

**APPENDIX 9**



**Victims' Bill of Rights**

## VICTIMS' BILL OF RIGHTS, 1995

### Ontario Ministry of the Attorney General

Last amendment: 2006, c. 35, Sched. C, s. 128.

#### Preamble

The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### Definitions

##### *Definitions*

1. In this Act,

- “crime” means an offence under the *Criminal Code* (Canada); (“acte criminel”)
- “victim” means a person who, as a result of the commission of a crime by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the crime results in the death of the person, includes,
  - a. a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and
  - b. a dependant or spouse of the person, both within the meaning of section 29 of the *Family Law Act*;

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the crime. (“victime”) 1995, c. 6, s. 1; 1999, c. 6, s. 65 (1, 2); 2005, c. 5, s. 72 (1, 2).

#### Principles

##### *Principles*

2. (1) The following principles apply to the treatment of victims of crime:
1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials.
  2. Victims should have access to information about,
    - i. the services and remedies available to victims of crime,

- ii. the provisions of this Act and of the *Compensation for Victims of Crime Act* that might assist them,
  - iii. the protection available to victims to prevent unlawful intimidation,
  - iv. the progress of investigations that relate to the crime,
  - v. the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid,
  - vi. the victim's role in the prosecution,
  - vii. court procedures that relate to the prosecution,
  - viii. the dates and places of all significant proceedings that relate to the prosecution,
  - ix. the outcome of all significant proceedings, including any proceedings on appeal,
  - x. any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,
  - xi. the interim release and, in the event of conviction, the sentencing of an accused,
  - xii. any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and
  - xiii. their right under the *Criminal Code* (Canada) to make representations to the court by way of a victim impact statement.
3. A victim of a prescribed crime should, if he or she so requests, be notified of,
    - i. any application for release or any impending release of the convicted person, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass, and
    - ii. any escape of the convicted person from custody.
  4. If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,
    - i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
    - ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
    - iii. any escape of the accused from custody.

5. Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.
6. A victim's property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system. 1995, c. 6, s. 2 (1).