



“Dedicated to Justice” • «Au service de la justice»

November 1, 2012

Standing Committee on Justice and Human Rights
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Members of the committee,

The Canadian Resource Centre for Victims of Crime (CRCVC) is writing to you with respect to Bill C-37, the *Increasing Offender Accountability for Victims Act*. We are writing to you because we were not invited to appear before you as a witness.

Since 1993, the Canadian Resource Centre for Victims of Crime has provided a voice for victims and survivors of serious crime in Canada. We offer long-term support, information resources and advocacy to hundreds of victims and their family members each year. The CRCVC did not arise out of a single event and we work on the front-line with persons impacted by many different forms of crime and violence.

As you know, this enactment amends the *Criminal Code* to change the rules concerning victim surcharges. The surcharge would be doubled to 30 percent of any fine imposed on the offender. Where no fine is imposed, the surcharge would be \$100 for offences punishable by summary conviction and \$200 for offences punishable by indictment. The judge would retain the discretion to impose an increased surcharge where the circumstances warrant and the offender has the ability to pay. Currently, offenders who can demonstrate undue hardship may request that the victim surcharge be waived. The proposed amendments to the *Criminal Code* would make the victim surcharge mandatory for all offenders.

We strongly support Bill C-37, as written. Without making the VFS mandatory, judges across Canada will continue waiving federal victim fine surcharges that they are supposed to levy against offenders. We know from research conducted by the Department of Justice that judges waive the fine consistently. In New Brunswick, it was found the surcharge was waived in two-thirds of 62,000 cases over five years, costing the province millions of dollars in lost revenue for victims. That report stated, "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." We know that victim services in New Brunswick, Ontario and the Northwest Territories have been impacted negatively as a result of judges waiving the fine. 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 DOJ study.

Making the VFS mandatory means provincial programs to assist and support victims of crime will be more adequately funded. Our hope is that this will change and improve the services that are currently available to victims of crime. We should not see vital programs or services for victims closing their doors. As an example, Ottawa Victim Services had to cut a crucial program,



"Dedicated to Justice" • «Au service de la justice»

the court accompaniment program, due to lack of funding for the full-time staff member to support women and children who have to attend criminal court proceedings.

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.

Sincerely,

Heidi Illingworth
Executive Director