

# VICTIMS' RIGHTS IN CANADA

## VICTIM IMPACT STATEMENT

### What is a victim impact statement?

A victim impact statement is a written statement that describes the physical or emotional harm, property damage, or economic loss that the victim of an offence has suffered.

The Court must take the statement into account when sentencing an offender. The victim impact statement is one way that victims of crime are given a voice in the criminal justice system. It allows victims to explain to the Court and the offender, in their own words, how the crime has affected them.

### A victim's right

The *Canadian Victims Bill of Rights* came into force on July 23, 2015. This law gives every victim the right to participation in the criminal justice system, which includes being able to present a victim impact statement. The law states that the Court or Review Board must take a victim impact statement into account when sentencing an accused person, or when making other decisions about a person found not criminally responsible.

### Who can prepare a victim impact statement?

Any person who has been physically or emotionally harmed, whose property has been damaged, or who has lost money as a result of an offence committed against them or another person, may prepare a victim impact statement. This can include the victim as well as a person who is affected by a crime committed against another person, such as a family member or loved one.

A victim impact statement can be prepared by someone acting on the victim's behalf, the survivors of deceased victims, the parent or guardian of a child victim, or a spouse, dependant or relative of a victim who is incapable of making a statement.

### Can a victim read their victim impact statement aloud?

If a victim would like to read their victim impact statement aloud at the sentencing hearing, the Court must allow it. The Court can also choose to allow the victim to present the victim impact statement in another way, such as a pre-recorded video.

A victim can also ask to read their statement:

- while a support person they have chosen is nearby
- while they are behind a screen
- outside the courtroom by closed-circuit television so that they do not have to see the offender

### What can be included in a victim impact statement?

The victim impact statement must be prepared on the standard [victim impact statement form](#) which is used in all provinces and territories. It may describe how the offence has affected the victim emotionally, physically and economically as well as any fears the victim has for their safety or that of family and friends. The victim may include a drawing, poem or letter to express how the offence has affected the victim.



RIGHT TO INFORMATION



RIGHT TO PROTECTION



RIGHT TO PARTICIPATION



RIGHT TO SEEK RESTITUTION



RIGHT TO MAKE A COMPLAINT



Department of Justice  
Canada

Ministère de la Justice  
Canada

Canada 

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The victim can bring a photograph of themselves taken before the offence while the victim presents their victim impact statement, as long as the Court does not think it will disrupt the proceedings. If someone acting on the victim's behalf presents the victim impact statement, that person may show a picture of the victim taken before the offence during their presentation, as long as the Court does not think it will disrupt the proceedings.

The victim may ask, as part of their victim impact statement, to receive information about the offender after sentencing. This can be done by making a request in the statement, or by filling out the relevant sections directly on the victim impact statement form.

### How can a victim impact statement be submitted?

Each province and territory has its own process for submitting a victim impact statement.

Either the police, victim services or the prosecutor may give the victim impact statement form to the victim. The victim may get help in filling out the form through the victim impact statement program in a province or territory. The victim should return the completed form to victim services, the prosecutor or the clerk of the Court.

Before deciding on an offender's sentence, the Court must ask the prosecutor if reasonable steps were taken to provide the victim the opportunity to prepare a victim impact statement. The Court can adjourn the sentencing proceedings to allow the victim to prepare a victim impact statement.

The offender or their lawyer receives a copy of the completed victim impact statement form and may cross-examine the victim about the statement.

### Can victim impact statements be presented at other hearings?

When someone is found not criminally responsible on account of mental disorder, the Court or Review Board decides the correct course of action for them. The *Criminal Code* says that the Court or Review Board must take the victim impact statement into account at such hearings. Victims have the right to be told about such hearings and may read their statement aloud. Victims may use the victim impact statement form in the *Criminal Code* or use the form created by the province or territory where the hearing is taking place.



## What is the difference between a victim impact statement and a victim statement?

	Victim Impact Statement (discussed on this page)	Victim Statement
<b>What are they?</b>	Statement from the victim to explain to the Court or Review Board <b>how the crime has affected a them.</b>	Statement from the victim to the Correctional Service of Canada (CSC) or the Parole Board of Canada (PBC) that can include information about the <b>continuing impact of the offence</b> , and/or <b>concerns they have for their safety</b> , that of their family or their community.  Can also include <b>requests for special conditions on an offender's release</b> that victims may want imposed to maintain their safety, which Board members will consider.
<b>When are they provided?</b>	Must be provided <b>before sentencing.</b>	Can be provided to CSC and PBC <b>after sentencing</b> , at any time throughout an offender's sentence.
<b>How are they submitted?</b>	<a href="#">A form</a> will need to be completed, and should be returned to victim services, the prosecutor or the clerk of the Court.	Can be submitted through the <a href="#">Victims Portal</a> , or by submitting it to the PBC and/or CSC.
<b>What will they be used for?</b>	Used by the Court or the Review Board <b>when deciding the correct course of action</b> for the offender or person found not criminally responsible (for example, is considered when deciding what the sentence will be).	Used by CSC and PBC in <b>decision-making</b> throughout the course of the <b>offender's sentence.</b>

While CSC and the PBC receive and review victim impact statements from the Court, both agencies encourage victims to provide victim statements directly to them to further inform decision making.



For more information please visit: [Federal corrections and parole](#) or call:  
 Correctional Service of Canada: **1-866-806-2275**  
 Parole Board of Canada: **1-866-789-4636**

## Where is more information available?

If you or someone you know has been a victim of crime, there is help available. All provinces and territories offer services for victims of crime. They can help you if you need information or other assistance. The [Victim Services Directory](#) can help you to find victim services near you.

## Disclaimer

This fact sheet contains general information regarding victims' rights. This information is of a general nature and is not intended as a substitute for professional legal advice. For legal advice or assistance, we recommend contacting a lawyer or a legal aid program.

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