This year marks the seventh annual National Victims of Crime Awareness Week (NVCAW), a week dedicated to raising public awareness about victim issues and the programs, services and laws that are available to help victims in their time of need. This year’s theme, “Moving Forward” was chosen to acknowledge the journey that victims have been on and recognizes three aspects pertaining to victims of crime: Victims - being a victim can be a life-changing experience and how each victim moves forward is unique to the person and situation. Government — many changes have been made to the criminal justice system over the past three decades to ensure that victims have a more effective voice. And Victim Services - the dedicated professionals, volunteers, and programs who help victims of crime move forward after victimization, maintain hope for the future, and rebuild their lives.

In recognition of this year’s theme, this is a special edition of Victim Matters: A Trade Journal. This issue will look at the three aspects; Victims, Government, and Victim Services, and will discuss the progress of the victim’s movement over the last 3 decades. This week gives us all the opportunity to reflect on the changes that have been made for victims over the last 30 years and will also help us to move forward and to continue to make changes to better the situation for victims of crime in the future.

THE 1980’s

Victims

In medieval times, it was the victim’s duty to seek retribution from the offender, and because of this, the victim played a major role in the proceedings. But as time passed and crime became an offence against the state instead of against the victim, any role the victim got to play quickly disappeared. With no role in the criminal proceedings and no support, victims quickly became the ‘forgotten orphans of the criminal justice system’. In fact, it is said that they were victimized twice; once by the offender who committed the crime, and then again by the justice system which gave them no role to play and left them forgotten on the sidelines.

The early 1980s were a pivotal time in terms of the initiation of victim’s rights. The movement was started by feminists, on behalf of victims of sexual assault and battered women, seeking justice for a crime that remained mostly behind closed doors. The success of the movement for these women fuelled other victims to seek rights within the criminal justice system as well.

In the 1980s victims of all crimes faced difficulties within the Canadian criminal justice system, perhaps the most prominent at the time were homicide victims. Nineteen-eighty and 1981 saw the murder of eleven innocent children and youth at the hands of BC serial killer Clifford Olson. One of these victims was 16-year-old Daryn Johnsrude, son of Gary and Sharon Rosenfeldt. Daryn was lured by Olson under the false pretenses of a job offering while running an errand at the mall for his mother. He never came home. Because of his age, Daryn was treated as a runaway and it was left to the Rosenfeldt’s and family friends to search for the missing boy. Any questions for information or push to prioritize their abducted son’s case were waved aside, and when their calls were answered, Sharon and Gary were told that their son was not the only case. A month later the remains of a body were found.

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Sharon was asked for dental records but the results came back negative - the remains did not belong to Daryn. The next day Sharon received another call from the police, they had made a mistake: “I guess that was your son’s body we found after all,” Sharon was told.

Being informed of their son’s death over the phone wasn’t the only shock that Sharon and Gary dealt with. They soon found that they had no role to play in the criminal proceedings and any questions, input, or opinions they had didn’t matter - The Crown would take care of it. The Rosenfeldt’s also realized the police were withholding information from them when they read in the newspaper that their son had been sexually assaulted, and that Olson was being paid $10,000 per body to disclose the locations of his victims’ remains. This mistreatment led Gary and Sharon to embark on a lifelong quest for victim rights in the hopes that no other victim would ever be treated in the same way.

The Rosenfeldt’s weren’t the only family struggling with the police and justice system. Other homicide victims faced the same difficulties and frustrations. Even the community began to feel the frustration in 1981 when 15-year-old Lise Clausen was sexually assaulted and murdered by repeat sex offender Paul Richard Kocurek. Kocurek had been released after serving only 2/3 of his sentence or what is known today as statutory release, even though he had been deemed a dangerous individual capable of causing serious harm or death by two psychiatrists. The community hadn’t been notified and had no idea that this offender was at large in their neighbourhood.

Another high profile case in 1987, that of offender Daniel Gingras, also left the victims and communities alike stunned not only by the responses of both the government and the Correctional Service Canada (CSC), but as to how the crime was allowed to be committed in the first place. Gingras, who was already imprisoned on a murder charge, managed to convince authorities to give him a day-parole pass for his birthday; he was allowed an excursion to a shopping mall. The decision was approved by what was thought was a team, but was really only one individual, and Gingras was even allowed to pick his own escort. Upon departing the institution, Gingras overcame his lone escort and escaped. In the following two months Gingras murdered two individuals, Vital Pacquette and Wanda Woodward. Gingras was captured and imprisoned for life, however, to the shock of the victim’s families, the warden of the institution was only transferred (and eventually promoted), and none of the other officers or parole board members faced any consequences.

The Woodward family’s questioning led to an independent inquiry which resulted in a separation package for the warden and another official. The warden’s package was never disclosed, however it was leaked that the official’s package indicated that his record be purged of his involvement in the case. When this information came forward the Woodward family launched a lawsuit for damages, however the government refused any responsibility, claiming that even though Gingras was in their custody, they would not take responsibility for his actions.

The year 1988 saw yet another horrendous murder, that of 11-year-old Christopher Stephenson. Christopher was kidnapped at a mall in Brampton, Ontario on Father’s Day weekend. His captor, Joseph Fredericks, was a convicted child sex offender who had been released on mandatory supervision. Fredericks abducted the 11-year-old and held him captive for 36 hours, sexually assaulting and torturing him before killing him. The police quickly responded to the missing child report, but had no leads as to who had taken him. Although Fredericks was known to the police, they had no idea that he was in the neighbourhood. If they had, Christopher may have been saved. An inquiry into the murder resulted in 71 recommendations, one of which urged the creation of an electronic registry of high-risk sex offenders. Realizing that a program such as this could have saved his son’s life, Christopher’s Father, Jim Stephenson, began a dedicated campaign for such a database to be put into place.

This mistreatment of victims sparked the victims’ rights movement, and by the end of the 1980s, Gary and Sharon’s hope that the treatment of victims would improve started to become a reality. In 1988, after his daughter was murdered, Martin Hattersley became the first victim to publicly admit that he was pleased with the work that the police did on his case. In a public statement Martin explained, “They have been working and are working on this case in an extremely professional way, but with a great deal of human sympathy to ourselves.” After a decade of suffering, it seemed that victims’ voices were finally starting to be heard.

GOVERNMENT

As victim organizations and advocates gained prominence, the government had no choice but to respond. In response to the 1981 Conference of the National Organization for Victim Assistance in Toronto, the government announced the creation of the Federal Provincial Task Force on Justice for Victims of Crime. The Task Force was an 18 member group made up primarily of lawyers, criminologists, and bureaucrats who set out to examine the criminal justice system in terms of victims. The goal was to sensitize criminal justice agencies, the criminal justice system, and the public about the needs of victims. The Task Force took two years to research and put together a report.

The Task Force obtained much of their information from victims themselves. In 1982 there was a victim meeting, free to all victims, and anyone was welcome. At the time this was a big deal and many victims, including the Rosenfeldt’s and Inge Clausen, took part in sharing their stories with the Task Force. Once the Task Force had compiled their research they released a report in 1983 in which they made 75 recommendations regarding the rights and needs of victims. Some of the recommendations included: the prompt return of victims’ property, restitution, victim impact statements, compensation, and victim access to information. A year later, in 1984, another report called The Badgley Report (officially titled Sexual Offences Against Children) was released. This report, which focused on sexual offences against children and youth, made 52 recommendations in response to the shocking finding that child sexual abuse was prevalent in Canada.

Toward the end of the decade the federal government made some major changes towards the role of the victim in the criminal justice system. In 1988 all Canadian governments adopted the Basic Principles of Justice for Victims of Crime, often referred to as the “Magna Carta” for crime victims. By doing this all Canadian Ministers of Justice agreed to adopt a uniform policy in which victims rights would be used to help guide both legislative and administrative initiatives concerning criminal justice. In response to this, Manitoba quickly legislated victim fine surcharges, victim rights, and made the first real efforts to obtain proper victim services. Irvin

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Waller, a member of the Task Force, says that Manitoba “became the model for the coast-to-coast legislation of rights/principles and services.”

The year 1988 also saw the passing of Bill C-15 in which new offences concerning child sexual assault were created. The new offences, “sexual interference” and “invitation to sexual touching” prohibited nearly all forms of sexual contact that an adult could have with the child under the age of 14, irrespective of gender or consent. Another new offence, “sexual exploitation”, made it a crime for an adult to have any type of sexual contact with a boy or girl over the age of 14 but under the age of 18 in situations where a relationship of trust or authority exists between the adult and the child. Further legal changes were made in respect to the criminal code, which was amended in 1989. The two major changes were 1) child sexual abuse resulting in incarceration and 2) that victim surcharges could be added to a sentence imposed on an offender convicted of a Criminal Code offence.

Another groundbreaking change was the passing of Bill C-89 in 1989. This Bill took into consideration some of the recommendations that the Task Force had made in their 1983 report including the prompt return of a victim’s property. However, one of the most important changes made through this bill was the option (at the judge’s discretion) for victims to present a victim impact statement at the time of sentencing. Up until this point, Crown attorneys and judges alike felt that they knew enough about victim experiences to adequately represent them. However, the justice system soon realized that victim impact statements added a personal touch, provided insight that only a victim could provide, and brought a ‘human dimension into the courtroom’.

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**GENERAL SOCIAL SURVEY (GSS) ON VICTIMIZATION**

The General Social Survey on Victimization in Canada was established in 1985, and is completed every 5 years. This telephone survey originally started with a target sample of 10,000 Canadian citizens over the age of 15, however today the sample is 25,000 citizens.

The General Social Survey on Victimization is the only national survey of self-reported victimization. It measures both crimes that came to the attention of police, and crimes that went unreported. For this reason, this survey is considered more accurate than others of its kind that depend solely on police-reported crime.

The information obtained from the General Social Survey on Victimization is used and analyzed by police departments, all levels of government, victim and social services, community groups, and researchers in universities. The information is used to study Canada’s perception of crime and Canadians’ attitudes towards and views of the criminal justice system. The information also helps to profile victims and help professionals to better understand why some people choose whether or not to report a crime to the police.

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**VICTIM SERVICES**

In the early 1980s victim services were very limited, not just in terms of quantity but also in terms of location and types of assistance provided. As a result of a meeting of federal and provincial ministers responsible for justice at which they discussed the lack of services for victims of crime, the Solicitor General of Canada sponsored a National Workshop on Services to Crime Victims in March of 1980. The aim of the conference was to raise awareness and stimulate an interest in victims of crime. At the end of the workshop, participants were encouraged to spread the word in their home communities and encourage the development of appropriate victim and witness services.

The National Victim Resource Centre (NVRC), established in 1981 under the Solicitor General’s Office in Ottawa, was one of Canada’s first national victim services. The NVRC provided information for interested individuals (police officers, victims, general public, etc.) and had toll free numbers available to distribute information on victim-related topics such as counselling, or criminal injuries compensation. However, in 1985 operation and funding for the NVRC was moved over to Health and Welfare where it quickly became ineffective and eventually closed. There were few other services scattered across the country. At the time, Ontario was seen as a leading jurisdiction in terms of restitution, and also boasted some of the first rape crisis centres and transition houses, but had little else to offer to victims with different needs.

Due to a lack of support, it was victims themselves who started many of the first victim organizations. The first victim advocacy organization came in response to Lise Clausen’s murder in 1981. The community rallied six weeks after her death and formed Citizens United for Safety and Justice (CUSJ); a group comprised of laymen and headed by a close friend of the Clausen family, Dan Hughes. CUSJ’s main focal point as an organization was the concern surrounding high-risk offenders returning to communities. CUSJ believed that early release programs were not necessarily beneficial in these cases. In 1983 CUSJ had their first major achievement; Chairman Dan Hughes and Inge Clausen (Lise’s mother) were invited to attend a parole hearing in Abbotsford, BC in order to represent the victims and attest to the impact of violent crime. At the end of the hearing, the offender in question was denied parole.

In 1984, Sharon and Gary Rosenfeldt registered Victims of Violence as a national organization. Like CUSJ, Victims of Violence advocated for victims rights. They lobbied for a proper protocol to be put into place by police on how to notify family members and were the first group to offer services to victims of crime. Advocacy groups such as VOY and CUSJ didn’t just help victims in need, they also went straight to the government level, fighting for amendments in legislation, for new laws to be made and for victims to have an active role in the criminal justice system. They wanted more than just understanding from the government, they wanted change.

Another victims advocacy group was created in 1984, however instead of being fronted by victims themselves, this group was made up primarily of professionals such as Renée Collette, a former parole officer and criminology instructor. The organization, known as the Association québécois Plaidoyer-Victimes, trained police officers on how to correctly work with victims of sexual assault. The organization also created a pilot project which became the Centre d’aide aux victimes criminales which took a community based approach to assisting victims of crime. The Association québécois Plaidoyer-Victimes remains active in Quebec today.

As victim groups formed and fought for better treatment, police forces began to feel the pressure of a need to formally support and recognize the victims. In 1985 the BC Association of Police- Affiliated Victim-Witness Services (BCAPAVWS) was created and registered as a charity. The BCAPAVWS’s aim was to provide leadership, support, advocacy, and training to professionals working in the victim services.
field. The RCMP also answered advocates calls by establishing the Missing Children’s Registry in 1986. This registry, the first of its kind in Canada, was one component of a multi-faceted program to help police investigate missing children.

Canada’s first Victim Offender Mediation Program (VOMP) also came into existence during the 1980s. Though the idea of mediation between the victim and offender had been around since the 1970s, this was the first time a program to facilitate the interaction was put into place within the justice system. Previous research on federal inmates and victims had exposed interest by both parties for mediation-style meetings. The project took place in Langley, BC and was a partnership between Correctional Services of Canada and the Community Justice Initiatives Association. The intent was to allow the victim an opportunity to get answers they would otherwise go without in the hopes of providing some closure.

In 1987, Ontario created a pilot project known as the Victim Crisis Assistance and Referral Service (VCARS). The initiative was a community-based program that utilized trained volunteers that were available to provide assistance to victims 24 hours a day. The teams were mobile and available upon the request of police officers. An evaluation of the VCARS initiative in 1989 showed that the immediate services provided by the VCARS volunteers were beneficial in helping to both reduce trauma and improve recovery.

Canadian citizens and professionals alike were becoming more aware of the difficulties and problems that victims of crime faced. In response to this, new and different services were starting to come forward to better serve different victim needs. Although the decade ended with considerably more options available for victims than it started with, it was only the first step towards a sufficient victim service system.

The hard work of pioneering victim organizations such as CUSJ and Victims of Violence was finally starting to pay off. The criminal justice system, government, and professionals had taken notice and were stepping up to make improvements. The general public and other victims were also taking action, and more support and advocacy groups popped up around the country. Positive changes had been made, but it was only the beginning.

THE 1990’s

In the early 1990’s victim advocates and advocacy groups began to gain greater prominence. This was in large part due to the groundbreaking work of victims and victim advocates in the 80’s, and also due to the shifting of the public’s attention to several high profile cases. Although things had begun to change, these cases also demonstrated that serious issues still existed. At the heart of the problem was lack of information for victims, offenders falling through certain gaps in the criminal justice system.

When Sharon and Gary Rosenfeldt, along with the other victims of the Olson murders, found out that the police had been withholding information, they took matters into their own hands. “We didn’t trust anybody but ourselves,” Sharon admits as she explains how the group turned to each other for support. The case gained national attention and the media was constantly after the Olson victims, wanting information or insight into their distress. The group nominated Gary to speak to media on behalf of the group. Soon his name was everywhere and he quickly became the face of victims. As a result, he started getting calls from other victims with similar stories from all across Canada. “It was then that we realized we weren’t the only ones,” says Sharon.

As Gary and Sharon became more known across the country, they were approached by Don Sullivan, founder of Victims of Violence Ontario, in the hopes that they would head Victims of Violence Alberta. The Rosenfeldt’s met with Don and finally agreed to take on the task. Victims of Violence Alberta was formed and registered provincially in 1983, a year later they would become a national registered charitable organization known simply as Victims of Violence.

After formally becoming an organization in 1984, the Attorney General of Alberta (Hon. Neil Crawford), asked Sharon and Gary if they would go into the Provincial Courthouse in Edmonton to work as a victim support service. At this time, John Howard Society, Elizabeth Fry Society, and the Salvation Army all had offices in the courthouse to help the accused, but there was nothing for the victims. Much to the furor of the Criminal Trial Lawyers Association of Alberta, Sharon and Gary set up the Victims of Violence offices in the Courthouse in December of 1984. The Rosenfeldt’s, along with other volunteers, provided victims with support while they were serving as witnesses, providing them with a calming atmosphere pre-trial. For the first time, victims had their own room where they wouldn’t have to be intimidated by the accused prior to testifying. Sharon says, “it was truly an amazing time in history for us and Victims of Violence”.

In 1989 Gary and Sharon moved Victims of Violence to Ottawa, to be closer to Parliament where they felt they could make more of a difference. The move was a good choice. The couple had spent years handwriting letters to get into touch with over 280s Members of Parliament and other professionals at the time. Now that they were in Ottawa, these professionals were coming to them. They began to regularly make presentations to various Standing Committees in the House of Commons and Senate of Canada, to universities, colleges, schools, and at conferences across the country on issues relating to victims as well as child safety.

With the development of more services for victims in the 1990s, VOV slowly shifted away from direct victim assistance toward education and referrals, while continuing to advocate for victims. Sharon and Gary were instrumental in the progression of legislation surrounding victim’s rights. Their advice was sought by all types of victims and professionals in the victim and criminal justice fields, looking to better the system and move forward.

For nearly 30 years Victims of Violence has been at the forefront of victims’ rights, whether it be helping victims personally, fighting for new legislation or change, or educating the general public. Sadly, in 2009, Gary lost a hard fought battle with cancer. Despite this tremendous loss, both Sharon and VOV have continued to be key players in the fight for victim’s rights. As for what is in store for the future? Sharon just wants to keep a positive forward movement. “This organization is advocacy, but you have to look at what advocacy is. Advocacy is education and that is the only way there has ever been change in Canada.”

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system, and issues surrounding parole, which all resulted in victims being further harmed by flaws in the system.

On August 9, 1991, life as they knew it changed forever for Priscilla and Rocco de Villiers. Their 19-year-old daughter Nina de Villiers was abducted and murdered while out jogging in Burlington, Ontario by an offender on bail who had a long history of violence. This tragic murder had an enormous effect on the community; it was an eye-opener that this kind of tragedy can happen to anyone and that society is not properly protected by the justice system. Why was this offender allowed out on bail? Why was it that when he was stopped while trying to leave the country by U.S. border officials carrying a firearm and his bail release form was he allowed to return freely into Canada with this firearm? This was the very firearm he had committed the crime for which he was on bail for; the firearm he would use about an hour later to abduct and kill Nina. He would then move on to murder Karen Marquis in New Brunswick and eventually shoot himself during a police pursuit in Hamilton, Ontario.

As a result of concerns raised by this appalling crime, the de Villiers, along with some friends, launched a petition to bring attention to the serious deficiencies in the criminal justice system that were exposed as a result of Nina’s murder. The petition requested that, ‘Parliament recognize that crimes of violence against the person are serious and abhorrent to society’, as well as requesting that the Criminal Code of Canada, the Bail Reform Act of 1972 and the Parole Act be amended accordingly. The response to the petition was overwhelming; in just a little more than 2 years 2.5 Million Canadians had added their names to the petition.

From April to August of 1992, A Coroner’s Inquest into the de Villiers case examined the offender, Jonathan Yeo’s, 11 year history of violent attacks on women and how it was that he had time and time again fell through the cracks in both the justice and mental health systems. As a result of the inquest, a jury produced 137 recommendations aimed at preventing such a tragedy from happening again. As a result, CAVEAT (Canadians Against Violence Everywhere Advocating its Termination), with Priscilla at the helm, would be formed with the intent of being a voice to oversee that the recommendations from the inquest were acted upon.

The de Villiers weren’t the only ones to come to blows with the justice system at the time. In September of 1993 tragedy struck Marjean Fichtenberg, when her 25-year-old son Dennis was murdered by an offender out on day parole in Prince George, BC. This offender had committed multiple crimes of both violent and non-violent nature, and yet, when Marjean attempted to find out the details surrounding the release of the offender on day parole, she had great difficulty obtaining any information from the RCMP, CSC or the Parole Board of Canada. After 3 months of contacting these institutions, the only response Marjean received was a form letter from CSC which provided little information. After speaking with the director of the halfway house where Dennis’ killer was staying, she learned that “there was something about Butler (the offender) that he didn’t know - and if he had known, he would have never accepted him into the house.” This one piece of information led Marjean, with the support of the recently formed Canadian Resource Centre for Victims of Crime (CRCVC), on a two and a half year quest to find out the truth.

An inquest was held which provided several answers to Marjean’s questions, but also highlighted the mistreatment she endured at the hands of both CSC and the Parole Board. Eventually it was uncovered that her son’s murderer was an informant for the RCMP, and that it was the RCMP who had wanted him to be released on day parole to find out more information about a contract killing that he said he had information about. Marjean had been lied to, information was withheld from her and she was not provided with the answers that she deserved in an acceptable timeframe. Steve Sullivan, who was with Marjean at the time has written, “I remember that week in Prince George. It started out with the RCMP finally coming clean on their relationship with Butler on the eve of the inquest and it ended with a recommendation by the jury for the creation of an independent victim complaint office. Most importantly, Marjean’s hard work was validated.”

In 1995 17-year-old Sylvain Leduc, along with his two cousins and best friend, was kidnapped from his home by an organized youth street gang in Ottawa, and subjected to a horrendous series of events that would end in the brutal murder of Sylvain. Sylvain’s young cousin had attempted to leave this gang, and in supporting her to turn her life around, Sylvain and his family, innocent bystanders, became the victims of one of the most horrific murders the community had ever seen. It is this tragic loss that would lead Sylvain’s family; his mother Carole, and his grandparents, Theresa and Al McCuaig, on a life-long journey to make things better for other victims. At a review hearing of the Young Offenders Act and the Canadian youth justice system by the Standing Committee On Justice And Legal Affairs in 1996, Theresa McCuaig stated, “when Sylvain lay in his coffin, I promised him I would do the best of my ability to make sure other youths like him, his friends, would not have to die like Sylvain did. I will work on that promise until I die. I will not let you rest until changes are made, because we desperately, desperately need to make changes.” Since that time Theresa has certainly lived up to that promise; she has been a dedicated force in the victims’ community, continuing to fight for victims’ rights and tougher laws. In the years that followed, she could often be found at the Courthouse in Ottawa, helping families who suffer similar ordeals in their lives, who she continues to support today.

Of the 11 people present during Sylvain’s attack, five were young offenders and all had criminal records. In the end, the youth served between 18 months and 3 years in custody for the attacks, with at least part of that time served in halfway houses. By 2000, two of the youths who killed Sylvain had already been charged with other violent crimes. Three adults (one of whom had been let out on
statutory release just 7 weeks prior to killing Sylvain) were found guilty of first-degree murder in Sylvain’s death and sentenced to life in prison with no chance of parole for 25 years. They could be eligible for early parole after serving 15 years, however, under Section 745 (which legislated a hearing by which to have parole eligibility reduced), revealing to Theresa and her family the nightmare that parole would become in their lives. “It’s going to be very difficult for our family to go through court three times in one year for each criminal, and if they don’t get it they are allowed to reapply every second year after that,” Theresa said in 2009, one year before their eligibility. “So we’re going to go through this hell every second year.” This, along with the shortfalls of the youth criminal justice system, would become one of the issues that Theresa would continue to speak out against in her fight for victims.

In August of 1997 the families of Clifford Olson’s victims made the journey to BC for their Section 745 hearing. This time, however, they were not alone. At a press conference the previous March, many of Olson’s victims joined the BC Federation of Police Officers, the Canadian Police Association and other victims’ advocates who stood with them to disapprove of the government for allowing the hearing to take place in the first place. The repeal of Section 745 would become a decades’ long fight for the Rosenfeldt’s. In fact, Gary Rosenfeldt said in 1995, “If there is one thing that bothers me most about the justice system, it is the lack of truth in sentencing, and section 745 is the worst case scenario. As a community, we have been conned.”

Although the victims did not agree with the reason for having to attend the hearing, that August things were different. Not only did the Crown Attorneys handling the case keep the victims informed and updated throughout the process, the families were given a pre-hearing tour of the court house so that they would know what to expect when the hearing began, and were provided with victim services workers to support them throughout the process. The CRCVC’s 1998 report, titled Balancing The Scales: The State of Victim’s Rights in Canada, touched on the changes that these families had witnessed since their ordeal began in 1981. The report stated, “the difference in treatment they received in 1997 to that they received in 1981 was obvious, and a clear indication of how far victims have come. Yet at the same time the reason why they were gathered together once again was an indication of how far victims had yet to go.” This sentiment is an excellent representation of state of the victims’ movement as it was in the late 1990’s.

GOVERNMENT

Although significant advances in the area of victim issues had begun to be made, it became apparent that Government would have to play an important role in ensuring that victims had a more effective voice in the criminal justice and corrections systems. The federal government made some major changes with respect to the role of the victim in the criminal justice system toward the end of the 1980’s but there was much reform still needed.

One of the first important legislative milestones for victims occurred in 1992, when the Corrections and Conditional Release Act (CCRA) was passed. The CCRA governs both the Parole Board and the Correctional Service of Canada, and it marked the first time that victims were formally recognized in any federal legislation governing the correctional and conditional release system. The Correctional Service of Canada called the CCRA “a significant milestone in human rights development in corrections.” It had several sections relating to victims’ rights, including the right to receive information about offenders, and to attend parole hearings.

Up until this year, the Federal Government had assisted the provinces with the financial burden of compensation programs. In 1992, however, in a step backwards, this financial support was withdrawn due to fiscal restraint. As a result of the termination of cost sharing for criminal injuries compensation, some provinces continued to foot the entire bill for the program, but some abandoned the program altogether, creating inconsistency between provinces. One province and two territories would shut down their programs within the next few years; Newfoundland in 1992, the Yukon in 1993, and the Northwest Territories in 1996.

In 1995, Parliament enacted in the criminal code a statement of the fundamental purposes of sentencing that for the first time recognized that sentencing served the interests of victims. Specifically, two of six stated objectives in section 718 regarding the purpose of sentencing were, “to provide reparations for harm done to victims or to the community” and “to promote a sense of responsibility in offenders and acknowledgment of the harm done to victims and the community”. This represented a shift in attitude of a very offender-centric justice system. No longer was this fundamental principle to serve only the offender, the victim mattered too.

As part of this same comprehensive sentencing reform, Bill C-41 also strengthened the use of victim impact statements. The court sentencing the offender became required to consider a victim impact statement where one had been prepared. Section 722(1) stated that “For the purpose of determining the sentence to be imposed on an offender or whether the offender should be discharged pursuant to section 730 [conditional discharge] in respect of any offence, the court shall consider any statement that may have been prepared in accordance with subsection (2) of a victim of the offence describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.” In addition it ensured that victims could present evidence at Section 745 judicial review hearings (a right that would later be removed with Bill C-45 (1996) and then given back with Bill C-17 (1997). The Supreme Court of Canada, when interpreting the overall provisions, referred to Bill C-41 as a “watershed marking the most significant reform to the law of sentencing in Canada’s history”.

On April 29, 1996 Reform MP Randy White introduced a Motion (Motion 168) on behalf of the Reform Party, calling on the government to proceed with drafting a National “Victims’ Bill of Rights.” The motion, the first of its kind at the federal level, was passed by parliament and referred to the Standing Committee on Justice and Legal Affairs. Later the committee considered the motion, hearing from representatives of Victims of Violence, Association québécois Plaidoyer-Victimes, the Department of Justice, as well as victims of homicide including Debbie Mahaffy (mother of 14-year-old Leslie Mahaffy who was viciously murdered by Paul Bernardo and Karla Homolka in 1991) and Theresa McCuaig. According to reports by the committee, these representatives reported “very different experiences, varying degrees of assistance and varying degrees of sensitivity from criminal justice personnel.” Despite overwhelming support for the idea, and the Committee agreeing to undertake national consultations on the motion, they did not proceed with consultations. In November of 1997, Randy White made a statement in the House, “I remember April 29 of last year so well. The Reform Party brought a motion before the House to initiate a national victims bill of rights” he said, “The Liberals supported the motion. We had one committee meeting where some victims’ rights representatives...
and myself were listened to, but then nothing happened. How pathetic it is that the Liberal government can give so much hope to so many victims and deliberately forget they even exist after one meeting.”

In October 1998 the House of Commons Standing Committee on Justice and Human Rights showed that they were listening to victims, however, and released a report entitled Victim’s Rights - A Voice, not a Veto, through which the progress of the victims’ movement to date as well as the need for further development was addressed. The committee came to the conclusion that;

“To summarize, victims ask for a voice, not a veto over, what happens at each stage of the criminal justice process. They ask for information and notification — about how the criminal justice system functions, about the programs and services available to them, and about the various stages of the case in which they are involved. They argue that they are entitled to be treated with dignity. They urge the provision of adequate financial, human, and other resources to programs intended for victims of crime. They identify as a critical problem the uneven availability of victims’ programs and services both between provinces and territories, and within them. In their view, addressing all of these issues will restore the imbalance they see in the criminal justice system.” (Standing Committee, 1998:2)

The report contained 17 recommendations to strengthen existing provisions that served to protect victims. Bill C-79, An Act to amend the Criminal Code (Victims of Crime) and another Act in consequence, proclaimed into force December 1, 1999, fulfilled several of the government’s obligations stated in its response to the report. When introducing the legislation the previous April, then Minister of Justice Anne McLellan stated, “Victims of crime need a voice in the criminal justice system that is listened to and respected.” This is exactly what victims such as the Rosenfelt’l’s had been waiting years to hear from the government.

In essence, Bill C-79 enhanced the protection and participation of victims and witnesses in the criminal justice system. The amendments expanded the availability of protection from cross-examination by a self-represented accused for victims and witnesses of sexual offences and personal violence offences, up to the age of 18; clarified the application of publication bans, and provided discretion for publication bans on information that could disclose the identity of victims or witnesses; ensured that the safety concerns of victims and witnesses were taken into consideration in judicial interim release determinations; revised the victim impact statement provisions to, among other things, require the judge to inquire whether the victim has been advised of the opportunity to prepare a victim impact statement, as well as permit a victim to present a victim impact statement orally; provided that all offenders must pay a victim surcharge of a fixed, minimum amount, except where the offender establishes undue hardship, and provide for increased amounts to be imposed in appropriate circumstances; and required a judge, at the sentencing of an offender to life in prison, to provide information, for the benefit of the victim, regarding the provisions surrounding judicial review of parole eligibility. The preamble to this legislation noted, amongst other positive sentiments, that: “…the Parliament of Canada supports the principle that victims and witnesses to offences should be treated with courtesy, compassion and respect by the criminal justice system, and should suffer the least amount of inconvenience necessary as a result of their involvement in the criminal justice system.”

The uneven availability of victims’ programs and services between provinces and territories became an increasingly prevalent issue throughout the decade. It became apparent that there was much to do to address this imbalance in the criminal justice system, an issue which would continue to emerge in the coming years. However, victims would also see some of the most notable legislative reform to-date come to fruition in the new century. As the criminal justice system became more and more aware of the needs of victims of crime, it was recognized that legislation was only one part of the solution. At the beginning of the following decade, amongst other initiatives, the federal government would further recognize the needs of victims by establishing the first federal agency dedicated to victims within the Department of Justice.

VICTIM SERVICES

As consciousness about the issues faced by victims increased more victim service agencies sprang up across the country. Countless dedicated victim service providers made it their mission to not only help victims of crime rebuild their lives, but to ensure that victims were treated with dignity and respect. These organizations took up specialties in different areas of victim services and support, as well as victim advocacy at the government level. They were following in the footsteps of the pioneers of the ‘80’s such as CUSJ and VOV, who also continued their struggle for victim rights.

One of these organizations was CAVEAT (Canadians Against Violence Everywhere Advocating its Termination.) It was incorporated as a not-for-profit organization in June, 1992 and received its charitable designation in October, 1992. An organization that focused on the changes in legislation, on education and prevention, and on victim’s rights, CAVEAT was instrumental in raising the profile of victims’ issues in Canada and in bringing advocacy organizations together with police and policy makers. Stemming from the underlying belief that protection of the public must be the overriding goal of the justice system, and that the offender’s rights should not be greater than those of the victim, the organization had a profound impact on the progress achieved for victims of crime during the 1990’s. Priscilla de Villiers wrote in the May 2001 final CAVEAT Report,

“In August 1991 a small group of unlikely activists started a petition, addressed to the federal government, as an expression of local horror, fear and a deep and abiding anger at a system that had failed us so horribly. We intended it to last for six weeks. As the momentum built CAVEAT was formed, but we could never have dreamt that we would still be in existence and active ten years later. Nor could we have foreseen that a grassroots movement, focused on distributing a petition, would develop into an organization which would play an important role in the profound changes that have occurred in criminal justice in Canada in the past decade.”

The following year, in 1993 The Canadian Police Association (CPA) announced the creation of the Canadian Resource Centre for Victims of Crime (CRCVC.) The establishment of this new national victim resource centre would address the needs left vacant when the National Victim Resource Centre closed its doors the previous decade. The CPA’s background report on the CRCVC stated, “There is a very definite need for such a Centre in this country. Currently there is no central agency that crown attorneys, victims, and victims’ rights groups, can contact to obtain information on such issues as criminal injury compensation, impact statements, attendance at early release hearings, available counselling from mental health professionals, etc.”

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Since 1993 the CRCVC has been providing support and guidance to individual victims and their families and assisting them in obtaining needed services and resources, and campaigning for victims’ rights by presenting the interests and perspectives of victims of crime to all levels of government. Their core services include advocacy, education and awareness, research, police liaison, survivor outreach, memorial services (for families of fallen police and peace officers) and networking. The CRCVC is unique in that it is mandated by its Board of Directors to proactively reach out to survivors of violent crime in Canada in order to cultivate a helping relationship with victims who may not otherwise be aware of the services available to them. The CRCVC has been instrumental in advocating for several positive legislative reforms and policy changes affecting crime victims throughout the 90’s and into the last decade, including amendments to the Corrections and Conditional Release Act to increase information available to victims, legislation to strengthen the DNA Databank, financial assistance for victims to attend parole board hearings, and the creation of the Federal Ombudsman for Victims of Crime.

In 1996 Marjean Fichtenberg was instrumental in the creation of the first Victim Advisory Committee to CSC and the Parole Board, the Pacific Regional Victim Advisory Committee (PRVAC). An outcome of the inquiry into her case was a recommendation that a ‘victim ombudsman’ office be formed to investigate complaints from victims who felt they had not been treated fairly. The CSC and the Parole Board responded to this recommendation by forming this regional victim advisory committee to advise their respective organizations. PRVAC was the first, and the most active of its kind in the country, and is still going strong today. Its purpose is to “provide advice and consultation to the regional Deputy Commissioner of CSC and the PBC to assist them in the delivery of services to victims whose offenders are under their jurisdiction.”

Members of the committee have shared knowledge of their experiences and victimization, helping corrections and parole staff to better understand the needs of victims. Of this experience, Marjean has said it “has helped me realize my goal of assisting victims by helping the CSC and the Parole Board to communicate more effectively with victims. This, in turn, has created a lasting legacy to the memory of my son, Dennis. It has helped move me from the position of “victim” to “survivor”.

By 1997, a coordinator for Victim’s Services had been established at each Regional Headquarters as well as each operational unit of CSC to coordinate its services to victims. As per the CCRA, where victims requested notification on a continuing basis, this was provided by CSC. The Parole Board had also established Victim Information Lines in its regional offices across the country to provide victims with information about corrections as well as conditional release. These telephone lines were monitored by staff who were responsible for providing victims with any information they required. At this time, information was mostly provided by case management workers that provided information to victims in addition to their regular responsibilities concerning offenders. According to CSC, the number of victims registered to receive notifications in 1995 was 1,200. This number would later increase substantially to 5,300 in 2006 and over 5,910 in 2009. As the number of registered victims grew, so did the need for a new approach to victim services. Specifically, the need to have certain positions exclusively dedicated to services for victims at CSC, rather than have staff who were managing offenders also provide information to victims.

As the decade unfolded an increase in police-associated and effective first-responder services could be seen. Police-based victim services were located in police detachments and provided assistance to victims immediately after their victimization. Their services included things such as death notification, information about investigations, help with victim impact statements and criminal injuries compensation applications, as well as referrals to other victim services. Programs such as VCARS caught on, becoming more abundant in number. These programs offered effective, immediate support to persons affected by crime 24 hours a day, 7 days a week, 365 days a year. The number of Crown/court based victim/witness services programs was also growing. Victim/Witness Assistance Programs (VWAP) provided things such as crisis intervention, emotional support, case specific information (court dates, bail conditions), court preparation and orientation information, needs assessment, as well as referrals to community agencies. The 1999-2000 Business Plan of the Attorney General of Ontario reported that the government had doubled the number of VWAP sites, in Ontario alone, to 26 over the previous two-year period. In Alberta, following the proclamation of theVictims Programs Assistance Act in 1991 and then the Alberta Victims of Crime Act in 1997, the volume of victim assistance programs and services also began to greatly expand throughout the province. The CRCVC reported in their 1998 report Balancing the Scales, that at the time, BC had 63 police based programs, 24 Crown based programs, 39 specialized programs and 12 sexual assault centres. Even Newfoundland started a dedicated Victim Service program in 1992 which has since grown to eleven professionally staffed offices throughout the province. These numbers were a far cry from what they had been a decade before.

Community Based Victim Assistance Programs were popping up across the country and working with police-based services to address the needs of victims. Because of the development of these services, many community service providers began the slow shift from the frontlines into more specialized services including advocacy, education and prevention. The flexibility of victim services to deal with the range of issues effecting different victims was also an issue to be considered. The unique needs required by individuals differed greatly from victim to victim. Victim services needed the tools to be able to help victims of different crimes.
ranging from assault, to domestic violence, to sex crimes and crimes against children, to murder. The different programs began to grasp this concept as well as the delicate balance of working together, but as cases would continue to illustrate in the following decade, there was still a long way to go.

THE 2000's

VICTIMS

As the victims’ movement entered the new millennium, victims were becoming more satisfied with the system and the changes that had taken place over the past 20 years. While not perfect, most aspects continued to move in a positive direction, addressing the broader needs of victims and allowing victims to play a meaningful role in the justice system. However, even with these advancements, specific issues and concerns came to light in several high profile cases.

In June of 1999, 16-year-old Jonathan Wamback was brutally assaulted by a group of 16 and 17 year-old teenagers. After Jonathan’s assault, his family encountered issues which reflected the inflexibility of many victim services that had been established up until that time. Even though both community and police based organizations were continuously expanding, Jonathan’s father, Joe Wamback, felt there was no support for his family, stating, “I was so amazed and frustrated at the complete lack of services... there was nothing available to us and no support.”

Negative experiences with the justice system prompted the Wamback’s to become impassioned advocates. Their goal was to improve the range and type of support and services available to victims of violent crime. As a result of the substantive efforts and personal commitment of Joe and his wife Lozanne, the Canadian Crime Victims Foundation (CCVF) was founded in 2002, and would become an avenue through which they could advocate. Since that time, they have worked relentlessly to support other victims of crime and to overcome the imbalance in Canada’s criminal justice system.

One thing that Joe and Lozanne have been advocating for the past 12 years is for changes to the Employment Insurance Act. They believe adjustments should be made so that family members of victims of violent crimes, especially parents of murdered children, would be entitled to take up to 1 year away from work, while still being able to receive Employment Insurance Benefits (Joe related this to the concept of maternity leave). Joe stated that currently, victims are only permitted to use vacation or sick days to take time off work. But it is evident that this is not enough for victims to cope. Joe and Lozanne believe that employers need to be more aware of the psychological and emotional trauma - and the need for extended coping time it takes for victims to be able to return to work in a gainful way. Joe is confident that within the next year, these changes will come into effect.

Another high profile case occurred in 2002 when Pierre Hughes-Boisvenu’s daughter Julie was kidnapped, sexually assaulted, and murdered by an ex-boyfriend, Henry Bernier. Bernier was a repeat sex offender who, though previously known to police, was treated rather leniently within the criminal justice system. Pierre believes that this lax treatment enabled Bernier to assault and murder his daughter, which subsequently has lead Pierre on a journey to champion victims’ rights. In 2004 Pierre, along with 3 other fathers of murdered children, founded an organization for victims, called the Association des Familles de Personnes Assassinées ou Disparues (AFPAD). Through this organization, Pierre has

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RECOGNIZING VICTIMS: THE CORRECTIONS AND CONDITIONAL RELEASE ACT OF 1992

The Corrections and Conditional Release Act, as stated by then Solicitor General Doug Lewis upon its introduction in 1991, was the “first comprehensive review of prison legislation since the passage of the Penitentiary Act in 1868, and contain[ed] the most significant changes to conditional release or parole since the Parole Act in 1958.” The CCRA, when it came into force in 1992, was a big deal. As well as being monumental in its changes to corrections and release, it was also important to the rights of victims at the federal level.

Recognizing the need for comprehensive and integrated reform in the criminal justice system, the federal government introduced a wide-ranging series of proposals called Directions for Reform: Sentencing, Corrections and Conditional Release in 1990. After substantial consultations on the matter, the government announced plans to move forward with correctional reform proposals through the introduction of the Corrections and Conditional Release Act. The bill was the product of feedback from consultations with 1200 individuals, 80 groups, and all provinces and territories in Canada.

The Corrections and Conditional Release Act would contain significant measures to reform correctional policy to ‘better reflect the values and concerns of Canadians.’ Above all, the legislation would recognize the underlying purpose of the corrections system as the protection of the public. The first principle of the bill was significant in stating that “the protection of society shall be the paramount consideration in the corrections process.”

The CCRA was the first time that victims were formally recognized in any federal legislation governing the corrections system. While as a whole, the CCRA was largely focused on offenders, it also recognized that victims too had rights. Specifically, paragraphs 26(1)(a) and 142(1)(a) required the Correctional Service of Canada and the Parole Board of Canada to disclose information to a victim, including: the offender’s name, the offence for which the offender was convicted and the court that convicted the offender, the date of commencement and length of the sentence that the offender is serving, and eligibility dates and review dates applicable to the offender in respect of escorted and unescorted temporary absences or parole.

The CCRA was important as it gave victims the right to attend hearings as observers as well as to access the Parole Board’s decisions through its decision registry. Paragraph 140(4) “permit[s] a person who applies in writing, have access to that parole decision, and the reasons for each such decision.” And that subsection (2) “a person who demonstrates an active role in the corrections process.

The inclusion of these limited but important rights for victims was pivotal in the victim’s movement. The CCRA allowed victims to receive information that they needed to feel safe, informed, and to feel that the CSC cared about how the offender’s movements through the system affected them.
been successful in broadening and improving the compensation program for families of homicide victims in Quebec. This was a particularly important advancement since the dissolution of federal funding in the 1990’s for such programs. Pierre was also successful in influencing the reform of some prison policies in Quebec, ensuring that victims will be able to express their concerns fully, that society will be better protected due to stricter release criteria, that the police would be allowed to arrest (without warrant) any offenders that appear to be breaking their parole conditions, and that there be a higher level of supervision of offenders in the community. In 2010, Pierre was appointed to the Senate of Canada by Prime Minister Stephen Harper. Pierre continues to use his unique position as both a victim and a politician in advocating for more rights for victims, and hopes, as many other victims do, that such rights will be nationally applicable and balanced with those given to offenders.

Throughout the 2000’s particular types of victimization have begun to receive more recognition. Male sexual victimization, for example, while beginning to receive attention in the late 1990’s, became better known in the mid 2000’s as a serious issue. Key events, such as hockey stars Sheldon Kennedy (1998) and Theo Fleury (2009), disclosing that they had both been sexually abused as teenagers by their junior hockey coach, Graham James, were pivotal in gaining such recognition. The trial and conviction of James illustrated that these offences were serious, however the comparatively light sentence he received caused concern that they are not yet taken seriously enough. Hoping to improve these outcomes, Sheldon has worked to raise awareness about the issue of child sexual abuse by co-founding Respect Group Inc. (which provides on-line education for the prevention of abuse, bullying and harassment) as well as working as a spokesperson for the Red Cross’ violence and abuse prevention programs. The disclosures by Sheldon and Theo, and the publishing of their autobiographies (2006 and 2009 respectively) have helped to show the unique struggles that male victims are often faced with and to promote that it is ok for men in similar situations to seek help.

As every crime affects each individual victim differently, it is necessary that the services available to victims be flexible in their ability to provide support. Fortunately, as the movement has progressed through the 2000’s, services have continued to expand and address the broader needs of victims, as well as those more specific to individuals.

GOVERNMENT

In the last decade, many key legislative reforms that victims had long been advocating for have begun to be implemented.

On June 30, 2000, a National DNA databank was implemented and mandated to be operational within 18 months of that date. This databank signified the unification of past amendments to the DNA legislation, such as permitting police to test DNA from all suspects arrested for serious violent crimes (something that Michael Manning tirelessly advocated for after the 1994 rape and murder of his daughter Tara), as well as addressing some of the issues raised by the police and victims regarding the ability for police to collect and use such biological information in their investigations. This databank allows police to better connect crime scenes where there are no suspects, identify offenders, eliminate innocent suspects, and be quicker to establish if a single offender has committed multiple crimes.

Another information databank, The National Sex Offender Registry, came into force on December 15, 2004. The purpose of the National Sex Offender Registry was to enhance public protection by helping police identify possible suspects known to live or work near the site of a sexual offence. The realization of this registry, and the recent changes made to it, were particularly important to Christopher Stephen’s father who had long advocated for such a registry. Jim was quoted in the London Free press in March of 2011, as saying, “Had this registry been in place at that time, the events of that weekend wouldn’t [have] been so tragic… I think Christopher would have been rescued.” On April 15, 2011, Bill S-2 would make additional changes to the way the registry is administered and would allow police to access the registry more proactively in cases of sexual crimes. The bill would also ensure that sex offenders are automatically included in the registry, and that mandatory DNA samples from such offenders would be taken and stored in the National DNA Databank.

Important legislative reforms would make changes to sentencing as well. The Truth in Sentencing Act came into effect on February 22, 2010 and reduced the amount of credit an offender could receive for time spent in prison pre-trial to ‘1-for-1’ (up to a maximum of ‘1.5 for 1’), instead of the ‘2-for-1’ or ‘3-for-1’ credit that was previously given. The following year, on December 2, 2011, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act came into force, making it so that those convicted of more than one murder would serve their parole ineligibility periods consecutively, instead of concurrently. This legislation recognized that offenders should be held accountable for each and every victim that they had harmed, and was considered to be a great victory for the families of murder victims.

On March 23, 2011, the legislative change that meant the most to Sharon Rosenfeld and her late husband Gary finally came to fruition. After years of advocacy, Section 745 (or the Faint Hope Clause) was finally abolished. Sharon, Theresa and Al McCuaig, and other advocates including Scott Newark, the CPA, CAVF, CRCV, and many others, had considered this to be a grave loophole in the system for many years. Sharon explained, “We spent 20 years working with various governments to have the Faint Hope Clause abolished and when it was finally repealed last year, I felt great relief because we had to endure it in our case; and I know of other families who were devastated when they found out that [even though] the Sentencing Judge stated in court “I sentence you to a life term with no parole for 25 years,” families are not informed that actually the offender...
has a right to apply for parole reduction in 15 years. That part was left out. Further, there are families whose loved one was murdered by multiple offenders and they have to attend the 15 year parole hearing for each of the offenders. I was so relieved that the government finally listened to what victims of crime have been asking for over many years.”

On March 13, 2012, another significant piece of legislation, the Safe Streets and Communities Act, received Royal Assent. While the Act has been seen by some victims and advocates as simply a bill of false promises that will not make society safer or provide victims with any more justice, it has received much support from many victims and advocates. This was particularly true for the provisions regarding minimum sentencing for serious and violent crimes, increasing offender accountability, and improving the flow of information between victims and the correctional system.

Joe Wamback praised this bill and the changes it will bring in relation to young offenders by ensuring that young people who commit serious violent offences will be sentenced more appropriately, and that such offenders will not be granted bail while awaiting trial. He was also satisfied to see the implementation of mandatory minimum sentences for violent and repeat offences, as well as for gun crimes. Joe stated that “the implementation of this legislation is a start… some of these are things I have been advocating for 12 years… our government is listening, it is just unfortunate that it has taken this long.” Sharon Rosenfeldt has also expressed her support for this bill, saying that this bill represents the “culmination of her journey” for much of the major criminal legislative reforms she and her husband Gary had been advocating for, particularly the mandatory minimum penalties for serious, violent, and repeat offences.

In addition to legislative reform, a higher level of interaction between victims and the government was one aspect of the 2000’s that was particularly unique. Victims were increasingly invited to testify on new law and policy, and offices such as the PCVI and the NOVC continually identified areas of concern for victims and brought them to the attention of the government.

An important step in this increased interaction occurred in 2007 when the Office of the Federal Ombudsman for Victims of Crime (OFOVC) was opened. This office works to ensure the government meets its responsibilities to victims, brings the concerns raised by victims of federal offenders to the attention of the government, and provides an avenue for victims to make a complaint about federal agencies or legislation related to victims of crime. Many victim advocates including VOV and the CRCVC had long been calling for just such an office. Steve Sullivan, who was appointed the first ombudsman when the office opened in 2007, recognized Marjean Fichtenberg and the subsequent inquiry into her son’s murder as the first step in the eventual formation of the OFOVC; such an office would not have been possible without her hard work, and the recommendation made in the inquiry into her case.

Since its inception, the OFOVC has made recommendations on how the federal government can improve victims’ experiences in the justice system and has even published 3 special reports containing specific recommendations related to issues regarding internet facilitated child sexual abuse, strengthening victims’ rights under the CCRA, and most recently, ways in which the federal government can balance the justice system to both empower victims and hold offenders accountable. The federal government has acted on some of these recommendations, such as providing funding for Child Advocacy Centres (CACs) or introducing legislation related to increasing the cooperation between internet service providers and police in online child exploitation investigations.

On many occasions, the OFOVC has also recommended that victims receive more legislated rights; though this idea can hardly be considered ‘new’, as was seen by the efforts made by the Reform Party in 1996. While success on this issue at the national level has not yet been attained, at the provincial level some progress was made in 2000, when Manitoba once again became a national leader for victims after Attorney General Gord Mackintosh’s introduction of amendments to the province’s Victims of Crime Act, which made victims rights in Manitoba actually be enforceable. Gord stated at that time, “this will be as important for victims as the Charter (of Rights and Freedoms) was for offenders.” After the bill received assent on August 18 (it is now referred to as the Victims Bill of Rights), its amendments would ensure that Manitoba victims would be entitled to request and receive information from various agencies in the justice system, including police, prosecutions, correctional services and courts; it would provide that victims may request unpaid time off from work to attend court proceedings and that the employer must grant the request; and finally, that a complaint process for a victim who believes he or she has not been afforded such rights would be provided. Currently, all provinces have some variation of a bill or act that provides guidelines about the type of information and treatment victims should be given, but Manitoba remains the only one that is legally enforceable.

The past decade has seen a multitude of legislative changes to better reflect the needs and wants of victims. Though some disparity still exits, these changes have had a positive effect on focusing on the rights of victims and not just those of the offender, balancing the system.

In 2006, the Policy Centre for Victims Issues released a report titled A Multi-Site Survey of Victims of Crime and Criminal Justice Professionals across Canada: Summary of Victims of Crime Respondents. In this report it was stated that approximately half of victims who come into contact with the justice system reported that they thought the justice system did a “good job” of considering victims of crime, an evaluation that the victims made based on the positive interactions they had with police, service workers, and in some cases the Crown Attorney. It was also reported that half of those victims who were required to testify stated that they felt prepared to testify because of the assistance and support they received from service workers and the Crown Attorney. Furthermore, approximately two thirds of victims in this study reported that they were satisfied with their opportunity to give a victim impact statement.

Overall however, victims continue to perceive the system as favouring the accused. Of all of the victims surveyed, only one fifth felt that the justice system did not treat them with respect or that they felt ignored by the system. The victims surveyed also identified areas where improvements could still be made in the future. These areas included more accessible financial assistance and victim compensation programs that would extend to cover economic losses and cost incurred to attend court proceedings; the provision of information to victims could be improved; and victim services should be expanded to cover situations where no charges are laid or the accused is found not guilty.

This report illustrates that the experience of victims has improved substantially since the beginning of the Victim’s Movement, but that the momentum of this movement has not reached all victim issues.
VICTIM SERVICES

Efforts on behalf of the Federal Government to address the broader needs of victims became a tangible reality in the last decade. In 2000, the Policy Centre for Victims Issues (PCVI), the first federal department solely dedicated to assisting victims, opened its doors. Announced in December of 1999, the PCVI was a key part of the government’s strategy to respond to recommendations made in the Standing Committee on Justice and Human Rights’ Report, *Victims’ Rights - a Voice Not a Veto*. The PCVI was established to help victims understand their role in the criminal justice system, to ensure that their perspectives were taken into account when new laws and policies were developed, and to increase awareness about the needs of victims while assisting in developing responses to those needs.

The PCVI also oversees events during National Crime Victims Awareness Week and also has the unique responsibility of administering the Victims Fund, which as of 2005, could also be accessed by victims directly to assist them in traveling to parole hearings. This was especially useful for victims after the Parole Board of Canada permitted victims to present their statements orally in 2001; since funding became available for victims to attend parole hearings, oral presentations by victims have increased by 50% (*Towards a Greater Respect for Victims in the Corrections and Conditional Release Act*, 2010).

The Canadian Crime Victim Foundation (CCVF) was created by Joe and Lozanne Wambach in 2002 after their struggles with the justice system. Since that time they have been providing support to victims across Canada. It is the goal of the CCVF to provide not only victim support service guidelines, but to proactively introduce a clear understanding of crime victim psychology into Canadian society. They understand the importance of both educating others on victims’ issues, as well as ensuring that victims themselves are able to obtain a proper education. The CCVF has recognized that while offenders are given resources to obtain an education as part of their rehabilitation program, victims are not afforded the same opportunity. In an attempt to remedy this, the CCVF developed a scholarship program available to siblings of homicide victims and survivors of violent crime wishing to pursue a post-secondary education or training. The CCVF has also raised funds to offer grants for research on victimization. One such grant of $25,000 was awarded in 2009 to Dr. Susan Tasker and Priscilla de Villiers to assist in their undertaking of Canada’s first study on siblings of homicide victims. This study will look at how the lives of siblings are changed by the murder of their brother or sister, and what Canada can do better for the siblings of future homicide victims.

The Correctional Service of Canada has implemented new programs and services to assist victims such as the Restorative Justice Opportunities Program. Established in 2004, this program is based on the Victim-Offender Mediation Program that British Columbia had begun to use in 1989. Because the BC program was so effective, CSC saw much merit in having these opportunities available to all victims across Canada. On December 1, 2005, CSC and the Parole Board also established the National Office for Victims of Crime, which provides general information to victims and the public, makes referrals to CSC or the PBC for specific enquiries, and operates a toll-free line that victims may call from anywhere in Canada or the United States.

Because of the growing number of registered victims, and in order to better comply with developments in legislation for victims; CSC launched the National Victim Services Program (NVSP) on September 30, 2007. CSC established 30 new full time positions within this program solely dedicated to assisting victims in obtaining information about federally incarcerated offenders. It would be the responsibility of these victim service officers to ensure that any registered victim wishing to exercise their rights under the CCRA would be able to do so and that their requests would be responded to directly. According to CSC, there are now approximately 7,200 registered victims.

Police and court based services for victims have continued to expand their services as well. The Victim-Witness Assistance Program in Ontario for example, expanded to all 54 court districts in the province in 2006, and in that year had assisted 66,000 people. Ontario’s Attorney General at the time, Michael Bryant, stated that, “the program has evolved throughout its 20-year history to keep up with the changing needs of victims. We will ensure the evolution continues.”

As these services expanded, the roles of many community organizations continued to shift, particularly in the last decade. Sharon Rosenfeld says that early in the 2000’s Victims of Violence noticed a remarkable expansion in services providing frontline support to victims. She explained that the organization was able to begin making effective referrals to victims in their respective communities. Sharon stated that “this shift was the result of the much larger number of victim services that had become available across Canada up to that time, particularly in terms of police associated and first responder victim services. As a result of this change, Victims of Violence was able to focus more on educating the community and the government about victims’ issues, needed or available resources for victims, and how laws or policy might be changed to allow for a more balanced justice system.” She explained that, “I am not upset that it has taken so long for this change to occur… changes take a long time, especially when you are dealing with various levels of government and changing people’s attitudes.”

The broad range of frontline services also allowed specific types of services to develop, increasing the ability for victims to find the particular support they need. Child Advocacy Centres, for example, help child victims to feel safe about disclosing abuse and to reduce the amount of additional trauma children may face when going through the criminal justice process. They do this by integrating efforts by police, the crown prosecutor, medical and trauma experts, and other relevant professionals in one child friendly environment, located at the centre, where young victims or witnesses need to only tell their story once. The first of these was The Zebra Centre, which opened in Edmonton, Alberta in 2002. The centre has seen not only a reduction in the amount of trauma suffered by children, but also the collection of better information and a greater potential for convicting suspects as a result of the integrated system of professionals used at their centre. One young girl described her experiences with Zebra in a journal provided by the centre, writing, “As horrible as this is right now, I don’t think I would have made it through this ordeal without the army of support Zebra has given me. I am no longer a young child as it took a very long time to get to trial. I am now sixteen and I can say the Zebra centre never gave up. I truly believe these people at Zebra are God-sent angels. I was so scared of this whole thing but they gave me hope to carry on and push through. I’ll never forget what happened to me but more importantly, I’ll never forget the...
greatness in the Zebra people.” The Zebra Centre represents a giant step forward in the advancement of service for child victims.

There are also now 4 organizations in Canada that are dedicated to assisting male victims. According to Rick Goodwin, founder of The Men’s Project in Ottawa, the high profile Cornwall Public Inquiry revealed that numerous gaps in professional services and proper training to assist male victims of abuse existed. He explained that the Inquiry was key in raising awareness of this issue and recognizing that better support for male victims was long overdue. Rick stated that “the inquiry helped to legitimize males as victims, and brought the issue on to the radar of our lives, it was rights for victims. In a recent special report, "In the 1980 report of the proceedings of The National Work Shop on Services to Crime Victims, The Deputy Solicitor General of Canada at that time, Andre Bissonnette, noted that success in the effort to create more humane, sensitive and effective ‘victim justice’ would require “the cooperation and coordination of many private and public agencies and of all levels of government.” Throughout the victims’ movement, such cooperation between victims, police, community services, the justice system and the federal and provincial governments has improved and lead to many positive developments for victims in terms of available services and resources, as well as legislative changes. Victims and advocates are hopeful that similar changes in the future will continue to propel the victims’ movement forward.

LOOKING INTO THE FUTURE

Moving forward into the next decades, many victims and advocates have identified key areas where improvements still need to be made. Sharon Rosenfeldt has stated she would like to see a “national frame work” for victim services. She stated that, “there is too much disparity across the provinces in terms of services and that needs to be changed.” She noted specifically the availability of victim compensation programs and the lack of a national, uniform standard of how victims should be treated within the justice system. Sharon also stated that in the future it will be important to improve the administration of the Victim Fine Surcharge; something that she is hopeful will be taken seriously now that it was part of the recommendations recently made by the OFOVC in its most recent report.

The ultimate future advancement of the victims’ movement however would be the implementation of a National Bill of Rights for Victims of Crime. Such a piece of legislation has been supported by a variety of victims (Joe Wamback, Sharon Rosenfeldt), advocates (CAVEAT, Victims of Violence, Mothers Against Drunk Driving, CRCVC), and politicians (Reform Party of Canada, Pierre Boisvenu) over the years, but so far has not been successfully implemented. The current Federal Ombudsman for Victims of Crime, Sue O’Sullivan, also recognizes the need for legislated rights for victims. In a recent special report, "Shifting the Conversation", it was stated that “in order to build a system that recognizes victims in a meaningful way, that provides for at least equal rights and treatment of both the offender and the victim, and that helps victims to participate meaningfully by providing uncensored information relating to the impact of the crime, we have to shift the focus... we must acknowledge that victims should never feel like they come second to the offender who harmed them in terms of treatment and rights.”

In September of 2007, a National Victim Services Program was established within the Correctional Service of Canada. This program was created to provide victims of federal offenders with the kind of information about their offender that they had long been asking for. In the past, victims had often told police, Crown Attorneys, judges, politicians, and service providers that they wanted more information about offenders because having that information empowers them to deal with their fear, take control of their lives, and feel safer. Through this program, CSC is able to provide registered victims with a variety of information pertaining to their offender, particularly regarding where they are serving their sentence, when the offender is eligible for parole, and where their destination will be when they are released.

Since the NVSP was established, there has been a 50% increase in the number of active registered victims. Unfortunately, due to privacy issues, the NVSP cannot directly contact victims, but they do reach out in other ways to encourage registration. In 2009, Program Manager Cheryl Fisher began using information from the media to contact courts about cases resulting in federal incarceration. This indirect way of contacting victims was proving to be an extremely successful way of doing outreach. In 2010, Victims Services Officer Susan Simmons took over this time-consuming project and went one step further and developed a more formal approach by mailing the Crown Attorney in each case a Victim Services information package. In the package, she requested the Crown share the information with the victim on behalf of CSC’s Victim Services Unit. The package includes an information guide for victims, a registration form and a self-addressed stamped envelope so that the victim can easily return the form and register with the NVSP. “I believe this initiative is a worthwhile project to continue,” said Susan. “I am only restricted by time in how many [victims and attorneys] I can contact, and by imagination in how many ways I can find to contact victims indirectly.”

CORRECTIONAL SERVICE OF CANADA’S NATIONAL VICTIM SERVICE PROGRAM

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COMMENTS OR FEEDBACK? IDEAS?
SEND US YOUR THOUGHTS, OR
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victim_matters@victimsofviolence.on.ca

VICTIMS OF VIOLENCE
340 – 117 CENTREPOINTE DRIVE,
OTTAWA, ONTARIO
K2G 5X3

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- DEPARTMENT OF JUSTICE
  www.justice.gc.ca

- FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME
  www.victimsfirst.gc.ca

- CORRECTIONAL SERVICES OF CANADA VICTIM SERVICES
  www.csc-scc.gc.ca/victims-victimes/index-eng.shtml