



Government  
of Canada  
Office of the Federal  
Ombudsperson for Victims  
of Crime

Gouvernement  
du Canada  
Bureau de l'ombudsman  
fédéral des victimes  
d'actes criminels

Assistance **Dignity** *Broken Promises*  
Courage Community support Discretion **Promise**  
**Fairness** Guaranteed Rights Healing Health Services  
Hope Information **Respect** Intersectionality  
Justice Legal assistance Consideration Loved ones **Participation**  
**Survivors** Enforcement **Transformation** Diversity  
Inform victim automatically Services Redress Not real rights  
*Privacy* **Protection** **Rebalancing** Remedy  
Representation Rights on request **Standing**  
**Resilience** Support for all victims  
*Testimonial aids Compassion* Restitution  
*Trauma-informed* Prevention Truth  
**Victim Rights**

# FULFILLING THE PROMISES OF THE CANADIAN VICTIMS BILL OF RIGHTS

## 10-year Progress Report

Canada

The Office of the Federal Ombudsperson for Victims of Crime is located on the traditional, unceded and unsurrendered territory of the Anishinaabe Algonquin Nation, whose presence here reaches back to time immemorial. Canada needs to respect First Nations, Inuit, and Métis Peoples by fully implementing the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, and by ensuring that Indigenous survivors and their families have enforceable rights in the criminal justice system.

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

We acknowledge that the content of this report includes references to many forms of violence. These topics can be difficult to engage with, particularly for survivors, those who have witnessed harm, and individuals who support or care for those affected.

**Please take care as you read. You are encouraged to engage with the material at your own pace and in ways that feel safe and manageable for you. If you would like to access support, consider contacting the following resources:**

**Hope for Wellness Helpline** (a resource operated by and for Indigenous people across Canada)  
[www.hopeforwellness.ca](http://www.hopeforwellness.ca)  
1-855-242-3310

**Victim Services Directory** (to find services near you)  
<https://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>

**Canadian Resource Centre for Victims of Crime** (for advocacy)  
[www.crcvc.ca](http://www.crcvc.ca)  
1-877-232-2610

If you have been the victim of a crime and you believe your rights under the *Canadian Victims Bill of Rights* have not been respected, you can contact us:

**Office of the Federal Ombudsperson for Victims of Crime**  
[www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)  
1-866-481-8429

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# Message from the Ombudsperson

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As we mark the **10th anniversary of the Canadian Victims Bill of Rights (CVBR)**, we reflect on the progress made and the work still ahead to better support victims and survivors of crime across the country.

This milestone is a moment to acknowledge the legal rights and protections for victims and a time to **honour the lived experiences** of those who have faced pain, trauma, and loss. The strength and resilience of victims and survivors is a testament to their courage. Their determination to seek justice, rebuild their lives, and contribute to meaningful change for others is inspiring.

We also **recognize the dedication of frontline workers** – victim services professionals, advocates, law enforcement, healthcare providers, and community organizations – who ensure victims are informed, protected, and cared for. We thank you for your dedication and compassion. We honour the **contributions of academics and other experts** whose insights and advocacy are helping to shift systems, inform policy, and

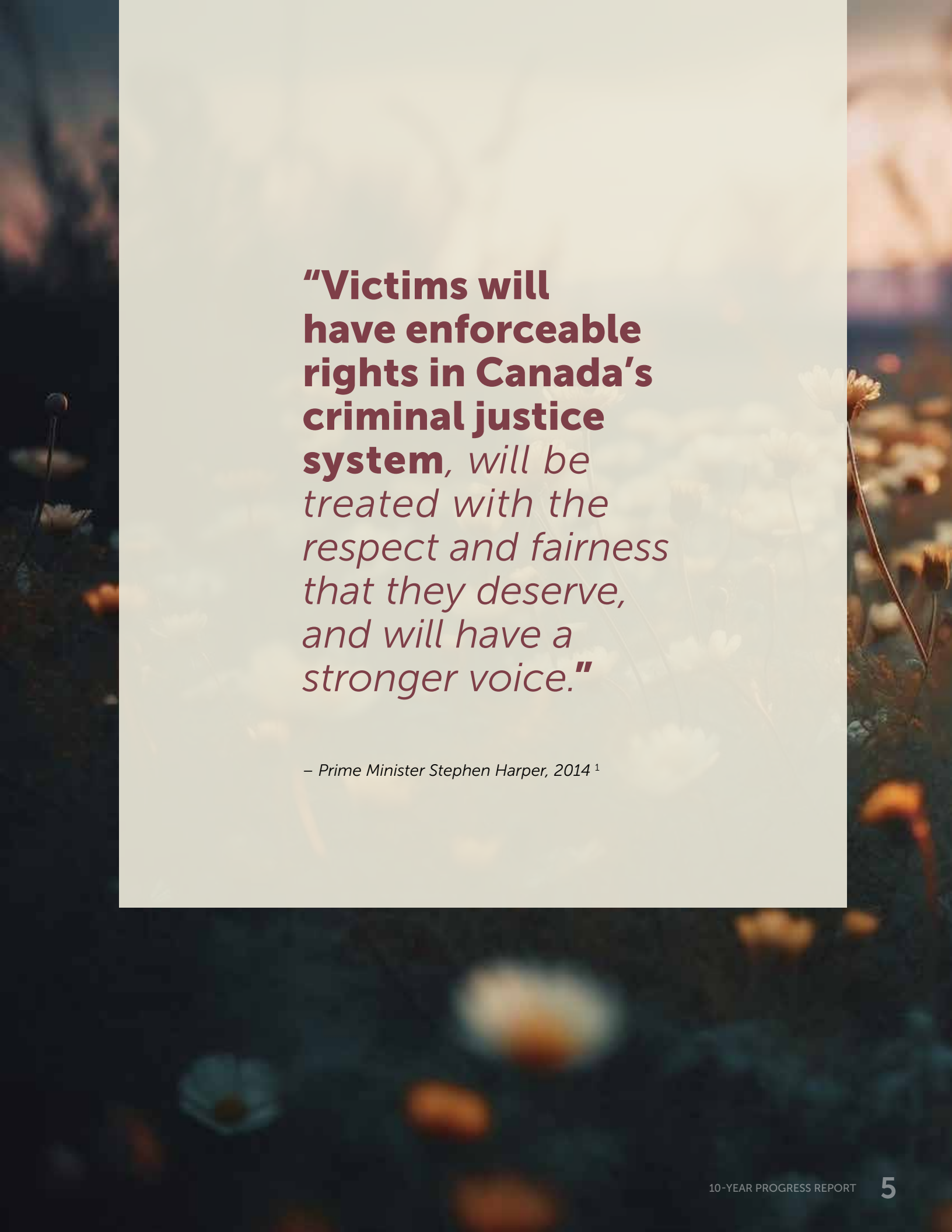
strengthen support for victims and survivors. Their contributions are critical to building a more just and responsive framework.

The original vision for the CVBR was bold and transformative: to place victims firmly at the heart of the justice system, ensuring they have enforceable rights, are treated with dignity, and have a strong, respected voice. It set out to fundamentally enhance their role and recognition within the system.

We are not there yet. The CVBR laid the foundation for legal recognition. But **rights must be real, respected, and enforceable.**

**Now is the time to act.**

Benjamin Roebuck  
Federal Ombudsperson for Victims of Crime



**"Victims will have enforceable rights in Canada's criminal justice system, *will be treated with the respect and fairness that they deserve, and will have a stronger voice.*"**

– Prime Minister Stephen Harper, 2014 <sup>1</sup>



# Executive Summary

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Victims of crime in Canada have often felt like an afterthought in the justice system. While the rights of offenders are rightly protected and enforceable, victims have often depended on goodwill to receive information about their own cases and participate in decisions that affect their lives. The *Canadian Victims Bill of Rights* (CVBR) was introduced to change that. Building on previous progress, it promised victims **enforceable rights** to information, protection, participation, to seek restitution, and remedy.

## Progress

In the last ten years, the CVBR has steadily established a presence within the justice system, impacting case law, policy development, legislation, and parliamentary debate. Courts, including the Supreme Court, reference it in decisions, reinforcing its quasi-constitutional status; parliamentary committees consider it when reviewing new legislation. Victim support organizations and law enforcement are increasingly providing more comprehensive information and guidance to victims. Federal agencies interacting with victims of crime have put in place complaint processes aligned with CVBR rights and adapted practices to respect those rights.

## Challenges

While the CVBR has driven meaningful progress, its **rights remain unenforceable without a legal mechanism to appeal** unfair decisions. Information about the justice process is only required to be provided if requested. Victims often do not know what to ask or when. More justice personnel need training on victim rights and safety measures need to be applied consistently. Victim impact statements are often over-redacted and access to restitution enforcement and support varies across the country. These gaps are greater for marginalized groups, who may face language barriers, systemic discrimination, poverty, or limited access to legal and social services, further restricting their ability to exercise their CVBR rights.

### Keeping our promises to victims

There are simple and cost-effective ways to improve how we treat victims and survivors without interfering with the rights of those who harmed them.

- » **Enforceable Rights and Remedy** – Ensure victims' rights are legally enforceable, with clear remedies, standing, and avenues for review.
- » **Principles** – Embed trauma-informed and equitable justice principles into the preamble, reinforcing procedural fairness, human rights, and the proper administration of justice.
- » **Information** – Remove "on request" to make information automatic. Provide clear, accessible, and timely information in plain language.
- » **Protection** – Recognize victims' physical and emotional well-being, allow correction of personal information, and provide access to testimonial aids consistently.
- » **Participation** – Minimize redactions of victim impact statements and create a well-funded national trauma-informed advocate network to support engagement.

- » **Restitution and Reparation** – Support victims in obtaining restitution, fund pilot enforcement initiatives, and use data to improve compliance and enforcement.
- » **Evaluation, Monitoring, and Training** – Conduct regular federal evaluations, integrate indicators into surveys, ensure mandatory training for criminal justice personnel, and maintain parliamentary oversight on a five-year cycle.
- » **Independent Oversight and Accountability** – Strengthen OFOVC powers, guarantee access to information, centralize complaint handling, and uphold procedural fairness.

Victims' rights must be enforceable, real, and respected. The time to act is now.

# Keeping Promises

When the *Canadian Victims Bill of Rights* (CVBR) was introduced, Prime Minister Stephen Harper promised victims and survivors of crime that the Government was “**rebalancing the scales of Canadian justice,**” that victims would be “**at the heart of our judicial system,**” and that they would have “**enforceable rights.**”<sup>2</sup>

In 2020, the Office of the Federal Ombudsperson for Victims of Crime (OFOVC) released a 5-year progress report on the CVBR.<sup>3</sup>



The primary challenge highlighted in the report was the **limited enforceability** of victim rights, and the Ombudsperson called on the Government of Canada to amend the CVBR to provide legal remedies for violations.

The Ombudsperson made

## 15 recommendations:

- » 9 proposed amendments to the CVBR
- » 6 focused on the implementation of victim rights

## None have been implemented.

Even so, there has been **progress**.

Over the past 10 years:

- » **police and victim services** have developed resources that help to explain CVBR rights
- » **courts** have recognized the quasi-constitutional status of the CVBR and it has been referenced in a growing number of written decisions, including by the Supreme Court<sup>4</sup>
- » **federal corrections and parole** have continued to adapt their practices to better respect CVBR rights
- » **all federal criminal justice agencies and programs for victims** have developed a CVBR complaints process. If victims are not satisfied with the outcome, they can contact the Federal Ombudsperson for Victims of Crime
- » **Parliamentary committees** consider the provisions of the CVBR when they review proposed legislation

**BOTTOM LINE:** Ten years after the CVBR became law, victims and survivors of crime in Canada are still waiting for enforceable rights. **Now is the time to act.**

This report will consider ways the CVBR has advanced victim rights in Canada, identify limitations, and propose specific ways to amend the legislation to address ongoing gaps.



# What is the CVBR?

The CVBR came into force on July 23, 2015.

It is a **quasi-constitutional law**<sup>5</sup> that provides rights to victims of crime throughout the criminal justice process, including:

- » Right to Information
- » Right to protection
- » Right to participation
- » Right to seek restitution
- » Right to file a complaint

Creating the CVBR involved extensive consultation with victims of crime, advocates, service providers, criminal justice agencies, legal experts, policymakers, and Parliamentarians.

The Bill was announced with promises of greater recognition, respect, and support for victims throughout the criminal justice process. The preamble clearly states that **victims of crime have rights guaranteed by the *Canadian Charter of Rights and Freedoms*.**

Initially, academics and advocates recognized the CVBR as an important advancement, marking a culture change in Canada's legal framework.<sup>6</sup>

The broad range of rights it acknowledges, along with its **primacy**<sup>7</sup> over other legislation, gives it the **potential for considerable impact**. Consistently applied, it would provide victims with a stronger voice in the Criminal Justice System (CJS), better access to information, increased attention to their safety, and enhanced opportunities for restitution.<sup>8</sup>

"It is the first time in Canadian history that victims' rights have been comprehensively set out in federal legislation. It represents a significant shift in the conversation; **no longer are victims' rights purely symbolic** social policy that can be easily ignored or outright dismissed in criminal proceedings."<sup>9</sup>

## Right to INFORMATION



YOU HAVE THE RIGHT TO REQUEST INFORMATION ABOUT:

- » The criminal justice system and your role as a victim
- » The services and programs available to you
- » The status and outcome of the investigation and legal procedures
- » The date, time, and location of proceedings in relation to the offence
- » Reviews relating to the offender's conditional release and the timing and conditions of that release

## Right to PROTECTION



YOU HAVE THE RIGHT:

- » To have your security and privacy considered by the appropriate authorities in the criminal justice system
- » To have measures taken to protect you from intimidation and retaliation
- » To request that your identity be withheld from the public
- » To request testimonial aids when appearing as a witness in court

## Right to PARTICIPATION



YOU HAVE THE RIGHT:

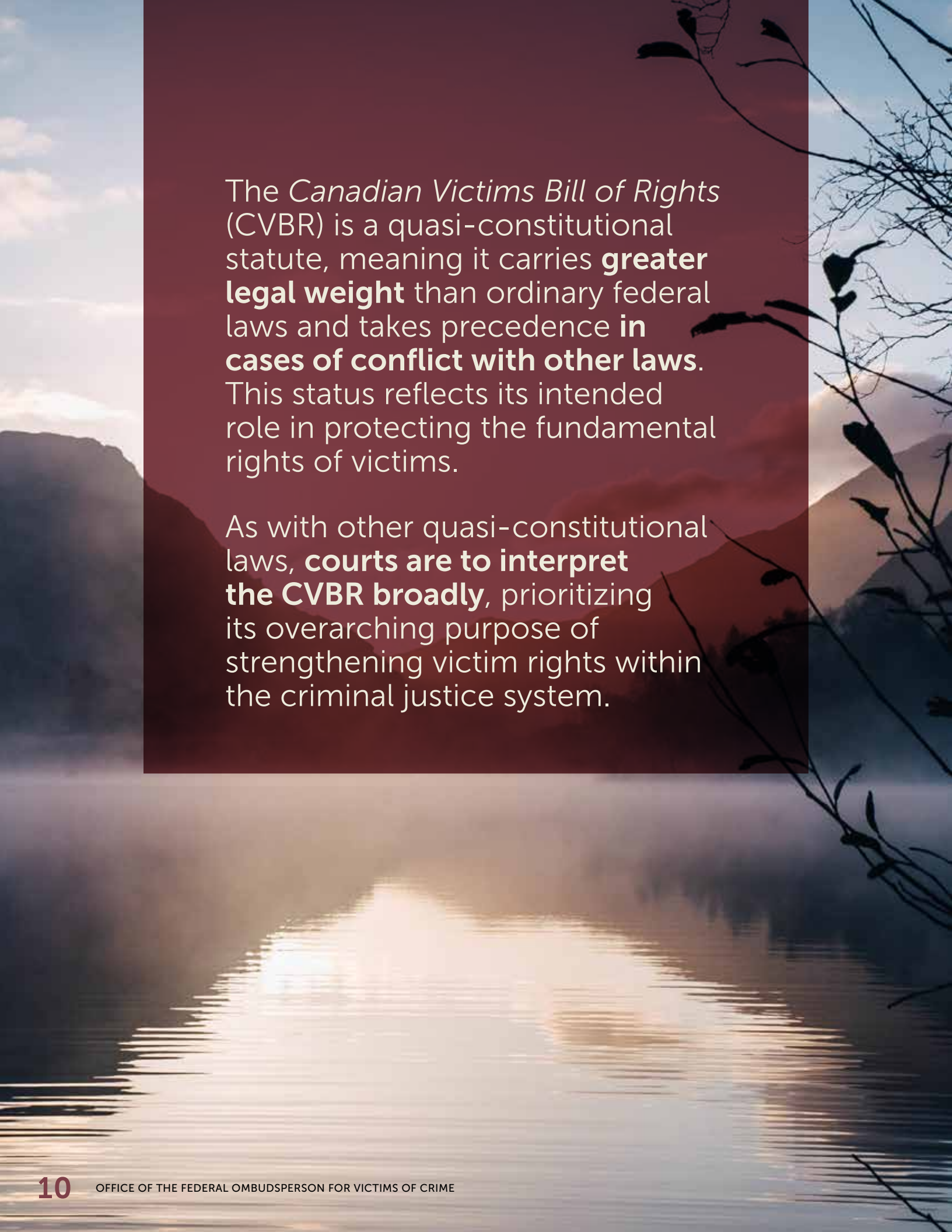
- » To present a victim impact statement and have it taken into consideration
- » To share your views on decisions that affect your rights

## Right to RESTITUTION



YOU HAVE THE RIGHT:

- » To have the court consider making a restitution order against the offender to pay for your financial losses
- » To file the restitution order as a civil court judgment if the offender fails to pay



The *Canadian Victims Bill of Rights* (CVBR) is a quasi-constitutional statute, meaning it carries **greater legal weight** than ordinary federal laws and takes precedence **in cases of conflict with other laws**. This status reflects its intended role in protecting the fundamental rights of victims.

As with other quasi-constitutional laws, **courts are to interpret the CVBR broadly**, prioritizing its overarching purpose of strengthening victim rights within the criminal justice system.

# PART 1: Assessing Progress Over 10 Years

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## Case Law

A 2021 report by Young and Dhanjal<sup>10</sup> noted that the CVBR was cited in more than 80 court cases from 2015 to 2020. Though most references were not substantive, the authors highlighted 30 cases where the CVBR positively affected a decision for the victim, including:

- » preventing the release of sensitive exhibits to media (*R v. Arfmann* 2020 BCSC 56)
- » protection of private text messages and photographs (*R v. C.C.* 2019 ONSC 6449; *R v. GKS* 2019 ABPC 75)
- » ensuring the victim was informed about court dates (*R v. Nowack* 2019 ONSC 5551)
- » protecting a victim from intrusion by the accused's investigator (*R v. Downey* 2019 ABQB 915)
- » allowing family members to provide a victim impact statement on the victim's behalf (*R v. Kaliugavarathan* 2017 ONSC 2325; *R v. Thompson* 2017 NSPC 7; *R v. Darby* 2016 ABQB 352)
- » allowing a support dog as a testimonial aid (*R v. W.(C.)* 2016 ONCJ 649)

In 2020, the Supreme Court of Canada cited the CVBR noting that neither a trial Crown and judge had "referred to the provisions of the *Criminal Code* or the *Canadian Victims Bill of Rights* **that govern the victim's right to present a victim impact statement** to the court..." (*R v. Friesen* 2020 SCC 9).<sup>11</sup>

More recent court decisions citing the CVBR have:

- » denied cross-examination on a victim impact statement (*R c. Poulin*, 2023 QCCQ 7556)
- » allowed a victim impact statement to serve as a request for restitution (*R v. Tessema*, 2022 ABPC 30)
- » clarified that the values of the CVBR must guide the use of evidentiary provisions like sections 278.1-278.9 of the *Criminal Code* (*R c. Mund* 2024 QCCQ 5149)

In 2024, two decisions by Justice Compagnone in the Court of Quebec reference the quasi-constitutional status of the CVBR and state **that the *Criminal Code* and *Canada Evidence Act* must be applied in compliance with the CVBR** (*R c. Mund* 2024 QCCQ 5149; *R c. Pryczek* 2024 QCCQ 7445).

## Parliamentary Committees

The CVBR included a provision requiring a **parliamentary review five years after its implementation**. In 2020, the Ombudsperson published a 5-year progress report on the CVBR, and in 2022, the House of Commons Standing Committee on Justice and Human Rights (JUST) **conducted a study**, resulting in the December 2022 report: *Improving Support for Victims of Crime*. This report reflected input from victims, survivors, advocates, and experts, and showed **strong all-party support to improving how victims are treated within the justice system**.

Still, many stakeholders were disappointed with the scope of Parliament's review given the significance of the legislation and the overly broad focus of the review. At the time of the parliamentary review, there had

been a one-year vacancy in the role of the Federal Ombudsperson for Victims of Crime, raising questions about the importance the Government placed on victim rights.

The Government response highlighted its funding, policy, legislative and collaborative efforts to support victims of crime.

### More needs to be done.

The OFOVC's response to the JUST Report highlighted key areas for reform:

- » improving access to information
- » setting national standards for victim services, including better enforcement of restitution orders and sustainable funding for victim services
- » stronger protection for victim privacy, including addressing the unintended consequences of publication bans
- » ensuring parole hearings are culturally responsive
- » greater victim involvement in the justice process

Our 14 recommendations reflect our continued commitment to providing a fairer, more responsive, and victim-focused justice system in Canada.





### ***Miscarriage of Justice Review Commission Act (David and Joyce Milgaard's Law), Bill C-40***

On November 21, 2024, during the clause-by-clause review of Bill C-40, the Standing Senate Committee on Legal and Constitutional Affairs (LCJC) there was an important debate on the primacy of the CVBR. Some Senators argued that the quasi-constitutionality of the CVBR required that Bill C-40 be amended to set out specific provisions for victims of crime.



*"Under the Canadian **Victims Bill of Rights**, victims have a fundamental right to participate in every step of the judicial process. If it is to be respected, that **quasi-constitutional right** must be laid out in the bill... A stronger provision is necessary in order to respect the Canadian Victims Bill of Rights."* (Senator Carignan).<sup>12</sup>

Other Senators argued that because the CVBR is quasi-constitutional, the new legislation would already have to comply with the provisions, and the existing provision in C-40 about adopting policies for victims of crime was sufficient.

*"I just want to point out that this new commission **will be subject to the Canadian Victims Bill of Rights**, which has primacy in Canada. Victims of crime have rights to information, protection and participation that must be upheld."* (Senator Arnot)<sup>13</sup>

*"It's my understanding that the commission will have the benefit of a victim services coordinator who will be supporting victims and will be assisting with the development of policies, especially **policies relating to victim notification and compliance with the Victims Bill of Rights**."* (Senator Gold)<sup>14</sup>

Both sides agreed that the CVBR is quasi-constitutional legislation that Parliament must respect when creating laws that affect victim interests. This is a sign of continued progress, and we hope to see similar considerations raised in future Parliamentary committees that review legislation relevant to the criminal justice system.

## **Provincial and Territorial Implementation**

- » **Information:** Across Canada, police, victim services, victim-serving non-governmental organizations (NGOs), and legal clinics are providing information to victims and survivors on the CVBR. For example, the **RCMP** has developed victim rights cards that they share when a crime is reported.<sup>15</sup> The **Journey Project** in Newfoundland and Labrador includes information on the CVBR in their resources for survivors of sexual violence.<sup>16</sup> In Québec, **Plaidoyer Victimes** has developed a survivor guide on the application of CVBR rights throughout the criminal justice system.<sup>17</sup>



# Stakeholder Perceptions of the Canadian Victims Bill of Rights

**Public awareness of the CVBR:** In 2022, the National Justice Survey asked a random sample of 4,949 adults in Canada if they were familiar with the CVBR. Only 17% of respondents reported that they were aware of the CVBR prior to taking the survey, but 81% believed that it was important to know about it.<sup>18</sup>

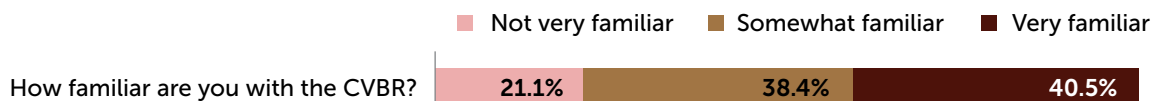
In March 2024, the OFOVC launched a **national systemic investigation** into how survivors of sexual violence are treated in the Canadian criminal justice system.<sup>19</sup>

This provided a unique opportunity to explore how the CVBR is understood and applied across Canada through in-depth consultations with survivors, service providers and other experts. One part of our investigation included a survey of stakeholders across Canada, including Crown attorneys, defence counsel, sexual assault centres, victim services, mental health professionals and other stakeholders working with survivors of sexual violence.<sup>20</sup>

## In Numbers

- » **79%** of stakeholders were somewhat familiar or very familiar with the CVBR
- » **1 in 5** stakeholders was not very familiar with the CVBR

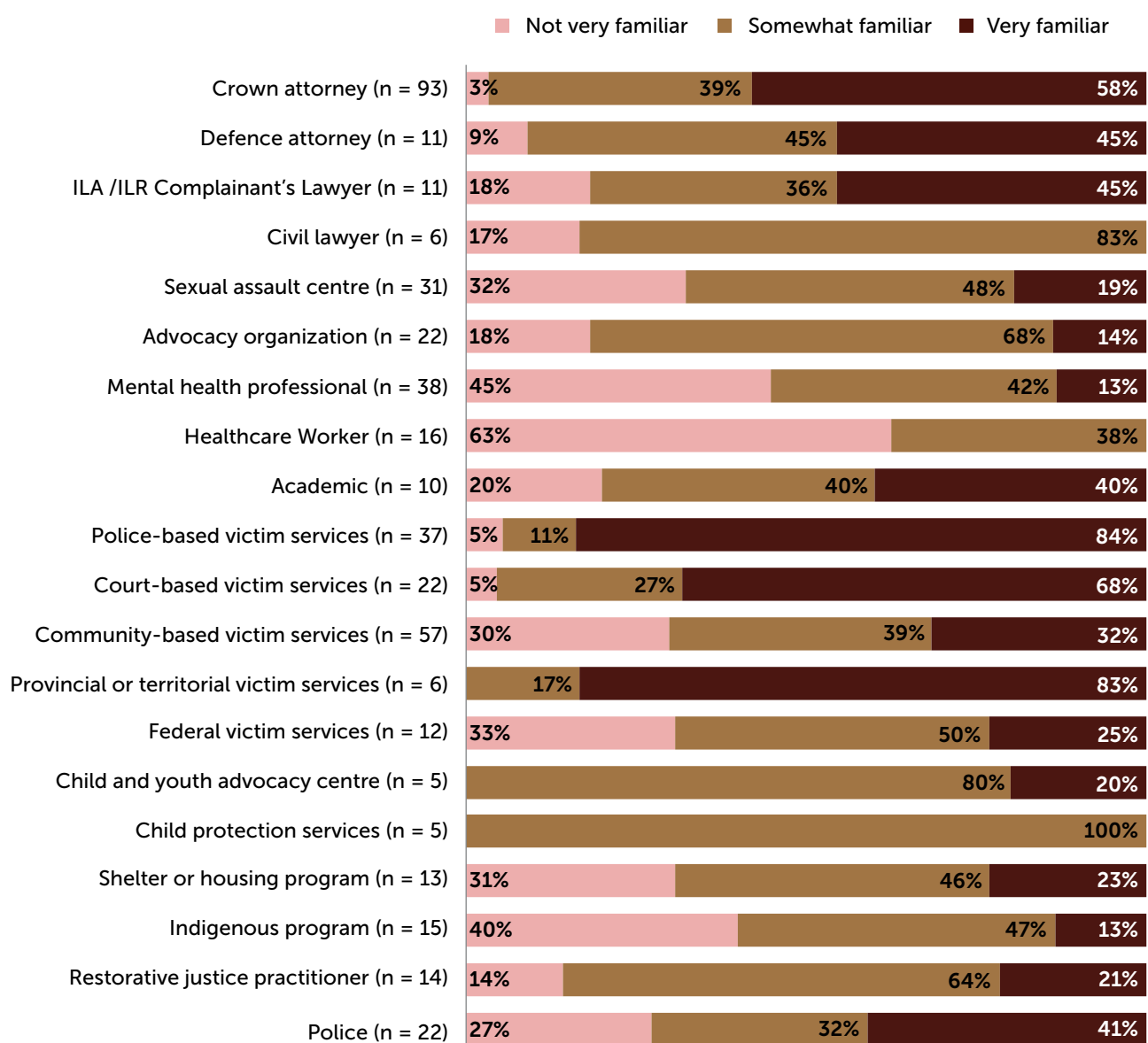
### Stakeholder familiarity with the CVBR (n = 346)



**Familiarity also varies by type of stakeholder.** Survivors of sexual violence interact with a wide range of support services and actors in the criminal justice system. Police-based victim services and provincial or territorial victim services were the most likely to report being very familiar with the CVBR, while healthcare workers were the least likely.

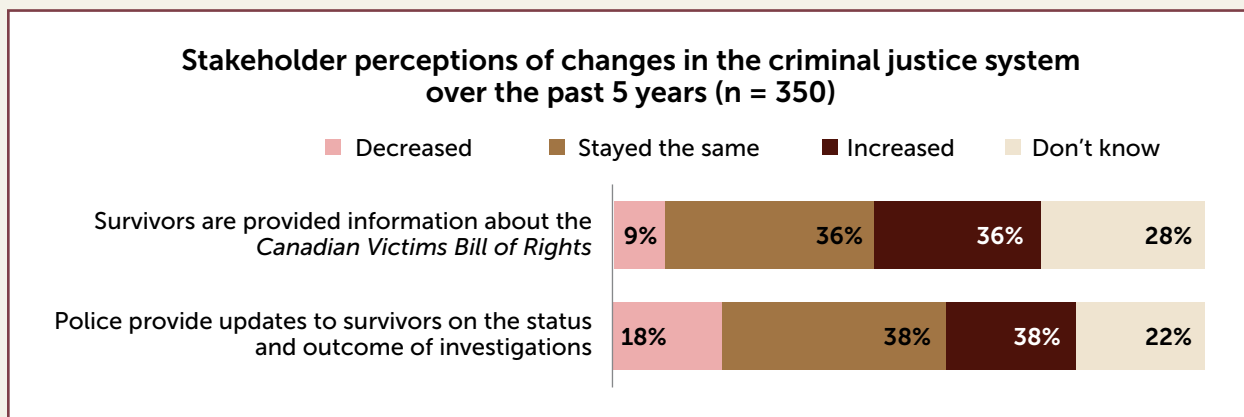
- » **Only 3%** of Crown attorneys said they were not very familiar with the CVBR
- » **Less than 1 in 5** sexual assault centres and advocacy organizations were very familiar with the CVBR, suggesting a need for continued outreach in the anti-violence sector

**Familiarity with the CVBR by type of stakeholder (n = 345)**



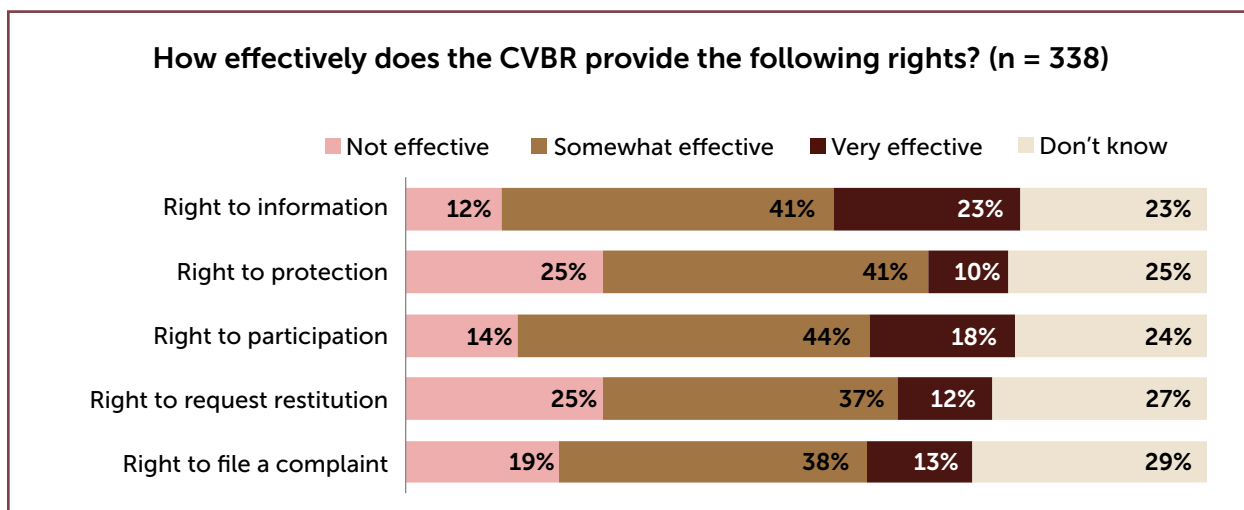
### Stakeholders believed more survivors are being told about their CVBR rights.

- » **About 1 in 4** stakeholders believed that it has become more common over the past 5 years for survivors to be provided with information on their CVBR rights, and for police to provide updates on the status and outcomes of investigations.



### Stakeholders believed the CVBR is somewhat effective.

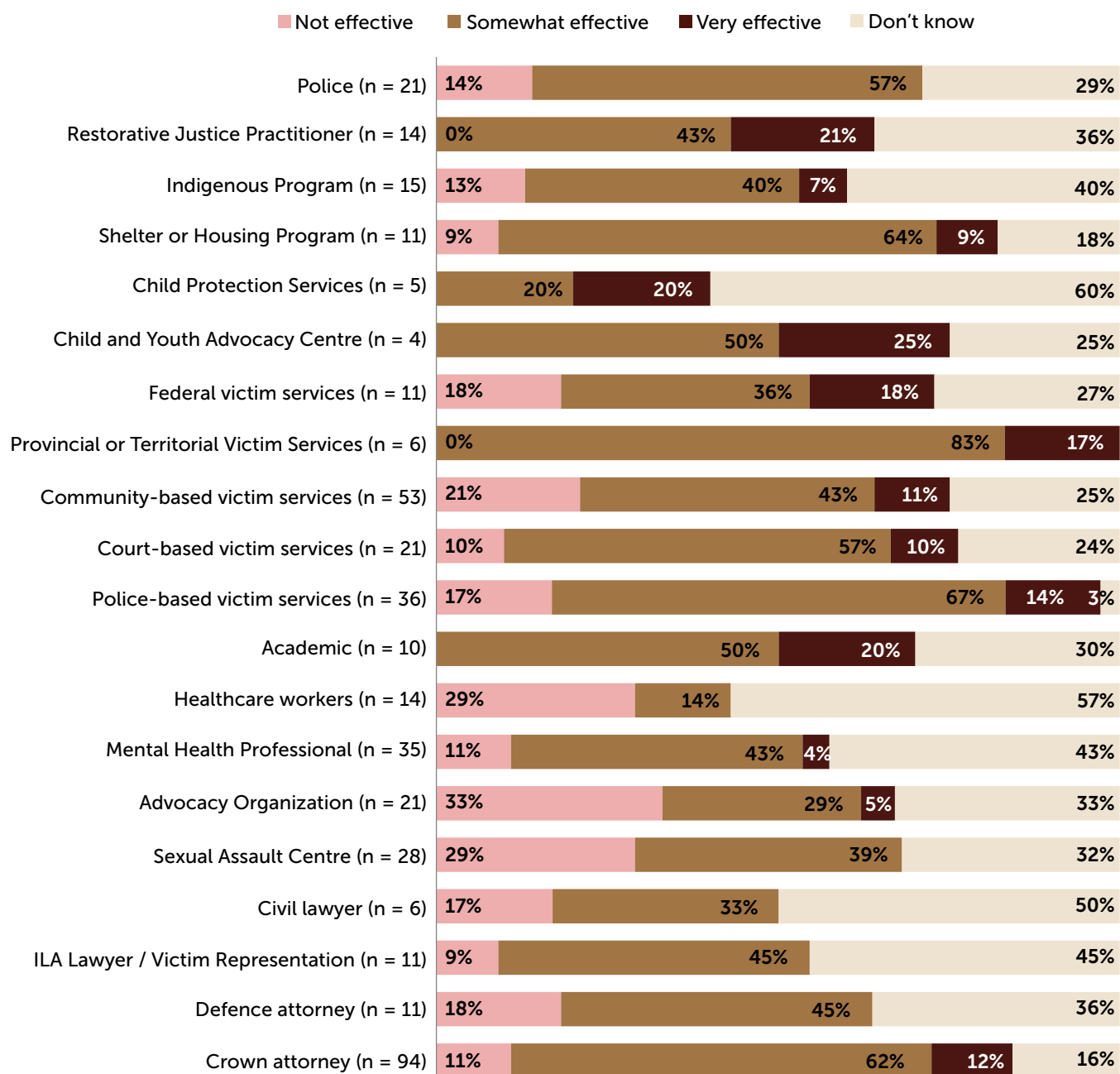
- » **64%** felt the **right to information** is somewhat effective or very effective
- » **62%** felt the **right to participation** is somewhat effective or very effective
- » **Only 51%** felt the **right to protection** is effective
- » **Only 49%** felt the **right to restitution** is effective
- » **Only 51%** felt the **right to file a complaint** is effective



## Perceptions of the CVBR's overall effectiveness varied by type of stakeholder.

- » **74% of Crown attorneys** said the CVBR is somewhat effective (62%) or very effective (12%)
- » **No police, defence attorneys, ILA lawyers, or sexual assault centres** said the CVBR is very effective
- » **In all categories** there were stakeholders who said the CVBR is **somewhat effective**

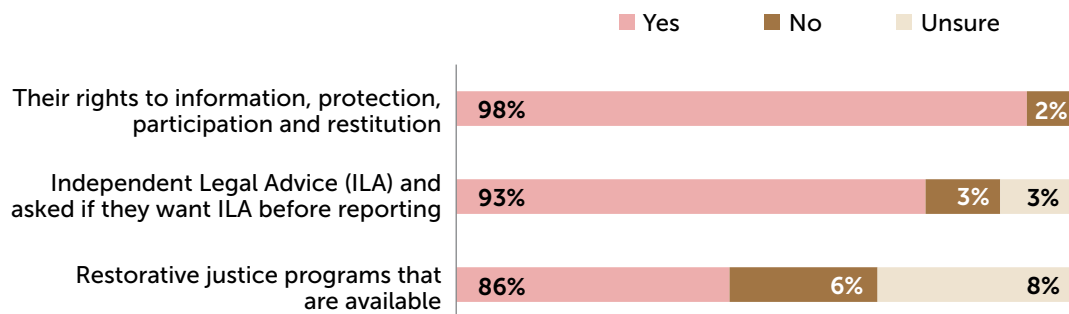
### Stakeholder impressions of the overall effectiveness of the CVBR (n = 330)



There was broad stakeholder support for strengthening victim rights.

- » **98%** believed survivors should be **informed about their CVBR rights automatically** when they report a crime to the police
- » **93%** believed survivors of sexual violence should be **asked if they would like to access independent legal advice (ILA)** prior to filing a report
- » **86%** believed survivors should be **informed about restorative justice options**

**Stakeholders were asked if the following information should be provided to survivors automatically if they report a crime (n = 347)**





## Unreasonable Limitations on Rights

***The CVBR is not enforceable. It does not hold people accountable and requires victims to advocate for their own rights.<sup>21</sup>***

– A participant of the bilingual consultation table 24, on Men and Boys.

Despite the promising intentions behind the CVBR, many victims and stakeholders in Canada have expressed disappointment with its implementation. Common concerns include:

- » **The CVBR is not enforceable.** It does not grant victims legal standing to bring an action for damages regarding an alleged violation or breach of a CVBR right. Victims have the right to file a complaint, but it is often unclear where to complain, how to complain, and recommendations from complaint reviews are not binding.
- » **Information provided only upon request.** The justice system is complex, especially for someone living with trauma. It is not fair to expect victims to know what information they need, let alone how to ask for it, and to continue to ask for it at every stage of the justice process with every organization that a survivor encounters.
- » **It is not clear who is responsible for rights and at what stage.** The CVBR does not specify authorities responsible for implementing rights, reviewing complaints, nor does it establish timelines, specific remedies, or consequences for justice agencies that fail to meet their obligations.

- » **There is enormous discretion afforded to CJS professionals in how, when, or if they grant victims their rights.** This discretion leads to uneven treatment and prevents victims from having reliable access to their rights across the justice system.
- » **The lack of adequate resources** for victim services, **uneven access across regions**, and **insufficient support for marginalized groups** further hinder the effectiveness of the CVBR.
- » **The quasi-constitutional provisions of the CVBR are not well understood** and require greater consideration by Canadian courts and Parliament.

### Identity matters

**When victim rights in the criminal justice system are not enforceable, it reinforces inequality.**

The CVBR promises protection, participation, and support for victims of crime. Victims' experiences with the justice system are shaped by intersecting identities such as race, gender, sexual orientation, disability, language, jurisdiction and immigration status. Systemic bias can affect how cases are handled, how seriously reports are taken, and whether safety concerns are addressed.<sup>22</sup>

**Some groups experience higher rates of victimization.** For example:

- » Indigenous women are four times more likely to be victims of violence than non-Indigenous women and represent 16% of all female homicide victims despite making up only 4.3% of the population.<sup>23</sup>
- » Trans and gender-diverse people are 1.5 times more likely to experience violence than cisgender individuals. Eighty percent of hate crimes targeting trans or agender individuals (2010-2018) involved violence.<sup>24</sup>
- » People with disabilities face significantly higher rates of victimization, including nearly three times the rate of violent incidents compared to non-disabled people.<sup>25</sup>

**Gaps in effective rights have a disproportionate impact.** Additional barriers can make it difficult to navigate the criminal justice system, compounding marginalization. For example:

- » Victims who are immigrants, speak English or French as a second language, or communicate through sign language often face language and communication barriers that hinder participation in legal processes.<sup>26</sup>

- » People living with disabilities, neurodivergence, cognitive impairments, and older adults often face additional barriers as victims of crime.<sup>27</sup> In 2022, 48% of Canadians with disabilities experienced communication barriers, especially during in-person interactions with authorities.<sup>28</sup> These include difficulties reporting crimes due to communication challenges, lack of accessibility in legal processes, and biases that may lead to their experiences being dismissed or misunderstood. They may also struggle to navigate complex procedures, secure appropriate accommodations, or receive adequate support services. These challenges often result in underreporting of crimes and a lack of justice for vulnerable victims.

**BOTTOM LINE:** The CVBR has slowly improved recognition of victims' needs and sparked broader reforms that have improved information, protection, and participation in the criminal justice system. This progress would not have been possible without the effort of survivors, advocacy groups, NGOs and people across all levels of government.

## PART 2: Victims Deserve Enforceable Rights

*You cannot honour the rights of victims when there is nothing done if they are not respected. There needs to be more enforcement.<sup>29</sup>*

– A participant of the French consultation table #30 on Legal and ILA.

**ISSUE:** While the CVBR promises certain rights to victims, there is **no enforcement for breaches of these rights**.

- » Victims cannot go to court to assert or defend their rights
- » No oversight body is mandated under the CVBR
- » No one can be held accountable for violations

### Why it matters

**Parliament promised victims enforceable rights.<sup>30</sup>** If a right isn't enforceable, with no consequence to breaching it and no authority to uphold it, any remedy becomes purely symbolic.

#### What enforceable rights would look like

Aspect	If rights were enforceable
Accountability	<ul style="list-style-type: none"><li>» Remedies for breaches</li><li>» Liability for breaches</li></ul>
Victim participation	<ul style="list-style-type: none"><li>» Guaranteed input at key stages</li><li>» Legal advice to know their rights</li><li>» Legal representation to act on their rights</li></ul>
Legal standing	<ul style="list-style-type: none"><li>» Victims can assert rights</li><li>» Victims can challenge violations of their rights in court</li></ul>
Transparency & oversight	<ul style="list-style-type: none"><li>» Mandatory audits and reporting</li><li>» Compliance statements for new legislation</li><li>» Improved data collection</li></ul>

## Considerations

### 1. CVBR rights are not legally enforceable due to sections 27 to 29

STATUS	
27	Nothing in this Act is to be construed as granting to, or removing from, any victim or any individual acting on behalf of a victim the status of party, intervenor or observer in any proceedings.
Victims are denied standing – the legal recognition to appear or participate in proceedings. This means they cannot bring a lawsuit or intervene in a case to assert their rights.	
NO CAUSE OF ACTION	
28	No cause of action or right to damages arises from an infringement or denial of a right under this Act.
A cause of action creates legal liability for an act or omission. Without it, victims have no remedy if their rights are violated: no way to challenge mistreatment, seek a court order to or claim damages.	
NO APPEAL	
29	No appeal lies from any decision or order solely on the grounds that a right under this Act has been infringed or denied.
If a victim's rights are denied by a decision of a criminal justice professional or order of a Court, there is no way to appeal that decision based on CVBR rights alone.	

#### The impact of these clauses

These three clauses are widely recognized as rendering the CVBR **symbolic rather than enforceable**. Without enforcement mechanisms, there are few legal opportunities to clarify or expand victims' rights through case law.

**What needs to change:** Victims should be able to seek standing to assert their rights, particularly when decisions of criminal justice authorities directly impact their safety or dignity. Victims should have the right to seek judicial or administrative review when their statutory rights are disregarded, just as other participants in the justice system can challenge unlawful decisions. Victims should be able to appeal decisions which deny or restrict their rights.

- » **People who are accused or convicted of crime receive strong legal protections** because their liberty is at stake. Victims, whose dignity, privacy and safety have already been violated by crime, deserve rights with equal weight in the justice system.
- » **Victims' rights are not secondary to offenders' rights.** They are part of the proper administration of justice. Victims have rights that are protected under the *Charter of Rights and Freedoms*. When victims are informed, respected, and empowered, they are better able to provide accurate testimony, engage with the legal process, and contribute to the legitimacy of the justice system.

## 2. Criminal justice professionals have enormous discretion to limit or deny victims' rights.

- » The CVBR does not provide clear accountabilities nor uniform guidelines for implementing victim rights, leaving it up to individual officers, prosecutors, and other personnel to determine if, how and when victim rights are exercised. This discretion means that victims may not always receive the rights they are entitled to, depending on the practices, preferences or priorities of the personnel involved.

## 3. The CVBR is more powerful than is often recognized

The CVBR acknowledges victims' rights as a vital part of the justice system. The **primacy clause**<sup>31</sup> within the CVBR further reinforces this by ensuring that victims' rights take priority over any conflicting laws or regulations, except where constitutional rights or quasi-constitutional rights may be involved.

This quasi-constitutional status places the CVBR below the *Canadian Charter of Rights and Freedoms* and other constitutional documents. In comparison, laws like the *Criminal Code of Canada* and the *Corrections and Conditional Release Act* (CCRA) are lower legal authorities. This means that, in theory, the CVBR should **take precedence over these pieces of legislation**.

However, in practice, provisions in the *Criminal Code* or the *CCRA* are often interpreted as or are implementing *Charter* protections – particularly for the accused, without consideration of the *Charter* interests of victims. As a result, **offenders' rights are frequently prioritized over victims' rights** under the CVBR.





## Victims' rights are fundamentally human rights

**"Victims' rights, like human rights, are only meaningful if they confer entitlements as well as obligations on people. Otherwise, they are not rights and they will ultimately fail to empower victims...It is the ability to exercise our rights, using our free will and rational choice, which gives meaning to the notion of 'human dignity.' Without this ability, victims will remain voiceless objects of the criminal justice system who are forced to forfeit their individual human rights in the interest of the society."**<sup>32</sup>

This imbalance reveals a fundamental gap: victims' rights are not often recognized as constitutional or human rights, despite their clear basis in core values such as life, liberty, and personal security.

- » In the European Union, a human rights framework is becoming the standard for victim rights. Victim Support Europe has recently launched a "Model Provisions Paper" to encourage the European Commission to amend the Victim Rights Directive to underline the human rights of survivors and corresponding obligations of States.<sup>33</sup>













In Canada, victims are often treated as **objects of the law** – witnesses to support the Crown's case, rather than individuals with their own legal rights. A human rights approach requires a shift: victims must be recognized as full **subjects of the law**, with both procedural and substantive rights that are respected and enforced.<sup>34</sup>

- » **Procedural rights** ensure meaningful participation: the right to be informed and heard.
- » **Substantive rights** safeguard dignity and safety: protection from retaliation, and access to remedies when rights are violated.

**International frameworks** like the Universal Declaration of Human Rights<sup>35</sup> and the European Convention on Human Rights<sup>36</sup> affirm all people, including victims, as active subjects of the law, with rights to dignity, protection, participation and remedy. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>37</sup> confirms victims' rights to access justice, fair treatment, protection, and restitution.

**4. In Canada, other quasi-constitutional laws are backed by enforcement mechanisms and oversight bodies. The CVBR stands out as an exception.**

Although the CVBR affirms victims' right to file a complaint when their rights are not respected, it does not identify an independent authority to review these complaints or ensure corrective action is taken.

Law	Enforceable	How	Provides remedies
<u>Canadian Victims Bill of Rights</u>		No enforcement mechanism with legislated powers <sup>38</sup>	
<u>Canadian Human Rights Act</u>		Enforced by Canadian Human Rights Commission and Tribunal	
<u>Official Languages Act</u>		Enforced by Commissioner of Official Languages and courts	
<u>Access to Information Act</u>		Enforced by Access to Information Commissioner and courts	
<u>Privacy Act</u>		Enforced by Privacy Commissioner <sup>39</sup> and courts	
<u>Personal Information Protection and Electronic Documents Act</u>		Enforced by Privacy Commissioner and courts	

Naming the Federal Ombudsperson for Victims of Crime (FOVC) in the legislation would give victims a clear path to seek remedies within federal jurisdiction. To be effective, the FOVC must be granted statutory powers to:

- » compel federal agencies to provide information relevant to complaints
- » initiate formal investigations
- » ensure that corrective action is taken when rights are violated

Legislating these powers would allow the OFOVC to:

- » **investigate complaints with authority**
- » **monitor compliance** with victims' rights
- » issue public reports that **hold institutions accountable**

Formalizing the role of the Ombudsperson through legislation and naming the OFOVC in the CVBR as the independent complaint review body would demonstrate a commitment to victims' rights.

## Recommendations

### Enforceable rights and legal recourse

**1. Amend the CVBR** to make rights legally enforceable by:

- a. Repealing sections 27–29
- b. **Creating a cause of action** for any infringement or denial of rights
- c. Granting **legal standing** for victims to challenge decisions
- d. Introducing **judicial or administrative review** for key decisions (e.g., dropping charges)
- e. Requiring a **CVBR compliance statement** for all new criminal justice legislation
- f. Clarify that discretion under section 20(2) cannot be used to nullify victims' rights
- g. Adding a **statutory right to remedy**

### Independent Oversight and Accountability

**2. Legislate the authority of the Federal Ombudsperson for Victims of Crime (OFOVC)** to:

- a. Access relevant information during investigations
- b. Be designated as the primary federal complaints body for victims' complaints
- c. Ensure victims can access the OFOVC without exhausting other mechanisms
- d. Align the role with oversight models like the Privacy and Official Languages Commissioners
- e. Ensure the OFOVC has access to all the information used in original complaint reviews to guarantee procedural fairness



## Right to Information

**“Knowing what to expect of the system and how things might go is an unparalleled kind of respect for agency. Knowing about it up front. “Upon request” is ridiculous. You don’t know what you don’t know.”<sup>40</sup>**

– SISSA Survivors Interview #156.

### ISSUE: Victims want an automatic, proactive offer of information.<sup>41</sup>

Under the CVBR, victims may receive information *upon request*. The CVBR doesn’t specify **who** must provide **what** information or **when**. As a result:

- » Victims must know what to ask for, whom to ask, when to ask – at every stage of the criminal justice system
- » They must actively seek updates instead of receiving critical information automatically

### Why it matters

Despite requirements in the *Criminal Code* to ensure that the victim is notified of some major developments in a criminal matter, many survivors are not informed of major developments like stays of charges, plea resolutions, parole hearings, release dates, or safety protocols.

### Information is a gateway right.<sup>42</sup>

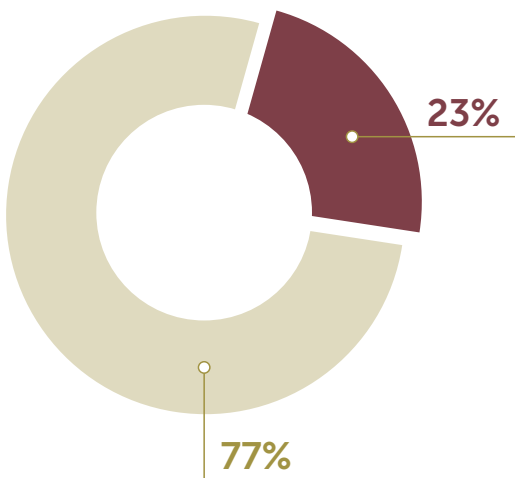
*“Quality, quantity, and timeliness of information can play a direct role in meeting victims’ expectations for the criminal justice process and their level of satisfaction with that process.”<sup>43</sup>*

Access to timely, automatic information is a fundamental to victims’ **safety, recovery, and ability to participate in justice.**

## In Numbers

The OFOVC conducted a survey of 1000 survivors of sexual violence in 2024-25.<sup>44</sup>

**77% of those who decided not to report to the police (n=330), said that not understanding the CJS or their rights impacted their decision**



**One survivor described finding out about the CVBR themselves after eight years of following up on inaction in response to their own case.**

Of 27 survivors who reported that the perpetrator was sentenced to custody, 88.8% said they wanted to receive as much information as possible from Corrections and Parole.

**When asked, 88.8% of survivors said they wanted as much information as possible.**



## Did you know?

**Victims of crime in Canada do not have a guaranteed right to a translator or interpreter** to help them understand what is happening in their own case.

Section 14 of the *Canadian Charter of Rights and Freedoms* ensures this right for accused persons and witnesses:

*"A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter."*<sup>45</sup>

Because victims are not considered parties to most criminal proceedings, they are not covered by this provision, except when they are testifying as a witness. Victim services can sometimes bridge this gap by providing language support, but victims face intersectional, financial, or geographic barriers to accessing interpretation.

**The Code of Practice for Victims of Crime in England and Wales** begins with the following right:

### **1. To be able to understand and to be understood**

"You have the Right to be given information in a way that is easy to understand and to be provided with help to be understood, including, where necessary, **access to interpretation and translation services.**"<sup>46</sup>

In our **bilingual and bi-jural criminal justice system**, the right to understand must be better respected.

### **Gaps in communication put victims at risk**

Survivors have told the OFOVC that they have problems when their information is transferred between **agencies** and **jurisdictions**. For example:

- » When Correctional Service Canada (CSC) transfers an offender to **Canada Border Services Agency (CBSA)** for deportation, victims are not currently entitled to receive confirmation that the removal order has been completed if the original sentence

date has passed. This leaves some victims of violent crime unnecessarily afraid for their safety, while others have learned an offender was released from CBSA custody by encountering them in public.

- » Victims have also reported losing access to updates when offenders are **transferred from federal to provincial supervision**. This might happen for an appeal process or if an offender's sentence shifts to provincial oversight under a Long-Term Supervision Order or probation order after a federal warrant expiry date.

Long-Term Supervision Orders (LTSOs) in Canada are court-imposed measures that require offenders to be supervised in the community after their release from prison, typically for up to 10 years, to manage the risk they pose to public safety. These orders include specific conditions and are used for offenders deemed to have a high likelihood of reoffending.

## Considerations

### 1. Balancing the right to information with the right to privacy

Victims and offenders both have privacy rights, but those rights are not applied equally.

- » Offenders share information about victims through assessments, correctional plans, and parole hearings that can be used to influence key decisions about their custody and release
- » Offenders have the right to review victim statements, since those statements may affect decisions about their case

- » Victims have no guaranteed right to review or correct what is said about them, even when it is misleading, inaccurate, minimizes the risk they face, or is used in key decisions

In cases involving intimate partner or family violence, where the victim may have to interact with the offender after release from custody, survivors may be mischaracterized by the offender in a way that hides ongoing safety concerns or minimizes harm. Most victims are not aware they can request to review or correct information about themselves held by justice authorities.

**In 2020–2021, CSC supervised 21,512 offenders, yet 77% of cases had no registered victim. This percentage has not changed significantly in 7 years. This consistent trend suggests many victims are unaware of the need to register or find the process too complex.**

**2023 Criminal Code amendments partially address this by requiring judges to ask survivors at sentencing if they want information.**

## 2. Offender privacy is used to justify withholding information from victims<sup>47</sup>

Under the CCRA<sup>48</sup>, certain information can be disclosed to registered victims, but only:

- » if they request it, and
- » if their interest is judged to outweigh the offender's right to privacy.<sup>49</sup>

The legislation allows victims to be denied key updates about an offender's location or release plans if authorities decide that sharing the information would harm the offender's rehabilitation or privacy. This can leave survivors unaware of serious risks, especially if the offender is released near where the victim lives.<sup>50</sup>

## 3. A Better Balance Is Possible: The *Privacy Act* Allows It

As noted in our report, *Worthy of Information and Respect*, federal agencies have often cited the *Privacy Act* to justify not sharing information with victims, but this interpretation **fails to acknowledge the victim's interest in private information about their own life**.

### It can be done

Other Canadian laws allow automatic notifications for:

- » Consumer alerts
- » Driver's license renewals
- » Health warnings
- » Service interruptions
- » Tax assessments

Withholding a risk assessment about the danger an offender poses to reoffend against a victim **fails to recognize the privacy interests of the victim and their *Charter* interests to life, liberty, and security of the person**.

- » For example, a former intimate partner can likely assess risks to their personal safety better than criminal justice employees because of their familiarity with the offender's patterns of behaviour. **There may be contextual 'red flags'** or safety risks that are not apparent to others but could help a victim make informed decisions about their safety when the person who harmed them is released from custody.
- » If the information concerns the victim, the *Privacy Act* analysis should give respectful attention to the victim's motives and not be too narrow.<sup>51</sup>

## The *Privacy Act* was designed to protect personal privacy, not to prevent victims from knowing their rights or accessing services.

It can and should be interpreted in a way that allows disclosure of information to the person about whom the information relates or whose safety will be negatively affected by the information.

### Spotlight on Bill S-12

In 2023, the *Criminal Code* was amended to **require judges to ask victims** if they want updates about an offender's sentence. For federal sentences (over two years), this includes:

- » Information on services they can access
- » How to participate in parole hearings
- » Notifications of releases of the offender

The OFOVC has recommended further improvements<sup>52</sup>, including:

- » automatically providing discretionary information to registered victims
- » offering written explanations when advance notice about important events – such as temporary absences, transfers, or releases – isn't possible
- » amending the CCRA to align with the principles of the CVBR
- » simplifying the process for victims to express safety concerns or request geographic restrictions

## Recommendations

### **Automatic, accessible, and standardized information-sharing**

3. Amend the CVBR to remove the words "on request", to guarantee that victims automatically receive relevant information from the time of the crime through all stages of the criminal justice process, with an opt-out option
4. Ensure information includes restorative justice options, release dates, parole hearings, and safety planning
5. Clearly identify officials or agencies responsible for providing information in CVBR
6. Ensure plain language, translation, and accessible formats (e.g., sign language, disability accommodations) are used in all victim communications
7. Establish cross-jurisdictional protocols to coordinate victim information-sharing across Canada
8. Include post-sentence information rights for victims, where the offender is subject to federal jurisdiction including for notifications of deportation, the right to submit victim statements in immigration proceedings, and coordinated hand-offs between the CSC and CBSA

## Right to Protection

*My life, the risk to me, and the harms I suffered were completely dismissed. I was denied any sort of protection and blamed at every turn. The rights of those whom I had reported were not just prioritized over mine, they were the only ones who mattered.<sup>53</sup>*

– SISSA Survivor Survey, Response #28.

### ISSUE: The justice system has a fundamental responsibility to prioritize the safety and security of victims and survivors.

Under the CVBR, victims have the right to:

- » have their **security and privacy** considered at all stages of the criminal justice process
- » have **reasonable and necessary measures taken to protect them** from intimidation and retaliation
- » request that their **identity be protected** from public disclosure
- » request **testimonial aids** when appearing as a witness in proceedings relating to the offence

Additionally, section 7 of the *Canadian Charter of Rights and Freedoms* guarantees every person the right to life, liberty, and security of the person.

Victims of crime have a **fundamental right to protection**. It is not unreasonable to expect that victims are also protected from secondary victimization caused by institutional or systemic practices that compromise their safety, dignity, or well-being.<sup>54</sup>

### Why it matters

It is important to understand that safety extends beyond physical protection. It includes both physical and psychological dimensions:

- » **Physical security** refers to protection from actual harm or threats.

- » **Psychological security** relates to an individual's sense of safety and emotional well-being.

**Both physical and psychological security must be explicitly recognized** and upheld under the right to protection.

## Considerations

### 1. Victims are forced to choose between privacy and safety

Victims who want their views considered by Correctional Service Canada (CSC) or the Parole Board of Canada (PBC) must submit a written statement that, by law, becomes part of the offender's file. **The offender has the right to access this information if it is used in a decision.**

This creates a **dilemma**: to advocate for safety measures, victims must expose personal information to the person who harmed them.

Under **subsection 27(3) of the CCRA**, information can be withheld (or gisted) if disclosure would reasonably be expected to:

1. **Jeopardize the safety of any person**
2. **Jeopardize the security of a penitentiary**
3. **Jeopardize the conduct of any lawful investigation**

These are the statutory criteria. How they are applied is guided by CSC policy and professional judgment. A gist conveys the essence of the information to be considered by decision makers and provides sufficient detail to allow the offender to know what the information is about. **It must give as much of the information as possible** without disclosing information which can **legitimately be withheld** under the specified criteria for non-disclosure.

1. Only as much information as is strictly necessary to protect the interests identified in subsection 27(3) of the CCRA may be withheld.
2. A gist is **only to be used in exceptional circumstances** as normally all information will be shared with offenders. If information cannot be shared with the offender in a gist form, then the information should not be used in the decision making. (For exceptions, see "Withholding a Gist".)

### Summaries of traumatic content in victim statements for Corrections and Parole

Some survivors want to share the personal impact of a crime with Parole Board members but only have a summary provided to the offender. For example, "A registered victim described the emotional and financial impact of the crime."

When a survivor has a connection with the person who harmed them, like a family member or former partner, comments in a victim statement may be weaponized in future interactions, particularly in contexts with the potential for high conflict, like co-parenting with the perpetrator. For violent offences of a sadistic nature, some survivors do not want to provide further gratification to the person who harmed them.

Specific requests that affect decision-making, such as a requests for geographic restrictions, need to be shared as a matter of procedural fairness, but there is little procedural value to the offender to know whether the victim is sleeping at night, afraid to go out in public, or continuing to experience physical pain.

**Some survivors want to share this information with the offender, but others choose not to participate because it does not feel safe.**



**Assessing Harm:** CSC staff assess risk primarily in terms of **physical safety, institutional security, and investigative risk**. While these criteria can sometimes encompass indirect psychological considerations — such as fear linked to a credible threat — the current policy **does not explicitly reference psychological or emotional harm**.<sup>55</sup> Victims and survivors can experience significant anxiety, fear, or emotional distress when descriptions of their personal trauma are disclosed to the offender, highlighting a gap between policy and lived experience.

Since the CCRA allows offenders to receive the “gist” of a document where the disclosure of the document would jeopardize the safety of a person, of an institution or an on-going investigation<sup>56</sup>, this section can be applied as a way to better protect the physical and psychological security of survivors.

#### **Possible approach:**

- » **Improve victim communication:** Provide plain-language guidance on what section 27 regarding a gist is, when it is used, and how to request it. Explicitly include psychological and emotional safety considerations
- » **Make requests easy:** Offer a simple form or checkbox to flag safety concerns, triggering gisting where appropriate
- » **Be transparent:** Let victims know if and how their information was shared or gisted
- » **Train staff and consistency:** Ensure staff are trained to consider both physical and psychological harm and apply gisting consistently across institutions
- » **Data collection:** track how often victim statements are gisted or withheld to identify gaps or inconsistencies and inform improvements

## **2. Finding a balance between protection and choice**

Publication bans are intended to protect victims. Many victims want and benefit from them. But publication bans have often been imposed without victims’ knowledge or consent, in ways that feel paternalistic and disempowering. Many victims have been silenced by bans they did not ask for, with complex or inaccessible processes to have them removed.

In 2023, the *Criminal Code* was amended to require that victims be asked if they want a publication ban and be informed about how to have it lifted later. These amendments ensure that:

- » Victims are fully informed when a publication ban is imposed
- » Victims have greater control over how long the ban lasts
- » The process for lifting publication bans has been simplified, giving victims more influence over their experience

The OFOVC conducted a survey of 1000 survivors of sexual offences in 2024-25.<sup>57</sup> Among the survey respondents whose case went to court:

- » 55% had a publication ban ordered and 19% asked for a ban to be removed
- » only 10% agreed that they understood how to remove a publication ban

### 3. Testimonial Aids should always be offered.

**Testimonial aids** refer to the orders which can be made by a judge to help a witness or victim to provide full and frank evidence when testifying. The *Criminal Code* identifies several kinds of testimonial aids: excluding the public, imposing a publication ban, testifying outside a courtroom, behind a screen or with a support person, prohibiting a non-represented accused from cross-examining a victim, using video evidence, non-disclosure of witness' identity or any other measure to assure the witness' safety.

Testimonial aids help victims, especially vulnerable ones, give their evidence more comfortably and confidently. This reduces trauma, improves evidence quality, and supports access to justice.

**What changed:** Since the 2015 CVBR amendments to the *Criminal Code*, courts must consider whether testimonial aids will help witnesses testify. This allows victims who might be retraumatized by face-to-face testimony to use alternatives that reduce confrontation and improve their testimony. Although the use of testimonial aids remains at judicial discretion, the CVBR affirms victims' rights to participate and have their security protected. Testimonial aids are presumptively available for witnesses under the age of 18 and for victims with a disability.

**The challenge:** Despite these legal advances, implementation is inconsistent. Testimonial aids are not available in all courtrooms, are often limited to support persons, and are increasingly challenged by defence lawyers.<sup>58</sup> More must be done to ensure these aids are consistently accessible.

### In Numbers

The OFOVC conducted a survey of survivors of sexual assault in 2024-25.<sup>59</sup> Among our survey respondents for which the case went to court:

- » 71% stated that the Crown did not ask if they wanted testimonial aids
- » 25% stated that the Crown asked for testimonial aids at trial, and they were granted (n = 85)

### Recommendations

9. **Amend the CVBR to explicitly recognize both *physical and psychological security* under the right to protection**
10. **Mandate that victims are informed of their right to request, review, and correct personal information held by authorities, and to access any information about them gathered by federal agencies**
11. **Ensure victims receive clear, accessible information about available protection and how to request it**
12. **Automatically offer and consider testimonial aids to enhance victims' safety and comfort during proceedings**
13. **Ensure testimonial aids are available in all courtrooms in all regions of Canada**

## Right to Participation

**“Victims are completely left out and made to feel like their abusers are of utmost importance as the system is all about them ...Even my victim impact statement was redacted. It looked like a FOIA (Freedom of Access) report from the government it was all blacked over. That was my last hope to be heard.”<sup>60</sup>**

– SISSA Survivor Survey, Response #439.

### **ISSUE: Under the CVBR, victims have the right to convey their views on decisions that affect their rights and to present a victim impact statement to be considered by the court.**

For many victims, the main form of participation is through a VIS presented at sentencing. However, many VIS submissions are heavily redacted before reaching the court. This is unnecessary. Since 2015, judges have had discretion to disregard irrelevant content.<sup>61</sup> Over-redaction goes beyond what the law requires, silences victims, and weakens their ability to be heard. It undermines both the spirit and intent of the CVBR.

Many cases are resolved through plea deals or early resolutions, so they reach sentencing much earlier than expected. As a result, victims may miss or lose their chance to submit a victim impact statement and have their voices heard. This leaves them excluded from key decisions and limits their opportunities for meaningful participation in the justice process.

### **Why it matters**

A more meaningful approach, aligned with the UN Declaration, would ensure victims' views are considered at key points in the justice process, not just at the end.

#### **Rights to participate when *Charter* rights to life, liberty, or security of the person are at stake**

In *New Brunswick (Minister of Health and Community Services) v. G. (J.)*<sup>62</sup> the Supreme Court of Canada affirmed that where

government action triggers a hearing in which an individual's rights under section 7 of the *Charter* – the right to life, liberty, and security of the person – are engaged, the government is under an obligation to do whatever is required to ensure that the hearing is fair. Fairness in this context meant a right to state-funded counsel and depended on the seriousness of the interests at stake, the complexity of the proceedings and the capacities of the parties.

**Notice:** parties must be given enough information about the matter being considered and the decision being made to participate meaningfully in the decision-making process.

**The right to be heard:** parties must have a reasonable opportunity to present their points of view, respond to facts presented by others, and have their arguments considered by the decision-maker.<sup>63</sup>

In the criminal justice system, decisions such as whether or not to allow bail or to accept a plea can deeply impact victims' safety, dignity, and psychological well-being, especially in cases involving violence or re-victimization.

In such cases, victims should have procedural protections, including **notice** and the **opportunity to be heard**.

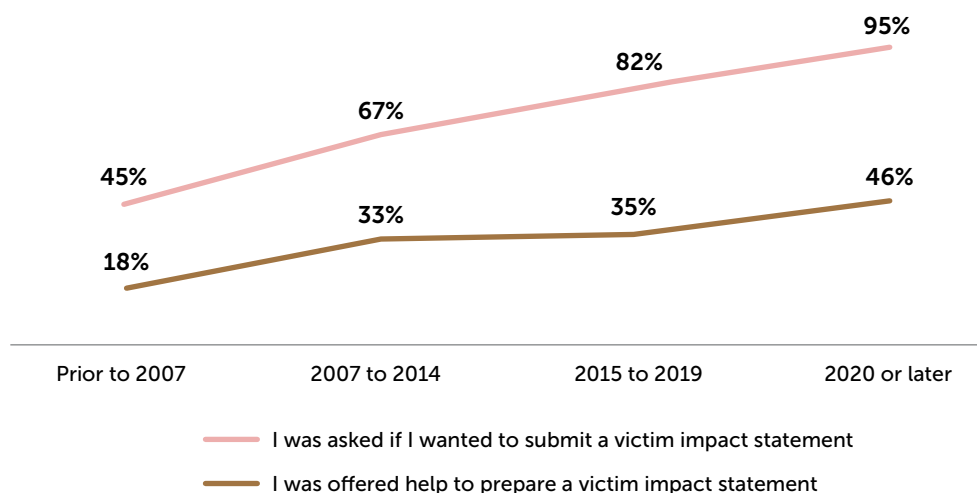
Currently, victims have rights to participate in limited circumstances: in some proceedings involving third party or personal records or sexual history evidence or in sentencing hearings through victim impact statements. The fact that these opportunities are so limited and circumscribed leaves large gaps in victims' ability to influence decisions which may affect their safety, dignity, and psychological well-being. Procedural protections seem a small request when the seriousness of the interests at stake and the complexity of the proceedings are considered.

## In Numbers

In our 2024-25 survey with 1000 survivors of sexual violence, we saw clear increases in the use of victim impact statements over time. Of survivors whose cases proceeded to sentencing:

- » **95% of survivors** whose last contact with the justice system was in 2020 or later were asked if they wanted to submit a VIS, and **46%** were offered help to prepare their statement

**Survivors with more recent contact with the criminal justice system were more likely to submit a victim impact statement (n = 71)**



**Case law review:** We also conducted a simple case law review to examine judicial mention of victim impact statements in sentencing decisions. Using the Westlaw Canada database, we examined available non-appeal court sentencing decisions for sexual offences from 2014 to 2024 to identify trends (n = 3475).<sup>64</sup>

- » Sentencing decisions for sexual offences in non-appeal courts that mentioned a VIS rose from 61% in 2014 to 69% in 2024.

## Considerations

### 1. Legal Representation: Making Rights Real

For victims' rights to be meaningful, legal advice and representation is essential. The criminal justice system is complex and intimidating. Without legal assistance, victims often struggle to assert their rights or have their voices heard. Independent legal advice or representation puts victims on an equal footing, especially for victims asserting *Charter* rights.

### 2. Promising International Practices

Some countries have already recognized the importance of legal representation for victims. Nordic jurisdictions, for example, provide "victim lawyers" who represent victims' interests in court. Other nations integrate legal advice into the broader victim services system.<sup>65</sup>

- » However, research shows that legal representation is **only as effective as the underlying legal framework**.<sup>66</sup> In systems where victims' rights are not enforceable, victim lawyers may lack the tools needed to achieve meaningful outcomes. Canada must strengthen the legal framework to ensure that victims have both legal guidance and enforceable rights.

## Recommendations

14. **Restrict the redaction of victim impact statements**, except where strictly necessary for legal or safety reasons, and require that any redactions be clearly justified and communicated to the victim in advance
15. **Expand legal representation** for victims of crime in the criminal justice system when their *Charter* interests or rights to information, protection, or participation are affected

## Right to Seek Restitution



*For restitution orders, the onus should not fall to the survivor to enforce (civil court proceedings) – as this may be costly and require hiring a lawyer.<sup>67</sup>*



– Written Submission from the Ontario Native Women's Association to the OFOVC.

**ISSUE:** The CVBR grants victims the right to seek restitution. **Without enforcement mechanisms, this right is often unrealized. Victims struggle to collect payments outside of the provinces who offer programs to assist with enforcement.<sup>68</sup>**

### Why it matters

Victims bear the costs of their victimization. Restitution orders can be a way to move the economic burden of crime from survivors to offenders. Yet few restitution orders are made and much fewer are paid by offenders.

The OFOVC has raised this concern in a 2021 [special report](#). The issue was also flagged by

the House of Commons Standing Committee on Justice and Human Rights (JUST Committee) [report](#), and again in [our response](#).

Provinces already use enforcement tools, like wage garnishment or child support collection systems to collect provincial debts. These systems could also be applied to restitution.



## In Numbers

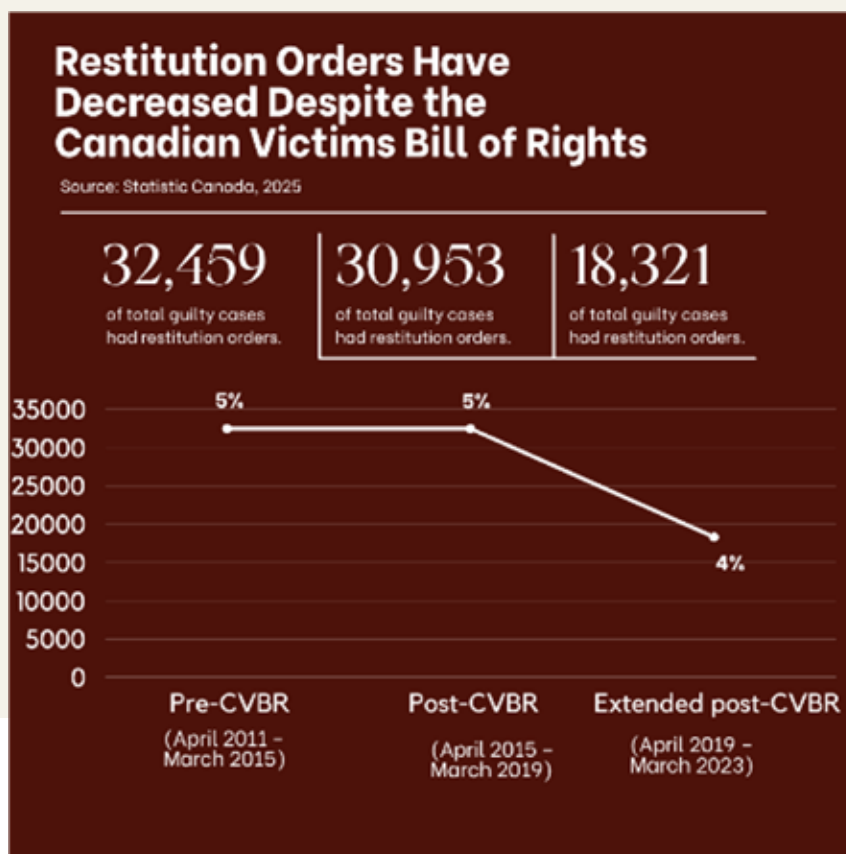
According to data from Statistics Canada, from 2015 to 2019, a mere 1.6 percent of all cases tried in adult criminal courts that produced a guilty verdict resulted in restitution orders.<sup>69</sup> In fact, the data shows that the number of restitution orders made has dropped. There is no comprehensive, national data to show how often court-ordered restitution is actually paid.<sup>70</sup>

- » In 2024, an investigative report by W5 found that of **\$255 million in restitution orders** made across Canada over 5 years, provinces and territories could only confirm that **\$7 million (2.7%) had been collected**.<sup>71</sup> Saskatchewan had the highest reported rate of restitution payments in Canada; between 2019-2024, 71% of restitution orders were paid.

### Promising Practices

Five provincial programs offer information and support to victims to help them to collect restitution orders: Nova Scotia, Saskatchewan British Columbia, Alberta, and PEI.<sup>72</sup> These province-wide restitution enforcement programs provide victims and offenders with information about the restitution process and its components. These programs remove the administrative burden from victims mainly by implementing a specialized team of staff to support offenders in paying the restitution they owe.

- » In several European Union countries, governments enforce restitution and compensate victims directly – whether or not the offender repays. This model shifts the burden off victims and ensures they receive the support they are owed.<sup>73</sup>



## Considerations

There is growing recognition that many survivors seek **meaningful reparations**.

**Restitution** ordered by courts is limited to financial repayment from the offender of readily ascertainable amounts, and cannot address the full scope of harm experienced by victims, including emotional, psychological, and social impacts.

In contrast, **reparation** includes a wider range of measures to acknowledge harm, restore dignity, and support healing. This could involve financial compensation, but also **services**, apologies, community accountability, and systemic reform. A reparative approach aligns more closely with the principles of the **CVBR**, recognizing victims as active participants in justice and acknowledging the full impact of crime beyond economic loss.

This broader vision aligns with the principles of **restorative justice**, which seeks to acknowledge harm, promote accountability, and support healing for all parties. In restorative justice processes, victims are given space to tell their stories, express their needs,

and contribute to shaping outcomes, offering a form of justice that restitution alone cannot provide. As highlighted in the [open letter from Survivors for Justice Reform](#),<sup>74</sup> many victims are calling for this shift: a move beyond transactional remedies and toward deeper, survivor-led models of reparation and accountability.

## Recommendations

16. Amend the CVBR to explicitly grant victims the right to receive assistance in obtaining, entering, and enforcing restitution orders
17. Fund pilot projects to improve the enforcement of restitution orders, while avoiding unnecessary duplication in civil courts
18. Strengthen the enforcement of restitution orders by improving data collection about restitution orders and their enforcement

# Evaluation, Monitoring, and Training



*What gets measured gets done.*<sup>75</sup>

– Irvin Waller, Professor



**ISSUE: Existing information is fragmented – partially due to the joint federal-provincial/territorial responsibility for criminal justice – and does not present a full picture of how victims are treated in practice.**

Canada collects data on criminal victimization and is recognized as a world-leader in statistics. However, improvements can be made in tracking the implementation of victims' rights. There is also no federal evaluation process centred on the CVBR.<sup>76</sup> Each federal agency involved in delivering victims rights has created their own implementation and monitoring framework.

Victims' experiences often depend on the discretion of justice system professionals, who may or may not support or be trained on victims' rights and perspectives. Due to the joint federal-provincial/territorial responsibility for criminal justice, survivors' experience of the implementation of their rights varies considerably across jurisdictions.

## Why it matters

Without standardized data, it's impossible to evaluate performance, identify trends, or improve the system. Equity gaps remain hidden, and system improvements are missing key evidence.

Without a means to track outcomes across jurisdictions, there is no way to assess, on a national basis, whether victims are informed of their rights, are accessing protection or participation opportunities, or are treated fairly by responsible agencies. We are unaware of standard approaches to evaluation or reporting by federal agencies of their implementation of CVBR rights.

### **Training on victim rights is another missing piece**

There is no requirement for training about victim rights for lawyers or paralegals seeking

their professional licences. This undermines consistent implementation of the CVBR.

- » **Legal education:** In May 2025, the Ombudsperson wrote to Law Societies across Canada to inquire if the CVBR is included in training or examinations to practice criminal law in their province or territory. Of 6 provinces that replied, 5 confirmed that the CVBR is not currently included and **only Québec** indicated that the CVBR is part of their standard training, but it may not always be on examinations.

Given that the CVBR has quasi-constitutional status and Parliament indicated that the rights it provides should be enforceable and at the "heart of the judicial system,"<sup>77</sup> law schools and law societies could play a stronger leadership role in educating legal professionals on victim rights.

## In Numbers

- » No national statistics show how many victims are informed of their rights
- » No national victim satisfaction survey exists
- » Provinces and territories define rights and services differently and collect data differently
- » Where data exists, it's not always made public
- » Existing datasets do not always account for race, gender, disability, immigration status, or other identity-based factors in a consistent way

## Considerations

In 2015-16, Statistics Canada tested a pilot for [Canadian Victim Services Indicators](#).

While provincial and territorial results were available for many outcomes and activities, the results could not be compared between the jurisdictions due to varying definitions, available information, and services provided.

- » **National data** would assist the implementation of rights by helping to identify gaps in service and equity, and promote transparency and accountability across jurisdictions.
- » **Mandatory training** would ensure that justice system professionals understand and apply victims' rights, embedded in professional standards.
- » **Regular review by Parliament** would increase public visibility into departmental actions for survivors and advocates.
- » **Regular evaluations**, across federal agencies and focussed on implementation of the CVBR in federal agencies would show Canadians the extent to which the CVBR is affecting federal responsibilities for criminal justice.

## Recommendations

19. Require federal agencies and departments to conduct evaluations of the implementation of the CVBR every five years
20. Integrate victims' rights indicators in **national surveys**, including the General Social Survey on Victimization
21. Amend the CVBR to require that all federal criminal justice system personnel involved in implementing victims' rights receive **mandatory training** on the Act
22. Amend the CVBR to require a **Parliamentary review** of the Act and its implementation framework every five years to evaluate progress, address gaps, and ensure accountability

# Preamble, Definitions and Other Matters

**ISSUE:** The preamble does not articulate key principles that reflect the evolution in thinking on trauma, equity, and justice for victims.

## Why it matters

The preamble sets the tone and interpretive framework for legislation. By updating it, we can better align the CVBR with international standards and current justice values such as **equity, trauma-informed practice, and intersectionality**.

**Small but meaningful legal language changes could improve how the CVBR is interpreted and applied.** Many of these proposed changes respond directly to real gaps brought forward in complaints and consultations.

## Recommendations

23. Add references to **trauma-informed justice and equity in justice** to the preamble
24. Add interpretative provisions to the CVBR to **reinforce the applicability of the proper administration of justice, procedural fairness and human rights** to the interpretation and implementation of victims CVBR rights

## Fulfilling the Promise of the CVBR

The original vision for the CVBR was **bold and transformative: to place victims firmly at the heart of the justice system**, ensuring they have enforceable rights, are treated with dignity, and have a strong, respected voice. It set out to fundamentally enhance their role and recognition within the system.

We are not there yet. **The CVBR laid the foundation for legal recognition.** But rights must be real, respected, and enforceable.

**Now is the time to fulfill the promise made to victims.**



# Annex A: Recommendations

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## Enforceable rights and legal recourse

1. **Amend the CVBR** to make rights legally enforceable by:
  - a. Repealing sections 27–29
  - b. **Creating a cause of action** for any infringement or denial of rights
  - c. Granting **legal standing** for victims to challenge decisions
  - d. Introducing **judicial or administrative review** for key decisions (e.g., dropping charges).
  - e. Requiring a **CVBR compliance statement** for all new criminal justice legislation.
  - f. Clarify under section 20(2) that **discretion cannot nullify victim rights**.
  - g. Add a **statutory right to remedy**

## Independent Oversight and Accountability

2. Legislate the authority of the **Federal Ombudsperson for Victims of Crime (OFOVC)** to:
  - a. Access relevant information during investigations
  - b. Be designated as the primary federal complaints body for victims
  - c. Ensure victims can access the OFOVC without exhausting other mechanisms
  - d. Align the role with oversight models like the Privacy and Official Languages Commissioners.
  - e. Ensure OFOVC access to information used in original complaint reviews to guarantee procedural fairness

## Information: Automatic, accessible, and standardized information-sharing

3. Amend the CVBR to remove the words “on request”, to guarantee that victims automatically receive relevant information from the time of the crime through all stages of the criminal justice process, with an opt-out option
4. Ensure information includes restorative justice options, release dates, parole hearings, and safety planning
5. Clearly identify officials or agencies responsible for providing information in CVBR
6. Ensure plain language, translation, and accessible formats (e.g., sign language, disability accommodations) are used in all victim communications
7. Establish cross-jurisdictional protocols to coordinate victim information-sharing across Canada
8. Include post-sentence information rights for victims, where the offender is subject to federal jurisdiction including for notifications of deportation, the right to submit victim statements in immigration proceedings, and coordinated hand-offs between the CSC and CBSA



## Protection

9. **Amend the CVBR to explicitly recognize both *physical and psychological security*** under the right to protection
10. **Mandate that victims are clearly informed of their right to request, review, and correct personal information held by authorities**, and to access any information about them gathered by federal agencies
11. **Ensure victims receive clear, accessible information** about available protection and how to request it
12. **Automatically offer and consider testimonial aids** to enhance victims' safety and comfort during proceedings
13. **Ensure testimonial aids are available and offered in all courtrooms in all regions of Canada**

## Participation

14. **Restrict the redaction of victim impact statements**, except where strictly necessary for legal or safety reasons, and require that any redactions be clearly justified and communicated to the victim in advance
15. **Expand legal representation** for victims of crime in the criminal justice system when their *Charter* interests or rights to information, protection, or participation are affected

## Restitution/Reparation

16. Amend the CVBR to explicitly grant victims the right to receive assistance in obtaining, entering, and enforcing restitution orders
17. Fund pilot projects to improve the enforcement of restitution orders, while avoiding unnecessary duplication in civil courts
18. Strengthen the enforcement of restitution orders by improving data collection about restitution orders and their enforcement

## Evaluation, Monitoring, Training

19. Require federal agencies and departments to conduct evaluations of the implementation of the CVBR every five years focusing on effectiveness and compliance
20. Integrate victims' rights indicators in **national surveys**, including the General Social Survey on Victimization
21. Amend the CVBR to require that all federal criminal justice system personnel involved in implementing victims' rights receive **mandatory training** on the Act
22. Amend the CVBR to require a **Parliamentary review** of the Act and its implementation framework every five years to evaluate progress, address gaps, and ensure accountability

## Preamble, Definitions and Other Matters

23. Add references to **trauma-informed justice and equity in justice** to the preamble
24. Add interpretative provisions to the CVBR to **reinforce the applicability of the proper administration of justice, procedural fairness and human rights** to the interpretation and implementation of victims CVBR rights

# Annex B: Proposed CVBR Amendments<sup>78</sup>

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## *Canadian Victims Bill of Rights*

### **S.C. 2015, c. 13, s. 2**

Assented to 2015-04-23

An Act for the Recognition of Victims Rights

[Enacted by section 2 of chapter 13 of the Statutes of Canada, 2015, in force July 23, 2015.]

#### **Preamble**

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

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

Whereas the criminal justice system should be sensitive to the needs of victims resulting from trauma and do no further harm;

Whereas the consistent application of victims rights promotes equity in access to justice and equity in society;

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

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

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

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

Whereas in 1985, the United Nations General Assembly adopted the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and in 1988, the federal, provincial and territorial governments endorsed the *Canadian Statement of Basic Principles of Justice for Victims of Crime* and, in 2003, the *Canadian Statement of Basic Principles of Justice for Victims of Crime, 2003*;

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

## Short Title

### Short title

**1** This Act may be cited as the Canadian Victims Bill of Rights.

## Interpretation

### Definitions

**2** The following definitions apply in this Act.

**offence** means an offence under the Criminal Code, the Youth Criminal Justice Act or the Crimes Against Humanity and War Crimes Act, a *designated substance offence* as defined in subsection 2(1) of the Controlled Drugs and Substances Act, a *designated offence* as defined in subsection 2(1) of the Cannabis Act or an offence under section 91 or Part 3 of the Immigration and Refugee Protection Act. (*infraction*)

**victim** means an individual, who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence. (*victime*)

» 2015, c. 13, s. 2 “2”

» 2018, c. 16, s. 187

### Previous Version

### Acting on victim’s behalf

**3 (1)** A victim may designate a representative to exercise their rights under this Act.

**3 (2)** Any of the following individuals may exercise a victim’s rights under this Act, or designate a representative, if the victim is dead or incapable of acting on their own behalf:

- (a) the victim’s spouse or the individual who was at the time of the victim’s death their spouse;
- (b) the individual who is or was at the time of the victim’s death, cohabiting with them in a conjugal relationship, having so cohabited for a period of at least one year;
- (c) a relative, or dependant or close friend of the victim;
- (d) an individual who has in law or fact custody, or is responsible for the care or support, of the victim;
- (e) an individual who has in law or fact custody, or is responsible for the care or support, of a dependant of the victim.

### Exception

**4** An individual is not a victim in relation to an offence, or entitled to exercise a victim’s rights under this Act, if the individual is charged with the offence, found guilty of the offence or found not criminally responsible on account of mental disorder or unfit to stand trial in respect of the offence.

## **Criminal justice system**

**5** (1) For the purpose of this Act, the criminal justice system consists of

- (a) the investigation and prosecution of offences in Canada;
- (b) the corrections process and the conditional release process in Canada;
- (c) the proceedings of courts and Review Boards, as those terms are defined in subsection 672.1(1) of the *Criminal Code*, in respect of accused who are found not criminally responsible on account of mental disorder or unfit to stand trial; and
- (d) removal orders from Canada resulting from a criminal offence

## **Interests of justice**

(2) Consideration of the rights of victims of crime is in the interest of justice and the proper administration of justice.

## **Procedural fairness**

(3) Every victim has a reasonable expectation of procedural fairness in the application of their rights under this Act.

## **No further harm**

(4) To the extent possible, the criminal justice system must be responsive to the trauma needs of victims of crime and do no further harm.

## **Human rights**

(5) Victim rights are human rights.

# **Rights**

## **Information**

### **General information**

**6** Every victim has the right, ~~on request,~~ to information about

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

## Investigation and proceedings

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

- (a) the status and outcome of the investigation into the offence;
- (b) the location of proceedings in relation to the offence, when they will take place and their progress and outcome; and
- (c) contact details for communication about their case

## Information about offender or accused

8 (1) Every victim has the right, ~~on request~~, to information about

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

(2) Every victim has the right to opt out of receiving information and to opt in again.

## Protection

### Security

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

### 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.

### Privacy

11 (1) Every victim has privacy rights, including the right to have their privacy considered by the appropriate authorities in the criminal justice system.

- (a) Victims have the right to request, review and correct personal information about them held by criminal justice authorities.
- (b) Information about victims gathered through assessments in the criminal justice system must be shared with them when requested.

(2) Information about an offence or an offender that has already been provided to a victim, or ought to have been provided to a victim, during a hearing or through other disclosures in the criminal justice system, shall not be unduly withheld from the victim when requested.

## **Identity protection**

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

## **Testimonial aids**

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

## Participation

### **Views to be considered**

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

### **Victim impact statement**

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

## Restitution

## Reparations

### **Reparations**

**16** Every victim has the right to have the court consider making a restitution order against the offender; and,

**16.1** Every victim has the right to have access to legal, social, medical and psychological services that are suited to their needs and circumstances.

### **Enforcement**

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



## General Provisions

### Application

**18 (1)** This Act applies in respect of a victim of an offence in their interactions with the criminal justice system

- (a) while the offence is investigated or prosecuted;
- (b) while the offender is subject to the corrections process or the conditional release process in relation to the offence;
- (c) while the accused is, in relation to the offence, under the jurisdiction of a court or a Review Board, as those terms are defined in subsection 672.1(1) of the *Criminal Code*, if they are found not criminally responsible on account of mental disorder or unfit to stand trial, and;
- (d) during post-sentence decisions about the removal of a person from Canada because of the offence.

### Reporting of offence

**(2)** For the purpose of subsection (1), if an offence is reported to the appropriate authorities in the criminal justice system, the investigation of the offence is deemed to begin at the time of the reporting.

### National Defence Act

**(3)** Subject to subsection (4), this Act does not apply in respect of offences that are *service offences*, as defined in subsection 2(1) of the *National Defence Act*, that are investigated or proceeded with under that Act.

### Application

**(4)** This Act applies in respect of an offender who is convicted of a *service offence*, as defined in subsection 2(1) of the *National Defence Act* and who is committed to a *penitentiary* or a *civil prison*, as those terms are defined in that subsection.

» 2015, c. 13, s. 2 "18"

» 2019, c. 15, s. 61

### Previous Version

### Exercise of rights

~~**19 (1)** The rights of victims under this Act are to be exercised through the mechanisms provided by law:~~

### Connection to Canada

~~**19 (2)** A victim is entitled to exercise their rights under this Act only if they are present in Canada or they are a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.~~

## Interpretation of this Act

**20 (1)** This Act is to be construed and applied in a manner that is reasonable in the circumstances. and in a manner that is not likely to

- ~~(a) interfere with the proper administration of justice, including
  - ~~(i) by causing interference with police discretion or causing excessive delay in, or compromising or hindering, the investigation of any offence; and~~
  - ~~(ii) by causing interference with prosecutorial discretion or causing excessive delay in, or compromising or hindering, the prosecution of any offence;~~~~
- ~~(b) interfere with ministerial discretion;~~
- ~~(c) interfere with the discretion that may be exercised by any person or body authorized to release an offender into the community;~~
- ~~(d) endanger the life or safety of any individual; or~~
- ~~(e) cause injury to international relations or national defence or national security.~~

(2) The discretion exercised by criminal justice authorities cannot be used to nullify victim rights.

## 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.

## Exception — Acts, regulations, etc.

**(2)** Subsection of 22(1) does not apply in respect of the *Canadian Bill of Rights*, the *Canadian Human Rights Act*, the *Official Languages Act*, the *Access to Information Act* and the *Privacy Act* and in respect of orders, rules and regulations made under any of those Acts. It also does not apply in respect of Division 1.1 of Part III of the *National Defence Act* and in respect of any orders, rules and regulations made under that Act to the extent that they apply in relation to that Division.

» 2015, c. 13, s. 2 “22”

» 2019, c. 15, s. 62

[Previous Version](#)

## **Compliance statement**

**(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.

## **No adverse inference**

**23** No adverse inference is to be drawn against a person who is charged with an offence from the fact that an individual has been identified as a victim in relation to the offence.

## **Entering or remaining in Canada**

**24** Nothing in this Act is to be construed so as to permit any individual to

- (a) enter Canada or to remain in Canada beyond the end of the period for which they are authorized to so remain;
- (b) delay any removal proceedings or prevent the enforcement of any removal order; or
- (c) delay any extradition proceedings or prevent the extradition of any person to or from Canada.

## **Remedies**

### **Complaint — federal entity**

**25 (1)** Every victim who is of the opinion that any of their rights under this Act have been infringed or denied by a federal department, agency or body has the right to file a complaint with the Office of the Federal Ombudsperson for Victims of Crime or with the federal department, agency or body who is alleged to have infringed or denied their rights.

### **Complaint to authority**

**(2)** Every victim ~~who has exhausted their recourse under the complaints mechanism and~~ who is not satisfied with the response of the federal department, agency or body may file an appeal with the Office of the Federal Ombudsperson for Victims of Crime, which has authority to review complaint appeals, including a review of all content considered in the original complaint review if this was conducted by another federal department, agency or body.

## **Complaints mechanism**

**(3)** Every federal department, agency or body that is involved in the criminal justice system must have a complaints mechanism that provides for

- (a)** a review of complaints involving alleged infringements or denials of rights under this Act;
- (b)** the power to make recommendations to remedy such infringements and denials; and
- (c)** the obligation to notify victims of the result of those reviews and of the recommendations, if any were made.

## **Complaint — provincial or territorial entity**

**26** Every victim who is of the opinion that their rights under this Act have been infringed or denied by a provincial or territorial department, agency or body may file a complaint in accordance with the laws of the province or territory.

## **Status**

~~**27** Nothing in this Act is to be construed as granting to, or removing from, any victim or any individual acting on behalf of a victim the status of party, intervenor or observer in any proceedings.~~

## **No cause of action**

~~**28** No cause of action or right to damages arises from an infringement or denial of a right under this Act.~~

## **No appeal**

~~**29** No appeal lies from any decision or order solely on the grounds that a right under this Act has been infringed or denied.~~

## **Cause of action**

**27** Victims have a cause of action from an infringement or denial of rights under this Act.

## **Training**

### **Professional standards and training on victim rights**

**28** Every authority in the criminal justice system within the legislative authority of Parliament shall ensure that every person it employs who plays a role in implementing the rights of victims receives training on the rights contained in this Act and that this training is a mandatory component of existing professional standards.

## **Monitoring**

### **Implementation framework**

**29** This Act may be supported with regulations on the implementation of the rights of victims of crime under the *Canadian Victims Bill of Rights* in matters within the legislative authority of Parliament.

### **National data collection and reporting strategy on victim rights**

**30** This Act shall be supported by a national data collection and reporting strategy to monitor the implementation of victim rights to information, protection, participation, reparations, and remedies.

### **Evaluation**

**31** The *Canadian Victims Bill of Rights* and its implementation framework must be reviewed by Parliament every 5 years.

## Endnotes

- 1 Government of Canada. (2014, April 3). *PM announces historic legislation to create a Canadian Victims Bill of Rights*. Canada.ca.
- 2 Government of Canada. (2014, April 3). *PM announces historic legislation to create a Canadian Victims Bill of Rights*. Canada.ca.
- 3 Office of the Federal Ombudsperson for Victims of Crime (2020). *Progress report: The Canadian Victims Bill of Rights*.
- 4 *R v. Friesen*, 2020 SCC 9, [2020] 1 S.C.R. 424
- 5 In Canadian law, “quasi-constitutional” refers to legislation that, while not part of the Constitution, is afforded a higher status than ordinary statutes.
- 6 Department of Justice, Young, A. N., & Dhanjal, K. (2021). *Victims’ rights in Canada in the 21st century: Part II: Participatory rights*.
- 7 “Primacy” refers to the legal principle that certain statutes prevail over other legislation in cases of conflict. “Primacy in the event of inconsistency” is specifically outlined in section 22(1) of the CVBR.
- 8 Perrin, B. (2017). *Victim law: The law of victims of crime in Canada*. Thomson Reuters.
- 9 Barrett, J. (2001). *Balancing Charter interests: Victims’ rights and third-party remedies* (loose-leaf updated 2019, release 3). Carswell.
- 10 Young, A. N., & Dhanjal, K. (2021). *Victims’ rights in Canada in the 21st century: Part II: Participatory Rights*.
- 11 Emphasis added.
- 12 Standing Senate Committee on Legal and Constitutional Affairs. (2024, November 21). *Evidence: Bill C-40, An Act to amend the Criminal Code (Miscarriage of justice reviews)*.
- 13 Ibid.
- 14 Ibid.
- 15 Office of the Federal Ombudsperson for Victims of Crime. (2021). *Five-year progress report: Annex 1* [Photograph of RCMP card].
- 16 The Journey Project. (n.d.). *The Journey Project*. <https://journeyproject.ca/>
- 17 Association québécoise Plaidoyer-Victimes. (n.d.). *Canadian Victims Bill of Rights*
- 18 Fayyaz, F., & Badets, N. (2023). *What do Canadians Know about the Canadian Victims Bill of Rights? – Victims of Crime Research Digest No. 16*
- 19 OFOVC. (2024, March 11). *Federal Ombudsperson launches systemic investigation into treatment of survivors of sexual assault in the Canadian justice system*.



- 20 **Limitations:** The study used purposive sampling to recruit stakeholders from different parts of the criminal justice system or support services and from different geographic regions, rather than using random sampling. The study focused on responses to sexual violence, so stakeholders working with other types of survivors may differ in their awareness of the CVBR.
- 21 OFOVC. (2024). Rethinking justice for survivors, Consultation Table 24: Men and Boys BIL.
- 22 Canada. Parliament. House of Commons. Standing Committee on Public Safety and National Security, McKay, J. N. (Chair) (2021, June). *Systemic racism in policing in Canada / Hon. John McKay, Chair.: Report of the Standing Committee on Public Safety and National Security; 43rd Parliament, 2nd session.*
- 23 The Assembly of First Nations (AFN). (2025, May 22). *Murdered & Missing Indigenous Women & Girls – Assembly of First Nations.* Assembly of First Nations.
- 24 *Building justice from data.* (2023, September 20). Canada.ca.
- 25 Cotter, A. & Canadian Centre for Justice and Community Safety Statistics. (2021, August 25). *Criminal victimization in Canada, 2019.* Government of Canada, Statistics Canada.
- 26 Communication Access to Justice (CAJust). (2025, February 22). *Victims and Survivors of Crime Week; Part 1.*
- 27 DAWN Canada. (2024, November 6). *Act on the facts.* Women with disabilities are twice as likely as those who do not have a disability to be the victim of violent crimes. Perreault, S. & Canadian Centre for Justice Statistics. (2009). *Criminal Victimization and Health: A Profile of Victimization Among Persons with Activity Limitations or Other Health Problems.* In Canadian Centre for Justice Statistics Profile Series (Report Catalogue no. 85F0033M; No. 21). Statistics Canada.
- 28 Government of Canada, Statistics Canada, Hachouch, Y., Akef, H., McDiarmid, C., Vachon, M., Morris, S., & Simionescu, D. (2025). *Barriers to accessibility related to communication: Findings from the 2022 Canadian Survey on Disability.*
- 29 OFOVC. (2024). Rethinking justice for survivors, Consultation Table 30: Legal and ILA FR (2024)
- 30 Government of Canada. (2014, April 3). *PM announces historic legislation to create a Canadian Victims Bill of Rights.* Canada.ca.
- 31 Department of Justice Canada. (2015). *Canadian Victims Bill of Rights*, S.C. 2015, c. 13, s. 2, § 22.
- 32 Wemmers, J. (2012). *Victims' rights are human rights: The importance of recognizing victims as persons.* Temida, 15(2), 71–83.
- 33 Victim Support Europe. (n.d.). *Launch of VSE model provisions paper.*
- 34 Wemmers, J. (2012). *Victims' rights are human rights: The importance of recognizing victims as persons.* Temida, 15(2), 71–83.

- 35 United Nations. (1948). Universal Declaration of Human Rights.
- 36 Council of Europe. (1950). European Convention on Human Rights.
- 37 United Nations, General Assembly resolution 40/34. (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- 38 The Federal Ombudsperson for Victims of Crime does not have legislated powers.
- 39 The Privacy Commissioner of Canada does not have power to make binding recommendations but does have legislated powers to conduct investigations. It is an offence subject to a fine to obstruct the Commissioner. If a complaint is not resolved, the Commissioner will inform the complainant that they have a right to apply to the Court for a review of the matter. Victims of Crime do not have a comparable right under the CVBR.
- 40 OFOVC. (2024). Rethinking justice for survivors, Interview #156.
- 41 National Office for Victims of Crime (2025). 2022-2023: National victims roundtable on the Canadian Victims Bill of Rights: Summary report. Public Safety Canada.
- 42 Illingworth, H., & Ferrera, N. (2021). Information as a gateway right: Examining complaints related to the Canadian Victims Bill of Rights. Office of the Federal Ombudsperson for Victims of Crime.
- 43 Wemmers, J.-A., & Canuto, M. (2002, March 11). Victims' experiences with expectations and perceptions of restorative justice: A critical review of the literature (Research Report RR01-9e). Policy Centre for Victim Issues, Research & Statistics Division, Department of Justice Canada.
- 44 The OFOVC surveyed survivors of sexual violence in Canada from November 2024 to February 2025 and obtained 1,000 responses. Responses may reflect experiences prior to 2023 changes in the *Criminal Code*.
- 45 *Canadian Charter of Rights and Freedoms*, § 14. (1982).
- 46 Ministry of Justice. (2025, January 29). Code of practice for victims of crime in England and Wales (Victims' Code).
- 47 Sarai, R. (2022). Improving support for victims of crime. House of Commons Standing Committee on Justice and Human Rights.
- 48 *Corrections and Conditional Release Act*, S.C. 1992, c. 20, § 26(1)(a).
- 49 *Corrections and Conditional Release Act*, S.C. 1992, c. 20, §§ 26(1)(b)–26(1)(c).
- 50 CSC told us that, in practice, there is a very low percentage of files where this happens. If information is withheld, shared after the fact, or if the information provided is broader and less specific, more often than not, it is because the disclosure would have a negative impact on the safety of the public. They also clarified that files with security limitations are reviewed once a year as well as when circumstances warrant a review.
- 51 *Fraser v. Canada* (Public Safety and Emergency Preparedness) 2023 FCA 167 (CanLII). para 90.

- 52 Roebuck, B. (2023). Submission to the Standing Committee on Public Safety and National Security on the Rights of Victims of Crime, Reclassification and Transfer of Federal Offenders. Office of the Federal Ombudsperson for Victims of Crime.
- 53 OFOVC. (2024). Rethinking justice for survivors, Survivor Survey, Response #28.
- 54 See United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention. (1999). Handbook on Justice for Victims.
- 55 The Supreme Court of Canada has recognized that “security of the person” under the s. 7 right to life, liberty and security of the person, includes physical and psychological aspects. [see Section 7 – Life, liberty and security of the person, in Charterpedia.
- 56 Correctional Service Canada. (2016). Commissioner’s Directive 701: Information sharing. CCRA, section 27(3).
- 57 OFOVC. (2024). Rethinking Justice for Survivors, Survivor Survey.
- 58 OFOVC (2024). Rethinking Justice for Survivors, Survivor Survey.
- 59 OFOVC (2024). Rethinking Justice for Survivors, Survivor Survey. These survivors may reflect experiences prior to the 2015 changes in the *Criminal Code*.
- 60 OFOVC (2024). Rethinking Justice for Survivors, Survivor Survey., Response #439.
- 61 *Criminal Code*, R.S.C., 1985, c. C-46, § 722(8).
- 62 *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, (1999) 3 SCR 46.
- 63 Office of the National Defence and Canadian Armed Forces Ombudsman. (2024, July 5). Principles of procedural fairness.
- 64 Westlaw. (2025, July 31). *Caselaw review of sentencing decisions for sexual offences in non-appeal courts, 2014–2024* [Database analysis]
- 65 Antonsdóttir, H. F., & Laugerud, S. (2024). The Norwegian Victim Lawyer in a Nordic context: professional boundaries, legal hierarchies and purification processes. *International Criminology*, 4(1), 79–92.
- 66 Ibid.
- 67 OFOVC. (2024). Rethinking Justice for Survivors. Written submission 32: Ontario Native Women’s Association.
- 68 Office of the Federal Ombudsperson for Victims of Crime. (2021). Repairing the Harm: A Special Report on Restitution for Victims of Crime in Canada.
- 69 Statistics Canada. (2024). Adult criminal courts, guilty cases by type of sentence. Table 35-10-0030-01. Note that this table does not include restitution orders that were ordered as part of a probation order or a conditional sentence. The table also does not include Quebec. Thus, those numbers are quite undercounted.

- 70 We lack national data on amounts ordered versus amounts collected/paid. We have some data for two provinces: In Nova Scotia, from 2018 to 2020, \$4,757,896.91 in restitution was ordered, and only \$224,059.58 was collected/paid to victims—a collection rate of 4.7%. In Saskatchewan, from 2018 to 2020, 1,739 restitution orders supervised by the Adult Restitution Program were paid and closed. The total amount of these orders was \$2,926,383; of that, \$2,027,289 (69%) was collected and paid out to victims.
- 71 Woodward, J. (2024, December 19). Provinces look to Saskatchewan on how to collect millions more for victims of crime. CTV News.
- 72 McDonald, S., & Poulin, N. (2022, May 16). Restitution: An update on the numbers (Victims of Crime Research Digest No. 15). Department of Justice Canada.
- 73 Elbers, N. A., Meijer, S., Becx, I. M., Schijns, A. J., & Akkermans, A. J. (2020). The role of victims' lawyers in criminal proceedings in the Netherlands. European Journal of Criminology, 19(4), 830–848.
- 74 Only available in English.
- 75 Waller, I. (1989). Justice even for the crime victim: implementing international standards. International Review of Victimology, 1(1), 89–108.
- 76 Note that the Federal Victim Strategy (FVS) is evaluated every 5 years and may include federal activities and programs which support the CVBR. The FVS has limited ways to capture feedback from victims of crime.
- 77 Government of Canada. (2014, April 3). PM announces historic legislation to create a Canadian Victims Bill of Rights.
- 78 This proposal includes ideas discussed in the 2025 OFOVC report “Rethinking Justice” as well as ideas discussed in this report on the CVBR.