



Government
of Canada

Office of the Federal
Ombudsperson for Victims
of Crime

Gouvernement
du Canada

Bureau de l'ombudsman
fédéral des victimes
d'actes criminels

**OFFICE OF
THE FEDERAL
OMBUDSPERSON
FOR VICTIMS
OF CRIME**

ANNUAL REPORT

2023–2024

Canada

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC) would like to acknowledge that its staff members live, learn and work on traditional Indigenous territories in Canada.

As an organization, we pay our respect to First Nations, Inuit and Métis Peoples and their ancestors and affirm our commitment to respectful relationships with one another and this land.

OFFICE OF THE FEDERAL OMBUDSPERSON FOR VICTIMS OF CRIME

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What a Productive Year!

Fiscal year 2023-2024 was one of significant progress and resilience for the Office of the Federal Ombudsperson for Victims of Crime (OFOVC).

This year, we saw unprecedented demand, opening 60% more case files than the previous year and the most since the Office's creation in 2007. This surge in volume highlights both the increasing awareness of a federal ombud for victims and the sustained need for services for survivors seeking support and justice.

In the course of the year, we appeared before several parliamentary committees to ensure victims' perspectives were considered in legislation and policy development. We represented the interest of victims and survivors on issues such as bail reform, coercive control, gender-based violence, intimate partner violence, open-court principles, physical punishment of children, prison transfers, victim notification and publication bans.

The changes related to victim notification brought by the passing of Bill S-12 were a significant milestone, one worth celebrating. In most cases, adult survivors of sexual violence are now asked if they would like a publication ban rather than having one imposed automatically, and there is a clear process to have one removed. I'm so grateful to all the survivors and stakeholders who advocated for these changes, and to parliamentarians and government officials who listened.



My top priority when I accepted the appointment of Ombudsperson was to strengthen the information provided automatically to victims of crime. Bill S-12 amended the *Criminal Code* so that at the time of sentencing, the judge will inquire if a victim would like to receive information on the offender's sentence and its administration. For federal prison sentences of more than 2 years, this means victims will receive information on victim services, how to participate in parole hearings, and they will be notified when the person who harmed them is released into their community.

These changes make sense, and strengthen the implementation of the rights to information, protection, and participation found the *Canadian Victims Bill of Rights* (CVBR).

We closed the year by launching a national systemic investigation on how survivors of sexual violence are treated in the criminal justice system. The investigation will include consultations with survivors and stakeholders across Canada to identify ways to strengthen victim rights, reduce delays, and save costs in the criminal justice system.

Like many organizations in the anti-violence sector, we have continued to struggle with adequate resourcing. Increasing demands for service, and rising costs for staffing and operations have made it difficult to balance our budget. We have been encouraged to see parliamentarians calling attention to this issue in the House of Commons, the Senate, and in committees.

Thank you to everyone across Canada working together to build a future where victims of crime are offered the information they need, they are listened to, and their safety is prioritized. Together, we are making Canada safer and more compassionate.

Benjamin Roebuck

Federal Ombudsperson for Victims of Crime

CANADIAN VICTIMS BILL of RIGHTS



The Canadian Victims Bill of Rights will be enacted as follows:

An Act for the Recognition of Victims Rights

Whereas crime has a harmful impact on victims and on society;

Whereas victims of crime and their families deserve to be treated with courtesy, compassion and respect;

Whereas it is important that victims' rights be considered throughout the criminal justice system;

Whereas victims of crime have rights that are guaranteed by the Canadian Charter of Rights and Freedoms;

Whereas consideration of the rights of victims of crime is in the interest of the proper administration of justice;

Whereas the federal, provincial and territorial governments share responsibility for criminal justice;

Whereas, in 1988, the federal, provincial and territorial governments endorsed the Canadian Statement of Basic Principles of Justice for Victims of Crime and, in 2003, the Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

RIGHT TO INFORMATION

Every victim has the right, on request, to information about

- (a) the criminal justice system and the role of victims in it;
- (b) the services and programs available to them as a victim, including restorative justice programs; and
- (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.

Every victim has the right, on request, to information about

- (a) the status and outcome of the investigation into the offence; and
- (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome.

Every victim has the right, on request, to information about

- (a) reviews under the Corrections and Conditional Release Act relating to the offender's conditional release and the timing and conditions of that release; and
- (b) hearings held for the purpose of making dispositions, as defined in subsection 672.1(1) of the Criminal Code, in relation to the accused, if the accused is found not criminally responsible on account of mental disorder or unfit to stand trial, and the dispositions made at those hearings.

RIGHT TO PARTICIPATION

Every victim has the right to convey their views about decisions to be made by appropriate authorities in the criminal justice system that affect the victim's rights under this Act and to have those views considered.

Every victim has the right to present a victim impact statement to the appropriate authorities in the criminal justice system and to have it considered.

RIGHT TO RESTITUTION

Every victim has the right to have the court consider making a restitution order against the offender.

Every victim in whose favour a restitution order is made has the right, if they are not paid, to have the order entered as a civil court judgment that is enforceable against the offender.

RIGHT TO PROTECTION

Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.

Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation and retaliation.

Every victim has the right to have their privacy considered by the appropriate authorities in the criminal justice system.

Every victim has the right to request that their identity be protected if they are a complainant to the offence or a witness in proceedings relating to the offence.

Every victim has the right to request testimonial aids when appearing as a witness in proceedings relating to the offence.

Rt. Hon. Stephen Harper, P.C., M.P.
Prime Minister of Canada

Our Work to Ensure Victim Rights Are Considered

We understand that the word “victim” is value-laden and may be problematic for many people who have experienced violence or whose loved ones’ lives were taken. We use the term here in the context of victim rights in the criminal justice system.

A response to parliament’s study of the *Canadian Victims Bill of Rights (CVBR)*

Background and Concerns

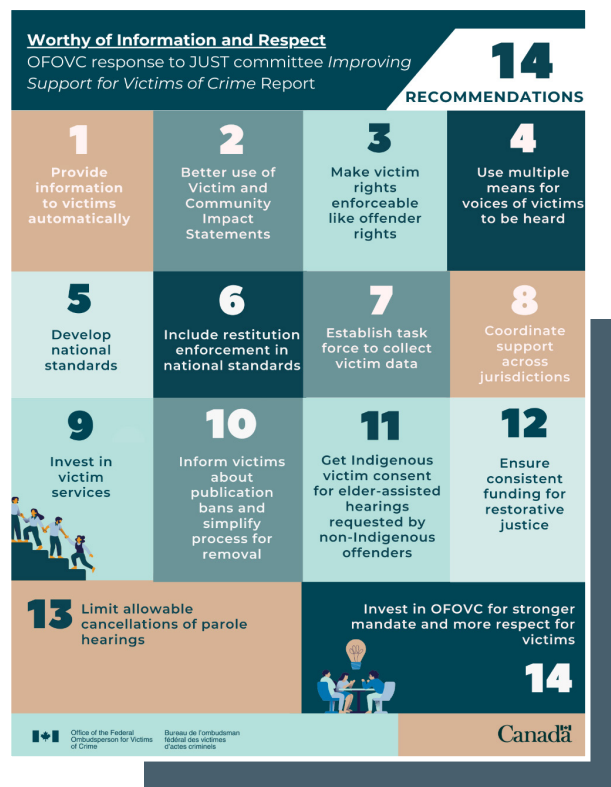
In December 2022, the Standing Committee on Justice and Human Rights (JUST) released its report: *Improving Support for Victims of Crime*, after conducting a study of the federal government’s obligations to victims of crime.

After extensive consultation on our recommendations to address shortcomings, we submitted a report containing 14 recommendations to the JUST Committee: Worthy of Information and Respect: Improving Support for Victims of Crime.

How we worked to create change

Our report reflected insights gathered from victims, stakeholders, and experts, emphasizing the need to view the justice system through a victim’s lens.

Our recommendations are feasible and do not require a complete overhaul of the system. They reflect the objectives of the CVBR and would bring meaningful changes to the criminal justice system (CJS) for victims and stakeholders.



The bottom line

Survivors deserve respect and access to information to restore their sense of safety and empowerment. Elected officials nationwide should seriously consider our recommendations when developing legislative

and policy reforms to **ensure that victim rights are given equal weight alongside offender rights** and bridge existing gaps.

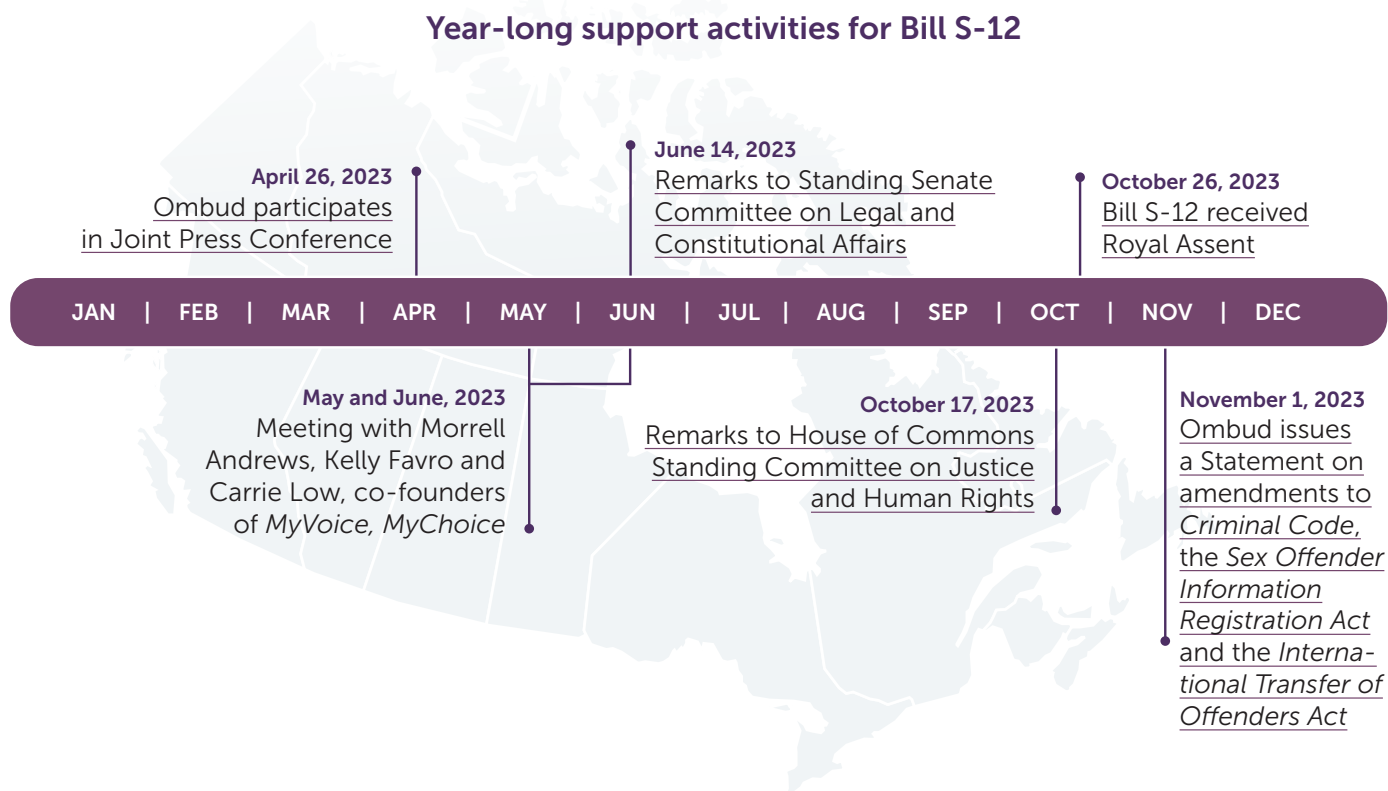
Victims of crime deserve enforceable rights as much as those who harmed them. Now is the time for Parliament to act with compassion and leadership.

“The way that we are treating victims of crime in Canada isn’t just, it’s not kind, it’s not compassionate. It’s not respectful.”

– Benjamin Roebuck,
Federal Ombudsperson
for Victims of Crime

Achieving our #1 objective on victim notifications

Year-long support activities for Bill S-12



On October 26, 2023, the Government passed Bill S-12, An Act to Amend the *Criminal Code*, the *Sex Offender Information Registration Act* and the *International Transfer of Offenders Act*. These legislative changes will, among other things, simplify how victims access information and make the regime on publication bans more victim-centred. These breakthroughs, the result of collective efforts from victim rights advocates, are worthy of celebration.

Publication bans

Background and concerns

Publication bans in cases involving victims and survivors of crime present several challenges. Too often, victims are not informed when a ban is imposed, leaving them unaware that they are legally restricted from speaking publicly about their own experiences. This can create significant frustration and feelings

of disempowerment, when victims learn they are unable to talk publicly about their own lives, their own bodies, or the person who harmed them. For years, **survivors have told our Office that they are afraid of the consequences for violating their own publication bans**. This is a terrible distortion of victim rights to privacy and protection. When victims do seek to have a ban lifted, they often encounter legal obstacles, making the process lengthy and difficult.



"Prior to Bill S-12, no one had a legislated responsibility to tell victims about registration. So, the mechanisms provided in the Bill bridge a substantial gap, something I identified as my primary objective when taking on the ombud role in October 2022."

– Benjamin Roebuck,
Federal Ombudsperson for
Victims of Crime



How we worked to create change

Dr. Roebuck played a key role in advocating for victim rights to information, appearing before two Parliamentary Committees, to ensure that the interests and needs of victims and survivors were considered and prioritized in discussions surrounding Bill S-12.

The bottom line

Bill S-12 led to legislative amendments to ensure that **victims are fully informed when a publication ban is ordered** and are **given more control over whether it remains in effect**. The bill also made the process of lifting publication bans easier, giving victims more control over their experience. This legislation represents a **significant step towards correcting privacy protections for victims that do not reflect their interests**.

"To the courageous survivors who have advocated for S-12, thank you. I also recognize survivors who continue to be silenced by publication bans, and I have heard how painful it has been to be excluded from this process, not allowed to speak to Parliament with your own voice and name."

– Benjamin Roebuck,
Federal Ombudsperson
for Victims of Crime



"... Hard to believe it has been a year since *My Voice, My Choice* started getting loud about publication bans - it seems like so much has happened in the past few months. I wanted to reach out and say thank you for your words at the committee meeting yesterday and advocating so hard for survivors' rights. I can't believe how far we have come, and how much further we have to go. Having a voice like yours in the corner of survivors is such a reassuring feeling that something will change. Thank you again for everything you have done for us survivors. From the bottom of my heart, I want you to know that the work you are doing for us is immeasurable."

– Morrell Andrews, cofounder
of *My Voice, My Choice*

Prison transfer decisions must consider victim concerns

Background and concerns

Prison transfers can be complicated and emotionally charged for victims, particularly when a transfer involves an offender moving to a lower-security institution. For over a decade, victims and survivors of crime have shared concerns with the OFOVC about offender transfers. Specifically, survivors have expressed concerns related to the timing of notifications; how little information is shared; and the **lack of opportunity to share safety concerns or input before a transfer decision is made.**

The current framework for offender transfers under the *Correctional and Conditional Release Act* (CCRA) falls short of providing victims with the transparency and information they deserve.

As things stand, the **CCRA does not authorize advance notification to victims** when an offender is being transferred from a maximum to a medium-security institution. Even more concerning is that victims are only notified of the transfer after it has already occurred. This systemic lack of information sharing undermines victims' sense of safety and fails to recognize the psychological need for information as a trauma response. Notably, when offenders are transferred to a minimum-security institution, the CCRA does allow Correctional Services Canada (CSC) to provide advance notification. This suggests a model for incorporating inclusive practices that can be expanded to all transfers.

The transfer of a high-profile inmate from a maximum to a medium-security institution in May 2023 sparked widespread debate and concern, raising critical questions about the policies and processes governing offender security reclassification and transfers.

How we worked to create change

Over the summer of 2023, we **conducted a comprehensive review on the rights of victims of crime when it comes to notification for reclassification and transfer of federal offenders** from higher to lower-security institutions. The issue received significant attention from victims, the media, and policy-makers.

Our findings emphasized the critical need for **victim rights to be adequately recognized within Canada's correctional framework.** Our review was provided to the House of Commons Standing Committee on Public Safety and National Security (SECU) during a committee appearance by Dr. Roebuck on November 29, 2023, along with recommendations to strengthen victim rights during the entire transfer process.

Nine recommendations were made to decision-makers, and they are listed in detail in Annex A.



Notable progress and collaboration

We welcomed the Ministerial Direction from the former Minister of Public Safety requiring CSC to meaningfully engage with victims to seek their input on a transfer **prior** to its occurrence and to work closely with the OFOVC and the Office of the Privacy Commissioner to implement recommendations. Our Office recommended such collaboration in 2019 and Dr. Roebuck was pleased to see action taken on our advice. He served as Special Advisor to the Multidisciplinary Working Committee that CSC established to enhance policies and practices surrounding victim engagement and notification. The committee published a report that provided recommendations to improve victim engagement and education, government legislation, policies and processes and achieve better balance.

“We know that victims are not put first, and I’m not sure people understand the importance of information to victims of crime. [...] We want a more compassionate, victim-centred approach at the heart of CSC’s transfer process. Victims and survivors of crime are worthy of respect and dignity, and worthy to receive information.”

– Benjamin Roebuck,
Federal Ombudsperson
for Victims of Crime

The bottom line

It is critical that **victim and offender rights are balanced within our justice system**. The current legislative framework **disproportionately limits victims’ access to information**, causing unnecessary anxiety and fear. Amendments to the CCRA would rectify these inequities and align correctional practices with the CVBR’s principles. Providing victims with information relevant to their lives should not be incompatible with the *Privacy Act*.

Canada’s bail reform must consider victim safety and security

Background and concerns

An OFOVC report on bail reform was released in 2017, following nationwide consultation with victims and survivors of crime. Several victim groups shared concerns about the frequency and nature of bail-related offences, emphasizing the importance of considering the needs of victims during the bail process. They also called for flexibility and responsiveness in the bail process as well as better safety and security measures.

How we worked to create change

In October 2023, the OFOVC submitted a brief to the Senate Committee on Legal and Constitutional Affairs regarding Bill C-48, An Act to Amend the *Criminal Code* (Bail Reform). The Bill received royal assent in December 2023. Our submission highlighted the need for balanced reforms that consider the rights and well-being of victims of crime.

The bottom line

Bail decisions must account for the links between coercive control, criminal harassment, risks of recidivism and escalating violence.

Victim safety and crime prevention should be considered at all times. Investing in well-resourced community-based alternatives and supervision measures is essential to building a safer and more effective justice system.

Criminalizing coercive control will reduce victimization

Background and concerns

Reporting of gender-based violence (GBV), intimate partner violence (IPV), **coercive control and hate-motivated crime has been increasing over the past few years**. Victims and survivors report facing barriers such as fear of retaliation, distrust of authorities, and social stigma, which prevent reporting and seeking support.

How we worked to create change

Dr. Roebuck appeared, on February 29, 2024, in front of the House of Commons JUST Committee to provide a victim and survivor's perspective to their Study of Bill C-332, An Act to Amend the *Criminal Code* (controlling or coercive conduct).

The current **incident-based approach to IPV focuses on physical incidents**. This can leave **police feeling powerless to intervene** in cases where they believe a person is being harmed or manipulated, or worse, **hoping for a future incident of physical violence so they can protect the victim**.

The bottom line

Criminalizing repeat or continuous patterns of coercive control would provide more tools for police to intervene in patterns of abuse, but careful attention must be paid to avoid criminalizing survivors.



Establish a national data strategy to measure victim rights

Background and concerns

Reliable data collection is crucial for monitoring victim rights and guiding effective policy development. Underreporting, inconsistent definitions, and inadequate indicators of victim rights in national tracking of police and court data makes it difficult to measure progress, evaluate outcomes, and plan for improvements. It also makes it difficult to identify emerging issues.

"Intimate partner violence, or IPV, is an epidemic. It transcends geographic, economic, and cultural boundaries, affecting millions of people.¹"

– Benjamin Roebuck,
Federal Ombudsperson
for Victims of Crime

1. Cotter, A. (2021). *Intimate partner violence in Canada, 2018: An overview*. Canadian Centre for Justice and Community Safety Statistics: Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00003-eng.htm>

How we worked to create change

Our Office recommended a task force that collects nationwide data, spanning across jurisdictions, to close critical gaps in understanding and addressing crime. Our systemic investigation on sexual violence will help to identify data gaps and propose solutions to better understand how survivors are interacting with the CJS. This may include data on publication bans, subpoenas for survivors' therapy or counselling records, and improved tracking of the rising number of violent crime charges being stayed following the Supreme Court's decision in *R. v. Jordan*.

The bottom line

Establishing a national data strategy to understand how victims and survivors experience the criminal justice system will help to monitor victim rights and improve access to justice.

"We appreciate the ongoing efforts of the Office of the Federal Ombudsperson for Victims of Crime to engage stakeholders in meaningful dialogue. Your commitment to fostering collaborative partnerships and addressing the critical issues facing victims of crime is commendable. We look forward to continuing our work together to create a safer and more just society for all."

– Harmy Mendoza
Executive Director, WomanACT

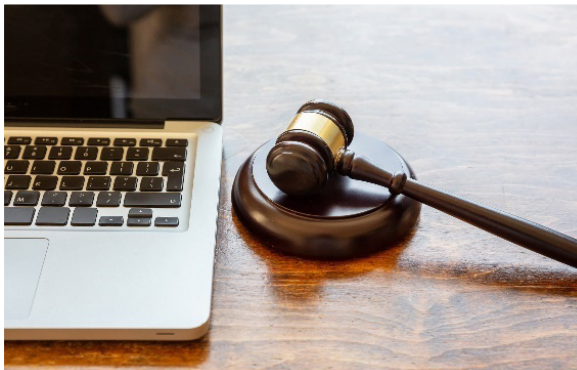


Reimagining victim participation in the Open Court Principle

Background and Concerns

The introduction of virtual hearings **provided a significant opportunity to strengthen the implementation of victims' rights** in the criminal justice system. Assessing the protection needs of victims and offering informed choices in the format of hearings better reflects the government's obligations under the CVBR to **consider the protection and participation rights of every victim**.

Virtual platforms and the requirement to send information on how to connect to a hearing offer a new avenue to provide information on victim rights and victim assistance services. Information relevant to each hearing could be provided with connection instructions.



How we worked to create change

In November 2023, the OFOVC also submitted a detailed brief to the Sub-Committee on the Open Court Principle. The brief shared feedback the OFOVC had received from survivors about their participation in virtual hearings, including reflections on safety, accessibility, autonomy, and guidance on responding to technical difficulties. We also emphasized the importance of having appropriate referrals to support services if someone experiences a trauma reaction in their home without access to court personnel.

The bottom line

Opportunities to provide information and referrals to resources should be maximized.

Doing so is a low-cost way to strengthen protection and participation for victims of crime.

Case study – Defence subpoena for therapy records led to stayed sexual assault charges

A survivor in a sexual assault case contacted us after the defence requested access to seven years of her counselling records.

Why this matters

Section 278.1 in the *Criminal Code* was introduced to provide greater protection to survivors and balance their privacy interests with the rights of the accused to a fair trial. When defence counsel applies for access to private records from a third party, the defence has to demonstrate the likely relevance of the records.

A record contains personal information for which there is a reasonable expectation of privacy. It can include:

- » medical, psychiatric, therapeutic or counselling records
- » education and employment records
- » child welfare, adoption, and social services records
- » personal journals or diaries
- » other records protected by law (but not notes on the investigation or prosecution)

If a survivor's private third-party records are subpoenaed, the survivor has the right to their own legal representation at a separate hearing (application) where a judge will decide on the admissibility of the record based on criteria defined by law, including the need to remove discriminatory beliefs or biases. The Supreme Court has affirmed that these protections are necessary to safeguard society's interest in survivors reporting sexual violence and having access to therapy.



What happened

The survivor believed that allowing her aggressor to subpoena her private counselling records was a continuation of his abusive behaviour which caused re-traumatization, an unacceptable breach of her privacy, and **a breach of her trust in the criminal justice system**. She felt that it was **morally wrong for the accused to benefit from her needing to ask for help**. She asked the Crown to stay the charges on the condition that the court record show that she had asked to withdraw from the criminal justice system because of the invasive request for her counselling records.

The charges in her case were stayed.

In February 2024, she and the advocacy group Survivor Safety Matters launched a petition to the House of Commons to amend section 278.1 of the *Criminal Code* to protect the confidentiality of counselling records in sexual assault court cases.

How we worked to create change

Both Dr. Roebuck and our Lead Investigator attended court to support the survivor. The Crown explained that the expansive application for the survivor's counselling records was harmful to her mental health

and cut off her access to necessary supports, so the survivor asked to withdraw from the process. Her explanation was entered into the court record.

The Ombudsperson also appeared at a press conference in support of Survivor Safety Matters. Throughout the year, the Ombudsperson continued to raise awareness of the problem of applications for private therapy records in parliamentary committees, media appearances and press conferences.

The bottom line

Survivors need to know that their privacy and safety matter and they need safe spaces to heal. The justice system must protect them from the person who harmed them and **prevent systemic discrimination in access to life-saving mental health care professionals.**

Review the CVBR to make victim rights enforceable

Background and concerns

In July 2015, the *Canadian Victims Bill of Rights* (CVBR) was enacted, marking a significant milestone in the protection and recognition of victim rights in Canada. This landmark legislation was put in place to provide victims with rights to information, protection, participation, to request restitution and to file a complaint if those rights are not respected.

However, nearly a decade has passed since the CVBR came into force and the quasi-constitutional legislation has not fulfilled its promise of fundamental change for victims of crime.

This lack of enforceable rights reduces its effectiveness and there are limited consequences when rights are violated.

How we worked to create change

Previous ombuds have reported the shortcomings of the CVBR, and during 2023-2024, the Office received complaints and inquiries that further substantiated the challenges:

- » the Act lacks clearly defined roles and responsibilities
- » the Act needs to guarantee access to rights and services
- » the Act needs to provide for measurable implementation
- » the Act must be amended to provide a legal remedy for any violations of victim rights

We reviewed case law about the CVBR and consulted leading academics to identify reforms to:

- » strengthen the existing rights to information, protection, and restitution with practical, evidence-based, actionable amendments to federal legislation
- » specifically name the OFOVC as a body to receive complaints about infringements of victims' rights against any federal department or body
- » provide victims with the legislated right to a review from an infringement or denial of rights under the CVBR
- » request the Minister of Justice to provide compliance statements that identify how the primacy of the CVBR will be reflected in Bills proposing criminal law reform.

The lack of statutory authority for the Federal Ombudsperson to support victims has also been noted by departments who are bound to comply with statutory directions to support offenders.

For example, the CVBR sets out that victims of crime have a right to information about an offender, including any reviews for an offender's release and the terms and conditions of that release. The CCRA provides for **limited information to victims of crime**. However, there are no statutory provisions which compel departments to provide information to the Federal Ombudsperson to support victims of crime in advocating for their rights under the CVBR.

Significant challenges fulfilling our mandate

» **Access to evidence:** Victims of crime who believe their CVBR rights have been violated by a federal agency can file a complaint with the agency. If they are dissatisfied with the response, they can file a complaint with the OFOVC. However, without statutory authority, we are unable to request all the materials reviewed in the original complaint. For example:

- **Audio recordings of parole hearings:** Victims of crime have the right to request an audio recording of a parole hearing. If they have a complaint related to a hearing, the Parole Board of Canada (PBC) can review the audio to evaluate its own compliance with the CVBR, but the OFOVC will not be granted access.

We cannot assess CVBR complaints without access to the relevant content. We cannot access the relevant content because we are not named in the CCRA. This requires an urgent remedy to maintain public accountability and effective complaint resolution.

» **Legal protection for survivors:** Survivors need safe spaces to raise their concerns when they believe they have been mistreated. Our mandate includes a

responsibility to ensure policymakers understand systemic issues that negatively affect victims of crime.

- **The Office of the Correctional Investigator (OCI):** OCI is the Ombud for people serving time in federal prisons. The Correctional Investigator has legislative authority to compel evidence, compel testimony, and the Office cannot be compelled to testify. This means that people in prison who contact OCI have a safe space to share their concerns, and the information they share cannot be subpoenaed.
- **The Victim Ombud cannot guarantee protection:** Survivors may contact our Office to talk about sexual assault investigations, share concerns about publication bans, or ask questions about non-disclosure agreements (NDAs). We cannot guarantee that the information they share with us will not be subpoenaed.

Survivors have less legal protections to discuss violations of their rights than the people who harmed them.

The bottom line

Currently **the CVBR has more provisions denying victim rights than granting them**. It must be amended to respect victim rights and make them enforceable.

Urgent attention is also required to provide the Office of the Federal Ombudsperson for Victims of Crime with legislation to ensure public accountability and legal protection for survivors.

The OFOVC is preparing updated recommendations to improve the CVBR for the 10-year anniversary in 2025. We look forward to further discussions with parliamentarians about our proposal for enforceable victim rights.

Making survivor participation in parole hearings easier

Victims contact us expressing concerns over their right to information and participation, particularly as it pertains to parole hearings. An **unregistered victim will not be informed of scheduled parole hearings taking place, unless they have applied to observe a hearing.**³

- » **Scheduling:** Registered victims are notified of the month of the hearing as soon as possible. This notification usually takes place approximately two to three months before the hearing. Victims receive less notice about the specific date and time of the hearing, making it difficult to plan to attend or prepare an updated victim statement. Some victims are notified after a hearing has occurred because they could not be contacted in the weeks before the hearing. We have discussed these concerns with the PBC and understand the complexity of scheduling hearings that comply with specific legislative and regulatory requirements⁴ and the availability of Board members, offenders, parole officers, victims, and support people. The PBC must also consider language requirements

“Victims have a real need to know that an official is working for them in a system that is too often, especially lately, focused on the rights of criminals.”²
[Translation]

– Bruno Serre
a family member of a
homicide victim

and interpreters, location and travel requirements, cultural requirements, and access to technology. With so many factors to consider, **prioritizing victim participation is critical to maintaining procedural fairness.**

- » **Postponements:** Another complication to scheduling includes postponements of hearings. When a hearing is postponed, PBC policy specifies that it should generally be rescheduled as soon as practicable but no longer than 4 months following the month that the hearing was originally scheduled. We have received complaints from families who have been subjected to 7 or more postponements within 2 years. Each time, the families have prepared for the hearing, reviewed their victim statements, and sat with the trauma of the victimization. Repeated cycles of postponements have been described as

2. <https://ici.radio-canada.ca/nouvelle/1980744/senateur-boisvenu-protoger-victimes-actes-criminels>

3. They may also be notified if they have previously attended a hearing and have indicated that they would like to be informed of future hearings. Victims who do not request information about hearings will not be contacted.

4. *Corrections and Conditional Release Act* (CCRA) and *Corrections and Conditional Release Regulations*, *SOR/92-620* (CCRR)

psychological torture, and the *Corrections and Conditional Release Act* (CCRA) does not allow the PBC to disclose why a hearing has been postponed. Family members often tell us that each time they hear from the Parole Board, it takes them back to the day they were assaulted, or the day their loved one was murdered.

- » **Victim statements:** Victims can feel restricted in what they are allowed to include in their victim statements and present at the hearing.
 - In consultation with our Office, the PBC recently made changes to its Victim Statement Checklist⁵ to clarify that victim statements used in conditional release decisions do not have to follow the structure used in victim impact statements at sentencing, and victims do not have to speak about the criminal offence.
 - Victim statements should be submitted 30 days before the offender's review or 45 in advance if translation is required. The PBC implemented another recommendation from our Office, adding that victims can contact them if the timeframe poses a problem.

Victim statements are submitted in advance and provided to the offender for review before the hearing. Section 141 (1) of the CCRA requires that all information considered by

Board members in making decisions about the offender's release must be provided to the offender, including victim statements. However, victims of sadistic crime sometimes ask if they could describe the personal impact of the crime to the Board members without providing further gratification to the offender.

- **Summaries:** We would like to explore proposing legislative changes to allow for the use of summaries in these cases, where an offender could be told that the victim provided Board members with a written description of the psychological or financial impact of the crime. Other content in the victim statement could still be provided to the offender or read during the hearing.

In February 2024, the OFOVC notified the Minister of Public Safety and Chairperson of the Parole Board of Canada of its plans to conduct a review on victim rights in the parole process and look for ways to **make the parole board process more conducive to victims' and family participation**.

The Parole Board of Canada has **committed to participation and collaboration throughout the process**. The review will begin after completion of the Ombudsperson's systemic investigation on how survivors of sexual violence are treated in the CJS.

5. Victim Statement Checklist

Investigating responses to hate crime

Background and Concerns

Hate crime and online harm pose significant challenges to marginalized communities and individuals across Canada. The impact of these offences extends beyond immediate victims, affecting societal cohesion and trust. The government and various stakeholders are actively engaged in addressing these issues through legal, policy, and community-based interventions, but are the needs of victims and survivors consistently considered, and rights upheld?

How we worked to create change

In the fall of 2023, our Office began a comprehensive study on access to justice for victims of hate. Following the introduction of Bill C-63, the *Online Harms Act*, in February 2024, we adjusted the scope of our study to be threefold:

- » to identify critical challenges in Canada's response to hate crime
- » to evaluate the perceived efficiency of measures proposed in Bill C-63
- » to provide recommendations to the government to improve support to victims and access to justice



Rapid consultations to gather input from police officers and victim service providers are planned as part of this study, as well as a review of existing literature and research. Our findings and recommendations will be published in fiscal year 2024-2025.

Investigating how survivors of sexual violence are treated in the criminal justice system

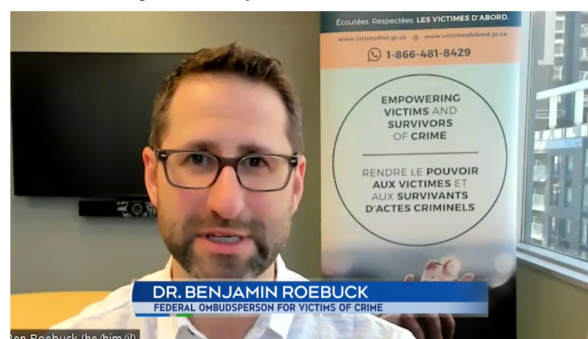
Background and concerns

The OFOVC hears from **survivors of sexual assault** and advocates about **barriers to accessing justice**. These conversations reflect a disheartening reality: despite notable advancements in the criminal law, training on trauma-informed approaches, and media coverage of gender-based violence, the system is failing survivors.

Sexual assault is deeply traumatizing and violates a person's integrity through power and humiliation. Survivors have told us that their experience with the **criminal justice system repeats patterns of powerlessness and humiliation and is sometimes as traumatizing** as the sexual violence itself.



Federal ombudsperson launches probe into treatment of sexual assault survivors by Canadian justice system



The provisions of the CVBR are not enforced, the rights of the accused are prioritized, and victims feel discarded and used. All survivors deserve to be treated with dignity. Their rights should not be treated as optional.

How we worked to create change

On February 9, 2024, the OFOVC informed the Minister of Justice of its plans to conduct a systemic investigation into the experiences of survivors of sexual assault within the Canadian criminal justice system.

On March 11, 2024, the OFOVC launched a systemic investigation that includes:

- » review of literature, recommendations and case law
- » individual survivor interviews
- » anonymous surveys
- » consultations with service providers and stakeholders
- » collaboration with governmental and non-governmental organizations

Justice Minister Arif Virani acknowledged how important it is to learn from victims and survivors about their experiences in his March-18 response to us about the forthcoming investigation. He also specified how essential information is to ensure that



Canada's justice system is as responsive and victim-centred as possible. He added, "Addressing the needs of victims and survivors of crime is a priority for this government." He reiterated his commitment to "... continue working with federal colleagues and provincial and territorial counterparts to improve the experiences of victims and survivors as they move through the criminal justice system, with the goal of keeping them safe."

"Addressing the needs of victims and survivors of crime is a priority for this government."

**– Arif Virani
Justice Minister**

Engaging on Many Fronts to Learn and Influence Change

In 2023-2024, the OFOVC took on an energetic, multifaceted approach to engagement. We wanted to reach victims and survivors as well as groups that can influence change and have a lasting impact on victim rights reform.

Throughout the year, we actively engaged organizations, stakeholders, and individuals across the country, from diverse domains and backgrounds, partially depicted in the map below, to champion the rights of victims and survivors.

Across Canada

Our Advisory Circles

We wish to acknowledge the invaluable contribution of the members of our advisory circles who generously share their time and expertise with us. They are our eyes and ears across the country, expanding our reach. Thanks to their insight, we better understand issues faced by survivors, and the varying and often harsh realities of community organizations that are devoted to helping them.

Academic

The Academic Advisory Circle plays a crucial role in advancing the field of victimology by focusing on key areas such as developing victims' rights through a human rights perspective, addressing inter-jurisdictional victimization, supporting vulnerable groups, understanding polyvictimization, and comparative reviews of victim entitlements emerging internationally.

The Circle engages with experts and academics specializing in crime victims' resilience, the impacts of trauma and violence, and the prevention of victimization in Canada. We extend our heartfelt gratitude to all 15 members for their invaluable contributions and dedication to this important work.

Frontline Service Providers

Members of the Frontline Service Provider Advisory Circle are dedicated to improving victim services, strengthening victim entitlements in the law, and preventing victimization. Their input is on key areas such as worker wellness, sustainable funding, and inter-jurisdictional supports for victims. Representatives are service providers, survivor advocates, and anti-violence workers who specialize in community-level responses to violence and exploitation.

We greatly appreciate the contribution of our 25 members and admire their dedication to this important work. Their expertise is crucial in enhancing victim supports and serving vulnerable groups.

Learning from voices across Canada



Research partnership

In 2023-2024, the OFOVC continued its active **partnership with Université de Montréal** on the research project “Victims, Law, and Justice: A Partnership Approach to Transformative Justice,” led by Dr. Jo-Anne Wemmers, a globally recognized expert in victimology and transformative justice.

This project **aligns closely with our priorities**, bringing together leading academics, practitioners, and survivors from across Canada to **explore emerging trends in transformative justice**. It also provides valuable networking and training opportunities focused on victim rights. Through this collaboration, we are able to enhance awareness of federal victim services and the Ombudsperson’s role among the partnership’s participants, which directly supports our mandate.

For the second consecutive year, our Office played an active role in this learning partnership, positioning itself to offer **meaningful recommendations to the federal government based on the insights gained from the research**. Our collaboration with victim support

TRANSFORMATIVE JUSTICE

noun

A range of social, economic, legal and political practices and philosophies designed to change the structures and underlying conditions that perpetuate harm and injustice.

organizations, along with various government and non-government stakeholders, shows our shared desire to build a justice system that better serves everyone in Canada.

Many survivors find research participation a valuable opportunity to be heard and provide feedback on their experience with the criminal justice system. The research is supported through a Partnership Development Grant funded by the Social Sciences and Humanities Research Council.



Victims and Survivors of Crime Week 2023

On May 16, 2023, as part of Victims and Survivors of Crime Week 2023, the Canadian Resource Centre for Victims of Crime (CRCVC) hosted a virtual expert panel discussion titled “30 Years of Victim Rights in Canada with CRCVC: A Review” which brought together leading voices in victimology and criminal justice to reflect on three decades of progress in victim rights, with a particular focus on the CVBR. The Federal Ombudsperson for Victims of Crime was among the panellists, along with two of his predecessors, Heidi Illingworth and Steve Sullivan.

Dr. Roebuck highlighted the systemic barriers victims face in accessing justice and the importance of embedding trauma- and violence-informed practices within the system. He underscored the need to fully realize the CVBR’s promise, including applying the CVBR primacy clause to legislative frameworks such as the *Corrections and Conditional Release Act* (CCRA). Dr. Roebuck also emphasized the critical role of collaboration across sectors in building a justice system that is equitable and responsive to victims’ needs, reiterating the importance of centring victims’ voices in policy development and implementation.

“The collaboration between Candace House and the Office of the Federal Ombudsperson for Victims of Crime has been invaluable. Their support has empowered our families to navigate the complex justice system with greater confidence and resilience. Together, we are making a tangible difference in the lives of homicide survivors.”

**– Cecilly Hildebrand
Executive Director –
Candace House**

30 Years of Victim Rights in Canada with CRCVC: A Review

The Power of Collaboration

May 16th, 12:00-1:30pm EST
Virtual panel discussion



**Victims and
Survivors of
Crime
Week 2023**

Informing parliamentary committees

By **appearing four times before parliamentary committees, producing another four briefs, and publishing an additional eight statements and letters**, the Office has amplified victims' voices in critical policy discussions, issuing a total of **59 targeted recommendations to the government**.

Reaching out to Canadians via multiple media

Recognizing the importance of digital engagement, we also expanded our online presence by leveraging digital platforms to extend our outreach.

When looking back to 2023-2024, we are pleased with the success we achieved on Facebook and X (aka Twitter):

- » a 29% increase in followers
- » a 95% rise in mentions
- » just short of a 200% surge in shares



The **launch of our LinkedIn account** in November 2023 positioned the Office to engage more professionals and organizations in the future and foster collaboration.

Over the course of the year, Dr. Roebuck was **interviewed or quoted 17 times**, and we were pleased to see **our Office and work mentioned on 34 occasions in the press**.

Our engagement strategy intended to keep victims at the centre of public and governmental dialogue, to help drive meaningful and enduring reform.

"In May 2023, Federal Ombudsperson for Victims of Crime, Benjamin Roebuck, delivered a keynote session at the Police Victim Services of BC (PVSBC) Provincial Symposium. His in-person participation was highly valuable, offering frontline police-based victim service workers in BC a deeper understanding of the Office of the Ombudsperson's authority in supporting victims and survivors whose rights have been violated. Additionally, his influence in advocating for systemic change was emphasized. The advocacy by the Ombudsperson on behalf of victims, survivors, and victim-serving professionals is deeply appreciated. PVSBC values its longstanding partnership and collaborative efforts with the Office of the Ombudsperson."

**– Lina Thompson,
Executive Director,
Police Victim Services BC**

Connected around the world

We engaged with global experts **to learn and exchange best practices** and contribute to a broader network dedicated to improving outcomes for victims and survivors worldwide.

XLVIIITH Victimology, Victim Assistance, and Criminal Justice Course, Dubrovnik (Croatia)



Dr. Benjamin Roebuck was a course lecturer at the 48th Victimology, Victim Assistance, and Criminal Justice event at the Inter University Centre in Dubrovnik in May 2023. This engagement provided an opportunity to share insights and foster collaboration among international scholars and practitioners dedicated to advancing victim support and justice.



Roundtables with the Chief Victims Advisor to the Government of New Zealand



On September 27th and 28th, the OFOVC hosted Dr. Kim McGregor, the Chief Victims Advisor to the Government of New Zealand during her trip to Canada. During the two-day visit, the Ombud hosted four roundtables that included the following key federal government stakeholders and community organizations:

- » Policy Centre for Victim Issues (PCVI)
- » National Office for Victims (NOV)
- » Women and Gender Equality Canada (WAGE)
- » Parole Board of Canada (PBC)
- » Correctional Service of Canada (CSC)
- » Canada's Special Representative on Combatting Islamophobia
- » Canadian Resource Centre for Victims of Crime (CRCVC)
- » Ottawa Victim Services (OVS)
- » Mothers Against Drunk Driving (MADD Canada)
- » Women's Shelters Canada (WSC)

Read the [online article](#) we published to share details about our discussions, which focused on the similarities and differences in victim rights, legislation, and policy across both countries as well as problem-solving and innovation.

Men & Families Conference 2023

Dr. Benjamin Roebuck was a guest speaker at the 2023 International Men & Families academic conference in Toronto, where he addressed critical issues concerning family courts, shelters, and the unique challenges faced by male victims, as well as men's role in ending violence against women. His participation highlighted the importance of inclusive approaches in supporting all victims of crime. The conference was funded by the Social Sciences and Humanities Research Council.



Presentation to the United Nations Population Fund (UNFPA) and Vietnam Officials



Dr. Roebuck was invited by the [White Ribbon](#) organization, to present to a delegation from the UNFPA Vietnam on November 21, 2023. The delegation members, eager to learn about international experiences in intervention initiatives aimed at male perpetrators of Gender-Based Violence (GBV) appreciated the exchange learning experiences towards the prevention of GBV.

68th Session of the Commission on the Status of Women

At the 68th Session of the Commission on the Status of Women in March 2024, Dr. Benjamin Roebuck and Hoori Hamboyan presented on the gendered costs of the criminal legal system on survivors of sexual violence in Canada. Their presentation underscored the need for gender-sensitive reforms to address the disproportionate impacts of sexual violence on women and gender-diverse survivors and advanced the UN discussion on Sustainable Development Goals (SDG) 5: Gender Equality, and SDG 16: Peace, Justice, and Strong Institutions.



Meeting with the Victims' Commissioner for England and Wales

On March 27, 2024, Dr. Benjamin Roebuck met virtually with the Victims' Commissioner for England and Wales, Baroness Newlove, and Chief Executive Officer Russell A'Court. Their discussion focused on the ongoing advocacy for reforms to the United Kingdom's Victims and Prisoners Act, with Dr. Roebuck highlighting similarities and challenges faced in Canada, such as compliance with the *Victims' Code* and the enforceability of victim rights.

The proposed legislative changes in the UK are worth highlighting as they would have a positive impact for victims here in Canada. Their act:

- » Gives victims the right to challenge decisions which have a direct impact on them

- » Creates a positive duty on criminal justice bodies to promote the *Victims Code*, collect data on it and report on their compliance with it
- » Simplifies the process for victims to complain when their rights are infringed
- » Creates in law a role for the Victims Commissioner in overseeing the *Victims Code*
- » Limits the discretion of criminal justice professionals to refuse to comply with the *Victims Code*



About us

Our mandate

The mandate of the Office of the Federal Ombudsperson for Victims of Crime (OFOVC) relates exclusively to matters of federal jurisdiction. It has not changed since its inception in 2007, and it enables the Office:

- » to **promote access** by victims to existing federal programs and services for victims
- » to **address complaints of victims** about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crime committed by offenders under federal jurisdiction
- » to **promote awareness of the needs and concerns of victims** and the applicable laws that benefit victims of crime, including to promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with respect to matters of federal jurisdiction, among criminal justice personnel and policy-makers
- » to **identify and review emerging and systemic issues**, including those issues related to programs and services provided or administered by the Department of Justice or the Department of Public Safety and Emergency Preparedness, that impact negatively on victims of crime
- » to **facilitate access** by victims to existing federal programs and services by providing them with information and referrals

As defined in the *Canadian Victims Bill of Rights* (CVBR), a victim is “an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence.” The CVBR further clarifies that where the victim is dead or incapable of acting on their own behalf, that “the following may also exercise a victim’s rights:

- » the victim’s spouse or the individual who was at the time of the victim’s death their spouse
- » the individual who is or was at the time of the victim’s death, cohabiting with them in a conjugal relationship, having so cohabited for a period of at least one year
- » a relative or dependant of the victim
- » an individual who has in law or fact custody, or is responsible for the care or support of the victim
- » an individual who has in law or fact custody, or is responsible for the care or support, of a dependant of the victim.”

With crime on the rise in Canada, it has been increasingly challenging to respond to demands, especially given our Office’s limited resources. Self-reported victimization rates also remain high, particularly for sexual crime and among vulnerable populations who may not report to police.

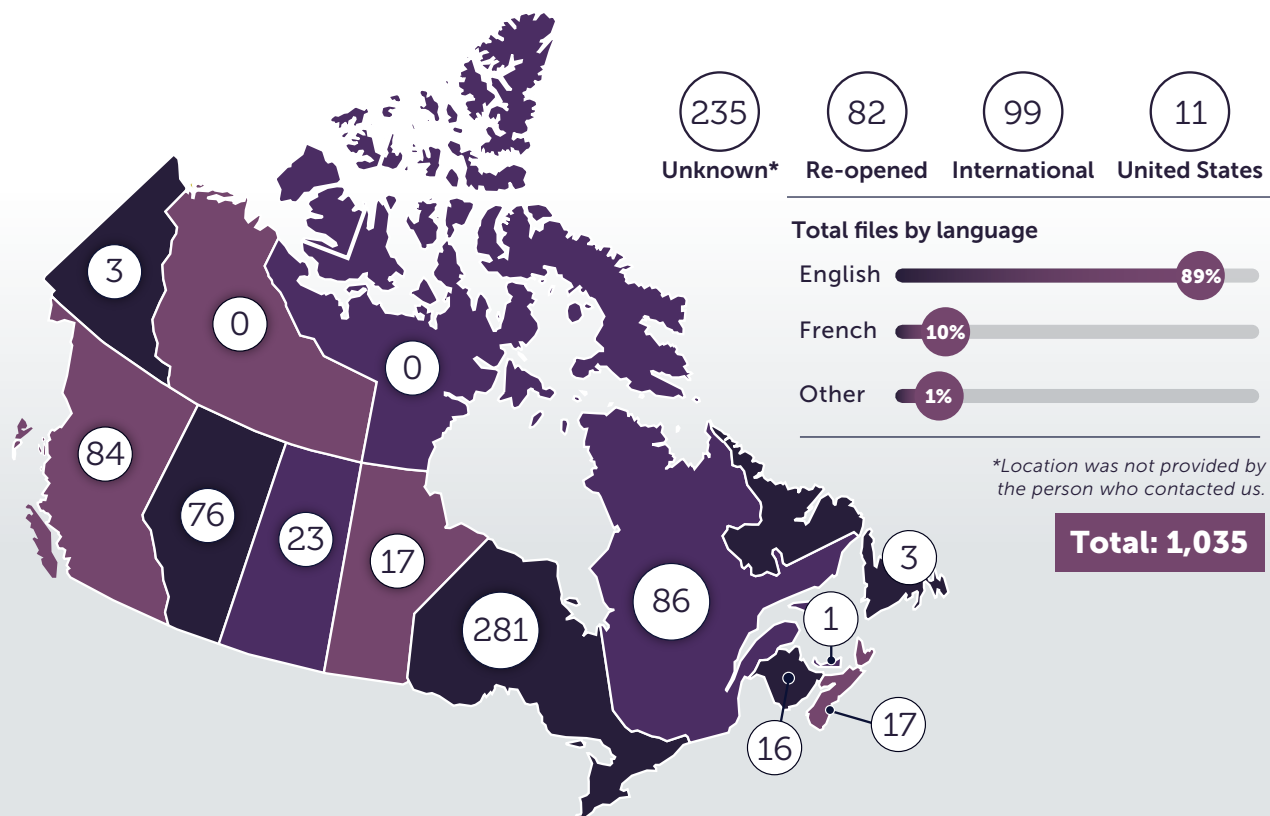
Who we serve

The OFOVC serves victims of crime in Canada. Specifically, we provide support, information, and advocacy for people who have been affected by crime as well as their family members and representatives. The Office helps victims navigate the criminal justice system, ensures their rights are respected, and raises their concerns with federal government departments and agencies.

Who contacted us



The OFOVC also works to influence policy and systemic changes to **improve the treatment and support of victims** across Canada, collaborating with many stakeholders at the federal, provincial, territorial and municipal level, as well as non-for-profit organizations.



Rising demand

Over the past five years, the OFOVC has witnessed a significant and sustained increase in the number of files opened, reflecting the growing demand for our services by victims across Canada. The **1,035 files opened in 2023-24 are more than a 60% increase from the previous year.**

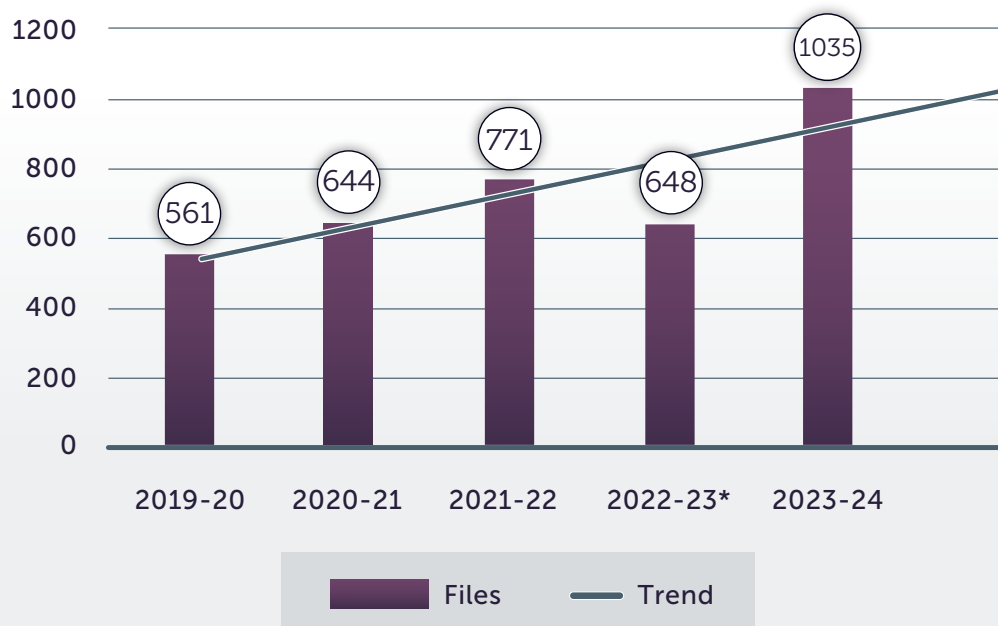
- » This consistent growth underscores the expanding needs of victims and the critical role the OFOVC plays in addressing their concerns.
- » While the 2022-23 fiscal year saw a slight dip to 648 files due to the year-long absence of an Ombud and staffing

shortages, the sharp rebound in 2023-24 demonstrates the need for an official representative for Canadian victims and survivors.

- » The consistent rise in demand underscores the urgency of enhancing the Office's resource. Victims are increasingly turning to the OFOVC for support, and it is clear that as the caseload expands, so too must its capacity to serve.
- » By investing in resources and addressing staffing challenges, we can ensure that every victim who seeks our help is heard, supported, and empowered.

Record number of files opened

5-year steady* increase



*A nearly one-year vacancy in the Ombud position during 2021-22 and 2022-23 temporarily reduced services provided to victims, negatively affecting service delivery for survivors across Canada.

Our improvement journey

Aligning our resources to meet the needs

Replacing our outdated Case Management System

Our current system is no longer functional or compatible with other IT systems and requires manual intervention for basic reports.

We embarked on a comprehensive modernization initiative to enhance our operational efficiency and better serve our mandate. This upgrade is set to transform our main operational tool, enabling us to manage cases more effectively and improve reporting.

For the OFOVC, a **modern and efficient case management system is vital to overcoming operational challenges**. Such a system would enable the collection and analysis of detailed data, ensuring that our advice to policy and decision-making is guided by evidence. Despite working for four years to purchase a new case management system, the OFOVC was unable to secure adequate funding to replace the outdated case management system currently in use.

We are the **only Federal Ombud office that cannot afford the critical tools to do our work**.

Our team

We also addressed critical skill gaps building capacity in areas such as in investigations, complaints, communications and legal services to better meet the growing demands of survivors and victims of crime.

We introduced a Training and Development Framework to support continuous growth, a Wellness Strategy for employee well-being and a team charter to help navigate the hybrid work model.

These initiatives are designed to cultivate a safe and supportive work environment. By investing in growth and well-being, we are laying the groundwork for sustained excellence and innovation in our service to Canadians.

“I’m blessed to be working with such a group of dedicated and professional individuals. I can’t thank them enough for their work!”

**– Benjamin Roebuck
Federal Ombudsperson
for Victims of Crime**

Training on trauma-informed approach and cultural humility

Our team at the OFOVC is committed to continuous improvement and has been dedicated to fostering a trauma-informed culture. This commitment builds upon the trauma-informed care training completed the previous year and provided to the entire team by the Crisis and Trauma Resource Institute.

We are working to integrate these principles in our daily interactions with victims and survivors. We are applying lessons learned during training on trauma-informed practice and cultural humility provided by (the brilliant) Myrna McCallum, host of the Trauma-informed Lawyer podcast. We are always learning how we can do better to be sensitive and responsive to the diverse needs of the communities we serve.



Our priorities

The 2024-2025 Strategic Plan is our roadmap to success, setting our direction for the next years. It focuses on four key priorities that will make the OFOVC more effective at serving victims and survivors of crime and stakeholders while also supporting employees.

Our priorities are to:

1. Improve victims' rights
2. Foster greater multilateral collaboration supporting victims' needs
3. Create an inclusive and diverse employee-centric work culture
4. Embrace new ways of working

What governs and impacts our work

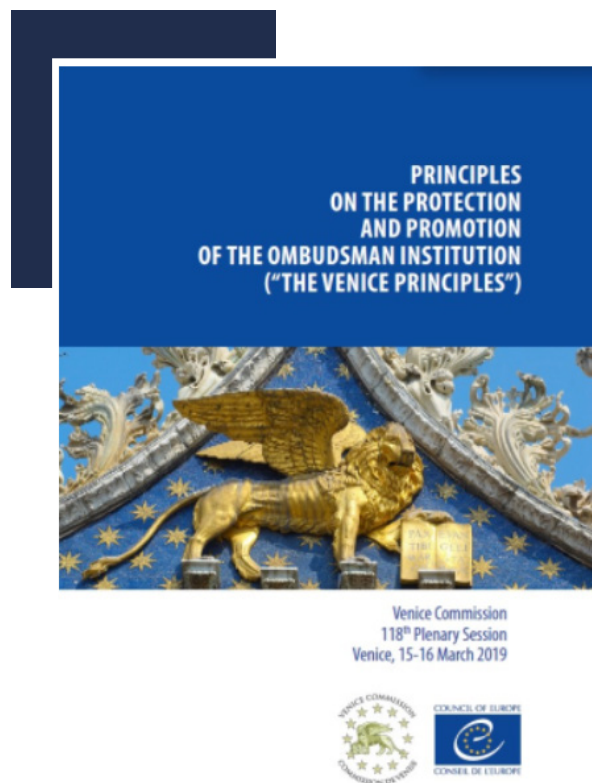
The work of an ombud is governed by a combination of legal frameworks, mandates, and ethical principles that ensure their independence, impartiality, and effectiveness. Most ombuds offices operate under enabling legislation that defines their scope of authority, responsibilities, and powers. These laws establish the areas they oversee, whether it is public administration, rights, or victim advocacy, and provide a framework for addressing complaints, conducting investigations, and making recommendations.

Ombuds offices also adhere to principles such as confidentiality, fairness, and transparency, guided by professional standards and codes of conduct from organizations like the International Ombudsman Association.

In addition to statutory oversight, ombuds maintain accountability through mechanisms such as annual reports to legislative bodies and engagement with stakeholders. Their work is further shaped by internal policies and public expectations, balancing their legal mandates with the needs and trust of the communities they serve. This holistic governance framework ensures their work is both impactful and trustworthy.

Why this matters

The OFOVC does not have an enabling statute. The Ombud is appointed as a special advisor to the Minister of Justice and heads an office which has a mandate to promote victims rights generally and review complaints about the respect of victim rights by federal departments specifically. The Office is bound by the obligations common to all federal departments in regard to professional standards, management of public resources and values and ethics.



Venice Principles

The Venice Principles on the Protection and Promotion of the Ombudsman Institution⁶, adopted by the Venice Commission in 2019, provide comprehensive guidelines to ensure the independence, effectiveness, and proper functioning of Ombudsman institutions. Three key principles are **particularly relevant to the independence and functioning of the OFOVC**:

- » Principle 10 – the term of office of the ombudsman
- » Principle 21 – sufficient and independent budgetary resources
- » Principle 22 – sufficient staff and appropriate structural flexibility

6. Venice Commission, Principles on the Protection and Promotion of the Ombudsman Institution, March 2019

Principle 10 stipulates that the term of office of the ombudsman should be **longer than the mandate of the appointing body and long enough to ensure the independence of the institution**. The current term of office for the Federal Ombudsperson for Victims of Crime is for three years, ending in October 2025. The 45th Canadian federal election must take place on or before October 20, 2025. The principle further says that a longer term of office for an Ombudsman is essential to ensure that the institution can operate without undue influence or pressure from the political cycle. A term that is too short can undermine the stability and independence of the office, making it susceptible to political interference and diminishing its ability to carry out long-term plans and objectives.

- » **The Federal Ombud for Victims of Crime is the only federal ombudsperson in Canada with a three-year term.**

Principle 21 clearly states that “**sufficient and independent budgetary resources** shall be secured to the Ombudsman Institution.” The OFOVC currently relies on funding from the Department of Justice. This funding has minimally changed since the Office was created in 2007. This dependency for financial resources can undermine the perceived and actual independence of the Office. It risks creating a conflict of interest, especially when the Ombudsperson needs to investigate matters related to the Justice Department itself.

- » **Sufficient resourcing is essential to ensure that the Ombudsperson can operate independently and effectively.**

Lastly, **Principle 22** adds that the “Ombudsman **shall have sufficient staff and appropriate structural flexibility**” to enable the effective discharge of their functions.

- » **The current budget of the OFOVC does not allow for an ongoing complement of qualified administrative, communications, investigation, legal and policy staff like other federal ombud offices in Canada.**

Why this matters

In short, the current lack of statutory authority of the Federal Ombudsperson for Victims of Crime and the three-year term appointment, as well as the structure of the OFOVC with its dependency on the Justice Department for funding are conflicting with adherence to the Venice Principles’ guidelines on independence.

United Nations Resolution 77/224

Similar principles were adopted by the United Nations in a Resolution⁷ that strongly encourages Member States to consider the creation or the strengthening of independent and autonomous Ombudsman and mediator institutions at the national level and to ensure that adequate funding is provided to their respective Ombudsman and mediator institutions to enable them to discharge their mandates in an independent and efficient manner.

Addressing these critical issues would strengthen the OFOVC’s ability to operate independently and effectively, in line with international best practices.

7. United Nations, General Assembly Resolution The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law, December 15, 2022

Seeking parity for victim, accused and offender complaint resolution

Background and Concerns

The appointed Federal Ombudsperson for Victims of Crime plays a vital role in ensuring the rights and needs of victims are recognized and prioritized within Canada's justice system. The OFOVC funding allocation for fiscal year 2023-2024, and the current term of the Ombud for Victims of Crime, depicted in the table below, highlight startling disparities:

- » Most other federal ombud offices operate at higher GCQ classification levels than the Victim Ombud

- » All are appointed for a 5-year term rather than the 3-year term of the Victim Ombud
- » Their budgets—ranging from \$4.1 to \$7.9 million annually—are two to five times the budget of the OFOVC

This disparity is particularly concerning. Victims and their families need support, often on multiple occasions over the course of an incarcerated offender's sentence, yet the government spends roughly 20 cents on victim complaints for every dollar spent on offender complaints.

Ombud Office	Level*	Term	Annual Budget
Correctional Investigator	GCQ-5	5 years	\$7.5 million
Canadian Armed Forces	GCQ-6	5 years	\$7.9 million
Responsible Enterprise	GCQ-6	5 years	\$4.3 million
Procurement	GCQ-6	5 years	\$4.1 million
Veterans	GCQ-5	5 years	\$4.8 million
Taxpayers	GCQ-4	5 years	\$4.6 million
Victims of Crime	GCQ-4	3 years	\$1.5 million

* Governor in Council appointees position classified as "GCQ" require independence from government in their decision-making.

A **three-year term is insufficient to achieve systemic changes**. This truncated timeframe limits the Office's ability to implement long-term initiatives to fully deliver on its mandate and advocate for meaningful reforms.

Dr. Ivan Zinger, the Correctional Investigator of Canada, told the House of Commons Standing Committee on Public Safety and Security that a lot of victims' rights are not really rights at all because victims have no recourse when their rights are violated. **He also told the committee that he wants to see "... all federal parties endorse a bigger budget, more investigative powers and more independence for Roebuck's office."**

"There's an imbalance between upholding rights of prisoners and accused versus victims' rights."

– Correctional Investigator Ivan Zinger to CBC News⁸

How we worked to create change

Dr. Roebuck has worked closely with Justice Canada to develop a business case to ensure the OFOVC's resource needs are well understood and costed responsibly.

The bottom line

Amending the CVBR and future Orders-in-Council for the Federal Ombud for Victims of Crime, as well as providing resources to the OFOVC that are comparable to those provided to the Office of the Correctional Investigator are important steps to upholding victim rights.

RECOMMENDATION TO GOVERNMENT

Conduct an immediate review of the mandate, authorities, classification, term limits and resources of the Federal Ombud for Victims of Crime

- » Update the *Order in Council* for the Office of the Federal Ombudsperson for Victims of Crime to make the following changes:
 - Shorten "Ombudsperson" to the newer bilingual term "Ombud"
 - Update the mandate to include the *Canadian Victims Bill of Rights* (CVBR)
 - Clarify that the Ombud has authorities to request information required to assess victim complaints

8. [Friends of one of Bernardo's victims call on Ottawa to do more to uphold victims' rights | CBC News](#)

- Align classification across federal Ombud offices to reduce disparities in compensation for similar work, mindful of relativity of peer positions across government, increased complexity with responsibility for quasi-constitutional CVBR complaints, and updated evaluation of effort, skill, responsibility, and working conditions in a workplace with significant trauma exposure.
- Align the 3-year term of future appointments with the 5-year term of other federal ombuds
- » Introduce legislation to set out the authorities of the Office, name the OFOVC in the *Canadian Victims Bill of Rights* (CVBR), and provide legal protection to survivors.
- » Align the budget of the OFOVC with other federal Ombuds, so complaints from victims of crime across Canada are handled equitably.

"A national, independent advocate for victims and survivors of crime is crucial. The Office of the Federal Ombudsperson for Victims of Crime has consistently raised important policy concerns about our criminal justice system at a time when so much more needs to be done."

**– Prof. Benjamin Perrin,
University of British Columbia,
Peter A. Allard School of Law**

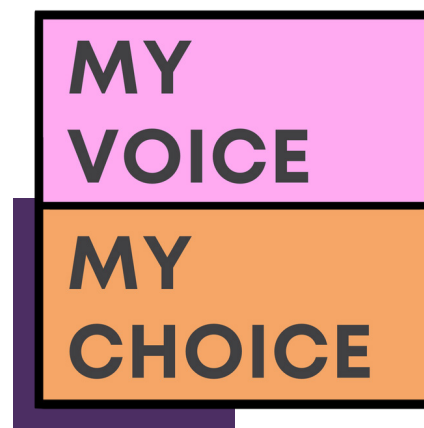
Our Gratitude

Our Office works in solidarity with people across Canada and around the world who believe that victims and survivors of crime are worthy of dignity and respect, that their voices matter, and that they are the most important party if we want to achieve justice and reconciliation. We want to acknowledge a few of our heroes who have dedicated their lives to achieving meaningful changes for victims and survivors.

To the courageous members of *My Voice, My Choice*

A grassroots organization led by Canadian victim complainants, *My Voice, My Choice* played a critical role in the passing of Bill S-12 that amended section 486.4 of the *Criminal Code*. This Bill addressed the problem that publication bans were often imposed without the victims' knowledge or consent, preventing them from sharing their stories and leading to unintended negative repercussions.

Formed to advocate for changes in how publication bans are applied to victims of sexual offences, Morrell Andrews, Kelly Favro and Samantha Geiger worked tirelessly over a year to meet with ministers, members of Parliament, and Senators, sending hundreds of emails and speaking at the Standing Committee on Justice and Human Rights. Their advocacy efforts were aimed at giving victim more control over the imposition of publication bans and to ensure that complainants were adequately informed about their rights.



The changes introduced by Bill S-12 now require courts to inform victims of their right to apply to revoke or vary a publication ban and ensure that victims are advised of the Crown's intent to seek a publication ban.

Ultimately, *My Voice, My Choice* succeeded in creating an inclusive movement of survivors who helped to establish a more victim-centred approach throughout the criminal justice system. Although there is more work to be done to fully support victim rights and informed consent, we think they are heroes!

To Senator Pierre-Hugues Boisvenu, devoted to victims and survivors

A tremendous thank you to the recently retired Senator Honourable Pierre-Hugues Boisvenu for devoting his life to being the “Voice of Victims of crime” and championing the *Canadian Victims Bill of Rights* (CVBR). Prior to his retirement, Senator Boisvenu put forward Bill S-265 – the Federal Ombudsperson for Victims of Crime Act, aimed at amending the *Criminal Code* and other Acts to strengthen the rights and protections for victims of crime, particularly focusing on parole and the consideration of victim impact statements.

Key elements of Bill S-265 included:

- » Enhancing Victim Rights: The Bill gives victims more say in parole hearings and ensures their concerns and impact statements are given significant weight in the decision-making process.
- » Parole Reforms: It amends the parole process to make it more transparent and victim-friendly, ensuring that the needs and rights of victims are prioritized.

“It’s been an honour and a privilege to be able to represent victims in Parliament and raise their issues directly.”

– Senator Pierre-Hugues Boisvenu



- » Support Services: The Bill seeks to improve support services available to victims of crime, ensuring they receive the necessary assistance throughout the criminal justice process.
- » Statutory Authority for Ombudsperson: The Bill sought to create a legislated framework for the Office of the Federal Ombudsperson and give new powers to the Ombudsperson to advocate for victims of crime.

Despite its intentions to bolster victim rights, the Bill did not progress through the legislative process to become law. Our whole team is profoundly grateful to Senator Boisvenu for his championing of victim rights. Many people across Canada are better informed, safer, and feel heard because of his work.

Louis March – a lifelong fight against gun violence

"We were terribly saddened to hear about the passing of Louis March last summer. He was a true leader to all who shared in the fight against gun violence, tirelessly advocating for safer communities. His desire to **unite people around the goal of achieving zero gun violence** was evident during the gathering of our advisory circle and his passion was contagious. The unwavering dedication he showed continues to inspire and will remain a guiding principle as we carry forward and honour his legacy."

– Benjamin Roebuck,
Federal Ombudsperson for Victims of Crime



Annex A:

Recommendations made in 2023-2024

Letter to Sen Kutcher Bill S-251 to repeal Section 43 of the *Criminal Code*

1. We need to honour our commitment to Indigenous Peoples by fulfilling Call to Action #6 from the Truth and Reconciliation Commission.
2. We need to honour our commitment to achieving the Sustainable Development Goals, including Goal 16.2 to end abuse and other violence against children and Goal 5.2 to violence against women and girls by 2030.

Bill S-12 Recommendations to JUST:

3. **Informed consent.** Publication bans can have significant consequences for survivors. The advantages and disadvantages should be more clearly presented with supporting written resources that provide information in plain, easy-to-understand language. Trauma can make it difficult to process and recall information, so having something to review can help in decision-making. A resource on publication bans explaining the law, safety considerations, and how to have a ban varied or revoked should be provided early on to victims and survivors who have often been thrust into an unfamiliar criminal justice system.

We propose the following addition under Duty to Inform in subsections 486.4(3.2) and 486.5(8), requiring the prosecutor to inform the judge or justice that they have:

(d) provided a resource on publication bans to explain the law, safety considerations, and how to have a ban varied or revoked.

4. **Victim-centred information.** The addition of a process to provide victims of crime with information after sentencing is one of the essential contributions of S-12 and was my top priority coming into this role. S-12 adds the following language to victim impact statements:

"I would like to receive information respecting the sentence imposed on the offender and its administration."

This is helpful but does not adequately explain that a person who does not consent or register with the Correctional Service of Canada or Parole Board of Canada may not receive information on victim services, restorative justice, prison transfers, how to participate in parole hearings, share safety concerns, or be advised when the person who harmed them is released.

We propose that the Crown prosecutor be required to provide a resource under Section 726.3 as part of establishing if reasonable steps were taken to determine whether the victim wishes to receive information. It may also be possible to hyperlink the option added to the Form 34.2 Victim Impact Statement.

Follow-on submission to JUST

5. Add list of criteria that should not be considered when applying sex offender registry, as recommended by legal experts who appeared before the committee.
6. Where publication bans affect multiple people, a victim should be able to have their ban removed without a hearing while respecting bans that remain in place for other parties.
7. Victims should have a right to be provided with information, and information should be readily available.
8. Victims should have a right to remove a publication ban through a simple process that respects their privacy interests.
9. The *Canadian Victims Bill of Rights* (CVBR) is quasi-constitutional and should receive consideration in Charter Statements on criminal justice legislation so that Parliament, its committees, and the public are better prepared for debate.

C-48 (Bail Reform)

10. Require courts to consider coercive and controlling behaviours and patterns of criminal harassment when considering the release of an accused on bail. It could be added as a reverse onus or identified in the legislation as requiring special consideration. The *Canadian Victims Bill of Rights* is quasi-constitutional legislation requiring courts to consider the safety and security needs of victims.
11. Amend the preamble of Bill C-48 to include the following:
 - a. Whereas a pattern of intimate partner violence such as coercive and controlling behaviours and criminal harassment have been linked to increased risk for lethal violence, and victims have the right to protection
 - b. Whereas a judge or justice of the peace can use their discretion to choose alternative bail conditions to ensure the safety of victims while mitigating the over-representation of Indigenous and Black individuals held in custody
12. Beyond Bill C-48, the government must invest in community-based alternatives such as “safe at home” models, second-stage housing, and rental subsidies to ensure the safety and well-being of survivors within the bail system. Consultations with stakeholders such as domestic violence advocacy groups are needed.

Brief for the Sub-Committee on the Open Court Principle:

13. The OFOVC recommends that victims be given a choice in terms of their preferred method of participation. Not all victims and witnesses have the same needs.
14. Victims and survivors should be notified well in advance of the format for the hearing and advised in a timely manner of any changes to it.
15. Victims and survivors should be provided with information on participation in both formats so they can know what to expect if there is a change of format.
16. More effort should be made to mitigate the impact of technical difficulties to minimize secondary harm to victims.
17. The process to order court transcripts needs to be simplified and they should be provided to victims who participate in virtual hearings free of charge upon request.
18. The OFOVC recommends the development of national standards for virtual participation in the criminal justice system. It should include clear guidance on the implementation of victims' rights, and instructions for how victims will be provided with information, protection, and support.
19. The Office also recommends that legal personnel, judges, and court staff receive victim-centred and trauma-informed training. This should include the neuroscience of trauma to understand how victims of crime may react in certain situations, and how to support them so they can provide their best evidence.
20. A process for feedback and complaints should be implemented to learn more about victims' experiences with virtual hearings.
 - a. After virtual proceedings, a message could pop up on the screen to request feedback, or part of the coordinators' role could include sending a survey out to gather information about victims' experiences and suggestions for improvement.
21. The OFOVC recommends that Justice officials consistently enforce publication bans; they should inform members of the public participating in virtual proceedings of any applicable publication bans and of the consequences of breaching them before entering the virtual proceedings. They should also notify victims subject to a publication ban of the process to have one removed.
22. To ensure consistency, improved training of justice officials (on implementing and monitoring virtual access) is also recommended.
23. The Office supports the recommendation of the Office of the Commissioner for Federal Judicial Affairs Canada to screen cases on an individual basis and recommends that protocols be put in place to prevent re-victimization.

Bill S-12 recommendations to LCJC

24. **Provide resources to support informed consent:** Decisions about publication bans or receiving information after sentencing have consequences for survivors. The pros and cons should be clearly presented with supporting print or digital resources that provide further information. Trauma can make it difficult to process information, so having something to review can improve decision-making. We would like to see language about resources added to the Bill.
25. **Simplify the process to remove publication bans:** Develop an administrative process to remove a ban without a hearing in court. Simple cases could involve an application to the crown for judicial signature, or a meeting with a Justice of the Peace. An offender should not have standing on the victim's identity.
26. **Clarify "information on the sentence and its administration":** This language is too vague and offender-centred. Victims need clear language to understand how this relates to them. I would like to see examples added in form 34.2 (Victim Impact Statement) to ensure victims understand this includes information about victim services, how to participate in parole hearings, release dates, and how to share safety concerns. These examples should also be explained by the prosecutor as part of the threshold to inform a judge that the victims were offered a choice.

Recommended amendments to the CCRA to SECU (Prison Transfer):

27. First, a **trauma and violence-informed approach** needs to guide communication, allowing victims to share safety concerns without providing traumatic details repeatedly in victim statements.
28. Next, the principles of the CCRA should be amended to explicitly include victim rights to **timely and relevant information, protection and participation**.
29. **CSC should adopt a proactive approach to informing victims on pending transfers**, including information on how decisions are made, and how to share safety concerns or request geographic restrictions.
30. **CSC needs a clear, non-discretionary process to disclose information** about transfers before they occur, unless specific safety or security reasons are provided in writing in advance.
31. **Ensure the geographic location of registered victims is considered in all transfer decisions.** An offender should never be transferred to an institution close to victims before they have been notified.
32. **Finally, victims need clear information that explains how they can register to be informed about an offender and their sentence, and how to provide input for consideration before decisions are made.** It should also be clearly emphasized that unregistered victims will not receive information.

Submission to the Standing Committee on Public Safety and National Security on the Rights of Victims of Crime, Reclassification and Transfer of Federal Offenders

33. **Always consider victim geography:** Require CSC staff to always consider whether victims reside or work near the institution to which a transfer is being considered, with a preference for transferring the offender to another institution when feasible.
34. **Consider additional relationship contexts:** Providing advance notice of pending transfer decisions allows registered victims who have maintained a relationship with the offender to request an institution nearby. This can improve communication and connection, potentially helping with re-entry and reducing recidivism.
35. **Provide discretionary information to registered victims automatically:** Provide victims with all information currently listed as discretionary under Section 26 of the CCRA unless there is a relevant safety or security reason not to. In cases where it is not possible, an explanation of the decision should be provided in writing.
36. **Advance notification of pending transfers:** When an offender applies or will be assessed for an institutional transfer, CSC should provide an update about a pending transfer decision to victims who have registered to receive information. This could be considered an update on the correctional plan and does not require sharing the specific date. Materials about institutional transfers should include:
 - a. An explanation of how transfer decisions are made, including assessment tools
 - b. How to submit a victim statement
 - c. How to share safety concerns or request geographic restrictions
 - d. Victim rights to information, protection, and participation
 - e. How to submit a complaint to CSC if desired
 - f. Information about Office of the Federal Ombudsperson for Victims of Crime, including clear contact information
37. **Embed information for victims:** CSC websites and brochures on institutional transfers should include victim-related information and ensure that the victim registration process is clearly explained. All information about registration should clearly indicate that victims will not receive any information about the offender or the administration of the sentence if they do not register.
38. **Provide a written explanation when advance notification is not possible:** In rare circumstances where there are tangible concerns that make advance notification unsafe, an explanation should be provided to victims in writing as soon as possible.

39. **Amend the CCRA to include victim rights:** Amend Section 4 of the *Corrections and Conditional Release Act* (CCRA) to require that the spirit of the *Canadian Victims Bill of Rights* (CVBR) be included in the principles that guide the service.
40. **Use a trauma and violence-informed approach:** Always communicate with victims kindly, being mindful of sensitive dates, including holidays.
41. **Simplify how to share safety concerns or request geographic restrictions:** Introduce a simple process to share safety concerns and request geographic restrictions without being required to submit an additional victim statement. Be clear on what information is shared with the offender when a victim makes these requests.

Bill C-332 (controlling or coercive conduct):

42. Justice Canada developed the HELP toolkit² for lawyers after the *Divorce Act* was amended to include coercive control. It could be updated to reflect changes to the *Criminal Code*.
43. Use the definition of intimate partner under section 2 of the *Criminal Code*.
44. Remove the two-year limit after separation.
45. Strengthen victim rights to improve gender equality.

Worthy of Information and Respect – JUST Report Response

46. Provide information to victims automatically:
 - » Someone within the system needs to take responsibility at the outset to clearly explain to victims their rights and what to expect from the process.
 - » For victims with a federally sentenced offender, someone within the system needs to provide information about how to register to receive information including how to use the Victims Portal and submit victim statements. The implications of not registering need to be clear. Victims who do not register will not be informed about prison transfers, parole hearings, how to express safety concerns, or release plans for the offender.
47. Make better use of Victim Statements and Community Impact Statements:
 - » Reduce confusion by better differentiating Victim Impact Statements and Victim Statements for Corrections and Parole.
 - » The Correctional Service of Canada (CSC) and Parole Board of Canada (PBC) should have a clear and simple way to submit safety concerns and request no-contact orders or geographic restrictions without needing to describe the impact of the crime.

- » Where a representative of a defined community has presented a Community Impact Statement at sentencing, consider creating a Community Impact Statement for Corrections and Parole to allow a community representative to express safety concerns, request geographic restrictions, or describe long-term harm for consideration by the PBC. This may better convey collective harm, like the impact of hate crime or mass incidents of violence.

48. Legislate a better balance between the rights of accused individuals, offenders, and victims:

- » People accused of crime and offenders have Charter protected rights to information and legal counsel. Victims should have similarly protected rights entrenched in the CVBR.
- » There should be a principle embedded in the Corrections and Conditional Release Act (CCRA) stipulating that the legal system cannot be used by an offender in custody to cause further harm to victims.
- » Section 26(1) of the CCRA should be amended to change the onus from requiring the victim to request information, to requiring the applicable government department or agency to provide information to the victim, unless the victim chooses to opt out. If information is not provided, the Agency should be required to provide reasoning.
- » Section 26(1)(b) of the CCRA should be amended to oblige the Agency to provide information rather than state that the Agency “may” provide information unless the victim chooses to opt out. If the information cannot be provided, the Agency should be required to provide reasoning.
- » Any time decisions are made that could negatively affect victims, reasons should be provided.

49. Allow greater flexibility for the voices of victims to be heard:

- » The guidelines for Victim Impact Statements at sentencing and Victim Statements used by the CSC and PBC should be more flexible to ensure that freedom of speech and freedom of expression of victims of crime are not unnecessarily limited.

50. Develop national standards:

- » Standards and best practices should be consistent across all jurisdictions and include principles rooted in trauma-informed practice with an understanding of collective trauma and cultural humility. This recommendation complements Recommendation 3 from the JUST Committee report.
- » Agencies should use best practice standards when interacting with victims rather than a minimum effort standard.

51. Include restitution enforcement in national standards:

- » In the collaborative development of national standards, clear measures to enforce restitution should be developed and communicated to victims of crime.

52. Establish a task force to collect victim data:

- » There should be collaboration among federal, provincial, and territorial governments, victims of crime and organizations supporting them, academics and community leaders to identify specific indicators to measure access to victim rights and services. Measures could be embedded in existing surveys or collected using new instruments.

53. Coordinate support across jurisdictions:

- » Victims in Canada should be able to access victim services in their home province or territory if they experience victimization while travelling.
- » Many forms used to report a crime or provide a statement to the police include a checkbox to provide consent to be contacted by victim services. Based on a memorandum of understanding (MOU) across provincial, territorial, and federal jurisdictions, this initial consent could cover victim services throughout the country.

54. Invest in victim services:

- » We need to provide sustainable federal funding for evidence-based services and invest in evaluations to improve service delivery, legislative reforms and ensure programs are meeting victims' needs.

55. Inform victims about publication bans and simplify the process for their removal:

- » Victims should be told as soon as possible if a publication ban is in place and what it means for them.
- » The process for a victim to remove a publication ban should be simplified and not cost anything. Adoption of former Bill S-12 (An Act to Amend the *Criminal Code*, the *Sex Offender Information Registration Act* and the *International Transfer of Offenders Act*) would respond to this recommendation.

56. Require consent from Indigenous victims for Culturally Responsive Hearings requested by non-Indigenous offenders.

- » Before accessing Culturally Responsive Hearings, non-Indigenous offenders should be required to request consent from the person they harmed if the latter is Indigenous.

57. Ensure consistent funding for restorative justice:

- » Governments should dedicate sustainable funding for restorative justice programs across all jurisdictions. Providing more chances to participate in restorative justice would not only empower victims of crime, but also support the Government's commitment to calls 30 and 38 of the *Truth and Reconciliation Commission's Calls to Action* related to addressing the over-representation of Indigenous adults and youth in custody.

58. Limit the number of allowable cancellations of parole hearings:

- » While there are many reasons a cancellation may be necessary, there should be a policy to review and limit multiple voluntary cancellations and delays. Many victims go through lengthy preparations prior to a parole hearing and have reported feeling re-traumatized and undermined by repeated and last-minute cancellations.

59. Invest in the Office of the Federal Ombudsperson for Victims of Crime (OFOVC) for greater effectiveness and strengthen its mandate:

- » The budget of the OFOVC is meagre, especially in contrast with comparable offices. There is a need to strengthen its expertise as well as extend the future ombudsperson's mandate from three years to five years, like other federal ombudsperson offices. A five-year mandate would offer a more trauma-informed approach for victims and provide better return on investment.
- » Since victims have few legal recourses within the criminal justice system, the Government should simplify the complaints process. The OFOVC should be identified as the central agency responsible for receiving and reviewing victim complaints without the victim being obliged to exhaust the internal complaints mechanisms of the agencies involved.

Annex B:

Operations and financials

Summary of actual expenditures from April 1, 2023, to March 31, 2024.

Type of expenditure	Amounts	
Salaries and Wages	1,607,967	
Information/Communications	17,722	
Training and Professional Dues	27,687	
- Professional and Special Services	25,514	
- Legal Services: 17,052		17,052
- Translation Services: 6,284		6,284
- Other Services: 2,178		2,178
Rentals	-	
Repair and Maintenance	162	
Utilities, Materials and Supplies	19,133	
Acquisition of Machinery & Equipment	6,142	
Travel & Relocation	40,180	
Other	13,030	
Total Expended by Ombudsman's Office	1,757,537	

*Public Service and Procurement Canada covered the cost of occupying and maintaining the OFOVC's premises.

**The Department of Justice Canada covered certain corporate costs for the OFOVC which are not included in the expenditures reported above.