



May 26, 2016

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

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice & Attorney General
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

I would like to thank you, on behalf of the Board of Directors of the Canadian Resource Centre for Victims of Crime (CRCVC), for taking the time to meet with me on April 5, 2016 to discuss some of the ongoing issues in the Canadian criminal justice system pertaining to victims of crime. We understand that part of your mandate includes undertaking a complete review of the criminal justice system. We greatly appreciate your openness to our point of view, as an agency that works on the front line with persons harmed by serious crime across Canada. We hope that our concerns will be reflected in any law and/or policy reform.

As you know, victims are impacted by many facets of the criminal justice system. Where crime comes to the attention of the authorities, victims become reluctant participants in processes where decisions are made for them by the police, the courts and corrections/parole. These systems operate on behalf of the state, and are very powerful. Victims, who've lost their personal autonomy, often experience the criminal justice system as paternalistic, without sensitivity and as re-victimizing.

Although violent crime is on the decline in most categories, we believe there is nonetheless a need to prevent victimization in Canada, particularly intimate partner and sexual violence. We believe a national crime prevention strategy across federal departments is long overdue and preventive strategies should focus on violence against women. Programs proven to be effective such as 4th R - <https://youthrelationships.org/> and Greendot must become part of school curricula across Canada. In our universities and colleges, compulsory courses must deal with sexual violence and encourage bystander intervention. The recommendations coming out of incidents at Canadian universities must be made standard and lessons learned from the high profile White House Task Force - <https://www.whitehouse.gov/blog/2015/04/23/vice-president-biden-marks-sexual-assault-awareness-month-announcing-it-s-us-progres>.

Further, we believe a national action plan to end violence against women and children is necessary, as well as an annual national survey on *intimate partner and sexual violence* is necessary to measure the success of action plan policies. While official statistics tell us there are 460,000 sexual assaults in Canada every year, we also know that a minuscule amount, only 3 out of every 1,000 cases, will result in a conviction (YWCA Canada). Most perpetrators of sexual violence are not charged, prosecuted or convicted. Worse, we know that less than 10% of victims of sexual assault will report their victimization to the police. The criminal justice system is failing women across Canada. Our adversarial justice system is simply unable to deal adequately with sexual assault and reform is needed.

- 1) We believe sexual assault victims should have independent counsel with legal standing in court to advise the complainant directly and represent their interests directly before the court. Without legal representation, we will continue to see the vilification of the victim in the aftermath of sexual violence and extremely low reporting rates which allows perpetrators to evade justice and continue to be sexual predators.



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- 2) Increased supports are needed outside of the criminal law, supports that will address the victim’s needs from her perspective. Provision of support for victims of intimate partner and sexual violence through sexual assault crisis centres (such centres are not easily accessible to victims in rural areas of Canada). Victims should have somewhere to go immediately after an assault or at a later time to explore what she wants to do and get support. This includes everything from nothing to assertiveness training, to counselling, to civil court action, to criminal action. This requires significant increased funding for community-based organizations who provide these services.
- 3) We must overhaul how police deal with victims in Canada – particularly the provision of independent support to accompany women when they report to the police. We need significant improvements in gendering police response. The International Association of Chiefs of Police has recommendations around how police should deal with all victims.

While the Canadian Victims Bill of Rights provides victims with the right to participation, we do not feel it goes far enough. Some victims wish to step out of the witness role and have a more substantial role in the justice system. When their personal interests and safety are affected, victims should be able to present their views and concerns, and have the right to legal representation so they are treated with courtesy, dignity, and respect and able to enforce their rights. Victim participation means a victim would be given formal or party status within the criminal court to defend their interests, just as the prosecutor pursues the interests of the state and the defence counsel pursues the interests of the accused. Party status could help to address the significant failures we are seeing with respect to the prosecution of sexual assault cases in Canada.

Canadians are concerned about mental health and well-being. We know that negative mental health outcomes can result from criminal victimization or trauma experienced due to violence. We believe victims/survivors should be guaranteed access to free counselling programs without waiting-lists. It is a matter of health. In 2008, the total (tangible) social and economic costs of Criminal Code offences in Canada were approximately \$31.4 billion. The most direct impact of crime is borne by victims. Of the total estimated costs, \$14.3 billion was incurred as a direct result of crime, for such items as medical attention, hospitalizations, lost wages, missed school days, stolen/damaged property. Specifically, productivity losses represented 47.0% of the total costs borne by victims followed by stolen/damaged property (42.9%) and health care costs (10.1%) (Justice Canada, 2008).

We believe annual *victimization* surveys are also necessary to measure the gap between victim needs and services for victims of crime.

Restorative justice is an opportunity for victims who wish to participate to have the chance to face or communicate with an offender and discuss the harms that have resulted from the crime. Not all victims are interested in taking this route; however, many who do feel rehabilitated and restored. It should be an option at the outset for victims, as a choice in how their case proceeds. Even victims in cases of serious, violent crime have benefitted from restorative processes.

We feel as though one of the most important issues for crime victims in their recovery is access to information. Despite the right to information provided in the Canadian Victims Bill of Rights, pre-existing legislation limits the crime victim’s ability to access the information they want. Crime victims must not be prevented from accessing information about the crime; in favour of protecting the privacy rights of the person who harmed them.



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Canadians harmed by crime abroad, including victims of terrorism and their family members, lack support services when they return home to Canada. Victims in this situation require comprehensive assistance to facilitate the normalization of their lives, yet they are often turned away from many victim services programs in the community where they live because the crime did not take place here. Victims affected in foreign jurisdictions should be guaranteed all aspects of aftercare when they return home.

We believe Canada is lacking a national program for financial assistance for victims of violent crime. Currently, the responsibility of providing financial assistance to persons victimized by violent crime rests with the provinces and territories. These programs are inequitable because they do not exist in all provinces and territories and where they do exist, these programs offer very differing levels of assistance. A national program of financial assistance would create standardized levels of assistance and ensure that all Canadians have equal access to financial support in their recovery and healing following violent victimization. Across Canada, we provided only \$146 million in compensation to 19,000 applicants (78% approved) yet victim services served 460,000 victims (2011/12 Victim Services Survey).

Victims who receive criminal and civil court restitution orders need assistance to enforce them. The designation of a public body to assist in the collection of restitution orders is critical, so that victims receive practical assistance to enforce and collect restitution across Canada and doesn't cost them more money, especially where they have been defrauded.

Justice Canada should recognize the contribution and expertise of organizations whose missions are to improve individual and collective rights of victims like the Canadian Resource Centre for Victims of Crime. Core funding is critical to our work to empower innocent Canadians harmed by violent crime and should be provided at an equal level as is currently provided to groups who support persons convicted of crimes in Canada. We offer vital advocacy, support services and information resources to our clients.

Thank you for taking the time to consider our suggestions to improve the functioning of the Canadian criminal justice system. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Illingworth', written in a cursive style.

Heidi Illingworth
Executive Director