



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.**



## Moving the Conversation *Forward*

A FORUM FOR VICTIMS, VICTIM ADVOCATES  
AND VICTIM-SERVING AGENCIES

# The Office of the Federal Ombudsman for Victims of Crime

## Who we are and what we do

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) is an arm's-length federal government office that works to help victims of crime and their families.

The OFOVC responds directly to phone calls, e-mails and letters from victims of crime, and works to ensure the federal government meets its responsibilities to victims. We:

- inform victims about the federal programs and services that exist to help them;
- address complaints made by victims about federal government departments, agencies, employees, laws or policies;
- refer victims to programs and services in their city or province that may be able to assist them;
- identify issues that have a negative impact on victims, and make recommendations to the federal government on how it can enhance its policies and laws to meet their needs;
- educate federal law makers and policy makers about the needs and concerns of victims; and
- promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with decision makers and policy makers.

The experiences that victims of crime and other Canadians share with the OFOVC help the Office to better understand the issues facing victims in Canada.

If you are a victim of crime, or are providing assistance to one, and have questions or a complaint about a federal law, policy, program or service, please contact us.

## Office of the Federal Ombudsman for Victims of Crime

**Telephone (toll-free):** 1-866-481-8429

**TTY (Teletypewriter):** 1-877-644-8385

**Fax:** 613-941-3498

**E-mail:** [victimfirst@ombudsman.gc.ca](mailto:victimfirst@ombudsman.gc.ca)

**Website:** [www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)

© Office of the Federal Ombudsman for Victims of Crime, 2013

**Cat. No.:** J84-4/2013

**ISBN:** 978-1-100-54626-1

## Table of Contents

|   |           |
|---|-----------|
| <b>Setting the Stage</b>  | <b>1</b>  |
| <b>Our Process</b>  | <b>2</b>  |
| <b>Summary of Recommendations</b>   | <b>5</b>  |
| <b>Detailed Recommendations: 8 Key Themes</b>                             | <b>6</b>  |
| 1. Criteria for who is a victim of crime                                  | 7         |
| 2. Equitable access to tangible supports                                  | 13        |
| 3. Meaningful information   | 22        |
| 4. Awareness of and collaboration across the network of victims' services | 28        |
| 5. Visibility of victims' voices  | 33        |
| 6. Prevention and safety  | 40        |
| 7. Equity of treatment before the law                                     | 51        |
| 8. Equity across all regions of the country                               | 56        |
| <b>Participant recommendations regarding the OFOVC</b>                    | <b>61</b> |
| <b>Looking forward: the Canada that victims of crime want</b>             | <b>62</b> |
| <b>Conclusion</b>   | <b>64</b> |



## Setting the stage

In early 2013, victims of crime, victim-serving agencies, advocates and other stakeholders with diverse perspectives were brought together by the Office of the Federal Ombudsman for Victims of Crime (OFOVC) to explore the overarching question “what could Canada become that would reflect our greatest hopes for the future of victims of crime?”.

Through a cross-country engagement process, which culminated in a two-day Forum in Ottawa on April 18 and 19, participants worked together to identify hopes and strategies for mobilizing positive change for victims; to provide advice to the federal government on a proposed Bill of Victims Rights; and to shape and inform the future work of the OFOVC. The voices of all participants are captured and summarized in this document.

The OFOVC extends our deep appreciation to all Forum participants, as well as to members of the core planning team for their commitment to this project and to the dozens of people who shared their stories, insights and hopes for the future for victims of crime in Canada.

## Our process

As a key part of its mandate, the OFOVC is committed to identifying systemic issues that negatively impact on victims of crime and to bringing awareness to victims' needs and concerns.

In order to best do that, the Office gathers information from a variety of sources including: direct contact with victims and other Canadians, various reports and research, the best practices and advances across the country and internationally, Parliamentary studies, engagement with stakeholders and more.

As part of its engagement, the OFOVC believes strongly in ensuring that victims' voices are sought, considered and reflected in the Office's work. While the Office cannot and does not seek to *represent* all victims, it does work to find opportunities to ensure that its priorities are reflective of the issues facing victims and to amplify the voices of the victims who share their important experiences with us.

In keeping with its commitment, the Office decided to hold a national forum to bring together victims, victim-serving agencies, government and private sector representatives, the policing and academic communities, and more. The main purposes of the Forum were to:

- provide a space and opportunity for stakeholders to converge and share ideas, best practices, challenges and experiences in order to strengthen the connections across Canada;
- to assist in fostering cross-jurisdictional awareness of victim issues;
- to find common challenges and priorities that could lend themselves to further action either by the OFOVC, the federal government or other stakeholders;
- to seek recommendations for submission to the Government of Canada on its pending Victims Bill of Rights;
- to help continue to support and enhance synergy in the victim community;
- to better inform the work of the OFOVC as it sets priorities for the coming years; and
- to identify a common, purposeful and meaningful path forward for advancing victims' rights, treatment and support in Canada.

In order to assist the Office in finding the most effective ways to create productive dialogue, the OFOVC sought the help of field experts who proposed a process of agenda-setting that put victims in a leadership role.

Their process used principles of appreciative inquiry, a method that focuses conversations on the desired future and strengths to build on, and focused on the kinds of changes that might make the biggest difference for Canadians.

As part of the process, a core planning team of 30 people from across the country, representing victims, victims' advocates and victim-serving agencies, was convened. This group provided their insights and experience to shape the most important questions, and then used the identified questions to interview people with diverse stories.

Over the next few months, the core team interviewed more than 80 additional people, who collectively had profound experiences as victims of crime or supporters of victims. The core team and planning committee then drew on those interviews to identify key themes and pulled from those themes in designing the agenda for the Forum.

At the Forum, information and dialogue were exchanged in many ways, including through panel discussions and presentations by victims and experts; discussions in which facilitators led the entire participant group with questions and themes for consideration, and recorded responses; smaller break-out group discussions that were later summarized and reported back to the larger group; and a "world café" exercise in which participants were encouraged to revisit comments and recommendations of other participants and post their support, suggestions or further amendments. As not everyone was able to attend the Forum in person, the OFOVC was also proud to host a number of participants via teleconference. Teleconference participants were able to listen in on, and participate in, all the major sessions.

This report outlines the eight core themes that were identified through the stakeholder consultation and greatly enriched during the Forum, as well as the resulting points for consideration/recommendations that were captured for each.

## **Format of the report**

In order to ensure maximum participation and collaboration, the OFOVC engaged professional facilitators to run the workshops and discussions at the Forum. As part of their work, the facilitators took notes from all Forum discussions and workshops, including a "world café" exercise in which participants were encouraged to tour posted comments, views and questions, and to add their own support or suggestions using post-it notes.

In order to maintain the integrity of the participants' voices, the OFOVC has kept a number of these comments, unedited, in this report for each theme. Below the comments in each section, the OFOVC has provided further information that may assist in facilitating victims' access to, or knowledge of, existing federal programs and services relevant to their concerns. Furthermore, the report goes on to identify potential recommendations for the Government of Canada and/or action items for further consideration by the OFOVC.

The mandate of the OFOVC relates to matters within federal jurisdiction and, therefore, the Office cannot make recommendations to any provincial, territorial or municipal governments. However, in bringing together and hearing from stakeholders across the country, the clear need for victims to discuss—and have equitable access to—rights, services and support across jurisdictions, no matter where they reside in Canada, became increasingly evident. As such, the OFOVC has included all comments relevant to provincial or municipal responsibility, but focused its additions and recommendations on the issues that fall strictly within federal jurisdiction.

## **Exclusions**

In February 2013, the Government of Canada announced its intention to create a Victims Bill of Rights and to launch public consultations on what Canadians would like to see included in the Bill. Given the opportunity and timing of the Forum, participants were asked to consider what rights the Government of Canada should include in the Bill. The OFOVC used these recommendations to inform the OFOVC's own submission, which included nearly 30 recommendations. To ensure the integrity of participants' voices, the recommendations provided by participants were also included in their entirety as an Annex to the submission.

Given that this information has already been provided to the Government of Canada and is available publicly, those recommendations are not included within this report. They can be viewed in the OFOVC's submission on the Office's website under the "Recommendations to the Government" section ([www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)).

Participants also were asked to provide their thoughts or recommendations in response to the question: "What recommendations would you make to the OFOVC to enhance support for victims, within their mandate of federal influence?" A number of the recommendations related to enlarging the scope of the OFOVC's mandate and authority. These have been included in a section called "Participant recommendations regarding the OFOVC" on page 62 of this report. Other recommendations, which are intended to enhance the policy direction, internal operations and services provided by the OFOVC, have not been included in this report. Rather, they will be used and considered by the OFOVC as it prepares to set its strategic direction and priorities in its upcoming business planning cycle.



## Summary of recommendations

Everyone involved in this project expressed a profound hope and concrete ideas for a country where people who have been harmed by crime have immediate access to the support and integrated services that enable them to gain or regain the capacity to lead meaningful lives. An essential part of this restoration is to have voice and visibility in the justice system, while it also was underlined that not all people who have been criminally harmed are linked to the justice system.

Across all diverse voices, the desire to have victims' rights enshrined in law is deeply felt. The group also identified a strong wish for a national framework or organization (preferably federally funded) to link all services, identify gaps, evaluate progress and emerging needs, and make it far simpler to access services. Repeatedly, participants asserted the need for a "minimum standard of care" across the country. One concrete need that came up repeatedly is a single portal for information, linking existing services and networks, laying out the differences in process and policies in different provinces and territories, and enabling people to access the information and services they need when it is right for them.

One core message that emerged from all conversations was that everyone harmed by crime in any way is an individual who needs emotional and tangible support, and concrete resources tailored to their needs. This support must be equitable, regardless of the type of crime, where the person resides, and the circumstances and identity of the individual. It is particularly important to improve prevention, safety, services and resources for people in marginalized groups, including people in remote areas, Aboriginal people, women in situations of domestic violence, sex workers, people whose first language is not English or French, people with disabilities, people in institutions, and people who are targets of hate crimes.

The overwhelming feeling conveyed through the conversations was that people were very appreciative of the opportunity to share their experience, connect with others and contribute to influencing change. The central impulse was a hope for prevention of additional harm and to ensure people are supported in their healing journeys as effectively as possible.

## Detailed recommendations: 8 key themes that will enable equitable, meaningful support for victims of crime

The following themes were initially identified through the core planning team engaged in the lead-up to the Forum, and were deepened and enriched during the two-day event. Each theme is summarized in the report, with details derived from the workshop groups at the Forum. We also have captured some direct quotes (in italics), both from the Forum and from people interviewed prior to the event, to reflect the rich flavour of participants' diverse voices. This is just a sampling of the voices—it does not fully reflect the passion, profound experience or insight of all of the people interviewed.

1. Criteria for who is a victim of crime
2. Equitable access to tangible supports
3. Meaningful information
4. Awareness of and collaboration across the network of victims' services
5. Visibility of victims' voices
6. Prevention and safety
7. Equity of treatment before the law
8. Equity across all regions of the country



## Criteria for who is a victim of crime

An important part of considering what victims of crime may need is determining first who IS considered a victim of crime.

Often the services, funding and other supports that exist are available only to victims of crime who meet a specific definition. Participants were asked to reflect on whether Canada's definitions are adequate and/or whether there needed to be some reflection and adjustment when it comes to who is considered a victim of crime.

# Participant perspectives

1. The definition of “victim” needs to be expanded to include a broader definition of people affected by crime.
2. There is a need for more equity around the definition of victims:
  - People are not formally considered victims of crime if the crime occurred outside Canada.
    - *“It shouldn’t matter where your crime occurred—you’re still a Canadian citizen and a victim, whether you were a child, or if the crime occurred off Canadian soil.”*
    - *“People make the assumption that because they’re Canadian citizens, they will have rights—it’s not true.”*
  - Resources are limited when the perpetrator is found not criminally responsible or not charged.
    - *“The person who used me—a child—for sexual purposes may never be held accountable. My voice counts even though I’m not ‘in the system’.”*
3. There is no support, emotionally or financially, if the crime against a Canadian is committed outside of the country. For example, there is nothing in place to financially ensure victims/survivors/ families can be present during a trial related to international terrorism.
4. Supports for children who are victims of a lost parent/family member are needed.
5. We need a national victims’ coordination centre where victims can access support, info, guidance, regardless of type of crime, jurisdiction or geography.

## Existing federal-level programs, services, legislation or initiatives

### Definition of victim

Within federal jurisdiction, the definition of victim is included in both the *Criminal Code of Canada* and the *Corrections and Conditional Release Act* (CCRA). These pieces of legislation reflect fairly broad understandings of victimization to include those harmed both physically, and/or emotionally/psychologically as a result of a criminal offence. While these definitions are fairly inclusive, they relate only to victims of crimes that have been committed within Canada and, in the case of the CCRA, the offender must be serving a federal sentence (i.e. of two years or more).

#### ***Corrections and Conditional Release Act<sup>1</sup>***

##### PART I

Definitions (*b, c, d changed with Bill C-10*)

- (2) “victim” means a person to whom harm was done or who suffered physical or emotional damage as a result of the commission of an offence and, if the person is dead, ill or otherwise incapacitated,
- (a) the person’s spouse or an individual who is—or was at the time of the person’s death—cohabiting with them in a conjugal relationship, having so cohabited for a period of at least one year,
  - (b) a relative or dependant of the person,
  - (c) anyone who has in law or fact custody, or is responsible for the care or support, of the person, or
  - (d) anyone who has in law or fact custody, or is responsible for the care or support, of a dependant of the person

#### ***Criminal Code of Canada<sup>2</sup>***

722. (4) For the purposes of this section and section 722.2, “victim,” in relation to an offence,

- (a) means a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of the offence; and
- (b) where the person described in paragraph (a) is dead, ill or otherwise incapable of making a statement referred to in subsection (1), includes the spouse or common-law partner or any relative of that person, anyone who has in law or fact the custody of that person or is responsible for the care or support of that person or any dependant of that person.

---

<sup>1</sup> *Corrections and Conditional Release Act*, Part 1.  
<http://laws-lois.justice.gc.ca/eng/acts/C-44.6/page-1.html#docCont>

<sup>2</sup> *Criminal Code of Canada*, 722. <http://laws-lois.justice.gc.ca/eng/acts/C-46/>

The definition of victim for the purposes of administering criminal injuries compensation and victim services, including counselling and other emotional support, is determined by the provinces and territories in their respective victims of crime legislation.

### **Financial assistance for those victimized abroad**

The Department of Justice Canada operates the Victims Fund, a grants and contribution program, with a funding stream for emergency financial assistance for Canadians victimized abroad. This financial assistance was created in April 2007<sup>3</sup> and is administered by the Policy Centre for Victim Issues (PCVI).

The Victims Fund does not provide criminal injuries compensation, but rather financial assistance to victims “where the victim has no other source of financial assistance.” For Canadians who are victimized abroad this financial assistance is to a maximum of \$10,000 for reimbursement of out-of-pocket expenses and counselling. Financial assistance, separate from the \$10,000 maximum, is also available for reimbursement of travel costs following the victimization of a Canadian in a foreign jurisdiction.

The Victims Fund may help cover the following expenses:

- travel expenses to return to the country where the crime occurred in order to attend the preliminary hearing and/or trial or equivalent process
- travel expenses to return to the country where the crime occurred in order to testify at the preliminary hearing and/or trial if the host country is unwilling or unable to pay
- travel expenses for a support person to be with a Canadian victimized abroad, during the immediate aftermath of the crime
- expenses for a Canadian victim of crime to return to Canada.

The Victims Fund does not cover:

- expenses covered by the applicant’s medical insurance or travel insurance
- lost wages
- compensation costs
- legal fees
- losses incurred due to the victim’s own criminal behaviour
- expenses incurred for crimes that took place before April 2007.

---

<sup>3</sup> Department of Justice. *Emergency Financial Assistance for Canadians Victimized Abroad*. <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/abroad-etrananger.html>

Any Canadian may apply to the Victims Fund for emergency financial assistance if he or she is:

- the victim of a violent crime in a foreign jurisdiction
- a family member of a victim who is dead, ill or incapacitated
- in the case of a child, a parent or the person responsible for the care and support of the child.

Emergency financial assistance is specific to serious offences, and may only be available in cases of homicide, sexual assault, aggravated assault and assault with serious personal violence, including against a child (Public Safety Canada).<sup>4</sup>

In addition to the emergency financial assistance available to Canadians victimized abroad, Canadian Consulates/Embassies also play a role in assisting victims. If a Canadian becomes a victim in a foreign jurisdiction, they should immediately report the crime to the local Canadian Embassy or Consulate.

The primary concern of the Embassy or Consulate staff is the victim's personal and physical safety. In cases of robbery, sexual assault or other violent crime, consular officials can<sup>5</sup>:

- provide you with contact information for local police and medical services
- help you find support to deal with the emotional, social, medical and legal consequences of a crime
- assist in contacting relatives or friends
- put you in contact with counselling services
- assist in meeting your basic safety needs
- engage with local authorities regarding a criminal investigation and the laying of charges
- inform you of your eligibility to apply for emergency financial assistance through the Victims Fund, administered by Justice Canada.

---

<sup>4</sup> Public Safety Canada. *Victims of Crime—Staying Informed*.  
<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vctms-crm-styng-nfrmd/index-eng.aspx>

<sup>5</sup> See: <http://travel.gc.ca/about/assistance/consular/emergency>

## Recommendations to the Government of Canada

It is important that all Canadians harmed or affected by criminal acts have rights and access to services and support, including if the crime occurred in another country, the perpetrator was not charged or is deceased, or found not criminally responsible.

Recognizing the limited services available for victims who were victimized abroad and the challenges in relation to the jurisdictional boundaries within Canada (wherein the provinces and territories are responsible for the majority of the delivery of victim services), the OFOVC made the following recommendation to the Government of Canada in its submission for the Victims Bill of Rights.

**All Canadian victims, including cases where the crime occurred abroad, shall have the right to access and receive, at least, a minimum standard of nationally consistent victim services and supports.**



A photograph of three people in an office setting. On the left, an older man with grey hair wearing a blue polo shirt. In the center, a man with short dark hair wearing a blue dress shirt and a patterned tie. On the right, a woman with long brown hair wearing a green t-shirt. They are all smiling and looking towards the right. A large blue arrow-shaped graphic points from the left towards the center, containing the text 'Equitable access to tangible supports'.

## Equitable access to tangible supports

One of the clear desires and emergent themes from the various discussions and engagement held prior to the Forum was the need to ensure that victims *receive at least* the same supports as the offenders who harmed them and the same services as other victims of crime in Canada, no matter where a victim resides.

## Participant perspectives

1. Support should include legal counsel, psychological counselling and support provided by people trained in the specific kinds of trauma the victim has experienced, financial compensation and job protection, rehabilitation, system navigation and spiritual care.
  - *“Impossible to get a psychiatrist for a whole family after a tragedy.”*
2. Support needs to be comprehensive, with partnerships between police/ Emergency Medical Services (EMS) and advocates who can immediately link the victim into the system and help them subsequently navigate and find specialist support.
  - *“Police and EMS need to work in partnership with victims’ services to provide immediate, practical access to emotional support conducted by people trained in trauma-informed care.”*
  - *“For victims, Day 1 is the hardest time of their entire life. Someone needs to come and try to talk about what you want to go through in the next five days—which is going to be a total blur. Kids are not supposed to die before you.”*
3. Support should be immediately accessible, continuous, sustainable, funded and extend as long as the client needs it.
  - *“Had I been supported when I was in crisis, I may have contributed more to society over a longer period of time.”*
  - *“Victims need to be the ones to decide when they are done.”*
4. We should apply principles from patient-centred care to create a continuum of care; one possibility is victims’ advocates who support navigation through the system.
5. Services need to be culturally and language appropriate, and informed by gender/ marginalized lenses. “Resources that are not racist, homophobic, ageist, or oppressive in other ways.” There is a high specific need for culturally shaped services for Indigenous people.
  - It’s critical that services/resources value and support all victims. *“There is a tendency to treat some people as ‘valued’ victims and some as less valued—e.g., sex work, people involved in criminal activities. We need to value everyone.”*
  - *“All victims need diverse support for their never-ending journey to recovery.”*
6. There is a high need for more development of specialized long-term counselling—homicide, sexualized murders, domestic violence, etc., including more access to training for service providers. We need funding for specialized trauma services so response is standardized and consistent.

7. More mediation (including with offenders) could help healing of families, as well as more training on restorative processes.
8. We need to build better infrastructure around needs assessments and improving systems when victims aren't receiving what they need. There should be exit interviews with victims at various stages in the process.
9. Financial hardship and compensation need to be acknowledged:
  - Compensation for those who have suffered severe and psychological injuries.
    - *"A family attending a parole hearing can't afford to lose their wages."*
    - *"Victims can possibly lose their homes, the structure and foundation for their lives. Other pressures upon pressures begin to come down on victims all at once and life starts falling apart ... ."*
  - We need to create "crime insurance."
  - Compensation for victims should be part of sentencing.
  - All victims of crime should receive the same level of service regardless of income.
10. Specific suggestions include:
  - Free legal counsel for victims to help navigate the system, have their voices heard; court liaisons.
  - A team of professional resources put in place to support victims/families as soon as crime happens.
  - A map to the options available.
  - No caps on funds for counselling.
  - Telephone support for victims late at night and throughout the night.
  - Post-traumatic Stress Disorder (PTSD) service dogs.
  - Support for male victims who are less likely to join support groups, talk about their grief.
  - Spiritual care.
  - More funding for support groups/awareness of the value of support groups, community support groups led by victims.
  - Media contact people to help families navigate media attention.
  - Accessibility to many ways of healing; counselling, traditional teachings and healings, shelters, direct services, etc.
  - Accommodation and social support from places like "Candace House" for victims preparing for trials.
  - Subsidized housing for widows of homicide victims.
  - Funding for programs like Seasons Centre for Grieving Children need to be expanded to more cities and towns across the country.

## Existing federal-level programs, services, legislation or initiatives

### **Immediate referrals for assistance**

The RCMP's victim assistance policy and referral process was recently re-designed to allow pro-active referrals in specific situations. This means that the police will be permitted to pass on limited information about a victim necessary for the victim services organization to safely and effectively make contact with the victim, in cases where a victim is unable to provide their informed consent. The policy recognizes that the victim service worker, as the trained professional, is the best person to explain the services they can offer. The policy also ensures a balance between a victim's privacy concerns and their right to receive these services.

Previously, RCMP officers required consent from a victim before providing their information to victim services personnel, who would then contact the victim and offer their services. It is widely accepted that victims are not always in a position to provide informed consent at the time of an incident. This may be as a result of trauma, the nature of the crime they have suffered and/or their current state, i.e., they are unconscious, or there is alcohol or drug involvement. The new policy allows RCMP officers to conduct an assessment of each situation to determine if conditions exist for a proactive referral to be made.

The specific circumstances in which a proactive referral can be made are limited to: person's offences (e.g. assault), serious property offences, high-risk victims (e.g. domestic violence), a vulnerable sector and, in exceptional circumstances, where a police officer believes it would be in the victim's best interest for a referral to be made. If the victim chooses not to use the available assistance, no further contact will be made. However, they will be encouraged to contact victim services should they change their mind in the future.

### **Mapping available support options**

The Policy Centre for Victim Issues (Department of Justice) has developed an electronic Victim Services Directory, which assists victims in finding general or specialized services near them.<sup>6</sup> Victims can search for victim services by postal code and the type of victimization or type of services sought, and then are provided with a list of available services closest to their location.

---

<sup>6</sup> Department of Justice, PCVI. *Victim Services Directory*. <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/schp1-rchp1.asp>

## Restorative justice opportunities

Within federal jurisdiction, a restorative justice based program is available through the Correctional Service of Canada (CSC). CSC offers access to restorative justice services in the form of the Restorative Opportunities Program,<sup>7</sup> which is administered at CSC national headquarters, Restorative Justice Division. The program facilitates direct and indirect contact opportunities between victims and federally sentenced offenders.

The program may be accessed through direct victim referrals<sup>8</sup> or with the help of a victim service agency. Once the referral is received at national headquarters, it is redirected to a highly trained regional mediator who then facilitates contact between the participants. As stated in the *CSC Fact Sheet for Victims*, “Communication can take place in a number of ways. Victims and offenders can meet face to face or communicate through letters or video messages. Alternatively, the mediator can relay messages back and forth between victim and offender.”

## Funding to attend parole hearings

Victims may apply for funding to attend parole hearings from the Victims Fund, which is provided by the Department of Justice and administered through the Policy Centre for Victim Issues (PCVI).<sup>9</sup>

Both a victim and a support person are eligible to apply for funding. Victims who wish to attend a Parole Board of Canada (PBC) hearing may receive travel funding assistance if they have:

- registered with the CSC or the PBC pursuant to the CCRA;
- applied to the PBC to attend a hearing of the offender who harmed them, either to observe or to present a victim impact statement;
- been approved by the PBC to attend the hearing; and
- attended the hearing.

A support person may also apply for travel funding assistance if he or she will be:

- travelling with a registered victim to a PBC hearing;
- attending a PBC hearing with a registered victim; providing child care in order for a registered victim to attend a PBC hearing; and/or
- providing dependant care in order for a registered victim to attend a PBC hearing.

---

<sup>7</sup> Correctional Service of Canada. *Commissioner's Directive 785: Restorative Opportunities Program and Victim-Offender Mediation Services*. <http://www.csc-scc.gc.ca/text/plcy/cdshmt/785-cd-eng.shtml>

<sup>8</sup> Correctional Service of Canada. *Fact Sheet for Victims*. <http://www.csc-scc.gc.ca/restorative-justice/003005-4009-eng.shtml>

<sup>9</sup> Department of Justice Canada, PCVI. *Attending Parole Board of Canada hearings*. <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/attend-audience.html>

The Victims Fund *does not* provide for lost wages, or other expenses not related to travel or accommodations. Eligible costs include:

- travel costs: gas mileage rates; air, bus or train travel at economy rates (receipts required);
- hotels, generally to a maximum of two nights (receipts required);
- meals and incidentals, generally to a maximum of three days (currently approximately \$80 per day). “Incidentals” included in the daily rate are intended to cover such expenses as telephone calls and tips (no receipts required);
- costs of transportation (taxi, shuttle bus, ferry, other), if necessary, between airport, hotel and place of hearing (receipts required);
- airport surcharges (receipts required); and
- costs for child care or dependant care to a maximum of three days (receipts required).

### **Funding for support groups**

The Victims Fund, administered by the PCVI, provides grants and contributions to fund projects and activities that encourage the development of new approaches, promote access to justice, improve the capacity of service providers, foster the establishment of referral networks, and/or increase awareness of services available to victims of crime and their families.

Time-Limited Operational Funding may be granted to victim-serving organizations through the Victims Fund. The maximum annual amount per recipient is \$75,000 for the 2013–2014 fiscal year. To be considered for funding, an organization must provide proof that it is a victim-serving organization, that it has objectives and activities that support the Federal Victims Strategy and the Victims Fund, and that it has internal accountability measures. More information can be found on the PCVI’s website.<sup>10</sup>

---

<sup>10</sup> Department of Justice, PCVI: *Time-Limited Operational Funding*.  
<http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/tlof-fsdl.html>



## Recommendations to the Government of Canada

To regain the capacity to lead meaningful lives, people need access to comprehensive psychological support and financial resources. Support needs to begin immediately and extend as long as the person/family requires it. These resources and services need to be accessible to all and should be shaped by cultural and diversity lenses.

The vast majority of all services and supports discussed by participants fall within the purview of the provinces and territories. However, the OFOVC encourages the Government of Canada to consider the needs identified in this section in the spirit of examining what could be done to ensure a more nationally consistent level of care and support for victims.

At the federal level, the following are areas and recommendations for action that could address some of the significant challenges outlined.

### Referrals

Generally, a victim's first point of contact with the criminal justice system is with law enforcement. Information provided by police is critical to ensuring victims are aware of, and can access, their rights and services. This is especially important in cases where charges are not laid and, as a result, where victims are precluded from further participation in the criminal justice process.

Given the importance of this first contact, and in light of Canadian privacy regulations that may prohibit some victim services from proactively reaching out to victims, it is important that law enforcement provide victims with pertinent information.

Below are the recommendations the OFOVC made to the Government in June 2013 for inclusion in the Victims Bill of Rights in order to ensure victims are sufficiently informed, and which the Office encourages the Government to act on in light of the participants' perspectives on this issue.

**All Canadian victims should be provided, at the first point of contact with police, with information about their rights.**

Victims who indicate an interest in receiving information about the offender should have their contact information sent by law enforcement to the appropriate corrections and parole authorities for the purpose of enabling future proactive contact regarding registration.

### **Job protection**

In September 2012 the Government introduced Bill C-44, *An Act to Amend the Canada Labour Code and the Employment Insurance Act and to Make Consequential Amendments to the Income Tax Act and the Income Tax Regulations (Helping Families in Need Act)*,<sup>11</sup> to amend the Canada Labour Code to provide unpaid leave for parents coping with the death or disappearance of a child. The Ombudsman appeared before standing committees of both the House of Commons and the Senate, recommending amendments that would benefit a broader range of victims of crime, not only those coping with the death or disappearance of a child.

Bill C-44 was passed without the amendments and received Royal Assent in December 2012. The OFOVC continues to encourage the Government to amend the legislation to make it more inclusive. Specifically the OFOVC recommends the following:

The OFOVC recommends that the amendments to the Canada Labour Code for an unpaid leave for parents of murdered or missing children be extended to victims of crime and their loved ones.

The OFOVC recommends that the federal income support for parents of missing or murdered children be widened to include victims of crime and their loved ones.

<sup>11</sup> Bill C-44, *Helping Families in Need Act*.

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5942516&File=36>



**The OFOVC recommends that an Employment Insurance category for victims of crime be created in order to provide victims of crime and their loved ones with tangible supports in order to deal with the aftermath of crime.**


### **Alternative means of support for victims outside of business hours**

As stated in the OFOVC's report, *Shifting the Conversation*, the National Victim Notification System is a program of the U.S. Department of Justice, which provides information and notification to victims of federal crime. It is a free service that notifies victims about significant events during an offender's incarceration as well as throughout the arrest, arraignment and prosecutorial phases. In addition to notification letters, the Victim Notification System provides victims with a toll-free call centre and an Internet site. Individual victims are given a victim identification number and a personal identification number, which they can use to access information from the call centre or the website. Each of these services allows victims to access information, receive notifications, change contact information and/or elect to stop receiving notifications. Furthermore, the Victim Information and Notification Everyday (VINE) national program enables crime victims to obtain timely and reliable information about criminal cases and the custody status of offenders 24 hours a day, and has recently launched an application that enables users to access the system via their mobile phones.<sup>12</sup>

Developing a similar system in Canada would help provide victims with more accessibility to the information to which they are entitled. As well, for some it may provide additional peace of mind to know that they can obtain this information any time, even outside regular business hours. As such, the OFOVC has recommended the following.

**The OFOVC recommends that the Government of Canada improve the accessibility of information for victims by developing secure and automated online or telephone services that victims can access outside regular business hours.**

<sup>12</sup> For more information, see <https://www.vinelink.com/vinelink/initMap.do>



## Meaningful information

In order for victims to exercise their rights and to play a role in the criminal justice process, they need to understand the process and their rights and role within it. Beyond information about the system, victims also want to know about the offender who harmed them and whether they have made any progress in addressing the issues that led to the original victimization.

# Participant perspectives

1. Victims should receive a single, comprehensive package of information as soon as possible, outlining who will be investigating the crime, resources and contacts for support and services, stages of the process, where to find more information and other tools. A small brochure outlining victims' services and how to easily access them should be available in emergency rooms and police stations.
  - *"Grieving families cannot possibly research what type of support they can access and likely don't even know what they need. I was probably told information but couldn't process or understand it. I needed someone to guide me through some of the decisions."*
  - Different information is meaningful at different points in the process—a single source should make it simpler to find what's needed at the right time. People often need information repeated. People affected by homicide may be in the system the longest.
  - Navigating the system is very complex for people who are experiencing trauma—it is important to have an advocate right up front as part of general triage as soon as a crime occurs, who then helps people find the right specialist.
2. Victims particularly need information on what to expect from criminal justice and other systems:
  - *"Criminal justice jargon really impedes recovery of victims' healing process (i.e. what kind of conviction? What does life in prison mean in Canada? What is chance at parole? Who is a repeat offender?). Explain to victims that the court processes can bring up a victim's past, but often the offender's past is protected by privacy rights."*
  - Many people reported learning deeply personal information about their cases from the media; this should not happen.
3. Many victims want to have access to information about the perpetrator.
  - *"Victims should know more about the movement of an inmate within the prison and understand the criteria for changes in status."*
4. Meaningful information for victims includes communication with police, coroners, parole boards, Crown attorneys. Victims should be proactively notified of changes and progress in cases.

5. Resources and information need to be language and culturally appropriate, easy to access and easy to understand.
6. *"I want greater access to information about what happened to my child—court records are sealed for 20 years."*
7. There is a high desire for a comprehensive, single, linked source of online information for all Canadians that consolidates information about services across the country, how the justice system works, where to go for support, where to go for more information, chat rooms with other victims and access to services like family advocates. People want to know what other victims of crime have experienced and what has helped, the possibility and potential for healing.
  - Just as individuals need information and system navigation, the system needs meaningful information. There is a need for a centralized/linked information centre for statistics, tracking and evaluation for victims' services and experience, including adding a Missing Persons Index to the current DNA databank. Data are needed about the impact of crime, how common it is to be victimized, etc.

## Existing federal-level programs, services, legislation or initiatives

### Comprehensive information for victims

The OFOVC, PCVI, Public Safety Canada's National Office for Victims (NOV), CSC and PBC all provide and publish information about victims' rights and resources for helping victims navigate various parts and processes of the federal system.

One example is the NOV's information guide for victims,<sup>13</sup> which includes information about the criminal justice system and what victims can expect, the role of the victim, the path of the offender from beginning to release into the community, as well as other relevant information for victims about federal corrections and parole. NOV also publishes the *Victims of Crime—Staying Informed* booklet, which provides victims with information on what they are entitled to know, how to obtain that information, the role victims can play in CSC's and PBC's decision-making process, and other services offered at the federal level. The booklet is available in a number of languages.<sup>14</sup>

With respect to participants' desire for more general statistical information about victims' issues in general, as well as surveys related to services, the following two websites may be of assistance.

Statistics Canada "Victims and victimization" offers statistical information and data about criminal victimization in Canada, associated risk factors, direct services available to crime victims and criminal injuries or financial benefit programs.

**<http://www5.statcan.gc.ca/subject-sujet/subtheme-soustheme.action?pid=2693&id=455&lang=eng&more=0>**

PCVI (Department of Justice) offers a number of original and periodic research and policy papers related specifically to victims of crime, including the *Victims of Crime Research Digest*.

**<http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/index.html>**

---

<sup>13</sup> Public Safety Canada. *Information Guide to Assist Victims*.  
<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/nfrmtn-gd-ssst-vctms-2011/index-eng.aspx>

<sup>14</sup> *Victims of Crime—Staying Informed*.  
<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vctms-crm-styng-nfrmd/index-eng.aspx>

## Recommendations to the Government of Canada

Participants collectively found there to be two streams of information that need much greater development: the information available to victims about process, support and their own individual cases; and the data needed to better understand victims' needs and evaluate and improve services. More specifically, participants articulated a need for a national database that enables coordinated understanding of victims' needs and experience, and the subsequent evaluation and improvement of services; as well as a more simplified means of accessing information for victims.

While there is a wide scope of material available, the OFOVC recognizes the lack of a single federal information source for victims that would connect to all available Government of Canada material. Going forward, the OFOVC will examine options for better assisting victims in this regard.

In order to assist in addressing the issues raised by participants, the OFOVC reminds the federal government of the previous, outstanding recommendations provided below.

### **The OFOVC recommends that victims have the right to:**

- receive communication, both orally and in writing, that uses clear and direct language;
- receive information in a format that takes into account the personal characteristics of the victim, including any disability that they may have; and
- receive communication, to the greatest extent possible, in the method of their choice.

**Victims who indicate an interest in receiving information about the offender shall have their contact information sent by law enforcement to the appropriate corrections and parole authorities for the purpose of enabling future proactive contact regarding registration.**

**Victims shall receive, upon request, the following information automatically, except in cases where it may threaten the safety of an offender, individual or institution:**

- the offender's name (including if the offender has changed his or her name while incarcerated);
- the offence and court that convicted the offender;
- the offender's sentence start date and length of sentence;
- the offender's eligibility dates and review dates for temporary absences and parole;
- the location of the penitentiary where the offender is being held;
- the offender's participation in correctional programming and progress made towards achieving goals set out in the correctional plan, as well as any convictions for disciplinary offences. This would include whether the offender successfully completed a correctional program, whether the offender is currently wait listed or scheduled to participate in programs that they have not yet participated in (including general information about the program), and any sanctions imposed for convictions for disciplinary offences;
- the offender's progress toward meeting their court-ordered obligations (i.e. restitution, child and spousal support, federal victim surcharge);
- advance notice of the date on which the offender is scheduled to be transferred between institutions (including location and security level of the institution) and/or released on any type of scheduled conditional release or absence, and the reason for transfer; and
- reasonable and timely notice of all parole hearings and reviews.

**Victims shall be informed, in cases where an accused is determined to be not criminally responsible, of Review Board procedures, and of their role and the process relating to those procedures.**





## Awareness of and collaboration across the network of victims' services

Given Canada's vast geographical area and its jurisdictional divisions when it comes to victim issues, ensuring seamless service to victims is extremely challenging. In order to address this, participants discussed some of the possible ways forward to heighten the awareness of existing victim services and the collaboration between victim-serving organizations across the country.



# Participant perspectives

1. Partnerships need to be built between agencies across Canada, linking all of the services provided, and identifying opportunities and needs for increased support and services. We need to be strategic about what we do at local/regional levels and what can be done federally, and how we can network and work together nationally.
2. We need to develop a standardized database accessible across the country, and use the collection of data to standardize and improve support for victims. Information needs to be shared in an integrated way for individuals and populations.
3. This network should work to develop the comprehensive online source for information/links for victims.
4. Victims need to provide insight into what this network looks like, what is most needed and effective, what their experiences are. Community groups are a great source of feedback about the impact on victims of legislation, procedures, etc.
  - *"A national framework that is customized and standardized for victims of crime. This will build harmony, consistency in the availability of programs and services."*
  - *"Having the trust that organizations such as Corrections Canada, the police and other government agencies are working together for the betterment of our system."*
5. Open information sharing among government agencies.
6. Support for victims should be integrated and team based; collaboration across agencies should enable this. The aim is to improve use of funds and improve the experience for victims of crime. If all agencies collaborated, the victim would not have to tell his/her story many times—care would be integrated and coordinated.
  - Better collaboration between all the "first responders" from the police, victims' services, funeral directors, coroners, hospital staff, etc.
    - *"A family is desperate to have that puzzle put together—for a whole story."*
    - *"My ideal system would have a constant/continuum of care available. This would be focused on the victim's needs rather than the offender or the justice system... The service provider would have the ability to speak to all of the questions rather than being required to compartmentalize their role in the system."*

# Existing federal-level programs, services, legislation or initiatives

## Creating links across jurisdictions

A federal/ provincial/territorial (FPT) working group on victims of crime currently exists and is coordinated by the Department of Justice Canada's PCVI. "The Federal/ Provincial/Territorial Working Group on Victims of Crime provides a forum for sharing and discussing lessons learned and approaches to common issues. The meetings enable integration in two directions: firstly, by ensuring that federal policies are informed by FPT stakeholders; and secondly, that provinces and territories continue to integrate federal policies, legislation and objectives into their work. Conferences, research papers and policy and legal advice have further incorporated victims' concerns in policies and practices."<sup>15</sup> This working group provides a forum for networking together between two levels of government, and across geographic locations.

## Greater awareness of federal services and programs

In 2010, the Government of Canada initiated a national advertising campaign with overall goals of informing Canadians of the needs of victims of crime; encouraging Canadians to visit a Government of Canada website outlining the federal services and information available to victims of crime; and encouraging victims of crime and their support networks to access the information and services available to them.

The campaign included print, bus, cinema and television advertisements. The television spots aired frequently for much of November, and the cinema ads appeared in theatres across Canada (PG-rated movies only), beginning December 1.

## Opportunities for input

In order to help amplify victims' voices at the federal level, the OFOVC developed, and is in the process of finalizing, its National Framework for Engagement and Dialogue. The Framework was developed as a powerful tool for seeking the direct feedback and views of victims and other key stakeholders on particular issues, or with respect to federal policy, legislation, programs or services. Essentially, the Framework provides for victims, victim-serving agencies and other interested stakeholders the opportunity to input into OFOVC-related recommendations and activities through informal and voluntary consultation. Members indicate the areas of the victims' spectrum that interest them and when opportunities arise related to that topic, or when the OFOVC feels it has significant information to share, an outreach is made to members. The comments received by the OFOVC through the Framework are then examined for common

---

<sup>15</sup> Department of Justice Canada (2008). *Federal Victims Strategy Mid-Term Evaluation, Final Report*. <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/08/fvs-vic/fvs.pdf>

themes and thoroughly considered in the development of the Office's policy positions and priority issues. For more information on the Framework, contact the OFOVC ([www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)).

### **Access to services**

The PCVI (Department of Justice) has developed an electronic Victim Services Directory, which assists victims in finding general or specialized services near them.<sup>16</sup> Victims are asked to input their postal code and the type of victimization or type of services sought and are then provided with a list of available services in their area.

## **Recommendations to the Government of Canada**

Participants expressed the desire to build partnerships across agencies and community groups, especially grassroots organizations, to build collective knowledge, create a single portal for networking and information, and to create an integrated approach to services and care.

### **Providing a one-stop shop for victim information**

In Australia, the Victim Services office of the New South Wales Department of Attorney General and Justice has developed and maintains a Victims of Crime Clearinghouse—an online database of journal articles, reports, papers, books and other publications focusing on issues that affect victims of crime. The development of a similarly searchable and accessible database of relevant victims' material would be a valuable addition to the federal government's available programs, services and resources for victims of crime.

**The OFOVC recommends that the Government of Canada provide the Policy Centre for Victim Issues with the direction, staff and resources necessary to build and maintain an online, accessible and searchable clearinghouse of information and research relating to victims of crime.**

<sup>16</sup> See: <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/schp1-rchp1.asp>

## Seamless services to victims

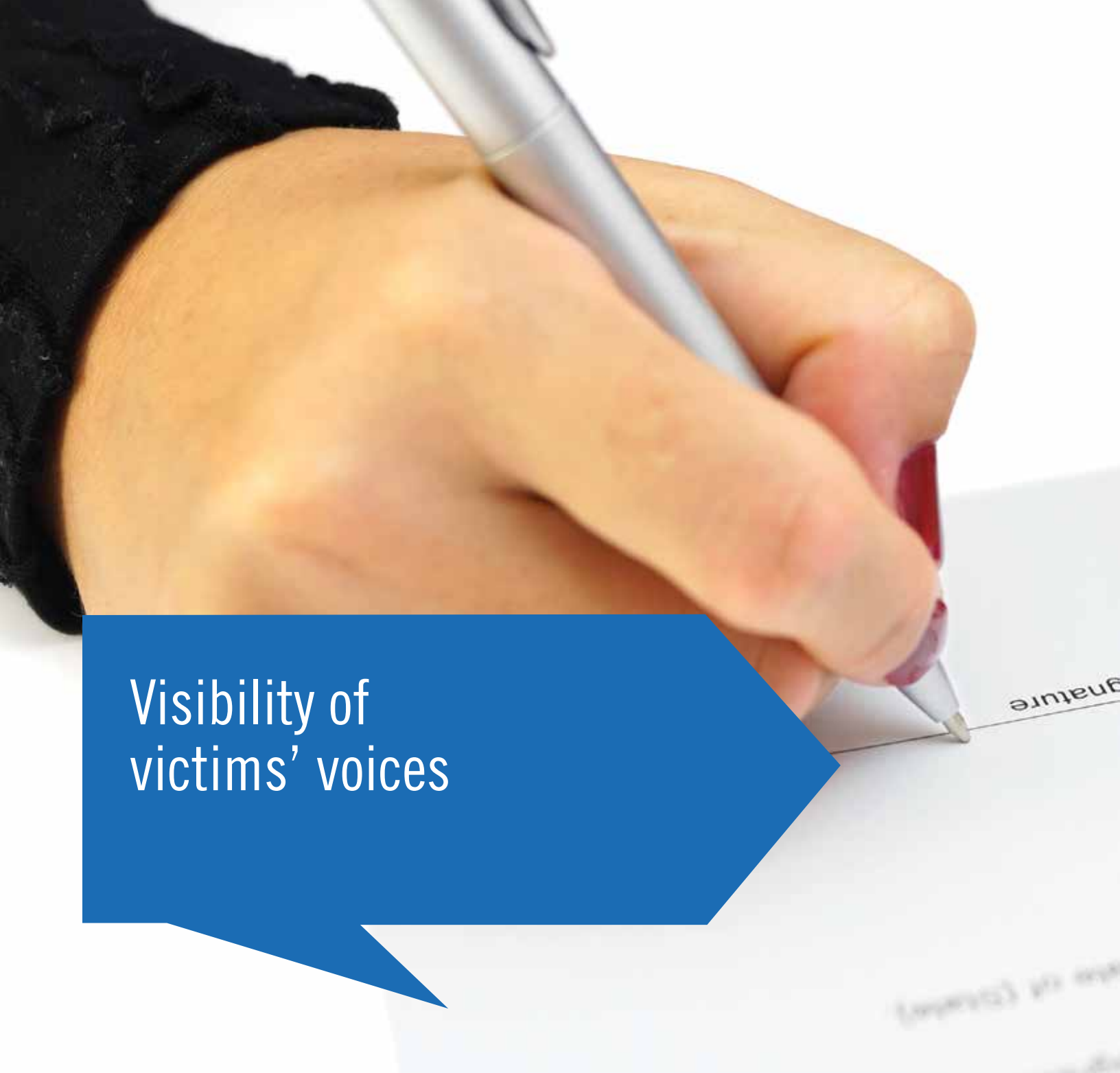
The administration of victim services is the responsibility of the provincial/territorial governments. Each province/territory is responsible for establishing and administering its own victim services (i.e. victim compensation). Within this model of service delivery, issues arise when a person resides in one province/territory and is victimized in another, especially when there are discrepancies in the services offered by the provinces/territories in question. In addition, because not all provinces/territories offer the same services or compensation, the treatment and support a victim receives can vary greatly depending on where he/she lives in Canada. On October 31, 2012, federal, provincial and territorial (FPT) Ministers responsible for Justice and Public Safety concluded a meeting that involved in-depth discussions on key justice and public safety issues currently facing Canadians. The federal Minister of Justice had raised the issue of reciprocity of victim services between jurisdictions, including criminal injuries compensation programs. Ministers requested that senior officials examine the issue.<sup>17</sup>

Support is integral to a victim's recovery. Victims need support not only in the immediate aftermath of a crime, but over the longer term. Just as offenders are provided with rehabilitation services in the correctional context to successfully re-integrate into society, so, too, victims should be provided with services and counselling to assist them to adapt and lead productive lives. Keeping in mind that the majority of services are under the authority of the provinces and territories, the OFOVC recommended the Government of Canada consider the following in order to ensure that victims have the supports they need:

**All Canadian victims, including cases where the crime occurred abroad, shall have the right to access and receive, at least, a minimum standard of nationally consistent victim services and supports.**

---

<sup>17</sup> Public Safety Canada. "Federal/Provincial/Territorial Ministers conclude productive Meeting on Justice and Public Safety." <http://www.publicsafety.gc.ca/cnt/nws/nws-rlss/2012/20121106-2-eng.aspx>



## Visibility of victims' voices

One of the most common concerns that the OFOVC has heard from victims since its inception is the lack of opportunity for victims to truly be heard in the criminal justice process and, more generally, in relation to relevant issues. In recognizing the value that victims have to offer, participants discussed the ways in which a stronger victims' voice could be incorporated into Canada's justice system.

# Participant perspectives

1. There is a profound power and visibility in being heard, absolutely key to recovery and healing for many. And, simultaneously, it is critical that people not be pushed to tell their stories or be visible if timing isn't right for them, or it is not helpful to them. Some people need to be supported in silence—needs are diverse. There is a need for voices to be heard without pressure.
  - *"Having your voice heard is important in many ways, it becomes a catharsis to help with the healing process, and it helps to validate the devastating effects the act of crime has on an individual and the ripple effects on many others. For families of crime victims, you become the voice of the one that has been silenced, and it gives you a sense of purpose and resolve to let it be known that people are not to be considered as mere statistics, but valued people created for a meaningful purpose."*
  - Voice equals some small return of control.
2. Victims telling their stories are powerful advocates for change.
3. All victims' voices need to be equally heard, regardless of the type of crime.
4. Children survivors need voices and support when they are ready.
5. It is important to remember that victims are individuals, not a homogenous group of people in the criminal justice system.
6. Having the opportunity for victim impact statements is important, and has a different meaning for different people.
  - *"I was too emotional to read my victim impact statement—I wish someone had read it out loud for us."*
  - *"I have found it important to say my impact statements in person because that is the only way to present my brother. He can no longer speak for himself so family members, friends, people who have been affected by his death, need to speak for him. The inmate must hear how the crime has impacted so many people. The judges need to hear the impact."*
  - *"Victim impact statements should not have a bearing on the outcome of a parole hearing. Why should the skill at telling a story bear any difference in the outcome of those hearings?"*
  - *"Victim impact statements should be published somewhere."*

7. Stories are sometimes “untellable” because people are afraid of hearing them.
  - *“A survivor of violent crime has to remember who their audience might be and in telling their story are they going to traumatize that audience.”*
  - *“Writing and poetry were an essential part of healing for us.”*
  - *“Creative and innovative training and education to shift to a consciousness about the courage of victims away from the negative stereotyping.”*
8. *“The system is designed as a two-way system between the Crown and the person who’s accused—the person who is harmed is left out of the equation.”*
9. Media awareness is very important. Local and provincial agencies should provide media training to help victims deal with the media.
10. Federal and provincial governments should do more consultation with victims to ensure their voices are represented.

## Existing federal-level programs, services, legislation or initiatives

### Victim statements

The *Criminal Code of Canada*, CCRA and the PBC's Policy Manual provide for a victim to present a statement through various stages of the process (i.e. court proceedings, as well as at a PBC hearing). All options include some flexibility around allowing a support person to present the statement, or presenting it through other avenues "considered appropriate."

#### ***Corrections and Conditional Release Act*<sup>18</sup>**

##### Section 140

##### *Presentation of statements*

- (10) If they are attending a hearing as an observer,
- (a) a victim may present a statement describing the harm done to them or loss suffered by them as a result of the commission of the offence and the continuing impact of the commission of the offence — including any safety concerns — and commenting on the possible release of the offender; and
  - (b) a person referred to in subsection 142(3) may present a statement describing the harm done to them or loss suffered by them as a result, and the continuing impact, of any act of the offender in respect of which a complaint was made to the police or Crown attorney or an information laid under the Criminal Code — including any safety concerns — and commenting on the possible release of the offender.

##### *Presentation of statements in absence of person*

- (11) If a victim or a person referred to in subsection 142(3) is not attending a hearing, their statement may be presented at the hearing in a format that the Board considers appropriate.

##### *Communication of statement in writing*

- (12) A victim or a person referred to in subsection 142(3) shall, before the hearing, deliver to the Board a transcript of the statement that they plan to present under subsection (10) or (11).

### ***Criminal Code of Canada***

#### 722. Victim Impact Statement<sup>19</sup>

##### Presentation of statement

- (2.1) The court shall, on the request of a victim, permit the victim to read a statement prepared and filed in accordance with subsection (2), or to present the statement in any other manner that the court considers appropriate.

<sup>18</sup> *Corrections and Conditional Release Act*, Section 140. "Presentation of statements."  
<http://laws-lois.justice.gc.ca/eng/acts/C-44.6/page-50.html#h-56>

<sup>19</sup> *Criminal Code of Canada*, 722. "Victim Impact Statement."  
<http://yourlaws.ca/criminal-code-canada/722-victim-impact-statement>



## **PBC, Policy Manual<sup>20</sup>**

### 10.3 Information from Victims

#### *Presentation of Victim Statements at Hearings*

6. The legislation permits a victim to read their written statement at a hearing. *Board members may allow a victim's support person to present the victim's statement on behalf of the victim when both the victim and support person are present at the hearing.* Formats of the victim's statement considered appropriate by the Board may consist of an audio or a video recording of the victim's statement.

### **Opportunities for input**

In order to help amplify victims' voices at the federal level, the OFOVC developed, and is in the process of finalizing, its National Framework for Engagement and Dialogue. The Framework was developed as a powerful tool for seeking the direct feedback and views of victims and other key stakeholders on particular issues, or with respect to federal policy, legislation, programs or services. Essentially, the Framework provides for victims, victim-serving agencies and other interested stakeholders the opportunity to input into OFOVC-related recommendations and activities through informal and voluntary consultation. Members indicate the areas of the victims' spectrum that interest them and when opportunities arise related to that topic or, when the OFOVC feels it has significant information to share, an outreach is made to members. The comments received by the OFOVC through the Framework are then examined for common themes and thoroughly considered in the development of the Office's policy positions and priority issues. For more information on the Framework, contact the OFOVC ([www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)).

## **Recommendations to the Government of Canada**

There is a general feeling that the victim's voice is absent or under-represented in the justice system and in the public conversation about crime. People who have been harmed by crime need a formal voice and role in the criminal justice system, and an acknowledgment of the scope of harm that is done to people who survive crimes.

In relation to victims having opportunities to have their voices heard, the OFOVC has consistently pushed for victims to have a stronger presence and voice in the correctional system, including in its submission to the Government of Canada on its pending Victims Bill of Rights. In that submission, the OFOVC made the following recommendations that support ensuring that victims have a voice in the system, and that that voice is heard and considered.

---

<sup>20</sup> Parole Board of Canada. *Policy Manual*.  
[http://www.pbc-clcc.gc.ca/infocntr/policym/polman-eng.shtml#\\_Toc296953815](http://www.pbc-clcc.gc.ca/infocntr/policym/polman-eng.shtml#_Toc296953815)

**Victims shall have the presumptive right to attend parole hearings, except in cases where it may threaten the safety of an offender, individual or institution.**

As it stands now, victims must apply to attend a parole hearing following the same process as any member of the general public. Following this application, and pending necessary security checks and safeguards, the victim is normally granted permission to attend. This process, however, falls under Government policy—attendance is not a legislated right for victims. Given the value of a victim’s input, and the important and unique opportunity in a parole hearing to obtain information about the offender’s progress, victims should have a presumptive right, over and above the general public, to attend parole hearings.

**Victims shall have the right to choose how they will attend a parole board hearing and/or present a victim statement, be it in person, by video or tele-conference, via closed-circuit television or through the use of other secure, reasonable and available technological means.**

While some victims will find it important and even necessary to face their offender in person, others may find this idea intimidating or generally undesirable. Furthermore, some victims may be unable to travel due to personal commitments, family obligations, work or illness. Unfortunately, in the current system attending the parole hearing—either in person or through video-conference in exceptional circumstances—is the only way that a victim can obtain the most complete information about the offender who harmed them and the progress they have made, if any.

In order to encourage participation, we must provide options for how victims can choose to participate in parole hearings without feeling intimidated or fearful, and without causing significant disruption to their lives and finances.

**Victims shall have the right to discuss release conditions and ensure that their views and safety concerns are considered before any conditional release decision is made.**

In-person parole hearings occur only in a certain percentage of conditional release cases. Often, decisions are made by members based on a “paper review”<sup>21</sup> and victims are notified only whether an absence or release has been granted or denied. In these cases, the views of the victim are taken into account only through the victim impact statement on file, if submitted during court proceedings, or a victim statement from previous conditional release decisions already on file. As such, the statement on file may be outdated and no longer representative of the current views and safety concerns of the victim related specifically to offender absences from the institution and certain types of conditional release under review.

A requirement that release and conditions be discussed with victims before decisions are made would allow for a more comprehensive decision-making process by ensuring that the updated views and concerns of victims of crime are taken into account in all cases.

**Victims shall have the right to attend Immigration Review Board hearings, and to submit or read a statement for consideration.**

Immigration Review Boards may hold hearings to determine if an offender should or should not be removed from Canada. Victims may want to have their voices heard and be considered in relation to their safety concerns and other views related to potential deportation. Given that criminality is a factor used to determine if an individual should be deported,<sup>22</sup> victims should be able to have their voices heard in relation to the criminal offence committed against them, and provide information for consideration in the deportation decision-making process.

---

<sup>21</sup> Parole Board of Canada. “Fact Sheet. Offender Notice: Changes to Some Conditional Release Reviews.” <http://www.pbc-clcc.gc.ca/infocntr/factsh/sscrr-eng.shtml>

<sup>22</sup> Immigration Review Board. “Criminal Grounds for Removal.” [http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Documents/RoaAmr07\\_e.pdf](http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Documents/RoaAmr07_e.pdf)



## Prevention and safety

Although it falls outside the scope of the OFOVC's mandate—which deals with services to victims following a crime—the Office realizes and acknowledges the important role of prevention and safety, and that more needs to be done to ensure that fewer Canadians are victimized. Participants shared their ideas and recommendations for how to better understand and address the root causes of violence and criminality before it results in tragedy.

# Participant perspectives

## 1. Root causes

- *“We all need to be focused on ending the cycle of violence before it starts. When prevention is working, communities feel empowered, there is less opportunity for an offender to commit a crime, and we are all aware of success stories.”*
- Need to look at prevention and safety in an integrated way, including institutional monitoring (especially for seniors, people with impairments, vulnerable populations).
- Identify populations within communities, so people at risk are not isolated—tracking of root causes that starts at the beginning; need to be aware of and act on the specific levels of risk around individuals; use approaches like the Ontario Association of Chiefs of Police (OACP) crime prevention model. Safety issues very different in remote/rural areas.
- Raise awareness about root causes of violence.
  - *“Punishment and the threat of punishment do not effectively amount to prevention.”*
  - *“Violence is a continuum; prevention efforts must recognize that even watching violence “as entertainment” in sports, comedy, drama, TV, films is not appropriate.”*
- Need a national plan to reduce income inequality and support for implementation of a national mental health strategy—invest up front to prevent as much harm as possible.
  - *“Stop putting people on the street who are not equipped to cope.”*
  - Better treatment for the mentally ill in prison.
- Education and early prevention are critical: we need funding for community education centres; children need to be educated to protect themselves from potential victimization; kids need to be taught how to develop healthy relationships; sustainable funding for programs for youth, low-income families; education on loss and bereavement in high schools and primary schools.

## 2. Safety

- Service providers should be trained on prevention and safety.
- Public awareness includes TV programs/websites on dealing with victims and issues, encouraging bystanders to speak up.
- The safety of victims is critical when the offender is released—can there be a right to protection?

- Better safety planning is key—making sure victims understand the level of risk and vulnerable populations are not isolated in their communities. How do we engage victims in their own prevention?
- We need resources for offenders when they are back in the community to reduce the “stressors” that lead to re-offending (e.g. housing, social assistance).
- We need a better way to measure crime prevention, more evaluation of grounded initiatives; more analysis, including gender analysis of crimes and victims. Vulnerable groups can be identified only if accurate data are collected (e.g. race).
- Agencies need to collaborate, share successes, collectively build on what is working.
- *“Policy makers, school administrators, police, politicians, parents, advocates, youth, faith-based organizations and community leaders need to work together on prevention.”*

### 3. Vulnerable populations

- People who come in contact with women facing violence in their lives need to understand the complexity of the issues and the impact that domestic violence has on the woman’s safety; women are killed after they report domestic violence.
- *“Revitalize Indigenous teachings and language; healthy sexual relationships, etc., are already there but were killed by residential school genocide. Elders are still there to talk about how things are supposed to be.”*
- If an offender (or potential offender) is a risk to family, we need to build better protection for children.
- (We need) resources to support children in transition houses to prevent the cycle of domestic violence from recurring; anti-bullying campaigns; mental health support; public speaking in schools. We need resources and programs for the intergeneration of victims, to ensure they do not become offenders.
- Cultural safety should be included in all efforts to ensure that violence is not (even unwillingly) perpetuated through explicit or implicit racism, or other forms of discrimination/marginalization.

## Existing federal-level programs, services, legislation or initiatives

### Prevention

The National Crime Prevention Strategy (NCPS), introduced in 1998, is administered by Public Safety Canada's National Crime Prevention Centre (NCPC). Managed in collaboration with the provinces and territories, the National Crime Prevention Strategy provides a policy framework for implementing crime prevention interventions in Canada.

The NCPC's mission is to "provide national leadership on effective and cost-efficient ways to both prevent and reduce crime by addressing known risk factors in high-risk populations and places."<sup>23</sup> To achieve its mission, the NCPC develops policies; gathers and disseminates knowledge to Canadian communities; and, in cooperation with the provinces and territories, manages funding programs that support community crime prevention projects through time-limited grants and contributions.

### Safety

In terms of victims' safety, where the offender is in the federal corrections and conditional release system, victims should be considered when any release decisions are being made. The *Correctional and Conditional Release Act* emphasizes that the protection of society is a paramount consideration in the correctional process for both the CSC and the PBC. The legislation further outlines that "parole boards take into consideration all relevant available information, including the stated reasons and recommendations of the sentencing judge, the nature and gravity of the offence, the degree of responsibility of the offender, information from the trial or sentencing process and information obtained from victims, offenders and other components of the criminal justice system, including assessments provided by correctional authorities." As noted, this includes the consideration of information received from victims, including victim impact statements.

This information helps the parole board assess:

- the nature and extent of harm done to the victim or the loss suffered by the victim, and the continuing impact of the commission of the offence; the risk of re-offending the offender may pose if released, including any safety concerns expressed by the victim;
- the offender's potential to commit a violent crime, for example, by providing information about threatening or previous violent or abusive behaviour;
- the offender's understanding of the impact of the offence;

---

<sup>23</sup> Public Safety Canada. National Crime Prevention Centre.  
<http://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/index-eng.aspx>



- conditions necessary to manage the risk that might be presented by the offender; and
- the offender's release plans. Possible repercussions must be carefully assessed if the victim is a family member, or was closely associated with the offender. If the offender intends to return to an integrated, small or isolated community, board members must weigh the support and control available to assist reintegration. The views of the victim are of assistance if release would place the offender near the victim.

## Recommendations to the Government of Canada

Participants expressed that prevention and safety are seen as critical to the full cycle of victim supports and services, and need to be considered in an integrated way. This includes awareness about root causes of violence, early education, sharing and learning from successes, proactive protection for people and populations at risk, and structures and processes that prevent people from re-offending.

Although the OFOVC's mandate relates specifically to the issues that follow a crime, rather than prevention, the Office is strongly committed to ensuring that a victim's safety is considered as a priority by decision makers, and to raising awareness of how release decisions may impact a victim.

The OFOVC believes information about an offender's progress and potential or actual release is important to the safety planning process of many victims. Currently, victims do not automatically receive a great deal of information pertaining to the offender who harmed them. However, the OFOVC has made recommendations to the Government to look towards expanding this and providing victims with more fulsome information. The OFOVC has previously made the following outstanding recommendations to the Government of Canada and continues to push for change in this area.

**Victims shall receive, upon request, the following information automatically, except in cases where it may threaten the safety of an offender, individual or institution:**

- the offender's name (including if the offender has changed his or her name while incarcerated);
- the offence and court that convicted the offender;
- the offender's sentence start date and length of sentence;
- the offender's eligibility dates and review dates for temporary absences and parole;
- the location of the penitentiary where the offender is being held;
- the offender's participation in correctional programming and progress made toward achieving goals set out in the correctional plan, as well as any convictions for disciplinary offences. This would include whether the offender successfully completed a correctional program, whether the offender is currently wait listed or scheduled to participate in programs that they have not yet participated in (including general information about the program), and any sanctions imposed for convictions for disciplinary offences;
- the offender's progress toward meeting their court-ordered obligations (i.e. restitution, child and spousal support, federal victim surcharge);
- advance notice of the date on which the offender is scheduled to be transferred between institutions (including location and security level of the institution) and/or released on any type of scheduled conditional release or absence, and the reason for transfer; and
- reasonable and timely notice of all parole hearings and reviews.

As discussed earlier in this section, often victims wish to remain informed about the offender and their progress in the corrections and conditional release system for a number of practical reasons.

Further, in order for victims to participate in a parole hearing or update their victim statement on file, they must first be informed that a hearing or review is scheduled. For those victims who do wish to participate, advance notice becomes integral for the purposes of planning, including potential travel, childcare arrangements, time away from work, etc.

**Victims shall be informed of all conditional release procedures and receive, upon request, in a reasonable and timely manner:**

- the outcome or decision of any parole review, including dates of parole or any absence from the institution;
- any conditions attached to that release or absence (including electronic monitoring and local instructions placed on supervision by the community parole officer);
- the destination of release;
- whether the offender will be in the vicinity of the victim while travelling to that destination; and
- notice when an offender breaches the conditions of release and reason(s) for the breach.

Victims may have significant safety concerns related to the release of the offender in the community. This information and the destination of an offender's release are necessary for victims to fully understand the supervision of the offender in the community.

**Victims shall have access to view, upon request, a recent photo of the offender at the time of release.**

A victim's safety concerns may be particularly high in situations where the offender's release destination is the same community where the victim resides or works. For this reason, some victims have shared that they wish to have access to view a recent photo of the offender at the time of release so that they may recognize the offender in order to assist in effective safety planning.

**Victims shall be given advance timely notice of the status of the offender with respect to his or her deportation, detention or release while under the jurisdiction of the Canada Border Services Agency and of deportation proceedings, if applicable.**

In some cases, an offender who has committed a crime in Canada may be subject to removal from Canada. There is no comprehensive policy or procedure in place to ensure that victims are notified when an offender is deported, or when the offender is in detention or released into the community awaiting deportation. In some situations, this may leave a victim living in fear, despite the fact that the offender has been deported and is no longer in Canada.

**Victims shall be informed, in cases where an accused is determined to be not criminally responsible, of Review Board procedures, and of their role and the process relating to those procedures.**

Individuals who are determined not criminally responsible by the court are diverted into provincial/territorial mental health systems. A Review Board becomes responsible for providing oversight of the treatment, rehabilitation and reintegration of the accused into society. Just as in other cases regarding victims of crime, the Review Board system and the victim's role within it can be largely unfamiliar for victims. Explaining procedures, next steps and opportunities for participation are essential in ensuring that victims stay informed and can access their rights.

**Victims shall receive advance timely notice of Review Board hearings, absences, notice of discharge decisions and conditions placed on a conditional discharge in cases where an accused is determined to be not criminally responsible.**

Victims of crime where an accused is found to be not criminally responsible should be entitled to the same types of information, including advance notification of proceedings, releases from forensic facilities, conditions of release, and breaches of release conditions. Victims also should have opportunities to present and have the impact of the crime considered, and have access to a photo of the accused at time of release, etc. The state of mind of the accused does not fundamentally alter a victim's need for information, to be considered and protected and to receive support.

In addition to information, the Office continues to push to ensure that the right processes and policies are in place to ensure that victims' safety concerns are taken into consideration when release decisions are made or there is a chance of a victim-offender encounter. The following are further outstanding recommendations that the OFOVC has made to the Government of Canada and will continue to follow up on.

**Victims shall have the right to an individual assessment to determine their protection needs and, where needs are identified, victims shall have the right to appropriate protection measures.**

In order to identify the specific needs of victims in relation to protection measures, victims' needs should be assessed in a way that takes into account the personal characteristics of the victim, and the nature and severity of the crime. For example, child victims should be presumed to have specific needs due to their vulnerability to intimidation and retaliation.

Victim protection measures should include such things as:

- secure waiting areas separate from those of the accused and his/her family, witnesses and friends during court;
- measures to prevent information that could lead to the identification of a child victim;
- allowance of a support person to accompany the victim;
- access to interviews conducted by a member of the same sex in cases involving gender-based violence;
- denial of bail (judicial interim release) or imposition of specific conditions of bail release—such as “no contact” orders—for defendants found to present a danger to the community, or to protect the safety of victims and/or witnesses;
- measures to avoid visual contact between victims and the accused during testimony, including through the use of technology;
- measures to ensure that the victim can be heard in the courtroom without being present, in particular through the use of appropriate communication technology; and
- measures to protect victims’ privacy and identity.

**Victims shall have access to safe and separate waiting areas apart from the offender and his or her family or support persons at any parole hearings or proceedings.**

Despite best efforts, victims attending a parole hearing may find themselves using the same entrances and/or without a separate waiting area to avoid the offender prior to the hearing. Appropriate measures should be taken to ensure that victims’ sense of personal safety is taken into account and that they have the space and facilities they need to feel protected.

**Victims shall have the right to discuss release conditions and ensure that their views and safety concerns are considered before any conditional release decision is made.**

In-person parole hearings occur only in a certain percentage of conditional release cases. Often, decisions are made by members based on a "paper review,"<sup>24</sup> and victims are notified only whether an absence or release has been granted or denied. In these cases, the views of the victim are taken into account only through the victim impact statement on file, if submitted during court proceedings, or a victim statement from previous conditional release decisions already on file. As such, the statement on file may be outdated and no longer representative of the current views and safety concerns of the victim related specifically to offender absences from the institution and certain types of conditional release under review.

A requirement that release and conditions be discussed with victims before decisions are made would allow for a more comprehensive decision-making process by ensuring that the updated views and concerns of victims of crime are taken into account in all cases.

**Victims shall have the right to attend Immigration Review Board hearings, and to submit or read a statement for consideration.**

Immigration Review Boards may hold hearings to determine if an offender should or should not be removed from Canada. Victims may want their voices to be heard and considered in relation to their safety concerns and other views related to potential deportation. Given that criminality is a factor used to determine if an individual should be deported,<sup>25</sup> victims should be able to have their voices heard in relation to the criminal offence committed against them, and provide information for consideration in the deportation decision-making process.

<sup>24</sup> Parole Board of Canada. "Fact Sheet. Offender Notice: Changes to Some Conditional Release Reviews." <http://www.pbc-clcc.gc.ca/infocntr/factsh/sscr-eng.shtml>

<sup>25</sup> Immigration Review Board. "Criminal Grounds for Removal." [http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Documents/RoaAmr07\\_e.pdf](http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Documents/RoaAmr07_e.pdf)





## Equity of treatment before the law

It is often surprising and immensely frustrating for victims to learn that their role is very limited within the criminal justice system and that, on balance, they have far fewer rights to certain treatment, information and participation than the offender who harmed them.

## Participant perspectives

1. *"Victims need to have the same level of rights as the accused, through legislation and public policy—for representation, health and counselling supports, information, reimbursement for expenses, job protection, etc."*
  - *"It feels that the offender's rights are always better than the victim's, every step of the way. There should be help for everyone who needs it—victims and perpetrators."*
  - *"The criminal has access to a free education, where victims may not be able to afford to send their children to school after an event."*
2. *Victims should have a voice in court—sentencing, safety planning, to speak or choose not to speak—with job protection and financial support for their participation. "Board hearings should be scheduled around the victim's life/needs, not the offender's timing."*
  - *"Victims need to feel that their best interest is being served, not just a conviction rate or caseload reduction effort. If there is a requirement for a plea arrangement, victims should be part of that process. The victim has the direct impact of the crime not the Crown, and should therefore not be excluded from this decision process."*
  - *"We need to increase the value of victims in the system—the Bill of Rights should do that."*
3. *"We don't want to create a hierarchy of crime victims—(we) need a standardized/ consistent approach."*
4. *We still need to protect victims of wrongful conviction.*
5. *Victims need to be able to navigate and influence the system, with access to plain language information.*
6. *"It is time to make changes by reforming laws and policies, and reduce the victimization and often the re-victimization of women when they leave situations of violence."*
7. *"I would like the system to make sure that judges' decisions are respected and used. Inmates would serve their full allotted time sentenced before any release of any kind. When the full sentence has been served, only then can they apply for the first type of release. I would like to have a copy of the transcripts from parole hearings, not just the decisions... ."*

## Existing federal-level programs, services, legislation or initiatives

### Employment protection

Introduced in the House of Commons in December 2012 as Bill C-44, the *Helping Families in Need Act* proposed to amend the *Canada Labour Code* to provide unpaid leave for parents coping with the death or disappearance of a child.

The Ombudsman appeared before standing committees of both the House of Commons and Senate in support of Bill C-44, but also went further to recommend amendments that would benefit a broader range of victims of crime, not only those coping with the death or disappearance of a child. These changes were recommended to recognize and address the fact that in addition to those who have lost a child, other types of victims should equally benefit from employment protection and income support in the aftermath of victimization. None of the Ombudsman's recommendations were included (see the Recommendations section below for details).

Financial support for participation in the corrections and conditional release process The Victims Fund, administered by the PCVI and part of the Federal Victims Strategy, offers financial assistance to registered victims who wish to attend parole hearings for the offender who harmed them, in order to help victims participate more fully in the corrections and conditional release system. Financial assistance is also available for a support person to accompany registered victims to PBC hearings, or to provide child or dependant care to enable victims to attend hearings.<sup>26</sup>

### Comprehensive information for victims

The OFOVC, PCVI, Public Safety Canada's NOV, CSC and PBC all provide and publish information about victims' rights and resources for helping victims navigate various parts and processes of the federal system.

One example is the NOV's information guide for victims,<sup>27</sup> which includes information about the criminal justice system and what victims can expect, the role of the victim, the path of the offender from beginning to release into the community, as well as other relevant information for victims about federal corrections and parole. NOV also publishes the *Victims of Crime—Staying Informed* booklet, which provides victims with information on what they are entitled to know, how to obtain that information, the role victims can play in CSC's and PBC's decision-making process, and other services offered at the federal level. The booklet is available in a number of languages.<sup>28</sup>

---

<sup>26</sup> Department of Justice Canada, PCVI. "Attending Parole Board of Canada Hearings." <http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/attend-audience.html>

<sup>27</sup> Public Safety Canada. *Information Guide to Assist Victims*. <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/nfrmtm-gd-ssst-vctms-2011/index-eng.aspx>

<sup>28</sup> Public Safety Canada. *Victims of Crime—Staying Informed*. <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/vctms-crm-styng-nfrmd/index-eng.aspx>

## Proceedings of hearings

In 1992, the CCRA mandated the PBC to create and maintain a Decision Registry<sup>29</sup> to allow victims and other members of the public to have access to parole decisions, which provide reason and rationale for the decisions made by the PBC. The decisions are not full transcripts of hearings, but rather a summary of salient, related points. In addition, the CCRA enables victims to observe hearings and make a presentation to parole board members.

## Recommendations to the Government of Canada

There is a high need for equity of voice, services, rights and resources, regardless of type of crime, whether the perpetrator is charged or not, and where the crime occurred. There is a particular desire for parity between the kinds of rights and resources accorded to people accused, or convicted, of crimes and those accorded to victims.

### Employment protection

All victims should benefit equally from employment protection and income support in the aftermath of victimization. The Ombudsman made the following recommendations to amend Bill C-44, the *Helping Families in Need Act*. Although the recommendations were not incorporated as amendments, the OFOVC continues to feel that all victims deserve this same support and protection, and that the Government of Canada should take action to address this gap.

**The Government of Canada should amend the necessary legislation to ensure that the provision relating to unpaid leave for parents of murdered or missing children be extended to all victims of crime.**

**The Government of Canada should make the necessary changes to ensure that the federal income support for parents of missing or murdered children who are taking a leave of absence from their employment be widened to include all victims of crime.**

<sup>29</sup> Parole Board of Canada. Decision Registry: "The purpose of the registry of decisions is to contribute to public understanding of conditional release decision making and to promote openness and accountability."  
<http://www.pbc-clcc.gc.ca/media/dec-eng.shtml>

**The OFOVC recommends that an Employment Insurance category for victims of crime be created in order to provide victims of crime with tangible supports in order to deal with the aftermath of crime.**

### **Proceedings of hearings**

While the Decision Registry is a useful tool for allowing victims to have access to certain decision-making information at the parole board, it is not necessarily sufficient. The only opportunity a victim has to review the full proceedings is to attend in person. However, this is not an option for victims who may choose not to attend a hearing, or for victims who may have found it difficult to absorb all of the proceedings. For those victims, there is a desire to have, or have access to, a more fulsome review of the proceedings—either by obtaining a transcript or by listening to an audio recording. For that reason, the OFOVC recommends the following.

**Victims shall have rightful access, upon request, to listen to the audio recordings of parole hearings, regardless of whether the victim attended the hearing, or to have transcripts of the parole hearings provided at no cost.**





## Equity across all regions of the country

In Canada, where a victim resides may impact the types and level of services available to them. For this theme, participants discussed the importance of ensuring that all victims have access to at least the same basic services. They also discussed the challenges and frustrations of accessing services across jurisdictional boundaries.

# Participant perspectives

1. People across the country deserve equal access to funding and support services, including eligibility criteria for compensation plans; access to services and support (i.e. crime jurisdiction and actual victim location, unresolved crime, unreported crime, missing persons and cold cases).
2. We need a guidance/framework at the federal level with enforceable minimum standards for providing victims' services across the country that can be strengthened at the provincial level. Ideally this would be a national NGO (non-government organization) with a centralized resource database and better accountability to victims.
  - *"The existing system does not work—it's a patchwork of systems that varies from coast to coast to coast."*
  - *"The federal government needs to take the lead on developing a transparent, accountable framework of national standards."* This includes parity in funding for victims' groups.
  - It's critical that minimum standards *"do not level downwards"* but provide a frame for care and services that will enable all Canadians to heal.
3. Services need to be equitable regardless of region, economic or social status of the victim, race, gender, disability, sexual orientation, etc. We need to *"connect with the reality of every community"* and provide equity for the families of those not seen as valued—those who are involved in criminal activity, sex work, Aboriginal, etc.
  - *"We need national recognition for the inequity Aboriginal people experience in the criminal justice system, especially women."*
  - *"I imagine a Canada that works with victims at their level to give them a better understanding of how the system works in order for victims from different cultures to make informed decisions."*
4. We need cross-collaboration in the justice system to support and serve victims in an equitable and timely manner. Jurisdictional issues need to be resolved when crimes are committed in one place and the family lives elsewhere.
5. Resources in remote areas are severely limited: *"I grew up in a small town with no doctor or mental health services. Victims' services were hours away, if we could access them at all."*



6. *"I live in [a remote area] and was given a certain number of counselling hours; however, no one was available close by who was acceptable to the province. It would have taken me all day to go for a one-hour session with someone registered with the province. Re-victimization! No matter where you live, you should have the same access to resources as everyone else."*
7. There should be consistency across the country on notification of death (e.g. homicide notification), age of children protected by Children's Aid Societies, media protocols, etc.
8. We need mandatory surcharges and remedy for judges who fail to impose them (Bill C-37).
9. There is a need for much greater awareness of the network of victims' services.
10. We need cross-country support for initiatives that research the impact of crime on victims and social and economic consequences of crime.
11. *"We need full-service child advocacy centres operating in all regions of the country so victims' support is available long-term."*

## Existing federal-level programs, services, legislation or initiatives

### Federal victim surcharge

The federal victim surcharge was created to provide financial support to provincial and territorial victim services, and to promote a link between an offender's crime and his/her accountability to the victim.

On June 19, 2013, Bill C-37, the *Increasing Offender's Accountability for Victims Act* received Royal Assent. The Bill includes provisions both doubling the federal victim surcharge and ensuring its automatic imposition in all cases without exception.

### Child Advocacy Centres

In 2009, the OFOVC published its special report, *Every Image, Every Child*.<sup>30</sup> The report outlined the benefits of the Child Advocacy Centre (CAC) model of service delivery for children and families who are victims of sexual abuse as "providing an 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 report stated that the CAC model minimizes system-induced trauma and re-victimization for children and families in the aftermath of abuse by providing a safe, child-friendly environment and minimizing the frequency of contact with professionals. The report also recommended that the federal government, in conjunction with provincial and municipal governments, develop a national strategy to expand the network of CAC models in communities across the country.

Following the report, the Government of Canada's Budget 2010 announced new resources for victims of crime and funding to increase support for victims through the creation and enhancement of CACs across Canada (\$5.25 million over five years). Budget 2012 announced additional resources (\$5 million over five years) to further support the development and enhancement of CACs. These resources are available through the Victims Fund under the Federal Victims Strategy.<sup>31</sup>

---

<sup>30</sup> OFOVC. *Every Image, Every Child*, 2009. <http://www.victimfirst.gc.ca/pdf/childp-pjuvenile.pdf>

<sup>31</sup> Department of Justice. *Victims of Crime Research Digest*, Issue No. 6. "Building Our Capacity, Child Advocacy Centres in Canada." <http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd6-rr6/p2.html>

## Recommendations to the Government of Canada

Participants expressed the desire for a minimum, consistent standard of care for victims' services and resources across Canada, through provincial, federal and territorial cooperation, to ensure that everyone across Canada has equitable access to supports, services, compensation and all of the basic rights.

### **Consistency of victim treatment and access to services**

The Government of Canada announced its intentions in February 2013 to develop and implement a Victims Bill of Rights. It further launched, in the development process, consultations with relevant stakeholders from April to September 2013. As part of this consultation, the OFOVC provided a written submission outlining about 30 recommendations related to the Victims Bill of Rights. The submission asserted the importance of consistency of treatment and services in Canada and recommended the following.

**The Government of Canada should ensure that all Canadian victims, including cases where the crime occurred abroad, shall have the right to access and receive, at least, a minimum standard of nationally consistent victim services and supports.**

## Participant recommendations regarding the OFOVC

As mentioned in the *Exclusions* section on page 4 of this report, participants were asked to provide recommendations on how the OFOVC could ensure its operations were the most effective, efficient and amenable for victims of crime in Canada.

Given that the majority of these recommendations relate to the OFOVC's internal operations, they have not been included in this document and will be considered as part of the Office's strategic planning and ongoing work.

There were, however, a few recommendations made by participants that the OFOVC does not have the authority to address. These recommendations are provided below for the Government of Canada's information and consideration.

1. Uncouple the OFOVC mandate from the *Corrections and Conditional Release Act* so the Ombudsman can initiate new legislation<sup>32</sup> and be an advocate for victims of all crimes.
2. Each province and territory should have its own provincial ombudsman office (for victims of crime) to oversee the issues in each province and territory, networked with the federal Office.
3. OFOVC could have an advisory committee made up of representatives from each province, to mirror the ombudsman in the provinces, promote better relationships among the provinces and report what's going on in their regions to OFOVC.
4. A central office for all victims' services.
5. Advocate for the creation of the role of Director of Victims' Services with investigatory powers, or grant these powers to the OFOVC.

---

<sup>32</sup> Note that the OFOVC does not have the authority to initiate, develop or amend legislation.

## Looking forward: The Canada that victims of crime want

In addition to the discussion, recommendations and points described throughout this report, Forum participants were divided into smaller groups and asked to develop a statement that best reflected their response to the question: “What would be your vision for the Canada you would like to see five years from now?”

The goal of this question was for participants to imagine, regardless of jurisdictional boundaries and other barriers, what a victim-supportive Canada could look like, and what—if any—common elements would be integral to that type of cultural shift.

The following are the statements that were developed. These statements represent the longer-term view of what stakeholders want to see in Canada. They provide a powerful insight into what more needs to be done.

### **Our vision for Canada five years from now...**

- Every Canadian has confidence that if they fall prey to criminal harm, they can expect that an established framework is in place, enshrined in federal law, incorporating explicit, equitable, victim-centered human rights that provide for consistent, universal access to supports and services that enable victims and witnesses to re-establish their lives.
- All people harmed and affected by crime will know and believe unequivocally they are valued, respected, treated as an integral part of the justice process, with equivalent rights to the accused.
- We have an array of immediately available, nationally integrated supports and services that provide a consistently high quality of care for victims, including access to information, validation, long-term psychological support, advocacy, system navigation and financial recovery and protection. People are supported in their healing in ways that are meaningful to them.
- Support is available for those criminally harmed on and off Canadian soil, whether or not there are criminal proceedings, as long as it is needed.
- All support and services recognize cultural and regional diversity, and are equitable regardless of individual circumstances, gender, race, sexual orientation, disability, economic or social status. The system is sensitized and trauma-aware so it itself is not re-victimizing people.
- Support is timely and coordinated, and is actively offered to people as soon as they are harmed.

- All victims' services and legal processes are developed inclusively, with all voices invited to the table and heard. The principle of *sawbonna*—where all voices are deeply valued— is alive and vibrant.
- There is a national integrated network of community-based victim supports and services that simplifies access to information, resources and funds.
- Victims will be seen as embodying dignity, strength, courage and empowerment.
- Canada is recognized globally as a world leader in victims' assistance. We are recognized as a compassionate society in our international actions and in our treatment of everyone inside the country.

## Conclusion

The Forum and this resulting report provide an excellent and timely snapshot of what victims of crime in Canada and members of the larger victims' right community feel are issues of high importance.

The OFOVC encourages the Government of Canada to carefully consider the points and recommendations contained in this report, and to act to address the issues outlined through the amendment or introduction of related legislation, policy, programming and services.

Victims of crime, victim-serving agencies, law enforcement, academics and more have come together to provide clear, meaningful feedback on where the gaps are in our Canadian criminal justice and corrections and conditional release systems. The OFOVC urges the Government to take this information and use it to continue to build a country where victims of crime are informed, considered, and protected and supported.

Victims of crime have shared their stories and their frustrations; let's work together to address them and to make Canada a world leader in responding to victims of crime.