

The Canadian Victims Bill of Rights

The *Canadian Victims Bill of Rights* provides clear rights for victims of crime during every step in the criminal justice process. Under the *Canadian Victims Bill of Rights* victims of crime have the rights to information, protection and participation, and the right to seek restitution. They also have the right to make a complaint if they believe that their rights have not been respected.

INFORMATION

Automatic Rights to Information:

Every victim of sexual assault, and every victim under 18 years of age, has the right to be informed by the court of their right:

- to apply for a publication ban to protect their identity.

Every victim of sexual assault has the right to be informed by the court of their right:

- to be represented by counsel during third party records production hearings.

Every victim in cases involving serious personal injury, and every murder victim's family, has the right:

- to have the prosecutor take reasonable steps to inform them of plea agreements prior to sentencing.

Rights to Information Upon Request:

Upon request, every victim of an offence punishable by five years of imprisonment or more has the right:

- to have the prosecution take reasonable steps to inform them of plea agreements prior to sentencing.

In addition, upon request, every victim has the right to information about:

- the criminal justice system and the role of victims in it;
- the services and programs available to them as victims, including restorative justice programs;
- their right to file a complaint under this *Act*;
- the status and outcomes of the police investigation;
- where and when their case is being heard in court and its progress and outcomes; and
- hearings held about criminal responsibility on account of mental disorder or the accused's fitness to stand trial, and the dispositions made at those hearings.

The Canadian Victims Bill of Rights will also provide that victims can get information about federal offenders upon request, including:

- the offender's progress in relation to their correctional plan;
- the offender's parole, release date, release destination and conditions of release;
- changes to the conditions of offender's under long term federal supervision;
- the offender's deportation before the expiration of their sentence; and
- to be shown a current photograph of the offender at the time of his or her release from federal custody.

Note: These last provisions have not come into force yet.

There are also mechanisms for victims to obtain certain information about provincial offenders. Please contact the Executive Director, Corporate Initiatives, Performance and Planning Branch, Ministry of Justice (306-787-2803) for more information.

PROTECTION

Automatic Rights to Protection:

Every victim has the right:

- to have their security considered;
- to have reasonable and necessary measures taken to protect them from intimidation and retaliation;
- to have their privacy considered; and
- to have the judge consider their safety and security when the offender applies for bail, and have the judge state that they did so when making a bail order.

Every victim of a sexual offence has the right:

- to not have third party records disclosed to the accused unless the court allows the disclosure;
- to have at least 14 days notice prior to a third party records production hearing unless the court shortens the period; and
- to make submissions at the third party records production hearing.

Every victim under the age of 18 years has the right:

- to have their application for a publication ban to protect their identity granted.

Rights to Protection Upon Request:

Every victim has the right to request:

- that their identity be protected if they are a complainant or a witness;
- the use of testimonial aids when appearing as a witness in court;
- that a publication ban be ordered to protect their identity;
- copies of orders restricting publication, bail orders, probation orders and conditional sentence orders; and
- the use of testimonial aids when presenting a victim impact statement.

Every victim of criminal harassment, every victim of a sexual offence, and every victim under the age of 18 years, has the right to request:

- that accused representing themselves not be allowed to personally question them in court.

PARTICIPATION and RESTITUTION

Automatic Rights to Participation and Restitution:

Every victim has the right:

- to convey, and have considered, their views about decisions to be made that affect their rights as a victim;
- to be given a reasonable opportunity to prepare a victim impact statement;
- to have reasonable opportunity to say whether they are seeking restitution;
- to present a victim impact statement and have it considered by the court;
- to have a photograph of themselves, or the victim if someone is acting on behalf of the victim, taken before the offence, when presenting their victim impact statement;
- to have the court consider making a restitution order against the offender, regardless of the offender's financial means or ability to pay;
- when a restitution order is sought and not granted, to have the reasons it was not granted noted in the court record; and
- where a restitution order is granted and not paid, to have the order entered as a civil court judgment that is enforceable against the offender.

Participation and Restitution Rights Upon Request:

Every victim has the right to request:

- a copy of the restitution order granted;
- to listen to audio recordings of federal parole and conditional release hearings if unable to attend; and
- to designate a person to receive parole and conditional release information on his or her behalf.

LIMITS

The *Canadian Victims Bill of Rights* emphasizes that victims' rights are to be applied in a reasonable way. The exercise of rights must not interfere with police, prosecutors, prison administrators, parole board or ministers' discretion, compromise an investigation or prosecution, cause excessive delay, or cause a stay of proceedings. The exercise of rights must not endanger the life or safety of any individual, or cause injury to international relations or national defence or security. Every victim can choose whether to exercise their rights. If they do not, failing to participate may be taken as an indication the justice system should proceed without further input from, or providing information to, the victim.

HELP IS AVAILABLE...

The Victims Services Program helps victims involved in the criminal justice system in Saskatchewan by providing programs and services. For more information contact the police-based victim services program nearest you, or your local police service or RCMP detachment. For a list of police-based victim service programs:

- go to: www.saskatchewan.ca/victimsservices; or
- contact: 1-888-286-6664 (toll free) - 306-787-3500 (in Regina) - email victimsservices@gov.sk.ca.