

# **Advocacy for Victims of Crime**

Prepared by the Canadian Resource Centre for Victims of Crime

## **Introduction**

In the past, victims of crime were directly involved in the criminal justice system in that they were responsible for the prosecution of the offender. Today their role in the system is minimal, as crime is perceived to be committed against the state, not individuals. As a result, victims of crime often feel that they have no voice in a system that focuses on the offender even though they are the injured party and must carry the burden of the crime with them for the rest of their lives.

Feeling like outsiders, victims of crime want to be recognized and treated with respect. They want access to information and to be kept informed of the proceedings in their case. Yet, these simple requests have long been overlooked and ignored. In fact, victims are often re-victimized through lengthy trials and appeals, a lack of information throughout the process, and a lack of empathy from officials working within the criminal justice system. A 1983 Federal-Provincial-Territorial Task Force on Victims of Crime said victims were twice victimized – once by the offender and again by the justice system.

Victim advocates have emerged as a result of the difficulties victims have faced in the past and because of those they will have to overcome in the future. Whether it is individual victims trying to prevent others from being re-victimized by the system or formal lobby groups working to change laws to ensure better treatment of victims, there is a strong voice working to be heard.

## **What do victims want from the justice system?**

Victims do not want to control the justice system or expect to have the power to tell the Crown Attorney how to handle a case or to decide upon the appropriate sentence. But they do expect that when those decisions are made, they have the right to explain their positions and to know that their opinions are given serious consideration. They expect to be provided with certain information concerning court dates, information about their role in the process, how a trial works, what services may be available, when an offender is coming up for conditional release, etc. In short, they want to be a part of the process.

## **Why do victims need advocates?**

“It has been said that victims are the forgotten orphans of the justice system. The treatment they receive is too often lacking in even the minimal respect they deserve. Despite some official recognition by the system, many of those who work within the system refuse to recognize that victims do have a role to play in the justice system. As a result, many victims feel like outsiders.

It is, after all, the victims' lives that are the most affected by the crime. When the lawyers, judges and reporters go on to the next "case" and the offender begins to

serve his sentence which in most cases will end one day (assuming a conviction was even obtained), the victim has to cope with the crime for the rest of his/her life.”

In a justice system that is focused on offenders, where there are agencies working on behalf of and speaking for offenders, victims too need advocates to ensure that their rights and needs are being addressed. In most cases, innocent victims are thrust into the criminal justice system with little knowledge or understanding of the law or complicated court proceedings. This process is overwhelming to say the least. If not for persistence of victims who have been through the system and advocates who call for change, new victims would have little guidance or assistance throughout the process.

Victims need advocates who strive for positive change to the justice system. In doing so, the criminal justice system experience improves for future victims, which means people may be more willing to turn to the system when they need it.

Advocacy is necessary to:

- Ease the frustration of victims;
- Eliminate injustice or imbalances in the system;
- Improve the justice system by making it responsive to the needs of victims; and
- Raise awareness of and empathy for victims’ issues within the criminal justice system.

### **What is advocacy?**

Advocacy is the act of pleading or arguing in favor of something, such as a cause, idea, or policy. It is providing active support, to promote the interests or cause of, or to uphold or defend as valid or right.<sup>1</sup>

Advocacy for victims of crime occurs when an individual or group actively supports and speaks out for the interests of victims. Victim advocates strive to promote the rights of victims, to ensure their needs are met by the justice system and that their voices are heard in the drafting of legislation and policy that affects them.

Lobbying is a function of advocacy in which activities are aimed at influencing public officials and especially members of a legislative body on legislation. Lobbying can involve promoting a project or securing the passage of as legislation by influencing public officials. Lobbying is an attempt to influence or sway (as a public official) toward a desired action.<sup>2</sup> Lobbying is more official than advocacy work. For example, to lobby the federal government, one has to register under the *Lobbyist Registration Act*. The individual or group and what they are lobbying for and whom they are lobbying is all public information.

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<sup>1</sup> Merriam-Webster, online: <http://www.m-w.com/cgi-bin/dictionary>

<sup>2</sup> Merriam-Webster, online: <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=lobbying>

Justice reform is one issue victim advocates focus on, and it can involve meeting with politicians and submitting/presenting briefs to Parliament and the various committees involved in the examination of legislation. A brief is a written summary of an individual's or an organization's views, opinions and recommendations on proposed laws.

### **What do advocates do for victims?**

- Lobby or educate government officials, including senior bureaucrats and politicians from all parties, in order to promote issues of importance to victims and to influence/persuade the passage of legislation that is sensitive to victims' needs;
- Empathize with victims and the experience they have been through;
- Listen;
- Recognize that each case/each victim is unique;
- Assist victims in obtaining and understanding information (i.e. about the legal process, victim services, etc.); and
- Empower victims by ensuring their needs are met, offering practical information about the criminal justice process, emotional support, referrals for long-term support, and caring.

Advocates can do many things to assist victims including helping them recover from trauma. Many survivors have thanked their victim advocates for helping them regain a sense of control over their lives. Advocates acknowledge their clients' feelings, and they bear witness to their clients' pain. Advocates are also privileged to observe the strength most victims are able to uncover as a result of the crisis, along with great resilience and will to survive.

### **Who becomes an advocate?**

Anyone can become an advocate but most often it is people who have been victims of crime and who want to prevent others from experiencing what they did.

Some advocacy groups are formed by a perceived need for action. The Canadian Police Association saw a need for an independent victims' lobby group and in 1993 they formed the Canadian Resource Centre for Victims of Crime (CRCVC). The CRCVC takes a broad approach in its focus on victims, lobbying to ensure that victims' interests are considered in many forms of legislation.

Other groups, like Victims of Violence and CAVEAT, were formed in the face of tragedy and sought to help individual victims and their families or to address specific issues such as crime prevention.

### **Victim advocacy groups in Canada**

The historical mistreatment of victims by the criminal justice system has led to the creation of a number of interest or advocacy groups for victims of crime. Such advocacy groups have helped victims in a variety of ways including, explaining criminal justice processes, by making resources and research available, by offering

emotional support, by making referrals to other agencies that may be of assistance, and by helping victims obtain needed information.

Advocacy groups may have a broad perspective and clientele or they may operate under a more narrow focus, serving specific groups of victims such as abused women/children/men, sexual assault victims, survivors of homicide, elder abuse victims, etc.

Some of the advocacy groups found in Canada are as follows:

- **Citizens United for Safety and Justice - 1981.**

Citizens United for Safety and Justice (C.U.S.J.) was the first victim advocacy group established in Canada. It was formed in Duncan, B.C. in September 1981 as a result of the brutal murder of 15-year-old Lise Clausen.

C.U.S.J. is a society of people who believe that unrehabilitated sexual and violent offenders should not be released into unsuspecting Canadian communities. They are committed to the belief that the safety of children and innocent citizens of Canada must take precedence over the rights of criminals. C.U.S.J. tries to provide a voice for victims of crime and their families.

- **Victims of Violence - 1984.**

Victims of Violence (VOV) is a national, nonprofit, non-government funded charitable organization that was founded by families of abducted and murdered children in 1984. Victims of Violence helps victims of violent crime. As well, Victims of Violence is dedicated to preventing crimes against children. They help to educate children on personal safety issues.

Two of the founding members are Gary and Sharon Rosenfeldt. In April of 1981 their eldest son, sixteen-year old Daryn, was brutally raped and murdered by Clifford Olson in British Columbia. Victims of Violence was established because of the lack of help and empathy that was available to victims and their families at the time. Victims were not considered to be a part of the criminal justice system and there was no way for victims to receive information about the court procedure. VOV has helped many victims and their families through difficult times, as well as playing an integral role in progressive changes that have made the system more inclusive to victims.

- **MADD - Mothers Against Drunk Driving, 1990.**

MADD Canada's aim is to heighten awareness about the dangers of impaired driving, offer support services to victims, and to save lives. As driving while under the influence of alcohol or other drugs is a terrible crime that touches all of our lives, MADD wants everyone to realize that drinking and driving is an irresponsible, dangerous and intolerable act.

MADD Canada is a non-profit grassroots organization with Chapters and Community Action Teams across the country. MADD Canada Chapters are run by volunteers and include not only mothers, but also fathers, friends, business professionals, experts in the drunk driving field and concerned citizens who want to make a difference in the fight against impaired driving. MADD advocates for change to make our communities safer and to provide victims of impaired driving with a voice. MADD Canada is based on the U.S. model, which was founded in 1980 by a small group of mothers and has grown to one of the largest crime victims' organizations in the world.

- **CAVEAT - Canadians Against Violence, 1992**

CAVEAT was "a charitable organization serving as a non-partisan voice for all Canadians, working together for safety, peace, and justice."<sup>3</sup> On August 9, 1991, Nina de Villiers was abducted and murdered, while jogging in Burlington Ontario, by Jonathan Yeo, a man on bail who had a long history of violence. Soon after the death of their daughter Nina in August 1991, Priscilla and Dr. Rocco de Villiers launched a national petition, with the assistance of Hamilton Mountain M.P., Beth Phinney. The response to the petition was overwhelming, and as a result, CAVEAT soon came into being.

Sadly, because of a lack of resources and funding, CAVEAT is unable to continue operating. CAVEAT has had great success in getting people to take notice of victims' needs and opinions.

- **The Canadian Resource Centre for Victims of Crime, 1993.**

The Canadian Resource Centre for Victims of Crime (CRCVC) is a national, non-profit victim advocacy group that lobbies for victims rights and effective justice reform. The CRCVC provides services to victims across Canada. Formed in 1993 by the Canadian Police Association, the CRCVC has helped hundreds of victims of crime.

In its advocacy work, the Centre has made dozens of presentations to both House of Commons and Senate committees on issues that affect victims of crime and potential victims of crime.

- **Canadian Association of Sexual Assault Centres, 1976.**

The Canadian Association of Sexual Assault Centres (CASAC) is a Pan Canadian group of sexual assault centres who have come together to implement the legal, social and attitudinal changes necessary to prevent, and ultimately eradicate, rape and sexual assault. As feminists they recognize that violence against women is one of the strongest indicators of prevailing societal attitudes towards women. The intent of the Canadian Association is to act as a force for social change regarding violence against women at the individual, the institutional and the political level.

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<sup>3</sup> <http://www.caveat.org/about/>

- **Manitoba Organization of Victim Advocates Inc., 2000.**

Manitoba Organization of Victim Advocates (MOVA) is a non-profit corporation that was formed in June 2000. MOVA is an organization of victims helping victims and is dedicated to improving the situation of victims and families of serious crime. MOVA provides support services, education, resources, and advocates for victim centred justice.

### **Hardships facing advocacy groups**

- Lack of resources. Advocacy is an expensive process in that research, travel and the preparation of documents are costly. In many cases, victims and those who advocate on their behalf do so on their own time and money. Obtaining funding to continue programs can often become the focus of advocacy groups rather than helping victims. This problem leads to the closing or the breakdown of advocacy groups, i.e., CAVEAT is no longer operating because of lack of funding.
- Lack of support and volunteer burnout. Advocacy groups are often dependent upon volunteers who lack expertise and training and dependent on availability of volunteer hours.
- Advocacy is long and frustrating processes. Meaningful legislation and policy change can take years, even decades to implement. This process is both time consuming and emotionally taxing for victims and those who work in their interest. Victims who become involved in advocacy should be wary of the emotional toll that it will take on them.

### **Tips for effective lobbying and advocacy<sup>4</sup>**

Advocacy and lobbying have proven to be successful in advancing the perspectives of victims within the justice system. Understanding the Parliamentary system and being a part of the process can help push things in the right direction.

For those that would like to help victims in their struggle, these tips on how to advocate may be helpful.<sup>5</sup>

1. Know what you want.
  - Be specific in your request. Know what you want to ask for and make sure it is clearly stated. You do not want to confuse those who have the power and influence to affect change. Before you begin, ask yourself what your goals are, both personal and civil/professional/organization. Do you want to:
    - i. Correct an injustice;
    - ii. Bring more public resources to bear on a problem;

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<sup>4</sup> <http://www.advocatesforyouth.org/advocacy.htm>

<sup>5</sup> Lobbying tips for Women, <<http://oz.plymouth.edu/~women/lobby.html>

- iii. Target what you feel is a dangerous piece of legislation;
  - iv. Change the way a government agency does business; or
  - v. Build more influence for yourself, your organization, or people who suffer similar problems or share the same concerns you do.
2. Know the issues you are fighting for.
- For example, know the legal history, the laws involved, what the outcome will be for victims and service providers, and the potential impact on criminal justice procedure. Do research and educate yourself on your issue. Become aware of all the counter-arguments that may be used by those opposing your position.
3. Target your efforts.
- Ask for what you want. Talk to Members of Parliament and government officials. Tell them what you want from the system. Survey the policy makers who will be involved in approving, funding and implementing your issue. Decide who you will approach and in what order. Start with firm supporters and move to those who are moderately progressive or undivided in their views. You may want to begin with legislators on the committee that will first hear the bill. Be certain that they know your position on the bill. Be ready to work hard. Advocacy is a difficult and tedious process. Don't give up when it gets tough.
  - Know how government and bureaucracy works – sometimes getting to know the bureaucrats who advise the Minister is better than talking to Members of Parliament.
4. Organize & co-ordinate.
- Make sure you keep organized so that your information, research, and other forms of materials are easy to find. Find efficient ways to keep things organized (i.e. filing). Keep a log/journal of the things you have done. This way you will be able to see where you should concentrate. As well, as you will be able to see what you have accomplished.
5. Know where you fit in the big picture.
- As an activist working to support or oppose specific legislation, you will need to interact with and understand the roles of a host of players, including:
    - i. Legislators – Members of Parliament (MPs) and Senators, cabinet ministers and government backbenchers, members of the opposition parties, committee chairs, the sponsor of the bill and your own Member of Parliament.
    - ii. Legislators' constituents;
    - iii. Government bureaucracy;

- iv. Advocacy groups, coalitions, business/trade/professional associations, lobbyists;
- v. The public;
- vi. The media;
- vii. The experts (i.e. attorneys, medical professionals, law enforcement personnel, economists, scholars of all kinds, ministers, educators, social workers, psychologists, statisticians, etc.; and
- viii. History (i.e. recent legislative history, political history, demographic and economic trends).

#### 6. Empower yourself.

- It is your privilege and your right as a citizen to communicate your views to your legislators. You don't have to have a special position to call legislators or write them a letter.
- There are certain points in the legislative process when bills are most readily affected. By doing research you can find out more about the legislative process. It is useful to know the Parliamentary Procedure, which is an operating system for legislators. Parliamentary procedure is complicated, but well worth understanding. Little-known rules and procedures are often used to defeat or weaken proposals without generating public notice or allowing legislators much opportunity for negotiation. Likewise, rules and procedures can be used to advance legislation and bring it to a view. Familiarity with parliamentary procedure used by the targeted political body will increase advocates abilities to strategize for success under many scenarios. Understand where the power in Parliament lies – if the government has a huge majority with a weak opposition, you may be more successful working with the government. Alternatively, if there is a minority government, you can work with opposition parties to promote your position.

#### 7. Plan Your Strategy.

- Keep a united front. If you are supporting a bill, consider the bill's prime sponsor (the Member of Parliament/party) to be the leader of your team, and find out how s/he wishes the bill to be promoted. If an advocacy organization is taking the lead in building community support or opposition, be sure to coordinate your efforts with them. Decide how much work you can do, depending on how important issues are to you, how much time you have, and who else is working on the bill.

Your lobbying activities might include all or some of the following:

- Researching the bill and assisting in its drafting before the legislative session;

- Monitoring the progress of the bill throughout the legislature via Calendar and Journal;
- Preparing and distributing fact sheets to advocates and legislators;
- Publicity, including newsletters, press releases, press conferences, talk shows, letters to the editor, columns and public events such as workshops, rallies and demonstrations;
- Observing committee and subcommittee hearings work sessions and executive sessions;
- Submitting oral and/or written testimony at a hearing;
- Recruiting others to testify or write/call legislators;
- Alerting others to act via a mailing, telephone tree, fax network, or computer network. This can be more effective when you can get constituents to write or call their own Member of Parliament;
- Get opposition MPs to raise your issue in the House, possibly during Question Period;
- Get government backbenchers to raise your issue during private caucus meetings. Ministers may be more willing to respond to concerns of members of their own party than the opposition;
- Contacting legislators in person calling, writing, etc.;
- Asking key legislators to help persuade their colleagues;
- Polling legislators to estimate the votes as closely as possible beforehand; and
- Thanking supporters for their consideration.

8. Seek & cultivate allies.

- You may begin your journey as a lone voice crying in the wilderness, but when it comes to a lobbying campaign you will need friends. Expect to make alliances even with people who may not ordinarily share your views or beliefs. Just know what you want and keep your vision intact.
- Talk to other victims. Get their stories, get their support, and get them to join you in the fight.

9. Be persistent.

- Do not give up. The process can be frustrating. Pursue your point. Write letters, make phone calls, and make people listen to you.

10. Build goodwill.

- Lobbying is a communications skill. Charm, tact, patience, reasonableness and listening skills are every bit as important as scoring points in a debate.
- There may come a time when you have to be confrontational with government, but you should also try to work with them first.

11. Stay flexible & be opportunistic.

- Look for opportunities in which you can voice your concerns, i.e., the media or a town meeting. Keep an open eye for help, as volunteers can be very effective.

12. Build & preserve your credibility.

- Do not violate the law. Refrain from doing negative activities because your actions are representing others. Negative actions can cause others to ignore your opinion.

13. Do your homework.

- Be knowledgeable of the criminal justice system and the Parliamentary system. Know resources in the community and gather as much information regarding the issues as you can. It is important to stay informed. Legislation changes quickly and often. Amendments or other committee actions can change the effect of a bill without receiving much publicity. The sponsor or legislature's research office can help identify where in the process the bill is currently located. As well explore the legislator's personal connections with the issue: do they have children, people that most likely could be victims. Then frame your presentation based on your knowledge about the legislator's riding, views, background, and interests. Different arguments are compelling for different people; use the most persuasive argument for the person.
- Know the political landscape as well to see what might be the most effective approach for you – i.e. working with opposition parties.

14. Make a personal connection.

- No matter how insignificant you may feel it is if you have friends, relatives and/or colleagues in common, let the legislator know! In particular, let the legislator know if you are a constituent. The legislative process can be very informal and although a personal connection makes no difference in your presentation, it may make the difference in your effectiveness. Politicians take notice when their own constituents take the time to express concerns to them.

15. Consider yourself an important information source.

- Politicians have limited time, staff and interest in any one issue. They can't be as informed as they'd like on all the issues or on the ones that concern you. You can fill in the information gap. Encourage the policy maker to ask questions about the issue.

16. Provide possible solutions to problems.

- Have possible recommendations and solutions prepared ahead of time. It is not enough just to point out what is wrong – you should always offer a better alternative and present it.

17. Know who else is on your side.

- It is helpful for a legislator to know what other groups, individuals, state agencies and /or legislators are working with you on an issue. Providing this information also illustrates that your group represents many more voters. Bring others with/on lobbying efforts. It is also important to keep in touch with your allies so that advocacy efforts are coordinated and relevant information is shared.
- As well develop contacts. Get to know important people that can help you, i.e. judges, lawyers, politicians, media personnel and the public.

18. Know the opposition.

- Anticipate who the opposition will be, both organizations and individuals. Tell the legislator what opposition arguments are likely to be and provide clarifications and rebuttals. The ability to anticipate criticism and defend your position will make a difference.
- Create a broad-based alliance of vocal supporters. Extensive community support and participation clearly indicates the popularity of your issue. Support one another when times are rough.
- Be prepared for opposition. Read opposition materials, study the newspapers, watch and listen to talk shows, learn about organizations that oppose your issue.
- Explain your issue to the public. Present your issue in newspapers, public meetings, etc. This way people will be informed on your side of the story.
- Defend your issue. Prepare to answer criticism with data, statistics, and other information. Ignoring opposition statements makes them appear to be more popular than they really are and permits distortions to be accepted by the public. Check opposition statements for truth and publicize distortions. When terms are unclear, or appear to be manipulated, ask for an explanation. Responding to opposition can be accomplished by writing letters, writing to newspapers, speaking out at meetings, calling radio talk shows, offering your position on TV or radio stations covering the issue.
- Stay on topic – remain focused on the issue and do not dilute your message;
- Follow the debate. Keep informed on the issue and arguments against it. This way if you are put on the spot to answer a question, or to go over your side of the argument you will be prepared.

19. Be specific in what you ask for.

- If you want a vote, information, answers to a question, signature on a petition; whatever is make sure you ask directly and get an answer. If you write letters, make sure to ask for a reply.

20. Tell the truth.

- There is no faster way to lose your credibility than to give false or misleading information to a legislator.

21. Don't be afraid to admit you don't know something.

- If a legislator wants information you don't have, or asks something you don't know tell them. Then, offer to get the information they are looking for and DO IT!

22. Don't burn bridges.

- It is easy to get emotional over issues you feel strongly about. That is fine, but be sure that you leave your relationship with the legislator on good enough terms that you can return to them on that or another issue. Do not get into a heated argument with a legislator and never threaten them. Avoid getting personal. Remember that governments hear a lot of different opinions on any one issue and they must weigh them. Your strongest opponent on one issue may be a great supporter on another!

23. Say thank you.

- Be gracious, Always begin by thanking the legislator for providing the opportunity to hear your ideas, opinions, etc. A sincere "thank you" will be deeply appreciated.

24. Be professional.

- Be professional in both dress and manner; don't say negative things about other legislators or public figures.

25. Follow up.

- It is very important to find out if the legislator did what they said they would. Send a thank you letter after your conversation, restating your position. It is also very important that you thank the legislator for a supportive vote, or ask for an explanation of unsupportive vote.

26. Prepare for the next session now.

- Once one thing is done it is always best to start preparing for the next meeting. You never know when you will run into a Member of Parliament. It is best to be prepared ahead of time so you can present the issue effectively.

27. It is not ever really over...there is always next year.

- Do not get discouraged if you are unsuccessful at first, as change can take a number of years to implement. You may not always achieve all of your goals at once, but acknowledge that there was some improvement and continue to advocate for change.

## **Communicating your views**

Lobbying requires communicating your views to legislators in order to persuade them on a certain issue. It can take many forms such as letter, phone calls, and presentations. Some tips for communicating with legislators are as follows:

### Communicating with legislators by letter

1. Identify your target legislators. You can send a letter to your own MP, to all members of a committee dealing with your issue, or to an entire legislative body. Ask for a response.
2. Mention a specific issue and/or bill. Your letter will be more effective if it concentrates on a specific issue or a particular bill. When referring to a bill, cite the title and number. If possible, include the bill's status (what stage of the parliamentary process it is at).

For example:

*Dear Honourable Minister of Justice:*

I am writing to urge you to consider the following amendments to Bill C-15A, *An Act to Amend the Criminal Code and to Amend Other Acts*, as passed by the House of Commons, October 18, 2001.

3. Be brief and succinct. A one-page letter has more impact than a ten-page letter. Outline your main point in the first paragraph and try to cover only one issue per letter. Make it clear how you want the legislator to vote. For background, you could also include a fact sheet that discusses the issue in greater depth.
4. Make it personal. Policymakers and their staff are more likely to pay attention and remember letters that include real life experiences. Explain why the issue is important to you, how the legislation will affect you and others in your area. Describe an experience you've had that illustrates your point. Organized campaign letters may not have the impact of a heart-felt letter from a constituent.
5. Identify your relationship with the legislator. If you are a constituent or have another connection with the legislator say so at the beginning. Include your name and address. This enables the legislator to respond to your letter. Your address also indicates your voting district, and gives an extra incentive for the legislator to pay attention to you.
6. Ensure that they receive the letter. When the legislature is in session, send your letter to the MP's office (Parliament); out of session use the constituency office address.
7. Follow up. Make a quick call to confirm receipt of the letter. You can say simply to the receptionist: "I'm calling X to make sure she/he received my

letter about Bill C-15A (the Omnibus bill), *An Act to Amend the Criminal Code*. Leave your name and phone number. Call or write until you get an acknowledgement of your letter.

8. Send a final reminder about the bill. Find out when the bill will be voted on and just before the vote, send a postcard (or leave a phone message) about your position. As before, include the bill number and title. This will let the legislator know you are following this issue and that the vote is still important to you.
9. Send a follow-up letter. Thank the legislator if he or she voted with your position. And if he/she did not, express your disappointment in a respectful way and reiterate why you felt the bill was important. Ask him/her to explain why they voted as they did.

#### Tips for face-to-face meetings with a legislator

1. Schedule a meeting. Call the legislator's office and schedule a meeting enough in advance that you have time to prepare. Make appointments well enough in advance to prepare, confirm the meeting and invite others working on this issue. Keep a record of who attended, what information was shared and any actions promised.
2. Be flexible. Expect interruptions, changes in schedule or staff availability. If you can't meet with a legislator, try to meet with an appropriate staff member or reschedule for another time. Staff people are extremely important and may have great influence on a legislator's views.
3. Be prompt. Don't be late, as it sets a bad tone for the meeting before it has even started. If you are running late, call ahead and let the legislator's office know.
4. Be prepared. Make the most of your visit: plan your presentation in advance and divide up roles for group's members to take on, including a note taker. Plan a 5-minute presentation (10 minutes max.) and expect to spend no more than 15 minutes with the legislator. Make your important points in a clear and succinct manner. Note personal relationships with constituents.
5. Take advantage of opportunities. Meetings with legislators can take place anywhere – in their office or a coffee shop. Take advantage of unexpected opportunities to speak with legislators.
6. Leave something behind. Develop a handout packet to leave with the legislator. It should include a short (1-2 pages) summary of your group, the issue you are working on and your request for action, background information about the issue, and press clippings such as editorial support for your position.

7. Do not be discouraged if you cannot arrange a meeting with a Minister. Ministers are incredibly busy and spend much of their time giving speeches, meeting with international or provincial counterparts, preparing for committee hearings or speeches in the House. Even if you do not get to see the Minister, your message will get through in daily briefings by staff.

#### Tips for communicating with legislators by telephone

1. Identify yourself. Use your name and address. If you are a constituent say so.
2. Identify the issue. Be specific with what you want to talk about and refer to a bill by its number and title.
3. State your position, as well as how you would like the legislator to vote.
4. Ask for the legislator's position on the bill or issue. If supportive, ask for a commitment to vote for your position. If opposing or undecided, thank them for the information (don't argue with them on the phone). Ask what information would be helpful in helping the legislator become a proponent. Ask for them to explain their concerns in writing.
5. If unavailable, leave a detailed message with a staff member. The staff member may be able to describe the legislator's position.
6. Follow up by sending a note thanking the legislator for their time. Include any information that the legislator can use to solidify their position, or which may move them to support your position.

#### Tips on presenting before committees

In order to present before a Parliamentary committee, you will have to request permission by sending a letter to the clerk of the committee considering the bill. Once you have scheduled your presentation:

1. Draft a 5-10 minute speech on the bill.
  - Begin by thanking the committee for allowing you to present your views. Make the testimony interesting, personal and compelling.
  - Include information about what the bill's effects would be, as well as a few compelling statistics about the situation the bill is designed to address.
2. Print your presentation (brief).
  - Include your name, address, organization affiliation and bill number at the top of the first page. Find out from clerk of the committee

how many copies of your brief you will need to bring to the presentation. If possible, provide it in advance so that it can be translated and given to members before your appearance.

3. Attach easy to read background information (such as a fact sheet or newspaper article) to each copy of your brief.
4. Practice your presentation so you won't be nervous. Time your delivery to ensure that you have enough time.
5. Expect questions from the legislators, particularly from those opposing your viewpoint. Be prepared to address their concerns. Write down a list of anticipated questions and have answers prepared. You can check previous committee hearings on your issue to see what kinds of questions members may ask, or read Hansards to see what issues are being discussed most commonly.

### **Accomplishments of victims and their advocates**

Victims have had a profound and positive impact on the justice system. Legislation that recognizes the needs of victims has been enacted in most provinces and territories.

In Canada, women's groups and victims' organizations like Citizens United for Safety and Justice, Victims of Violence and CAVEAT have convinced various governments that the role of the victim in the process is an important one and that it should be recognized. Changes with regards to the *Criminal Code* and victims' rights legislation is a direct result of the courage displayed by victims who have allowed society to benefit from their experiences with the system. Their influence is not limited to ensuring that victims have their rights respected throughout the process, but as well with regards to legislation that will prevent future victims.

The following is a brief outline of what victims and their advocates have accomplished during the last twenty-odd years:

- In 1981, a Federal-Provincial Task Force on Victims of Crime was formed, submitting their report in 1983 which made over 75 recommendations regarding the prompt return of a victim's property, restitution, compensation, victim impact statements, access to information, etc.

- In 1988, prompted by the United Nations Declaration of Basic Principles of Justice for Victims of Crime, the Federal Minister of Justice entered into an agreement with his provincial/territorial counterparts concerning victims and their treatment by the system. All Canadian Ministers of Justice agreed to adopt a uniform policy statement of victims' rights that would be used to guide their legislative and administrative initiatives in the criminal justice area. The statement of principles said victims should be treated with courtesy and compassion, should receive prompt and fair redress for the harm they suffered, information regarding services available, information about the system and the progress of the case, the views of victims should be considered, etc.

- In 1988, Bill C-15, *An Act to Amend the Criminal Code and the Canada Evidence Act* became law and in 1993, Bill C-126 was adopted. Bill C-126 built on Bill C-15 and together, the bills provided further protection for child witnesses. Accused who represented themselves could be prevented from cross-examining a child complainant/witness. Child witnesses could now have a support person with them when they testify. Videotapes of interviews with young complainants made during investigations could be used as evidence and children could testify from behind screens or through the use of closed circuit televisions.

- In 1988, Bill C-89 was passed. It provided for victims to present their victim impact statements at the time of sentencing, the prompt return of property, provisions for restitution (which were never proclaimed because the cost benefit analysis showed the cost of the implementation of the program would outweigh the benefits to the victim), publication bans on the identity of victims and witnesses in sexual assault cases, victim fine surcharge, etc.

- In 1992, the *Corrections and Conditional Release Act* was passed which gave victims the right to attend federal parole hearings, submit written victim impact statements to the parole board and receive certain information about an offender.

- In 1996, Bill C-41 became law and it amended the provisions relating to victim impact statements to remove the discretion of the court to consider them at the time of sentencing. It also expanded the use of such information to ensure that families of murder victims could present evidence at judicial review hearings. It also amended the restitution provisions to make enforcement easier. New sentencing principles were adopted that recognized the harm done to victims and encouraged reparation.

- In 1996, the government responded to a Supreme Court of Canada decision (*R. v. O'Connor*), which said that defence lawyers may be able to access a victim's private medical records (i.e. if a victim went to see a counselor). Bill C-46 set rules for the court to follow. Most provinces will assist the victim in obtaining legal counsel to present their interests to the courts when making this decision.

- In 1996, the Reform Party of Canada introduced a motion in the House of Commons to have the idea of a National Victims' Bill of Rights examined by the Standing Committee on Justice and Legal Affairs. The motion passed unanimously.

- In 1998, the Justice Committee released its report, *Victims' Rights - A Voice, Not a Veto* and made several recommendations to enhance victims' rights. Because of this legislation, the Minister of Justice introduced Bill C-79, which became law on December 1, 1999. Bill C-79 allows victims to present their victim impact statement in writing or orally if they choose. A judge is now required to ask the Crown if the victim has been informed of their right to complete a victim impact statement. Bill C-79 requires police and judges to consider the safety of victims in all bail decisions; it makes it easier for victims and witnesses to participate in trials by expanding protections for young victims and witnesses from personal cross-examination by accused persons representing themselves; it expands opportunities for victims and witnesses to have a support person present when giving testimony; it permits a judge

to ban the publication of the identity of victims and witnesses in appropriate circumstances; and it requires all offenders to pay an automatic victim fine surcharge (an additional monetary penalty). Bill C-79 increased the Victim Fine Surcharge.

- In 2000, the Minister of Justice created the Policy Centre for Victims Issues to develop and co-ordinate federal initiatives to strengthen the voice of victims in the criminal justice system. The government also committed \$20 million over the next four years for federal victim-related initiatives and programs.

- In 2000, the Justice Committee released a report on the *Corrections and Conditional Release Act* and made several recommendations regarding victims' rights, including access to timely information, to more information than is currently available (i.e. offender's rehabilitative efforts, behaviour in prison, etc.), a greater role in the process and a complaints mechanism when victims have concerns. The government responded and agree to: provide information about new offences committed by a conditionally released offender resulting in federal re-incarceration; provide information about the reasons for transfer of the offender and, where the transfer will place the offender in a minimum-security institution, give advance notification of the transfer wherever possible. The government also agreed to provide access to audiotape recordings of National Parole Board hearings; create a national Correctional Service of Canada/National Parole Board Victims' Unit to, among other things, receive complaints and rectify problems.

- In July 2001, victims were given the right to present their impact statements orally at federal parole hearings (Note - the BC Parole Board has allowed victims this right since the mid/late 1990's).

In addition to the federal initiatives described above, most provinces have compensation program for victims, but it varies from province to province. Unfortunately, Newfoundland, the Yukon and Northwest Territories have no compensation programs at all.

### **What remains to be done?**

While victims and their advocates have accomplished much during the last twenty-five years or so, there is much to be done. Some examples of issues of importance to Canadian victims are:

- The creation of a National Victims' Bill of Rights to entrench the rights of all Canadian victims of crime to be treated with respect and dignity and to guarantee that victims receive certain information throughout the process.
- The creation of an ombudsman's office to investigate complaints from victims who feel their rights were infringed by the Correctional Service of Canada and the National Parole Board.
- The creation of a national association of victim service providers, with sustainable funding from the federal government.
- An expansion of the amount of information available to victims from corrections and parole (i.e., provide information about the offender's

behaviour in prison, rehabilitative efforts including programming, educational progress, etc.).

- Financial assistance for victims to attend federal parole hearings – the creation of a fund to assist victims who may have to attend a hearing across the country.
- Better protection of Victim Impact Statements from abuse and from offenders in correction/parole setting;
- Allow victims the right to listen to an audiotape of the parole hearing if they cannot or do not wish to attend.
- Notification of victims when an offender is deported from Canada.

### **Conclusion**

Ensuring that victims have a voice in the criminal justice system can be a frustrating objective. Over the years, victims and their advocates have taken a vocal role in the struggle to have their needs addressed by the criminal justice system. Through research, persistence and hard work, victims have been successful in affecting change and it has been said that, “victims are no longer on the outside looking in.”

Yet, despite all of the positive achievements in the field, there remains a need for advocacy. Victims, like other underrepresented groups in society, need to have a perpetual voice and continual representation. Thus, it is important to continue fighting for expanded victims’ rights in order to create change and prevent victims from suffering in the future.