



Government of Canada

Gouvernement du Canada

Office of the Federal Ombudsman
for Victims of Crime

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

Heard. Respected. **Victims First.**
Écoutées. Respectées. **Les victimes d'abord.**



2014-2015 ANNUAL REPORT

Office of the Federal Ombudsman
for Victims of Crime





THE OFFICE OF THE OMBUDSMAN FOR VICTIMS OF CRIME

WHO WE ARE AND WHAT WE DO

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) is an arm's-length federal government office that works to help victims of crime and their families.

The OFOVC responds directly to phone calls, e-mails and letters from victims of crime, and works to ensure the federal government meets its responsibilities to victims. The OFOVC:

- informs victims about the federal programs and services that exist to help them;
- addresses complaints made by victims about federal government departments, agencies, employees, laws or policies;
- refers victims to programs and services in their city or province that may be able to assist them;
- identifies issues that have a negative impact on victims, and makes recommendations to the federal government on how it can enhance its policies and laws to meet their needs;
- educates federal law makers and policy makers about the needs and concerns of victims; and
- promotes the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with decision makers and policy makers.

The experiences that victims of crime and other Canadians share with the OFOVC help the Office to better understand the issues facing victims in Canada.

If you are a victim of crime, or are providing assistance to one, and have questions or a complaint about a federal law, policy, program or service, please contact us.

OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

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Heard. Respected. Victims First.

MESSAGE FROM THE OMBUDSMAN

It is my privilege to present the 2014–2015 annual report of the Office of the Federal Ombudsman for Victims of Crime (OFOVC).

Over the past year, the OFOVC continued to fulfill its mandate by focusing on three core activities: responding to questions and complaints from victims and their families; reaching out to and engaging victims, stakeholders and the general public; and identifying and championing effective policy and legislative improvements.

The OFOVC responded to hundreds of inquiries and complaints from Canadians, helping to resolve their concerns and bringing those concerns to the attention of responsible agencies. In this way, the OFOVC informed policies and practices, with the intent of preventing similar complaints in the future. To raise awareness of the relevant issues, this Office also completed many engagement, outreach and educational activities.

The Government of Canada took an important step forward for victims of crime on April 3, 2014, when it introduced Bill C-32,



the *Canadian Victims Bill of Rights Act* (CVBR), in Parliament. As I write this message, the CVBR is expected to soon become law.

Bill C-32 marks a historic and important shift for victims of crime in Canada. The CVBR was a major focus for this Office during the past year, as we strove to ensure that the legislation reflected the interests and needs of victims.

The CVBR reflects the contributions of the many victims of crime and victim-serving agencies who have tirelessly advocated for change over many years. This Office has worked to share victims' voices and shape this legislation by making recommendations to the federal government based on our experiences and the stories shared with us. I also amplified these voices in Parliament by appearing as a witness on the Bill before both House and Senate Committees. I commend the Government of Canada for developing this important landmark in Canadian law.

While it is gratifying that some of this Office's recommendations are reflected in the CVBR, I am conscious that this Bill represents a first step and needs to evolve further. The version of the Bill currently before Parliament needs to be strengthened to fully meet the needs of victims. The OFOVC will continue to push for change.

Over the years, there have been important achievements in legislation, policies and practices to inform, consider, support and protect victims. I am encouraged by a growing recognition and respect for the needs of victims amongst agencies in the criminal justice system. This is a credit to the tireless work of victims and victim-serving agencies. I take this opportunity to commend your courage and your persistence, and recognize your efforts. Thank you for your contributions.

Together with my dedicated team, I am looking forward to continuing our efforts to achieve meaningful and positive change to better address the needs of victims of crime in Canada.



Sue O'Sullivan
Federal Ombudsman for Victims of Crime



A VOICE FOR VICTIMS

MANDATE

The Office of the Federal Ombudsman for Victims of Crime (OFOVC) was created in 2007 to help victims of crime and their families by providing direct assistance, addressing complaints and ensuring that the federal government meets its responsibilities to victims of crime.

The mandate of the OFOVC relates exclusively to matters of federal responsibility and enables us to:

- promote access by victims to existing federal programs and services for victims;
- address complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crimes committed by offenders under federal jurisdiction;
- promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including promoting 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;

- 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 affect victims of crime; and
- facilitate access by victims to existing federal programs and services by providing them with information and referrals.

“Thank you again for respect and consideration for my issues and continued success with regard to a voice for those without the financial, emotional, professional, personal, understanding or ability to speak for themselves.”

– An OFOVC client



WORKING DIRECTLY WITH VICTIMS

CASE-MANAGEMENT PROCESS

The OFOVC helps victims in two ways:

- Individually, by helping victims directly every day, answering their questions and addressing their complaints. Victims can contact the Office through its toll-free victim-assistance line to speak with a bilingual Complaint Review Officer, or by TTY, e-mail, fax or regular mail.
- Collectively, by reviewing important issues and making recommendations to the federal government on how to change its laws or policies to better support and assist victims of crime. This type of national, widespread change ultimately helps all victims of crime in Canada.

The OFOVC handles victim inquiries and complaints on a case-by-case basis. If a victim's concern falls outside the Office's mandate, the Complaint Review Officer will refer them to the agency or organization best suited to assist them.

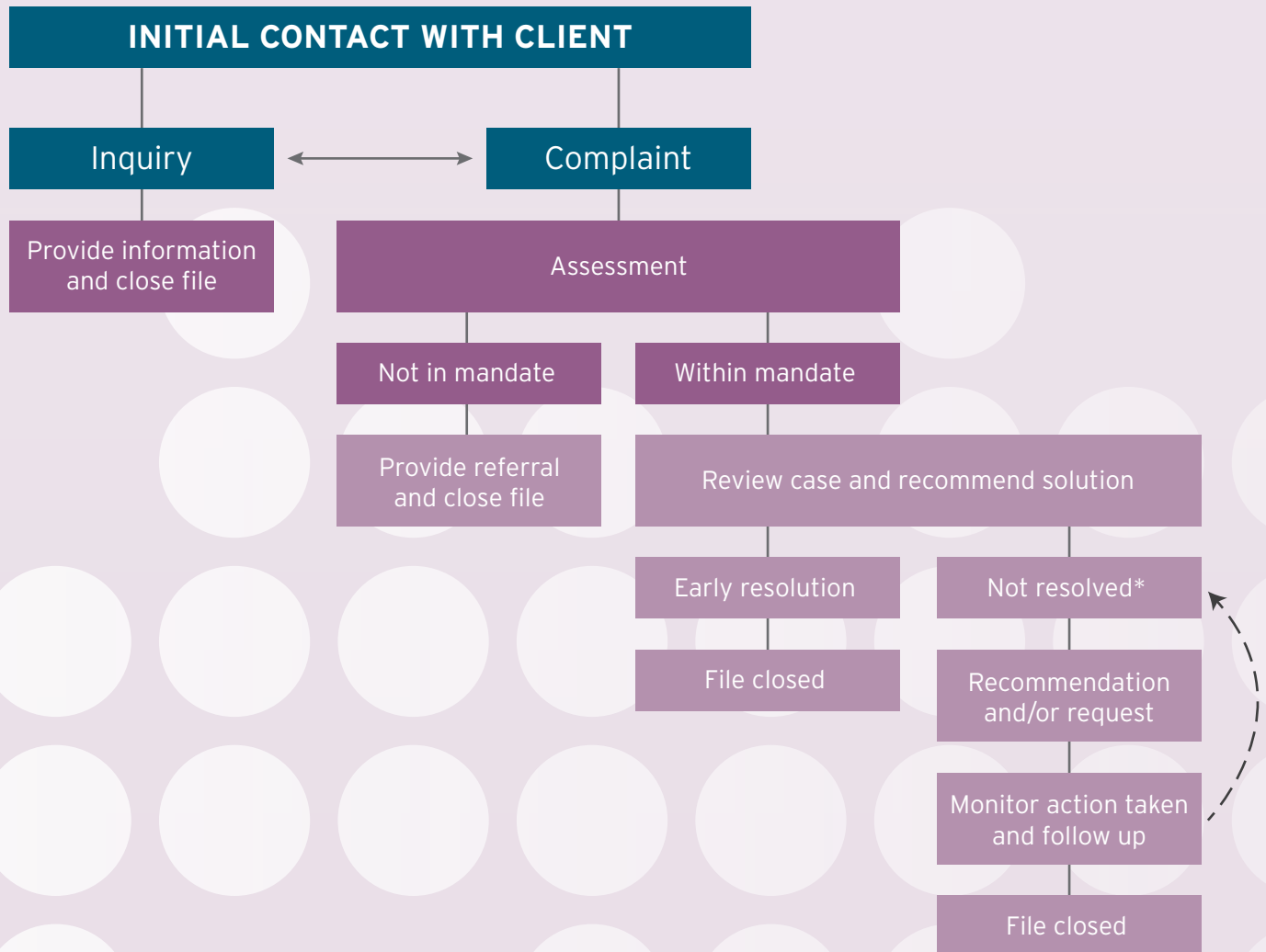
For all other cases, OFOVC's staff will work closely with the victim to try to find achievable and effective solutions. For each complaint it receives, the OFOVC follows an established process, as described in **Chart 1**.

"Thank you once again for following up with your timely response. (...) I also appreciate your information that OFOVC tracks and reviews complaints and inquiries to identify trends and issues having negative impacts on victims."

– An OFOVC client

CHART 1

OFOVC case-management process



* As required, the OFOVC will monitor and follow up on cases where a specific action has been requested or a recommendation made.

TALKING WITH VICTIMS

The OFOVC opens a file when an individual contacts us with an inquiry or complaint. The OFOVC opened 546 files during the 2014–2015 fiscal year (see **Chart 2**), a three percent increase over the previous year and just below the annual average of 550 files.

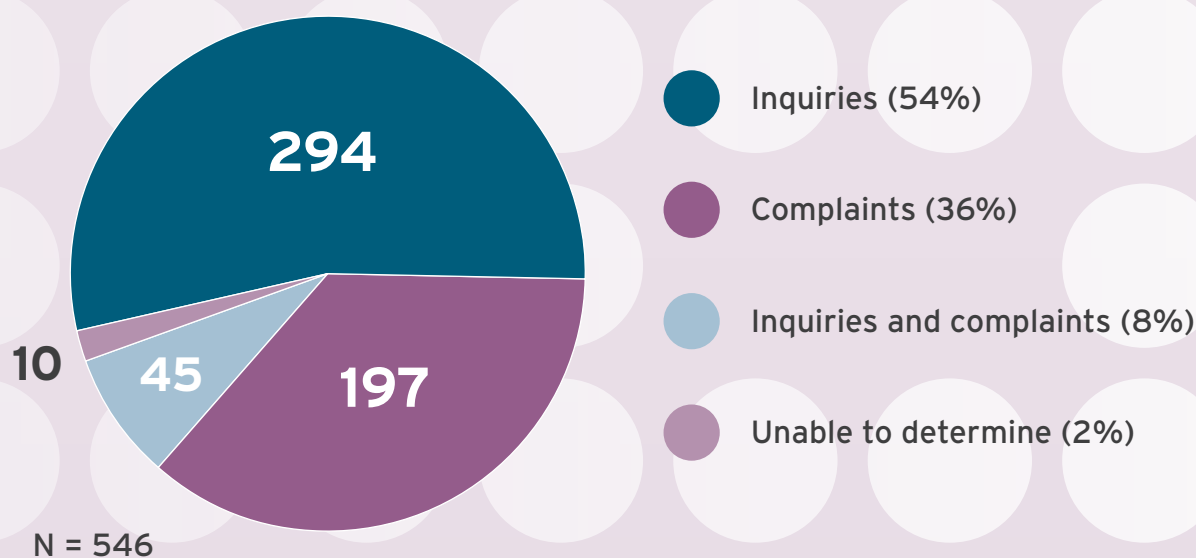
A file often involves multiple contacts. An activity record is created each time a contact is made regarding a case, including telephone calls, letters received, and other action taken pertaining to a specific file. Over the course of fiscal year 2014–2015, 3049 contacts were made with individuals as measured through activity records in the OFOVC’s electronic case management system.

“Thank you so very much for all your support and guidance over the past couple of years. I have met some amazing people through this process and you are certainly one of them.”

– An OFOVC client

CHART 2

Total files opened from April 1, 2014 to March 31, 2015, by reason for contact



Consistent with previous years, almost two thirds of the individuals who contacted the OFOVC in the 2014–2015 fiscal year were direct victims of crime and family members of victims (see **Chart 3**).

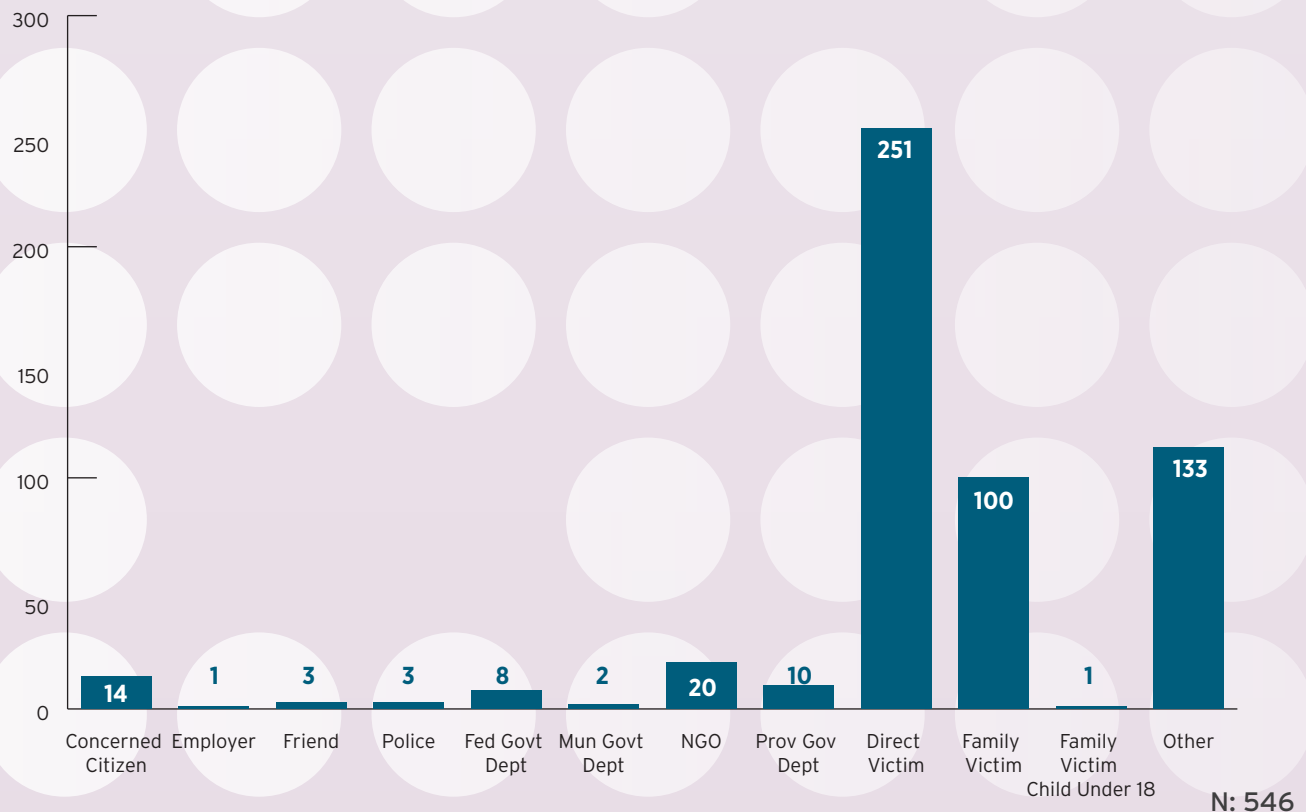
“Just a note to say thanks so much for taking the time to respond with helpful information.”

– An OFOVC client

Individuals who contacted the OFOVC are also identified by geographic region. The Office assisted Canadians from across the country in 2014–2015. **Chart 4** indicates that most individuals who contacted the Office were from the province of Ontario (42%) and many were from Alberta, British Columbia and Quebec (16%, 15%, 14%, respectively). The remaining provinces and territories each accounted for less than 3% of the individuals who contacted the Office.

CHART 3

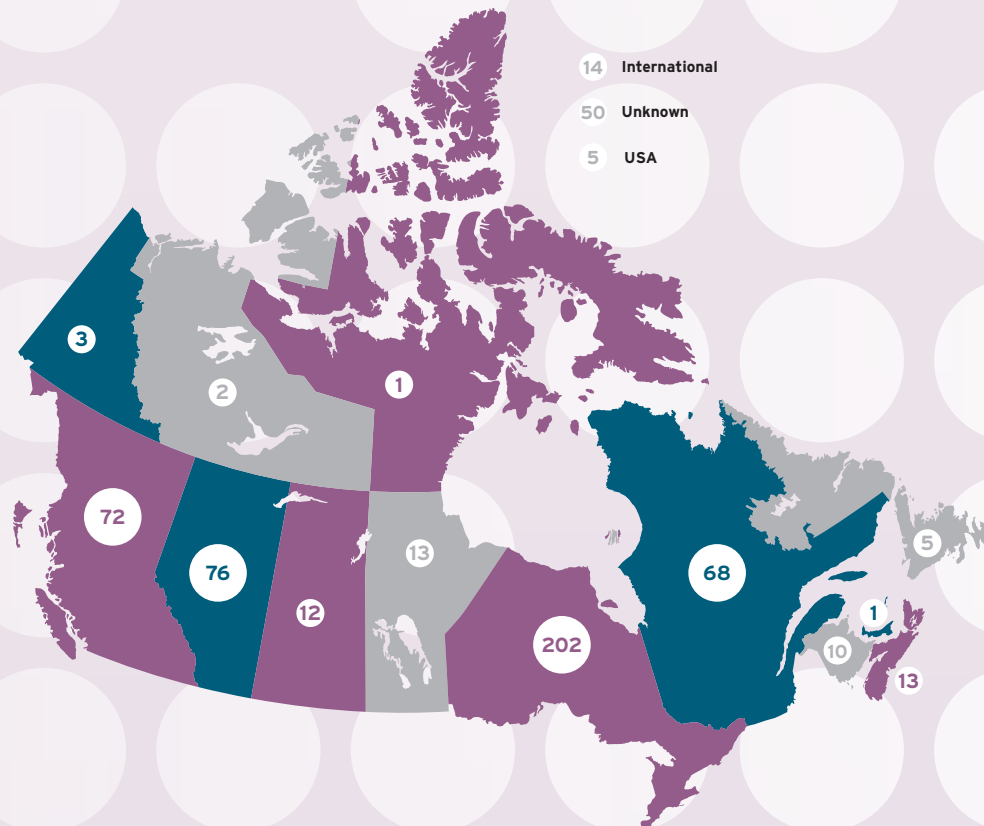
Total files opened April 1, 2014 to March 31, 2015 by type of individual



*The "other" category represents contacts that the OFOVC was unable to identify or individuals who wished to remain anonymous.

CHART 4

Total files opened April 1, 2014 to March 31, 2015 by Location



Note: Total number of files opened was 546.

LEARNING FROM VICTIMS

Our direct contact with Canadians not only provides us with the opportunity to offer assistance but it also provides invaluable insight into the issues and challenges facing victims of crime. This, in turn, informs our plans and priorities. **Chart 5** shows the five most common topics raised by people contacting the OFOVC.

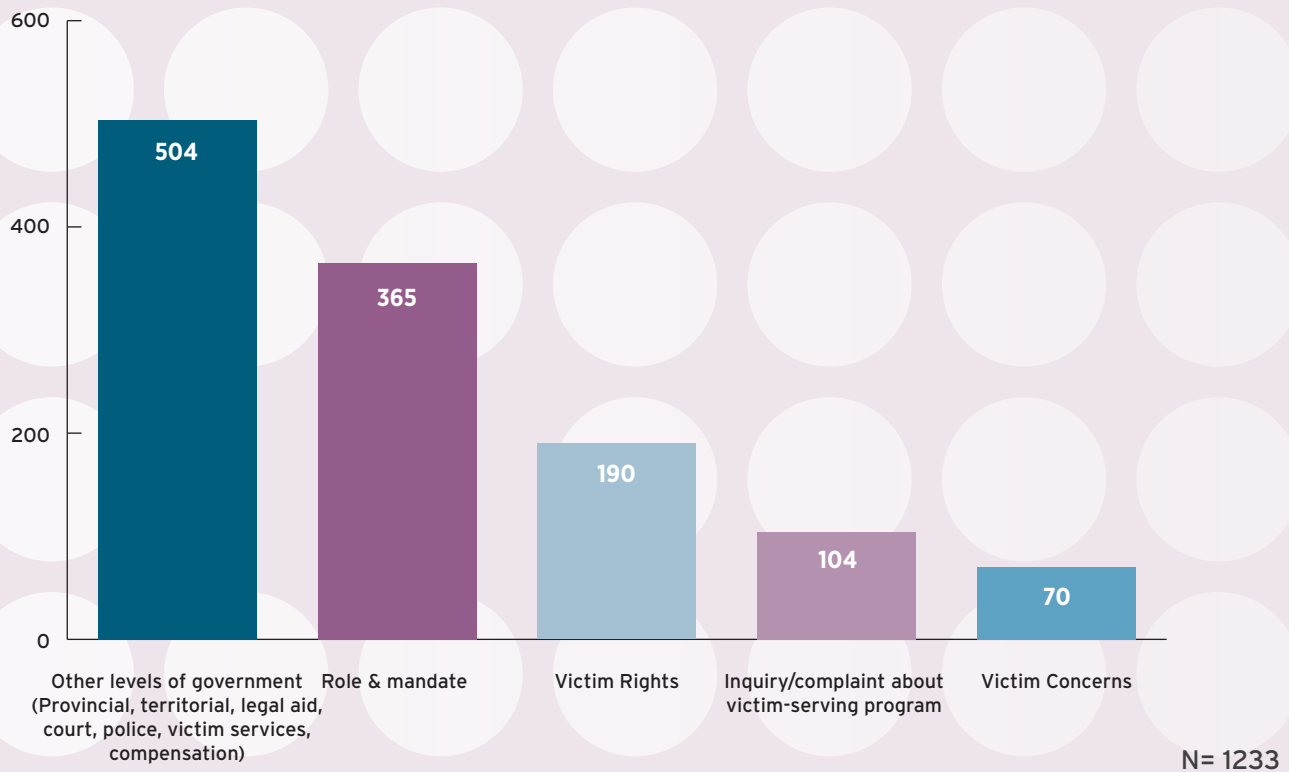
Definitions of topics

Other levels of government: Individuals expressed concerns related to issues that fall under the jurisdiction of the provinces, territories and/or municipalities.

Role/mandate: Many inquiries came from Canadians seeking more information about what the OFOVC does and how it can help victims.

CHART 5

Top five topics on which the OFOVC provided assistance to individuals from April 1, 2014 to March 31, 2015



Note: A single file may have multiple associated issues, or topics.

Victim rights: Individuals asked about their rights relating to, or expressed dissatisfaction with, the legal entitlements that Canada accords victims of crime.

Inquiry/complaint about victim-serving program: Individuals expressed concerns about a specific instance where there was a perceived lack of compassion or respect for victims, insufficient communication among service providers, inadequacy of restitution, the not-criminally-responsible provisions of the law, shortage of services, or barriers to participation in the justice system.

Victims' concerns: Individuals expressed dissatisfaction with the level of communication with victims in general and in particular between stakeholders and victims. They also expressed dissatisfaction with the lack of services for victims and highlighted the need for more opportunities to allow victims to participate in the criminal justice system. Finally, they expressed concerns regarding the protection of privacy and the respect for dignity that are accorded to victims.

CANADIANS VICTIMIZED ABROAD

The OFOVC hears not only from Canadians who have been victimized within Canada but also from those who experience victimization abroad. The number of complaints to OFOVC from Canadians victimized abroad increased to 29 during 2014–2015, up from 22 in the previous year. In speaking with these victims, the OFOVC learned that they often experienced difficulty in accessing services in their home province, as they often either did not know about the services that were available to them, or did not meet the necessary criteria. Part of the OFOVC's work with these victims included informing them about what programs and services were available to them at both the federal and provincial level once they returned to Canada.

CASE HIGHLIGHTS

The concerns brought to the OFOVC are diverse and complex. The following cases illustrate some of the challenges that victims faced in dealing with federal agencies in the criminal justice system, along with the specific measures that the OFOVC took to address their complaints.

Access to financial assistance for victims to attend parole hearings

The Government of Canada makes financial assistance available to eligible victims who wish to attend parole hearings. Victims must apply for this funding, and it can be used to cover a variety of expenses, including travel and lodgings.

In May 2014, a victim, Mr. B, was informed by the Parole Board of Canada (PBC) that the offender who harmed him had made an application for parole and would have a parole hearing in August 2014. As Mr. B was interested in attending the hearing, he sent in a request to attend the hearing and applied for financial assistance. He did not receive an acknowledgment of his application, or an interim payment.

Mr. B purchased a plane ticket to attend the hearing, but was notified a week before the scheduled hearing date that the offender had cancelled the hearing. When Mr. B contacted the Department of Justice to learn the status of his application, he failed to connect with anyone. Mr. B then got in touch with his contact, a Regional Communications Officer (RCO), to find out whether he could contact the Department of Justice to get an update on the status of the application. Unfortunately, the RCO could not reach anyone at the Department of Justice either.

Mr. B lodged a complaint with the OFOVC in October 2014. The OFOVC contacted the Department of Justice and learned that Mr. B's application had not been acted upon. The Department immediately issued and couriered a cheque to cover Mr. B's costs, along with a letter of apology from the Director.

Following the review conducted by the OFOVC, the Director encouraged the program analysts who administer financial assistance to acknowledge receipt of funding applications by email, letter or verbally (with a note added to the file). The Director also agreed to review each file submitted for payment approval to ensure that the original application was acknowledged and acted upon.

Missed opportunity to submit victim statement to parole review

Mr. X contacted the OFOVC in December 2014 regarding a notification he and his son had received from the PBC indicating that a decision had been made to grant the offender who had harmed them full parole.

Originally, the family had been notified in early December 2014 that the offender had asked the PBC to consider granting full parole, and that the Board expected to consider the application by way of a file review¹ to be done in January 2015. The family was advised that any new victim statements should be received by January 2, 2015 to ensure time for processing and to be included as part of the review.

In mid-December, the PBC was notified by the Correctional Service of Canada (CSC) that the review date would need to be moved up due to exceptional circumstances regarding the offender's health.² PBC officials decided not to notify the victims of the change because it would have been unreasonable to expect them to prepare and submit a statement so quickly (in this case, a new victim statement would have been required within the same day). Furthermore, the RCO received notice of the decision to grant full parole on December 24. PBC staff use their discretion about providing notifications during holidays or other events, taking into consideration that such news may be particularly upsetting to the victim.

As a result, at the end of December 2014, Mr. X received a phone call from a PBC RCO, who informed him that, due to exceptional circumstances, the file review had been expedited, had already taken place and that a decision had been made to grant the offender full parole.

Mr. X expressed his and his family's frustration over the change in parole review date, as they had already begun to write their victim statements and did not have the opportunity to submit them due to the change.

The OFOVC reviewed the complaint to determine why the victim had not been informed about the date change and to identify any compliance issues. The OFOVC learned that the PBC protocol is to notify victims by letter when an offender applies for conditional release. Once a date for the hearing is set, an RCO shares this date with victims—typically 21–28 days in advance. Should the date change, the RCO advises the victims immediately. In this case, the pending holiday season and the short time frame to submit a victim statement contributed to the decision not to inform the victims of the date change.

The PBC regional office contacted the family to apologize and explain the situation. The OFOVC has taken note of the missed opportunity for the victims to submit their victim statements and is exploring ways to address this issue.

¹ A file review is a review of the offender's paper file by one or more board members (depending on the type of review) in his or her office. The offender does not meet with the board members for this type of review. Further information is available at following link: <http://pbc-clcc.gc.ca/infocntr/factsh/sscr-eng.shtml> on the PBC's website.

² The PBC requested that the OFOVC note that "the offender required end of life care at a hospice and that the community residential facility where the offender was located could no longer care for him."

Facilitating communication between victims and correctional staff

A registered victim, Mr. Y, contacted the OFOVC in March 2014 to express concern about his family's safety and security regarding the transfer of an offender from a maximum-security to a medium-security institution. Additionally, the victim expressed disappointment with the lack of opportunity to participate in the decision-making process relating to the institutional transfer of the offender who harmed them.

In order to assist the victim, the OFOVC provided information regarding transfers, as well as an update on the work the OFOVC has done regarding the issue of transfers. Further, the OFOVC also discussed some options for resolving the situation, for example, the OFOVC provided options for client's consideration regarding their concerns, such as writing to the warden of the institution, to the Commissioner of the Correctional Service of Canada, to the Minister of Public Safety, and arranging a meeting with the warden of the institution.

As suggested by the OFOVC, in April 2014 the victim opted for a meeting with the warden of the institution, and the OFOVC helped to facilitate the meeting. This meeting enabled the victim and his family to get some general information about how offenders are managed while incarcerated, as well as to get a better understanding of the transfer process. Moreover, the victim had the opportunity to voice some concerns relating to the transfer of the offender to the warden.

Afterwards, the victim advised the OFOVC that he and his family felt this opportunity had allowed them both to have their voices heard and to provide further insight into the victims' experiences to the person responsible for making decisions about the offender.





WORKING FOR ALL VICTIMS

As part of the Ombudsman's mandate, the OFOVC makes recommendations to the Government of Canada about policies, programs, services and laws to improve the treatment of victims of crime in Canada. The Ombudsman also engages with many organizations that work with victims so the OFOVC can best fulfill its mandate.

During the 2014–2015 fiscal year, the Ombudsman provided testimony to ten Parliamentary Committee meetings. The Ombudsman appeared at House of Commons committee meetings during their reviews of Bills C-13, C-26, C-32 and C-43 and provided a written submission in support of a committee's review of C-591. In developing recommendations for Bill C-32, the *Canadian Victims Bill of Rights Act*, the Ombudsman met with the Minister of Justice and the Justice critics of opposition parties. The Ombudsman also appeared at Senate committee meetings during their reviews of Bills S-208, C-32 and C-479, and provided written submissions on Bills C-36 and C-483. All remarks and submissions are posted to the OFOVC website.

THE CANADIAN VICTIMS BILL OF RIGHTS: BILL C-32

Bill C-32, *An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts (Victims Bill of Rights Act)*, was tabled by the Minister of Justice on April 3, 2014.

ANNOUNCEMENT AND CONSULTATION

In February 2013, the Department of Justice announced plans to develop and enact a Victims Bill of Rights and launched a public consultation, including in-person meetings, and online submissions from citizens and stakeholders.

The timing of this announcement coincided with a forum the OFOVC hosted in May 2013, called *Moving the Conversation Forward*. The forum was attended by victims, victim-serving agencies, police services, government representatives, and other stakeholders. The OFOVC used the opportunity to invite groups to provide input on what should be included in the Victims Bill of Rights, in order to inform its submission to the Department of Justice.

Following the forum, the OFOVC used the feedback collected to develop a report on the Forum itself, and a separate and comprehensive overview on what victims and advocates wanted to see in the Bill. To ensure that it was accurately reflecting the voice of victims, the OFOVC took steps to engage widely on its recommendations for the Bill by reaching out to members of its National Framework for Dialogue and Engagement, as well as to members of the general public.

Taking into account all of the views and perspectives that were collected, as well as the information gleaned from its own comprehensive review of best practices and applicable research and policy, the OFOVC submitted 29 recommendations to the Department of Justice in a submission entitled *Meeting the needs of victims of crime in Canada*. In essence, the Ombudsman recommended that the Victims Bill of Rights should be enforceable, that it should ensure that victims are adequately informed at every stage in the justice process, that victims' needs and interests be considered, that their safety be protected and, finally, that victims have access to appropriate support services.

The Ombudsman's recommendations were posted publicly on the OFOVC website two weeks prior to the end of the Government of Canada's national public consultation so to allow stakeholders and Canadians the opportunity to review the information or recommendations.

The OFOVC also worked to raise awareness of the consultation to encourage victims and interested parties to have their say. The OFOVC's social media channels promoted the government's national consultation. A new

"Have your say" section also was added to the OFOVC website, enabling people to share their views and respond to questions about the Victims Bill of Rights. The OFOVC also produced and posted a video message from the Ombudsman encouraging Canadians to take advantage of the public consultation as an important opportunity to make their views known.

TABLING OF THE BILL AND RESPONSE

In April 2014, the federal government tabled Bill C-32, *An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts (CVBR)*. Bill C-32 proposes to create legislated rights to information, protection, participation and restitution for victims of crime by amending legislation including the *Criminal Code*, the *Corrections and Conditional Release Act*, the *Canada Evidence Act* and the *Employment Insurance Act*.

The OFOVC published its response to Bill C-32, *Cornerstone for Change*, on May 13, 2014. The document compared the draft legislation to the recommendations included in the OFOVC's submission to the Department of Justice, and highlighted how the Bill could be strengthened. It identified the recommendations put forward by the OFOVC in its consultation document and later addressed, either completely or partly, by the CVBR.

Some of these addressed or partially addressed recommendations included:

- Requiring the CSC to provide certain information about the offender to victims, upon request, such as the offender's correctional plan, correctional goals and progress towards meeting those goals;

- That victims be provided information about the date, destination and conditions of release of the offender in a reasonable and timely manner;
- That victims, in cases where an accused is found not criminally responsible, be provided with information about review board hearings and their role within them; and
- That victims have the right to discuss release conditions and ensure their views and safety concerns are considered before any conditional release decision is made.

While *Cornerstone for Change* did not make any formal recommendations, it undertook an initial analysis of the CVBR. The analysis in the *Cornerstone for Change* served as the starting point for the OFOVC to make further recommendations to strengthen the CVBR and to prepare the Ombudsman to appear before House of Commons and Senate Committees.

STRENGTHENING THE VICTIMS BILL OF RIGHTS

In September 2014, the OFOVC published *Strengthening the Victims Bill of Rights: Further Response to Bill C-32, the Victims Bill of Rights*. This document provided an overview of the recommendations the Ombudsman planned to make to the Parliamentary Committees assigned to review Bill C-32. The recommendations focused on enhancing information rights, enhancing participatory rights and strengthening the enforcement of victims' rights.

On November 4, 2014, the Ombudsman appeared before the House of Commons Standing Committee on Justice and Human Rights, and presented the recommendations made in *Strengthening the Canadian Victims Bill of Rights*.

The **recommendations** made to the Committee included:

- Victims have access to legal representation to address a court in order to exercise or enforce their rights under the Victims Bill of Rights;
- Identify an oversight body with statutory powers to investigate complaints within federal organizations related to breaches and to recommend remedies;
- In cases of serious personal injury offences or indictable offences with a maximum punishment of five years' imprisonment or more, victims' views are heard and considered before a plea bargain is presented and accepted by a judge;
- Victims are permitted to attend Immigration Review Board hearings and present a statement expressing their views and have them considered in the decision to deport an offender;
- Victims are granted the presumptive right to attend a parole hearing. Victims are provided with options on attending and/or participating in a parole hearing;
- That appropriate measures are established to protect the victim's sense of safety when attending parole hearings, such as safe and separate waiting areas;

"You are truly appreciated by me. Your kindness towards me and helpfulness has meant more than you'll know."

– An OFOVC client



- That offender release decisions be postponed to allow victims sufficient time to update their information and statements on file;
- That a mechanism be put in place so that the victim is not responsible for collecting restitution amounts from offenders;
- That the definition of who can act on behalf of a victim be extended to include partners who do not cohabit with the victim and close friends of the victim;
- Victims are automatically provided clear information about their rights under the Victims Bill of Rights, including what information they are entitled to receive and who is responsible for providing it, and at what point, at the time of the crime;
- Victims receive information in the format of their choice, which takes into account their personal circumstances, including any disability that they may have;
- That CSC and the PBC be able to proactively contact victims in order to provide information on their rights within the federal criminal justice system and the services available to them, including registration;
- Victims are provided with access to a recent photo of an offender prior to the offender's release on an escorted temporary absence;
- Victims have access to audio recordings of Parole Board hearings even in cases where a victim has attended the hearing; and
- Victims of an accused found not criminally responsible have the right to the same information as victims of an offender in the corrections and conditional release system.

The Standing Committee on Justice and Human Rights amended Bill C-32 to include a review of the Bill after five years, but it did not adopt the Ombudsman's recommendations.

The Ombudsman appeared before the Senate Committee on Legal and Constitutional Affairs on March 26, 2015, and reiterated her recommendations. For the purposes of preparing for the parliamentary review after five years, she also asked that the Committee consider including roles and responsibilities for compliance reporting to allow Parliament to assess the reach and impact of the Bill, as well as to help identify how the Bill could be strengthened to better meet the needs of victims of crime.

STATUS

As of March 31, 2015, the Senate Committee had yet to complete its review of the proposed legislation. The OFOVC looks forward to the passing of the legislation and to working with the Government of Canada and all stakeholders on issues within its mandate to ensure that the CVBR is as effective as possible.

RECOMMENDATIONS ON OTHER LEGISLATION INTRODUCED IN 2014-2015

Sentencing child predators: Bill C-26

Bill C-26, *An Act to amend the Criminal Code, the Canada Evidence Act and the Sex Offender Information Registration Act, to enact the High Risk Child Sex Offender Database Act* and to make consequential amendments to other Acts, (tougher Penalties for Child Predators) was tabled by the Minister of Justice on February 26, 2014.

ISSUE

Also known as the Tougher Penalties for Child Predators Act, Bill C-26 seeks to make changes to the *Criminal Code*, the *Canada Evidence Act* and the *Sex Offender Information Registration Act* in the following ways:

- Increase mandatory minimum penalties and maximum penalties for certain sexual offences against children;
- Increase maximum penalties for violations of prohibition orders, probation orders and peace bonds;
- Clarify and codify the rules regarding the imposition of consecutive and concurrent sentences;
- Require courts to impose, in certain cases, consecutive sentences on offenders who commit sexual offences against children;
- Ensure that a court that imposes a sentence must take into consideration evidence that the offence in question was committed while the offender was subject to a conditional sentence order or released on parole, statutory release or unescorted temporary absence;
- Ensure that the spouse of the accused is a competent and compellable witness for the prosecution in child pornography cases;
- Increase the reporting obligations for sex offenders who travel outside Canada; and
- Establish a publicly accessible database that contains information previously publicized by a police service or other public authority about persons found guilty of sexual offences against children and who pose a high risk of committing crimes of a sexual nature.

RECOMMENDATIONS

During her appearance before the House of Commons Standing Committee on Justice and Human Rights on February 16, 2015, the Ombudsman expressed general support for Bill C-26. She encouraged Committee members to appreciate the complexities of cases involving sexual offences against children and highlighted the importance of ensuring that victims have access to both short- and long-term resources to assist them.

STATUS

The Committee amended the definition of sexual offence against a child. As of March 31, 2015, Bill C-26 was before the Senate.

Modernizing Canada's prostitution law: Bill C-36

Bill C-36, *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts, (Protection of Communities and Exploited Persons Act)* was tabled by the Minister of Justice on June 4, 2014.

ISSUE

Bill C-36 proposes to create offences related to the purchase and communication of sexual services, and represents the government's response to the Supreme Court's ruling to strike down portions of Canada's prostitution law.

RECOMMENDATIONS

On October 22, 2014, the Ombudsman provided a written submission to the Senate Standing Committee on Legal and Constitutional Affairs. She encouraged the Committee to make all efforts to reduce victimization by ensuring in its amendments that sex trade workers are provided with the same rights to security and safety as all Canadians, regardless of the reasons or circumstances for entering the sex trade.

The submission called for:

- Equal and unbiased protection for the safety of all Canadians, including those involved in the sex trade;
- Measures to offer protection to those forced into the sex trade; and
- Support for individuals who choose to exit the sex trade.

STATUS

Bill C-36 passed the Senate without amendment and received Royal Assent on November 6, 2014.

Missing Persons Index: Bill C-43

Bill C-43, *a second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014, and other measures (the Economic Action Plan 2014 Act, No. 2)* was tabled by the Minister of Finance on October 23, 2014.

ISSUE

Division 17 of Bill C-43 proposed to create new indices in the National DNA Data Bank containing the DNA profiles of missing persons and their relatives, as well as of human remains,

to help find missing persons and identify human remains. It also proposes to create a new index of the DNA profiles of victims of designated offences, which can be used with the existing crime-scene and convicted-offenders indices to help investigate designated offences. The Bill would also establish an index of voluntarily submitted DNA profiles to assist the investigation of missing persons or designated offences.

RECOMMENDATIONS

On November 19, 2014, the Ombudsman appeared before the House of Commons Standing Committee on Public Safety and National Security to show support for this legislation and to make suggestions about the implementation of the Missing Persons Index. OFOVC believes that victims across Canada should have options with respect to their involvement with these indices. In particular, OFOVC believes that victims must receive clear and consistent information with regard to:

- The purposes of collecting DNA information from a victim or a family member, how long it will be stored and how it will be used;
- The process to withdraw a voluntary DNA sample from the database;
- The notification process if a match is found, particularly if a match means a death notification for a family; and
- The provision of a point of contact for family members regarding information and updates.

STATUS

Although Bill C-43 and the amendments to the *DNA Identification Act* received Royal Assent on December 16, 2014, the amendments have not

come into force and will only come into force on a day to be determined by the Governor in Council.

Collecting the survivor benefits of victims: Bill C-591

Bill C-591, *An Act to amend the Canada Pension Plan and Old Age Security Act (Pension and Benefits)*, was introduced by MP Dave Van Kesteren on April 9, 2014.

ISSUE

The Bill seeks to amend the *Canada Pension Plan Act* to prohibit the payment of a survivor's pension, death benefit or orphan's benefit to an individual who has been convicted of the first- or second-degree murder of the contributor. It also proposes to amend the *Old Age Security Act* to prohibit the payment of a survivor's allowance to an individual who has been convicted of first- or second-degree murder of their spouse or common-law partner.

RECOMMENDATIONS

In a written submission provided to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on October 22, 2014, the Ombudsman expressed support for Bill C-591 and made the following recommendations:

- That Bill C-591 be amended to consider requests to prohibit payment of Canada Pension Plan and Old Age Security benefits to offenders in cases of manslaughter;
- That Employment and Social Development Canada (ESDC) be notified automatically when an offender is convicted of murdering a spouse or parent; and

- That procedures be put in place to ensure that ESDC is advised of relevant cases of murder or manslaughter of a spouse, common-law partner or parent to prohibit payment of survivor benefits to the offender.

The Committee amended Bill C-591 to allow the provisions of the new legislation to apply to some cases of manslaughter, responding to the Ombudsman's recommendation.

STATUS

As of March 31, 2015, Bill C-591 was before the Standing Senate Committee on Social Affairs, Science and Technology.

UPDATES ON PREVIOUS RECOMMENDATIONS

Not criminally responsible reform: Bill C-14

Bill C-14, *An Act to amend the Criminal Code and the National Defence Act (mental disorder), (Not Criminally Responsible Reform Act)*, was introduced on November 25, 2013.

ISSUE

Known as the *Not Criminally Responsible Reform Act*, the Bill sought to make three changes to the not criminally responsible system:

- Make public safety the paramount consideration;
- Create a high-risk designation;
- Enhance consideration of victims concerns in the mental health regime; and
- Provide victims with information concerning the intended place of residence of the accused, once he or she has been released.

RECOMMENDATIONS

On March 26, 2014, the Ombudsman appeared before the Senate Standing Committee on Legal and Constitutional Affairs, and made several recommendations to strengthen the Bill. In particular, the Ombudsman called for authorities to inform victims and their families of relevant information, such as where the accused is detained, the date, destination and conditions of release from a facility, and whether any non-communication orders or other release restrictions are in place.

STATUS

The Committee presented the Bill to the Senate without amendment. Amendments to the Criminal Code came into force when Bill C-14 received Royal Assent on April 11, 2014.

Fairness to victims at Parole Board hearings: Bill C-479

Bill C-479, *An Act to amend the Corrections and Conditional Release Act (Fairness for Victims)* (CCRA), was reinstated from the previous parliamentary session, on October 16, 2013.

ISSUE

Among its proposed amendments to the CCRA, Bill C-479 would allow the PBC the discretion to increase the time between parole hearings from 2 years to up to 5 years for offenders serving sentences for murders or violent offenses against children. The Bill would also allow the PBC to cancel a hearing if an offender repeatedly refuses to attend, or waives their right to attend hearings at the last minute without reasonable justification. The Bill would provide more information to registered victims

about conditional release, would give greater consideration to the needs of victims and their families to attend parole hearings, and would provide them with transcripts of hearings free of charge, in cases where transcripts have been made.

RECOMMENDATIONS

On February 4, 2015 the Ombudsman appeared at the Senate Standing Committee on Legal and Constitutional Affairs. She made recommendations related to providing victims with information, allowing them to participate in the conditional release process and to have access to relevant records. The Ombudsman had made many of the same recommendations to the House of Commons Standing Committee on Public Safety and National Security a year earlier.

STATUS

The Committee presented the Bill to the Senate without amendment. As of March 31, 2015, Bill C-479 remained before the Senate.

Escorted temporary absences: Bill C-483

Bill C-483, *An Act to amend the Corrections and Conditional Release Act (Escorted Temporary Absence)* was reinstated from the previous parliamentary session on October 16, 2013.

ISSUE

Bill C-483 seeks to limit the authority of wardens when it comes to escorted temporary absences (ETAs) of offenders convicted of first or second-degree murder. The Bill would provide the PBC with exclusive authority over ETA decisions for these offenders.

RECOMMENDATIONS

On December 3, 2014, the Ombudsman provided a written submission to the Senate Standing Committee on Legal and Constitutional Affairs. The submission reiterated the recommendations made to the House of Commons Standing Committee on Justice and Human Rights a year earlier. The Ombudsman recommended that all victims of offenders currently in the federal system, regardless of the decision-making authority, should have access to, and be able to participate in, a conditional-release system that better informs, considers, protects and supports them. Specifically, victims should be:

- Informed in advance of hearings and have the option to apply to attend;
- Able to present a statement at hearings;
- Informed of the offender's progress and rehabilitation;
- Provided the opportunity to update their statement and any other relevant information;
- Able to access to some form of decision summary; and
- Offered funding support to offset some of the expenses associated with attending hearings.

STATUS

The Ombudsman's recommendations were not adopted by the Committee. However, the Bill was amended so that the PBC has sole authority for authorizing the first ETA for an offender serving a life sentence. If the ETA is successful, the CSC would have the authority to authorize subsequent ETAs. Bill C-483 received Royal Assent and came into force on December 16, 2014.

Protecting victims after offenders are released from custody: Bill C-489

Bill C-489, *An Act to amend the Criminal Code and the Corrections and Conditional Release Act (Restrictions on offenders)* was reinstated from the previous parliamentary session on October 16, 2013.

ISSUE

Bill C-489 was amended by the House of Commons Standing Committee on Justice and Human Rights in December 2013. When the Senate Standing Committee on Legal and Constitutional Affairs received the Bill for study, there were several amendments to the original form of the Bill.

The most significant amendment to Bill C-489 was removing mandatory non-communication orders as a condition for parole, statutory release and unescorted temporary absences. This condition was made mandatory in the original form of the Bill, but was amended by the House of Commons Committee to make a non-communication order an optional condition of release, among other conditions that may be imposed by the PBC that are considered reasonable and necessary to protect the victim.

The amended version of the Bill would allow victims to submit a statement outlining safety concerns and requesting conditions for the offender to abstain from communication with the victim or from going to certain places. If the releasing authority does not impose such conditions, a victim will be given a written reason for the decision.

RECOMMENDATIONS

On June 11, 2014, the Ombudsman provided a written submission to the Senate Standing Committee on Legal and Constitutional Affairs recommending that Bill C-489 be returned to its original form, particularly to make a non-communication order with victims a mandatory condition of release for parole, statutory release, and unescorted temporary absences. The Ombudsman also recommended amendments to ensure:

- Victims be explicitly made aware of the opportunity to provide input regarding any safety concerns well in advance;
- Victims be provided a reasonable opportunity to share their concerns for consideration;
- Victims be advised that this information shall be used to consider imposing further restrictions on the offender;
- Procedural safeguards to protect the anonymity of victims and their place of residence and work, etc., be adopted when a releasing authority or judge is imposing geographical restrictions as a condition of release;
- Relevant authorities have flexibility in determining how to apply release conditions that are imposed by judicial or correctional authorities; and
- The restrictions on having direct or indirect communication with a victim, or refraining from going to specified places, also apply to offenders on Long Term Supervision Orders.

STATUS

The Committee presented the Bill to the Senate without amendment. Bill C-489 received Royal Assent June 19, 2014, and came into force on September 20, 2014.

The OFOVC continues to monitor the implementation of Bill C-489, including compliance with its new provisions to ensure that victims are provided with all relevant information.

UPDATES ON CASE-BASED RECOMMENDATIONS

Presentation of audio or video victim statements at parole hearings

In December 2013, a registered victim contacted the OFOVC to complain that her daughter was told that she could not present her victim statement by means of an audio recording while attending a parole hearing, an option that had previously been afforded to her.

This decision arose pursuant to Bill C-10, *The Safe Streets and Communities Act*. According to the legal interpretation of the Act by the PBC, victims can now present their statements by means of an audio or video recording only when they are not able to attend in person. Previously, the PBC allowed victims both to attend a hearing and to present their statement by audio or video.

The PBC had also received the complaint directly from the victim, and had made a decision before it received the complaint from the OFOVC (in January 2014) to allow the victim both to attend the parole hearing and to present her statement by audio.

In April 2014, the OFOVC wrote to the Chairperson of the PBC seeking clarification in writing, that victims who request both to attend parole hearings and to present a statement by means of audio or video recording will have the opportunity to do so.

In addition, the Ombudsman recommended that the PBC amend section 10.3 of their policy manual, *Information from Victims*, to allow victims both to attend and to present a statement by audio or video recording.

STATUS

On July 9, 2014, the Chairperson of the PBC notified the OFOVC that, to address the legislative changes made to the *Corrections and Conditional Release Act (CCRA)*, “the Board’s Senior Management Committee recently approved new internal procedures related to victims that will come into effect this fall.” This internal procedure will allow victims both to attend parole hearings and to present a recorded statement.

Use of victims’ names during parole hearings

In October 2013, the OFOVC was contacted by a registered victim whose new name was directly used by two Parole Board members during a parole hearing. As a result of this, the victim felt that their privacy was compromised and that their name should not have been used in front of the offender during the hearing. At no time in advance of the parole hearing was this victim advised that their name could be used by Board members.

In order to better understand this issue, the OFOVC met with the PBC and reviewed existing and available fact sheets, policies, and guidelines. The PBC suggested that they could add additional information to their victim fact sheets.

STATUS

In June 2014, the Ombudsman wrote to the Chairperson of the PBC to express the need for more information about how observer names, specifically victim-observers, can be used by Board members during parole hearings.

In her letter to the Chairperson, the Ombudsman made three recommendations to address the issue. The Ombudsman recommended that the PBC:

- Strengthen existing fact sheets about the sharing of information with the PBC by expanding on how the information that victims provide is used by Board members;
- Amend their policy manual to include a policy pertaining to the use of observer names by Board members during a hearing; and
- Amend the guidelines for Regional Communication Officers to include a policy on the use of observer names to ensure that everyone who is involved in the parole hearing process is aware of the policy and that information is provided to victims in a consistent manner.

On August 20, 2014, the OFOVC received a response from the PBC Chairperson. In his response, the Chairperson advised the OFOVC that section 141(1) of the CCRA requires the PBC to provide the offender with copies of all information used in parole decision-making, including victim statements. If a victim who is presenting a statement has changed his or her name since the original offence, they may request that their new name not be shared with the offender.

Additionally, section 140(4) of the CCRA states that the Board is required to inform offenders in advance of the hearing if someone has asked to observe. If a victim is attending a hearing as an observer only, offenders are advised only of the type of observer(s) who will be attending, but are not advised in advance of the name of the observer(s). Board members retain the discretion to disclose the name of an observer to the offender during the hearing, and may do so on a case-by-case basis.

In February 2015, the PBC advised the OFOVC that it had finalized the *Victim Statement Checklist*. The new checklist includes information for victims if they have concerns about using their new name. One of the bullets in the checklist specifically states: “Tell the PBC if your name has changed since the crime and you do not want the offender to know your new name.”

SYSTEMIC REVIEWS

As part of its work in ensuring that emerging and systemic issues are raised and addressed, the OFOVC works with federal departments to review their processes and policies to ensure they are responsive to victims’ needs.

During 2014–2015, the OFOVC began moving towards developing a more consistent process and protocol for this type of review by establishing a draft Systemic Review Process with internal guidelines for identifying and conducting systemic reviews. The process and guidelines were developed in consultation with the offices of other federal and provincial Ombudsmen that conduct systemic reviews.

Currently, the OFOVC is working on its first systemic review of the administration of financial assistance to victims of crime to attend parole hearings. We anticipate that the outcome of this review will be available in the next fiscal year.



Heard. Respected. Victims First.

BUILDING PARTNERSHIPS AND RAISING AWARENESS

To fulfill its mandate, build relationships and raise awareness, the OFOVC engages as much as possible with organizations that work with victims. The OFOVC continued to build on the National Framework for Dialogue and Engagement, launched in 2013, and participated in several outreach activities.

ENGAGEMENT WITH STAKEHOLDERS

The OFOVC's 2014–2015 outreach activities included discussions with victims of crime, victim advocates, victims' service agencies, public agencies, academics and international organizations. Through this outreach, the OFOVC expanded and strengthened its network of partners across the country and around the world. These efforts also served to raise public awareness of victims' issues, and share best practices among victims, agencies and stakeholders.

In 2014–2015, the Ombudsman had the opportunity to speak at or attend relevant events such as, the Canadian Association of Chiefs of Police (CACP) Victims of Crime Forum: Empowering Victims Through Partnerships; the Ontario Provincial Police Criminal Investigation Branch meeting with families

of homicide victims; Public Safety Canada's meeting on the creation of a DNA-based Missing Persons Index; and meetings with provincial victims' services organizations.

The OFOVC also met regularly with representatives of other federal Ombudsman Offices to exchange best practices and learn how to improve the services it provides to victims.

WEBSITE: VICTIMSFIRST.GC.CA

The OFOVC website received more than 35,000 visits during 2014–2015, an increase of almost 10 percent over the previous year. The most popular web pages were those with information on victims' services and victims' rights.

A new design launched in late January 2015 improved the usability of the OFOVC website. The design incorporates many of the usability improvements identified in a study commissioned by the OFOVC in 2013. The new website makes information for victims, along with policy and legislative recommendations, more accessible. To make it easier for Internet users to find the website, the OFOVC also ran a Google keyword-search campaign. Users who searched Google for select terms were presented

with an advertisement for the website. In all, the campaign resulted in an additional 5,800 visits to the website over the course of the year.

SOCIAL MEDIA

The OFOVC continued to implement the social-media framework launched during 2013–2014. Through the strategic use of social-media platforms such as Twitter and YouTube, the OFOVC aims to improve communication with victims of crime and stakeholders, and increase the number of media mentions and contacts. The OFOVC regularly posts new social-media content (e.g., text, videos and images) linked to current and upcoming initiatives. The OFOVC also links relevant content posted on other sites (i.e. follow, like). Content is monitored, reviewed and adjusted regularly to ensure the framework helps achieve the established goals.

The OFOVC Twitter account is an important part of the framework. Since November 2013, the OFOVC has sent tweets on a daily basis; by the end of March 2015, the account had approximately 250 followers, a twofold increase over the previous year. In total, the OFOVC sent 850 tweets. The tweets most often *favourited* or *re-tweeted* involved one of three core themes:

- Accessing information on how we can help victims of crime;
- Information and registration details for large-scale events such as the National Victims of Crime Awareness Week Symposia; and
- The Ombudsman's response to new legislation.

MEDIA RELATIONS

The news media provide valuable opportunities for increasing the public's knowledge of, and stimulating their engagement with, victims' issues. Through the media, all Canadians—including key policy and decision makers—can learn more about the challenges that victims face. This widespread awareness raising is crucial to fostering further change in Canada.

To increase awareness of its role and services, the OFOVC continued to engage the news media during the year, making the Ombudsman available for interviews in connection with current issues.

"I wanted to thank you for your help in providing me with the information. It was very helpful. I was able to get some financial assistance through the Victims Abroad Program. If it was not for communicating with you, I would have never had any type of support."

– An OFOVC client



OPERATIONAL AND FINANCIAL HIGHLIGHTS

OPERATIONS

The Office of the Federal Ombudsman for Victims of Crime operates at arm's length from the Department of Justice, although in the interests of cost and operational efficiency, it shares administrative services such as procurement and human resources management with the Department.

The OFOVC employs a full-time staff of nine people who support three units: Case Management; Policy and Research; and Communications.

FINANCE

The OFOVC continues to work within its budget. The Office expended \$1,170,206 in 2014–2015, a decrease of 12 percent over the previous year. Since its second fiscal year, the OFOVC has maintained a budget in the range of \$1.1 to \$1.25 million.



TABLE 1

Summary of actual expenditures (April 1, 2014-March 31, 2015)

	ACTUAL
Salaries and wages	835,580
Information/communications	46,899
Training and professional dues	11,915
Professional and special services	121,183
Temporary Help Services	38,895
Legal Services	22,801
Translation Services	40,962
Other Services	18,525
Rentals	3,269
Repairs and maintenance	400
Utilities, materials and supplies	6,074
Acquisition of machinery & equipment	4,990
Travel & relocation	49,486
Other	369
Total expended by Ombudsman's office	1,080,165
Corporate costs (controlled centrally)	90,041
Total expended by Justice Canada	1,170,206

* Public Works and Government Services Canada contributed to the cost of occupying and maintaining the office of the OFOVC.

The most significant decrease since last fiscal year was a 52-percent decrease in information and communications expenses. This was due to additional expenses incurred in the previous year in hosting the *Moving the Conversation Forward* forum.

However, the overall decrease was mainly due to a ten-percent reduction in salary and wage expenses as a result of staff vacancies. Salaries and wages are the largest single expense, accounting for an annual average of 78.6 percent of total office expenses.

Given the limited number of staff, vacancies must often be backfilled with contractors so that work can be completed during hiring processes. This has contributed to a gradual rise in the use of professional and special services (57-percent increase since 2011–2012).

The OFOVC also secures the services of independent legal counsel to avoid any real or perceived conflict in the Ombudsman's ability to provide objective and independent advice to the Minister of Justice.

