



# DEPARTMENT OF JUSTICE

## Information Session : Canadian Victims Bill of Rights

Uniform Law Conference of Canada

August 13, 2013

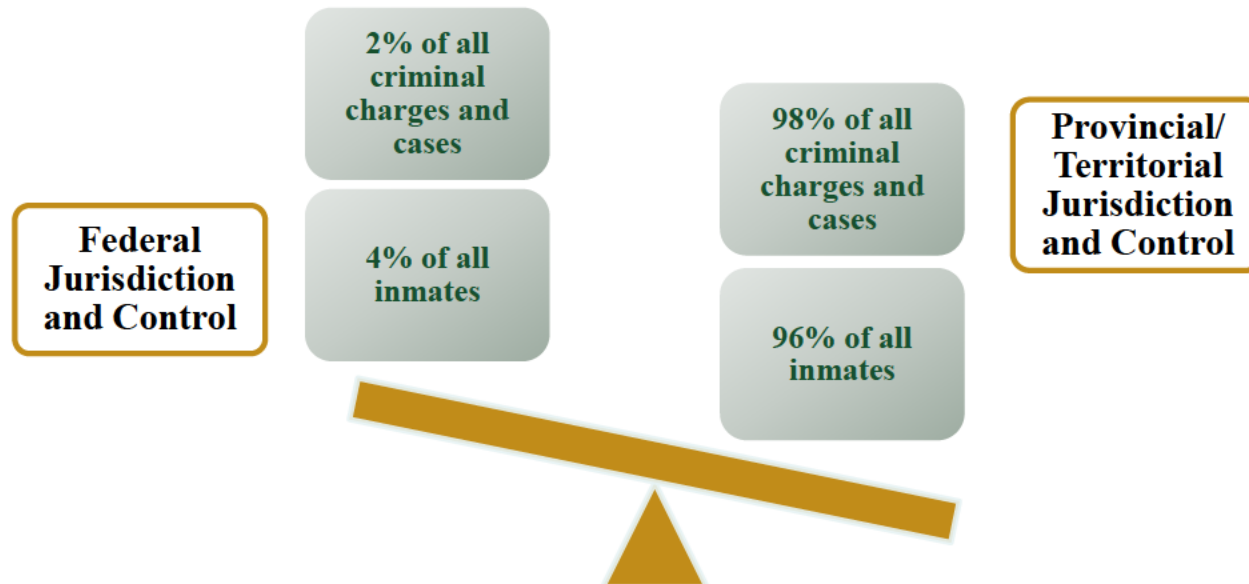
Victoria, B.C.





## Which level of government is responsible for victims of crime?

- In Canada, the federal government and provincial/territorial governments share responsibility for responding to victims of crime.



- Federal, provincial and territorial governments agreed to the *Canadian Statement of Basic Principles for Victims of Crime* (1988, 2003)
  - Comprehensive principles which guide the development and implementation of programs and policies for victims of crime.



## What are existing federal measures for victims of crime?

### Criminal Code

- Requires that a victim's safety be considered by court in bail and other decisions.
- Facilitates witness testimony through testimonial aids and procedures.
- Requires the court to consider victim impact statements at sentencing.
- Allows a court to impose a restitution order as part of an appropriate sentence
- Requires a court to include a federal victim surcharge upon conviction.

### CCRA

- Provides for specific information to be provided to victims upon request.
- Has measures to allow victims to attend and speak at parole hearings.
- Permits release conditions to be tailored to enhance victim safety.



## What are existing provincial and territorial measures?

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- All provinces and territories have legislation on victims of crime, but few refer to “rights”.
  - Common principles in provincial and territorial legislation are information, safety, and respect.
  - Most provincial and territorial legislation **include** limitations on the rights and **exclude** remedies for breaches.
- **All** provinces and territories have victim services, which vary considerably in their scope, terms, and delivery.
  - Criminal injuries compensation is available in 9 jurisdictions.



## What have victims of crime said?

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- Specifically, victims have indicated a desire for
  - Right to **information** including about the investigation, the prosecution, and the offender while in custody.
  - Right to **protection** including the right to be protected, at all times, from intimidation from the accused, their family and friends.
  - Right to **restitution** including a right that restitution be considered in every sentence where financial losses to the victim are proven.
  - Right to **participation** where some victims are seeking standing to assert their rights and legal representation paid by legal aid.
  - **Remedies** for the breaches of any of these rights.



## What are your views?

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The Government of Canada is considering :

- What should be the content of the following possible rights:
  - Right to **information**
  - Right to **protection**
  - Right to **recourse** (restitution, surcharge)
  - Right to **participation**
- What **limitations** should apply to the rights?
- What should be the **remedies** for a breach of a victim's right?
- How could a Victims Bill of Rights affect the **efficiency of the criminal justice system**?



## Next Steps

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- Until September 3, 2013, Canadians have an opportunity to share their views on a Canadian Victims Bill of Rights.
  - On-line questionnaire at [justice.gc.ca](http://justice.gc.ca)
  - Electronic submissions to [victimrights@justice.gc.ca](mailto:victimrights@justice.gc.ca)



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# QUESTIONS FOR DISCUSSION





## Discussion Question #1:

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What are the most important elements that could be recognized as rights in relation to:

- a) information for victims of crime;
- b) participation by victims in the criminal justice system;
- c) redress for victims; and
- d) protection for victims.



## Discussion Question #2:

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Are there particular points in the criminal justice system when these victim rights should be recognized (e.g. upon release of the offender, at trial, at sentencing)?



## Discussion Question #3:

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Should any limitations be attached to the rights included in a Victims Bill of Rights (e.g. availability of resources, the best information available at the time, etc)? What should these limitations be?



## Discussion Question #4:

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Should victims of crime have the right to have legal counsel appear on their behalf to assert their rights in criminal proceedings?



## Discussion Question #5:

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What remedies could be available for a victim following a breach of their right? What should be the impact of a remedy on a validity of a decision or proceedings?



## Discussion Question #6:

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How could a Victims Bill of Rights affect efficiencies of the criminal justice system?