



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



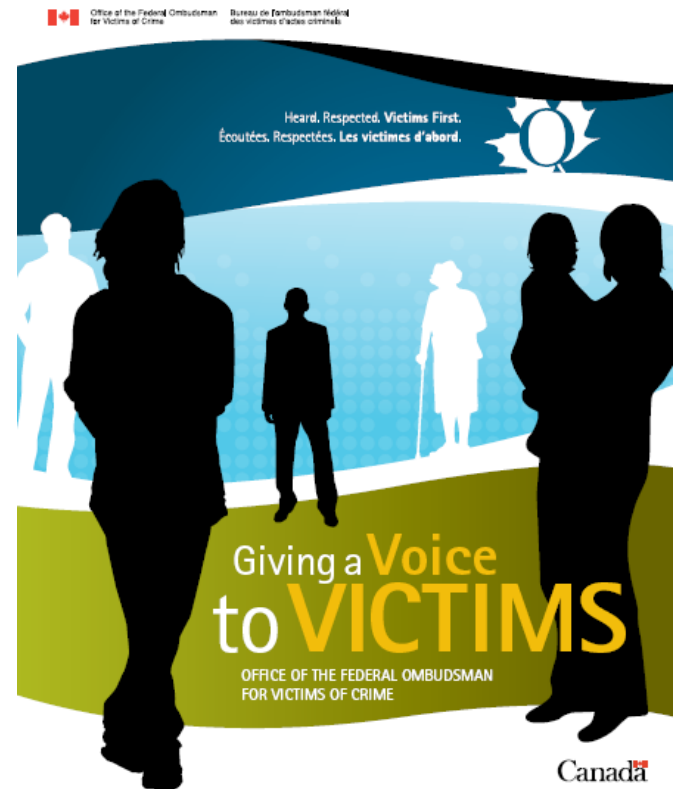
Office of the Federal Ombudsman for Victims of Crime

Victims Support Europe

May 13 -14, 2015, Lisbon, Portugal.

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: Criminal Justice in Canada



Stats:

Population: 35.5 million

Size: 9.98 million km²

Governments:

Federal Government of Canada

10 provincial and 3 territorial governments

Approximately 3,700 municipalities

Law Enforcement:

1 national police service

3 provincial police services

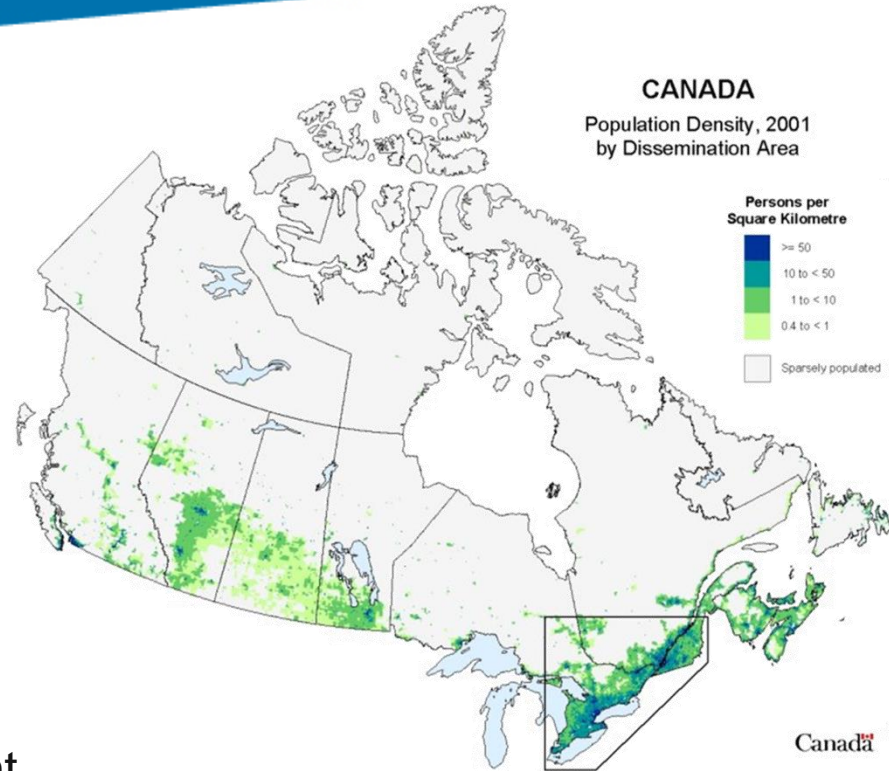
Over 600 local police services

Courts:

Federal government legislates criminal law

Provincial governments legislate civil law

Provinces have jurisdiction over the administration of courts in their territories



Prison system:

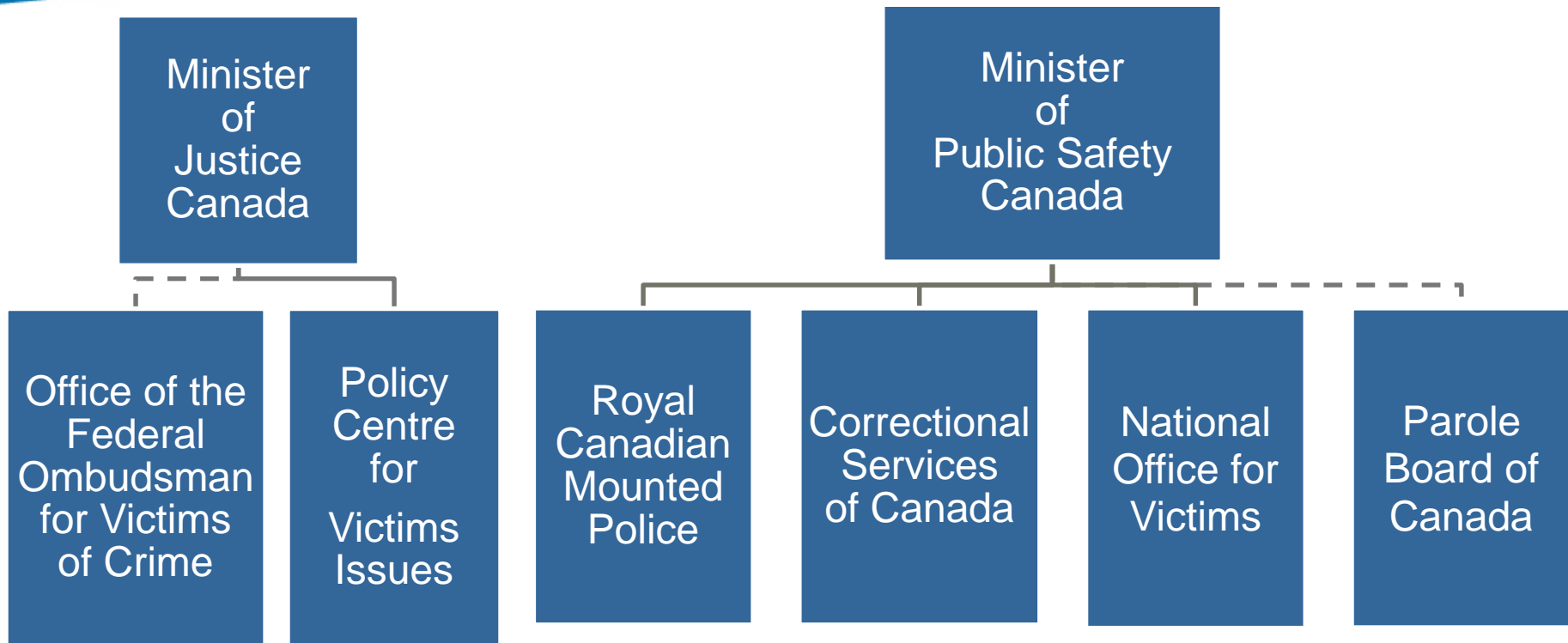
Federal penitentiaries –
Sentences of 2 yrs or more

Provincial prisons –
Sentences less than 2 yrs.

Parole Board of Canada

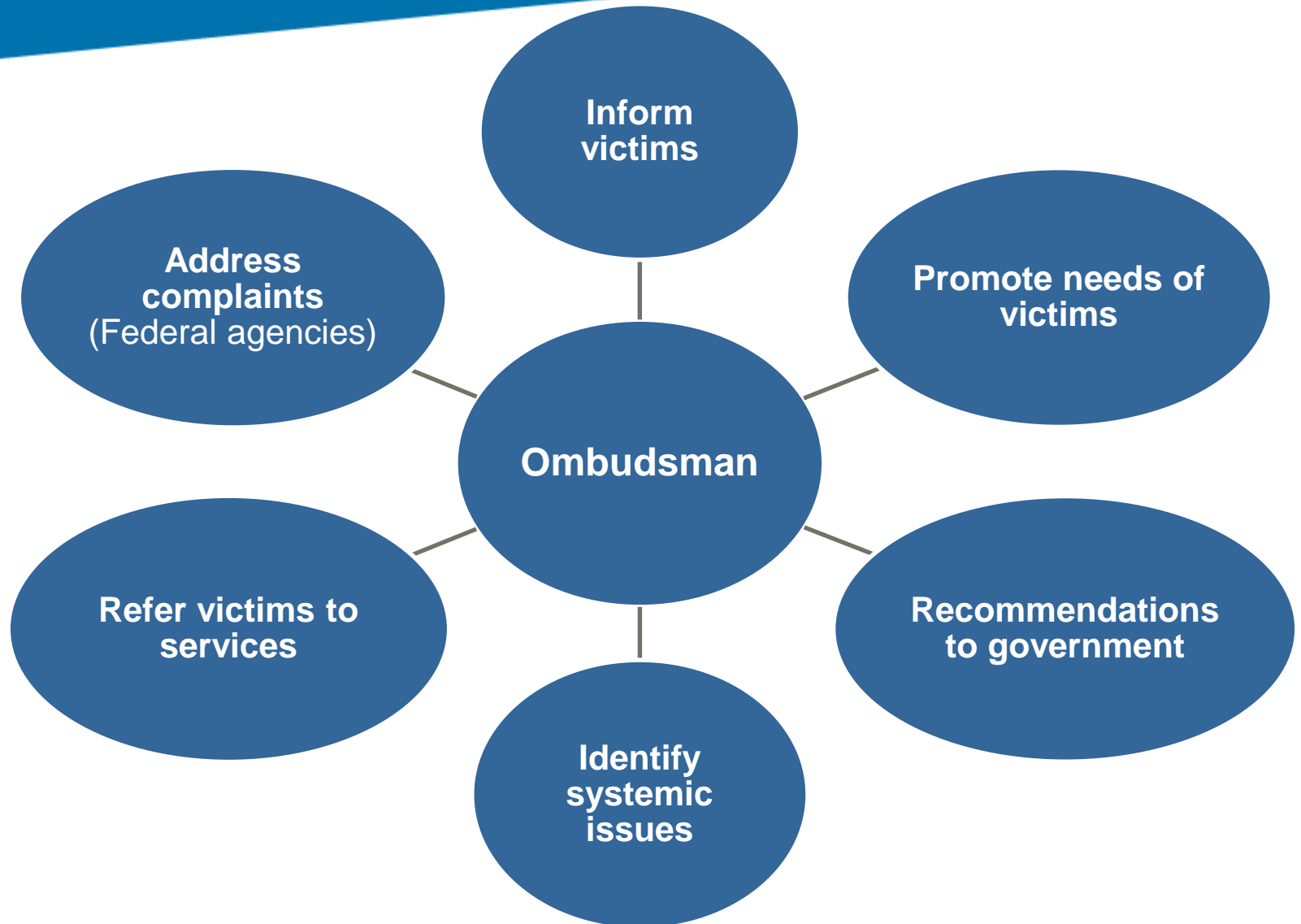
Context:

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

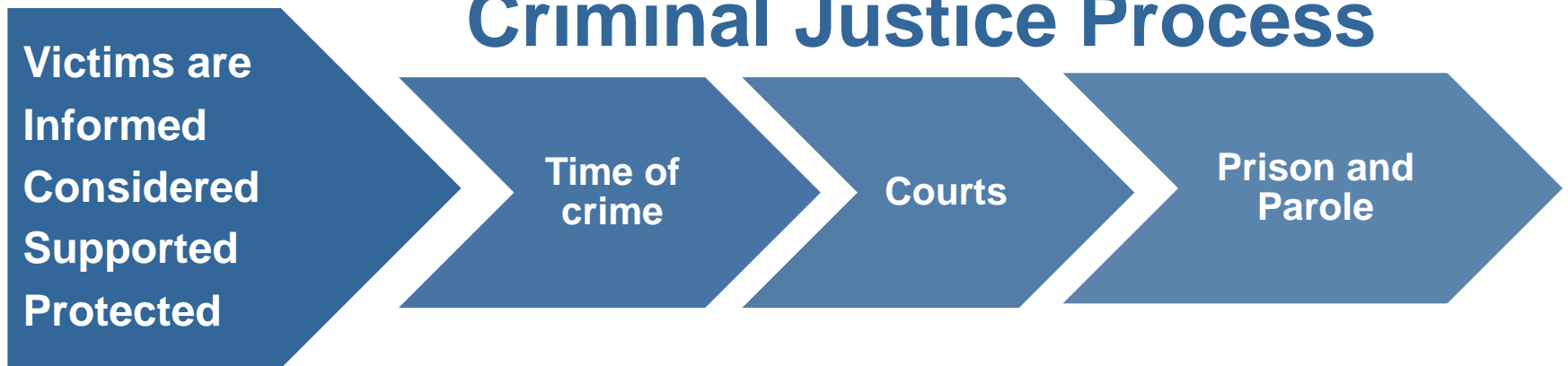


Objectives



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.

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

Information



Every victim has the right, upon request, to information about:

TIME OF CRIME

- a) the **criminal justice system** and the role of victim in it
- b) the **services and programs** available to them as a victim, including restorative justice programs
- c) their right to **file a complaint** for an infringement or denial of their rights

COURT

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

PRISON AND PAROLE

- a) reviews relating to the offender's **conditional release** and the timing and conditions of that release
- b) **hearings** held for the purpose of making dispositions, in relation to the accused

Protection and Participation



Criminal Justice System

Appropriate authorities in the criminal justice system must:

Consider the **security** of victims

Consider the **privacy** of victims

Take reasonable and necessary measures to
protect the victim from intimidation and retaliation

Hearings

Victims who are **witnesses** in proceedings relating to the offence have the right to request **testimonial aids** and to have their **identity protected**

Sentencing

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

Restitution



Criminal Court

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

Civil Court

- 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.

Remedies



- **Complaints:** Every victim who is of the opinion that any of their rights have been infringed or denied by a federal department, agency or body has the right to file a complaint in accordance with its complaints mechanism.
- Limitations with complaints mechanisms
 - **Enforcing Rights:** Victims cannot address the court in order to exercise or enforce their participatory rights
 - **Reviewing complaints:** No independent entity with investigative powers to review all complaints and recommend recommendations

Stay Connected



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