

Community Legal
Education Association



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VICTIM ISSUES

VICTIMS MATTER

Under the *Youth Criminal Justice Act*, the interests of victims are to be given careful consideration. The Act recognizes that victims should be kept informed and treated with courtesy, compassion and respect for their dignity and privacy.

Victims should be provided with information about the proceedings and be given an opportunity to participate and be heard. They should also be inconvenienced as little as possible.

CONSIDERATIONS OF THE VICTIM

When an extrajudicial sanction is used victims have a right to request and receive information about the identity of the young person and how the young person was dealt with. Victims have a right to access certain youth records. Victims are given a voice in community-based recommendations and in conferences. Young persons are encouraged to provide apologies and restitution to victims where appropriate.

Note: An *extrajudicial sanction* is a type of *extrajudicial measure*, which is used to deal with a young person other than through court. *Extrajudicial sanctions* are used if a warning, caution, or referral would not be adequate because of the seriousness of the offence, previous offences, or other aggravating factors. *Extrajudicial sanctions* may include community service, restitution, and counselling.

VICTIM IMPACT STATEMENT

A Victim Impact Statement is a written statement from a victim's point of view that is submitted to the court. Victims can describe the harm that has been done and the impact of the crime on their life. A person who has suffered physical or emotional harm may prepare a Victim Impact Statement. If the victim is unable to make a statement, their spouse, close relative, or dependant may make the statement for them. Survivors of a deceased victim and parents of a child victim may also make a statement.

VICTIM SURCHARGE

Manitoba has a fine surcharge program to help victims of crime. The fine surcharge is 15% of the total fine that is given to the young person. That surcharge goes into provincial programs and services such as the Compensation for Victims of Crime Program. This program provides compensation for personal injury suffered by the victim of a crime. The immediate family member of a deceased victim may also apply for compensation.

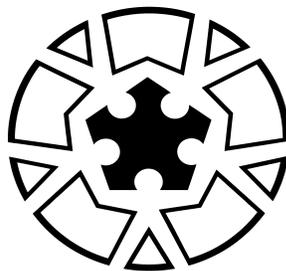
COMPENSATION AND RESTITUTION ORDERS

The young person's sentence may require a payment of money directly to the victim of the crime. This amount is intended to cover money losses or property damage caused by the young person. Compensation and restitution orders fall under the principle of repairing the harm to the victim and community found in the *Youth Criminal Justice Act*. Such orders are also intended to encourage accountability and a sense of responsibility of the young person to the victim and society.

Compensation through a restitution order may be suggested by a conference, or requested by the crown attorney.

PUBLICATION ORDER

A publication ban prohibits disclosing identifying information of certain victims and witnesses in order to protect their privacy. Under the *Youth Criminal Justice Act*, publication of identifying information about a child or a young person who is a witness or victim of an offence committed by a young person is prohibited. A victim or witness of an offence committed by a young person may authorize publication of their identifying information after they have reached the age of 18 or before they are 18 years old with the consent of their parents. Parents of a deceased child or young person who was a victim or witness of an offence committed by a young person may publish information identifying their child.



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