



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



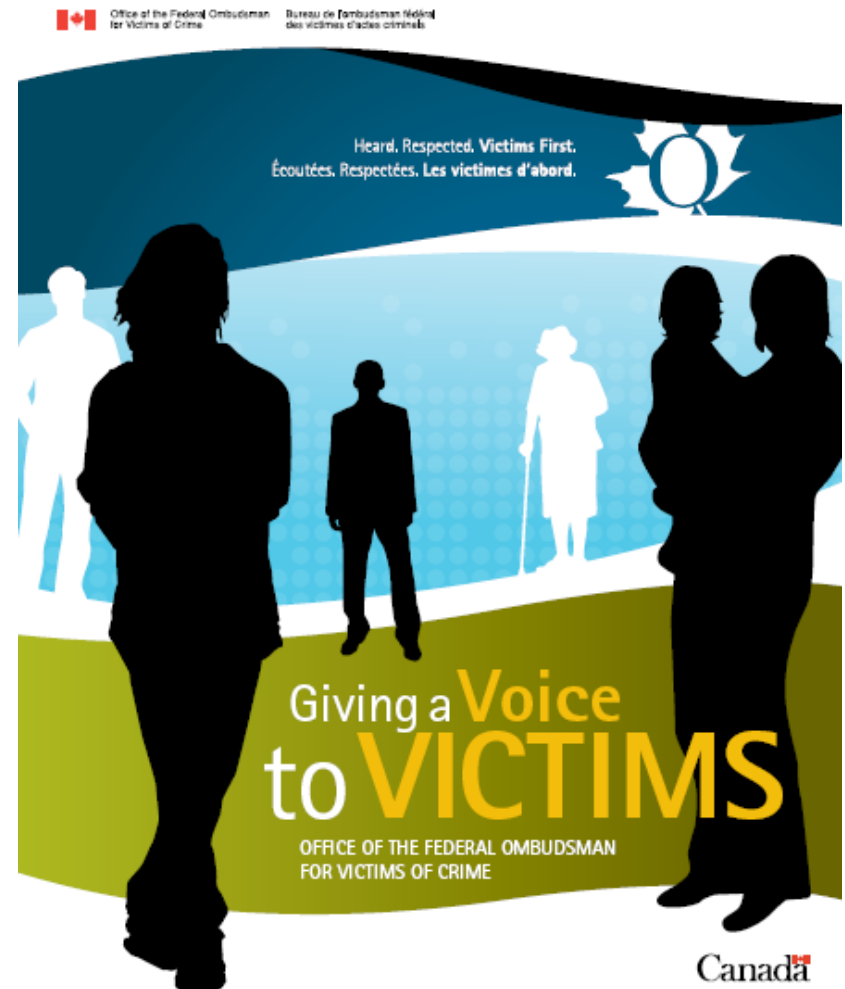
Office of the Federal Ombudsman for Victims of Crime

VSE Conference: Developing Victim Support Across Europe
May 15, 2014

Office of the Federal Ombudsman for Victims of Crime

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) is an arm's-length Canadian Federal Government Office that works to help victims of crime and their families.

As an arm's-length Office, the OFOVC and its Ombudsman work independently from its parent Department (Justice Canada) and remain neutral.



OFOVC – What we do



In practical terms, the OFOVC:

- **addresses complaints** made by victims about federal government departments, agencies, services laws or policies
- **informs** victims about the federal programs and services that exist to help them and **refers** victims to programs and services in their city or province that may be able to assist them
- identifies issues that have a negative impact on victims and **makes recommendations** to the federal government on how it can enhance its policies and laws to better meet their needs
- **sensitizes** federal law and policy-makers to the needs and concerns of victims
- **promotes** the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with decision and policy-makers

OFOVC – What we do



Essentially, the Office helps victims both individually and collectively.

- **Individually** – by receiving and reviewing complaints and by providing victims with information about their rights and the services and programs available to them.
- **Collectively** – by making recommendations to the federal government for system-wide change to enhance the treatment of ALL victims of crime in Canada and by sensitizing and helping mobilize key players to be aware of, and responsive to, victims' needs.

Making a complaint

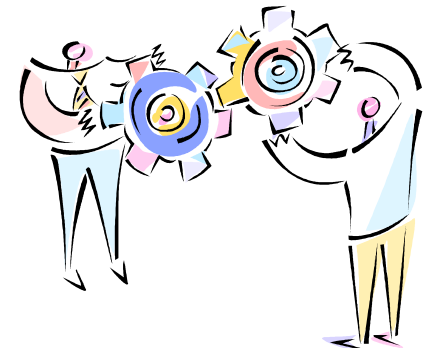
- Any individual or organization can contact our office to make a complaint or inquiry.
- We can only review complaints that relate to victims of crime and their treatment by federal departments, agencies, employees or policies. We do not have authority to review provincial, territorial or municipal matters.
- If we cannot address a complaint directly, we will happily help by connecting the victim/contact with the appropriate agency or service in their province, territory or city.



Effecting positive change



- The Office does not have the power to compel information or impose disciplinary measures when it comes to non-compliance. However, as part of its mandate, the OFOVC's must identify systemic issues that may negatively impact on victims of crime.
- As such, the OFOVC works collaboratively with other federal government departments to review complaints and find solutions to the issues and problems, both individual and systemic, victims bring to us.
- Our goal is not to criticize federal departments/employees but to find ways to work together to effect positive change.



What we need moving forward



Victims of crime in Canada should have the right to be:

- **Informed** (about the system and the offender who harmed them)
- **Considered** (both in terms of their input and their needs regarding safety and non-contact with the offender) and **Protected**
- **Supported**

Overall we need a system that treats victims of crime with the respect, compassion and dignity they deserve and which lets them become **meaningful participants in the criminal justice process.**

Canadian Victims Bill of Rights Act



- On April 3, 2014, following an extensive period of public consultation and nation-wide roundtables with victims and victim-advocates, the Government of Canada introduced its *Canadian Victims Bill of Rights Act*.
- As Canada's first-ever victim-focused piece of legislation, the VBR marks a significant cultural shift in Canada's legislative landscape towards a system that more fully considers and integrates victims in Canada's criminal justice system.
- At the same time, from the OFOVC's perspective while the Bill marks a great first step, it could be strengthened to be more effective in addressing the full breadth of victims' needs and concerns.

VBR continued



- As part of the nation-wide consultation process the Government undertook in developing the Bill, the Ombudsman put forward a submission containing nearly 30 recommendations for what should be included in the pending VBR.
- Of those recommendations, four were addressed fully and 10 more in part; in other words nearly half of the Ombudsman's recommendations were addressed at least partially.
- The following slides provide just a few examples of the strengths and weaknesses of the Bill as they pertain to the four main areas victims have indicated as priorities: information, consideration, protection and support.

VBR analysis – Informing victims



Informing victims

Strengths:

Under the VBR victims will be given:

- information about the investigation and proceedings and certain information about an offender or accused, upon request;
- access to an offender's bail and/or probation order, upon request.
- access to a recent photograph of the offender prior to conditional release; and
- automatic access to the Parole Board of Canada's (PBC) Decision Registry.

VBR analysis – Informing victims



Informing victims

Areas for improvement:

- The definition of who can act on behalf of a victim is restrictive in that it does not account for partners who do not live in a conjugal relationship with the victim or close friends, in cases where a victim may be disconnected from family.
- While the VBR does provide for enhanced information-sharing, it does not outline the responsibilities for who will provide information and at what stages in specific terms. Without this, there is a risk that agencies may fail to provide certain information to victims, as required.
- The VBR does not address the fact that most victims are not aware of the need to register with the PBC or the Correctional Service of Canada (CSC) in order to receive information about the offender who harmed them.
- The provision of access to a photo of the offender does not apply in the case of escorted temporary absences.

VBR analysis – Considering victims



Considering and protecting victims

Strengths:

- The VBR provides a mandatory, standardized form to help victims fill out a “Victim Impact Statement” that will be presented in court. Providing victims with this form helps to ensure their statements reflect the full spectrum of how the crime has affected their lives and ensures more national consistency.

VBR analysis – Considering victims



Considering victims

Areas for improvement:

- The VBR allows certain victims to be informed of a plea bargain, but it does not allow for victims to have *input* before a plea is accepted.
- The proposed legislation does not address a victims' need for choice and options in attending/participating in a parole hearing (i.e. via teleconference, video-conference, closed-circuit video, etc).
- While the VBR permits a victim to be notified once an offender is deported from Canada before the expiration of their sentence, it does not permit a victim to submit and/or present a statement at Immigration Review Board hearings.

VBR analysis – Protection



Protecting victims

Strengths:

- Under the proposed legislation, judges must consider the safety and security of the victim before bail.
- The VBR introduces the requirement for the PBC to explain, in writing, why it has not imposed a non-communication order or geographical restriction in cases where a victim has expressed safety concerns or stated that they do not wish to have contact with the offender.

VBR analysis – Protection



Protecting victims

Areas for improvement:

- The effectiveness of the proposed enforcement regime, which consists exclusively of a complaint-resolution scheme, remains to be seen.
- Victims are not guaranteed separate and secure waiting areas apart from the offender at parole hearings and other proceedings.

VBR analysis - Support



Supporting victims

Strengths:

- Judges are now required to consider making a restitution order in all cases.

Weaknesses:

- Under the VBR, victims who are still owed monies may enter as a judgement any amount ordered to be paid that remains unpaid under the order in any civil court in Canada. This still puts the onus on the victim to take steps to collect the money owed to them rather than have the authorities obtain the funds. Victims should not have to go to civil court to enforce a restitution order. Restitution is part of the offender's sentence, and structures should be in place to ensure those orders are enforced.

Next steps



- Over the coming months, as the Bill moves through the Canadian Parliamentary process and goes before Committees in both the House of Commons and the Senate, the Ombudsman and others will have the opportunity to suggest amendments to the Bill.
- The Ombudsman will submit her full response report to both Committees and continue to push to amend the Bill in order to make it as effective as possible.

Resources



To learn more about the VBR you can visit the OFOVC's website where you will find:

- A link to the VBR Act full text
- The Ombudsman's original report with recommendations to the Government on what to include in the VBR
- The Ombudsman's response report indicating those areas she is satisfied with in the Bill and those areas where improvement is required
- A backgrounder summarizing the response report
- General information about the office, its mandate and work and the recommendations made to the Government of Canada on a wide variety of victims issues

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