealand which was to become, in 1963, the first country to establish a state compensation program for crime victims, only to be followed the year after by Great Britain. In the United States, the first initiative was that of the State of California, which began a compensation scheme in 1966, to be followed a year later by New York and

Hawaii.

In Canada, the lead was taken by the Province of Saskatchewan in 1967, followed by Ontario (1968), Alberta and New Foundland (1969), Manitoba and New Brunswick (1971), British Columbia and Quebec (1972). Today, all Canadian provinces have compensation programs for the victims of certain offences. Although crime victims compensation is administered exclusively by each province or territory, it is financed on a cost-share basis with the federal government. Later on, we will see to what extent these programs have been successful in financially assisting crime victims.

Financial assistance was thus the first sign of society assuming some responsibility for crime victims. Victim services were yet to wait for some more years before being offered to the victims. And this was not even a government initiative but a grass roots one. The feminist movement should be given credit for recognizing the suffering of female victims of sexual assault and of domestic violence, and for setting up privately run rape crisis centres and shelters for battered women, where victims not only could seek refuge, but also could get counselling and assistance of varying kinds.

The ideological roots of rape crisis centres and shelters for victims of domestic violence have remained largely unchanged and explain why it is that their clientele is exclusively women (and in some cases their children). This is so, although research in the US suggests that men are as often victims of family violence as women are (Steinmetz, 1978; Straus, Gelles and Steinmetz, 1980) and it is by now a well-known fact that rape and sexual assaults are not exclusively a male/female phenomenon. In fact, in one of the early shelters in Vancouver (Ridington, 1978)

there were only three rules: no liquor, no drugs, no men. One of the reasons why male companions of the residents are not allowed is the fear that they might cause trouble, and this is why the locations of the shelters are kept secret and strict precautions are taken to keep them that way (Peltoniemi, 1989, p335).

The creation of rape crisis centres and battered women shelters highlighted the lack of services available to crime victims and their dire need for some help and assistance to find their way through the maze of the criminal justice system, to cope with the traumatic effects of victimization, and to avoid future victimization.

The police, ever anxious to improve their image and to strengthen their contacts and relationships with the community they serve, quickly realized that there were several administrative benefits to be gained from establishing victim assistance programs. It is sad to say, but in Canada at least, the impetus for victim assistance programs was not a genuine concern for the plight of crime victims but the administrative goals of the police agencies. Compensation programs were actually designed to encourage victim reporting to the police and to improve victim cooperation with the criminal justice system. The primary benefits were seen as enhancing victim participation and collaboration, thus increasing the efficiency and effectiveness of the system.

The same can be said of victim assistance programmes. The major guiding influence was not compassionate or humanitarian consideration for victims, but the administrative goals of the agency. The Calgary Victim Services Programme, one of the first of its kind in Canada (started in 1977), is just one example of many. The programme is described in a document published by the Solicitor General's

Department in Ottawa. The document makes no secret of the fact that the objective of the programme "*is to develop a good working relationship with victims of crime in order to encourage their future cooperation with the police in crime prevention*". This statement tells a great deal about the victim service programmes which were set up by various police departments in Canada, as in other countries. It explains the distinct preference for having these programmes housed in police departments or public prosecutors' offices, rather than in the community.

III. MODELS OF VICTIM ASSISTANCE

Victim assistance programs do not follow the same model. The choice of one model rather than another is dependent upon a large number of variables. Since evaluative research analysing and comparing the different models is lacking, it is impossible to tell whether a certain model is better and more effective than the others, or to judge which model works best for which victims. The setting for the program, that is, whether it is housed in a police station, the prosecutor's office, or the community; the program's personnel, whether professionals, para-professionals, or volunteers; the type of assistance the programme offers: referrals, counselling, emotional support, etc; the type and length of follow up on program's clients; are all factors that are bound to affect the program's performance and its effectiveness. As does the ideology underlying the program or the service.

Studying women shelters, Peltoniemi (1989, p334) identified two shelter ideologies: the feminist shelter ideology and the family-oriented shelter ideology. According to Peltoniemi, the most important feature of the feminist shelter

ideology is its emphasis on a non-hierarchical system. He points out that in such shelters there are no specified work roles and those staying at the shelter are called women, not clients or anything else. The whole ideology is based on one explanatory theory of family violence: the structural theory saying that family violence is caused by a patriarchal society. The feminist ideology also emphasizes the criminal nature of family violence and the preponderant role of the court system in controlling and preventing it. Peltoniemi explains that the family-oriented shelter ideology is the exact opposite of the feminist ideology. Family violence is seen as violence that is not directed exclusively at women but towards many different victims within the family. He adds:

Several reasons for violence are suggested, and it is considered that the entire family needs help, not only women. The shelters are organized in a more traditional way and cooperate closely with social care agencies (1989, p335).

In Canada, victim assistance programs housed in police departments and operated by the police agencies are generally organized according to popular models. There is usually one coordinator, in most cases a civilian (not a member of the force) who is hired and paid by the police. The major responsibility for this coordinator is to recruit, train, and supervise a number of volunteers, to assign their duties, determine their case load, and to coordinate their activities. The coordinator is also expected to liaise with the community, to publicize the existence of the program and to ensure its acceptance and support by the community.

IV. PROGRAM SETTING AND PERSONNEL

The most appropriate setting for victim assistance programs, as well as the most appropriate background for victim helpers, have been the subject of many heated debates. Should victim assistance programs be housed in police departments and be run directly, or under close supervision by the police? There is no clear-cut answer to this question, and there are valid arguments on both sides of the issue. The major argument in favour of this model is rather a practical one. It is claimed that placing the program in the police station is the surest way of having the largest number of victims take advantage of the service. The first encounter of crime victims with the criminal justice system, in the vast majority of cases, is their contact with the police. Once a complaint is filed, the police get the victim's address (and telephone number), and refer the victim immediately to the victim service, or provide the program with the necessary information to get in touch with her/him. It is argued that programs located in the community will be much less successful in knowing who the victims are and in locating them.

Those who argue in favour of placing victim assistance programs within the community are generally apprehensive because of the strong temptation to use the services for victims as a means to ensure victims' continued cooperation with the police. They also point to the great reluctance of many victim groups: minorities, immigrants, deviants, homosexuals, prostitutes, etc, to take advantage of a service offered and controlled by the police. They insist that rape-crisis centres and battered women shelters would have had little chance of getting clients if they were located in and operated by the police. They also argue

that community programs are likely to be more neutral, more impartial, to take a more objective approach to the needs and wishes of the victims, and not to subscribe to police stereotypes of certain unconventional victims. Should victim assistance programs use volunteers as their main service providers or should the delivery of services be done, as in corrections, by professionals and para-professionals?

The practical considerations that dictated that victim assistance programs be housed in police stations or police departments are similar to those that resulted in victims assistance being delivered mainly by volunteers. The decision to use volunteers was not based on valid, scientific evidence that they can perform this task better than paid professionals or para-professionals. It was not based on a sound judgement showing that volunteers are better service providers than others. Financial considerations were the primary reason for the adoption of the volunteer model.

Governments, as reluctant as they were, to provide decent budgets to state compensation schemes for crime victims, were even more reluctant to allocate financial resources to victim services. They wanted the programs because they were popular with the general public, and thus politically beneficial, but they wanted to commit only token amounts to their operation. It should also be kept in mind that victim assistance is a very new field and to my knowledge there are no college or university programs offering training, courses, diplomas and degrees in victim services. In fact, our knowledge of this field remains so rudimentary that no viable programs could be mounted at present to train professionals in this area.

Like other models, the volunteer model

of victim assistance has some advantages but also significant drawbacks. The overwhelming advantage is obviously economical. Programs using volunteers are naturally much less costly than those using professionals, be it psychologists, criminologists, social workers, or others. It is also suggested that volunteers, particularly those with similar victimization experiences, can relate better to the victims and can better understand their pain and suffering, the traumatic effects of the crime, and the impact it has on their lives, than do professionals. Volunteers therefore might have more sympathy and empathy than those whose daily activities over the years are meeting victims and listening to their tragic or sad stories. Volunteers also tend to treat the victims they are dealing with as human beings, as fellow citizens, rather than 'clients' or 'recipients of services'.

Be this as it may, the most important dimension on which the models should be assessed and judged is the quality of services to crime victims. Do volunteers provide better and more effective services to the victims than professionals or para-professionals? This is questionable. In Canada, the training that recruited volunteers receive before working in victim services is very crude and very elementary. There is therefore a danger that the service they provide might not be effective, and a real danger that the intervention, though done with the best of intentions, will in some cases do the victims more harm than good (that is, prolonging or even magnifying the trauma, delaying the natural healing process and so forth). Volunteers tend to be more emotional than professional, they tend to side with the person they are trying help. And while this might provide temporary comfort to a number of victims, it might not be in their best interest in the long run. This is particularly true in cases where the most

appropriate advice the victim needs is sound, objective, candid and non-partisan advice.

In the field of corrections, the rehabilitation of offenders, the issue of professionalization and of specialized training for those who deliver the services, that is, the treatment and rehabilitation programs, was settled several decades ago. It would be unthinkable at the present time in the industrialized world to return to the volunteer model of corrections that was spearheaded last century in the US by the Quakers, and in the State of Massachusetts by John Augustus, who initiated the practice of probation.

In Canada, the delivery of victim assistance is done predominantly by volunteers. As the volunteers have no training or expertise in psychology or counselling, they are instructed to refrain from acting as psychologists or counsellors. They might be able to provide some practical assistance to the victim: driving, cleaning, shopping, baby-sitting, helping with the children and so forth, but in most cases the only thing they do provide is emotional support.

This should not be interpreted as an endorsement of counselling for crime victims, as there is no evidence showing that counselling is effective. Davis and Henley (1990) reviewed research findings and found little indication that counselling of any sort is effective in reducing post-crime trauma. They regretted the fact that much money is being spent on crisis intervention services for victims in the absence of knowledge as to which forms of treatment work and which do not. There are also reasons to believe that intervention, if not done properly, can delay rather than accelerate the natural healing process and can prolong rather than shorten the trauma of victimization.

V. THE NEEDS OF CRIME VICTIMS

Victims of crime constitute a very heterogeneous population. And while certain needs might be common to all those who suffer some form of criminal victimization or another, there are several groups of victims who might have special and rather specific needs and therefore might have to receive special and individualized services. In the field of corrections, the principle of individualized penal measures and of individualized treatment, has been recognized for many decades. There is a long-held view that offenders respond differently to rehabilitation and treatment programs, that certain programs are totally ineffective for certain types of offenders, while other programs are more effective for some than for others.

The diversity of the victim population and the enormous variety of the types of criminal victimization from which they could suffer, suggests that the principle of individualization is as important and as valid in interventions with victims as it is with offenders. Few examples could illustrate well what is meant by individualized intervention. The needs of victims of sexual offences are different from those of victims of property crimes, or even victims of common assault. But even for those who are sexually victimized, the needs may vary greatly from one group of victims to another, and even from one victim to another. The needs will vary not only in the function of socio-demographic variables such as age, gender, social class, level of education, race, etc, but will also vary according to the type of offence committed (rape, sexual touching, molestation, indecent exposure, anal penetration, and so forth), the amount of violence or coercion used, the relationship between the offender and the victim (total stranger, acquaintance, close friend, pro-

genitor, etc), the age and race differentials between the offender and victim, and so forth.

Lurigio and Resick (1990) insist that because reactions to crime and other deleterious experiences are often quite varied, it is essential to study individual differences in response to criminal victimization. They state that variability in victim recovery can be a function of victim characteristics and predispositions, the nature of the incident, victims' perceptions and interpretation of the occurrence, and events that occur in the aftermath of the crime. Lurigio and Resick (1990) place a high emphasis on the individual correlates of post-crime distress and recovery. But socio-cultural factors and attitudes can be of great importance as well, and plays a significant role in speeding up or delaying the recovery process. In our society, there is a tendency to stress, even overblow, the negative effects of victimization, whereas in others only the positive effects are emphasized.

Even physical injuries resulting from victimization do not carry the same weight everywhere, and their impact, therefore, is bound to be greater or lesser according to a host of variables. It is undeniable that psychological wounds heal faster and better in some cultures than in others. All this is to say that victim assistance is a lot more than just a charitable or humanitarian endeavour. If done properly and effectively, victim assistance is not a simple, easy or a mere common sense task. In other words, it is not something that could be delivered in a hasty or *ad hoc* manner unless it consists of nothing more than moral support, tea and sympathy.

To my knowledge, no victim assistance program in Canada, or for that matter, elsewhere, is able at the present time to provide the kind of individualized services

that would satisfy the specific needs of each crime victim, or of a specific victim group.

VI. THE TYPES OF SERVICES

Crime victims, regardless of the type of victimization they suffer, need different types of support and varying kinds of assistance. They need practical services such as fixing the lock, replacing the window, or driving the kids to school. They need information and advice, particularly advice on how to avoid future victimization. They might need referral to other services or legal assistance. They need a great deal of emotional support. All these types of services are not problematic and the more of them available to the victim after the event, the better it is. It is the other kind of well-intentioned support: counselling, therapy, and treatment that can pose real problems.

One common need, spelled out by the vast majority of victims, is the need for information about the progress of their case. They felt frustrated that nobody cared to tell them what is happening, whether the case will proceed or not, and if so, on what date. Once the case is before the court, they want to be informed of the outcome, whether the Crown will launch an appeal, and the final disposition in any appeal by the defendant or the Crown. If the offender is sentenced to a prison term, they want to know the eligibility dates for the various types of early release, the dates of the hearings, the decision by the parole board. They want to be notified when the offender is released. In response to this expressed need for information, guidelines have been developed in many provinces in Canada in order to ensure that the victims are not kept in the dark, that they are being kept informed of the progress of the case at the various stages of the justice process. This simple and rather inexpensive service has gone a long way towards alleviating

112TH INTERNATIONAL TRAINING COURSE
VISITING EXPERTS' PAPERS

victims' dissatisfaction with the justice system.

Another need that many victims have is the need for some legal assistance and legal advice. They are frustrated that free legal aid is usually available for those offenders who do not have the means to hire private legal counsel, but the victims have to pay if they needed to consult a lawyer. In many provinces in Canada and elsewhere, there are now provisions that make it possible for victims to get some basic legal advice without pay. Sometimes it is the prosecutor who provides this advice, other times it is by a paralegal. But everywhere this remains a process separate and independent from the office of the public defender or that of legal aid.

**VII. FINANCIAL ASSISTANCE TO
CRIME VICTIMS IN CANADA**

Although crime victim compensation, or criminal injuries compensation, as it is usually called, is administered exclusively by each province (or territory), it is financed on a cost-share basis with the federal government. The federal government assists in program funding to ensure the establishment of uniform, minimum standards. There are approximately forty crimes of violence that are covered by these federal/provincial agreements.

While provincial (and territorial) compensation schemes in Canada share many similarities and have several common characteristics, there are still some notable differences. For example, the nature and structure of the compensating agency vary from one province to the other. In Ontario, Saskatchewan, Newfoundland, and Alberta, it is a separately established board. In Quebec, Manitoba and British Columbia, it is part of the already existing Workman's Compensation apparatus, still in others it may be a provincial judge.

Schemes also differ in terms of the upper (and lower) limits the set for lump sum awards and for periodic payments.

Financial assistance to crime victims in Canada, as in most other countries that have created similar schemes, is largely inadequate and is subject to various restrictions and limitations. This has led many researchers to claim that state compensation is essentially a symbolic act by governments to show their concern for victims, but with little real intention of following it through with hard cash (Miers, 1983, p19990; Maguire and Shapland, 1997, p218). As if to add insult to injury, many governments, including the Canadian government, decided in recent years to transfer the financial burden of victim compensation to offenders through a levy called 'a victim fine surcharge' imposed on those who are sentenced to a penal fine, even if the sentence is for a so-called 'victimless crime' (section 727.9 of the Canadian Criminal Code).

The major problem with Canadian compensation schemes, as with others, is that they exclude the vast majority of victims from the realm of compensation. For the very few who are eligible for compensation and who ultimately get it, it is, for budgetary reasons, too little, and because of bureaucratic procedures, too late.

In Canadian schemes, as in others, victims of non-violent property crimes who constitute the bulk of crime victims, are totally excluded from compensation. Sadly, most of these victims do not have and cannot afford private insurance. In four out of five of these property crimes, the culprit is neither identified nor caught. And the few who are arrested, charged and convicted are, more often than not, poor or insolvent and nothing could be obtained from them through a civil judgement even

if the victim had the means to obtain one.

Victims of violence for whom the schemes are designed do not fare much better. The conditions of eligibility for state compensation are such that only a small fraction do qualify. In almost all systems, eligibility is contingent upon reporting the offence to the police and the victim's willingness to cooperate with the criminal justice system. Many have a means test ensuring that compensation is given only to the poorest of the poor. Most exclude violence among family members, whereas a good part of all violence occurs in domestic settings. Most also exclude (or drastically reduce the awards to) victims who provoked or otherwise contributed to their own victimization. One sure way of making the majority of victims of violence ineligible for state compensation is to set a high minimum limit for compensation below which victims do not qualify. (In the UK, for example, the lower limit was set at £1,000 despite the recommendations made by victims groups to remove it). The burden of proof is upon the victim and it is easy to imagine how difficult it can be to prove that the injury resulted from a criminal attack when the attacker has run away and there were no witnesses. With the exception of sexual victimization, most schemes do not provide funds to compensate the victim's emotional pain and suffering.

It is not surprising that many victims are deterred from applying by the lengthy bureaucratic procedures and the investigative process. More distressing still is that many victims are simply unaware of the existence of the schemes. As in many jurisdictions, the budget is determined in advance and cannot be exceeded, the more applications the program receives, the lower are the awards. And as the schemes are poorly funded in the first place, successful applicants

usually end up receiving ridiculously low amounts as compensation for their victimization. It is easy to understand, therefore, why it is that in some countries there is a deliberate attempt not to publicize these state compensation schemes.

VIII. OFFENDER RESTITUTION

Restitution by the offender to the victim is one of the earliest forms of redress to those who suffer injury or harm through the actions or negligence of another. This was the composition or *wergeld* paid to the victim or the victim's kin.

Since state compensation programs are often strictly limited to victims of violence, restitution by the offender has re-emerged as a means of redress in property offences as well as in violent crimes. The problem is that the vast majority of offenders are either unemployed or do not have the financial means that would make it possible for victims to collect restitution. Added to this problem is the fact that in many countries the collection of the penal fine takes priority over restitution orders.

Provisions on restitution by the offender to the victim are a relatively recent addition to the Canadian Criminal Code (CCC). Thus section 725 of the CCC stipulates that:

Where an offender is convicted or discharged under section 736 of an offence, the court imposing sentence on or discharging the offender shall, on application of the Attorney General or on its own motion, in addition to any other punishment imposed on the offender, if it is applicable and appropriate in the circumstances, order that the offender shall, on such terms and conditions as the court may fix, make restitution to another person.....

112TH INTERNATIONAL TRAINING COURSE
VISITING EXPERTS' PAPERS

Section 737 pertaining to the placement of offenders on probation, cites a number of conditions that could be attached to a probation order. One of the conditions (737/2/e) is to *'make restitution or reparation to any person aggrieved or injured by the commission of the offence for the actual loss or damage sustained by that person as a result thereof'*.

Section 737.8 contains various provisions on how payment of restitution or part of it could result in a reduction of imprisonment.

**IX. VICTIM-OFFENDER
RECONCILIATION AND VICTIM-
OFFENDER MEDIATION
PROGRAMS**

Another important development in recent years has been the rediscovery of restorative justice. Restorative justice, which is widely practised in small, agrarian, rural societies, has a long and rich history in the aboriginal communities in Australia, among Canada's First Nation and the Inuit communities of the Canadian North. The quasi-universal disenchantment with the punitive/retributive justice system was bound to force those calling for justice reform to seek alternatives to the current system of punishment. A turning point was the publication of a seminal article by Nils Christie in 1977 entitled "Conflicts as Property". In it, Christie explained that the root problem of the system is that conflicts were stolen from their legitimate owners, the victims, and became the property of professionals rather than people. Christie's ideas provided a strong impetus to those who were calling for the replacement of the destructive, unproductive and ineffective system of punishment with the constructive practices of dispute settlement, conflict resolution, mediation, reconciliation and reparation.

Advocates of restorative justice pointed out that in addition to its devastating effects on offenders, their families and the larger society, the system of punishment acts to intensify the conflict rather than solving it. Instead of bringing the feuding parties closer to one another, it widens the gap that separates them (Fattah, 1997, p259).

Spearheaded by the Mennonite Church, victim-offender reconciliation programs were set up in Canada and the United States in the mid 1970s and then spread to many other countries. Writing in 1983, Dittenhoffer and Ericson (1983, 1992) noted that the notion of VORP rapidly grew in popularity. They pointed out that at the time, in Ontario alone, there were 24 VORP centres operating, as were other centres across Canada with similar programs. The early programs have now been in existence for over twenty years and the restorative justice movement is expanding at a fast pace. Outside of North America it has established strongholds in Germany, the United Kingdom, Belgium, and France among others. Three years ago, the Council of Europe in Strasbourg set up the Expert Committee on Mediation in Penal Matters. The Committee has been meeting twice a year and is due to release its report and make its recommendations by the end of this year.

Despite the appeal and popularity of the notion of victim-offender reconciliation, the goal of 'reconciliation' proved to be difficult to achieve in practice. In many programs, the foremost objective is to ensure restitution by the offender to the victim and to see to it that the offender fulfills the obligations agreed upon in the mediation agreement. The programs were thus inclined to changed their names from victim-offender reconciliation to mediation programs.

Attempts to exploit the cause of crime

victims for political ends and to sell the policies of law and order, under the pretext of doing justice to victims, often required the portrayal of victims as vengeful, vindictive, retributive and even bloodthirsty. Those claiming to represent and speak on behalf of victims gave the impression that concern for crime victims invariably requires a harsh, punitive justice policy. While the distress of some victims might be so overwhelming that they will demand the harshest possible penalty for their victimizer, this could hardly be said of the majority of victims. Healing, recovery, redress, and prevention of future victimization are the primary objectives of most crime victims.

If the primary purpose of social intervention is to restore the peace, redress the harm, heal the injury, and stop the repetition of the offence, then it is easy to understand how and why the restorative system (based on mediation, reconciliation, restitution, and compensation) succeeds where the punishment system fails. Mediation and reconciliation bring the two parties together, face-to-face, and ensure that they see each other as human beings in a state of distress. When faced with the victim, it becomes impossible for the victimizer to deny the victim's existence or the injury or harms s/he has caused. S/he can no longer de-personalize, de-individuate, objectify or reify the victim. S/he can no longer avoid post-victimization cognitive dissonance. The confrontation between the offender and the victim in a mediation situation is the surest and most effective means of sensitizing him/her to the victim's plight, of countering and reversing the mental process of desensitization that s/he has gone through in order to avoid guilt feelings or bad conscience (Fattah, 1991a).

The mediation process, when done properly, can be very effective in awakening

and activating any positive emotions the offender might have lying beneath a cruel and indifferent facade. Emotions such as pity, sympathy, empathy, compassion, commiseration, can all be brought to the surface and reinforced.

On the side of the victim, the mediation situation can also have salutary effects. The feared, stung, cruel and unemotional victimizer is bared to a weak and often helpless being, a being that evokes more pity than fear, more compassion than anger. Distorted but long held stereotypes disappear when checked against the real offender. Both parties end up by gaining a realistic view of one another and reconciliation becomes possible (Fattah, 1995, p312).

Thus in the long run, the interests of crime victims and of society at large are best served by humanity, empathy and compassion, by tolerance and forgiveness, by the development of conciliatory and forgiving communities rather than hostile and vengeful ones (Fattah, 1986, p13). Constructive healing, not destructive punishment, should be the primary and foremost goal of both victim policy and victim services.

X. CONCLUSION

Hopefully, this bird's eye view of victim services and victim assistance programs in Canada has provided you with some idea of recent developments in this field. Naturally, it is rather difficult to adequately present such a varied, multifaceted and broad sector in a brief and rather hasty overview. As mentioned at the outset, the task is made more difficult by the complexity of the Canadian system of government, and the enormous diversity of the Canadian provinces and territories. As you probably have noticed, it was not my intention nor is it my habit to present

112TH INTERNATIONAL TRAINING COURSE
VISITING EXPERTS' PAPERS

a rosy picture of the services or the programs involved. I tried to present things the way they are, and might have been overly critical at times. But whatever criticism I have made is meant to be constructive, and is intended to highlight the problems, the weaknesses, the inadequacies, the shortcomings, so that something may be done to correct them. After all, the plight of crime victims has been ignored for far too long. They surely deserve much more and much better than what they got in the past or are getting at present. Their cause is dear to my heart and it has pained me greatly over the years to see their cause being exploited by unscrupulous right wing politicians, and to witness their use as pawns in law and order campaigns. The time has come in Canada and elsewhere to hold politicians to task and to require them to live up to their promises and their rhetoric by matching commitments in financial and human resources. Although the situation of crime victims now is undoubtedly better than it was twenty years ago, the road is still long and a great deal remains to be done to help and assist those who are forced to suffer as a result of unfair social structures and failing social institutions.