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April 3rd, 2019

RE: Bill C-75

An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

Senator Serge Joyal (Chair)

Standing Senate Committee on Legal and Constitutional Affairs
The Senate of Canada
Ottawa, Ontario
Canada, K1A 0A4

Dear Senator Joyal:

Upon request, the Canadian Resource Centre for Victims of Crime (CRCVC) wrote a Brief to the House of Commons' Standing Committee on Justice and Human Rights on Bill C-75 focused on the issue of the Federal Victim Surcharge in September of last year. The CRCVC is a charitable organization working to ensure the voices of victims are heard. We provide much-needed support to victims and advocate for their rights to receive adequate backing in navigating the criminal justice system and recovering from what are often deep and traumatic wounds. Our hope with the passing of Bill C-75 was for an expedited judicial process and a more victim-centric system.

It has come to our attention that victim services are being defunded. The mandatory Federal Victim Surcharge (FVS), was struck down in December 2018, as violating section 12 of the Canadian Charter of Rights and Freedoms. FVS, one of the issues tackled in the Bill, provides much-needed support and relief to victims of crime, who require a plethora of supports (financial, administrative, judicial, mental- and physical-health related) both in the short- and long-term. The surcharge is one way of ensuring a steady stream of funds for vital services that are too often scarce, unstable, and difficult to access.



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We have been strong proponents of the FVS over the years, and have applauded initiatives, namely the 2013 *Increasing Offenders Accountability to Victims Act*, designed to maintain, enhance, and render it compulsory with less room for judicial discretion. Numerous research studies have been published over the years, showing the surcharge was routinely being waved or ignored pre-2013. Thereafter, surcharge collection soared in almost all provinces, allowing for enhanced and more secure victims budgets. We remind you that these funds allow for vital services to the well-being and resilience of victims, including court support programs, crisis lines and centres, and financial assistance.

While we acknowledge that your committee does not, at this moment, have the bill to study, we respectfully urge you to approach Bill C-75 with a victim-centric focus, study it carefully, and pass this bill. It is becoming urgent, as it gives back the discretionary powers to judges and ends this difficult period for victim services, as they run without much needed funding. We have made several pointed recommendations with regards to the surcharge, supporting exceptions and exemption with the caveat that "undue hardship" must be satisfactorily documented for a judge to waive the surcharge. We recommended that collection methods be broadened to include all options, and harmonized across provinces. Our Brief also touched on the important issue of intimate partner violence and welcomed a substantial shift in the way these crimes are understood and dealt with in Bill C-75.

In our opinion, Bill C-75 and the broader context of advocating for victims day-in day-out raise the more pressing and wide-ranging issue of the need to address the lack of proper funding for victim services in Canada. We would welcome dialogue and are prepared to share our expertise to ensure that the voices of victims are heard, and their rights upheld. We urge you to put victims' needs at the forefront and show them that they matter, and the funding of support services is a priority.

We remain at your disposal should you have any questions or wish to engage in dialogue with the CRCVC.

Sincerely,

Aline Vlasceanu

Interim Executive Director