



Government
of Canada

Gouvernement
du Canada

Heard. Respected. **Victims First.**
Écoutées. Respectées. **Les victimes d'abord.**



THE OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

2008–09 ANNUAL REPORT

Canada

Office of the Federal Ombudsman for Victims of Crime
240 Sparks Street, P.O. Box 55037, Ottawa, ON K1P 1A1

Telephone (toll-free): 1-866-481-8429
Fax: 613-941-3498
Email: victimfirst@ombudsman.gc.ca
Website: www.victimfirst.gc.ca

© Office of the Federal Ombudsman for Victims of Crime, 2010
Cat. No. J80-2009
ISBN 978-1-100-51082-8



10% Post Consumer Waste

Table of Contents

MESSAGE FROM THE OMBUDSMAN	2
OFOVC – A Voice for Victims	6
Working Directly with Victims	7
<i>OFOVC's services to victims</i>	7
Talking with Victims	10
<i>Data-tracking improvement initiative</i>	10
Learning from Victims	12
Awareness and Partnership Building	13
Outreach	13
Sharing our Expertise with Others	16
Reaching Further	17
<i>Website</i>	17
<i>Media relations</i>	18
Progress Towards Positive Change	19
Accelerated Parole for Offenders of Child Sexual Exploitation	20
Funding for Child Advocacy Centres	21
Notifying Victims of the Deportation Status of Offenders	22
Making Offenders Accountable for Harm Done to Victims	23
Providing Support to Victims of Crime	24
Updates on 2007–08 Recommendations	25
Looking Forward	26
Operations	27
Building an Organization	27
Accountability	29
Financial Highlights	29
Appendix A: List of Charts	30



Message from the Ombudsman

Victims of crime experience a range of significant challenges, both in their personal recovery and in their interaction with the criminal justice system. The emotional toll that crime can take may be long lasting. For example, new research is emerging about the long-term, serious impact of child abuse. Similarly, the loss of a loved one through a crime such as murder or impaired driving brings unique complications and challenges not experienced by those who lose loved ones in non-criminal ways. Non-violent crimes, such as white collar crimes, can also be devastating for families.

In addition, the financial fallout of a crime can have its own significant impact. Despite what we know about the cost of policing, prisons and the justice system, it is victims who bear the brunt of the costs of crime. Victims may spend their savings, lose their home or be unable to return to work in the aftermath of a crime.

Victims are also frustrated that, in their view, the justice system provides greater rights to offenders than victims. Victims want to be respected in the system. They want their voice to *be heard and to count*. Some live in fear of the offender who harmed them.

These are the messages we hear from the crime victims that contact our office and the reason why we are here. I am proud of the personalized service we are able to give to victims and their families across Canada, and grateful to the victims who have shared their stories with us.

GIVING VICTIMS A VOICE

Over the course of the past year, we have continued to build on our services, operations, processes and team. As always, victims remained our number one priority. Each and every victim who calls is important, whether their problem or question relates to the provincial or federal governments, the Correctional Service of Canada (CSC) or a local police service, the National Parole Board (NPB) or a provincial compensation program. While not all of the inquiries we receive fall within our jurisdiction, each individual has a need and we take the time required to try to help that person. Moreover, every call helps us better understand victims' experiences in Canada, which is invaluable in assisting us to put forward recommendations to the federal government for positive change.

As you will see from some of the cases highlighted in the report, we have been very successful in working with federal agencies such as the CSC and NPB to find solutions to various issues raised by victims. We take a collaborative approach to resolving these issues because we believe it is in the best interest of victims, who need a speedy resolution to allow them to continue on their journey of healing. We could not do this without the goodwill and commitment of CSC and the NPB and we thank them for their ongoing cooperation.

Over the past year, we have listened to what victims have said and have made several recommendations to the federal government to effect systemic changes. One of the issues we continue to hear about from victims is the financial impact of crime. For some, it may be surprising to learn that in Canada, victims bear the brunt of the costs of crime which, ultimately, adds to their burden. It is for this reason we previously recommended that the federal government review and enhance restitution for victims, and why this year we have made new recommendations that benefit victims by supporting the services available to them. This past year, we made recommendations to the Minister of Justice to enhance the *Criminal Code* provisions relating to victim fine surcharges so that they become automatic in all cases where there is a conviction. The money collected through these fines benefits victims by supporting provincial victim service and compensation programs.

Access to information about offenders is another issue that preoccupies many victims, and which may have safety implications for some. In Canada, there is no obligation or requirement to inform victims if or when an offender is deported. This causes tremendous stress on victims who fear for their safety, and that of their families, as they cannot be sure if the offender is still in the country. Following conversations with victims and our federal partners in the immigration and privacy spheres, we made a recommendation to the Minister of Citizenship, Immigration and Multiculturalism that victims be informed about the deportation status of violent offenders.

Finally, given what we know about the long-term implications of child abuse, and the revictimization that children can suffer in the criminal justice system, the recommendation I am perhaps most proud of was to the Minister of Finance with respect to the role of the federal government in providing better services to child victims. We asked the Minister to make \$5 million in funding available to jurisdictions trying to establish a child advocacy centre in their community to support and assist child victims and their families. Child advocacy centres provide a multi-disciplinary child-friendly service for child victims of abuse and their families. Instead of a child going to up to 10 intimidating and institutional settings, such as police stations and prosecutors' offices, children get the help they need in one place.

We look forward to receiving responses to all of the recommendations made, and to working with the federal government to bring about meaningful change for victims of crime.

BUILDING ON SUCCESS

Proudly, we have seen progress this year resulting from issues we raised in our first year.

In last year's annual report, we presented a case for which we had worked with a family and the NPB to facilitate the first-ever victim participation in a parole hearing via video conferencing. In January 2008, the NPB adopted a new policy on the use of video-conferencing. This policy was further updated in March, 2009 to clarify the issue of who would participate by videoconferencing and specifically included victims. The policy now states:

Video conferencing may be an appropriate option in certain circumstances, including ... where it would facilitate participation by ... victims in exceptional circumstances who would otherwise be unable to attend for reasons of undue hardship, as assessed on a case by case basis.

Last year, we also reported on our work to bring attention to the particular needs and concerns of Aboriginal victims. Within months of being established, the Office presented several recommendations to an independent panel struck to review the CSC. As part of our overall submission, we suggested that more work be undertaken to reach out to Aboriginal victims. The resulting report, *A Roadmap to Strengthening Community Safety*, echoed this idea and formally recommended that a strategy be developed, in conjunction with the Aboriginal Policy Branch, Public Safety, the Federal Ombudsman for Victims of Crime, and Aboriginal organizations, to reach out to Aboriginal victims to ensure their information needs are identified and addressed. As a result, the National Office for Victims of Crime has begun developing its *National Strategy to Meet the Information Needs of Aboriginal Victims*. We look forward to working with the National Office as the Strategy progresses.

Another issue that we have made a priority is the safety of children and, in particular, the issue of child sexual abuse images online. I raised this issue last year, pointing out the need to give authorities the tools they need to conduct investigations, starting with the ability to obtain a suspect's name and address from Internet

Service Providers. I am proud to see that the federal government is listening and that it has responded by proposing legislation to make it mandatory for Internet Service Providers to give police basic customer information without a warrant when investigating online crimes, such as the creation or sharing of child sexual abuse material.

REACHING OUT

Raising awareness among victims and their supporters remains a challenge for us, as it does for all victim services. Research shows that many victims of crime remain unaware of their rights and the services available to them. Most crime victims do not access any formal victim services, and it remains difficult to reach these individuals. In addition, victims usually require our services when they have encountered a problem, which may not come until years after the initial offence. As such, we struggle with not only how to communicate with victims, but when.

To address this challenge, we have increased our efforts to raise awareness of the Office and its services. We met frequently with federal partners, provincial stakeholders and various non-governmental organizations that work to help victims, and gave numerous presentations and speeches at conferences across the country. In addition, the Office conducted targeted outreach within the province of Quebec.

We can also see results of our outreach and publicity efforts through the significant increase in calls we have received and the number of visits to our website. This year, calls, emails and letters from victims, their advocates and Canadians increased by at least 20 percent.

Canadians also visited our website over 45 percent more often than in our first year of operations — a significant increase, and a trend that we intend to continue.

We continue to develop short- and long-term outreach plans for the future to ensure those who need us know about our office.

LOOKING AHEAD

I am excited as I look ahead to 2009–10. Our ability to respond to the needs of victims continues to grow and our relationships with federal departments and other important stakeholders continue to improve. We are becoming more effective and efficient, and remain dedicated to helping give victims a voice. We will continue to assist individual victims who come to us, while pushing for long-term positive change to address important issues on behalf of all victims.

In the coming year, we will release two special reports. The first, *Every Image, Every Child*, will examine the growing problem of child sexual abuse images on the Internet and the second will provide recommendations resulting from our victim-centred review of the *Corrections and Conditional Release Act*. We expect these reports to impact government policy in the years ahead.

In closing, I am proud of the work we have done and the relationships we are building on behalf of victims across Canada. As a small, relatively new organization, we must always find innovative ways to be more effective and efficient in all aspects of our business. These principles will ultimately help us in achieving our mission: to assist, and effect positive change for, victims in Canada. Thanks to the hard work of my staff and the strength and courage of crime victims, we are making strides in an important area for the Canadian government.

Steve Sullivan
Federal Ombudsman for Victims of Crime





OFOVC – A Voice for Victims

The need for a federal ombudsman for victims of crime was identified and recommended by victims' advocates and parliamentarians more than a decade ago.

In March 2007, the Minister of Justice and Minister of Public Safety established the Office of the Federal Ombudsman for Victims of Crime (OFOVC). Its first-ever ombudsman, Steve Sullivan, was appointed the following month.

The OFOVC was created to help victims of crime and their families and to ensure that the federal government meets its responsibilities to victims of crime. The Office's mandate is multi-pronged and provides assistance to victims both through direct and systemic means.

The mandate of the OFOVC relates exclusively to matters of federal responsibility and includes:

- facilitating access of victims to existing federal programs and services by providing them with information and referrals;
- addressing complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision and providing an independent resource for those victims;
- enhancing awareness among criminal justice personnel and policy makers of the needs and concerns of victims and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*; and
- identifying emerging issues and exploring systemic issues that impact negatively on victims of crime.

The advantage of providing both direct and systemic assistance to victims is that the OFOVC is in a unique position not only to help victims of crime immediately by handling their inquiries and addressing their complaints, but to make recommendations for positive change to the justice system as a whole, thereby reducing or eliminating the root causes of some of the problems for all victims in the future.

WORKING DIRECTLY WITH VICTIMS

OFOVC's Services to Victims

The OFOVC employs two complaint-review officers who work directly with victims on a daily basis, answering phone calls and responding to letters, emails and faxes. For each inquiry or complaint the Office receives, an effort is made to ensure that the victim receives a reply or acknowledgement as soon as possible or within one to two business days.

"Thank you again for being there for me. I think just knowing someone cares and is willing to help has given me courage to see this through."

The information and discussions victims have with the OFOVC are kept strictly confidential, and their stories are used only in aggregate or anonymous form for purposes such as identifying emerging or persistent trends and issues that could form the base of future recommendations to the federal government. All relevant cases are discussed on an ongoing basis with the Federal Ombudsman to ensure he is up-to-date on the latest issues and on the challenges victims face within Canada's justice system.

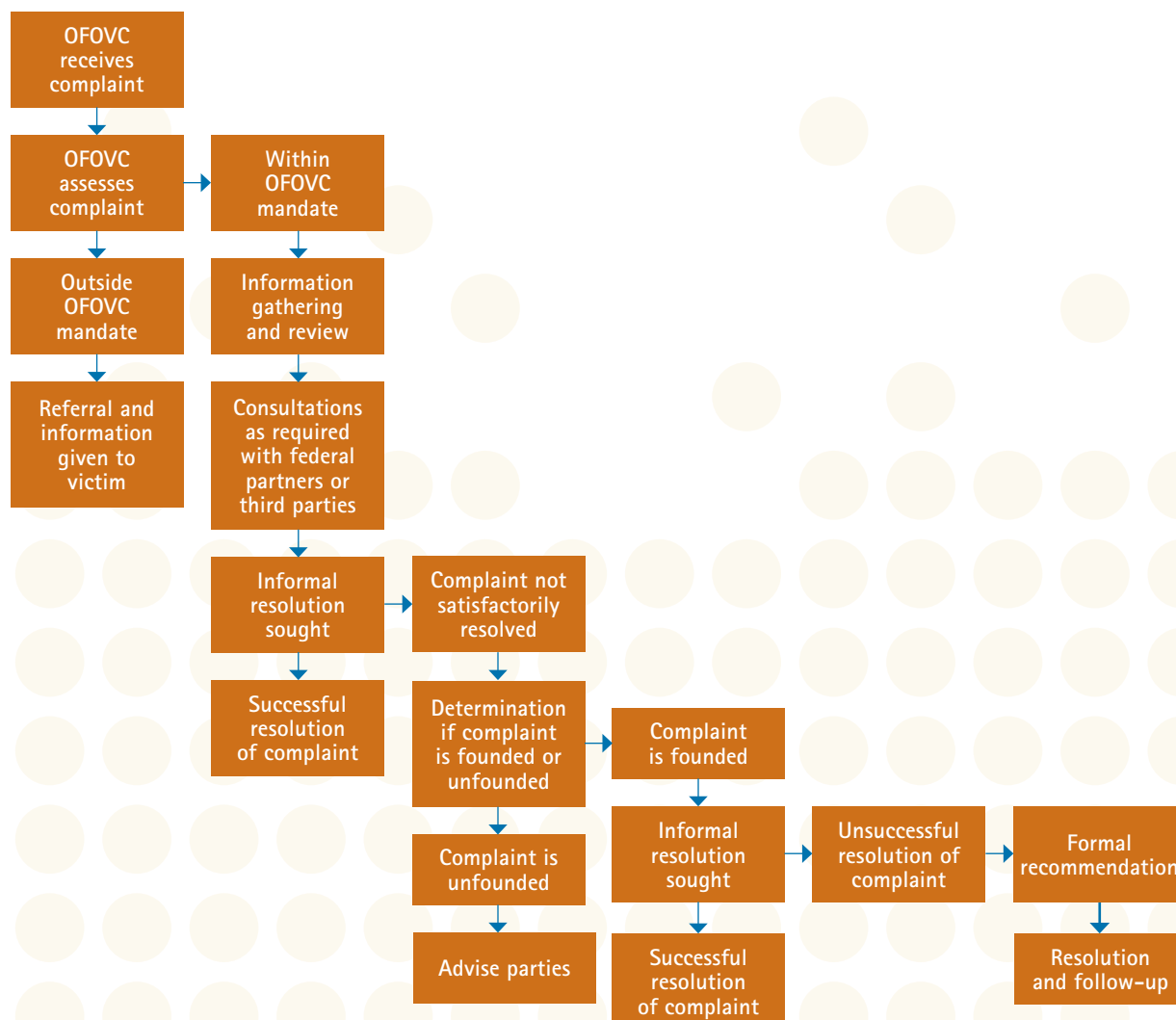
Incoming contacts are dealt with on a case-by-case basis and may result in anything from a referral to a more appropriate agency to a full case review, which may include face-to-face meetings with victims and/or other federal partners, such as the Correctional Service of Canada (CSC) or the National Parole Board (NPB).

The OFOVC's level of involvement in any particular case is decided on the basis of each individual case and whether or not the matter falls under federal jurisdiction. It can be difficult for anyone not working directly in victims' services to understand the jurisdictional boundaries between municipal, provincial and federal matters. The OFOVC understand this and never turns away a victim. The Office responds to all calls from victims and, where the matter is found to be municipal or provincial, provides callers with the names and contact information for the agencies or organizations that would be best suited to assist them.

In cases that do fall under federal jurisdiction, the OFOVC staff work closely with the victims to try to find expedient and effective solutions. For each complaint it receives, the OFOVC generally follows an established process, as described below.



Chart 1. Complaint-resolution process



To date, the OFOVC has addressed victims' issues or complaints through informal collaboration with its federal partners. By bringing together all parties, the OFOVC has been able to facilitate an open dialogue that has most often resulted in a satisfactory outcome for the victim and all parties.

■ CASE STUDY #1

T contacted the OFOVC after learning that the offender who shot his brother (M) had been released into the community and was staying across the street from a member of M and T's family several days a week. After becoming severely disabled as a result of the crime,

M visited his family at this home frequently, as it was one of the few social outings he could enjoy. The family was upset, as they had expected to be contacted by the NPB and given the chance to provide an impact statement before the offender was released. However, like too many victims, they did not know they had to register to receive this information. The close proximity to the offender created fear for the entire family, including M. As a result of collaborative efforts between federal offices, a community assessment was done. Following the assessment, the NPB amended the offender's release conditions so that he could no longer enter the town where the victim lived.

■ CASE STUDY #2

A Canadian who was victimized abroad called our office looking for help upon learning that the trial for the crime was coming up. After numerous attempts, the OFOVC was able to get in contact with the representative of the other country and discovered that they did not have the proper contact information for the victim. The OFOVC was able to pass the proper information along which, in turn, enabled the foreign representative to contact the victim and arrange a meeting.

■ CASE STUDY #3

The OFOVC was informed by a victims' advocacy organization that a victim, S, was denied a request to attend an upcoming NPB hearing for an offender who murdered a member of her family because of threats expressed in her victim impact statement and in a conversation with a CSC worker. In addition to the denial, CSC made the decision to withhold, for a period of six months, any information with respect to the offender, which would include any of his requests for temporary absences, work release, day parole and full parole. After gathering the necessary information, the OFOVC proposed a meeting between all parties to further clarify the issues. Various officials from NPB and CSC were in attendance, as well as the Federal Ombudsman for Victims of Crime and a member of his staff. As a result of this meeting, the NPB revisited its decision and informed the Office that it was willing to allow S to attend the upcoming parole hearing as an observer by way of either video conference or teleconference, providing S submitted a revised victim impact statement. Subsequently, S and family members attended the hearing via video conference. CSC did not revisit its decision in this case.

■ CASE STUDY #4

T's mother was murdered by a former municipal police officer more than a decade ago. Since that time, T had made several calls to police and the RCMP to ask questions in relation to his mother's file. T was concerned that no one was addressing his questions and stated feeling that he was being treated "unfairly and disrespected." T contacted the OFOVC to express his concerns. After subsequent conversations, the OFOVC suggested a meeting between T, an RCMP inspector and a victims' services worker to address his questions. After several years of trying, T finally began getting the answers he needed and was able to lay to rest some related issues. T was incredibly grateful for our services and sent his thanks to the OFOVC.

■ CASE STUDY #5

P contacted the OFOVC to report a concern about an employee at a federal correctional facility and the fact that her family felt mistreated during a parole hearing. The facility began a process to review the matter. In addition, P reported to our office that the offender had been released on day parole without notification to her or her family and wanted us to look into the matter. Following P's complaint, the OFOVC arranged and facilitated a meeting between P and officials from NPB, CSC and the correctional facility. The outcome of this meeting resulted in CSC formally apologizing to P and agreeing to revisit its notification system to victims. The meeting brought NPB and CSC together to hear the impact the situation had on P and P's family, and stressed the necessity for NPB and CSC to communicate with victims. P was pleased with the outcome, which was achieved quickly through an informal process and the cooperation of the OFOVC's federal partners.

TALKING WITH VICTIMS

Data-tracking Improvement Initiative

Monitoring trends and issues that negatively impact victims is of keen importance to the OFOVC. Some of the best feedback the Office receives on these issues comes directly from the victims who contact us. So that we are able to use this information to provide an overall perspective on the state of victims' rights and issues in Canada, the Office launched a data-tracking improvement initiative to study and enhance its data capture and analysis abilities.

In 2008–09, the OFOVC began the first phase of its data-tracking improvement initiative, working toward capturing more detailed information relevant to tracking trends and upcoming issues across the country.

As part of the first phase of the project, the OFOVC has moved from reporting on the number of "contacts" it receives each year (i.e. all incoming phone calls, letters or emails), to the number of files opened. For example, under the new system, although a victim may contact the office multiple times on one issue, the victim's overall issue will be tied into one file and that file will be counted as only one new/opened file for the fiscal year.

At first glance, this may appear to show a lower volume of calls into the Office; however, this is not the case.

A comparison of contacts between 2007–08 and 2008–09 reveals that the overall volume of incoming calls, emails and letters has increased by at least 20 percent.¹

This significant increase demonstrates a clear need and interest in the services the OFOVC provides, and is mirrored by increases in other measurable areas, such as visits to the website.

As part of its analysis, the OFOVC measures who is using its services most often. As shown in Chart 2, the overwhelming majority of those who contact the Office self-identify as victims.

**Chart 2. Total files opened April 1, 2008 to March 31, 2009, by contact type
N=419**

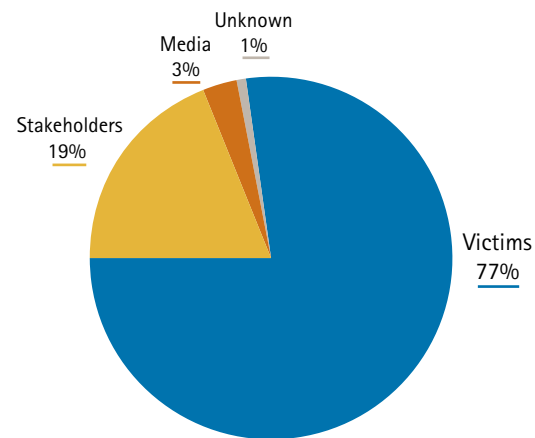


Chart 3 shows the distribution, by location, of those who contacted the Office in 2008–09. Generally, the number of files opened corresponds to the population of the province, demonstrating a clear interest across the country in the services provided by the OFOVC.

¹ As part of the Office's shift to recording information by "file opened" rather than "contacts," some contacts may not have been formally recorded. As a result, this estimate is based on known contacts only. The actual figure is estimated to be significantly higher.

Chart 3. Total files opened April 1, 2008 to March 31, 2009, by location of individual

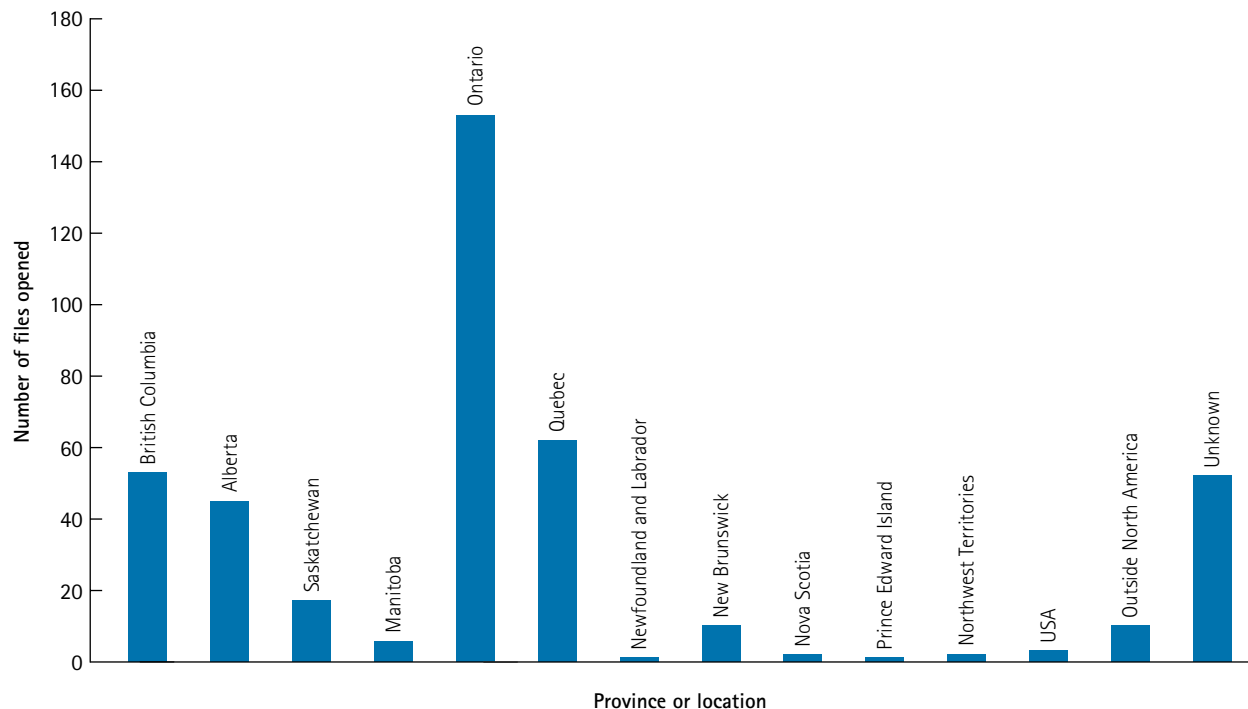
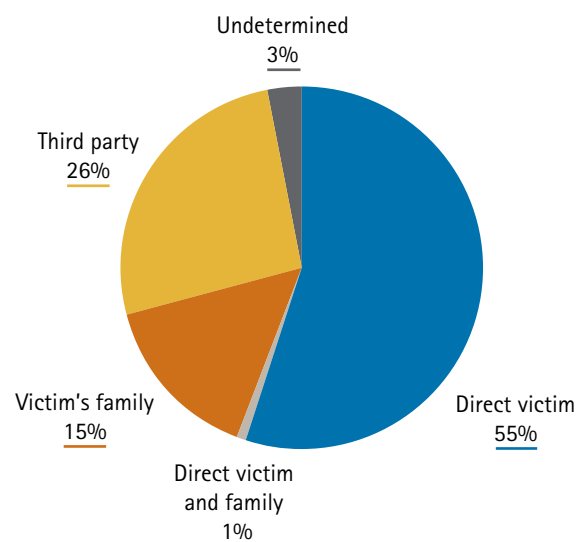


Chart 4 shows a breakdown of the type of individual who contacts the Office. As shown, the majority (71 percent) of those who contact the Office are either direct victims or a victim's family member. Third-party contacts may include victim advocates or service workers calling on behalf of a victim, federal or provincial government partners and stakeholders, media and others.

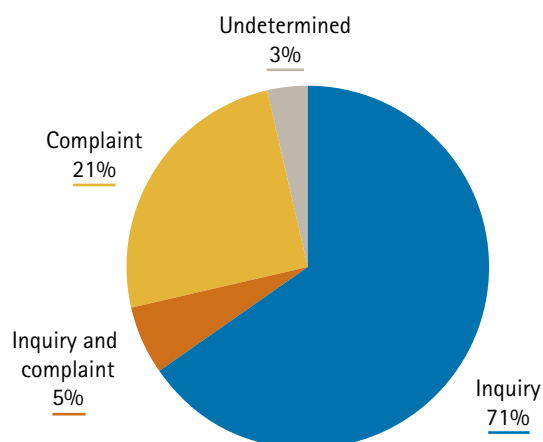
Chart 4. Total files opened April 1, 2008 to March 31, 2009, by type of individual



As part of its mandate, the OFOVC answers questions, offers information and reviews complaints against federal government departments, agencies, employees, laws or policies. Chart 5 illustrates the breakdown of the inquiries and complaints the Office received in 2008-09.

Chart 5. Total files opened April 1, 2008 to March 31, 2009, by reason for contact

Note: In some cases, it may not have been possible to determine the purpose of the contact

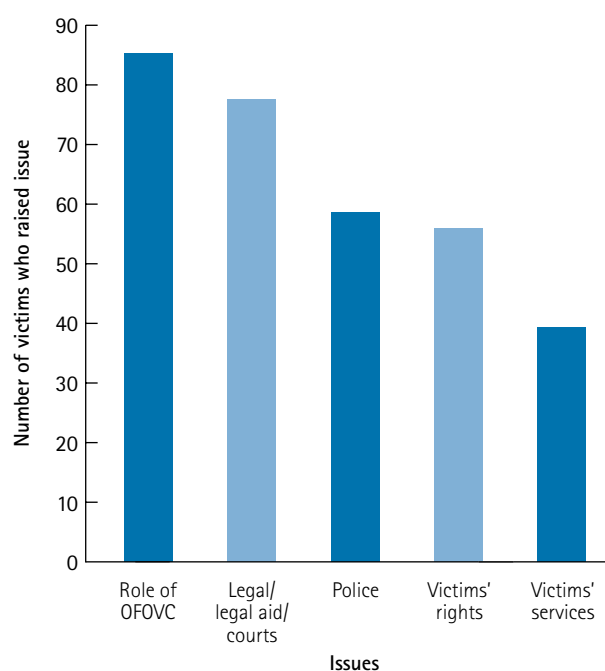


LEARNING FROM VICTIMS

The OFOVC's contact with victims not only helps to provide direct assistance, it also helps the Office better understand victims' experiences in Canada. Based on this comprehensive understanding, the OFOVC is able to select priority issues for further review and, in some cases, recommendations for change to the federal government.

Chart 6 depicts the top five most-common issues that the OFOVC is hearing about from victims.²

Chart 6. Top five issues victims contacted OFOVC to discuss, April 1, 2008 to March 31, 2009*



* In the cases of certain categories, like police and victims' services, the questions or complaints may be either federal or provincial in nature.

² For this chart, only data from those individuals who self-identified as victims have been analyzed. Data from stakeholder and media calls were not included.

Examples of the types of complaints that could fall under each category are as follows:

Role of the OFOVC – wanting to know more about what the Office does, how we can assist them, registering a complaint.

Legal/legal aid/courts – are looking for legal advice or assistance, inquiries and complaints about qualifying for or accessing legal aid, questions relating to court processes or legal obligations.

Police – questions or complaints about police obligations or conduct, questions about police jurisdiction.

Victims' rights – questions about victims' rights, complaints about a lack of victims' rights, requests to amend laws or policies to enhance victims' rights.

Victims' services – questions about available victims' services and how to access them, complaints about services that did not meet their needs, requests to enhance existing or develop new victims' services.



Awareness and Partnership Building

OUTREACH

In its second year of operations, the OFOVC put a stronger focus on raising awareness of its services and mandate.

To maximize efficiency, the Office strategically took opportunities to reach out to stakeholders at conferences and other forums. In doing this, the OFOVC maximized its own learning opportunities and the chance to reach targeted groups of victims' rights advocates or those working in the victims' services field. These conferences also provided a good chance to hear more about victims' experiences and issues from new and differing perspectives.

THE OFOVC PRESENTED AT THE FOLLOWING CONFERENCES IN 2008–09:

- Victims of Homicide, Western Canadian Conference — Edmonton, AB, May 1–2, 2008
- Ontario Office for Victims of Crime, Consultation on Victims' Rights from an International Perspective — Toronto, ON, May 2, 2008
- Federation of Canadian Municipalities 71st Annual Conference and Municipal Expo — Quebec City, QC, May 30–June 1, 2008
- Heads of Corrections Meeting — St. Andrew's, NB, June 3–6, 2008
- National Victims of Crime Awareness Week — Ottawa, ON, April 14, 2008
- 3rd Annual Sisters in Spirit Family Gathering — Native Women's Association of Canada, Edmonton, AB, July 2–3, 2008

- International Youth and Advisory Congress on Internet Security — London, UK, July 17–21, 2008
- 33rd Annual American Parole and Probation Association Conference — Las Vegas, NV, August 2, 2008
- 20th Annual Crimes against Children Conference — Dallas, TX, August 11–14, 2008
- Canadian Association Police Boards Conference — Toronto, ON, August 14–17, 2008
- UN Symposium on Supporting Victims of Terrorism — New York City, NY, September 9, 2008
- Opening ceremony for Child Advocacy Centre Niagara — St. Catharines, ON, September 16, 2008
- Global Thematic Consultation on Corporate Social Responsibility for World Congress III against the Sexual Exploitation of Children and Adolescents — Winnipeg, MB, September 25–26, 2008
- 2008 North American Victim Assistance Conference — Louisville, KY, September 28–October 2, 2008
- Canada–US consultation in Preparation for World Congress III against the Sexual Exploitation of Children and Adolescents — Arlington, VA, October 2–3, 2008
- 36th Annual Conference of Canada's Heads of Prosecution Agencies — Charlottetown, PE, October 21–22, 2008
- Ontario Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet Multi-disciplinary Conference "WORKING TOGETHER TO PROTECT KIDS" — London, ON, November 17–21, 2008
- CSC-NPB Victim Advisory Committee Symposium — Abbotsford, BC, February 17, 2009

THE OFOVC'S OMBUDSMAN OR STAFF ALSO MET WITH THE FOLLOWING TO DISCUSS PRIORITY ISSUES:

- Chief Bill Blair, Toronto Police Service
- Teresa Huizar, Executive Director of National Children's Alliance, Washington
- US Victims' Rights Ombudsman, Executive Office for United States Attorneys, Department of Justice, USA
- The Gatehouse — The Gatehouse in Toronto provides a comfortable, non-threatening environment to help survivors of child abuse.
- Dr. Peter Collins — a recognized world leader in pedophilia at the Clarke Institute of Psychiatry in Toronto. Dr. Collins also works with the OPP.
- Ontario Office for Victims of Crime — This office acts as the voice of victims in the provincial government by helping to ensure that Ontario's victims' services are effective, coordinated and meet the needs of Ontario's diverse population. It is a permanent advisory body that provides advice to the Attorney General on victims' issues.
- Office of the Privacy Commissioner of Canada
- The Hospital for Sick Children — The Suspected Child Abuse and Neglect (SCAN) program is managed by a team of health care professionals at the hospital who offer care, support and assessment to children and teenagers who may have been maltreated, and their families.
- BOOST — BOOST is a registered charity committed to eliminating abuse and violence in the lives of children, youth and their families. It provides programs and services to children, youth and their families in Toronto and surrounding areas.
- BC Police Based Victim Services — This group provides leadership and works collaboratively to enhance services to victims of crime and trauma in British Columbia
- Child Abuse Network

- Canadian Taxpayer's Ombudsman — The Taxpayer's Ombudsman is responsible for ensuring that the Canada Revenue Agency respects the service rights outlined in the Taxpayer Bill of Rights. Like the OFOVC, the Taxpayer's Ombudsman opened its doors in 2007.
- Restorative Justice Consortium, London, UK
- Victim Services, Child Exploitation and Online Protection Centre, London, UK
- National Society for the Prevention of Cruelty to Children, London, UK

Throughout the year, the OFOVC also took part in a number of important activities and projects that helped to raise further awareness of victims' rights and concerns in Canada.

Early in the year, OFOVC staff members joined the organizing committee for National Victims of Crime Awareness Week. As committee members, OFOVC staff attended regular meetings to discuss and organize activities related to the National Symposium and other events throughout the week. Steve Sullivan proudly helped to launch the week at the National Symposium by addressing the group of dedicated victims' service workers while employees from the Office were on hand to give out information and answer questions about the Office's services and mandate.



Minister of Public Safety, the Honourable Peter Van Loan, Federal Ombudsman for Victims of Crime, Steve Sullivan and President, Victims of Violence, Sharon Rosenfeldt

In April 2008, the Ombudsman made his first visit to the Edmonton Zebra Child Protection Centre, a child advocacy centre that offers specialized care to abused children. The Zebra Centre is the first centre of its kind in Canada and integrates a multi-disciplinary community of professionals — Edmonton Police Service, Alberta Children's Services, Crown prosecutors, Child at Risk response teams, medical and trauma screening professionals and volunteer advocates — in a child-centred environment.

In Canada, a victimized child and his or her family can go to more than 10 different locations and see multiple professionals before getting help. Child advocacy centres eliminate the need for this and are proven to make a difference.

It was this visit that helped the Federal Ombudsman for Victims of Crime see the real benefits of child advocacy centres — an issue that subsequently became the topic of a recommendation the OFOVC made to the federal government to request that funding be made available to support an expansion of the network of these centres across Canada.

Later that same month, the Ombudsman also took part in the launch of the newly established Child Sexual Abuse Prevention Network, a non-profit, grassroots organization that brings people, services and research together to end the nightmare of child sexual abuse. The Ombudsman met with founders Kimothy Walker, a veteran CTV Ottawa news anchor and producer, and Ron Jette, a local Ottawa-area business owner, who had both been victims of sexual abuse as children.

In February, the OFOVC teamed up with Cybertip.ca, a program of the Canadian Centre for Child Protection, to mark Internet Safety Day by reminding parents about the important role they play in helping keep their children safe from Internet predators. This collaboration helped bring awareness to a priority issue for the OFOVC — the online sexual exploitation and abuse of children — and provided parents with tips on how they can help keep their children safe.

In March, the Ombudsman was proud to join with law enforcement officials from across Canada, the Canadian Centre for Child Protection and the National Child Exploitation Coordination Centre (NCECC) in the announcement of the largest-ever coordinated investigation into Internet-facilitated child sexual abuse in the country. As part of the news conference, the Ombudsman spoke to media and audiences about the importance of giving police the tools they need to undertake these investigations and to remember that each image or video an offender is found to possess represents a real child who needs our help.



Federal Ombudsman for Victims of Crime, Steve Sullivan, shown here beside Sergeant Dave Fox at the national news conference for Project Salvo, the largest-ever coordinated investigation into Internet-facilitated child sexual abuse in Canada

That same month, the Ombudsman and other staff members attended a special screening for Members of Parliament of "Dear Zachary: a letter to a son about his father," a documentary about a father and son, both victims of murder, and the impact that bail release had on one family. Following the screening, the parents/grandparents of the victims were on hand to discuss their concerns and ideas for change to Canada's laws in order to ensure that another situation like theirs would never happen again.

SHARING OUR EXPERTISE WITH OTHERS

While the OFOVC's mandate relates exclusively to Canadian victims, the Office strongly believes in information sharing and exchanges with other organizations and countries as a way of evaluating progress and learning more about best practices.

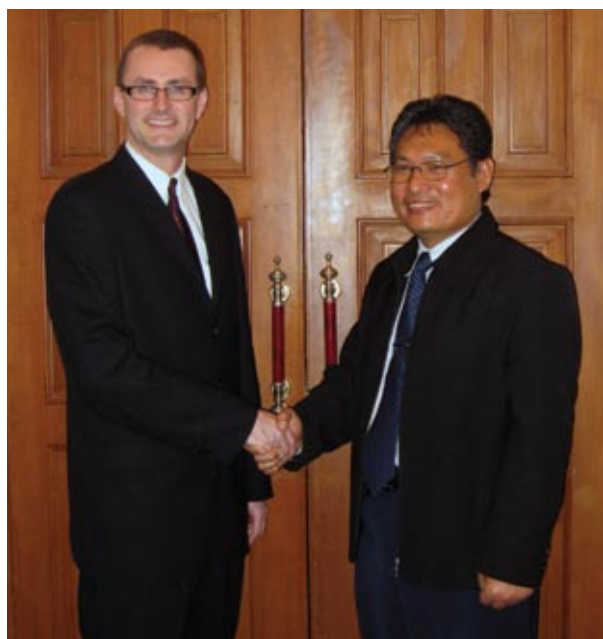
In July 2008, the OFOVC was pleased to meet with a delegation from the legal service and victim support division of the South Korean Ministry of Justice.

The delegation was travelling to Canada to learn more about various victim support and legal aid organizations in Canada and requested to meet with the Ombudsman to learn more about the OFOVC and victims' services in Canada.

The successful meeting helped enable important international information sharing regarding victims' services and best practices, including issues such as compensation and victims' rights.

The following March, the Ombudsman travelled to Indonesia as part of a Canadian delegation supported by the Canadian Embassy in Indonesia and coordinated by the Department of Foreign Affairs and International Trade. The delegation's purpose was to meet with Indonesia's Witness Protection Program Institute (LPSK) and participate in a seminar and workshop on the development of the LPSK. More than 100 participants attended the event, including senior officials from the Ministry of Justice, Supreme Court, National Human Rights Commission, Anti-Corruption Commission, Commission against Violence to Women, National Police, Correction Services and the Office of the Attorney General, as well as representatives from several Jakarta general courts, law firms and non-governmental organizations.

Over the course of the visit, LPSK and the Canadian delegation, which included the Political Counsellor from the Embassy of Canada and Beth Heinz, a senior policy analyst with the Policy Centre for Victims Issues of Justice Canada, met to discuss common issues and share information and best practices relating to the implementation of victims' services offices. The seminar included discussions on such topics as Sharing Canadian Experiences in Victims and Witness Protection, In Search of a Blue Print: Challenges and Prospects, and group discussions to generate recommendations on the role of LPSK moving forward.



The Federal Ombudsman for Victims of Crime, Steve Sullivan, with LPSK Chairperson Abdul Haris Semendawai

The sharing of Canada's experience with victims' services was a success and drew many questions on a wide range of issues, including the compensation process in Canada for victims of crime, credibility and independence of a new institution, possible threats to victim rights defenders, and division between provincial and federal responsibilities.

The workshop was a first step in helping establish this new institution, and the OFOVC looks forward to further progress as LPSK evolves.

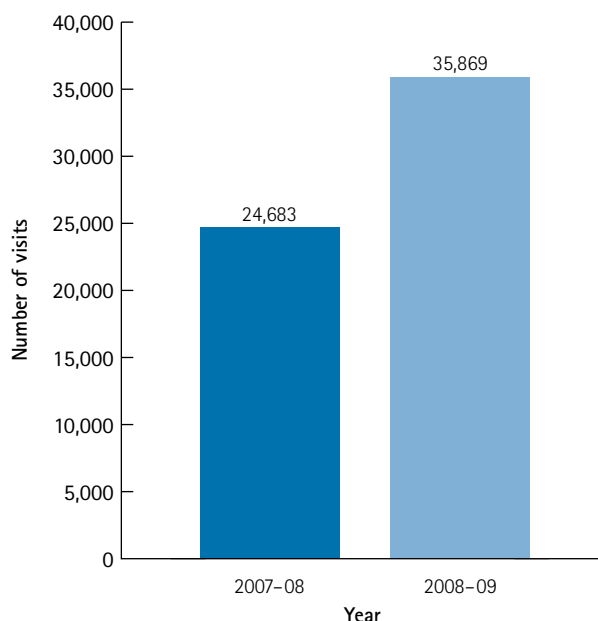
REACHING FURTHER

In its second year of operations, the OFOVC is starting to see the results of its efforts to raise awareness of the Office and its services.

Website

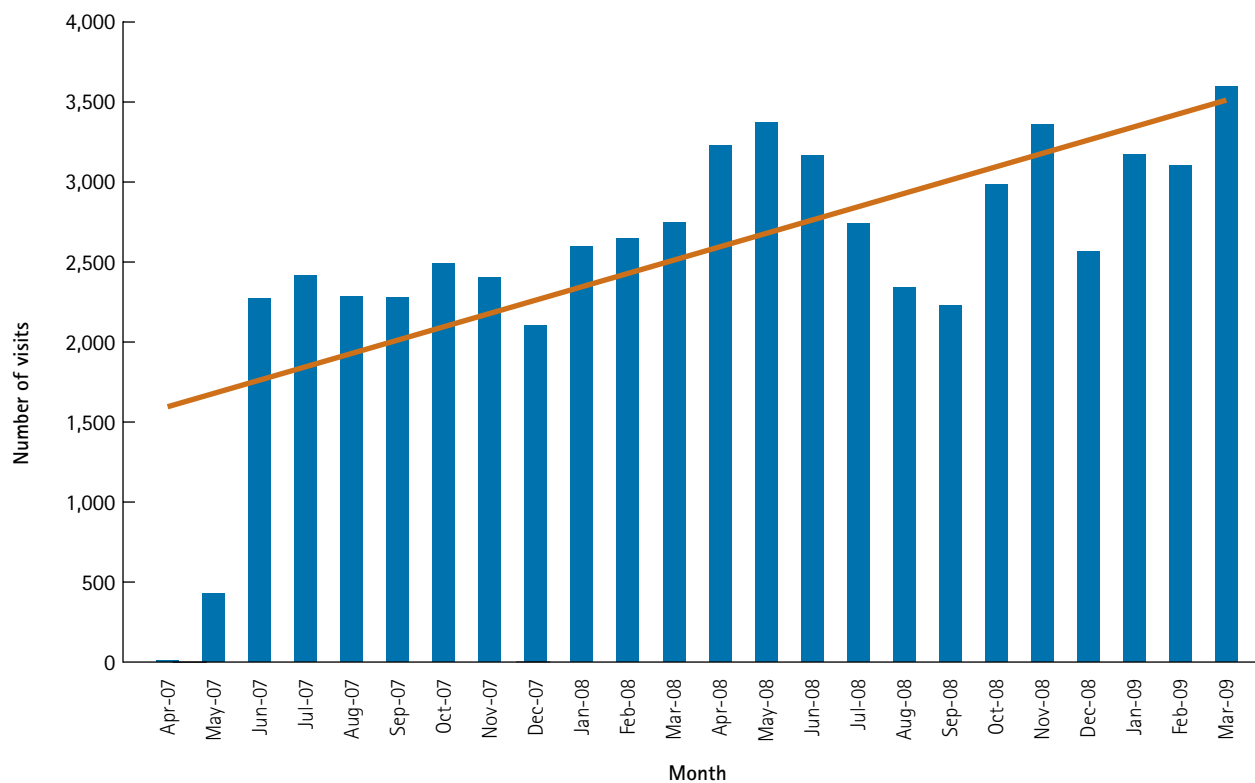
Visits to the OFOVC website are up significantly, with an increase of more than 45 percent over last year.

Chart 7. OFOVC website visits, total by fiscal year, year-over-year



The OFOVC continued to work to populate its website with up-to-date, relevant and practical information for victims and stakeholders in its second year. Visits to the OFOVC website have steadily increased since the Office's inception in April 2007. This increase is demonstrated by the upward sloping trend line in Chart 8, which shows the total website visits by month.

Chart 8. OFOVC website visits, by month, April 2007 to March 31, 2009



Media relations

In addition to its focus on stakeholders, the OFOVC continues to develop strong relationships with media in an effort to share important information with the public.

For the period of April 2008 to March 2009, the OFOVC was mentioned in the media a total of 87 times. The majority (83 per cent) of all media articles spoke to the OFOVC and its services in a positive or neutral tone.

The OFOVC was well represented in the media across Canada, with 32 percent of mentions achieving national reach. The remaining media mentions came from municipal media outlets.

Nearly 28 percent of the total media mentions were the result of proactive media relations. In other words, these mentions resulted from an activity that the OFOVC initiated or participated in that was intended to raise awareness on a particular issue of interest.



Progress Toward Positive Change

The OFOVC is committed to giving victims a voice and making recommendations to improve Canada's judicial system in order to better meet the needs and concerns of victims.

As part of its work, the OFOVC considers information from a variety of sources, including the stories we hear from victims, to decide on priority issues for further work. Those issues often become the subject of recommendations to the federal government.

The following are the issues and recommendations the Office made in 2008.



ACCELERATED PAROLE FOR OFFENDERS CONVICTED OF CHILD SEXUAL EXPLOITATION

Issue

The accelerated parole review provisions of the *Corrections and Conditional Release Act* (CCRA) are such that any first-time federal offender convicted of a "non-violent" offence must be considered for accelerated parole. The CCRA defines an offence involving violence as "murder or any offence set out in Schedule 1." Under the provision, the NPB can deny an offender's release only if there are reasonable grounds to believe that he or she is likely to commit an offence involving violence before the expiration of his or her sentence.

While the intent of the provisions may speak to the need to consider public safety, they do not meaningfully acknowledge that crimes that are not considered "violent" under the CCRA can nonetheless have very serious impacts on victims. One such example is child sexual exploitation, where the impacts on children are as yet not fully understood but can be devastating. As child pornography offences are not included in Schedule 1, an offender convicted of child pornography must be considered for accelerated parole.

Recommendation

The Ombudsman recommended to the Minister of Public Safety an amendment to the list of Schedule 1 offences of the CCRA to recognize child pornography and luring as offences that involve violence.

Status

On June 16, 2009, Canada's Minister of Public Safety proposed legislative amendments to the CCRA that would exclude from Accelerated Parole Review recently created offences such as street racing and luring a child.

FUNDING FOR CHILD ADVOCACY CENTRES

Issue

Victims of Internet-facilitated child sexual abuse suffer a unique horror. Not only are they abused, but the evidence of their abuse is shared over and over again, around the world, and can never be totally erased. Victims must live knowing that these images are still being used by collectors, and that they could surface at any time.

"I want to thank you because I'm sure your letter had a lot to do with these legislative changes. So on behalf of the victims who are re-victimized when the predators ... get early release, THANK YOU!"

Unfortunately, very little research has been done to understand exactly how this unique abuse impacts victims, and what can be done to help them heal. One resource that may provide much-needed support is the child advocacy centre. These centres provide an integrated approach to helping children who have been victims of abuse by bringing key victim services, such as statement collection and counselling, together in one child- and family-friendly location.

Child advocacy centres are proven to work. Edmonton's Zebra Child Protection Centre has found that its work has led to reduced trauma for children, more charges laid, more guilty pleas and higher convictions rates. Additionally, families are generally more willing to access services if they are on site.

According to Statistics Canada, the number of charges for the production or distribution of child pornography increased by 800 percent between 1998 and 2003. That figure is even more astounding when one considers that sexual abuse is often under-reported. Unlike the United States, which is home to hundreds of centres, there are fewer than six in all of Canada. Canada must expand its child advocacy centre network and make these quality services available to all our children.

Recommendation

In advance of the January 2009 budget, the OFOVC submitted a recommendation to the Minister of Finance to set aside \$5 million to develop a cooperative opportunity to study the impact of child advocacy centres in Canada with a longer-term goal of developing a national strategy to promote their growth across the country.

Status

At the time of the development of this report, no federal funding had been dedicated to the study or expansion of child advocacy centres in Canada.

NOTIFYING VICTIMS OF THE DEPORTATION STATUS OF OFFENDERS

Issue

Currently in Canada, victims who have registered with CSC or NPB have a right to be notified of what institution the offender is being held in, when his or her potential release date is, as well as of any temporary absences. However, if an offender is released into the custody of the Canada Border Services Agency, the victim has no ability to obtain any more information about the offender. Victims are not informed whether a removal order was issued, whether the offender was temporarily released into the community pending an appeal or whether a decision has been made to allow the offender to remain in the country.

This can have very serious implications for victims who fear for their safety and are not able to determine whether the offender has been deported or not. For example, the OFOVC was contacted by a victim who had been trying for years to determine whether the man who was convicted of sexually assaulting her and two other women was ever deported from Canada. She was so concerned for her safety that she went into hiding after the offender was released from prison because officials would not confirm whether the offender had been removed from the country.

Victims should have the same rights and services within the deportation/immigration process that they have in the corrections and parole system, including the right to be notified if an offender is the subject of a removal order and the right to provide input into decisions about removal or release from detention. Similarly, victims should be made aware of Immigration Review Board hearings and have the right to attend and present victim impact statements orally or in writing.

Recommendation

The OFOVC made a recommendation to the Minister of Citizenship, Immigration and Multiculturalism that the *Immigration and Refugee Protection Act* (IRPA) be reviewed to determine what amendments are necessary to address and enhance the role and voice of victims.

Status

The OFOVC is continuing to push for change in this area. Unfortunately, the Office has experienced a lack of cooperation to resolve the issue from Public Safety (Canada Border Services Agency) and Immigration Canada, as neither department feels the issue falls within its respective jurisdiction. To move forward in a more efficient manner, the Ombudsman suggested a meeting between himself and officials from both the Department of Citizenship and Immigration and Public Safety; to date Public Safety has proposed officials to attend, but Citizenship and Immigration has not responded. The OFOVC will continue to push for further accountability regarding this issue and for positive change to ensure that victims of violent crime do not have to live in fear, wondering whether or not the offender continues to remain in Canada.





MAKING OFFENDERS ACCOUNTABLE FOR HARM DONE TO VICTIMS

Issue

The Victim Fine Surcharge (VFS) is a fine that is to be applied to convicted offenders at the time of sentencing, the proceeds of which go to support victims' services. The VFS was introduced in 1989 and amended in 1999 to make imposition mandatory, but the change had little impact.

The *Criminal Code* requires judges to impose a VFS in all cases, although there is some discretion if the offender can prove that paying the federal surcharge would result in undue hardship to either himself or herself or his or her dependents. If the court waives the federal surcharge, it is required to provide reasons why it is not being imposed and enter the reasons in the record of the proceedings.

Despite these requirements, a Department of Justice Canada report, *Federal Victim Surcharge in New Brunswick: An Operational Review*, found that judges routinely waive the surcharge and, in 99 percent of the cases in which the surcharge was waived, there was no documentation of reasons for the waiver. As a result of judges routinely waiving this surcharge, most jurisdictions have recovered only a portion of the anticipated revenue they need to support victims' services.

Beyond the use of the VFS to support victims' services, it also serves the purpose of making offenders aware and accountable for the harm they have done to victims. Section 718 of the *Criminal Code* includes two objectives of sentencing. Subsection 718(e) speaks to the importance of reparation for harm done to victims and (f) addresses the need to promote a sense of responsibility in offenders to acknowledge the harm done to victims. The surcharge addresses both principles in that it ensures that funds from offenders support important provincial victim service and compensation programs, which are in place to help victims recover from the harm done to them. It also contributes to the offenders' sense of accountability by holding them responsible for payment of the fine.

Recommendation

The OFOVC recommended to the Minister of Justice that subsections 737(5) and (6) of the *Criminal Code* be repealed to remove the discretion of judges to waive the surcharge and make it automatic in all cases. Additionally, the OFOVC recommended to the Minister of Public Safety that the first \$100 of a federal inmate's pay go to satisfy his or her VFS.

Status

The Minister of Justice replied to the OFOVC to express his concerns with removing a judge's discretionary powers in this regard. The OFOVC has since replied. Discussions relating to this matter continue.

PROVIDING SUPPORT TO VICTIMS OF CRIME

Issue

In addition to the emotional toll that a crime can take, victims can also experience significant financial losses. This can happen as a result of the costs associated with travel, lawyers and family obligations or, as a result of the emotional toll, victims may miss work or lose a job. In some cases, family members must adapt to provide full-time care for seriously injured or incapacitated victims who are no longer able to care for themselves.

On May 27, 2008, Bill C-550 was introduced into the House of Commons by Member of Parliament Ms. France Bonsant. Bill C-550 would amend the *Canada Labour Code* and the *Employment Insurance Act* to allow employees to take leave from work with benefits if a minor child suffers serious physical injury during the commission of a crime or as the direct result of a crime, or if there is the disappearance of a minor child or the suicide or murder of a spouse or child.

While the OFOVC applauds progress in providing victims the necessary supports to recover from and cope with the tragedies they have experienced, it is also necessary to ensure that these kinds of reforms would provide the maximum benefit to the largest number of victims. During the course of its work, the OFOVC has found that while employment is an important issue, the ability to work is not among the most common complaints the Office received. Furthermore, if employment is found to be a serious concern for most victims, then Bill C-550 may be too limited. For example, it refers only to children who suffer physical injury and it appears victims of sexual abuse without serious physical injury may be excluded.

Recommendation

The OFOVC recommended that the Government undertake a review to determine the impact of Bill C-550 as compared with the needs identified by victims. Consultations should be held with the Federal/Provincial/Territorial Working Group on Victims, victims groups and victim advocates to gather their input and to facilitate their contribution to this important discussion.

Status

Minister Ambrose responded to the Ombudsman's recommendations positively, informing the Office that she intended to request feedback from interested parties in order to ensure that the measures proposed best served the interests of victims. Since that time, and following a federal election, Bill C-550 died on the Order Paper. It has subsequently been revived through Bill C-343, which received its First Reading in the House of Commons on January 26, 2009.

"Thank you for taking my complaint seriously ... Thanks especially for your empathetic voice. Keep up the great work you do!"

UPDATES ON 2007–08 RECOMMENDATIONS

In 2007–08, the OFOVC made a number of recommendations to the federal government on important victim issues. Further follow-up on these recommendations makes it clear that the OFOVC's unique ability to provide a voice for victims has resulted in significant and positive change. The Office is pleased to report that the federal government has moved forward, in some capacity, on each of these recommendations.

- ✓ In 2007–08, the OFOVC submitted a series of recommendations, including a recommendation to provide more information to victims of crime, to an independent panel designed to explore the operations of the CSC. All of the Office's recommendations were accepted and included in the Panel's final report. In June 2009, the federal government moved on these recommendations by proposing legislative amendments that will address important victims' issues with the federal corrections and conditional release system, including enhancing the information that victims of crime receive.
- ✓ In its first year, the OFOVC participated in two government consultations, in order to highlight the need for legislative reform that would enhance law enforcement abilities to identify victims seen in child sexual abuse images found online. As part of this, the Ombudsman recommended that the Minister of Public Safety introduce legislation requiring Internet Service Providers to provide customer name and address information to law enforcement agencies investigating Internet-facilitated child sexual abuse cases. The federal government took meaningful steps on this when it announced, in June 2009, newly proposed legislation to make it mandatory for Internet Service Providers to give police basic customer information without a warrant.
- ✓ In Canada, victims of crime are forced to bear the brunt of the costs of crime which, as the Ombudsman pointed out in 2007–08, is unacceptable. Formally, the Office recommended that the federal government review potential restitution options so that more offenders are held accountable to more victims. The OFOVC was pleased to see that the legislation proposed in June 2009 to enhance victims' rights and services also included amendments that take steps toward holding offenders more accountable to victims by making the payment of any court-ordered restitution a required part of any offender's correctional plan.
- ✓ In June 2009, the federal government moved to make changes to another important issue raised by the OFOVC in its first year — the National Sex Offender Registry. In 2007, the Ombudsman had expressed concerns to the Minister of Public Safety about the Registry's effectiveness and made several recommendations to strengthen its capacity as a useful tool for law enforcement to prevent crimes, protect children and identify suspects. The proposed legislative amendments brought forward in 2009 include the automatic inclusion of all convicted sex offenders in the Registry — as opposed to the current scheme where prosecutors must apply and a judge has discretion whether to include a convicted sex offender in the Registry. Furthermore, offenders convicted of a designated sexual offence under the *Sex Offender Information Registration Act* will also now be subject to a mandatory order to provide a DNA sample for the National DNA Databank.

LOOKING FORWARD

In the coming year, the Office will continue to keep a finger on the pulse of victims' issues by speaking directly with victims, attending conferences and meeting with relevant stakeholders.

As part of its work, the Office will focus on two priorities: the sexual exploitation of children through the use of the Internet and the role of victims in the *Corrections and Conditional Release Act*.

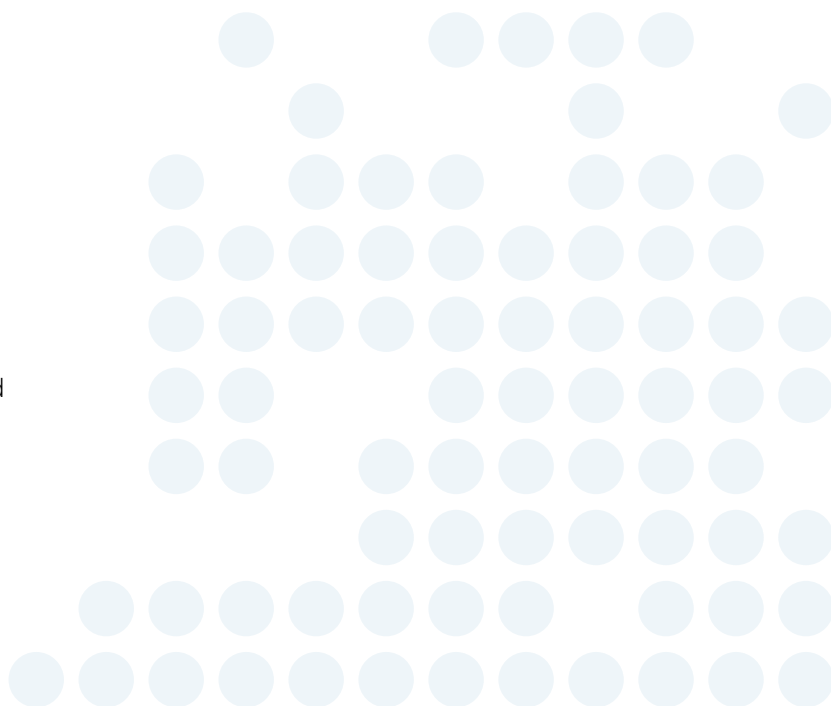
The issue of Internet-facilitated child sexual abuse is growing at an alarming rate. Between 1998 and 2003, the number of charges for production or distribution of child pornography increased by 800 percent and between 2003 and 2007, the number of images of serious child abuse quadrupled. In addition to increased volume, the images are getting more violent and feature younger children. Statistics show that 83 percent of children are 12 years old or younger and over 80 percent of the images involve penetration.

The OFOVC feels that this is a serious issue that must be examined now, before the technology and problem spiral out of reach. Already, law enforcement is pressed to come up with the technology and resources to tackle a problem that knows no geographic boundaries and gets larger each day. Although Canadian law enforcement have been world leaders in developing new and innovative resources to find and arrest offenders and rescue the children who are in the images, there is much more to be done. Law enforcement needs the proper tools to do their jobs effectively. Additionally, more research needs to be done to understand the impact that this type of abuse has on children. After all, these children suffer a new and unique horror — not only must they deal with the fallout of the crime itself, but they have to cope with the constant fear and humiliation of knowing that their image is being traded around the world and could surface anytime.

In the coming year, the OFOVC will further examine the issue of Internet-facilitated child sexual abuse and provide a series of recommendations to the federal government on how to address the issue and bring about positive change.

"Thank you for encouraging me not to give up."

Similarly, the Office will also build on its 2007 National Roundtable which, in bringing together victims' groups and other stakeholders from across the country, began an important discussion about the role of victims in the *Corrections and Conditional Release Act*. The OFOVC's victim-centred review of the Act will continue in the coming year and will culminate in a series of recommendations to the federal government on how to amend the Act to better reflect the needs and concerns of Canadian crime victims and to include the *Canadian Statement of Basic Principles of Justice for Victims of Crime*.





Operations

BUILDING AN ORGANIZATION

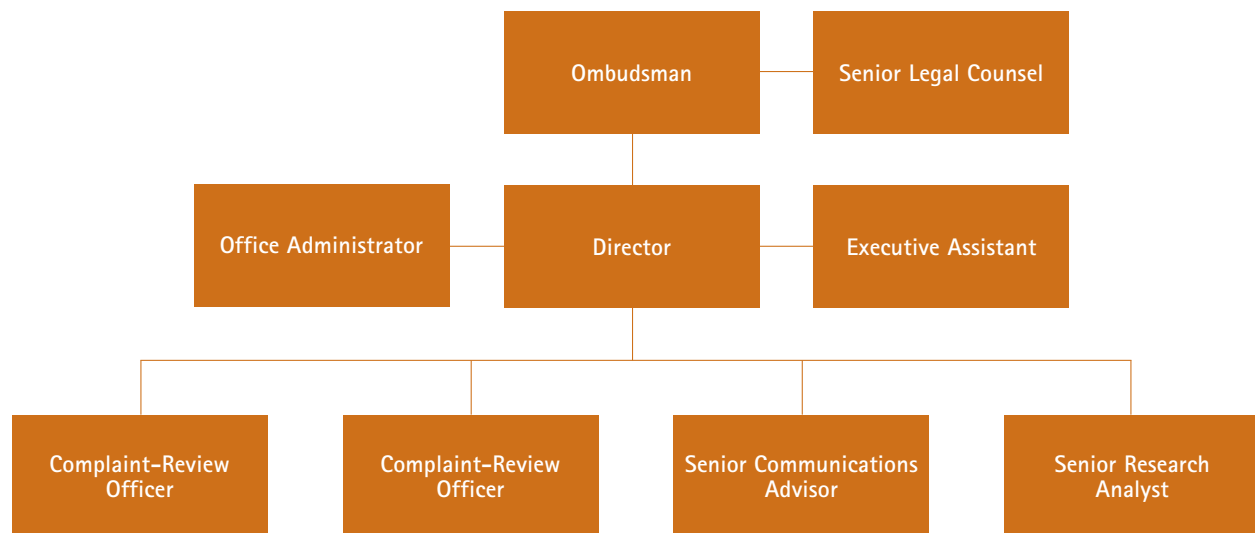
During its second full year of operations, the OFOVC continued to strategically plan and build its core functions, process and staff.

In January, the Office completed the hiring of all full-time, permanent staff and launched into an intensive series of training events intended to ensure that the staff developed a strong understanding of victim issues and the services available to victims in Canada.

This included presentations by major federal partners, such as the NPB, CSC, the National Victims Office and the Policy Centre for Victims Issues. The OFOVC also welcomed a series of important stakeholders to discuss key issues, such as representatives from Sisters in Spirit, Victims of Violence and the Canadian Resources Centre for Victims of Crime.

In addition to staffing and training, development continued on important internal processes and procedures, as well as data management systems, communication tools and products, and updates to the Office's website. As the first office of its kind in Canada, developing strategic and balanced procedures are integral to the creation of a well-functioning office both in the present and for the future.

Chart 9. OFOVC organizational chart





Accountability

FINANCIAL HIGHLIGHTS

The OFOVC is an arm's-length program activity of the Department of Justice and is funded by the Department of Justice.

In its second year of operations, the cost of salaries and employee benefits increased as the Office continued to build its human resources and to plan for future outreach and program activities.

With additional staff, the Office was in a position to participate in a higher number of victim-related conferences and events and to undertake more communication and public outreach initiatives, resulting in higher travel and communications budgets than in the previous fiscal year.

In the 2008–09 fiscal year, no additional funds were spent on the set-up and furnishing of the Office, despite the increase in staff and activity.

The OFOVC runs on principles of effective, cost-efficient projects and processes. As part of this, some of its services, where appropriate, are shared through Justice Canada, such as contracting and human resources.

Chart 10. Summary of Expenditures, April 1, 2008 to March 31, 2009

ACTUAL – 2008-09	
Salaries and employee benefit plan contribution	\$753,396
Travel expenses	\$80,867
Training and professional dues	\$32,389
Communication and public outreach	\$25,587
Office set-up	—
Office furniture	\$3,495
Professional and special services	\$122,389
Rentals	\$4,612
Materials and supplies	\$21,692
Acquisition of computers and other equipment	—
Miscellaneous	\$14,629
Total	\$1,059,056

Appendix A: List of Charts

Chart	Title	Page number
1	Complaint-resolution process	8
2	Total files opened April 1, 2008 to March 31, 2009, by contact type	10
3	Total files opened April 1, 2008 to March 31, 2009, by location of individual	11
4	Total files opened April 1, 2008 to March 31, 2009, by type of individual	11
5	Total files opened April 1, 2008 to March 31, 2009, by reason for contact	11
6	Top five issues victims contacted OFOVC to discuss April 1, 2008 to March 31, 2009	12
7	OFOVC website visits, total by fiscal year, year-over-year	17
8	OFOVC website visits, by month, April 2007 to March 31, 2009	18
9	OFOVC organizational chart	28
10	Summary of expenditures, April 1, 2008 to March 31, 2009	30