



Heard. Respected. **Victims First.**
Écoutées. Respectées. **Les victimes d'abord.**

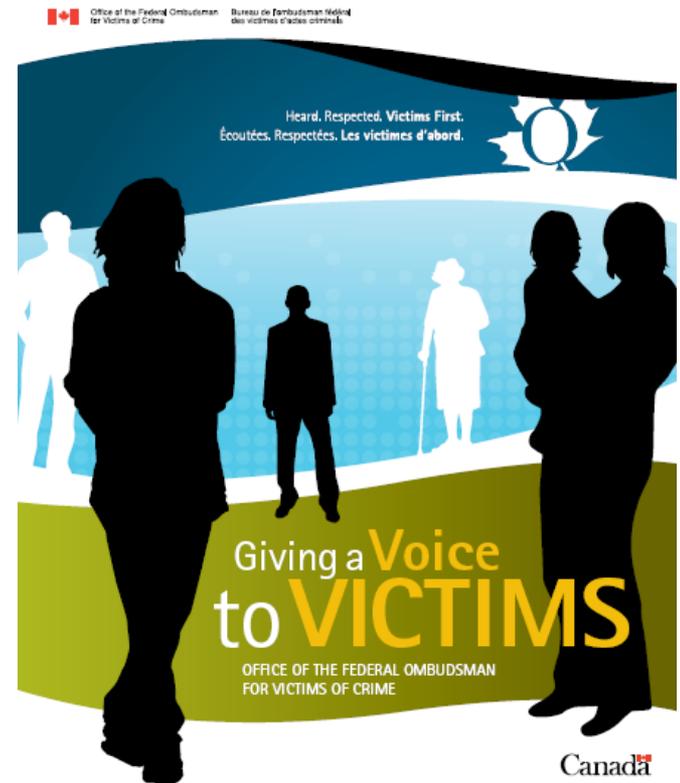


Office of the Federal Ombudsman for Victims of Crime

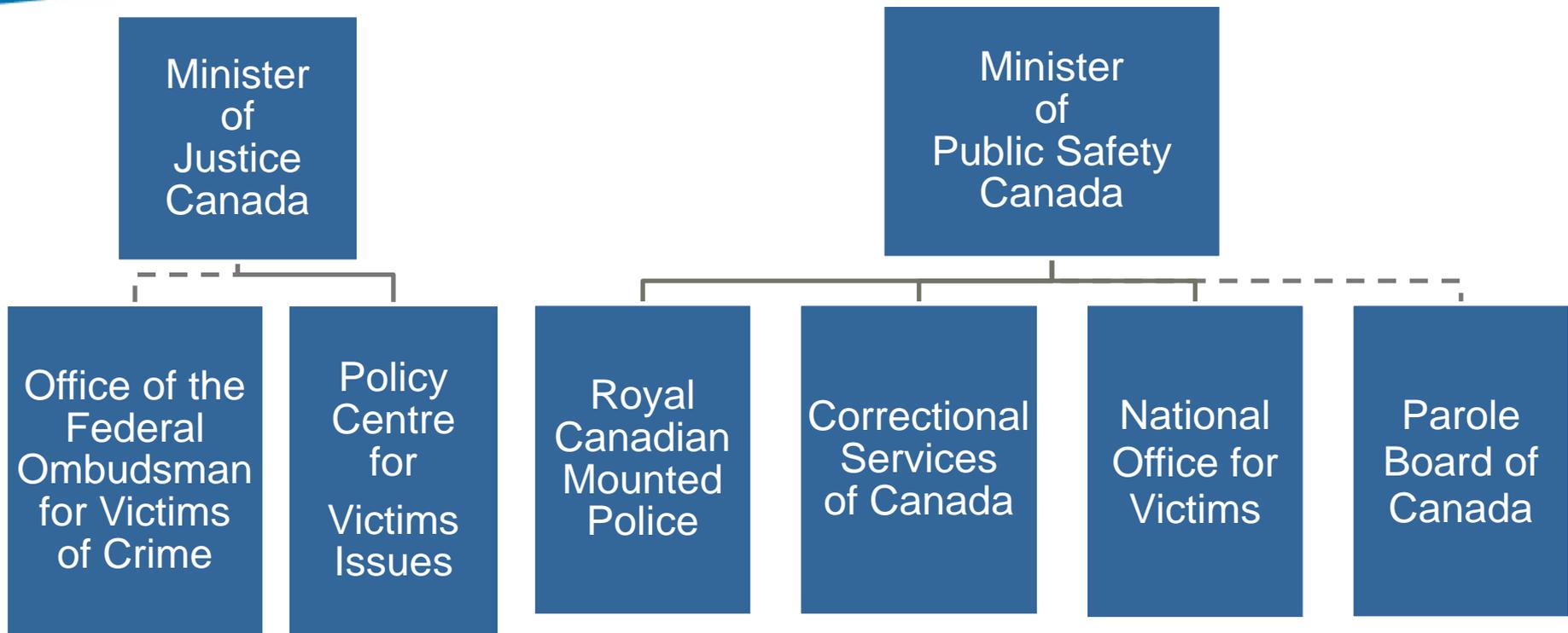
Canadian Association of Police Governance
August 28, 2015. Markham, ON

Office of the Federal Ombudsman for Victims of Crime

- Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) helps victims individually and collectively.
- **Individually:** We speak with victims every day; answering their questions and addressing their complaints.
- **Collectively:** We help victims by reviewing important issues and making recommendations to the federal government on how to improve its laws, policies or programs, to better support victims of crime.

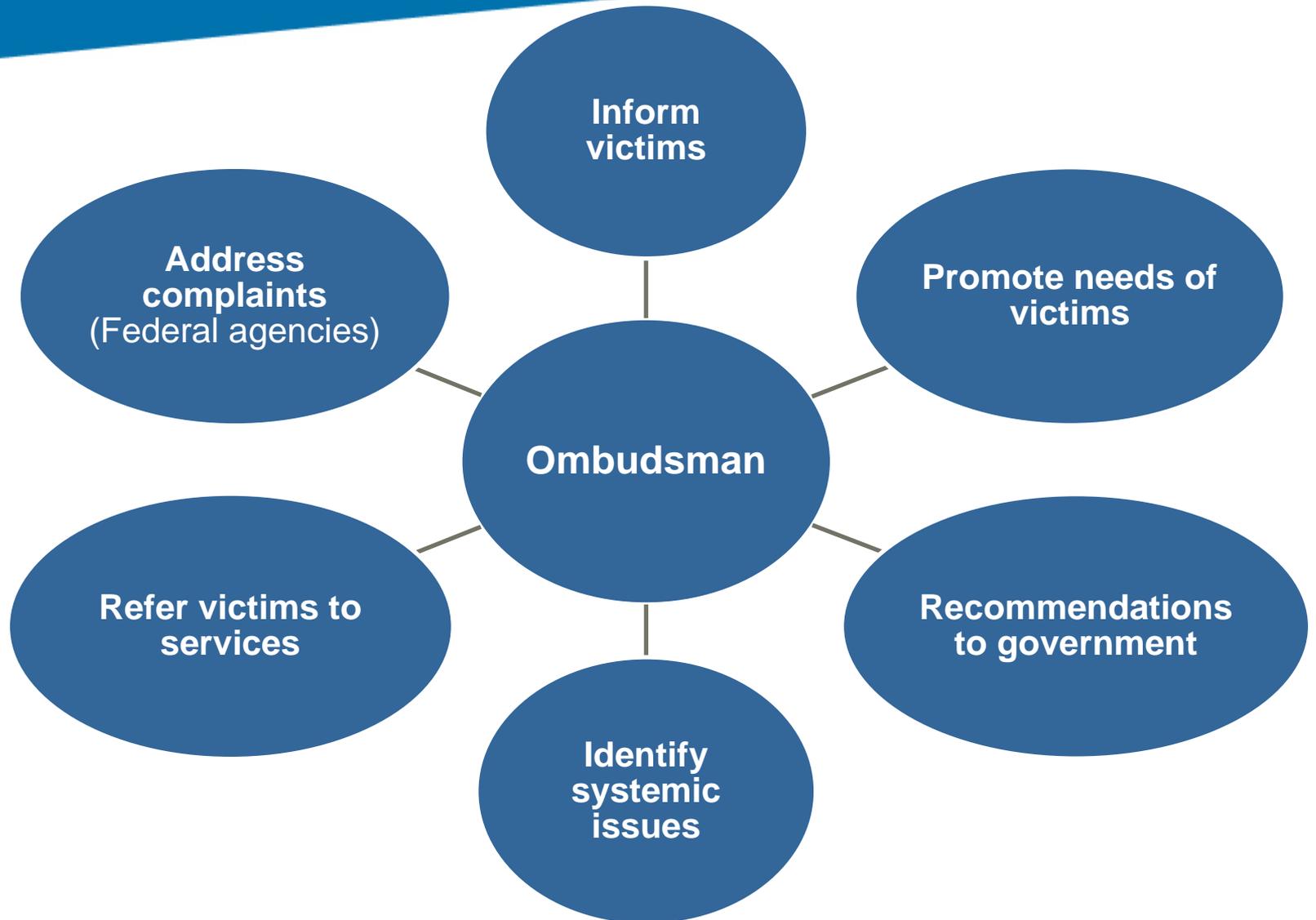


Context: Federal agencies serving victims of crime



The Federal Ombudsman works independently from its parent Department, Justice Canada, and remains neutral from the Government of Canada.

OFOVC – What we do



Objectives



Overall, we want a criminal justice system that treats victims of crime with the respect, compassion and dignity they deserve and which provides them the **information, consideration, support** and **protection** so that they may participate meaningfully in the process.

Criminal Justice Process



Canadian Victims Bill of Rights Act (VBR)



Rights to information, participation, protection and restitution. Date

CANADIAN VICTIMS BILL of RIGHTS



The Canadian Victims Bill of Rights will be enacted as follows:

An Act for the Recognition of Victims Rights

Whereas crime has a harmful impact on victims and on society;
Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect;

Whereas it is important that victims' rights be considered throughout the criminal justice system;

Whereas victims of crime have rights that are guaranteed by the Canadian Charter of Rights and Freedoms;

Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice;

Whereas the federal, provincial and territorial governments share responsibility for criminal justice;

Whereas, in 1988, the federal, provincial and territorial governments endorsed the Canadian Statement of Basic Principles of Justice for Victims of Crime and, in 2003, the Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

RIGHT TO INFORMATION

Every victim has the right, on request, to information about

- (a) the criminal justice system and the role of victims in it;
- (b) the services and programs available to them as a victim, including restorative justice programs; and
- (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.

Every victim has the right, on request, to information about

- (a) the status and outcome of the investigation into the offence; and
- (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome.

Every victim has the right, on request, to information about

- (a) reviews under the Corrections and Conditional Release Act relating to the offender's conditional release and the timing and conditions of that release; and
- (b) hearings held for the purpose of making dispositions, as defined in subsection 672.1(1) of the Criminal Code, in relation to the accused, if the accused is found not criminally responsible on account of mental disorder or unfit to stand trial, and the dispositions made at those hearings.

RIGHT TO PARTICIPATION

Every victim has the right to convey their views about decisions to be made by appropriate authorities in the criminal justice system that affect the victim's rights under this Act and to have those views considered.

Every victim has the right to present a victim impact statement to the appropriate authorities in the criminal justice system and to have it considered.

RIGHT TO RESTITUTION

Every victim has the right to have the court consider making a restitution order against the offender.

Every victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender.

RIGHT TO PROTECTION

Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.

Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.

Every victim has the right to have their privacy considered by the appropriate authorities in the criminal justice system.

Every victim has the right to request that their identity be protected if they are a complainant to the offence or a witness in proceedings relating to the offence.

Every victim has the right to request testimonial aids when appearing as a witness in proceedings relating to the offence.

Rt. Hon. Stephen Harper, P.C., M.P.
Prime Minister of Canada

Right to Information



Right to Protection



Victims have the right to have appropriate authorities in the criminal justice system:

Consider the security of victims

- Take reasonable and necessary measures to protect victims from intimidation and retaliation

Consider the privacy of victims

- Protected the identity of victims, on request, if they are complainant or witness to a proceeding

Right to Participation and Restitution



Victims have the right to:

Participation

- Convey their views about decisions that affect their rights.
- Present a victims impact statement.

Restitution

- Have the courts consider making a restitution order
- Have unpaid orders entered as a civil court judgment

Implementation of the Bill



- In 5 years, Parliament will establish a committee to review the bill (Section 2).
 - **Do victims have adequate access to their rights?**
 - **How are victims exercising their rights?**
 - **Is the Victims Bill of Rights making a difference?**

Evaluation of the Bill



Feasibility Study: Identify potential data sources at the time of crime, during court proceedings and during corrections and parole.

Data Capturing: Based on study, gather and capture relevant data from sources in the criminal justice system

Evaluation: Data is available to conduct an effective 5 year review

Violence against Aboriginal Women and Girls



- We know that the victimization rate among Aboriginals is higher than any other group in Canada.
- We need to better understand the causes of violence against aboriginal women and girls so that :
 - Necessary **supports and resources** are identified and developed.
 - **Effective strategies** are in place for prevention and appropriate response.

Ombudsman activities



- **United Nations Committee on the Elimination of Discrimination Against Women:** Meeting with members, September 2013
- **Special Committee on Violence Against Indigenous Women:** Appeared as witness, January 2014
- **APTN, the Aboriginal Peoples Television Network:** Interview, February 2014
- **Senate:** Presentation to the Liberal Caucus, March 2014
- **Intern-American Commission on Human Rights:** Meeting with commissioners, August 2014.

Data Collection and Analysis



Data Collection

- Identify opportunities to improve data on aboriginal women who are victims of violence.
- Potential to gather data throughout the criminal justice process, starting at time of crime, during court proceedings and through corrections and parole.

Data Analysis

- Provide evidence to support a better understanding of issues confronting violence against aboriginal women and girls.
- Identify where programs, services, policies for victims of crime can better meet the needs of aboriginal victims.

National Inquiry and Action Plan



Inquiry

- Better understanding of the causes of violence against aboriginal women and girls.
- Every victim has unique needs and those needs must be met in compassionate and culturally appropriate ways.
- Ensuring that the voices of Canada's aboriginal community are heard, respected, considered and included when assessing and understanding the causes.

Action Plan

- More action is needed, but action should be guided by appropriate strategies
- Findings of a national inquiry can guide effective national strategies for action.
- Work with Aboriginal communities to develop strategies that are tailored to the needs of Aboriginal women and rooted in understandings of the social and economic conditions that have contributed to their vulnerability.

Stay Connected



www.victimsfirst.gc.ca

victimsfirst@ombudsman.gc.ca

1-866-481-8429



Follow us!

@OFOVC_BOFVAC