



## Victims Matter

If you have been the victim of crime, you have rights under Canadian law.

Canada's *Criminal Code* protects the safety, security and privacy of victims of crime, gives victims a voice in the criminal justice system and holds offenders accountable to victims of crime and society.

### SAFETY AND SECURITY

- The court must consider the victim's safety when deciding whether to let an accused person out on bail.
- The court may make an order prohibiting the accused from communicating with the victim or a witness.
- Stalking or *criminal harassment* is a serious criminal offence — a person convicted of stalking may be sent to jail.

### PRIVACY

- In certain circumstances a judge may order a *publication ban* so that the media may not broadcast the victim's identity or information that could identify the victim. If necessary, a judge may even make an *exclusion order* to prevent the public from attending a trial.

### A VOICE

- Victims of crime have the right to submit a victim impact statement to the court describing the harm or loss they have suffered from a crime. The victim may choose to read their statement aloud at the sentence hearing.
- The court must take the victim impact statement into account when sentencing the offender.

### ACCOUNTABILITY

- One of the objectives of sentencing is to acknowledge and to provide reparations for harm done to victims or the community.
- The offender may have to pay the victim *restitution* as part of their sentence — this is a payment of money to help compensate the victim for harm or loss suffered.

- A *victim surcharge* is a special fine the offender pays, in addition to any other punishment he or she receives. The money goes to support provincial and territorial programs and services that assist all victims of crime.

### VICTIMS OF SEXUAL ASSAULT

The *Criminal Code* includes special measures to address the needs of child and adult victims of sexual offences.

For example:

- The law makes very clear what is — and what is not — considered consent to sexual activity.
- A victim's sexual history can't be used as evidence in a sexual assault case, to discredit the victim. [Where such evidence is relevant, a special procedure must be followed which respects the victim's privacy.]
- Personal records about the victim cannot be given to the accused except in limited circumstances and after a ruling by the trial judge.
- A victim's identity will be protected.
- A support person may accompany a young victim or witness when they give evidence in court.
- The court may prohibit the accused from personally questioning the victim in court.
- The court may prohibit a person who has committed a sexual offence against a child from being in places where children may be present.

### FINDING HELP

If you or someone you know have been the victim of crime, help is available. All provinces and territories have services for victims of crime. They can help if you need information or other assistance.

For more information about Canada's justice system and links to victim services, visit the Victims of Crime home page on the Department of Justice Canada Website under Programs and Services at: <http://canada.justice.gc.ca>



POLICY CENTRE  
FOR VICTIM ISSUES

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