



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

ANNUAL REPORT

Office of the Federal
Ombudsman for
Victims of Crime

2020-2021



Canada

OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

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MESSAGE FROM THE OMBUDSMAN

I am pleased to present the 2020–2021 Annual Report of the Office of the Federal Ombudsman for Victims of Crime. The report covers the period from April 1, 2020 to March 31, 2021.

I am very proud of what we have achieved since I was appointed Ombudsman in 2018. Over the past three years, we have made it our mission to honour our mandate by committing to an approach that centres victims' and survivors' lived experience, is informed by trauma, and based on strength. As such, we have worked to engage new

communities of victims and survivors across Canada, to learn from and raise awareness of their experiences within and across the criminal justice system.

During the 2019-2020 fiscal year, we created our first-ever Indigenous Advisory Circle and Academic Advisory Circle, which help ensure that our work is based on evidence. We also explored new ways to make meaningful recommendations for change. We built new relationships and created virtual platforms to share points of view, and we made it easier for victims and survivors, frontline workers, academic experts, and other stakeholders to share their knowledge with those who make decisions in government.

I am especially proud of these achievements in the context of the COVID-19 pandemic. This challenging year altered our way



of life and the provision of services to the public; it was a time of increased family and financial stress, and fear and uncertainty. Those who were already at risk of violence and victimization were most unsafe. Like many organizations, the government put health rules in place to keep people safe from COVID-19. These rules made it hard for the criminal justice system to function effectively, often at the expense of victims' rights. It is within this context that the OFOVC worked harder than ever to put victims first, and this report details how.

During this period, we marked the fifth year of the Canadian Victims Bill of Rights (CVBR) by releasing the [Progress Report on the Canadian Victims Bill of Rights](#). The Progress Report assessed the Bill's performance in upholding the rights it gives to victims. In it, we provided 15 recommendations to make the CVBR stronger and improve outcomes for victims and survivors of crime. Alongside the release of the Progress Report, we launched a Call to Action to encourage Parliament to review the CVBR. We built on our call to action through webinars, to encourage dialogue with our stakeholders; many of them joined this call. We plan to continue these efforts into the next fiscal year, and I am pleased to see that momentum continues to grow.

This past year, the OFOVC answered a record number of 644 calls from victims and survivors of crime, and made numerous interventions on behalf of victims in order to ensure they are treated fairly across the justice system. The OFOVC also made 80 recommendations to government this year. An overview of those recommendations are presented in this report, and the rest are available in full on our [website](#). The COVID-19 pandemic also reaffirmed our commitment to preventing violence, and

to that end, this report presents the many recommendations we made to government to achieve better outcomes for victims and survivors. It also highlights the areas where the OFOVC successfully influenced policy.

Finally, this report presents the conferences, webinars and meetings that I held or attended to talk about our work. At these events, I also listened to the experiences and concerns of victims, practitioners and researchers.

All the while, our work remained grounded in the values and ethics of Ombudsman offices and the federal public service: we were impartial and sought fairness, and valued diversity, inclusion and intersectionality. Personally, I remained committed to the Principles on the Protection and Promotion of the Ombudsman Institution (the Venice Principles). These principles recognize the importance of independent institutions like ours and guide their effective operation.

I recognize and thank the many survivors of crime, their families and the service providers who engage with us for sharing their lived experiences. I also thank the OFOVC team for their accomplishments this year, and for their commitment to victims and survivors of crime.

Throughout these uncertain times, the OFOVC will stay true to its mandate: to issue reports, provide recommendations, bring public transparency to issues within government institutions at the federal level, and across the criminal justice system— so victims receive fair treatment, respect for their rights, and the dignity and care they deserve.

Heidi Illingworth

Federal Ombudsman for Victims of Crime

ABOUT US

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) provides a voice for victims and survivors of crime at the federal level and works to ensure the federal government meets its commitments to them.

Who We Serve

We serve people who have suffered physical harm, emotional harm or financial loss as the result of a criminal offence, whether in Canada or another country. We also support their spouses, relatives and dependents, and we welcome questions from anyone about victims' rights in Canada.

What We Do

We help victims and survivors by:

- answering questions about victims' rights under federal law, including the *Corrections and Conditional Release Act* (CCRA) and the *Canadian Victims Bill of Rights* (CVBR)

- reviewing complaints related to federal government departments, agencies, laws, policies, programs and services for victims and survivors of crime
- providing information about victims' services and programs in Canada

We raise awareness by:

- ensuring policy-makers are aware of victims' rights, needs and concerns
- telling people who we are and what we do

We provide advice by:

- identifying federal laws, programs, policies and services that have a negative impact on victims of crime
- making recommendations to the federal government on how to make its laws, policies and programs more responsive to the needs of victims and survivors of crime

What is an Ombudsman?

An ombudsman is a person chosen by the government to independently review complaints about government programs or services. An ombudsman can recommend solutions or propose changes to laws, programs or policies.

2020-2021 AT A GLANCE

80

Recommendations
to government

721

Twitter
mentions

18

News releases and
statements

321

New Twitter
followers

11

Media interviews

1

appearance before the
House of Commons
Standing Committee
on Justice and
Human Rights

824

Facebook
shares

22

Media mentions

195

New Facebook
followers

Top Tweet ENGLISH

May 15th, 2020, 46 likes, 40 retweets, 3 comments:

#DomesticViolence has increased during the pandemic, an outcome that was predicted & preventable. The OFOVC has sent an open letter to @CPHO_Canada to advocate for the inclusion of #ViolencePrevention strategies in Canada's pandemic response.

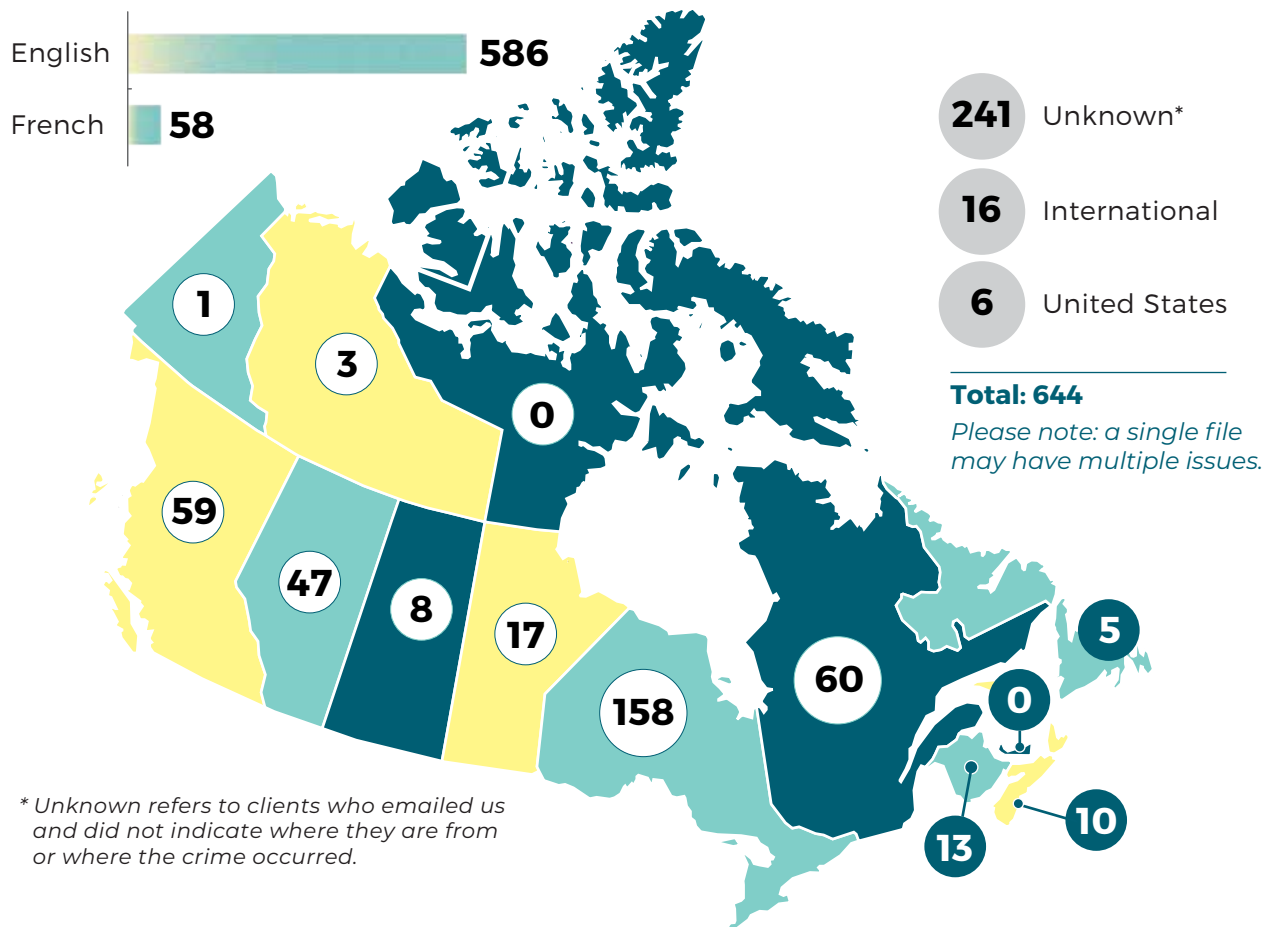
Read it here: <https://bit.ly/3buvYNG>

Top Tweet FRENCH

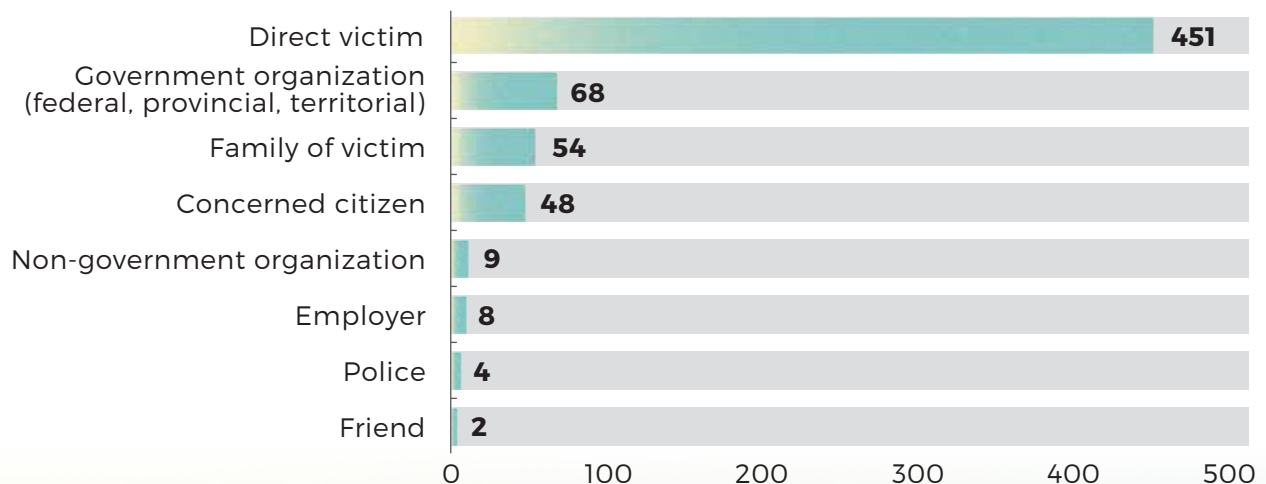
June 22, 2020, 8 likes, 3 retweets, 0 comments:

Lorsque vous #restezchezvous à cause de la #COVID19, il peut y avoir une augmentation de la détresse mentale. #FaisunpasenAvant à une meilleure santé mentale en accédant le portail gratuit de bien-être: <https://wellnesstogether.ca/fr-CA>

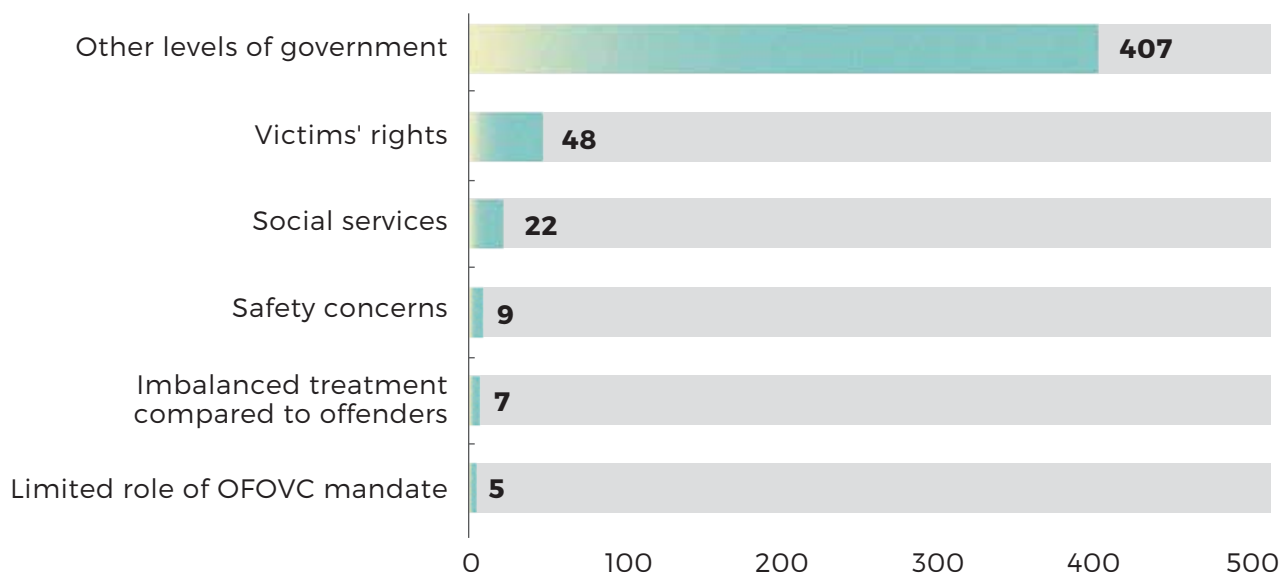
Total Files Opened by Official Language and Location:



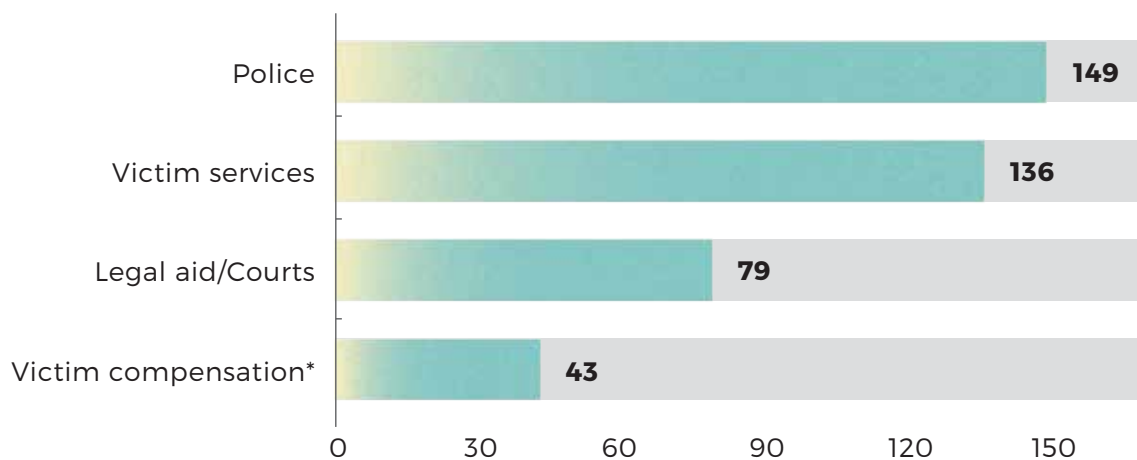
Who Contacted Us:



Top Issues Raised by Clients:



“Other Levels of Government” includes the following:



* Victim compensation refers to payments paid to a victim by the state (ie. provincial government) or third party (i.e. insurance company) to make amends for loss or harm related to a criminal action.

ENGAGING WITH OUR COMMUNITIES OF EXPERTS

The OFOVC continued to find new ways to engage with our communities of experts in 2020–2021. One important way we did this was through the continuation of our Academic and Indigenous Advisory circles. The great knowledge and expertise of the members has enlightened and enriched our work this past year.

Academic Advisory Circle

**Met April 29, 2020; July 22, 2020;
October 20, 2020; March 4, 2021**

In 2020–2021, our Academic Advisory Circle (AAC) members played an important role in supporting our recommendations to government, and their input helped strengthen the *Progress Report on the Canadian Victims Bill of Rights*. The AAC also tackled several other important topics this year, including the impacts of the COVID-19 pandemic on intimate partner violence, data gaps in marginalized communities, and restorative justice practices.

We regularly publish research reports from our AAC members on topics related to victimization and violence. You can find the following 2020–2021 reports on our website:

- [*Understanding coercive control in the context of intimate partner violence in Canada: How to address the issue through the criminal justice system?*](#)
by Dr. Carmen Gill
- [*Male Survivors of Intimate Partner Violence in Canada*](#) by Dr. Benjamin Roebuck
- [*Community-Based Anti-Violence Worker Wellness: A Review of the Literature and Recommendations for the Office of the Federal Ombudsman for Victims of Crime*](#)
by Kate Rossiter, Misha Dhillon and Tracy Porteous

“

“Thank you so much for your help today, this conversation brings me so much hope in moving forward, and pushing for my daughter’s rights – so thank you!”

—An OFOVC client

Indigenous Advisory Circle

Met May 26, 2020; June 23, 2020; July 15, 2020, October 28, 2020; February 23, 2021

The OFOVC met regularly with our Indigenous Advisory Circle (IAC) throughout 2020–2021 to ensure we are applying an Indigenous lens to our work. IAC members shared their perspectives on victimization and violence as well as the challenges that Indigenous communities face. Input from the Circle's knowledge keepers informed our recommendations to decision-makers throughout the year, including those on:

- the importance of preventing violence
- systemic racism in policing
- the need for culturally-safe services for Indigenous victims and better supports for front-line workers
- the need to put in place Indigenous-led solutions to decolonizing the criminal justice system

“

“I appreciate your attention. You are very kind and helpful in providing me with these links. I will continue in search of justice.”

—An OFOVC client

The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, also consulted with our IAC. On June 23rd, 2020, Minister Bennett attended a meeting to hear the IAC's input on the [*National Action Plan on Missing and Murdered Indigenous Women and Girls*](#). On February 23rd, 2021, Shirley Cuillierier, the Special Advisor to Combat Human Trafficking, also attended a meeting to hear IAC members' feedback on [*Canada's National Strategy to Combat Human Trafficking*](#). We look forward to continuing our work with the Circle this year.



Throughout 2020-2021, the OFOVC continued to bridge gaps, break down silos, and build connections with our stakeholders through presentations, meetings, and conferences – all conducted virtually!

Networking Events

- Voices of September 11th Resiliency Symposium
- United Nations Webinar on Victims of Terrorism
- National Online Discussion Session on Violence Against Indigenous Women and Girls
- Stories of Remembrance from Victims of Terrorism: Virtual Event and Short Film Screening
- International Summit on Domestic and Family Violence during the COVID-19 Era
- Alberta National Restorative Justice Symposium
- On the federal public service side, Executive Director Dr. Ferrara continues to be an ambassador for the Recruitment for Policy Leaders Program.

OFOVC Executive Director Dr. Nadia Ferrara presented the OFOVC's work to the Committee on Agenda, Advice and Results, which led to increased visibility of the OFOVC and collaboration with departmental colleagues. Colleagues have since sought our advice on how to establish their own advisory circles!

- As part of her micro-mission agreement, Dr. Ferrara continues her efforts in cultural competence training for the Royal Canadian Mounted Police (RCMP), and provides guidance to the Indigenous Learning Series at the Canada School of Public Service.

Presentations and Speeches:

- On June 5th, the Ombudsman presented to Université de Montréal students on International Justice and Victims' Rights, discussing victim-centred, trauma-informed approaches to justice.
- On August 12th, Dr. Ferrara facilitated a workshop for colleagues at Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada in the Yukon Region.
- On September 9th, the OFOVC's Communications team presented to parliamentarians and their staff to inform them about the resources and services the OFOVC can offer their constituents.
- On October 15th, Dr. Ferrara presented on the application of a trauma-informed approach to McGill University law students.
- On October 26th, the Ombudsman gave a presentation on victimization and the law to Algonquin College Victimology students, sharing the many challenges victims face in accessing justice.



- On November 20th – 21st, the Ombudsman presented on the 2020 British Columbia Justice Summit Panel, which focused on alternatives to short-term incarceration. The Ombudsman participated to represent victims' rights and survivors' voices in the discussion and discussed the wider use of restorative justice alternatives.
- On November 23rd, the Ombudsman delivered a Moment of Reflection to mark the start of Victims and Survivors of Crime Week.
- On January 26th, the Ombudsman presented to the Canadian Association of Police Governance, where she discussed recommendations from our Progress Report on the CVBR – specifically the role police play in informing victims of their rights, and the need to implement trauma-informed training and practices.
- On February 24th, the Ombudsman and Executive Director gave a presentation and engaged in a dialogue with the National Family and Survivors Circle.
- On March 10th, the Ombudsman and Executive Director presented to Family Information Liaison Units (FILU) managers for outreach and awareness raising and spoke with the families of MMIWG to inform them of the OFOVC's work.

Ministerial and Parliamentary Relations:

- The Ombudsman and Executive Director met frequently with the Honourable David Lametti, Minister of Justice and Attorney General of Canada, the Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, RCMP Commissioner Brenda Lucki, and the Honourable Deb Schulte, Minister of Seniors.
- The Ombudsman and Executive Director consulted with the Prime Minister's Youth Council on the development of a social media campaign on the prevention of victimization.
- The Ombudsman and Executive Director met with fellow federal Ombuds to discuss promoting and integrating the Venice Principles into the Ombuds' Canadian context – this work remains underway.
- The Ombudsman and Executive Director continued to provide advice to Minister Bennett on the National Online Discussion on Violence against Indigenous Women and Girls, as well as to the Honourable Maryam Monsef, Minister for Women and Gender Equality and Rural Economic Development, on the National Gender-based Violence Action Plan.
- The Ombudsman and Executive Director met with Special Advisor Ralph Goodale in December before the release of his final report for the PS752 tragedy on January 8, 2020 in Iran.
- On February 4th, the Ombudsman was invited to provide remarks to the House of Commons Standing Committee on Justice and Human Rights on the study of controlling and coercive conduct within intimate relationships.



Our [*What We Heard Report: Yellowknife*](#) was released in 2020-2021.

The report documents the realities faced by victims, service providers and frontline workers living in the Northwest Territories, as shared during the Yellowknife Community Forums in March 2020.



In June 2020, the OFOVC collaborated with the Victim Justice Network for a webinar titled “Gender-based Violence and COVID-19: Strengthening our Pandemic Response”. The panel featured Dr. Carmen Gill, AAC member, and Mary Aspinall, P.H.D. Candidate of the University of New Brunswick (authors of *Understanding coercive control in the context of intimate partner violence in Canada: How to address the issue through the criminal justice system*), as well as Tracy Porteous and Kate Rossiter of Ending Violence Association of BC (authors of *Community-Based Anti-Violence Worker Wellness: A Review of the Literature and Recommendations for the Office of the Federal Ombudsman for Victims of Crime*). The panelists discussed coercive

control in the context of intimate partner violence, how coercive control can be addressed through the criminal justice system in Canada, and community-based anti-violence worker wellness.



On November 25th, 2020, during Victims and Survivors of Crime week, the OFOVC released the *Progress Report on the Canadian Victims Bill of Rights* with a virtual launch event. Then on February 3rd, 2021, the OFOVC held “Moving Towards Enforceable Rights for Victims of Crime in Canada” its second webinar on the Progress Report recommendations.

See page 14 for more on this landmark report and the associated events!

**PROGRESS REPORT:
THE CANADIAN VICTIMS BILL
OF RIGHTS**

Office of the Federal Ombudsman
for Victims of Crime



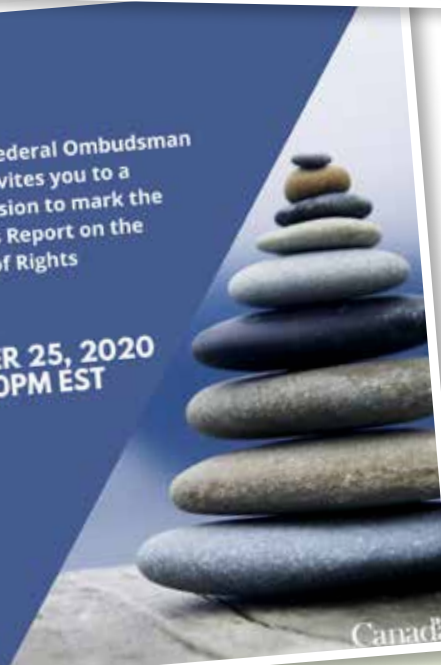
Canada

JOIN US!

Heidi Illingworth, the Federal Ombudsman
for Victims of Crime, invites you to a
virtual launch & discussion to mark the
release of the Progress Report on the
Canadian Victims Bill of Rights

DATE: NOVEMBER 25, 2020
TIME: 1:00 - 2:00PM EST

Visit
victimsfirst.gc.ca
to register.



Canada

PROGRESS REPORT ON THE CANADIAN VICTIMS BILL OF RIGHTS

On November 25th, 2020, the Ombudsman released the [*Progress Report on the Canadian Victims Bill of Rights*](#). The Progress Report was launched to mark five years since the Bill came into effect, and supports our goal to advance compliance with victims' rights across Canada. It was released in a virtual event, with the participation of the Honourable David Lametti, Minister of Justice and Attorney General of Canada; the Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness; Gina Wilson, Deputy Minister of Diversity, Inclusion and Youth; and Dr. Irvin Waller, Dr. Jo-Anne Wemmers, and Dr. Benjamin Roebuck from the OFOVC's Academic Advisory Circle.

The *Canadian Victims Bill of Rights* (CVBR) was enacted in 2015. Under the CVBR, a victim of crime is defined as any individual who has suffered physical or emotional harm, property damage, or economic loss as a result of an offence under: the *Criminal Code*, the *Youth Criminal Justice Act*, the *Crimes Against Humanity and War Crimes Act*, and some offences under the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*. The CVBR gave victims and survivors the right to:

- seek information about how their case is being pursued
- receive protection
- participate and share their views in processes that affect their rights
- pursue restitution for losses
- file a complaint if they feel their rights have been infringed or denied



The Progress Report examines the effectiveness of the CVBR and highlights its weaknesses and gaps. It also contains 15 evidence-based recommendations to strengthen the CVBR and improve its performance for victims of crime. These recommendations were based on the experiences of victims and survivors, organizations serving victims, police, academics, and other stakeholders who have engaged with the OFOVC. The OFOVC also ran a survey in July and August 2020 to collect public views on the CVBR. The questions asked centred around the experiences of victims since the CVBR was enacted, including whether they received information about the CVBR upon reporting the crime, whether they were referred to victim serving organizations, and whether victims received any support from Crown prosecutors related to the trial of their offenders. The responses helped inform the Progress Report and recommendations.

The Ombudsman's recommendations:

1. Delete sections 27, 28 and 29 of the CVBR. These deny victims the ability to appeal to courts when their rights are not upheld. Amend the Bill to provide victims of crime with judicial review and the administrative right to review decisions not to prosecute.
2. Amend section 20 of the CVBR to ensure the Act is interpreted such that all officials acknowledge victims' human rights: to security of the person, access to justice, and procedural fairness in the administration of justice in Canada.
3. Amend sections 6, 7 and 8 of the CVBR to ensure a proactive approach is taken to upholding victims' legal rights. Those sections now begin with: "Every victim

has the right, on request, to information about..." This text should be changed to read: "Every victim shall automatically be provided with information about..."

4. Amend the CVBR to guarantee access to victim assistance or support. Articles 14 to 17 of the UN Declaration address victims' rights to medical, psychological, legal and social assistance.
5. Develop a pan-Canadian "Victims' Rights Card" that would be provided to victims automatically by first responders (such as police officers, fire fighters and paramedics) and others who provide victim services (such as correctional workers, parole officers, health care providers, social workers and others).
6. Amend the CVBR to ensure all officials in the criminal justice system are mandated to provide information on restorative justice programs to victims who report crimes.
7. Amend the Act to replace "appropriate authorities in the criminal justice system" with a specific list of officials who have direct responsibilities to victims of crime, such as police officers, Crown prosecutors, judges, review board members, Correctional Service employees and Parole Board employees.
8. Amend section 25 (2) of the CVBR to name the Office of the Federal Ombudsman for Victims of Crime as the single authority with jurisdiction to review complaints by victims of crime about how they were treated by a federal department, agency or body.
9. Collect nationally consistent data on the treatment of victims in the criminal justice system and report on it publicly.

10. Lead a national effort to develop responsibility training on victims' rights for criminal justice personnel across Canada to ensure national standards for the treatment of victims, and evaluate the training on an ongoing basis to determine its effectiveness.
11. Lead a national public education campaign using TV and social media to inform Canadians of their rights as victims of crime. The campaign should target victims' right to information because this right opens the door to services and other rights. The campaign would empower victims and enhance their confidence in the criminal justice system.
12. Amend the provisions related to the enforcement of restitution orders (section 17) with: "Every victim in whose favour a restitution order is made has the right, if they are not paid, to have assistance with collection of the judgment that is enforceable against the offender." This recognizes the responsibility of all governments to help enforce court-ordered restitution, given that victims have the right to receive damages for the losses they have suffered.
13. Replace restitution with the broader notion of reparation. This would provide victims with greater access to reparations (because it includes symbolic reparations) and would be consistent with proposed changes promoting restorative justice. It would also permit the inclusion of compensation. According to Article 12 of the UN Declaration, countries should try to compensate victims when the offender cannot. As a member of the UN, Canada has a responsibility to ensure UN standards and norms are respected.
14. Strengthen and increase the capacity of victim support organizations by providing sustained, stable funding rather than time-limited project funds and grants. Evaluate the effectiveness of this funding. Provide sustainable core funding for community-based restorative justice programs.
15. Create a national Crime Victims' Support Service, including a national, toll-free, 24/7 information and helpline, to inform victims about their rights. Much like Victim Support Europe, this organization would advance the rights of victims across Canada and could work collaboratively with established provincial lines. The Office of the Federal Ombudsman for Victims of Crime can be made responsible for running this helpline.

Our Call to Action

The CVBR states that Parliament should review the Bill five years after its enactment. Alongside the release of the Progress Report, the Ombudsman launched a Call to Action (#ReviewTheVictimsBill) to encourage parliamentarians to perform this review and ensure the CVBR is doing what it was intended to do.

To build on the Call to Action, the OFOVC intends to hold interactive webinars to continue the conversation on the Progress Report recommendations and strengthening victims' rights in Canada.

"Moving Towards Enforceable Rights for Victims of Crime in Canada" was held on February 3rd, 2021. The discussion panel featured the Ombudsman, Executive Director, and four experts in victims' rights: Arlène Gaudreault, President of Association québécoise Plaidoyer-Victimes; Kathleen Dufour, Director

MOVING TOWARDS ENFORCEABLE RIGHTS FOR VICTIMS OF CRIME IN CANADA: A DISCUSSION PANEL

DATE: FEBRUARY 3, 2021
TIME: 1:00 - 3:00PM EST



General of the Outaouais Crime Victims Assistance Centre; Marie Manikis, Associate Professor and William Dawson Scholar at the Faculty of Law of McGill University, and AAC member; and Melissa Heimerl, Executive Director of Ottawa Victim Services. The discussion focused on a complaint frequently raised by victims of crime – that there is no recourse available when victims are not afforded their rights. Currently under the *Canadian Victims Bill of Rights*, limits have been placed on the rights of victims such that no legal action, appeal or any form of damages can be provided. This leaves victims with only the right to make a complaint. Federally, this amounts to an administrative review of policy or actions taken by the body to which a victim has directly complained. Four prominent experts joined the Ombudsman to discuss legal responsibilities and the implications of enforceability for victims' rights.

The Ombudsman also took direct action on the Progress Report recommendations. In a letter to the Minister of Justice, the Honourable David Lametti, in January 2021, she requested a management response to the CVBR Progress Report from the department, in accordance with the legislation that governs the OFOVC.¹

Specifically, she asked the department to indicate what action it is considering (or taking) in response to the recommendations, and to explain why any recommended action will not be taken. The Ombudsman has not received a response. We will provide any updates in the next reporting period.

The Ombudsman also addressed a letter to House Leaders to ask them to join the Call to Action and urge them to work with other parliamentarians to start the legislated review of the CVBR as soon as possible.

We are happy to report that in May 2021, at a meeting of the Standing Committee on Justice and Human Rights, members agreed to ask their House Leaders that the proposed legislative review of the CVBR be subject to a special order of the House in the near future. The Committee also launched a preliminary study on the CVBR, for which the Ombudsman delivered [remarks](#). The Ombudsman continues to build momentum for the Call to Action in the 2021-2022 fiscal year, and any updates will be shared in our next annual report.

¹ Order-in-Council P.C. 2014-0615 dated May 27, 2014; and, Order-in-Council P.C. 2016-0750 dated August 23, 2016.

CASE STORIES

COVID-19 Response: Ensuring Victims Can Attend Hearings Remotely

Issue

In mid-March 2020, the Parole Board of Canada (PBC) banned observers from all parole hearings. Although the ban was put in place to comply with COVID-19 health measures, it prevented victims from attending PBC hearings. This denied them their participatory rights under the Canadian Victims Bill of Rights.

Our involvement

In April 2020, the PBC announced it would allow victims to attend hearings using teleconferencing software. This was the result of intervention and letters from the Ombudsman. Although victims welcomed this change, many wanted to be even

more involved in hearings. We successfully pushed for victims to participate using video conferencing technology, and victims now have the option to attend hearings remotely if they want to do so.

Impact

The use of teleconferencing and video conferencing technology have increased victims' participation in PBC hearings. It has made it easier for victims to participate as travel to hearings is no longer required. The introduction of this technology has also eliminated the costs associated with travel and has reduced the amount of time victims and their support persons need to take off work to attend a PBC hearing.



The concerns brought forward by victims and their families have given us the chance to remind federal agencies of the importance of respecting victims' rights. They have also highlighted the need to give victims a choice in how they participate in hearings. We hope these new options will remain available even after the pandemic ends.

Offender Release Conditions

Issue

In late 2019, a family approached us with concerns about their offender's release conditions. The family had provided a victim statement to the PBC. They had requested that specific parole conditions be placed on the offender.

Although the family specifically asked for the offender never to be in the presence of vulnerable people, the PBC only restricted the offender's access to those under the age of 16. The parole conditions did not mention the larger vulnerable community.

In May 2020, the family asked us to help address their concerns. We were informed that all the offender's victims had been vulnerable people with significant medical and developmental difficulties who lived in 24/7 supported group homes. As a result, the offender's parole conditions did not accurately reflect the victims or protect vulnerable people over the age of 16.

Our involvement

We obtained the victims' consent to raise their concerns with the PBC. We highlighted that the parole conditions did not recognize the victims and would not properly protect

vulnerable people over the age of 16. We asked the PBC to modify the conditions to protect vulnerable adults.

In August 2020, the Ombudsman sent a letter to the Honourable Bill Blair. She pointed out that the PBC's parole conditions did not accurately reflect the risks posed by the offender. In November 2020, she sent another letter to the Minister raising concerns around the lack of recognition and protection for adults as vulnerable people under the *Corrections and Conditional Release Act* (CCRA). She stated that to effectively protect victims and society as a whole, the law must acknowledge that vulnerable people can be any age and that they should be granted equal protection under the Act.

Impact

Thanks to the Ombudsman's actions, in October 2020, the PBC informed the family that it had changed the offender's release conditions to include vulnerable adults.

The concerns brought forward by these victims and their families enabled us to reaffirm the importance of respecting victims' rights with the federal agencies involved.

“

“Thanks for your support during the past 5 months.”

—An OFOVC client

Deporting and Removing Offenders

Issue

In late January 2020, several victims contacted us because they were having problems getting information about the deportation and removal status of the offender who had harmed them.

We identified a clear policy and communication gap between the two federal agencies involved in this process: Correctional Service Canada (CSC) and the Canada Border Services Agency (CBSA). As it currently stands, neither agency is responsible for supporting victims and/or providing them with information about their offenders' removal process.

Similarly, Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board of Canada are not currently responsible for providing victims with information or opportunities for involvement.

Victims' rights are outlined in the CVBR and the CCRA. However, these rights don't apply to the removal process. Victims registered with the CSC or the PBC to receive information about their offender can't receive information once the offender is transferred to CBSA's jurisdiction for removal. They also don't have the right to participate in removal hearings or to access information about the status of their offender's removal. They don't have the same rights to protection as they would under the CVBR. Victims find themselves left out of this complicated process because no agency is responsible for providing them with information.

Our involvement

Many victims were dissatisfied with this process and filed formal complaints with CSC and PBC under the CVBR. Their concerns focused on access to information as well as their rights to participation, protection, and having restitution orders considered, as outlined in the CVBR.

In October 2020, the Ombudsman sent a letter to the Minister of Immigration, the Honourable Marco Mendicino, and copied the Minister of Public Safety, the Honourable Bill Blair. She shared her concerns about respecting victims' rights when it comes to offenders' removals.

The responses received from the ministers did not resolve the issue for the victims. Therefore, the Ombudsman redirected these concerns to the Chairperson of the Immigration and Refugee Board, Richard Wex. In a letter sent in January 2021, she reiterated her concerns about victims not being kept informed about removal orders.

Impact

Although this issue has yet to be resolved, our intervention has uncovered long-standing gaps in policies between several agencies. These gaps prevent victims from having the same rights in the offender removal process as they would under the CVBR and CCRA. We continue to work to ensure victims have these rights.

The concerns brought forward by these victims have enabled us to reaffirm the importance of respecting victims' needs as they try to navigate bureaucratic processes due to being victimized by a federal offender.

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“Your reply was among the best communications that I have ever received from any government agency in all of my life. Believe me; I have a great deal of experience with a very wide scope of quality of service. Thank you for your empathy. Thank you for your clear and concise style in providing me with information. Very good work on your part.”

—An OFOVC client



RECOMMENDATIONS TO GOVERNMENT

An important part of the OFOVC's mandate is to provide direct advice to the federal government. We do this through appearances at parliamentary committees and by making recommendations to cabinet ministers. This year, we provided 35 submissions and letters to government, containing 80 distinct recommendations. We also provided a submission to the United Nations Special Rapporteur on Violence Against Women, discussing the increase in family violence due to the COVID-19 pandemic.

Our recommendations support our mandate objective to identify systemic and emerging issues that negatively impact victims of crime, with a focus on victims' rights, gender-based violence, violence prevention, and reconciliation.

Strengthening Victims' Rights in Canada

Victims of crime frequently approach us with complaints about breaches of their rights. In addition to providing them with direct support, the Ombudsman also brings specific issues related to these breaches to the attention of senior officials through letters.

This year, the Ombudsman wrote to:

- The Commissioner of the RCMP. The Ombudsman highlighted the fact that the RCMP was not tracking the number of referrals made to victim services or the complaints victims made about their rights being infringed by members of the force. The Ombudsman pointed out the need for stronger community oversight of sexual assault investigations by the RCMP and its Sexual Assault Investigation Review Committees.
- The Chair of the Parole Board of Canada. The Ombudsman stressed that victims have the right to know why the Board does not impose geographical restrictions on an offender in cases when the victims requested it for safety reasons. The Ombudsman recommended that Board members be trained on the need to provide written reasons when a requested condition is not imposed.
- The Minister of Public Safety and Emergency Preparedness. The Ombudsman informed the Minister that the OFOVC had received many complaints about the Parole Board of Canada not considering the psychological well-being of victims when imposing parole conditions. The Ombudsman recommended that no-contact orders should specifically name the victim(s). The Ombudsman also recommended that geographic restrictions be imposed on offenders to protect victims.
- In addition to highlighting breaches of victims' rights under the CVBR, the Ombudsman has often noted that its

scope is limited. As a result, many victims' needs are not addressed. In 2020, the Ombudsman wrote to senior officials about the need to consider victims' concerns when developing policy or responding to a crisis. For example, the OFOVC wrote to the Special Advisor to the Prime Minister on Ukraine International Airlines Flight PS752 after the tragic downing of Flight PS752 by Iranian missiles. This letter directed his attention to the needs and concerns of Canadians who are victimized abroad, and who do not have access to the same supports and services as victims in Canada.

- The Minister of Public Safety and Emergency Preparedness and the Chair of the Immigration and Refugee Board about the lack of rights for victims of non-Canadian offenders who are subject to removal orders. The OFOVC has received many complaints from victims who have not been given information about the removal process in these cases. The current process is causing unnecessary suffering and lacks transparency.

The tabling of Bill C-3 also provided the Ombudsman with the opportunity to address the overall problems regarding victims of crime reporting complaints. The Bill proposed changes to the Civilian Review and Complaints Commission (CRCC) for the RCMP, including giving it oversight over the Canada Border Services Agency.

The Ombudsman recommended several improvements to the Bill. The Ombudsman provided a submission to the Minister of Public Safety and Emergency Preparedness that identified several issues with the RCMP's

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“Federally, we have an obligation to examine ways to bring a more compassionate trauma and violence-informed approach to law enforcement. If we do so, we can humanize the criminal justice system, which benefits all Canadians.”

— Heidi Illingworth,

Bill C-3: An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act and to make consequential amendments to other Acts

treatment of victims of crime, including not respecting their right to information. These issues were highlighted by concerns raised by victims affected by the mass shooting in Portapique, Nova Scotia in April 2020.

In the end, the Bill did not proceed.

The COVID-19 Pandemic

COVID-19 has forced most Canadians to remain in their homes. Our homes are meant to be places of safety and security, but for some, they are places of fear and violence. COVID-19 has exacerbated gender-based and family violence as lockdowns forced many victims to remain in close quarters with their abusers for long periods.

This year, we made a submission that addressed this issue and highlighted the “shadow” pandemic of gender-based and family violence. This type of violence is not merely a social issue. It is also a public health

issue. As Canada develops its post-pandemic recovery plan, it must include strategies to prevent violence.

The OFOVC recommended the following to the Chief Public Health Officer of Canada, Dr. Theresa Tam; The Honourable Harjit Sajjan, Minister of National Defence; Alberta Premier Jason Kenny, and in a submission to Ms. Dubravka Šimonovic, United Nations Special Rapporteur on Violence Against Women:

- Creating community outreach programs that teach healthier coping mechanisms and non-abusive conflict-resolution strategies.
- Conducting public outreach through infographics and teaming up with the Public Health Agency of Canada's Family Violence Initiative and the National Clearing House of Family Violence to provide the necessary knowledge and tools for prevention.
- Applying a gender lens to all COVID-19 preparedness, response and recovery efforts, including a strong diversity analysis to ensure no one is left behind.
- Amplifying the voices of Indigenous women and children, women with disabilities, newcomers, refugee women and children, and members of the 2SLGBTQIAA+ community.

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“This pandemic has highlighted the many inequalities faced by those most vulnerable to violence, those who are marginalized, and overrepresented as victims. These circumstances result in an ideal moment to renew our commitment to improve how victims are treated, because our work to improve outcomes for victims is not finished.”

— Heidi Illingworth,
Moment of Reflection: Victims and
Survivors of Crime Week, 2020

Gender-based and Family Violence

Gender-based and family violence concerns everyone. The OFOVC is committed to raising the voices of the victims and survivors. Canada needs stronger legislation and policies to minimize gender-based and family violence. This past year, we highlighted some of the systemic issues that sustain this type of violence. The Ombudsman sent letters to the Honourable Deb Shulte, Minister of Seniors, and the Honourable David Lametti, Minister of Justice and Attorney General of Canada, and appeared before the House of Commons Standing Committee on Justice and Human Rights. The OFOVC submitted a brief to the Committee addressing the impacts of coercive control, because it is often a precursor to more violent behaviours in intimate relationships. The overarching themes from the letters, appearance, and the submission are the following:

- Developing a public health approach to respond to elder abuse in Canada, including education and prevention measures, in addition to enacting legislation making elder abuse a *Criminal Code* offence.
- Creating a new offence of coercive control.
- Creating a federal/provincial/territorial working group to review legislation and policies pertaining to intimate partner violence and ensuring they are consistent across Canada to the extent possible.
- Repealing Section 43 of the *Criminal Code*, which allows an adult to strike a child under “reasonable” circumstances.



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“Victims and survivors deserve access to justice, which is often not possible due to our limited legislative framework. By making necessary *Criminal Code* amendments, we can improve women and children’s safety. We can also address current police limitations in recognizing these coercive controlling behaviours when responding to situations of intimate partner violence. In my view and experience working directly with victims and survivors, it is time to address this gap in legislation.”

— Heidi Illingworth,

Letter to the Honourable David Lametti on Canadian legislation recognizing coercive control as an offence

Missing and Murdered Indigenous Women and Girls

For Canada to move toward reconciliation, it must ensure Indigenous-led, community and grassroots organizations are adequately funded. These include Indigenous healing practices to restore culture and identity. Prioritizing Indigenous organizations, healing practices and identity will improve the broken relationship between Indigenous communities and the federal government.

The OFOVC recommended the following to the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, and CSC Commissioner Anne Kelly:

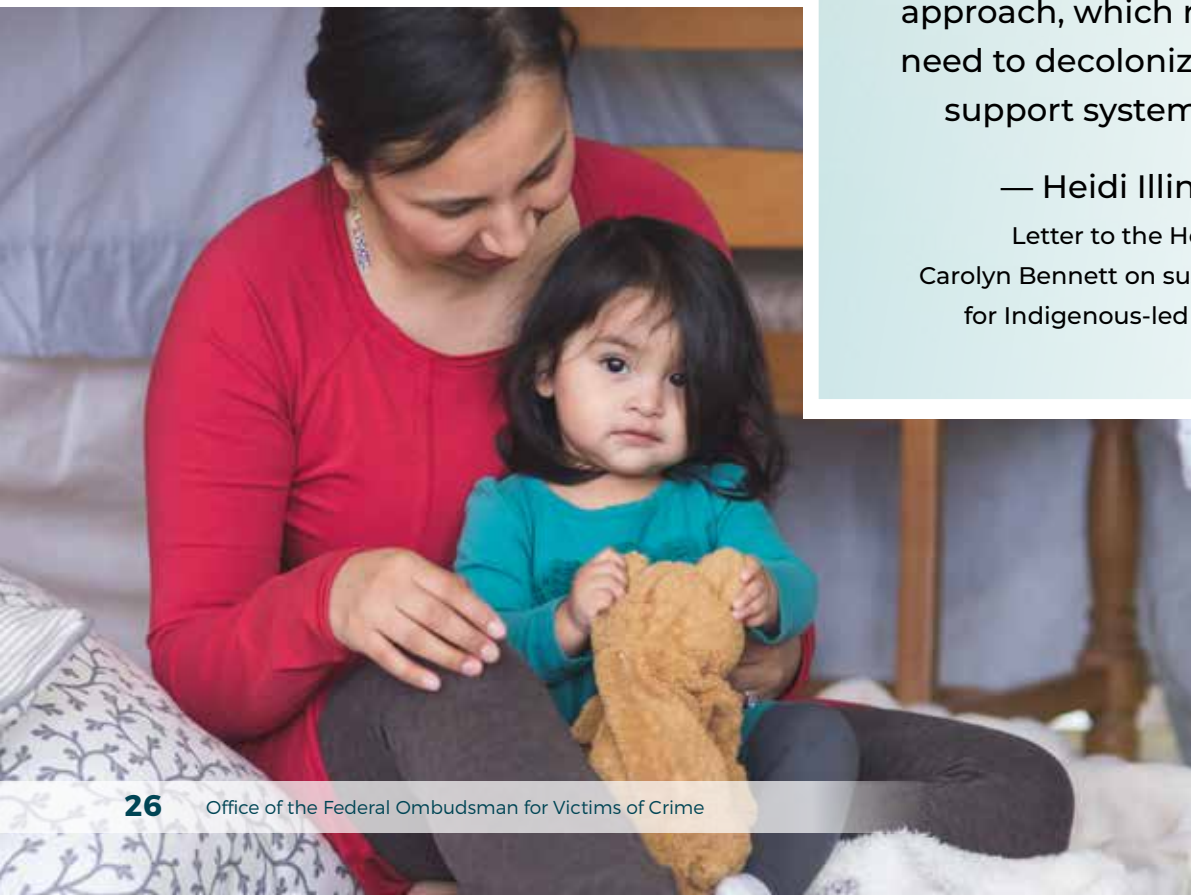
- Creating sustainable funding streams for Indigenous-led grassroots and community-based organizations that support victims of crime and their families to empower them and equip them to meet their communities' needs.

- Ensuring healing lodges have regional programming that genuinely acknowledges and aids Indigenous inmates to connect with their specific Indigenous history, cultural and spiritual identity.
- Providing Indigenous Elders with financial remuneration to encourage them to participate in determining an inmate's suitability to their community.

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“The Indigenous community is where the strengths lie to address Indigenous wellbeing. Ensuring that Indigenous organizations have the resources they need to deliver culturally safe services is therefore the most trauma-informed approach, which recognizes the need to decolonize services and support systemic change.”

— Heidi Illingworth,
Letter to the Honourable
Carolyn Bennett on sustainable funding
for Indigenous-led organizations



Violence Prevention

Violence prevention and intervention measures, such as community-based organizations and outreach programs, are known to help decrease the rates of violence and hate. The federal government must provide more funding to prevention and intervention organizations to decrease rates of gun-related and hate-filled violence.

The OFOVC recommended the following to RCMP Commissioner Brenda Lucki and Deputy Commissioner, Brian Brennan; the Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness; and made submissions to the Honourable Bill Blair and

Arif Virani, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, related to online hate speech:

- Creating a partnership between Public Safety Canada and the Canadian Centre for Justice Statistics at Statistics Canada to invest in more data collection in high-risk communities regarding pathways to violence, particularly concerning the link between socioeconomic factors and gun violence.
- Having Public Safety Canada provide sustainable funding to community-based organizations to deliver victim supports through resiliency centres that treat victims, survivors and family, friends and communities affected by gun violence.
- Increasing the collection of data on online behaviours to monitor hate-related speech online.

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“We must prevent adverse childhood experiences and address the social conditions that lead to crime to help communities build resilience and capacity at the local level.”

— Heidi Illingworth,
Letter to the Honourable Bill Blair
on preventing victimization
related to handguns



OPERATIONS AND FINANCIALS

Budget

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

In keeping with principles of an effective and cost-efficient organization, the OFOVC shares services such as contracting and human-resources management with the Department of Justice, where appropriate. The OFOVC remains on track and continues to work within its budget.

Summary of actual expenditures, from April 1, 2020 to March 31, 2021

	AMOUNT (\$)
Salaries and wages (including Employee Benefits Plan)	1,188,990
Information/communications	137,666
Training and professional dues	1,253
Professional and special services	102,677
Legal services: \$19,458	
Translation services: \$81,968	
Other services: \$1,250	
Rentals	200
Repair and maintenance	0
Utilities, materials and supplies	10,921
Acquisition of machinery and equipment	8,405
Travel and relocation	3,661
Other	75
Total expended by Ombudsman's Office	1,453,848

**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 which are not included in the expenditures reported above.*

LOOKING AHEAD

The OFOVC plans to maintain momentum in 2021-2022 by continuing to engage with victims and survivors, our stakeholders, and community of experts.

Sharing circles & community outreach

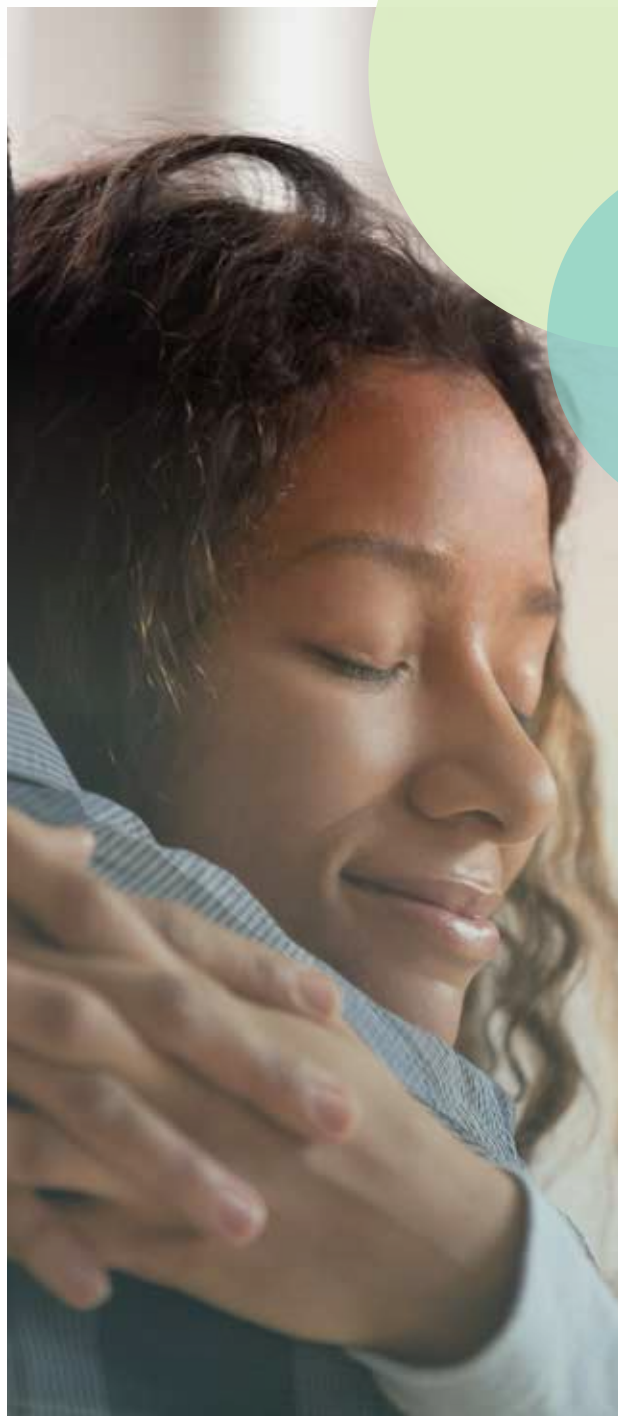
We will organize outreach initiatives to hear from northern, rural and remote communities. We will also have a special focus on Indigenous communities and groups. This will help us to hear from communities from which we get very few inquiries. It will help us to spread awareness of who we are and what we do. We also want to hear about systemic barriers, lived experiences, stories and concerns in these communities. This will help us to make sure our recommendations keep federal government agencies accountable for victims and survivors of crime.

Webinars

We will host a series of webinars over the coming year. These will help us engage with victims, survivors, community service providers and citizens. Our Progress Report will be the focal point of webinar discussions, to gain and share new perspectives on strengthening the *Canadian Victims Bill of Rights*.

Quarterly newsletter

We will continue to provide quarterly newsletters. These keep victims, survivors, service providers, academics, officials and citizens aware of our activities, events, accomplishments and reports.



Research reports

We will continue to get help from specialists to publish reports on relevant topics. We will publish a number of reports on our website. Topics will include issues of concern to victims and survivors of crime.

Frontline Service Provider Advisory Circle

Next year, we will create a Frontline Service Provider Advisory Circle. This will ensure we consider the perspectives of victim service providers in our work. We will hear from frontline workers on issues and barriers. These meetings will help us to enrich our recommendations on improving services for victims and survivors of crime. They will also inform our reports and help us to identify systemic issues and support frontline workers.

Important updates to our website

We will continue to update our website to inform the public about our activities. We will aim to keep our updates user-friendly and informative. We are also working on an online intake form so people can submit complaints through our website.

Infographic

We will create an infographic that outlines who we are and what we do. It will provide victims and survivors of crime with the information they need to understand how we can help and how to contact us.

Strategic planning sessions

In summer 2021, we will have strategic planning sessions. These will guide us in our work and help us achieve our goals in the coming year.

Finally, the OFOVC will continue to make policy recommendations to federal agencies and departments on matters that affect victims and survivors of crime, and ensure that policy-makers are aware of the needs and concerns of victims and survivors of crime.

