



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

Submission to the Standing Committee on the Status of Women (FEWO) on Gender-based Violence and Femicides against Women, Girls and Gender Diverse People

Submitted by: Dr. Benjamin Roebuck, Ombudsperson
Office of the Federal Ombudsperson for Victims of Crime
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Heard. Respected. **VICTIMS FIRST.**
Écoutées. Respectées. **LES VICTIMES D'ABORD.**



Office of the Federal Ombudsperson
for Victims of Crime

Canada

The Office of the Federal Ombudsperson for Victims of Crime (OFOVC)

The Office of the Federal Ombudsperson for Victims of Crime is an **independent** resource for victims and survivors in Canada. We are a federal agency operating at arm's length from the Department of Justice and **reporting directly** to the Minister as a Special Advisor.

- Victims and survivors contact our Office to learn more about their **rights** under federal laws, about federal services available to them, or to make a **complaint** about any federal agencies or legislation dealing with victims.
- Part of our [mandate](#) is to ensure that policymakers are aware of **systemic issues** that negatively affect victims and survivors of crime and that the Government understands its obligations under the **quasi-constitutional** provisions of the **Canadian Victims Bill of Rights (CVBR)**.

The OFOVC in Action: Confronting GBV and Femicide

Gender-based violence (GBV), including femicide, is a deeply rooted human rights violation. The OFOVC has been actively engaged in addressing GBV by [testifying](#) in support of Bill S-249 on a National Strategy for the Prevention of Intimate Partner Violence¹, and most recently, [appearing](#) for Bill S-233 to support a framework for guaranteed livable income, guaranteeing financial independence, safety, and dignity for survivors of intimate partner violence.² GBV and femicide are prevalent issues in our country that need to be addressed immediately to keep people safe.

The Need for Change: Systemic Investigation into the Experiences of Victims and Survivors of Sexual Assault (SISSA)

On March 11, 2024, the OFOVC [launched](#) a systemic investigation on the experiences of survivors of sexual assault within the Canadian criminal justice system.³ The goal of our investigation is to drive urgent change, guided by the voices of survivors. The criminal justice system has been failing survivors. It is imperative that the rights and dignity of survivors of sexual violence be upheld.

SISSA: Progress to Date

- **Interviews:** We have conducted over **80** individual interviews with survivors, and over **200** with stakeholders across Canada.
- **Advisory Circle:** We established an external **Expert Advisory Circle**, chaired by Sunny Marriner, an expert in sexual assault responses in the criminal justice system.
- **Federal Consultations:** We established a **Federal Interdepartmental Consultative Committee** to collaborate and share information on federal initiatives addressing GBV.

¹ <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/recommendations-recommandations/2024-25/20240502.html>

² <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/recommendations-recommandations/2024-25/20241008.html>

³ <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/sissa-essas.html#toc0>

- **Public Consultations:** We have scheduled **40** virtual [consultation tables](#), organized by topic/sector to ensure input on the experiences of distinct groups, and we welcome [written submissions](#) until December 16, 2024 to offer an alternative way to participate.
- **Online Survey:** On November 4, 2024, we launched an **online anonymous survey** for survivors. A survey for stakeholders will open the week of November 11.

Key Themes Emerging from Survivor Interviews and Stakeholder Consultations

Criminal Code s278.1

- Motions for the disclosure of victims' therapeutic records are being made regularly, sometimes mid-trial, causing lengthy delays. These motions have the potential to disclose highly sensitive, private information into the hands of the person who caused harm, creating a chilling effect on survivors' access to mental health supports.
- One stakeholder reported a survivor being cross-examined for hours on a theoretical statement she made in the context of a therapy session.
- These motions are onerous on the courts and harmful to the victims with arguably low probative value to the accused. This causes a ripple effect that brings the system into disrepute. Most Canadians do not know that counselling records of sexual assault survivors can be subpoenaed.

Right to protection

- Survivors of sexual and intimate partner violence are stating that risks to their safety are overlooked in the criminal justice process. Following a guilty verdict, perpetrators are often released into the community, with conditions, sometimes for months before a sentencing hearing.
- One survivor currently fears for her life while her former intimate partner who sexually assaulted her for years, remains in the community awaiting sentencing. She told us, *"I don't want to be another woman in a body bag with people wringing their hands wondering how this happened."*

Child and youth victims:

- Child and youth survivors of sexual violence are having to testify twice due to preliminary inquiries, increasing the level of re-traumatization for young victims.

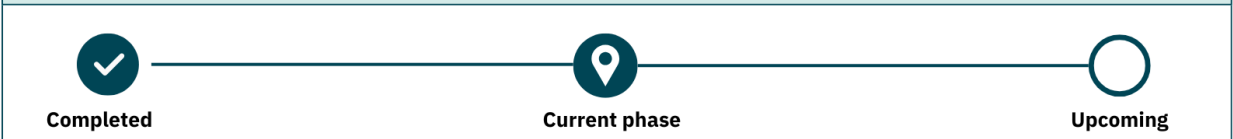
R. v. Jordan

- Police delay charging despite having adequate evidence, increasing risks to public safety.
- Unnecessary motions filed in court are driving continued delays in the court system, making the risk of *Jordan* applications higher. This includes applications for counselling records, contesting testimonial aids, and arguing whether the sexual history of human trafficking survivors is relevant to the case.
- Greater protections for survivors would reduce delays and save money with limited impact on the case.

Next Steps

- We will continue holding consultation tables to hear from a broad spectrum of service providers and people working within the criminal justice system. We will also continue to gather written submissions and start collecting data from surveys.
- Our final report, expected in 2025, will include findings and actionable recommendations.

Legend



Current status



If you have any questions or would like to participate, please get in touch with our Office at victimfirst@Ombud.gc.ca.