



Government  
of Canada

Office of the Federal  
Ombudsman for Victims  
of Crime

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

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



# ANNUAL REPORT 2017–2018

Office of the Federal Ombudsman  
for Victims of Crime

Canada

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

**Telephone (Toll-free):** 1-866-481-8429

**TTY (Teletypewriter):** 1-877-644-8385

**Fax:** 613-941-3498

**Email:** [victimfirst@ombudsman.gc.ca](mailto:victimfirst@ombudsman.gc.ca)

**Website:** [www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)

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# MESSAGE FROM THE OMBUDSMAN

Making positive change has always been my passion. Now, it is time for a new change. As of November 15, 2017 I will be completing my term as Ombudsman. I hope you will join me in welcoming the incoming Ombudsman, and in supporting them as they continue this important work on behalf of victims and survivors of crime in Canada.

I am so incredibly proud of the work of this Office and everything we have accomplished over the last seven years. Early on in my time as Ombudsman, I released a report called *Shifting the Conversation*, which called on key participants to shift the conversation toward victims and survivors and to acknowledge that it is only by including victims, and helping to meet their needs, that we can have a healthy criminal justice system. I am thrilled to have been able to see that in fact, the conversation has shifted. Worldwide, governments are considering how to support victims and survivors, and the movement is gaining momentum. Laws, policies and conversations are changing. In Canada, we saw the introduction of our first-ever victim-specific legislation with the coming into force of the *Canadian Victims Bill of Rights*. Over the years, thanks to the victims and survivors who have come forward to share their stories, federal government policies and practices have been revised, making it easier for victims to get information on the offenders who harmed them, to get funding to assist in travelling for parole hearings, to ensure proceedings take victims' well-being into account and to make grants more accessible.

I have had the privilege of hearing from thousands of Canadians about the challenges victims and survivors face, and about the barriers in the criminal justice system that often make them feel re-victimized. Their stories have never

been mine to tell, but I have amplified their voices at every opportunity provided to me. I have appeared before dozens of parliamentary committees, made numerous submissions and formal recommendations to ministers and agency heads, issued reports, spoken with the media, presented at hundreds of conferences and events, published videos, promoted change with my federal government colleagues, and more. I have been inspired by the strength, courage and determination of those working on behalf of victims and have used that inspiration to try to help push forward true, lasting change. Credit for the accomplishments made to date must go to the many victims and survivors who have had the strength and courage to share their journey and experiences.

While we have moved forward, there is still more to be done. We must continue to work to ensure that victims are informed, considered, protected and able to participate in meaningful ways within our criminal justice system. We must push for a system where victims are a part of the process and not an afterthought; and we must ensure that at every step, there are choices and options for victims, while supporting their well-being. Towards this, I hope that the government will consider and act upon the recommendations we have put forward with respect to enhancing the *Canadian Victims Bill of Rights*, resolving the gap that exists for victims when it comes to deportation issues and preparing in advance to support victims in cases of mass victimization.

The progress of this Office would not have been possible without my team of talented, passionate and dedicated staff who work hard every day on behalf of victims and survivors. I want to thank them for everything, and to wish them well in their continued work.



Finally, I would like to extend a very heartfelt thank you to everyone I have worked with and heard from during my time as Ombudsman, in particular the victims, survivors and their families who have used their voices to push for change. From the early leaders in the victims movement to those fighting for a more balanced system today, it is

by working together, building relationships and collaborating that change is made. I commend you, and I thank you for all that you do every day.

**Sue O'Sullivan**

Federal Ombudsman for Victims of Crime





# OUR MANDATE



The Office of the Federal Ombudsman for Victims of Crime (OFOVC) was created in 2007 as an arm's-length federal office that helps victims of crime and their families.

Our mandate relates exclusively to matters of federal jurisdiction. It enables the Office to:

- › Promote access by victims to federal programs and services for victims.
- › Address victims' complaints about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crimes committed by offenders under federal jurisdiction.
- › Promote awareness of the needs and concerns of victims of crime and the applicable laws that benefit them, including promoting the principles set out in the Canadian Statement of Basic Principles of Justice for Victims of Crime with respect to matters of federal jurisdiction among criminal justice personnel and policy-makers.
- › Identify and review emerging and systemic issues, including issues related to programs and services provided or administered by the Department of Justice Canada or Public Safety Canada, that have negative impacts on victims of crime.
- › Facilitate access by victims to existing federal programs and services by providing them with information and referrals.

# WORKING DIRECTLY WITH VICTIMS

The OFOVC serves Canadians in two ways:

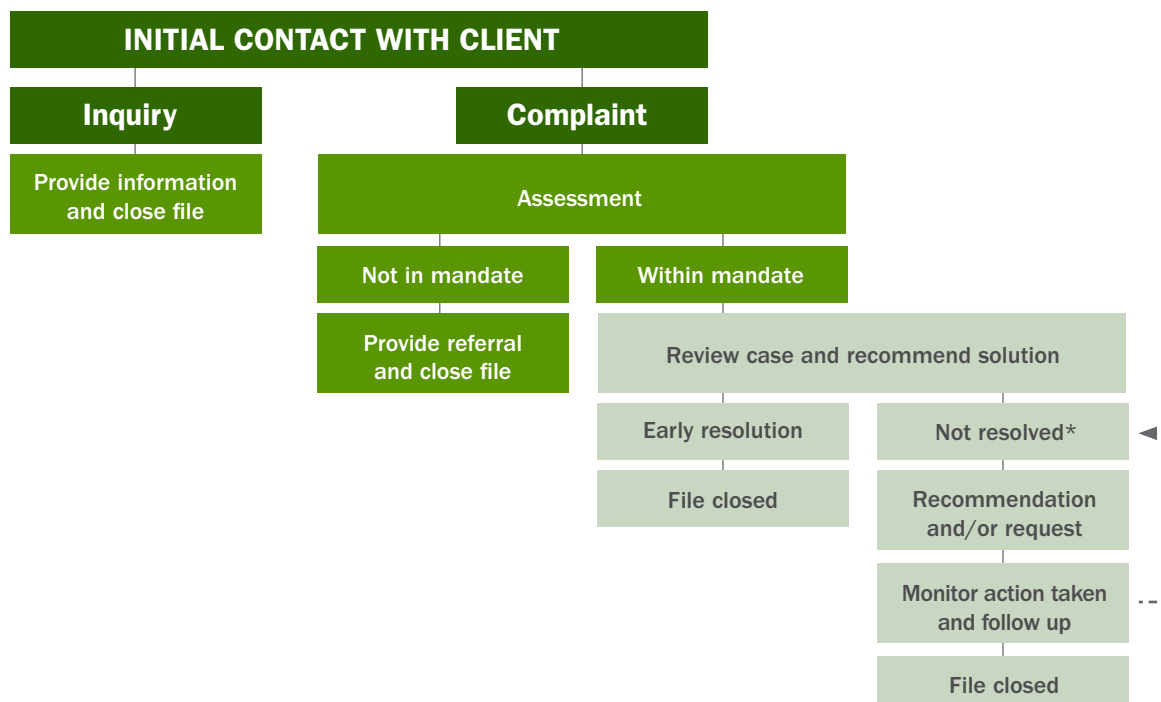
1. **Individually.** We help victims directly by answering inquiries and addressing complaints. Anyone can contact the Office directly through its toll-free victim assistance line to speak with a bilingual Complaint Review Officer. We are also available through email, fax or regular mail.
2. **Collectively.** We review important issues and make recommendations to the federal government on how to change laws and policies to better support victims of crime. Widespread improvements to systemic challenges ultimately help all victims of crime in Canada.

## CASE MANAGEMENT

We follow an established process to answer inquiries and address complaints. This process enables our staff to work with victims on a case-by-case basis to help them find solutions.

### CHART 1

OFOVC case-management process



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

To answer inquiries and address complaints, we offer assistance and referrals. We also promote awareness of federal programs and services available to victims and survivors of crime.

We open a file when an individual contacts the Office with an inquiry or complaint. Additional contact with the individual may include follow-up conversations, phone calls, letters, emails or other documentation. We record each interaction as an activity in the case file until the file is closed. A single file may document several interactions between the individual and the Office.

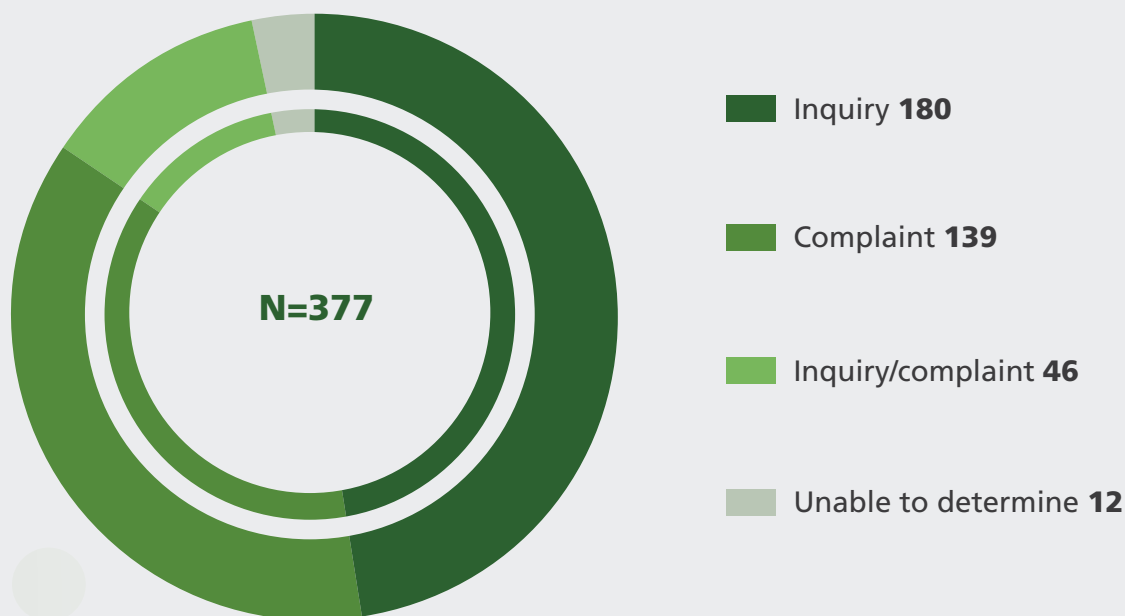
## TALKING WITH VICTIMS

The Office opened 377 files in the 2017–2018 fiscal year, which represents a decline from the previous year. There are two possible explanations for the drop in the number of files:

1. According to the *Canadian Victims Bill of Rights* (2015), every federal department, agency and body involved in the criminal justice system must institute an in-house complaints mechanism. These processes have afforded victims and survivors alternate avenues of inquiry and, in some cases, resolutions. We have observed generally that the unresolved complaints we do receive are highly complex and require more action from the Office.
2. The Office maintained a low profile when the Ombudsman position became vacant in November 2017. Our reduced public presence may have affected file volume.

### CHART 2

Files opened by reason for contact

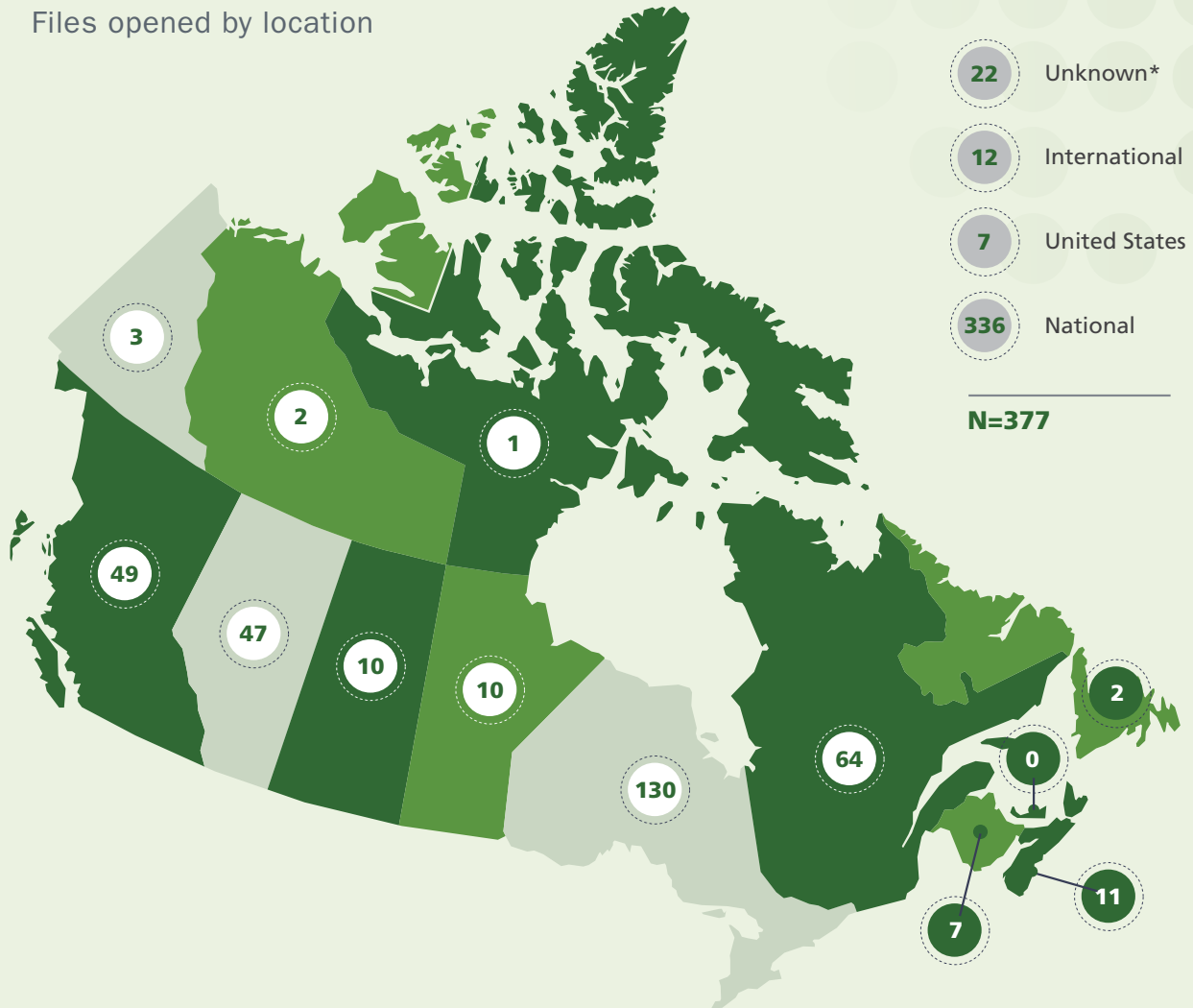


The most common reason for contact in 2017–2018 was inquiry, followed by complaint.



### CHART 3

Files opened by location

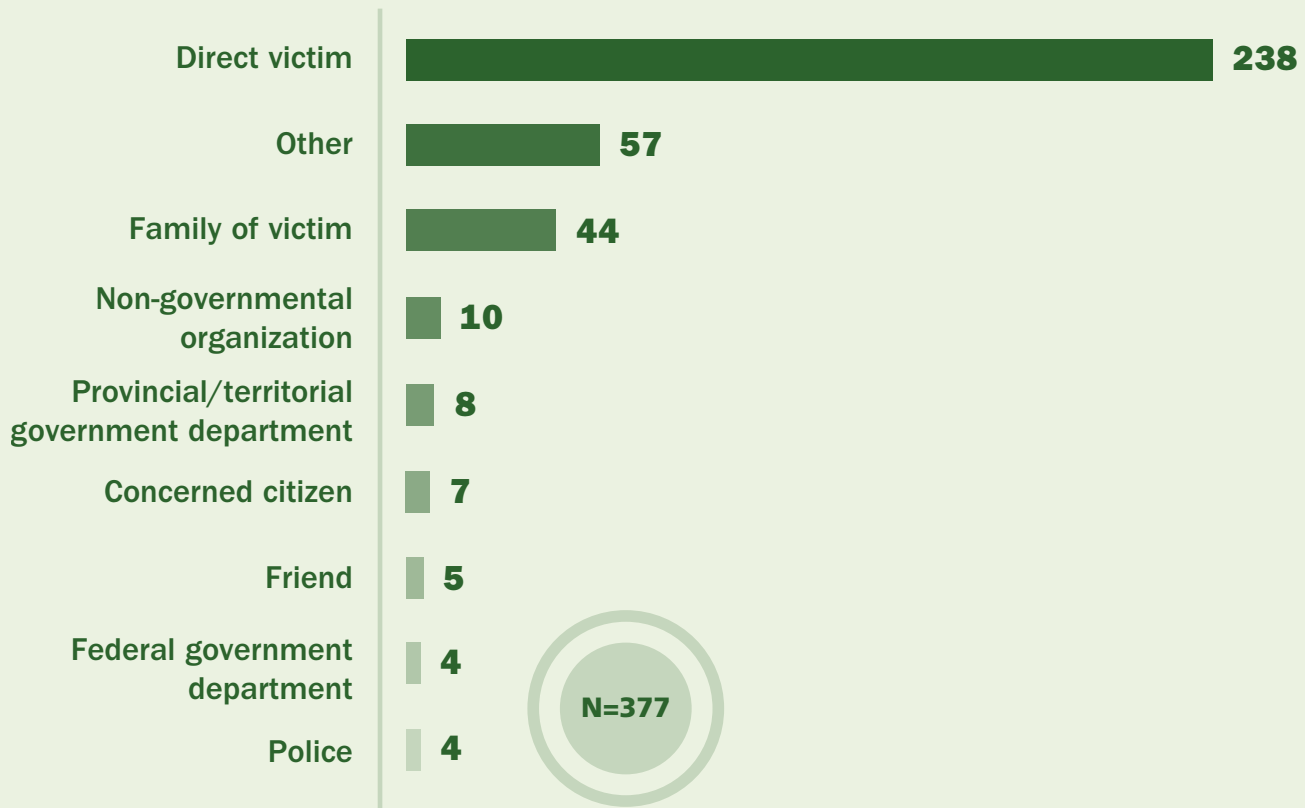


\*Unknown refers to individuals who did not disclose a location.

As in previous years, the breakdown of files generally reflects the populations of provinces and territories.

## CHART 4

Files by source of contact



More often than not, it was direct victims themselves who contacted the Office. (“Other” refers to contacts by persons who wished to remain anonymous or could not be identified.)

## LEARNING FROM VICTIMS

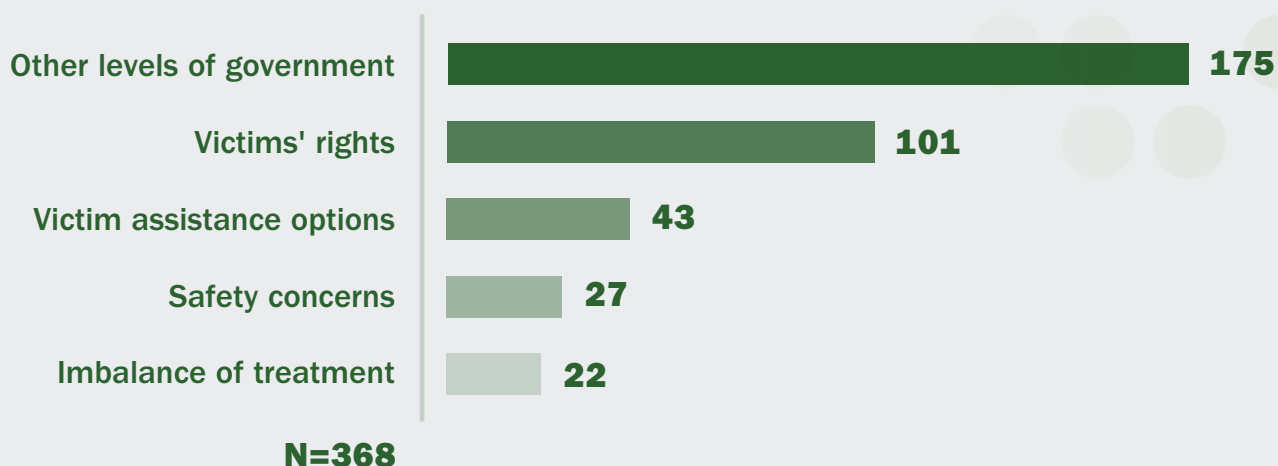
We hear valuable insights from victims and survivors of crime when they tell us about the challenges they face navigating the criminal justice system. Every file we manage helps us provide more knowledgeable recommendations to the federal government on how to improve laws and policies.

### What we heard

In 2017–2018, the most common topics of inquiry or complaint were consistent with previous years.

## CHART 5

Top five topics of inquiry or complaint



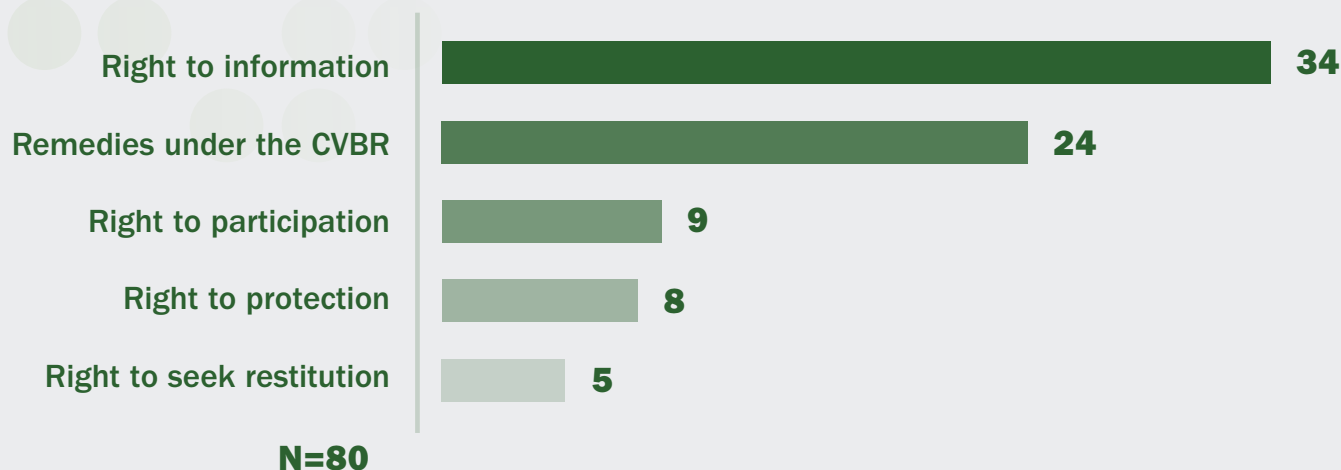
In descending order, they were:

- › **Other levels of government:** Concerns related to matters that fall under the jurisdiction of provinces/territories and/or municipalities.
- › **Victims' rights:** Inquiries or complaints about the legal entitlements of victims of crime in Canada.
- › **Victim assistance options:** Inquiries or complaints about services, programs, funding and other forms of victim assistance offered by federal, provincial/territorial and municipal governments and by non-governmental organizations.
- › **Safety concerns:** Inquiries and complaints about measures that individuals can take to protect themselves or concerns about an offender's proximity to a victim's home or workplace.
- › **Imbalance of treatment:** Inquiries or complaints about the treatment victims received compared with the treatment offenders appear to have received in the Criminal Justice System.



## CHART 6

Top five topics relating to the *Canadian Victims Bill of Rights* (CVBR)



We also record topics of inquiry and complaint specific to the *Canadian Victims Bill of Rights* (CVBR). This is the second full year in which we collected this data.

As in the previous year, in 2017–2018, victims most often had questions or complaints about their right to information. Generally, inquiries and complaints relating to the CVBR declined compared to 2016–2017. We attribute this decline to fewer cases overall, greater knowledge of the CVBR among Canadians, and the availability of internal complaint mechanisms established under the CVBR.

## COMPLAINT REFERRALS BY THE NUMBERS

All federal justice departments have their own mechanisms for receiving complaints. The OFOVC tracks referrals to these departments. We provided 28 referrals in 2017–2018:

- › Correctional Service Canada: 11
- › Parole Board of Canada: 10
- › Department of Justice Canada: 6
- › Global Affairs Canada: 1

*“Thank you so much for being so kind and spending the time you did on the phone with me. It helped empower me with the right resources. It was comforting to know there are sources for me to reach out to for support.”*

— An OFOVC client

## What we learned

Victims often tell us that complaint-handling mechanisms are difficult to navigate. The systems are confusing and the process is overwhelming. Victims say they do not have clarity on how these processes work or the expected outcomes. Each department has its own form, language and definition of complaint, with little consistency across departments. Victims must also tell their stories multiple times between departments.

The Office uses victims' insights like these to identify gaps in Canada's systems and offer recommendations to the federal government. Further to identifying these gaps, the Office has met with representatives from federal victim-serving agencies to outline inconsistencies and share suggestions on how to streamline the processes.

## SPOTLIGHT ON EMERGING ISSUES

These stories highlight some of the challenges that victims and survivors faced in 2017–2018. They illustrate the importance of open, transparent communication between federal departments and Canadians.

### **Case highlight: Victim unable to access decision registry for escorted temporary absence hearings**

#### **Mrs. C's story:**

Mrs. C contacted the OFOVC after receiving seemingly contradictory information from the Parole Board of Canada (PBC) in relation to a hearing for an offender's request for Escorted Temporary Absences (ETAs).

Mrs. C had been informed that she (and other family members who were unable to attend the hearing) could access a copy of PBC decisions through the decision registry.<sup>1</sup> After the hearing, PBC contacted Mrs. C to inform her that while victims and members of the public usually have the right to request and receive copies of decisions

through the decision registry, this is not possible for ETA hearings, a type of hearing for which a copy of the decision is not made available.

Mrs. C contacted the OFOVC after learning that she would not be able to access the decision registry after attending the ETA hearing. The OFOVC reviewed this issue by contacting PBC for more information, referring to previous OFOVC recommendations and reviewing relevant policies and legislation.

In July 2017, the Ombudsman wrote to the PBC Chairperson about Mrs. C's concerns. In this letter, the Ombudsman reiterated a previous OFOVC recommendation "that victims have a transparent process that allows for participation, including having access to a decision summary for decisions made, regardless of releasing authority." The Ombudsman recommended, "that PBC amend its policies in relation to ETA hearings, to enable victims and members of the public to receive a copy of the decision registry from these hearings."

The Ombudsman received a response from the PBC Chairperson in August 2017 stating that PBC is not able to share these types of decisions because it would represent a breach of the *Privacy Act*. However, the Chairperson noted that he would share the Ombudsman's concerns with Public Safety Canada officials for their consideration in the context of the Government of Canada's Criminal Justice Review. In addition, the Chairperson noted that PBC "will be addressing the issues [the Ombudsman] raised to ensure that the communication of this information to victims is clearer."

<sup>1</sup> PBC maintains a registry of its decisions along with the reasons for them. The purpose of the registry of decisions is to contribute to public understanding of conditional release decision-making and to promote openness and accountability. Anyone may request, in writing, a copy of these decisions.

### **Case highlight: Attending Parole Board of Canada hearings in person rather than by video**

Over the years, we have made recommendations relating to victims' right to attend parole hearings in any way they choose. Recently, we heard concerns from several victims about not having a choice in the way they attend PBC hearings. Below are two stories that registered victims shared with us.

#### **Mr. B's story:**

Mr. B contacted the OFOVC with concerns regarding his family's attendance as registered victims at an upcoming parole hearing. Mr. B was not aware of the option to attend a parole hearing in person until he learned that the offender's family members would be attending in person. Mr. B inquired with his Regional Communications Officer about attending in person, and was initially told that a decision had been made that he and his family could attend by videoconference. He was told that this decision was made because of insufficient space. Although arrangements were eventually made to allow Mr. B and his family to attend in person, Mr. B contacted the OFOVC to share how the experience caused undue stress to his family.

The OFOVC facilitated Mr. B's complaint to PBC. Given that PBC policies relating to video conferencing were not available publicly, the OFOVC asked PBC for further information about its policies that determine whether victims can attend parole hearings in person or by way of video. The OFOVC is awaiting a response at this time.

#### **Mr. A's story:**

Mr. A contacted the OFOVC with concerns relating to a last-minute change in venue for a parole hearing that he and his wife planned to attend. The change—and the manner in which PBC communicated it to the family—caused Mr. A and his wife inconvenience and distress to the point that they did not attend the hearing.

The OFOVC facilitated Mr. A's complaint to PBC. In response, Mr. A received an apology for the last-minute change and the way it was communicated. In its response, PBC noted that

*"I would like to thank you for your kind words and precious advice. I am confident that my approach will be positive! Thank you so much and cheers!"*

*— An OFOVC client*

"as a result of his feedback, PBC has reaffirmed the importance of victim preferences to PBC staff in all regions of the country."

The OFOVC continues to communicate with PBC, seeking clarification on policies relating to victim attendance at parole hearings, and will continue to monitor changes to policies.

### **Case highlight: Impacts of communication gaps between different levels of government**

In our 2016–2017 annual report, we reported that victims share concerns with the Office about not receiving notification from Correctional Service Canada (CSC) when the federal offenders who harmed them attended provincial court while serving their sentences. In the 2017–2018 fiscal year, we continued to hear from victims about this issue. The following two stories are examples of these concerns.

#### **Mr. L's story:**

An offender serving a federal sentence for the murder of Mr. L's son filed for an appeal. Mr. L, a registered victim, did not receive notification from CSC when the federal offender attended provincial court to appeal this sentence. Mr. L then contacted the OFOVC to share his concern. The OFOVC facilitated Mr. L's complaint to CSC, which concluded in a letter to Mr. L that "CSC did not fully comply with current law and policy related to sharing information with victims." The letter included an apology to Mr. L, and noted that CSC would make changes to ensure timely notification in the future.



### **Mrs. M's story:**

While on parole, one of the offenders who had harmed Mrs. M attended provincial court seeking a variation on his restitution order. Although this restitution order was in relation to Mrs. M, she was not informed about it. Mrs. M learned this information when she attended a parole hearing for the co-convicted offender. She contacted the OFOVC about this issue. Further to discussions with the OFOVC, she submitted a complaint to CSC about this issue.

CSC acknowledged that improvements need to be made in the way registered victims receive this type of information. CSC plans to raise these issues with provincial and territorial jurisdictions at various forums, such as the Federal-Provincial-Territorial Working Group on Victims of Crime and the Heads of Corrections Committee.

The OFOVC has met with public safety officials to discuss the ongoing issues shared with the OFOVC by multiple victims on communication gaps. In addition, Public Safety Canada has conducted a review of the *Corrections and Conditional Release Act* (CCRA), to which the OFOVC submitted feedback. More information about this feedback can be found on page 23.

*“Thank you again for listening and being a safe place for victims to express their deep frustrations and disappointment with the current criminal justice system — a place where we are forced to be, feeling powerless and unbelievably frustrated! We will remain strong and committed to making a difference!”*

*— An OFOVC client*



# WORKING FOR ALL VICTIMS



As part of our mandate:

- › We undertake important engagement initiatives with victims and victim-serving agencies to seek out opinions to inform our policy recommendations.
- › We provide direct advice to government by appearing at parliamentary committees.
- › We identify and review emerging and systemic issues. (We define a systemic issue as one that “currently impacts negatively on victims of crime, and if not identified and appropriately addressed, has the potential to continue to negatively impact victims.”)

## **SPECIAL FOCUS: CROSS-COUNTRY OUTREACH ON CANADA’S CRIMINAL JUSTICE SYSTEM**

A key role of the Ombudsman is to advise the Minister of Justice on issues related to the needs and rights of victims. In 2017–2018, the Government’s Criminal Justice System Review (CJSR), led by the Minister of Justice, provided a clear and important opportunity for the Ombudsman to engage with victims so that the OFOVC could put forth their concerns and needs when the federal government develops legislation.

In July 2017, the federal government published details outlining the principles guiding the transformation of the criminal justice system under the CJSR. The guiding principles included:

- › **Safety for Canadians:** Keeping Canadians safe and holding offenders to account.

- › **Compassion for victims:** Developing a system that shows compassion and respect for victims, meaningfully engages them, and responds to their needs.
- › **Needs of vulnerable populations:** Addressing the needs of vulnerable populations, including Indigenous peoples and those with mental illness and addictions, and addressing gaps in services to vulnerable groups (for both victims and offenders).
- › **Integrated approach:** Developing an approach that is integrated with other social and economic support systems related to the criminal justice system (e.g., housing, education, health care) and looking at human problems in a more holistic way.

To ensure victims' voices were heard, we spoke with victims, victims' advocates, victims' services providers and leading thinkers in summer 2017. This outreach provided an opportunity for victims' issues experts and those with lived experiences of victimization to share their views and ideas on specific themes linked to the Minister of Justice's review.

We conducted focus groups in six communities across Canada. These in-person conversations lasted two-and-a-half to three hours each and took place in Vancouver, Yellowknife, Winnipeg, Ottawa, Montreal and Halifax. An external consultant facilitated the conversations, with the (former) Ombudsman presiding. We also provided opportunities for Canadians to contribute their views and ideas online, by email or by phone until September 1, 2017.

To support the engagement process, we provided discussion papers in advance to focus group participants. These materials provided some context, relevant facts and background on the issues at hand. We also posted the materials to our website for public consumption. We invited Canadians to submit feedback.

During the engagement process, we asked participants to provide input on any or all of four themes:

- › bail reform
- › administration of justice offences
- › restorative justice
- › the CVBR

Throughout the engagement process, certain overarching themes emerged. Overall, the Ombudsman found that:

- › Confidence in the criminal justice system is low.
- › Victims and survivors want to see the system transform to demonstrate more compassion.
- › Victims want a system that meets the needs of vulnerable groups.
- › Victims want a system that offers more options and responds to the realities of complex issues, such as domestic violence.

On November 7, 2017, the (former) Ombudsman released five reports that described victim and survivor perspectives on restorative justice, bail reform, administration of justice offences, the criminal justice system and the CVBR. The reports provided more than 80 policy options for the federal government to consider and act upon as it moves to review and transform the system.

The reports provided an overview of what we heard during the process and of the resulting potential options and recommendations we put forward. The reports also built upon existing work and research on international best practices and provided options for improving the justice system for victims and survivors.

The reports can be found at: <https://victimsfirst.gc.ca/res/pub/GFO-ORE/index.html>

*"Thank you, Ms. O'Sullivan, for the work that you and your Office are doing on this special project. In particular, I am grateful that my concerns were taken seriously and with great respect by you and your staff members. I can honestly say that I feel a sense of relief that my small part may one day help others who find themselves in a similar situation as mine. Thank you from the bottom of my heart for having helped me in such a way."*

— An OFOVC client



## SPECIAL FOCUS: DELAYS IN THE CRIMINAL JUSTICE SYSTEM

In January 2016, the Senate of Canada authorized the Standing Senate Committee on Legal and Constitutional Affairs to study delays in the criminal justice system. As reported in our 2015–2016 annual report, the (former) Ombudsman provided evidence to the committee in which she:

- › recommended that more work be done to enhance victims' access to justice by addressing delays
- › suggested options to increase efficiencies by enhancing both the use of technology and victims' access to support services that would help them navigate the criminal justice system

In June 2017, the Standing Senate Committee on Legal and Constitutional Affairs released its final report on its study of delays, *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada*. The report called for decisive and immediate steps to address the cause of delays and modernize Canada's justice system. It offered 50 recommendations to improve the integrity and fairness of our justice system. Referencing the (former) Ombudsman's evidence, as well as that of other victim experts, some of the recommendations called for improved services for victims. Some examples appear below.

### Recommendation 11

The committee recommends that the Minister of Justice work with the provinces and territories to develop a strategy to ensure a consistent and adequate level of services for victims across Canada, including:

- › expanding the availability of victims' integrated service and advocacy centres

*"Stays<sup>2</sup> are of great concern to Canadians. They can have a harsh impact on victims and affect public confidence in the criminal justice system. When stays are granted in cases involving alleged child abuse or murder, it shocks the conscience of Canadian communities. They represent a failure to properly prosecute crimes and thereby protect our society. The reputation of our justice system is at stake."*

*— Standing Senate Committee on Legal and Constitutional Affairs, June 2017 (Final Report)*

- › establishing computerized notification systems for victims concerning criminal case proceedings and the information they need to obtain services

### Recommendation 12

The committee recommends that the Minister of Justice invite funding proposals from the provinces and territories to expand integrated services and advocacy centres for victims across Canada.

### Recommendation 21

The committee recommends that the Minister of Justice take a leadership role and establish a program to design computerized systems that provinces and territories can adopt that will:

- › effectively manage criminal and courthouse proceedings
- › allow for more procedural matters to be addressed online to avoid unnecessary court appearances

<sup>2</sup> A stay (short for "stay of proceedings") is an order that temporarily or permanently prevents any further action on a prosecution and suspends the case without a resolution of guilt or innocence. Under s. 579 of the *Criminal Code*, the Crown has one year to lift the stay and restart the proceedings. After a year, the matter is stayed permanently. A stay generally means the accused may return to regular life and will not serve a sentence or pay a fine.

- › permit the disclosure of evidence by a standard electronic system
- › provide a user-friendly access portal to unrepresented accused persons, witnesses, victims and other affected parties concerning criminal proceedings in which they are involved

Lengthy court delays have significant consequences for victims of crime. We have heard directly from victims about the impacts of criminal justice system delays on their lives. These impacts include:

- › emotional and psychological burdens as a result of ongoing unresolved criminal trials
- › anxiety about their role in the trial process, including testifying as a witness
- › the financial burden from lost wages, child or elder care, and travel costs

Many victims have also indicated that they have felt re-victimized by delays in criminal proceedings. They report feeling devalued and

that their lives are on hold until their cases are concluded. Impacts can worsen the longer the trial goes on.

In 2017–2018, we saw the issue of delays amplified for victims in the wake of the Supreme Court of Canada’s *Jordan* decision (2016 SCC 27).<sup>3</sup> The result has been that many charges have been stayed due to delay and accused people have been released without trial. In some circumstances, victims’ access to justice can be completely compromised when charges are stayed because of unreasonable delay. When justice is denied due to delays, victims—and all Canadians watching—lose confidence in the criminal justice system.

The (former) Ombudsman spoke to media and other outlets a number of times in 2018 to address this systemic challenge. We look forward to progress on the issue of delays, and will report any further developments in future annual reports.

<sup>3</sup> The *Jordan* decision established a new framework for determining if a criminal trial has been unreasonably delayed. In applying Section 11 of the *Canadian Charter of Rights and Freedoms* (which states that a person accused of a crime has the right to be tried within a reasonable time), the Supreme Court of Canada imposed maximum time limits for completing criminal trials from the time charges are laid: within either 18 months or 30 months, depending on the level of court and whether a preliminary hearing has been held.



## SYSTEMIC REVIEW: FEDERAL INCOME SUPPORT FOR PARENTS OF MURDERED OR MISSING CHILDREN

In our 2016–2017 annual report, we shared that we had launched a systemic review of the Federal Income Support for Parents of Murdered or Missing Children (PMMC) grant program and had shared a draft of that review with Employment and Social Development Canada (ESDC). ESDC is the federal department with overall responsibility for the PMMC grant program.<sup>4</sup> In the 2016–2017 annual report, we noted that we would be providing the final review to the Minister responsible for ESDC in 2017–2018 and giving an update in this year's annual report.

ESDC program officials provided their response to the review in April 2017, and on June 8, 2017, the (former) Ombudsman sent a final version of the review to Minister Duclos. As per our established process, we were required to wait 60 calendar days from the time of delivery to Minister Duclos before we could publish the review on our website. We released the review publicly on August 16, 2017.

### Background

Our objective was to identify factors that may play a role in preventing victims from accessing the grant, and to make recommendations to the federal government on how to overcome those factors and increase victims' access to the grant.

The government introduced the PMMC grant on January 1, 2013. At the same time, through the *Helping Families in Need Act*, the *Canada Labour Code* was amended to allow for unpaid leave and to protect the jobs of parents whose child dies or disappears as a result of a probable *Criminal Code* offence. This amendment allows parents who work in a federally regulated company to take time away from work while knowing that their job is protected.

The purpose of the grant is to provide income support to parents and guardians who need to take time off work to cope with the death or disappearance of their child or children as the result of a probable *Criminal Code* offence. The intent of the PMMC grant program was to provide up to \$10 million for 1,000 families each year.

The (former) Ombudsman took an early interest in the grant. During the grant's development in 2012, she gave testimony to two parliamentary committees in which she supported the proposed grant. However, she voiced concern that it would not address the circumstances of many victims of crime and said that it could be more inclusive in its eligibility and reach.

Following the grant's launch, we began hearing from victims who experienced challenges with access. In January 2014, we met ESDC and Service Canada officials to discuss the grant and learned that take-up was much lower than expected.

Media reports began to surface in April 2014 likewise indicating that the program was underused. PMMC had received only 12 applications since its inception.

Given continued low uptake of the grant over the next two years, on April 5, 2016, the (former) Ombudsman wrote to the Minister of ESDC advising of her intent to conduct a systemic review.

### Systemic review methodology

- › **Case review and analysis.** We reviewed historic cases we had heard about from victims and established common complaints regarding the PMMC grant. This analysis provided focus for the scope of the review.
- › **Review of available data, media, stakeholder positions and research.** We gathered data from public sources (e.g., Public Accounts regarding the grant and national statistics on missing and murdered children) and considered the positions of other victim-serving agencies regarding the grant.

<sup>4</sup> ESDC is accountable for the grant; Service Canada, which is part of ESDC's portfolio, answers program inquiries, collects and processes applications, and issues payment.



- › **Liaison with relevant officials.** From January 2014 to August 2016, we facilitated a series of communications, meetings and information exchanges with program officials from ESDC and Service Canada.

### Key findings

Overall conclusions from the systemic review were that:

- › The PMMC grant process was difficult for victims to understand and complete.
- › The eligibility criteria did not correspond with the circumstances of many victims of crime.
- › The grant needed to show greater flexibility and reach.

The (former) Ombudsman made a suite of 15 recommendations to improve the PMMC grant program. Some of the shared themes across these recommendations related to:

#### Enhancing the application process and victim assistance

- › Improve the information available online to make it clearer and easier to understand.
- › Simplify the grant application process and ensure that all staff are trained in a victim-centred service delivery approach.

#### Increasing program flexibility and broadening eligibility requirements

- › Allow claimants to access payment when needed, not solely with the 52-week period immediately following the crime.
- › Raise the 18-year age limit of the child victim.
- › Make additional surviving family members eligible for the grant.

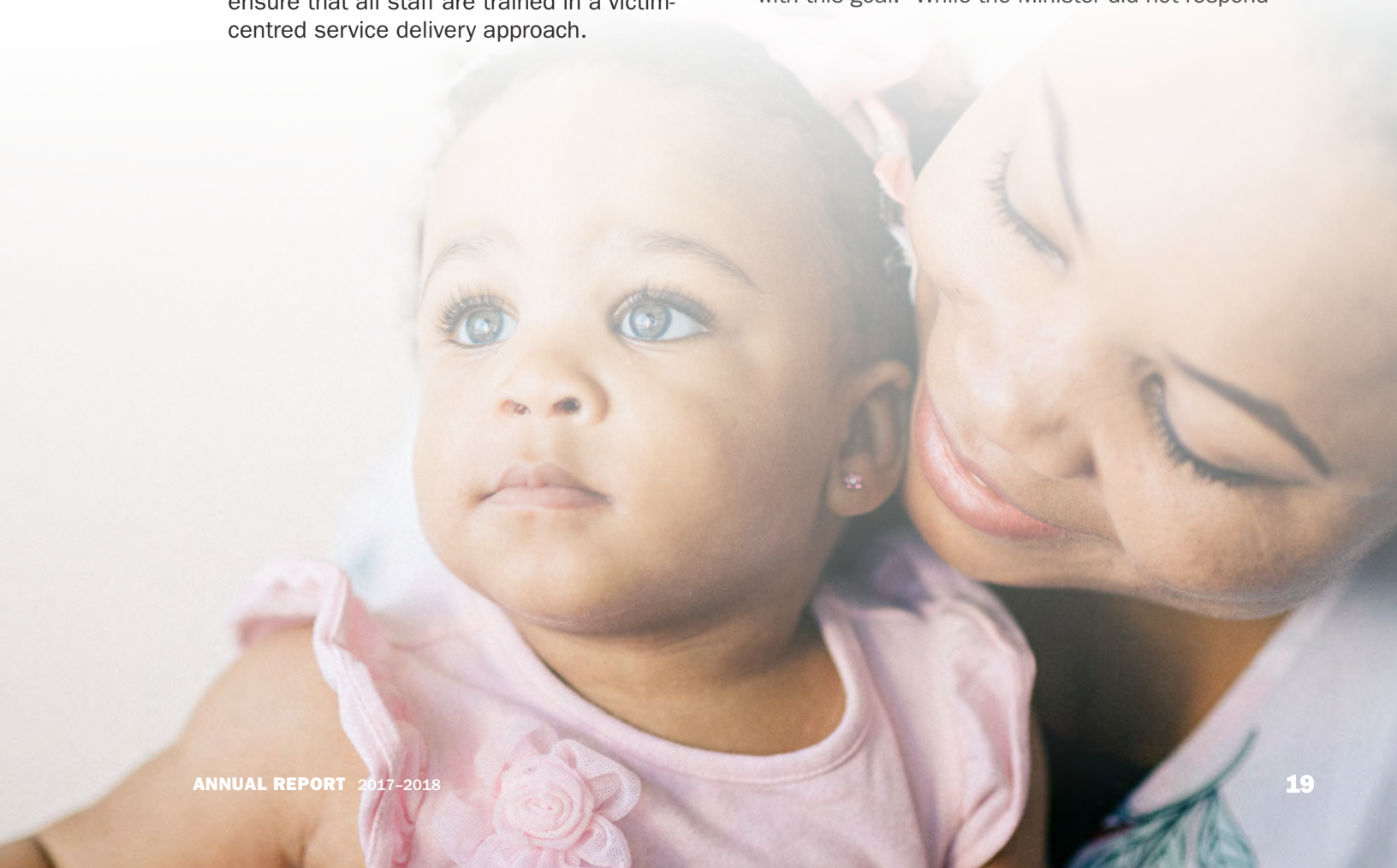
#### Exploring possible barriers to uptake and future options to better support victims

- › Research whether any specific populations face barriers to accessing the grant.
- › Consider creating an employment insurance category to support victims of crime.

The full submission can be found at: <https://victimsfirst.gc.ca/res/pub/FISP-SRFP/index.html>

### Current status

Minister Duclos wrote to the (former) Ombudsman on August 4, 2017 to express thanks for the recommendations and to commit to reviewing the PMMC grant. The Minister noted: “I am committed to reviewing the PMMC grant, and your recommendations will assist us in moving forward with this goal.” While the Minister did not respond



to the 15 recommendations point by point, he identified actions the Department was already pursuing or would soon pursue across three areas:

#### **Providing citizen-centric service delivery**

- › Review application materials—including communications information, forms and definitions—that are provided to potential applicants.
- › Review all online information for applicants and victim-centred organizations (including making eligibility information clearer by providing scenarios or examples of how the grant may apply in certain cases).

#### **Improving access to the PMMC grant**

- › Review the application requirements and communications tools.
- › Expand outreach to under-represented communities.
- › Continue ongoing outreach to, and stakeholder engagement with, victims' support organizations and law enforcement agencies.

- › Review the eligibility criteria to “assess the potential for increased flexibility,” such as by identifying unforeseen barriers that potential applicants could face and proposing “relative mitigating measures”.

#### **Promoting awareness of the PMMC grant**

- › Continue to participate in victim-focused activities and conferences to raise awareness of the PMMC grant.
- › Continue to raise awareness among stakeholders and the public through outreach and communications strategies, including social media.
- › Enhance outreach to target groups, such as Indigenous organizations and disability advocacy groups.

Many of the above actions align with recommendations that we made in our review. We will monitor progress on these changes and provide an update in next year's annual report.





# **SUBMISSION TO THE GOVERNMENT: STUDY OF BILL C-337, AN ACT TO AMEND THE JUDGES ACT AND THE CRIMINAL CODE (SEXUAL ASSAULT)**

## **Background**

Negative experiences with justice system professionals can bring more trauma to victims and survivors of crimes like sexual assault, and may discourage others from reporting these crimes. One of the key solutions is to take steps to shift toward more support for victim-centred, trauma-informed and culturally appropriate practices, training and resources for a range of service providers and criminal justice system professionals.

Private Member's Bill C-337, *An Act to amend the Judges Act and the Criminal Code (sexual assault)*, was introduced on February 23, 2017 by (then) Member of Parliament Rona Ambrose. At the time of its introduction, the bill sought to help improve sexual assault victims' experiences in the criminal justice system and help restore their confidence in the system by:

- › amending the *Judges Act* “to restrict eligibility for judicial appointments to individuals who have completed sexual assault education”
- › requiring the Canadian Judicial Council “to report on continuing education seminars in matters related to sexual assault law”
- › amending the *Criminal Code* “to require a court to provide written reasons in sexual assault decisions”

## **Our review**

Bill C-337 was referred to the Standing Committee on the Status of Women (FEWO Committee) on March 9, 2017. The same committee was concurrently completing a study of violence against young women and girls in Canada, and on March 20, 2017, in the context of that study, it released a report that recommended that all judges and RCMP members have mandatory training on gender-based violence and sexual assault.

On April 7, 2017, the FEWO Committee invited the public to submit written briefs for its study of Bill C-337. The (former) Ombudsman provided a written submission to the FEWO Committee on April 19, 2017.

Since Bill C-337 proposed improvements to the criminal justice system that would benefit victims, the (former) Ombudsman supported the initiative. However, she saw areas where the bill needed to be strengthened, and provided recommendations focused on the development and content of the training material.

## **Training development**

The (former) Ombudsman recommended that a training plan be developed by specialized experts, in collaboration with victims, and that victim advocates, lawyers and law enforcement officials be consulted. The training should be culturally informed and relevant, and should take into consideration the needs of vulnerable and marginalized populations.

## **Training content**

The (former) Ombudsman recommended that the training content should include the following elements:

- › gender-based violence
- › the intersectionality of sexual assault and other issues, such as domestic violence
- › the neurobiology of trauma
- › emerging forms of sexual violence, like cyber violence

The (former) Ombudsman also provided points for consideration by the committee, including:

- › the value of reviewing existing best practices when developing both the legislation and the subsequent training
- › the need to train judges with respect to victims' needs and experiences in the criminal justice system, and on the CVBR more broadly
- › the need to ensure the sensitization of all those working in the criminal justice system

- › the potential benefits of requiring written decisions in sexual assault cases, as long as doing so would not contribute to further delays in the court system and with consideration to providing these at no cost to victims

The full submission can be found at: <https://www.victimfirst.gc.ca/vv/JASA-RJAS/index.html>.

### **Status update**

The FEWO Committee received a total of 10 written briefs, including the Ombudsman's, and heard from witnesses, including victim experts and survivors. It reported the Bill to the House of Commons on May 12, 2017 with amendments. As amended, the bill seeks to:

- › restrict eligibility for judicial appointment to individuals who have completed comprehensive education on matters related to sexual assault law and social context
- › require that this training in sexual assault law be developed in consultation with sexual assault survivors and the groups and organizations that support them
- › require the Canadian Judicial Council to report on continuing education seminars related to sexual assault law
- › require that, in proceedings before a judge without a jury, reasons provided by a judge in sexual assault decisions be entered in the record of the proceedings or be in writing

The House of Commons subsequently approved the bill and sent it to the Senate on May 15, 2017, where it had its first reading on May 16, 2017.

On June 22, 2017, the committee's Chairperson wrote to the Minister of Justice and Attorney General of Canada. The letter noted that—based on the evidence the FEWO Committee had reviewed during its study, which “highlighted the importance of training for all persons who play a role in the administration of criminal justice and who are involved in sexual assault cases, including, but not limited to: superior and provincial court judges, Crown prosecutors, defence attorney and police forces”—the committee wished to encourage the Minister “to express to her provincial and territorial counterparts the need to make training in sexual assault law and social context more broadly available.”

The letter also noted that the committee wished the Minister “to strongly encourage provincial and territorial governments to make the transcripts of the proceedings of sexual assault cases for all courts under their jurisdictions available online in a searchable database.”

The OFOVC is pleased to note that several of the FEWO Committee's amendments reflect our recommendations.

### **Related developments**

- › Budget 2017 announced increased funding of \$2.7 million over five years and \$500,000 per year thereafter to the Canadian Judicial Council. This includes funding for judicial education, ethics and conduct.
- › In 2017, the Department of Justice Canada provided nearly \$100,000 in additional funding to the National Judicial Institute to develop education for all judges that will focus on gender-based violence, including sexual assault and domestic violence.



## INPUT TO THE NATIONAL OFFICE FOR VICTIMS REVIEW OF THE *CORRECTIONS AND CONDITIONAL RELEASE ACT*

In June 2017, the National Office for Victims (Public Safety Canada) reached out to the OFOVC for input into its review of the CCRA. We have focused on the CCRA in the past, including in our 2010 report, *Towards a Greater Respect for Victims in the Corrections and Conditional Release Act*. This report contained 13 recommendations aimed at addressing gaps in the CCRA as it pertained to victims and survivors of crime. Following that, we have looked more globally at victims' rights and concerns. This input includes the work done in preparation for, and response to, the development of the CVBR, which came into effect in 2015.

With respect to the National Office for Victims review, and in order to be efficient, we provided informal feedback with the understanding that, overall, Canada's federal legislation pertaining to victims of crime needed to be more robust and inclusive.

### Global comments to the National Office for Victims

- › Policies must be available publicly for victims in plain language. Support should be provided to victims who may have questions or concerns.
- › Where there may be a change to a policy or procedure, victims should be involved and considered. Any changes to policies or procedures should consider victims' needs and the impact the change may have on victims' experiences and ability to participate meaningfully. As part of this consideration, a gender-based analysis that considers language, disability and culture is warranted.
- › Victims should be proactively notified of all changes well in advance.
- › Policies and procedures must be applied consistently across the federal government and the country. Variations in regional practices within agencies and departments or among agencies and departments cause confusion and frustration for victims.

We provided additional questions and feedback on the specific areas of assessment and correctional planning, penitentiary placement of offenders and programming, and conditional release.

### **What we heard from victims**

Our submission included the following statements to reflect victims' feelings and concerns:

- › Most people have little knowledge of the criminal justice system and a victim's role within it until tragedy occurs.
- › Victims who do navigate the system and register federally are provided with valuable assistance through CSC's Victim Services Officer (VSO) program. Over time, victims come to trust and rely on their VSOs.
- › When an offender—for a variety of possible reasons—enters the provincial/territorial jurisdiction (e.g., courts), victim services at the federal level are no longer available to the victim. Victims have to learn to navigate a new system at the provincial/territorial level, building new relationships and establishing contacts.
- › This transition can cause great levels of stress and anxiety, a situation that is compounded when victims feel that little thought or consideration is given to their needs during the transition. Victims want to see a more proactive approach to communication and information sharing.
- › Victims are frustrated when they have to retell their stories and concerns and explore available options to re-establish the needed protections and services. This process can cause a victim to feel overlooked.
- › Safety issues and concerns arise when a victim is not aware of an offender's movement, or of their rights and opportunities to be informed and provide input.

We submitted this informal input to the National Office for Victims in fiscal year 2017–2018. We will continue to monitor the review and provide an update in next year's annual report.

## **STATUS UPDATES ON ISSUES FROM PREVIOUS ANNUAL REPORTS**

### **Victims' rights in the military**

#### **Background**

In last year's annual report (2016–2017), we reported that the (former) Ombudsman had provided a submission to the Office of the Judge Advocate General (JAG) in November 2016 in relation to its review of the Canadian Armed Forces' court martial system (the Court Martial Comprehensive Review), and that the JAG had released a summary of the submissions it had received in February 2017.

The review included consideration of the special needs of groups that may interact with the military justice system, including victims. In January 2018, the Office of the JAG publicly released its Draft Internal Report on the Court Martial Comprehensive Review. Chapter 4, Consultation (section 4.4.1), summarized the recommendations we made in our submission and provided an overview of other submissions received on victims' issues.

#### **Progress this year**

The draft report acknowledged that currently, there are no statutory provisions that grant victims rights to information, participation, protection and restitution within the court martial system. The report notes that all those who made submissions to the consultation on the topic of victims "felt that in a court martial system, victims should have rights at least equal to, and access to resources at least as good as, those available in the civilian criminal justice system in Canada. Some contributors recommended that victims' resources in the court martial system could be made even better than in most civilian systems."

The draft report further notes that the Court Martial Comprehensive Review Team "received input from several sources which suggests that the current court martial system is perceived by



many as not fair to victims, and not successful in protecting victims from the consequences of misconduct by military personnel. Specifically, the Court Martial Comprehensive Review Team heard from the Federal Ombudsman for Victims of Crime that victims in the court martial system should have at least the same rights they would have if the matter was being handled in the civilian justice system.”

### Looking forward

We were pleased to see victims’ concerns acknowledged in the draft report. We have been making recommendations aimed at addressing imbalances between the rights of victims in the military and those in the civilian justice systems since 2009.

We remain hopeful that the observations and recommendations made to the Court Martial Comprehensive Review Team will help to galvanize action in this area. We will continue to monitor and report on any progress in the 2018–2019 annual report.

## LEGISLATION WATCH

We closely monitored bills that were relevant to our mandate. Below are a few examples:

- › Bill C-51, an *Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act*, proposes a number of reforms that seek to clarify and strengthen Canada’s sexual assault laws.
- › Bill C-65 proposes to amend the *Canada Labour Code* to ensure that federally regulated workplaces, including Parliament Hill, are free from harassment and sexual violence.
- › Bill C-75, an *Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, proposes a number of reforms to enhance victim safety and to clarify and strengthen criminal laws in the context of intimate partner violence and sexual assault.



# BUILDING PARTNERSHIPS AND RAISING AWARENESS

We engage as much as possible with organizations that work with victims of crime in order to fulfill our mandate. We support these efforts with our social media presence, traditional media outreach, and our presence at events and sessions with members of Parliament.

## ENGAGING WITH STAKEHOLDERS

Connecting with our stakeholders is a high priority for us. We seek their input for our recommendations to government. Fiscal year 2017–2018 was a busy one. Outreach activities included meetings with:

- › victims and survivors of crime
- › victim-serving agencies
- › federal agencies
- › police services

As detailed earlier in this report, these meetings contributed to meaningful recommendations for the PMMC grant, the Canadian Justice System Review, Bill C-337, *An Act to amend the Judges Act and the Criminal Code (sexual assault)* and other policies and legislation in development.

## SPEAKING ENGAGEMENTS

The (former) Ombudsman presented at two international events in Dublin, Ireland. She focused these presentations on supports needed for victims of mass incidents and a proposal for a Canadian approach.

### International symposium on victims of terrorism (May 16, 2017)

- › The symposium provided an opportunity for international experts to share their experiences and expertise on the impact of terrorism on victims and to discuss how to incorporate victims' perspectives into crisis planning and response immediately and over the long term.
- › Attendees included experts from victim support, crisis response, mental health care, social media, the transport sector, law enforcement and emergency response, and other fields drawn from civil society, the state sector and the private sector.

### Victim Support Europe Annual Conference (May 17–18, 2017)

- › This conference is a major international event that brings together key stakeholders working with victims and survivors of crime. Between 200 and 250 people from victim support organizations, NGOs, government, law and law enforcement, academia and the health sector attend this event annually.
- › The 2017 conference focused on all victims of crime, but also considered emerging trends in victims' rights, needs and responses internationally. In particular, the conference considered the needs and responses for victims of terrorism, hate crime, online crime and historical abuse.



## EVENTS ATTENDED BY THE (FORMER) OMBUDSMAN OR OFOVC STAFF

### **Victims and Survivors of Crime Week: May 28 to June 3, 2017**

Victims and Survivors of Crime Week is an annual outreach initiative organized by the Department of Justice Canada. Several events took place across the country throughout the week.

The keynote event is the annual symposium. Hosted by Justice Canada's Policy Centre for Victim Issues, this day-long event brings together victims and survivors of crime, victims' advocates and victim-serving agencies to help raise awareness about victims' issues.

The 2017 theme, "Empowering Resilience," recognized the ways in which personal resilience can help victims and survivors in the aftermath of victimization. An additional topic of interest

was how service providers recognize the strength of victims and survivors of crime and support them to emerge from their victimization with hope for the future.

The event featured plenary sessions and workshops related to topics such as developing restorative justice, supporting the loved ones of Missing and Murdered Indigenous Women and Girls, building resilience for victims of crime, and decolonizing the Canadian criminal justice system.

The (former) Ombudsman and six staff members attended the 2017 Federal Symposium on May 29. The staff members hosted a kiosk to help raise awareness about—and answer questions pertaining to—the work of the OFOVC. The (former) Ombudsman led a moment of reflection at the opening of the symposium.



## **Victims and Survivors of Crime Roundtable: June 1, 2017**

The Minister of Justice Canada's engagement on the CJSR included a series of roundtables. Marco Mendicino, Parliamentary Secretary to the Minister of Justice,<sup>5</sup> hosted one on Issues Facing Victims and Survivors of Crime, which the (former) Ombudsman attended.

Participants included victims and survivors of crime and experts from across Canada. Attendees showed a broad range of demographic perspectives and various forms of victimization. Victims and survivors of crime spoke to their own personal experiences with the criminal justice system and with restorative justice processes.

Generally, participants said that the criminal justice system does not effectively meet the needs of victims or survivors. Despite some great advancements, such as the CVBR, victims continue to feel excluded and re-victimized. Many were concerned about the lack of supports in the system. Participants also noted delays as a key concern, as they can have significant negative effects on victims.

Restorative justice was a focus of the roundtable. Many participants agreed that it should be an option for all victims of crime, regardless of the type of crime experienced. Others expressed concern about its use in certain types of crimes, such as domestic violence. The need for a trauma-informed and victim-focused approach was a recurring theme.

## **LGBTQ+ Service Providers' Summit: June 6 to 8, 2017**

The focus of this summit was domestic violence. Presenters also spoke to policy and legislative issues as well as the difficulties community members face in interacting with law enforcement.

Several OFOVC staff members attended, and the (former) Ombudsman gave a presentation that provided information about the OFOVC, victims' rights and our work on gender-based violence and sexual assault training for judges.

## **OUTREACH TO THE LIBRARY OF PARLIAMENT**

The Library of Parliament is an important resource for Parliamentarians and staffers alike. With the arrival of new members of Parliament after an election, members of Parliament and their staff must learn about many institutions of government with which they may not be familiar.

While constituents' needs are typically served by constituency offices, members and staffers should be aware of the resources and avenues that are available to their constituents. The Library of Parliament provides opportunities to bridge any knowledge gaps.

Accordingly, in February 2018 the Library of Parliament organized an information session with representatives of the other federal Ombudsmen's offices. The OFOVC delivered a presentation that included information about our Office, the scope of our mandate and how we help Canadians.

## **COMMUNICATIONS — SOCIAL MEDIA, WEB AND OTHER MEDIA**

### **Social media**

We maintain an active presence on Twitter and take a themed approach to tweeting, with the objectives of heightening awareness of our Office, directing traffic to our website, promoting awareness of rights and services to victims, facilitating access to detailed information about victims' rights and services, and reporting on the Ombudsman's work and activities.

We choose themes on a monthly basis and focus on issues that are important to victims, such as victims' rights and access to supports and services. Monthly themes include:

- › child abuse
- › cyber security
- › human trafficking
- › domestic violence
- › fraud awareness and prevention

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<sup>5</sup> The Minister attended the afternoon portion of the discussion. The Roundtable began with an opening welcome from Barbara Dumont-Hill, an Algonquin Elder, and the discussion was facilitated by Paul Kennedy, former Chairperson of the RCMP Complaints Commission.



The purpose of our tweets is to inform the public about our mandate and how we can help victims. They explain where victims can obtain information and access to needed resources. They also highlight events, such as Victims and Survivors of Crime Week.

We also use Twitter to promote initiatives such as the Canadian Justice System Review and other activities of the Ombudsman. As of March 31, 2017, we had increased our followers on Twitter by 171 to a total of 629.

### Website

Our website ([www.victimfirst.gc.ca](http://www.victimfirst.gc.ca)) received more than 27,000 visits during 2017–2018, representing an increase of approximately 13 percent over 2016–2017. We attribute this increase to the OFOVC's special engagement with the Canadian criminal justice system and the efforts we made to publicize it and encourage participation.

We update the website regularly to include all of the Ombudsman's recommendations, special reports, remarks to any parliamentary committee and other items of interest. Pages with information on victims' rights and services for victims attracted the most visitors.

### Media relations

Media coverage helps to focus attention on victims' issues. It can also help inspire the public to push for positive change. The (former) Ombudsman remained available to engage with the media until the end of her tenure and received requests to comment on important issues, such as victims' rights, the federal victim surcharge, and the Federal Income Support for PMMC grant.

The national engagement initiative undertaken with regard to the Minister of Justice's review of the Canadian justice system attracted a great deal of media attention. The Ombudsman's reports were well received.

Media coverage was heaviest in Ontario. Interest across the other provinces and territories remained at roughly the same level as in previous years.

*"I so appreciate your commitment to the work you are doing on our behalf! Once again, thank you for all that you do for victims of crime!"*

*— An OFOVC client*

# OPERATIONS AND FINANCIALS

## OPERATIONS

The OFOVC is an arm's-length program activity of the Department of Justice Canada. The Office shares administrative services (e.g., procurement and human resources management) with the Department to maintain cost and operational efficiencies.

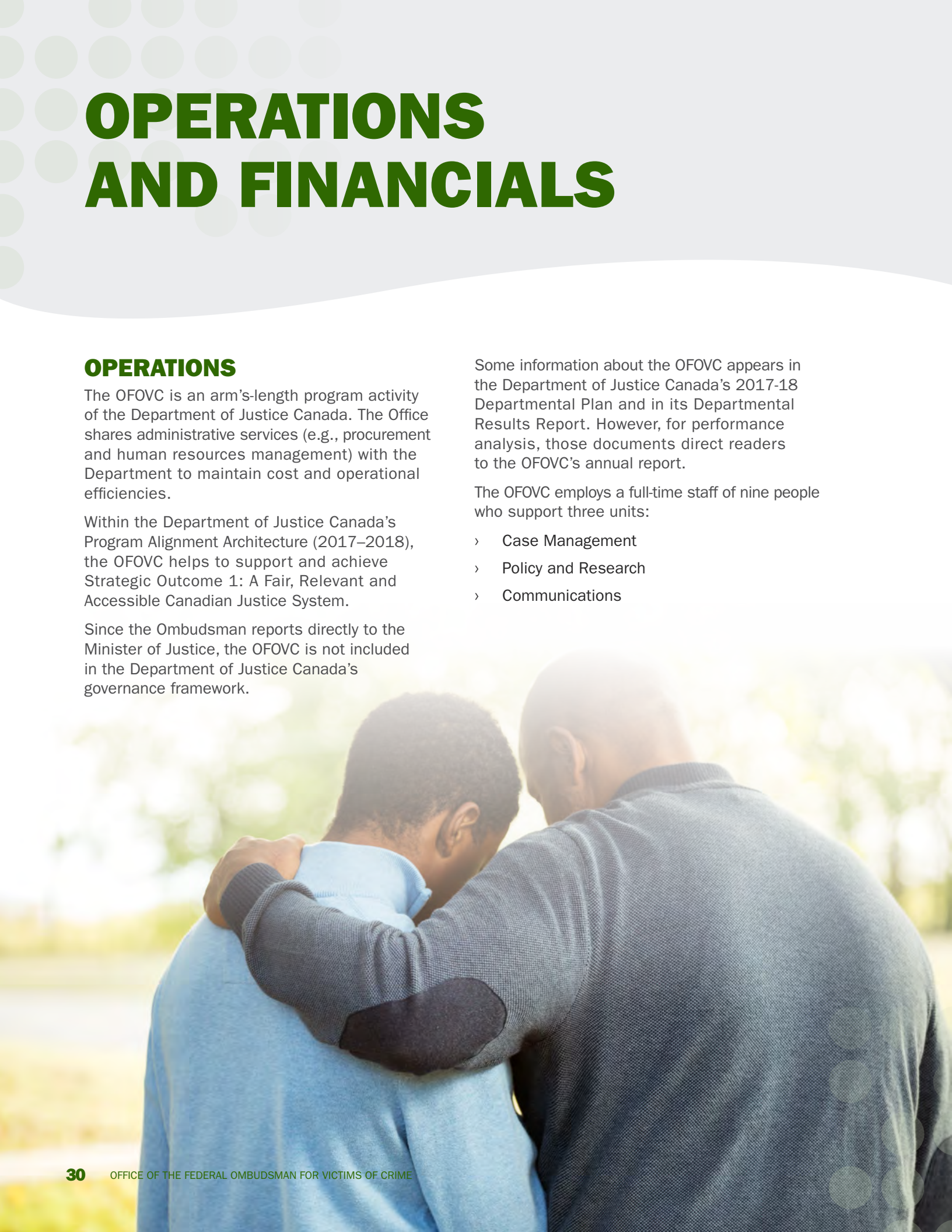
Within the Department of Justice Canada's Program Alignment Architecture (2017–2018), the OFOVC helps to support and achieve Strategic Outcome 1: A Fair, Relevant and Accessible Canadian Justice System.

Since the Ombudsman reports directly to the Minister of Justice, the OFOVC is not included in the Department of Justice Canada's governance framework.

Some information about the OFOVC appears in the Department of Justice Canada's 2017-18 Departmental Plan and in its Departmental Results Report. However, for performance analysis, those documents direct readers to the OFOVC's annual report.

The OFOVC employs a full-time staff of nine people who support three units:

- › Case Management
- › Policy and Research
- › Communications





## FINANCIALS

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

### TABLE 1

Financial report: 2017–2018

Ombudsman – Annual Report 2017–2018	ACTUALS
Salaries and wages	\$1,014,806
Information/communications	\$30,452
Training and professional dues	\$14,735
Professional and special services	\$78,001
Legal services: \$17,947	
Translation services: \$26,653	
Other services: \$33,401	
Rentals	\$6,968
Repair and maintenance	
Utilities, materials and supplies	\$3,452
Acquisition of machinery and equipment	
Travel and relocation	\$50,694
Other	\$2,040
<b>Total expended by the OFOVC</b>	<b>\$1,201,148</b>
Corporate costs (controlled centrally)	\$90,217
<b>Total expended by Justice Canada</b>	<b>\$1,291,365</b>

# LOOKING AHEAD

Victims' rights are human rights. In 2018–2019, we will continue to apply this statement to the work we do. We will tackle issues such as gender-based violence and restitution. We will encourage policy- and decision-makers to apply a victim's lens when developing programs and legislation. Our objective will be to compel concrete actions that result in meaningful changes for victims, survivors and their families.

We look forward to working with our partners and stakeholders to ensure the federal government meets its responsibilities and commitments to victims of crime.

*“Thank you so much for the information and your time. I found it to be very healing.”*

*— An OFOVC client*

