



Government of Canada

Office of the Federal Ombudsman  
for Victims of Crime

Gouvernement du Canada

Bureau de l'ombudsman fédéral  
des victimes d'actes criminels

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



The Office of the Federal Ombudsman  
for Victims of Crime

# 2010–2011 Annual Report

Canada





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THE OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME



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# MESSAGE FROM SUE O'SULLIVAN, FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME



Helping bring about positive change has always been a passion of mine and a driving force behind the work I do. Because of this, I was greatly honoured to be appointed the Federal Ombudsman for Victims of Crime in August 2010, four months into the period covered by this report.

In taking on this role, I was proud to provide leadership for a team of dedicated people who have worked hard to address victims' concerns and public inquiries. They also have been diligent in performing the work necessary to support me in making informed recommendations to policy makers to better represent victims' interests and needs. It is through their efforts that the Office of the Federal Ombudsman for Victims of Crime (OFOVC) continues to be a valuable resource for victims.

I am also proud to be able to work directly with victims of crime – to hear their concerns and suggestions, to examine their input and clarify the issues that affect them most closely and, finally, to advise the Government of Canada on how victims' interests can be advanced.

While Canada's criminal justice system is in many ways exemplary, the debates that have shaped the system over the years—and the publicity surrounding many of our most notorious cases—have focused primarily on offenders, rather than on victims. Long after the trials are over and the headlines have faded, many victims of crime continue to experience trauma and suffering. They also often don't fully understand their rights or the services available to them. I firmly believe that their interests and rights must be respected compassionately, in keeping with our values as a fair and just society.



“Without people like you, I don’t know where we would be.”

—AN OFOVC CLIENT

After four years, the OFOVC continues to improve its services—delivering to a larger group of Canadians than ever before—and to build on its role as a trusted and respected voice for victims of crime.

Over the past year, the Office has answered more queries and responded to more victims, with calls originating from across the provinces and territories. We also have met with many individual victims and reached out to an ever-widening network of groups with an interest in victims’ rights and issues.

We have shared information with organizations that have a mandate in this area, such as federal government departments and various victim-serving agencies or advocates. We also have expanded to work with some new and less obvious partners, such as the Atlantic Ballet of Canada, which is bringing the important and devastating issue of domestic violence to audiences across Canada. I also had the privilege of appearing before various Parliamentary committees, to offer my input and advice on a variety of relevant legislative efforts, some of which have since come into force.

As the OFOVC has matured as an organization, I took steps in 2010–2011 not only to ensure that we continue to fulfil our mandate, but also to improve our systems so that the Office can provide optimum service and more comprehensive advice and recommendations in future. We want to ensure that the Office continues to foster open lines of dialogue with all interested stakeholders. We also want to ensure an atmosphere in which all parties are encouraged to learn from one another and to assist victims more effectively in getting the help and services they need, when they need them.

One step in improving our services has been the revamp of our website to be more intuitive, providing a valuable resource for victims wanting to better understand their rights, and the programs and services available to them. We are likewise providing more alternative formats in our communications and outreach so that we can reach as many Canadians as possible. We have introduced video on our website for the first time, translated our corporate brochure into Inuktitut and provided a TTY line for victims with hearing disabilities.

To ensure that the Office is most accurately amplifying the voice of victims, we began this year to develop a National Framework for Engagement and Dialogue. The Framework operates on a voluntary basis with the cooperation and participation of victim-serving agencies, advocates and others with an interest in victims’ issues. Members of the Framework who have expressed interest in future consultations are contacted to provide input on a variety of topics, including proposed legislation and issues affecting victims across Canada at the federal level.

We are also working internally to develop more sophisticated data-tracking, to better monitor trends and issues of interest to victims. This year, we continued in the second phase of our data-tracking improvement initiative with the purchase and installation of a new data-tracking software and case-management system. This will help us gain a more comprehensive view of the kind of inquiries and complaints we receive. It will also track our previous work on ever-changing issues, and ensure consistency in our approach and adapt where necessary.

As we hear from more victims, members of the public and stakeholders, the value of our data-tracking system will continue to grow. And the organization itself will continue to learn, as we create an enduring corporate memory that will help us better track progress and action on issues over time.

Though I came to the OFOVC with 30 years of experience in law enforcement and firsthand experiences with victims of crime, my first year with the organization has also been a learning experience for me.

First, I have learned so much directly from victims themselves. This is not only because many of them have been navigating the legal system for years, and know best where the gaps in programs, policies or laws are. It is also because their personal stories help us to truly understand some of the isolation and impact that follows a crime and how, in some cases, the criminal justice system contributes to that sense of isolation. In fact, many victims contact our office precisely because they feel that the system has not been listening to them, and they want to be heard.

By listening, I am reminded of the important fact that every victim is unique. I am touched by those victims who struggle to overcome the trauma that crime has inflicted on them, and I am inspired by the strength that many victims show in fighting long and hard for change. And while their concerns are various, the one I hear from almost every victim is that they do not want what has happened to them to happen to anyone else.

I have also learned a great deal from our stakeholders. Our dedicated colleagues in other federal and provincial organizations offer their own perspectives on the systemic problems that victims face and the limitations of the system in addressing those issues. Likewise, non-governmental organizations are often the first to come into contact with victims and offer front-line services. With this direct contact, these organizations collect and share some invaluable information on the overall issues facing different groups of victims across Canada. For example, I attended a symposium and discussion forum hosted by the Pauktuutit Inuit Women of Canada to learn about the victimization of Inuit women and the issues facing victims of crime in the North.



It is experiences such as these that impress on me the continuing need for an organization such as the OFOVC—to keep the focus on victims. We must work toward securing better rights and services for victims, as well as better information for victims about their role in the criminal justice system, and more practical options for victims to participate in a meaningful way. Ultimately, the OFOVC works toward a future where victims can truly be participants, rather than bystanders, in the criminal justice system.

Many Canadians view themselves as being part of a compassionate society. It is my firm belief that this compassion must be extended to the victims who have already suffered greatly at the hands of their offenders and who do not deserve to be marginalized by the systems that were supposed to protect them.

In the coming year, my team and I will be looking more closely at issues of victims' rights and their treatment in the criminal justice system, and examining ways to further involve Canadians in the public discussion on these issues. We also will be paying close attention to legislative proposals related to crime and corrections as they arise, with a view to ensuring that they take victims' issues into account.



In closing, I would like to thank the OFOVC team members, who have worked diligently to help fulfil our mandate and move toward effecting positive change for victims of crime now and in the future. I also wish to thank the many victims of crime who have come forward with their concerns, perspectives and recommendations. They are the principal reason for the existence of the OFOVC. As Ombudsman, I will strive to serve them to the best of my ability and to bring about timely, positive change.

**Sue O'Sullivan**



Federal Ombudsman for Victims of Crime





# OFOVC— A VOICE FOR VICTIMS

## MANDATE

The Office of the Federal Ombudsman for Victims of Crime (OFOVC) was created in 2007 to help victims of crime and their families by providing direct assistance, addressing complaints and ensuring that the federal government meets its responsibilities to victims of crime.

The Office provides assistance to victims both directly, through its toll-free victim-assistance line, and systemically, by pushing for policy and legislative change to enhance victims' rights.

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.

# WORKING DIRECTLY WITH VICTIMS

## OFOVC'S SERVICES TO VICTIMS

The OFOVC helps victims in two ways:

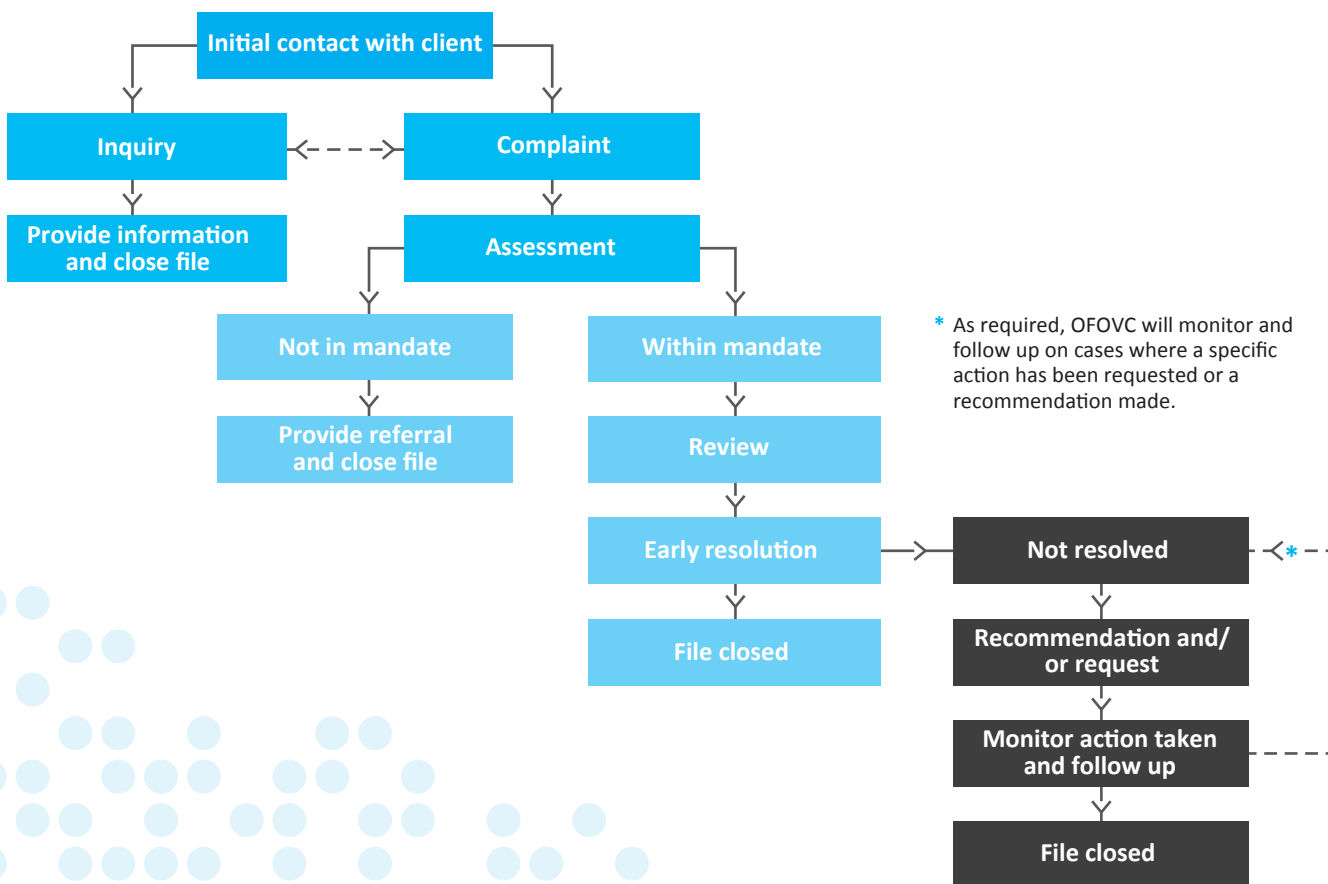
- **Individually**, by helping victims directly every day, answering their questions and addressing their complaints. Victims can contact the Office directly through its toll-free victim-assistance line to speak with a bilingual Complaint Review Officer, or by TTY, e-mail, fax or regular mail.
- **Collectively**, by reviewing important issues and making recommendations to the federal government on how to change its laws or policies to

better support and assist victims of crime. These types of national, widespread changes ultimately help all victims of crime in Canada.

The OFOVC handles victim inquiries and complaints on a case-by-case basis. If a victim's concern falls outside the Office's mandate, the Complaint Review Officer will provide the names and contact information of the agencies or organizations best suited to assist the person.

For all other cases, OFOVC's staff will work closely with the victim to try to find achievable and effective solutions. For each complaint it receives, the OFOVC generally follows an established process, as described in **Chart 1**.

**Chart 1:** OFOVC Case Management Process



## CASE STUDIES

### CASE 1: CONSIDERING THE NEEDS FOR FAMILIES OF VICTIMS TO ATTEND PAROLE HEARINGS

When informed that his daughter's murderer would soon have a parole board hearing, Mr. A applied for financial assistance from the Department of Justice's Victims Fund to attend the hearing. While the prospect of reliving the events surrounding his daughter's murder was traumatic enough, Mr. A also needed to defray the costs of the trip.

Justice Canada recommends that families of victims apply for financial assistance at least 30 days before such a hearing. This time period is necessary to allow for a security clearance to be undertaken to enter the correctional institution, and to allow for processing of a cheque. However, despite applying approximately 90 days in advance, Mr. A did not receive a cheque for partial payment of travel expenses before he left for the hearing. The Victims Fund normally pays 70% of allowed accommodation and travel expenses before a hearing and the remainder when all receipts have been submitted after the hearing.

A discussion between OFOVC and Justice Canada made it possible for Mr. A to receive a cheque while *en route* to the hearing. However, this intervention was exceptional and a more standard, feasible practice would be needed in future. Mr. A was very appreciative of the intervention and the payment he received. However, he still lodged a complaint with the OFOVC in hopes of ensuring that other victims would not endure the same heightened level of stress, in an already very stressful time before a parole hearing.

The OFOVC met with the Parole Board of Canada (PBC) for the Ontario Region and with Justice Canada to discuss the process and identify ways to improve the system. As a result of Mr. A's complaint the OFOVC and Justice Canada identified improvements that could be made to the overall process of applying for financial assistance to attend parole hearings. According to a letter from a Justice Canada official in January 2011, "the following improvements will be implemented to the fullest extent possible":

- new officers who work on the applications for funding have completed a victim-awareness training session to help them understand victims' unique situations and the sensitivities required when interacting with them;
- when Justice Canada officials receive an application for advanced funding to attend a parole hearing, they phone the victim to confirm that they've received the application, to provide their contact information and to explain the process, particularly any aspects that could take extra time and cause delays in funding. This contact had previously been done by email;
- in cases where an application is received and the timing of the hearing does not allow for the normal cheque-processing time, Justice Canada has developed a procedure for issuing emergency cheques; and
- the Department of Justice is implementing a direct-deposit option for funding recipients. Given the process in establishing a direct deposit account, this option may not be suitable for all funding recipients.

Further, Justice Canada officials met with Parole Board of Canada staff in November 2010 to present an information session about their work and processes with an overall goal of providing PBC staff with a better understanding of the Victim's Fund.



## CASE 2: CLARIFYING THE GUIDELINES FOR MAKING VICTIM STATEMENTS

The murderer of two of Mr. B's family members received a sentence of 25 years to life. Once eligible for parole, the offender made his first application for a hearing two years ago.

In preparation for this hearing, Mr. B. was advised that he could create a videotaped version of his victim statement. This option appealed to Mr. B. Although he wanted to attend the hearing, he feared that he would lose his composure if he were to read the statement aloud. He spent approximately \$600 to have the statement professionally videotaped. However, upon completion and submission of the statement, Mr. B was advised by the PBC Regional Communications Officer that, because he had shown a photograph of his deceased family member in the video, it would have to be shown to the offender in advance of the hearing. Normally, the offender would have received only a written transcript of the video. But Mr. B was advised that, because the inclusion of the image constituted "new information," the offender would be shown the full video.

As Mr. B did not want the offender to receive a full copy, he had to choose between discarding the video or having the video edited at his own expense. Feeling this burden of cost should not fall to him, given the lack of direction provided, he contacted the OFOVC.

The OFOVC then wrote to the Chairperson of PBC to highlight the need for more specific instructions to victims on writing statements to be presented at parole hearings.

In a letter from the Chairperson, the Board recognized that clearer guidelines for the presentation of victim statements (whether in person or by recording) would be beneficial and would help to prevent possible misunderstandings, such as the one experienced by Mr. B. The Board's intent in developing these guidelines is to assist victims' understanding of what should and should not be in such a statement.

The Board will work with staff to refine these guidelines and a fact sheet that the PBC provides to victims on presenting statements at a hearing. The Board will also refine its *Guidelines for Regional Communications Officers* accordingly and make information on the guidelines available, through fact sheets and the web, to victims who are presenting statements at hearings.



## TALKING WITH VICTIMS

For the third consecutive year, 2010–2011 marked an increase in the number of Canadians contacting the Office, with an unprecedented jump over 61% from the previous year.

### CONTACT PROFILE

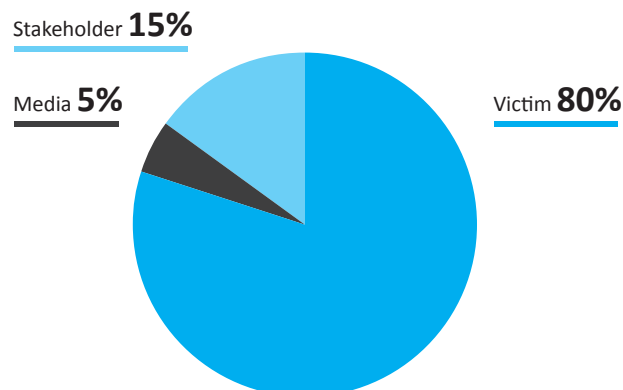
As shown in **Chart 2**, the majority of Canadians who contacted the OFOVC were victims (80%), followed by stakeholders (15%) and news media (5%). For the purposes of this chart, “victims” are not only the victims of crime, but also family members and, in some cases, third parties representing victims directly.

In **Chart 3**, which shows the types of persons contacting the Office, the majority of contacts continued to be direct victims (57%), followed by third-party contacts (26%), which include victim advocates or service workers calling on behalf of a victim, federal and provincial government partners, and others. Family members of victims comprised 17% of contacts.

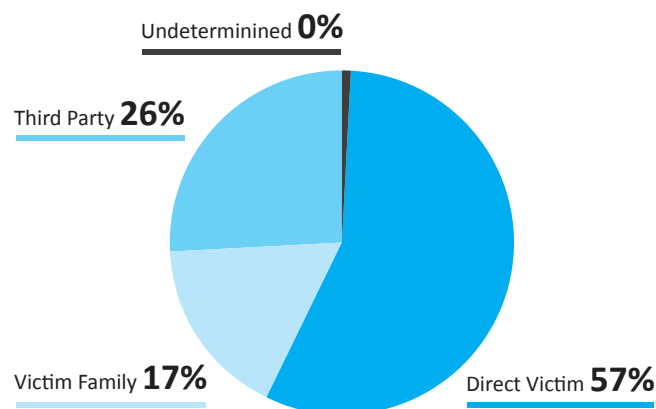
In 2010–2011, the OFOVC was able to assist Canadians from across Canada. **Chart 4** shows that Ontario was the most frequent source of contacts, followed by British Columbia and Quebec. Although there was an increase in the number of contacts from 2009–2010, the proportion from each province and territory remained fairly constant. Nine per cent of contacts were initiated in French.

Inquiries remained the principal reason for Canadians to contact the OFOVC, at 72.9%. This speaks to the complexities of the criminal justice system and the importance of OFOVC’s role in providing assistance and information.

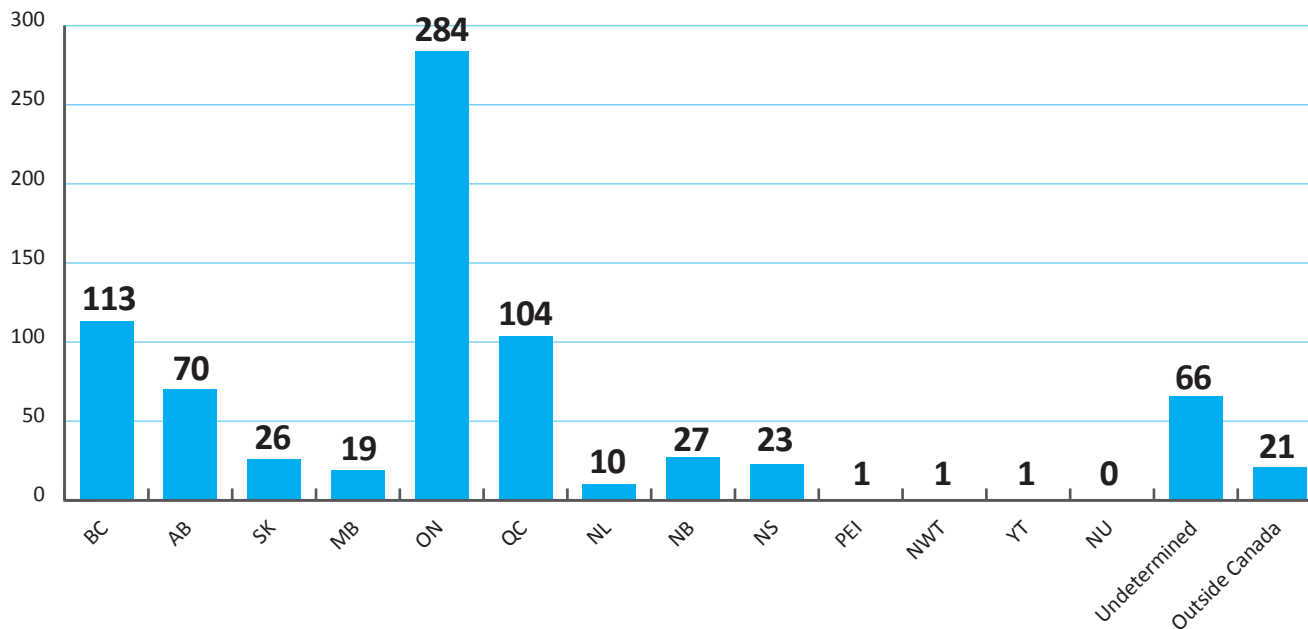
**Chart 2:** Total files opened April 1, 2010, to March 31, 2011, by contact type (n=766)



**Chart 3:** Total files opened April 1, 2010, to March 31, 2011, by type of individual



**Chart 4:** Total files opened April 1, 2010, to March 31, 2011, by location of individual

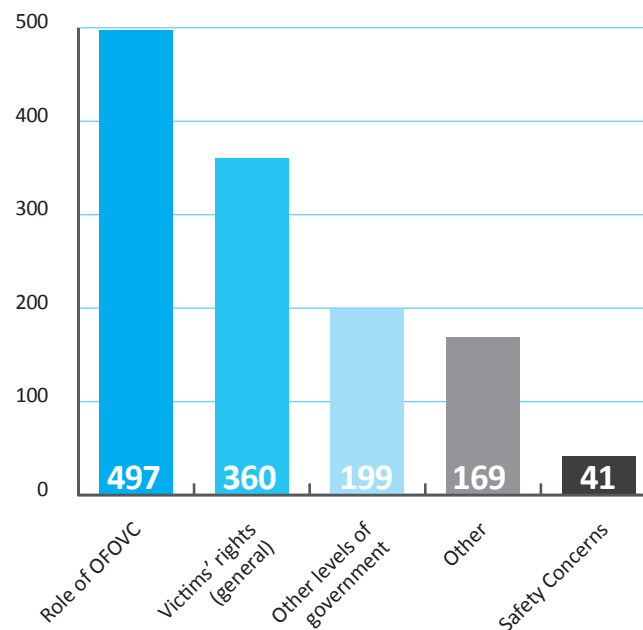


## LEARNING FROM VICTIMS

Direct contact with Canadians not only provides the Office with the opportunity to help them; it offers invaluable insight into the issues and challenges facing victims. These issues can help the Office to select priorities for further review and, in some cases, make recommendations to the federal government. **Chart 5** shows some of the most common issues raised by people contacting OFOVC.

- **Role of OFOVC:** in 2010–2011, as in the previous two years, the Office heard most often from victims and Canadians (65% of contacts<sup>1</sup>) who wanted to know more about what the Office does, how the OFOVC can help, and how victims can register a complaint.

**Chart 5:** Top five issues victims contacted the OFOVC to discuss, April 1, 2010, March 31, 2011



<sup>1</sup> Because contacts can raise more than one issue, percentages add up to more than 100%.



“Thank you for your reply, your sympathy and kind words. Your sympathy warmed me although you are not in a position to directly assist me. I can see you considered this issue very carefully and seriously. I’ll follow your thoughtful and useful advice to take further action. Thank you very much again for your time and attention!”

—AN OFOVC CLIENT

- **Victims’ rights:** This was the second most common issue raised (47%), the same as in 2009–2010: contacts wanted to know what rights they had, or to express their dissatisfaction with the rights accorded to victims in Canada.
- **Provincial, territorial and municipal issues:** These contacts (26%) had concerns related to other levels of government. OFOVC did not track for this kind of contact in previous years.
- **Other issues:** Issues included prosecution and sentencing decisions, federal victim programs and services, privacy issues and victim-impact statements (22%).
- **Safety concerns:** These contacts (5%) wanted information about measures they could take to protect themselves, the close proximity of an offender to their home or work, or how to intervene in an offender’s case and make a victim statement.

The Office has changed its categorization of these issues in the past year, with the introduction of its new data-management and case-management system. While this does represent a break from the past, the principal issues raised are still clearly represented, and the new systems will allow the Office to better analyze trends in future years.



*Sue O’Sullivan, Federal Ombudsman for Victims of Crime, speaks during the Pauktutit Women of Canada’s symposium on the victimization of Inuit women, February 2011.*

# PUSHING FOR POSITIVE CHANGE



As part of her mandate, the Ombudsman makes recommendations to Government on how it can adapt or develop new policies, programs, services or laws to enhance the rights and treatment of victims of crime in Canada. These recommendations, along with the issues that gave rise to them and any action related to the recommendations, are detailed below.

## ELIMINATION OF THE “FAINT-HOPE CLAUSE”

### ISSUE

Under section 745(6) of the *Criminal Code of Canada*, commonly known as the “faint-hope clause,” offenders serving life sentences could apply, after 15 years’ incarceration, to the provincial Chief Justice to become eligible for parole before the nominal 25 years.

Over the years, there has been considerable public and Parliamentary debate about the merits and drawbacks of early eligibility for parole, mainly focused on issues of recidivism, rehabilitation, and the effect on prison morale and the safety of guards. However, the clause also has an effect on victims, as an application for early eligibility could result in a judicial review of the offence, the offender’s character and conduct in prison, and the impact of the offence on victims. Such a review would force victims to relive their experiences much earlier than they expected, and live in fear that the offender might be reintroduced to the community before sufficient time had passed.

In 2010, the Senate reintroduced legislation (Bill S-6, *An Act to Amend the Criminal Code and Another Act* or “Serious Time for Serious Crime”) to eliminate the faint-hope clause for all offenders convicted since the Bill came into force. Offenders sentenced before the legislation would come into force remain eligible for faint-hope review under a revised process.

## RECOMMENDATION

On November 18, 2010, Ombudsman Sue O'Sullivan appeared before the House of Commons Standing Committee on Justice and Human Rights, and expressed general support for Bill S-6, noting that she based her support specifically on the effect of the Bill on victims, and that she had spoken with a number of victim-advocacy groups about the issue. The elimination of the faint-hope clause would, in her view, help reduce the trauma for victims.

However, she also noted that victims were not necessarily aware of the faint-hope clause or that it might be applied, nor of its impact. With the caveat that notification was a provincial responsibility, she stressed that "all victims deserve to be kept informed and to play a meaningful role in the criminal justice system, should they wish to." Victims, she observed, also deserved more certainty in the notification of when, or whether, an offender is to re-apply through the faint-hope clause. Eliminating the clause would therefore be more compassionate to victims. For cases in which the conviction preceded the passage of the Bill, where offenders would remain eligible for faint-hope review, she recommended that victims be notified when the offender does not apply and that the period of eligibility to re-apply be extended to at least five years.

## STATUS

Bill S-6 received royal assent on March 23, 2011, and included the Ombudsman's recommended amendment to the effect that victims are notified when offenders eligible for the faint-hope clause choose not to apply.

# PROTECTION OF THE CHILDREN OF ACCUSED SERIOUS OFFENDERS

## ISSUE

In October 2009, Member of Parliament Scott Andrews put forward Bill C-464, (*An Act to Amend the Criminal Code (Justification for Detention in Custody)*), which would amend the *Criminal Code of Canada* to allow judges to consider the safety of an accused's children when deciding whether to grant bail. This bill was reinstated in March 2010. While the Code did have provisions for the safety of victims in this consideration, there were not explicit provisions for the accused's children.

## RECOMMENDATION

On November 24, 2010, the Ombudsman appeared before the Standing Senate Committee on Legal and Constitutional Affairs, expressing her support for the Bill, as the amendments to the Criminal Code would allow for increased consideration and protection for the accused's minor children until the accused is tried in a court of law.

## STATUS

Bill C-464 received royal assent in December 2010.



# ENDING SENTENCE DISCOUNTS FOR MULTIPLE MURDERS

## ISSUE

While murderers usually serve long prison terms, those who commit more than one murder often do little or no additional time, because of judges' discretion in granting concurrent sentences. In some cases, victims felt that through this system additional offences were "free" to the offender, and had concerns that potential and actual murderers might view these offences the same way.

Victims felt a further effect of concurrent sentencing. The lack of additional time made many family members of murder victims feel that the loss of their loved ones was not "worth" any additional time to the justice system. Finally, concurrent sentencing could lead to earlier eligibility for parole, drawing the families into the issues surrounding the offence much earlier than they might have expected.

In October 2010, the Government introduced Bill C-48 (*An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act, or the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act*), which would provide judges with the discretion to order consecutive rather than concurrent parole-ineligibility periods.

## RECOMMENDATION

The Ombudsman appeared before two Parliamentary committees to discuss Bill C-48: on December 2, 2010, before the Standing Committee on Justice and Human Rights; and on March 2, 2011, before the Standing Senate Committee on Legal and Constitutional Affairs. She expressed support for the Bill, stating that it responded to two concerns that victims had raised repeatedly: the need for accountability to each life taken; and the anxiety and emotional toll that victims face when an offender is granted a parole hearing.

She also recommended that the Bill be amended so that victims would be given the explicit right to the reasons that a judge has given for his or her decision as to whether to impose consecutive sentences.

## STATUS

Bill C-48 received royal assent on March 23, 2011.



## GUIDELINES FOR VICTIM STATEMENTS

### ISSUE

Many victims may find writing or recording a victim statement both traumatic and intimidating, because they have to relive their experiences in relation to the offence, and detail them for an official and sometimes public audience. Their apprehension is compounded by the fact that many are new to the process and are still learning what their rights are. As a result, some victims may find their statements being redacted or rejected because of unexpected circumstances, such as when an offender withdraws and re-submits an application for parole (see Case 2 on page 9).

### RECOMMENDATION

Having received a number of complaints from victims about this process, the Ombudsman reviewed the provisions of the Parole Board of Canada Guidelines and Policy Manual that apply to victim statements. She concluded that victims would benefit from more detailed instructions on creating their statements and information on the statement review process by Parole Board members. On December 21, 2010, she wrote to the Chairperson of the PBC, Harvey Cenaiko, advising him of this recommendation.

### STATUS

On February 7, 2011, the Chairperson responded, assuring the Ombudsman that the issue was under discussion, and was scheduled for review at the subsequent meeting of regional and national managers in March 2011. He committed to refining the Board's guidelines and the fact sheet provided to victims who are presenting statements.

## FEDERAL VICTIM SURCHARGE

### ISSUE

First enacted in 1988, the Federal Victim Surcharge (FVS) is a monetary penalty imposed on offenders. It aims to provide financial support to provincial and territorial victim services, and a rational link between an offender's crime and his or her accountability to the victim. Under section 737(5) of the *Criminal Code*, judges retain discretion to waive the surcharge for reasons of undue hardship, but if this discretion is exercised, the reasons for waiver must be outlined. Several studies have shown that this is not being applied as intended. The FVS is routinely waived and no reasons are given for the waiving. As a result, funds collected from the FVS remain lower than expected.

### RECOMMENDATION

On January 6, 2011, the Ombudsman wrote to the Minister of Justice recommending that the FVS be doubled and that discretion for judges to waive the FVS be removed, rendering its imposition automatic in all cases. She also reminded the Government of its commitment, made in its March 2010 Speech from the Throne, to double the charge and "make the Victim Surcharge mandatory, to better fund victim services."

### STATUS

On February 2, 2011, the Minister responded with an assurance that the Government remained committed to introducing legislation that would make the Federal Victim Surcharge mandatory.

“...in the last twenty-eight months, your reply has been the first truly helpful and honest one that actually showed more effort than any response I have ever received from any of the parties I have ever contacted so far and in the past. I sincerely thank you, and wish the best to you and yours in the future.”

—AN OFOVC CLIENT

## MANDATORY REPORTING OF IMAGES OF THE SEXUAL ABUSE OF CHILDREN

### ISSUE

As the OFOVC detailed in its *Every Image, Every Child* special report, the Internet has facilitated the sexual abuse of children in alarming ways, including a marked increase in both the number of sexualized images of children and in the degree of violence portrayed in those images. Yet Canada’s privacy laws present difficulties for law enforcement in tracking the producers, distributors and consumers of these images. Moreover, the complexity of data sources on the Internet—where a producer, distributor and consumer may all be in different countries, and the websites change locations frequently—makes the prosecution of the individuals responsible extremely challenging.

In May 2010, the Government introduced Bill C-22, commonly called the *Protecting Children from Online Sexual Exploitation Act*, which would create a mandatory reporting scheme for sexual abuse images. The responsibility for reporting would lie

with the Internet service provider (ISP), whether a person or a corporation. If the ISP is advised of an Internet address where sexualized images of children may be available, the provider must report that address to the organization designated by the regulations in the Act. If the ISP has reasonable grounds to believe that their Internet services are being used to transmit such images, they must notify the police and preserve the data.

### RECOMMENDATION

The Ombudsman appeared before the Standing Senate Committee on Legal and Constitutional Affairs on February 10, 2011, to voice her support for the Bill. She also highlighted the ongoing need to provide law enforcement with tools to investigate online child pornography, including the need for ISPs to be required by law to provide law enforcement agencies with client customer name and address information.

### STATUS

Bill C-22 received royal assent on March 23, 2011.

“It’s very valuable and rewarding to hear from someone who has mustered the courage to share their story. And while some of these stories—of losing a parent or a child, for example—are devastating to hear, they allow our office to help and to work toward positive change. That’s not always something drastic: we might be able to facilitate a meeting, provide a referral to a service or secure a letter of apology, but these things count, especially when the victim feels lost in the criminal justice system. Even simply hearing, ‘Thank you for listening’ helps me appreciate that we’ve done something that mattered to a victim of crime.”

—AN OFOVC COMPLAINT REVIEW OFFICER

## MISSING PERSONS INDEX

### ISSUE

Cases of missing persons can cause long-term anxiety and trauma to family and loved ones. In October 2006, the federal, provincial and territorial Ministers Responsible for Justice agreed in principle to the concept of a missing persons index (MPI), which would allow comparison of DNA samples to those of relatives and hopefully bring closure to the victim’s loved ones in many cases.

### RECOMMENDATION

In June 2009, the Minister of Public Safety, then Peter Van Loan, responded to a recommendation by the former Ombudsman for the creation of a missing persons index, stating that a Parliamentary

review of the *DNA Identification Act* was underway. In the same month, the House of Commons Standing Committee on Public Safety and National Security released a recommendation for the creation of such an index, along with a victim index.

On February 16, 2011, the Ombudsman committed her Office to monitoring the issue and she wrote to the Minister of Public Safety, Vic Toews, recommending that the development of an MPI and an index of unidentified human remains remain a priority, for the benefit of victims of crime. She also requested an update on the status of discussions with the provinces and territories related to their development.

### STATUS

To date, no written response has been received.



# MEASURES TO PROTECT VICTIMS OF WHITE-COLLAR CRIME

## ISSUE

A number of widely reported securities-related fraud cases, both in Canada and internationally, highlighted the idea that the increasing complexity of the world of finance presented too many opportunities for fraudulent individuals and corporations to take advantage of others. The impact was often devastating, and the measures for restitution to victims were considered weak.

In May 2010, the Government introduced Bill C-21, commonly known as the *Standing Up for Victims of White Collar Crime Act*. The Bill would amend the *Criminal Code* with measures such as:

- a two-year mandatory minimum sentence for fraud over \$1 million;
- additional specified aggravating factors for the court's consideration in sentencing;
- a new type of prohibition order;
- new obligations on the judge with respect to restitution orders; and
- a new type of impact statement to consider in sentencing.

## RECOMMENDATION

On March 3, 2011, the Ombudsman appeared before the Standing Senate Committee on Legal and Constitutional Affairs, expressing support for the Bill. Specifically, she noted that many victims of financial crime were already vulnerable—such as the elderly—and she applauded the Bill's recognition of their condition as an aggravating factor in sentencing. She also identified the requirement for judges to consider community impact statements as “a step forward for victims,” given the broad impact of many financial crimes. While supporting the Bill's provisions for restitution, she argued that judges should generally be required to consider restitution for *all* types of crime, not only in cases of white-collar crime. She also recommended that the system of restitution be reviewed, with the aim of identifying alternatives to better support the financial needs of victims of crime.

## STATUS

Bill C-21 received royal assent on March 23, 2011.



## UPDATES ON PREVIOUS RECOMMENDATIONS

The OFOVC has also made recommendations on a variety of issues in the previous two years. Action in response to some of these recommendations was taken—and, in some cases, legislative efforts to put these into effect died on the order papers. The following provides updates on previous years' recommendations that have seen responsive action in 2010–2011:

- **Funding for child-advocacy centres**—In 2009–2010, the OFOVC made formal recommendations to the Government to set aside \$5 million to establish a contribution program for future and existing child-advocacy centres. These centres provide a uniquely integrated approach to helping children who have been victims of abuse by bringing together key victim services, such as statement collection and counselling, in one child- and family-friendly location. The recommendation was also included in the OFOVC's special report, *Every Image, Every Child*. In October 2010, the federal government committed more than \$5 million in funding for child-advocacy centres.
- **Amendments to the *Corrections and Conditional Release Act***—While the OFOVC did not receive a formal response to its second special report *Towards a Greater Respect for Victims in the Corrections and Conditional Release Act*, several of the report's recommendations were touched on in Bill C-39, introduced in the House of Commons on June 15, 2010. The Bill proposed to amend the CCRA to:

- expand the definition of victim to include anyone who has custody of or is responsible for a dependant of the main victim if the main victim is dead, ill or otherwise incapacitated;
- allow disclosure to a victim of the programs in which an offender has participated for the purpose of reintegration into society, the location of an institution to which an offender is transferred, and the reasons for the transfer; and
- entrench in the Act the right of victims to present a statement at parole hearings.

However, Bill C-39 died on the order paper when an election was called on March 26, 2011.





# AWARENESS AND PARTNERSHIP BUILDING

## OUTREACH

The OFOVC was created in 2007 to be a voice for victims. In striving to fulfil this mandate, the Office recognizes the importance of connecting with a diverse group of organizations and individuals who have an interest in victims' issues across Canada. Members of this community, whether they advocate for victims or provide services to them, have a deep understanding of victims' needs and are connected with victims of crime who might benefit from learning more about the OFOVC. Engaging with this community is therefore essential to the effectiveness of the Office's work.

### MEETING WITH INDIVIDUALS AND ORGANIZATIONS

As in past years, the OFOVC has taken as many opportunities as possible to meet with individuals and organizations that might be able to share their understanding of priority victim issues and challenges.

In addition to meetings with individual victims, the Ombudsman spoke with several victim-advocacy and victim-services groups, such as the Ending Violence Association of British Columbia, the Canadian Coalition Against Terror (C-CAT), the Canadian Criminal Justice Association and *l'Association québécoise plaidoyer-victimes*.

As part of ensuring awareness and relationship-building within the federal government, the Ombudsman also met with several department and agency heads during the year, as well as with several Senators and Members of Parliament who had expressed an interest in victims' issues. She participated in departmental events such as the Correctional Service of Canada (CSC) Executive Development Symposium and Partners' Day as a way to share information with both CSC and its partners, as well as the CSC Information Exchange on the Canadian Correctional System, and the Governor General's Women's Conference: Together for Women's Security.

“We thank you for your timely response and for your informative reply. It is the only sincere and involved attempt anyone has made to assist us.”

—AN OFOVC CLIENT

The Ombudsman also participated in many events relevant to victims’ interests, such as the National Meeting of the Joint Committee of Senior Criminal Justice Officials, and a meeting of *l’Association des familles de personnes assassinées ou disparues*, where information might be shared among stakeholders with a common interest. Other events included a memorial in Ottawa for Canadian victims of 9/11, and conferences and seminars, such as the Sentencing and Corrections Conference, and a Restorative Justice Symposium.

### MAIL-OUT CAMPAIGN

In November, the OFOVC developed a one-page letter to send out to hundreds of stakeholders across the country with whom the Office had not yet had an opportunity to speak directly. The purpose of the letter was to raise awareness about the OFOVC, encouraging them to contact the Office with any questions they may have and to refer victims (when appropriate) to the Office’s services. The OFOVC enclosed several brochures and a publication order form with each mailing.

In general, the Office received positive feedback about the mailings, as well as further publication requests.

### SERVICE CANADA FEATURE OF THE MONTH

In November and December, the OFOVC was selected to participate in Service Canada’s “feature of the month” program, which meant that Service Canada kiosks across the country prominently displayed more

than 10,000 of the Office’s brochures. In addition to the display of these publications, Service Canada also featured the OFOVC on its website, providing exposure to thousands of Canadians.

Since this initiative, many of the Service Canada kiosks have followed up with requests to replenish their stock of brochures on a more permanent basis.

### TRANSLATION OF THE OFOVC BROCHURE INTO INUKTITUT

The OFOVC recognizes the need to reach out to as many Canadians as possible. One such effort took place in March, when the OFOVC aimed to reach more people in the North by publishing a brochure in Inuktitut. The Office is grateful to the Pauktuutit Inuit Women of Canada for their help in ensuring the accuracy of the translation. The Inuktitut brochure has been well received by communities in the North.

### NATIONAL FRAMEWORK FOR ENGAGEMENT AND DIALOGUE

The successes and lessons of the OFOVC’s outreach in this and previous years made it clear that the Office needed a more strategic approach to engage with stakeholders and amplify victims’ voices within the federal government. To this end, the Office began development of a National Framework for Engagement and Dialogue in December (further details on page 27).



## SHARING EXPERTISE WITH OTHERS

Now in its fourth year, the OFOVC is in a better position than ever to learn from the many victims who have contacted the Office, to establish trends, identify key interests and highlight areas for improvement in the federal programs, policies, legislation and services for victims of crime. This wealth of knowledge is valuable not only to Canadian government organizations, but also to NGOs, advocacy groups and organizations with similar roles in other countries.

In 2010–2011, the Ombudsman gave speeches and presentations to several groups with different interests in victims of crime, including a training event for victim-services organizations; the Ottawa Women's Canadian Club; the Justice Institute of British Columbia's Women and Leadership Conference; and the Canadian Institute for the Administration of Justice's conference held in B.C. in October 2010.

She also attended the Victim Support Scotland Conference, held in Edinburgh, Scotland, which was an opportunity to build networks among victim-support practitioners and academics, and to explore topics such as unreported crime, victim empowerment and the promotion of judicial cooperation in advancing the role of victims.

Other speaking engagements included government stakeholder groups, such as the CSC Victim Advisory Committee in Québec City and the CSC's Victim Services meeting in Moncton, N.B.; the PBC and CSC Pacific Region's Victim Advisory Committee Forum in Burnaby, B.C.; a PBC Ontario Region symposium, and the PBC Annual Training on Risk Assessment.

Furthermore, she has supported the new Victimology program at Algonquin College—the first of its kind in Canada. She made a presentation to one of its classes on victim assistance, addressed the inaugural graduating class and participated on the program's advisory board. The program uses hands-on and in-field training to teach students more about victim issues in Canada and how to provide direct assistance to those who need it most.

### WEB PRESENCE

Public awareness is vital to the OFOCVC's success in helping victims of crime. The web is an essential resource to inform victims and the general public about what the Office does and how it can help. For this reason, having a useful, user-friendly and informative website ([www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)) is part of the OFOVC's principal communications objectives.

The OFOVC website has now seen its fourth consecutive year of growth in the number of unique visitors, the number of people who visited more than once, and the overall number of visits—from 70,992 to 83,493, representing an increase of 17.6%. The increase, however, was not as pronounced as in the previous year, which can be attributed largely to the vacancy in the Ombudsman position from April to August 2010.



Chart 6: Visits to the OFOVC website, year-over-year

WEBSITE ACTIVITIES	TOTAL GROWTH				PERCENTAGE GROWTH		
	2007–08	2008–09	2009–10	2010–11	2008-09	2009-10	2010-11
Successful Hits For Entire Site	225,189	315,409	546,611	750,540	40.06%	73.30%	37.31%
Home Page Hits	15,199	16,593	18,264	30,572	9.17%	10.07%	67.39%
Page Views (Impressions)	60,053	90,484	23,443	259,360	50.67%	-74.09%	1006.34%
Document Views	59,560	81,210	165,534	187,203	36.35%	103.83%	13.09%
Visits	24,683	35,869	70,992	83,493	45.32%	97.92%	17.61%
Unique Visitors	10,855	14,169	22,477	24,955	30.53%	58.64%	11.02%
Visitors Who Visited Once	7,797	10,548	16,652	18,368	35.28%	57.87%	10.31%
Visitors Who Visited More Than Once	3,058	4,890	5,825	6,587	59.91%	19.12%	13.08%

Though this continual growth is encouraging, the website must be first and foremost a place to which victims turn for timely, relevant and accurate information on their rights, and the programs and services available to them.

To this end, the OFOVC undertook a major revamp of the site, enhancing its overall content, navigation and organization. The Office added new content to ensure that victims had information on their rights, the types of services available, and the role and services of the Office, among other subjects. To let Canadians know about the work the Office is doing, the OFOVC also added a new section summarizing all of the Ombudsman’s formal recommendations by fiscal year. The Office also added new visual elements and, for the first time, the element of video, to reach out to and engage visitors who prefer to obtain their information orally.

## MEDIA RELATIONS

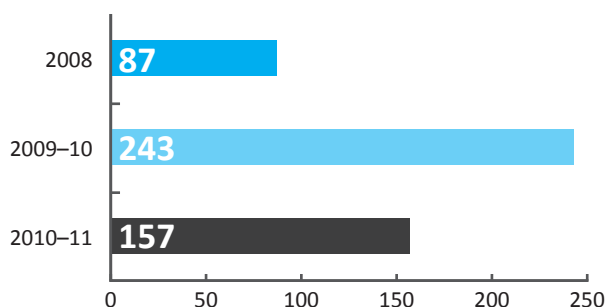
The news media are important vehicles for providing a voice and encouraging dialogue on important victim issues. Through the media, all Canadians—including key policy and decision makers—can learn more about the challenges that victims face. This widespread awareness-raising is crucial to bringing about positive change in Canada.

The news media also help the OFOVC to raise awareness of its services, which is integral to the Office’s ability to help victims. As more victims become aware of the organization, the OFOVC will be better able to assist them and to understand the challenges they face.

## OVERALL COVERAGE

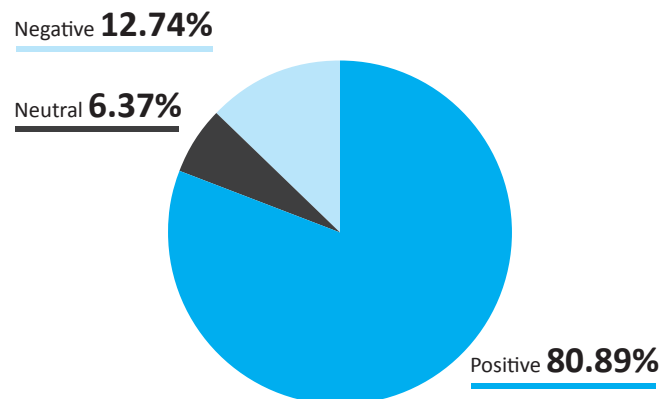
As shown in **Chart 7**, in 2010–2011, the OFOVC was mentioned in the news media 157 times, a 35% decrease from 2009–2010. This can be attributed in part to a period of four months when the Office was without an Ombudsman and consequently did not actively seek out or engage with media.

**Chart 7:** OFOVC media mentions, by year



Despite this decrease, the overwhelming majority (87%) of the OFOVC's media coverage in 2010–2011 was positive or neutral in tone, as shown in **Chart 8**.

**Chart 8:** Tone of 2010–2011 OFOVC media mentions



## REGIONAL AND LANGUAGE FACTORS

OFOVC's media coverage was 96% English in 2010–2011. While this means French coverage at 4% in 2010–2011 was slightly higher than in 2009–2010, where French coverage accounted for 3%, it is clear that the Office must make stronger efforts to increase news coverage in francophone media outlets.



# OPERATIONS

In addition to carrying out its mandate, the OFOVC took several steps in 2010–2011 to improve its operations.

## STRATEGIC PLANNING AND VISIONING

After her appointment, the Ombudsman initiated an exercise to establish a clear vision for the organization: where the OFOVC should go, a plan to get there and a clear set of priorities.

This exercise began with a strategic planning session for all OFOVC staff to identify, review and prioritize various internal issues, as well as external issues of interest to victims. The identified priorities focused mainly on victim rights and treatment in the Canadian criminal justice system.

In a follow-up session, OFOVC staff focused further on prioritizing the external issues—considering factors such as the number of victims touched by the issue, progress to date and the potential for further change. The fact that all the issues were

important made prioritizing difficult, but participants recognized that a small organization such as the OFOVC would have to focus its limited financial and human resources on areas where it could effect the most positive change for victims.

Ultimately, this planning exercise was crucial to establishing the need to focus on victim rights and treatment within the Canadian justice system.

## ORGANIZATIONAL REVIEW

The new Ombudsman also sought to review the organizational structure of the OFOVC and refine it, if necessary. In the fall of 2010, she undertook a review of the staffing structure to ensure that the original staffing structure, developed for the creation of the Office, continued to remain effective—and that the structure reflected what the Office will need moving forward. This review, which the Ombudsman expects to complete in 2011–2012, will help the OFOVC decide where resources should be prioritized in future.





## NATIONAL FRAMEWORK FOR ENGAGEMENT AND DIALOGUE

In December, the Office began development of a National Framework for Engagement and Dialogue, with a view to creating a more strategic approach to engaging with stakeholders and amplifying victims' voices within the federal government.

The OFOVC remains committed to the highest and most meaningful level of engagement possible, which means that engagement should be inclusive, and stakeholders' input should be both heard and valued. OFOVC also remains committed to the individual sensitivities and privacy of its stakeholders.

Furthermore, the Framework provides stakeholders with an opportunity to be consulted on issues that matter to them.

Combined with the OFOVC's data-tracking improvement initiative (see below), the Framework will also help the Office to represent the views of victims consistently over time, despite changes in leadership or staffing.

As of the release of this report, the OFOVC is using the Framework informally. More work is required to formalize the terms and conditions for stakeholders to join, and for the database to house information about interested stakeholders.

## DATA-TRACKING IMPROVEMENT INITIATIVE

To better track, record and analyze trends in victim-related issues, the Office planned for, procured and refined new data-tracking software in 2010–2011. After the OFOVC has completed the input of historical data, the system should be fully ready for launch in 2011–2012.

The software will enable the OFOVC to capture more specific fields related to inquiries and complaints, including victims' issues, types of victims and geographic data. It can also better track data from the Office's media inquiries and media mentions.

Equipped with this information, OFOVC will be able to gather a deeper understanding of priority issues both among victims and in the media, draw out trends in incoming contacts more quickly and accurately, and determine where further outreach will be most needed.

The growing body of data should become only more useful over time, as longer trends are established. Given the flexibility of the software, the OFOVC also expects to be able to adapt the system for requirements that have not yet emerged.

## FUNDING RENEWAL

In addition to these transformative measures, the OFOVC began the process of renewing its funding, which derives entirely from the Federal Victims Strategy of the Department of Justice, and is allotted in five-year increments. The OFOVC entered its submission for funding to the Department in March 2011.



# 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 fourth year, the overall costs of the OFOVC were fairly consistent with those of the previous year, with a few changes:

- Expenditures on staffing increased slightly, largely attributable to the filling of one vacant position and the addition of two new junior positions; the four-month vacancy in the Ombudsman position offset this expense somewhat.
- The training and professional dues category increased, mainly as a result of the new Ombudsman's drive to enable a team-based approach that would help to retain corporate memory in the face of individual turnover in the future.

- Communications and public outreach costs—which included newswire services, printing, graphic design and web services—decreased significantly as the Office undertook relatively few communications initiatives during the absence of an Ombudsman. For similar reasons, professional services, which included translation and editing, decreased.
- The purchase and development of the OFOVC's new data-tracking software resulted in an increase in expenditures on computer equipment.

In keeping with its commitment to principles of building an effective and cost-efficient organization, the OFOVC shares services such as contracting and human-resources management with the Department of Justice, where appropriate.

**Chart 9:** Summary of expenditures, April 1, 2010, to March 31, 2011

EXPENDITURE CATEGORIES	2010–2011
Salaries and employee benefit plan contributions	\$927,041
Travel expenses	\$37,859
Training and professional dues	\$30,555
Communication and public outreach	\$45,347
Office furniture	\$9,586
Professional and special services	\$73,317
Rentals	\$4,949
Materials and supplies	\$12,765
Acquisition of computers and other equipment	\$41,159
Miscellaneous	\$6,304
<b>Total</b>	<b>\$1,188,882</b>

**Appendix A:** List of Charts

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