

RIGHTS PROVIDED UNDER THE *ACT TO ASSIST PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES AND TO FACILITATE THEIR RECOVERY*

(*Loi visant à aider les personnes victimes d'infractions criminelles et à favoriser leur rétablissement* or LAPVIC)

Right to consideration

Persons who are victims must be treated with compassion, courtesy, fairness, understanding and with respect for their dignity and privacy.

Right to information

Persons who are victims have the right:

- to be informed of their rights as recognized under the *Canadian Victims Bill of Rights*, the *Act to assist persons who are victims of criminal offences and to facilitate their recovery* (*Loi visant à aider les personnes victimes d'infractions criminelles et à favoriser leur rétablissement* or LAPVIC), or any other legislation;
- to be informed of forms of recourse available to them if they feel their rights have not been respected;
- to be informed of the complaint-handling procedure of any ministry or organization that offers them services, and of the outcome of their complaint;
- to receive assistance and compensation measures provided under LAPVIC;
- to receive all health and social services, as well as any form of assistance, preventive or protection services that are available to provide victims with the necessary medical, psychological or social services;
- to be informed, if they so request, of the progress and outcome of the police investigation, insofar as possible and if not inconsistent with the public interest;
- to receive testimonial aids and support when appearing as a witness;
- to be informed of their role and participation in any judicial proceedings as well as of the progress and outcome of those proceedings and of any decision that concerns them;
- to receive any adaptation or rehabilitation programs that could further their recovery;
- to be informed of all available restorative justice programs;
- to be informed of any hearing held by the *Commission d'examen des troubles mentaux* (mental health review board or CETM) for the purpose of determining the fitness or unfitness of the presumed perpetrator to stand trial;

- to be informed of any hearing held by the CETM that could lead to the perpetrator of the criminal offence being found not criminally responsible on account of mental disorder, or of any hearing held following such a finding;
- to be informed of any hearing held by the CETM to determine whether the perpetrator of the criminal offence of which they were a victim is a high-risk offender;
- to be informed of any review provided under the *Corrections and Conditional Release Act* that concerns the conditional release of the offender responsible for the offence and to be informed of the time and conditions of that release;
- to be given information relating to the release of the offender responsible for the offence of which they were a victim as provided under the *Act respecting the Québec correctional system*.

Right to support and accompaniment

Victims have the right, based on available resources and as prescribed by law:

- to receive the medical, psychological or social assistance they require, as well as other necessary support services that provide shelter and assistance, and referrals to any other services that can help them;
- to receive the rehabilitation services and assistance they need to move on with their lives or facilitate their social or vocational reintegration.

Right to participation

Victims have the right to have due consideration given to their views and concerns where their rights are affected with respect to the criminal offence that caused their loss of integrity or material loss.

They have the right to present a statement describing the consequences the crime has had on their life and their fears (victim impact statement) to the following instances:

- the Court of the Youth Division (*Chambre de la jeunesse*) prior to sentencing;
- the *Commission d'examen des troubles mentaux* (mental health review board or CETM) if the accused has been declared not criminally responsible on account of mental disorder or unfit to stand trial;
- Correctional Service Canada and the Parole Board of Canada regarding the release of the offender who was responsible for the crime of which they were a victim. The procedure, described in the *Corrections and Conditional Release Act*, applies to persons serving sentences of two years or more.

Victims have the right to make written representations to the Québec ministry of public security (*ministère de la Sécurité publique du Québec*) and the Québec conditional release board (*Commission québécoise des libérations conditionnelles*) regarding the release of the offender who committed the crime of which they were a victim. These provisions under the *Act*

respecting the Québec correctional system apply in cases of offenders serving sentences of under two years.

Victims also have the right to attend hearings (as an observer) of the Parole Board of Canada and the *Commission d'examen des troubles mentaux* (mental health review board or CETM).

Victims who are minors, incapable of receiving communications or making representations may be represented by a person acting on their behalf and in their name. The purpose of this measure is to make it easier for victims to participate and be heard by certain instances (such as the *Direction générale de l'indemnisation des victimes d'actes criminels* [IVAC], correctional services, parole boards, etc.).

To make it easier to testify in court, victims have the right to request stress-reduction measures, called "testimonial aids," including:

- being accompanied by someone they trust or a service dog;
- testifying outside the courtroom through closed-circuit television, behind a screen or some other device that conceals them from public view;
- submitting a video recording by the police of the statement of victim who is a minor or who has a physical or intellectual disability.

Right to protection

Victims are entitled, subject to available resources, to protection from intimidation and retaliation.

Victims also have the right to have their security taken into consideration by the appropriate authorities in the criminal justice system.

Right to privacy

Victims have the right to the protection of their private life and confidential personal information.

Right to seek restitution

Victims have the right, as regards to the criminal offence that led to the interference with their integrity or material loss:

- to receive, in a prompt and fair manner, reparation for the interference suffered or financial assistance, if applicable;
- to have their seized property returned to them as soon as possible where its retention is no longer necessary for the purposes of the administration of justice;

- to have a court consider making a restitution order against the perpetrator of the criminal offence.