



NATIONAL OFFICE

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September 10, 2020

The Right Honourable Justin Trudeau
Prime Minister of Canada
Ottawa, Ontario
K1A 0P8

Dear Mr. Prime Minister:

MADD Canada's mission is to stop impaired driving and to support victims of this violent crime. We were pleased to see that the Mandatory Alcohol Screening provisions your Government passed in Bill C-46 were recently upheld by the provincial courts. We are confident the provisions will survive future constitutional challenges and that these provisions will have long-term impacts on public safety.

MADD Canada is the only anti-impaired driving organization that provides direct support to victims and survivors. In too many cases, we are the only support victims and survivors have, as impaired driving is often not a priority for government funded victim services. Our services extend throughout the entire criminal justice process including the conditional release process. We understand the challenges that victims and survivors face throughout the justice system and the negative impact the system often has on their recovery.

In 2015, Bill C-32 was passed and created the *Canadian Victims Bill of Rights* as well as made several amendments to the *Criminal Code* and the *Corrections and Conditional Release Act* to enhance victims and survivors rights. Section 2.1 of Bill C-32 said, "Five years after section 2 comes into force, a committee of Parliament is to be designated or established for the purpose of reviewing the *Canadian Victims Bill of Rights* enacted by that section." Section 2 was the Canadian Victims Bill of Rights.

Understandably, your government remains focused on the pandemic, which has affected almost every aspect of our daily lives. We understand the risk of the pandemic is not over and will remain the number one priority of the government.

At the same time, there are other priorities that the Government must focus on, some of which you will address in the upcoming Throne Speech. We hope that the Throne Speech will include a commitment to undertake the 5-year review of the *Canadian Victims Bill of Rights*. While we have not been able to truly assess the impact of the *Canadian Victims Bill of Rights*, it is our observation that it has had limited impact on the experience of victims and survivors of impaired driving. This is in part because they often receive fewer services than victims and survivors of other violent crimes but also due to the limits of the bill itself.

Unfortunately, it is difficult to measure the impact of the *Canadian Victims Bill of Rights*. There is little research and data on the experience of victims and survivors of crime in Canada. We do not know, for example, if more victims are being informed of services that are available to them, their role in the justice system etc. We do not know if or how the privacy or security concerns of more victims and survivors are being addressed five years after Bill C-32 was passed. There is a serious lack of data on almost every aspect of the bill.

Our assessment that there has been little impact is based on what we hear from victims and survivors of impaired driving and we suspect that it is the same for victims and survivors of other offences as well. We do believe the amendments to the *Criminal Code* and the *Corrections and Conditional Release Act* have been somewhat more impactful. Given the



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potentially greater impact those amendments have and could have, we encourage you to expand the 5-year review of the *Canadian Victims Bill of Rights* to include provisions in the *Criminal Code* and the *Corrections and Conditional Release Act*.

Some of the issues we feel need to be addressed are:

- Ensuring rights are available to all victims and survivors including those living with disabilities;
- Providing victim/survivors the right to reasonable participation in justice processes as set out in law;
- Expand our understanding of “safety” and “security” to include mental health and psychological wellbeing;
- Allow for reasonable consultation and accommodation with victims and survivors when justice processes like parole hearings are scheduled.

One of the main issues we think requires consideration is the complaint process if a victim or survivors feel their rights have been violated. We supported one family where a complaint against the Correctional Service of Canada was upheld. The violation was specific to the “Right to Protection” and related specifically to geographical restrictions requested by the survivors. The offender was granted parole but the survivor’s request for restrictions was not incorporated into the parole officer’s recommendations to the Parole Board and the conditions imposed did not reflect her concerns. The Correctional Service of Canada acknowledged a violation of her rights and apologized, which was appreciated. However, there was no mechanism to have the Parole Board of Canada reconsider their decision in light of this violation.

It is essential that the 5-year review consider stronger mechanisms of enforcement of rights, especially when they have real life implications for victims and survivors. Recognition of violations is important but when those violations lead to improper decisions that impact a victim or survivor’s life, there must be a way to address these violations in a more significant way.

We look forward to the upcoming Throne Speech and continuing to work with your government to address the risks of impaired driving and the needs of victims and survivors of impaired driving. We hope the Throne Speech will address the 5-year review of the *Canadian Victims Bill of Rights*.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Murie".

Andrew Murie
Chief Executive Officer
MADD Canada

Cc The Honourable David Lametti, Minister of Justice
The Honourable Bill Blair, Minister of Public Safety
Heidi Illingworth, Federal Ombudsman for Victims of Crime