



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Justice and Human Rights

EVIDENCE

**NUMBER 024**

**PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT**

Friday, June 17, 2022

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Chair: Mr. Randeep Sarai





## Standing Committee on Justice and Human Rights

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• (1305)

[English]

**The Chair (Mr. Randeep Sarai (Surrey Centre, Lib.)):** I call this meeting to order.

Welcome to meeting number 24 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the motion adopted on February 8, the committee is meeting to resume its study of the government's obligations to victims of crime. We will also go in camera to discuss the travel plan for this fall and adopt the report on PCEPA subsequent to this first part of the meeting.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. For those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use an earpiece and select the desired channel.

Before I introduce the witnesses I just want to let you know I have two cue cards. I will raise one when you're down to your last 30 seconds. When you're out of time I will raise the red one. I ask that you conclude to respect everyone's time.

As witnesses we have Dr. Benjamin Roebuck, research chair and professor of victimology and public safety, victimology research centre, Algonquin College. We also have, from the Canadian Resource Centre for Victims of Crime, Aline Vlasceanu, executive director; and from Ottawa Victim Services, Heidi Illingworth, executive director.

Witnesses, you will have five minutes to give your opening statements, and then we'll go to subsequent rounds of questions. If you don't finish your comments in your opening statement, try to flesh them out in the questions, or you're more than welcome to submit your statement or briefs to the clerk and we can add those into the report.

We will have Dr. Benjamin Roebuck for five minutes, please.

**Dr. Benjamin Roebuck (Research Chair and Professor of Victimology and Public Safety, Victimology Research Centre, Algonquin College, As an Individual):** Thank you so much.

Victims' rights are not an abstract topic. They have real-life consequences for victims and survivors of crime.

When somebody experiences trauma from violence, they're in one of the most vulnerable moments of their lives and forced to

navigate the complexities of a system that can be quick to leave them behind. The crime is deemed to be against the state, rather than the person who was hurt, and most of the rights with legally binding power belong to the accused, who's guaranteed the right to a fair trial, to legal counsel and to be provided with information on the case against them. If these rights aren't respected, a mistrial can be called, because we recognize that there has been a miscarriage of justice. In fact, sections 7 to 14 in the Canadian Charter of Rights and Freedoms lay out these rights for people accused of criminal offences, because as a society, we believe in justice, fairness and due process.

When it comes to victims of crime—and this is so important—the legal onus is reversed. Our legislation states that victims can receive information when they request it, and the only recourse prescribed is to file a complaint.

In a recent study completed by our research centre, we heard from victims and survivors of crime from all across Canada. I have submitted English and French copies of our report to the committee. People shared the real consequences of not being informed, including missing the opportunity to participate in hearings, to be consulted about decisions that affect their lives and, perhaps, most importantly, to share concerns about their personal safety. This is all because they haven't been provided with information they didn't know to ask for, and no one in our current system is responsible or accountable for providing that information.

What can make things worse is that, at the federal level, privacy legislation has been used to justify not informing victims. The federal government believes that this might violate their privacy. That's a real barrier. Instead, if we draw on a person-centred or victim-centred approach, victims of crime need to be invited into conversations about their privacy and about their safety.

According to our former federal ombudsman for victims of crime, who is with us today, information is a gateway right. It's how we access all of the other rights that we're afforded.

If we apply the reasonable person test, we can assume that a reasonable person who has experienced victimization would want to be kept informed of the progress of an investigation and information about services and compensation. They would certainly want to be provided with information about their right to attend a parole hearing or to give information about their personal safety to be taken into consideration. We don't have to make that assumption, because survivors across the country are asking for this to change.

Section 15 of the Canadian Charter of Rights and Freedoms guarantees the equal protection and benefit of the law, and section 28 guarantees gender equality. In the case of gender-based violence, I don't understand how we can have a system that provides predominantly male perpetrators with information about their rights, legal counsel and guaranteed access to information in their cases, while predominantly female victims don't have access to the same rights. They will only be informed if they ask and if they know what to ask, and they might not be consulted about information on their personal safety in the release planning for that offender.

Decolonizing justice starts with recognizing the power imbalance that exists when people take what does not belong to them without consent. Strengthening rights and services for victims of crime is non-partisan, and it's our responsibility in a fair and equal society.

Section 24 of the Canadian Charter of Rights and Freedoms guarantees an accused the ability to bring a challenge in court if their rights have not been respected. Currently, victims of crime are not permitted to bring a challenge in court when their rights are not respected, only to raise a complaint.

This makes the Office of the Federal Ombudsman for Victims of Crime crucially important. While the Office of the Correctional Investigator has a budget of approximately \$6 million, with 41 full-time equivalent positions, the victims ombudsman has a budget of just over a million dollars, with 10 to 12 FTEs.

- (1310)

Even a modest increase of two to four FTEs would allow the office to recruit additional expertise to develop policy envelopes that can support systemic reviews. There's a lot of work to do.

I'm thankful to have been invited to the committee today. I do hope the government will follow through.

Thank you for your time.

**The Chair:** Thank you, Dr. Roebuck.

Now we'll go to Aline Vlasceanu from the Canadian Resource Centre for Victims of Crime.

**Ms. Aline Vlasceanu (Executive Director, Canadian Resource Centre for Victims of Crime):** Thank you so much.

Good afternoon. My name is Aline Vlasceanu, pronouns she/her/elle, and I am the executive director of the Canadian Resource Centre for Victims of Crime.

Every year more than two million Canadians report criminal incidents to the police, almost a quarter of which are violent. The CRCVC comes into contact with thousands of them every single day of every single year and has done so for almost 29 years.

The year 2020 marked the five-year anniversary since Bill C-32, the Canadian Victims Bill of Rights Act, came into force. In 2019 the Department of Justice's review of Canada's criminal justice system acknowledged that victims often feel revictimized under the current system and argue that major changes are needed to adequately support the rights of victims in Canada.

The CRCVC agrees that major changes must be made to the act as it currently falls short of delivering the rights and protections that it promised. The act was set out to provide victims of crime with four statutory rights, which are information, participation, protection and restitution throughout the criminal justice continuum. Since the act came into effect, the CRCVC has witnessed its shortcomings first-hand and how they have negatively affected victims of crime in Canada. Many of these shortcomings can be attributed to the following issues: sporadic and inconsistent implementation of the act, limited training for criminal justice officials, and no public education effort to inform citizens of their rights under the act.

The above-mentioned shortcomings and much more were also published in the 2020 "Progress Report: The Canadian Victims Bill of Rights" by the Office of the Federal Ombudsman for Victims of Crime. In this report, the office clearly illustrates that the objectives set out in the act have not been met. This year, CRCVC agrees with this conclusion made by the OFOVC.

When the legislation was first passed in 2015 to create the CVBR, there was also a requirement that a committee of Parliament be designated or established to review the CVBR five years after it was enacted. Seven years later, the review has not taken place.

Criminal victimization is frightening and confusing. The effects can be debilitating and demoralizing and leave victims confused, fearful and frustrated, often exposing them to long-term issues to overcome. Added to these impacts is the burden imposed by the complexity of navigating the criminal justice system. The adversarial justice system relegates victims to roles of observers or witnesses in proceedings between the state and the accused.

CRCVC works daily with victims who are often retraumatized by a system that should be protecting them. The Canadian criminal justice system fails to adequately and automatically inform them of their rights and the relevant criminal justice procedures. Some of the most common complaints the CRCVC has encountered include learning about hearings and trials after they've taken place, and learning about their right to submit a victim's statement after the deadline for filing has passed. Another common complaint is being unaware of their right to information about a federally incarcerated offender and unknowingly coming into contact with that person when they are eventually released back into the community.

While the CRCVC assists in a number of ways, a large part of our services involve helping individuals who are navigating the shortcomings of the CVBR. For example, the CRCVC helps registered victims of crime navigate post-trial agencies such as Correctional Service Canada and the Parole Board of Canada in their search for information and participation in the hearings of their offenders. The CRCVC also helps victims who have their rights violated file a complaint, and it supports those who have not had their violations addressed correctly.

These services are directly related to the shortcomings of the act, as victims do not have real tangible remedies available to them when their rights under the act are violated.

Simply put, moving forward, we must hold officials and the system accountable for ensuring that victims' rights are delivered to them in a practical way. As outlined in the OFOVC's progress report, there are a few recommendations to address this lack of accountability. Specifically, these are the introduction of an automatic provision of information about victims' rights and remedies; designating a list of officials who have direct responsibilities to victims of crime within the criminal justice system; and naming the Office of the Federal Ombudsman for Victims of Crime as a single authority with jurisdiction to review complaints by victims of crime in relation to how they were treated by a federal department, agency or body.

In agreement, CRCVC also recommends guaranteeing support services and assistance for victims, collecting national consistent data aligned with rights enumerated in the act, and assisting victims with the collection of court-ordered restitutions for the losses they have suffered.

Furthermore, it's important to note that OFOVC was created as an independent resource for victims of crime in 2011 to ensure that the federal government meets its responsibilities for victims of crime. While the responsibilities of the OFOVC sound promising on paper, it is difficult to follow through with these responsibilities given that there is no current federal ombudsman for victims of crime. The position has been vacant since the end of September. This is an affront to all victims of crime throughout Canada who rely on the OFOVC as an independent resource.

• (1315)

As the committee responsible for reviewing the government's obligation to victims of crime, the Canadian Resource Centre for Victims of Crime and I are calling upon you to use your voice to advocate on behalf of victims of crime in Canada who have had their voices stifled.

Thank you.

**The Chair:** Thank you, Ms. Vlasceanu.

Now we'll go over to Heidi Illingworth of Ottawa Victim Services for five minutes.

**Ms. Heidi Illingworth (Executive Director, Ottawa Victim Services):** Thank you.

I don't know what happened to my camera. It's not turning on now, but I hope you can hear me.

Good afternoon. My name is Heidi Illingworth. I am the executive director of Ottawa Victim Services.

OVS is a community-based agency that provides emotional support, practical assistance, referrals and advocacy to individuals who have been victimized as a result of a crime or tragic circumstance.

[*Translation*]

I thank the committee for the invitation to appear.

[*English*]

The federal government has clear obligations to victims of crime. The 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime—

**The Chair:** Ms. Illingworth, we're going to have to pause. I think there is a rule that your camera has to be on. I'm just getting a message from the clerk.

You can pause for a second and we'll try to get IT services to resolve this issue.

• (1315)

(Pause)

• (1320)

**The Chair:** I've been told we can resume. Interpretation has Ms. Illingworth's text, so they don't need a video to help them translate. Hopefully, we'll get this sorted out before the questions.

Ms. Illingworth, please continue.

**Ms. Heidi Illingworth:** Okay. I'm sorry about that. I don't know what happened. It was working earlier.

The federal government has clear obligations to victims of crime. The 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets out clearly that governments must provide victims with access to justice and fair treatment, enable offenders to make fair restitution, offer victim assistance and support services, and set up financial compensation programs. It is my position that Canada has largely failed to meet or maintain international standards and obligations to victims of crime.

Passed in 2015, the Canadian Victims Bill of Rights is weak legislation. It is symbolic rather than taking real effect, and guarantees neither rights nor services to victims of crime. It was drafted in such a way as to purposely deny enforceable rights to victims of crime. The act specifically states that none of its provisions can be interpreted as giving any victims standing in court to challenge authorities on whether their rights have been met.

When I was ombudsperson, I recommended the act be amended to provide a legal remedy for its violation. Currently, the act prevents victims from legally enforcing their rights either through judicial review of decisions or other administrative mechanisms.

Further, the CVBR places the onus on traumatized victims and survivors to know and assert their rights instead of requiring criminal justice officials, who have a duty of care to victims, to provide information automatically. I believe the act should be amended to clearly define roles and responsibilities of criminal justice officials towards victims.

The act must set out which officials are meant to inform victims of their rights and when they must do so. It must also require them to document what information is shared, how protections are delivered, etc. Authorities such as the police, Crown prosecutors and corrections and parole officials must be accountable for providing the rights that are laid out in the act to information, protection and support, and they should also have to report publicly on how they do so.

Implementation of the CVBR has been a failure, in my view. There is a lack of data collected, reported and recorded at all levels in relation to the rights that are provided in the bill. There has been no effort made to measure the impact of the bill or outcomes for victims. Significant investments are needed to improve the recording of data by all criminal justice institutions.

Implementation also requires the development and evaluation of ongoing training for officials working in the criminal justice system at the federal, provincial and territorial levels who come into contact with victims. This has not happened. It is critical that an evaluation take place to examine the content of the training, who's delivering it, how much training individuals receive and what the impacts are. We must evaluate the effectiveness of the training on criminal justice personnel, especially trauma-informed principles and anti-racist education, so that we can deconstruct power and privilege.

In my view, the objectives set out in the act have not been met. Like I said in the progress report, the implementation has been sporadic and inconsistent. Training opportunities for justice officials have been very limited, and there has been no mass public education effort to inform Canadians that they have rights if they become a victim of crime. Thus, the situation of victims of crime has not fundamentally changed since the bill was passed.

Victims of crime face a very heavy burden in the Canadian justice system. I know you know this, but we expect them to report the crime, to provide evidence, to bear witness, to be cross-examined on the stand and to relive their traumas over and over as they tell their truth, yet we provide them with very little assistance or protection to do so. Unsupported victims are less likely to come forward. When victims are not recognized as rights-bearing individuals in the criminal justice system, the system is less effective.

Canadians deserve transparency. They deserve to know whether our justice system is treating victims fairly and supporting them to recover and if it's respecting their legislated rights or not. Canadians lose trust in the justice system when the rights of persons harmed are systemically overlooked.

Thank you.

● (1325)

**The Chair:** Thank you, Ms. Illingworth.

Now we will continue to our first round of questions, beginning with Mr. Brock for six minutes.

**Mr. Larry Brock (Brantford—Brant, CPC):** Thank you, Mr. Chair.

I sincerely want to thank all witnesses today. I've listened very carefully. I did some research on my own prior to your appearance, and you bring collectively such a wonderful perspective on a deeply flawed system.

This particular bill was pronounced in 2015 with great fanfare as trying to level the playing field for victims across this country. Leaving aside my profound disappointment that the office itself does not have an ombudsperson in place and has not had that vacancy filled since the end of September of last year and now hearing through one of the witnesses that the mandatory review has not taken place within five years, this is deeply concerning to me.

As a former prosecutor, I often remarked there was a lack of balance in our criminal justice system, that the pendulum itself had so shifted in favour of the accused that the victims often felt left out of the process. It's incumbent upon all justice participants, particularly including those in the Crown attorneys offices, to try to include victims in the decision-making. That's usually the process I adopted as a prosecutor, trying to develop that rapport and that trust to make them feel that they're part of the system and to keep them informed throughout the entire process. The way that I conducted my prosecutions vastly differed from my colleagues and vastly differs, I might say, from the entire province of Crown attorneys, at least in Ontario.

Can I get some sense from any witness as to what additional steps by way of professional training you recommend for justice participants to ensure that the victims feel an equal participant in this process?

● (1330)

**Ms. Heidi Illingworth:** Certainly, I think that training is very important for Crown officials. In light of the Victims Bill of Rights, Mr. Brock, it sounds like you took a very sensitive approach when you were a prosecutor, but we don't always see that.

We know that Crowns are very busy prosecuting many cases, so there's not always the time to sit with victims to explain things and what they can expect as they go through the system. We absolutely need to see more sensitivity training, more training around the rights that victims have and their being provided information about the supports they can access when they're called to testify, testimonial aids, that sort of thing, and their rights around impact statements, what that looks like when they can prepare one and the requirements around that. We know there's a form now, and there are restrictions around what can be said.

Victims need all of that information. They need to be guided through that process. Depending on the province or territory, there isn't always victim or witness assistance staff to do that with victims. It's really important that the Crown take the time to do that and that there's training that is national, federal, that ensures that we have a consistent approach to how we support victims as they're going through the difficult process of giving evidence in court.

**Mr. Larry Brock:** Thanks, Ms. Illingworth.

I have one further question for you.

You talk about legal remedies, that legal remedies perhaps should be better reflected in the Victims Bill of Rights for clear violations, and there have clearly been violations for the last seven years.

Also, keeping in mind the evidence of Dr. Roebuck in terms of the charter rights that are available to all Canadians, including victims, do you feel personally that charter violations and the ability to argue charter violations should also form part of the bill of rights?

**Ms. Heidi Illingworth:** I think that would be very interesting. We need to move towards having some sort of system where we can test that. Certainly, in the progress report I made when I was ombudsperson, I talked more about starting with maybe having an administrative review of decisions not to prosecute, for example, so that victims could have a higher level of review there, or if there's a decision made by a federal body, having the ability to seek a Federal Court review of such a decision as a parole board decision and that sort of thing.

I think maybe those sorts of mechanisms would be a good area to begin to test mechanisms for victims' rights.

**Mr. Larry Brock:** Thank you.

**Ms. Heidi Illingworth:** You're welcome.

**Mr. Larry Brock:** Perhaps I will move on to Dr. Roebuck on that particular question.

What sort of path do you envision to empower victims to pursue charter violations?

**Dr. Benjamin Roebuck:** I think when we come into these areas we actually have a lot of the expertise already to respond across the board, because we're already doing it with people who are accused.

I think I see the "out of time" sign.

**The Chair:** I'm sorry about that, Dr. Roebuck. Hopefully we'll be able to extract that in the next round.

The next round goes to Madame Brière for six minutes.

[*Translation*]

**Mrs. Élisabeth Brière (Sherbrooke, Lib.):** Thank you, Mr. Chair.

I don't know whether you can hear me. Our power went out here, and my headset does not work on my telephone. If I am told that the interpreters can hear me, I will continue.

**The Clerk of the Committee (Mr. Jean-François Pagé):** It seems to be fine.

**Mrs. Élisabeth Brière:** Great, thank you very much.

My question is for you, Ms. Illingworth.

I want to begin by thanking you for your testimony and for your commitment to supporting victims of violence.

I know that you have advocated for stricter gun laws in the past. Of course, this is a very important issue for our government. As you know, we recently introduced Bill C-21 on firearms. I hope that it will be passed quickly, so that we can continue to protect the constituents of my community of Sherbrooke and of communities across Canada.

I would like to hear your views on the red flag law provisions, which the government is specifically proposing in Bill C-21.

Can you tell us a bit more about that?

• (1335)

[*English*]

**Ms. Heidi Illingworth:** Thank you for the question.

I wasn't prepared to respond fully on gun control and red flag measures. I did make recommendations when I was ombudsperson on those issues in support of a quicker ability for police to remove firearms and for medical folks to be able to intervene to remove firearms when there was a concern. My understanding is that the process can be delayed somewhat now. I think that's all I'll comment on for now, but I certainly support increasing the ability of officials to remove firearms from persons who may be at risk.

[*Translation*]

**Mrs. Élisabeth Brière:** Thank you.

We also know that research has shown that restorative justice can benefit victims and offenders and improve public safety.

Can you talk about how conditional sentence orders and the repeal of some mandatory minimum sentences can lead to more restorative justice programs in our communities?

[*English*]

**Ms. Heidi Illingworth:** Go ahead, Ben.

**Dr. Benjamin Roebuck:** Thanks, Heidi.

Heidi, Aline and I all recently returned from a conference in Spain with the World Society of Victimology, where a large emphasis was on the application of restorative justice and how it's being applied in different countries around the world. I think the evidence is very clear that restorative justice provides better options for victims. They get to participate meaningfully and often, and they get more from the process than just the traditional outcomes of the criminal justice system itself.

We see in Canada this patchwork fabric where government talks about restorative justice but doesn't back it up with funding. Funding is really important.

We have an exceptional program in Ottawa that's done severe cases of violence to the minimal...and they struggle from year to year to pay their two primary staff. That's very common across the country. I think for restorative justice the evidence is very clear. We need to better provide options within the justice system to participate, and we need to provide funding for those programs, which provide incredible benefits not only to victims but also to the accused who participate in those processes.

[Translation]

**Mrs. Élisabeth Brière:** Thank you very much.

Have you heard about the programs in Spain? Do you have any concrete examples of how they proceed over there?

[English]

**Dr. Benjamin Roebuck:** In countries like Belgium it's a legislated process for the youth justice systems that all cases are automatically referred to restorative justice as the primary mechanism of criminal justice. We heard about applications of restorative principles and responses to armed conflict, but really I think there's very established work about the need for it to be victim-centred.

I think what we did hear clearly was that there are ways to meaningfully apply restorative justice in cases that are sensitive, like partner violence and sexual violence, whereas in Canada sometimes we're hesitant around some of those types of offences because we talk about power imbalances. I think it's important to recognize that those power imbalances continue to exist in relationships regardless of whether there's a safe, facilitated process. Actually, I think we have room to explore the broader application in all types of violence. If it's done safely with facilitators who can meet with both parties in advance and afterwards to provide that follow-up care, I think a lot of work can be done in that process, which creates a much safer society.

[Translation]

**Mrs. Élisabeth Brière:** Thank you very much.

Do you think victims are sufficiently aware of their rights and of what exists in Canada to ensure their protection?

• (1340)

[English]

**Dr. Benjamin Roebuck:** In keeping with what Heidi said, it's questionable whether victims actually have rights in the Canadian experience. If they can't follow up with meaningful recourse, if they can't challenge it in the courts, then it's more of a statement of what we'd like to see.

No, I don't think people understand restorative justice sufficiently. I don't think we advertise it particularly well. I think we can do better. We also need to strengthen access to meaningful rights.

[Translation]

**Mrs. Élisabeth Brière:** Who should inform the victims and when should they be informed?

[English]

**Dr. Benjamin Roebuck:** I'll stay with this thread, if that's okay.

I think just like if something were going to proceed to trial, the police would inform the victim that they've been requested as a witness and the offender would be informed that they're required to attend. I think just in the same process and in the same mechanisms of communication, the option for restorative justice, which should be voluntary between both parties, can be offered at the same point in time.

**The Chair:** Thank you, Madame Brière and Mr. Roebuck.

Next we'll have Monsieur Fortin for six minutes.

[Translation]

**Mr. Rhéal Fortin (Rivière-du-Nord, BQ):** Thank you, Mr. Chair.

I want to begin by welcoming the three witnesses.

I am happy to be hearing from you today. All three of you are eminently capable of answering any questions we may have. That's pretty obvious. It's very helpful to have such knowledgeable people come before us when we have such important issues to consider.

Having said that, Ms. Illingworth, I understand that you were an ombudsman, but that you have been out of office for a few months now.

What impact do you think the absence of an ombudsman for such a long period of time has on victims' rights and the management of the victims' rights program?

[English]

**Ms. Heidi Illingworth:** Thank you for the question.

I do think it is concerning that the position has been vacant for this period of time. It's really an important position to ensure that victims feel that there is someone in the federal system who is there to hear their concerns. As Aline said, it becomes an issue that stresses victims out further. They understand that the office has staff, but when the position is vacant there isn't somebody to actually oversee those complaints that are coming in, to perhaps make recommendations or to start systemic reviews to look at those emerging issues that are coming forward. It's frustrating not only for victims and survivors but for service providers as well, who are dealing with clients who need to make complaints sometimes.

We understand these processes take time. We're hopeful that the process is moving forward to having someone appointed soon.

[Translation]

**Mr. Rhéal Fortin:** Thank you.



From the testimony of the three witnesses today, it appears that one of the major shortcomings of the program, if not the major one, is the lack of adequate information available to victims about their rights.

Ms. Illingworth, as a former ombudsman, do you believe that the person in that position has the power to improve the information network for victims?

Could your potential successor do anything to improve the information available to victims?

[*English*]

**Ms. Heidi Illingworth:** That's probably tricky given the size of the budget of the office. It's a very small budget.

There needs to be a massive public education campaign around citizens' rights should they become victims of crime. I think that is something that one of the federal departments, whether it's Justice or Public Safety, needs to undertake. Perhaps it will coincide with the review of the Victims Bill of Rights. I think that's really important.

Citizens simply don't think that they're ever going to be affected by violence and crime, and when they are, they often don't know where to go, who to turn to or that they have rights in the system. We need a more robust public education and social media—

• (1345)

[*Translation*]

**Mr. Rhéal Fortin:** Thank you, Ms. Illingworth. I'm sorry, I don't mean to be impolite, but we don't have much time.

I would like to put a question to Mr. Roebuck.

Currently, the ombudsman who advocates for victims ultimately reports to the Department of Justice. Senator Boisvenu previously recommended that the ombudsman should be under the jurisdiction of Parliament. Mr. Roebuck, I would like to hear you on that.

In your opinion, should this responsibility be transferred directly to the House or left to the Department of Justice?

[*English*]

**Dr. Benjamin Roebuck:** I think there are benefits to both approaches, but I think that reporting to Parliament provides a stronger mandate for the office.

The intent of an ombudsperson is that it's an independent authority that has the right to bring a challenge to the current approach. There's a power imbalance if that reporting can be stopped at the Minister of Justice, who's approaching issues in a particular way, rather than the wider body that represents the interest of Canadians.

When we look at something as significant as criminal justice, input of governance from a wider body is appropriate. As Heidi said, I think a move in that direction would also necessitate a stronger portfolio of funding. Even if it's not a substantial increase, some increase to bolster that capacity would be an added benefit that would significantly help victims of crime.

[*Translation*]

**Mr. Rhéal Fortin:** Should the ombudsman's mandate also be reviewed, or should they simply report to Parliament?

[*English*]

**Dr. Benjamin Roebuck:** Similar to the office of the correctional investigator, there needs to be some policy leads that can help with systemic issues.

We know that many people who experience violence in Canada never progress to the point where they're a victim with a federally sentenced defender. To uncover some of those aspects, looking into racialized disparities, the barriers that Black families experience with gun violence and this almost reverse onus to prove that their victim wasn't involved in gang violence....

There are a lot of these issues that need to be disentangled, and we can do that better with some added capacity.

**The Chair:** Thank you, Dr. Roebuck.

Thank you, Mr. Fortin.

[*Translation*]

**Mr. Rhéal Fortin:** Thank you, Mr. Chair.

[*English*]

**The Chair:** I'll next go over to Mr. Garrison for six minutes.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thank you very much, Mr. Chair.

I want to thank all three witnesses for appearing today, not just for appearing here but for the work they do each and every day on behalf of victims. I don't think we acknowledge the amount of work that's done with the slender resources available in this country, and I think that's important.

I heard a few things today I would like to ask about, but I don't think they're questions for our witnesses, because all three of them talked about the need for mandatory information sharing with victims. All three witnesses have talked about the need for legal remedies and the need for adequate resourcing. I don't think those are questions for our three witnesses. They are questions, first of all, for us as a committee and, second, for the government.

I also want to say that probably every member of this committee has raised with the government the need to fill the position of the federal ombudsman for victims of crime in a timely manner, and we're well beyond the timely manner. We wait, as do victims, for this job to be filled.

I have three questions I want to ask.

First, I'll ask Dr. Roebuck a question as the academic, and I always confess to being a recovering academic.

Do we have any idea of the reach of victims services now? In other words, of all the victims we have in the system, how many victims get any kind of services? Is there any way for us to judge the size of that problem?

**Dr. Benjamin Roebuck:** We do have some measures.

Previously, Stats Canada had a survey of victims' services. The provinces that are running provincial victims' services have metrics where they're recording, and the services are reporting back on the number of people served. If we were to compare that with the GSS data, the victimization surveys, we know that the number of people who access services doesn't come close to the number of people experiencing victimization, so there's certainly a gap.

What we see in those pockets is that we need better race-based data, because there are discrepancies as to which communities benefit more from victims' services. There's work to be done, but we need better information. We're just starting to see the impact of race-based data to help us address systemic inequality.

**Mr. Randall Garrison:** I'm not going to try to tie you to a figure, but what is the magnitude of that gap? How big is it? Are half not receiving services or three-quarters or 10%? I know that's an unfair question to an academic, but can you give us an idea of the scope of that gap?

• (1350)

**Dr. Benjamin Roebuck:** I can say large and complex, of course. I think there are lots of reasons that people don't go through the justice system, and sometimes the supports that we offer for victims of crime are tied to that system.

We hear certainly from people who are underserved in terms of, say, something as severe as a murder-suicide. If both the perpetrator and the victim die, the family members are left without lots of the services that other people might have.

There's such a wide discrepancy, but it's certainly an area for more focus.

**Mr. Randall Garrison:** Thank you.

Ms. Vlasceanu, when victims of crime approach the resource centre, what are the main services or assistance they're looking for?

**Ms. Aline Vlasceanu:** We normally act as a kind of systems navigator for victims of crime in Canada. A lot of the time folks come to us because they don't necessarily want to report to the police, so they're trying to figure out what rights and what services they can access, given those circumstances.

Unfortunately, within Canada, things like compensation programs and victims' services are done provincially. Therefore, they vary vastly from province to territory. A lot of the time they're left, as Ben mentioned, somewhere in the middle, and they're not sure what to do.

Also, sometimes victims are not getting informed of their rights if they are reporting to the police. They're not told that they can bring someone with them when they're going to the police. They're not told that they're able to do a victim impact statement, or that there is a deadline for that statement or that there are lots of rules they have to follow when writing that. Even navigating post-trial agencies...because their journey doesn't end when the accused is put away. That journey continues, and not just the healing journey. If it's a federally incarcerated offender, it's hearing after hearing after hearing. We can act as a support person during those hearings, and we can help them write their statements. We can also read them

on their behalf, because we know it can take a really big toll on victims.

**Mr. Randall Garrison:** I'd like to ask a more difficult question, Ms. Illingworth, as the former federal ombudsman for victims of crime. The resources available at the office, we all know, are inadequate, but could you give us an idea of the kinds of demands the office was not able to meet because of those resource limitations?

**Ms. Heidi Illingworth:** I just think that you're really limited in the number of systemic investigations that you can undertake, or emerging issues that you can look at, because the full-time employees count is so low, as Ben mentioned. You can only undertake so many projects—essentially, one large report a year, perhaps. There's a limit on translation. There's a limit on communication. Yes, you really have to decide as the ombudsperson what issue you want to focus on based on the complaints that you get or the issues that are brought forward.

It's unlike the correctional investigator's office. Have you seen any of their reports? They're huge. They focus on many systemic issues. The ombudsman's office for victims of crime is much more limited in the work that can be produced as a result.

**Mr. Randall Garrison:** My last question is for anyone or all three of you. Is there a recognition in our mental health system of the need for services to victims who've gone through these traumatic processes?

**The Chair:** Answer very briefly.

**Ms. Aline Vlasceanu:** I think there is some sort of recognition most times, but I think there are just not enough resources to go around. Even when victims are trying to apply for compensation, which includes accessing mental health supports, the long wait-lists and things like that just act as another barrier for victims. Also, there is a limited number of sessions they have available to them. For example, in Ontario, it's about \$1,000, which is less than 10 sessions per person.

**Ms. Heidi Illingworth:** Yes, it's very time limited.

**The Chair:** Thank you, Mr. Garrison.

Next we go over to Mr. Richards for five minutes.

**Mr. Blake Richards (Banff—Airdrie, CPC):** Thank you.

I feel a little bit like I've come full circle. Back when this legislation was put in place, I sat on the public safety committee and we reviewed the bill as it was being put into legislation. I remember at that time many people who came before the committee telling us that one of the big challenges was the lack of information that victims had. There was a belief that this bill would help to address that.

It appears as though, for whatever the reasons, that hasn't been the case, or at least not to a large enough degree. I want to touch on that in a second.

First, it's come up a few times, both in questioning and in your opening remarks, about the position of the commissioner being left vacant. I really see that as a slap in the face to victims. I want to just ask if all three of you could talk about the impact on victims of that position being left vacant.

Perhaps you could do that as concisely as possible. Anyone can go first.

• (1355)

**Ms. Aline Vlasceanu:** Sure. I can go first.

The fact that I have to tell victims that the position is vacant, when they think there is someone there, is really gruelling for me and my team. A lot of the time, when victims are frustrated, we really feel that because we're working with them on the front line.

A lot of victims feel that it underlines the fact that victims don't necessarily have a voice within the system in Canada. I think a lot of the time, while they're traumatized, it's revictimizing to know that there is a position that's been created but not enough investment to have someone in that position.

**Mr. Blake Richards:** Does anyone have anything they want to add to that?

**Dr. Benjamin Roebuck:** Yes. I think right now we're in one of the most complex transformations to criminal justice that we've seen in history. During the COVID-19 pandemic, the transition to virtual service delivery changed so much, which means so many gaps have been created and so many people whose cases had added complexities still need resolution.

Having the absence during the COVID-19 pandemic, with all of those adaptations that are still ongoing, means that a lot of people are left without help and recourse and need somebody who's looking into those issues, for sure.

**Mr. Blake Richards:** What you're essentially saying is that you couldn't imagine a worse time to be leaving the position vacant.

**Dr. Benjamin Roebuck:** That's right.

**Ms. Heidi Illingworth:** Yes.

**Mr. Blake Richards:** Can we turn to what I alluded to at the beginning? This is the fact that victims don't receive the information they need to be able to properly participate in the process, to make sure that their stories are part of the justice system and that they're being treated with respect and in the appropriate way, and to ensure that their impacts are considered as fully as they need to be in the system. You've all mentioned you feel that it's preventing victims from that proper participation in the process.

What is it that's actually missing? Why are victims not able to get the information they need, and what can we do to fix it?

**Ms. Heidi Illingworth:** I'll start quickly, Ben, before you go.

I want to say really quickly that I think a huge gap is around the police provision of information about rights. We know this bill applies to the criminal justice system, so you have to report the crime

to be able to access the rights and participate throughout the justice system.

The first step for me, which is critically important, is that all police be required to provide a victims' rights information card to victims. I made that recommendation as ombudsperson. I understand that the RCMP is moving forward with that—it would be amazing if it actually happens—but all police services in Canada should be providing a little handout that tells people they have a right to information to access restorative justice and protection, etc., which are the rights outlined in the bill.

**Mr. Blake Richards:** I may want to come back to that to ask a follow-up question, but Mr. Roebuck mentioned that he had some stuff to add to this. I'll let you go first, and hopefully there will be time for me to come back for a follow-up on that statement you just made.

**Dr. Benjamin Roebuck:** I'll keep it really brief. We have a big gap in the transition from provincial to federal victims' services, where cases tend not to get passed along. If somebody doesn't register as a victim in the federal portal, they won't be informed of the parole hearing and their ability to provide an impact statement. There's a massive gap that happens at that level.

**Mr. Blake Richards:** I'll follow up on that first. What do we need to do to make sure that people are aware that they need to do that? What would be the step that could be taken to make sure that people are aware of that need?

**Dr. Benjamin Roebuck:** There's a pilot project in B.C. to help merge some of the data in the provincial system with the federal system. The problem right now is that we need to shift beyond thinking that it's a privacy violation to proactively connect with people who've been impacted by federal offences. That's the barrier right now, from my perspective.

• (1400)

**Mr. Blake Richards:** Thank you.

**The Chair:** Thank you, Mr. Richards.

Thank you, Mr. Roebuck.

Next I will go to Mr. Naqvi for five minutes.

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** Thank you very much, Chair.

Dr. Roebuck, I'll go back to you again. I'll start with you, because you talked about data and that caught my attention.

Victims' services is a shared responsibility between federal and provincial governments. Tell us a bit about your experience in terms of how that shared responsibility is navigated, especially in terms of data. What is the state of data across the country among various jurisdictions?

**Dr. Benjamin Roebuck:** I think, often, minoritized or racialized populations are served by more informal mechanisms of support than the traditional systems. One of my big questions at the federal level would be about race-based data for people who are registered in the victims' services portal. Are we reaching the wide range of people who have been affected by federal crimes or federally sentenced offenders, or is there a bias in who's accessing support?

That's a big question. I think the ombudsman can help, but we need, at the federal victims' services level, a data strategy that really explores who's getting access to these services and who is excluded so that we can identify some of these gaps.

**Mr. Yasir Naqvi:** Do you have a sense, through your research, what those gaps are at this moment?

**Dr. Benjamin Roebuck:** In the research we've done with victims of crime and with victims' services providers, we have two very large surveys of folks across Canada who have either been affected by crime or involved in the victims' services sector. Both have predominately white samples, even through outreach through formal organizations.

To reach other people, we need to get into some of those informal support mechanisms. In Ottawa, for example, there's a pastor who has done seven funerals for Black homicide victims. Because the burden as a Black minister is so large, that community connects with him.

There are people who are working so hard who need support. We need to validate our data to be able to identify these gaps and say that there's work to be done. We need to shift resources into outreach and into connecting with these groups.

**Mr. Yasir Naqvi:** Thank you.

**Ms. Heidi Illingworth:** Can I add to that?

We know that certain groups—especially BIPOC citizens—are overpoliced and overrepresented in the criminal justice system. We also know they're underprotected as victims.

As Ben said, we have to start looking at this race-based data about which victims are not accessing services and support. A lot of the data we have, as Ben said, are really showing that we're serving white settlers. We're not serving, perhaps, many groups who are being really negatively impacted by violence.

**Mr. Yasir Naqvi:** Ms. Illingworth, you're executive director of Ottawa Victim Services and I'm from Ottawa.

What kind of outreach awareness or education is Ottawa Victim Services involved in when it comes to minority communities in the city of Ottawa?

**Ms. Heidi Illingworth:** That's something I'm working on actively right now.

We have a brand new project. We've added an anti-hate outreach officer to our team to try to reach out to communities that are impacted by hate crimes and let them know that we have services and support available to them. We are trying to diversify our staff and our board, so that we can build relationships with communities and work with racialized folks.

We've been doing a lot of work since I took over as executive director in the fall, but we definitely have a long way to go. We know our clients tend to be newcomers and racialized folks. We need to make sure that we have culturally safe supports for them, so that they feel safe to come to us to access supports and we can accompany them as they journey through the justice system.

• (1405)

**Mr. Yasir Naqvi:** One group of people I have not heard much about in the discussion today is indigenous peoples of Canada.

What is your experience as to how indigenous victims are provided services?

**The Chair:** Give a very short answer, please.

**Dr. Benjamin Roebuck:** A lot happens within cultural programs and within communities, certainly, even in urban centres, but there are significant gaps.

I know growing attention is being placed on calls for an inquiry into missing and murdered indigenous men, who were largely excluded from the previous investigation but whose lives and disappearances are also worthy of investigation.

**The Chair:** Thank you, Dr. Roebuck.

We'll go for two rounds of two and a half minutes, beginning with Monsieur Fortin.

[*Translation*]

**Mr. Rhéal Fortin:** Thank you, Mr. Chair.

My question is for Ms. Illingworth, the former ombudsman.

Could you tell me about the experience of victims in the general Canadian population in terms of satisfaction, dissatisfaction, advantages and disadvantages?

Is it the same across Canada and in Quebec? Are there regions where this is experienced differently?

[*English*]

**Ms. Heidi Illingworth:** Yes, I would say there are areas of Canada where your experience will be very different. Certainly we know that the more rural and the further north you live, the fewer services and supports are available to access, so that can be a challenge. When you're reaching out for help and when communities are so small that everyone is known to each other, there's a lot stigma and it can be especially difficult to access service. When family members of perpetrators, for example, are involved with providing services in some communities, we've heard of that problem.

Yes, I would say that there are lots of challenges, especially around financial assistance and compensation—

[*Translation*]

**Mr. Rhéal Fortin:** Thank you, Ms. Illingworth.

I have one last question for you and for Mr. Roebuck.

Shouldn't consideration be given to amending the Criminal Code to make it mandatory for victims to be considered a party to any criminal trial? Currently, the parties are the Crown—that is, the prosecution—and the defence. Could we not add, at a minimum, the victim as a third party?

[English]

**Dr. Benjamin Roebuck:** I think there are countries like Germany that have introduced the option for a victim to be a third party in the criminal justice system, and even to have their own legal representation or to act as a kind of affiliate prosecutor. I think there are evaluations that are coming out of some of those approaches. I think it always has to be voluntary. We recognize that some victims would want to participate in that role, and some would not want to. I think we need to have options and choices for how victims engage with the system.

[Translation]

**Mr. Rhéal Fortin:** Thank you, Mr. Roebuck.

Ms. Illingworth, I assume—

[English]

**The Chair:** Thank you, Monsieur Fortin. We're out of time for that.

We now go to Mr. Garrison for two and a half minutes.

**Mr. Randall Garrison:** Thank you very much, Mr. Chair.

I want to take my last two and a half minutes here to talk about coercive and controlling behaviour in intimate partner relationships. I know that Dr. Roebuck has done some research in this area. In the context of victims, I'm really going to ask about the services available and the difficulties of providing services to victims of intimate partner violence. Maybe I can start with Dr. Roebuck.

**Dr. Benjamin Roebuck:** I know that Heidi had engaged with some academics on that specific topic, so I might prioritize Heidi for speaking time.

**Mr. Randall Garrison:** Okay. Thank you.

**Ms. Heidi Illingworth:** I think we have a significant challenge around coercive and controlling behaviour not being part of the Criminal Code. Emotional and psychological abuse is not recognized. We know that many victims of intimate partner violence are actually suffering, not from physical violence but from this controlling behaviour and from this sort of invisible cage they are put in by a partner completely controlling all aspects of their lives.

At my centre at Ottawa Victim Services, we deal with a lot of survivors experiencing this who aren't certain how they can get help. A lot of what we offer is safety planning. We sit with them. We talk about staying in the relationship or eventually perhaps choosing to leave the relationship, if that's what they decide is best for them, but we certainly have a lack of legal mechanisms. We know the police can't respond when there's non-physical violence or abuse occurring. That's a real challenge for the justice system. When I was ombudsperson, I certainly was supporting the call for criminalizing this form of abuse in Canada.

• (1410)

**Mr. Randall Garrison:** Thank you, Ms. Illingworth.

Maybe I'll go back to Dr. Roebuck, who was gracious, and I'll give him the last 30 seconds on this.

**Dr. Benjamin Roebuck:** I think we have really good examples. The U.K. has recent legislation that criminalizes coercive and controlling behaviour because it's such a violation of someone's free will and independence.

I think we also need to recognize that these behaviours occur across all genders and in any relationship. It's happening in queer relationships. Predominantly, it's happening with women who have male partners, but it also happens with male victims of female partners or same-sex partners. I think that when it comes to services and responses, we need to recognize the broad spectrum.

**Mr. Randall Garrison:** Thank you.

**The Chair:** Thank you, Mr. Garrison, and thank you, Dr. Roebuck.

That concludes our meeting here today on the Victims Bill of Rights.

We'll now suspend for about five to seven minutes. I will ask everybody using Zoom to log in again in using the Zoom apparatus. The in camera link was emailed to you at 1:10 p.m. by the clerk, so please Zoom in on the new link. Then we'll resume in about five to seven minutes.

Thank you.

[Proceedings continue in camera]





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