

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et procureur général du Canada

The Honourable / L'honorable David Lametti, P.C., K.C., M.P. / c.p., c.r., député  
Ottawa, Canada K1A 0H8

**April 17, 2023**

Mr. Randeep Sarai, M.P.  
Chair  
Standing Committee on Justice and Human Rights  
House of Commons  
Ottawa ON K1A 0H6

Dear Colleague:

On December 7, 2022, the Standing Committee on Justice and Human Rights requested that the Government table a response to their Seventh Report, entitled *Improving Support for Victims of Crime*. I would like to thank the Committee for their study of a wide range of victim issues in Canada, including a review of the *Canadian Victims Bill of Rights* (CVBR), and for the thoughtful recommendations made to increase support and assistance for victims within the criminal justice system.

I would also like to express my sincere gratitude to all the witnesses who participated in this study, particularly those who provided testimony about their personal experiences in the criminal justice system. To ensure actions are responsive and to reduce the harm experienced by victims, it is critical to learn directly from those with lived experiences and first-hand knowledge about the challenges they encounter in accessing justice. Victims in Canada have rights; they have needs that must be met; and their voices must chart the way forward.

On behalf of the Government, and pursuant to Standing Order 109 of the House of Commons, I am pleased to provide the Government Response to the Committee's Final Report.

## **Background**

Victims' rights at the federal level have evolved over the last several decades. From 1988 to 2015, a key policy directive guiding this work, as well as the efforts of all provincial and territorial (PT) governments, was the *Canadian Statement of Basic Principles of Justice for Victims of Crime* (Canadian Statement). The Canadian Statement was first drafted in 1988 and was modernized in 2003. It was committed to by all federal, provincial, and territorial (FPT) ministers responsible for Justice. The ten principles outlined in the Canadian Statement played a key role in promoting fair treatment of victims and has been reflected in FPT laws, policies, and procedures.

Building on the Canadian Statement and the need for more concrete action, the Parliament of Canada enacted the *Canadian Victims Bill of Rights* (CVBR), which came into force in 2015. Implementation efforts to date have taken many forms and involve a wide range of agencies who have responsibilities in the criminal justice system. The ongoing collaboration among FPT governments in support of implementing the CVBR is an important example of our shared responsibility for criminal justice and for responding to the needs and concerns of victims and survivors of crime.

The Committee's Final Report includes thirteen recommendations that call for a variety of actions in the areas of enhanced consultation and collaboration on the way forward; legislative reform; strengthened public education campaigns to inform victims and survivors of crime of their rights; increased training for criminal justice professionals; and additional funding for services and supports.

## **Collaboration and consultation**

As the Committee noted, the criminal justice system is a shared responsibility in Canada, and all levels of government have an important role to play in addressing the needs of victims and survivors of crime and implementing victims' rights. PT governments are principally responsible for the administration of justice, including the development of victim service models for their jurisdictions and the enactment of victim-focused legislation. The federal government is responsible for the development of criminal law and procedure, much of which is set out in the *Criminal Code*, as well as the federal corrections and conditional release systems, which is governed by the *Corrections and Conditional Release Act* (CCRA).

The Government of Canada has two key victim-focused responsibility offices through which much of the work at the federal level is advanced: The Policy Centre for Victim Issues (PCVI), which leads Justice Canada's Federal Victims Strategy (FVS), and Public Safety Canada's (PSC) National Office for Victims (NOV). The FVS is a horizontal initiative that seeks to improve the experience of victims and survivors of crime in the criminal justice system and increase access to justice for victims and survivors. As the centre of expertise for the FVS, the PCVI coordinates Justice Canada's work on victims' issues and works to ensure that there is a consistent federal approach between federal partners in the FVS. The PCVI plays a key role in supporting criminal law development

and reform, develops policy, implements initiatives, and provides federal leadership on topics related to victims of crime. This includes developing programs to support the creation of specialized services, providing and supporting training opportunities for criminal justice professionals (including service providers) and public awareness initiatives on victims of crime issues, legislation, and services available.

The NOV is a partner in the FVS and acts as the central resource within PSC that seeks to improve victims' experience with the federal corrections and conditional release systems. The NOV provides a "victim lens" on correctional policy development to assist victims in exercising their rights to information, participation, and protection and develops information products for dissemination to victims and the general public aimed at increasing awareness so victims can better understand and navigate federal corrections and conditional release.

Several of the Committee's recommendations call on the federal government to collaborate with the PTs and other partners to better meet the needs of victims and survivors of crime. The Government wholeheartedly agrees that building and maintaining effective partnerships is critical to moving forward, and that is why we will continue to support opportunities for continued and enhanced collaboration across jurisdictions, as well as between justice sectors, to improve responsiveness to victims' needs.

One example of such collaboration is the FPT Working Group on Victims of Crime (FPTWG), chaired by Justice Canada. The FPTWG was established in 1996 and brings FPT stakeholders responsible for victim-related policies, programs, and legislation together to facilitate discussion, networking, sharing of best practices, and collaboration on different areas related to victims' issues and services to increase awareness of victims' rights and legislation and access to responsive services. Initially meeting bi-annually, the FPTWG adapted to the emerging needs of victims and those who support them by meeting monthly. Recent meeting topics include the impact of the COVID-19 pandemic on victims and the criminal justice system, traumatic brain injury and intimate partner violence, consultation on the development of a handbook on working with victims of human trafficking, gender-based violence, and victims in restorative justice processes.

Other examples include the annual stakeholder engagement sessions hosted by the NOV at PSC and the establishment of the joint Correctional Service of Canada (CSC) and Parole Board of Canada (PBC) Regional Victim Advisory Committees and the PBC's Committee on Victims. These initiatives have provided important guidance for the implementation of victims' rights within the federal corrections and conditional release systems.

## Law Reform

The Report also calls for several amendments to the CVBR and the *Criminal Code*. The Government recognizes that law reform can play an important role in affirming and protecting the rights of victims and survivors of crime, and that is why we have consistently advanced legislative reforms to increase access to justice for victims and survivors. The Government is considering these recommendations as part of future law reform. Recent amendments to the *Criminal Code* have strengthened the law's ability to support and protect victims of sexual and gender-based violence, such as:

- ***An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act*** (former Bill C-51), which came into force on December 13, 2018, and amended the *Criminal Code* to clarify and strengthen Canada's sexual assault laws relating to consent, admissibility of evidence, and legal representation for complainants. For example, section 273.1 was amended to clarify that an unconscious person is incapable of consenting to sexual activity. These amendments demonstrate the Government's commitment to ensuring that victims of sexual assault and gender-based violence are treated with dignity and respect.
- ***An Act to Amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*** (former Bill C-75), came fully into force on December 18, 2019, and enacted amendments that strengthened criminal laws and enhanced victim safety in the context of intimate partner violence. For example, the amendments created a reverse onus at bail for accused charged with a violent offence involving an intimate partner if they have a prior conviction for violence against an intimate partner. They also require courts to consider prior intimate partner violence convictions when determining whether to release the accused or impose bail conditions. In addition, the Act re-enacted the victim surcharge regime with greater judicial discretion to impose the surcharge, in response to the Supreme Court of Canada's December 2018 decision in *R v Boudreault*. The victim surcharge is an important source of revenue for provincial and territorial governments and is used to help fund programs, services, and assistance for victims of crime.
- ***An Act to amend the Judges Act and the Criminal Code*** (former Bill C-3) received Royal Assent on May 6, 2021, and immediately came into force. This legislation requires that to be eligible to be a provincial superior court judge, the person must participate in training on matters related to sexual assault law and social context. This law will help ensure that the public has confidence that judges have the awareness, skills and knowledge of sexual assault law necessary to deal with cases in a manner that is respectful to sexual assault survivors. The changes underscore the Government's commitment to promoting a justice system in which sexual assault matters are decided respectfully and fairly and with dignity and compassion for survivors.

In addition to these changes, new criminal offences recognizing the need to be responsive to the experiences of Canadians have been created. Through the former Bill C-4, *An Act to Amend the Criminal Code (conversion therapy)*, which came into force on January 7, 2022, the *Criminal Code* was amended to protect Canadians from the very real and destructive harms of conversion therapy recognizing the long-term impacts of such practices on victims and survivors. It also protects minors from conversion therapy both in Canada and abroad.

In response to the Committee's recommendations regarding criminal law reform (recommendations 2, 4, and 11), I would note that the Government is currently exploring these recommendations and assessing policy and legal considerations for moving forward, taking into account the opportunities and challenges for key partners and stakeholders.

### **Awareness building and training**

Many of the witnesses who spoke to the Committee raised the importance of increasing awareness among victims about their rights and the services available, as well as the need to ensure that justice personnel have the required training to ensure victims' rights are respected. The Government shares this view, and has undertaken a wide range of actions that seek to improve victims' experiences in the criminal justice system. In addition to a collection of fact sheets on victims' rights in multiple languages, including a number of Indigenous languages, the Government created and continues to maintain a national Victim Services Directory and a national Directory of Restorative Justice Programs to assist victims across Canada in accessing programs and services in their area.

Staying connected became more challenging during the global pandemic. In recognizing the value of sharing information, the Government has led a wide array of knowledge exchanges and symposia, one of which is the National Victims and Survivors of Crime Week (Victims Week). Victims Week is an annual week-long outreach initiative led by Justice Canada, with the goal of raising awareness about issues facing victims and survivors of crime and the services, assistance, and laws in place to help them and their families. Victims Week consists of several virtual workshops, trainings, and keynote presentations throughout the week, funding for non-governmental organizations, and a bilingual publication. A total of \$1 million in grant funding is allocated annually towards project funding for non-government organizations to host local Victims Week events and activities that raise awareness about victim issues. Justice Canada also develops the Victims of Crime Research Digest, an annual bilingual publication that is released during Victims Week and features short articles dedicated to victims of crime research.

Further, in 2022, Justice Canada presented a webinar series featuring 13 training opportunities on a variety of topics such as intimate partner violence and traumatic brain injuries, online child sexual exploitation, collaborative responses to addressing domestic violence, and senior abuse. Past knowledge exchanges have focused on the criminal justice system's responses to sexual assault against adults, testimonial aids, victims'

involvement in restorative justice processes, and responding to violence against persons with disabilities. These important events ensure that victims, victim advocates, and criminal justice personnel have up-to-date research, data, and information about newly developed responsive policies and procedures. They also provide an opportunity to learn from victims and survivors about the importance of intersectionality, culturally safe design, and dignified, strengths-based, and trauma-informed methods. Evaluation results from these events indicate that these activities raised awareness of the complexity of victim issues and acted as a catalyst for the justice system and society to consider how to better support victims of crime through responsive victim services and legislation. Attendees noted that they were able to adapt promising practices and models that they learned about within their own jurisdictions to deliver more responsive services and policies.

In addition, work is ongoing by the CSC and the PBC to raise awareness of victims' rights and services available through the federal corrections and conditional release systems and to strengthen collaboration with PT partners to support a continuity of seamless service for victims and survivors of crime when the offender who harmed them moves between jurisdictions.

### **Enhanced funding**

Several of the Committee's recommendations speak to the need for enhanced funding for victim services and victim-focused activities. A key component of the FVS, a horizontal government initiative led by Justice Canada, is the Victims Fund. When it was established in 2000, the Victims Fund had \$5 million available annually to PTs and non-governmental partners to support a broad range of activities that implement victim-related legislation, enhance awareness about victim issues and experiences in the justice system, and increase access to responsive services. Since then, the funding available has grown to a little under \$32 million in 2022-23, permitting Justice Canada to enter into multi-year funding agreements with PTs to support the PTs in their responsibility for the administration of justice and giving victims a strong voice in the criminal justice system. The 5-year agreements include projects to implement the CVBR, including implementing testimonial aids for child victims and some vulnerable adult witnesses, particularly in cases of sexual assault and intimate partner violence.

The funding has also allowed Justice Canada to work with governmental and non-governmental agencies to support projects to address the needs of victims of many forms of harm including, for example, projects to provide services and assistance to victims of human trafficking, provide survivors of sexual assault and intimate partner violence access to free independent legal advice and legal representation, and to provide \$3.3 million annually to support Child Advocacy Centres, which provide coordinated, specialized, and trauma-informed services and support for child victims.

Results from the most recent evaluation of the FVS (2015-2020) revealed that it advanced several specific victim-focused initiatives where evidence demonstrated increased access to responsive services for victims across Canada, improved the experience of victims in the criminal justice system, and supported their well-being beyond the criminal justice system. Program and policy initiatives that encouraged the development and delivery of innovative and multidisciplinary models that provided services in a trauma-informed and/or culturally sensitive manner were highlighted as positive contributions of the FVS.

Most recently, on February 23, 2023, I announced the renewal of, and ongoing support to, Family Information Liaison Units to ensure that families of missing or murdered Indigenous women, girls and 2SLGBTQI+ persons have access to culturally safe services and supports and that there are specialized teams available to navigate systems and respect their rights to information about their loved ones, to protection, and to participation.

Given that provincial and territorial governments have responsibility for the administration of justice, which includes the provisions of victim services, the annual Victims Fund investments support shared priorities and objectives to increase access to justice for victims and survivors of crime across Canada. In addition to the services provided by the provincial and territorial governments, CSC and PBC provide information services to victims of offenders under federal jurisdiction. We continue to work in partnership with all levels of governmental and non-governmental organizations to improve the experiences of victims in the justice system, raise awareness about the experiences of victims, and increase access to services and supports.

At the same time, victims and survivors are at the forefront as we begin to implement the *National Action Plan to End Gender-Based Violence* (GBV NAP), which was endorsed by Ministers responsible for the Status of Women in November 2022. To support the PTs in their efforts to implement the GBV NAP, the federal government announced over \$539 million over 5 years, starting in 2022-2023, to Women and Gender Equality Canada to supplement and enhance services and supports to prevent GBV and support victims and survivors. This funding is in addition to \$600 million in funding, over five years, which was announced in 2021, to build on work addressing GBV in Canada and to advance the development of the GBV NAP. Of this, Justice Canada was allocated \$112 million over 5 years for initiatives that work to assist victims and survivors of

intimate partner violence in making informed decisions about their particular circumstances, reduce re-traumatization, increase confidence in the justice system's response to GBV, and improve support and access to the justice system. This includes:

- \$28.4 million over 5 years for PTs to provide supervision services for parenting time and transfers to protect the safety and well-being of children and families;
- \$35 million over 5 years for projects that assist victims of intimate partner violence to access and navigate the family justice system, and that improve justice system responses to this type of violence; and
- \$48.75 million over 5 years to ensure access to free legal advice and legal representation for survivors of sexual assault and intimate partner violence, including legal advice for victims involved in the criminal and family justice systems.

The Government is also implementing the evergreen *Federal Pathway to Address Missing and Murdered Indigenous Women and Girls and 2SLGBTQQIA+ People*. Initiatives intended to further support Indigenous victims and survivors align with ongoing work to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act*, and the Act's requirement to develop and implement an Action Plan to achieve the objectives of the UN Declaration on the Rights of Indigenous Peoples, including measures to eliminate all forms of violence against Indigenous peoples.

The experiences of victims and survivors will guide the development of other federal initiatives, such as a renewed Anti-Racism Action Plan, the development of Canada's Black Justice Strategy, and the Government of Canada's Action Plan on Combatting Hate, as well as our commitment to protect seniors from abuse. The needs of victims will be central when we establish the Miscarriage of Justice Review Commission, which has been proposed under Bill C-40, the *Miscarriage of Justice Review Commission Act (David and Joyce Milgaard's Law)*. If established, this Commission will have victim coordinators on its staff.

## **Conclusion**

The Government shares the Committee's commitment to strengthening federal efforts to uphold victims' rights under the CVBR and other federal legislation and to improve support for victims and survivors of crime.

Given the nature of the Committee's recommendations and the various agencies who have the authority to implement them, it is our intention to continue to support dialogue, discussion, and partnership-building across all levels of government on the Report's findings. At the same time, our way forward will be guided by the experiences and views of victims and survivors of crime, recognizing and respecting that the needs and concerns of victims—and their pathways to justice—remain varied and multi-faceted.

I will continue to consider opportunities for legislative reform, in alignment with the existing structure of the Canadian criminal justice system (including the Constitutional division of powers, the adversarial nature of the system, and the bi-jural common and civil law legal framework) and the *Canadian Charter of Rights and Freedoms*, in cooperation with my provincial and territorial counterparts.

This Report is an important addition to the body of knowledge guiding our ongoing efforts to strengthen victims' rights and to address new and emerging needs of victims and survivors of crime. It is my hope that Canadians are assured that all levels of government are considering the recommendations and thoughtful analysis and remain committed to strengthening support for victims and survivors of crime.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Lametti". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honourable David Lametti, P.C., K.C., M.P.  
(he/him)  
Minister of Justice and Attorney General of Canada