



DEPARTMENT OF JUSTICE

Information Session : Canadian Victims Bill of Rights

Uniform Law Conference of Canada

August 13, 2013

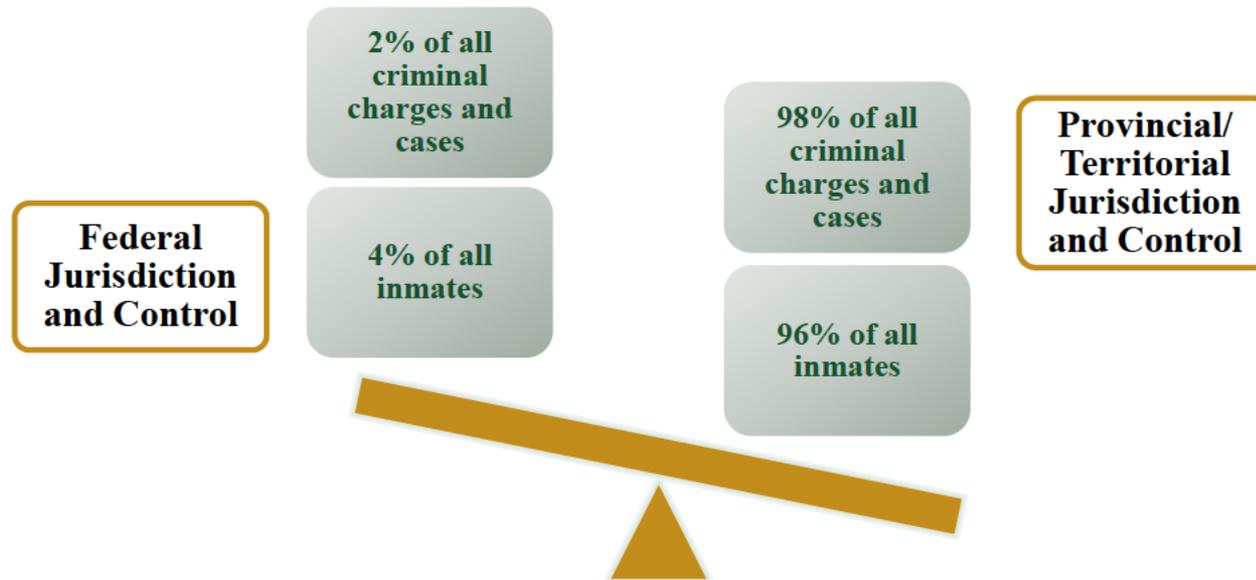
Victoria, B.C.





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?

- 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?

- 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?

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

- 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
 - Electronic submissions to victimrights@justice.gc.ca



QUESTIONS FOR DISCUSSION



Discussion Question #1:

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:

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:

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:

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:

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:

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