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**RE: Bill C-32: Canadian Victims Bill of Rights**

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**SUBMISSION TO**

**Standing Committee on Justice and Human Rights**

**6<sup>th</sup> Floor, 131 Queen Street  
House of Commons,  
Ottawa ON K1A 0A6**

**Attention: Jean-François Pagé, Clerk of the Committee**

**Submitted by  
St. Leonard's Society of Canada  
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**July 7, 2014**

St. Leonard's Society of Canada (SLSC) is a membership-based, charitable organization dedicated to community safety since 1967.<sup>1</sup> The mission of SLSC is to promote a humane and informed justice policy and responsible leadership to foster safe communities. Our membership of twelve direct service agencies across Canada provides residential and day programs to more than 12,000 previously incarcerated youth and adults annually. We are pleased to have the opportunity to submit our comments concerning Bill C-32 for your consideration.

The development of services and programs to assist victims has been a welcome addition to our Canadian justice system. During the consultation phase prior to the introduction of the Bill, SLSC participated in dialogue with Department of Justice representatives.<sup>2</sup> SLSC then submitted a response to the Discussion Document on *Enhancing Criminal Law Responses to Better Meet the Needs of Victims of Crime in Canada* in which concerns with the bill were presented.<sup>3</sup>

At that time SLSC noted that a federal Victims Bill of Rights has its merits in initiating dialogue on a national standard for the treatment of victims, a societal enhancement of victims' status and role within the justice process, and also in initiating a legislated cultural recognition of these rights. It was further noted that while provincial and federal legislation already exists, the current provincial legislation is not sufficient to render victims' rights in Canada enforceable, nor does it provide national standardized treatment.<sup>4</sup>

Then as now, SLSC asserted that the instances where rights may conflict, are important to understand in order to maintain what the Supreme Court of Canada has viewed as "a just and proportionate balance ... based on the particular case before the court."<sup>5</sup>

SLSC recognizes that C-32 evolved with due consideration of the many submissions made to the Department of Justice. SLSC remains concerned about some aspects of this bill and respectfully asks the committee to consider recommending change regarding the sections listed below.

1. **Definition of a victim.** The definition in the bill states that, ""victim" means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence".<sup>6</sup> While Bill C-32 provides for substitution where the 'victim' is not able to act, SLSC notes that section 1(1) of the Manitoba 1998 *Victims' Bill of Rights* defines victims more broadly to include not just individuals but also corporations, organizations or other affected entities.<sup>7</sup> A question remains as to whether certain people, such as relatives of accused persons will not be given the same rights as others, even though they experience immense pain and are also affected by crime.
2. **Community Impact Statements.** S.26 sets out changes to Criminal Code s. 722.2(1). Community impact statements would allow an individual to prepare a statement on behalf of the community that describes the harm or loss suffered by the community due to the offence committed.<sup>8</sup> There is no guidance as to what constitutes a community, nor how the makers of the statements accredit themselves to represent it. The weight to be attached to such a statement will be difficult to gauge without a means to determine its foundation. Significantly, the Form ascribed for use sets out as its first element a description of the emotional harm allegedly occasioned. This suggests that the

community impact statement will import a generalized conception of and feelings about harm done into the proceedings. Where these statements are currently in place for cases alleging fraud, their consideration is permissive. Here it is mandatory. Given the prejudice this could cause to an accused's case and that victims already have the right to present impact statements, SLSC does not support the provision as stated.

3. **Sentencing Considerations affecting Criminal Code Section 718.** As set out in C-32, s. 23, the insertion in the principles of sentencing of 'to protect society' before the already existing 'contributing to the maintenance of a just, peaceful and safe society' through the imposition of sanctions considering many factors<sup>9</sup> is problematic. Protection of society is a wide-ranging concept that implies that each sentence will take into account all manner of potential threats to society. It can lead to an over-reliance on the most serious sanctions, incarceration and length of incarceration, as precautionary measures. Taken as a whole, existing provisions are adequate to allow the judiciary to mete out appropriate sanctions without this change.

Bill C-32 collects many rights which have already been in place for victims. SLSC acknowledges the important regard set out for its administration in compliance with existing legislation as set out in s. 20. That being said, there is much that is needed to improve the lot of victims. SLSC supports enhanced resources to provide for victim services across Canada and throughout the justice system. SLSC recommends that resources be focused on improving access to community based victim services and that this bill is examined in order to review if there are more effective and efficient ways to achieve justice and fairness for victims.

SLSC notes that many accused and convicted people have suffered victimization. Offender and victim may be one and the same person from time to time. We encourage consideration of the needs of all victims as this Bill proceeds.

SLSC welcomes any questions or comments the Committee may have regarding this submission by email at: [slsc@on.aibn.com](mailto:slsc@on.aibn.com), or by phone: 613-233-5170.

Yours truly



Elizabeth White  
Executive Director

## Notes

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<sup>1</sup> Incorporation #12894 06600 RR0001. Online: [www.stleonards.ca](http://www.stleonards.ca). SLSC is not a religious organization.

<sup>2</sup> Corrections Roundtable with members of Public Safety and the National Association Active in Criminal Justice. (Personal Communication, June 20<sup>th</sup> 2013).

<sup>3</sup> For more information see: St. Leonard's Society of Canada. (2013). *Consultation on a Federal Victims' Bill of Rights: Submission to the Department of Justice on Victims' Rights in Canada*.

<sup>4</sup> Federal Ombudsman for Victims of Crime. (2013). *Meeting the Needs of Victims of Crime in Canada: Submission to the Department of Justice for the Development of a Victims' Bill of Rights*. Retrieved June 2014, from: <http://www.victimfirst.gc.ca/vv/rec1112-rec1112.html>.

<sup>5</sup> Department of Justice. (2013). *Victims' Rights: Enhancing Criminal law Response to Better Meet the Needs of Victims of Crime in Canada*. R v. NS (2012, SCC). Retrieved June 2014, from: <http://www.justice.gc.ca/eng/cj-ij/victims-victimes/vrights-droitsv/discuss-consult.html>

<sup>6</sup> *Bill C-32: An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts*. (2014). 1<sup>st</sup> Reading April 3, 2014, 41<sup>st</sup> Parliament, 2<sup>nd</sup> session. Retrieved from June 2014, from:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6510370&Language=E&Mode=1>

<sup>7</sup> *Victims' Bill of Rights [Manitoba]*, S.M. 2000, c. 33, C.C.S.M. c. V55. (1998). Retrieved July 2014, from: <http://web2.gov.mb.ca/laws/statutes/ccsm/pdf.php?cap=v55>.

<sup>8</sup> *Bill C-32: An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts*. (2014)

<sup>9</sup> *Bill C-32: An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts*. (2014)