



Government
of Canada

Office of the Federal
Ombudsman for Victims
of Crime

Gouvernement
du Canada

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

ANNUAL REPORT 2018-2019

Office of the Federal Ombudsman
for Victims of Crime

OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

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MESSAGE FROM THE OMBUDSMAN

It is my pleasure to present the 2018–2019 Annual Report of the Office of the Federal Ombudsman for Victims of Crime (OFOVC). This report covers the period from April 1, 2018 to March 31, 2019.

I was honoured to be appointed to serve Canadians as the Federal Ombudsman for Victims of Crime in October 2018.* I have dedicated my career to supporting victims, survivors and their families in the not-for-profit sector, and it is a privilege to draw on that experience as Ombudsman.

In the short time frame between my appointment and the end of this reporting period, our Office worked hard to honour its mandate. We engaged with victims, survivors, stakeholders and service providers to learn about their experiences, needs and ideas about our justice system. We also made significant recommendations to the federal government on key pieces of federal legislation to influence necessary systemic change for victims and survivors of crime in Canada. I am proud to present that work in this annual report.

I want to thank the service providers and private citizens affected by victimization who shared their experiences with our Office. I also extend my gratitude to the previous Ombudsman, Sue O’Sullivan. Under her leadership, the Office brought about many positive changes that have improved the lives of victims, survivors and their families. Finally, I would like to thank my outstanding team members for their tireless work on behalf of the victims they serve.

Together, we have built a strong foundation for a promising 2019–2020. In the coming year, I plan to revitalize our Office’s work and outline a direction for my next three years as Ombudsman. Building on past successes and recognizing where there is room to improve, I envision an Office that is even more agile, responsive and forward-looking, and that takes a victim-centred and trauma-informed approach to all of its work. I am eager to continue this journey to empower victims of crime and their families, and to honour what it means to put victims first.

Heidi Illingworth

Federal Ombudsman for Victims of Crime

*The position of Federal Ombudsman for Victims of Crime was vacant from November 15, 2017 to September 30, 2018.



WHO WE ARE AND WHAT WE DO

Created in 2007, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) gives victims of crime a voice at the federal level and ensures that the government meets its commitments to them.

WHO WE SERVE

We serve Canadians who have suffered physical or emotional harm or financial loss because of a criminal offence, whether in Canada or another country. We also support their spouses, relatives and dependents. We welcome questions about the rights of victims in Canada from anyone.

"Thank you so much for your response. It is refreshing to see that there still people out there who will respond. I really do appreciate you taking the time to answer instead of the normal dismissal that others seem to be so content with."

—An OFOVC client

WHAT WE DO

Our mandate allows us to:

Assist victims

- We answer questions about victims' rights under federal law, including those protected by the *Canadian Victims Bill of Rights*.
- We review complaints related to federal laws, policies, programs and services for victims and survivors of crime.
- We provide information about programs and services for victims and survivors of crime in Canada.

Raise awareness

- We inform Canadians about who we are and what we do.
- We ensure that policy-makers are aware of victims' needs and concerns.

Provide advice

- We identify issues with federal laws, programs, policies, or services that may have a negative impact on victims of crime.
- We make recommendations to the federal government on how it can make its laws, policies and processes more responsive to the needs of victims of crime.

MAKING A DIFFERENCE FOR VICTIMS OF CRIME AND THEIR FAMILIES

We serve victims by answering inquiries and addressing complaints. Anyone can contact the Office directly through our toll-free victim-assistance line and speak with a bilingual Complaint Review Officer. We are also available through email, fax or regular mail.

“Thank you again for listening and being a safe place for victims to express their deep frustrations and disappointment with the current criminal justice system.”

—An OFOVC client

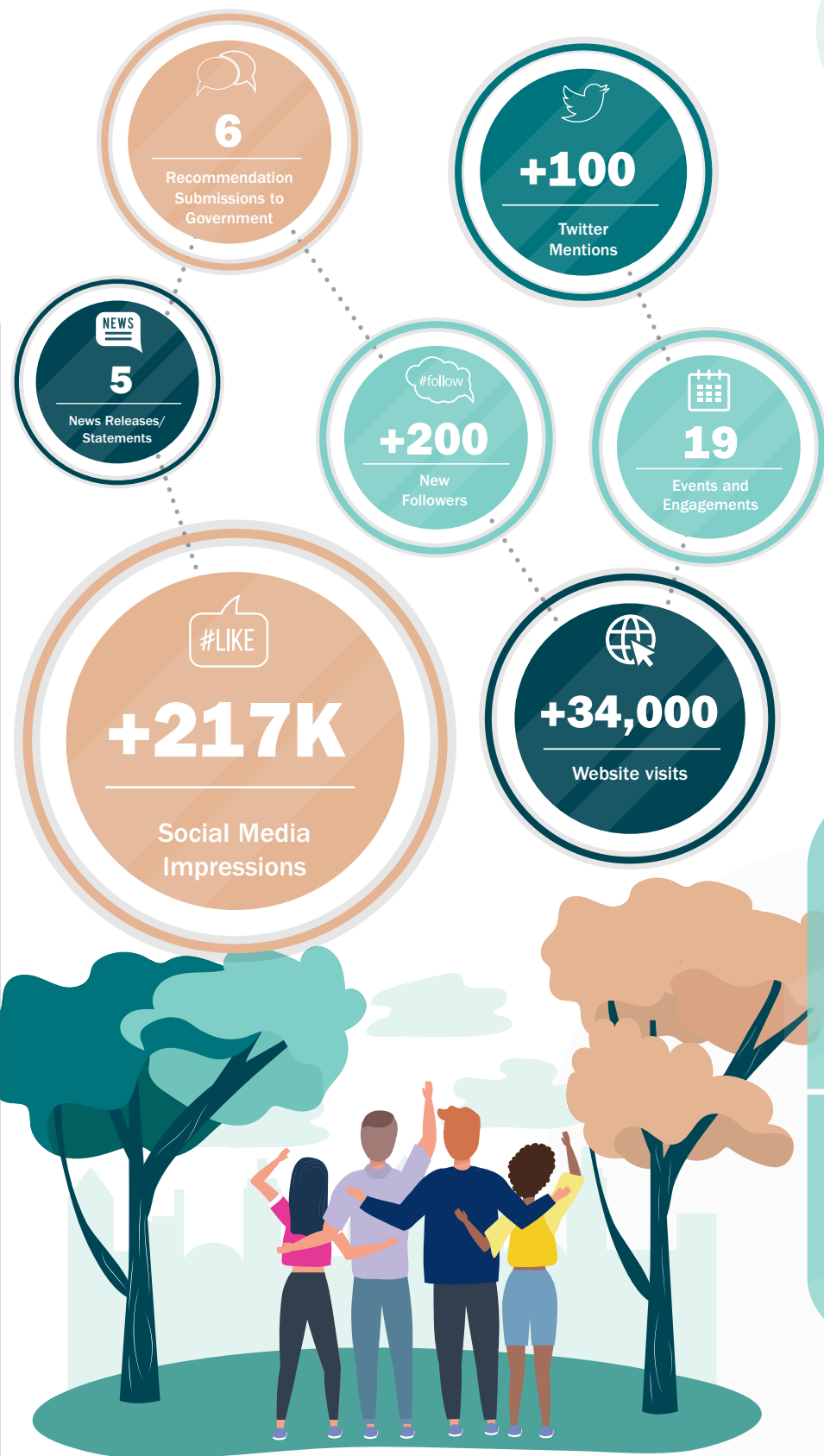


2018-2019 AT A GLANCE

The Ombudsman participated in a Ministerial Forum on Anti-Racism led by the Department of Canadian Heritage in Ottawa. This forum helped to inform the development of **“Building a Foundation for Change: Canada’s Anti-Racism Strategy 2019-2022”**.

The Ombudsman attended the 2019 Public Safety Canada National Crime Prevention Symposium in Ottawa to engage with key stakeholders and gain more tools, resources, and knowledge to support the OFOVC’s initiatives.

The Ombudsman delivered remarks at the Association Québécoise Plaidoyer-Victimes Conference on the Canadian Victims Bill of Rights in Montreal in February 2019.



Top Tweet ENGLISH

Racism leads to violence and victimization. Hate crimes based on race or ethnicity remind us of that reality. In 2017 the number of police reported hate crimes was X% higher than in 2016:

- a. 32% b. 15% c. 47% d. 8%

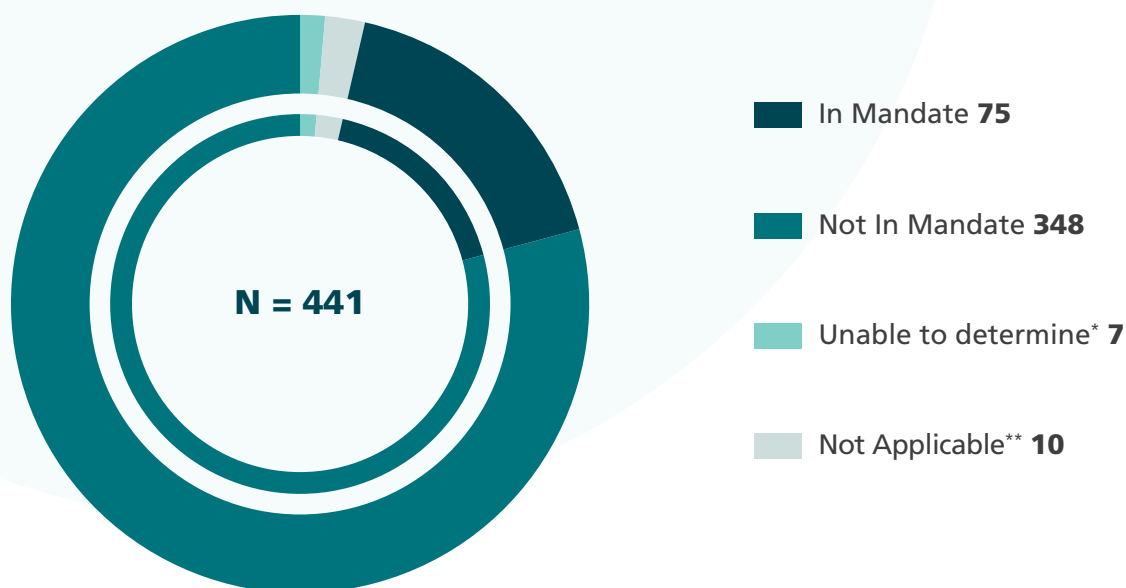
#OFOVCCommunity

Top Tweet FRENCH

Consultez la déclaration de l'Ombudsman sur la semaine de prévention contre la conduite avec facultés affaiblies:

<https://bit.ly/2JkLeDU>
#conduiteavecfaucultésaffaiblies
#NeConduisPasGelé

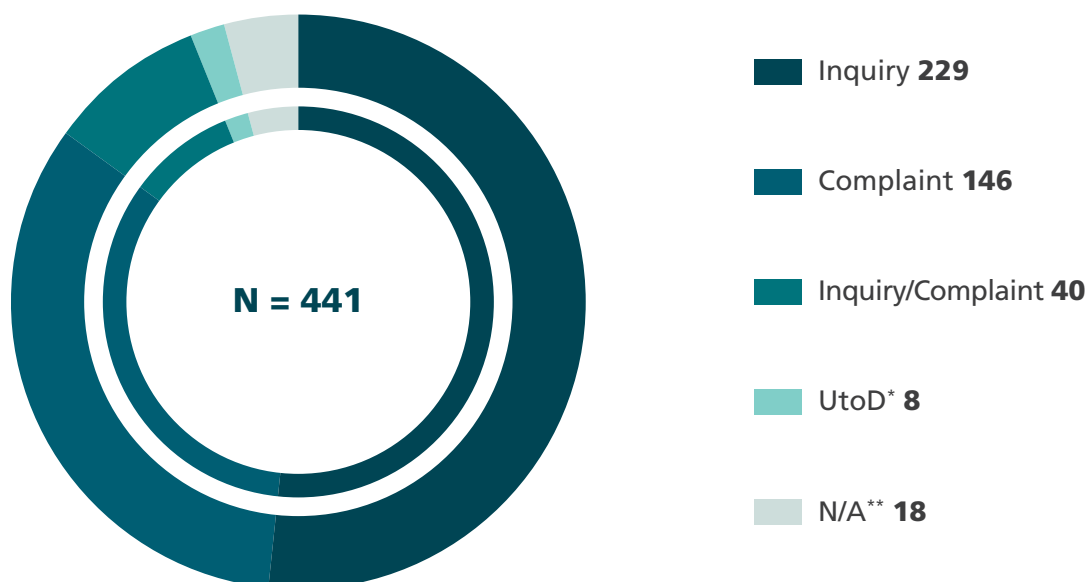
Total Number of Files Opened (between April 1, 2018 and March 31, 2019)



* UtoD = couldn't get ahold of client after multiple attempts - file closed

** N/A = job inquiries and reported typo on website

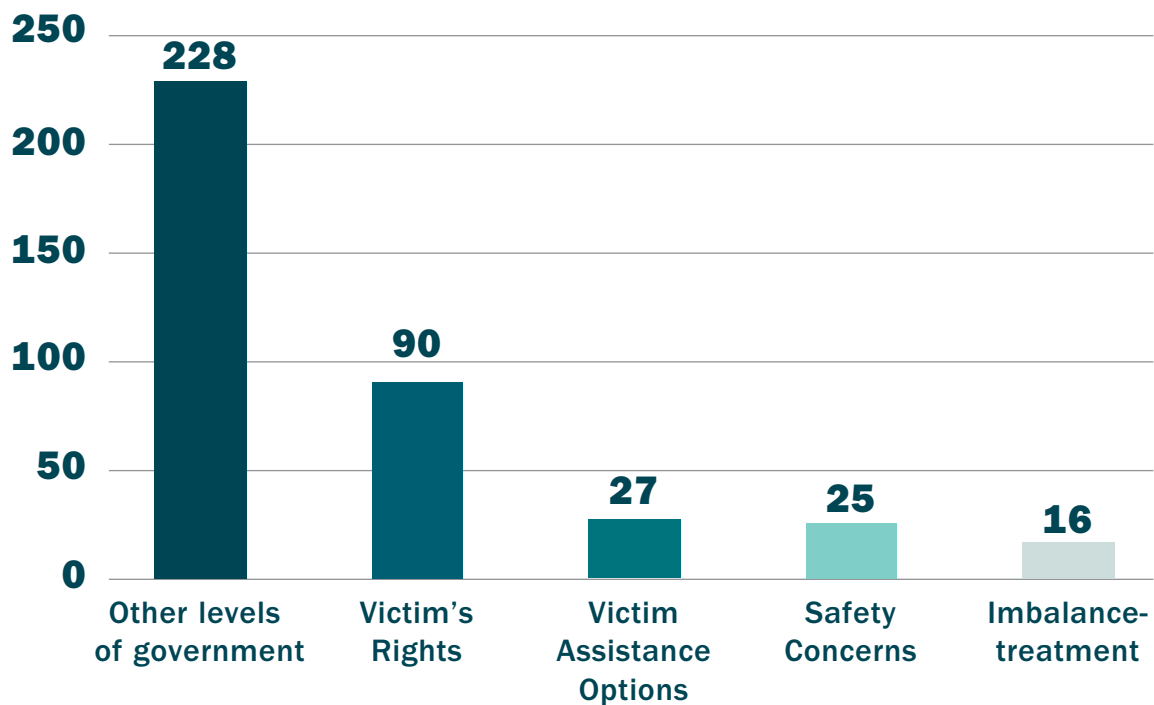
Total files opened from April 1, 2018 to March 31, 2019 by reason for contact



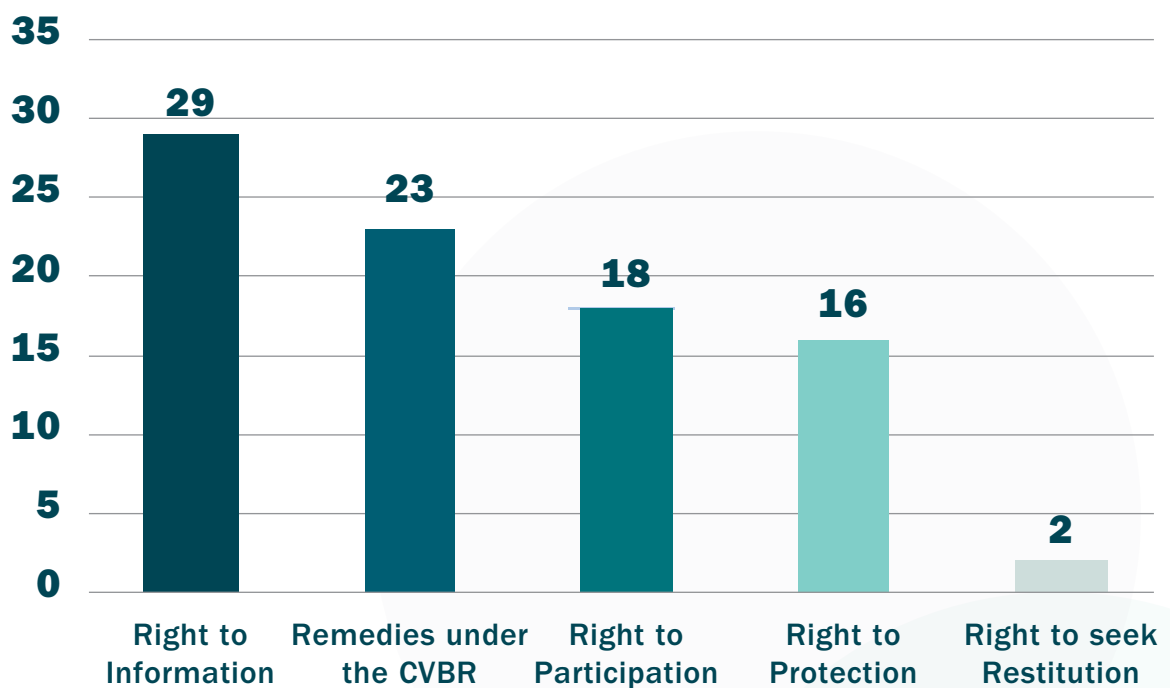
* UtoD = incoherent conversation, unable to discern concerns, strange threats in emails, unable to reach client,

** N/A = reporting typo on OFOVC website

Top five topics on which the OFOVC provided assistance to individuals
(April 1, 2018 - March 31, 2019)



Topics relating to the CVBR on which the OFOVC provided information or assistance
(between April 1, 2018 and March 31, 2019)



CASE STUDIES

The following two stories highlight some of the issues that victims and survivors of crime face and how the Office of the Federal Ombudsman for Victims of Crime can help.¹

DANIEL CHALAMET

ISSUE

In November 2018, the offender who harmed Mr. Chalamet was transferred to an institution four kilometres from Mr. Chalamet's home. When Mr. Chalamet heard about this, he began to fear for his own safety and that of his daughter.

ENQUIRY

Mr. Chalamet contacted our Office to file a complaint about this situation. We helped him navigate the complaints process and make a complaint under the *Canadian Victims Bill of Rights*. We facilitated communication between Mr. Chalamet and the Correctional Service of Canada (CSC) to help him find resolution.

IMPACT

After our Office became involved:

- The CSC reviewed the complaint and concluded that it had followed all procedures correctly.
- A look at prior communications between Mr. Chalamet and the CSC confirmed that Mr. Chalamet had not objected to the offender's placement at institutions in the region before. There were no records indicating that the transfer would cause concern.
- When the CSC case management team received new information with Mr. Chalamet's significant concerns about the transfer, they reviewed the case.
- The CSC concluded that it could manage the offender in another institution, and transferred him to one farther away from Mr. Chalamet's home.

TANIA STIRLING

ISSUE

Tania Stirling learned from the Parole Board of Canada that the offender who harmed her had waived his right to a traditional parole hearing, opting for a paper review instead. This meant Ms. Stirling would not be able to attend the hearing or read her victim statement. She could only submit a written statement.

Nevertheless, Ms. Stirling still wanted to make herself heard, so she consulted the Parole Board of Canada website and discovered that victims could submit an audio or video recording of themselves reading their victim statements. However, her Regional Communications Officer told her that this option was not available in her case. Ms. Stirling felt that this decision violated her right to participation under the *Canadian Victims Bill of Rights*, so she made a complaint to the Parole Board. The bill states that every victim has the right to:

- convey their views about decisions in the criminal justice system that affect their rights, and have those views considered, and
- present a victim impact statement and have it considered in the criminal justice system.

¹ Both case studies use pseudonyms to protect the victims' identities.

ENQUIRY

Ms. Stirling contacted our Office, and we followed up with the Parole Board. Specifically:

- We noted the conflicting information Ms. Stirling had encountered about the policy on presenting victim statements.
- The Parole Board sent Ms. Stirling an official response, including an apology for the misinformation and the distress it had caused.
- The Parole Board permitted Ms. Stirling to submit an audio or video recording of her victim statement.
- The board sent a directive to all Regional Communications Officers in the Ontario region to clarify its policy on the right of victims to submit recorded victim impact statements.
- Ms. Stirling contacted our Office again because, although these were positive steps, she was not fully satisfied. We worked with her to understand what outcome she desired. We discovered that she wanted the Parole Board of Canada to inform all Regional Communications Officers across Canada—not just those in Ontario—about the corrected policy. We wrote to the Board on her behalf to make this request.

IMPACT

The victim was satisfied with the resolution because:

- She was able to submit her recorded statement.
- The Parole Board of Canada reviewed and clarified its policy and updated staff across Canada to help ensure that going forward, all registered victims would receive consistent information.

*“Words cannot express
how grateful I am for your
response and attention. I
will not give up.”*

—An OFOVC client



SUBMISSIONS TO GOVERNMENT

As part of our mandate, we provide direct advice to government by appearing at parliamentary committees and making recommendations to federal ministers. This year, we identified issues and provided recommendations through five submissions and one letter. The status of each is presented here.

SUBMISSION TO THE HOUSE OF COMMONS STANDING COMMITTEE ON THE STATUS OF WOMEN

Study on the System of Shelters and Transition Houses Serving Women and Children Affected by Violence Against Women and Intimate Partner Violence

ISSUE

In October 2018, the House of Commons Standing Committee on the Status of Women invited the public to submit written briefs for consideration in its study of federal programs, funding and solutions to address the gap between the need for and the availability of shelters and transition houses for victims of human trafficking and women and children affected by domestic violence.



OUR RECOMMENDATIONS

- Consider targeted investments aimed at closing gaps in the availability of shelters and transition houses in rural, remote and Northern communities to address the committee's previous recommendations.
- Bring a victim-centric lens—one that is intersectional in its approach and grounded in human rights—to the legislation being developed to support the National Housing Strategy and its initiatives.
- Lead a coordinated, well-resourced National Action Plan to Address and Prevent Gender-Based Violence in Canada and ensure it results in equitable distribution of supports and services across the country.

STATUS

The House of Commons Standing Committee on the Status of Women met between October 15, 2018 and March 19, 2019. On March 19, it adopted *Report 15: Surviving Abuse and Building Resilience – A Study of Canada's Systems of Shelters and Transition Houses Serving Women and Children Affected by Violence*.

For more information, see "[Study on the System of Shelters and Transition Houses Serving Women and Children Affected by Violence Against Women and Intimate Partner Violence](#)."

"Thank you for listening to me and helping me find clarity in moving forward, in the 20 years since this has happened this is the first time I feel heard."

—An OFOVC client

SUBMISSION TO THE HOUSE OF COMMONS STANDING COMMITTEE ON NATIONAL DEFENCE

Bill C-77, An Act to amend the National Defence Act and to make related and consequential amendments to other Acts

ISSUE

For nearly a decade, the OFOVC has been calling for changes that would bring legislated victims' rights into the military justice system. Bill C-77 seeks to bridge this gap by affirming victims' rights in the system. The Ombudsman noted opportunities to strengthen the bill through this submission.

OUR RECOMMENDATIONS

- Include a preamble indicating that victims' rights matter and expressing how victims should expect to be treated.
- Define roles and responsibilities for enforcing victims' rights in the military justice system to ensure that victims can access their rights in a coordinated, straightforward, transparent and timely way.
- Require the implementation of a training strategy for military justice system administrators (such as military police, prosecutors, counsel, judges and others) who are likely to come into contact with victims.
- Make specific officials responsible for accepting and reviewing victim complaints and require them to provide an annual summary of complaints.
- Introduce an appeal mechanism to address a breach or denial of a victim's rights. Identify and empower an oversight body to review and recommend solutions to appeal complaints.
- In cases where an offender is transferred to the civilian system, mandate a designated official to give victims the option to have a point of contact in the civilian criminal justice system.
- Require a progress review of the legislation's implementation.

STATUS

The committee studied the bill between October 23, 2018 and November 29, 2018. Four organizations provided briefs to the committee, including the OFOVC. The committee reported the bill with amendments to the House of Commons on December 3, 2018 (Report 13). The bill was before the Senate at the end of this reporting period.

SUBMISSION TO THE HOUSE OF COMMONS STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

Study on Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act

ISSUE

The OFOVC has been requesting better access for victims to Parole Board of Canada hearings for many years. Since June 1, 2016, only victims who did not attend their offender's parole hearing have had the right to listen to an audio recording of it afterward. Bill C-83 proposes amendments to the *Corrections and Conditional Release Act* to give victims access to audio recordings even if they also attended a hearing. The OFOVC provided a written submission on November 19, 2018.

OUR RECOMMENDATIONS

- Amend Bill C-83 to allow victims to access archived recordings of the hearings.
- Include Parole Board of Canada hearings regarding temporary absences among those eligible for audio recordings.
- Improve the sound quality of audio recordings.
- Improve online request forms to make it easier for victims to request access to audio recordings.
- Allow victims to listen to audio recordings with a support person and/or allow a victim's representative to listen to the recording on their behalf.
- Ensure equal access for victims who are deaf or have other disabilities.
- Provide victims with more ways to listen to or participate in parole hearings.

STATUS

The House of Commons Standing Committee on Public Safety and National Security completed its study and [reported the bill with amendments](#) on December 4, 2018 (Report 28). The amendments primarily addressed matters relating to managing the correctional system and its conditions.

The legislation was still before Parliament during this reporting period.

SUBMISSION TO THE ENGAGEMENT PROCESS ON REDUCING VIOLENT CRIME

A dialogue on handguns and assault weapons

ISSUE

In October 2018, Public Safety Canada began an engagement process (as part of an examination) to inform policy, regulations and legislation on reducing violent crime involving firearms. The OFOVC provided a submission to the engagement process in an effort to include perspectives on victimization in the dialogue.

OUR RECOMMENDATIONS

- Implement a total ban on handguns and assault-style rifles in conjunction with a buyback program.
- Consider the link between firearms and gender-based violence, including human trafficking, in the dialogue on guns.
- Improve federal leadership when it comes to providing support and treatment for victims of gun violence. It is crucial to assist victims in the aftermath of a crime. Their financial, mental and physical well-being are key to regaining a sense of normalcy.
- Make it harder to obtain legal permission to transport restricted and prohibited firearms.
- Restore controls on sales of non-restricted firearms. Require gun dealers to record sales of rifles and shotguns.
- Invest in data collection and research related to firearm violence in Canada to better determine its consequences to individuals and society.
- Broaden the dialogue to include all types of firearms.

STATUS

The Hon. Ralph Goodale, Minister of Public Safety and Emergency Preparedness, released a summary report outlining key findings on April 11, 2019. Thirty-six stakeholders made submissions, including our Office. Another 1,200 individuals with relevant experience also made submissions. A status update will be shared when available.

SUBMISSION TO THE ENGAGEMENT PROCESS ON A NEW NATIONAL ANTI-RACISM STRATEGY

ISSUE

The Government of Canada announced funding in Budget 2018 to engage the public on a new national anti-racism strategy. The engagement process launched later that year in October. The OFOVC provided a submission that emphasized why strategies to reduce racism and discrimination in Canada need to include victims' perspectives.

OUR RECOMMENDATIONS

- Prevent and address racially motivated hate crimes and support individuals and communities affected by them.
- Improve the experiences that Indigenous and racialized victims and survivors have in the criminal justice system.
- Fund measures to prevent and address racially motivated hate crimes and enhance victim supports.
- Amend the Criminal Code to better reflect the issues of racism and intolerance that underlie hate-motivated crime.
- Promote third party reporting as an alternative for hate crime victims. Third party reporting allows a victim to report a crime to police through a program so they can remain anonymous.
- Explore options for ensuring that restorative justice processes are responsive to victims and survivors of race-based hate crimes.

- Support opportunities for criminal justice system professionals to engage in cultural humility training. Cultural humility involves understanding personal and systemic biases and developing and maintaining respectful processes and relationships based on mutual trust.
- Ensure that Canada's anti-racism strategy commits to implementing the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's 94 Calls to Action, and the interim and forthcoming final recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

In addition to providing a written submission to the engagement process, we participated in an anti-racism forum hosted by the Minister of Canadian Heritage and Multiculturalism. The Ombudsman engaged in passionate roundtable discussions with anti-racism advocacy stakeholders.

STATUS

The report from the anti-racism forum will be shared when finalized.

LETTER TO MINISTER RALPH GOODALE

Strengthening Victims' Rights to Information, Participation and Protection in Relation to the Transfer of Federal Offenders

ISSUE

The OFOVC has heard from many victims who feel that their rights to information, participation and protection are not considered in transfer decisions. In January 2019, the Ombudsman provided a suite of policy recommendations to (then) Minister of Public Safety and Emergency Preparedness Ralph Goodale to address victims' concerns about the transfer process more broadly.

OUR RECOMMENDATIONS

- Provide advance notice to victims when a transfer is being considered.
- Give victims an opportunity to express their views concerning the transfer, and consider them.

IMPACT

The Hon. Ralph Goodale replied to the OFOVC's recommendations. He acknowledged that the CSC could do a better job of communicating with victims and agreed to address the issue. The Minister also emphasized that it is important for victims to be aware of the need to register with CSC (and ensure their contact information is current) in order to receive information about the offender who harmed them.

*"You've given me
some hope today."*

—An OFOVC client



OPERATIONS AND FINANCIALS

OPERATIONS

The OFOVC is an arm's-length program activity of the Department of Justice Canada. The Office employs a full-time staff of nine people who support three units:

- Case Management
- Policy and Research
- Communications

We share administrative services (e.g., procurement and human resources management) with Justice Canada to maintain cost and operational efficiencies.

Since the Ombudsman reports directly to the Minister of Justice, the OFOVC is not included in Justice Canada's governance framework. Some information about the OFOVC is included in Justice Canada's 2018-19 Departmental Plan and in its Departmental Results Report. However, for performance analysis, those documents direct readers to the OFOVC's annual report.

"I wanted to thank you for your empathetic response to my lengthy story. And although your office cannot directly assist my personal plight, I appreciate the details regarding the other outlets for me to engage with."

—An OFOVC client



FINANCIALS

Ombudsman – Annual Report 2018–2019		Actuals
Salaries and Wages		801,538
Information/Communications		22,140
Training and Professional Dues		3,569
Professional and Special Services		57,776
Legal Services: 30,118		
Translation Services: 24,937		
Other Services: 2,721		
Rentals		3,481
Repair and Maintenance		
Utilities, Materials and Supplies		15,400
Acquisition of Machinery & Equipment		2,188
Travel & Relocation		10,715
Other		3,678
Total Expended by Ombudsman's Office		920,485
Total Expended by Justice Canada		920,485

**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.*

LOOKING AHEAD

We have built a solid foundation for fiscal year 2019–2020. We will continue to improve outcomes for victims of crime. We have developed the following tactics to help us meet our objectives.

Strategic Plan 2019–2021. This document guides our employees' work. It sets out the direction our Office will take over the next three years, and it will enable us to reach more Canadians affected by crime.

Town halls. The Ombudsman will embark on a cross-Canada tour to raise awareness of our Office. The town halls will help us connect with victims and better understand their needs.

Indigenous Advisory Circle. We will establish the Indigenous Advisory Circle to engage with Indigenous survivors of violence and experts who work with Indigenous victims. The Circle is an approach to hearing about the challenges faced by Indigenous victims and service providers in the criminal justice system.

Academic Advisory Circle. We will establish an Academic Advisory Circle to engage with victimology experts and other academics who research victims' resilience, the impacts of trauma and violence, victims' rights and the prevention of victimization in Canada.

Renewed website. We will update our website to improve victims' ability to find the information they need. The site will be more accessible and user-friendly.

Missing Persons Submission. We will submit a recommendation on the Submission to the Independent Civilian Review into Missing Person Investigations conducted by the Toronto Police Service. We view missing persons as a social phenomenon of national concern.

Webinars. We will host webinars on topics related to victims' issues. The first topic will be removing barriers and building partnerships to serve victims across jurisdictions.

New Indigenous policy and outreach team member. To build trust, better serve Indigenous survivors, contribute to reconciliation, and address the *Missing and Murdered Indigenous Women and Girls' Calls for Justice*; we will hire an Indigenous staff member.

Finally, we will continue to make recommendations to other federal agencies and departments so that policy-makers and other criminal justice personnel are aware of victims' needs and concerns.

