

Backgrounder Right to Protection

Currently, there are numerous provisions in federal law to prevent or respond to harm done to victims. The *Canadian Victims Bill of Rights* would build on this foundation and include rights for victims to:

- Have their security and privacy considered by criminal justice personnel;
- Be protected from intimidation and retaliation;
- Request testimonial aids when they are required to testify in court; and,
- Request that their identity be protected from public disclosure.

In the proposed *Criminal Code* amendments to accompany the *Canadian Victims Bill of Rights*, the way third party records in sexual assault cases are handled would be improved to better protect the safety and privacy of victims. Third party records are documents or other records that have personal information about the victim or another witness, are in the possession of someone other than the Crown or the defence, and include information that the victim could reasonably expect to be kept private, such as medical records. For example, one proposed change would require the court to consider the security of the victim or witness when determining whether to provide a third party record to the accused.

The availability of testimonial aids would be broadened. For example, courts would be required to consider factors such as the security and protection of the witness in determining whether to allow a victim to give their testimony via closed-circuit television. Similarly, in the case of a self-represented accused, the court would be required to consider the security of the witness and whether they require protection from intimidation or retaliation when determining whether to appoint counsel to cross-examine the witness. Proposed amendments would also make publication bans presumptive for cases involving child witnesses.

Proposed amendments to the *Canada Evidence Act* would remove the common law rule that prevents the spouses of accused people from testifying against the accused on behalf of the Crown. This amendment would allow relevant evidence to go before courts, and better enable the Crown to protect victims by successfully prosecuting offenders.

Proposed amendments to the *Corrections and Conditional Release Act* would require the Parole Board of Canada to impose non-contact orders and geographic restrictions on offenders under long-term supervision orders, where reasonable and when necessary. Amendments would also require the Parole Board of Canada to consult the victim before these conditions are removed or varied, or provide reasons as to why such conditions were not imposed. In addition, other amendments would allow the Correctional Service Canada to show a victim a current photograph of the offender at warrant expiry or at conditional release, unless there is a risk to public safety.