



National Justice Network Update



SEPTEMBER/OCTOBER 2009

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Hello,

Welcome to the SEPTEMBER/OCTOBER issue of the National Justice Network Update. As always, our goal is to provide you with updates on what bills have been introduced and what stage they are at; who is doing what for victims and what is happening in areas such as young offenders, high-risk offenders, conditional release and victims' rights.

This month's articles were written by our long-time volunteer, Laura Tanner. Thank you Laura!

PLEASE SHARE THIS FREE NEWSLETTER WITH YOUR COLLEAGUES, OR HAVE THEM SIGN UP TO RECEIVE IT DIRECTLY AT: <http://crcvc.ca/en/newsletter/>.

Canadian Resource Centre for Victims of Crime

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SAVE VICTIMS OF CRIME OFFICE;

(originally published in The Sudbury Star, Wed Oct 7 2009)

The Canadian Resource Centre for Victims of Crime (CRCVC) is facing closure and the lives of the victims for whom they provide services will once again be thrown into turmoil.

This office provides a valuable service to hundreds of victims of crime across this country. It would be a severe injustice for it to have to close for lack of funding.

Its core funding comes from the Canadian Police Association and as of year end 2009, it can no longer continue funding the efforts of the CRCVC.

My family has been involved with the CRCVC since the murder of our son in 1997. Our lives were thrown into turmoil, and having experienced the trauma and sometimes re-victimization one endures in times of tragedy, I can only guess how much more difficult it would have been without the caring, compassionate and professional services of the CRCVC.

This is devastating for all of us.

The CRCVC travels from coast to coast helping victims access

SNAPSHOTS

SENATE COMMITTEE AMENDS BILL C-25, INSERTING "1.5-FOR-1" CREDIT FOR TIME SERVED INTO THE CRIMINAL CODE

Both the Canadian Police Association (CPA) and the Canadian Resource Centre for Victims of Crime (CRCVC) are dismayed and concerned by the Senate Standing Committee on Legal and Constitutional Affairs' decision to amend Bill C-25 and actually insert "1.5-for-1" credit for time served while awaiting trial into the *Criminal Code*. In a press release on October 8th, the CPA urges members of the Senate not to accept the amendments made by its Legal and Constitutional Affairs Committee and pass Bill C-25 in its original form.

"We are astonished that members of the Senate Committee would side with the interests of convicted criminals and provide them with a codified get out of jail card," said Charles Momy, CPA President. "Releasing offenders into communities prematurely is a recipe for failure and puts public safety at risk," he added.

NORTHERN VICTIMS OF CRIME CONFERENCE HELD IN YELLOWKNIFE

The federal Department of Justice held a conference at the end of September entitled: "Northern Responses and Approaches to Victims of Crime...Building on Strength and Resilience". The conference was held from September 29 to October 1, 2009, in Yellowknife, Northwest Territories. The conference brought together the network of



CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME

Ensuring the equitable treatment of crime victims in Canada



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services and recover from their victimization. It advocates in all provinces and territories for increased victims' rights. Its services are free, for all.

The CRCVC is now calling on our federal government for a minimal annual funding of \$100,000. This amount is approximately the cost to incarcerate one federal prisoner for a year.

The CRCVC is also the only national voluntary organization serving crime victims that receives funding from public safety's Sustaining Funding program.

But of this pool of funding, the CRCVC only receives a grant of \$19,000, while numerous offender serving organizations benefit from more than \$1 million combined in sustaining funding. This is a huge imbalance.

The federal government has made great progress in the last 10 years dealing with victims' issues. The fact that victims of crime are being recognized by the government is a giant step forward.

However, there is much to be done. The CRCVC certainly fills that void.

I am asking the federal government to balance the scales of justice and save this office from also becoming a victim, and provide the funding required.

One thing is for certain -- as sad as it is -- there will always be victims.

Carolyn Solomon
Garson, Ontario

MORE PROBLEMS PLAGUE COMPENSATION PROGRAM IN ONTARIO

An investigation launched by the *Toronto Star* has shown that the Criminal Injuries Compensation Board in Ontario has repeatedly made awards for minor injuries that occur in the workplace. The *Star* found that more than 400 peace and police officers have received over \$1.5 million since 2005.

The report, which focused on claims by police officers, found that awards were made for a variety of injuries that occurred in the line of duty. These injuries included cuts, back/shoulder injuries, broken fingers, and bruising.

professionals who work with victims in Canada's north for the purposes of knowledge-sharing, networking, and raising awareness. It was attended by 270 delegates from across Canada, including the CRCVC's Heidi Illingworth and Krista Gray-Donald, who attended thanks to a grant from Justice Canada.

ONTARIO ICE COUNSELLING PROGRAM EXTENDED

Last month, Ontario Attorney General Chris Bentley announced the extension of the Internet Child Exploitation (ICE) until March 2010. The program provides counselling to eligible child and youth victims of Internet sexual exploitation and their families. This announcement comes in conjunction with amendments to the Victims' Bill of Rights, which makes it easier for some victims of Internet child sexual exploitation, hate crimes and other offences to sue offenders for damages. More information on the ICE program can be found at the Attorney General of Ontario website.

THE BODY SHOP SUPPORTS FIGHT AGAINST CHILD TRAFFICKING

The Body Shop has announced its support of EPCAT, Beyond Borders, and Somaly Mam in their fight against the trafficking of children. For every purchase of its "Soft Hands, Kind Heart" cream, The Body Shop will donate \$6 to EPCAT. EPCAT, which stands for End Child Prostitution, Child Pornography, and the Trafficking of Children for Sexual Purposes, is a global network of organizations. EPCAT in Canada is affiliated with Beyond Borders Canada. In addition, all proceeds from gift bags and the "Bag for Life" will be





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As lost wages and medical expenses were generally covered by workplace insurance, the majority of the awards were given for pain and suffering.

The role of the Board is to award financial compensation to victims of violent crime committed in the Province of Ontario. While peace and police officers do have a right to apply for compensation, as does any citizen victimized in Ontario, the CRCVC is concerned that the Board is making these awards. We feel that the injuries that are being compensated are, in some cases, not the result of violent crime. Also of concern is the fact that the compensation is supplementing compensation already received by workplace insurance, and that the pain and suffering awards surpass those received by victims who often have no other source of financial assistance to help them recover from their victimization.

The CRCVC represents many victims who have lost a loved one to homicide, suffered a serious assault, or felt the lifelong consequences of sexual violence. In these cases, where compensation claims have been made, the process has been incredibly difficult, and the awards have been much less than what has been awarded in the cases highlighted by the *Star* report.

The CRCVC will write to the Chair of the Board to highlight our concerns. We will question how and why the Board would provide these large pain and suffering awards for relatively minor workplace injuries when families of homicide victims must prove that they have suffered from mental or nervous shock (which usually involves severe psychological trauma that substantially affects one's ability to function and can result in a period of hospitalization or an inability to work for an extended period, for example), in order to qualify for a pain and suffering award.

9/11 COMMEMORATION CEREMONY

Family members of Canadian 9/11 victims, in an effort to pay tribute to their lost loved ones and to honour all Canadian soldiers for their sacrifices in the fight against terrorism, gathered at Beechwood Cemetery in Ottawa on September 11th, 2009, to remember and reflect upon the lives of the twenty-four Canadians who perished in the attacks.

contributed to the Somaly Mam foundation. Somaly Mam is a survivor of human trafficking, and her foundation is credited with rescuing over 5,000 young people from the sex trade in Cambodia.

SASCV LAUNCHES WEBSITE

The South Asian Society of Criminology and Victimology (SASCV) has launched its website at <http://www.sascv.edu.tf/>. The SASCV, founded this year, is an international scholarly association dedicated to advancing criminology and victimology in South Asia. Member countries include India, where the society is headquartered, Pakistan, Sri Lanka, Bangladesh, Nepal, Afghanistan, the Maldives and Bhutan.

INTERNATIONAL CONFERENCE TO LINK TERRORISM, MEDIA, AND LAW

The International Press Institute (IPI) is hosting an international conference entitled "The War on Words - Terrorism, Media and the Law" in Vienna, Austria, from 5-6 October 2009. The conference aims to promote discussion and networking around the link between the fight against terrorism and freedom of the press. The conference will examine how security efforts in the fight against terrorism have affected the press' freedom. It is expected to be attended by journalists, lawyers, human rights advocates, security and counter-terrorism experts from four continents. The conference is sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Organization for Security and Cooperation in Europe (OSCE), among others. More information is available at





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Prime Minister Stephen Harper, pictured above with Canadian 9/11 widow Maureen Basnicki, was in attendance and helped to make the celebration of life ceremony a beautiful event. The Department of Justice Victims Fund graciously provided funding for this remembrance ceremony.

TOUGHER SANCTIONS FOR CHILD TRAFFICKERS CLOSER TO BEING LAW

On September 30, 2009, the House of Commons voted to adopt Bill C-268, which proposes tougher sentences for child traffickers. It now must be approved by the Senate in order to be proclaimed into law. The Bill proposes a 5-year mandatory minimum sentence, rising to up to fourteen years, for trafficking in persons under eighteen years of age. The penalties increase further if the child victim is also subjected to an aggravated sexual assault, forcible confinement, kidnapping or is killed, with a 6-year mandatory minimum and up to life imprisonment.

The CRCVC has long supported the increase in sanctions for those who traffic in children, and has supported the adoption of this bill, introduced by Joy Smith, Conservative Member of Parliament for Kildonan-St. Paul, Manitoba. Over 14,000 Canadians signed a petition calling for the adoption of Bill C-268.

It is the only private members bill this session to be adopted by the House of Commons.

SEX WORKERS CHALLENGE CANADA'S PROSTITUTION LAWS

Three Toronto-area sex workers have launched a legal challenge to provisions in the *Criminal Code* concerning

www.freemedia.at/waronwords.

WINNIPEG WOMAN FOUND NOT GUILTY OF KILLING HER HUSBAND

Virginia Hernando has been acquitted of manslaughter in the 2006 stabbing death of her husband Alejandro, during a domestic dispute. During the proceedings, it was revealed that Ms. Hernando was the victim of a pattern of "drunken violence and abuse" from her husband, and kept a knife next to her bed to deter his attacks. Virginia stabbed Alejandro after he punched her and pulled her hair. The Crown argued that Virginia's possession of the knife for a purpose dangerous to the public made her guilty of manslaughter in the case, but the Judge deemed that the knife did not constitute such a danger. The Hernandos were married nearly 40 years and had a son and three daughters, as well as several grandchildren.

MEGRAHI RELEASE CAUSES ANGER AND DISAPPOINTMENT

The release of the Lockerbie bomber from a Scotland prison has upset victims' families and caused international controversy. Scotland's government freed Abdel Baset al-Megrahi on compassionate grounds as he is terminally ill with prostate cancer. Justice Secretary Kenny MacAskill stated that he was bound by Scottish values to release him.

He had served eight years for his part in the bombing of Pan Am Flight 103 in 1988. He was convicted in 2001. Megrahi has maintained his innocence, and dropped the appeal to his case due to his illness. The former Libyan





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prostitution. The laws currently do not forbid prostitution, but do prohibit almost everything related to prostitution, including communicating for the purpose of prostitution, living off the avails of prostitution, and keeping of a “bawdy” house.

The women argue that the laws perpetuate violence against women, putting sex workers at greater risk of harm. They are asking the court to find that current provisions are a violation of their rights to security of the person and freedom of expression under the *Charter of Rights and Freedoms*.

Criminal Code provisions have been challenged in the past, most recently in 1990, when the challenge went to the Supreme Court of Canada, but was ultimately dismissed. At that time, the Court found that the limits on “communication” were justifiable, and dismissed a challenge to the bawdy house provision. The women making the current challenge argue that there is new evidence that was not heard in the 1990 case.

It is expected that the Crown will argue that prostitution is an inherently dangerous occupation, and that changes to the restrictions will result in Canada becoming a “sex tourism” destination.

intelligence officer was sentenced to a minimum of 27 years in prison. The White House, as well as the head of the FBI, has denounced Scotland’s decision.

VICTIM OMBUDSMAN SAYS RESTITUTION POLICIES ARE WEAK

The Federal Ombudsman for Victims of Crime, Steve Sullivan, said that the federal government should update laws to help Canadians regain cash lost through financial scams and investment schemes. Sullivan suggested that those convicted of these types of fraud are not always forced to forfeit future earnings, and may be hiding money.

"These individuals actually have more resources than the average criminal, like the young offender who is breaking into someone's property, and in the future will have potential to have money as well," he said. "No one is expecting them to pay up \$130 million on the spot, but going forward if there's money available, I think that's something that victims could benefit from."

"The people who we've heard from, whether it's fraud or investment schemes, they're not getting their money back. What happened to the money, I'm not sure," Sullivan said. "The government is looking at appropriate sentences and those kinds of things.... I think the victims would be more interested in getting some of their resources and their retirement funds back in addition to seeing more appropriate sentences."

Sullivan suggested that federal law could allow offenders' prison pay to be garnished, tougher tracking and enforcement mechanisms, and better reporting systems for victims. Justice Minister Rob Nicholson pledged such measures following the conviction of Earl Jones, a fraudulent financial adviser who has declared personal bankruptcy.

REPORT RELEASED ON INCARCERATION OF ABORIGINAL ADULTS

Statistics Canada has released a report entitled “The incarceration of Aboriginal people in adult correctional services”. The report presents findings on how many First Nations Canadians were





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admitted to correctional services, as compared to non-Aboriginals.

While Aboriginal adults account for only 3% of the adult population in Canada, they account for 22% of the admissions to sentenced custody during the 2007/2008 study. The proportion of incarcerated adults who are aboriginal has increased from 13% to 18% for males and 17% to 24% for females since 1998/1999. Representation of Aboriginal adults in the west was proportionally higher: for example, in Saskatchewan, Aboriginal adults represented 81% of the admissions to provincial sentenced custody while representing only 11% of the population.

While the report does not study in-depth the possible reasons for the higher rate of Aboriginal incarceration, it does compare the demographics in order to measure their impact on the results. Age, employment status, and levels of education of those incarcerated were found to be contributory factors in the over-representation. These factors, however, only explain about half of the over-representation of Aboriginals in custody. The complete report is available at: <http://www.statcan.gc.ca/daily-quotidien/090721/dq090721b-eng.htm>.

CRIME FREQUENCY AND SEVERITY LOWER IN 2008

A new Statistics Canada study shows that reported crime rates and severity of offences were both lower in Canada in 2008 than the previous year. The report, entitled "Police-reported crime statistics in Canada, 2008", is available at: <http://www.statcan.gc.ca/daily-quotidien/090721/dq090721a-eng.htm>.

The report, which measured the incidence and severity of crimes reported to the police, recognized that these statistics represent only a portion of crime in Canada (as many crimes go unreported). Overall, police-reported crime and crime severity decreased by 5% in 2008, with 77,000 fewer crimes reported. Manitoba witnessed the biggest drop in crime severity, while crime severity drops were reported in most of Canada's cities. The police-reported violent crime rate has been in decline since 2000, due primarily to drops in crimes such as common assault and uttering threats, while overall crime and crime severity have been in decline consistently since 2003.

CAREGIVER SENTENCED FOR "DESPICABLE" ELDER ABUSE

Harry Matthews, a 76-year-old Ottawa man with Parkinson's, was found emaciated and lying on his bedroom floor in 2005. He had not had access to the toilet, and was wearing threadbare pajamas, and his approximately \$1 million in savings had been spent. Daniel Jacques Chartrand, his caregiver since 2003, was sentenced to only 1 year in prison for what was called a "calculating and callous" failure to provide the necessities of life.

Justice Denis Power, in his decision, said that he was "quite surprised to observe precedents are, in my opinion, on the low side. I have difficulty with it. Had Mr. Matthews not been found when he was, he might very well have died. Mr. Chartrand's callousness towards Mr. Matthews was reprehensible."

Mr. Chartrand, who has schizophrenia, has shown no remorse for his crime.

"I don't give a crap about this," he told a probation officer. "I'm just here doing my time. I want to serve my time and be done with this."

