

PCVI News – Fall 2017

Welcome

Welcome to the fall edition of the Policy Centre for Victim Issues (PCVI) Newsletter. In this edition, we provide a recap of Victims and Survivors of Crime Week 2017 and share information about the Government of Canada's efforts to improve the criminal justice system's responses to adult survivors of sexual assault. We also provide a summary of the Victims and Survivors of Crime Roundtable held in Ottawa on June 1, 2017, which was part of Minister Wilson-Raybould's criminal justice system review. Finally, we provide an update on Justice Canada's Family Information Liaison Unit (FILU) initiative for families of missing and murdered Indigenous women and girls.

PCVI is interested in your feedback and ideas for this Newsletter. If you have a story to share, information to pass on to colleagues in the field of victim issues, or suggestions for improvement, please contact us at PCVI-CPCV@justice.gc.ca.

Victims and Survivors of Crime Week 2017 – “Empowering Resilience”

The twelfth annual Victims and Survivors of Crime Week 2017 was commemorated across Canada from May 28 to June 3 under the theme of “Empowering Resilience.” Justice Canada supported 193 projects and events that took place during the Week, for a total investment of over \$1.2 million. Events were held in every province and in the territories. The map of events can be found here: <http://www.victimswweek.gc.ca/map-carte/events-evene.aspx>

As in past years, the PCVI hosted a federal symposium to launch Victims Week. This year, in an effort to make the event accessible to victim-serving professionals from different parts of the country, the event was held in Calgary, Alberta, on May 29. In addition, the plenary sessions and workshops were live-streamed in both official languages. The agenda for the symposium can be found here: <http://www.victimswweek.gc.ca/symp-colloque/program.html>.

Victims Week 2017 also included the presentation of the inaugural Justice Canada *Excellence in Victim Services Award*. This award was developed as a way for the Government of Canada to recognize an individual who has empowered victims and survivors of crime, inspired service providers and achieved meaningful change that has improved the experiences of Canadians who have been touched by crime. It is our pleasure to announce that the recipient of the 2017 award is **Ms. Larissa Maxwell**, manager of anti-human trafficking programs at the Salvation Army in British Columbia. To read more about the award and the 2017 recipient, visit the web page: <http://www.victimswweek.gc.ca/symp-colloque/excellence.html>

Victims and Survivors of Crime Week continues to be a successful initiative that works to recognize the dedicated professionals and volunteers who assist victims of crime every day, and to raise awareness of the services and programs available to victims and survivors in Canada.

Actions Taken by the Government of Canada to Improve the Criminal Justice System's Responses to Adult Survivors of Sexual Assault

Recent media coverage and high-profile court decisions have placed a spotlight on the many challenges faced by survivors of sexual assault when engaging with the criminal justice system. Sexual assault continues to be a crime overwhelmingly perpetrated against women and girls, and one that is significantly under-reported. In 2015, approximately 21,500 incidents of sexual assault were reported to the police. The true number of incidents is likely much greater as, according to Statistics Canada, only 5% of sexual assaults experienced by Canadians 15 years of age or over were reported to police in 2014.

The Government of Canada has emphasized its commitment to responding to gender-based violence in all its forms, including sexual violence. In November 2016, PCVI launched two specific calls for proposals under the Victims Fund to enhance the criminal justice system's responses to sexual assault. These calls made a total of \$12M available over three years for projects and initiatives that addressed this specific subject area. Eligible applicants included provinces and territories, Indigenous Bands, non-governmental organizations, criminal justice system stakeholders and victim advocates.

Some of these dedicated funds are being used by provinces and territories to implement promising practices similar to the Ontario government's free [Independent Legal Advice for Survivors of Sexual Assault Pilot Program](#). In addition, these funds are supporting non-governmental organizations who are working with local police forces to implement models to peer-review sexual assault files, similar to the ground-breaking [Philadelphia model](#). The fund is also supporting universities and other community partners to develop and implement bystander intervention programs to address sexual assaults on campuses. Finally, nearly \$100,000 in additional funding from the Victims Fund was provided to the National Judicial Institute to develop training for both federally and provincially appointed judges that will focus on gender-based violence, including sexual assault and domestic violence.

On March 8, 2017 (International Women's Day), Justice Canada held a knowledge exchange on the criminal justice system's responses to sexual assault against adults. The knowledge exchange provided a forum to discuss current experiences associated with reporting, charging and prosecution rates of sexual assault against adults in the criminal justice system and examine promising practices from within Canada and other common law jurisdictions to strengthen the criminal justice system responses. A summary of the [Justice Canada Knowledge Exchange 2017: The criminal justice system's responses to sexual assault against adults](#) can be viewed online.

Speakers at the knowledge exchange made many suggestions for improvement, including law reform. Some of these law reform proposals are reflected in the recently introduced Bill C-51, [An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act](#). The proposed amendments constitute the first adult sexual assault law reforms in two decades.

These proposed changes include clarifying that an unconscious person is incapable of consenting to sexual activity and recognizing the privacy rights of a complainant by, for example, ensuring that their private records, such as a journal or medical records, possessed by the accused are subject to an assessment by a judge before being admitted as evidence. Bill C-51 would also give the complainant the right to make submissions and be represented by counsel in rape shield applications.

These efforts showcase the government's commitment to improving the experiences of adult survivors of sexual assault across the country, and to ensuring that victims of all crime, including survivors of sexual assault, are treated with compassion and respect for their dignity at all stages following their victimization.

Victims and Survivors of Crime Roundtable

In 2015, the Minister of Justice, the Honourable Jody Wilson-Raybould, was mandated by Prime Minister Justin Trudeau to conduct a review of the Canadian criminal justice system. As part of her review, Minister Wilson-Raybould committed to engaging with stakeholders on the issues facing victims and survivors of crime. Therefore, a victims and survivors of crime roundtable was held in Ottawa on June 1, 2017, and was hosted on the Minister's behalf by Mr. Marco Mendicino, Parliamentary Secretary to the Minister of Justice. Minister Wilson-Raybould was in attendance during the afternoon discussion. The roundtable began with an opening welcome from Mrs. Barbara Dumont-Hill, an Algonquin Elder, and the discussion was facilitated by Mr. Paul Kennedy, former Chair of the RCMP Complaints Commission.

The roundtable was attended by participants from across Canada who reflected a broad range of demographic perspectives. There was also representation from victims/survivors and experts on various forms of victimization. These perspectives included victims and survivors of crime who spoke to their own personal experiences with the criminal justice system and/or with Restorative Justice (RJ) processes. RJ practitioners were also engaged in the discussion.

Part of the roundtable discussion focused on participants' key concerns with the criminal justice system. In general, participants expressed the view that the criminal justice system is not effectively meeting the needs of victims and survivors of crime or consistently treating them with compassion and respect, despite some great advancements (e.g., the CVBR). Namely, victims continue to feel excluded from and re-victimized by the criminal justice process. Many participants were concerned about the lack of timely, affordable supports for victims throughout the criminal justice process, and access to affordable, long-term supports (e.g., counselling) after their case concludes in the system. Participants also mentioned criminal justice system delays as a key concern and one with significant negative impacts on victims of crime (e.g., prolonged stress and anxiety).

Another key discussion topic focused on participant views about the use of RJ practices. Participants noted that, while the criminal justice system is often traumatizing for victims, RJ offers victims an opportunity for healing. In this light, many participants agreed that RJ should be provided as an option to all victims of crime, regardless of the type of crime experienced. However, some participants were concerned about the use of RJ in particular cases (e.g., domestic violence) and stressed that, in order to be successful in these cases, the RJ program would need to take a trauma-informed and victim-focused approach.

Based on the roundtable discussion, it is clear that there are many remaining issues to be addressed for victims and survivors of crime in Canada. As such, there is a continued need for Federal leadership, Federal/Provincial/Territorial collaboration, and engagement with non-governmental organizations in order to increase access to justice and improve criminal justice system responses for victims of crime. Ultimately, we must advance a more trauma-informed and compassionate approach toward victims of

crime; one which would ensure that future victims feel included, respected, and supported throughout the Canadian criminal justice process.

Assisting Families of Missing or Murdered Indigenous Women and Girls During the National Inquiry

In August, 2016, the Minister of Justice announced two new funding initiatives to provide direct assistance to families of missing or murdered Indigenous women and girls. Funding totaling \$11M through the Victims Fund was committed to support the development of Family Information Liaison Units (FILUs) in each province and territory. FILUs will operate separately from the National Inquiry to ensure that their services will be available to families, whether or not they also choose to participate in the inquiry. In addition, \$4.5M was committed to enhance and expand the availability of culturally-responsive services and supports for families of missing or murdered Indigenous women and girls.

FILUs are made up of a dedicated team working with and for families to get the information they are seeking about their missing or murdered loved one. They will provide a direct coordination function between families and other agencies and services, such as the police, Crown prosecution services, and social services. They will also provide services and assistance to families in a culturally-safe and trauma-informed manner. While FILU information services will be available to families, it is expected that not all the requested information sought will be available in all cases. Where that is the situation, FILU teams will seek to provide an explanation to families as to why that may be (e.g., the need not to accidentally compromise an investigation that remains open).

FILUs are being developed in each province and territory and are working with Indigenous partners and/or families on the design, development or delivery of their services. As a result, while FILUs across Canada have shared goals and functions (i.e., gathering information for families, working in a trauma informed and culturally grounded manner), the structure and composition of each FILU will vary between provinces and territories.

Alberta's FILU, for example, is located in the Alberta Ministry of Justice and Solicitor General Victim Services, Indigenous Program Unit, and became fully operational in May 2017. Janice Randhile and Ralph Cardinal are two of four family information liaison workers in the unit. Among many things, the liaisons aim to keep families informed about the progress of criminal investigations, court proceedings, or fatality inquiries, and connect families with Elders, spiritual support, and counselling. "I've always wanted to help in whatever way I can on this issue," said Randhile, in an interview with Alberta Public Service Communications. "We are going to be able to do the work and support these families – everybody in this office has that heart and courage to do this. They know this isn't going to be easy."