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# Standing Committee on Justice and Human Rights

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EVIDENCE

**Monday, March 29, 2010**

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**Chair**

**Mr. Ed Fast**



## Standing Committee on Justice and Human Rights

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•(1340)

[English]

**The Chair (Mr. Ed Fast (Abbotsford, CPC)):** I call the meeting to order.

This is the seventh meeting of the Standing Committee on Justice and Human Rights. Today, March 29, 2010, we're continuing our study on organized crime.

We're privileged to have with us the honourable Allan Wachowich, former Chief Justice of the Province of Alberta.

Is that correct?

**Hon. Allan Wachowich (Former Chief Justice of the Court of Queen's Bench of Alberta, As an Individual):** I was Chief Justice of the Court of Queen's Bench.

**The Chair:** Thank you for that clarification.

As I think you've been told, you have an opportunity to present. Then we're going to open the floor to questions. We have a number of members still to appear, but we certainly have a quorum here.

Please proceed.

**Hon. Allan Wachowich:** Thank you, Mr. Chairman.

I don't know whether it's an honour or not to be here this afternoon. It was three weeks ago today that I ceased to be the Chief Justice of the Court of Queen's Bench. Compulsory retirement is at 75, and so I obeyed the law and retired. Up until that time, of course, I could not appear before a body such as this to give you my views, whatever they may be, as they relate to organized crime, particularly what we see of it from the point of view of the bench in Edmonton and Alberta.

I was invited late on Thursday to be here, and I said I could make it. I did a little work with one of our students and circulated a little bit of a paper that you have before you as to where we stand in Edmonton on the matter of organized crime as we see it.

I think we have to go back a little bit. You have to remember that we're a court of general jurisdiction. So my jurisdiction was not only to take care of the civil procedures in court but also the criminal procedures and to assign the judges. The only authority I had was to tell judges where and when to sit. What we tried to do when we got these complex cases relating to organized crime was to assign a judge who had some considerable experience in the area.

The big case that came before the courts in Alberta was Regina v. Chan about five or six years ago, when 30 were arrested. We didn't really know how to handle this because we didn't have the capacity

within the courtroom to handle it. This resulted in our building a courtroom for about \$2.3 million, fully equipped with adjoining cells in the basement of the courthouse in Edmonton. We had studied what was done in Winnipeg when it had a very similar case starting before ours. Winnipeg had moved its courtroom into an old mill, I think it was, about three or four miles away from the courthouse. We were satisfied to handle a mega-trial of this type, which we'd never had the experience of doing in Alberta before. We had to try to see if we could keep it within the courthouse for security and other reasons.

That trial became very complicated. There were a good number of lawyers. It finally got severed. Most of the accused pleaded not guilty. A few pleaded guilty. The proceedings then commenced and the case collapsed under its own weight, because it was under the section relating to organized crime. Regrettably, the prosecutors weren't really trained to handle that, as it was new to them. There was application after application, including all kinds of applications for particulars and further and better particulars. Finally, these charges were stayed. By that time, probably three years had passed and the people who had pleaded guilty were already back out on the street, while others were still being tried. When they severed the two trials and they were stayed, the crown never appealed. It was a well-learned lesson about gang trials and procedures.

The result is that we have since probably had three trials proceed under that section as it relates to organized crime in Edmonton. One of the trials was called Park, which dealt with a big fraud relating to mortgages. He was acquitted of the fraud charge and also of the charge of receiving benefits from criminal organizations.

There's one that's ongoing called R. v. Alcantara, which is a criminal organization. However, this trial is not proceeding under the organized crime section because the prosecutors feel they can better handle these cases without going under that particular section.

We have another case called the Caines trial, with Caines being the co-accused of Alcantara. He will probably be pleading guilty because of a deal that I think is going to be made.

That's the extent to which we have been involved with the organized crime trials that have come before us.

•(1345)

You will see some remarks from a Mr. Finlayson in the paper that I've circulated. It's somewhat interesting, because he gives reasons for not proceeding under the organized crime sections. He says to sever when you possibly can sever, and to lay specific charges because they can be handled a lot more expeditiously, in particular when it comes for demands for particulars and for full disclosure.

I know that the prosecutors would be reluctant to come before this committee at this stage because they're active in these cases, but you at least have the benefit of what a prosecutor has to say to me. This is from the justice department in Alberta. Some other comments in the paper may also be of some use to you.

Organized crime has been with us, in one way or another, for a long time. When I grew up there were zoot-suiters. They were more into mischief than into trying to get proceeds out of organized crime. Organized crime, as I see it in this particular city—and I think this feeling is shared by a lot of my former colleagues—isn't big, because the genesis of the organization does not take place here. It's probably Vancouver. In Ontario it's probably in Toronto. However, the individuals who are organized here are making other people rich. We have to read between the lines and make some inferences, but this is what we see during the course of the trials we conduct. We really don't see that much of it in comparison to other places.

We have a specific problem in Wetaskiwin because its jurisdiction takes in Hobbema, and there is organized crime among the native gangs in Hobbema. That may be one of the areas where there is more intense activity by way of organized individuals; the other place would be Fort McMurray. Once again, they are usually identifiable groups. A lot of them are immigrants. A lot of these immigrants come here with a lot of talent and add to our culture, but at the same time they bring their baggage. Sometimes their baggage is the fact that they've been involved in some type of organized crime activity back where they came from.

As an overall assessment, in Alberta and in Edmonton in particular we're not having any problems now in being able to handle these cases. We recognize that the prosecutors still have some considerable problems in supplying the information that they're obliged to provide under Stinchcombe. These are not easy cases and they're usually adjourned. On a few occasions it was to ensure that all the particulars were given in disclosure. A lot of these prosecutors are young and still learning their trade, and it's not an easy job for them.

The law has changed since Stinchcombe. The law has changed since the charter. I've been a judge for 36 years, and pre-charter it was easy doing criminal cases; if the policeman didn't beat the living daylight out of someone or else promise him everything that you could imagine, the evidence was admissible, but with the charter and the rights that are now given under the charter, it has become very difficult for judges. Judges have a tough time handling the charter.

We're getting better. When I went to law school, the charter was sections 96 and 97 of the BNA Act, and that was it. In 1982 to 1985, we started to learn about the charter. I had a landmark decision in the Bridges case; I had to impose the charter, and the Bridges case changed the warnings that the police had to give all across Canada. We had to advise them of the availability of legal aid.

●(1350)

To be quite frank with you, I hated it, hated doing that. I knew this guy maybe wasn't guilty, but boy, he was involved: scot-free. The police weren't used to dealing with individuals and applying the charter at that stage either, because they were still from the old school.

That to me was a very good example of where I as a judge, who all of a sudden, after sitting for about fifteen years.... You don't like to change, but you do change; you say, the charter is the charter, and that's the law now.

We're getting better at the application of the charter, and I think prosecutors are getting better at disclosure. Cases are running quite smoothly. These cases take a little bit longer, and we often adjourn them, but at the same time, we can give, in Edmonton and Calgary, a trial within seven months or six months after preliminary has been concluded and the person has been arraigned. We're pretty proud of that record. Maybe it's in part because the crown is now proceeding as I indicated.

Thank you very much.

**The Chair:** Thank you. We'll open the floor to questions.

We'll start with Mr. Murphy. You have seven minutes.

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Thank you, Chief Justice. I have read about your career and your sense of humour and your accomplishments in the legal field. I'm very impressed.

I am from New Brunswick. The eastern part of Canada has a different sort of criminal mindset, for sure, and what we are discovering in this tour around the country is that there are different problems in different locations. But there are some constants, and one thing that we grapple with and that divides us sometimes is the usage of judicial discretion. Some offer solutions, as legislators, to legislate and to bring in mandatory minimums or very strict directions to judges of the first instance as a way of helping situations of leniency, increasing deterrence, and generally making the criminal element be more regulated.

I would be interested in your perspective on whether there has been too much judicial discretion. We had witnesses this morning from the police community who suggested that the system is not working in part because judges are not paying sufficient heed to evidence in bail hearings, show cause hearings. I know that as a chief justice you may not be in the provincial courts of first instance that much, but the mistakes generally trickle up to where you were for so many years.

It's a general question. As I say, I'm a big believer in judicial discretion, but as with apples, there are some judges who don't get it right. Presumably courts of appeal and Canadian Judicial Council hearings help with that.

The other aspect I'll ask you about is along the same lines. There have been suggestions at this committee, and I have been here for four years, about judges being totally unaccountable. We don't get to interview many of them. The idea is that there is the Canadian Judicial Council and there are the criminal courts to take care of judges, but that you are not as accountable as a group as we are, let's say, because every so often we have to knock on doors and be rejected or not. In some cases, if you don't go door to door, you do better, but....

Do you think judges are accountable enough, and do you think judicial discretion is way overboard?

• (1355)

**Hon. Allan Wachowich:** We're a human system. We've created a human system in our judicial system in Canada. In a human system you're going to get strengths and you're going to get weaknesses.

It would be easy to get rid of judicial discretion by having a grid system like the one they have in California and say "three strikes and you're out"—third time with a loaf of bread, 21 years.

Judicial discretion, in my view, goes part and parcel with judicial independence. You can make mistakes at a trial level, and the solace is this: that they can go to the court of appeal and be straightened out. But I find that judges, generally speaking, are very careful when it comes to judicial discretion. If it's exercised, it's exercised for a good purpose. It's exercised because they feel the consideration not only of punishment, but that the person has some redeeming qualities and may be able, over the course of time, to do something about straightening out their ways.

We get this criticism all the time, that we're not hard enough. We could be hard enough; it's easy to be hard enough. Then we're in a new business, and that's building prisons. We have a prison population right now.... In Alberta we have 3.8 million people, I think it is, and Holland has 14 million people, and we have twice as many people in prison. It's easy to be hard; it's hard to use discretion.

Discretion used by individuals who are properly appointed—and usually the people who are appointed are of the best from the profession and are very careful when they use judicial discretion.... The matter of accountability is that we are accountable as judges. We are accountable first of all to our own conscience, and that's most important. The people who are there are there with a conscience. Once again, the solace is that if we are wrong in the decisions we make, the court of appeal is there to straighten us out, and the crown usually then appeals those decisions.

Accountability is something that I feel we have in Canada; we are accountable as judges. The Canadian Judicial Council receives complaints, probably 150 to 175 a year. We've never in Canada had anybody thrown off the court by Parliament. We've been close on a couple of occasions. We have 1,200 judges, more or less, in Canada in the federal system and have about 120 to 170—some complaints. California, which has a population the size of Canada's, has more than 3,800 complaints each year. There are full-time judicial councils and sub-councils sitting to hear the complaints. Where do the complaints come from? Usually they're from elected judges. We've done a pretty good job of appointing judges in Canada; we really have. Your government has; prior governments have.

Every so often something happens. You tell your Chief Justice Smith in New Brunswick that he was a mistake. Just tell him I said that.

**Some hon. members:** Oh, oh!

**Mr. Brian Murphy:** In ten seconds, do you think there is any room for a mix, with an elected judge at the first instance level, at least? Sometimes those people are weather vanes for what the public wants in terms of law and order, and if they make mistakes in charter application and voir dices and all that stuff, it can be sorted out by a section 96 judge, or a court of appeal judge.

• (1400)

**Hon. Allan Wachowich:** What I hear most about any kind of election of judges is that once you are in the election process, you're beholden to someone. We cannot be beholden to anybody; I don't care what the level of the court is. The provincial attorney general, when he makes the appointments, has to do this with great scrutiny. They now have committees that go through the names, and their selection process now is, I would dare say, vastly improved from what it was years ago.

**The Chair:** Thank you.

We'll move on to Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** Thank you, Mr. Chair.

We are here because we are continuing a study of organized crime in general. I would like to hear your opinion: what do you think of minimum sentences? Are they a good way to fight organized crime, as some people think, or, on the other hand, are judges perfectly capable of recognizing different degrees of involvement and responsibility with respect to organized crime?

[*English*]

**Hon. Allan Wachowich:** I have no difficulty with minimum sentences in serious offences. In my view it is a serious offence if a person is found guilty for participating in organized crime. This undermines our whole social structure, undermines our society; it is an evil that has to be eradicated. You just can't have these organizations controlling us. We have a democratic system, and organized crimes are just completely contrary to the democratic system.

I personally can live with minimum sentences in organized crime offences. That's a decision of the legislature. I don't think judges would say, "I should have a discretion at this level." I don't think they would argue with that at all. I think when it comes to organized crime, if Parliament in its wisdom decides to put in minimum sentences, the judges would say that they accept that.

[Translation]

**Mr. Serge Ménard:** The definition of the French word "*complice*" in the Criminal Code is very broad—accomplice, confederate and co-conspirator are some of the English equivalents—and that means that people may be convicted of the same offence with completely different degrees of responsibility.

I remember one suspended sentence—but that would be a long tale to tell. There were three instances of trafficking in heroin and the principal was sentenced to 12 years in prison. Both sentences were justified.

In terms of organized crime, I know that criminal organizations often use relatives and friends to do errands and small things that are not illegal in themselves but which help, such as renting cars that will be used somewhere else. Would you apply the same reasoning in such cases, or would you like to see some discretion?

[English]

**Hon. Allan Wachowich:** In all cases there are degrees of participation. They used to say that if you robbed a bank, the getaway car driver shouldn't get the same as the guy who held the gun. But he's an integral part of it, and therefore if you get life for robbing the bank, then probably the guy who drove away in the getaway car is going to get life as well. I agree that there are degrees of complicity, and some people are taken in. But I would think that you could measure that minor involvement in comparison to what I call the major involvement in these crimes, whereby you might have a discretion for the 18-year-old boy who does something by way of assisting his older brother who's deeply involved in organized crime and assist in that way.

I really don't want you to think that I am vacillating, but what I'm saying is that I recognize the fact that there's minor participation, there's major participation. For major participation, I don't think that any judge would argue with minimum sentences in those. It's the minor participation that is perhaps where discretion might come into play because of youth and other mitigating factors.

● (1405)

[Translation]

**Mr. Serge Ménard:** In other Commonwealth countries, when minimum sentences are applied, there are saving clauses. They enable a judge who thinks a minimum sentence is not justified in certain cases not to impose it, on condition that he explain his reasons, sometimes in writing and sometimes orally—but always from the bench, so that it is part of the record—for not applying the minimum sentence in that case.

If it is decided to make more use of minimum sentences, do you think this would be a good idea?

[English]

**Hon. Allan Wachowich:** If a judge veers from the minimum, the judge has an obligation at that stage—and they presently have an

obligation—to say why they are veering from the minimum, in the same way as when you have the crown and defence counsel agreeing on a sentence, with a joint submission, and the judge says, "No, I'm not going to go for that; I think this should be higher." Or the judge may think it should be lower.

In those cases, judges are obliged to set out the reasons. The same thing would apply when it comes to the minor involvement of individuals in organized crime.

[Translation]

**Mr. Serge Ménard:** Do you think that provision should be included in the law?

[English]

**Hon. Allan Wachowich:** Yes.

**The Chair:** Thank you.

We'll move on to Mr. Comartin for seven minutes.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** I'd like to go back to the mega-trials. From what I'm hearing you say, the likelihood of those occurring in Alberta, at least for the foreseeable future, is basically nil.

Am I understanding you correctly?

**Hon. Allan Wachowich:** No, I wouldn't say nil. What the crown has done, I think because of lack of resources and because of the fact that these cases became so complicated.... They learned lessons from that mega-trial that sort of blew up. The result is that I think they would now pick and choose which ones they are going to go with.

I don't think they have closed the door on these. Some of the ones that have come up since have proceeded under this section, although the number of accused has been substantially less.

I would dare think, if we ended up again with another trial with 30 accused, that I don't know what they would do. I really don't know what they would do, just because of the experience of the last time. Concerning the way they would handle it this time, the crown would really have to consult amongst themselves as to what they felt was the best procedure.

**Mr. Joe Comartin:** Perhaps you can help us with this. We had a prosecutor here earlier today; I'm left with the understanding, from what he was telling us, that by going with the smaller number—four or five, as opposed to twenty or thirty—they are then more limited in their ability to convince judge and jury of the scope of the crimes that have been committed.

Would you share that type of opinion; that is, that by going with the mini-megatrial, if I can put it that way, we are not going to be able to as effectively fight organized crime, because we can't demonstrate beyond a reasonable doubt the magnitude of the offence?

**Hon. Allan Wachowich:** Off the cuff, I would agree with that. The crown has the obligation of deciding how to proceed. The judges don't get involved in this, except that sometimes we might make a comment—i.e., “Why are you proceeding in this matter? Why don't you sever the charges?” You know, we can ask those questions, but still the crown has the final decision as to how to proceed.

In these mega-trials, one of the biggest problems is that you may have nine or ten lawyers, all of whom have different ideas as to how to defend this particular case. The frustration that results is that it never gets off the blocks. What they're doing is trying to be expeditious, to bring it down to three or four, and therefore the applications that are made are probably going to be general, as they relate to those three or four individuals. There's no shotgun approach to this. That being the case, they can get the case heard; the case can finally be disposed of.

When it comes to thirty or forty people, you see no end. You just never see the light at the end of the tunnel.

• (1410)

**Mr. Joe Comartin:** From the perspective of the judicial figure, again assuming there's no jury, is it possible to avoid that frustration? If you are trying to balance ten defences, so that they're treated fairly in front of you, is it in fact possible to do it? I'm speaking from the judicial standpoint, not prosecutorial.

**Hon. Allan Wachowich:** Well, I guess everything's possible, but boy oh boy, it would be very difficult. It would be very difficult, as I see it.

**The Chair:** Thank you.

We'll move on to Mr. Rathgeber for seven minutes.

**Mr. Brent Rathgeber (Edmonton—St. Albert, CPC):** I thank you, Mr. Chair.

Thank you so much for appearing here today. It certainly is an honour for this committee to hear from a jurist of your experience and expertise.

We heard this morning from the Edmonton police chief—

**Hon. Allan Wachowich:** By the way, Mr. Chair, he never did appear in front of me; he was always too afraid.

**Some hon. members:** Oh, oh!

**Mr. Brent Rathgeber:** That's probably why we like each other so much.

Chief Boyd told us this morning, and this has been reported from time to time in the local media, about individuals who were out on judicial interim release, commonly known as bail, and committing crimes. Chief Boyd had some fairly alarming statistics as to the number of offences these individuals were awaiting trial for and how frequent the occurrence was.

One of his observations was that reports that were prepared either by police or by crown prosecutors were essentially ignored by the justices of the peace—who, I acknowledge, did not work for you, as former chief justice—but these matters are all frequently reviewed, as you know, by Court of Queen's Bench judges.

Do you have any observations or insight regarding the suggestion that bail conditions are too loose and that it's too easy to be released on bail in this province?

**Hon. Allan Wachowich:** I can't answer for the justices of the peace, and you have recognized that. It's a relatively new procedure that has occurred with the justice of the peace, within the last three or four years, as to how bail is handled at that level.

Appeals that come to our court, which are bail reviews, have increased substantially over the course of time, and they are now much longer. It's the obligation of the crown prosecutor to bring forth the reports. If he fails to bring forth the information, the police or the public suffer the consequences by reason of this person's probably being released when he should not have been released.

A good example of that was a case here in Edmonton called Martin, for an individual who killed his wife when she was pregnant. He was released by a judge from Calgary on the bail review. If you read his judgment, you could understand why he was being released, because all the reports weren't in at that stage. He was released, and there was a hue and cry about this, but it could not be publicized and no information could be given about why he was released. But subsequently, when you read the judgment, you would ask why you would keep the guy in jail in light of the information that came before that particular judge at that time. The court of appeal reversed it, but by that time we had more information.

The feeling I get is that the general public would like to see these people incarcerated until they get to trial, but we have some very practical problems in the remand centre and the capacity in the remand centres. I've done a lot of bail reviews in my time. In fact, one of my decisions really set the guidelines for bail reviews. That was on Lysiak. Lysiak only stole \$17 million from the Bank of Montreal—no petty cash—but I released Lysiak on bail. But I tied him down so that he had to live with his brothers in Mundare, and he surrendered his passport. I allowed him to go to church on Sunday. I asked him what church he went to. I knew from my own practical knowledge that this church was only open once a year—so he went to church once a year.

You can really tie up a person. You spend \$13 a day, I think it is, for him to be monitored by a parole officer, while you spend \$130 a day for him to stay in jail. You have to be practical about this. In this day and age, with monitoring with bracelets and other mechanisms, you can save a lot of money. Unless there is a very good reason to lock up an individual—usually it is for crimes of violence—I'm a great believer that we can release a lot of these individuals and save ourselves a lot of money and get around the problems we have in the remand centres of overcrowding and yet have these people attend.

•(1415)

**Mr. Brent Rathgeber:** As a brief supplemental question, if it is true that justices of the peace or judges are ignoring these reports, in your view does requiring judges or JPs to provide written decisions for their decision to release or not to release cause them to go through the mental gymnastics of actually referring to those reports?

**Hon. Allan Wachowich:** If there have been written reasons, they then have to say on what basis they are making their decision and they then have to refer to the reports.

**The Chair:** You have one minute.

**Mr. Brent Rathgeber:** We were talking about disclosure. In civil law these matters seem to be rectified through interlocutory applications. Why, in your view, is this such a problem in criminal law, where we have these lengthy requests and protracted disputes that result in delayed trials?

**Hon. Allan Wachowich:** We're partly overcoming this, because we have criminal appearance court every Friday. Criminal appearance court is the time to make those applications. If you do not have particulars that you feel are satisfactory, then you apply for further and better particulars.

Criminal appearance court has become very successful. It was started in Edmonton about three years ago and is now implemented in Calgary. This reform, which was brought about under my watch, has really provided an opportunity for defence counsel to get the particulars long before the trial starts, so that they're not surprised on the morning of the trial that all of a sudden there are more particulars, which weren't disclosed or were lost or whatever it was.

**Mr. Brent Rathgeber:** Thank you so much.

**The Chair:** Thank you.

We'll go back to Mr. Murphy for five minutes.

**Mr. Brian Murphy:** Following upon Mr. Rathgeber's point about interlocutory measures, let me follow up with pretrial measures.

As you know, on the civil side of things there's usually a pretrial conference judge who is not to hear the actual hearing so he can deliver an unbiased view of it; also, his decision is just for the motion itself. Would you recommend more of those types of procedures?

Secondly, it's the overall role of the prosecutor, the defence attorney, maybe the judge, and the police in a criminal process.... There was some discussion this morning, and there's been some discussion for years, about how these are all the players.

Now, I can tell you that our experience, in the four years I've been here, is that we very rarely hear from prosecutors. Point number one is that they work for government, so they're a little reticent; two, they don't make the money, probably, that defence attorneys do, so they can't really afford to fly off to Ottawa and gab; three, maybe they are busy. And I think there is an overall reticence to speak out about the process. So we don't hear that.

We never hear, as I mentioned, from judges—twice in four years. The last one passed away about a year or two after, so be careful driving home today.

**Some hon. members:** Oh, oh!

**Mr. Brian Murphy:** I'm just kidding.

But we hear from defence attorneys all the time. Mr. Rathgeber and I share the view that as members of the Canadian Bar Association—and I've spoken with the Canadian Bar Association about it—the only filter we seem to get....

They're very good lawyers. They're criminal defence attorneys. But they are the squeakiest wheel, and they tend to make other people think that's all lawyers think about.

The question is this. How different, really, do you think, in your experience, prosecutors are from defence attorneys in viewing these pretrial procedures and these interlocutory motions to narrow down the discovery process? How far apart do you think they would be, if you could get them into a room?

•(1420)

**Hon. Allan Wachowich:** We have pretrial conferences in all criminal trials that are going to be three days or more. Generally speaking, there is cooperation as between the two individuals, or it might be three defence counsel and one prosecutor. Sometimes when you add another defence counsel, then the complications arise.

It is a lot better now than it has been in the past. I think that lawyers, generally speaking, feel they have an obligation to ensure that these matters are proceeded with as expeditiously as possible and within a reasonable time.

So a lot is accomplished in a pretrial conference: no, you don't have to call that witness; just read in his statement, because I'm not going to cross-examine him anyway.

A lot of things can be done at these pretrial conferences. Pretrial conferences are very effective. One of the problems is that the crown doesn't have the resources to conduct them in all occasions, or sometimes they have to send someone who's not going to handle the trial, so it's not effective. It's a staffing problem that causes that problem. At the very same time, we are a little bit proactive: Can we resolve this case? He's been charged with assault causing bodily harm. It was a black eye. Can we bring this down? Can we save a couple of days?

We triple-book criminal trials in Edmonton. Some are adjourned, some plead guilty, and yet we have enough judges and all the trials are heard notwithstanding the fact that we triple-book. We have eight judges, and we have about 24 cases that we book each day. We weed them out through pretrial conferences or whatever it might be. Very seldom do we have to send anybody home. I think it was twice last year. They got a trial the next week if they wanted or when it was convenient to them.

We've done very well by what we call these kind of reforms, which are our own initiatives: the effective use of pretrial conferences and the criminal appearance court, and what we call mini-trials. Those mostly are civil cases, but the odd time they have also been criminal cases.



I think that the bar now is cooperating. There used to be a time when it was such an adversarial position that they adopted, they wouldn't even speak to each other until they got before the court. Judges would then start court a little early and ask if they'd spoken to each other about this. The answer would be no.

We're in a more civilized era now than we used to be. The adversarial system also demands that there be cooperation.

**The Chair:** Thank you.

I can move on to Mr. Ménard.

[*Translation*]

**Mr. Serge Ménard:** Indeed!

I began practising criminal law in 1966 and I have stayed pretty close to it all along, in the crown's office and in defence, and then as Minister of Public Safety, Minister of Justice and now my party's Justice critic.

I would like to say something about the disclosure of evidence. I practised criminal law at a time when there was no mandatory disclosure. I saw it come in with the Stinchcombe decision, but it began in England with the case of the Guildford Four, which was a huge scandal. In that case, the police had not revealed that they had questioned a witness who confirmed the accused's alibis. There was a commission of inquiry and recommendations were made.

Here we have a system in which part of the defence's work is to look at the investigative methods of the police. The system costs a fortune and has multiplied the cost of bigger cases by two or three times. I wonder what the solution really is. I have practised more as defence counsel than as a prosecutor, but I can see that we are reaching the limit. And yet, in the end, what we were aiming for was an ethical guideline that could be generally respected. When the evidence is in the defence's favour... In any case, I observed that every time a police officer had evidence of someone's innocence, it was disclosed. Some evidence was ambiguous.

Could we not replace that with professional ethical obligations: prosecutors have an ethical obligation to disclose evidence that might be favourable? It would be an obligation for the police as well. If the rules were not respected and that was discovered later, there would be sanctions. Perhaps that could replace the strict, formal rule that everything must be disclosed. That rule is costing a fortune and enabling organized crime to prepare its strategy for committing crimes in the future. What do you think?

• (1425)

[*English*]

**Hon. Allan Wachowich:** Well, you will always have, in every organization or every profession, some people who are unscrupulous. You're going to have your fair share of bad apples in the defence bar, and sometimes for the prosecutors, where they just don't comply. When that happens, it frustrates the whole system.

The obligation of a prosecutor is not to get a conviction. The obligation of a prosecutor is to disclose the truth that comes before the court. If the disclosure of the truth is the processes in full disclosure of all the evidence, that's the obligation. That has to be remembered at all times. Some prosecutors are saying, "I'm out for a conviction here." You see this on American television all the time.

The Canadian system is different. We are here to paint a picture, bring forth the truth, and let the judge decide.

So good organizations like the defence bar, when it's well organized and you have good leadership, will remind some of the younger ones who sometimes fall into the trap of trying to make a name for themselves and to be obstructionist in some way and to fight for their clients no matter what. Well, you have an obligation to your client, but you have a higher duty—a duty to the court, a duty to the judicial system itself. These lawyers have to be reminded of that. Sometimes they just get carried away, and there's not much you can do with the odd few except through the law society, if it's worthy of reprimand, and also judges. We've told our judges at times, when we see this kind of conduct continuing, to come down hard on the lawyer. In more complicated cases we also have case management of those cases to try to eliminate that.

[*Translation*]

**Mr. Serge Ménard:** That's what Lesage and Code say, isn't it?

[*English*]

**The Chair:** Actually, we're out of time. I'm going to move on to the next speaker.

**Mr. Serge Ménard:** But I can tell you that I was trained that way as a crown attorney—the way you said.

**Hon. Allan Wachowich:** That's good.

**The Chair:** Thank you.

Mr. Woodworth.

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Thank you very much.

Thank you, Justice Wachowich, for being with us here today. It is certainly good for us to hear a judicial perspective.

I'd like to go back to some questions regarding sentencing that were raised with you earlier. You began by saying that you had no problem with minimum sentences for serious cases, such as organized crime. That tweaked my interest, I guess because I have sometimes wondered how we can balance the sentencing factors, if you will, and on the one hand take full account of the necessity to sentence offenders as individuals in their own individual circumstances, and yet at the same time try to achieve sentences that are proportional to the offence. It sounded to me as if you were saying that there still is a role for proportionality and that a sentence that reflects the gravity of the offence is still an appropriate consideration.

Am I on the right wavelength there?

• (1430)

**Hon. Allan Wachowich:** Yes, I agree with you completely.

**Mr. Stephen Woodworth:** All right.

Then would it be in order for a legislator or a legislature to say that when we have an offence that is extremely grave—for example, the trafficking of young women—even what might be considered minor complicity in facilitating such a grave offence might justify a serious penalty?

Would that be in accord with your thinking?

**Hon. Allan Wachowich:** Yes.

**Mr. Stephen Woodworth:** Thank you.

Then I also want to ask you about some of these disclosure questions, because they are rather difficult. We've heard some comments about the fact that judges sometimes err on the side of more disclosure than is necessary and that sometimes defence counsel are just out on fishing expeditions. You've heard that phrase, I'm sure, more than once in the years you've been on the bench.

The idea was that Stinchcombe seems to have a very low threshold for disclosure requirements. I'm not as familiar with it as I should be, but the idea was suggested that if anything is...as long it's not irrelevant—put it that way—the onus is on disclosure.

I wonder whether you have any observations about whether it would be legitimate and possible to tighten that up a little bit, in order to reduce the disclosure burden on crowns.

**Hon. Allan Wachowich:** What is relevant in the eyes of one person may not be relevant in the eyes of another person. It's a very difficult thing to be able to balance, in certain ways.

When Stinchcombe came to us, it really changed procedures completely at that time. I agree that it had a low threshold, but as we go through a process, you keep adding on and adding on, it seems. When you have now full disclosure, you have to give them the full cabinet and say “take a look”, which should not be necessary. You can run these defences when you get the information that is relevant to the case. The important thing is that you're not hiding anything that is of importance.

I couldn't tell our judges how to deal with applications relating to Stinchcombe. The independence of the judiciary is such that I could not do that. But at our coffee talks, we would say, well, we're going too far; this isn't necessary; you can get to the truth without having to disclose everything in sight.

A lot of it is due to the fact that there are certain lawyers out there whose duty is to their client, first and foremost, and what they're trying to do is get disclosure that gives them information about other unrelated matters—how the wiretaps were done, who else was involved, and maybe we can get even with this other guy because we found his name on this file through disclosure. There is this surreptitious kind of conduct that goes on. In my view, we should tighten up on Stinchcombe.

• (1435)

**The Chair:** Thank you.

Right now would be the Liberals' opportunity. I'm going to allow three more questions. There would have been one there and two more on the other side of the table.

Do you want to take a question?

**Mr. Brian Murphy:** Yes, I will.

One of the things that also aggravate attorneys general—from time to time we get them in here, or their counterparts or whatever—is scheduling and use of resources. It's a curious thing that federal judges are appointed by the federal government, but most of their staffing requirements....

You mentioned Chief Justice Smith. He's building a nice big courthouse in my city of Moncton. It's beautiful, but I think it's pretty big coin.

**Hon. Allan Wachowich:** You know I call him “Kowalski”, don't you?

**Mr. Brian Murphy:** No.

**Hon. Allan Wachowich:** That means “Smith” in Polish, you see; I've given him a new name.

**Some hon. members:** Oh, oh!

**Mr. Brian Murphy:** Oh, okay.

Anyway, look, the struggle between provincial attorneys general and federal lawmakers is pretty evident now, too, because we have enacted a lot of laws—this was on the front page of the *Globe* this morning, so it must be true—that deal with increased expenses for correctional services. There will be more need for police officers, probably, and there probably will eventually be more need for judges. But that is a federally mandated volume that affects the provinces quite severely.

Then you get talking to attorneys general, and they'll talk to people like you—and “Kowalski”—about using their resource to the maximum.

Do you feel that federal judges—I don't mean Federal Court judges, but section 96 judges, such as you were formerly—are being used adequately? Do you think judges are working hard enough? It's a complaint that attorneys general make when they're arguing with federal governments.

**Hon. Allan Wachowich:** When I started as a judge, it was a nine-to-five job with no heavy lifting. That was back in 1974. Judging has completely changed: completely changed. With computers and the changes in the law and the shift in domestic cases and the way there are more long trials, it's a completely different kind of profession, or part of the profession, from what it was 30 years ago. If you go down to the courthouse now, the parking lot by eight o'clock is filled. Back 30 years ago, there were maybe two cars, and they were all waiting until ten o'clock, because all they did was just their cases and nothing more.

With pretrial conferences, case management, and with preliminary applications, the hallways are very busy. We're packed to the roof in Edmonton now; we have no room for anybody else. We have one judge for every 54,000 citizens in Alberta. Back about 1993, there was one judge for every 43,000, more or less. We were fifth in Canada at that time. We are now number one in Canada. Ontario and Quebec and British Columbia are behind us by way of the ratio. But our judges are working to full capacity.

In my case, I haven't had a holiday, because the foreman who's on the job.... If you have six people with shovels, you're going to have to have a foreman; if you have 60 people with shovels, you still have to have a foreman. I haven't had a holiday of more than ten days in over 20 years. One of the reasons is that we've had to try to maintain what we call that “lead time” that is respectable. We've been able to do it; we've been innovative. If we have to sit on Saturday, we'll sit on Saturday.

Judges are now very busy. Had it not been for the assistance of some legal students and legal counsel to assist us, we would really be behind the eight ball. In Edmonton, when I left, there wasn't one judgment that was not rendered over four months—not one. Calgary's a little different

**An hon. member:** There's always that rivalry.

**Hon. Allan Wachowich:** I'm just telling you now that judging has changed.

**The Chair:** Thank you.

Monsieur Petit.

[*Translation*]

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Good day, your honour. I have been a lawyer in Quebec for about 37 years. Thus, I have met a lot of judges during my long career, in both civil and criminal cases.

When people look at the justice system, they do not necessarily know whether the crown prosecutors and defence lawyers have done their job well or poorly. What the public has an opinion about is the judge's decision. It is what is reported in the papers. It is all the people are aware of. As a general rule, people feel positively about the decisions of the provincial courts and the criminal courts, such as Quebec's Superior Court or Court of Appeal.

The problem begins with the Supreme Court, when decisions become more political. In general, judges' decisions are legal, rather than political, in nature. Be that as it may, when organized crime is involved, we hardly dare create any more mega-trials because the Supreme Court decided, in one instance, that evidence had not been disclosed. The rights of criminals are so strong that the Supreme Court's decision was almost anti-government. For that reason, I am interested in organized crime.

I am sure you have studied these decisions. They end up affecting all the other courts and they end up doing us a disservice. The Supreme Court's guidelines begin at the top and reach downward. A Supreme Court decision is like a law, in practice. The public has the impression that there is no actual decision involved, and that the judges are simply following the rules step by step. I do agree with you that in certain cases it is not easy.

I would like you to say whether, in your opinion, the Supreme Court—and I am not referring here to the appeal courts—sometimes makes political judgments. It is a tiresome phenomenon.

● (1440)

[*English*]

**Hon. Allan Wachowich:** I am not going to accuse the Supreme Court of Canada of political decisions. I think that when the Supreme Court of Canada made the decision as it related to the impracticality of these mega-trials, the court realistically saw that they were in fact that. We found that out first-hand in Alberta.

There has to be another way. I'm not too sure what the other way is, but if we clog up our whole system with mega-trials in Quebec, Alberta, and Ontario, we frustrate the whole judicial system. It undermines the whole system. One way or another, we have to find a way to deal with these kinds of trials in a way that allows us to bring

them to a conclusion in one way or another. I think Alberta in part has done some of that.

We've had conferences. I was on the reform committee for the justice department. It consisted of three members of the Canadian Judicial Council and attorneys general in Canada. One of the big things we were dealing with was the mega-trial. We studied the mega-trial. There's a good paper on the mega-trial out of that committee. I think that committee is still meeting. I am not on it any longer, but I was on it for about five years; there was Justice Kennedy from Nova Scotia, me, and Associate Chief Justice Pidgeon from Quebec.

So this is being studied from the judges' point of view as well. We're also studying case management, which I think will solve a lot of the problems. We're also dealing with possible reform of the jury system, which we haven't looked at for years.

Justice reform is going on at the same time that your committee is studying one aspect of it. This is relatively new, and I'm pleased that a committee of Parliament is looking at this issue, because if we had organized crime in this country of the type we have in some other countries, God help us.

I'm a proud Canadian. My grandparents came here from the old country. As far as I'm concerned, we're living in the best country in the world. I've taught in Russia and I've taught in the Ukraine, and boy, we're ahead of everybody. What did the Ukrainian judges do after the fall of the Iron Curtain? Out of all the countries, they came to Canada, because they said they wanted to adopt a system that was similar to Canada's. They went to Hamilton. They went to Winnipeg. They went to Edmonton. There were 30 of them. They came back two years later, after going back to Ottawa to review what they had learned, and said we were doing great in Alberta and that they were coming back to Alberta. In a way they adopted us.

What it really indicates is that our system is imperfect—it can't be perfect unless we have a dictatorship—but we can be very proud of our record when it comes to handling cases. We should be prepared to adapt and adopt and to change if necessary, and change is necessary in this particular area. I'm therefore very pleased that something is being done.

● (1445)

**The Chair:** Thank you.

We're pretty well at the end of our time, but I have one last question. There's something that hasn't been touched on here, and it has come up at our committee. It's the whole issue of designating criminal organizations. Designating a gang or a criminal group as a criminal organization has been frustrating crown attorneys for some time. The suggestion has been made that it would be easier if government used some process to create a list that would designate the Hells Angels, for example, as a criminal organization so that you wouldn't have to prove that in court anymore. There are many of the opinion that it would not work, or that it would be very difficult if not impossible to do. The whole issue of taking judicial notice of previous rulings has also been raised at this committee.

Do you have any suggestions on how we could streamline the process to prevent some of these lengthy trials from being even longer than they should be?

**Hon. Allan Wachowich:** I'm no expert on how these criminal organizations are organized and what subsidiaries there may be and how they could be designated as criminal organizations, although everybody recognizes that the Hells Angels, for example, are involved in criminal activity.

**The Chair:** It would have to be proved in court, though, each time, which is very time-consuming and takes up a lot of resources. Is there any way of reducing that burden?

**Hon. Allan Wachowich:** You can have a commission to which references are made to determine whether or not this organization is to be designated a criminal organization as such, without further proof thereof in criminal hearings.

The problem is that these organizations change along the line. Sometimes somebody sees the light and says, "We're now going to have Sunday mass at the Hells Angels clubhouse", or whatever it might be.

**Some hon. members:** Oh, oh!

**Hon. Allan Wachowich:** So things do change, and that's the difficulty.

We have to be very careful about trying to just be expeditious, but I think we can do something in the evidentiary section to make sure that the onus of proof is such that you only need a prima facie case to say that, yes, this organization, in this particular case at this particular time, was a criminal organization when this event occurred.

I think that's about as far as you can go.

**The Chair:** Thank you.

I want to thank you for your evidence. It's helpful, and it will form part of the record. We hope to issue a report in the next few months. So thank you.

**Hon. Allan Wachowich:** I look forward to reading it.

**The Chair:** We'll recess for a couple of minutes. Then we'll meet our next witnesses.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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- (1455)

**The Chair:** I will reconvene the meeting.

This is the meeting of the Standing Committee on Justice and Human Rights. We're continuing our study on organized crime.

We have with us a number of witnesses for our last panel of the day. You basically have over an hour and a half of our time, so each of you can present for up to 10 minutes, and then we'll open the floor to questions from our committee members.

Monsieur Accord, you will start.

**Mr. Mahamad Accord (President, Alberta Somali Community Center):** Thank you for inviting me to this event.

I know that this committee is focusing on justice and human rights. In our community, when it comes to justice, we always look to the social issue side.

Today I am speaking on behalf of Alberta's Somali community to share our experience and the nightmare that we have been through and are still going through.

The Somali community left their homeland for fear of persecution, for fear for their lives and the lives of the other members, but the community finds themselves once again in this position: they feel they are back where they came from—from the nightmare of terror, fear, and the reluctance to trust anyone. They feel they are back in Somalia.

The Alberta Somali community is undergoing growing pain relative to being new immigrants in this part of Canada. There are many obstacles preventing full integration of the larger Alberta Somali community. However, the deaths of Canadian men of Somali heritage in Alberta in the last three years have changed our community life forever as we know it as Canadians. We also mourn deeply not only our young men but also the loss of a sense of security as citizens of Canada, the sense that somehow we were protected from this kind of terrible attack. In many ways the impact has been felt even more deeply by many of our members who have been mischaracterized, with our human rights protection eroded, which is central throughout this country.

We are experiencing youth violence and recruitment by organized crime organizations. We are deeply, deeply seeking peace and safety, as are all other communities. Some of my members are saying enough is enough—enough with the victimization, enough with the injustice.

Somehow we feel that we are foreign to our country. We are Albertan. We are Canadian. We feel we are here for the same reason that our ancestors came here, for fear of persecution, for freedom of religion, and so on, yet our community does not experience the core value of being Canadian, which is freedom and justice for all. I am hoping that this committee, at the end of the day, will do something about this.

To give you our brief history here in Alberta, we estimate that the Alberta Somali community is between 30,000 and 35,000. We live mainly in Calgary, Edmonton, Fort McMurray, and Grande Prairie. About 50% of our community are first-generation immigrants and 50% are Canadian-born; 84% are younger than 35 years of age, and 97% of us are Muslims.

In Alberta, Somali history is that 70% came between 2003 and 2005, and 18% arrived between 2006 and 2009. The majority of us are second-generation immigrants from other provinces, mainly Ontario, Quebec, and British Columbia. There are others who came as refugees or through other steps.

The biggest challenge of our community at present is lukewarm to hostile reception in Alberta. Despite the fact that we were allowed into Canada in the beginning as an invitation, we feel that the other door that leads to full participation has been closed to us.

There is a Somali proverb that says you don't enter an open door, you enter because there is an open face. This open face is not here for our community. After we came through the first gate, our welcome ended there. It has been a struggle ever since.

•(1500)

Some in our community say that the challenge, after full 30 years of living in Canada, 10 years in Alberta, is how to deal with the systemic barriers that block opportunity, not only from the first generation of Somali Canadians, who were trained in Somalia, but also the young generation who went to a Canadian university and are still not finding opportunities for employment in Alberta.

Then you run into difficulty. For example, your children could be integrated faster than you, through knowing the language and so on. You want to teach your children the culture and to help them adjust in a new environment, but when you are working long hours with no support, that's difficult to do.

Also, when parents are frustrated by unemployment or under-employment, that affects the children. If they see their father, who is an engineer, doing a minimal job, then the kid will probably ask why they should go to university if it didn't help their father or their big brother. So that is a factor.

If 80% of our members are below the age of 35, then there is a critical need to focus on youth. Youth are disillusioned by the fact that their fathers are unemployed and working in a minimal job, despite their having several degrees, while many in the mainstream are prospering. In frustration, the young men drop out of school, feeling there is no point in getting an education.

Or even worse, they are in trouble with the law. One of the things that happen is that because the home area becomes so violent, it's affecting the youth, especially the boys, so some parents send their boys back to Somalia. It's interesting to see parents sending their sons to the unsafe environment that they themselves ran away from. They believe that in that environment at least their children won't be involved with the criminal justice system and organized gangs. A good question to ask then is what that says about Canada.

I interviewed one of the young men, and this is what he told me: The term "Somali" does not make sense to me. I grew up in this culture, where I was known, so I have my identity intact. I don't think that label describes me. Therefore, I disregard it when I hear it. However, I'm worried for my children. They are growing up in this society, and I'm afraid that they will internalize the negativity that comes with this term, "Somali", not "Canadian", and it will limit them somehow.

There are theories that say it is quite important in socializing youth for children to know their background so they have a sense of belonging, because they won't see themselves reflected in the social structure they live in right now, in other areas of society. But when young people identify with their parents' homeland more than they identify with where they were born, this shows that they don't feel acceptance in their country. In other words, it's not that young Somalis don't want to be Canadian; they feel they are not accepted as a Canadian by their government and their peers.

Currently the attitude toward the police is not seen as...the attitude toward the youth, the attitude toward the police, is not seen as universally helpful. Many in the Alberta Somali community have concern, especially with the disproportionate number of Somali youth in jail. People believe there are three reasons for that: racial profiling, lack of programs, and poor opportunity for an economic

advantage. However, some progress has been made in Edmonton in working with the police and RCMP. In Edmonton, the police are working to reach out to the community.

We are trying to reduce the youth violence in our community by trying to include ourselves in the mainstream society. However, we are trying to address enhancing the supports in terms of social issues by enhancing supports for individuals and families and community to experience inclusion and increase their access to resources and opportunities—building an inclusive environment of support and network.

•(1505)

We are also trying to educate them and empower them by focusing on the various fora that animate the criminal justice system—the school system, the social system, and the justice system.

On the other side, we are trying to enhance the support for increasing first access and resources for opportunity—developing youth strategies to enhance opportunity for Alberta Somalis, giving youth better access to community programs, and providing increased availability for cultural components of health.

However, our community is building a positive future here in Canada. Despite all the trials and turbulence we're facing in Alberta now and have encountered in the past—and will probably encounter in the future—that positive outlook does prevail, as does our ability to give to society itself, not just in the community existing amongst ourselves.

Alberta Somalis are future-oriented. Much importance is placed on the success of the children and youth in the community. A better future is what they are looking for: hard work, pooling resources, community asset building, mentors, and also better financial security.

You can see all of the work the Somali community is doing without any outside help. The community is now moving forward. We are getting used to the idea that we are here to stay, that we need to work harder to make Alberta and Canada our home, and to put in place an institution that will support our community.

After 30 years, people are finally saying they have to unpack their bags, buy homes, and make permanent plans for their future in Alberta and Canada.

Thank you.

**The Chair:** Thank you.

We will move on to Ms. Aulakh.

**Professor Harpreet Aulakh (Assistant Professor, Department of Justice Studies, Mount Royal University, As an Individual):** Good afternoon, everyone.

Thank you for the invitation to be here. My presentation today will focus on whether youth gangs are progressing into criminal organizations.

The level of youth gang organization varies from gang to gang. Therefore, the approach to dealing with them should be regional, and, more importantly, age-specific. This comes from my research as a doctorate student with the youth gangs in Saskatoon and here in Edmonton, which were predominantly aboriginal youth gangs, and exposure to Calgary gang scenarios in the last two years.

Youth gangs continue to be a pervasive problem. They add to the violent crime, instill fear, and engage in a range of troublesome behaviours that can be anywhere from gang graffiti to drug dealing.

Gangs have been around for a long time. It is possible that at least some of these gangs are changing and developing into criminal organizations. From the law enforcement perspective, youth gangs are changing in many ways that create problems. Earlier, many gangs were widely described as disorganized groups. However, under optimum conditions, loosely organized groups can naturally evolve to a mature form.

Research on the evolution of organizations suggests that successful organizations grow in size and become more organized, but can this be applied to youth gangs? There is very little gang research from a Canadian perspective, and within that, very little attention has been paid to the mechanism of how gangs evolve over time.

Classic research addressed this briefly and indicated that specific street gangs have integrated into criminal organizations, but this does not appear to be a predominant pattern. One example of such transformation is Fresh Off the Boat and Fresh Off the Boat Killers in Calgary. These groups exemplify the evolution from a relatively less organized group of high school kids involved in dial-a-dope operations to a formal criminal organization. Police and media reports suggest that these groups are viewed as organized crime threats because they are heavily involved in illegal drugs and use violence in pursuing their objectives. Their activities as always have resulted in criminal networks that cross regional and national boundaries. They use modern weapons, communication technology, and sophisticated armoured transportation in their operations.

On the contrary, most aboriginal street youth gangs in Saskatoon and in Edmonton are very loosely knit. A reason for group cohesion among them is commitment to their 'hood and resistance to the outsiders. Leadership is mostly less centralized, less radical, and even situational at times. It is created based on age, and older gang members serve as their role models.

Much of the indication that gangs may be transforming into criminal organizations is subjective. It has been either suggested by media coverage or the reactive approaches of law enforcement agencies. High-profile cases, such as Jackie Tran's here in Calgary, last year's New Year's Day shootings in Calgary, and Alberta's... enforcement of Victims Restitution and Compensation Payment Act reinforced these concerns.

The media coverage of youth gang violence and political reaction contribute to perceptions that gang problems are becoming increasingly serious and more organized. Youth gangs are not committees, teams, or task forces. Young-man members are close to each other to fulfill individual needs, many collective and some contradictory. They do not assemble to achieve or share previously...

[Inaudible—Editor]. The group rewards like status, excitement, recreation, and protection are imperative motivations for joining a gang. Gangs offer, along with money, fun and excitement through hanging out together and attending parties, as well as opportunities to fit in with the popular kids. Activities and contacts are highly valued during the teenage and adolescent years.

Further, the scarcity of recreational activities in low-income inner city neighbourhoods leaves youngsters to be friends with gang members.

Violence within the context of gangs is an avenue for achieving status and respect in the social setting, where legal opportunities for achieving the same are very limited. From the young gang member's perspective, gangs provide a unique social service to them. The reactive law enforcement approaches fail to consider that.

• (1510)

From a legal perspective, gangs are all about organized crime. The Criminal Code does not provide a definition of a gang. It only defines a criminal organization.

If we look at the definition of a criminal organization, three or more young people who intentionally get together to do a break and enter, or to do a car theft, or to buy drugs in order to sell to their friends at a party, or to take joints to the party are probably involved with criminal organizations. To remain in business, organized crime groups such as drug alliances must have strong leadership, systems of loyalty, sanctions for failure to follow the rules, and business capabilities. On the contrary, many youth gangs are wobbly, with short-lived leadership, transitory membership, and informal rules for the members.

Focusing on the criminal future of youth gangs suggests that law enforcement directed at particular criminal behaviour will work primarily for gangs that are specialized, but most youth gangs are not. Increased prosecution of youth gang members as a direct or indirect result of harsher punishment may be suitable for only a few.

On the contrary, with a loose definition of "gangs", where gangs are interpreted as criminal organizations by law enforcement and the public, we will once again end up putting more young people in prison, and for longer durations—

• (1515)

**The Chair:** Ms. Aulakh, I'm going to ask you to slow down a little bit. Our interpreters are having trouble following.

**Prof. Harpreet Aulakh:** Okay.

Clearly, there needs to be more investment in a response to the youth gang problem that takes a broad and holistic preventive approach as opposed to a reactive one, because the meaning of "gangs", for a youth, is very much different from how the law views gangs.

In the end, I would say we need more evidence-based knowledge to understand if, and which, youth gangs are indeed becoming organized crime groups.

Thank you.

**The Chair:** Thank you.

Next, we'll move to the Prostitution Awareness and Action Foundation of Edmonton.

There are two of you, and you have a total of 10 minutes.

I believe, Ms. Quinn, you're making the presentation.

**Ms. Kate Quinn (Executive Director, Prostitution Awareness and Action Foundation of Edmonton):** Yes, I am, thank you. My colleague, Norma, will pick up within our 10 minutes.

We thank you very much for this opportunity. I would like to recognize our two co-presenters and some of the root issues they brought up with regard to some of the reasons young people become involved in gangs. We certainly recognize those too.

Our mandate deals with prostitution, which we define as sexual exploitation of vulnerable people, male or female, in vulnerable situations. We have a real concern about those who prey upon vulnerable people, those who profit from vulnerable people, and those who exploit them.

We know more through story than through exact statistics about the role of different levels of criminal organizations. When I consulted with my Edmonton Police Service vice unit colleague, he said they didn't have the statistics either. This would be an area in which we would need to do more research and gather that evidence, but we all know the stories.

During my introduction into the area when I got involved in the mid-1990s, I met a young woman who had been taken to the island of Macau by the Triad. Her mother had to raise quite a significant amount of money to buy her back and bring her back to Edmonton.

We also know there are different levels of involvement, some at that disorganized street youth gang level as well. It's easy for those young people to be used by more organized criminal organizations.

In Edmonton we have bylaws dealing with massage and escort services and exotic dancing. Our city put those bylaws in place specifically to enable our police and bylaw workers to monitor for the involvement of organized crime to ensure that young people, those under the age of 18, were not being pulled into any of these, and also to ensure there was no pimping or exploiting going on.

We know at the street level as well that there are different kinds of involvement by organized crime, and no one has a handle on what's happening over the Internet.

I'm now going to defer to my board member, Norma, who will speak from some direct experience.

Thank you.

**Mrs. Norma Chamut (Board Member, Prostitution Awareness and Action Foundation of Edmonton):** Thank you for inviting me.

This is very different for me. I come from that organized crime side. When I was young I ended up with a motorcycle gang, prostituting, finding other girls to work for them, and that kind of thing.

We talk about organized crime. Kate phoned to ask if I wanted to come to speak. I've been off the street for 10 years now. This is an

honour for me. But I have direct knowledge of that from my own lifestyle—from being there, being recruited, and being put out.

They traffic these girls. Even if you're picked up in Edmonton you're still trafficked in all these other cities, because when you're in one city too long you become too well known. You're known meat. You're moved to another city where you're not known, so the police don't get to know who you are.

There are drugs. There are all kinds of different levels of organized crime. You start off at the bottom and build your way up.

The people before us spoke about how you get into it. Poverty's a big one—not fitting in anywhere. A child who was always pushed aside is very drawn to these gangs because they now have a family. They're accepted. They're needed. Whether they're needed to do a hit, hurt someone, score drugs, or sell the drugs, as weird as it seems, they're needed and accepted. I guess gang-level acceptance is what it's called. It would be very hard to end all this stuff.

I sit in this room and listen to people talk about what we could do to make it better. I heard what the judge had to say about how it is. That's why there are lengthy trials and stuff, because you want to know who ratted you out. That's the terminology they use. That's why you have these long trials.

I myself sit and wonder, yes, they pay all this money for these defence lawyers and things. But they got the money from people like me, even, who worked the street for them. It was my money that paid for their defence.

There are so many different things I could talk more about. I don't know exactly what I'm allowed to say and what I'm not allowed to say. I know that we're being recorded and my name will be recorded. I was asked if I was worried about that, because where I come from, it's called wrong to do that. But I don't believe that. I'm not out here speaking about anybody but myself. So I'm really glad to be here.

I'll be more useful answering questions because I don't really know what to say.

That's it. Thanks.

• (1520)

**The Chair:** Thanks to both of you.

We're going to give you an opportunity to answer some questions. We'll start with Ms. Mendes for seven minutes.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Thank you very much, Mr. Chair.

Thank you all for coming to give your time and testimony. I'm sure it's not easy for any of you to do.

I'd like to start with Ms. Chamut, if you will.

How did you manage to disengage from that milieu? How did you get out?

**Mrs. Norma Chamut:** I just didn't want to do it anymore. I worked the streets for 28 years. I didn't have a retirement fund, or even 5¢ when I left. I was just tired of it.

**Mrs. Alexandra Mendes:** How did you do it? Did you have any help?

**Mrs. Norma Chamut:** No, I just didn't want to do it anymore. It's really hard to walk away from it, especially when you've been in it for as long as I was. Everybody thinks you're going to go back. I have a lot of friends who are still involved in organized crime. I still talk to them on a regular basis, but they know where I'm at. One of them said, "Wow, it's pretty weird you're going there. Like, aren't you worried? Aren't you scared?" No.

But as to how I got out, I didn't want it anymore.

**Mrs. Alexandra Mendes:** We're talking this morning about the whole disaffiliation process, that it is a process.

**Mrs. Norma Chamut:** Oh, definitely.

**Mrs. Alexandra Mendes:** It's not something you can do from one day to the other; it's however long it takes.

Would there have been, I don't know, people or institutions that could have helped you do it earlier?

**Mrs. Norma Chamut:** Now that I'm with PAFPE, I understand that. We go out and work hands-on with women and young men trying to exit out of sexual exploitation. I'm very hands-on with a lot of them. Personally, a lot of them will not access any kind of program because it has to do with the law.

So where I come from, on that side, if you access that, you get labelled as "no good". Do you know what I mean? It's hard for a lot of people to say they want out.

**Mrs. Alexandra Mendes:** If I may, Ms. Quinn, you are a non-profit organization, a non-governmental organization, an NGO.

**Ms. Kate Quinn:** We definitely are.

**Mrs. Alexandra Mendes:** I know that your organization mostly deals with prostitution. But with young people starting to get involved in organized crime, if you approach them from an NGO perspective, is that more efficient? Is that more effective than the law approaching them?

**Mrs. Norma Chamut:** If a school approached them or anyone who was not police or court-related, I think they would be more open to looking at it rather than going to any kind of court or police, because then there's that label. Kids are really big on labels, on their pants or wherever. Labels are a symbol of their persona or what they are. So if kids go through an educational program, it's very different from a police-funded program to these kids.

**Mrs. Alexandra Mendes:** Would you agree with that, Ms. Aulakh, in terms of a more research-oriented program?

**Prof. Harpreet Aulakh:** Yes, I agree with Norma. I met a couple of people like her in Edmonton who had been with Hells Angels and working on the streets with Lebanese gangs. Those girls had at one time gotten out of the gangs, and one thing they said was that it had been long enough that they really wanted to get out. So an individual approach to this is one thing. The girls and young people I talk to say the individual motivation has to be there. I agree that it's nothing to do with the police.

• (1525)

**Mrs. Alexandra Mendes:** On the prevention side, perhaps Mr. Accord could help here. If you were trying to help young people before they even got involved with organized crime, you are saying that schools would be the better way to start.

**Mrs. Norma Chamut:** The entry age is usually 12 or 13.

**Mrs. Alexandra Mendes:** Yes, that supports everything that we've heard this morning about programs at schools.

Would you agree, Mr. Accord, that it would help in your community to take away the glamour or the probability that gang life is going to help you in any way?

**Mr. Mahamad Accord:** Yes, we are focusing mainly on the preventive side. For us in Alberta the challenge is that we are dealing with an issue that has been growing over the years that we have been here.

When we came here, we initially settled and then when we got that piece of paper saying that we were citizens, we were supposed to move beyond that to integration. That isn't happening. What is happening is that our families are usually quite large, so there are a lot of young people who have nothing to do. There is nothing else for them, because there is nothing in their community and nobody outside waiting for them other than the criminals. So for us, when we have experienced that, we have look backed and asked what happened.

We ask ourselves how we can prevent...not prevent these newcomers from coming. Again, the community is working on the preventive side, but at the same time there are a lot of fish in the pond, and getting them out of that pond is more difficult than we thought. We don't even know how to get them out. That is the reality.

We keep finding that one of them gets killed because of that. Some of them try to get out. We knew two of them who tried to get away but they became victims because they knew too much and the others didn't want them to get away. We knew two of them who had Greyhound tickets and wanted to go back to their families, but they ended up dead.

**The Chair:** Thank you.

We'll move on to Madam Guay.

[Translation]

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Ms. Chamut, at what age were you recruited?

[English]

**Mrs. Norma Chamut:** I was 12 years old when I started.... See, I wasn't recruited at 12; I started with a motorcycle club at 15 and a half.

[Translation]

**Ms. Monique Guay:** Once you were part of the gang, were you forced to recruit other girls?

[English]

**Mrs. Norma Chamut:** Yes, that was your job. When you were with them, when you worked on the corner, you found other girls to be out there with you, yes.

[Translation]

**Ms. Monique Guay:** Did they force you to sell drugs and take drugs? That becomes a vicious circle.



[English]

**Mrs. Norma Chamut:** They really don't want you doing drugs—at all. They want you clear.

It's really hard to separate the two: when you're out selling your body, it's really hard to do it straight. So I used to sneak drugs and get high, but I used needles. When you're with a motorcycle club, you are not allowed to use needles. They basically don't want you doing any drugs.

[Translation]

**Ms. Monique Guay:** You got out of that environment and I congratulate you on that. Is there still some danger for you? Do you feel that you're in danger?

[English]

**Mrs. Norma Chamut:** Yes, I feel very safe. I'm not scared.

[Translation]

**Ms. Monique Guay:** You feel safe. I imagine you have been helped by some organizations, like Ms. Quinn's.

[English]

**Mrs. Norma Chamut:** Actually, I went to Mrs. Quinn's association to help others. I'm a very strong, bullheaded woman, and I'm not scared. I have never really been scared of men. There were nine kids in my family. I'm very different from a lot of other women and I understand that, so now my strengths are to go and help them out.

• (1530)

[Translation]

**Ms. Monique Guay:** That's great; you are doing good work. Keep at it. I hope you save many young women and young men, too. After all, it's not just girls; there are boys in that situation, too.

[English]

**Mrs. Norma Chamut:** Yes, thank you very much.

[Translation]

**Ms. Monique Guay:** You're welcome.

Mr. Accord, how many Somalis are there in Alberta, in Edmonton, and in the general area?

[English]

**Mr. Mahamad Accord:** In Alberta, we estimate there are between 30,000 and 35,000 Somalis in Alberta, but we mainly live in the two big cities, Edmonton and Calgary. We also have a sizeable number of people working up north in Fort McMurray.

[Translation]

**Ms. Monique Guay:** I listened to your presentation earlier. It would seem that your community is a victim of considerable racism. That is what I understood from your remarks. I don't understand why.

Is it because people think some people in your community are criminals or belong to gangs? You didn't give much of an explanation of that.

[English]

**Mr. Mahamad Accord:** Actually, we cannot say that our young men are dying because of racism, but when it comes to addressing the underlying issue, we sense that the characterization of the issue by calling them Somalis becomes an issue of racialization for them, because it takes away their worth in this country. When they are called Somalis, it means that the problem is no longer Canadian, but a Somali problem. The fact is that the majority of these young men have been born here or came here when young.

So when it comes to the urgency of addressing the issue by law enforcement or government, because the headlines say they are Somalis, the problem is compounded. So it's not because we're experiencing racism. Of course, some people in the community will say it's different, but for me, the people in leadership see that mischaracterization and misdiagnosis of the issue is what's making them feel racialized, and not racism.

[Translation]

**Ms. Monique Guay:** Ms. Aulakh, you are a university professor and you are a witness to all that. I would like to hear your opinion. What can be done to help them? It is not obvious. In Toronto we heard there were gangs. What can be done so that young Somalis will not get into that situation? We were told that in Toronto there were many street gangs, ethnic gangs. We have to admit it; some gangs come from Asia and other countries.

Is that a factor here? What can be done to improve their lives and help them to change this perception?

[English]

**Prof. Harpreet Aulakh:** Yes, I hear a lot of stuff. During my research, I did hear from lots of young people.

I myself am an immigrant, a first-generation immigrant and international student, and am a parent of kids who go to school. Yes, I do experience many things that other speakers have shared with us.

One of the things is characterization or labelling, where we want to put that label on Somalis. That is a problem. So gangs of Indo-Canadians, of Chinese, are a problem; my question is, well, they are second-generation immigrants. Why? Aren't they Canadian citizens?

So that's the problem. Many kids, many second-generation kids like my kids, who were born over here, are being told, "Okay, you're from India, that's fine." But when will they start to be called Canadian?

I mentioned the gangs that are a huge problem for law enforcement in Calgary, Fresh Off the Boat Killers and Fresh Off the Boat. They are called FOBs. But the media also calls them "Forever Our Brother". That's not the name that's ever given out or publicized.

What that tells me, and what I grasp from that, is that, well, they were the group that was discriminated against in high school—yes, "fresh off the boat", push them away. So they are them. But they got together as Forever Our Brother. They grouped together and they stood together. Whatever happened—bad drug dealings that disintegrated—one became an enemy of the other, and they became Fresh Off the Boat Killers. So that's there.

But yes, the label has to be.... They are all born in Canada. Why are they not Canadian citizens?

• (1535)

**The Chair:** Thank you.

Mr. Comartin.

**Mr. Joe Comartin:** Thank you, Mr. Chair.

Thank you all for being here.

Mr. Accord, I have just a couple of quick questions. I'm been following the situation here as much as I can. I don't have a grasp of whether there's a separate street gang that's been identified as a Somalian street gang in Edmonton, in particular, and maybe Calgary. Are the police identifying that there are separate street gangs, or a separate street gang, exclusively Somalian?

**Mr. Mahamad Accord:** What we have learned is there is no Somali gang yet, as such, or we haven't identified one. But they join and are recruited by the other gangs.

**Mr. Joe Comartin:** Can I ask about the recruitment? Is it your sense, or your experience from working with them, that the recruitment is coming from other people of Somalian heritage? Or are they being recruited just across the board, no matter what the gang composition is?

**Mr. Mahamad Accord:** What we are finding is that Canadians of Somali heritage, young men who are already in the gangs, are recruiting the new members to the gangs. But the majority of our members are new to the business. So they become usually the low-level members, especially vulnerable, and when it comes to who has to lose, they are the first to be expended.

**Mr. Joe Comartin:** They're the first victims.

**Mr. Mahamad Accord:** Yes, the first victims. That's the challenge for us.

**Mr. Joe Comartin:** Professor Aulakh, have you done any research on the street gangs in the U.S. that are older than our street gangs and on what happens? Are they in the gangs until they're in their mid-twenties? Then what happens to them? Do you have any sense of that?

**Prof. Harpreet Aulakh:** From my experience with the kids.... My research basically focused on ex-gang members, so they had to exit the gangs to participate in my research. When they enter the gang early, at about 10 or 11 years old, they will exit at 15 or 16 years old. But those who enter late can go into their mid-twenties or later.

What I noticed in my research was a pattern. I called it a "life course" development. The life course development was as they grow, they mature: their physical age, their biological age, but also in their life in the gang. The first phase is attraction—fun, activities, parties, and everything. Then it becomes more demanding. That is the time when they think they need to get out, that this is not why they came here in the first place. That's the maturation phase.

**Mr. Joe Comartin:** The committee has been struggling with how we classify the street gangs...as opposed to the traditional old-style families, to the bikers, and now the street gangs. From what I'm hearing, you would say that we should not be treating them the same as those other two groups.

Would you see, actually, having an amendment to the definition, a different definition for street gangs? They are somewhat organized, we can't take that away. Have you looked at that aspect of it?

• (1540)

**Prof. Harpreet Aulakh:** When I started working on the issue of youth gangs, my age criteria was below 18, so young people. But when I looked at the Criminal Code book, I was surprised that there is no definition of a "gang". Being in a gang is not a crime. It actually comes under the umbrella of a criminal organization, and that's surprising.

When we bring them under that umbrella, we tend to equate them with the Hells Angels or bikers or whomever. That's a problem for me, because many of them are not organized and they're not there to be in a profitable business. Yes, money is valuable to them to buy all these accessories in the commercial world, but fun, excitement, family, belonging are all there.

**Mr. Joe Comartin:** I think Mrs. Chamut was first, if she wants, then Mr. Accord.

I'm not taking over the chair, Mr. Chair.

**The Chair:** No, that's fine.

**Mrs. Norma Chamut:** I believe they all should be dubbed the same. They will do criminal activities and be recruited at a younger age because if they do these crimes, they get less time.

I believe they are all...and I don't care if you get ten 15-year-old kids together; they can be doing the same thing as, let's say, ten Hells Angels. Yes, the Hells Angels are legal and they can go into different places, but these kids are doing the same thing, and they're pulling less time because they're children.

So I believe they are organized crime. If you look up the definition, it's what they are. Just because they're young, it doesn't mean that it's any different from 30-year-old men getting together. Yes, they're children. They're 15 years old and they're making bad choices, but they still know what they're doing. When you're recruited and you put a patch on your back or you get a tattoo that you belong to that group, it is organized crime. I believe it's one and the same.

**The Chair:** Mr. Accord.

**Mr. Mahamad Accord:** We're dealing with organized groups. Most of the people who have been killing here come from Ontario, I think especially Toronto. They have organized groups from our community.

When it comes to Albertans, we haven't experienced this yet, but it doesn't mean it's not going to happen. Those cities that have larger communities like ours, like Toronto, Ottawa, Minneapolis, they have it, so we are trying to prevent it from happening here. The issue we're dealing with is the people who are being recruited from Toronto and Hamilton.

Anyway, they are organized gangs, whether you identify it as a group or not.

**Mr. Joe Comartin:** On the intimidation issue, Ms. Chamut, you say you're comfortable, and feeling safe, but for other people who you're helping to get out of the gangs, is there regular intimidation to try to force them to stay in?

**Mrs. Norma Chamut:** Of course, because that's their money. If you have four girls who are working for you, making you your money, and there's an organization pulling them away, yes, they're going to come in and try to intimidate these girls into staying. Whether it's threatening their family, whether it's threatening their children, something that's close to them, yes, there is intimidation.

**Mr. Joe Comartin:** Any thoughts—Ms. Quinn, you may have done some work on this too—on what we could do, from a legislative standpoint, to reduce that level of intimidation?

**Mrs. Norma Chamut:** How can you?

**Mr. Joe Comartin:** It's just practical.

**Ms. Kate Quinn:** I'm afraid I don't have any suggestions from a legislative point of view. We really have to surround the young people or the adults who are trying to get out with better social supports. I don't know about legislation. I'd be interested in hearing... but that would be my first thought.

**The Chair:** Do you advocate legalizing prostitution?

**Mrs. Norma Chamut:** No, definitely not.

**The Chair:** Okay.

We'll move on to Monsieur Petit.

[*Translation*]

**Mr. Daniel Petit:** My question will be for Norma Chamut.

I will try to explain what we are looking for. We are studying organized crime in order to find solutions—either to limit it or reduce it. We really aren't sure yet where we're going. You talked about prostitution; I will use the term “human trafficking.” These street gangs—organized or not—make young women and young men work the streets because it makes money. It costs them less than buying drugs... Every day, the sex worker—male or female—works and brings in money for the gangs and for all the crooks at the top of the heap.

Thus, there is both a human problem and a drug problem. As you said, it is too hard to do this work straight, and so drugs become necessary. It is a vicious circle. Young people are recruited when they are 12 or 13; we have to admit that. Some people call them “fresh meat”, and they are put to work as prostitutes in order to bring in a lot of money.

I come from the Quebec City area. There, we have already had a scandal linked to prostitution. The clients who pleaded guilty got 60 days in jail. The young woman, a minor, will have to live with the aftermath of drug use all her life. She has lost all self-esteem. Her life has truly been ruined. The client got 60 days.

I call that human trafficking. You are taken from one city and sold in Niagara Falls. You're sent to the United States, then to Vancouver, and so on. You are impossible to trace. How many people are in that situation? Several thousand. If there were heavier penalties for the clients—I'm talking about the clients, because that's the way we will

• (1545)

[*English*]

**Mrs. Norma Chamut:** Definitely.

[*Translation*]

**Mr. Daniel Petit:** That could be useful?

[*English*]

**Mrs. Norma Chamut:** Definitely. I totally agree that the sentence should definitely be stronger for the male than for the person who is out there working the street.

I'm not saying that she shouldn't have any consequence. She has a tremendous amount of consequence. If she is working for a pimp and she comes back without a quota, she is beaten. And then the police: sometimes they run to the police or wherever for help, and they end up in jail longer than the man who has done this to them.

Myself, I was severely beaten by a trick, had my face shattered. I went to jail. He didn't even get questioned. I got operated on five times. But as the prostitute, I was jailed. He was not.

Should there be tougher sentences for the johns? Definitely. Should there be a website that states who they are when they're picked up? Definitely. If there is no accountability, then they're going to continue to do it, but if people have to be accountable somewhere, then they change their actions.

Accountability is a big one.

**Ms. Kate Quinn:** Our organization actually was founded out of Edmontonians saying to our city, our mayor, our justice minister that we have to do something about the demand side of prostitution and exploitation.

I live in a community where street prostitution and drug trade activity had overrun our lives, and we got involved as citizens. Thirteen years later, that is still our cry, that our nation needs to do something about the demand side. It is the demand side that is fuelling the sexual exploitation of vulnerable people and human trafficking.

In 2005, when the parliamentary subcommittee on solicitation was in place, we actually dreamed of a different law than the current law in this country. We said, what would it be like if our nation was so bold that we said we will not, as Canadians, stand for the exploitation of vulnerable persons or persons in vulnerable situations, and we will target those who are profiting, preying upon, and exploiting? That's a visionary statement.

You ask, should prostitution be legalized? We both said no. We would actually like our country to take a different stance with a vision about what kind of a country we wish to live in.

Furthermore, I had the opportunity to go to the Netherlands, which is often quoted as an example, and to meet with a vice detective there. He said they thought they were being pragmatic—making it safer, all that kind of thing—but what they did, he said, was create a haven for the Russian mafia and for human trafficking. He also reflected that when the state legalized and regulated in that way, it let other citizens off the hook to care, to ask questions, to mobilize, and to become engaged in going after the root causes of social injustice and exploitation.

So we are still calling for that different stance where we educate young boys that it is not acceptable to grow up and use young women. Our organization has started what we call a “men of honour” award every year, because we want the men who are honourable citizens of every ethno-cultural community to be celebrated. Right now, the only men who get the headlines are those who rape, kill, traffic, and exploit. We want to be engaged in the education of young people, to hold up a different vision of what it means to be a person and to be in a community.

• (1550)

**Mrs. Norma Chamut:** I go out and do public education and speak to kids, and I believe we need to target children. We need to get into the schools and teach them that this is not the lifestyle. Being gang-recruited and prostituted is just not a good life.

I just spoke to 100 grade eight students, and I got overwhelming acceptance from them. They support me that I'm off the street. They like to see me do that, because children are believers. They believe in the good things because they haven't been through all that stuff yet, where they've been damaged.

I believe we need to start really looking at our country's young children. Whether they're Somalian or Asian young men, it doesn't matter. Our god doesn't see colour, and we shouldn't either. And it should be all kids.

**The Chair:** Thank you.

Mrs. Mendes, we go back to you, for five minutes.

**Mrs. Alexandra Mendes:** I don't think I'll take five minutes.

I was a bit intrigued, Ms. Aulakh, about your search for definitions between the “gang” definition and “organized crime” definition. Can you develop a bit on that? You just broached it, but there's something in your research on those terms?

**Prof. Harpreet Aulakh:** I looked at it from the perspective of, well, if gangs are the problem, let's see what it is. Instead of going to the other side of the table, I asked the young people what “gang” meant to them. Some of the things they said were that it's a family, it's to fit in and belong, and a place to go when there's no food in your kitchen, those kinds of things.

When I look at the other side of the table, at how the law or law enforcement defines gangs, it is all about criminal involvement.

When there are two different views, how can we tackle the problem? That's my conflict. Within the research there is a tremendous amount of conflict between what a gang is, what we can define, and the level of organization from gang to gang and from organized groups to organized groups.

While sitting at the back when the previous speaker was here, I overheard about putting up a list on how we can define a criminal organization. I think the speaker did make the right point: it's dynamic. The organization is dynamic and it changes from time to time. Membership is fluid with a common goal, strong leadership, great rules, and penalties when they deal with those who don't obey those rules. But the next time the person goes to prison for whatever crime, the next person moves up into the leadership and that leader is different.

**Mrs. Alexandra Mendes:** We're talking about the definition of gangs—for example, young people who need that feeling of family—but does that apply to young adults or adults? Do you find the same inconsistency?

**Prof. Harpreet Aulakh:** My research was limited to the adults who are in gangs, but I saw they joined the gangs when they were young people and they moved on as an adult. Not all of them move on, some of them get out when they've had enough. I cannot see that.... Well, maybe for those who have stayed for a long time, I would assume it's more for the money.

• (1555)

**Mrs. Alexandra Mendes:** When you talk about the gang that identifies by ethnicity, like Fresh Off the Boat, for example, I'm presuming that Fresh Off the Boat was an epithet that was given to them because they were of ethnic origin, not necessarily fresh immigrants. They themselves identify themselves as ethnic gangs, and it becomes a vicious circle.

How do you separate the ethnic identification from the social identification?

**Prof. Harpreet Aulakh:** I don't know if this will answer your question, but we label the kids, and the kids take those labels very easily. But very quickly they take those labels and mould them into new ones—for example, Fresh Off the Boat into Forever Our Brother.

From my research in Saskatoon and Edmonton, I found that even with Fresh Off the Boat, most members were ethnic immigrants. But the *Calgary Herald* published a full page of the members of Fresh Off the Boat and Fresh Off the Boat Killers who had died in the past four years, and many white people were in there. Aboriginal gangs were predominantly what I looked at in Edmonton and Saskatoon, but they have Chinese and black people in there.

I think when we go into the field, the gangs are more ethnically mixed as opposed to what is portrayed here.

**Mrs. Alexandra Mendes:** So it's not really an ethnic problem. It's not a question of ethnicity or recent immigration.

**Prof. Harpreet Aulakh:** No, it's not. They might have more members who belong to an ethnic minority group, but they are not predominant; it also includes white people.

**Mrs. Alexandra Mendes:** Do you have something to add to that?

**Mrs. Norma Chamut:** My kids all hang out with a lot of gang members, and they're of every race. I think it's every kid who's been pushed aside. They want to have that sense of belonging, being involved, and being part of something. All of us do. I don't think it matters whether they're 15 or 30. You talk about motorcycle clubs. A lot of those members are guys who have never fit in anywhere. They buy a Harley, they get their rocker, and all of a sudden they're part of a family where they never fit in before. I think that's the same with youth gangs. I think any kid who's been pushed away or told to shut up one too many times just wants to fit in somewhere.

**The Chair:** Thank you.

We'll go to Madam Guay.

[Translation]

**Ms. Monique Guay:** I know that these are often very fragile young people who get recruited, because they are abandoned and unloved. They are recruited and get involved in street gangs.

I can talk about Quebec. We know that the leaders of the street gangs are not young; they are often much older. They use the young people to do the dirty work, like selling drugs on the street. So, young people make a little pocket money, because there's no money in their homes, because they live with single parents, because there is poverty, and a thousand other reasons. If necessary, they recruit other young people, and that is a real problem.

We must find a way to tackle this problem, a way to handle it. In Quebec we have developed a strategy. Groups of young street workers, working 24 hours a day, have been trained specifically for outreach to young people who have been recruited by street gangs. They try to get them out, so they can return to more normal lives. They help them find the services they need to get back into society.

I don't know if that happens here, too, or if you have had a similar experience, but I would like to hear what you have to say about it.

• (1600)

[English]

**Ms. Kate Quinn:** In Edmonton we have what's called a community solution to gang violence. We mobilize the whole community to work on this. That would be at the city-wide level. Then there are initiatives in different neighbourhoods in different parts of the city to try to engage young people and help them.

I know that within the aboriginal community in Edmonton, they've made this a very high priority, because so many of their young people are at risk as they come into the city. We have positive initiatives, but we still have challenges.

**Mrs. Norma Chamut:** Poverty is a big one. As long as you have poverty and hopelessness, you will have these things. How do you get rid of them? That's a good question. We will always have poverty, and most of the kids who end up in these gangs come from poor homes. They really do.

I know lots of young gang members myself. They come, and I feed them. They're allowed to have a shower at my home. They come and talk to me when things are not good for them.

I know one young man who at 18 had already killed three people. How is he ever going to change? I take him to church with me. I pray

for him. I love him, because a lot of people don't. He comes from an extremely poor family.

It was the first place where he felt accepted and made money. Now he's 26 years old. He's been away from the gang for four years, and he's a father. Hopefully, that will help change him. But as a youth, and as a young man who never had anything, who was always hungry, always dirty.... I watched this boy grow up. I was on his street. He's a different guy. But a lot of what he looked for was that acceptance, that belonging. That sense of belonging is a big one. Poverty is one. How do we deal with poverty?

**Prof. Harpreet Aulakh:** In our gang research, we spoke about why kids get into gangs. It's push and pull. Pull is an attraction. The push is pushing out all those things they don't have in their lives. We always tend to work on reducing the attraction, be it in law enforcement or by not glamorizing it. We place emphasis on those pull things. We need to look at that.

[Translation]

**Ms. Monique Guay:** Do I have any time left, Mr. Chair?

[English]

**The Chair:** No, we have to move on to Mr. Dechert.

You have five minutes.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Mr. Chair.

Ladies and gentlemen, I really appreciate your comments here this afternoon. It's very helpful to us. In particular, Ms. Chamut, I want to thank you for your comments here. They are very helpful to us. I think what you're doing here today and what you do helping other people takes a lot of courage. I really appreciate that.

I want to clarify a couple of things you said earlier. I think you mentioned that when we get the men who victimize, traffic, and abuse women into our system, we ought to deal with them more harshly than we have in the past. Was that your point of view?

**Mrs. Norma Chamut:** Definitely. A man who rapes and beats a woman gets two years in jail. She's scarred for life. A lot of times they don't get jailed; they get probation.

**Mr. Bob Dechert:** You think that if we make some of those sentences more severe, it will help prevent other women from being abused.

**Mrs. Norma Chamut:** I do believe that. Nowadays we're not allowed to spank our children, so we take away consequences. I'm not saying that beating your children is a good thing. I'm a firm believer in discipline, because if we know what the consequence will be at the end we won't step out and do some things. My grandson's learning to walk so he's touching things. I slap his hand and tell him no so that he knows the consequence if he touches my things.

In our judicial system, I think we've removed a lot of that stuff. We've allowed a lot of these things to take place because there are no consequences for anybody's actions anymore.

**Mr. Bob Dechert:** You mentioned earlier something about the way we treat young offenders.

**Mrs. Norma Chamut:** If a young offender murders someone they get up to three years.

**Mr. Bob Dechert:** Do you think that young people—say young men aged 16 or 17—know that if they do a crime, they'll get a lesser sentence because of their age?

•(1605)

**Mrs. Norma Chamut:** Yes.

**Mr. Bob Dechert:** Do gangs prey upon that? Do they use younger people to do those crimes?

**Mrs. Norma Chamut:** Yes. That's why the younger ones are sent out to do the severe crimes like murder and stuff. They don't get as much time. They're not going to get a life sentence.

**Mr. Bob Dechert:** Right. I've heard from others that older gang members will use the younger members to do the crimes, because of the way our system is.

**Mrs. Norma Chamut:** Exactly, because they get less time.

**Mr. Bob Dechert:** Our government has just announced some changes to the Youth Criminal Justice Act. Do you think those are things we ought to be doing?

**Mrs. Norma Chamut:** Yes, I do.

**Mr. Bob Dechert:** Thank you. I really appreciate your testimony.

Mr. Accord, I want to ask you a couple of questions.

Where do the drugs come from that young Somali and other young gang members get involved in selling and trading, and maybe use themselves? Who's bringing them into Canada? What organizations are bringing them into Canada? What do we need to focus on to stop the supply of those drugs?

**Mr. Mahamad Accord:** Our community has recently arrived and we don't have the means to.... We've found out that the people involved in those crimes are not the main ones; they're usually the lower-level ones. So we don't know who has got in. But in Alberta the top organization recruiting our young ones is usually the Hells Angels, the ones that come from Ontario.

But we are not only dealing with crime; we're also dealing with terrorism. For us, it's not, in a sense, those people who have nothing to do, those who drop out, and the only glamour they have is the money. It's also glamorous what terrorism offers them. A lot of our young men from Ontario went overseas...go back to Somalia to find them. Recently one of them was killed there.

So for us, it's not just them being involved in organized crime; it's also terrorism. For us, they think it's higher than the other one. If they are dealing with drugs, they will either be killed or arrested. But right now we are afraid of the radicalization of our youth, because they've been frustrated by the system.

**Mr. Bob Dechert:** Who is radicalizing the youth? Who is doing that?

**Mr. Mahamad Accord:** It's al Qaeda and other groups. Right now we have the al-Shabaab threat over our heads.

**Mr. Bob Dechert:** How do they recruit people in Canada?

**Mr. Mahamad Accord:** Oh, they have the Internet. They have YouTube clips. Right now we have a guy who, from America, went to Somalia radicalizing, and whether it's drugs or whatever, he's glamourizing it: Well, I'm here, I'm young, and you're not doing anything.

Do you know who's going there? Engineers. The last guy who got killed was an engineer.

So we cannot focus only on those people who drop out. It's also the people who do well.

**The Chair:** Thank you.

Ms. Mendes.

**Mrs. Alexandra Mendes:** I think we have an enormous amount of material from all four of you to discuss for a long time.

You mentioned, Mr. Accord, that a lot of the children who have been recruited and brought into these gangs have been disillusioned by the fact that their parents didn't have the social, professional, or economic integration that their university education would have allowed them to dream of.

Have the children themselves been directed towards achieving higher education? Is that what you're saying, that they don't see the need for that higher education because their parents don't get the jobs?

**Mr. Mahamad Accord:** That's what those who are involved in the gangs have been telling us. So when we say, "Why don't you get out of the gangs?", they look at the other side of it or they look at the people who are older than they are, and they do nothing. So for us it's a lack of integration as a community.

The second thing is where you direct your resources. The resources were for settlement before, but there was nothing directed toward integration. Right now we are focusing on going to 0.01% of our community, but we are forgetting about 99.99%. So for the majority of my community, a lack of integration is fostered. Even I am frustrated at the lack of opportunity that exists, even though I have spent more than half of my life here, and I hold two degrees. So the lack of integration is the issue.

•(1610)

**Mrs. Alexandra Mendes:** You mean economic integration.

**Mr. Mahamad Accord:** I mean economic. Right now, if you are settled, the agencies that do settlement get more dollars and more resources than those agencies who focus on integration. So there is a misplacement of the resources.

And then there is a mischaracterization of the youth. Who are they? They are not Somalian, obviously, because they know nothing about it, and they're not considered Canadians. So when they get killed, what we know is that they are Somali.

So mischaracterization is an issue. All of a sudden the community is also victimized.

**Mrs. Alexandra Mendes:** I'm asking the question because we've talked a lot about the fact that a lot of the gang members—and Ms. Chamut mentioned this very clearly—are recruited because they don't feel accepted or they have a sort of neglected life at home that directs them towards these gangs. I don't think that's the problem with the Somali community, generally speaking, because the family unit is very strong and very important, and the values are there. Actually, that's true for a lot of the ethnic communities.

So you are telling us that the socio-professional and the socio-economic integration of these communities is the one factor that we should be focusing on to avoid that? Is that what you're telling us?

**Mr. Mahamad Accord:** Yes. You're hitting the nail right on the head. For our youth, it's not that they don't belong to a community. As you say, we have a strong community. The reason is frustration with the system, because there are no alternatives offered to them. Within our community we can offer them nothing, and outside the only people waiting for them are those who have other intentions, whether it's al Qaeda or organized criminals.

**Mrs. Alexandra Mendes:** Thank you.

I know Ms. Chamut wanted to react to that.

I know you said, “No, no”.

**Mrs. Norma Chamut:** I don't believe that, because I come from a family of nine kids. I'm the only one out of all those kids who hit the street or did anything wrong. So I don't care how strong your family community is; if there's a child in there who doesn't feel they fit in, they go looking for it elsewhere. And I believe that's how kids become recruited.

I was out on that street a long time. I can go into a school, and I can tell you which child will end up in a gang because they have such low self-esteem, and they have all different kinds of issues, and they are looking for some kind of family to fit into. I don't care if your grandma hugs you every day. If you don't feel worthy, you're going looking for it elsewhere.

**Mrs. Alexandra Mendes:** Okay, but that is the internal part of you. That really has nothing to do with the outside factors.

**Mrs. Norma Chamut:** I think it has to do with the kids. I talk to a lot of kids, and they're from all different ethnic groups. Some are even Somali. I talk with lots of Somali kids. They love their mom and dad, but they still don't feel that they fit in somewhere. So they want to be recruited so they have a purpose and they fit in. That's why kids go hang out with gangs. That's why I did. That's why everybody that I hung out with did. They wanted to fit in somewhere. They didn't fit in anywhere else, but that's where they fit in.

**The Chair:** Thank you.

Mr. Rathgeber.

**Mr. Brent Rathgeber:** Thank you, Mr. Chairman.

Thank you to all the witnesses, not only for your appearance here this afternoon, but for the good work you do in Edmonton and elsewhere.

Ms. Quinn, it's nice to see you again.

I know you said you don't keep any hard stats on these issues, so I appreciate your answer will probably be anecdotal. I'm assuming that prostitution in this city is not a stand-alone industry, that the people who are involved in it are also involved in the distribution and trafficking of drugs.

Would that be a safe assumption?

**Ms. Kate Quinn:** That would be a safe assumption. It's linked.

**Mr. Brent Rathgeber:** Does that apply across the board, from the street level to the massage parlour level to the escort agency level?

**Ms. Kate Quinn:** There would be some connections, yes. Again, that's what I think our police service wants to focus more on. Our police chief has brought in more intelligence-based policing, and has put a priority on hiring a criminologist to help us get that kind of information, and to see what the integration is between the street and the more regulated forms.

•(1615)

**Mr. Brent Rathgeber:** This question is for either one of you.

We've covered drug trafficking, and I think that's a fairly normal correlation, but are there other aspects of organized crime that these individuals are involved with...prostitution, drugs? I appreciate that this is anecdotal, but are they involved in money-laundering or identity theft?

Can you help me out?

**Ms. Kate Quinn:** I don't know about the money-laundering, but I would say definitely identity theft is one of the factors in there as well. Often, those who are involved in prostitution are also involved in other kinds of criminal activity, such as identity theft.

I have worked with some of the young people participating in the drug court. They've told me about the fraud and identity theft, as well as the prostitution and drug running they've been involved in, because it is all about survival—maintaining your position and trying to keep alive—so you do whatever.

I think it's also important to note—every large city has its list of sorrow, of murder victims—that in Edmonton we have over 32 young women who've been murdered over the last number of years. People say, “Is it a serial killer like Robert Pickton?” Well, perhaps one man has killed more than one woman. We also know, however, that some of those deaths are drug trade deaths, not serial killer deaths. The drug trade has become more cruel and more vicious. Again, we see many young men being killed in Edmonton. We also see that a number of the young women have been killed in drug trade retaliation.

**Mr. Brent Rathgeber:** Thank you.

On that direct point—Mr. Accord, it's also good to see you here today—I've heard you say a number of times today and in the media recently that the problems of your community are rooted in a lack of integration, or marginalization.

I'm proud to represent northwest Edmonton, in Alberta, and as you know, we are very ethnically diverse. We have large ethnic populations in the northwest. I represent a large Lebanese community, a large Asian community, and also your community.

Why, in your view, has the Somali community been less successful in integrating into Canadian society than, say, the Asian community or the Lebanese community of northwest Edmonton?

**Mr. Mahamad Accord:** If you go through the community and ask, they will tell you a variety of reasons. One thing I see is that the communities before us had maybe one common issue, so they could successfully integrate into the larger community. Maybe the Vietnamese sort of shared the mainstream identity in terms of faith or another issue that is acceptable. Maybe the Lebanese had a shared faith, but the colour issue came in.

When I ask the community the reason, there are two things. First, we are mostly Muslim—97% or 98%—and second, we are African. Those two—colour and faith—become issues. That means that for the majority of people who are here—we are the largest African diaspora in Canada—nothing has been done to address some of the issues that keep us from becoming Canadians.

What usually happened in Ontario, Quebec, and B.C., where we landed when we came to Canada, was that we were offered services that were culturally appropriate. They were only good for the first five years. What happened next is where the rubber meets the road, which means that nothing has been done in that sense. After 20 years, even though they have been Canadian, when they move outside Ontario and that comfort zone of large, ethnically diverse cities, how do they replace it? What do you have? You are still Somali, even though you've been here for 20 years. And you're afraid that you won't be accepted by Canadians, because Canadians are mostly of cultures based on Judeo-Christian faiths. For me, I cannot call myself a Muslim unless I practise my faith. I have to pray five times a day. Otherwise, I am not Muslim.

What I eat is a challenge. It is a socio-economic issue, because where I shop, it is 25% higher than the grocery stores. So in terms of fitting in....

As well, when we look at those people from other ethnic communities who are involved in the drug trade, usually it is about belonging. That is not the case in our community. The other thing is that it is not about social status within the community. We have people who are very successful and are, I could say, more than middle class. But their kid is still involved in...the issue of the people who could recruit at al-Shabaab. So I think, if that's the case, what I'm saying to you is a lack of integration.

• (1620)

**The Chair:** Thank you so much.

We'll move on to Mr. Norlock. Keep it short, if you could.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Yes.

Thank you very much for coming today. I'm going to ask some short, quick questions.

When you talk about gangs, I immediately think of the movie *Gangs of New York*. They were Irish. Is that any different from the gangs of today, except that they were Irish then?

**Mrs. Norma Chamut:** I think it's pretty well the same.

**Mr. Rick Norlock:** They were from the lower class. If you were Irish, you didn't get the jobs, and so on.

That brings me to another question for Mr. Accord. Do you think we should go to affirmative action? In other words, you say that you're not getting a job because you're Somali. So should you get a job because you are Somali?

Should we do that? It has been tried in other places.

**Mr. Mahamad Accord:** No, I don't believe that. I don't believe that affirmative action is the way to go. Sometimes it is counter-productive.

One thing we are asking is how we can help those people to qualify. For example, we went to the police. They said that we don't have a qualified person, so should they lower the standard? We said no, but try to understand the reason why you do not have a qualified person. What we notice is that when we look at an 18- or 20-year-old, law enforcement is not in their milieu. They have that mentality, because it's passed on by their parents.

The other thing is that parents don't pass on the indigenous experiences that Canadians have. They don't have that. They came from a different culture. That also becomes a barrier. What we're looking for is not a handout but a hand up. That means that for people who are really looking for those qualifications.... If you are designing a machine to get a product, and you're not getting the right product, then you look at the machine and ask why it does not give the product that is expected.

I don't think affirmative action is the way to go.

**Mr. Rick Norlock:** If you're talking business and you want to sell your services, then you don't expect the customer to come to you. You go to the customer. That's why I mentioned affirmative action. What can you do within the community?

One of the gentlemen we met in Toronto dealt with fatherless families. I think Ms. Mendes mentioned the fatherless families. The social unit was not there. But you have that. You have mother and father at home, and you have a very strong.... That's what I wanted to quickly ask Ms. Quinn or Ms. Chamut. You have a faith base that really does not encourage lawlessness. It actually encourages the opposite.

Could I have a short comment, please, so I can go to Ms. Quinn or Ms. Chamut?



**Mr. Mahamad Accord:** The challenge is that the system is not accommodating us, because we are involved, but the system does not go far enough to include us. The existing system that governs us was put in place when we were not here. There is resistance, in terms of the system, to including our ideas to make things better in Canada in that faith. That's the challenge. It's not the same as some of the challenges that other communities have.

**The Chair:** Mr. Woodworth, you have three and one-half minutes.

**Mr. Stephen Woodworth:** Thank you, Mr. Chair. I appreciate it.

I thank the witnesses for being here, and I also wish to express my admiration for the work they do in the community. I know it seems like moving a mountain with a teaspoon, but that's how we make change.

I'd like to understand the scope of the problem, Mr. Accord, in regard to the Somali community. You mentioned that the total Somali population in Alberta is between 30,000 and 35,000 people. I'm going to guesstimate that the likely number of people in the 15 to 30 age range is 3,000 to 4,000. Of that number, some are young men and some are young women. How many of those 3,000 to 4,000 do you think have become involved in gangs?

• (1625)

**Mr. Mahamad Accord:** It's a very small number—0.009%—but somehow they end up getting killed; that is what's different.

**Mr. Stephen Woodworth:** All right. That leads me to my next area of enquiry. I've had an article from the *Toronto Star* sitting in front of me. It talks about a young sixteen-year-old Somali man at a high school in Edmonton who was approached to sell drugs: "Speechless for a moment, Yusuf says he smiled and declined."

He was one of the others, not the small percent but the very many, who have the intelligence and possession of mind not to get involved in gangs. Yet he would be subject to the same issues around integration, religion, and colour as everyone.

How do you distinguish that? All of these young people are faced with the same problems, but it's only a small minority who become involved in drugs. What do we see as the reasons for the success of the majority compared to those who don't succeed in resisting gangs?

**Mr. Mahamad Accord:** For us, even though only a small minority are involved, one young death is too many.

**Mr. Stephen Woodworth:** Oh, I know, but what is the cause?

**Mr. Mahamad Accord:** What I mean to say is that the young men who are dying get our attention, then we look at ourselves and ask what the problem is.

We found out there is a pond of crime over here, but so many fish get in. So unless we dry out, using every available tool....

Also, we looked at some of our communities living in other places, such as England. We noticed that this problem is not something that goes away. Our communities have been in England for three generations, for the last 200 years, but they still have the same issues that we face here, even though we are new to Alberta. So what we are seeing is bigger than that.

Also, the only city that addresses this issue, we think, is Toronto, where the federal government has supported a program through which the Jewish community offers us some of the training...those who graduate. We are lacking people who can mentor us. You can graduate with a degree and work in Tim Hortons. That's a problem.

We have people who move out and counterbalance the negatives we have. That's where we are focusing.

**Mr. Stephen Woodworth:** I think that's an excellent suggestion, but I guess I'm going to take some issue with the suggestion that the source of the problem has to do with colour or religion.

We have at this table an example of a young woman over there, Ms. Chamut, who is white, and I don't know of what religion, but she still became involved in gangs because of the need to belong. We've also heard about the Irish gangs in New York.

I suspect the situation would be better approached by looking at how we can reach the individuals, or as Ms. Mendes said, deal with those interior problems rather than attempting to suggest system-wide issues. At least that would be my feeling.

**The Chair:** Mr. Woodworth, I'm going to have to cut you off there, as we're completely out of time.

I just wanted to ask one last question of Ms. Chamut.

I appreciated your testimony, and that of all of you.

Do you have any idea how much child trafficking is actually going on?

**Mrs. Norma Chamut:** Oh, that's a huge question, because how do you go into individual homes where it's being done? You'll find the occasional mother who is very addicted to drugs and who will sell her two-, three-, four- or five-year-old child. I have no idea how you would even put a figure on that.

**The Chair:** Were you part of organized crime? Were you part of a biker gang or some other group?

**Mrs. Norma Chamut:** The man I was with at the time was in the motorcycle club and burned to death in 1985. Since then I haven't been around. But yes, I was part of an organized motorcycle club, the Grim Reapers. They no longer fly their colours. They are now all Hells Angels in Alberta.

• (1630)

**The Chair:** To both of you, I just have a last question.

We had earlier testimony from an inner city worker who said that of all the gang members he was aware of, only one came from a nuclear family. All the other ones came from single-parent families.

Would that accurately reflect what's happening within the Somali community or in your experience?

**Mrs. Norma Chamut:** I know lots of people who had mothers and fathers and were well off. I don't believe there are set criteria for a person who ends up in a gang or on the street.

I believe it's all races, ethnic groups, levels of society, whether it's poverty, middle-income, or extreme wealth. I've seen it in all three. I've seen it in all stands.

**The Chair:** Mr. Accord.

**Mr. Mahamad Accord:** For us, I think for the majority of them, the family unit is no longer there. But also, in the same amount, we found families where the father or mother were present.

So we cannot say that's the case, but at the same time, we can see that even those families who stayed together still faced stress that

contributed to those youths being involved with drugs, because there was a lack of opportunity within the community and the fathers may have worked long hours.

It's still the same thing: the single-unit family is the case.

**The Chair:** Okay.

Thank you to all of you. Your evidence has been very helpful. It will form part of the public record.

We are adjourned.

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