



# National Justice Network Update



**April 2011**

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Welcome to the **April** issue of the *National Justice Network e-Update*, a publication of the Canadian Resource Centre for Victims of Crime. PLEASE SHARE THIS **FREE** NEWSLETTER WITH YOUR COLLEAGUES OR HAVE THEM SIGN UP TO RECEIVE IT DIRECTLY AT: <http://crcvc.ca/en/newsletter/>.

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Department of Justice  
Canada

Ministère de la Justice  
Canada

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**LINKS OF INTEREST:**

[Policy Centre for Victim Issues](#)

[Federal Ombudsman for Victims of Crime](#)

[National Office for Victims](#)

[Victim Services, Correctional Service Canada](#)

[Information for Victims, National Parole Board](#)

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**THE UPCOMING CANADIAN ELECTION – Where do victims of crime fit into the federal party platforms?**

Canadians have a very important decision to make on May 2<sup>nd</sup>. The summaries below attempt to provide readers with information about how each of the four national parties will respond to crime, victimization and public safety.

**The Green Party**

**Leader: Elizabeth May**

<http://greenparty.ca/platform2011>

The Green Party platform includes calling for programming dedicated to stop elder abuse, making investments in affordable housing and early childhood education. Other initiatives include

**UPCOMING EVENTS**

**MAY IS SEXUAL ASSAULT  
AWARENESS MONTH IN  
ONTARIO**

Sexual violence is used every day across Canada by perpetrators to assert power and control over their victims. Few survivors report what has happened to them to the police. Join the efforts in your community to end all forms of sexual violence!

**NATIONAL MISSING  
CHILDRENS' DAY**

May 25<sup>th</sup> - The Missing Children Society of Canada is asking Canadians to perform a simple act to make a connection to families searching for their missing children. At 8:00pm on May 25<sup>th</sup>, please light a candle in commitment and hope for these families. More information is available at: <http://www.mcsc.ca/>.

**VIOLENCE AGAINST  
WOMEN  
INTERNATIONAL  
CONFERENCE**

**Montreal, Quebec**

**This four-day conference, held in Montreal on May 29 – June 1, 2011 will**

**bring together** researchers, practitioners, political decision makers, and students from around the world to share knowledge and practices and debate current issues in the field. For more information, including program and



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ensuring social justice and human rights for Aboriginal and Indigenous peoples. Elizabeth May also plans on making poverty history by implementing the UN's [Millennium Development Goals](#).

## **New Democratic Party**

**Leader: Jack Layton**

<http://www.ndp.ca/platform>

The NDP platform has some initiatives related to social justice including include fostering economic opportunities and ending discrimination the Aboriginal population has faced and supporting the healing processes of past injustices. Other important initiatives include implementing the [UN Convention on the Rights of Persons with Disabilities](#), increasing police presence on the streets, implementing gang prevention programs and expanding access to shelters and transitional houses to support women fleeing violence.

## **Liberal Party of Canada**

**Leader: Michael Ignatieff**

<http://www.liberal.ca/platform/>

The Liberal Party of Canada wants to build stronger, safer communities. The Liberal party feels crime rates are declining at a national level but believes that not all families feel safe within their homes. They will offer affordable housing, fight poverty through their Poverty Reduction Plan and address violence against women, specifically missing and murdered Aboriginal Women. A Liberal government will mandate a national task force to examine the systemic causes of violence against Aboriginal women, with an emphasis on preventing its continuation in the future. They will also improve the Long Gun Registry so that it better serves police, Canadian long-gun owners and rural Canadians.

## **The Conservative Party of Canada**

**Leader: Stephen Harper**

[http://www.conservative.ca/policy/platform\\_2011/](http://www.conservative.ca/policy/platform_2011/)

The Conservatives have a large focus on keeping our streets and neighbourhoods safe and mention crime victims 40 times in their platform. They state they are putting the rights of victims and law-abiding

registration details:

[www.conferenceviolence.com](http://www.conferenceviolence.com)

## **NATIONAL CENTER FOR VICTIMS OF CRIME 2011 NATIONAL CONFERENCE**

*Washington, D.C.*

The NCVC's national conference is from June 20-22, 2011 in Washington, DC. The conference will emphasize a multidisciplinary approach to sharing promising practices, current research, and effective programs and policies that are victim-centered, practice-based, and research-informed. For more information, including program and registration details: [www.ncvc.org](http://www.ncvc.org).

## **"THE ROAD TO RESILIENCY"**

SAVE THE DATE - The Saskatchewan Association of Police Affiliated Victim Services Inc. (SAPAVS) will be holding a conference in Saskatoon from March 20-22, 2012. The conference is intended to provide professionals in the fields of victim services, justice, policing, mental health, social services, corrections and direct service providers across Saskatchewan and Canada with educational sessions to augment the current knowledge required in their respected fields. Individuals that attend the conference will gather the necessary skills that assist you to interface with victims of crime or traumatic events.



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citizens ahead of the rights of criminals.

They will:

1. Amend the Criminal Code to double the victim fine surcharge, and make it mandatory in every case without exception.
2. Provide enhanced EI benefits to parents of murdered or missing children, and parents of gravely ill children. Funding for this measure will come from general revenue, not EI premiums.
3. Combating human trafficking by:
  - α. Developing and implementing a National Action Plan.
  - β. Support organizations providing assistance to victims.
  - χ. Help ensure female immigrants aged 15 to 21 who arrive in Canada alone are not subjected to illegitimate or unsafe work in our country we will provide for regular contact with the Canadian Border Services Agency.
  - δ. Re-introduce legislation to protect vulnerable foreign workers – for example, women entering Canada to work as exotic dancers and denying work permits for those being sent to Canada to work in humiliating or degrading situations, including those who may be victims of human trafficking.
4. Introduce legislation to end sentence discounts for multiple child sex offences and child pornography offences, including making, distributing, possessing, or accessing child pornography.
5. Amend the Criminal Code to add “vulnerability due to age” as an aggravating factor when sentencing those who commit crimes against elderly Canadians.
6. Re-introduce the *Citizen’s Arrest and Self-Defence Act* – legislation to clarify the self-defence and defence of property provisions in the Criminal Code, and expand the circumstances under which Canadians may make a citizen’s arrest.
7. End the long gun registry.

Further information and registration to come!

## SNAPSHOTS

### **INTERVENTION WITH CRIME VICTIMS – NOW AVAILABLE IN ENGLISH**

The Quebec Association for Victim Assistance (PV) has now released their primer on *Intervention with Crime Victims* in English. This practical instructional tool can help those providing assistance to victims of crime across Canada as well as those teaching students how to deliver professional victim support. To order your copy please visit: [www.aqpv.ca/](http://www.aqpv.ca/)

### **SASKATCHEWAN PROPOSES AMENDMENT TO VICTIMS OF CRIME ACT**

The Government of Saskatchewan has introduced Bill 172 (*The Victims of Crime Amendment Act, 2011*) to amend *The Victims of Crime Act, 1995* to establish a requirement that police officers in Saskatchewan must disclose information about victims to Police-based Victim Services programs. This would allow Victim Services programs to contact victims and offer services. To read more click here:

[http://www.legassembly.sk.ca/bills/pdfs/4\\_26/bill-172.pdf](http://www.legassembly.sk.ca/bills/pdfs/4_26/bill-172.pdf)

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## **NOVA SCOTIA COURT ISSUES LANDMARK DECISION FOR ABUSED WOMEN**

Nova Scotia's highest court has issued an important legal victory for abused women. The court has concluded that Nicole Ryan was "living in a state of terror" and was therefore driven to arrange for her abusive husband's murder. The court has stated the law must be sensitive to the unique situations of abused women who are endangered by their spouses.

Nicole Ryan, 39, was acquitted of having negotiated with an undercover police officer to kill her abusive, violent husband. The judges stated in a 3-0 decision, "Ms. Ryan was compelled to take the action she did by normal human instincts and self-preservation. It would be inappropriate, under these circumstances, to attribute criminal conduct to her." The judgment builds on the ruling of R v. Lavallee in which the Supreme Court of Canada ruled that Lavallee, a victim of domestic violence, shot her abusive husband in self-defence.

Elizabeth Sheehy, a University of Ottawa law professor with expertise in sexual assault law, said the ruling is a legal breakthrough. "This was a planned and deliberate murder because she had no other way out, it was her life and her child's life versus his."

The judges stated, "The threat must be to the personal integrity of the person. In addition, it must deprive the accused of any safe avenue of escape in the eye of a reasonable person, similarly situated." The Nova Scotia Court of Appeal judges stressed that the defence of duress can be used only if the accused reasonably perceived no other safe avenue of escape.

It is necessary to note that the context of the crime is critical. The evidence in the case against Ms. Ryan clearly showed that she believed she had no other way of escaping her husband's abuse.

## **MANITOBA MOTHER SENTENCED TO 12 YEARS FOR SUFFOCATION HER TODDLER**

Nicole Redhead pleaded guilty to manslaughter to the suffocation death of her 20-month-old daughter Jaylene and was recently sentenced to 12 years in prison. The little girl had been in the care of the province but was returned to Ms. Redhead shortly before she was killed. The court heard Ms. Redhead, 29, had her three children taken away by Child and Family Services but regained custody of Jaylene in 2009. She was in a women's shelter that summer when she became violent with the crying two-year-old.

The case is just one of several that continue to raise questions about Manitoba's troubled child welfare system. "She was supposed to be supervised," Jaylene's grandmother said, weeping. "Why did nobody come forward? If I was there, I would have kicked the door open and done everything I could to get my granddaughter out of there. But nobody seemed to hear that little girl."

## **ANNUAL REPORTS MISSING FROM OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME**

To date, the Office of the Federal Ombudsman for



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## **ONTARIO LAUNCHES TWO NEW PROGRAMS TO HELP VICTIMS**

Victims of crime and their families in Ontario will soon be able to participate more fully in the criminal court process and more easily access funding when a homicide occurs.

“The Vulnerable Victims and Family Fund” will provide financial and court-based supports for both victims of crime and families of homicide victims.

This will include:

- Helping to cover the cost of travel to attend key criminal court appearances.
- Providing vulnerable victims with language interpretation services during the criminal trial.
- Ensuring victims with disabilities have appropriate supports, such as real-time captioning or other equipment to help them testify.

“The Financial Assistance for Families of Homicide Victims” program will provide up to \$10,000 to eligible parents and spouses of victims of homicide that occurred in or after 2006. This is a limited program initiated to close the gap in the current compensation framework. Individuals that have previously applied to the Criminal Injuries Compensation Board may be considered under this new program. More information will be made available in early May at: [www.cicb.gov.on.ca](http://www.cicb.gov.on.ca).

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## **VIOLENT VICTIMIZATION OF ABORIGINAL PEOPLE IN THE PROVINCES, GENERAL SOCIAL SURVEY 2009**

According to the 2009 General Social Survey (GSS) on Victimization, Aboriginal people age 15 years and older reported 173,600 incidents involving sexual assault, robbery or physical assault committed by someone other than a spouse or common-law partner. This represents 12% of Aboriginal people in this age group who were living Canada. Of the three violent crimes examined, physical assaults were most commonly reported by Aboriginal people. About 26% of Aboriginal victims said they reported incidents of the three violent crimes to police, compared with 29% of non-Aboriginal people. Furthermore,

Victims of Crime has released only one annual report. Two others were filed to the federal justice minister but, for more than a year, they have remained secret.

As the ombudsman’s office has no legislative powers, the reports — which include spending summaries and recommendations for improving the rights of crime victims — cannot be made public until Justice Minister Rob Nicholson tables them in Parliament.

The missing reports, from 2008 and 2009, would have been made public earlier this month — to coincide with the sixth annual national victims of crime awareness week — but the “coalition forced an unnecessary election and shut down Parliament,” said Geneviève Breton, the justice minister’s spokesperson.

## **Truth and Reconciliation Commission in NWT**

The Truth and Reconciliation Commission met in Fort Providence, Northwest Territories at the end of April to hear testimonies from former students at the Sacred Heart Mission School, and their family members. Hundreds of students from communities up and down the Mackenzie River passed through the doors of Sacred Heart Mission school before it closed in 1960. The hearings will provide an opportunity for residential school survivors to share the



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about 10% of Aboriginal people reported that they were a victim of spousal violence in the five years prior to the survey, compared with 6% of non-Aboriginal people. Aboriginal people in Canada have a higher rate of violent victimization and a lower reporting rate, and this is a matter of great concern and importance.

The report published on March 11, 2011 goes on to demonstrate how Aboriginal people are highly represented as victims. The GSS revealed that in 2009, it was found that about 1 in 10 Aboriginal people reported having been the victim of a non-spousal violent crime in the 12 months preceding the survey, more than double the proportion of non-Aboriginal people. It was also found that 322,000 Aboriginal people aged 15 years or older, more than one-third (37%) of the Aboriginal population living in the provinces, reported having been a victim of at least one of the eight offences covered by the GSS in the preceding 12 months.

Among all incidents reported by Aboriginal people, theft of personal property was the most common, accounting for 26% of all incidents. Combined, break and enter, theft of motor vehicles or parts, theft of household property and vandalism accounted for another 33%. The remaining 41% of incidents involved violent incidents, namely, sexual assault, robbery and assault. Of those violent incidents, 15% were sexual or physical assaults committed by a spouse or common-law partner (current or former) in the 12 months preceding the survey.

When further looking at victimization among Aboriginal people, age was the primary risk factor for victimization. Those aged 15 to 24 years were the victims in nearly half (47%) of non-spousal violent incidents reported. As a rate, there were 425 violent incidents for every 1,000 Aboriginal people aged 15 to 24 years. The corresponding rate for non-Aboriginal people was 268 per 1,000.

Another factor found to be associated with a higher risk of violent victimization was drug use. Aboriginal people who reported using drugs at least once in the previous month had four times the risk of victimization compared to those who reported never using drugs.

In 2009, 68% of Aboriginal victims and 52% of non-Aboriginal victims were victimized by a relative, a friend, an acquaintance, a neighbour or another person known to them. Therefore, victimization is more prevalent amongst Aboriginal

experiences of children who attended the schools.

The legacy of the residential schools remains evident in many Aboriginal communities in Canada. The schools were originally intended to "civilize and christianize" aboriginal children by separating them from their parents. The separation had a profound impact on families, and many children died in the early years. Many others were subjected to physical and sexual abuse.

The commission is holding hearings in the Northwest Territories until mid-May, before moving to Yukon later that month.



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people 15 and older, and they are often victimized by someone they know. The exposure to alcohol and drugs is proven to have an effect on an individual's likelihood of victimization.

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## **EXPERTS CALL FOR NATIONAL PLAN FOR CRIME VICTIMS**

Sixty experts from across Canada attended a national symposium at the University of Ottawa during National Victims of Crime Awareness Week to advance rights for Canadian crime victims. The symposium, *Victim Rights in Canada, Reaching International Standards*, examined how Canada could better meet international standards and catch up with established practices in the United States and the European Union, both of which provide superior protection, rights, services and support for victims of crime.

"We need to rebalance justice in Canada with a national action plan to make Canada a leader in providing every victim of crime with the services, compensation and information that they need," said Irvin Waller, professor of criminology at University of Ottawa and president of the International Organization for Victim Assistance. "If the U.S. and the European Union can afford it, we can afford it."

Currently the federal victim agenda receives approximately \$13 million, while another \$50 million goes toward prevention of victimization. This amounts to less than 2% of federal spending on policing and corrections.

"Talking tough about crime doesn't do anything for victims, unless it is backed up by concrete action. The time has come to spend as much on preventing crime and assisting victims as on punishing offenders," said Heidi Illingworth of the Canadian Resource Center for Victims of Crime.

Symposium attendees have acknowledged the need for reform. They have requested:

- A national action plan, including standards that would apply to policing, services, restitution, compensation, prosecution and courts; this would include a component to respect special categories of victims, including women, children and aboriginal populations.
  - A provincial/territorial victim advocate that reports directly to legislatures.
  - An independent national institute to focus on research and development to inform policy makers.
  - Funding equivalent to about 10% of current expenditures on criminal justice.
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## **THE CRIME EPIDEMIC EFFECTING CANADA'S NEWEST TERRITORY**

Nunavut is Canada's most desolate region of the extreme north and is facing an extreme epidemic, crime. Currently Nunavut's crime rate is nine times higher than



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the national average. Although that number is overwhelming the homicide rate is shocking. The homicide rate in Nunavut is 10 times higher than the national average and has a violent assault rate four times higher than South Africa's.

The Globe and Mail has published an interactive and informative piece on current crime rates and trends that are occurring within the Territory and has interviewed local politicians asking what they believe Canadians and the government can do to help our most northern community.

The CRCVC encourages you to educate yourself and others by visiting the Globe and Mail's website regarding the current struggles facing the territory of Nunavut.

<http://www.theglobeandmail.com/news/national/nunavut/>

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## **CLOGGED JUSTICE SYSTEM TARGETED IN ALBERTA**

Calgary MLA Heather Forsyth has drafted a private member's bill to fix bottlenecks in the criminal justice system in Alberta. Forsyth's bill, Bill 204: *The Justice System Monitoring Act*, calls for the justice minister to prepare annual statistical reports that detail the length of cases by measuring the amount of time that passes between the laying of a charge and the end of the trial.

The bill also calls for reporting on the length of court hearings, the number of adjournments in cases, the number of trials that begin on the designated day, the number of prosecutors involved in a case, periods of inactivity in cases that stretch longer than three months, and the cost of delays in the start of trials.

"This bill is based on what we heard from Albertans across this province," said Forsyth, who served as Alberta's solicitor general from 2001 to 2004. "It's about finding out where the bottlenecks are, how we can fix the system and how to move people through the system quicker. It's about fairness and balance."

Justice Minister Verlyn Olson said that while he appreciates the sentiment, he believes his ministry is already doing much of the necessary reporting on the effectiveness of the justice system. "We don't disagree about the intent," he said. "We're not afraid of any particular answers. It's just that we want it to be something useful and we want it to be done in a way that doesn't overtax the people who are already busy trying to get the job done." He said there could also be a financial cost attached to the bill that would have to be considered.

Justice critics say there is clearly a need to address problems in the system that result in cases dragging out over months and years. Grant MacEwan University criminologist Bill Pitt said Albertans have good reason to be disenchanted with a justice system which seems to favour the rich and the police.