

Standing Senate Committee on Legal and Constitutional Affairs (LCJC)
Bill C-14 (*Bail and Sentencing Reform Act*)

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC) is pleased to provide the following additional information following our appearance before the Senate Committee on Legal and Constitutional Affairs on March 26, 2026.

QUESTION 1: (Senator Simons) Draft amendments for Bill C-14 to notify victims about bail decisions

The *Canadian Victims Bill of Rights* (CVBR) is quasi-constitutional legislation with two distinct primacy clauses:¹

Interpretation of other Acts, regulations, etc.

21 To the extent that it is possible to do so, every Act of Parliament enacted — and every order, rule or regulation made under such an Act — before, on or after the day on which this Act comes into force must be construed and applied in a manner that is compatible with the rights under this Act.

Primacy in event of inconsistency

22 (1) If, after the application of sections 20 and 21, there is any inconsistency between any provision of this Act and any provision of any Act, order, rule or regulation referred to in section 21, the provision of this Act prevails to the extent of the inconsistency.

It is our position that the bail regime set out in the *Criminal Code* violates s. 10 of the CVBR.

Protection from intimidation and retaliation

10 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.

Risk: Failing to notify the victim when the state releases an accused charged with a violent crime introduces foreseeable risk to the victim that is grossly disproportionate to the privacy interests of the accused and contrary to the interests of public safety.

As highlighted in the Ombudsperson's [remarks to Committee](#), this is not an information gap, it is a safety gap.

To remedy this inconsistency with the legal primacy of the CVBR, the Ombudsperson recommended:

- Parliament should ensure that victims have a legal right to proactive notification of bail hearings, release decisions, conditions, and know how to report breaches.

¹ In April 2026, the OFOVC published an article from Law Professor Benjamin Perrin (UBC) providing detailed guidance on interpreting the CVBR as quasi-constitutional law in Canada. Perrin, B. (2026). **Giving Meaningful Effect to Victims' Rights: The Canadian Victims Bill of Rights as Quasi-Constitutional Legislation.** *The Pamela Arnott Series, OFOVC.* <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/publications/research-recherche/20260413.html>



Standing Senate Committee on Legal and Constitutional Affairs (LCJC) Bill C-14 (*Bail and Sentencing Reform Act*)

Existing regime:

The current bail regime requires a justice to include a statement in the record of proceedings that they have considered the safety and security of every victim and the community in their decision. A victim has the right to request a copy of the order, and the judge must ask the prosecutor if the victim has been informed that they can request a copy.

Victim's and community's safety and security

515 (13) A justice who makes an order under this section shall include in the record of the proceedings a statement that the justice considered the safety and security of every victim of the offence and the safety and security of the community when making the order.

Copy to victim

515 (14) If an order is made under this section, the justice shall, on request by a victim of the offence, cause a copy of the order to be given to the victim.

Inquiry for copies

515 (14.1) Upon making an order under subsection (2), the justice must ask the prosecutor whether victims of the offence have been informed of their right to request a copy of the order.

Some jurisdictions in Canada have guidance on victim notification in their Crown policies, but these frameworks are discretionary, unevenly applied, and do not create a clear, enforceable right for victims to be notified when an accused is released on bail.

Victims must be notified of release and safety-related conditions.

Senators asked for possible legislative clauses to be included in Bill C-14. The Ombudsperson suggested that the Senate could alternatively make an observation recommending that the issue be remedied in [Bill C-16](#) (the *Protecting Victims Act*) which is under consideration in the JUST committee in the House of Commons.

Draft amendment options

1. Add for greater certainty clause

For greater certainty

515 (13.2) For greater certainty, consideration of the safety and security of a victim includes consideration of whether timely notification of the accused's release is necessary to mitigate risk to the victim.

2. Add new subsection after s. 515 (14.1) or replace:

Notification to victim

515 (14.2) If an order is made under this section, the prosecutor shall ensure that **reasonable steps are taken, without delay**, to notify any identifiable victim of the offence of
(a) the making of the order; and
(b) any conditions that are relevant to the safety and security of the victim.



Standing Senate Committee on Legal and Constitutional Affairs (LCJC)
Bill C-14 (*Bail and Sentencing Reform Act*)

3. Add an opt-out exception to respect victim's privacy

Exception

515 (14.3) Subsection (14.2) does not apply where the victim has indicated that they do not wish to receive such information

4. Document actions to improve monitoring and research on bail effectiveness

Documentation

515 (14.4) The prosecutor shall, in accordance with provincial procedures, ensure that reasonable steps taken under subsection (14.2) are documented.

QUESTION 2: (Senator Pate) Concerns about survivors being criminalized and an Indigenous survivor of IPV who pleaded guilty to manslaughter.

During our recent systemic investigation, *Rethinking Justice for Survivors of Sexual Violence*, we explored pathways to criminalization after sexual violence, which included interviews with women and gender diverse people in federal prisons. We are preparing a supplementary chapter on criminalized survivors to be released later in 2026.

The chapter will emphasize the importance of evidence-based prevention and interrupting pathways to criminalization following sexual violence. We call for improved screening and support following adverse childhood experiences (ACEs), and highlight the need for access to housing, guaranteed basic livable income, mental health and substance use support, trauma-informed interventions, and victim rights.

In an [open letter](#) to the Government of Canada published in 2024, the Ombudsperson wrote:

We also recognize that many people in prison have histories of trauma and victimization that could have been interrupted if they received more effective support when they needed it most. Effective responses to victimization promote equity and improve safety for everyone.

We believe that strengthening victim rights and early interventions can help to address structural inequality, systemic racism, over-representation, and better prevent men's violence against women.

It is also critical that the Government maintains its commitment to implementing the **Calls to Action** of the Truth and Reconciliation Commission of Canada, and the **Calls for Justice** from the National Inquiry into Missing and Murdered Indigenous Women and Girls, to avoid perpetuating patterns of colonial exploitation and to ensure the safety and dignity of First Nations, Inuit, and Métis women, girls, Two-Spirit, and gender-diverse people.



QUESTION 3: (Multiple Senators) Federal levers to improve safety and victim treatment in the criminal justice system.

1. *We need a proactive approach to apply the primacy clauses of the CVBR to federal legislation.*

In January 2026, the OFOVC published a [10-year progress report](#) on the CVBR that proposed the following amendment:

Compliance statement

22 (3) The Minister shall, for every Bill affecting victims' rights, introduced in or presented to either House of Parliament by a minister or other representative of the Crown, cause to be tabled, in the House in which the Bill originates, a statement of compliance with the *Canadian Victims Bill of Rights* to inform members of the Senate and the House of Commons as well as the public of those potential effects.

This could also be achieved through a revision to the [Department of Justice Act](#). Sections 4.1 and 4.2 of that Act require the Minister to provide a *Charter* statement when tabling legislation:

Charter statement

4.2 (1) The Minister shall, for every Bill introduced in or presented to either House of Parliament by a minister or other representative of the Crown, cause to be tabled, in the House in which the Bill originates, a statement that sets out potential effects of the Bill on the rights and freedoms that are guaranteed by the *Canadian Charter of Rights and Freedoms*.

Purpose

(2) The purpose of the statement is to inform members of the Senate and the House of Commons as well as the public of those potential effects.

Requirements are further described in the [Canadian Charter of Rights and Freedoms Examination Regulations](#).

We believe victims' rights could be significantly advanced by requiring a parallel analysis of how proposed legislation complies with the CVBR. This could be incorporated as a distinct component of existing *Charter* statements, ensuring that victims' legal rights—including their *Charter*-protected rights—are directly considered in the development of federal laws.

2. *We need a robust, legislated system to monitor compliance and resolve complaints*

The *Canadian Victims Bill of Rights* (CVBR) places significant limits on remedies. Sections 27 (no standing), 28 (no cause of action), and 29 (no appeal) prevent victims from enforcing their rights through the courts. Instead, victims are directed to a complaints process.



Standing Senate Committee on Legal and Constitutional Affairs (LCJC)
Bill C-14 (*Bail and Sentencing Reform Act*)

As a matter of procedural fairness, this makes the effectiveness of that complaint process essential. Where Parliament has limited access to judicial remedies, it must ensure that administrative remedies are meaningful, independent, and accessible.

Our experience demonstrates both the need for reform—and the opportunity to build on what is already working.

Through our national systemic investigation, [*Rethinking Justice for Survivors of Sexual Violence*](#), we engaged with thousands of survivors, service providers, and justice system professionals across Canada. That work has already contributed to meaningful legislative progress: **approximately half of our recommendations are reflected, in whole or in part, in Bill C-16 (*Protecting Victims Act*)**.

This demonstrates that when survivors are heard and systemic issues are identified, **Parliament responds**. There is real momentum to strengthen victims' rights in Canada. However, the current federal framework does not provide the legislative tools needed to sustain that progress.

Survivors who contact our Office—particularly those subject to publication bans or non-disclosure agreements—often assume **personal and legal risk** simply to report a violation of their rights. This raises serious concerns about compliance with Parliament's obligation to protect victims from intimidation and retaliation. A complaints process that exposes victims to risk cannot be considered effective.

By contrast, federally sentenced offenders benefit from a legislated oversight body. The **Office of the Correctional Investigator** is established in law², with clear investigative powers, confidentiality protections, and institutional independence. No equivalent protection exists for victims under the CVBR.

Other jurisdictions have also recognized the importance of legislated oversight.

² The powers of the Correctional Investigator are set out in the *Corrections and Conditional Release Act*.



Standing Senate Committee on Legal and Constitutional Affairs (LCJC) Bill C-14 (*Bail and Sentencing Reform Act*)

The **Victims' Commissioner for England and Wales** operates within a statutory framework that includes:

- a **duty to consult** the Commissioner on key victims' rights instruments
- a **duty on justice system bodies to cooperate** with the Commissioner

Canada has an opportunity to build on its recent progress and adopt a comparable—and potentially stronger—model.

The Federal Ombudsperson for Victims of Crime is not named in legislation, including the *Canadian Victims Bill of Rights*, and their powers, independence, tenure, and confidentiality protections are not set out in statute. As a result, the Office of the Federal Ombudsperson for Victims of Crime (OFOVC) lacks many of the authorities and safeguards afforded to other federal ombudspersons.

Recognizing these structural and governance gaps, former senator Boisvenu introduced [Bill S-265](#), the *Federal Ombudsperson for Victims of Crime Act*, which would have established a legislated office, added the Ombudsperson to the CVBR as a complaint body, aligned the Ombud's powers with those of other federal ombudspersons, and set a five-year term. Building on this foundation, the OFOVC drafted legislative proposals to address these gaps and establish a **Federal Commissioner for Victim Rights**. These proposals were shared with parliamentarians in July 2024 and are attached.

Resourcing

Despite a comparable mandate and workload, our Office operates with significantly fewer resources than other federal ombud institutions:

Organization	24-25 Spending	24-25 FTE	GCQ	Ombud term
DND/CAF Ombud	\$8.2 million	72	GCQ 6	5 years
Correctional Investigator	\$6.9 million	40	GCQ 5	5 years
Taxpayers' Ombud	\$5.6 million	43	GCQ 4	5 years
Procurement Ombud	\$4.7 million	33	GCQ 6	5 years
Veterans Ombud	\$4.6 million	33	GCQ 5	5 years
Ombud for Victims of Crime	\$2.1 million	14	GCQ 4	3 years

Victims and survivors of crime in Canada deserve enforceable rights. When those rights are violated, they must have access to **effective, safe, and independent remedies**.



Standing Senate Committee on Legal and Constitutional Affairs (LCJC)
Bill C-14 (*Bail and Sentencing Reform Act*)

A legislated **Commissioner for Victim Rights** would allow Canada to:

- build on demonstrated progress;
- ensure sustained compliance with the CVBR; and
- provide survivors with a trusted, protected pathway to assert their rights.

We would be pleased to provide further briefings to senators on the CVBR, victim rights, our report on sexual violence, and our legislative proposals.

Why it matters

Notifying victims about bail decisions fully engages s. 7 *Charter* rights to life, liberty and security of the person and CVBR rights to information and protection. These rights need to be considered directly at the drafting stage.

