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July 25, 2008

The Honourable Rob Nicholson  
Minister of Justice  
284 Wellington Street  
Ottawa, ON  
K1A 0H8

Dear Minister:

The CRCVC was extremely frustrated to learn recently that judges across Canada are routinely waiving a federal victim fine surcharge they are supposed to levy against offenders. The *Criminal Code* dictates that the victim fine surcharge is to be imposed unless an offender can prove undue hardship.

As you are undoubtedly aware, the study, conducted in New Brunswick, found the fee was waived in two-thirds of 62,000 cases over five years, costing the province millions of dollars in lost revenue for victims. The report states, "It appears that mere assertions of an inability to pay by offenders or perceptions by judges that the offender cannot pay are sufficient to prove undue hardship."

The result is that provincial programs to assist and support victims of crime do not benefit from the amount of funding they should due to the fact that the surcharge is not mandatory. Victims Services in New Brunswick, Ontario and the Northwest Territories have been impacted negatively as a result. While judges are supposed to justify their decisions for waiving charges, the information was not included in 99% of 861 court files that were reviewed for the study.

The CRCVC believes offenders should be held accountable to their victims and also held responsible for the harm they have caused. It is not unreasonable for offenders, especially those heading into the federal prison system where they will earn small wages, to have to pay \$100 or less.

We ask you to ensure that the surcharge is no longer waived by judges who are clearly placing the interests of offenders above those of victims and survivors. Support services and compensation are vitally important to the resiliency of crime victims in Canada and it is simply not acceptable that these programs suffer any further cut backs or closures.

I look forward to your prompt response in this important manner.

Sincerely,

Heidi Illingworth  
Executive Director