



Victims Matter

If you have been the victim of crime, you have rights under Canadian law.

Canada's *Criminal Code* protects the safety, security and privacy of victims of crime, gives victims a voice in the criminal justice system and holds offenders accountable to victims and to society.

SAFETY AND SECURITY

- The court must consider the victim's safety when deciding whether to let an accused person out on bail.
- The court may make an order prohibiting the accused from communicating with a victim or a witness.

PRIVACY

- In certain circumstances a judge may order a *publication ban*, which prevents the victim's identity or information that could identify the victim from being published or broadcast. A judge may even issue an *exclusion order* to require some or all members of the public to leave the court room.

A VOICE

- Victims of crime have the right to submit a victim impact statement to the court describing the harm or loss they have suffered as a result of a crime. The victim may choose to read their statement aloud at the sentencing hearing.
- The court must take the victim impact statement into account when sentencing the offender.

ACCOUNTABILITY

- One of the objectives of sentencing is to acknowledge and to provide reparations for harm that has been done to victims and to the community.
- The offender may have to pay the victim *restitution* as part of their sentence – restitution is a payment of money to help compensate the victim for harm or loss suffered as a result of the crime.
- A *victim surcharge* is a special fine the offender pays in addition to any other punishment they receive. The money goes to support provincial and territorial programs and services that assist all victims of crime.

VICTIMS OF SEXUAL ASSAULT

The *Criminal Code* includes special measures to address the needs of child and adult victims of sexual offences. For example:

- The law makes very clear what is – and what is not – considered sexual activity.
- A victim's sexual history cannot be used as evidence in a sexual assault case to discredit the victim. In cases where this information might be relevant, a special procedure must be followed which respects the victim's privacy.
- A victim's identity will be protected.
- A victim's personal records cannot be given to the accused except in limited circumstances and after a ruling by the trial judge.
- A victim or witness under 18 years of age can choose to have a support person with them when they testify in court.
- A victim or witness under 18 years of age should not be cross-examined by a self-represented accused; a lawyer will be appointed to conduct the cross-examination when the victim makes this request to the judge.
- The judge may issue an exclusion order to require some or all members of the public to leave the court room.

- An adult witness may apply to the court for a support person to be present when they testify.
- An adult witness may apply to the court to prevent a self-represented accused from personally cross-examining them and the court may appoint a lawyer for this purpose.
- The court may prohibit a person who has committed a sexual offence against a child from being in places where children may be present.

MAKING IT EASIER TO TESTIFY

The *Criminal Code* includes provisions to help other vulnerable victims and witnesses when they testify in criminal court. These include providing a support person who is present during the witness's testimony, allowing the witness to testify behind a screen or outside the courtroom via closed-circuit TV, and appointing a lawyer to conduct the cross-examination when the accused is self-represented.

- Victims and witnesses under 18 years of age will receive testimonial aids when a request is made to the judge.
- Witnesses with a disability that makes it difficult for them to communicate will receive testimonial aids when a request is made to the judge.
- Victims of criminal harassment should not be cross-examined by a self-represented accused; a lawyer will be appointed to conduct the cross-examination when the victim makes this request to the judge.
- The judge may issue an exclusion order to require some or all members of the public to leave the court room.

FINDING HELP

If you, or someone you know, have been the victim of a crime, help is available. All provinces and territories have services for victims of crime. They can help if you need information or other assistance.

If you are currently involved in a trial and have questions about the *Criminal Code* provisions mentioned in this brochure, contact your Victim Service Worker or the Crown Attorney for more information.

For information about Canada's justice system and links to victims services, visit the Policy Centre for Victim Issues home page on the Department of Justice Canada Website under Programs and Initiatives at: <http://canada.justice.gc.ca>

CONTACT INFO

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