

Government of Canada

Office of the Federal Ombudsman for Victim of Crime Gouvernement

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

ANNUAL REPORT

Office of the Federal Ombudsman for Victims of Crime

Canadä

OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

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MESSAGE FROM THE OMBUDSMAN

t is my pleasure to present the 2019–2020 Annual Report of the Office of the Federal Ombudsman for Victims of Crime (OFOVC) covering the period April 1, 2019 to March 31, 2020.

I am proud to serve Canadians as the Federal Ombudsman for Victims of Crime and to share the impact my team has had over the past fiscal year. My role is to issue reports, provide recommendations and bring public transparency to issues within government institutions that negatively affect victims of crime.

As the federal front line service for victims of crime, our Office helped victims resolve concerns, answered their questions and connected them to different resources and agencies. We also let this knowledge inform the 35 recommendations to decision-makers that we made this year. We created new partnerships across sectors to ensure we remain engaged with those on the front lines, continue to learn from their expertise, and deliver evidence-informed advice to our federal partners.

Early in fiscal 2019–2020, the OFOVC increased its outreach and engagement with victims, survivors, stakeholders and service providers through social media, webinars, community forums, conferences, learning events and symposiums. We created an Indigenous Advisory Circle with representation from First Nations, Métis and Inuit knowledge keepers, and hired the OFOVC's first Indigenous team member. We also formed an Academic Advisory Circle of researchers and victimologists.

In fall 2019, we modernized and simplified our promotional material. Our new <u>signature brochure</u> is available on our website in English, French, Inuktitut and Algonquin. We began to work on our progress report, assessing the impact of the first five years of the *Canadian Victims Bill of Rights*. In March 2020, toward the end of the fiscal year, we travelled to Yellowknife, Northwest Territories to hold community forums where survivors and service providers shared the importance of culturally sensitive, community-based services to empower victims in remote regions.

By mid-March, Canadians were facing the global COVID-19 pandemic. To minimize the spread of the virus, public servants were mandated to work from home if possible. The COVID-19 pandemic highlighted an underlying pandemic of family and domestic violence in Canada and made it more difficult than ever for victims to escape violence. At the OFOVC, we honoured our commitment to raise victims' voices at the federal level and in the administration of justice by seeking greater funding for victim response services and shelters and by recommending a focus on violence prevention as a matter of public health.

I continued to work in solidarity with my 16 federal ombuds colleagues to address fairness issues and to support and promote the Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles). These principles recognize the importance of ombuds institutions and provide guidance for establishing and running them effectively.



I would like to recognize and thank the many survivors of crime and their families who shared their lived experiences and challenges with us over the past year. Their experiences inform our work invaluably. I would also like to express my appreciation to all of our stakeholders who provide crucial support to victims of crime. Finally, I want to thank the OFOVC team for everything they have accomplished this year and for their unwavering dedication to the victims they serve.

As we move forward, we recognize that there is still much work ahead to strengthen victims' rights in Canada. We will continue to identify and report on systemic issues and trends that negatively affect victims and survivors of crime. I remain committed to the OFOVC's mandate and will continue to ensure we put victims first.

Heidi Illingworth
Federal Ombudsman for Victims of Crime

ABOUT US

The OFOVC was created in 2007 as an arm's-length federal office that helps victims of crime and their families. Our mandate relates exclusively to matters of federal jurisdiction. It enables us to

- » promote victims' access to federal programs and services.
- » address victims' complaints about compliance with the provisions of the Corrections and Conditional Release Act that apply to crimes committed under federal jurisdiction,
- » promote awareness among criminal justice personnel and policy-makers of victims' needs and concerns and the laws that benefit them (including by promoting the principles set out in the Canadian Statement of Basic Principles of Justice for Victims of Crime with respect to matters of federal jurisdiction),
- » identify and review emerging and systemic issues—including those related to programs and services provided or administered by the Department of Justice Canada or Public Safety Canada—that negatively affect victims of crime, and
- facilitate victims' access to federal programs and services by providing them with information and referrals.

OUR VISION

The OFOVC's vision is for victims and survivors of crime to be treated fairly and with respect across the federal government and criminal justice system.

OUR MISSION

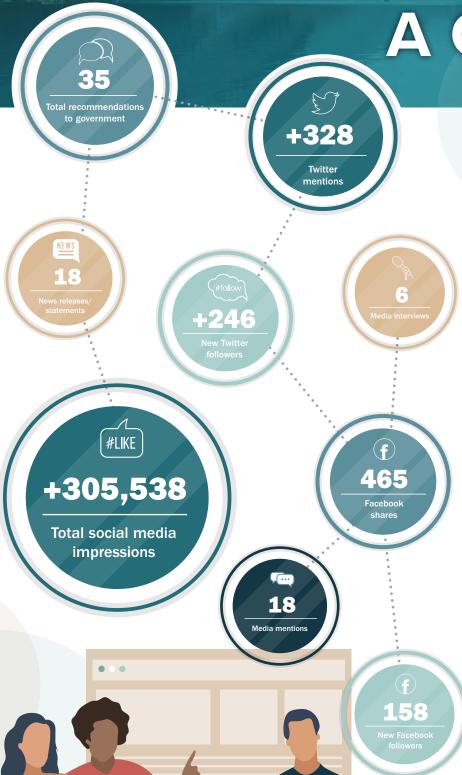
The OFOVC's mission is to take a victim-centred and trauma-informed approach to our work; to listen to and engage with victims and survivors of crime; and to work in a way that is holistic and mindful of intersectionality, seeks fairness and challenges inequality.

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"Thank you for reaching back out to me, you were the only one who has returned my call, and I am so thankful I can talk to someone so sweet about my concerns, you really made my day."

—An OFOVC client

2019-2020 AT A GLANCE



Top Tweet ENGLISH

This week is #InternationalAssistanceDogWeek!
OFOVC would like to celebrate all the hardworking service dogs across Canada who help so many victims heal from hardship. Here is our Ombudsman, Heidi, with the Ottawa Police ADI Accredited Facility Dog, West!



Top Tweet FRENCH

Il y a maintenant 3 ans que 6 vies ont été prises et beaucoup d'autres touchées par l'#islamophobie et la haine. Nous nous souvenons des victimes et tenons leurs familles dans nos pensées. Nous continuerons à promouvoir l'unité et le respect dans tout ce que nous faisons.



PUBLIC AND STAKEHOLDER ENGAGEMENT

In 2019–2020, OFOVC staff participated in wide range of networking and community events, conferences, forums and meetings to raise awareness of what we do, exchange ideas with colleagues and ensure policy-makers and influencers are aware of victims' concerns.

Networking events

- » Federation of Canadian Ombudsman's annual conference and the Canadian Association of Chiefs of Police, Victims of Crime Subcommittee meeting, Toronto, Ontario.
- » 28th Session of the United Nations Commission on Crime Prevention and Criminal Justice, Vienna, Austria.
- » Voices of September 11th Resiliency Symposium, New York, New York.
- » National Missing and Unidentified Persons Conference and the Leave No Victim Behind Conference, Las Vegas, Nevada.
- » Canadian Violence Link Conference hosted by Humane Canada, Toronto, Ontario.
- » 2nd annual Indigenous Human Trafficking Awareness Day, Ottawa, Ontario.
- » National Restorative Justice Symposium, Banff, Alberta.

Community visits

- » We met with the regional Victims Advisory Council Chairs to Correctional Service of Canada and the Parole Board of Canada in Fredericton, New Brunswick.
- » We visited Kahnawake, Mohawk Territory in Quebec, to speak with community members about OFOVC.
- » We visited stakeholders in Edmonton, Alberta, including Ambrose Place, which provides safe, affordable housing to homeless Indigenous people.

Speeches

- We presented to more than 300 attendees at the Victims of Homicide Western Canadian Conference in Edmonton, Alberta.
- » We provided the Moment of Reflection at the annual symposium of the Policy Centre for Victim Issues in Fredericton, New Brunswick.
- » We spoke at "Breaking the Silence," part of the Victims and Survivors of Crime Week in Brockville, Ontario.
- » We presented to the International Justice and Victims' Rights summer school at l'Université de Montréal, Quebec.
- » We presented to 50 participants at the annual general meeting for the Ontario Network of Victim Service Providers in Ottawa, Ontario.
- » We presented to 100 participants at the Prairie Region Victims Advisory Council Community Forum in Winnipeg, Manitoba.
- » We presented to 100 attendees at the Victims Advisory Council Forum in Surrey, British Columbia.



- » We made a keynote presentation to 500 people in Quebec City, Quebec at the Congress held by the Société de criminologie du Québec and the Canadian Criminal Justice Association.
- » We presented to 150 senior leaders of the Ottawa Police Service in Ottawa, Ontario.
- » We delivered a presentation on best practices for restitution orders to 150 attendees at the Ontario Serious Fraud Office, Toronto, Ontario.

Ministerial and parliamentary relations

- » The Ombudsman met frequently with the Honourable David Lametti, Minister of Justice and Attorney General of Canada.
- » We testified before Senate committee on Bill C-75 and Bill C-77.
- » We created our Office's first Indigenous Advisory Circle and Academic Advisory Circle to help shape our upcoming projects and plans.
 - » The Indigenous Advisory Circle informs the OFOVC's work related to the National Action Plan on Missing and Murdered Indigenous Women and Girls.

"A victim's journey doesn't end at the point of exit," said Heidi Illingworth, Federal Ombudsman for Victims of Crime.
"Having a national hotline available to connect victims and survivors with resources, both immediate and long-term, no matter where they are in Canada, is vital to supporting those who need it the most."

—Heidi Illingworth, Ombudsman

Canadian Centre to End Human Trafficking,
 May 29, 2019

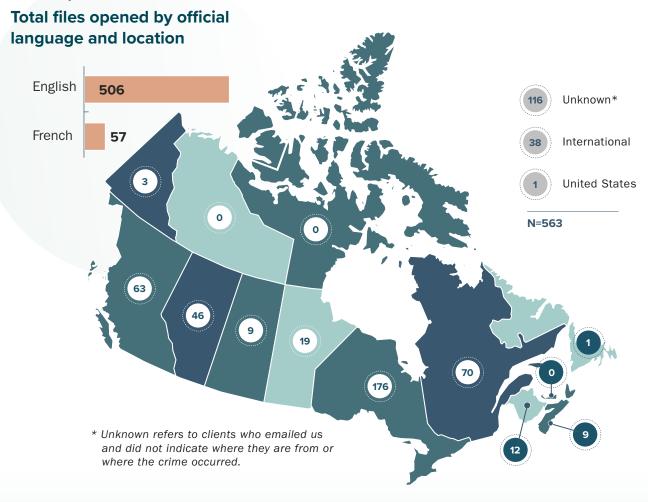
"Making victims responsible for collecting restitution is a serious form of revictimization. The justice system has a responsibility to ensure offenders are accountable. We actually know from the experience of Saskatchewan that if you dedicate permanent staff to assisting victims... that it works. Saskatchewan has successfully collected a lot of funds for victims."

—Heidi Illingworth, Ombudsman

The Hamilton Spectator,
 September 27, 2019

- » We hired the OFOVC's first Indigenous Advisor to bring an Indigenous perspective to our services and policy analysis.
- » We attended "Our Reconciliation Journey" an Indigenous cultural competence course delivered by our own Executive Director, Dr. Nadia Ferrara—as part of our commitment to reconciliation and to the Truth and Reconciliation Commission's Call to Action #57 (professional development and training for public servants on conflict resolution, human rights and anti-racism).
- We held our first webinar in collaboration with Victim Justice Network Canada, titled "Removing Barriers and Building Partnerships to Serve Victims Across Jurisdictions," with 115 participants.
- We created a strategic plan for 2019–2021 to ensure we can reach more Canadians affected by crime than ever before.
- » Our Ombudsman and Executive Director met with Dr. Arouna Ouedraogo, who is interested in developing victim services in Burkina Faso, Africa and wanted to learn more about our Office and the Canadian justice system.

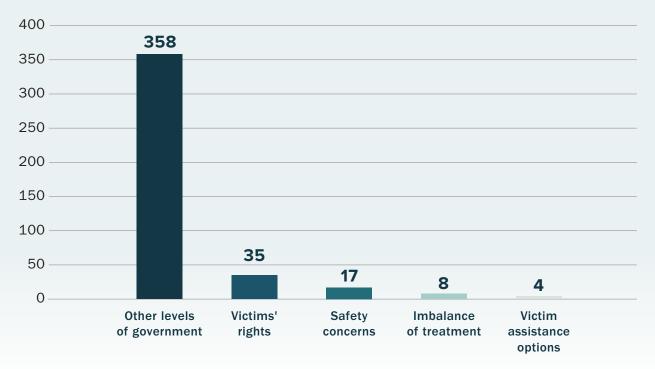
From April 1, 2019 - March 31, 2020



Who contacted us

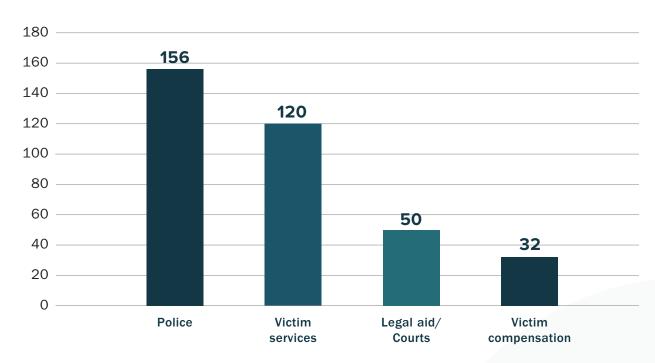


Top issues raised by clients*



^{*}Please note: a single file may have multiple issues.

Analysis of "Other levels of government"



CASE STUDY: COVID-19

Every year in our annual report, we provide a case study to illustrate some of the issues that victims and survivors of crime face and how the OFOVC can help. This year's case study highlights some of the issues that victims and survivors faced as the COVID-19 pandemic began in Canada and how we helped resolve them.

ISSUE

In mid-March 2020, we discovered that the Parole Board of Canada had barred all observers from attending hearings until further notice in an effort to comply with national measures aimed at stopping the spread of the COVID-19 virus. Almost immediately, we began receiving complaints from victims and stakeholders about hearings continuing without victims present.

While we agreed that measures were needed to slow the transmission of COVID-19, our view was that the Parole Board should try to use technology to accommodate victims, given their rights to participate and convey their views as set out in the *Canadian Victims Bill of Rights* and the *Corrections and Conditional Release Act*. We made our thoughts known and suggested ways to incorporate technology, such as teleconferencing and videoconferencing.

OFOVC's Ombudsman communicated with Parole Board and Public Safety Canada officials to convey her concerns and to try to address the issue as a matter of urgency. The board's initial response was that it would do nothing to accommodate victims.

Many victims were dissatisfied with this and filed formal complaints with our Office. Given that considering the rights of victims of crime is in the interest of the proper administration of justice. the Ombudsman sent letters to the Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness and to the Parole Board's Chairperson, Jennifer Oades. The Ombudsman pointed out that the same limitations were not being imposed on offenders' assistants, for whom accommodations were being made on a case-by-case basis. The letters emphasized that the board's chosen approach was unfair and fundamentally failed to comply with the legislated rights of victims as outlined in the Canadian Victims Bill of Rights and the Corrections and Conditional Release Act.



APPROACH

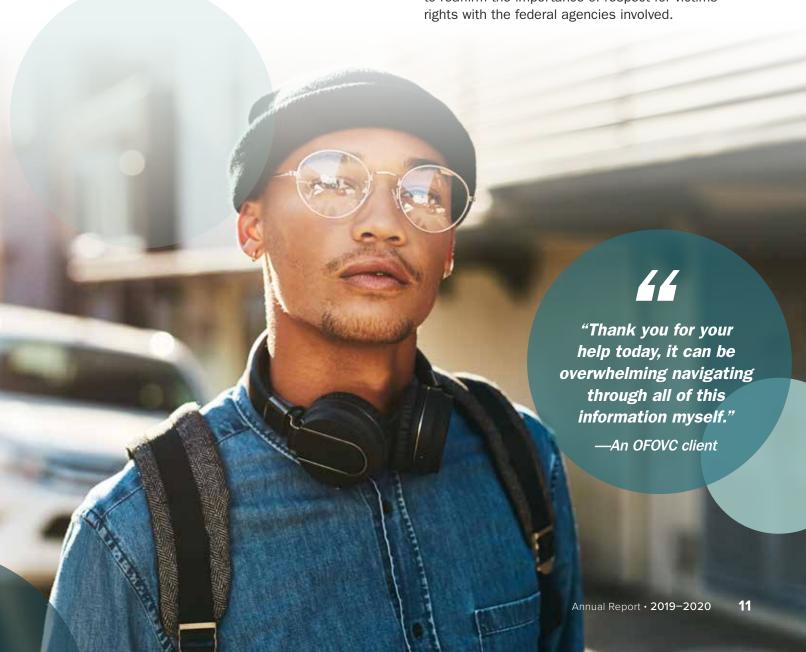
The next step was for the OFOVC to obtain victims' consent to communicate with the Parole Board of Canada about their concerns. We communicated with board officials to request that the board offer virtual alternatives that would allow victims to participate in hearings. The Parole Board redirected these requests to the Public Safety Minister in late March 2020. OFOVC's Ombudsman also held meetings with several victims and advocates to understand their concerns.

IMPACT

Thanks to the Ombudsman's letters and OFOVC's intervention, the Public Safety Minister asked the Parole Board of Canada to find a way for victims to participate remotely. On April 22, 2020, the board announced that it would implement teleconferencing across Canada.

The teleconferencing technology enabled the recognition of victims' participatory rights, and victims were able to participate in hearings going forward. Victims told us they were extremely pleased with the letters, our work and the results.

The concerns that these victims and families brought forward gave the OFOVC an opportunity to reaffirm the importance of respect for victims' rights with the federal agencies involved.



SUBMISSIONS TO GOVERNMENT

As part of our mandate, we provide direct advice to the federal government through submissions to and appearances at parliamentary committees and by making recommendations to cabinet ministers. This year, we provided advice and recommendations through two submissions, two appearances and eight letters. We also provided a submission to the Independent Civilian Review into Missing Persons Investigations conducted by the Toronto Police Service. Below are summarized versions of each.

Remarks to the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-75,

An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts

THE ISSUE

Bill C-75 was an "omnibus" bill, meaning it addressed multiple issues. In this case, the Ombudsman judged that some of its provisions—specifically those regarding intimate partner violence and the federal victim surcharge—needed to be stronger to better serve victims' needs.

With regard to intimate partner violence, the Ombudsman noted the following:

- » With regard to bail, the bill lacked a mechanism to ensure victims were consulted with respect to safety concerns and informed about their rights to request copies of bail release orders.
- » There was no legal duty to inform victims when an offender was released on bail.
- » The reverse-onus bail process should apply to persons charged with the offence, regardless of whether they had previously been convicted of a similar offence.
- » The bill proposed to hybridize offences related to forced marriage and child abduction as well as certain offences related to human trafficking.

The Ombudsman's concern about the federal victim surcharge was that it is being imposed at judges' discretion—and all too often, judges elect to waive the charge. The purpose of the surcharge is to hold offenders accountable and fund services for victims. Judges must have discretion, but are also obligated to provide their reasons for not imposing the surcharge.

OUR RECOMMENDATIONS

- Establish clear guidelines as to what constitutes undue hardship. This would help ensure that any exemption or waiver is consistently applied—and only in cases where a person is truly unable to pay.
- Ensure that the federal victim surcharge undergoes thorough and regular auditing of its application. Robust data should be collected and reported to facilitate the assessment of impacts over time and ensure that the levels of funding generated in each region are proportionate.

OUTCOME/STATUS

As passed, C-75 revived the victim surcharge regime and provided the court with the discretion to waive a victim surcharge if the court is satisfied that the victim surcharge would cause the offender undue hardship or would be disproportionate to the gravity of the offence or the degree of responsibility of the offender. It did not establish clear guidelines as to what constitutes undue hardship, nor did it provide for the collection of data.

Remarks to the Standing Senate Committee on National Security and Defence on Bill C-77,

An Act to amend the National Defence Act and to make related and consequential amendments to other Acts

THE ISSUE

The Canadian Victims Bill of Rights came into force in 2015, providing statutory rights for victims of crime at the federal level for the first time. Because the bill does not apply to offences that fall under the National Defence Act, it does not apply to victims of crime in the military justice system. Bill C-77 proposed to close this gap by establishing rights for victims in the military justice system.

OUR RECOMMENDATIONS

- » Strengthen and clarify the role of victim liaison officers to ensure victims are proactively made aware of their right to appoint one.
- » Implement a training program for all administrators in the military justice system.
- » Provide for an appeals mechanism related to infringements or denials of victims' rights.
- » Require a review of the progress of the legislation's implementation.

OUTCOME/STATUS

Bill C-77 passed in the Senate with no amendments, receiving royal assent in June 2019.

Submission to the Senate Standing Committee on Legal and Constitutional Affairs: study of Bill C-337,

An Act to amend the Judges Act and the Criminal Code (sexual assault)

THE ISSUE

Victims of sexual assault have long complained that the criminal justice process re-victimizes them. Bill C-337, a private member's bill, sought to remedy this in part by introducing mandatory training on sexual assault matters for judges. The Ombudsman noted that the bill applied only to federal judges. But most sexual assault cases are heard by judges appointed by provincial governments—and Bill C-337, as drafted, would have no effect on their training.

OUR RECOMMENDATIONS

- » The training program for judges must
 - » be done in conjunction with experts and key stakeholders to ensure it is trauma-informed, culturally informed and relevant.

- » include the intersectionality of sexual assault and other issues, such as domestic violence, the neurobiology of trauma, the impacts of sexual assault on victims, and new forms of sexual violence, like cyber violence,
- » review existing best practices, and
- » include training with respect to victim issues and legislation more broadly as well as specifically on the Canadian Victims Bill of Rights.
- Judges must provide victims with written reasons for their decisions in plain language.
- » All participants in the criminal justice system must treat survivors with respect.

OUTCOME/STATUS

This bill passed unanimously in the House of Commons in 2017. However, it died on the order paper when parliament was prorogued before the 2019 election.

After that election, Prime Minister Trudeau instructed the Minister of Justice to introduce legislation to make training in sexual assault matters mandatory for federal judges. Bill C-5 was introduced on February 4, 2020. (See below for a summary of the OFOVC's submission on Bill C-5.)



Submission to the Independent Civilian Review into Missing Persons Investigations conducted

by the Toronto Police Service, November 2019

THE ISSUE

In 2018, the Independent Civilian Review into Missing Person Investigations began its evaluation of how the Toronto Police Service conducts missing person investigations, particularly with regard to two-spirited, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (2SLGBTQQIA) communities and other vulnerable or marginalized communities. The OFOVC provided a submission to the evaluation process in an effort to include the perspectives of victims—that is, family members and friends of missing persons.

OUR RECOMMENDATIONS

- » Ensure all long-term missing person cases are profiled on the Toronto Police Service website and allow families to submit cases online.
- » Create a multidisciplinary missing person team, incorporating non-investigative personnel, to provide a holistic and compassionate response in missing person cases.
- » Develop a checklist-based missing person protocol.
- » Communicate regularly with families.
- » Focus on training police personnel to improve their performance, including
 - » cultural competence and humility,
 - » trauma-informed interview techniques,
 - » increased awareness of the provisions of the Canadian Victims Bill of Rights, and
 - » acceptance of third-party reports.
- » Improve data collection.
- » Launch an ongoing public awareness campaign.

OUTCOME/STATUS

The review is expected to be completed by January 31, 2021.

Letter to Patty Hajdu,

Minister of Health, with recommendations for improving access to mental health care services for victims and survivors of crime

THE ISSUE

In December 2019, the Ombudsman wrote to the Minister of Health to express her concerns about the prevalence of violence, abuse and trauma in Canada, how it affects Canadians' mental health, and the lack of access to publicly funded treatments for mental health issues. The Ombudsman made recommendations aimed at improving conditions for the 1.6 million Canadians who are victims of violent crime each year. The lack of mental health care services for victims and survivors of crime and violence is a systemic issue, particularly in Canada's rural and remote areas and in Indigenous communities.

OUR RECOMMENDATIONS

- Provide permanent public funding for universally accessible mental health care.
- » Develop and fund a public health action plan to address and prevent violence.
- » Prioritize funding for trauma- and violenceinformed training of mental health care professionals to provinces and territories now.
- » Work with partners and stakeholders in the public and private sectors to use technology to deliver mental health treatments and clinical care that can reach Canadians across vast distances.

OUTCOME/STATUS

On December 9, 2019, Health Canada's Strategic Policy Branch replied, acknowledging the importance of mental health to Canadians and stating that the challenge of addressing mental health issues requires the combined efforts of all levels of government and diverse stakeholders.

Letter to David Lametti,

Minister of Justice, related to the Canadians Victimized Abroad Fund

THE ISSUE

The OFOVC has heard from Canadians who have been victimized abroad that the limits of the Canadians Victimized Abroad Fund prevent it from responding to their unique needs. This leaves many victims without access to enough financial assistance to recover. The fund has a maximum budget of \$50,000 in financial assistance per victim, including \$10,000 for health and counselling and up to \$40,000 for travel expenses (such as for costs associated with repatriation and travel back to a foreign jurisdiction to participate in trials).

OUR RECOMMENDATION

» Revise the terms and conditions of the Canadians Victimized Abroad Fund to ensure that the \$50,000 cap can be allocated more flexibly to meet victims' needs. The terms should allow use of the funds to adapt to each victim's circumstances, recognizing that restoring their physical and mental health is critical after the trauma that arises from violence.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

Letter to David Lametti,

Minister of Justice, on permanent funding for Family Information Liaison Units

THE ISSUE

Funding for Family Information Liaison Units was set to end on March 31, 2020. These units help Indigenous families access information

about their missing and murdered loved ones, addressing a critical need for culturally sensitive victim support. They also ensure that families are aware of the networks and programs available to support them, including referrals to victim services, cultural supports, and grief and trauma counselling. The units inform families about missing and murdered Indigenous women and girls, the criminal justice system, police procedures, child and family services, and health and social services.

OUR RECOMMENDATION

» Fund Family Information Liaison Units permanently.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

Letter to Bill Blair,

Minister of Public Safety and Emergency Preparedness, on strengthening victims' rights to information, participation and protection in the Canadian criminal justice system

THE ISSUE

Only victims who are registered with either the Correctional Service of Canada or the Parole Board of Canada have the right to receive information about the offender who harmed them and to participate in parole hearings. Currently, victims are not automatically registered when an offender is convicted. Instead, they must take the initiative themselves to register. This places an additional burden on victims, who may not even be aware of their rights in this regard.

OUR RECOMMENDATIONS

To ensure the equitable treatment of victims across regions:

- » Public Safety Canada should immediately develop enhanced memoranda of understanding with all provincial and territorial attorneys general and justice ministers to share victim information.
- » Victims' personal contact information should be shared with the Correctional Service automatically when sentences of two years or longer are imposed, just as the offender's file follows them into the federal system upon conviction.
- » The Correctional Service of Canada should begin the automatic registration process by proactively contacting victims to inform them about their rights, and should acquire either their consent to finalize the registration process or their decision to decline.
- » The service should also provide information to consenting victims on an ongoing basis in their desired format and in plain language.
- » The Correctional Service and the Parole Board should keep records of the notification of registration and all decisions to opt in or out (given that victims could potentially opt back in later) and adopt standardized procedures for interacting with victims.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

Letter to Marc Miller,

Minister of Indigenous Services, on developing shelters for Indigenous women in communities not covered by an agreement

THE ISSUE

Women and children escaping domestic violence need greater access to safe shelter spaces— and this need is heightened in Indigenous communities. Sustainable funding to build and operate shelters in these communities—and to ensure community-based support workers and resources are available—would allow Indigenous women to remain close to home (if they wish) when escaping violence and to rebuild their lives free from the threat of further violence. This funding could also address male violence against women by providing holistic family and community healing opportunities that include men.



OUR RECOMMENDATIONS

- » Provide funding to build and operate women's shelters in or near all Indigenous communities where none currently exist. This funding should respect the rights of Indigenous communities to develop a shelter suited to their particular community.
- » Provide long-term operational funding for front-line community organizations, shelters and transition houses that work to protect victims and survivors of violence and end violence against Indigenous women and girls.
- » Focus on gaps in rural, remote and isolated northern communities, and consider additional targeted investments—such as funding for satellite offices that provide independent, community-based support services to family violence survivors in under-served communities.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

44

"It's a sad sad day, when u wake up and realize how very twisted the world you live in is. And the only hope are people like you. After I get a hold on my life again, I will attend to this issue and the CRA. Thank you so very much for your help."

-An OFOVC client

Letter to Minister Lametti related to the State of the Criminal Justice System 2019 Report

THE ISSUE

The State of the Criminal Justice System 2019 Report developed the first performance-monitoring framework for the Canadian criminal justice system. This process revealed significant data gaps about victims of crime, including the system's performance with regard to observing victims' rights as outlined in the Canadian Victims Bill of Rights. More and better data could improve our understanding of the performance of the criminal justice system and provide a roadmap showing how to increase investments, programs and resources and where changes to policy and legislation may be needed. The OFOVC has received a number of inquiries and complaints related to the bill from victims since it came into force. We received 71 in 2015-2016 (a partial year), 119 in 2016-2017 and 80 in 2017-2018.

OUR RECOMMENDATIONS

- » Collect more data about victims and their contact with the criminal justice system including with regard to their entitlements under the Canadian Victims Bill of Rights to assess whether victims' rights are being respected.
- » Collect data about victims' satisfaction with the system, particularly with regard to the bill and criminal justice system professionals' compliance with it.
- » Create national, standardized definitions and responsibilities so data can be collected in a way that provides national comparability and ensures quality, especially in light of the fact that the bill fails to assign responsibilities to specific criminal justice system personnel (such as police or prosecutors).

- » The Minister of Justice should instruct officials to change the phrase "may be included" to "will be included" with respect to the sentence stating that "other indicators, such as victims assisted by victim services agencies, criminal injuries compensation and financial benefits programs, and restitution orders, may be included in future editions of the framework."
- » Include the number of complaints received by the OFOVC as a measure of victims' concerns about their rights and experiences in the criminal justice system.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

Submission to the House of Commons' Standing Committee on Justice and Human Rights: study of Bill C-5,

An Act to amend the Judges Act and the Criminal Code

THE ISSUE

There is a need to ensure that judges who hear sexual assault cases are well informed—not only about sexual assault legislation, but about the social context in which such assaults occur and the physical, psychological and emotional effects of sexualized violence on survivors. Violence significantly affects victims' decision-making, behaviour and ability to recall details. Such continuing education will help judges understand the complex nature of sexual assault and why it is important to treat victims with fairness and respect.

Note: This said, most sexual assault cases are not tried by federal judges.

OUR RECOMMENDATIONS

- » Recognize the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Recommendation 10.1.i: New federally appointed judges receive mandatory education, and sitting judges receive continuing education on gender-based violence, sexual assault law and social context.
- » Have the Canadian Judicial Council and National Judicial Institute develop judicial education that recognizes
 - » the holistic nature of trauma,
 - » the intersectionality of sexual assault with other issues, such as domestic violence,
 - » new forms of sexual violence, like cyber violence,
 - » knowledge gleaned from specialized experts, front-line workers and survivors, and
 - » cultural competence and relevance.
- » Ensure that the council and the institute make this educational content on gender-based violence, sexual assault and social context available to provincial and territorial justices.
- » Require judges to provide the reasons for their decisions to victims/survivors in plain language at no cost. If necessary, translate their reasons into the victim's/survivor's first language, also at no cost.
- » Have the council and the institute develop education curricula with respect to the Canadian Victims Bill of Rights.
- » Make sustained federal investments in community-based sexual assault and rape crisis centres to reduce the long wait times for counselling.
- » Implement state-funded legal representation for sexual assault complaints.

OUTCOME/STATUS

As of March 31, 2020, the Standing Committee on Justice and Human Rights was reviewing the Bill.

Letter to Bill Blair,

Minister of Public Safety and Emergency Preparedness, regarding the temporary cancellation of observer attendance at parole hearings

THE ISSUE

In response to the COVID-19 pandemic, the Parole Board of Canada cancelled all observer attendance at its hearings until further notice. While this was a temporary measure in line with Correctional Services Canada's suspension of all in-person visits to institutions, it negatively affected victims of crime. The OFOVC received a number of complaints from victims and stakeholders across Canada.

OUR RESPONSE

- » The Ombudsman reminded the minister that victims of crime are not merely members of the public or general observers, but have the right to participate and convey their views under the Canadian Victims Bill of Rights—and that not only is it important to make efforts to accommodate victims, but it is also the right thing to do, given the harm they have suffered.
- » The Ombudsman suggested that if the Board would conduct hearings through video conference during the pandemic, victims should be given the option to participate.
- » The Ombudsman also observed that, in the interest of public safety and fair decisionmaking processes, victims' voices and concerns should be considered as an integral part of the Board's decision. Otherwise, the public could lose confidence in a process that is closed and appears less than transparent.

OUTCOME/STATUS

Thanks to the Ombudsman's letters and OFOVC's intervention, Minister Blair asked the Parole Board of Canada to find a way for victims to participate remotely. (Please see Case study: COVID-19 for more information.)

Letter to Maryam Monsef,

Minister for Women and Gender Equality and Rural Economic Development, regarding the heightened risk of family violence during the COVID-19 pandemic

THE ISSUE

The pandemic gave abusers increased power and control over their victims by making abuse less visible. Stressors have been multiplied during this time of crisis, and victims may not know that help is available or where to find it. Although the federal government announced additional funding, it may not be enough to meet the demand, especially considering that resources were insufficient even before the pandemic began.

OUR RECOMMENDATIONS

- » Provide new funding immediately to the front-line agencies and non-governmental organizations that deliver supports so they can use hotels for women and children who need to flee abuse when shelter beds are full.
- » Direct more funding to create safe housing in the North on an urgent basis, whether this means designated safe places in homes or in public spaces that are staffed.
- Establish a permanently funded, national intimate partner and family violence hotline with live chat and texting—to help Canadians from coast to coast who experience abuse or violence.
- » Immediately develop and share public messaging and campaigns to reach vulnerable persons and ensure they can find the resources they need, such as women's shelters, sexual assault centres and victim services agencies. Take this opportunity to target and reach men at risk of using violence, abuse and coercive control in their relationships.

OUTCOME/STATUS

As of March 31, 2020, our Office had not received a response.

OPERATIONS AND FINANCIALS

The OFOVC is an arm's-length program activity of the Department of Justice. The Office employs a full-time staff of 12 people who support three units:

- » Case Management
- » Policy and Research
- » Communications

We share administrative services (e.g. procurement and human resources management) with the Department of Justice to maintain cost and operational efficiencies. Since the Ombudsman reports directly to the Minister of Justice, information about the OFOVC is included in Department of Justice's 2019-2020 Departmental Plan and in its Departmental Results Report.

Financials

Ombudsman – Annual Report 2019–2020	Actuals
Salaries and wages	959,480
Information/communications	104,516
Training and professional dues	1,995
Professional and special services	49,694
Legal services: 4,781	
Translation services: 23,625	
Other services: 21,288	
Rentals	2,878
Repair and maintenance	_
Utilities, materials and supplies	20,101
Acquisition of machinery & equipment	8,542
Travel & relocation	58,795
Other	12,642
Total expended by Ombudsman's Office	1,218,644
Total expended by Justice Canada	1,218,644

^{*}Public Service and Procurement Canada covered the cost of occupying and maintaining the OFOVC's premises.

^{*}The Department of Justice Canada covered certain corporate costs for the OFOVC that are not included in the expenditures reported above.

LOOKING AHEAD

The OFOVC will leverage the momentum of a productive 2019–2020 by continuing to empower victims and survivors of crime. We will engage with our stakeholders so we can make recommendations that place victims at the centre of the criminal justice system.

In 2020–2021, we intend to work on the following initiatives:

Canadian Victims Bill of Rights progress report.

We will release a progress report on the impact of the bill on victims' experiences. The report will make recommendations on how to improve victims' experiences across the criminal justice system by training criminal justice personnel, raising public awareness of victims' rights and ensuring officials are more accountable.

Webinar series. Given the current COVID-19 restrictions, we will engage virtually with victims, survivors and victim service providers across the country. Our progress report will serve as the focal point for all discussions while we work together to strengthen victims' rights.

Indigenous Advisory Circle. We will continue to engage with members on matters such as advancing the National Action Plan on Missing and Murdered Indigenous Women and Girls, reaching and serving Indigenous survivors, decolonizing the justice system and dismantling other systemic barriers that Indigenous victims face in accessing justice.

Academic Advisory Circle. The circle will play an important supporting role in the development of our progress report and its recommendations. Members' research and in-depth knowledge of victimization and the law will help move this project and others forward.

Research papers. We will publish research reports written by subject matter specialists in fields related to victimology. These reports will explore topics of interest to victims and survivors of crime.

Prevention. We will work with *Canadian Municipal Network on Crime Prevention* to develop an online campaign of violence prevention strategies for Indigenous people and youth in our communities.

Projects and submissions. We will continue to work on several projects and submissions to be completed in fiscal year 2020–2021. These include participating in consultations and recommending improvements to legislation in support of victims' rights.

Website renewal. We will continue to update our website to make it easier for victims to access information and to raise their concerns with us. To this end, we will begin efforts to add an online complaint form.

The Venice Principles. In solidarity with the other 16 federal ombuds offices, we will work to promote the Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles). These 25 principles recognize the importance of ombuds institutions and guide their effective establishment and functioning.

